

1 **20:43:03:07. Continuing education requirements -- Dentists.** A dentist shall complete at
2 least 100 hours of board approved continuing education in each five-year licensure cycle. One
3 hour of continuing education may be earned for each hour of attendance at a board approved
4 continuing education course.

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

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

9 (2) The course presenter ~~must~~ shall be affiliated with a dental school accredited by the
10 American Dental Association Commission on Dental Accreditation;

11 (3) The provider organization ~~must~~ shall be approved by the American Dental Association
12 Continuing Education Recognition Program; or

13 (4) The provider organization ~~must~~ shall be approved by the Academy of General
14 Dentistry Program Approval For Continuing Education.

15 Credit for nutrition continuing education is limited to 15 hours per five-year licensure
16 cycle. Credit for practice management continuing education is limited to ~~10~~ ten hours per five-
17 year licensure cycle. Credit for home study continuing education is limited to 30 hours per five-
18 year licensure cycle. Credit for cardiopulmonary resuscitation continuing education is limited to
19 15 hours per five-year licensure cycle. Credit for clinical continuing education is unlimited per
20 five-year licensure cycle. Up to five hours of clinical continuing education may be earned for
21 attendance at exhibits at a state, regional, or national dental conference.

1 Dentists holding a general anesthesia and deep sedation ~~or~~ moderate sedation, or host
2 permit must complete an additional 25 hours of continuing education in anesthesia related topics
3 per five-year licensure cycle.

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

5 **Source:** SL 1975, ch 16, § 1; 5 SDR 68, effective February 13, 1979; 6 SDR 87, effective
6 March 2, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 13 SDR 23, effective
7 September 3, 1986; 18 SDR 132, effective February 17, 1992; 20 SDR 166, effective April 11,
8 1994; 26 SDR 37, effective September 20, 1999; 35 SDR 67, effective September 25, 2008; 37
9 SDR 131, effective January 6, 2011; 38 SDR 172, effective April 25, 2012; 45 SDR 35, effective
10 September 19, 2018.

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

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

13 CHAPTER 20:43:09

14 ANESTHESIA AND ANALGESIA

15 Section

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- 23 20:43:09:16 Anesthesia credentials committee.

1 20:43:09:17 Emergency response protocol.

2 **20:43:09:01. Definitions.** ~~Terms~~ As used in this chapter ~~mean:~~

3 (1) "Minimal sedation;" means a minimally depressed level of consciousness, produced
4 by a ~~single enteral drug administered in a dose appropriate for the unsupervised treatment of~~
5 ~~anxiety, insomnia, or pain that does not exceed the maximum recommended dose. Incremental~~
6 ~~dosing may be utilized. Patient retains the ability~~ pharmacological method, that retains the
7 patient's ability to independently and continuously maintain an airway and respond normally to
8 tactile stimulation and verbal command. Although cognitive function and coordination may be
9 modestly impaired, ventilatory and cardiovascular functions are unaffected;

10 (2) "Nitrous oxide ~~inhalation~~ sedation and analgesia;" means the administration, by
11 inhalation, of a combination of nitrous oxide and oxygen producing ~~an altered level of~~
12 ~~consciousness~~ a minimally depressed level of consciousness that retains the patient's ability to
13 independently and continuously maintain an airway and respond ~~purposefully normally to physical~~
14 ~~or tactile stimulation and~~ verbal command;

15 (3) "Moderate sedation;" means a drug-induced depression of consciousness during which
16 patients respond purposefully to verbal commands, either alone or accompanied by light tactile
17 stimulation. ~~Reflex withdrawal from a painful stimulus is not considered a purposeful response.~~
18 No interventions are required to maintain a patent airway and spontaneous ventilation is adequate.
19 Cardiovascular function is usually maintained. ~~Moderate sedation can be administered either orally~~
20 ~~or parenterally;~~

21 (4) "Deep sedation;" means a drug-induced depression of consciousness during which
22 patients cannot be easily aroused but respond purposefully following repeated or painful
23 stimulation. The ability to independently maintain ventilatory function ~~independently~~ may be

1 impaired. ~~Reflex withdrawal from a painful stimulus is not considered a purposeful response.~~
2 Patients may require assistance in maintaining a patent airway, and spontaneous ventilation may
3 be inadequate. Cardiovascular function is usually maintained;

4 (5) "General anesthesia;" means a drug-induced loss of consciousness during which patients
5 are not arousable, even by painful stimulation. The ability to independently maintain ventilatory
6 function ~~independently~~ is often impaired. Patients ~~frequently~~ often require assistance in
7 maintaining a patent airway, and positive pressure ventilation may be required because of
8 depressed spontaneous ventilation or drug-induced depression of neuromuscular function.
9 Cardiovascular function may be impaired;

10 (6) "Incremental dosing;" means administration of multiple doses of a drug until a desired
11 effect is reached but not to exceed the maximum recommended dose;

12 (7) "Maximum recommended dose;" means maximum ~~FDA~~ U.S. Food and Drug
13 Administration recommended dose of a drug, as printed in ~~FDA~~ U.S. Food and Drug
14 Administration approved labeling for unmonitored home use;

15 (8) "Accredited;" means a program accredited by the American Dental Association
16 Commission on Dental Accreditation.

