

**A GUIDE FOR THE USE OF SEDATON IN THE PRACTICE OF DENTISTRY:**

***THE VERY BASICS***

- PART ONE: FLORIDA DENTISTRY SEDATION PERMIT TYPES
- PART TWO: DENTISTS WITH SEDATION PERMITS USING PHYSICIAN ANESTHESIOLOGISTS
- PART THREE: DENTISTS WITH SEDATION PERMITS USING DENTISTS WITH GENERAL ANESTHESIA PERMITS
- PART FOUR: DENTISTS WITHOUT SEDATION PERMITS TREATING SEDATED PATIENTS

In the past several months, the Florida Board of Dentistry has made substantial changes to the Chapter of the *Florida Administrative Code*, which governs the use of anesthesia. These changes have contributed or are expected to contribute to increased access to sedation services for dental patients while also contributing to an overall net increase in patient safety. The increased safety and access are also expected to have a positive economic benefit to business while decreasing costs of sedation services to patients.

Based on multiple questions received by the board office and board counsel and through discussion at public meetings, it has become clear that it is important for all dentists to first review each rule for themselves and if they have questions or concerns, the dentist should seek clarity through the Board of Dentistry or via the use of private counsel.

This guide is intended to be a basic outline covering a select few areas of sedation, in particular, areas that have been recently updated by rule. This guide has absolutely no legal authority and has not been, nor will be, adopted or ratified by the board. This guide should not be relied upon in lieu of the actual rule. Importantly, the guide does not cover all requirements or information that is contained in each rule. The guide does not reflect the position of the board, the Department of Health or the position of the author's employer.

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## **PART ONE: FLORIDA DENTISTRY SEDATION PERMIT TYPES**

### GENERALLY

Generally, a dentist may not use, employ the use of, or administer general anesthesia, deep sedation, conscious sedation or pediatric conscious sedation without first obtaining a permit,<sup>i</sup> properly equipping the outpatient dental office,<sup>ii</sup> and passing a board inspection.<sup>iii</sup>

### TYPES OF PERMITS

The Board of Dentistry has established three types of sedation permits: 1) A General Anesthesia Permit; 2) A Conscious Sedation Permit; and 3) A Pediatric Conscious Sedation Permit.<sup>iv</sup> Each type of permit requires a very specific type of training and education before the permit will be issued.<sup>v</sup> Each type of permit has specific allowances and limitations.

### ALLOWANCES AND LIMITATIONS OF EACH PERMIT

Each type of sedation permit authorizes the permit holder to use, employ, or administer specific types of sedation, and may prohibit the use of specific drugs. The type of permit may also limit the permit holder to treatment of a specific class of patients.

#### A. General Anesthesia Permit Holder:

- a. *Type of Sedation:* A dentist with a general anesthesia permit may use, employ the use of, or administer general anesthesia, deep sedation, conscious sedation, and pediatric sedation.<sup>vi</sup>
- b. *Type of Anesthetic Drug:* The general anesthesia permit holder is not limited in the type of anesthetic drug that may be utilized.<sup>vii</sup>
- c. *Type of Patient:* A general anesthesia permit holder may employ the use of anesthesia on any dental patient. This includes adult patients, special needs patients of all ages, and pediatric patients.<sup>viii</sup>

#### B. Conscious Sedation Permit Holder:

- a. *Type of Sedation:* A conscious sedation permit holder may use, employ the use of, or administer conscious sedation and pediatric conscious sedation.<sup>ix</sup>
- b. *Type of Anesthetic Drug:* A conscious sedation permit holder may not use, employ the use of, or administer propofol, methohexital, thiopental, etomidate, or ketamine.<sup>x</sup>

- c. *Type of Patient:* A conscious sedation permit holder may employ the use of conscious sedation on any dental patient. This includes adult patients, special needs patients of all ages, and pediatric patients.<sup>xi</sup>

