

Regular Session, 2012
HOUSE BILL NO. 172
BY REPRESENTATIVE DIXON

ACT No. 485

1 AN ACT

2 To amend and reenact R.S. 37:793(A)(1), (6), and (7), (B)(1) and (4), (C)(1), (2), and (3),
3 (E)(1), (G)(1), and (H)(2) and 795(B)(2)(q) and (s), to enact R.S. 37:751(F) and
4 793(A)(9) and (10) and (C)(6), (7), (8), and (9), and to repeal R.S. 37:793(A)(2), (4),
5 and (5) and (C)(4) and (5), relative to the practice of dentistry; to provide for a short
6 title; to provide for definitions; to provide regulations for sedation of dental patients;
7 to authorize promulgation of rules; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 37:793(A)(1), (6), and (7), (B)(1) and (4), (C)(1), (2), and (3), (E)(1),
10 (G)(1), and (H)(2) and 795(B)(2)(q) and (s) are hereby amended and reenacted and R.S.
11 37:751(F) and 793(A)(9) and (10) and (C)(6), (7), (8), and (9) are hereby enacted to read as
12 follows:

13 §751. Definitions; licensure; presumption; short title

14 * * *

15 F. This Chapter shall be known and may be cited as the "Dental Practice
16 Act".

17 * * *

18 §793. Nitrous oxide inhalation analgesia; enteral ~~conscious~~ moderate sedation;
19 parenteral sedation; deep sedation; general anesthesia; definitions; permits;
20 credentials; reporting; fees; limitations; exceptions

21 A. As used in this Section, the following terms have the meanings ascribed
22 to them unless the context clearly indicates otherwise:

23 (1) "Analgesia" is the diminution or elimination of pain in the ~~conscious~~
24 patient.

25 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 (6) "~~Deep sedation~~" is a ~~controlled state of depressed consciousness~~
2 ~~accompanied by partial loss of protective reflexes, including the inability to~~
3 ~~continually maintain an airway independently and/or to respond appropriately to~~
4 ~~physical stimulation or verbal command, and is produced by a pharmacologic or~~
5 ~~non-pharmacologic method or combination thereof.~~ drug-induced depression of
6 consciousness during which a patient cannot be easily aroused but responds
7 purposefully following repeated or painful stimulation. The ability to independently
8 maintain ventilatory function may be impaired. A patient may require assistance in
9 maintaining a patent airway, and spontaneous ventilation may be inadequate.
10 Cardiovascular function is usually maintained.

11 (7) "~~General anesthesia~~" is a ~~controlled state of unconsciousness~~
12 ~~accompanied by partial or complete loss of protective reflexes, including inability~~
13 ~~to independently maintain an airway and respond purposefully to physical~~
14 ~~stimulation or verbal command, and is produced by a pharmacologic or non-~~
15 ~~pharmacologic method or a combination thereof.~~ drug-induced loss of consciousness
16 during which a patient is not arousable, even by painful stimulation. The ability to
17 independently maintain ventilatory function is often impaired. A patient often
18 requires assistance in maintaining a patent airway, and positive pressure ventilation
19 may be required because of depressed spontaneous ventilation or drug-induced
20 depression of neuromuscular function. Cardiovascular function may be impaired.

21 * * *

22 (9) "Minimal sedation", except as provided in Paragraph (C)(9) of this
23 Section, is a minimally depressed level of consciousness, produced by a
24 pharmacological method, which allows the patient to independently and continuously
25 maintain an airway and respond normally to tactile stimulation and verbal
26 commands. The drugs or techniques used to produce minimal sedation should have
27 a margin of safety which is sufficient never to cause unintended loss of
28 consciousness. A patient whose only response is reflex withdrawal from repeated
29 painful stimuli shall not be considered to be in a state of minimal sedation.

1 (10) "Moderate sedation", except as provided in Paragraph (C)(9) of this
 2 Section, is a drug-induced depression of consciousness during which a patient
 3 responds purposefully to verbal commands, either alone or accompanied by light
 4 tactile stimulation. No intervention is required to maintain a patent airway, and
 5 spontaneous ventilation is adequate. Cardiovascular function is usually maintained.
 6 The drugs or techniques used to produce moderate sedation should have a margin of
 7 safety which is sufficient to render unintended loss of consciousness unlikely.
 8 Repeated dosing of an agent before the effects of previous dosing can be fully
 9 appreciated may result in a greater alteration of the state of consciousness than is the
 10 intent of the dentist. A patient whose only response is reflex withdrawal from a
 11 painful stimulus shall not be considered to be in a state of moderate sedation.

