# NOTICE OF TEXT
## [Authority G.S. 150B-21.2(c)]

**OAH USE ONLY**

**VOLUME:**

**ISSUE:**

**CHECK APPROPRIATE BOX:**

[X] **Notice with a scheduled hearing**

[ ] **Notice without a scheduled hearing**

[ ] **Republication of text. Complete the following cite for the volume and issue of previous publication, as well as blocks 1 - 4 and 7 - 14. If a hearing is scheduled, complete block 5.**
**Previous publication of text was published in Volume: Issue:**

**1. Rule-Making Agency:** Board of Dental Examiners

**2. Link to agency website pursuant to G.S. 150B-19.1(c):** www.ncdentalboard.org

**3. Proposed Action -- Check the appropriate box(es) and list rule citation(s) beside proposed action:**

[ ] **ADOPTION:**

[X] **AMENDMENT:** 21 NCAC 16Q .0404-.0408

[ ] **REPEAL:**

[ ] **READOPTION with substantive changes:**

[ ] **READOPTION without substantive changes:**

[ ] **REPEAL through READOPTION:**

**4. Proposed effective date:** 11/01/2026

**5. Is a public hearing planned?** Yes

**If yes:**

| Date | Time | Location |
|---|---|---|
| 08/13/2026 | 6:00pm | 2000 Perimeter Park Drive, Suite 160, Morrisville, NC 27560 |

**6. If no public hearing is scheduled, provide instructions on how to demand a public hearing:**

**7. Explain Reason For Proposed Rule(s):**
The amendments would create a separate certification to administer IV moderate conscious sedation to pediatric patients, and also update the requirements to obtain a pediatric moderate conscious sedation permit and IV certification.

**8. Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or email. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

**Rule(s) is automatically subject to legislative review. Cite statutory reference:**

**9. The person to whom written comments may be submitted on the proposed rule(s):**

Name: Bobby White
Address: 2000 Perimeter Park Drive, Suite 160
Morrisville, NC 27560
Phone (optional):
Fax (optional):
EMail (optional)

**10. Comment Period Ends:** 09/14/2026

**11. Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.**

No fiscal note required

**12. Rule-making Coordinator:**

Name: Whitney S. Waldenberg
919-415-2357
whitney@brockerlawfirm.com

**Agency contact, if any:**

Name:
Phone:
Email:

**13. The Agency formally proposed the text of this rule(s) on**

**Date:** 05/08/2026

21 NCAC 16Q .0404 is proposed for amendment as follows:

**21 NCAC 16Q .0404 CREDENTIALS AND PERMITS FOR MODERATE PEDIATRIC CONSCIOUS SEDATION**

(a) Before a dentist licensed to practice in North Carolina may administer moderate pediatric conscious sedation, the dentist shall obtain a general anesthesia or moderate pediatric conscious sedation permit from the Board by completing ~~the application requirements of this Rule~~ an application and paying a fee of three hundred seventy-five dollars ($375.00) that includes the one-hundred dollar ($100.00) application fee and the two-hundred seventy-five dollar ($275.00) inspection fee. All applications shall be submitted electronically through the Board's website, www.ncdentalboard.org and shall include the information required Rule .0102(b) and (c) of this Subchapter and the application requirements of this Rule. The permit shall be renewed annually and shall be displayed with the current renewal at all times in the permit holder's facility where it is visible to patients receiving treatment.

(b) A dentist applying for a permit to administer moderate pediatric conscious sedation shall hold an unexpired BLS certification and PALS ~~certification~~ certification, and meet at least one of the following criteria:

(1) completion of a postgraduate program that included ~~pediatric~~ ~~intravenous~~ moderate pediatric conscious sedation training;

(2) completion of a Commission On Dental Accreditation (CODA) approved pediatric residency that included ~~intravenous~~ moderate pediatric conscious sedation training; ~~or~~

(3) completion of a pediatric degree or pediatric residency at a CODA approved institution that includes training in ~~the use and placement of IVs or intraosseous vascular access.~~ moderate pediatric conscious sedation. A list of CODA approved institutions that is hereby incorporated by reference, including subsequent amendments and editions, appears at www.ada.org/coda and is available at no ~~cost.~~ cost; or

(4) completion of 60 hours of Board approved didactic instruction in pediatric conscious sedation, and at least 30 hours of clinical training which includes completion of at least 20 individually-managed pediatric moderate sedation cases with sedative agent(s) administered by any route. Documentation of these cases shall be maintained and available for review, and no patient may be sedated more than once per day. The clinical training must also include 20 additional sedation experiences by individual or group participation, with human sedation/anesthesia simulation experiences, or a combination thereof. BLS and PALS training shall not count toward the required hours.

