

## DEPARTMENT OF HEALTH

### NOTICE OF FINAL RULEMAKING

The Director of the Department of Health (Department), pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), Mayor's Order 98-140, dated August 20, 1998, and the Omnibus Health Regulation Amendment Act of 2014, effective March 26, 2014 (D.C. Law 20-0096; 61 DCR 3751 (April 11, 2014)) (the Act), hereby gives notice of the adoption of the following new Chapter 107 of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR), entitled “Dentist and Dental Facility Certification to Administer Sedation or General Anesthesia,” and adoption of the following amendments to Chapter 42 (Dentistry) of Title 17 DCMR.

The adoption of Chapter 107 is necessary to implement Section 102(e) of the Act; D.C. Official Code § 3-1202.01(b), which authorizes the Board of Dentistry to issue certifications to dentists and dental facilities for the administration of sedation or general anesthesia.

This rulemaking was published in the *D.C. Register* on March 13, 2020 at 67 DCR 02902.

The Department received two (2) comments in response to the notice. The District of Columbia Board of Dentistry considered the comments at its regularly scheduled meeting on May 20, 2020.

Michael D. Silverman, DMD, of DOCSEducation.com, commented that eliminating the oral conscious sedation permit would decrease access to dental care, the training hours were “beyond what most conservative ADA Guidelines suggest,” that the proposed changes would not prevent patient harm, and advocated for two levels of minimal sedation. The Board did not agree with the commenter and did not find that he provided sufficient basis to amend the proposed rulemaking. The comment erroneously states that the rulemaking eliminates the oral conscious sedation permit. However, there is no current oral conscious sedation permit for dentists in the District of Columbia. The rulemaking will implement certification requirements, because under the former requirement there was no requirement for dentists to prove that they were properly trained and certified to administer any level of anesthesia in the District of Columbia. It was all on the honor system. The remainder of the comment letter from DOCSEducation.com discussed DOCSEducation.com training programs and courses.

Pierre M. Cartier, DMD, of the District of Columbia Dental Society (DCDS), commented that the majority of the stakeholders in the proposed rulemaking: The DC Society of Oral and Maxillofacial Surgeons, and the DCDS, support and praise the DC Department of Health’s efforts to protect the citizens of the District of Columbia. He commented that DCDS believes that the majority of the document is in concert with accepted principles and practices of those who already provide anesthesia services. He further commented that the proposed rulemaking should be aimed at pediatric and general dentist offices and stated that the proposed rulemaking was unnecessary for oral and maxillofacial surgeons. He further provided wordsmithing comments, suggested that the term of the certification be changed from four (4) years to five (5) years, commented that Pediatric Advanced Life Support should be suggested but not required, suggested adding capnography for all levels of sedation, stated that the competency examination and clinical evaluation were unnecessary, and stated that requiring at least one other personnel in

the office to have ACLS or PALS accreditation was excessive and impractical. The Board did not agree with the commenter and did not find that he provided sufficient basis to amend the proposed rulemaking. The Board has worked closely with the stakeholders over the past three (3) to four (4) years to draft this rulemaking, which included reviewing and incorporating best practices from other states and industry guidelines.

The Board voted to recommend that the Director of the Department of Health publish the rulemaking as proposed without any changes. No changes have been made to the rulemaking. These final rules will be effective upon publication of this notice in the *D.C. Register*.

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

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

<b>Secs.</b>	
<b>10700</b>	<b>General Provisions</b>
<b>10701</b>	<b>Anxiolysis</b>
<b>10702</b>	<b>Term of Certification</b>
<b>10703</b>	<b>Classification of Certifications</b>
<b>10704</b>	<b>Qualifications for An Individual Obtaining A Dental Certification to Administer Sedation or General Anesthesia</b>
<b>10705</b>	<b>Competency Examination, Clinical Evaluation, and On-Site Inspection</b>
<b>10706</b>	<b>Application for An Individual Dental Certification to Administer Sedation or General Anesthesia</b>
<b>10707</b>	<b>Qualifications for Obtaining A Dental Facility Certification to Administer Sedation or General Anesthesia</b>
<b>10708</b>	<b>Application for A Dental Facility Certification to Administer Sedation or General Anesthesia</b>
<b>10709</b>	<b>Personnel and Equipment Requirements</b>
<b>10710</b>	<b>Monitoring and Documentation</b>
<b>10711</b>	<b>On-Site Physical Facility Inspections</b>
<b>10712</b>	<b>Facility Owners and Anesthesia and Sedation Performed by Itinerant Providers</b>
<b>10713</b>	<b>Itinerant Dentist Providers of Anesthesia and Sedation Services</b>
<b>10714</b>	<b>Continuing Education Requirements</b>
<b>10715</b>	<b>Renewal of Dentist Certification</b>
<b>10716</b>	<b>Renewal of Dental Facility Certification</b>
<b>10717</b>	<b>Morbidity and Mortality Reports</b>
<b>10718</b>	<b>Transfer of Certification Prohibited</b>
<b>10799</b>	<b>Definitions</b>

