

1 **CHAPTER 20:43:09**

2 **ANESTHESIA AND ANALGESIA**

3 Section

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7 **20:43:09:02. Prohibitions.** A dentist licensed in this state may not administer general
8 anesthesia and deep sedation, moderate sedation, or nitrous oxide inhalation analgesia unless the
9 dentist has obtained the permit required in § 20:43:09:03, 20:43:09:04, or 20:43:09:05 or is
10 administering general anesthesia and deep sedation, moderate sedation or nitrous oxide
11 inhalation analgesia as part of an educational program or course outlined in this chapter.

12 Any dentist who advertises sedation using terms other than minimal sedation or nitrous
13 oxide inhalation analgesic must have a general anesthesia and deep sedation or moderate
14 sedation permit.

15 **Source:** 19 SDR 32, effective September 6, 1992; 37 SDR 131, effective January 6, 2011.

16 **General Authority:** SDCL 36-6A-14(1).

17 **Law Implemented:** SDCL 36-6A-14, 36-6A-16.

18 **20:43:09:03. General anesthesia and deep sedation permit requirements.** The board
19 may issue a permit to a licensed dentist to ~~use~~ administer general anesthesia and deep sedation
20 ~~for~~ to dental patients on an outpatient basis if the dentist meets the following requirements:

21 (1) Has completed an accredited advanced dental education program that provides
22 comprehensive and appropriate training necessary to administer general anesthesia or deep
23 sedation as evidenced by:

24 (a) Designation as a diplomate of the American Board of Oral and Maxillofacial
25 Surgery;

26 (b) Designation as a member of the American Association of Oral and Maxillofacial
27 Surgeons;

28 (c) Designation as a fellow of the American Dental Society of Anesthesiology;

29 (d) Designation as a diplomate of the American Dental Board of Anesthesiology;

30 (e) Designation as a member of the American Society of Dentist Anesthesiologists;

1 (d f) Completion of an accredited residency in oral and maxillofacial surgery within
2 the 12 months prior to application or, if completed more than 12 months prior to application, the
3 applicant must also hold a permit to administer general anesthesia and deep sedation, or an
4 equivalent permit, in another state and have completed a minimum of 50 general anesthesia or
5 deep sedation cases in the 12 months prior to application; or

6 (e g) Completion of an accredited residency in dental anesthesiology: within the 12
7 months prior to application or, if completed more than 12 months prior to application, the
8 applicant must also hold a permit to administer general anesthesia and deep sedation, or an
9 equivalent permit, in another state and have completed a minimum of 50 general anesthesia or
10 deep sedation cases in the 12 months prior to application;

11 (2) Meets the requirements of §§ 20:43:09:12 and 20:43:09:13.01;

12 (3) Is certified in administering ~~advanced cardiovascular life support~~ Advanced
13 Cardiovascular Life Support by the American Heart Association or an equivalent program
14 approved by the board and, if providing general anesthesia or deep sedation to a child under 12
15 years of age, is certified in Pediatric Advanced Life Support by the American Heart Association;
16 and

17 (4) ~~Employs~~ Utilizes auxiliary personnel who hold a permit to monitor patients under
18 general anesthesia, deep sedation, or moderate sedation or who are otherwise authorized to
19 monitor patients under general anesthesia, deep sedation, or moderate sedation. A dentist with a
20 general anesthesia and deep sedation permit may not administer general anesthesia or deep
21 sedation or monitor a patient while completing a dental procedure without the presence and
22 assistance of ~~qualified auxiliary personnel~~ at least two individuals who hold a permit to monitor
23 patients under general anesthesia, deep sedation, or moderate sedation.

24 A dentist administering general anesthesia or deep sedation shall apply the current
25 standard of care ~~to~~ including, but not limited to, continuously ~~monitor~~ monitoring and ~~evaluate~~
26 evaluating the patient's blood pressure, pulse, respiratory function, and cardiac activity.

27 A general anesthesia and deep sedation permit precludes the need for a moderate sedation
28 or a nitrous oxide inhalation analgesia permit.

29 **Source:** 9 SDR 49, effective October 25, 1982; 12 SDR 151, 12 SDR 155, effective July
30 1, 1986; transferred from § 20:43:04:08, 19 SDR 32, effective September 6, 1992; 26 SDR 37,

1 effective September 20, 1999; 37 SDR 131, effective January 6, 2011; 42 SDR 83, effective
2 December 3, 2015.

3 **General Authority:** SDCL 36-6A-14(1)(3)(13)(14).

4 **Law Implemented:** SDCL 36-6A-14(1)(3)(13)(14)(22).

