

DEPARTMENT OF HEALTH**NOTICE OF PROPOSED RULEMAKING**

The Director of the Department of Health (Department), pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14)), Mayor's Order 98-140, dated August 20, 1998, and the Omnibus Health Regulation Amendment Act of 2014, effective March 26, 2014 (D.C. Law 20-0096; 61 DCR 3751, published on April 11, 2014) (the Act), hereby gives notice of her intent to take final rulemaking action to adopt the following new chapter 107 of Title 17 (Business, Occupations and Professions) of the District of Columbia Municipal Regulations (DCMR), entitled "Dentist and Dental Facility Certification to Administer Sedation or General Anesthesia."

The adoption of Chapter 107 is necessary to implement section 508b of the Act; D.C. Official Code § 3-1205.08b, which authorizes the Board of Dentistry to issue certifications to dentists and dental facilities for the administration of sedation or general anesthesia.

The Director also gives notice of her intent to take final rulemaking action to adopt the following amendments to chapter 42 of Title 17 (Business, Occupations and Professions) of the DCMR, entitled "Dentistry." The amendments to Chapter 42 are necessary to provide consistency between chapters 107 and 42 regarding the qualifications for, and administration of, anesthesia and sedation in the practice of dentistry in the District of Columbia.

The Director also gives notice of the intent to take final rulemaking action to adopt these rules in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Chapter 107, DENTIST AND DENTAL FACILITY CERTIFICATION TO ADMINISTER SEDATION OR GENERAL ANESTHESIA, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is added as follows:

**CHAPTER 107, DENTAL AND DENTAL FACILITY CERTIFICATION TO
ADMINISTER SEDATION OR GENERAL ANESTHESIA**

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10700 GENERAL PROVISIONS

- 10700.1 This chapter shall apply to all applicants and holders of a dentist or dental facility certification to administer general or sedation anesthesia.
- 10700.2 The use of nitrous oxide, or local anesthesia by a dentist is not governed by this chapter. It is governed under chapter 42 (Dentistry) of title 17 of the District of Columbia Municipal Regulations.
- 10700.3 The administration of anesthesia and sedation by dentists in hospitals licensed in good standing in the District of Columbia is not governed by this chapter.
- 10700.4 A dentist shall not administer anesthesia or sedation unless the dentist has obtained the appropriate certification for each location.
- 10700.5 A dentist shall notify the Board in writing, and surrender his or her certification, within thirty (30) days of ceasing to administer anesthesia or sedation at a location.
- 10700.6 The Board shall maintain a record of each location for which a dentist has been issued a certification to administer anesthesia or sedation.
- 10700.7 The owner or operator of a facility may not permit an individual to administer anesthesia or sedation unless the individual is qualified to do so under this chapter.
- 10700.8 The owner or operator of a facility shall ensure that the facility:
 - (a) Remains properly equipped in accordance with this chapter;
and
 - (b) Remains properly staffed in accordance with this chapter.
- 10700.9 The owner or operator of a facility shall ensure that the facility has:
 - (a) Appropriate nonexpired emergency drugs; and

(b) Appropriate nonexpired drugs.

10700.7 Chapter 40 (Health Occupations: General Rule), 41 (Health Occupations Administrative Procedures), and 42 (Dentistry) of title 17 of the District of Columbia Municipal Regulations shall supplement this chapter.

10701 ANXIOLYSIS

10701.01 A certification is not required for a dentist to administer anxiolysis.

10701.02 The administering, prescribing, or dispensing of more than one type of sedative, narcotic, class of drug, or medication for the purpose of anesthesia to be taken the evening before a procedure, or the morning of a procedure, is not anxiolysis and shall require the appropriate anesthesia or sedation certification.

10701.03 A dentist who intends to administer anxiolysis shall indicate the intent to administer anxiolysis in the patient's records.

10701.04 A dentist who administers anxiolysis may not administer a dose that is inappropriate for a patient's:

(a) Age;

(b) Weight;

(c) Medical condition;

(d) Infirmities; or

(e) Other propensities.

10701.05 Medications used to produce anxiolysis may not exceed current limits set by the manufacturer for unmonitored use by the individual.

10701.06 A dentist who administers anxiolysis shall maintain a margin of safety and a level of consciousness that does not approach moderate sedation and other deeper states of sedation and general anesthesia.

10702 TERM OF CERTIFICATION

10702.1 After July 1, 2018, a dentist may not administer an anesthetic technique in order to attain a level beyond anxiolysis for the practice of dentistry unless the dentist holds an appropriate Class I, II, III, or IV certification issued by the Board.

10702.2 A dentist or dental facility's certification to administer sedation or general anesthesia issued pursuant to this chapter shall expire at 12:00 midnight of December 31st every fourth (4th) year beginning 2022.

10702.3 If the Director changes the renewal system pursuant to Section 4006.3 of chapter 40 of this title, a certification issued pursuant to this chapter shall expire at 12:00 midnight of the last day of the month of the birthdate of the holder of the certification, or other date established by the Director.

10703 CLASSIFICATION OF CERTIFICATIONS

10703.1 The following certifications shall be issued by the Board:

(a) A Class I certification shall authorize a dentist or dental facility to administer:

(1) Moderate/Enteral sedation.

