

Minutes of the South Carolina Board of Dentistry
Sedation Regulation Committee Meeting
May 15, 2015
Synergy Business Park, Kingstree Building, Room 202-02
110 Centerview Drive, Columbia, SC 29210

Committee Members present:

Douglas J. Alterman, Board President, D.M.D.
Carolyn L. Brown, D.M.D.
Charles F. Wade, D.M.D.

Past Sedation Committee Members with excused absences:

Felicia L. Goins, D.D.S.
David W. Jones, D.M.D.

Staff and others present were:

Robbie Boland, LLR Inspections
Kate K. Cox, LLR Dentistry Board Administrator
James Curtis, D.M.D.
Richard Davis, Lobbyist for SCDA
Thomas R. Edmonds, D.M.D.
Lori Graham, LLR Investigator
Lisa Hawsey, LLR Administrative Assistant
Alex S. Imgrund, LLR Advice Attorney
Phil Latham, SCDA
Tom A. McDonald, D.M.D.
David Moss, D.M.D.
Rocky L. Napier, D.M.D.
Margarita Pate, PhD, Executive Director, SC Society of Anesthesiologists
Adrian Rivera, LLR Investigator
Jennifer L. Thompson, Court Reporter, CVR-M
Annie Wilson, Lobbyist for SCDA

CALL TO ORDER:

The Sedation Regulation Committee meeting was held at the Synergy Office Park, Kingstree Building, 110 Centerview Drive, Room 202-02, in Columbia, South Carolina. Whereas, proper notice of date, time, place and agenda information having been properly provided to THE STATE NEWSPAPER AND ASSOCIATED PRESS and proper notice also having been posted at the LLR Office Building 24 hours prior to the time scheduled for the meeting, Dr. Alterman, Chairman, called the meeting to order at 9:00 a.m. Excused absences for past Sedation Committee members were noted for Dr. Jones and Dr. Goins.

APPROVAL OF THE AGENDA:

Dr. Alterman reviewed the Agenda for the first meeting of this Committee for Regulation promulgation.

Motion: Dr. Wade made a motion to approve the Agenda. Dr. Brown seconded the motion. The motion passed.

NEW BUSINESS:

Sedation Statute - Article 3:

Dr. Alterman reviewed the work that was done for passing the Sedation Statute which is now Article 3 beginning with section 40-69-400 in the Dentistry Practice Act which as of January 1, 2015 can be effective. He noted

Article 3 cannot be implemented until Regulations are promulgated and passed by the State Legislature. Mr. Imgrund noted there is already a Notice of Drafting (NOD) filed for this promulgation and a draft of regulations was done by the past advice counsel, Sara McCartha. He reported that the Board's advice, Alex Imgrund, has reviewed this draft for the Committee to use to begin its discussions.

Topics for Comments for Proposed Sedation Regulations from Stakeholders:

Dr. Alterman opened the floor for comments from attendees by going over a list of thirteen (13) topics for consideration in the regulations. An in-depth discussion followed.

1. Education for training in conscious sedation was discussed that ideally would specify what types of programs would be considered accredited or board approved to comply with 40-15-400 sections (C) (1), (D) (1), and (E) (1 and 2). It was discussed that there are accrediting bodies. Cases required were discussed and what documents will clearly direct staff as to what is acceptable. Definitions were discussed as needed and hopefully be placed together in the regulations for the ease of referring to them and definitions when in more than one location need to match word for word.
2. Various residencies and diplomate status were discussed to apply to 40-15-400 (F) (4). It was discussed that you need to define residencies. There was discussion to say that the regulations need to say that you only sedate to the level to which you were trained.
3. Fee for the permits was discussed and where the fee will be placed in the regulations. Discussion followed on inspecting dentists at their facilities and how many inspections will be required to budget an amount for a fee. Inspecting facilities or dentists was discussed and it was noted the practice act regulates people, not facilities. Some dentists use one facility for one inspection and other dentists might have multiple facilities for inspections. \$200.00 for a permit was suggested for one facility and an additional \$100.00 for extra facilities.
4. Inspectors were discussed to support 40-15-410 (B) and they would be trained to look from a checklist which has been provided as a guide from the oral surgeons. It was stated that some oral surgeons may help LLR with the training. It was noted that LLR already is prepared to have inspectors for this purpose and Robbie Boland of the LLR Inspection group has met Dr. Alterman.
5. Pre-operative and post-operative checklists were discussed regarding inspections to randomly pull some for inspection. Discussion on facilities that might not pass the inspection and have a guideline on what to do. Compliance deadlines need to be set if there was a failure to pass inspection.
6. Monitoring was discussed and what would be the documentation to look for.
7. Alarms and calibrations were discussed as to what documentation is needed or could there be an on-site test regarding 40-15-410 (E) (1) (b). It was stated that inspectors really cannot do mechanical inspections and are not qualified. It was explained manufactures required some equipment to be serviced every two years. Inspections might just state that the equipment was there.
8. Additional specifications for working with the mentally/physically challenged patients was discussed for 40-15-410 (H) (2). It was discussed that there would not be any addition specifications or requirements treating for these patients.
9. Additional specifications in regards to 40-15-410 (H) (3). It was discussed that there would not be any addition specifications or CE required.
10. CE audit standards being higher for permit holders was discussed and it was decided that is not necessary as 40-15-420 is enough.
11. Additional personnel with life support treatments was discussed as to being documented more. It was decided no and that 40-15-430 is part of the record and is on the preoperative or postoperative checklist.
12. Documentation of recovery and discharge were discussed and 40-15-430 (C) is fine.
13. Timely provision of records under 40-15-450 (A) was discussed as being to make a timely record entry and to do a timely release of records and this section is OK. The group felt that a timely record release is 24 to 48 hours.

Dr. Alterman summarized the finding today that the Board should use the existing accreditation guidelines that exist in the profession from the governing bodies of the ADA, Academy of General Dentistry, American Medical Association, and some anesthesiology, dental anesthesiology groups. He said the Committee wants the cases needed to be submitted to be cases where the dentist actually performed the sedation physically themselves including the management and discharge of the patient based on the teaching guidelines that exist through the ADA for the 10 or 20 cases required. He noted residencies were discussed to be those that have been accredited and approved under the ADA and/or AMA, which would have to probably include and accredited general practice residency program. Fees were to be \$200.00 biennially for the permit for one facility and renewal, with an additional \$100.00 if there were multiple facilities. He reviewed the training of inspectors for facilities will be done with the help of the oral surgeons and using a checklist similar to theirs. Mrs. Cox will try to see how many inspections will be needed. It was stated that there are about 100 oral surgeons in state, not sure how many facilities, there will be some pediatric dentists, some periodontists and general dentists. The number will be more than 300 it was suggested.

It was determined that a new draft of the proposed regulation will be written by Mr. Imgrund and circulated for comment. The circulation will not be by email to avoid the appearance of a quorum. It was noted the Board of Dentistry will consider the draft at its next meeting on Friday, July 10, 2015, if a draft is available at that time.

LEGAL:

There was no comment.

DISCUSSION:

There were no additional discussion topics.

PUBLIC COMMENT:

There was no public comment.

ANNOUNCEMENTS:

The next regular Board meeting is July 10, 2015. The next meeting of this Committee was not set at this time.

ADJOURNMENT:

There being no further business Dr. Alterman adjourned the meeting at 11:07 a.m.

Respectfully submitted,

Kate K. Cox
Administrator