

AMENDED IN SENATE MAY 11, 2021

AMENDED IN SENATE APRIL 12, 2021

SENATE BILL

No. 652

Introduced by Senator Bates

February 19, 2021

An act to ~~amend Sections 1646.1, 1647.2, and 1647.3~~ *amend, repeal, and add Section 1646.1* of the Business and Professions Code, relating to dentistry.

LEGISLATIVE COUNSEL'S DIGEST

SB 652, as amended, Bates. Dentistry: use of sedation: training.

Existing law, the Dental Practice Act, establishes the Dental Board of California within the Department of Consumer Affairs and sets forth its powers and duties relating to the licensure and regulation of dentists. A violation of these provisions is a crime. Existing law, among other things, prescribes requirements for dentists and assisting personnel who administer or order the administration of general anesthesia and deep sedation.

Existing law, commencing on January 1, 2022, requires a dentist to possess either a current license in good standing and a general anesthesia permit issued by the board, or another specified permit and a general anesthesia permit issued by the board, in order to administer or order the administration of deep sedation or general anesthesia on an outpatient basis for dental patients.

Existing law specifies additional requirements if the patient is under 13 years of age, including that the operating dentist and at least 2 additional personnel be present throughout the procedure and that the dentist and one additional personnel maintain current certification in Pediatric Advanced Life Support (PALS) and airway management or

other board-approved training, as specified. Existing law authorizes the board to approve training standards for general anesthesia and deep sedation, in lieu of PALS certification, if the training standard is an equivalent or higher level of training for dental anesthesia-related emergencies as compared to PALS.

~~This bill, beginning on July 1, 2023, would require, if the patient is 13 years of age or older, that the operating dentist and at least 2 additional personnel be present throughout the procedure and that the dentist and one additional personnel maintain current certification in Advanced Cardiac Life Support (ACLS).~~

~~Existing law, commencing on January 1, 2022, authorizes a dentist to administer or order the administration of moderate sedation on an outpatient basis for a dental patient if specified conditions are met. Existing law specifies additional requirements if the patient is under 13 years of age, including that there be at least 2 support personnel in addition to the operating dentist present at all times during the procedure and that the operating dentist and one personnel member maintain current certification in PALS and airway management or other board-approved training.~~

~~This bill would also require, if the patient is 13 years of age or older, that there be at least 2 support personnel in addition to the operating dentist present at all times during the procedure and that the operating dentist and one personnel member maintain current certification in ACLS and airway management.~~

~~Existing law, commencing on January 1, 2022, requires a dentist who desires to administer or to order the administration of moderate sedation to apply to the board for a permit and produce evidence showing that they have successfully completed training in moderate sedation that meets specified requirements.~~

~~This bill would require a permit holder to maintain current and continuous certification in ACLS and airway management.~~

Because a violation of these provisions would be a crime, this bill imposes a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 ~~SECTION 1. Section 1646.1 of the Business and Professions~~
2 ~~Code, as added by Section 4 of Chapter 929 of the Statutes of~~
3 ~~2018, is amended to read:~~

4 ~~1646.1. (a) A dentist shall possess either a current license in~~
5 ~~good standing and a general anesthesia permit issued by the board~~
6 ~~or a permit under Section 1638 or 1640 and a general anesthesia~~
7 ~~permit issued by the board in order to administer or order the~~
8 ~~administration of deep sedation or general anesthesia on an~~
9 ~~outpatient basis for dental patients.~~

10 ~~(b) A dentist shall possess a pediatric endorsement of their~~
11 ~~general anesthesia permit to administer or order the administration~~
12 ~~of deep sedation or general anesthesia to patients under seven years~~
13 ~~of age.~~

14 ~~(c) A dentist shall be physically within the dental office at the~~
15 ~~time of ordering, and during the administration of, general~~
16 ~~anesthesia or deep sedation.~~

17 ~~(d) The operating dentist and at least two additional personnel~~
18 ~~shall be present throughout the procedure involving deep sedation~~
19 ~~or general anesthesia.~~

