

21 NCAC 16Q .0102 is adopted as published in 35:18 NCR 2051-52 as follows:

**21 NCAC 16Q .0102 APPLICATION FOR GENERAL ANESTHESIA OR SEDATION PERMIT,
PERMIT RENEWAL, AND PERMIT REINSTATEMENT**

(a) An applicant for a general anesthesia or sedation permit shall be licensed and in good standing with the Board.

(b) All permit applications shall be made on the forms furnished by the Board at www.ncdentalboard.org and shall include:

(1) the full name;

(2) the mailing address;

(3) the North Carolina dental license number;

(4) a telephone number; and

(5) an email address.

(c) In addition to the information in Paragraph (b) of this Rule, all applications for a general anesthesia, moderate conscious sedation, moderate pediatric conscious sedation, or minimal conscious sedation permit shall include:

(1) the addresses of all dental offices where the applicant intends to use general anesthesia or sedation;

(2) dental education, including dental school name, dates attended, degree received, and any other dental post-graduate education or specialty degrees received;

(3) a resume or curriculum vitae;

(4) the names of and copies of unexpired BLS certifications for any auxiliaries that will assist the applicant with general anesthesia or sedation;

(5) a statement disclosing and explaining any instances of patient mortality or morbidity in connection with applicant's prior use of general anesthesia or sedation; and

(6) documentation of the required qualifications for the permit for which the applicant is applying, as set out in Rule .0201, .0301, .0404, or .0504 of this Subchapter.

(d) In addition to the information in Paragraph (b) of this Rule, all applications for an itinerant permit shall include:

(1) North Carolina general anesthesia or sedation permit number; and

(2) a statement of compliance with the requirements for the itinerant permit for which the applicant is applying, as set out in Rule .0206, .0304, or .0406 of this Subchapter.

(e) All applications for renewal of a general anesthesia or sedation permit shall be submitted electronically through the Board's website, www.ncdentalboard.org, and shall include:

(1) the full name;

(2) the permit number and expiration date;

(3) the addresses of all dental offices where the permit holder uses general anesthesia or sedation; and

(4) a statement disclosing and explaining any instances of patient mortality or morbidity in connection with use of general anesthesia or sedation that occurred during the calendar year preceding the application and that were not previously disclosed to the Board.

1 (f) All applications for reinstatement of a general anesthesia or sedation permit shall be made on forms furnished by
2 the Board at www.ncdentalboard.org and shall include:

3 (1) the full name;

4 (2) the permit number and date of issuance;

5 (3) the mailing address;

6 (4) the North Carolina dental license number;

7 (5) the addresses of all dental offices where the applicant intends to use general anesthesia or sedation;

8 and

9 (6) a statement disclosing and explaining any instances of patient mortality or morbidity in connection
10 with use of general anesthesia or sedation that occurred during the calendar year preceding the
11 application.

12 (g) Any permit obtained through fraud or by any false representation shall be revoked.

13
14 *History Note: Authority G.S. 90-28; 90-30.1;*

15 *Eff. August 1, 2021.*

21 NCAC 16Q .0206 is amended as published in 35:18 NCR 2052 as follows:

21 NCAC 16Q .0206 ITINERANT (MOBILE) GENERAL ANESTHESIA PERMIT, EQUIPMENT AND EVALUATION

(a) A dentist who holds a general anesthesia permit from the Board and who wishes to provide general anesthesia or other sedation services in the office of another practitioner shall obtain a mobile general anesthesia 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. No mobile permit shall be required to administer general anesthesia in a hospital or credentialed surgery center.

(b) Before a mobile general anesthesia permit may be issued, a general anesthesia permit holder appointed by the Board shall inspect the applicant's equipment and medications to ensure that they comply with Paragraphs (c) and (d) of this Rule.

(c) The permit holder shall maintain in good working order the following equipment: equipment required by Rule .0202(a)(1) of this Section.

(1) small, medium, and large supraglottic airways devices;

(2) small, medium, and large anesthesia circuits;

(3) rebreathing device;

(4) scavenging system;

(5) intermittent compression devices;

(6) gastric suction device;

(7) endotracheal tube and pulmonary suction device;

(8) equipment for performing emergency cricothyrotomies and delivering positive pressure ventilation;
and

(9) the equipment required by Rule .0202(a)(1) of this Section.

(d) ~~The~~ A neuromuscular blocking agent, an anti-malignant hyperthermia agent, and the unexpired medications required by Rule .0202(a)(2) of this Section shall be on site-site, unexpired, and available to the permit holder.

(e) The evaluation and on-site inspection shall be conducted as set out in Rule .0204 of this Section.

(f) Prior to administering general anesthesia or sedation 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 operator'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 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 general anesthesia or sedation data throughout the

1 sedation procedure. This Subparagraph shall not apply if the dentist permit holder is dedicated to
2 patient care and monitoring regarding general anesthesia or sedation throughout the sedation
3 procedure and is not performing the surgery or other dental procedure.

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

8 (h) The mobile general anesthesia permit shall be displayed in the host facility where it is visible to patients receiving
9 treatment.