5 **20:43:09:03.01. General anesthesia and deep sedation permit requirements –**

6 **Utilizing licensed anesthesia provider.** A dentist that meets the requirements of § 20:43:09:03,
7 but only utilizes a licensed anesthesia provider, may elect to receive a general anesthesia and
8 deep sedation permit designating that the dentist cannot administer general anesthesia and deep
9 sedation, but may utilize the services of a licensed anesthesia provider. If utilizing a licensed
10 anesthesia provider to administer general anesthesia, deep sedation, or moderate sedation to a
11 patient under 12 years of age, the dentist must be certified in Pediatric Advanced Life Support
12 through the American Heart Association.

13 Source:

14 **General Authority:** SDCL 36-6A-14(1)(13).

15 **Law Implemented:** SDCL 36-6A-14(1)(13)(22).

16 **20:43:09:04. Moderate sedation permit requirements.** The board may issue a permit to
17 a licensed dentist to ~~use~~ administer moderate sedation for ~~to~~ dental patients 12 years of age and
18 older on an outpatient basis if the dentist meets the following requirements:

19 (1) Has successfully completed a board approved moderate sedation course ~~that meets~~
20 ~~the objectives and content as described in Part 5 of the Guidelines for Teaching Pain Control and~~
21 ~~Sedation to Dentists and Dental Students. A board approved course must include a minimum of~~
22 ~~60 hours of instruction plus management of at least 20 patients and clinical experience in~~
23 ~~management of the compromised airway and establishment of intravenous access; approved~~
24 pursuant to § 20:43:04.01. The course must have been completed within the 12 months prior to
25 application or, if completed more than 12 months prior to application, the applicant must also
26 hold a permit to administer moderate sedation, or an equivalent permit, in another state and have
27 completed a minimum of 25 moderate sedation cases in the 12 months prior to application;

28 (2) Meets the requirements in §§ 20:43:09:12 and 20:43:09:13;

29 (3) Is certified in administering ~~advanced cardiovascular life support~~ Advanced
30 Cardiovascular Life Support by the American Heart Association or an equivalent program
31 approved by the board; and

1 (4) ~~Employs~~ Utilizes auxiliary personnel who hold a permit to monitor patients under
2 general anesthesia, deep sedation, or moderate sedation or who are otherwise authorized to
3 monitor patients under general anesthesia, deep sedation, or moderate sedation. A dentist with a
4 moderate sedation permit may not administer moderate sedation or monitor a patient while
5 completing a dental procedure without the presence and assistance of ~~qualified auxiliary~~
6 ~~personnel~~ at least one individual who holds a permit to monitor patients under general
7 anesthesia, deep sedation, or moderate sedation.

8 A dentist ~~using a parenteral route of administration must limit the use of pharmacological~~
9 ~~agents to those for which there are reversal agents~~ administering moderate sedation shall not use
10 general anesthetics, including methohexital, propofol, thiopental, ketamine, etomidate,
11 isoflurane, fospropofol, sevoflurane, desflurane, isoflurane, and sevoflurane.

12 A dentist ~~providing moderate sedation to a child under 12 years of age must also~~
13 ~~document appropriate training in pediatric sedation techniques, according to the Guidelines for~~
14 ~~Monitoring and Management of Pediatric Patients During and After Sedation for Diagnostic and~~
15 ~~Therapeutic Procedures, and in pediatric resuscitation, including the recognition and~~
16 ~~management of pediatric airway and respiratory problems and must sign an affidavit certifying~~
17 ~~that the dentist understands the requirements of the Guidelines for Monitoring and Management~~
18 ~~of Pediatric Patients During and After Sedation for Diagnostic and Therapeutic Procedures.~~

19 A dentist ~~using~~ administering moderate sedation ~~must adhere to the standards of the~~
20 ~~Guidelines for the Use of Sedation and General Anesthesia by Dentists~~ shall apply the current
21 standard of care including, but not limited to, continuously monitoring and evaluating the
22 patient's blood pressure, pulse, respiratory function, and cardiac activity. A dentist intending to
23 produce a given level of sedation must be able to rescue a patient whose level of sedation
24 becomes deeper than initially intended. A dentist ~~using~~ administering moderate sedation must be
25 proficient in airway management and advanced cardiac life support and be capable of providing
26 intravenous access. ~~A dentist using moderate sedation shall apply the current standard of care to~~
27 ~~continuously monitor and evaluate the patient's blood pressure, pulse, respiratory function, and~~
28 ~~cardiac activity.~~

29 If moderate sedation results in a general anesthetic state, the requirements in § 20:43:09:03
30 for general anesthesia and deep sedation apply.