## **10700 GENERAL PROVISIONS**

- 10700.1 This chapter applies to all applicants and holders of a dentist or dental facility certification to administer general or sedation anesthesia.
- 10700.2 The use of nitrous oxide or local anesthesia by a dentist is governed by Chapter 42 (Dentistry) of Title 17 of the District of Columbia Municipal Regulations and is not governed by this chapter.
- 10700.3 The administration of anesthesia and sedation by dentists in hospitals licensed in good standing in the District of Columbia is not governed by this chapter.
- 10700.4 No applicant or holder of a dentist or dental facility certification shall administer anesthesia or sedation in a mobile unit or in a temporary structure.
- 10700.5 A dentist shall not administer anesthesia or sedation unless the dentist has obtained the appropriate certification or provisional certification for each location.
- 10700.6 A dentist shall notify the Board in writing, and surrender his or her certification, within thirty (30) days of ceasing to administer anesthesia or sedation at a location.
- 10700.7 The Board shall maintain a record of each location for which a dentist has been issued a certification to administer anesthesia or sedation.
- 10700.8 Chapter 40 (Health Occupations: General Rule), 41 (Health Occupations Administrative Procedures), and 42 (Dentistry) of Title 17 of the District of Columbia Municipal Regulations shall supplement this chapter.

## **10701 ANXIOLYSIS**

- 10701.1 A dentist is not required to obtain a certification under this chapter to administer anxiolysis.
- 10701.2 The administering, prescribing, or dispensing of more than one type of sedative, narcotic, class of drug, or medication for the purpose of anesthesia to be taken the evening before a procedure, or the morning of a procedure, is not anxiolysis and shall require the appropriate anesthesia or sedation certification.
- 10701.3 A dentist who intends to administer anxiolysis shall indicate the intent to administer anxiolysis in the patient's records.
- 10701.4 A dentist who administers anxiolysis shall not administer a dose that is inappropriate for a patient's:
- (a) Age;

- (b) Weight;
- (c) Medical condition;
- (d) Infirmities; or
- (e) Other propensities.

10701.5 Medications used to produce anxiolysis shall not exceed current limits set by the manufacturer for unmonitored use by the individual.

10701.6 A dentist who administers anxiolysis shall maintain a margin of safety and a level of consciousness that does not approach moderate sedation and other deeper states of sedation and general anesthesia.

## **10702 TERM OF CERTIFICATION**

10702.1 After July 1, 2021, only a dentist who holds an appropriate Class I, II, or III certification or provisional certification issued by the Board may administer an anesthetic technique in order to attain a level beyond anxiolysis for the practice of dentistry.

10702.2 A dentist or dental facility's certification to administer sedation or general anesthesia issued pursuant to this chapter shall expire at 12:00 midnight of December 31<sup>st</sup> every fourth (4th) year beginning 2025.

10702.3 An itinerant provider permit issued pursuant to this chapter shall expire at 12:00 midnight of December 31<sup>st</sup> every fourth (4th) year beginning 2025.

10702.4 To ensure the continuity of care, the Board may issue provisional certifications as set forth in this chapter. However, beginning January 1, 2026, the Board shall no longer issue provisional certifications for dental certifications or dental facility certifications. A full certification shall be required for the administration of anesthesia and sedation in the District of Columbia.

10702.5 If the Director changes the renewal system pursuant to Subsection 4006.3 of Chapter 40 of this title, a certification issued pursuant to this chapter shall expire at 12:00 midnight of the last day of the month of the birthdate of the holder of the certification, or other date established by the Director.

## **10703 CLASSIFICATION OF CERTIFICATIONS**

10703.1 The following certifications shall be issued by the Board:

- (a) A Class I certification shall authorize a dentist or dental facility to administer:
  - (1) Moderate sedation.
- (b) A Class II certification shall authorize a dentist or dental facility to administer:
  - (1) Deep sedation; and
  - (2) Any procedure allowed under a Class I certification.
- (c) A Class III certification shall authorize a dentist or dental facility to administer:
  - (1) General anesthesia; and
  - (2) Any procedure allowed under a Class I, or Class II certification.
- (d) A provisional certification for any of the certifications set forth in subparagraphs (a) through (c) of this subsection.

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

10704.1 Because sedation is a continuum, it is not always possible to predict how an individual patient will respond. Therefore, dentists and dental facilities intending to produce a given level of sedation shall have the training, skills, and knowledge to be able to recover, manage, and/or reverse as indicated patients whose level of sedation becomes deeper than initially intended, and shall meet the following requirements:

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

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

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

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

- (a) Successfully completed an educational program in the practice of dentistry at an institution recognized by the Commission on Dental Accreditation of the American Dental Association (ADA) at the time the applicant graduated in accordance with § 504(d) of the Act, D.C. Official Code § 3-

1205.04(d);

- (b) Is currently licensed to practice dentistry in the District of Columbia;
- (c) Successfully passed the Dental Sedation/Anesthesia Competency Assessment Exam required in § 10705 of this chapter for the specific level of sedation for the level of certification sought;
- (d) Successfully passed the clinical evaluation required in § 10705 of this chapter;
- (e) Successfully completed an on-site facility inspection evaluation conducted by an organization recognized by the Board;
- (f) Holds current certification in Advanced Cardiac Life Support (ACLS), and if sedating patients twelve (12) years of age or under, shall also have a current certification in Pediatric Advanced Life Support (PALS), both of which the applicant may not allow to expire; and
- (g) Has successfully completed a Board-approved course of instruction that documents training of at least one hundred and twenty (120) hours of didactic instruction plus management of at least twenty (20) dental patients, of which not more than five (5) may be simulated, per participant in deep sedation; or
- (h) Has successfully completed a postdoctoral training program accredited by the Commission on Dental Accreditation or its successor organization that affords comprehensive and appropriate training necessary to administer and manage deep sedation; or
- (i) Has successfully completed a Board-approved postdoctoral training program that affords comprehensive and appropriate training necessary to administer and manage deep sedation.

