

AMENDED IN SENATE JUNE 30, 1998
AMENDED IN ASSEMBLY APRIL 30, 1998
AMENDED IN ASSEMBLY APRIL 14, 1998
AMENDED IN ASSEMBLY MARCH 25, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 2006

Introduced by Assembly Member Keeley

February 18, 1998

An act to add Article 2.85 (commencing with Section 1647.10) to Chapter 4 of Division 2 of the Business and Professions Code, relating to oral conscious sedation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2006, as amended, Keeley. Dentistry: oral conscious sedation.

Existing law regulating dentistry prohibits any dentist from administering or supervising the administration of conscious sedation on an outpatient basis for dental patients unless they hold a valid general anesthesia permit or a permit issued by the Board of Dental Examiners authorizing the dentist to administer conscious sedation, or a permit.

This bill would prohibit any dentist from administering or supervising the administration of oral conscious sedation on a patient under 13 years of age unless the dentist holds a valid general anesthesia permit, a permit issued by the Board of Dental Examiners authorizing the dentist to administer

conscious sedation, or obtains a certification in oral conscious sedation. This bill would also establish educational requirements, qualifications, and a fee for this certification. The bill would impose requirements for the administration of oral conscious sedation *requiring the presence of the dentist and the use of drugs and techniques with a wide margin of safety, as specified.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Article 2.85 (commencing with Section
2 1647.10) is added to Chapter 4 of Division 2 of the Business
3 and Professions Code, to read:

4
5 Article 2.85. Use of Oral Conscious Sedation for
6 Pediatric Patients
7

8 1647.10. As used in this article:

9 (a) "Oral conscious sedation" means a minimally
10 depressed level of consciousness produced by oral
11 medication that retains the patient's ability to maintain
12 independently and continuously an airway, and respond
13 appropriately to physical stimulation and verbal
14 command.

15 (b) "Minor patient" means a dental patient under the
16 age of 13 years.

17 (c) "Certification" means the issuance of a certificate
18 to a dentist licensed by the board who provides the board
19 with his or her name, and the location where the
20 administration of oral conscious sedation will occur, and
21 fulfills the requirements specified in Sections 1647.12 and
22 1647.13.

23 1647.11. (a) Notwithstanding subdivision (a) of
24 Section 1647.1, after December 31, 1999, no dentist shall
25 administer oral conscious sedation on an outpatient basis
26 ~~for~~ to a minor patient unless one of the following
27 conditions is met:



1 (1) The dentist possesses a current license in good
2 standing to practice dentistry in California and either
3 holds a valid general anesthesia permit, conscious
4 sedation permit, or has been certified by the board,
5 pursuant to Section 1647.12, to administer oral sedation to
6 minor patients.

7 (2) The dentist possesses a current permit issued
8 under Section 1638 or 1640 and either holds a valid
9 general anesthesia permit or conscious sedation permit or
10 possesses a certificate as a provider of oral conscious
11 sedation to minor patients in compliance with, and
12 pursuant to, this article.

13 (b) Certification as a provider of oral conscious
14 sedation to minor patients expires at the same time the
15 license or permit of the dentist expires unless renewed at
16 the same time the dentist's license or permit is renewed
17 after its issuance, unless certification is renewed as
18 provided in this article.

19 (c) This article shall not apply to the administration of
20 local anesthesia or a mixture of nitrous oxide and oxygen,
21 or to the administration, dispensing, or prescription of
22 postoperative medications.

23 1647.12. (a) A dentist who desires to administer, or
24 order the administration of, oral conscious sedation for
25 minor patients, who does not hold a general anesthesia
26 permit *as provided in Sections 1646.1 and 1646.2* or a
27 conscious sedation permit as provided in ~~Section 1647.11~~
28 *Sections 1647.2 and 1647.3*, shall register his or her name
29 with the board on a board-prescribed registration form.
30 The dentist shall submit the registration fee and evidence
31 showing that he or she satisfies any of the following
32 requirements:

33 (1) Satisfactory completion of a postgraduate program
34 in oral and maxillofacial surgery, pediatric dentistry, or
35 periodontics at a dental school approved by either the
36 Commission on Dental Accreditation or a comparable
37 organization approved by the board.

38 (2) Satisfactory completion of a general practice
39 residency or other advanced education in a general
40 dentistry program approved by the board.



1 (3) Satisfactory completion of a board-approved
2 educational program on oral medications and sedation.

3 (4) For a certificate applicant who has been using oral
4 conscious sedation in connection with the treatment of
5 minor patients prior to January 1, 1999, submission of
6 documentation as required by the board of 10 cases in a
7 three-year period of oral conscious sedation satisfactorily
8 performed by the applicant on minor patients.

9 1647.13. A certificate holder shall be required to
10 complete a minimum of 7 hours of approved courses of
11 study related to oral conscious sedation of minor patients
12 as a condition of certification renewal as an oral conscious
13 sedation provider. Those courses of study shall be
14 accredited toward any continuing education required by
15 the board pursuant to Section 1645.

16 1647.14. (a) A physical evaluation and medical
17 history shall be taken before the administration of, oral
18 conscious sedation to a minor. Any dentist who
19 administers, or orders the administration of, oral
20 conscious sedation to a minor shall maintain records of the
21 physical evaluation, medical history, and oral conscious
22 sedation procedures used as required by the board
23 regulations.

24 (b) A dentist who administers, or who orders the
25 administration of, oral sedation for a minor patient shall
26 be physically present in the treatment facility while the
27 patient is sedated and shall be present until discharge of
28 the patient from the facility.

29 (c) The drugs and techniques used in oral conscious
30 sedation to minors shall have a margin of safety wide
31 enough to render unintended loss of consciousness
32 unlikely.

33 1647.15. The fee for an application for initial
34 certification or renewal under this article shall not exceed
35 the amount necessary to cover administration and
36 enforcement costs incurred by the board in carrying out
37 this article. The listed fee may be prorated based upon the
38 date of the renewal of the dentist's license or permit.

39 1647.16. Any office in which oral conscious sedation of
40 minor patients is conducted pursuant to this article shall,



1 unless otherwise provided by law, meet the facilities and
2 equipment standards set forth by the board in regulation.

3 1647.17. A violation of any provision of this article
4 constitutes unprofessional conduct and is grounds for the
5 revocation or suspension of the dentist's permit,
6 certificate, license, or all three, or the dentist may be
7 reprimanded or placed on probation. The proceedings
8 under this section shall be conducted in accordance with
9 Chapter 5 (commencing with Section 11500) of Part I of
10 Division 3 of Title 2 of the Government Code, and the
11 board shall have all the powers granted therein.

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