1 A moderate sedation permit precludes the need for a nitrous oxide inhalation analgesia
2 permit.

3 **Source:** 9 SDR 49, effective October 25, 1982; 12 SDR 151, 12 SDR 155, effective July
4 1, 1986; transferred from § 20:43:04:11, 19 SDR 32, effective September 6, 1992; 37 SDR 131,
5 effective January 6, 2011; 42 SDR 83, effective December 3, 2015.

6 **General Authority:** SDCL 36-6A-14(1)(3)(13)(14).

7 **Law Implemented:** SDCL 36-6A-14(1)(3)(13)(14)(22).

8 ~~— **References:** "Guidelines for Teaching Pain Control and Sedation to Dentists and Dental
9 Students," 2012 Edition, American Dental Association. Copies may be obtained from the
10 American Dental Association at www.ada.org free of charge. "Guidelines for the use of Sedation
11 and General Anesthesia by Dentists," 2012 Edition, American Dental Association. Copies may
12 be obtained from the American Dental Association at www.ada.org free of charge. "Guidelines
13 for Monitoring and Management of Pediatric Patients During and After Sedation for Diagnostic
14 and Therapeutic Procedures: An Update," 2011 Edition, American Academy of Pediatrics.
15 Copies may be obtained from the American Academy of Pediatrics at www.aapd.org free of
16 charge.~~

17 **20:43:09:04.01. Moderate sedation course requirements.** The Board may approve a
18 moderate sedation training course if the course meets the following criteria:

19 (1) The course is affiliated with a dental school or advanced dental educational
20 program accredited by the American Dental Association Commission on Dental Accreditation;

21 (2) The course satisfies the objectives and content as described in Part 5 of the
22 Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students;

23 (3) The course includes a minimum of 60 hours of instruction, the records of which
24 are maintained and provided for review;

25 (4) The course includes the administration of sedation for at least 20 individually
26 managed patients, the records of which are maintained and provided for review;

27 (5) The course includes clinical experience in the management of the compromised
28 airway and establishment of intravenous access;

29 (6) The course is directed by a dentist or physician qualified by experience and
30 training, including the following:

1 (a) The course director has not been disciplined in any state and has no disciplinary
2 proceeding or unresolved disciplinary complaint currently pending for conduct related to the
3 administration of anesthesia or sedation or for conduct that would jeopardize the safety of
4 the public or patients;

5 (b) The course director holds a current permit or license to administer general
6 anesthesia and deep sedation or moderate sedation in at least one state;

7 (c) The course director has at least three years of experience administering general
8 anesthesia and deep sedation or moderate sedation, including formal postdoctoral training
9 in anxiety and pain control;

10 (7) The course has a participant-faculty ratio of not more than four-to-one;

11 (8) The course includes a mechanism for the participant to evaluate the performance
12 of those individuals presenting the course material, a summary of which is maintained and
13 available for review;

14 (9) The facility in which the course is taught is adequate for proper patient care, and
15 includes access to drugs and equipment necessary for the management of emergencies; and

16 (10) The course provides additional clinical experience if the course participant has not
17 achieved competency upon course completion;

18 (11) Upon completion of the course and any additional clinical experience necessary,
19 the course director certifies, in writing, the competency of the applicant in each moderate
20 sedation technique, including but not limited to instruction, clinical experience, managing the
21 airway, intravascular/intraosseous access, and reversal medications.

22 **Source:**

23 **General Authority:** SDCL 36-6A-14(1)(3)(13).

24 **Law Implemented:** SDCL 36-6A-14(1)(3)(13)(22).

25 **References:** "Guidelines for Teaching Pain Control and Sedation to Dentists and Dental
26 Students," 2016 Edition, American Dental Association. Copies may be obtained from the
27 American Dental Association at www.ada.org free of charge.

28 **20:43:09:04.02. Moderate sedation permit requirements – Utilizing licensed**
29 **anesthesia provider.** A dentist that meets the requirements of § 20:43:09:04, but only utilizes a
30 licensed anesthesia provider, may elect to receive a moderate sedation permit designating that the
31 dentist cannot administer moderate sedation, but may utilize the services of a licensed anesthesia

1 provider. If utilizing a licensed anesthesia provider to administer general anesthesia, deep
2 sedation, or moderate sedation to a patient under 12 years of age, the dentist must be certified in
3 Pediatric Advanced Life Support by the American Heart Association.

4 Source:

5 **General Authority:** SDCL 36-6A-14(1)(13)(14).

6 **Law Implemented:** SDCL 36-6A-14(1)(13)(14)(22).