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

- (a) Successfully completed an educational program in the practice of dentistry at an institution recognized by the Commission on Dental Accreditation of the American Dental Association (ADA) at the time the applicant graduated;
- (b) Is currently licensed to practice dentistry in the District of Columbia;
- (c) Successfully passed the clinical evaluation required in § 10705 of this chapter;

- (d) Holds current certification in Advanced Cardiac Life Support (ACLS), and if sedating patients twelve (12) years of age or under, shall also have a current certification in Pediatric Advanced Life Support (PALS), both of which the applicant may not allow to expire; and
- (e) Has successfully completed a Board-approved course of instruction that documents training of at least one hundred and twenty (120) hours of didactic instruction plus management of at least twenty (20) dental patients, of which not more than five (5) may be simulated, per participant in general anesthesia; or
- (f) Has successfully completed a postdoctoral training program accredited by the Commission on Dental Accreditation or its successor organization that affords comprehensive and appropriate training necessary to administer and manage general anesthesia; or
- (g) Has successfully completed a Board-approved postdoctoral training program that affords comprehensive and appropriate training necessary to administer and manage general anesthesia.

10704.5 To protect the continuity of patient care, an applicant for any Class of dental certification who does not meet all of the requirements for certification at the time of submitting the application may apply for a provisional certification.

10704.6 Except as provided in § 10702.4 of this chapter, the Board may approve a provisional certification, not to exceed one (1) year, if the Board finds that the applicant substantially meets the requirements for a certification, and can be reasonably expected to satisfy the outstanding requirements within one (1) year.

10704.7 The Board may approve an extension, not to exceed six (6) months, of a provisional certification if good cause is found, such as circumstances beyond the control of the applicant. However, the Board shall not approve the renewal of a provisional certification for an applicant who has not demonstrated a good faith effort to fully satisfy the requirements for certification, such as failing to take actions within the applicant's control.

10704.8 In addition to the requirements outlined in this chapter, before sedating patients twelve (12) years of age or under, a dentist shall have completed a formal residency training program, such as oral and maxillofacial surgery, pediatric dentistry, and dental anesthesiology, or an equivalent training program or course(s), acceptable to the Board.

10704.9 In addition to the requirements outlined in this chapter, an applicant for a dental certification to administer sedation or general anesthesia shall:



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

10704.10 An affidavit provided to the Board under § 10704.9(b) of this chapter shall include the following:

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

**10705 COMPETENCY EXAMINATION, CLINICAL EVALUATION, AND ON-SITE INSPECTION**

10705.1 In order to receive a certification for a Class I, II, or III certification, the dentist who will perform the administration shall pass prior to receiving a certification from the Board the following:

- (a) The Dental Sedation/Anesthesia Competency Assessment Exam for the specific level of sedation for the level of certification sought that is administered by an organization recognized by the Board; and
- (b) A clinical evaluation conducted by an organization recognized by the Board, consistent with the age level of the patients treated by the dentist, which shall include a demonstration of:
  - (1) The administration to a patient who is receiving dental treatment of the type of anesthesia or sedation for which the dentist is applying for a certification;
  - (2) Simulated emergencies in the surgical area of the dental office with participation by the members of the staff who are trained to handle emergencies;
  - (3) A dental procedure utilizing the type of anesthesia or sedation for which the dentist is applying for a certification;
  - (4) Any anesthesia or sedation technique that is routinely employed during the administration of anesthesia or sedation;
  - (5) The appropriate monitoring of a patient during anesthesia or sedation; and
  - (6) The observation of a patient during recovery and the time allowed for recovery.

10705.2 The dentist who will perform the administration shall undergo an on-site physical facility inspection of the facility conducted by an organization recognized by the Board, of the facility's equipment, and the credentials of the personnel to determine if the personnel, equipment, and facility requirements have been met.

10705.3 The clinical evaluation required by § 10705.1(b) of this chapter shall require the participation of the clinical office staff, and shall include evaluating the treatment of at least the following:

- (a) Laryngospasm;
- (b) Foreign body airway obstruction;
- (c) Emergency airway management;

- (d) Emesis and aspiration;
- (e) Acute allergic reaction;
- (f) Bronchospasm;
- (g) Angina;
- (h) Conditions requiring advanced cardiac life support, including:
  - (1) Bradycardia;
  - (2) Tachycardia;
  - (3) Ventricular fibrillation;
  - (4) Cardiac arrest;
  - (5) Hypotension;
  - (6) Hypoglycemia;
  - (7) Hypertension;
  - (8) Seizure;
  - (9) Syncope; and
  - (10) Venipuncture complications.

10705.4 The clinical evaluator shall hold a certification at the same or higher level as the certification sought by the applicant being evaluated.

10705.5 To the extent practicable, the clinical evaluator shall provide the results of the evaluation to the Board in writing within seven (7) days of an applicant's evaluation.

10705.6 The Board shall:

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

10705.7 If requested, an applicant shall be provided with a copy of the evaluation provided to the Board.

10705.8 The applicant shall be responsible for all evaluation, inspection, and examination costs.

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

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

- (a) Submit a completed application to the Board on the required forms and include:
  - (1) The applicant's social security number on the application;
  - (2) Two (2) recent passport-type photographs of the applicant's face measuring two inches by two inches (2" x 2") which clearly expose the area from the top of the forehead to the bottom of the chin
- (b) Submit a copy of his or her current license with the application;
- (c) Submit the name and address of each location where the dentist intends to administer anesthesia or sedation;
- (d) Identify all forms of anesthesia or sedation for which the dentist is seeking certification;
- (e) Submit proof of having successfully passed the clinical evaluation required by § 10705 of this chapter.
- (f) Pay all the required fees; and
- (g) Submit all required supporting documents.