10 (i) All applicants for mobile general anesthesia permit shall be in good standing with the Board.

11
12 *History Note: Authority G.S. 90-28; 90-30.1; 90-39; 90-48;*
13 *Eff. June 1, 2017;*
14 *Amended Eff. August 1, 2021; August 1, 2018.*
15

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Dental Examiners

RULE CITATION: 21 NCAC 16Q .0207

DEADLINE FOR RECEIPT: Thursday, July 8, 2021

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

In (e), what is meant by “absent a Board order stating otherwise”? Would this only be applicable to one dentist or would this have broad application to all of your licensees? I assume that this would only be applicable to one dentist, but if it is to have broad application, this appears to be rulemaking outside of rulemaking.

I note that 90-39(2a) is also applicable and give you authority for this Rule. As such, please remove the (12) after 90-39 in this History Note.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

21 NCAC 16Q .0207 is amended as published in 35:18 NCR 2052-53 as follows:

**21 NCAC 16Q .0207 ANNUAL RENEWAL OF GENERAL ANESTHESIA AND ITINERANT
(MOBILE) GENERAL ANESTHESIA PERMIT REQUIRED**

(a) General anesthesia permits and itinerant general anesthesia permits shall be renewed by the Board annually at the same time as dental ~~licenses by the dentist paying~~ licenses. For each permit to be renewed, the permit holder shall pay a one-hundred dollar (\$100.00) fee and ~~completing~~ complete the renewal application requirements of this Rule. If the completed ~~general anesthesia and itinerant general anesthesia~~ permit 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 ~~paid~~ charged. 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) Itinerant general anesthesia permits shall be renewed by the Board annually at the same time as dental licenses by paying a one hundred dollar (\$100.00) fee and completing the application requirements of this Rule. The application is available on the Board's website: www.ncdentalboard.org. If the completed itinerant general sedation permit application and renewal fee are not received before January 31 of each year, a fifty dollar (\$50.00) late fee shall be paid.~~

~~(c)~~ (b) Any ~~dentist permit holder~~ who fails to renew a general anesthesia permit or itinerant general anesthesia permit before March 31 of each year shall complete a reinstatement application, pay the renewal ~~fee, fee and~~ late ~~fee, fee set~~ out in Paragraph (a) of this Rule, and comply with all conditions for renewal set out in this Rule. Dentists whose general anesthesia permits or itinerant general anesthesia permits have been lapsed for more than 12 calendar months shall pass an inspection and an evaluation as part of the reinstatement ~~process~~ process in accordance with Rules .0202 and .0204 of this Section. 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.

~~(d)~~ (c) A dentist who administers general anesthesia in violation of this Rule shall be subject to the penalties prescribed by Rule .0701 of this Subchapter.

~~(e)~~ (d) As a condition for renewal of the general anesthesia permit and itinerant general anesthesia permit, the ~~general anesthesia~~ permit holder shall meet the clinical equipment and requirements set out in Rule .0202 of this ~~Section and~~ Section, the itinerant general anesthesia permit holder shall ~~maintain~~ also meet the clinical equipment and requirements set out in Rule .0206 of this ~~Section~~ 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 general anesthesia and IV sedation;
- (E) physical evaluation, risk assessment, or behavioral management; or
- (F) airway management;

- (2) unexpired ACLS certification, which shall not count towards the six hours of continuing education required in Subparagraph ~~(e)(1)(d)(1)~~ of this Rule;
- (3) that the permit holder and all auxiliaries involved in anesthesia or 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 anesthesia or 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 ~~(e)(1)(d)(1)~~ of this Rule.

~~(f)(e)~~ All Absent a Board order stating otherwise, all permit holders applying for renewal of a general anesthesia permit or itinerant general anesthesia permit shall be in good standing and their office shall be subject to inspection by the Board.

History Note: Authority G.S. 90-28; 90-30.1; 90-31; 90-39(12); 90-48;
Eff. June 1, 2017;
Amended Eff. August 1, 2021; August 1, 2018.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Dental Examiners

RULE CITATION: 21 NCAC 16Q .0305

DEADLINE FOR RECEIPT: Thursday, July 8, 2021

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

In (e), what is meant by “absent a Board order stating otherwise”? Would this only be applicable to one dentist or would this have broad application to all of your licensees? I assume that this would only be applicable to one dentist, but if it is to have broad application, this appears to be rulemaking outside of rulemaking.