7 **20:43:09:04.03. Moderate sedation permit requirements – Other.** At its discretion,
8 the board may consider training or experience accepted in any state or jurisdiction that resulted
9 in a moderate sedation permit, or equivalent permit, being issued to the applicant by that state or
10 jurisdiction. The board may deem such training or experience substantially equivalent to the
11 requirements for a moderate sedation permit in South Dakota or may require that the applicant
12 complete supplemental training, education, evaluation, or remediation before a moderate
13 sedation permit will be issued. The applicant shall pay all costs of the training, education,
14 evaluation, remediation, or proceedings resulting in the issuance of a new permit.

15 **20:43:09:04.014. Employing or contracting with licensed anesthesia provider that**
16 **provides general anesthesia, deep sedation, or moderate sedation in dental office.** If a dentist
17 employs or contracts with a licensed anesthesia provider that provides general anesthesia, deep
18 sedation, or moderate sedation ~~for dental~~ to the dentist's patients in a dental office on an
19 outpatient basis, the dentist must:

20 (1) Have a contract or agreement with the licensed anesthesia provider ~~stating~~ requiring
21 that the licensed anesthesia provider:

22 ~~(a) that the licensed anesthesia provider must~~ Be continuously be present during the
23 administration of the anesthetic;

24 ~~(b) and remain~~ Remain with the patient until the patient is communicating effectively;

25 (c) Transfer care of the patient to qualified auxiliary personnel; and

26 (d) Remain on the premises of the facility where the anesthesia was administered until
27 the anesthetized patient is fully recovered and discharged from the facility to a responsible adult;

28 (2) Notify the board that general anesthesia, deep sedation, or moderate sedation services
29 are being provided and the location of the facility where such services are being provided;

1 (3) Employ auxiliary personnel that are certified in administering basic life support by the
2 American Heart Association for the Healthcare Provider, the American Red Cross for the
3 Professional Rescuer, or an equivalent program approved by the board;

4 (4) Meet the equipment requirements for the level of anesthesia or sedation being
5 provided, as required in § 20:43:09:13 or 20:43:09:13.01;

6 (5) Hold a moderate sedation permit or a general anesthesia and deep sedation permit and
7 have completed the inspection, as required in § 20:43:09:12;

8 (6) Ensure that the licensed anesthesia provider holds a license in good standing in South
9 Dakota; ~~and~~

10 (7) Ensure that the licensed anesthesia provider holds anesthesia privileges at a licensed
11 ambulatory surgery center or licensed hospital; and

12 (8) Ensure that the licensed anesthesia provider is not administering general anesthesia and
13 deep sedation without the presence and assistance of at least one individual, other than the dentist
14 completing the dental procedure, who holds a permit to monitor patients under general
15 anesthesia, deep sedation, or moderate sedation, or is otherwise authorized to monitor patients
16 under general anesthesia, deep sedation, or moderate sedation.

17 **Source:** 37 SDR 131, effective January 6, 2011; 42 SDR 83, effective December 3, 2015.

18 **General Authority:** SDCL 36-6A-14(1)(13)(14).

19 **Law Implemented:** SDCL 36-6A-14(1)(13)(14)(22).

20 **20:43:09:04.025. Utilizing licensed anesthesia provider for general anesthesia and**
21 **deep sedation or moderate sedation in ambulatory surgery center or hospital.** No permit is
22 required if a dentist utilizes the services of a licensed anesthesia provider for dental patients in an
23 ambulatory surgery center or hospital.

24 **Source:** 37 SDR 131, effective January 6, 2011.

25 **General Authority:** SDCL 36-6A-14(1).

26 **Law Implemented:** SDCL 36-6A-14, 36-6A-16.

27 **20:43:09:05. Nitrous oxide inhalation analgesia permit requirements -- Dentists.** The
28 board may issue a permit to a dentist to ~~use~~ administer nitrous oxide inhalation analgesia
29 sedation ~~for~~ to dental patients on an outpatient basis if the dentist meets the following
30 requirements:

31 (1) Meets one of the following educational requirements:

1 (a) Has successfully completed a board approved course that meets the objectives and
2 content as described in Part 4 of the Guidelines for Teaching Pain Control and Sedation to
3 Dentists and Dental Students; or

4 (b) Has taken a course in nitrous oxide inhalation analgesia sedation ~~while a student in~~
5 ~~an accredited school of dentistry~~ through a dental school accredited by the American Dental
6 Association Commission on Dental Accreditation;

7 (2) Has equipment for administering nitrous oxide inhalation analgesia with fail-safe
8 features and a 20 percent minimum oxygen flow;

9 (3) Is certified in administering basic life support by the American Heart Association for
10 the Healthcare Provider, the American Red Cross for the Professional Rescuer, or an equivalent
11 program approved by the board; and

12 (4) Employs auxiliary personnel who are certified in administering basic life support by
13 the American Heart Association for the Healthcare Provider, the American Red Cross for the
14 Professional Rescuer, or an equivalent program approved by the board.

