



# E-Forum

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## New Sedation Rules Become Effective

New General Anesthesia and Sedation Rules become effective June 1, 2017. These rules are the culmination of over two years of work for the Board's Anesthesia and Sedation Committee consisting of some 25 dental professionals representing general dentists, dental specialists, dental hygiene, both North Carolina Dental Schools, and the North Carolina Dental Society. After June 1, 2017 these new rules may be viewed in their entirety by accessing the North Carolina Administrative Code using this link:

<http://reports.oah.state.nc.us/ncac/title%2021%20-%20occupational%20licensing%20boards%20and%20commissions/chapter%2016%20-%20dental%20examiners/subchapter%20g/subchapter%20g%20rules.pdf>

You may recall that a revision to General Anesthesia and Sedation Rules was submitted last year (the 2016 revision) and became part of a legislative review. Some rules in the 2016 revision were ultimately passed by the General Assembly while others were remanded to the Board for further consideration. The current version of the rules represents a year-long process to address concerns expressed with the 2016 revisions. Here are the highlights of the major changes from the previous rules:

**Anxiolysis** – The definition remains the same as it has in the past: “the administration of a single dose of a minor psychosedative, possibly in combination with nitrous oxide...” Dentists may provide anxiolysis without a permit.

**Capnography** – use of a capnography is not required so long as the dentist uses a precordial stethoscope. The 2016 revisions required use of a capnography.

**Minimal Conscious Sedation** – The definitions and procedures remain the same and the per-

mit remains in place. The 2016 revisions would have eliminated the permit for minimal conscious sedation.

**General Anesthesia** – definitions and procedures remain virtually unchanged as under current rules.

**Itinerant General Anesthesia Permit** – a new category of permit that allows dentists with a general anesthesia permit, proper training, and equipment to travel and offer anesthesia/sedation services in locations other than their home office.

**Moderate Sedation** – only one moderate sedation permit is now offered. Oral and IV sedation may be administered through this permit but IV training is required.

**Moderate Conscious Sedation Limited to Oral Routes \*** – this permit type is eliminated. All dentists who plan to offer moderate sedation must receive and demonstrate appropriate training for IV Moderate Sedation. NOTE: Moderate IV Conscious Sedation permittees may continue to use oral routes for sedation. The IV requirement is in place so that permittees are always prepared to use IV drugs in emergency situations – especially as it applies to the emergency use of reversal drugs.

\* Although the Moderate Conscious Limited to Oral Routes type of permit has been eliminated, those with this type of permit **in hand on June 1, 2017** will be allowed to continue to work under it until it expires on March 31, 2018. Prior to that time, they will need to upgrade to a Moderate Sedation permit or drop down and only administer Minimal Sedation.

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### Upcoming Board Meetings

Unless otherwise noted, all meetings begin at 8:30 a.m. and occur at the Board's Office, 2000 Perimeter Park Dr., Suite 160, Morrisville, NC 27560. All meetings are open to the public. However, certain portions of the meetings may be closed when necessary and in compliance with North Carolina's Open Meetings law.

June 16-17	Morrisville, NC Board Office
July 14-15	Morrisville, NC Board Office
August 11-12	Morrisville, NC Board Office
September 8-9	Morrisville, NC Board Office
October 13-14	Morrisville, NC Board Office
November 10-11	Morrisville, NC Board Office
December 8-9	Morrisville, NC Board Office

## Board Elections

Ballots have been mailed for the two vacant seats for dentists on the NC State Board of Dental Examiners. All dentists eligible to vote are encouraged to select the two candidates of their choice and use the self-addressed envelope to return the ballot to the CPA firm of Rouse Norton. There are six dentists currently running for the two open seats.

Ballots must be returned in time for the public canvassing of votes scheduled to begin at noon June 16, 2017 at the Board's office in Morrisville, NC.

Only one Registered Dental Hygienist submitted a petition to run for the open dental hygiene position on the Dental Board. It's not official until it is declared by the the Dental Board of Elections, but it appears that Nancy St. Onge of Apex, NC will be the next RDH member of the Dental Board. Congratulations!



## Disciplinary Actions

Recent disciplinary actions are reported on the Board's website under the "Disciplinary Action" tab. Actions involving revoked or suspended licenses remain posted until the revocation or suspension is lifted. **All** past disciplinary action can be accessed by searching by name or license number under the "License Verification" tab.

[http://www.ncdentalboard.org/license\\_verification.htm](http://www.ncdentalboard.org/license_verification.htm)

## A Fond Farewell from Dr. Stanley Allen



(Editor's note: Dr. Allen has served four exemplary terms on the North Carolina State Board of Dental Examiners and will be greatly missed. The opinions expressed in this farewell letter are his own and do not necessarily represent those of the Board, Board staff, or other agents or employees of the Board.)