I note that 90-39(2a) is also applicable and give you authority for this Rule. As such, please remove the (12) after 90-39 in this History Note.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: June 24, 2021

21 NCAC 16Q .0305 is amended as published in 35:18 NCR 2053-54 as follows:

**21 NCAC 16Q .0305 ANNUAL RENEWAL OF MODERATE PARENTERAL AND ENTERAL
CONSCIOUS SEDATION PERMIT REQUIRED**

(a) Moderate conscious sedation permits and itinerant moderate conscious sedation permits shall be renewed by the Board annually at the same time as dental ~~licenses by the dentist paying~~ licenses. For each permit to be renewed, the permit holder shall pay a one-hundred dollar (\$100.00) fee and ~~completing~~ complete the renewal application requirements in this Rule. If the completed permit 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 ~~paid~~ charged. 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) Itinerant moderate conscious sedation permits shall be renewed by the Board annually at the same time as dental licenses by paying a one hundred dollar (\$100.00) fee and completing the application requirements in this Rule. If the completed permit renewal application and renewal fee are not received before January 31 of each year, a fifty dollar (\$50.00) late fee shall be paid.~~

~~(e)(b)~~ Any ~~dentist~~ permit holder who fails to renew a moderate conscious sedation permit or ~~itinerate~~ itinerant moderate conscious sedation permit before March 31 of each year shall complete a reinstatement application, pay the renewal fee, fee and late fee, fee set out in Paragraph (a) of this Rule, and comply with all conditions for renewal set out in this Rule. Dentists whose moderate conscious sedation permits or itinerant moderate 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~~ process in accordance with Rules .0302 and .0306 of this Section. 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.

~~(d)(c)~~ A dentist who administers moderate conscious sedation in violation of this Rule shall be subject to the penalties prescribed by Rule .0701 of this Subchapter.

~~(e)(d)~~ As a condition for renewal of the moderate conscious sedation permit and ~~itinerate~~ itinerant moderate conscious sedation permit, the permit holder shall meet the clinical and equipment requirements ~~of Rules set out in Rule .0302 of this Section, the itinerant moderate conscious sedation permit holder shall also meet the clinical and equipment requirements set out in Rule and .0304 of this Section~~ 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 ACLS certification, which shall not count towards the six hours of continuing education required in Subparagraph ~~(e)(1)~~(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 ~~(e)(1)~~(d)(1) of this Rule.

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

*History Note: Authority G.S. 90-28; 90-30.1; 90-31; 90-39(12); 90-48;
Eff. June 1, 2017;
Amended Eff. August 1, 2021; August 1, 2018.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Dental Examiners

RULE CITATION: 21 NCAC 16Q .0407

DEADLINE FOR RECEIPT: Thursday, July 8, 2021

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21 NCAC 16Q .0407 is amended as published in 35:18 NCR 2054-55 as follows:

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

(a) Moderate pediatric conscious sedation permits and itinerant moderate pediatric conscious sedation permits shall be renewed by the Board annually at the same time as dental licenses by the dentist paying licenses. For each permit to be renewed, the permit holder shall pay a one-hundred dollar (\$100.00) fee and completing 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. 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.

~~If the completed renewal application and renewal fee are not received before January 31 of each year, a fifty (\$50.00) dollar late fee shall be paid.~~

~~(b) Itinerant moderate pediatric conscious sedation permits shall be renewed by the Board annually at the same time as dental licenses by paying a one hundred dollar (\$100.00) fee and completing the application requirements in this Rule. If the completed permit renewal application and renewal fee are not received before January 31 of each year, a fifty dollar (\$50.00) late fee shall be paid.~~

~~(e)(b)~~ Any ~~dentist 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, fee and late fee, 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-process in accordance with Rules .0405 and .0408 of this Section. 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.~~

~~(d)(c)~~ A dentist who administers moderate pediatric conscious sedation in violation of this Rule shall be subject to the penalties prescribed by Rule .0701 of this Subchapter.

~~(e)(d)~~ As a condition for renewal of the moderate pediatric conscious sedation permit and itinerant moderate pediatric conscious sedation permit, the permit holder shall meet the clinical and equipment requirements of Rule .0405 of this ~~Section-Section, 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 ~~(e)(1)(d)(1)~~ of this ~~rule~~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 ~~(e)(1)(d)(1)~~ of this Rule.
- ~~(f)(e)~~ All 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 shall be subject to inspection by the Board.

History Note: Authority G.S. 90-28; 90-30.1; 90-31; 90-39(12); 90-48;
Eff. June 1, 2017;
Amended Eff. August 1, 2021; August 1, 2018.

21 NCAC 16Q .0504 is amended as published in 35:18 NCR 2055-57 as follows:

**21 NCAC 16Q .0504 MINIMAL CONSCIOUS SEDATION ~~CREDENTIALS, — EVALUATION~~
CREDENTIALS AND PERMIT**

(a) Before a dentist licensed to practice in North Carolina may administer or supervise a ~~certified registered nurse anesthetist-CRNA employed to administer or an RN employed to deliver~~ minimal conscious sedation, the dentist shall obtain a Board-issued permit for minimal conscious sedation, moderate pediatric conscious sedation, moderate conscious ~~sedation-sedation,~~ or general anesthesia. ~~A permit is not required for prescription administration of DEA controlled drugs prescribed for postoperative pain control intended for home use.~~ A dentist may obtain a minimal conscious sedation permit from the Board by completing the application requirements of this Rule 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. ~~Such~~ The permit ~~must~~ shall be renewed annually and shall be displayed with the current renewal at all times in the facility of the permit holder where it is visible to patients receiving treatment.