15 A dentist may administer nitrous oxide inhalation analgesia in combination with a single
16 enteral drug to achieve a minimally depressed level of consciousness only if the maximum
17 recommended dose of the enteral drug is not exceeded. Incremental dosing may be utilized. A
18 dentist may not administer nitrous oxide inhalation analgesia used in combination with more
19 than one enteral drug or by dosing a single enteral drug in excess of the maximum recommended
20 dose unless the dentist holds the appropriate general anesthesia and deep sedation permit or
21 moderate sedation permit.

22 **Source:** 9 SDR 49, effective October 25, 1982; 12 SDR 151, 12 SDR 155, effective July
23 1, 1986; transferred from § 20:43:04:12, 19 SDR 32, effective September 6, 1992; 37 SDR 131,
24 effective January 6, 2011; 42 SDR 83, effective December 3, 2015.

25 **General Authority:** SDCL 36-6A-14(1)(3)(13)(14).

26 **Law Implemented:** SDCL 36-6A-14(1)(3)(13)(14)(22).

27 **Reference:** "Guidelines for Teaching Pain Control and Sedation to Dentists and Dental
28 Students," ~~2012~~ 2016 Edition, American Dental Association. Copies may be obtained from the
29 American Dental Association at www.ada.org free of charge.

30 **20:43:09:06. Nitrous oxide inhalation analgesia permit requirements -- Dental**
31 **hygienists and registered dental assistants.** The board may issue a permit to a dental hygienist

1 or a registered dental assistant to ~~use~~ administer nitrous oxide inhalation analgesia ~~for~~ to dental
2 patients on an outpatient basis under the direct supervision of a dentist if the dental hygienist or
3 registered dental assistant has met the following requirements:

4 (1) Is certified in administering basic life support by the American Heart Association for
5 the Healthcare Provider, the American Red Cross for the Professional Rescuer, or an equivalent
6 program approved by the board; and

7 (2) Has successfully completed a board approved educational course that substantially
8 meets the objectives and content as described in Part 4 of the Guidelines for Teaching Pain
9 Control and Sedation to Dentists and Dental Students and either:

10 (a) Completed the course within thirteen months prior to application; or

11 (b) Completed the course more than thirteen months prior to application, has legally
12 administered nitrous oxide inhalation analgesia for a period of time during the three years
13 preceding application, and provides written documentation from a dentist that has employed or
14 supervised the applicant, attesting to the current clinical proficiency of the applicant to
15 administer nitrous oxide inhalation analgesia.

16 **Source:** 19 SDR 32, effective September 6, 1992; 32 SDR 188, effective May 15, 2006;
17 37 SDR 131, effective January 6, 2011; 42 SDR 19, effective August 17, 2015; 42 SDR 83,
18 effective December 3, 2015.

19 **General Authority:** SDCL 36-6A-14(1)(3)(7)(10)(13)(14).

20 **Law Implemented:** SDCL 36-6A-14(1)(3)(7)(10)(13)(14)(22), 36-6A-40.

21 **Reference:** "Guidelines for Teaching Pain Control and Sedation to Dentists and Dental
22 Students," ~~2012~~ 2016 Edition, American Dental Association. Copies may be obtained from the
23 American Dental Association at www.ada.org free of charge.

24 **20:43:09:06.02. Minimal sedation.** A dentist may administer minimal sedation to dental
25 patients without a permit. A dentist administering minimal sedation must have appropriate access
26 to oxygen and suction and emergency drugs and must meet the ~~standards of the Guidelines for~~
27 ~~the Use of Sedation and General Anesthesia by Dentists~~ current standard of care. A dentist may
28 not administer or prescribe for patient self-administration more than the maximum
29 recommended dose of a single enteral drug for a patient at the same setting unless the dentist
30 holds the appropriate general anesthesia and deep sedation permit or moderate sedation permit.

31 **Source:** 37 SDR 131, effective January 6, 2011; 42 SDR 83, effective December 3, 2015.

1 **General Authority:** SDCL 36-6A-14(1)(3)(13)(14).

2 **Law Implemented:** SDCL 36-6A-14(1)(3)(13)(14)(22).

3 ~~**Reference:** "Guidelines for the Use of Sedation and General Anesthesia by Dentists,"~~
4 ~~2012 Edition, American Dental Association. Copies may be obtained from the American Dental~~
5 ~~Association at www.ada.org free of charge.~~

6 **20:43:09:08. Application for permits -- Renewal.** The application for a permit to
7 administer general anesthesia and deep sedation or moderate sedation must include a fee of \$50.
8 The application for a permit for a dentist, dental hygienist or registered dental assistant to
9 administer nitrous oxide inhalation analgesia must include a fee of \$40. The application for a
10 permit for a dental hygienist to administer local anesthesia must include a fee of \$40.