C. Pediatric Conscious Sedation Permit:

- a. *Type of Sedation:* A pediatric conscious sedation permit holder may use, employ the use of, or administer pediatric conscious sedation.<sup>xii</sup>
- b. *Type of Anesthetic Drug:* A pediatric conscious sedation permit holder may not employ the use of, or administer propofol, methohexital, thiopental, etomidate, or ketamine.<sup>xiii</sup>
- c. *Type of Patient:* A pediatric conscious sedation permit holder may only employ the use of pediatric conscious sedation on pediatric patients and special needs patients regardless of age.<sup>xiv</sup> A pediatric or child patient is defined as anyone less than 18 years of age and a special needs patient is any person, regardless of age, who has a physical or mental impairment that substantially limits one or more life activities.<sup>xv</sup>

## **PART TWO: DENTISTS WITH SEDATION PERMITS USING PHYSICIAN ANESTHESIOLOGISTS**

### GENERALLY

In an outpatient dental office, the general rule is that a dentist may not allow another health care practitioner to perform the administration of general anesthesia, deep sedation, conscious sedation, or pediatric conscious sedation for dental patients.<sup>xvi</sup> However, if the dentist possesses a general anesthesia permit, a conscious sedation permit, or a pediatric conscious sedation permit, the board has recently promulgated a rule which establishes an exception to the general rule.<sup>xvii</sup>

### EXCEPTION

A dentist with a sedation permit may utilize a physician anesthesiologist in an outpatient dental office.<sup>xviii</sup> This exception involves the physician anesthesiologist performing the anesthesia services while the dentist with the sedation permit performs the dental treatment.<sup>xix</sup>

### ALLOWANCES AND LIMITATIONS OF EACH PERMIT

Depending on the specific type of permit held by the dentist, there are limitations or differences to the specific class of patient that may be treated by a particular type of dentist. **Please note**, the specific class of patient and the particular type of dentist limitations **do not always** coincide with the specific class of patient limitations that are applicable when the permitted dentist is not utilizing a physician anesthesiologist (*Compare Part One, with Part Two*).<sup>xx</sup> Regardless of the type of sedation permit the dentist has, when utilizing a physician anesthesiologist, the level of sedation is not restricted; the level of sedation may be any level necessary for the safe and effective treatment of the patient.<sup>xxi</sup> **Please note**, any sedation permit holder utilizing a physician anesthesiologist is required to meet the supply, equipment, and facility requirements that are mandated for a dentist who holds a general anesthesia permit.<sup>xxii</sup>

#### A. General Anesthesia Permit Holder:

- a. *Type of Patient:* A general anesthesia permit holder can treat any patient sedated by the physician anesthesiologist. This includes adult patients, special needs patients of all ages, and pediatric patients.<sup>xxiii</sup>
- b. *Type of Dentist:* The specific type or specialty of the dentist is not relevant for a general anesthesia permit holder when a physician anesthesiologist is utilized.<sup>xxiv</sup>

B. Conscious Sedation Permit Holder:

- a. *Type of Patient:* A conscious sedation permit holder can only treat adult and adult special needs patients when the patient is sedated by a physician anesthesiologist.<sup>xxv</sup> An adult patient is anyone 18 years of age or older.<sup>xxvi</sup> An adult special needs patient is any patient who is 18 years of age or older and who has a physical or mental impairment that substantially limits one or more major life activities.<sup>xxvii</sup> **Please note**, the type of patient that may be treated when using a physician anesthesiologist is more restrictive than the type of patient that may be treated when the dentist administers the sedation and performs the dental treatment pursuant to the conscious sedation permit only (*Compare Part One, with Part Two*).<sup>xxviii</sup>
- b. *Type of Dentist:* The specific type or specialty of dentist is not relevant for a conscious sedation permit holder when a physician anesthesiologist is utilized.<sup>xxix</sup>