(b) A Class II certification shall authorize a dentist or dental facility to administer:

(1) Moderate/Parenteral sedation; and

(2) Any procedure allowed with a Class I certification

(c) A Class III certification shall authorize a dentist or dental facility to administer:

(1) Deep sedation; and

(2) Any procedure allowed under either a Class I or a Class II certification.

(d) A Class IV certification shall authorize a dentist or dental facility to administer:

(1) General anesthesia; and

(2) Any procedure allowed under a Class I, Class II, or Class III certification.

10704 QUALIFICATIONS FOR AN INDIVIDUAL OBTAINING A DENTAL CERTIFICATION TO ADMINISTER SEDATION OR GENERAL ANESTHESIA

10704.1 Because sedation is a continuum, it is not always possible to predict how an individual patient will respond. Therefore, dentists and dental facilities intending to produce a given level of sedation shall have the training, skills, and knowledge

to be able to recover, manage, and/or reverse as indicated patients whose level of sedation becomes deeper than initially intended, and shall meet the following requirements:

- (a) Holders of a Class I dentist or dental facility certification shall be able to recover, manage, and/or reverse patients who enter a state of moderate/conscious sedation;
- (b) Holders of a Class II dentist or dental facility certification shall be able to recover, manage, and/or reverse patients who enter a state of deep sedation or general anesthesia; and
- (c) Holders of a Class III dentist or dental facility certification shall be able to recover, manager, and/or reverse patients who enter who enter a state of general anesthesia.

10704.2 To qualify for a Class I dental certification, all applicants without exception shall furnish proof satisfactory to the Board that the applicant:

- (a) Successfully completed an educational program in the practice of dentistry at an institution recognized by the Commission on Dental Accreditation of the American Dental Association (ADA) at the time the applicant graduated in accordance with § 504(d) of the Act, D.C. Official Code § 3-1205.04(d)(2012 Repl.);
- (b) Is currently licensed to practice dentistry in the District of Columbia;
- (c) Successfully passed the clinical evaluation required in § 10705 of this chapter;
- (d) Holds current certification in Advanced Cardiac Life Support (ACLS), and if sedating patients twelve (12) years of age or under, shall also have a current certification in Pediatric Advanced Life Support (PALS), both of which the applicant may not allow to expire;
- (e) Has successfully completed a Board-approved course of instruction that documents training of at least sixty (60) hours of didactic instruction plus management of at least ten (10) dental patients, of which not more than half may be simulated, per participant in moderate enteral sedation, or
- (f) Has successfully completed a postdoctoral training program accredited by the Commission on Dental Accreditation or its successor organization that affords comprehensive and appropriate training necessary to administer and manage moderate/conscious enteral sedation; or
- (g) A Board-approved postdoctoral training program that affords comprehensive and appropriate training necessary to administer and manage moderate/conscious enteral sedation.

10704.3 To qualify for a Class II dental certification, all applicants without exception shall furnish proof satisfactory to the Board that the applicant:

- (a) Successfully completed an educational program in the practice of dentistry at an institution recognized by the Commission on Dental Accreditation of the American Dental Association (ADA) at the time the applicant graduated in accordance with § 504(d) of the Act, D.C. Official Code § 3-1205.04(d)(2012 Repl.);
- (b) Is currently licensed to practice dentistry in the District of Columbia;
- (c) Successfully passed the clinical evaluation required in § 10705 of this chapter;
- (d) Holds current certification in Advanced Cardiac Life Support (ACLS), and if sedating patients twelve (12) years of age or under, shall also have a current certification in Pediatric Advanced Life Support (PALS), both of which the applicant may not allow to expire; and
- (e) A Board-approved course of instruction that documents training of at least one hundred and twenty (120) hours of didactic instruction plus management of at least twenty (20) dental patients, of which not more than five (5) may be simulated, per participant in moderate parenteral sedation; or
- (f) A postdoctoral training program accredited by the Commission on Dental Accreditation or its successor organization that affords comprehensive and appropriate training necessary to administer and manage moderate/conscious parenteral sedation; or
- (g) A Board-approved postdoctoral training program that affords comprehensive and appropriate training necessary to administer and manage moderate/conscious parenteral sedation.

10704.4 To qualify for a Class III dental certification, all applicants without exception shall furnish proof satisfactory to the Board that the applicant:

- (a) Successfully completed an educational program in the practice of dentistry at an institution recognized by the Commission on Dental Accreditation of the American Dental Association (ADA) at the time the applicant graduated in accordance with § 504(d) of the Act, D.C. Official Code § 3-1205.04(d)(2012 Repl.);
- (b) Is currently licensed to practice dentistry in the District of Columbia;
- (c) Successfully passed the clinical evaluation required in § 10705 of this chapter;
- (d) Holds current certification in Advanced Cardiac Life Support (ACLS), and if sedating patients twelve (12) years of age or under, shall also have a current certification in Pediatric Advanced Life Support (PALS), both of which the

applicant may not allow to expire; and

- (e) A Board-approved course of instruction that documents training of at least one hundred and twenty (120) hours of didactic instruction plus management of at least twenty (20) dental patients, of which not more than five (5) may be simulated, per participant in deep sedation; or
- (f) A postdoctoral training program accredited by the Commission on Dental Accreditation or its successor organization that affords comprehensive and appropriate training necessary to administer and manage deep sedation; or
- (g) A Board-approved postdoctoral training program that affords comprehensive and appropriate training necessary to administer and manage deep sedation.

