



## **Important Updates Effective January 1, 2022 Regarding General Anesthesia, Conscious Sedation, and Oral Conscious Sedation for Minors Permits**

On January 1, 2022, Senate Bill (SB) 501 (Glazer, Chapter 929, Statutes of 2018) will go into effect and impact General Anesthesia (GA), Medical General Anesthesia (MGA), Conscious Sedation (CS), and Oral Conscious Sedation (OCS) for Minors permit holders in California.

SB 501, among other things, will repeal Business and Professions Code (BPC) sections 1646-1646.10 (General Anesthesia), 1647-1647.9.5 (Conscious Sedation), and 1647.10-1647.17.5 (Oral Conscious Sedation for Pediatric Patients), and add BPC sections 1601.8, 1646-1646.13 (Deep Sedation and General Anesthesia), 1647-1647.12 (Moderate Sedation), and 1647.30-1647.36 (Pediatric Minimal Sedation). As a result, significant updates to the current anesthesia and sedation permit program will need to be implemented.

Additional requirements will include the implementation of a new pediatric endorsement and patient monitoring requirements when administering anesthesia or sedation to a minor patient. The Board will issue a new Pediatric Minimal Sedation (PMS) permit, which will be required to administer or order the administration of pediatric minimal sedation on a patient under the age of 13 as the existing OCS for Minor's permit will no longer be issued.

In 2020, Board staff began working with subject matter experts and legal counsel to develop draft regulations that are needed to implement the statutory changes. The proposed regulatory language was presented and approved by the Board on May 14, 2021. The proposed rulemaking will update current application and permit maintenance requirements to implement SB 501. The proposed rulemaking has been submitted to the Department of Consumer Affairs, Legal Affairs Division for review.

The proposed regulatory changes to implement SB 501 are outlined more specifically below:

- The current GA permit will remain; however, SB 501 will define deep sedation and general anesthesia (BPC, § 1646, subds. (a), (b)). Proposed regulatory language will clarify or make changes to the following:
  - Application for General Anesthesia Permit form.
  - Acceptable training in anesthesiology.
  - Facility and equipment standards.
  - Application for Pediatric Endorsement form and requirements for a pediatric endorsement for pediatric patients under the age of seven.
  - Renewal requirements for pediatric endorsement holders.
  - Specify approved providers of pediatric advanced life support (PALS) courses.
- The current MGA permit will remain; however, SB 501 will define deep sedation and general anesthesia (BPC, § 1646, subds. (a), (b)). Proposed regulatory language will clarify or make changes to the following:
  - Application for General Anesthesia Permit form.
  - Acceptable training in anesthesiology.

- Facility and equipment standards.
  - Application for Pediatric Endorsement form and requirements for a pediatric endorsement for pediatric patients under the age of seven.
  - Renewal requirements for pediatric endorsement holders.
  - Specify approved providers of PALS courses.
- Current CS permit will no longer be issued as of January 1, 2022 and will be replaced with the Moderate Sedation (MS) permit. Proposed regulatory language will specify the following:
  - Application for Moderate Sedation Permit form.
  - Acceptable documentation for proof of training in moderate sedation.
  - Facility and equipment standards.
  - Application for Pediatric Endorsement form and requirements for a pediatric endorsement for pediatric patients aged seven to 13, and for patients under seven.
  - Specify approved providers of PALS courses.
- Current OCS for Minors permit will no longer be issued as of January 1, 2022 and will be replaced with the PMS permit. Proposed regulatory language will specify the following:
  - Application for Pediatric Minimal Sedation Permit form.
  - Acceptable documentation for proof of training in pediatric minimal sedation.
  - Facility and equipment standards.
- Current OCS for Adult permit will remain with no changes.

### **Implementation of SB 501 Before Regulations are in Effect**

SB 501 will repeal and replace existing statutes and eliminate issuance of permits for the administration of conscious sedation and oral conscious sedation for minors on January 1, 2022. Existing GA, MGA, CS, and OCS for Minors permits that are issued or renewed before January 1, 2022, may continue to follow the terms of that existing permit until it expires. However, when the permits expire after January 1, 2022, those permit holders must apply for and/or comply with the new GA, MGA, MS, and PMS permit requirements and, as applicable, obtain a pediatric endorsement. (BPC, §§ 1646.11, 1647.10, 1647.35.)

In the event that the proposed regulatory language is not approved and made effective by January 1, 2022, the Board may not be able to issue the new permits required for the administration of sedation and anesthesia in California. If the new MS and PMS permits and pediatric endorsements cannot be issued, dentists whose CS and OCS for Minors permits have expired and GA and MGA permitholders who do not have the new pediatric endorsement will not be able to administer sedation to adult or minor patients and will not be able to administer general anesthesia to patients under seven years of age.

