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**20:43:03:07. Continuing education requirements -- Dentists.** Dentists must take 100 hours of continuing education in each five-year licensure cycle. Twenty-five hours must be university-based. The course must be taken physically at an accredited dental school at a university or the course presenter must be affiliated with an accredited dental school at a university. Dentists must maintain a current cardiopulmonary resuscitation (CPR) card issued to health care providers. The remaining hours may be obtained in the following manner:

- (1) Five hours of credit may be earned for each attendance at state, regional, and national meetings;
- (2) One hour of credit may be earned for each hour of attendance at lectures or courses given at local, state, regional, or national dental meetings.

Credit for nutrition is limited to 15 hours. Credit for practice management is limited to 10 hours. Credit for home study courses is limited to 20 hours. Credit for CPR is limited to 15 hours.

Dentists holding a general anesthesia and deep sedation or moderate sedation permit must complete an additional 25 hours of continuing education in anesthesia related topics for each five-year licensure cycle.

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

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

**Law Implemented:** SDCL 36-6A-55.

1 **CHAPTER 20:43:04**

2 **AUTHORIZED PRACTICE**

3 Section

4 20:43:04:01 ~~Recognized specialty~~ Specialty-practice -- Qualifications.

5 20:43:04:02 Repealed.

6 20:43:04:03 Inspections for safety and sanitation.

7 20:43:04:04 Dental hygienist -- Practice -- Supervision.

8 20:43:04:05 and 20:43:04:05.01 Transferred.

9 20:43:04:06 Additional duties of dental hygienist.

10 20:43:04:07 Mobile office or unit--Authority to operate.

11 20:43:04:08 to 20:43:04:12 Transferred.

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13  
14 **20:43:04:01. Recognized specialty ~~Specialty-practice~~ -- Qualifications.** ~~Those dentists who in~~  
15 ~~any way purport or announce to the public specialty practices must~~ Dentists may advertise services  
16 in recognized specialty areas or advertise specialty practices if they have completed postdoctoral  
17 training which is recognized and approved by the American Dental Association Commission on  
18 Dental Accreditation. Only the following ~~specialty programs~~ specialties are recognized by the  
19 Board of Dentistry ~~for the purposes of this section:~~

20 (1) Dental public health;

21 (2) Endodontics;

22 (3) Oral and maxillofacial pathology;

23 (4) Oral and maxillofacial radiology;

24 ~~(5)(4)~~ Oral and maxillofacial surgery;

25 ~~(6)(5)~~ Orthodontics and dentofacial orthopedics;

26 ~~(7)(6)~~ Pediatric dentistry;

1           ~~(8)(7)~~ Periodontics; and

2           ~~(9)(8)~~ Prosthodontics.

3           Dentists that meet the qualifications of this section must disclose in all advertisements the  
4 specialty area in which they practice. Dentists that do not meet the qualifications of this section  
5 must disclose in all advertisements that they are a general dentist. This disclaimer shall be clearly  
6 legible with print equal to or larger than the print advertising the service or clearly audible with  
7 speech volume and pace equal to the advertisement.

8           —This section does not apply to those dentists who began limiting their practices to a  
9 recognized specialty prior to April 20, 1972. Declaration to the public of a specialty practice status  
10 or the inference of specialty status in any other area is a violation of SDCL ~~36-6-29~~36-6A-29 and  
11 this section.

12           **Source:** SL 1975, ch 16, § 1; 6 SDR 87, effective March 2, 1980; 11 SDR 73, effective  
13 November 27, 1984; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 18 SDR 132, effective  
14 February 17, 1992.

15           **General Authority:** SDCL 36-6A-14(1), 36-6A-28, 36-6A-29.