C. Pediatric Conscious Sedation Permit:

- a. *Type of Patient:* A pediatric conscious sedation permit holder can only treat pediatric and special needs dental patients when the patient is sedated by a physician anesthesiologist.<sup>xxx</sup> A pediatric or child patient is defined as anyone less than 18 years of age and a special needs patient is any person, regardless of age, who has a physical or mental impairment that substantially limits one or more life activities.<sup>xxxi</sup> The type of patient that may be treated when using a physician anesthesiologist is the same type of patient that may be treated when the dentist administers the sedation and performs the dental treatment pursuant to the pediatric conscious sedation permit only (*Compare Part One, with Part Two*).<sup>xxxii</sup>
- b. *Type of Dentist:* A pediatric conscious sedation permit holder **must be** a pediatric dentist as recognized by the American Dental Association when treating pediatric or special needs dental patients who have been sedated by a physician anesthesiologist.<sup>xxxiii</sup>

**PART THREE: DENTISTS WITH SEDATION PERMITS USING DENTISTS WITH GENERAL ANESTHESIA PERMITS**

GENERALLY

In an outpatient dental office, the general rule is that a dentist may not allow another dentist to perform the administration of general anesthesia, deep sedation, conscious sedation or pediatric conscious sedation for dental patients.<sup>xxxiv</sup> However, if the dentist possesses a general anesthesia permit, a conscious sedation permit, or a pediatric conscious sedation permit, the board has recently promulgated a rule which establishes an exception to the general rule.<sup>xxxv</sup>

EXCEPTION

A dentist with any level of a sedation permit may utilize a dentist who holds a general anesthesia permit in an outpatient dental office.<sup>xxxvi</sup> This exception involves the general anesthesia permit holder performing the anesthesia services while the dentist with any level of a sedation permit performs the dental treatment.<sup>xxxvii</sup>

ALLOWANCES AND LIMITATIONS

- A. *Type of Patient:* The newly enacted rule does not impose any limitation on the specific class of patient that may be treated based on the treating dentist's level of sedation permit.<sup>xxxviii</sup>
- B. *Level of Sedation:* Regardless of the type of sedation permit the treating dentist has, when utilizing a dentist with a general anesthesia permit, the level of sedation is not restricted. The level of sedation may be any level necessary for the safe and effective treatment of the patient.<sup>xxxix</sup>
- C. *Location of Treatment:* If the treating dentist and the sedating dentist both hold a general anesthesia permit, the patient may be treated and sedated at either general anesthesia permit holder's office.<sup>xl</sup> The sedation and treatment may also take place at the office of the treating dentist who holds a conscious or pediatric conscious sedation permit.<sup>xli</sup> **Take note**, if the treatment and sedation take place at the dental office of the conscious or pediatric conscious sedation permit holder's office, the dental office supply, equipment and facility requirements must be brought up to the level required by that of a general anesthesia permit holder.<sup>xlii</sup>

## **PART FOUR: DENTISTS WITHOUT SEDATION PERMITS TREATING SEDATED PATIENTS**

### GENERALLY

A dentist without a sedation permit may not use, employ the use of, or administer general anesthesia, deep sedation, conscious sedation or pediatric conscious sedation.<sup>xliii</sup> Furthermore, in an outpatient dental office, a dentist without a sedation permit may not treat a dental patient if the patient is under general anesthesia, deep sedation, conscious sedation, or pediatric conscious sedation.<sup>xliv</sup> This means that a dentist is required to have a sedation permit even when another health care practitioner administers and is responsible for the sedation of a dental patient in an outpatient dental office.<sup>xlv</sup>

### EXCEPTION

Although there is not an exception to the rule that a dentist without a sedation permit cannot administer general anesthesia, deep sedation, conscious sedation, or pediatric conscious sedation, there is one exception wherein a dentist without a sedation permit may treat a sedated patient in an outpatient dental office.<sup>xlvi</sup> This exception involves the sedation services being performed by a dentist with a sedation permit in his or her dental office while the dentist without the sedation permit performs the dental treatment.<sup>xlvii</sup>

### ALLOWANCES AND LIMITATIONS

There are limitations on the location of where the sedation can take place, and there are mandatory education requirements for the dentist who does not hold a sedation permit.<sup>xlvi</sup> Additionally, the permit holder has additional sedation restrictions.<sup>xlix</sup>

