

CALIFORNIA CODES BUSINESS AND PROFESSIONS CODE SECTION 1647-1647.9

1647. (a) The Legislature finds and declares that a commendable patient safety record has been maintained in the past by dentists and those other qualified providers of anesthesia services who, pursuant to a dentist's authorization, administer patient sedation, and that the increasing number of pharmaceuticals and techniques used to administer them for patient sedation require additional regulation to maintain patient safety in the future. (b) The Legislature further finds and declares all of the following: (1) That previous laws enacted in 1980 contained separate and distinct definitions for general anesthesia and the state of consciousness. (2) That in dental practice, there is a continuum of sedation used which cannot be adequately defined in terms of consciousness and general anesthesia. (3) That the administration of sedation through this continuum results in different states of consciousness that may or may not be predictable in every instance. (4) That in most instances, the level of sedation will result in a predictable level of consciousness during the entire time of sedation. (c) The Legislature further finds and declares that the educational standards presently required for general anesthesia should be required when the degree of sedation in the continuum of sedation is such that there is a reasonable possibility that loss of consciousness may result, even if unintended. These degrees of sedation have been referred to as "deep conscious sedation" and "light general anesthesia" in dental literature. However, achieving the degree of sedation commonly referred to as "light conscious sedation," where a margin of safety exists wide enough to render unintended loss of consciousness unlikely, requires educational standards appropriate to the administration of the resulting predictable level of consciousness.

1647.1. (a) As used in this article, "conscious sedation" means a minimally depressed level of consciousness produced by a pharmacologic or nonpharmacologic method, or a combination thereof, that retains the patient's ability to maintain independently and continuously an airway, and respond appropriately to physical stimulation and verbal command. "Conscious sedation" does not include conditions resulting from the administration of oral medications or the administration of a mixture of nitrous oxide and oxygen, whether administered alone or in combination with each other. (b) The drugs and techniques used in conscious sedation shall have a margin of safety wide enough to render unintended loss of consciousness unlikely. (c) For the very young or handicapped individual, incapable of the usually expected verbal response, a minimally depressed level of consciousness for that individual should be maintained. 1647.2. (a) On and after January 1, 1992, no dentist shall administer or order the administration of, conscious sedation on an outpatient basis for dental patients unless one of the following conditions is met: (1) The dentist possesses a current license in good standing to practice dentistry in California and either holds a valid general anesthesia permit or obtains a permit issued by the board authorizing the dentist to administer conscious sedation. (2) The dentist possesses a current permit under Section 1638 or 1640 and either holds a valid anesthesia permit or obtains a permit issued by the board authorizing the dentist to administer conscious sedation. (b) A conscious sedation permit shall expire on the date specified in Section 1715 which next occurs after its issuance, unless it is renewed as provided in this article. (c) This article shall not apply to the administration of local anesthesia or to

general anesthesia. (d) A dentist who orders the administration of conscious sedation shall be physically present in the treatment facility while the patient is sedated. 1647.3. (a) A dentist who desires to administer or order the administration of conscious sedation, shall apply to the board on an application form prescribed by the board. The dentist shall submit an application fee and produce evidence showing that he or she has successfully completed a course of training in conscious sedation which meets the requirements of subdivision (c). (b) The application for a permit shall include documentation that equipment and drugs required by the board are on the premises. (c) A course in the administration of conscious sedation shall be acceptable if it meets all of the following as approved by the board: (1) Consists of at least 60 hours of instruction. (2) Requires satisfactory completion of at least 20 cases of administration of conscious sedation for a variety of dental procedures. (3) Complies in all respects with the requirements of the 1985 Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dentistry of the American Dental Association. 1647.4. (a) On or before June 30, 1991, each dentist who has been using conscious sedation prior to January 1, 1990, shall make a permit application to the board if the dentist desires to continue to administer conscious sedation. The permit application shall document 20 cases of conscious sedation performed by the applicant subsequent to January 1, 1989. A dentist applying pursuant to this section shall pass an onsite inspection and evaluation of the licentiate and the facility, equipment, personnel, and procedures utilized by the licentiate, prior to the issuance of a permit. (b) If an applicant under this section documents successful completion of a course of study in conscious sedation which met the requirements of the 1982 Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dentistry of the American Dental Association, the board may grant the applicant a temporary permit for one year. (c) An applicant who holds a temporary permit shall pass an onsite inspection and evaluation prior to expiration of the temporary permit. Failure to pass the inspection and evaluation shall result in the immediate and automatic termination of the temporary permit. In the event the board is unable to complete the required inspection and evaluation prior to December 31, 1992, the board may extend the temporary permit for no more than one additional year.