In addition, there are specific impacts on each permit type, discussed below.

- **GA and MGA Permits:** Existing GA and MGA permit holders will be able to continue to administer or order the administration of general anesthesia under the existing terms of that permit, until the permit expires. (BPC, § 1646.11.) Once the permit expires, these permit holders will not be able to administer general anesthesia or deep sedation to a dental patient under the age of seven unless they hold a pediatric endorsement. Since the pediatric endorsement is a new requirement established in SB 501 and the proposed regulations specifying the requirements are not yet in effect, there are no implementing regulations at this time.

- **CS Permits:** Existing CS permit holders will be able to continue to administer or order the administration of conscious sedation under the existing terms of that permit, until the permit expires. (BPC § 1647.10.) Once the permit expires, it will no longer be renewable or valid. Board staff is working with the Department of Consumer Affairs (DCA) Office of Information Services (OIS) to determine if the CS permit may be automatically cancelled upon expiration. Existing CS permit holders will need to apply for an MS permit to administer or order the administration of moderate sedation to dental patients. Since the MS permit is a new type of permit established in SB 501 and the proposed regulations specifying the requirements are not yet in effect, there are no implementing regulations in effect at this time.
- **OCS for Minors Permits:** Existing OCS for Minors permit holders will be able to continue to administer or order the administration of oral conscious sedation to minor patients under the existing terms, until the permit expires. (BPC section 1647.35.) Once the permit expires, the OCS for Minors permit will no longer be renewable or valid. Board staff is working with OIS to determine if the OCS for Minors permit may be automatically cancelled upon expiration. Existing OCS for Minors permit holders will need to apply for a PMS permit to administer or order the administration of pediatric minimal sedation to pediatric dental patients under 13 years of age. Since the PMS permit is a new type of permit established in SB 501 and the proposed regulations specifying the requirements are not yet in effect, there are no implementing regulations in effect at this time.

### **Existing Permit Expirations and Application Issues**

**Existing GA, MGA, CS, and OCS for Minors permit holders are encouraged to renew by December 31, 2021.** Permit holders who renew by December 31, 2021, will be issued a permit that is valid for two years from the expiration date and may continue to practice under the existing terms of the permit, until it expires. The BreEZe system is currently configured to authorize permit holders to renew permits 90 days before permit expiration. Thus, GA, MGA, CS, and OCS for Minors permits that expire on or before February 28, 2022, would be able to renew the permit if the renewal application is submitted and the permit is issued by December 31, 2021.

GA and MGA permits will be eligible for renewal after January 1, 2022, but until the rulemaking is effective, GA and MGA permit holders would not be able to administer or order the administration of deep sedation or general anesthesia to pediatric patients under the age of seven until those permit holders can apply for and receive the new pediatric endorsement.

CS and OCS for Minors permit holders will no longer be eligible to renew, and the existing permits may be cancelled upon expiration. Until the rulemaking is effective, the Board is not able to issue MS and PMS permits and pediatric endorsements to administer or order the administration of moderate sedation to patients under the age of 13.

SB 501 implementation date concerns were raised by the Board when SB 501 was moving through the legislative process. As discussed during the Board's August 23-24, 2018 meeting, Board staff did not anticipate being able to implement SB 501 until Spring 2024 (Board August 23-24, 2018 [Meeting Minutes](#), p. 10). Board staff have reached out to Senate and Assembly Committee analysts to advise them of SB 501 implementation issues and the looming gap in anesthesia and/or sedation administration to dental patients between the effective date of the new MS and PMS permits and pediatric endorsement requirements on January 1, 2022, and the unknown effective date of the implementing regulations or BreEZe application and renewal updates for the new permits.

The Board recognizes the challenges associated with the delay in the implementation of SB 501. The Board is committed to finding a solution as quickly as possible to the sedation and anesthesia permitting issues.

The text of SB 501 can be viewed on the California Legislative Information website using this link: [SB-501 Dentistry: anesthesia and sedation: report](#). For questions, you may contact the Board by phone at (916) 263-2300, or by email at AU.Program@dca.ca.gov.

Below is a chart of the number of existing permits that will expire each month in calendar years 2021, 2022, and 2023.