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

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

- (a) A level beyond anxietyolysis;

- (b) Moderate sedation; or
- (c) Deep sedation and general anesthesia.

10707.2

Except as otherwise provided in this regulation, to qualify for a certification, the facility and the applicant shall pass an evaluation of facility equipment, medications, and clinical records to include at least the following and ensure that they are properly utilized and maintained:

- (a) Oxygen and gas delivery system, backup system fail-safe;
- (b) Gas storage facility;
- (c) Safety indexed gas system;
- (d) Suction and appropriate backup system;
- (e) Auxiliary lighting system;
- (f) Suitability of operating room:
  - (1) Size;
  - (2) Lighting;
  - (3) Communications; and
  - (4) EMT accessibility;
- (g) Recovery area, including oxygen, suction, and visual and electronic monitoring, which may include the operating room;
- (h) Appropriate emergency drugs;
- (i) Nonexpired drugs;
- (j) Appropriate devices to maintain an airway with positive pressure ventilation;
- (k) Appropriate preoperative medical history and physical evaluation forms;
- (l) Appropriate anesthesia records, including monitoring and discharge records;
- (m) Monitoring equipment, including pulse oximeter and blood pressure monitoring;

- (n) Anesthesia and monitoring equipment to ensure they are in proper working order;
- (o) Defibrillator or automated external defibrillator (AED) for adult patients;
- (p) For Class I certifications:
  - (1) Pulse oximeter;
  - (2) A capnograph measuring device; and
  - (3) An electrocardiogram (ECG) may be used, however, continuous ECG monitoring shall be used for patients with significant cardiovascular disease;
- (q) For Class II and Class III certifications:
  - (1) An electrocardiogram (ECG);
  - (2) A capnograph measuring device; and
  - (3) Pulse oximeter;
- (r) For moderate or deep sedation, or general anesthesia in pediatric patients:
  - (1) Pulse oximeter;
  - (2) A capnograph; and
  - (3) Continuous ECG monitoring.

- 10707.3 The dentist who will perform the administration and the dentist's staff shall be present in the operatory during the evaluation.
- 10707.4 An applicant for a dental facility certification shall not transport anesthesia or sedation equipment from one dental office to another for facility examination purposes.
- 10707.5 A Board authorized evaluator shall hold a certification at the same or higher level as the certification sought by the applicant being evaluated.
- 10707.6 To the extent practicable, a Board authorized evaluator shall provide the results of the evaluation to the Board in writing within seven (7) days of an applicant's evaluation.

- 10707.7 The Board shall:
- (a) Review the results of the evaluation; and
  - (b) Notify the applicant of the results in a timely manner.
- 10707.8 If requested, an applicant shall be provided with a copy of the evaluation provided to the Board.
- 10707.9 An applicant who fails either an administration evaluation or a facility evaluation twice shall be required to pay a fee equal to the renewal fee for the certification sought by the applicant before either the third evaluation or any subsequent evaluations.
- 10707.10 A dentist who has passed an administration and facility evaluation for a Class I, Class II, or Class III certification may receive the same type of certification for another facility or facilities if:
- (a) The dentist holds an active Class I, Class II, or Class III certification for which the dentist has passed an administration and facility evaluation; and
  - (b) Each facility for which the dentist seeks another certification has at least one dentist who has passed an administration and facility evaluation for that type of certification at that location within two (2) years of the date of application for the additional certification.
- 10707.11 Alternatively, an applicant who has passed an administration and facility evaluation for a Class I, Class II, or Class III certification may receive the same type of certification for another facility or facilities if:
- (a) The dentist holds an active Class I, Class II, or Class III certification for which the dentist has passed an administration and facility evaluation; and
  - (b) The dentist seeking the additional certification:
    - (1) Is present during a facility evaluation at which the dentist and the dentist's staff pass a facility evaluation; and
    - (2) Passes an evaluation, appropriate for the certification level, that includes simulated management of emergencies with the participation of the clinical office staff trained to handle emergencies.
- 10707.12 In addition to the requirements of §§ 10707.10 and 10707.11 of this subchapter, the dentist seeking the additional certification or certifications shall:

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



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

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

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

10708.2 To protect the continuity of patient care, an applicant for a dental facility certification in any class who does not meet all of the requirements for certification at the time of submitting the application may apply for a provisional certification.

10708.3 Except as provided in § 10702.4 of this chapter, the Board may approve a provisional certification, not to exceed one (1) year, if the Board finds that the applicant substantially meets the requirements for a certification, and can be reasonably expected to satisfy the outstanding requirements within one (1) year.

10708.4 The Board may approve a one-time renewal of a provisional certification if good cause is found, such as circumstances beyond the control of the applicant. However, the Board shall not approve the renewal of a provisional certification for an applicant who has not demonstrated a good faith effort to fully satisfy the requirements for certification, such as failing to take actions within the applicant's control.