(b) ~~Only a dentist who holds a general anesthesia license may administer deep sedation or general anesthesia.~~ The minimal conscious sedation permit holder shall ensure the level of the sedation administered does not exceed minimal conscious sedation as defined in Rule .0101(27) of this Subchapter.

(c) An applicant for a minimal conscious sedation permit shall ~~be licensed and in good standing with the Board in order to be approved. For purposes of these Rules "good standing" means that the applicant is not subject to a disciplinary investigation and his or her licensee has not been revoked or suspended and is not subject to a probation or stayed suspension order.~~ submit to the Board:

(1) a completed application form provided by the Board at www.ncdentalboard.org that includes the information and materials required by Rule .0102(b) and (c) of this Subchapter;

(2) a copy of an unexpired ACLS certification; and

(3) documentation showing completion of one of the following:

(A) an 18-hour minimal conscious sedation course from the list, available on the Board's website, of sedation courses reviewed at any public Board meeting and approved by a majority of the Board based on its collective experience; or

(B) a post-doctoral program accredited by the Commission on Dental Accreditation (CODA) that provides training in administering and managing minimal conscious sedation. A list of CODA-accredited programs is available at no cost at www.ada.org/coda and is incorporated by reference, including subsequent amendments and editions.

(d) ~~Evaluation:~~ Prior to issuance of a minimal conscious sedation permit, the applicant shall pass an evaluation and facility inspection in accordance with Rules .0505 and .0507 of this Section.

(1) ~~Prior to issuance of a minimal conscious sedation permit the applicant shall pass an evaluation and a facility inspection.~~

- 1 ~~(2) During an inspection or evaluation, the applicant shall demonstrate the administration of minimal~~
2 ~~conscious sedation on a patient while the evaluator observes. During the observation, the applicant~~
3 ~~shall demonstrate competency in the following areas:~~
- 4 ~~(A) Monitoring of blood pressure, pulse, pulse oximetry and respiration;~~
 - 5 ~~(B) Drug dosage and administration;~~
 - 6 ~~(C) Treatment of untoward reactions including respiratory or cardiac depression (by verbal~~
7 ~~demonstration);~~
 - 8 ~~(D) Sterile technique;~~
 - 9 ~~(E) Use of BLS-certified auxiliaries;~~
 - 10 ~~(F) Monitoring of patient during recovery; and~~
 - 11 ~~(G) Sufficiency of patient recovery time.~~
- 12 ~~(3) During an inspection or evaluation, the applicant or permit holder shall demonstrate competency to~~
13 ~~the evaluator in the treatment of the following clinical emergencies:~~
- 14 ~~(A) Laryngospasm;~~
 - 15 ~~(B) Bronchospasm;~~
 - 16 ~~(C) Emesis and aspiration;~~
 - 17 ~~(D) Respiratory depression and arrest;~~
 - 18 ~~(E) Angina pectoris;~~
 - 19 ~~(F) Myocardial infarction;~~
 - 20 ~~(G) Hypertension/Hypotension;~~
 - 21 ~~(H) Syncope;~~
 - 22 ~~(I) Allergic reactions;~~
 - 23 ~~(J) Convulsions;~~
 - 24 ~~(K) Bradycardia;~~
 - 25 ~~(L) Hypoglycemia;~~
 - 26 ~~(M) Cardiac arrest; and~~
 - 27 ~~(N) Airway obstruction.~~
- 28 ~~(4) During the evaluation, the permit applicant shall take a written examination on the topics set forth~~
29 ~~in Subparagraphs (d)(2) and (d)(3) of this Rule. The permit applicant must obtain a passing score~~
30 ~~on the written examination by answering 80 percent of the examination questions correctly. If the~~
31 ~~permit applicant fails to obtain a passing score on the written examination that is administered during~~
32 ~~the evaluation, he or she may be re-examined in accordance with Subparagraph (d)(7) of this Rule.~~
- 33 ~~(5) The evaluator shall assign a recommended grade of pass or fail and shall report his or her~~
34 ~~recommendation to the Board, setting out the basis for his conclusion. The Board is not bound by~~
35 ~~the evaluator's recommendation and shall make a final determination regarding whether the~~
36 ~~applicant has passed the evaluation. The applicant shall be notified of the Board's decision in writing.~~