Number of GA, MGA, CS, and OCS Permits Expiring Between January 31, 2021 and December 31, 2023														
<b>GA</b> (Dentist)	1/31/21	2/28/21	3/31/21	4/30/21	5/31/21	6/30/21	7/31/21	8/31/21	9/30/21	10/31/21	11/30/21	12/31/21	<b>TOTAL</b>	
	1	2	1	2	1	8	2	7	8	15	26	35	108	
	<b>1/31/22</b>	<b>2/28/22</b>	<b>3/31/22</b>	<b>4/30/22</b>	<b>5/31/22</b>	<b>6/30/22</b>	<b>7/31/22</b>	<b>8/31/22</b>	<b>9/30/22</b>	<b>10/31/22</b>	<b>11/30/22</b>	<b>12/31/22</b>	<b>TOTAL</b>	
	43	29	45	46	37	46	32	41	50	29	28	40	466	
	<b>1/31/23</b>	<b>2/28/23</b>	<b>3/31/23</b>	<b>4/30/23</b>	<b>5/31/23</b>	<b>6/30/23</b>	<b>7/31/23</b>	<b>8/31/23</b>	<b>9/30/23</b>	<b>10/31/23</b>	<b>11/30/23</b>	<b>12/31/23</b>	<b>TOTAL</b>	
	39	28	40	45	37	38	43	34	30	18	17	0	369	
<b>MGA</b> (Physicians & Surgeons)	1/31/21	2/28/21	3/31/21	4/30/21	5/31/21	6/30/21	7/31/21	8/31/21	9/30/21	10/31/21	11/30/21	12/31/21	<b>TOTAL</b>	
	3	1	2	1	0	1	5	0	4	2	5	4	28	
	<b>1/31/22</b>	<b>2/28/22</b>	<b>3/31/22</b>	<b>4/30/22</b>	<b>5/31/22</b>	<b>6/30/22</b>	<b>7/31/22</b>	<b>8/31/22</b>	<b>9/30/22</b>	<b>10/31/22</b>	<b>11/30/22</b>	<b>12/31/22</b>	<b>TOTAL</b>	
	7	5	13	4	6	3	4	4	5	10	6	2	69	
	<b>1/31/23</b>	<b>2/28/23</b>	<b>3/31/23</b>	<b>4/30/23</b>	<b>5/31/23</b>	<b>6/30/23</b>	<b>7/31/23</b>	<b>8/31/23</b>	<b>9/30/23</b>	<b>10/31/23</b>	<b>11/30/23</b>	<b>12/31/23</b>	<b>TOTAL</b>	
	4	7	5	6	9	3	8	0	4	0	3	1	50	
<b>CS</b>	1/31/21	2/28/21	3/31/21	4/30/21	5/31/21	6/30/21	7/31/21	8/31/21	9/30/21	10/31/21	11/30/21	12/31/21	<b>TOTAL</b>	
	2	1	2	2	1	0	0	2	6	13	13	18	60	
	<b>1/31/22</b>	<b>2/28/22</b>	<b>3/31/22</b>	<b>4/30/22</b>	<b>5/31/22</b>	<b>6/30/22</b>	<b>7/31/22</b>	<b>8/31/22</b>	<b>9/30/22</b>	<b>10/31/22</b>	<b>11/30/22</b>	<b>12/31/22</b>	<b>TOTAL</b>	
	26	29	16	19	19	27	19	20	25	20	28	19	267	
	<b>1/31/23</b>	<b>2/28/23</b>	<b>3/31/23</b>	<b>4/30/23</b>	<b>5/31/23</b>	<b>6/30/23</b>	<b>7/31/23</b>	<b>8/31/23</b>	<b>9/30/23</b>	<b>10/31/23</b>	<b>11/30/23</b>	<b>12/31/23</b>	<b>TOTAL</b>	
	28	31	28	26	24	18	21	28	24	7	7	0	242	
<b>OCS</b> (Minors)	1/31/21	2/28/21	3/31/21	4/30/21	5/31/21	6/30/21	7/31/21	8/31/21	9/30/21	10/31/21	11/30/21	12/31/21	<b>TOTAL</b>	
	9	7	5	9	10	5	12	5	24	40	63	65	254	
	<b>1/31/22</b>	<b>2/28/22</b>	<b>3/31/22</b>	<b>4/30/22</b>	<b>5/31/22</b>	<b>6/30/22</b>	<b>7/31/22</b>	<b>8/31/22</b>	<b>9/30/22</b>	<b>10/31/22</b>	<b>11/30/22</b>	<b>12/31/22</b>	<b>TOTAL</b>	
	54	59	51	66	55	56	59	57	81	55	80	62	735	
	<b>1/31/23</b>	<b>2/28/23</b>	<b>3/31/23</b>	<b>4/30/23</b>	<b>5/31/23</b>	<b>6/30/23</b>	<b>7/31/23</b>	<b>8/31/23</b>	<b>9/30/23</b>	<b>10/31/23</b>	<b>11/30/23</b>	<b>12/31/23</b>	<b>TOTAL</b>	
	66	49	49	54	66	66	55	42	59	18	13	0	537	