**10709 PERSONNEL AND EQUIPMENT REQUIREMENTS**

10709.1 A dentist or dental facility with a Class I certification shall ensure that the following requirements are met before administering moderate sedation:

- (a) A dentist qualified and certified to administer moderate sedation shall administer the moderate sedation;
- (b) At least two (2) additional persons trained in Basic Life Support for Healthcare Providers shall be present in addition to the dentist, one of whom is trained in PALS if the patient is age twelve (12) or under;
- (c) When the dentist administering the moderate sedation is also the same dentist performing the dental procedure, one of the other trained personnel present shall be designated to perform the patient monitoring. The person designated to perform the monitoring shall be trained in PALS if the patient is age twelve (12) or under;
- (d) A positive-pressure oxygen delivery system suitable for the patient being treated shall be immediately available;
- (e) Documentation of compliance with manufacturer's recommended maintenance of monitors, anesthesia delivery systems, and other anesthesia-related equipment shall be maintained;
- (f) A pre-procedural check of equipment for each administration of sedation shall be performed;
- (g) When inhalation equipment is used, it shall have a fail-safe system that is appropriately checked and calibrated;
- (h) The equipment shall also have either (1) a functioning device that prohibits the delivery of less than thirty percent (30%) oxygen or (2) an appropriately calibrated and functioning in-line oxygen analyzer with audible alarm;
- (i) The equipment necessary for monitoring end-tidal carbon dioxide and auscultation of breath sounds shall be immediately available;
- (j) An appropriate scavenging system shall be utilized if gases other than oxygen or air are used;
- (k) The equipment necessary to establish intravascular or intraosseous access shall be available until the patient meets discharge criteria; and
- (l) A pulse oximeter shall be used.

10709.2 A dentist or dental facility with a Class II certification shall ensure that the following requirements are met before administering deep sedation:

- (a) A dentist qualified and certified to administer deep sedation shall administer the deep sedation;
- (b) At least two (2) additional persons trained in Basic Life Support for Healthcare Providers shall be present in addition to the dentist, one of which shall be trained in ACLS and if the patient is age twelve (12) or under shall also be trained in PALS;
- (c) When the dentist administering the deep sedation is also the same dentist performing the dental procedure, one of the other trained personnel present shall be designated to perform the patient monitoring. The person designated to perform the monitoring shall be trained in ACLS and if the patient is age twelve (12) or under shall also be trained in PALS;
- (d) A positive-pressure oxygen delivery system suitable for the patient being treated shall be immediately available;
- (e) Documentation of compliance with manufacturer's recommended maintenance of monitors, anesthesia delivery systems, and other anesthesia-related equipment shall be maintained;
- (f) Perform a pre-procedural check of equipment for each administration of sedation;
- (g) When inhalation equipment is used, it shall have a fail-safe system that is appropriately checked and calibrated;
- (h) The equipment shall also have either (1) a functioning device that prohibits the delivery of less than thirty percent (30%) oxygen or (2) an appropriately calibrated and functioning in-line oxygen analyzer with audible alarm;
- (i) The equipment necessary for monitoring end-tidal carbon dioxide and auscultation of breath sounds shall be utilized;
- (j) An appropriate scavenging system shall be utilized if gases other than oxygen or air are used;
- (k) The equipment necessary to establish intravenous access shall be available;
- (l) The equipment and drugs necessary to provide advanced airway management, and advanced cardiac life support shall be immediately available;

- (m) Resuscitation medications and an appropriate defibrillator shall be immediately available; and
- (n) A pulse oximeter shall be used.

10709.3

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

- (a) A dentist qualified and certified to administer general anesthesia shall administer the general anesthesia;
- (b) At least three (3) additional persons trained in Basic Life Support for Healthcare Providers shall be present in addition to the dentist, one of which shall be trained in ACLS or if the patient is age twelve (12) or under shall also be trained in PALS;
- (c) When the dentist administering the general anesthesia is also the same dentist performing the dental procedure, one of the other trained personnel present shall be designated to perform the patient monitoring. The person designated to perform the monitoring shall be trained in ACLS and if the patient is age twelve (12) or under shall also be trained in PALS;
- (d) A positive-pressure oxygen delivery system suitable for the patient being treated shall be immediately available;
- (e) Documentation of compliance with manufacturer's recommended maintenance of monitors, anesthesia delivery systems, and other anesthesia-related equipment shall be maintained;
- (f) A pre-procedural check of equipment for each administration of general anesthesia shall be performed;
- (g) When inhalation equipment is used, it shall have a fail-safe system that is appropriately checked and calibrated;
- (h) The equipment shall also have either (1) a functioning device that prohibits the delivery of less than thirty percent (30%) oxygen or (2) an appropriately calibrated and functioning in-line oxygen analyzer with audible alarm;
- (i) The equipment necessary for monitoring end-tidal carbon dioxide and auscultation of breath sounds shall be utilized;
- (j) An appropriate scavenging system shall be utilized if gases other than oxygen or air are used;

- (k) The equipment necessary to establish intravenous access shall be available;
- (l) Equipment and drugs necessary to provide advanced airway management, and advanced cardiac life support shall be immediately available;
- (m) Resuscitation medications and an appropriate defibrillator shall be immediately available;
- (n) A pulse oximeter shall be used; and
- (o) Continuous ECG monitoring of patients is required.