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

17           **References:** ~~Report of National Certifying Boards for Special Areas of Dental Practice,~~  
18 ~~January 1979 edition, Council on Dental Education, American Dental Association. Copies may be~~  
19 ~~obtained from American Dental Association, Council on Dental Education, 211 East Chicago~~  
20 ~~Avenue, Chicago, Illinois 60611. \$5.00.~~

1 **20:43:04:06. Additional duties of dental hygienist.** In addition to the duties prescribed in SDCL  
2 chapter 36-6A and §20:43:04:04, a dental hygienist, under direct supervision of a dentist, may  
3 perform all services permitted other advanced dental assistants and dental assistants. ~~A dental~~  
4 ~~hygienist may administer nitrous oxide and oxygen sedation under direct supervision of a dentist~~  
5 ~~after providing documentation to the board showing successful passage of a course that has been~~  
6 ~~approved by the board on nitrous oxide and oxygen sedation. After paying a fee of \$25, the dental~~  
7 ~~hygienists shall receive written approval from the board before administering nitrous oxide and~~  
8 ~~oxygen sedation. A dental hygienist may administer local anesthesia under direct supervision of a~~  
9 ~~dentist after providing documentation to the board showing successful passage of a course that has~~  
10 ~~been approved by the board on local anesthesia from an accredited dental or dental hygiene school.~~  
11 ~~After paying a fee of \$25, the dental hygienist shall receive written authorization from the board~~  
12 ~~before administering local anesthesia. No more than three years may lapse between local anesthesia~~  
13 ~~and/or nitrous oxide and oxygen sedation training and application for authorization.~~

14 **Source:** SL 1975, ch 16, § 1; 6 SDR 87, effective March 2, 1980; 10 SDR 75, effective  
15 January 23, 1984; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 19 SDR 32, effective  
16 September 6, 1992; 26 SDR 37, effective September 20, 1999.

17 **General Authority:** SDCL 36-6A-14(10).

18 **Law Implemented:** SDCL 36-6A-40.

19 ~~—References: Accredited Program Listing: Dental Assisting, Dental Hygiene, and Dental~~  
20 ~~Laboratory Technology Educational Programs, Accredited Dental Listing: Dental Education~~  
21 ~~Programs, the January 1999 editions, American Dental Association, Commission on Dental~~  
22 ~~Accreditation. Copies may be obtained from the American Dental Association, Commission on~~  
23 ~~Dental Accreditation, 211 East Chicago Avenue, Chicago, Illinois 60611.~~

24

1 **CHAPTER 20:43:09**

2 **ANESTHESIA AND ANALGESIA**

3 Section

4 20:43:09:01 Definitions.

5 20:43:09:02 Prohibitions.

6 20:43:09:03 General anesthesia and deep sedation permit requirements-

7 20:43:09:04 ~~Parenteral~~ Moderate sedation permit requirements.

8 20:43:09:04.01 Employing or contracting with licensed anesthesiologist providing general  
9 anesthesia and deep sedation or moderate sedation in dental office.

10 20:43:09:04.02 Utilizing licensed anesthesia provider for general anesthesia and deep sedation or  
11 moderate sedation in ambulatory surgery center or hospital.

12 20:43:09:05 Nitrous oxide inhalation permit requirements -- Dentists.

13 20:43:09:06 Nitrous oxide inhalation permit requirements -- Dental hygienists and advanced  
14 dental assistants.

15 20:43:09:06.01 Local Anesthesia permit requirements – Dental hygienists.

16 20:43:09:06.02 Minimal sedation.

17 20:43:09:07 Noncompliance.

18 20:43:09:08 Application for permits -- Renewal.

19 20:43:09:09 Reports of adverse conditions.

20 20:43:09:10 ~~Monitoring~~ — Authorization Permit requirements for monitoring patients under  
21 general anesthesia and deep sedation or moderate sedation.

1 20:43:09:11 Inspection of facilities.

2 20:43:09:12 Requirements of Inspection.

3 20:43:09:13 Equipment – General anesthesia and deep sedation or moderate sedation.

4 20:43:09:14 Clinical Guidelines.

5 20:43:09:15 Intravenous line.

6 20:43:09:16 Anesthesia credentials committee.

7

8 **20:43:09:01. Definitions.** Terms used in this chapter mean:

9

10 (1) "Minimal sedation," a minimally depressed level of consciousness, produced by a single  
11 enteral drug administered in a dose appropriate for the unsupervised treatment of anxiety,  
12 insomnia, or pain that does not exceed the maximum recommended dose. Incremental dosing may  
13 be utilized. Patient retains the ability to independently and continuously maintain an airway and  
14 respond normally to tactile stimulation and verbal command. Although cognitive function and  
15 coordination may be modestly impaired, ventilatory and cardiovascular functions are unaffected;