11 The board may issue a temporary permit to an applicant that has met the applicable
12 requirements of this chapter, but before all processing and any applicable inspection have been
13 completed. The duration of this temporary permit shall be determined by the board, but may not
14 exceed one year. The temporary permit of an applicant who fails an inspection is automatically
15 suspended. Upon suspension, the applicant may request another inspection.

16 A general anesthesia and deep sedation permit or moderate sedation permit must be
17 renewed annually. The annual fee for a general anesthesia and deep sedation permit or a
18 moderate sedation permit is \$50. A re-evaluation of the credentials and facility of the permit
19 holder may be conducted for permit renewal. Any ~~person~~ dentist renewing a general anesthesia
20 and deep sedation permit or moderate sedation permit must be able to demonstrate continued
21 competency as required by the board. A dentist that holds a general anesthesia or deep sedation
22 permit pursuant to § 20:43:09:03 must complete at least 50 cases of general anesthesia or deep
23 sedation annually to demonstrate continued competence. A dentist that holds a moderate
24 sedation permit pursuant to § 20:43:09:04 must complete at least 25 cases of moderate sedation
25 annually to demonstrate continued competence. A dentist that has elected a designation pursuant
26 to §§ 20:43:09:03.01 or 20:43:09:04.02 does not need to complete any general anesthesia, deep
27 sedation, or moderate sedation cases.

28 A nitrous oxide inhalation analgesia permit, local anesthesia permit, and permit to monitor
29 patients under general anesthesia, deep sedation, or moderate sedation must be renewed
30 annually. The annual fee for a nitrous oxide inhalation analgesia permit for a dentist is \$40. The
31 annual fee for a nitrous oxide inhalation analgesia permit for a dental hygienist is \$20. The

1 annual fee for a nitrous oxide inhalation analgesia permit for a registered dental assistant is \$20.
2 The annual fee for a permit to administer local anesthesia for a dental hygienist is \$20. There is
3 no annual fee for a permit to monitor patients under general anesthesia, deep sedation, or
4 moderate sedation.

5 Failure to properly renew a general anesthesia and deep sedation permit, moderate
6 sedation permit, nitrous oxide inhalation analgesia permit, local anesthesia permit, or a permit to
7 monitor patients under general anesthesia, deep sedation, or moderate sedation constitutes an
8 automatic suspension of the permit.

9 **Source:** 19 SDR 32, effective September 6, 1992; 37 SDR 131, effective January 6, 2011;
10 38 SDR 172, effective April 25, 2012; 42 SDR 19, effective August 17, 2015; 42 SDR 83,
11 effective December 3, 2015.

12 **General Authority:** SDCL 36-6A-14(9)(14), 36-6A-50(12)

13 **Law Implemented:** SDCL 36-6A-14(9)(14)(22).

14 **20:43:09:11. Inspection of facilities.** The board may at any time require an on-site
15 inspection of the facility, equipment, and personnel to determine if the requirements of this
16 chapter are being met. The dentist subject to the on-site inspection is responsible for all costs
17 associated with an inspection. The on-site inspection should be performed by at least two board
18 approved inspectors. However, if utilizing at least two board approved inspectors presents a
19 hardship, the board may allow the inspection to be performed by one board approved inspector.
20 The board may utilize the services of a board approved examining organization to complete an
21 inspection.

22 Each dentist who applies for a general anesthesia and deep sedation or moderate sedation
23 permit must ~~have~~ pass an on-site inspection conducted at the primary office within ~~twelve~~ 12
24 months of application ~~or~~ and prior to expiration of the temporary permit, ~~whichever is earlier.~~
25 The board may require inspection of a dentist's satellite office at any time. If the dentist does not
26 have a primary office located in South Dakota, the on-site inspection may be conducted at a
27 satellite office located in South Dakota.

28 Following the initial inspection, each dentist that holds a general anesthesia and deep
29 sedation or moderate sedation permit must ~~have~~ pass an on-site inspection conducted at the
30 primary office at least once in each five year licensure cycle. If the dentist does not have a
31 primary office located in South Dakota the dentist may submit, subject to board approval, a

1 report from a successful inspection conducted at the primary office located in a different state.
2 ~~An~~ Passage of an on-site inspection of ~~the~~ a satellite office may also be required by the board.

3 Failing an on-site inspection constitutes an automatic suspension of the permit and may
4 subject the dentist to disciplinary proceedings.

5 **Source:** 9 SDR 49, effective October 25, 1982; 12 SDR 151, 12 SDR 155, effective July
6 1, 1986; transferred from § 20:43:04:09, 19 SDR 32, effective September 6, 1992; 37 SDR 131,
7 effective January 6, 2011; 42 SDR 83, effective December 3, 2015.