10704.5

To qualify for a Class IV dental certification, all applicants without exception shall furnish proof satisfactory to the Board that the applicant:

- (a) Successfully completed an educational program in the practice of dentistry at an institution recognized by the Commission on Dental Accreditation of the American Dental Association (ADA) at the time the applicant graduated in accordance with § 504(d) of the Act, D.C. Official Code § 3-1205.04(d)(2012 Repl.);
- (b) Is currently licensed to practice dentistry in the District of Columbia;
- (c) Successfully passed the clinical evaluation required in § 10705 of this chapter;
- (d) Holds current certification in Advanced Cardiac Life Support (ACLS), and if sedating patients twelve (12) years of age or under, shall also have a current certification in Pediatric Advanced Life Support (PALS), both of which the applicant may not allow to expire; and
- (e) A Board-approved course of instruction that documents training of at least one hundred and twenty (120) hours of didactic instruction plus management of at least twenty (20) dental patients, of which not more than five (5) may be simulated, per participant in general anesthesia; or
- (f) A postdoctoral training program accredited by the Commission on Dental Accreditation or its successor organization that affords comprehensive and appropriate training necessary to administer and manage general anesthesia; or
- (g) A Board-approved postdoctoral training program that affords comprehensive and appropriate training necessary to administer and manage general anesthesia.

10704.6

In addition to the requirements outlined in this chapter, an applicant for a dental certification to administer sedation or general anesthesia shall:

- (a) Receive a successful evaluation by the Board or its designee;
- (b) Provide an affidavit to the Board indicating whether the applicant has ever treated a patient under general anesthesia with an incident; and
- (c) Submit any other pertinent documents or information requested by the Board.

10704.7 An affidavit provided to the Board under § 10704.6(b) of this chapter shall include the following:

- (a) The date of the incident;
- (b) The name, age, and address of the patient;
- (c) The type of anesthesia and dosages of drugs administered to the patient;
- (d) The location where the incident took place;
- (e) The techniques used in administering the drugs;
- (f) The preoperative physical condition of the patient;
- (g) The name and contact information of all other persons present during the incident;
- (h) The patient's original complete dental records;
- (i) Any adverse occurrence including:
 - (j) The patient's signs and symptoms;
 - (i) The treatments instituted in response to adverse occurrences;
 - (ii) The patient's response to the treatment; and
 - (iii) The patient's condition on termination of any procedures undertaken; and
- (k) A narrative description of the incident, including approximate times, the evolution of symptoms, and the outcome of the incident.

10705

CLINICAL EVALUATION

- 10705.1 To qualify for a Class I certification, the dentist who will perform the administration shall pass:
- (a) An office inspection evaluation;
 - (b) A clinical evaluation consistent with the age level of the patients treated by the dentist;
 - (c) An evaluation of the dentist to safely administer sedation techniques; and
 - (d) An evaluation of the ability of the dentist to effectively respond to sedation related emergencies.
- 10705.2 The clinical evaluation shall require the participation of the office staff.
- 10705.3 The clinical evaluation shall include evaluating the treatment of at least the following:
- (a) Laryngospasm;
 - (b) Foreign body airway obstruction;
 - (c) Emergency airway management;
 - (d) Emesis and aspiration;
 - (e) Acute allergic reaction;
 - (f) Bronchospasm;
 - (g) Angina;
 - (h) Conditions requiring advanced cardiac life support, including:
 - (i) Bradycardia;
 - (ii) Tachycardia;
 - (iii) Ventricular fibrillation; and
 - (iv) Cardiac arrest;
 - (v) Hypotension;
 - (vi) Hypoglycemia;
 - (vii) Hypertension;
 - (viii) Seizure; and
 - (ix) Syncope.
- 10705.4 To qualify for a Class II, III, or IV certification, the dentist who will perform the administration shall pass:

- (a) An office inspection evaluation;
- (b) A clinical evaluation consistent with the age level of the patients treated by the dentist;
- (d) An evaluation of the dentist to safely administer moderate parenteral sedation, deep sedation, or general anesthesia, based on the level of certification sought; and
- (d) An evaluation of the ability of the dentist to effectively respond to anesthesia related emergencies.

10705.5 The clinical evaluation shall require the participation of the clinical office staff.

10705.6 The clinical evaluation shall include evaluating the treatment of at least the following:

- (a) Laryngospasm;
- (b) Foreign body airway obstruction;
- (c) Emergency airway management;
- (d) Emesis and aspiration;
- (e) Acute allergic reaction;
- (f) Bronchospasm;
- (g) Angina;
- (h) Conditions requiring advanced cardiac life support, including:
 - (i) Bradycardia;
 - (ii) Tachycardia;
 - (iii) Ventricular fibrillation; and
 - (iv) Cardiac arrest;
 - (v) Hypotension;
 - (vi) Hypoglycemia;
 - (vii) Hypertension;
 - (viii) Seizure;
 - (ix) Syncope; and
 - (x) Venipuncture complications.