20 ~~(e) If the operating dentist is the permitted anesthesia provider,~~
21 ~~then both of the following shall apply:~~

22 ~~(1) The operating dentist and at least one of the additional~~
23 ~~personnel shall maintain certification in one of the following:~~

24 ~~(A) If the patient is under 13 years of age, certification in~~
25 ~~Pediatric Advanced Life Support (PALS) or other board-approved~~
26 ~~training in pediatric life support and airway management, adopted~~
27 ~~pursuant to Section 1601.8. The additional personnel who is~~
28 ~~certified in Pediatric Advanced Life Support (PALS) and airway~~
29 ~~management or other board-approved training in pediatric life~~
30 ~~support and airway management shall be solely dedicated to~~
31 ~~monitoring the patient and shall be trained to read and respond to~~
32 ~~monitoring equipment including, but not limited to, pulse oximeter,~~
33 ~~cardiac monitor, blood pressure, pulse, capnograph, and respiration~~
34 ~~monitoring devices.~~

35 ~~(B) If the patient is 13 years of age or older, certification in~~
36 ~~Advanced Cardiac Life Support (ACLS). The additional personnel~~
37 ~~who is certified in ACLS and airway management shall be solely~~
38 ~~dedicated to monitoring the patient and shall be trained to read~~

1 and respond to monitoring equipment including, but not limited
2 to, pulse oximeter, cardiac monitor, blood pressure, pulse,
3 capnograph, and respiration monitoring devices.

4 (2) The operating dentist shall be responsible for initiating and
5 administering any necessary emergency response.

6 (f) If a dedicated permitted anesthesia provider is monitoring
7 the patient and administering deep sedation or general anesthesia,
8 both of the following shall apply:

9 (1) The anesthesia provider and the operating dentist, or one
10 other trained personnel, shall be present throughout the procedure
11 and shall maintain current certification in one of the following:

12 (A) If the patient is under 13 years of age, Pediatric Advanced
13 Life Support (PALS) and airway management or other
14 board-approved training in pediatric life support and airway
15 management, adopted pursuant to Section 1601.8.

16 (B) If the patient is 13 years of age or older, Advanced Cardiac
17 Life Support (ACLS).

18 (2) The anesthesia provider shall be responsible for initiating
19 and administering any necessary emergency response and the
20 operating dentist, or other trained and designated personnel, shall
21 assist the anesthesia provider in emergency response.

22 (g) This article does not apply to the administration of local
23 anesthesia, minimal sedation, or moderate sedation.

24 SEC. 2. Section 1647.2 of the Business and Professions Code,
25 as added by Section 6 of Chapter 929 of the Statutes of 2018, is
26 amended to read:

27 1647.2. (a) A dentist may administer or order the
28 administration of moderate sedation on an outpatient basis for a
29 dental patient if one of the following conditions is met:

30 (1) The dentist possesses a current license in good standing and
31 either holds a valid general anesthesia permit or obtains a moderate
32 sedation permit.

33 (2) The dentist possesses a current permit under Section 1638
34 or 1640 and either holds a valid general anesthesia permit or
35 obtains a moderate sedation permit.

36 (b) A dentist shall obtain a pediatric endorsement on the
37 moderate sedation permit prior to administering moderate sedation
38 to a patient under 13 years of age.

1 ~~(e) (1) A dentist who orders the administration of moderate~~
2 ~~sedation shall be physically present in the treatment facility while~~
3 ~~the patient is sedated.~~

4 ~~(2) There shall be at least two support personnel in addition to~~
5 ~~the operating dentist present at all times during the procedure~~
6 ~~involving moderate sedation.~~

7 ~~(3) For patients under 13 years of age, the operating dentist and~~
8 ~~one personnel member shall maintain current certification in~~
9 ~~Pediatric Advanced Life Support (PALS) and airway management~~
10 ~~or other board-approved training in pediatric life support and~~
11 ~~airway management, adopted pursuant to Section 1601.8. The~~
12 ~~personnel member with current certification in Pediatric Advanced~~
13 ~~Life Support (PALS) and airway management or other~~
14 ~~board-approved training in pediatric life support and airway~~
15 ~~management shall be dedicated to monitoring the patient during~~
16 ~~the procedure involving moderate sedation and may assist with~~
17 ~~interruptible patient-related tasks of short duration, such as holding~~
18 ~~an instrument.~~