8 **General Authority:** SDCL 36-6A-14(1)(2)(13).

9 **Law Implemented:** SDCL 36-6A-14(1)(2)(13)(22).

10 **20:43:09:12. Requirements of inspection.** An inspection shall be completed for the
11 dentist whose permit or application is under review using an inspection form approved by the
12 board and shall include an evaluation of the following:

13 (1) The office facilities, records, and emergency medications, including all equipment and
14 the physical facility;

15 (2) A live dental procedure performed by the dentist whose facility is being examined
16 utilizing the ~~type~~ level of anesthesia or sedation for which the dentist is applying for a permit. If
17 a dentist has elected the designation pursuant to §§ 20:43:09:03.01 or 20:43:09:04.02, the dentist
18 must perform a live dental procedure utilizing a licensed anesthesia provider;

19 (3) Any anesthesia or sedation technique that is routinely employed during the
20 administration of anesthesia or sedation;

21 (4) The appropriate monitoring of a live patient during anesthesia or sedation;

22 (5) The observation of a patient during recovery and the time allowed for recovery; and

23 (6) Simulated emergencies in the surgical areas of the dental office with participation by
24 members of the staff that are trained to handle emergencies. Emergencies shall be listed on the
25 board approved inspection form.

26 An inspection completed pursuant to an application and before a general anesthesia and
27 deep sedation or moderate sedation permit has been issued shall include an evaluation of (1) and
28 (6) only.

29 **Source:** 37 SDR 131, effective January 6, 2011.

30 **General Authority:** SDCL 36-6A-14(1)(13)(14).

31 **Law Implemented:** SDCL 36-6A-~~16~~14(1)(13)(14).

1 **20:43:09:13. Equipment -- Moderate sedation.** Any dentist who administers moderate
2 sedation or who provides dental services to patients under moderate sedation must ensure that the
3 office in which the work is performed:

4 (1) Has an operatory of the appropriate size and design to permit access of emergency
5 equipment and personnel and to permit appropriate emergency management;

6 (2) Has the following equipment:

7 (a) An automated external defibrillator or full function defibrillator that is immediately
8 accessible;

9 (b) A positive pressure oxygen delivery system and a backup system;

10 (c) A functional suctioning device and a backup suction device;

11 (d) Auxiliary lighting;

12 (e) A gas storage facility;

13 (f) A recovery area. Recovery may take place in the surgical suite. If a separate
14 recovery area is utilized, it must be of the appropriate size for emergency access and
15 management and must have resuscitative equipment present;

16 (g) Methods to monitor respiratory and cardiac function, including all of the following:

17 (i) Pulse oximetry; ~~and~~

18 (ii) Electrocardiogram display;

19 (iii) Precordial stethoscope;

20 (iv) Measurement of EtCO₂, capnography; and

21 (v) Method to monitor blood pressure; and

22 (h) A board approved emergency cart that must be available and readily accessible and
23 includes the necessary and appropriate drugs and appropriately sized equipment to resuscitate a
24 non-breathing and unconscious patient and provide continuous support while the patient is
25 transported to a medical facility. There must be documentation that all emergency equipment and
26 drugs are checked and maintained on a prudent and regularly scheduled basis.

27 **Source:** 37 SDR 131, effective January 6, 2011; 41 SDR 108, effective January 6, 2015.

28 **General Authority:** SDCL 36-6A-14(1)(3)(13)(14).

29 **Law Implemented:** SDCL 36-6A-~~16~~14(1)(13)(14).

1 **20:43:09:13.01. Equipment -- General anesthesia and deep sedation.** Any dentist who
2 administers general anesthesia or deep sedation or who provides dental services to patients under
3 general anesthesia or deep sedation must ensure that the office in which the work is performed:

4 (1) Has an operatory of the appropriate size and design to permit access of emergency
5 equipment and personnel and to permit appropriate emergency management;

6 (2) Has the following equipment:

7 (a) An automated external defibrillator or full function defibrillator that is immediately
8 accessible;

9 (b) A positive pressure oxygen delivery system and a backup system;

10 (c) A functional suctioning device and a backup suction device;

11 (d) Auxiliary lighting;

12 (e) A gas storage facility;

13 (f) A recovery area. Recovery may take place in the surgical suite. If a separate
14 recovery area is utilized, it must be of the appropriate size for emergency access and
15 management and must have resuscitative equipment present;

16 (g) Methods to monitor respiratory and cardiac function, including all of the following:

17 (i) Pulse oximetry;

18 (ii) Electrocardiogram display;

19 (iii) Precordial or pretracheal stethoscope unless precluded by placement of an
20 endotracheal tube; and

21 (iv) Measurement of EtCO₂, capnography; and

22 (v) Method to monitor blood pressure; and

23 (h) A board approved emergency cart that must be available and readily accessible and
24 includes the necessary and appropriate drugs and appropriately sized equipment to resuscitate a
25 non-breathing and unconscious patient and provide continuous support while the patient is
26 transported to a medical facility. There must be documentation that all emergency equipment and
27 drugs are checked and maintained on a prudent and regularly scheduled basis.