10705.7 A Board evaluator shall hold a certification at the same or higher level as the

Certification sought by the applicant being evaluated.

10705.8 To the extent practicable, a Board evaluator shall provide the results of the evaluation to the Board in writing within 7 days of an applicant's evaluation.

10705.9 The Board shall:

(a) Review the results of the evaluation; and

(b) Notify the applicant of the results in a timely manner.

10705.10 If requested, an applicant shall be provided with a copy of the evaluation provided to the Board.

10705.11 An applicant who fails either an administration evaluation or a facility evaluation twice shall be required to pay a fee equal to the renewal fee for the certification sought by the applicant before either the third evaluation or any subsequent evaluations.

10706 APPLICATION FOR AN INDIVIDUAL DENTAL CERTIFICATION TO ADMINISTER SEDATION OR GENERAL ANESTHESIA

10706.1 To apply for a Class I, Class II, Class III, or Class IV Individual dental certification, an applicant shall:

(a) Submit a completed application to the Board on the required forms and include:

(1) The applicant's social security number on the application;

(2) Two (2) recent passport-type photographs of the applicant's face measuring two inches by two inches (2" x 2") which clearly expose the area from the top of the forehead to the bottom of the chin

(b) Submit a copy of his or her current license with the application;

(c) Submit the name and address of each location where the dentist intends to administer anesthesia or sedation;

(d) Identify all forms of anesthesia or sedation for which the dentist is seeking certification;

(e) Submit proof of having successfully passed the clinical evaluation required by § 10705 of this chapter.

(f) Pay all the required fees; and

- (g) Submit all required supporting documents.

10707 QUALIFICATIONS FOR A DENTAL FACILITY CERTIFICATION TO ADMINISTER SEDATION OR GENERAL ANESTHESIA

10707.1 In addition to the other requirements in this chapter, to obtain a Class I, Class II, Class III, or Class IV dental facility certification, each facility in which the dentist wishes to administer an anesthesia technique shall pass a facility evaluation in order to attain:

- (a) A level beyond anxiolysis;
- (b) Moderate/Enteral sedation;
- (c) Moderate/Parenteral sedation; or
- (d) Deep sedation and general anesthesia.

10707.02 Except as otherwise provided in this regulation, to qualify for a certification, the facility and the applicant shall pass an evaluation of facility equipment, medications, and clinical records to include at least the following:

- (a) Oxygen and gas delivery system, backup system fail-safe;
- (b) Gas storage facility;
- (c) Safety indexed gas system;
- (d) Suction and backup system;
- (e) Auxiliary lighting system;
- (f) Suitability of operating room:
 - (i) Size;
 - (ii) Lighting;
 - (iii) Communications; and
 - (iv) EMT accessibility;
- (g) Recovery area, including oxygen, suction, and visual and electronic monitoring, which may include the operating room;
- (h) Appropriate emergency drugs;
- (i) Nonexpired drugs;

- (j) Appropriate devices to maintain an airway with positive pressure ventilation;
- (k) Preoperative medical history and physical evaluation form;
- (l) Anesthesia records, including monitoring and discharge records;
- (m) Monitoring equipment, including pulse oximeter and blood pressure monitoring;
- (n) Anesthesia and monitoring equipment to ensure they are in proper working order;
- (o) Defibrillator or automated external defibrillator (AED) for adult patients;
- (p) For deep sedation or general anesthesia in pediatric patients:
 - (i) A precordial stethoscope;
 - (ii) A pretracheal stethoscope; or
 - (iii) A capnograph; and
- (q) For Class II and Class III certifications:
 - (i) An electrocardiogram (EKG);
 - (ii) A capnograph measuring device; and
 - (iii) Pulse oximeter.

10707.03 The dentist who will perform the administration and the dentist's staff shall be present in the operatory during the evaluation.

10707.04 An applicant for a dental facility certification shall not transport anesthesia or sedation equipment from one dental office to another for facility examination purposes.

10707.05 A Board evaluator shall hold a certification at the same or higher level as the certification sought by the applicant being evaluated.

10707.06 To the extent practicable, a Board evaluator shall provide the results of the evaluation to the Board in writing within seven (7) days of an applicant's evaluation.

10707.07 The Board shall:

- (a) Review the results of the evaluation; and
- (b) Notify the applicant of the results in a timely manner.

10707.08 If requested, an applicant shall be provided with a copy of the evaluation provided

to the Board.

10707.09 An applicant who fails either an administration evaluation or a facility evaluation twice shall be required to pay a fee equal to the renewal fee for the certification sought by the applicant before either the third evaluation or any subsequent evaluations.

10707.10 A dentist who has passed an administration and facility evaluation for a Class I, Class II, Class III, or Class IV certification may receive a like certification for another facility or facilities if:

- (a) The dentist holds an active Class I, Class II, Class III, or Class IV certification for which the dentist has passed an administration and facility evaluation; and
- (b) Each facility for which the dentist seeks another certification has at least one dentist who has passed an administration and facility evaluation for a like certification at that location within two (2) years of the date of application for the additional certification.