- ~~(6) — 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 shall include a statement of the grounds supporting the re-evaluation or re-inspection. Except as set forth in Subparagraph (d)(7) 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.~~
- ~~(7) — 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.~~
- ~~(8) — Re-evaluations and re-inspections shall be conducted by Board-appointed evaluators not involved in the failed evaluation or inspection.~~
- ~~(9) — An applicant must complete all the requirements of this Rule, including passing the written examination, evaluation and inspection, within 12 months of submitting the application to the Board.~~
- ~~(c) Educational/Professional Requirements: An applicant shall submit the fee set out in Paragraph (a) and satisfy all requirements in Paragraphs (c) and (d) of this Rule for the application to be complete. Applications that are not completed within one year of being submitted to the Board shall be disregarded without a refund of the fee.~~
- ~~(1) — The dentist applying for a minimal conscious sedation permit shall meet one of the following criteria:~~
- ~~(A) — completion of an ADA accredited post doctoral training program which affords comprehensive training necessary to administer and manage minimal conscious sedation;~~
- ~~(B) — completion of an 18-hour minimal conscious sedation course which must be approved by the Board based on whether it affords comprehensive training necessary to administer and manage minimal conscious sedation; or~~
- ~~(C) — completion of an ADA accredited postgraduate program in pediatric dentistry;~~
- ~~(2) — All applicants for a minimal sedation permit must document completion of an ACLS course within the 12 months prior to the date of application;~~
- ~~(3) — The permit holder shall maintain written emergency and patient discharge protocols. The permit holder shall also provide training to familiarize auxiliaries in the treatment of clinical emergencies.~~
- ~~(f) Annual Permit Renewal:~~
- ~~(1) — Minimal conscious sedation permits shall be renewed by the Board annually at the same time as dental licenses by the dentist paying a one hundred dollar (\$100.00) fee and completing the application requirements in this Rule. If the completed permit renewal application and renewal fee are not received before January 31 of each year, a fifty dollar (\$50.00) late fee shall be paid.~~

- 1 ~~(2) Any dentist who fails to renew a minimal conscious sedation permit before March 31 of each year~~
2 ~~shall complete a reinstatement application, pay the renewal fee, late fee, and comply with all~~
3 ~~conditions for renewal set out in this Rule. Dentists whose sedation permits have been lapsed for~~
4 ~~more than 12 calendar months shall pass an inspection and an evaluation as part of the reinstatement~~
5 ~~process.~~
- 6 ~~(3) As a condition for renewal of the minimal conscious sedation permit, the permit holder shall meet~~
7 ~~the requirements of Rule .0402 of this Subchapter and shall document unexpired ACLS certification~~
8 ~~and obtain three hours of continuing education every year in one or more of the following areas,~~
9 ~~which may be counted toward fulfillment of the continuing education required each calendar year~~
10 ~~for license renewal:~~
- 11 ~~(A) pediatric or adult sedation;~~
12 ~~(B) medical emergencies;~~
13 ~~(C) monitoring sedation and the use of monitoring equipment;~~
14 ~~(D) pharmacology of drugs and agents used in sedation;~~
15 ~~(E) physical evaluation, risk assessment, or behavioral management; or~~
16 ~~(F) airway management.~~
- 17 ~~(4) The minimal conscious sedation permit holder shall further document that the permit holder and all~~
18 ~~auxiliaries involved in sedation procedures have read the practice's emergency manual in the~~
19 ~~preceding year and that all auxiliaries involved in sedation procedures have completed BLS~~
20 ~~certification and, within the past two years, completed three hours of continuing education in any of~~
21 ~~the areas set forth in Parts (f)(3)(A) (F) of this Rule.~~
- 22 ~~(5) All permit holders applying for renewal of a minimal conscious sedation permit shall be in good~~
23 ~~standing and their office shall be subject to inspection by the Board.~~
- 24 ~~(g)(f)~~ A dentist who administers minimal conscious sedation in violation of this Rule shall be subject to the penalties
25 prescribed by Rule .0701 of this Subchapter.

26

27 *History Note: Authority G.S. 90-28; 90-30.1; 90-39;*
28 *Temporary Adoption Eff. March 13, 2003; December 11, 2002;*
29 *Eff. August 1, 2004;*
30 *Amended Eff. July 3, 2008;*
31 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,*
32 *2018;*
33 *Amended Eff. February 1, 2019;*
34 *Recodified from 21 NCAC 16Q .0401 Eff. November 9, 2020-2020;*
35 *Amended Eff. August 1, 2021.*

36

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Dental Examiners

RULE CITATION: 21 NCAC 16Q .0505

DEADLINE FOR RECEIPT: Thursday, July 8, 2021

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

In (a)(6), please delete or define “directly” in “directly involved.” I note that the companion rules do not use this language and instead say “... shall be dedicated to patient monitoring and recording general anesthesia or sedation data throughout the sedation procedure.”

Please review (e)(1). Is there an extra word or is something missing? Is this intended to say that if the permit holder considers it necessary, then the permit holder shall consult with the patient’s treating medical provider?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: June 24, 2021

21 NCAC 16Q .0505 is amended as published in 35:18 NCR 2057-59 as follows:

**21 NCAC 16Q .0505 MINIMAL CONSCIOUS SEDATION ~~PERMIT REQUIREMENTS, CLINICAL~~
REQUIREMENTS PROVISIONS AND EQUIPMENT**

(a) ~~Minimal conscious sedation is indicated for use only as defined in Rule .0101(15) of this Subchapter (relating to Definitions). Minimal conscious sedation shall not be used to achieve a deeper level of sedation. A permit holder administering minimal conscious sedation or supervising a CRNA employed to administer or RN employed to deliver minimal conscious sedation shall ensure that the facility where the sedation is administered meets the following requirements:~~

(1) The facility shall be equipped with the following:

(A) an operatory of size and design to permit access of emergency equipment and personnel and to permit emergency management;

(B) a CPR board or a dental chair without enhancements, suitable for providing emergency treatment;

(C) lighting as necessary for specific procedures and back-up lighting;

(D) suction equipment as necessary for specific procedures, including non-electrical back-up suction;

(E) positive pressure oxygen delivery system, including full face masks for small, medium, and large patients and back-up E-cylinder portable oxygen tank apart from the central system;

(F) small, medium, and large oral and nasal airways;

(G) blood pressure monitoring device;

(H) pulse oximeter;

(I) automatic external defibrillator (AED);

(J) thermometer;

(K) tonsillar suction with back-up suction; and

(L) syringes as necessary for specific procedures.