17 **Source:** 9 SDR 49, effective October 25, 1982; 12 SDR 151, 12 SDR 155, effective July 1,
18 1986; transferred from §§ 20:43:04:08 and 20:43:04:10, 19 SDR 32, effective September 6, 1992;
19 37 SDR 131, effective January 6, 2011.

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

21 **Law Implemented:** SDCL 36-6A-14(1)(13)(14)(20).

22 **20:43:09:02. Prohibitions.** A dentist licensed in this state may not administer general
23 anesthesia and deep sedation, moderate sedation, or nitrous oxide ~~inhalation~~ sedation and

1 analgesia unless the dentist has obtained the permit required in § 20:43:09:03, 20:43:09:04, or
2 20:43:09:05.

3 Any dentist who advertises sedation using terms other than minimal sedation or nitrous
4 oxide ~~inhalation~~ sedation and analgesic must have a general anesthesia and deep sedation, ~~or~~
5 moderate sedation, or host permit.

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

7 **General Authority:** SDCL 36-6A-14(1)(13)(14)(20).

8 **Law Implemented:** SDCL 36-6A-14(1)(13)(14)(20), ~~36-6A-16~~.

9 **20:43:09:03. General anesthesia and deep sedation permit requirements.** The board
10 may issue a permit to a licensed dentist to ~~use~~ administer general anesthesia and deep sedation
11 ~~for~~ to dental patients on an outpatient basis if the dentist ~~meets the following requirements:~~

12 (1) Has successfully completed an accredited advanced dental education residency
13 program in oral and maxillofacial surgery or dental anesthesiology that provides comprehensive
14 and appropriate training necessary to administer general anesthesia or deep sedation ~~as evidenced~~
15 ~~by:~~

16 ~~———— (a) Designation as a diplomate of the American Board of Oral and Maxillofacial~~
17 ~~Surgery;~~

18 ~~———— (b) Designation as a member of the American Association of Oral and Maxillofacial~~
19 ~~Surgeons;~~

20 ~~———— (c) Designation as a fellow of the American Dental Society of Anesthesiology;~~

21 ~~———— (d) Completion of an accredited residency in oral and maxillofacial surgery; or~~

22 ~~———— (e) Completion of an accredited residency in dental anesthesiology;~~

1 . If the residency was completed more than 12 months prior to application, the applicant shall
2 also:

3 (A) Hold a permit to administer general anesthesia and deep sedation, or an equivalent
4 permit, in another state and have completed a minimum of 50 general anesthesia or deep sedation
5 cases in the 12 months prior to application; or

6 (B) Undergo a review by the board of the applicant's recent training and experience and
7 complete supplemental training, education, evaluation, or remediation required by the board.
8 The applicant shall pay all costs of the training, education, evaluation, remediation, and
9 proceedings;

10 (2) ~~Meets~~ Has fulfilled the requirements ~~of~~ outlined in §§ 20:43:09:12 and
11 20:43:09:13.01; and

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 patient under 12
15 years of age, is certified in Pediatric Advanced Life Support by the American Heart Association
16 or an equivalent program approved by the board; ~~and~~

17 ~~—(4) Employs auxiliary personnel who hold a permit to monitor patients under general~~
18 ~~anesthesia, deep sedation, or moderate sedation. _____~~

19 ~~_____A dentist with a general anesthesia and deep sedation permit may not administer general~~
20 ~~anesthesia or deep sedation or monitor a patient without the presence and assistance of qualified~~
21 ~~auxiliary personnel~~ at least two individuals who hold a permit to monitor patients under general
22 anesthesia, deep sedation, or moderate sedation, or are otherwise authorized by law to monitor
23 patients under general anesthesia, deep sedation, or moderate sedation.

1 A dentist administering general anesthesia or deep sedation shall be proficient in airway
2 management and advanced cardiac life support; shall be capable of providing intravenous access;
3 shall continuously evaluate the patient's blood pressure, pulse, respiratory function and cardiac
4 activity; and shall apply the current standard of care to continuously monitor and evaluate the
5 patient's blood pressure, pulse, respiratory function, and cardiac activity.

6 A general anesthesia and deep sedation permit ~~precludes the need for~~ incorporates the
7 authority granted by a moderate sedation or permit, a nitrous oxide inhalation sedation and
8 analgesia permit, and a host permit.

9 **Source:** 9 SDR 49, effective October 25, 1982; 12 SDR 151, 12 SDR 155, effective July
10 1, 1986; transferred from § 20:43:04:08, 19 SDR 32, effective September 6, 1992; 26 SDR 37,
11 effective September 20, 1999; 37 SDR 131, effective January 6, 2011; 42 SDR 83, effective
12 December 3, 2015.

13 **General Authority:** SDCL 36-6A-14(1)(3)(13)(14)(20).