10707.11 Alternatively, a dentist who has passed an administration and facility evaluation for a Class I, Class II, Class III, or Class IV certification may receive a like certification for another facility or facilities if:

- (a) The dentist holds an active Class I, Class II, Class III, or Class IV certification for which the dentist has passed an administration and facility evaluation; and
- (b) The dentist seeking the additional certification:
 - (i) Is present during a facility evaluation at which the dentist and the dentist's staff pass a facility evaluation; and
 - (ii) Passes an evaluation, appropriate for the certification level, that includes simulated management of emergencies with the participation of the clinical office staff trained to handle emergencies.

10707.12 In addition to the requirements of §§ 10707.10 and 10707.11 of this subchapter, the dentist seeking the additional certification or certifications shall:

- (a) Submit an application to the Board on a form provided by the Board; and
- (b) Pay the appropriate fee.

10708 APPLICATION FOR A DENTAL FACILITY CERTIFICATION TO ADMINISTER SEDATION OR GENERAL ANESTHESIA

10708.1 To apply for a Class I, Class II, Class III, or Class IV dental facility certification, an applicant shall:

- (a) Submit a completed application to the Board on the required forms;
- (b) Submit a copy of his or her current license with the application;
- (c) Submit the name and address of the location for which the dentist is seeking certification;
- (d) Identify all forms of anesthesia or sedation for which the dentist is seeking certification;
- (e) Submit proof of having met the requirements required by § 10706 of this chapter.
- (f) Pay all the required fees; and
- (g) Submit all required supporting documents.

10709**PERSONNEL AND EQUIPMENT REQUIREMENTS**

10709.01 A dentist or dental facility with a Class I certification shall ensure that the following requirements are met before administering moderate/enteral sedation:

- (a) A dentist qualified and certified to administer moderate/enteral sedation shall administer the moderate/enteral sedation;
- (b) At least one (1) additional person trained in Basic Life Support for Healthcare Providers shall be present in addition to the dentist;
- (c) A positive-pressure oxygen delivery system suitable for the patient being treated shall be immediately available;
- (d) Documentation of compliance with manufacturer's recommended maintenance of monitors, anesthesia delivery systems, and other anesthesia-related equipment shall be maintained;
- (e) A pre-procedural check of equipment for each administration of sedation shall be performed;
- (f) When inhalation equipment is used, it shall have a fail-safe system that is appropriately checked and calibrated;

- (g) The equipment shall also have either (1) a functioning device that prohibits the delivery of less than thirty percent (30%) oxygen or (2) an appropriately calibrated and functioning in-line oxygen analyzer with audible alarm;
- (h) An appropriate scavenging system shall be available if gases other than oxygen or air are used; and
- (i) A pulse oximeter shall be used.

10709.02

A dentist or dental facility with a Class II certification shall ensure that the following requirements are met before administering moderate/parenteral sedation:

- (a) A dentist qualified and certified to administer moderate/parenteral sedation shall administer the moderate/parenteral sedation;
- (b) At least two (2) additional persons trained in Basic Life Support for Healthcare Providers shall be present in addition to the dentist;
- (c) A positive-pressure oxygen delivery system suitable for the patient being treated shall be immediately available;
- (d) Documentation of compliance with manufacturer's recommended maintenance of monitors, anesthesia delivery systems, and other anesthesia-related equipment shall be maintained;
- (e) A pre-procedural check of equipment for each administration of sedation shall be performed;
- (f) When inhalation equipment is used, it shall have a fail-safe system that is appropriately checked and calibrated;
- (g) The equipment shall also have either (1) a functioning device that prohibits the delivery of less than thirty percent (30%) oxygen or (2) an appropriately calibrated and functioning in-line oxygen analyzer with audible alarm;
- (h) The equipment necessary for monitoring end-tidal carbon dioxide and auscultation of breath sounds shall be immediately available;
- (i) An appropriate scavenging system shall be available if gases other than oxygen or air are used;
- (j) The equipment necessary to establish intravascular or intraosseous access shall be available until the patient meets discharge criteria; and
- (k) A pulse oximeter shall be used.

- 10709.03 A dentist or dental facility with a Class III certification shall ensure that the following requirements are met before administering deep sedation:
- (a) A dentist qualified and certified to administer deep sedation shall administer the deep sedation;
 - (b) At least two (2) additional persons trained in Basic Life Support for Healthcare Providers shall be present in addition to the dentist;
 - (c) When the dentist administering the deep sedation is also the same dentist performing the dental procedure, one of the other trained personnel present shall be designated to perform the patient monitoring;
 - (d) A positive-pressure oxygen delivery system suitable for the patient being treated shall be immediately available;
 - (e) Documentation of compliance with manufacturer's recommended maintenance of monitors, anesthesia delivery systems, and other anesthesia-related equipment shall be maintained;
 - (f) A pre-procedural check of equipment for each administration of sedation shall be performed;
 - (g) When inhalation equipment is used, it shall have a fail-safe system that is appropriately checked and calibrated;
 - (h) The equipment shall also have either (1) a functioning device that prohibits the delivery of less than thirty percent (30%) oxygen or (2) an appropriately calibrated and functioning in-line oxygen analyzer with audible alarm;
 - (i) The equipment necessary for monitoring end-tidal carbon dioxide and auscultation of breath sounds shall be immediately available;
 - (j) An appropriate scavenging system shall be available if gases other than oxygen or air are used;
 - (k) The equipment necessary to establish intravenous access shall be available;
 - (l) Equipment and drugs necessary to provide advanced airway management, and advanced cardiac life support shall be immediately available;
 - (m) Resuscitation medications and an appropriate defibrillator shall be immediately available; and
 - (n) A pulse oximeter shall be used.