(2) The following unexpired drugs shall be maintained in the facility and with access from the operatory and recovery rooms:

(A) epinephrine;

(B) oral antihistamine;

(C) bronchodilator;

(D) antihypoglycemic agent;

(E) appropriate reversal agents; and

(F) nitroglycerine.

(3) The permit holder shall maintain written emergency and patient discharge protocols. The permit holder shall also provide training to familiarize auxiliaries in the treatment of clinical emergencies.

1 (4) The permit holder shall maintain the following records for at least 10 years:

2 (A) patient's current written medical history and pre-operative assessment;

3 (B) drugs administered during the procedure, including route of administration, dosage,
4 strength, time, and sequence of administration; and

5 (C) a sedation record.

6 (5) The sedation record shall include:

7 (A) base line vital signs, blood pressure (unless patient behavior prevents recording), oxygen
8 saturation, pulse and respiration rates of the patient recorded in real time at 15-minute
9 intervals;

10 (B) procedure start and end times;

11 (C) status of patient upon discharge;

12 (D) documentation of complications or morbidity; and

13 (E) a consent form, signed by the patient or guardian, identifying the procedure, risks and
14 benefits, level of sedation, and date signed.

15 (6) During a sedation procedure, the facility shall be staffed with at least two BLS certified auxiliaries,
16 one of whom shall be directly involved in patient monitoring. This Subparagraph shall not apply if
17 the permit holder is dedicated to patient care and monitoring regarding sedation throughout the
18 sedation procedure and is not performing the surgery or other dental procedure.

19 (b) ~~A minimal conscious sedation permit is not required for Schedule IV agents used for anxiolysis prescribed for~~
20 ~~administration outside of the dental office when a dentist determines that the patient is capable of following pre-~~
21 ~~procedure instructions. Medication administered for the purpose of minimal conscious sedation shall not exceed the~~
22 ~~maximum doses recommended by the drug manufacturer, sedation textbooks, or juried sedation journals. Except for~~
23 ~~nitrous inhalation, drugs in combination are not permitted for minimal conscious sedation. During longer periods of~~
24 ~~minimal conscious sedation, in which the amount of time of the procedures exceeds the effective duration of the~~
25 ~~sedative effect of the drug used, the incremental doses of the sedative shall not exceed total safe dosage levels based~~
26 ~~on the effective half life of the drug used. During an inspection or evaluation, the applicant or permit holder shall~~
27 ~~demonstrate the administration of minimal sedation on a patient while the evaluator observes. During the~~
28 ~~demonstration, the applicant or permit holder shall demonstrate competency in the following areas:~~

29 (1) monitoring blood pressure, pulse, pulse oximetry, and respiration;

30 (2) drug dosage and administration;

31 (3) treatment of untoward reactions, including respiratory or cardiac depression if applicable;

32 (4) sterile technique;

33 (5) use of BLS certified auxiliaries;

34 (6) monitoring of patient during recovery; and

35 (7) sufficiency of patient recovery time.

36 (c) ~~Each dentist shall:~~ During an inspection or evaluation, the applicant or permit holder shall demonstrate competency
37 to the evaluator in the treatment of the following clinical emergencies:

- (1) ~~adhere to the clinical requirements as detailed in Paragraph (e) of this Rule;~~ laryngospasm;
- (2) ~~maintain under continuous direct supervision any auxiliary personnel, who shall be capable of assisting in procedures, problems, and emergencies incident to the use of minimal conscious sedation or secondary to an unexpected medical complication;~~ bronchospasm;
- (3) ~~utilize auxiliary personnel for each procedure performed who shall document annual completion of basic life support training; and~~ emesis and aspiration;
- (4) ~~not allow a minimal conscious sedation procedure to be performed in his or her office by a Certified Registered Nurse Anesthetist (CRNA) unless the dentist holds a permit issued by the Board for the procedure being performed. This provision addresses dentists and is not intended to address the scope of practice of persons licensed by any other agency.~~ respiratory depression and arrest;
- (5) angina pectoris;
- (6) myocardial infarction;
- (7) hypertension and hypotension;
- (8) allergic reactions;
- (9) convulsions;
- (10) syncope;
- (11) bradycardia;
- (12) hypoglycemia;
- (13) cardiac arrest; and
- (14) airway obstruction.