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

15 **20:43:09:04. Moderate sedation permit requirements.** The board may issue a permit to
16 a licensed dentist to ~~use~~ administer moderate sedation for to dental patients 12 years and older on
17 an outpatient basis if the dentist meets the following requirements:

18 (1) Has successfully completed a board approved moderate sedation course that meets
19 the objectives and content as described in Part 5 of the Guidelines for Teaching Pain Control and
20 Sedation to Dentists and Dental Students. A board approved course must include a minimum of
21 60 hours of instruction plus management of at least 20 patients and clinical experience in
22 management of the compromised airway and establishment of intravenous access; approved by

1 the board pursuant to § 20:43:09:04.03. If the course was completed more than 12 months prior
2 to application, the applicant shall also:

3 (A) Hold a permit to administer moderate sedation, or an equivalent permit, in another
4 state and have completed a minimum of 12 moderate sedation cases in the 12 months prior to
5 application; or

6 (B) Undergo a review by the board of the applicant's recent training and experience and
7 complete supplemental training, education, evaluation, or remediation required by the board.
8 The applicant shall pay all costs of the training, education, evaluation, remediation, and
9 associated proceedings;

10 (2) ~~Meets~~ Has fulfilled the requirements outlined in §§ 20:43:09:12 and 20:43:09:13; and

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

14 ~~— (4) Employs auxiliary personnel who hold a permit to monitor patients under general~~
15 ~~anesthesia, deep sedation, or moderate sedation.~~ _____

16 _____ A dentist with a moderate sedation permit may not administer moderate sedation ~~or~~
17 ~~monitor a patient~~ without the presence and assistance of ~~qualified auxiliary personnel~~ at least one
18 individual who holds a permit to monitor patients under general anesthesia, deep sedation, or
19 moderate sedation, or is otherwise authorized by law to monitor patients under general
20 anesthesia, deep sedation, or moderate sedation.

21 A dentist ~~using a parenteral route of administration must limit the use of pharmacological~~
22 ~~agents to those for which there are reversal agents~~ administering moderate sedation may not use
23 general anesthetics; shall be proficient in airway management and advanced cardiac life support;

1 shall be capable of providing intravenous access; shall continuously evaluate the patient's blood
2 pressure, pulse, respiratory function, and cardiac activity; and shall apply the current standard of
3 care.

4 A dentist ~~providing~~ that meets the requirements of this section may be authorized by the
5 board to administer moderate sedation to a child under 12 years of age ~~must also document~~
6 ~~appropriate training in pediatric sedation techniques, according to the Guidelines for Monitoring~~
7 ~~and Management of Pediatric Patients During and After Sedation for Diagnostic and Therapeutic~~
8 ~~Procedures, and in pediatric resuscitation, including the recognition and management of pediatric~~
9 ~~airway and respiratory problems and must sign an affidavit certifying that the dentist understands~~
10 ~~the requirements of the Guidelines for Monitoring and Management of Pediatric Patients During~~
11 ~~and After Sedation for Diagnostic and Therapeutic Procedures~~ if the dentist has successfully
12 completed an accredited advanced dental education residency program that provides
13 comprehensive and appropriate training necessary to administer and manage pediatric moderate
14 sedation and is certified in Pediatric Advanced Life Support by the American Heart Association
15 or an equivalent program approved by the board. A dentist that does not meet these
16 requirements by June 30, 2022, may not administer moderate sedation to a child under 12 years.

17 ~~A dentist using moderate sedation must adhere to the standards of the Guidelines for the~~
18 ~~Use of Sedation and General Anesthesia by Dentists.~~_____

19 _____ ~~A dentist intending to produce a given level of sedation must~~ A dentist who administers
20 moderate sedation shall maintain a margin of safety and a level of consciousness in the patient
21 that does not approach general anesthesia or deep sedation and shall be able to rescue a patient
22 whose level of sedation becomes deeper than initially intended. ~~A dentist using moderate~~
23 ~~sedation must be proficient in airway management and advanced life support and capable of~~

1 providing intravenous access. A dentist using moderate sedation shall apply the current standard
2 of care to continuously monitor and evaluate the patient's blood pressure, pulse, respiratory
3 function, and cardiac activity.

4 ———If moderate sedation results in a general anesthetic state, the requirements outlined in
5 § 20:43:09:03 for general anesthesia and deep sedation apply.

6 A moderate sedation permit ~~precludes the need for~~ incorporates the authority granted in a
7 nitrous oxide inhalation sedation and analgesia permit and host permit. A dentist that holds a
8 moderate sedation permit and utilizes a licensed anesthesia provider to administer general
9 anesthesia, deep sedation, or moderate sedation to a patient under 12 years of age shall also be
10 certified in Pediatric Advanced Life Support by the American Heart Association or an equivalent
11 program approved by the board.

12 **Source:** 9 SDR 49, effective October 25, 1982; 12 SDR 151, 12 SDR 155, effective July
13 1, 1986; transferred from § 20:43:04:11, 19 SDR 32, effective September 6, 1992; 37 SDR 131,
14 effective January 6, 2011; 42 SDR 83, effective December 3, 2015.

15 **General Authority:** SDCL 36-6A-14(1)(3)(13)(14)(20).

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

17 ———~~**References:** "Guidelines for Teaching Pain Control and Sedation to Dentists and Dental~~
18 ~~Students," 2012 Edition, American Dental Association. Copies may be obtained from the~~
19 ~~American Dental Association at www.ada.org free of charge. "Guidelines for the use of Sedation~~
20 ~~and General Anesthesia by Dentists," 2012 Edition, American Dental Association. Copies may~~
21 ~~be obtained from the American Dental Association at www.ada.org free of charge. "Guidelines~~
22 ~~for Monitoring and Management of Pediatric Patients During and After Sedation for Diagnostic~~
23 ~~and Therapeutic Procedures: An Update," 2011 Edition, American Academy of Pediatrics.~~