**10710 MONITORING AND DOCUMENTATION**

10710.1 A dentist administering moderate sedation, deep sedation, or general anesthesia to a patient:

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

10710.2 When moderate sedation is administered, monitoring shall include:

- (a) Consciousness: the patient's level of sedation and responsiveness to verbal commands shall be continually assessed;
- (b) Oxygenation: the oxygen saturation shall be continuously evaluated by pulse oximetry;
- (c) Ventilation:

- (1) The dentist shall continuously observe chest excursions and monitor ventilation and breathing by monitoring end-tidal carbon dioxide, unless precluded by the nature of the patient, procedure, or equipment; and
  - (2) The dentist shall ensure that the patient's ventilation is monitored by continual observation of qualitative signs, including auscultation of breath sounds with a precordial or pretracheal stethoscope;
- (d) Circulation:
- (1) The dentist shall continually evaluate the patient's blood pressure and heart rate unless invalidated by the nature of the patient, procedure, or equipment and this is noted in the time-oriented anesthesia record; and
  - (2) Circulation shall be monitored by continuous ECG monitoring of patients with significant cardiovascular disease.

10710.3 When deep sedation or general anesthesia is administered, monitoring shall include:

- (a) Oxygenation: oxygen saturation shall be continuously evaluated by pulse oximetry;
- (b) Ventilation:
  - (1) For an intubated patient, end-tidal carbon dioxide shall be continually monitored and evaluated unless precluded or invalidated by the nature of the patient, procedure, or equipment; and
  - (2) Ventilation shall also be monitored and evaluated by continual observation of qualitative signs, including auscultation of breath sounds with a precordial or pretracheal stethoscope, unless precluded by use of appropriate equipment;
- (c) Respiration rate shall be continually monitored and evaluated;
- (d) Circulation: the dentist shall continuously evaluate heart rate and rhythm via ECG throughout the procedure, as well as pulse rate via pulse oximetry;
- (e) The dentist shall also continually evaluate blood pressure;

- (f) Temperature: a device capable of measuring body temperature shall be readily available during the administration of deep sedation or general anesthesia; and
- (g) The equipment to continuously monitor body temperature shall be available and shall be performed whenever triggering agents associated with malignant hyperthermia are administered.

10710.4 Appropriate time-oriented anesthetic record shall be maintained, including the names of all drugs, dosages, and their administration times, including local anesthetics, dosages, and monitored physiological parameters. Additionally, pulse oximetry, end-tidal carbon dioxide measurements (if taken), heart rate, respiratory rate, blood pressure, and level of consciousness (if appropriate) shall be recorded continually.

10710.5 A treating dentist who allows a physician, another dentist, or certified registered nurse anesthetist to administer moderate sedation, deep sedation, or general anesthesia under this chapter shall ensure that the physician, dentist, or certified registered nurse anesthetist is properly licensed and authorized to administer anesthesia or sedation in the District and does not leave the site until the patient meets the criteria for discharge and is discharged from the facility.

10710.6 A treating dentist who allows a physician, another dentist, or certified registered nurse anesthetist to administer moderate sedation, deep sedation, or general anesthesia shall ensure that the physician, dentist, or certified registered nurse anesthetist does not induce a second patient until the first patient:

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

**10711 ON-SITE PHYSICAL FACILITY INSPECTIONS**

10711.1 All offices holding a Class I, II, or III dental facility certification shall have an on-site physical inspection of the facility as follows:

- (a) Before receiving a certification from the Board;
- (b) At least once every four (4) years at each office facility; and

- (c) If the Board receives a complaint alleging a violation of this chapter and the Board finds that the complaint warrants investigation.

10711.2 At the discretion of the Board, an inspection or re-inspection of an office, dentist, and staff may be scheduled at any time. The Board shall consider such factors as it deems pertinent including, but not limited to, patient complaints and reports of adverse occurrences.

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

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

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

- (a) Received a complaint or has initiated a complaint; and
- (b) Reason to believe that anesthesia or sedation has been administered:
  - (1) Without an appropriate certification; or
  - (2) In violation of this chapter.

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

## **10712 FACILITY OWNERS AND ANESTHESIA AND SEDATION PERFORMED BY ITINERANT PROVIDERS**

10712.1 In order to obtain a permit from the Board for an itinerant provider to administer anesthesia or sedation in his or her facility the owner of the facility shall demonstrate the following to the satisfaction of the Board:

- (a) The itinerant provider is certified by the Board at the appropriate individual certification class level, if he or she is a dentist, or
- (b) The itinerant provider is licensed in good standing with the District of Columbia Board of Medicine or Nursing, as applicable, and authorized to administer anesthesia and sedation.



- 10712.2 The owner of a facility shall prominently display the itinerant provider's permit at the dental facility.
- 10712.3 The owner of a facility shall ensure that the facility:
- (a) Is certified by the Board at the appropriate facility certification class level;
  - (b) Is properly equipped in accordance with this chapter;
  - (c) Is properly staffed in accordance with this chapter; and
  - (d) Has appropriate non-expired drugs and non-expired emergency drugs.
- 10712.4 The owner of a facility or the treating dentist who wishes to allow an itinerant provider to administer anesthesia and sedation to a patient at his or her dental facility shall:
- (a) Obtain a permit from the Board before allowing the itinerant provider to administer anesthesia and sedation at his or her dental facility;
  - (b) Ensure the proper maintenance of all required oxygen equipment, emergency equipment, monitors, back up equipment, suction, and lighting; and
  - (c) Require the itinerant provider to contractually agree that he or she will accompany a patient to the emergency room if a patient is transported to the emergency room.
- 10712.5 A separate permit shall be required for each itinerant provider and for each separate facility location.
- 10712.6 The owner of a facility or the treating dentist shall ensure that:
- (a) The operatory size is appropriate;
  - (b) The dental chair facilitates management of anesthesia emergencies;
  - (c) There is adequate lighting in the operatory;
  - (d) There is adequate staff present for the level of anesthesia level being administered;
  - (e) Appropriate suction is in place at all times; and
  - (f) The itinerant provider does not leave the dental facility until after the last patient is stable and discharged.