- A. Location: The sedation services must take place only at the dental office of the permitted dentist.<sup>1</sup>
- B. Education:
  - a. Prior to treating any sedated patient, the dentist who does not hold a sedation permit must take four (4) hours of continuing education in airway management.<sup>li</sup> A recent amendment to the rule gives the treating dentist until March 1, 2014, before the course must be completed.<sup>lii</sup> The treating dentist must repeat the airway management course every four (4) years.<sup>liii</sup>
  - b. The four hours in airway management must include two hours in didactic training in providing dentistry on sedated patients with compromised airways, and two hours must include hands-on training in airway management of a sedated patient.<sup>liv</sup>

### C. Permit Holder Restrictions:

- a. The dentist performing the sedation services must remain with the sedated patient throughout the entire anesthesia procedure from onset of administration until discharge.<sup>lv</sup> Therefore, the dentist may not induce or begin the performance of anesthesia on any other patient until the first patient is properly discharged.<sup>lvi</sup>

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- i Fla. Admin. Code R. 64B5-14.002 (Aug. 5, 2012).
  - ii Fla. Admin. Code R. 64B5-14.003 (Aug. 19, 2013); Fla. Admin. Code R. 64B5-14.008 (Oct. 24, 2011); Fla. Admin. Code R. 64B5-14.009 (Oct. 26, 2011); Fla. Admin. Code R. 64B5-14.010 (Oct. 26, 2011).
  - iii Fla. Admin. Code R. 64B5-14.007 (Jun. 11, 2007); Fla. Admin. Code R. 64B5-14.005(3) (Aug. 5, 2012).
  - iv Fla. Admin. Code R. 64B5-14.003 (Aug. 19, 2013).
  - v Fla. Admin. Code R. 64B5-14.003 (Aug. 19, 2013); Fla. Admin. Code R. 64B5-14.005(2)(Aug. 5, 2012).
  - vi Fla. Admin. Code R. 64B5-14.003(1)(d) (Aug. 19, 2013).
  - vii Fla. Admin. Code R. 64B5-14.002(8) (Aug. 5, 2012).
  - viii Fla. Admin. Code R. 64B5-14.003(1)(Aug. 19, 2013).
  - ix Fla. Admin. Code R. 64B5-14.003(2)(g) (Aug. 19, 2013); Fla. Admin. Code R. 64B5-14.003(3)(d) (Aug 19, 2013).
  - x Fla. Admin. Code R. 64B5-14.002(8) (Aug. 5, 2012).
  - xi Fla. Admin. Code R. 64B5-14.003(2)(g) (Aug. 19, 2013).
  - xii Fla. Admin. Code R. 64B5-14.003(3)(c)(Aug. 19, 2013) (note: all permit holders may administer nitrous-oxide inhalation sedation. Nitrous-oxide is not the subject on this general overview).
  - xiii Fla. Admin. Code R. 64B5-14.002(8) (Aug. 5, 2012).
  - xiv Fla. Admin. Code R. 64B5-14.003(3) (Aug. 19, 2013); Fla. Admin. Code R. 64B5-14.001(5) (Aug. 5, 2012).
  - xv Fla. Admin. Code R. 64B5014.001(5) (Aug. 5, 2012).
  - xvi Fla. Admin. Code R. 64B5-14.005 (Aug. 5, 2012) ( A health care practitioner is defined as any person licensed pursuant to Chapters 457 through 468 and Chapters 478; 480; 483; 484; 486; 490 and 491. §456.001, Fla. Stat. (2012)).
  - xvii Fla. Admin. Code R. 64B5-14.0032 (Feb. 21, 2013).
  - xviii Fla. Admin. Code R. 64B5-14.0032 (Feb. 21, 2013) (note: there are other exceptions but this general overview involves the physician anesthesiologist exception only).
  - xix Fla. Admin. Code R. 64B5-14.0032 (Feb. 21, 2013).
  - xx *Compare* Fla. Admin. Code R. 64B5-14.003 (Aug. 19, 2013), *with* Fla. Admin. Code R. 64B5-14.0032 (Feb. 21, 2013).
  - xxi Fla. Admin. Code R. 64B5-14.0032 (Feb. 21, 2013).
  - xxii Fla. Admin. Code R. 64B5-14.0032 (Feb. 21, 2013).
  - xxiii Fla. Admin. Code R. 64B5-14.0032(1)(Feb. 21, 2013).
  - xxiv Fla. Admin. Code R. 64B5-14.0032(1)(Feb. 21, 2013).
  - xxv Fla. Admin. Code R. 64B5-14.0032(3) (Feb. 21, 2013).
  - xxvi *See* Fla. Admin. Code R. 64B5-14.001(5) (Aug. 5, 2012).
  - xxvii *See* Fla. Admin. Code R. 64B5-14.001(5) (Aug. 5, 2012).
  - xxviii *Compare* Fla. Admin Code R. 64B5-14.003(2) (Aug. 19, 2013), *with* 64B5-14.0032(3) (Feb. 21, 2013).
  - xxix Fla. Admin. Code R. 64B5-14.0032(3)(Feb. 21, 2013).
  - xxx Fla. Admin. Code R. 64B5-14.0032(2) (Feb. 21, 2013).
  - xxxi Fla. Admin. Code R. 64B5-14.001(5) (Aug. 5, 2012).
  - xxxii *Compare* Fla. Admin Code R. 64B5-14.003(3) (Aug. 19, 2013), *with* Fla. Admin. Code R. 64B5-14.0032(2)(Feb. 21, 2013).
  - xxxiii Fla. Admin. Code R. 64B5-14.0032(2) (Feb. 21, 2013).