19 ~~(4) For patients 13 years of age or older, the operating dentist~~
20 ~~and one personnel member shall maintain current certification in~~
21 ~~Advanced Cardiac Life Support (ACLS). The personnel member~~
22 ~~with current certification in ACLS and airway management shall~~
23 ~~be dedicated to monitoring the patient during the procedure~~
24 ~~involving moderate sedation and may assist with interruptible~~
25 ~~patient-related tasks of short duration, such as holding an~~
26 ~~instrument.~~

27 ~~(d) A dentist with a moderate sedation permit or a moderate~~
28 ~~sedation permit with a pediatric endorsement shall possess the~~
29 ~~training, equipment, and supplies to rescue a patient from an~~
30 ~~unintended deeper level of sedation.~~

31 ~~(e) This article shall not apply to the administration of local~~
32 ~~anesthesia, minimal sedation, deep sedation, or general anesthesia.~~

33 ~~SEC. 3. Section 1647.3 of the Business and Professions Code,~~
34 ~~as added by Section 6 of Chapter 929 of the Statutes of 2018, is~~
35 ~~amended to read:~~

36 ~~1647.3. (a) A dentist who desires to administer or to order the~~
37 ~~administration of moderate sedation shall apply to the board on~~
38 ~~an application form prescribed by the board. The dentist shall~~
39 ~~submit an application fee and produce evidence showing that they~~

1 ~~have successfully completed training in moderate sedation that~~
2 ~~meets the requirements of subdivision (c).~~

3 ~~(b) The application for a permit shall include documentation~~
4 ~~that equipment and drugs required by the board are on the premises.~~

5 ~~(c) Training in the administration of moderate sedation shall be~~
6 ~~acceptable if it meets all of the following as approved by the board:~~

7 ~~(1) Consists of at least 60 hours of instruction.~~

8 ~~(2) Requires satisfactory completion of at least 20 cases of~~
9 ~~administration of moderate sedation for a variety of dental~~
10 ~~procedures.~~

11 ~~(3) Complies with the requirements of the Guidelines for~~
12 ~~Teaching Pain Control and Sedation to Dentists and Dental~~
13 ~~Students of the American Dental Association, including, but not~~
14 ~~limited to, certification of competence in rescuing patients from a~~
15 ~~deeper level of sedation than intended, and managing the airway,~~
16 ~~intravascular or intraosseous access, and reversal medications.~~

17 ~~(d) A dentist may apply for a pediatric endorsement for a~~
18 ~~moderate sedation permit by confirming all of the following:~~

19 ~~(1) Successful completion of residency in pediatric dentistry~~
20 ~~accredited by the Commission on Dental Accreditation (CODA)~~
21 ~~or the equivalent training in pediatric moderate sedation, as~~
22 ~~determined by the board.~~

23 ~~(2) Successful completion of at least 20 cases of moderate~~
24 ~~sedation to patients under 13 years of age to establish competency~~
25 ~~in pediatric moderate sedation, both at the time of the initial~~
26 ~~application and at renewal. The applicant or permitholder shall~~
27 ~~maintain and shall provide proof of these cases upon request by~~
28 ~~the board for up to three permit renewal periods.~~

29 ~~(3) In order to provide moderate sedation to children under~~
30 ~~seven years of age, a dentist shall establish and maintain current~~
31 ~~competency for this pediatric population by completing 20 cases~~
32 ~~of moderate sedation for children under seven years of age in the~~
33 ~~24-month period immediately preceding application for the~~
34 ~~pediatric endorsement and for each permit renewal period.~~

35 ~~(4) Current certification in Pediatric Advanced Life Support~~
36 ~~(PALS) and airway management or other board-approved training~~
37 ~~in pediatric life support and airway management, adopted pursuant~~
38 ~~to Section 1601.8.~~

39 ~~(e) A permitholder shall maintain current and continuous~~
40 ~~certification in Pediatric Advanced Life Support (PALS) and~~

1 airway management or other board-approved training in pediatric
2 life support and airway management, adopted pursuant to Section
3 1601.8, for the duration of the permit.