(d) ~~Each dentist shall meet the following requirements:~~ During the evaluation, the applicant shall take a written examination on the topics set forth in Paragraphs (b) and (c) of this Rule. The applicant must obtain a passing score on the written examination by answering 80 percent of the examination questions correctly. If the applicant fails to obtain a passing score on the written examination that is administered during the evaluation, he or she may be reexamined in accordance with Rule .0507(h) of this Section.

- (1) ~~— Patient Evaluation. Patients who are administered minimal conscious sedation must be evaluated for medical health risks prior to the start of any sedative procedure. A patient receiving minimal conscious sedation must be healthy or medically stable (ASA I, or ASA II as defined by the American Society of Anesthesiologists). An evaluation is a review of the patient's current medical history and medication use. However, for individuals who are not medically stable or who have a significant health disability Physical Status III (ASA III, as defined by the American Society of Anesthesiologists) a consultation with their primary care physician or consulting medical specialist regarding potential procedure risk is required.~~
- (2) ~~— Pre procedure preparation, informed consent:~~
 - (A) ~~— The patient or guardian must be advised of the procedure associated with the delivery of the minimal conscious sedation.~~
 - (B) ~~— Equipment must be evaluated and maintained for operation.~~

1 ~~(C) — Baseline vital signs shall be obtained at the discretion of the operator depending on the~~
2 ~~medical status of the patient and the nature of the procedure to be performed.~~

3 ~~(D) — Dentists administering minimal conscious sedation shall use sedative agents that he or she~~
4 ~~is competent to administer and shall administer such agents in a manner that is within the~~
5 ~~standard of care.~~

6 ~~(c) Patient monitoring shall be conducted as follows: A minimal conscious sedation permit holder shall evaluate each~~
7 ~~patient for health risks before starting any sedation procedure as follows:~~

8 ~~(1) Patients who have been administered minimal conscious sedation shall be monitored during waiting~~
9 ~~periods prior to operative procedures. An adult who has accepted responsibility for the patient and~~
10 ~~been given written pre-procedural instruction may provide such monitoring. The patient shall be~~
11 ~~monitored for alertness, responsiveness, breathing and skin coloration. The permit holder shall~~
12 ~~review the patient's current medical history and medication use and, if the permit holder considers~~
13 ~~it clinically necessary, by the permit holder's consultation with the patient's treating medical~~
14 ~~provider.~~

15 ~~(2) Dentists administering minimal conscious sedation shall maintain direct supervision of the patient~~
16 ~~during the operative procedure and for such a period of time necessary to establish pharmacologic~~
17 ~~and physiologic vital sign stability. A patient who is not medically stable or who is ASA III or higher~~
18 ~~shall be evaluated further by the permit holder's consultation with the patient's treating primary care~~
19 ~~physician or medical specialist regarding the potential risks posed by the procedure the permit holder~~
20 ~~plans to perform.~~

21 ~~(A) — Oxygenation. Color of mucosa, skin or blood shall be evaluated throughout the sedation~~
22 ~~procedure. Oxygen saturation shall be evaluated continuously by pulse oximetry, except as~~
23 ~~provided in Paragraph (e)(4) of this Rule.~~

24 ~~(B) — Ventilation. Observation of chest excursions or auscultation of breath sounds or both shall~~
25 ~~be performed.~~

26 ~~(C) — Circulation. Blood pressure and pulse shall be taken and recorded initially and thereafter~~
27 ~~as appropriate except as provided in Paragraph (e)(4) of this Rule.~~

28 ~~(D) — AED. Dentists administering minimal conscious sedation shall maintain a functioning~~
29 ~~automatic external defibrillator (AED).~~

30 ~~(3) — A time oriented anesthetic record of vital signs shall be maintained in the permanent record~~
31 ~~including documentation of individual(s) administering the drug and showing the name of drug,~~
32 ~~strength and dosage used.~~

33 ~~(4) — If the dentist responsible for administering minimal conscious sedation must deviate from the~~
34 ~~requirements set out in this Rule, he or she shall document the occurrence of such deviation and the~~
35 ~~reasons for such deviation.~~