12 B. The following terms describing routes of administration shall have the
 13 meanings ascribed to them unless the context clearly indicates otherwise:

14 (1) "Combined ~~conscious~~ moderate sedation" is any means of obtaining
 15 ~~conscious~~ moderate sedation utilizing both inhalation analgesia and either an enteral
 16 or parenteral ~~conscious~~ moderate sedation technique.

17 * * *

18 (4) "Parenteral" is any technique of drug administration in which the drug
 19 bypasses the gastrointestinal (GI) tract. Examples are intramuscular (IM),
 20 intravenous (IV), intranasal (IN), submucosal (SM), and subcutaneous (SC).

21 * * *

22 C.(1) When nitrous oxide inhalation analgesia, enteral ~~conscious~~ moderate
 23 sedation, parenteral ~~conscious~~ moderate sedation, deep sedation, or general
 24 anesthesia are used in a dental practice, board authorization shall be obtained in
 25 compliance with board rules and regulations to ~~insure~~ ensure that these procedures
 26 are performed in a properly staffed, designed, and equipped facility capable of
 27 handling ~~procedure~~, the procedures, problems, and emergency incidents thereto for
 28 the level of anesthesia administered. Adequacy of the facility and competence of the
 29 anesthesia team shall be determined by the board through the use of qualified
 30 anesthesia consultants.

1 (2) A dentist who administers nitrous oxide inhalation analgesia, enteral
2 ~~conscious~~ moderate sedation, parenteral ~~conscious~~ moderate sedation, deep sedation,
3 or general anesthesia in a dental practice shall receive a personal permit from the
4 board for the deepest level of ~~anesthesia/analgesia~~ anesthesia or analgesia to be
5 administered and shall be in compliance with board rules and regulations.

6 (3) When nitrous oxide inhalation analgesia, enteral ~~conscious~~ moderate
7 sedation, parenteral ~~conscious~~ moderate sedation, deep sedation, or general
8 anesthesia is administered in any dental office or facility, each office shall receive
9 an office permit from the board for the deepest level of ~~anesthesia/analgesia~~
10 anesthesia or analgesia to be administered and must be in compliance with board
11 rules and regulations.

12 * * *

13 (6) Minimal sedation.

14 (a) The following definitions apply to administration of minimal sedation:

15 (i) "Incremental dosing" is the administration of multiple doses of a drug, not
16 to exceed the MRD of that drug, until a desired effect is reached.

17 (ii) "Maximum recommended dose" or "MRD" is the maximum dose of a
18 drug as recommended by the United States Food and Drug Administration (FDA),
19 and as printed in FDA-approved labeling for unmonitored home use of that drug.

20 (iii) "Supplemental dosing" is a single additional dose of the initial dose of
21 the initial drug administered to a patient under minimal sedation as may be necessary
22 in a prolonged procedure. The supplemental dose should not exceed one-half of the
23 initial dose and should not be administered until the dentist has determined that the
24 clinical half-life of the initial dosing has passed. The total aggregate dose of the drug
25 shall not exceed one and one-half times the MRD of the drug on the day of the
26 treatment.

27 (b) When minimal sedation of an adult is intended, the appropriate initial
28 dosing of a single enteral drug is no more than the MRD of a drug that can be
29 prescribed for unmonitored home use.

1 (c) Permits shall not be required for the induction of minimal sedation on a
 2 patient in a dental practice. Such induction of minimal sedation shall include the
 3 administration of an enteral sedative, narcotic analgesic medication, or both,
 4 administered in doses not exceeding the MRD as printed in FDA-approved labeling
 5 for unmonitored home use of the respective drugs.

6 (d) Except in extremely unusual circumstances, the cumulative dose shall not
 7 exceed the MRD. It is understood that even at appropriate doses, a patient may
 8 occasionally drift into a state that is deeper than minimal sedation. If the intent was
 9 to achieve minimal sedation and such sedation was conducted in accordance with the
 10 provisions of this Paragraph, then such circumstance shall not in itself constitute a
 11 violation of this Chapter. A permit shall not be required for the perioperative use of
 12 medication for the purpose of effecting minimal sedation.

13 (7) Moderate or greater sedation.

