

3100.3600 ADMINISTRATION OF NITROUS OXIDE INHALATION ANALGESIA, GENERAL ANESTHESIA, DEEP SEDATION, AND MODERATE SEDATION.

Subpart 1. **Prohibitions.** A dental therapist, dental hygienist, or licensed dental assistant must not administer general anesthesia, deep sedation, moderate sedation, or minimal sedation.

Subp. 1a. **Reporting of incidents required.**

A. A dentist, dental therapist, dental hygienist, or licensed dental assistant must report to the board any incident that arises from the administration of nitrous oxide inhalation analgesia, general anesthesia, deep sedation, moderate sedation, local anesthesia, analgesia, or minimal sedation that results in:

(1) a serious or unusual outcome that produces a temporary or permanent physiological injury, harm, or other detrimental effect to one or more of a patient's body systems; or

(2) minimal sedation unintentionally becoming moderate sedation, deep sedation, or general anesthesia when the licensee does not have a certificate for administering general anesthesia or moderate sedation described in subparts 18 and 20.

B. The report required under item A must be submitted to the board on forms provided by the board within ten business days of the incident by the dentist, dental therapist, dental hygienist, or licensed dental assistant. The requirements of this subpart apply even when another licensed health care professional who, under contract or employment with the dentist, was the actual person administering the analgesia or pharmacological or nonpharmacological method. A licensee who fails to comply with this subpart is subject to disciplinary proceedings on grounds specified in parts 3100.6100 and 3100.6200 and Minnesota Statutes, section 150A.08, subdivision 1.

Subp. 2. [Repealed, 46 SR 908]

Subp. 3. [Repealed, 46 SR 908]

Subp. 4. [Repealed, 46 SR 908]

Subp. 5. [Repealed, 46 SR 908]

Subp. 6. [Repealed, 46 SR 908]

Subp. 7. [Repealed, 46 SR 908]

Subp. 8. [Repealed, 46 SR 908]

Subp. 9. [Repealed, 46 SR 908]

Subp. 9a. [Repealed, 46 SR 908]

Subp. 9b. [Repealed, 46 SR 908]

Subp. 10. [Repealed, 46 SR 908]

Subp. 11. [Repealed, 46 SR 908]

Subp. 12. **Nitrous oxide inhalation analgesia requirement for a dentist.** A dentist licensed by the board is allowed to administer nitrous oxide inhalation analgesia.

Subp. 13. **Nitrous oxide inhalation analgesia; application and educational training requirements for a dental therapist.**

A. A dental therapist who administers nitrous oxide inhalation analgesia must be under the general supervision of a licensed dentist.

B. A dental therapist who graduated from a board-approved dental therapy program in Minnesota after August 1, 2013, may administer nitrous oxide inhalation analgesia without completing any further requirements.

C. A dental therapist who graduated from a board-approved dental therapy program in Minnesota prior to August 1, 2013, or graduated from another United States jurisdiction or Canadian province may administer nitrous oxide inhalation analgesia after providing the board:

- (1) a completed application;
- (2) evidence of having completed a course in administering nitrous oxide inhalation analgesia from an institution accredited by the Commission on Dental Accreditation. The course must be at least 12 hours total and contain didactic instruction, personal administration and management of at least three individual supervised cases of analgesia, and supervised clinical experience using fail-safe anesthesia equipment capable of positive pressure respiration; and
- (3) documentation of current CPR certification.

Subp. 14. **Nitrous oxide inhalation analgesia; application and educational training requirements for a dental hygienist.**

A. A dental hygienist who administers nitrous oxide inhalation analgesia must be under the general supervision of a licensed dentist.

B. A dental hygienist who graduated from a dental hygiene program in Minnesota after September 2, 2004, may administer nitrous oxide inhalation analgesia without completing any further requirements.

C. A dental hygienist who graduated from a dental hygiene program in Minnesota prior to September 2, 2004, or graduated from another United States jurisdiction or Canadian province may administer nitrous oxide inhalation analgesia after providing the board:

- (1) a completed application;
- (2) evidence of having completed a course in administering nitrous oxide inhalation analgesia from an institution accredited by the Commission on Dental Accreditation. The course must be at least 12 hours total and contain didactic instruction, personal administration and management of at least three individual supervised cases of analgesia, and supervised clinical experience using fail-safe anesthesia equipment capable of positive pressure respiration; and
- (3) documentation of current CPR certification.