10709.04

A dentist or dental facility with a Class IV certification shall ensure that the following requirements are met before administering general anesthesia:

- (a) A dentist qualified and certified to administer general anesthesia shall administer the general anesthesia;
- (b) At least three (3) additional persons trained in Basic Life Support for Healthcare Providers shall be present in addition to the dentist;
- (c) When the dentist administering the general anesthesia is also the same dentist performing the dental procedure, one of the other trained personnel present shall be designated to perform the patient monitoring;
- (d) A positive-pressure oxygen delivery system suitable for the patient being treated shall be immediately available;
- (e) Documentation of compliance with manufacturer's recommended maintenance of monitors, anesthesia delivery systems, and other anesthesia-related equipment shall be maintained;
- (f) A pre-procedural check of equipment for each administration of general anesthesia shall be performed;
- (g) When inhalation equipment is used, it shall have a fail-safe system that is appropriately checked and calibrated;
- (h) The equipment shall also have either (1) a functioning device that prohibits the delivery of less than thirty percent (30%) oxygen or (2) an appropriately calibrated and functioning in-line oxygen analyzer with audible alarm;
- (i) The equipment necessary for monitoring end-tidal carbon dioxide and auscultation of breath sounds shall be immediately available;
- (j) An appropriate scavenging system shall be available if gases other than oxygen or air are used;
- (k) The equipment necessary to establish intravenous access shall be available;
- (l) Equipment and drugs necessary to provide advanced airway management, and advanced cardiac life support shall be immediately available;
- (m) Resuscitation medications and an appropriate defibrillator shall be immediately available; and
- (n) A pulse oximeter shall be used.

10710 MONITORING AND DOCUMENTATION

10710.01 A dentist administering moderate enteral sedation, moderate parenteral sedation, deep sedation, or general anesthesia to a patient:

- (a) Shall remain in the operatory room to monitor the patient continuously until the patient meets the criteria for recovery.
- (b) Shall not induce a second patient until the first patient:
 - (i) Is conscious;
 - (ii) Is spontaneously breathing;
 - (iii) Has stable vital signs;
 - (iv) Is ambulatory with assistance; and
 - (v) Is under the care of a qualified auxiliary; and
- (c) Shall not leave the facility until the patient meets the criteria for discharge and is discharged from the facility.

10710.02 When moderate/enteral sedation or moderate/parenteral sedation is administered, monitoring shall include:

- (a) Consciousness: the patient's level of sedation and responsiveness to verbal commands shall be continually assessed;
- (b) Oxygenation: oxygen saturation shall be evaluated by pulse oximetry continuously;
- (c) Ventilation: the dentist shall observe chest excursions continuously and monitor ventilation and/or breathing by monitoring end-tidal carbon dioxide, unless precluded by the nature of the patient, procedure, or equipment;
- (d) Ventilation shall also be monitored by continual observation of qualitative signs, including auscultation of breath sounds with a precordial or pretracheal stethoscope;
- (e) Circulation: the dentist shall continually evaluate the patient's blood pressure and heart rate unless invalidated by the nature of the patient, procedure, or equipment and this is noted in the time-oriented anesthesia record; and
- (f) Circulation shall be monitored by continuous ECG monitoring of patients with significant cardiovascular disease.

- 10710.03 When deep sedation or general anesthesia is administered, monitoring shall include:
- (a) Oxygenation: oxygen saturation shall be evaluated continuously by pulse oximetry;
 - (b) Ventilation: for an intubated patient, end-tidal carbon dioxide shall be continually monitored and evaluated unless precluded or invalidated by the nature of the patient, procedure, or equipment;
 - (c) Ventilation shall also be monitored and evaluated by continual observation of qualitative signs, including auscultation of breath sounds with a precordial or pretracheal stethoscope;
 - (d) Respiration rate shall be continually monitored and evaluated;
 - (e) Circulation: the dentist shall continuously evaluate heart rate and rhythm via ECG throughout the procedure, as well as pulse rate via pulse oximetry;
 - (f) The dentist shall also continually evaluate blood pressure;
 - (g) Temperature: a device capable of measuring body temperature shall be readily available during the administration of deep sedation or general anesthesia; and
 - (h) The equipment to continuously monitor body temperature shall be available and shall be performed whenever triggering agents associated with malignant hyperthermia are administered.
- 10710.04 Appropriate time-oriented anesthetic record shall be maintained, including the names of all drugs, dosages, and their administration times, including local anesthetics, dosages, and monitored physiological parameters. Additionally, pulse oximetry, end-tidal carbon dioxide measurements (if taken), heart rate, respiratory rate, blood pressure, and level of consciousness (if appropriate) shall be recorded continually.
- 10710.05 A treating dentist who allows a physician, another dentist, or certified registered nurse anesthetist to administer moderate enteral sedation, moderate parenteral sedation, deep sedation, or general anesthesia under this chapter shall ensure that the physician, dentist, or certified registered nurse anesthetist is properly licensed and authorized to administer anesthesia or sedation in the District and does not leave the site until the patient meets the criteria for discharge and is discharged from the facility:
- 10710.06 A treating dentist who allows a physician, another dentist, or certified registered nurse anesthetist to administer moderate sedation, deep sedation, or general

anesthesia shall ensure that the physician, dentist, or certified registered nurse anesthetist does not induce a second patient until the first patient:

- (a) Is conscious;
- (b) Is spontaneously breathing;
- (c) Has stable vital signs;
- (d) Is ambulatory with assistance; and
- (e) Is under the care of a qualified auxiliary.

10711 INSPECTIONS AND FACILITY EVALUATIONS

10711.1 All offices in which general anesthesia or sedation is conducted shall have an on-site inspection:

- (a) Within six (6) months following receipt of certification by the Board. Thereafter, each dentist must have an on-site inspection conducted at each office facility at least once every five (5) years;
- (b) If the Board receives a complaint alleging violation of this section and the Board finds that the complaint warrants further investigation according to disciplinary action.

10711.2 The holder of a dental or dental facility certification shall be notified in writing thirty (30) days prior by the Board if an on-site inspection is required, and provided with the name of the anesthesia consultant or qualified anesthetic practitioner who will coordinate the inspection.

10711.3 A dentist or dental facility may, due to extenuating circumstances, apply for an extension of time to meet the requirements of § 10711.1 by making a written request to the Board. If the Board grants an extension, the length of the extension will be determined by the Board. The written request must include:

- (a) A complete explanation of the circumstances; and
- (b) The dentist's or dental facility's plan for completing the on-site inspection requirement.

10711.4 During reasonable business hours, the Board or its designee may conduct unannounced inspection visits of any dental office or facility if the Board has:

- (a) Received a complaint or has initiated a complaint; and
- (b) Reason to believe that anesthesia or sedation has been administered:

- (1) Without an appropriate certification; or
- (2) In violation of this chapter.

10711.5 Dentists and all associated personnel shall cooperate with the inspectors.

10712 CONTINUING EDUCATION REQUIREMENTS

10712.1 An applicant who seeks renewal of a dental certification to administer general anesthesia or sedation shall:

- (b) Complete not less than 24 hours of clinical continuing education related to sedation or anesthesia in a classroom setting during the term of the certification;
- (c) Maintain current certification in Advanced Cardiac Life Support (ACLS), which the applicant may not allow to expire; and

10712.2 The Board may, in its discretion, grant an extension of the sixty (60) day period to renew after expiration if the applicant's failure to submit proof of completion was for good cause. As used in this section, "good cause" includes the following:

- (a) Serious and protracted illness of the applicant; and
- (b) The death or serious and protracted illness of a member of the applicant's immediate family.

10713 RENEWAL OF DENTIST CERTIFICATION

10713.1 The Board shall mail a renewal application to each dentist holding a Class I, Class II, Class III, or Class IV certification to administer sedation or general anesthesia within 90 days of the expiration of the certification.

10714 RENEWAL OF DENTAL FACILITY CERTIFICATION

10714.1 The Board shall mail a renewal application to each dental facility holding a Class I, Class II, Class III, or Class IV certification to administer sedation or general anesthesia at least 90 days before the expiration of the certification.

10715 MORBIDITY AND MORTALITY REPORTS

10715.1 Certified dentists and dental facilities shall report to the Board, in writing, any complication or disabling incident requiring admission to a hospital either for a period greater than 24 hours, or for purposes other than observation, as a result of the dentist's or dental facility's administration of anxiolysis, moderate sedation, deep sedation, or general anesthesia within 15 days after its occurrence.

10715.2 Certified dentists and dental facilities shall report to the Board, in writing, any death caused by or resulting from the dentist's or dental facility's administration of anxiolysis, moderate sedation, deep sedation, or general anesthesia within seven (7) days after its occurrence.

10715.3 The written report to the Board required in §§ 10715.1 and 10715.2 of this section shall include:

- (a) The date of the incident;
- (b) The name, age, and address of the patient;
- (c) The type of anesthesia used; and
- (d) A narrative description of the incident, including approximate times and evolution of symptoms, and the outcome of the incident.

10716 TRANSFER OF CERTIFICATION PROHIBITED

10716.1 Certifications issued pursuant to this chapter may not be transferred to another dentist, location, or dental facility.

10717 FINES AND SUMMARY SUSPENSION OF CERTIFICATION

10717.1 The Board may order the summary suspension of a certification if the Board:

- (a) Finds that the public health, safety, or welfare requires emergency action; and
- (b) Promptly gives the licensee:

- (1) Written notice of the suspension, the Board's findings, and the reasons that support the Board's finding; and
- (2) An opportunity to be heard.