16

17 ~~—— (1) "General anesthesia," a controlled state of unconsciousness, produced by a~~  
18 ~~pharmacologic agent, accompanied by a partial or complete loss of protective reflexes, including~~  
19 ~~inability to independently maintain an airway and respond purposefully to physical stimulation or~~  
20 ~~verbal command;~~

21

22 (2) "Nitrous oxide inhalation analgesia," the administration by inhalation of a combination  
23 of nitrous oxide and oxygen producing an altered level of consciousness that retains the patient's

1 ability to independently and continuously maintain an airway and respond purposefully to physical  
2 or verbal command;

3

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

10

11 (4) "Deep sedation," a drug-induced depression of consciousness during which patients  
12 cannot be easily aroused but respond purposefully following repeated or painful stimulation. The  
13 ability to maintain ventilatory function independently may be impaired. Reflex withdrawal from a  
14 painful stimulus is not considered a purposeful response. Patients may require assistance in  
15 maintaining a patent airway, and spontaneous ventilation may be inadequate. Cardiovascular  
16 function is usually maintained;

17

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

23

1 (6) "Incremental dosing," administration of multiple doses of a drug until a desired effect is  
2 reached;

3  
4 (7) "Maximum recommended dose," maximum FDA-recommended dose of a drug, as  
5 printed in FDA-approved labeling for unmonitored home use;

6  
7 (8) "Accredited," a program accredited by the American Dental Association Commission  
8 on Dental Accreditation.

9  
10 ~~—— (3) "Local anesthesia," is the elimination of sensations, especially pain, in one part of the~~  
11 ~~body by the topical application or regional injection of a drug;~~

12  
13 ~~—— (4) "Parenteral sedation," a depressed level of consciousness produced by the parenteral~~  
14 ~~administration of pharmacologic substances that retains the patient's ability to independently and~~  
15 ~~continuously maintain an airway and respond purposefully to physical stimulation or verbal~~  
16 ~~command.~~

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

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

21 **Law Implemented:** SDCL 36-6A-14.

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



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

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

6  
7 **Source:** 19 SDR 32, effective September 6, 1992.

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

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

10

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

14

15 ~~\_\_\_\_\_ (1) Meets one of the following educational requirements:~~

16 ~~\_\_\_\_\_ (a) Has completed a minimum of one year of advanced training in anesthesiology and~~  
17 ~~related academic subjects beyond the undergraduate dental school level in a training program as~~  
18 ~~described in Part 2 of the "Guidelines for Teaching the Comprehensive Control of Pain and~~  
19 ~~Anxiety in Dentistry," July 1993 edition;~~

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

23

- 1                    ~~(a) (b)~~ Designation as Is a diplomate of the American Board of Oral and  
2                    Maxillofacial Surgery;
- 3                    ~~(c) Is eligible for examination by the American Board of Oral and Maxillofacial Surgery;~~
- 4                    ~~(b) (d)~~ Is Designation as a member of the American Association of Oral and  
5                    Maxillofacial Surgeons; ~~or~~
- 6                    ~~(ce) Is~~ Designation as a fellow of the American Dental Society of Anesthesiology;
- 7                    (d) Completion of an accredited residency in oral and maxillofacial surgery; or
- 8                    (e) Completion of an accredited residency in dental anesthesia.

9                    § 20:43:09:03(1)(a) through (e) do not apply to a dentist who has maintained a general  
10 anesthesia permit in South Dakota and has been administering general anesthesia in a dental office  
11 prior to October 22, 2010;

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

13 ~~Maintains a facility equipped for the administration of general anesthesia and staffed with trained~~  
14 ~~auxiliary personnel capable of handling procedures, problems, and emergencies;~~

15

16                    (3) ~~Is trained and capable~~ certified in ~~of administering advanced cardiac life support~~ by the  
17 American Heart Association or an equivalent program approved by the board; and

18

19                    (4) Employs auxiliary personnel who hold a permit pursuant to § 20:43:09:10.

20 ~~Employs dental auxiliaries who are trained and capable of administering basic life support.~~

21

22                    This permit precludes the need for moderate sedation ~~parenteral sedation~~ and nitrous oxide  
23 permits as these skills are part of general anesthesia and deep sedation training. A qualified dentist  
24 may not administer general anesthesia or deep sedation or monitor a patient without the presence

1 and assistance of qualified auxiliary personnel. A dentist shall apply the current standard of care to  
2 continuously monitor and evaluate the patient's blood pressure, pulse, respiratory function, and  
3 cardiac activity.