- 10712.7 To apply for a permit to allow an itinerant provider to administer anesthesia and sedation, the owner of a facility or the treating dentist shall:
- (a) Apply to the Board on a form approved by the Board;
  - (b) Provide an affidavit to the Board stating whether an incident has ever occurred while the owner or treating dentist, as applicable, treated a patient under moderate sedation, deep sedation, or general anesthesia, in accordance with the requirements set forth in § 10717.3 of this chapter;
  - (c) Provide documentation acceptable to the Board that the itinerant provider is a dentist that is registered with the Board at the appropriate individual certification class level, or is a physician or certified registered nurse anesthetist that is licensed and in good standing with the appropriate District of Columbia Health Occupations Board and authorized to administer anesthesia and sedation;
  - (d) Submit any other pertinent documents or information requested by the Board, which may include patient records; and
  - (e) Pay a nonrefundable application fee.

10712.8 The owner or treating dentist who holds a certification to allow an itinerant provider to administer anesthesia or sedation at his or her facility shall be present in the operatory as the clinical provider of treatment during the administration of the anesthesia or sedation.

10712.9 A certification issued to an owner or treating dentist allowing an itinerant provider to administer anesthesia and sedation at his or her facility shall expire at 12:00 midnight on December 31<sup>st</sup> on the fourth (4th) year following the effective date of the certification.

10712.10 An owner or treating dentist may apply to renew his or her certification to allow an itinerant provider to administer anesthesia or sedation by submitting a renewal application on a form approved by the Board, which shall require the same type of documentation and information as was required for the initial certification, and payment of a nonrefundable fee.

### **10713 ITINERANT DENTIST PROVIDERS OF ANESTHESIA AND SEDATION SERVICES**

10713.1 An itinerant dentist provider shall obtain certification from the Board before administering anesthesia or sedation to a patient at a practice location other than his or her own dental facility.

- 10713.2 To apply for certification to administer anesthesia and sedation to a patient at a practice location other than the dentist's own dental facility, an itinerant dentist provider shall:
- (a) File an application with the Board on a form approved by the Board;
  - (b) Possess an individual Class I, Class II, or Class III certification, as applicable;
  - (c) Provide an affidavit to the Board stating whether the itinerant dentist provider has ever provided moderate sedation, deep sedation, or general anesthesia with an incident, which shall meet the requirements set forth in § 10717.3 of this chapter;
  - (d) Submit any other pertinent documents or information requested by the Board, which may include patient records; and
  - (e) Pay a nonrefundable application fee.
- 10713.3 A separate certification shall be required for each itinerant provider and for each separate facility location.
- 10713.4 An itinerant dentist provider who holds a certification to administer anesthesia or sedation at a practice location other than his or her own dental facility shall be present in the operatory during the administration of the anesthesia or sedation.
- 10713.5 A certification issued to an itinerant dentist provider to administer anesthesia and sedation at a practice location other than his or her own dental facility shall expire at 12:00 midnight on December 31<sup>st</sup> on the fourth (4th) year following the effective date of the certification.
- 10713.6 An itinerant dental provider may apply for renewal of his or her certification to administer anesthesia or sedation at a practice location other than his or her own dental facility by submitting a renewal application on a form approved by the Board, which shall require the same type of documentation and information as was required for the initial certification, and payment of a nonrefundable fee.
- 10713.7 To protect the continuity of patient care, an itinerant dental provider who does not meet all of the requirements for certification at the time of submitting the application may apply for a provisional certification.
- 10713.8 Except as provided in § 10702.4 of this chapter, the Board may approve a provisional certification, not to exceed one (1) year, if the Board finds that the applicant substantially meets the requirements for a certification, and can be reasonably expected to satisfy the outstanding requirements within one (1) year.

10713.9 The Board may approve a one-time renewal of a provisional certification if good cause is found, such as circumstances beyond the control of the applicant. However, the Board shall not approve the renewal of a provisional certification for an applicant who has not demonstrated a good faith effort to fully satisfy the requirements for certification, such as failing to take actions within the applicant's control.

**10714 CONTINUING EDUCATION REQUIREMENTS**

10714.1 An applicant who seeks renewal of a Class I, II, or III dental certification to administer general anesthesia or sedation shall:

- (a) Complete not less than twenty-four (24) hours of clinical continuing education related to sedation or anesthesia setting during the term of the certification;
- (b) Maintain current certification in Advanced Cardiac Life Support (ACLS), which the applicant may not allow to expire; and
- (c) Maintain current certification in Pediatric Advanced Life Support (PALS) if the applicant sedates patients twelve (12) years of age or under.

10714.2 The Board may, in its discretion, grant an extension of the sixty (60) day period to renew after expiration if the applicant’s failure to submit proof of completion was for good cause. As used in this section, “good cause” includes the following:

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

**10715 RENEWAL OF DENTIST CERTIFICATION**

10715.1 The Board shall mail a renewal application to each dentist holding a Class I, Class II, or Class III certification to administer sedation or general anesthesia, within ninety (90) days of the expiration of the certification.