28 **Source:** 41 SDR 108, effective January 6, 2015.

29 **General Authority:** SDCL 36-6A-14(1)(3)(13)(14).

30 **Law Implemented:** SDCL 36-6A-~~16~~14(1)(3)(13)(14).

1 **20:43:09:14. Clinical guidelines.** A dentist who provides any level of sedation ~~must meet~~
2 ~~the standards of the Guidelines for the Use of Sedation and General Anesthesia by Dentists for~~
3 ~~shall apply the current standard of care including, but not limited to,~~ thorough patient
4 assessment, pre-operative preparation, recovery and discharge, and management of emergencies.

5 **Source:** 37 SDR 131, effective January 6, 2011.

6 **General Authority:** SDCL 36-6A-14(1)(3).

7 **Law Implemented:** SDCL 36-6A-~~16~~14(1)(3)(13)(14).

8 ~~Reference:~~ "Guidelines for the Use of Sedation and General Anesthesia by Dentists,"
9 2007 Edition, American Dental Association. Copies may be obtained from the American Dental
10 Association at www.ada.org free of charge.

11 **20:43:09:17 Emergency response protocol.** A dentist must ensure a written
12 emergency response protocol is in place for all patients undergoing nitrous oxide inhalation
13 analgesia, local anesthesia, minimal sedation, moderate sedation, deep sedation or general
14 anesthesia.

15 **Source:**

16 **General Authority:** SDCL 36-6A-14(1)(3)(13)(14).

17 **Law Implemented:** SDCL 36-6A-14(1)(3)(13)(14).

18 **20:43:03:07. Continuing education requirements -- Dentists.** A dentist shall complete at
19 least 100 hours of board approved continuing education in each five-year licensure cycle. One
20 hour of continuing education may be earned for each hour of attendance at a board approved
21 continuing education course.

22 Fifty hours of the required 100 hours must be academic. Academic hours must directly
23 relate to the provision of clinical dental services and meet one of the following criteria:

24 (1) The course must be taken physically at a dental school accredited by the American
25 Dental Association Commission on Dental Accreditation;

26 (2) The course presenter must be affiliated with a dental school accredited by the
27 American Dental Association Commission on Dental Accreditation;

28 (3) The provider organization must be approved by the American Dental Association
29 Continuing Education Recognition Program; or

30 (4) The provider organization must be approved by the Academy of General Dentistry
31 Program Approval For Continuing Education.

1 Credit for nutrition continuing education is limited to 15 hours per five-year licensure
2 cycle. Credit for practice management continuing education is limited to 10 hours per five-year
3 licensure cycle. Credit for home study continuing education is limited to 30 hours per five-year
4 licensure cycle. Credit for cardiopulmonary resuscitation continuing education is limited to 15
5 hours per five-year licensure cycle. Credit for clinical continuing education is unlimited per five-
6 year licensure cycle. Up to five hours of clinical continuing education may be earned for
7 attendance at exhibits at a state, regional, or national dental conference.

8 Dentists holding a general anesthesia and deep sedation or moderate sedation permit must
9 complete an additional 25 hours of continuing education in anesthesia related topics per five-year
10 licensure cycle. Dentists holding a general anesthesia and deep sedation or moderate sedation
11 permit must also document completion of team training on emergency response protocols in the
12 setting where the anesthesia or sedation is being provided annually.

13 The board's continuing education guidelines shall be reviewed annually.

14 **Source:** SL 1975, ch 16, § 1; 5 SDR 68, effective February 13, 1979; 6 SDR 87, effective
15 March 2, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 13 SDR 23, effective
16 September 3, 1986; 18 SDR 132, effective February 17, 1992; 20 SDR 166, effective April 11,
17 1994; 26 SDR 37, effective September 20, 1999; 35 SDR 67, effective September 25, 2008; 37
18 SDR 131, effective January 6, 2011; 38 SDR 172, effective April 25, 2012; 45 SDR 35, effective
19 September 19, 2018.

20 **General Authority:** SDCL 36-6A-14(1)(3)(11)(14), 36-6A-55.

21 **Law Implemented:** SDCL 36-6A-14(1)(3)(11)(13), 36-6A-55.