4  
5 **Source:** 9 SDR 49, effective October 25, 1982; 12 SDR 151, 12 SDR 155, effective July 1,  
6 1986; transferred from § 20:43:04:08, 19 SDR 32, effective September 6, 1992; 26 SDR 37,  
7 effective September 20, 1999.

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

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

10

11 ~~—— **Reference:** Part 2, "Guidelines for Teaching the Comprehensive Control of Pain and Anxiety~~  
12 ~~in Dentistry," July 1993 Edition, American Dental Association, Council on Dental Education.~~  
13 ~~Copies may be obtained from the American Dental Association, Council on Dental Education, 211~~  
14 ~~East Chicago Avenue, Chicago, Illinois, 60611. Cost: \$5.~~

15

16

17 **20:43:09:04. Parenteral Moderate sedation permit requirements.** The board may issue a  
18 permit to a licensed dentist to use moderate parenteral sedation for dental patients on an outpatient  
19 basis if the dentist meets the following requirements:

20

21 (1) ~~Meets one of the following educational requirements:~~

22

1 ~~\_\_\_\_\_ (a) Has documented experience at the graduate level specifying the type, number of~~  
2 ~~hours, length of training, and the number of patient contact hours, including documentation of the~~  
3 ~~number of supervised parenteral sedation cases; or~~

4  
5 ~~\_\_\_\_\_ (b) Has successfully completed a formal training program as described in Part 3 of the~~  
6 ~~"Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dentistry," 1987~~  
7 ~~edition;~~

8  
9 \_\_\_\_\_ (1) Has completed a board approved course that meets the objectives and content as  
10 described in Part 5 of the Guidelines for Teaching Pain Control and Sedation to Dentists and  
11 Dental Students. A board approved course must include a minimum of 60 hours of instruction plus  
12 management of at least 20 patients and clinical experience in management of the compromised  
13 airway and establishment of intravenous access.

14 § 20:43:09:04(1) does not apply to a dentist who has maintained a parenteral sedation  
15 permit in South Dakota and has been administering parenteral sedation in a dental office prior to  
16 October 22, 2010;

17  
18 (2) Meets the requirements in § 20:43:09:12 and 20:43:09:13;  
19 ~~Maintains a facility equipped to administer parenteral sedation and staffed with trained dental~~  
20 ~~auxiliaries capable of handling procedures, problems, and emergencies;~~

21  
22 (3) Is ~~trained and capable of~~ certified in administering ~~basic~~ advanced cardiac life support by  
23 the American Heart Association or an equivalent program approved by the board; and

1 (4) Employs auxiliary personnel who hold a permit pursuant to §20:43:09:10.

2 ~~Employs dental auxiliaries who are trained and capable of administering basic life support.~~

3  
4 A dentist using a parenteral route of administration must limit the use of pharmacological  
5 agents to those for which there are reversal agents.

6  
7 A dentist providing moderate sedation to a child under 12 years of age must also document  
8 appropriate training in pediatric sedation techniques, according to the Guidelines for Monitoring  
9 and Management of Pediatric Patients During and After Sedation for Diagnostic and Therapeutic  
10 Procedures, and in pediatric resuscitation, including the recognition and management of pediatric  
11 airway and respiratory problems and must sign an affidavit certifying that the dentist understands  
12 the requirements of the Guidelines for Monitoring and Management of Pediatric Patients During  
13 and After Sedation for Diagnostic and Therapeutic Procedures.

14  
15 Any dentist using moderate sedation must adhere to the standards of the Guidelines for the  
16 Use of Sedation and General Anesthesia by Dentists. Any dentist intending to produce a given  
17 level of sedation must be able to rescue a patient whose level of sedation becomes deeper than  
18 initially intended, which means the dentist must be proficient in airway management and advanced  
19 life support and capable of providing intravenous access. A dentist shall apply the current standard  
20 of care to continuously monitor and evaluate the patient's blood pressure, pulse, respiratory  
21 function, and cardiac activity.

22  
23 A ~~qualified~~ dentist may not administer ~~parenteral~~ moderate sedation or monitor a patient  
24 without the presence and assistance of qualified dental auxiliaries. If ~~parenteral~~ moderate sedation

1 results in a general anesthetic state, the requirements in § 20:43:09:03 for general anesthesia and  
2 deep sedation apply.