10717.2 Service of the notice of the suspension and notice of the opportunity to be heard may be effected upon the holder of a certification by one of the following methods:

- (a) By personal delivery;
- (b) By leaving it at the certificate holder's office with a person in charge or an employee or, if the office is closed or the certificate holder to be served has no office, by leaving at the certificate holder's usual place of residence with a person of suitable discretion sixteen (16) years of age or older residing there;
- (c) By certified mail, return receipt requested; or
- (d) In conformity with an order of the Board made in any hearing.

10717.3 If service is made by personal delivery, it shall be deemed to have been served at the time when delivery is made to the certificate holder or other person served in accordance with § 10717.2(b).

10717.4 If service is by certified mail, it shall be deemed to have been made on the date shown on the return receipt showing delivery of the notice to the certificate holder or refusal of the certificate holder to accept delivery.

10717.5 If the certificate holder is no longer at the last known address as shown by the records of the Director, and no forwarding address is available, service shall be deemed to have been made on the date the return receipt bearing that notification is received by the Director.

10799 DEFINITIONS

10799.1 As used in this chapter, the following terms have the meaning ascribed:

Advanced Cardiac Life Support (ACLS) – a certification that an individual has successfully completed an advanced cardiac life support course offered by the American Heart Association or other entity approved by the Board.

Anesthesia – an artificially induced insensibility to pain usually achieved by the administration of gases or the use of drugs.

Anesthesia and sedation-

- (a) Moderate sedation;
- (b) Deep sedation; and
- (c) General anesthesia.

Anxiolysis- the administration in a single dose of one type of legally prescribed sedative, narcotic, class of drug, or medication to decrease anxiety. It is orally administered and taken the evening before a procedure or the day of a procedure or both. Anxiolysis is used to achieve a drug induced state in which patients are expected to appropriately respond to tactile stimulation and verbal commands. The patient maintains consciousness, although cognitive function and coordination may be impaired. Ventilatory and cardiovascular functions are maintained and require no assistance.

Deep sedation- is an induced state of depressed consciousness accompanied by partial loss of protective reflexes, including the inability to continually maintain an airway independently and/or to respond purposefully to physical stimulation or verbal command, and is produced by a pharmacologic or non-pharmacologic method or a combination thereof. Airway intervention may be needed. Spontaneous ventilation may be inadequate and cardiovascular function is usually maintained. Patients cannot be easily aroused but respond purposefully following repeated or painful stimulation.

Director – the Director of the Department of Health, or the Director's designee.

Enteral Sedation- a technique of administration in which the agent is absorbed through the gastrointestinal tract or oral mucosa, including but not limited to oral,

rectal, and sublingual administration.

Facility— any location in which anesthesia or sedation is administered for the practice of dentistry, including a dental school recognized by the Commission on Dental Accreditation or its successor organization or a hospital that is not in good standing with the District or the Joint Commission.

Facility evaluation- an on-site inspection by the Board or its designee to determine if a facility where the applicant proposes to provide anesthesia and sedation is adequately supplied, equipped, staffed, and maintained in a condition to support the provision of anesthesia and sedation services in a manner that meets the requirements of this chapter.

General Anesthesia – an induced state of consciousness, accompanied by partial or complete loss of protective reflexes, including the inability to continually maintain an airway independently and respond purposefully to physical stimulation or verbal command, and is produced by a pharmacologic or non-pharmacologic method or a combination thereof. Patients are not arousable even by painful stimulation. Patients often require assistance in maintaining a patent airway, and positive pressure ventilation may be required because of depressed spontaneous ventilation, drug-induced depression, or changes in neuromuscular function. Cardiovascular function may be impaired.

Local Anesthesia- the technique of reducing or eliminating the body's response to noxious stimuli by the regional injection or application of a drug to a specific area of the body that inhibits nerve excitation or conduction without affecting or altering consciousness.

Moderate Sedation- a minimally depressed level of consciousness that retains the patient's ability to independently and continuously maintain an airway and respond appropriately to physical stimulation and verbal command and that is produced by a pharmacologic or non-pharmacologic method or a combination thereof. No interventions are required to maintain a patent airway, and spontaneous ventilation is adequate. Cardiovascular function is maintained. Patients whose only response is reflex withdrawal from repeated painful stimuli shall not be considered to be in a state of conscious sedation.

Nitrous Oxide and Oxygen- an inhalation combination used to reduce pain and anxiety which could also depress the level of consciousness. The quantity of Nitrous Oxide administered shall not produce levels of altered consciousness beyond that which has been defined in this chapter as anxiolysis.

Parenteral Sedation- a technique of administration in which the drug bypasses the gastrointestinal tract, including but not limited to intramuscular, intravenous, intranasal, submucosal, subcutaneous, and intraocular administration.

Renewal evaluation- an on-site inspection by the Board or its designee before the renewal of a certification to determine if a facility where the applicant proposes to

provide anesthesia and sedation is adequately supplied, equipped, staffed, and maintained in a condition to support the provision of anesthesia and sedation services in a manner that meets the requirements of this chapter.

Sedation— any altered or decreased state of consciousness beyond that which is defined in this chapter as anxiolysis, regardless of the method or route of administration of the drug, medication or inhalation agent. The levels of sedation are (a) Moderate Sedation, (b) Deep Sedation, and (c) General Anesthesia.

10799.2

The definitions in § 4099 of chapter 40 of this title are incorporated by reference into and are applicable to this chapter.