Subp. 15. Nitrous oxide inhalation analgesia; application and educational training requirements for a licensed dental assistant.

A. A licensed dental assistant who administers nitrous oxide inhalation analgesia must be under the direct supervision of a licensed dentist.

B. A licensed dental assistant who graduated from a dental assisting program in Minnesota after September 2, 2004, may administer nitrous oxide inhalation analgesia without completing any further requirements.

C. A licensed dental assistant who graduated from a dental assisting program in Minnesota prior to September 2, 2004, or graduated from another United States jurisdiction or Canadian province may administer nitrous oxide inhalation analgesia after providing the board:

(1) a completed application;

(2) evidence of having completed a course in administering nitrous oxide inhalation analgesia from an institution accredited by the Commission on Dental Accreditation. The course must be at least 12 hours total and contain didactic instruction, personal administration and management of at least three individual supervised cases of analgesia, and supervised clinical experience using fail-safe anesthesia equipment capable of positive pressure respiration; and

(3) documentation of current CPR certification.

Subp. 16. Initial certification for general anesthesia or deep sedation; application and educational training requirements for a dentist.

A. A dentist may administer general anesthesia or deep sedation only after providing the board:

(1) a completed initial application;

(2) the nonrefundable fee in Minnesota Statutes, section 150A.091, subdivision 11;

(3) evidence of having completed:

(a) a didactic and clinical program at a dental school, hospital, or graduate medical or dental program accredited by the Commission on Dental Accreditation, resulting in the dentist becoming clinically competent in the administration of general anesthesia. The program must be equivalent to a program for advanced specialty education in oral and maxillofacial surgery; or

(b) a one-year residency in general anesthesia at an institution certified by the American Society of Anesthesiology, the American Medical Association, or the Joint Commission on Hospital Accreditation, resulting in the dentist becoming clinically competent in the administration of general anesthesia. The residency must include a minimum of 390 hours of didactic study, 1,040 hours of clinical anesthesiology, and 260 cases of administration of general anesthesia to an ambulatory outpatient;

(4) documentation of current certification in ACLS or PALS;

- (5) documentation of current CPR certification;
- (6) attestation of compliance with the practice and equipment requirements in subpart 22; and
- (7) attestation of compliance with an on-site inspection described in subpart 23.

B. Once a dentist possesses a valid certificate for general anesthesia, the dentist is not required to possess an additional certificate for deep or moderate sedation.

C. A dentist who administers general anesthesia or deep sedation without a general anesthesia certificate shall be subject to disciplinary proceedings by the board on the grounds specified in parts 3100.6100 and 3100.6200 and Minnesota Statutes, section 150A.08, subdivision 1.

Subp. 17. Initial certification for moderate sedation; application and educational training requirements for a dentist.

- A. A dentist may administer moderate sedation only after providing the board:
- (1) a completed initial application;
 - (2) the nonrefundable fee in Minnesota Statutes, section 150A.091, subdivision 11;
 - (3) evidence of having completed a course of education resulting in the dentist becoming clinically competent in the administration of moderate sedation. The course must include a minimum of 60 hours of didactic education in both enteral and parenteral administration and personal administration and management of at least ten individual supervised cases of parenteral moderate sedation of which a maximum of five cases may be performed on a patient simulation manikin;
 - (4) documentation of current certification in ACLS or PALS;
 - (5) documentation of current CPR certification;
 - (6) attestation of compliance with the practice and equipment requirements in subpart 22; and
 - (7) attestation of compliance with an on-site inspection described in subpart 23.

B. A dentist who administers moderate sedation without a moderate sedation certificate shall be subject to disciplinary proceedings by the board on the grounds specified in parts 3100.6100 and 3100.6200 and Minnesota Statutes, section 150A.08, subdivision 1.

Subp. 18. Board-issued certificates for general anesthesia and moderate sedation.