1 Copies may be obtained from the American Academy of Pediatrics at www.aapd.org free of
2 charge.

3 **20:43:09:04.01. Employing or contracting with licensed anesthesia provider that**
4 **provides general anesthesia, deep sedation, or moderate sedation in dental office.** ~~If a~~ A
5 dentist ~~employs or contracts with a~~ that holds a general anesthesia and deep sedation, moderate
6 sedation, or host permit and utilizes a licensed anesthesia provider that provides to administer
7 general anesthesia, deep sedation, or moderate sedation for dental patients in a dental office or
8 facility on an outpatient basis ~~the dentist must~~ to a dental patient on whom the dentist is
9 performing a dental procedure shall:

10 (1) Have a written contract or written agreement with the licensed anesthesia provider
11 ~~stating~~ that outlines the appropriate roles and responsibilities of the dentist, licensed anesthesia
12 provider, and clinical staff, for the administration of sedation or anesthesia, that shall include a
13 requirement that the licensed anesthesia provider:

14 (A) Collaborate with the dentist on patient selection based on clearly defined patient
15 selection criteria;

16 (B) ~~that the licensed anesthesia provider must~~ Be continuously be present during the
17 administration of the anesthetic ~~and remain~~ ;

18 (C) Remain with the patient until the patient is communicating effectively;

19 (D) Transfer care of the patient to an individual who holds a permit to monitor patients
20 under general anesthesia, deep sedation, or moderate sedation, or is otherwise authorized by law
21 to monitor patients under general anesthesia, deep sedation, or moderate sedation; and

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

1 (2) Notify the board ~~that~~ of the location of any dental office or facility where general
2 anesthesia, deep sedation, or moderate sedation services are being ~~are being~~ will be provided ~~and the~~
3 ~~location of the facility where such services are being provided;~~

4 (3) ~~Employ~~ Ensure the availability of auxiliary personnel that are certified in
5 administering basic life support by the American Heart Association for the Healthcare Provider,
6 the American Red Cross for the Professional Rescuer, or an equivalent program approved by the
7 board;

8 (4) ~~Meet the equipment~~ Verify that the requirements for the level of anesthesia or sedation
9 being provided, as required in § 20:43:09:13 or 20:43:09:13.01, are satisfied;

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

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

14 (7) ~~Ensure that the licensed anesthesia provider holds anesthesia privileges at a licensed~~
15 ~~ambulatory surgery center or licensed hospital.~~ Ensure that the licensed anesthesia provider
16 qualifications and competency to deliver the necessary sedation or anesthesia services have been
17 meaningfully verified; and

18 (8) Ensure that the licensed anesthesia provider is not administering general anesthesia and
19 deep sedation without the presence and assistance of at least one individual, other than the dentist
20 completing the dental procedure, who holds a permit to monitor patients under general
21 anesthesia, deep sedation, or moderate sedation, or is otherwise authorized by law to monitor
22 patients under general anesthesia and deep sedation.

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

1 **General Authority:** SDCL 36-6A-14(1)(13)(14)(20).

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

3 **20:43:09:04.02. Utilizing licensed anesthesia provider for general anesthesia and**
4 **deep sedation or moderate sedation in ambulatory surgery center or hospital.** No permit is
5 required if a dentist utilizes the services of a licensed anesthesia provider for dental patients in ~~an~~
6 a licensed ambulatory surgery center or hospital.

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

8 **General Authority:** SDCL 36-6A-14(1)(20).

9 **Law Implemented:** SDCL 36-6A-14(1)(13)(20), ~~36-6A-16.~~

10 **20:43:09:04.03. Moderate sedation course requirements.** The board may approve a
11 moderate sedation training course as referenced in subdivision 20:43:09:04(1) if the course meets
12 the following requirements:

13 (1) The course satisfies all objectives and content as described in Part 5 of the
14 Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students;

15 (2) The course includes a minimum of 60 clock hours of coursework that is provided
16 through didactic instruction;

17 (3) The course includes the administration of moderate parenteral sedation via the
18 intravenous route to at least 20 individually managed live patients of the appropriate age. The
19 course participant must be listed on the anesthesia record, administer the drugs, and document
20 the administration and physiologic findings on the anesthesia record;

21 (4) The course includes clinical experience in the management of the compromised
22 airway and establishment of intravenous access;

1 (5) The course is directed by a dentist or physician qualified by experience and
2 training, including the following:

3 (A) The course director has not been disciplined for conduct that, in the opinion of
4 the board, would jeopardize the safety of 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
8 general anesthesia and deep sedation or moderate sedation, including formal postdoctoral
9 residency training in anxiety and pain control;

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

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

14 (8) The course provides additional clinical experience if the course participant has not
15 achieved competency within the time allotted for the course; and

16 (9) The course director certifies the competency of a course participant in each
17 moderate sedation technique, including instruction, clinical experience, managing the airway,
18 intravascular or intraosseous access, and reversal drugs, before the course participant is issued
19 documentation verifying successful completion of the course.

20 The board shall conduct a review of moderate sedation courses annually and may only
21 approve courses that have submitted documentation necessary to verify that the course
22 requirements outlined in this rule have been met. A course director may be required to
23 participate in an interview as part of the course review, before a course will be approved.

1 **Source:**

2 **General Authority:** SDCL 36-6A-14(1)(3)(13)(20).