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xxxiv	Fla. Admin. Code R. 64B5-14.005 (Aug. 5, 2012).
xxxv	Fla. Admin. Code R. 64B5-14.0034 (Mar. 14, 2013)(note: there are other exceptions but this part of the general overview involves the use of a dentist with a general anesthesia permit).
xxxvi	Fla. Admin. Code R. 64B5-14.0034 (Mar. 14, 2013) (note: there are others exceptions).
xxxvii	Fla. Admin. Code R. 64B5-14.0034 (Mar. 14, 2013).
xxxviii	Fla. Admin. Code R. 64B5-14.0034 (Mar. 14, 2013).
xxxix	Fla. Admin. Code R. 64B5-14.0034 (Mar. 14, 2013).
xl	Fla. Admin. Code R. 64B5-14.0034(1) (Mar. 14, 2013).
xli	Fla. Admin. Code R. 64B5-14.0034(2) (Mar. 14, 2013).
xlii	Fla. Admin. Code R. 64B5-14.0034(2)(b) (Mar. 14, 2013).
xliii	Fla. Admin. Code R. 64B5-14.002(1)-(3) (Aug. 5, 2012).
xliv	Fla. Admin. Code R. 64B5-14.005(1) (Aug. 5, 2012).
xlv	Fla. Admin. Code R. 64B5-14.005(1) (Aug. 5, 2012).
xlvi	Fla. Admin. Code R. 64B5-14.0036 (Aug. 19, 2013).
xlvii	Fla. Admin. Code R. 64B5-14.0036 (Aug. 19, 2013).
xlviii	Fla. Admin. Code R. 64B5-14.0036 (Aug. 19, 2013).
xliv	Fla. Admin. Code R. 64B5-14.0036(1)-(3) (Aug. 19, 2013).
l	Fla. Admin. Code R. 64B5-14.0036(1) (Aug. 19, 2013).
li	Fla. Admin. Code R. 64B5-14.0036(4) (Aug. 19, 2013).
lii	Fla. Admin. Code R. 64B5-14.0036(4) (Aug. 19, 2013).
liii	Fla. Admin. Code R. 64B5-14.0036(4) (Aug. 19, 2013).
liv	Fla. Admin. Code R. 64B5-14.0036(4) (Aug. 19, 2013).
lv	Fla. Admin. Code R. 64B5-14.0036(2) (Aug. 19, 2013).
lvi	Fla. Admin. Code R. 64B5-14.0036(3) (Aug. 19, 2013).