A. The board shall issue the following certificates for general anesthesia and moderate sedation:

- (1) general anesthesia, which authorizes a dentist to either administer general anesthesia, deep sedation, or moderate sedation, or to provide dental services to patients under general anesthesia, deep sedation, or moderate sedation when a dentist employs or contracts another licensed health

care professional with the qualified training and legal qualification to administer general anesthesia, deep sedation, or moderate sedation; and

(2) moderate sedation, which authorizes a dentist to either administer moderate sedation or to provide dental services to patients under moderate sedation when a dentist employs or contracts another licensed health care professional with the qualified training and legal qualification to administer moderate sedation.

B. A dentist holding a certificate issued by the board must conspicuously display the certificate in plain sight of patients in every office in which the dentist administers general anesthesia, deep sedation, or moderate sedation.

C. A dentist may submit to the board a request for a duplicate general anesthesia or moderate sedation certificate. The request must include the fee under Minnesota Statutes, section 150A.091, subdivision 12.

D. To renew a general anesthesia or moderate sedation certificate, the dentist must provide the board:

- (1) a completed application;
- (2) the nonrefundable fee in Minnesota Statutes, section 150A.091, subdivision 11;
- (3) documentation of current certification in ACLS or PALS;
- (4) documentation of current CPR certification;
- (5) attestation of compliance with the practice and equipment requirements in subpart 22; and
- (6) attestation of compliance with an on-site inspection described in subpart 23.

E. A dentist's general anesthesia or moderate sedation certificate expires if the completed application and fee are not received by the board by the dentist's license renewal date. Immediately upon expiration, the dentist is prohibited from administering general anesthesia, deep sedation, or moderate sedation in the practice of dentistry until the board issues a current general anesthesia or moderate sedation certificate to the dentist described in subpart 19. After 30 days, the board shall terminate the dentist's general anesthesia or moderate sedation certificate.

Subp. 19. Expiration or termination of general anesthesia or moderate sedation certificate; requirements.

A. A dentist requesting renewal or recertification of a general anesthesia or moderate sedation certificate following expiration or termination must comply with the requirements for the applicable interval specified in subitem (1) or (2) and the requirements of this subpart.

(1) A dentist whose anesthesia or moderate sedation certificate that, within 30 calendar days, expired or was terminated by the board must provide the board:

- (a) a completed renewal application;

- (b) the nonrefundable fee in Minnesota Statutes, section 150A.091, subdivision 11;
- (c) the nonrefundable late fee in Minnesota Statutes, section 150A.091, subdivision 11a;
- (d) documentation of current certification in ACLS or PALS;
- (e) documentation of current CPR certification;
- (f) attestation of compliance with the practice and equipment requirements in subpart 22; and
- (g) attestation of compliance with an on-site inspection described in subpart 23.

(2) A dentist whose anesthesia or moderate sedation certificate that, for more than 30 calendar days prior, expired or was terminated by the board must provide the board:

- (a) a completed recertification application;
- (b) the nonrefundable recertification fee in Minnesota Statutes, section 150A.091, subdivision 11b;
- (c) the dentist's written attestation that the dentist has successfully completed the educational requirements for either general anesthesia described in subpart 16 or moderate sedation described in subpart 17;
- (d) documentation of current certification in ACLS or PALS;
- (e) documentation of current CPR certification; and
- (f) attestation of compliance with the practice and equipment requirements in subpart 22.

B. Upon receipt of a recertification application for general anesthesia or moderate sedation, the board shall require that the dentist undergo an on-site inspection described in subpart 23.

C. A dentist whose anesthesia or moderate sedation certificate has expired or been terminated must not administer general anesthesia, deep sedation, or moderate sedation until the board issues a renewed or recertified general anesthesia or moderate sedation certificate to the dentist.

Subp. 20. Initial certification to provide dentistry with contracted sedation provider; application requirements for a dentist.

A. A dentist must not provide dental services to a patient who is under general anesthesia, deep sedation, or moderate sedation at any location other than a hospital unless the dentist possesses the applicable contracted sedation services certificate for general anesthesia or moderate sedation issued by the board.

B. If a dentist possesses a moderate sedation certificate described in subpart 18 and desires to provide dental services to a patient under general anesthesia or deep sedation at any location

other than a hospital, the dentist must contract with a sedation provider and obtain a contracted sedation services certificate for general anesthesia.