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

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

7 **20:43:09:04.04. Host permit requirements.** The board may issue a permit to a licensed
8 dentist to utilize a licensed anesthesia provider to administer general anesthesia, deep sedation,
9 or moderate sedation, in compliance with § 20:43:09:04.01 on an outpatient basis to a dental
10 patient on whom the dentist is performing a dental procedure, if the dentist:

11 (1) Has successfully completed a course approved by the board that meets the criteria
12 outlined in § 20:43:09:04.05. If the course was completed more than 12 months prior to
13 application, the applicant must also hold a permit equivalent to the host permit in another state;

14 (2) Has fulfilled the requirements outlined in § 20:43:09:12;

15 (3) Has fulfilled the requirements outlined in § 20:43:09:13 or 20:43:09:13.01, based on
16 the highest level of sedation or anesthesia that will be provided to a patient; and

17 (4) Is certified in administering Advanced Cardiovascular Life Support by the American
18 Heart Association or an equivalent program approved by the board.

19 A dentist that holds a host permit is authorized to monitor a patient under general
20 anesthesia, deep sedation, or moderate sedation. A dentist that holds a host permit and utilizes a
21 licensed anesthesia provider to provide general anesthesia, deep sedation, or moderate sedation
22 to a patient under 12 years shall also be certified in Pediatric Advanced Life Support by the
23 American Heart Association or an equivalent program approved by the board.

1 **Source:**

2 **General Authority:** SDCL 36-6A-14(1)(13)(14)(20).

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

4 **20:43:09:04.05. Host course requirements.** The board may approve an educational
5 course as referenced in subdivision 20:43:09:04.04(1) if the course meets the following
6 requirements:

7 (1) The course provides instruction and an assessment of knowledge and skill in the
8 following areas:

9 (A) Preoperative patient assessment;

10 (B) Emergency scenarios and rescue;

11 (C) Respiratory complications;

12 (D) Patient safety and monitoring;

13 (E) Airway assessment and management;

14 (F) Anesthetic drugs; and

15 (G) Recovery; and

16 (2) Upon completion, the course participant is able to:

17 (A) Identify a high-risk patient;

18 (B) Differentiate between levels of sedation;

19 (C) Monitor a patient receiving sedation or anesthesia; and

20 (D) Rescue a patient from a deeper-than-intended level of sedation;

21 The board shall conduct a review of courses annually and may only approve courses that

22 have submitted documentation necessary to verify that the course requirements outlined in this

1 rule have been met. A course director may be required to participate in an interview as part of
2 the course review, before a course will be approved.

3 **Source:**

4 **General Authority:** SDCL 36-6A-14(1)(3)(13)(20).

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

6 **20:43:09:04.06. Anesthesia or sedation education -- Other.** At its discretion, in lieu of
7 the requirement outlined in subdivision 20:43:09:03(1), 20:43:09:04(1), or 20:43:09:04.04(1),
8 the board may consider training or experience accepted in any state or jurisdiction that resulted
9 in an equivalent permit being issued to or maintained by the applicant. The board may deem
10 such training or experience substantially equivalent and issue a permit or may require that the
11 applicant complete supplemental training, education, evaluation, or remediation before a permit
12 may be issued. The applicant shall pay all costs of the training, education, evaluation,
13 remediation, or proceedings.

14 **Source:**

15 **General Authority:** SDCL 36-6A-14(1)(13)(20).

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

17 **20:43:09:05. Nitrous oxide ~~inhalation~~ sedation and analgesia permit requirements --**
18 **Dentists.** The board may issue a permit to a dentist to ~~use~~ administer nitrous oxide ~~inhalation~~
19 sedation and analgesia ~~sedation for~~ to dental patients on an outpatient basis if the dentist ~~meets~~
20 the following requirements:

21 (1) ~~Meets one of the following educational requirements:~~ Is certified in administering
22 basic life support by the American Heart Association for the Healthcare Provider, the American
23 Red Cross for the Professional Rescuer, or an equivalent program approved by the board; and

1 ~~————(a) (2) Has successfully completed a board approved course that meets the objectives~~
2 ~~and 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~~ sedation and analgesia sedation~~
5 ~~while a student in an accredited school of dentistry; through an accredited dental school and~~
6 ~~either:~~

7 ~~(a) Completed the course within 13 months prior to application; or~~

8 ~~(b) Completed the course more than 13 months prior to application, has legally~~
9 ~~administered nitrous oxide sedation and analgesia for a period of time during the three years~~
10 ~~preceding application, and attests to his or her current clinical proficiency to administer nitrous~~
11 ~~oxide sedation and analgesia.~~

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

14 ~~————(3) Is certified in administering basic life support by the American Heart Association for~~
15 ~~the Healthcare Provider, the American Red Cross for the Professional Rescuer, or an equivalent~~
16 ~~program approved by the board; and~~

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

20 ~~A dentist that administers nitrous oxide sedation and analgesia must use equipment with~~
21 ~~fail-safe features, a 30-percent-minimum oxygen flow, and a scavenger system.~~

22 ~~A If a patient is 12 years or older, a dentist may administer nitrous oxide ~~inhalation~~~~
23 ~~sedation and analgesia in combination with a single enteral drug to achieve a ~~minimally~~~~

1 ~~depressed level of consciousness~~ minimal sedation only if the maximum recommended dose of
2 the enteral drug is not exceeded. Incremental dosing may be utilized. A dentist may not
3 administer nitrous oxide ~~inhalation~~ sedation and analgesia ~~used~~ in combination with more than
4 one enteral drug or by dosing a single enteral drug in excess of the maximum recommended dose
5 unless the dentist holds the appropriate general anesthesia and deep sedation permit or moderate
6 sedation permit.