3  
4 This permit precludes the need for a nitrous oxide permit as these skills are part of moderate  
5 sedation training.

6  
7 **Source:** 9 SDR 49, effective October 25, 1982; 12 SDR 151, 12 SDR 155, effective July 1,  
8 1986; transferred from § 20:43:04:11, 19 SDR 32, effective September 6, 1992.

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

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

11  
12 **Reference:** ~~Part 3, "Guidelines for Teaching the Comprehensive Control of Pain and Anxiety~~  
13 ~~in Dentistry," 1987 Edition, American Dental Association, Council on Dental Education. Copies~~  
14 ~~may be obtained from the American Dental Association, Council on Dental Education, 211 East~~  
15 ~~Chicago Avenue, Chicago, Illinois, 60611. Cost: \$5.~~

16 **References:** "Guidelines for Teaching Pain Control and Sedation to Dentists and Dental  
17 Students," October 2007 Edition, American Dental Association. Copies may be obtained from the  
18 American Dental Association at [www.ada.org](http://www.ada.org) free of charge. "Guidelines for the Use of Sedation  
19 and General Anesthesia by Dentists," 2007 Edition, American Dental Association. Copies may be  
20 obtained from the American Dental Association at [www.ada.org](http://www.ada.org) free of charge. "Guidelines for  
21 Monitoring and Management of Pediatric Patients During and After Sedation for Diagnostic and  
22 Therapeutic Procedures: An Update," December 2006 Edition, American Academy of Pediatrics.  
23 Copies may be obtained from the American Academy of Pediatrics at [www.aapd.org](http://www.aapd.org) free of  
24 charge.

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**20:43:09:04.01. Employing or contracting with licensed anesthesiologist providing general anesthesia and deep sedation or moderate sedation in dental office.** If a dentist employs or

contracts with an anesthesiologist that provides general anesthesia and deep sedation or moderate sedation for dental patients in a dental office on an outpatient basis, the dentist must:

(1) Have a contract with a licensed anesthesiologist stating that the licensed anesthesiologist must continuously be present during the administration of the anesthetic and remain on the premises of the facility until the anesthetized patient is fully recovered and discharged from the facility to a responsible adult;

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

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

(4) Meet the requirements in § 20:43:09:13;

(5) Hold a moderate sedation permit pursuant to § 20:43:09:04;

(6) Ensure that the anesthesiologist holds a license in good standing in South Dakota; and

(7) Ensure that the anesthesiologist is on staff at a licensed ambulatory surgery center or licensed hospital.

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

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

1 **20:43:09:04.02. Utilizing licensed anesthesia provider for general anesthesia and deep**  
2 **sedation or moderate sedation in ambulatory surgery center or hospital.** No permit is required  
3 **if a dentist utilizes the services of a licensed anesthesia provider for dental patients in an**  
4 **ambulatory surgery center or hospital.**

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

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

8  
9

10 **20:43:09:05. Nitrous oxide inhalation permit requirements -- Dentists.** The board may  
11 issue a permit to a dentist to use inhalation analgesia sedation for dental patients on an outpatient  
12 basis if the dentist meets the following requirements:

13  
14

(1) Meets one of the following educational requirements:

15  
16

(a) Has successfully completed a board approved course that meets the objectives and  
17 content completed a course as described in Part 43 of the "Guidelines for Teaching Pain Control  
18 and Sedation to Dentists and Dental Students~~the Comprehensive Control of Pain and Anxiety in~~  
19 Dentistry," 1987 edition; or

(b) Has taken a course in nitrous oxide inhalation sedation while a student in an  
21 accredited school of dentistry;

22  
23

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



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

(4) Employs dental auxiliaries who are ~~trained and capable~~ certified in ~~of administering basic life support by the American Heart Association for the Healthcare Provider, the American Red Cross for the Professional Rescuer, or an equivalent program approved by the board.~~

Nitrous oxide may be used in combination with a single enteral drug to achieve a minimally depressed level of consciousness so long as the maximum recommended dose of the enteral drug is not exceeded. Incremental dosing may be utilized. Nitrous oxide may not be used in combination with more than one enteral drug or by dosing a single enteral drug in excess of the maximum recommended dose unless the dentist holds a general and deep sedation permit pursuant to § 20:43:09:03 or meets the requirements in § 20:43:09:03.01 or holds a moderate sedation permit pursuant to § 20:43:09:04 or meets the requirements in § 20:43:09:04.01.