C. If a dentist possesses a moderate sedation certificate described in subpart 18 and desires to provide dental services to a patient under moderate sedation by a contracted sedation provider, the dentist is not required to possess an additional certificate for contracting with a sedation provider but is limited to moderate sedation.

D. To apply for a contracted sedation services certificate, the dentist must provide the board:

- (1) a completed application;
- (2) the nonrefundable fee in Minnesota Statutes, section 150A.091, subdivision 11;
- (3) a copy of the contracted health care professional's current license;
- (4) documentation of the contracted health care professional's current certification in ACLS or PALS;
- (5) documentation of the contracted health care professional's current CPR certification;
- (6) documentation of the dentist's current CPR certification;
- (7) attestation of compliance with the practice and equipment requirements in subpart 22; and
- (8) attestation of compliance with an on-site inspection described in subpart 23.

E. A dentist who does not comply with the requirements of this subpart is subject to disciplinary proceedings by the board on grounds specified in parts 3100.6100 and 3100.6200 and Minnesota Statutes, section 150A.08, subdivision 1.

Subp. 21. Board-issued certificates to provide dentistry with a contracted sedation provider.

A. The board shall issue the following certificates to provide dentistry with a contracted sedation provider:

(1) dentistry with contracted sedation services: general anesthesia, which authorizes a dentist to provide dental services to patients under general anesthesia, deep sedation, or moderate sedation when a dentist employs or contracts another licensed health care professional with the qualified training and legal authority to administer general anesthesia, deep sedation, or moderate sedation; and

(2) dentistry with contracted sedation services: moderate sedation, which authorizes a dentist to provide dental services to patients under moderate sedation when a dentist employs or contracts another licensed health care professional with the qualified training and legal qualification to administer moderate sedation.

B. A dentist holding a certificate issued by the board must conspicuously display the certificate in plain sight of patients in every office in which the dentist provides dental services to patients under general anesthesia, deep sedation, or moderate sedation.

C. A dentist may submit to the board a request for a duplicate contracted sedation services certificate. The request must include the fee in Minnesota Statutes, section 150A.091, subdivision 12.

D. To renew a contracted sedation services certificate, the dentist must provide the board:

- (1) a completed application;
- (2) the nonrefundable fee in Minnesota Statutes, section 150A.091, subdivision 11;
- (3) a copy of the contracted health care professional's current license;
- (4) documentation of the contracted health care professional's current certification in ACLS or PALS;
- (5) documentation of the contracted health care professional's current CPR certification;
- (6) documentation of the dentist's current CPR certification;
- (7) attestation of compliance with the practice and equipment requirements in subpart 22; and
- (8) attestation of compliance with an on-site inspection described in subpart 23.

E. A dentist's contracted sedation services certificate expires if the completed application and fee are not received by the board by the dentist's license renewal date. Immediately upon the certificate's expiration, the dentist must not provide dental services to patients under general anesthesia, deep sedation, or moderate sedation until the board issues a current contracted sedation services certificate to the dentist under item F.

F. To renew a contracted sedation services certificate within 30 calendar days of the certificate's expiration, a dentist must provide the board:

- (1) a completed renewal application;
- (2) the nonrefundable renewal fee in Minnesota Statutes, section 150A.091, subdivision 11;
- (3) the nonrefundable late fee in Minnesota Statutes, section 150A.091, subdivision 11a;
- (4) a copy of the contracted health care professional's current license;
- (5) documentation of the contracted health care professional's current certification in ACLS or PALS;
- (6) documentation of the contracted health care professional's current CPR certification;
- (7) documentation of the dentist's current CPR certification;
- (8) attestation of compliance with the practice and equipment requirements in subpart 22; and

(9) attestation of compliance with an on-site inspection described in subpart 23.

G. The board shall terminate an expired contracted sedation services certificate that is not renewed under item F. The dentist may still apply for a contracted sedation services certificate by completing the application requirements in subpart 20, item D.

Subp. 22. Practice and equipment requirements.

A. Dentists who administer general anesthesia, deep sedation, or moderate sedation or who provide dental services to patients under general anesthesia, deep sedation, or moderate sedation must ensure that the practice requirements in this item are followed.