*My fellow members of the dental profession:*

*My term as board member will end on July 31, 2017. It will be the culmination of 12 years of service on the N C State Board of Dental Examiners. The past six years has seen the Board have to manage its responsibilities in the face of challenges by management companies to gain statutory power to own dental practices, the FTC's suit against the Board to limit its statutory authority to protect the public against the unauthorized practice of dentistry and most importantly, the demand by the legislature, the public, and the news media to address what they saw as weaknesses in our anesthesia and sedation rules. The latter came in the wake of two deaths in dental offices related to the use of moderate sedation occurring within a year of each other. I was most involved in the latter of those three crises. I did not want to end my services on the board without commenting on the process involved in promulgation of the new rules and its relation to the importance of only having highly motivated, ethical people, with a proven record of service to the dental community and the public serving on your State Dental Board.*

*After holding public hearings (three) over a six months period in various locations in the state, the board selected an advisory committee consisting of a cross section of dentists and one dental hygienist to look at the rules to see how they could be modified to enhance public safety and restore public confidence in our ability to provide sedation. The committee consisted of general dentists, oral surgeons, periodontists, pediatric dentists, board attorneys and board staff. Over a period of almost two years, the committee wrestled with the complex issues involved in the subject. At times, there was little agreement on the direction the rules should take. As chairperson of the committee, at the behest of the board, I travelled all over the United States to get first-hand information from the most recognized and celebrated experts in the field of anesthesia and sedation, to determine what the science and research opined relative to how sedation should best be managed clinically and regulated by state authorities. After much effort and debate by the entire committee, we reached a consensus by this time last year. Many of the rules in that first iteration were rejected by the legislature, mainly due to its elimination of the "moderate limited to oral routes" and the "minimal sedation" permits, as well as change in the definition of anxiolysis. After another year of work, the committee presented its recommendation for implementation of the current rules, which become effective June 1, 2017.*

*In the end, there is not perfect agreement on every aspect of the rules, but the committee unanimously agrees that they are the best starting point to serve the board's primary goal of public protection and safeguarding the integrity of our profession. I personally have to invest thousands of dollars in new equipment and reorganize most of the protocols in my office regarding sedation to comply with these new rules. It is important to understand that anxiety and pain control are very fluid disciplines and from time to time, significant changes in management and technique must occur to keep up with the changes in materials and drugs available. The committee will continue to refine the rules, as they now exist, one or two issues at a time.*

## A Fond Farewell from Dr. Stanley Allen (Continued)

*The sedation rules and the difficult process required to amend them is a perfect example of why every licensed dentist in the state must be vigilant in our commitment to seeing that every member of the State Dental Board is serving for the right reasons. I have grave concerns for the future of our profession given some of the campaign letters and ads I have seen leading up to the next board election. In my opinion, some are at best unprofessional and at worst, unethical. Contrary to what some of these communications would leave you to believe, the board is not an auxiliary of the North Carolina Dental Society or any other organization that appropriately exists to promote what it perceives as being in the best interest of the practicing dentist.*

*The Board's charge is public protection and patient advocacy. It tries to do this with appropriate empathy for the inherent challenges to the dentist in providing dental care. If the dental board ever fails to carry out its mission of public protection, we are all doomed to having our fates determined by lawyers and lay people instead of dentists. If the Federal Trade Commission had its way in its argument before the Supreme Court of the United States, no dentist would be permitted to vote on any dispute between a patient and a dentist. Dentists would serve on state boards in an advisory capacity only. Consumer members would make the decisions. The FTC believes placing dentists, physicians, lawyers or any of what they call "market participants" in charge of protecting the public from abuses from their fellow market participants amounts to the fox guarding the henhouse. Fortunately, the court didn't agree with them in that case, but the manner in which the Board conducts itself is always under the scrutiny of the legislature, the media and the public. It must conduct itself in strict compliance with the statutes and must never be seen as arbitrary or capricious in its decisions.*

*I urge all of you to take the time to know who are the people running for the positions and be sure they will be appropriate stewards of our regulatory body. There are good candidates for the board and two will be elected to serve the people of North Carolina. Many of you are new to the profession and may not know who the best people are. Consult with the established practitioners in your area who are leaders and participants in organized dentistry for guidance. If they don't know I'm sure they will be able guide you in how to find out. Personally contact the candidates you feel are most suited to serve and be satisfied they are motivated to serve the public and profession and not by any special agenda, be it hidden or stated.*

*It has been one of the greatest honors of my life to serve you and the citizens of our state for over a decade of my life. I wish you all the best in your future endeavors.*

Sincerely yours,

Stanley L. Allen, DDS



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We're on the web!  
[ncdentalboard.org](http://ncdentalboard.org)



**Current Board Members (as of August 1, 2016)**

	<u>Term Expires</u>	<u>Hometown</u>
William M. Litaker, DDS (President)	2019	Hickory, NC
Merlin W. Young, DDS (Sec./Treas.)*	2017	Wendell, NC
Clifford O. Feingold, DDS (Past. Pres.)	2018	Asheville, NC
Stanley L. Allen, DDS	2017	Greensboro, NC
Millard W. "Buddy" Wester, III, DDS*	2018	Henderson, NC
Kenneth M. Sadler, DDS*	2019	Winston Salem, NC
Carla J. Stack, RDH	2017	Charlotte, NC
Dominic Totman, Esq. (Consumer)*	2018	Raleigh, NC

*\*Eligible to run for a second term.*