A dentist who has been administering nitrous oxide inhalation analgesia in a dental office for the 12 months preceding September 6, 1992, may continue the use if the dentist meets all requirements of subdivisions (2), (3), and (4) of this section.

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

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

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

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3           **Reference:** ~~Part 3, "Guidelines for Teaching the Comprehensive Control of Pain and Anxiety~~  
4 ~~in Dentistry," 1987 Edition, American Dental Association, Council on Dental Education. Copies~~  
5 ~~may be obtained from the American Dental Association, Council on Dental Education, 211 East~~  
6 ~~Chicago Avenue, Chicago, Illinois, 60611. Cost: \$5. "Guidelines for Teaching Pain Control and~~  
7 ~~Sedation to Dentists and Dental Students," October 2007 Edition, American Dental Association.~~  
8 ~~Copies may be obtained from the American Dental Association at [www.ada.org](http://www.ada.org) free of charge.~~

9

10           **20:43:09:06. Nitrous oxide inhalation permit requirements -- Dental hygienists and**  
11 **advanced dental assistants.** The board may issue a permit to a dental hygienist or an advanced  
12 dental assistant to use nitrous oxide inhalation analgesia for dental patients on an outpatient basis  
13 under the direct supervision of a dentist if the dental hygienist or advanced dental assistant has met  
14 the following requirements:

15

16           (1) Is is trained and capable certified in -of administering basic life support by the American  
17 Heart Association for the Healthcare Provider, the American Red Cross for the Professional  
18 Rescuer, or an equivalent program approved by the board; and

19

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

24           (a) Completed the course within six months of application; or

1 (b) Completed the course more than six months prior to application and has been registered  
2 by a dental licensing board to use nitrous oxide inhalation analgesia continuously since completion  
3 of the course or for the three years preceding application.

4  
5 (1) ~~Has completed a course as described in Part 3 of the "Guidelines for Teaching the~~  
6 ~~Comprehensive Control of Anxiety and Pain in Dentistry," October 2005 edition; or~~

7  
8 (2) ~~Has taken a board-approved educational course.~~

9  
10 **Source:** 19 SDR 32, effective September 6, 1992; 32 SDR 188, effective May 15, 2006.

11 **General Authority:** SDCL 36-6A-14(7)(10).

12 **Law Implemented:** SDCL 36-6A-14(7)(10), 36-6A-16.

13  
14 **Reference:** ~~Part 3, "Guidelines for Teaching the Comprehensive Control of Anxiety and Pain~~  
15 ~~in Dentistry," October 2005 Edition, American Dental Association, Council on Dental Education.~~

16 ~~Copies may be obtained from the American Dental Association, Council on Dental Education, 211~~  
17 ~~East Chicago Avenue, Chicago, Illinois, 60611. "Guidelines for Teaching Pain Control and~~

18 ~~Sedation to Dentists and Dental Students," October 2007 Edition, American Dental Association.~~

19 ~~Copies may be obtained from the American Dental Association at [www.ada.org](http://www.ada.org) free of charge.~~

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21 **20:43:09:06.01. Local anesthesia permit requirements – Dental hygienists.** The board may  
22 issue a permit to a dental hygienist to administer local anesthesia to dental patients on an outpatient  
23 basis under the direct supervision of a dentist if the dental hygienist has met the following  
24 requirements:

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

(2) Has successfully completed a course that has been approved by the board on local anesthesia from an accredited dental or dental hygiene school and either:

(a) Completed the course within six months of application; or

(b) Completed the course more than six months prior to application and has been registered by a dental licensing board to use local anesthesia continuously since completion of the course or for the three years preceding application.

**General Authority: SDCL 36-6A-14(10).**

**Law Implemented: SDCL 36-6A-40.**

**20:43:09:06.02: Minimal sedation.** A permit is not required for minimal sedation. A dentist utilizing minimal sedation must have appropriate access to oxygen and suction and emergency drugs and must meet the standards of the Guidelines for the Use of Sedation and General Anesthesia by Dentists. A dentist may not administer or prescribe for self administration more than the maximum recommended dose of a single enteral drug for a patient at the same setting unless the dentist has a general anesthesia and deep sedation or moderate sedation permit pursuant to § 20:43:09:03 or 20:43:09:04.