36 ~~(f) Post-operative procedures: monitoring and discharge:~~

- ~~(1) Following the operative procedure, positive pressure oxygen and suction equipment shall be available in the recovery area or operatory.~~
- ~~(2)(1) The~~ The permit holder or a BLS certified auxiliary under his or her direct supervision shall monitor the patient's vital signs throughout the sedation procedure until the patient is recovered as defined in Subparagraph ~~(f)(4)(f)(2)~~ of this Rule and is ready for discharge from the office.
- ~~(3) Patients who have adverse reactions to minimal conscious sedation shall be assisted and monitored either in an operatory chair or recovery area until stable for discharge.~~
- ~~(4)(2)~~ Recovery from minimal conscious sedation shall ~~include~~ include documentation of the following:
- (A) cardiovascular function stable;
 - (B) airway patency uncompromised;
 - (C) patient arousable and protective reflexes intact;
 - (D) state of hydration within normal limits;
 - (E) patient can talk, if applicable;
 - (F) patient can sit unaided, if applicable;
 - (G) patient can ambulate, if applicable, with minimal assistance; and
 - (H) for the special needs patient ~~who is disabled~~, or patient incapable of the usually expected responses, the pre-sedation level of responsiveness or the level as close as possible for that patient shall be achieved.
- ~~(5)(3)~~ Prior to allowing the patient to leave the office, the ~~dentist~~ permit holder shall determine that the patient has met the recovery criteria set out in ~~Paragraph (f)(4)~~ Subparagraph (f)(2) of this Rule and the following discharge criteria:
- (A) oxygenation, circulation, activity, skin ~~color~~ color, and level of consciousness are ~~sufficient and stable~~ and have been documented;
 - (B) explanation and documentation of written postoperative instructions have been provided to the patient or a person responsible for the patient at the time of discharge; and
 - (C) a person authorized by the patient ~~must be~~ is available to transport the patient ~~and for patients for whom a motor vehicle restraint system is required, an additional individual must be available to attend to the patient after discharge.~~
- ~~(g) The dentist, personnel and facility shall be prepared to treat emergencies that may arise from the administration of minimal conscious sedation, and shall have the ability to provide positive pressure ventilation with 100% oxygen with an age appropriate device.~~

History Note: Authority G.S. 90-28; 90-30.1;
Temporary Adoption Eff. December 11, 2002;
Eff. August 1, 2004;
Amended Eff. July 3, 2008;
Readopted Eff. February 1, 2019;

1 *Recodified from 21 NCAC 16Q .0402 Eff. November 9, ~~2020-2020~~*;
2 *Amended Eff. August 1, 2021.*
3

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Dental Examiners

RULE CITATION: 21 NCAC 16Q .0506

DEADLINE FOR RECEIPT: Thursday, July 8, 2021

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

In (e), what is meant by “absent a Board order stating otherwise”? Would this only be applicable to one dentist or would this have broad application to all of your licensees? I assume that this would only be applicable to one dentist, but if it is to have broad application, this appears to be rulemaking outside of rulemaking.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

21 NCAC 16Q .0506 is adopted as published in 35:18 NCR 2059-60 as follows:

**21 NCAC 16Q .0506 ANNUAL RENEWAL OF MINIMAL CONSCIOUS SEDATION PERMIT
REQUIRED**

(a) Minimal conscious sedation permits shall be renewed by the Board annually at the same time as dental licenses by the permit holder paying a renewal fee of one hundred dollars (\$100.00) and completing the renewal application requirements of this Rule. If the completed permit renewal application and renewal fee are not received in the Board's office before midnight on January 31 of each year, a fifty dollar (\$50.00) late fee shall be charged. 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 minimal conscious sedation permit before midnight on March 31 of each year shall complete a reinstatement application, pay the renewal fee and late fee set out in Paragraph (a), and comply with all conditions for renewal set out this Rule. Dentists whose 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 .0505 and .0507 of this Section. 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 minimal conscious sedation in violation of this Rule shall be subject to the penalties prescribed by Rule .0701 of this Subchapter.

(d) As a condition for renewal of the minimal conscious sedation permit, the permit holder shall meet the clinical and equipment requirements of Rule .0505 of this Section and shall document the following:

(1) three 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 sedation and the use of monitoring equipment;

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

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

(F) airway management;

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

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

1 (4) that all auxiliaries involved in sedation procedures have completed BLS certification and, within the
2 past two years, completed three hours of continuing education in any of the areas set forth in
3 Subparagraph (d)(1) of this Rule.

4 (e) Absent a Board order stating otherwise, all permit holders applying for renewal of a minimal conscious sedation
5 permit shall be in good standing and their office shall be subject to inspection as set out in Rule .0507 of this Section.

6
7 *History Note: Authority G.S. 90-30.1; 90-31; 90-39;*

8 *Eff. August 1, 2021.*

21 NCAC 16Q .0507 is adopted as published in 35:18 NCR 2060-61 as follows:

**21 NCAC 16Q .0507 PROCEDURE FOR MINIMAL CONSCIOUS SEDATION EVALUATION OR
INSPECTION AND RE-INSPECTION**

(a) When an evaluation or on-site inspection is required, the Board shall designate one or more persons to serve as evaluators, each of whom has administered sedation or general anesthesia in accordance with this Subchapter for at least three years preceding the inspection. Training in minimal conscious sedation or other levels of sedation shall not be counted in the three years.

(b) The inspection fee set out in Rule .0504(a) of this Section shall be paid no later than 10 days after the applicant or permit holder receives notice of the inspection for each additional location at which the applicant or permit holder administers minimal conscious sedation.

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

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

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

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

(g) An applicant or permit holder 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 shall include a statement of the grounds supporting the re-evaluation or re-inspection. Except as set forth in Paragraph (h) of this Rule, the Board shall require the applicant or permit holder 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) An applicant who 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 failed the written portion of the examination three times shall complete an additional Board-approved course of study in the areas 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 satisfy all the requirements of Rule .0505, including passing the written examination, evaluation, and inspection, within 12 months of submitting the application to the Board.

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History Note: Authority G.S. 90-30.1; 90-39;
Eff. August 1, 2021.