(c) A dentist applying for a moderate pediatric conscious sedation permit may also receive a separate certification of the permit that allows the dentist to administer pediatric moderate conscious sedation by intravenous route. There is no separate application fee for receiving the certification in addition to the permit. To qualify for the pediatric intravenous moderate conscious certification, the applicant shall hold an unexpired PALS certification and meet at least one of the following criteria:

(1) completion of a postgraduate program that included pediatric intravenous conscious sedation training;

(2) completion of a Commission On Dental Accreditation (CODA) approved pediatric residency that included intravenous conscious sedation training; or

(3) completion of 60 hours of Board approved didactic training in intravenous pediatric conscious sedation, and 30 hours of clinical training that shall include a record of the applicant's individual management of all aspects of intravenous moderate sedation for a minimum of 20 live patients under 18 years of age, under supervision of the course instructor. Training shall be meet the requirements of the American Dental Association Guidelines for Teaching Pain Control and Sedation to Dentists that is hereby incorporated by reference, including subsequent amendments and editions. The guidelines may be found at www.ada.org. BLS and PALS training shall not count toward the required hours.

(d) The applicant must provide written certification by the director of any program listed in (b) or (c) indicating the applicant's competence in moderate sedation techniques for pediatric patients and rescuing pediatric patients from a level of sedation deeper than intended, including advanced airway management and reversal medication use.

~~(c)~~ (e) All applicants for moderate pediatric conscious sedation permits shall have completed the training required by ~~Paragraph~~ Paragraphs (b) or (c) of this Rule within the last two years from the date that the Board received the application. ~~or show evidence~~ If the applicant has completed the training required by Paragraphs (b) or (c) of this Rule more than two years from the date that the Board received the application, the applicant must demonstrate that they have practiced moderate pediatric conscious sedation ~~practice within the last two years~~ in another state or U.S. ~~Territory.~~ Territory within two years from the date that the Board received the application.

~~(d)~~ (f) All applicants for moderate pediatric conscious sedation permits shall be in good standing with the Board.

~~(e)~~ (g) Prior to issuance of a moderate pediatric conscious sedation permit, the applicant shall pass an evaluation and a facility inspection. The applicant shall be responsible for passing the evaluation and inspection of his or her facility.

(h) A moderate pediatric conscious sedation permit holder shall not administer sedation by intravenous route unless the permit holder also holds an unexpired pediatric intravenous moderate conscious sedation certification issued by the Board. A moderate pediatric conscious sedation permit holder may administer emergency medication by intravenous route if in compliance with the applicable standard of care.

~~(f)~~ (i) A moderate pediatric conscious sedation permit holder may provide moderate pediatric conscious sedation at the office of another licensed dentist, regardless of the permit, if any held, by the hosting dentist. The permit holder shall ensure that the facility where the moderate pediatric conscious sedation is administered has been inspected and complies with the requirements set out in Rules .0103 and .0405 of this Subchapter. The permit holder shall also obtain an itinerant moderate pediatric conscious sedation permit and comply with the requirements of Rule .0406 of this Section.

*History Note:* *Authority G.S. 90-30.1; 90-39; 90-48;*
*Eff. June 1, 2017;*
*Amended Eff. _____; August 1, 2024; February 1, 2019; August 1, 2018.*

21 NCAC 16Q .0405 is proposed for amendment as follows:

**21 NCAC 16Q .0405 MODERATE PEDIATRIC CONSCIOUS SEDATION CLINICAL REQUIREMENTS AND EQUIPMENT**

(a) A dentist holding or applying for a permit to administer moderate pediatric conscious sedation shall be subject to the requirements set out in Section .0100 of this Subchapter.

(b) In addition to the drugs listed in Rule .0103(c)(3) of this Subchapter, an unexpired muscle relaxant shall be immediately available and ~~be~~ accessible from the operatory and recovery rooms.

(c) In addition to the requirements set out in Rule .0103(c)(4) of this Subchapter, the permit holder's emergency manual shall include assignments to be performed in the event of emergency by a ~~BLS-certified~~ auxiliary with an unexpired BLS certification who is dedicated to patient monitoring.

(d) In addition to the requirements set out in Rule .0103(e) of this Subchapter concerning pre-operative procedures, the permit holder shall ensure that patients who have been administered moderate pediatric conscious sedation are monitored for alertness, responsiveness, breathing, and skin coloration during waiting periods before operative procedures by the permit holder or an auxiliary dedicated to patient monitoring.