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

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

2 Reference: "Guidelines for the Use of Sedation and General Anesthesia by Dentists," 2007

3 Edition, American Dental Association. Copies may be obtained from the American Dental

4 Association at www.ada.org free of charge.

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6 20:43:09:07. Noncompliance. Violations of the provisions of this chapter may result in  
7 revocation or suspension of the dentist's permit or in other disciplinary measures.

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9 **Source:** 19 SDR 32, effective September 6, 1992.

10 **General Authority:** SDCL 36-6A-14(2).

11 **Law Implemented:** SDCL 36-6A-16.

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13 **20:43:09:08. Application for permits -- Renewal.** The application for a permit to  
14 administer general anesthesia, and deep sedation and moderate sedation parenteral sedation, or  
15 nitrous oxide must include a fee of \$25 and proof of having met the applicable requirements of this  
16 chapter. The application for a permit for a dentist, dental hygienist or advanced dental assistant to  
17 administer nitrous oxide inhalation analgesia must include a fee of \$25. The application for a  
18 permit for a dental hygienist to administer local anesthesia must include a fee of \$25.

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20 The board may issue a provisional temporary permit to the applicant that has met the  
21 applicable requirements of this chapter, but before based solely on credentials until all processing  
22 and any applicable inspection investigation have have been completed. The duration of this  
23 temporary permit shall be determined by the board, but may not exceed one year. The temporary

1 permit of an applicant who fails an inspection is automatically suspended. Upon suspension, the  
2 applicant may request another inspection.

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4 ~~Permits for general~~A general anesthesia and deep sedation permit and moderate sedation  
5 permit and parenteral sedation must be renewed each year on the anniversary of the original issue  
6 date annually. The annual fee for a general anesthesia and deep sedation permit or a moderate  
7 sedation permit is \$25. A re-evaluation of the credentials and facility of the permit holder may be  
8 conducted for permit renewal.

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10 A nitrous oxide inhalation analgesia permit, local anesthesia permit and permit for  
11 monitoring patients receiving analgesic or anesthetic agents must be renewed annually. There is no  
12 renewal fee for a nitrous oxide inhalation analgesia permit, local anesthesia permit and permit for  
13 monitoring patients receiving analgesic or anesthetic agents.

14  
15 ~~— The board may grant a restricted permit based on a review of credentials.~~

16  
17 ~~Failure to comply with permit requirements may result in revocation or suspension of the~~  
18 ~~dentist's permit or in other disciplinary action.~~Failure to properly renew a general anesthesia and  
19 deep sedation permit, moderate sedation permit, nitrous oxide inhalation analgesia permit, local  
20 anesthesia permit, or a permit for monitoring patients receiving analgesic or anesthetic agents  
21 constitutes an automatic suspension of the permit.

22

23 **Source:** 19 SDR 32, effective September 6, 1992.

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

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

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3 **20:43:09:09. Reports of adverse conditions.** All dentists must notify the board within 72  
4 hours submit a report to the Board of Dentistry within 30 days after any death or any incident which  
5 results in temporary or permanent physical or mental injury requiring medical treatment of the  
6 patient during, or as a result of, general anesthesia and deep sedation, moderate sedation, parenteral  
7 sedation, or nitrous oxide inhalation analgesia. A complete written report of the incident must be  
8 submitted to the board within 30 days. The report shall be submitted on a form provided by the  
9 board.

10  
11 Failure to comply with reporting requirements ~~may~~ constitutes an automatic suspension of  
12 the permit result in the dentist's loss of authorization to administer general anesthesia and deep  
13 sedation, moderate sedation, parenteral sedation, or nitrous oxide inhalation analgesia.

14  
15 **Source:** 19 SDR 32, effective September 6, 1992.

16 **General Authority:** SDCL 36-6A-14(1), 36-6A-14(2).