7 **Source:** 9 SDR 49, effective October 25, 1982; 12 SDR 151, 12 SDR 155, effective July
8 1, 1986; transferred from § 20:43:04:12, 19 SDR 32, effective September 6, 1992; 37 SDR 131,
9 effective January 6, 2011; 42 SDR 83, effective December 3, 2015.

10 **General Authority:** SDCL 36-6A-14(1)(3)(13)(14)(20).

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

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

15 **20:43:09:06. Nitrous oxide ~~inhalation~~ sedation and analgesia permit requirements --**
16 **Dental hygienists and registered dental assistants.** The board may issue a permit to a dental
17 hygienist or a registered dental assistant to ~~use~~ administer nitrous oxide ~~inhalation~~ sedation and
18 analgesia ~~for~~ to dental patients on an outpatient basis under the direct supervision of a dentist if
19 the dental hygienist or registered dental assistant ~~has met the following requirements:~~

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

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

4 (a) Completed the course within ~~thirteen~~ 13 months prior to application; or

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

10 A dental hygienist or registered dental assistant that administers nitrous oxide sedation
11 and analgesia must use equipment with fail-safe features, a 30-percent-minimum oxygen flow,
12 and a scavenger system.

13 **Source:** 19 SDR 32, effective September 6, 1992; 32 SDR 188, effective May 15, 2006;
14 37 SDR 131, effective January 6, 2011; 42 SDR 19, effective August 17, 2015; 42 SDR 83,
15 effective December 3, 2015.

16 **General Authority:** SDCL 36-6A-14(1)(3)(7)(10)(13)(14)(20).

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

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

21 **20:43:09:06.02. Minimal sedation.** A If a patient is 12 years or older, a dentist may
22 administer an oral drug to achieve a state of minimal sedation without a permit. A dentist
23 administering minimal sedation must have appropriate access to oxygen and suction and

1 emergency drugs and must meet the standards of the Guidelines for the Use of Sedation and
2 General Anesthesia by Dentists. If a patient is 12 years or older, A a dentist may not administer
3 to the patient or prescribe for patient self-administration more than up to the maximum
4 recommended dose of a single enteral drug ~~for a patient at the same setting unless the dentist~~
5 ~~holds the appropriate~~ per visit, to achieve a state of minimal sedation without a general
6 anesthesia and deep sedation permit or moderate sedation permit.

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

8 **General Authority:** SDCL 36-6A-14(1)(3)(13)(14)(20).

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

10 **Reference:** "Guidelines for the Use of Sedation and General Anesthesia by Dentists,"
11 ~~2012~~ 2016 Edition, American Dental Association. Copies may be obtained from the American
12 Dental Association at www.ada.org free of charge.

13 **20:43:09:08. Application for permits -- Renewal.** The application for a ~~permit to~~
14 ~~administer~~ general anesthesia and deep sedation, ~~or moderate sedation,~~ or host permit must
15 include a fee of \$50. The application for a permit for a dentist, dental hygienist, or registered
16 dental assistant to administer nitrous oxide ~~inhalation~~ sedation and analgesia must include a fee
17 of \$40. The application for a permit for a dental hygienist to administer local anesthesia must
18 include a fee of \$40.

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

1 A general anesthesia and deep sedation permit ~~or~~ moderate sedation permit, or host
2 permit must be renewed annually. The annual fee for a general anesthesia and deep sedation
3 permit ~~or~~ a moderate sedation permit, or a host permit is \$50. A re-evaluation of the credentials
4 and facility of the permit holder may be conducted for permit renewal. Any ~~person~~ dentist
5 renewing a general anesthesia and deep sedation permit or moderate sedation permit ~~must~~ shall
6 be able to demonstrate continued competency as required by the board. A dentist that holds a
7 general anesthesia and deep sedation permit shall complete at least 50 cases of general anesthesia
8 or deep sedation annually. A dentist that holds a moderate sedation permit shall complete at
9 least 12 cases of moderate sedation annually. If a dentist is unable to complete the required
10 number of annual sedation or anesthesia cases, the dentist may complete three hours of board
11 approved continuing education that pertain to the administration and management of the
12 applicable level of sedation or anesthesia for each case not completed. This continuing
13 education is in addition to other continuing education permit requirements. A dentist that holds a
14 general anesthesia and deep sedation, moderate sedation, or host permit shall document
15 completion of team training on emergency response protocols at least annually in the setting
16 where the anesthesia or sedation is being provided. Documentation must be provided to the
17 board upon request.

18 A nitrous oxide ~~inhalation~~ sedation and analgesia permit, local anesthesia permit, and
19 permit to monitor patients under general anesthesia, deep sedation, or moderate sedation must be
20 renewed annually. The annual fee for a nitrous oxide ~~inhalation~~ sedation and analgesia permit for
21 a dentist is \$40. The annual fee for a nitrous oxide ~~inhalation~~ sedation and analgesia permit for a
22 dental hygienist is \$20. The annual fee for a nitrous oxide ~~inhalation~~ sedation and analgesia
23 permit for a registered dental assistant is \$20. The annual fee for a permit to administer local

1 anesthesia for a dental hygienist is \$20. There is no annual fee for a permit to monitor patients
2 under general anesthesia, deep sedation, or moderate sedation.