**10716 RENEWAL OF DENTAL FACILITY CERTIFICATION**

10716.1 The Board shall send a renewal notice to each dental facility holding a Class I, Class II, or Class III certification to administer sedation or general anesthesia, at least ninety (90) days before the expiration of the certification.

**10717 MORBIDITY AND MORTALITY REPORTS**

10717.1 Certified dentists and dental facilities shall report to the Board, in writing, any complication or disabling incident requiring admission to a hospital for a period greater than twenty (24) hours, or for purposes other than observation, as a result of the dentist’s or dental facility’s administration of anxiolysis, moderate sedation, deep sedation, or general anesthesia within seventy-two (72) hours after its occurrence.

10717.2 Certified dentists and dental facilities shall report to the Board, in writing, any death caused by or resulting from the dentist's or dental facility's administration of anxiolysis, moderate sedation, deep sedation, or general anesthesia within seventy-two (72) hours after its occurrence.

10717.3 The written report to the Board required in §§ 10717.1 and 10717.2 of this section shall include:

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

## **10718 TRANSFER OF CERTIFICATION PROHIBITED**

10718.1 Certifications issued pursuant to this chapter may not be transferred to another dentist, location, or dental facility.

## **10799 DEFINITIONS**

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

**Advanced Cardiac Life Support (ACLS)** – a certification that an individual has successfully completed an advanced cardiac life support course that includes hands on training and skills demonstration of airway management and automated external defibrillator (AED) use offered by the American Heart Association or other entity approved by the Board.

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

### **Anesthesia and sedation -**

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

**Anxiolysis**- the oral administration in a single dose of one type of legally prescribed sedative, narcotic, class of drug, or medication to decrease anxiety taken the evening before a procedure or the day of a procedure or both. Anxiolysis is used to achieve a drug induced state in which patients are expected to appropriately respond to tactile stimulation and verbal commands. The patient maintains consciousness, although cognitive

function and coordination may be impaired. Ventilatory and cardiovascular functions are maintained and require no assistance.

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

**Director** – the Director of the Department of Health, or designee.

**Facility**– any location in which anesthesia or sedation is administered for the practice of dentistry, including a dental school recognized by the Commission on Dental Accreditation or its successor organization or a hospital that is not in good standing with the District or the Joint Commission, but does not include a van or any mobile or temporary structure.

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

**Itinerant Provider-** a licensed physician, certified registered nurse anesthetist, or dentist that administers anesthesia and sedation to a treating dentist's patients at the treating dentist's practice location or by traveling from practice site to practice site.

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

**Moderate Sedation-** a minimally depressed level of consciousness that retains the patient's ability to independently and continuously maintain an airway and respond appropriately to physical stimulation and verbal command and that is produced by a pharmacologic or non-pharmacologic method or a combination thereof. No interventions are required to maintain a patent

airway, and spontaneous ventilation is adequate. Cardiovascular function is maintained. Patients whose only response is reflex withdrawal from repeated painful stimuli shall not be considered to be in a state of conscious sedation.

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

**On-site Physical Facility Evaluation-** an on-site inspection to determine if a facility where the applicant proposes to provide anesthesia and sedation is adequately supplied, equipped, staffed, and maintained in a condition to support the provision of anesthesia and sedation services in a manner that meets the requirements of this chapter.

**Pediatric Advanced Life Support (PALS) certification -** a certification that an individual has successfully completed a pediatric advanced cardiac life support course that includes hands on training and skills demonstration of airway management and automated external defibrillator (AED) use offered by the American Heart Association or other entity approved by the Board.

**Provisional Certification-** a one-year certification issued to an applicant for a dental certification, a dental facility certification, or to an itinerant dental provider applicant at the time that the application is received by the Department, that substantially meets the requirements for a certification, and can reasonably be expected to meet the outstanding requirements within a year.

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

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

**Treating Dentist-** the dentist who will perform the dental treatment, procedures, or services for which the administration of anesthesia or sedation to the patient is required.



10799.2 The definitions in § 4099 of Chapter 40 of this title are incorporated by reference into and are applicable to this chapter.

**Chapter 42, DENTISTRY, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:**

**Section 4212, REQUIREMENTS FOR ADMINISTRATION OF ANESTHESIA, is amended to read as follows:**

**4212 REQUIREMENTS FOR ADMINISTRATION OF ANESTHESIA**

4212.1 A dentist shall not administer anesthesia or sedation unless the dentist has obtained certification from the Board to do so pursuant to the requirements and processes set forth in Chapter 107 (Dentist and Dental Facility Certification To Administer Sedation or General Anesthesia) of Title 17 of the District of Columbia Municipal Regulations.

4212.2 To be qualified to administer nitrous oxide alone, or nitrous oxide in combination with a single oral drug, a dentist shall have met the following requirements prior to administering nitrous oxide:

- (a) Hold an active license to practice dentistry in the District of Columbia in good standing;
- (b) Maintain current certification in cardiopulmonary resuscitation for health care providers as evidenced by a certificate; and
- (c) Maintain current DEA (Drug Enforcement Agency) and District of Columbia controlled substance registrations.

4212.3 A dentist who administers local anesthesia or nitrous oxide shall report to the Board any death, substantially disabling incident, or hospitalization caused by the administration of local anesthesia or nitrous oxide by the dentist or a dental hygienist authorized by the Board of Dentistry to administer local anesthesia and nitrous oxide acting under his or her supervision, within seventy-two (72) hours after the occurrence.