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

18  
19 **20:43:09:10. Monitoring ~~--- Authorization.~~ Permit requirements for monitoring patients**  
20 **under general anesthesia and deep sedation or moderate sedation.** The board may issue a  
21 permit to Licensed dental hygienists, and advanced dental assistants, and dental assistants to ~~may~~  
22 monitor patients receiving analgesic or anesthetic agents under general anesthesia and deep sedation  
23 or moderate sedation while under the direct supervision of a ~~licensed~~ dentist who has been  
24 authorized by the board for the specific type of analgesic or anesthetic agent to administer general

1 anesthesia and deep sedation or moderate sedation if the dental hygienist, ~~or~~ advanced dental  
2 assistant, or dental assistant has met the following requirements:

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

7  
8 (2) Has ~~has~~ successfully completed at least an eight-hour board approved course in anesthetic  
9 assisting and either:

10 (a) Completed the course within six months of application; or

11 (b) Completed the course more than six months prior to application and has been registered  
12 by a dental licensing board to monitor patients receiving analgesic or anesthetic agents  
13 continuously since completion of the course or for the three years preceding application.-

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15 **Source:** 19 SDR 32, effective September 6, 1992.

16 **General Authority:** SDCL 36-6A-14(10).

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

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



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

Following the initial inspection, each dentist must have an on-site inspection conducted at the primary office at least once every five years. If the dentist does not have a primary office located in South Dakota the dentist may submit, subject to board approval, a report from a successful inspection conducted at the primary office located in a different state. An on-site inspection of the satellite office may also be required by the board.

If a dentist holds a general anesthesia permit as of October 22, 2010, the dentist, in lieu of the initial primary office inspection, may submit, subject to board approval, a report from a successful inspection conducted at the primary office within the prior 24 months.

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

**Source:** 9 SDR 49, effective October 25, 1982; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:43:04:09, 19 SDR 32, effective September 6, 1992.

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

2           **Law Implemented:** SDCL 36-6A-16.

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4           **20:43:09:12. Requirements of inspection.** An inspection shall be completed using an inspection  
5 form approved by the board and shall include an evaluation of the following:

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

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

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

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

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

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

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

19           **Law Implemented:** SDCL 36-6A-16.

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22           **20:43:09:13. Equipment – General anesthesia and deep sedation or moderate sedation.** Any  
23 dentist who administers general anesthesia and deep sedation or moderate sedation or who

1 provides dental services to patients under general anesthesia and deep sedation or moderate  
2 sedation must ensure that the office in which the work is performed:

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

5 (2) Has the following equipment:

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

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

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

10 (d) Auxiliary lighting;

11 (e) A gas storage facility;

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

15 (g) A method to monitor respiratory function, electrical activity of the  
16 heart, and heart function; and

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

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

1 Law Implemented: SDCL 36-6A-16.

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3 20:43:09:14. Clinical guidelines. A dentist who provides any level of sedation must meet the  
4 standards of the Guidelines for the Use of Sedation and General Anesthesia by Dentists for  
5 thorough patient assessment, pre-operative preparation, recovery and discharge, and management  
6 of emergencies.

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

9 Law Implemented: SDCL 36-6A-16.

10 Reference: “ Guidelines for the Use of Sedation and General Anesthesia by Dentists,”  
11 2007 Edition, American Dental Association. Copies may be obtained from the American Dental  
12 Association at [www.ada.org](http://www.ada.org) free of charge.

13  
14 20:43:09:15. Intravenous line. A dental hygienist, advanced dental assistant, or dental assistant  
15 may start an intravenous line if he or she has met the following requirements:

- 16 (1) Taken a board approved anesthesia assisting course; and  
17 (2) Received intravenous line training.

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19 General Authority: SDCL 36-6A-14(10).

20 Law Implemented: SDCL 36-6A-40, 36-6A-41.

21 20:43:09:16. Anesthesia credentials committee. The anesthesia credentials committee is a peer  
22 review committee appointed annually by the board president to assist the board in the  
23 administration of this chapter. The committee shall include at least one member of the board and  
24 up to six additional members who are licensed to practice dentistry in South Dakota and hold

1 general anesthesia and deep sedation or moderate sedation permits. The board president shall  
2 appoint the chair.

3

4 The anesthesia credentials committee shall perform the following duties at the request of the board:

5 (1) Review all permit applications and make recommendations to the board regarding those  
6 applications;

7 (2) Review inspector candidates and make recommendations to the board regarding those  
8 candidates; and

9 (3) Other duties as delegated by the board or board president.

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

12 **Law Implemented: SDCL 36-6A-16.**

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