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

7 **Source:** 19 SDR 32, effective September 6, 1992; 37 SDR 131, effective January 6, 2011;
8 38 SDR 172, effective April 25, 2012; 42 SDR 19, effective August 17, 2015; 42 SDR 83,
9 effective December 3, 2015.

10 **General Authority:** SDCL 36-6A-14(9)(14)(20), 36-6A-50(12).

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

12 **20:43:09:09. Reports of adverse conditions.** All dentists must notify the board within 72
13 hours after any death or any incident which results in temporary or permanent physical or mental
14 injury requiring medical treatment of the dentist's patient during, or as a result of, the
15 administration of general anesthesia and deep sedation, moderate sedation, or nitrous oxide
16 ~~inhalation~~ sedation and analgesia. A complete written report of the incident must be submitted to
17 the board within 30 days. The report shall be submitted on a form provided by the board.

18 Failure to comply with reporting requirements constitutes an automatic suspension of the
19 ~~permit to administer~~ general anesthesia and deep sedation, moderate sedation, host, or nitrous
20 oxide ~~inhalation~~ sedation and analgesia permit.

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

22 **General Authority:** SDCL 36-6A-14(1)(2)(20).

23 **Law Implemented:** SDCL 36-6A-14(1)(2)(14)(20).

1 **20:43:09:11. Inspection of facilities.** ~~The board may at any time require an on-site~~
2 ~~inspection of the facility, equipment, and personnel to determine if the requirements of this~~
3 ~~chapter are being met. The dentist is~~ subject to an inspection shall be responsible for all costs
4 associated with an inspection. ~~The on-site inspection should~~ shall be performed completed by
5 ~~two board approved inspectors. However, if utilizing two board approved inspectors presents a~~
6 ~~hardship, the board may allow the inspection to be performed by one board approved inspector.~~
7 an inspector or inspectors approved by the board. Inspectors shall be individuals who are
8 legally authorized to administer anesthesia or sedation at the level of the inspection being
9 completed; have at least three years of experience administering dental anesthesia or sedation in
10 a dental office; have not been disciplined for conduct that, in the opinion of the board, would
11 jeopardize the safety of the public or patients; and abide by the inspection process approved by
12 the board.

13 Each A dentist who applies for a general anesthesia and deep sedation ~~or~~ moderate
14 sedation, or host permit must have shall pass an on-site facility inspection conducted at the
15 primary office within twelve months of application or the facility where anesthesia or sedation
16 will be provided before a temporary general anesthesia and deep sedation, moderate sedation, or
17 host permit permit may be issued.

18 A dentist prior to expiration of the who holds a temporary general anesthesia and deep
19 sedation, moderate sedation, or host permit whichever is earlier. The board may require
20 inspection of a dentist's satellite office at any time. If the dentist does not have a primary office
21 located in South Dakota, the on-site inspection may be conducted at a satellite office located in
22 South Dakota. shall pass a full inspection before a general anesthesia and deep sedation,
23 moderate sedation, or host permit may be issued.

1 ~~Following the initial inspection, each A dentist must have an on-site who holds a~~
2 general anesthesia and deep sedation, moderate sedation, or host permit shall pass a full
3 inspection conducted at the primary office at least once in each five-year licensure cycle to
4 maintain the permit. If the dentist does not have a primary office located in South Dakota the
5 dentist may submit, subject to board approval, a report from a successful inspection conducted at
6 the primary office located in a different state. An on-site inspection of the satellite office may
7 also be required by the board.

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

10 **Source:** 9 SDR 49, effective October 25, 1982; 12 SDR 151, 12 SDR 155, effective July
11 1, 1986; transferred from § 20:43:04:09, 19 SDR 32, effective September 6, 1992; 37 SDR 131,
12 effective January 6, 2011; 42 SDR 83, effective December 3, 2015.

13 **General Authority:** SDCL 36-6A-14(1)(2)(13)(20).

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

15 **20:43:09:12. Requirements of inspection.** ~~An~~ Each inspection shall must be completed
16 for the dentist whose permit or application is under review using an inspection form and process
17 approved by the board and shall must include an evaluation of the following:

18 ~~(1) The office facilities, records,~~ For a facility inspection to obtain a temporary general
19 anesthesia and deep sedation, moderate sedation, or host permit, an evaluation of:

20 (A) The physical facility in which anesthesia or sedation will be provided;

21 (B) The drugs, and emergency medications, including all staff, and equipment and
22 the physical facility necessary for the safe administration of the level of anesthesia or
23 sedation authorized by the permit; and

1 (C) The technical competency of the permit holder and clinical office staff to
2 effectively respond to anesthesia related emergencies;

3 (2) For a full inspection to obtain and maintain a host permit, an evaluation of:

4 (A) The physical facility in which anesthesia or sedation will be provided;

5 (B) The drugs, emergency medications, staff, and equipment necessary for the
6 safe administration of the level of anesthesia or sedation authorized by the permit;

7 (C) The technical competency of the permit holder and clinical office staff to
8 effectively respond to anesthesia related emergencies; and

9 (D) Appropriate patient anesthesia records.