(e) As part of the pre-operative assessment required by Rule .0103(e) of this Subchapter, including the ASA Guidelines, the permit holder shall evaluate the patient for health risks as follows:

(1) a patient who is medically stable and who is ASA I or II shall be evaluated by reviewing the patient's current medical history and medication use; or

(2) a patient who is not medically stable or who is ASA III or higher shall be evaluated by the permit holder's consultation with the patient's primary care physician or consulting medical specialist regarding the potential risks posed by the planned dental procedure.

(f) If a patient immobilization device is used, the permit holder shall ensure that:

(1) the device is applied to avoid airway obstruction or chest restriction;

(2) the patient's head position and respiratory excursions are checked frequently to ensure airway patency;

(3) a hand or foot is kept exposed; and

(4) the patient is under observation by the permit holder or a BLS-certified auxiliary at all times.

(g) During the sedation procedure, a moderate pediatric conscious sedation permit holder shall not administer anesthetic or sedative agents:

(1) designed by the manufacturer for use in administering general anesthesia or deep sedation;

(2) determined by the manufacturer to be contraindicated for use in moderate pediatric conscious sedation; or

(3) in amounts exceeding the manufacturers' maximum recommended dosages, unless the permit holder documents in the sedation record the clinical reason for exceeding the maximum recommended dosage for the patient.

(h) In addition to the requirements set out in Rule .0103(h) of this Subchapter concerning the patient treatment record, the permit holder shall maintain documentation of pre-sedation instructions and information provided to the patient or person responsible for the patient, which shall include:

(1) objectives of the sedation;

(2) anticipated changes in patient behavior during and after sedation;

(3) instructions to the person responsible for a patient transported in a child safety seat regarding patient head position to avoid airway obstruction;

(4) a 24-hour telephone number for the permit holder or his or her BLS-certified auxiliaries; and

(5) instructions on limitations of activities and dietary precautions.

(i) For purposes of Rule .0104(b)(2) of this Subchapter, during an evaluation, a moderate pediatric conscious sedation permit holder or applicant shall demonstrate competency in administration of moderate pediatric conscious sedation ~~the deployment of an intravenous delivery system~~ as follows:

(1) a pediatric moderate conscious sedation permit holder or applicant ~~who uses intravenous sedation~~ shall demonstrate the administration of moderate pediatric conscious sedation on a live patient, ~~including~~ and describe the deployment of an intravenous delivery system; and

(2) a permit holder or applicant who ~~does not use intravenous~~ holds or seeks a pediatric intravenous moderate conscious sedation certification ~~shall describe the proper deployment of an intravenous delivery system and~~ shall demonstrate the administration of moderate pediatric conscious sedation on a live ~~patient.~~ patient by intravenous route.

*History Note:* *Authority G.S. 90-28; 90-30.1; 90-48;*
*Eff. June 1, 2017;*
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;*
*Amended Eff. _____; June 17, 2024; February 1, 2019; August 1, 2018.*

21 NCAC 16Q .0406 is proposed for amendment as follows:

**21 NCAC 16Q .0406 ITINERANT (MOBILE) MODERATE PEDIATRIC CONSCIOUS SEDATION PERMITS**

(a) A dentist who holds a moderate pediatric conscious sedation permit from the ~~Board~~ Board and who wishes to provide moderate pediatric conscious sedation or other sedation services in the office of another ~~practitioner~~ practitioner, shall obtain a mobile moderate pediatric conscious sedation permit from the Board by completing the application requirements of this Rule and paying a one hundred dollar ($100.00) application fee and a two-hundred seventy-five dollar ($275.00) inspection fee. The mobile moderate pediatric conscious sedation permit holder must also hold an unexpired pediatric intravenous moderate conscious sedation certification to administer pediatric moderate conscious sedation by intravenous route. No mobile permit or intravenous certification shall be required to administer moderate pediatric conscious sedation in a hospital or credentialed surgery center.

(b) The permit holder shall maintain in good working order the equipment required by Rule .0103 of this Subchapter.

(c) The unexpired medications required by Rules ~~.0103~~ 103(c)(3) and ~~.0405~~ .0405(b) of this Subchapter shall be on site and available to the permit holder.

(d) Before a mobile moderate pediatric sedation permit may be issued, a permit holder appointed by the Board shall inspect the applicant's equipment and medications to ensure that they comply with Paragraphs (b) and (c) of this Rule. The evaluation and on-site inspection shall be conducted as set out in Rules .0104 and .0408 of this Subchapter.