4 ~~(f) A permitholder shall maintain current and continuous~~
5 ~~certification in Advanced Cardiac Life Support (ACLS) and airway~~
6 ~~management for the duration of the permit.~~

7 ~~(g) Applicants for a pediatric endorsement who otherwise qualify~~
8 ~~for the pediatric endorsement but lack sufficient cases of moderate~~
9 ~~sedation to patients under 13 years of age may administer moderate~~
10 ~~sedation to patients under 13 years of age under the direct~~
11 ~~supervision of a general anesthesia or moderate sedation~~
12 ~~permitholder with a pediatric endorsement. The applicant may~~
13 ~~count these cases toward the 20 required in order to qualify for the~~
14 ~~applicant's pediatric endorsement.~~

15 ~~(h) Moderate sedation permit holders with a pediatric~~
16 ~~endorsement seeking to provide moderate sedation to children~~
17 ~~under seven years of age, but who lack sufficient cases of moderate~~
18 ~~sedation to patients under seven years of age pursuant to paragraph~~
19 ~~(3) of subdivision (d), may administer moderate sedation to patients~~
20 ~~under seven years of age under the direct supervision of a~~
21 ~~permitholder who meets those qualifications.~~

22 *SECTION 1. Section 1646.1 of the Business and Professions*
23 *Code, as added by Section 4 of Chapter 929 of the Statutes of 2018,*
24 *is amended to read:*

25 1646.1. (a) A dentist shall possess either a current license in
26 good standing and a general anesthesia permit issued by the board
27 or a permit under Section 1638 or 1640 and a general anesthesia
28 permit issued by the board in order to administer or order the
29 administration of deep sedation or general anesthesia on an
30 outpatient basis for dental patients.

31 (b) A dentist shall possess a pediatric endorsement of their
32 general anesthesia permit to administer or order the administration
33 of deep sedation or general anesthesia to patients under seven years
34 of age.

35 (c) A dentist shall be physically within the dental office at the
36 time of ordering, and during the administration of, general
37 anesthesia or deep sedation.

38 (d) For patients under 13 years of age, all of the following shall
39 apply:

1 (1) The operating dentist and at least two additional personnel
2 shall be present throughout the procedure involving deep sedation
3 or general anesthesia.

4 (2) If the operating dentist is the permitted anesthesia provider,
5 then both of the following shall apply:

6 (A) The operating dentist and at least one of the additional
7 personnel shall maintain current certification in Pediatric Advanced
8 Life Support (PALS) or other board-approved training in pediatric
9 life support and airway management, adopted pursuant to Section
10 1601.8. The additional personnel who is certified in Pediatric
11 Advanced Life Support (PALS) and airway management or other
12 board-approved training in pediatric life support and airway
13 management shall be solely dedicated to monitoring the patient
14 and shall be trained to read and respond to monitoring equipment
15 including, but not limited to, pulse oximeter, cardiac monitor,
16 blood pressure, pulse, capnograph, and respiration monitoring
17 devices.

18 (B) The operating dentist shall be responsible for initiating and
19 administering any necessary emergency response.

20 (3) If a dedicated permitted anesthesia provider is monitoring
21 the patient and administering deep sedation or general anesthesia,
22 both of the following shall apply:

23 (A) The anesthesia provider and the operating dentist, or one
24 other trained personnel, shall be present throughout the procedure
25 and shall maintain current certification in Pediatric Advanced Life
26 Support (PALS) and airway management or other board-approved
27 training in pediatric life support and airway management, adopted
28 pursuant to Section 1601.8.