(1) A dentist must be prepared and competent to diagnose, resolve, and prevent any untoward reaction or medical emergency that may develop any time after the administration of general anesthesia, deep sedation, or moderate sedation. A dentist must apply the current standard of care to continuously monitor and evaluate a patient's blood pressure, pulse, respiratory function, and cardiac activity. The current standard of care to assess respiratory function requires the monitoring of tissue oxygenation or ventilation.

(2) A dentist who employs or contracts another licensed health care professional with the qualified training and legal qualification to administer general anesthesia, deep sedation, or moderate sedation, including a dentist, nurse anesthetist, or physician anesthesiologist, must notify the board that these services are being provided in the office facility. The dentist is also responsible for maintaining the facilities, equipment, and emergency supplies, and a record of all general anesthesia, deep sedation, or moderate sedation procedures performed in the facility.

(3) An individual qualified to administer general anesthesia, deep sedation, or moderate sedation who is in charge of the administration of the anesthesia or sedation must remain in the operatory room to continuously monitor the patient once general anesthesia, deep sedation, or moderate sedation is achieved and until all dental services are completed on the patient. Prior to discharge, an individual qualified to administer anesthesia or sedation must assess the patient to ensure that the patient is no longer at risk for cardiorespiratory depression. The patient must be discharged into the care of a responsible adult.

(4) A dentist administering general anesthesia, deep sedation, or moderate sedation to a patient must have in attendance personnel who are currently certified in CPR.

B. Dentists who administer general anesthesia, deep sedation, or moderate sedation or who provide dental services to patients under general anesthesia, deep sedation, or moderate sedation must ensure that the offices in which it is conducted have:

(1) an immediately accessible automated external defibrillator or immediately accessible full-function defibrillator;

(2) a positive pressure oxygen delivery system and a backup system;

(3) a functional suctioning device and a backup suction device;

(4) auxiliary lighting;

- (5) a gas storage facility;
- (6) a recovery area;
- (7) a method to monitor respiratory function; and

(8) an emergency cart or kit that must be available and readily accessible and includes the necessary and appropriate drugs and equipment to resuscitate a nonbreathing and unconscious patient and provide continuous support while the patient is transported to a medical facility. There must be documentation that all emergency equipment and drugs are checked and maintained on a prudent and regularly scheduled basis.

Subp. 23. **On-site inspection; requirements and procedures.** All offices in which general anesthesia, deep sedation, or moderate sedation is conducted under the terms of this part must be in compliance with this subpart.

A. A dentist who applies for an initial general anesthesia or moderate sedation certificate or who provides dental services to patients under general anesthesia, deep sedation, or moderate sedation must have an on-site inspection conducted at one primary office facility within 12 months following receipt of a certificate from the board. Thereafter, a dentist must have an on-site inspection conducted at one primary office facility at least once every five years.

B. A dentist must have an on-site inspection conducted at one primary office facility if the board receives a complaint alleging violation of this part and the board finds the complaint warrants further investigation.

C. If a dentist fails to meet the on-site inspection requirements of item A and, if applicable, item B because of extenuating circumstances, the dentist may apply for an extension of time to complete the requirements by making a written request to the board. If the board grants an extension, the board shall establish the length of the extension to obtain the on-site inspection requirements.

D. A dentist must pay all costs associated with an on-site inspection.

E. The board must notify the dentist if an on-site inspection is required. The board shall provide the dentist with the name of a sedation inspector or organization to arrange and perform the on-site inspection. The dentist may have an on-site inspection performed by another board-approved individual or board-approved organization. The dentist must ensure that the inspection is completed within 30 calendar days of the board's notice.

F. Within 30 calendar days following an on-site inspection, the dentist must direct the individual or organization conducting the inspection to provide the board with the written results of the inspection.

G. If a dentist fails or refuses an on-site inspection, the board shall suspend the dentist's general anesthesia or moderate sedation certificate and subject the dentist to disciplinary proceedings.

Statutory Authority: *MS s 150A.04; 150A.06; 150A.08; 150A.10*

History: *16 SR 2314; 20 SR 1196; 27 SR 1836; 29 SR 306; 31 SR 1238; 35 SR 459; 36 SR 738; 37 SR 1849; 39 SR 1455; 42 SR 226; 43 SR 507; 46 SR 908*

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