(e) Prior to administering moderate pediatric conscious sedation or other sedation services at another provider's office, the mobile permit holder shall inspect the host facility within 24 business hours before each procedure and shall ensure that:

(1) the operatory's size and design permit emergency management and access of emergency equipment and personnel;

(2) there is a CPR board or dental chair without enhancements suitable for providing emergency treatment;

(3) there is adequate lighting to permit performance of all procedures planned for the facility;

(4) there is suction equipment, including non-electrical back-up suction; and

(5) the facility shall be staffed with at least two BLS certified auxiliaries, one of whom shall be dedicated to patient monitoring and recording moderate pediatric conscious sedation or other sedation services data throughout the sedation procedure. This Subparagraph shall not apply if the dentist permit holder is dedicated to patient care and monitoring regarding sedation throughout the sedation procedure and is not performing the surgery or other dental procedure.

(f) Upon inspection, the permit holder shall document that the facility where the sedation procedure will be performed was inspected and that it met the requirements of Paragraph (e) of this Rule. The permit holder shall retain the inspection and compliance record required by this Paragraph for 10 years following the procedure and provide these records to the Board upon request.

(g) The mobile moderate pediatric conscious sedation ~~permit~~ permit, and when applicable, intravenous certification, shall be displayed in the host facility where it is visible to patients receiving treatment.

(h) All applicants for a mobile moderate pediatric conscious sedation permit shall be in good standing with the Board.

*History Note:* *Authority G.S. 90-28; 90-30.1; 90-48;*
*Eff. June 1, 2017;*
*Amended Eff. _____; August 1, 2024; August 1, 2018.*

21 NCAC 16Q .0407 is proposed for amendment as follows:

**21 NCAC 16Q .0407 ANNUAL RENEWAL OF MODERATE PEDIATRIC CONSCIOUS SEDATION PERMIT REQUIRED**

(a) Moderate pediatric conscious sedation ~~permits and~~ permits, itinerant moderate pediatric conscious sedation ~~permits~~ permits, and pediatric intravenous moderate conscious sedation certifications shall be renewed by the Board annually at the same time as dental licenses. The pediatric intravenous moderate conscious certification shall be renewed at the same time as the permit. For each permit to be renewed, the permit holder shall pay a one-hundred dollar ($100.00) fee and complete the renewal application requirements in this Rule. If the completed renewal application and renewal fee are not received before midnight on January 31 of each year, a fifty dollar ($50.00) late fee shall be charged. There is no separate fee for the renewal of the pediatric intravenous moderate conscious sedation certification. The renewal application shall be submitted electronically through the Board's website, www.ncdentalboard.org, and shall include the information required by Rule .0102(e) of this Subchapter and a report of compliance with the conditions for renewal in Paragraph (d) of this Rule.

(b) Any permit holder who fails to renew a moderate pediatric conscious sedation permit or itinerant moderate pediatric conscious sedation permit before March 31 of each year shall complete a reinstatement application, pay the renewal fee and late fee set out in Paragraph (a) of this Rule, and comply with all conditions for renewal set out in Paragraphs (d) and (e) of this Rule. Dentists whose moderate pediatric conscious sedation permits or itinerant moderate pediatric conscious sedation permits have been lapsed for more than 12 calendar months shall pass an inspection and an evaluation as part of the reinstatement process in accordance with Rules .0104 and .0408 of this Subchapter. All applicants for reinstatement of a permit shall be in good standing. All applications for reinstatement of a permit shall be submitted on forms furnished by the Board at www.ncdentalboard.org and shall include the information required by Rule .0102(f) of this Subchapter and a report of compliance with the conditions for renewal set out in Paragraph (d) of this Rule.

(c) A dentist who administers moderate pediatric conscious sedation in violation of this Rule, or administers pediatric moderate conscious sedation by intravenous route without a proper certification, shall be subject to the penalties prescribed by Rule .0701 of this Subchapter.