1647.5. A permittee shall be required to complete 15 hours of approved courses of study related to conscious sedation as a condition of renewal of a permit. Those courses of study shall be credited toward any continuing education required by the board pursuant to Section 1645. 1647.6. A physical evaluation and medical history shall be taken before the administration of conscious sedation. Any dentist holding a permit shall maintain records of the physical evaluation, medical history, and conscious sedation procedures used as required by board regulations. 1647.7. (a) Prior to the issuance or renewal of a permit to administer conscious sedation, the board may, at its discretion, require an onsite inspection and evaluation of the licentiate and the facility, equipment, personnel, and procedures utilized by the licentiate. The permit of any dentist who has failed an onsite inspection and evaluation shall be automatically suspended 30 days after the date on which the board notifies the dentist of the failure unless, within that time period, the dentist has retaken and passed an onsite inspection and evaluation. Every dentist issued a permit under this article shall have an onsite inspection and evaluation at least once in every six years. Refusal to submit to an inspection shall result in automatic denial or

revocation of the permit. (b) An applicant who has successfully completed the course required by Section 1647.3 may be granted a one-year temporary permit by the board prior to the onsite inspection and evaluation. Failure to pass the inspection and evaluation shall result in the immediate and automatic termination of the temporary permit. (c) The board may contract with public or private organizations or individuals expert in dental outpatient conscious sedation to perform onsite inspections and evaluations. The board may not, however, delegate its authority to issue permits or to determine the persons or facilities to be inspected. 1647.8. (a) The application fee for a permit or renewal under this article shall not exceed two hundred fifty dollars (\$250). (b) The fee for an onsite inspection shall not exceed three hundred fifty dollars (\$350). (c) It is the intent of the Legislature that the board hire sufficient staff to administer the program and that the fees established pursuant to this section be equivalent to administration and enforcement costs incurred by the board in carrying out this article. 1647.9. A violation of any provision of this article constitutes unprofessional conduct and is grounds for the revocation or suspension of the dentist's permit, license, or both, or the dentist may be reprimanded or placed on probation. The proceedings under this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

1682. In addition to other acts constituting unprofessional conduct under this chapter, it is unprofessional conduct for: (a) Any dentist performing dental procedures to have more than one patient undergoing conscious sedation or general anesthesia on an outpatient basis at any given time unless each patient is being continuously monitored on a one-to-one ratio while sedated by either the dentist or another licensed health professional authorized by law to administer conscious sedation or general anesthesia. (b) Any dentist with patients recovering from conscious sedation or general anesthesia to fail to have the patients closely monitored by licensed health professionals experienced in the care and resuscitation of patients recovering from conscious sedation or general anesthesia. If one licensed professional is responsible for the recovery care of more than one patient at a time, all of the patients shall be physically in the same room to allow continuous visual contact with all patients and the patient to recovery staff ratio should not exceed three to one. (c) Any dentist with patients who are undergoing conscious sedation to fail to have these patients continuously monitored during the dental procedure with a pulse oximeter or similar or superior monitoring equipment required by the board. (d) Any dentist with patients who are undergoing conscious sedation to have dental office personnel directly involved with the care of those patients who are not certified in basic cardiac life support (CPR) and recertified biennially. (e) Any dentist to fail to obtain the written informed consent of a patient prior to administering general anesthesia or conscious sedation. In the case of a minor, the consent shall be obtained from the child's parent or guardian. (f) Any dentist to fail to report to the board, in writing, within seven days after the death or removal to a hospital or emergency center for medical treatment for a period exceeding 24 hours of any patient to whom conscious sedation or general anesthesia was administered.
