Adopted - December 9, 2015

Den 304.02 Permits for Use of General Anesthesia, Deep Sedation and Moderate Sedation.

(a) Unless practicing in a facility, where the general anesthesia or sedation is being administered exclusively by a New Hampshire licensed anesthesiologist or registered, certified nurse anesthetist, who shall remain on the premises until the patient regains consciousness, no dentist shall use general anesthesia, deep sedation or moderate sedation on an outpatient basis for dental patients except as follows:

(1) Such dentist shall possess a permit of authorization issued by the board;

(2) Such permit shall be subject to review and shall be renewed every 2 years at the same time as biennial registration for the practice of dentistry;

(3) Such dentist shall be certified in BLS-HCP by April 1, 2016; and

(4) Such dentist shall be currently certified in American Heart Association (AHA) approved advanced cardiac life support (ACLS).

(b) In order to receive a permit to use general anesthesia, deep sedation and moderate sedation the dentist shall:

(1) Apply on a prescribed application form to the board, as specified in (f) below;

(2) Submit the application fee specified in Den 301.08; and

(3) Provide evidence showing that he or she:

a. Complies with one of the following:

1. Has completed advanced training in anesthesiology and related academic subjects beyond the undergraduate dental school level in a training program as described in Part III C. of the American Dental Association 2012 "Guidelines for the Use of Sedation and General Anesthesia by Dentists", as specified in Appendix II; or

2. Has completed advanced training in anesthesiology and related academic subjects as described in the CODA requirements for each advanced program; and

b. Has a properly staffed and equipped facility including those who employ or work in facilities with an anesthesiologist or certified, registered nurse anesthetist, as set forth in:

1. The 8th edition of the "Office Anesthesia Evaluation Manual" of the American Association of Oral and Maxillofacial Surgeons, 2012, as specified in Appendix II; or

2. Part IV C. of the American Dental Association 2012 "Guidelines for the Use of Sedation and General Anesthesia by Dentists", as specified in Appendix II;

(c) In order to receive an unrestricted permit or a restricted permit to use moderate sedation only, the dentist shall:

(1) Apply on a prescribed application form to the board, as specified in (f) below;

(2) Submit the application fee specified in Den 301.08; and

(3) Provide evidence that he or she:

a. Has met the requirements of Part V of the American Dental Association 2012 "Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students", as specified in Appendix II; and

b. Has a properly staffed and equipped facility as set forth in:

1. The 8th edition of the "Office Anesthesia Evaluation Manual" of the American Association of Oral and Maxillofacial Surgeons, 2012, as specified in Appendix II; or

2. Part IV B. of the American Dental Association 2012 "Guidelines for the Use of Sedation and General Anesthesia by Dentists", as specified in Appendix II;

(d) The following shall apply to an unrestricted moderate sedation permit:

(1) Patients shall be of any age, however for children under age 16 treatment shall follow the American Academy of Pediatric Dentistry 2006 "Guidelines for Monitoring and Management of Pediatric Patients During and After Sedation for Diagnostic and Therapeutic Procedures", as specified in Appendix II;

(2) Routes of administration shall be enteral, parenteral or any combination with inhalation sedation;

(3) With or without inhalation sedation, agents shall be limited to a single dose of one or more drugs, or a multi-dose of a single drug using manufacturer guidelines;

(4) To renew their permit, dentists shall document 6 cases per year or 4 hours of continuing education in sedation training per biennium; and

(5) Case documentation shall include:

a. Age and sex of patient;

b. ASA classification;

c. Procedures;

d. Drugs and dosage; and

e. Level of sedation.

(e) The following shall apply to a restricted moderate sedation permit:

(1) Patients shall be 16 years or older;

(2) Routes of administration shall be enteral or combination enteral-inhalation. Parenteral administration shall not be used;

(3) With or without inhalation sedation, agents shall be limited to a single dose of one or more drugs, or a multi-dose of a single drug using manufacturer guidelines;

(4) To renew their permit, dentists shall document 6 cases per year or 4 hours continuing education in sedation training per biennium; and

(5) Case documentation shall include:

a. Age and sex of patient;

b. ASA classification;

c. Procedures;

d. Drugs and dosage; and

e. Level of sedation.

(f) Each applicant for a permit to use general anesthesia, deep sedation and moderate sedation, or moderate sedation only shall supply the board with the following on the "Application for Dental General Anesthesia, Deep Sedation or Moderate Sedation Permit" form:

(1) Applicant's name;

(2) Applicant's home address;

(3) Applicant's primary email address,

(4) Applicant's New Hampshire dental license number;

(5) Professional addresses and telephone numbers where permits are to be used;

(6) Proof of the basis in (b) or (c) above upon which the permit is to be issued;

(7) A list of all staff members who assist in general anesthesia or sedation; and

(8) Current cardiac life support training status of the applicant and each of the foregoing staff members.