10 (3) For a full inspection to obtain and maintain a general anesthesia and deep sedation or
11 moderate sedation permit, an evaluation of:

12 (A) The physical facility in which anesthesia or sedation will be provided;

13 (B) The drugs, emergency medications, staff, and equipment necessary for the
14 safe administration of the level of anesthesia or sedation authorized by the permit;

15 (C) The technical competency of the permit holder and clinical office staff to
16 effectively respond to anesthesia related emergencies;

17 (D) Appropriate patient anesthesia records; and

18 (E) The technical competency of the permit holder to safely administer the level of
19 anesthesia or sedation authorized by the permit.

20 ~~— (2) A live dental procedure performed by the dentist whose facility is being examined~~
21 ~~utilizing the type of anesthesia or sedation for which the dentist is applying for a permit;~~

22 ~~— (3) Any anesthesia or sedation technique that is routinely employed during the~~
23 ~~administration of anesthesia or sedation;~~

- 1 ~~— (4) The appropriate monitoring of a live patient during anesthesia or sedation;~~
2 ~~— (5) The observation of a patient during recovery and the time allowed for recovery; and~~
3 ~~— (6) Simulated emergencies in the surgical areas of the dental office with participation by~~
4 ~~members of the staff that are trained to handle emergencies. Emergencies shall be listed on the~~
5 ~~board approved inspection form.~~

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

7 **General Authority:** SDCL 36-6A-14(1)(13)(14)(20).

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

9 **20:43:09:13. Equipment -- Moderate sedation.** Any dentist who administers moderate
10 sedation or who provides dental services to patients under moderate sedation ~~must~~ shall ensure
11 that the office or facility in which the work is performed:

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

14 (2) Has the following equipment:

15 ~~(a)~~A) An automated external defibrillator or full function defibrillator that is
16 immediately accessible;

17 ~~(b)~~B) A positive pressure oxygen delivery system and a backup system;

18 ~~(c)~~C) A functional suctioning device and a backup suction device;

19 ~~(d)~~D) Auxiliary lighting;

20 ~~(e)~~E) A gas storage facility;

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

1 (gG) Methods to monitor respiratory and cardiac function, including all of the
2 following:

3 (i1) Pulse oximetry; ~~and~~

4 (ii2) Electrocardiogram display;

5 (3) Precordial stethoscope;

6 (4) Measurement of EtCO2, capnography; and

7 (5) Method to monitor blood pressure; and

8 (hH) ~~A board Board approved emergency cart that must be available and readily~~
9 ~~accessible and includes the necessary and appropriate and readily available emergency drugs and~~
10 ~~appropriately sized equipment necessary to resuscitate a non-breathing and unconscious patient~~
11 ~~and provide continuous support while the patient is transported to a medical facility. There must~~
12 ~~be The permit holder shall provide documentation that all emergency drugs and equipment and~~
13 ~~drugs are checked inspected and maintained on a prudent and regularly scheduled basis,~~
14 according to manufacturer specifications where applicable.

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

16 **General Authority:** SDCL 36-6A-14(1)(3)(13)(14)(20).

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

18 **20:43:09:13.01. Equipment -- General anesthesia and deep sedation.** Any dentist who
19 administers general anesthesia or deep sedation or who provides dental services to patients under
20 general anesthesia or deep sedation ~~must~~ shall ensure that the office or facility in which the work
21 is performed:

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

- 1 (2) Has the following equipment:
- 2 (a) An automated external defibrillator or full function defibrillator that is
- 3 immediately accessible;
- 4 (b) A positive pressure oxygen delivery system and a backup system;
- 5 (c) A functional suctioning device and a backup suction device;
- 6 (d) Auxiliary lighting;
- 7 (e) A gas storage facility;
- 8 (f) A recovery area. Recovery may take place in the surgical suite. If a separate
- 9 recovery area is utilized, it must be of the appropriate size for emergency access and
- 10 management and must have resuscitative equipment present;
- 11 (g) Methods to monitor respiratory and cardiac function, including all of the following:
- 12 (i) Pulse oximetry;
- 13 (ii) Electrocardiogram display;
- 14 (iii) Precordial or pretracheal stethoscope; and
- 15 (iv) Measurement of EtCO2, capnography; and
- 16 (5) Method to monitor blood pressure; and
- 17 (h) ~~A board~~ Board approved emergency cart that must be available and readily
- 18 ~~accessible and includes the necessary and appropriate~~ and readily available emergency drugs and
- 19 appropriately sized equipment necessary to resuscitate a non-breathing and unconscious patient
- 20 and provide continuous support while the patient is transported to a medical facility. ~~There must~~
- 21 ~~be~~ The permit holder shall provide documentation that all emergency drugs and equipment and
- 22 ~~drugs are checked~~ inspected and maintained on a prudent and regularly scheduled basis,
- 23 according to manufacturer specifications where applicable.

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

General Authority: SDCL 36-6A-14(1)(3)(13)(14)(20).

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

20:43:09:14. Clinical guidelines. A dentist who provides any level of sedation ~~must meet~~ the standards of the ~~Guidelines for the Use of Sedation and General Anesthesia by Dentists for~~ thorough patient assessment, ~~pre-operative preparation, recovery and discharge, and management~~ of emergencies or utilizes the services of a licensed anesthesia provider shall apply the current standard of care.

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

General Authority: SDCL 36-6A-14(1)(3)(20).

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

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

20:43:09:17. Emergency response protocol. A dentist shall ensure a written emergency response protocol is in place for all patients undergoing moderate sedation, deep sedation, or general anesthesia.

Source:

General Authority: SDCL 36-6A-14(1)(13)(14)(20).

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