29 (B) The anesthesia provider shall be responsible for initiating
30 and administering any necessary emergency response and the
31 operating dentist, or other trained and designated personnel, shall
32 assist the anesthesia provider in emergency response.

33 (e) This article does not apply to the administration of local
34 anesthesia, minimal sedation, or moderate sedation.

35 (f) *This section shall remain in effect only until July 1, 2023,*
36 *and as of that date is repealed.*

37 *SEC. 2. Section 1646.1 is added to the Business and Professions*
38 *Code, to read:*

39 *1646.1. (a) A dentist shall possess either a current license in*
40 *good standing and a general anesthesia permit issued by the board*

1 *or a permit under Section 1638 or 1640 and a general anesthesia*
2 *permit issued by the board in order to administer or order the*
3 *administration of deep sedation or general anesthesia on an*
4 *outpatient basis for dental patients.*

5 *(b) A dentist shall possess a pediatric endorsement of their*
6 *general anesthesia permit to administer or order the administration*
7 *of deep sedation or general anesthesia to patients under seven*
8 *years of age.*

9 *(c) A dentist shall be physically within the dental office at the*
10 *time of ordering, and during the administration of, general*
11 *anesthesia or deep sedation.*

12 *(d) The operating dentist and at least two additional personnel*
13 *shall be present throughout the procedure involving deep sedation*
14 *or general anesthesia.*

15 *(e) If the operating dentist is the permitted anesthesia provider,*
16 *then both of the following shall apply:*

17 *(1) The operating dentist and at least one of the additional*
18 *personnel shall maintain certification in one of the following:*

19 *(A) If the patient is under 13 years of age, certification in*
20 *Pediatric Advanced Life Support (PALS) or other board-approved*
21 *training in pediatric life support and airway management, adopted*
22 *pursuant to Section 1601.8. The additional personnel who is*
23 *certified in PALS and airway management or other board-approved*
24 *training in pediatric life support and airway management shall*
25 *be solely dedicated to monitoring the patient and shall be trained*
26 *to read and respond to monitoring equipment including, but not*
27 *limited to, pulse oximeter, cardiac monitor, blood pressure, pulse,*
28 *capnograph, and respiration monitoring devices.*

29 *(B) If the patient is 13 years of age or older, certification in*
30 *Advanced Cardiac Life Support (ACLS). The additional personnel*
31 *who is certified in ACLS and airway management shall be solely*
32 *dedicated to monitoring the patient and shall be trained to read*
33 *and respond to monitoring equipment including, but not limited*
34 *to, pulse oximeter, cardiac monitor, blood pressure, pulse,*
35 *capnograph, and respiration monitoring devices.*

36 *(2) The operating dentist shall be responsible for initiating and*
37 *administering any necessary emergency response.*

38 *(f) If a dedicated permitted anesthesia provider is monitoring*
39 *the patient and administering deep sedation or general anesthesia,*
40 *both of the following shall apply:*

1 (1) The anesthesia provider and the operating dentist, or one
2 other trained personnel, shall be present throughout the procedure
3 and shall maintain current certification in one of the following:

4 (A) If the patient is under 13 years of age, PALS and airway
5 management or other board-approved training in pediatric life
6 support and airway management, adopted pursuant to Section
7 1601.8.

8 (B) If the patient is 13 years of age or older, ACLS.

9 (2) The anesthesia provider shall be responsible for initiating
10 and administering any necessary emergency response and the
11 operating dentist, or other trained and designated personnel, shall
12 assist the anesthesia provider in emergency response.

13 (g) This article does not apply to the administration of local
14 anesthesia, minimal sedation, or moderate sedation.

15 (h) This section shall become operative on July 1, 2023.

16 ~~SEC. 4.~~

17 SEC. 3. No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 the only costs that may be incurred by a local agency or school
20 district will be incurred because this act creates a new crime or
21 infraction, eliminates a crime or infraction, or changes the penalty
22 for a crime or infraction, within the meaning of Section 17556 of
23 the Government Code, or changes the definition of a crime within
24 the meaning of Section 6 of Article XIII B of the California
25 Constitution.