14 (a) The following definition shall apply to the administration of moderate or
 15 greater sedation: "titration" means administration of incremental doses of a drug
 16 until a desired effect is reached.

17 (b) Knowledge of the time of onset, peak response, and duration of action
 18 of each drug is essential to avoid oversedation. Although the concept of titration of
 19 a drug to the desired level of sedation is critical for patient safety, when the intent is
 20 moderate sedation, one must know whether the previous dose has taken full effect
 21 before administering an additional drug increment.

22 (8) No dentist licensed in accordance with the provisions of this Chapter
 23 shall use any enteral medication to induce moderate sedation unless such dentist has
 24 obtained a permit for such use in accordance with the provisions of this Chapter.

25 (9) For a patient under thirteen years of age, the administration of more than
 26 one agent of any type, including nitrous oxide, shall be considered moderate
 27 sedation, not minimal sedation, and shall require a full moderate sedation permit.

28 * * *

29 E.(1) Each licensed dentist or dental hygienist in the practice of dentistry or
 30 dental hygiene in this state shall submit a written report within a period of ten days

1 to the board of any mortality or other incident which results in temporary or
2 permanent physical or mental injury to a patient requiring hospitalization of the
3 patient during or as a result of administration by the dentist or dental hygienist of
4 local anesthesia, enteral sedation, nitrous oxide inhalation analgesia, parenteral
5 ~~conscious~~ moderate sedation, deep sedation, or general anesthesia.

6 * * *

7 G. The authority for the administration of anesthetic and sedative agents as
8 described in this Section shall be limited as follows:

9 (1) The administration of enteral ~~conscious~~ moderate sedation, parenteral
10 ~~conscious~~ moderate sedation, deep sedation, and general anesthesia shall be limited
11 to qualified dentists licensed by the board for use on dental patients.

12 * * *

13 H.

14 * * *

15 (2) A personal permit is not required when the dentist uses the services of
16 a ~~trained~~ third-party medical doctor, third-party doctor of osteopathy ~~trained in~~
17 ~~conscious sedation with parenteral drugs; who specializes in anesthesiology, third-~~
18 ~~party certified registered nurse anesthetist, a dentist who has successfully completed~~
19 ~~a program consistent with Part II of the American Dental Association Guidelines on~~
20 ~~Teaching the Comprehensive Control of Pain and Anxiety in Dentistry, or a qualified~~
21 ~~or an~~ oral and maxillofacial surgeon who is permitted by the board to administer
22 moderate sedation, deep sedation, and general anesthesia. provided Provided that the
23 ~~doctor or certified registered nurse anesthetist~~ the third-party anesthetist remains
24 must remain on the premises of the dental facility until any patient given parenteral
25 drugs is sufficiently recovered. However, when the requirement for obtaining a
26 personal permit is waived by the board under the provisions of this Chapter with
27 regard to the utilization of a ~~medical doctor or certified registered nurse anesthetist,~~
28 any third party provided for in this Paragraph, the dentist may ~~only utilize~~ utilize
29 only the services of a ~~medical doctor or certified registered nurse anesthetist~~ a third
30 party previously determined by the board to be in compliance with the board's

1 requirements for the administration of anesthesia in ~~said~~ the dental facility following
 2 the initial inspection in relation to the application and equipment of the provider of
 3 anesthesia. Except for oral and maxillofacial surgeons, third-party anesthesia
 4 providers authorized pursuant to this Paragraph shall not be required to obtain a
 5 permit from the board or pay any fees or other assessments to the board.

6 * * *

7 §795. Fees and costs

8 * * *

9 B. Notwithstanding any other provision of this Chapter, the fees and costs
 10 established by the board shall be not less nor more than the range created by the
 11 following schedule:

12 * * *

13 (2) Licenses, permits, and examinations for dentists

14 * * *

15 (q) Application and permitting for \$ 100.00 \$ 400.00
 16 enteral ~~conscious~~ moderate sedation

17 * * *

18 (s) Application and permitting for \$ 100.00 \$ 400.00
 19 pediatric ~~conscious~~ moderate sedation permit

20 * * *

21 Section 2. R.S. 37:793(A)(2), (4), and (5) and (C)(4) and (5) are hereby repealed in
 22 their entirety.

1 Section 3. The Louisiana State Board of Dentistry shall promulgate, in accordance
2 with the Administrative Procedure Act, any rules necessary to implement the provisions of
3 this Act.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____