(g) The form shall be signed and dated.

(h) To determine if the requirements of this section have been met by dentists with permits to administer general anesthesia, deep sedation and moderate sedation, or moderate sedation only:

(1) board shall require passage of an initial on-site evaluation of the facility, equipment and drugs as they relate to general anesthesia and sedation prior to the issuance of the initial permit;

(2) The board shall require passage of a comprehensive evaluation including personnel, records and patient treatment as they relate to general anesthesia and sedation shall be required within 8 months of the issuance of the initial permit. A comprehensive evaluation shall not be required for a second location;

(3) The evaluation shall be carried out by a team of dental consultants acting as agents of the board, as follows:

a. Dentists with permits to administer general anesthesia, deep sedation and moderate sedation shall be evaluated by dental consultants who satisfy (b)(3) b. 1. or 2. above; and

b. Dentists with permits to administer moderate sedation only shall be evaluated by dental consultants who satisfy (b)(3) b. 1. or 2. above or (c)(3) a. above;

(4) If more than one office location is used by the dentist, then each office shall have an on-site evaluation;

(5) If the applicant fails the on-site evaluation or comprehensive evaluation, upon written request of the applicant, a second evaluation shall be conducted by a different team of consultants;

(6) Upon satisfactory completion of the on-site and comprehensive evaluations, a comprehensive evaluation shall be held at least once every 5 years; and

(7) Such evaluation shall be carried out in the same manner as the initial evaluation.

(i) The evaluation of patient treatment shall include instances where the highest form of pain and anxiety control was used by the dentist being evaluated.

(j) The board shall take action in any one or more of the following ways as necessary to protect the public welfare when the results of an evaluation are unsatisfactory:

(1) By permit revocation or suspension;

(2) By limitation or restriction of a permit; and

(3) By requiring the licensee to participate in an educational program relevant to areas the licensee has been found to be professionally deficient.

(k) The following requirements for evaluation fees shall apply:

(1) Fees for evaluations shall be borne by the dentist examined;

(2) If the evaluation cannot be completed because the dentist is unprepared, the full fee shall remain owed;

(3) Third party fees shall be paid directly to the third party at the time of the evaluation;

(4) Payment of all required fees shall be noted on the evaluation report for the evaluation to be satisfactory;

(5) Following an unsatisfactory evaluation, a second evaluation shall require a second full fee; and

(6) The board shall take action for failure to pay required evaluation fees, pursuant to Den 304.02 (k).

(l) applicants who have not used general anesthesia, deep sedation or moderate sedation in New Hampshire, a permit shall be granted by the board based solely upon credentials contained in the application, pending complete processing of the application and thorough investigation by an on-site evaluation as described in (f) and (h) above.

(m) Dentists administering minimal sedation shall:

(1) Not be required to have a permit;

(2) Have met the requirements of Part IV of the American Dental Association 2012 "Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students", as specified in Appendix II; and

(3) Follow the guidelines set forth in Part IV A. of the American Dental Association 2012 "Guidelines for the Use of Sedation and General Anesthesia by Dentists", as specified in Appendix II including having a properly staffed and equipped facility.

(n) The following routes of administration shall apply to the use of minimal sedation:

(1) For patients under age 16 the route shall be inhalation only, using nitrous oxide;

(2) For patients 16 or over the route shall be by:

a. Inhalation using nitrous oxide;

b. Enteral, using one or more doses of one drug within a 24-hour period using manufacturers guidelines; or

c. A combination inhalation-enteral, as above in a. and b.

(o) Dentists shall inform the board in writing within 20 days of mortality related to their administration of general anesthesia or sedation in an outpatient facility.

(p) The report shall include a description of:

(1) Dental procedure;

(2) Pre-operative physical condition of the patient;

(3) Drugs and dosages administered;

(4) Techniques used in administering the drugs;

(5) Any adverse occurrence, including:

a. Patient's signs and symptoms;

b. Treatment instituted in response to adverse occurrences; and

c. Patient's response to the treatment; and

(6) Patient's condition on termination of any procedures undertaken.

Source. #4738; eff 1-16-90; ss by #5110, eff 4-4-91; rpld and moved to Part Den 403 by #5332, eff 4-1-92; ss by #6909, eff 12-9-98; ss by #7304, eff 6-9-00; amd by #8260, eff 1-19-05; ss by #8838, eff 3-9-07; amd by #8963, eff 8-16-07; ss by #9256, eff 9-10-08; amd by #9408-B, eff 3-10-09; amd by #9778, eff 9-3-10; amd by #10068, eff 1-10-12; amd by #10328-B, eff 5-7-13; amd by #10437, eff 10-8-13; ss by #10689, eff 10-7-14; ss by #10991, eff 12-9-15