(d) As a condition for renewal of the moderate pediatric conscious sedation ~~permit and~~ permit, itinerant moderate pediatric conscious sedation permit, and the pediatric intravenous moderate conscious sedation certification, the permit holder shall meet the clinical and equipment requirements of Rules .0103 and .0405 of this ~~Subchapter,~~ Subchapter. The ~~the~~ itinerant moderate pediatric conscious sedation permit holder shall also meet the clinical and equipment requirements of Rule .0406 of this Section, and the permit holder shall document the following:

(1) six hours of continuing education each year in one or more of the following areas, which shall be counted toward fulfillment of the continuing education required each calendar year for license renewal:

(A) sedation;

(B) medical emergencies;

(C) monitoring IV sedation and the use of monitoring equipment;

(D) pharmacology of drugs and agents used in IV sedation;

(E) physical evaluation, risk assessment, or behavioral management; or

(F) airway management;

(2) unexpired PALS certification, which shall not count towards the six hours of continuing education required in Subparagraph (d)(1) of this Rule;

(3) that the permit holder and all auxiliaries involved in sedation procedures have practiced responding to dental emergencies as a team at least once every six months in the preceding year;

(4) that the permit holder and all auxiliaries involved in sedation procedures have read the practice's emergency manual in the preceding year; and

(5) that all auxiliaries involved in sedation procedures have completed BLS certification and three hours of continuing education annually in any of the areas set forth in Subparagraph (d)(1) of this Rule.

(e) Absent a Board order stating otherwise, all permit holders applying for renewal of a moderate pediatric conscious sedation permit or itinerant moderate pediatric conscious sedation permit shall be in good standing and their ~~office~~ facility shall be subject to inspection by the Board.

*History Note:* *Authority G.S. 90-28; 90-30.1; 90-31; 90-39; 90-48;*
*Eff. June 1, 2017;*
*Amended Eff. _____; August 1, 2024; August 1, 2021; August 1, 2018.*

21 NCAC 16Q .0408 is proposed for amendment as follows:

**21 NCAC 16Q .0408 PROCEDURE FOR MODERATE PEDIATRIC SEDATION EVALUATION OR INSPECTION AND RE-INSPECTION**

(a) When an evaluation or on-site inspection is required, the Board shall designate one or more qualified persons to serve as evaluators, each of whom has administered moderate pediatric sedation for at least three years preceding the evaluation or inspection. Training in moderate pediatric sedation shall not count toward the three years. Evaluation for a pediatric intravenous moderate conscious sedation certification shall be conducted by one or more qualified persons to serve as evaluators, each of whom has administered pediatric intravenous moderate sedation for at least three years preceding the evaluation or inspection. Training in moderate pediatric sedation shall not count toward the three years.

(b) An inspection fee of two-hundred seventy-five dollars ($275.00) shall be due 10 days after the dentist receives notice of the inspection of each additional location at which the dentist administers moderate pediatric sedation. There is no separate inspection fee for the pediatric intravenous moderate conscious sedation certification.

(c) Any dentist-member of the Board may observe or consult in any evaluation or inspection.

(d) The inspection team shall determine compliance with the requirements of the rules in this Subchapter, as applicable, by assigning a grade of "pass" or "fail."

(e) Each evaluator shall report his or her recommendation to the Board's Anesthesia and Sedation Committee, setting forth the details supporting his or her conclusion. The Committee shall not be bound by these recommendations. The Committee shall determine whether the applicant has passed the evaluation or inspection and shall notify the applicant in writing of its decision.

(f) An applicant who fails an inspection or evaluation shall not receive a permit to administer moderate pediatric sedation. If a permit holder's facility fails an inspection, no further moderate pediatric sedation procedures shall be performed at the facility until it passes a re-inspection by the Board.

(g) An applicant who fails an inspection or evaluation may request a re-evaluation or re-inspection within 15 days of receiving the notice of failure. The request shall be directed to the Board in writing and include a statement of the grounds supporting the re-evaluation or re-inspection. Except as set forth in subsection (h) of this Rule, the Board shall require the applicant to receive additional training prior to the re-evaluation to address the areas of deficiency determined by the evaluation. The Board shall notify the applicant in writing of the need for additional training.

(h) A permit applicant who has failed the written examination portion of the evaluation but passed all other aspects of the evaluation and inspection may retake the written examination two additional times at the Board office. The applicant must wait a minimum of 72 hours before attempting to retake a written examination. Any applicant who has failed the written portion of the examination three times shall complete an additional Board approved course of study in the area(s) of deficiency and provide the Board evidence of the additional study before written reexamination.

(i) Re-evaluations and re-inspections shall be conducted by Board-appointed evaluators not involved in the failed evaluation or inspection.

(j) An applicant must complete all the requirements of Rules .0103, .0104, and .0405 of this Subchapter, including passing the written examination, evaluation and inspection, within 12 months of submitting the application to the Board.

*History Note:* *Authority G.S. 90-30.1; 90-39; 90-48;*
*Eff. April 1, 2016;*
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;*
*Amended Eff. _____; August 1, 2024; February 1, 2019; August 1, 2018.*