

Virginia Board of Dentistry

Guidance on Sedation Permits

Applicants for Sedation Permits

- Applicants must complete an application for a permit in either moderate sedation or deep sedation/general anesthesia. Permit applicants must identify every location at which the applicant will be administering sedation and anesthesia.
- The permit holder will notify the Board within 30 days of any changes in address of facilities or any additional facilities to be added to the permit (please note that a pre-permit inspection will occur if there are any additional facilities that were not pre-inspected).
- Once the application is deemed complete, an employee of the Department of Health Professions (inspector) will conduct an announced inspection(s) at all applicable locations.
- Incomplete applications for a sedation permit will expire 12 months from the date of submission.
- Every dentist who administers moderate sedation, deep sedation, or general anesthesia is required to hold a permit. Please note this does NOT apply to oral and maxillofacial surgeons (“OMS”) who maintain membership in the American Association of Oral and Maxillofacial Surgeons (“AAOMS”) and who provide the Board with the reports which result from the periodic office examinations required by AAOMS. Those OMS do not require a permit from the Board and are not subject to periodic inspections. Each OMS must have undergone an AAOMS periodic office examination within the five preceding years and must provide the reports of the examinations to the Board.

Pre-permit Inspection

- An employee of the Department of Health Professions (inspector) will conduct an announced inspection at all applicable locations to review compliance with: required sedation equipment pursuant to 18VAC60-21-291(B) and 18VAC60-21-301(C); appropriate training of staff pursuant to 18VAC60-21-260(H)(2), 18VAC60-21-260(I), 18VAC60-21-260(J), 18VAC60-21-290(D) and (E), 18VAC60-25-100, and 18VAC60-21-300(C); physical plant requirements pursuant to 18VAC60-21-60(A)(1); and Drug Control Act requirements pursuant to Virginia Code § 54.1-3404.
- If an applicant is compliant with all applicable regulations, the applicant will receive a permit from the Board once a report of complete compliance is received from the inspector. If the applicant is found to be in non-compliance with applicable regulations, the applicant will receive a report listing the non-compliance. Depending upon the type of

non-compliance, the applicant will be required to submit evidence of the correction or another announced inspection will be scheduled. When the applicant is in compliance, the applicant will receive a permit.

Periodic Office Inspection for Administration of Sedation and Anesthesia

- Periodic office inspections will be announced for permit holders with no previous disciplinary action taken by the Board. The announcement of the inspection will occur approximately five business days or less prior to the inspection.
- Unannounced periodic office inspections will occur for permit holders with previous disciplinary action taken by the Board.
- The permit holder will receive a copy of their preliminary onsite inspection report with listed deficiencies at the time of inspection. If the deficiency can be corrected, the permit holder may correct the deficiencies and provide proof of correction to denbd@dhp.virginia.gov within 14 business days.
- Practitioners who practice in multiple offices shall identify each location at which sedation will be used on the permit application. Each such location will be inspected at least once in an inspection cycle. If a permit holder is the sole practitioner in each of the locations, inspections of each office will be coordinated to address findings in a comprehensive inspection report.
- Practices with multiple permit holders will be inspected for general compliance at least once in an inspection cycle. These inspections will address the compliance of each permit holder at the practice.
- Permit holders practicing on an itinerant basis shall identify a primary practice location for a periodic inspection and shall report and provide information about the arrangements in place with employing dentists to facilitate inspection of those practice settings.
- The practice locations of permit holders who use the services of another qualified health professional to administer moderate sedation, deep sedation, or general anesthesia as permitted in sections 18VAC60-21-291(A) and 18VAC60-21-301(B) shall be inspected.

Recordkeeping

- The permit holder must comply with all applicable regulations regarding sedation recordkeeping. *See* 18VAC-21-260(C), (D), and (K), 18VAC60-21-291(D) and (E), and 18VAC60-21-301(E) and (G).
- The permit holder must document within the patient record the intended level of sedation for each patient and each procedure.

OMS Requirements

- The requirement for a sedation permit does not apply to an OMS who maintains membership in AAOMS and who provides the Board with reports that result from the periodic office examinations required by AAOMS. *See* 18VAC60-21-300(A).
- An OMS who is not a member of AAOMS must hold a sedation permit. If the OMS holds a sedation permit and later becomes a member of AAOMS, the OMS must notify the Board within 30 days of becoming a member of AAOMS.
- An OMS who is a member of AAOMS must submit AAOMS office examination reports to the Board within 30 days of receipt.

Inspection Reports and AAOMS Office Examination Results

Inspection reports and AAOMS results will be submitted to the Board for review. Board staff will review the information received to determine if a probable cause review is warranted to determine compliance with the regulatory requirements addressed in the inspection form. The inspection reports and AAOMS results are confidential documents pursuant to Virginia Code § 54.1-2400.2.

Costs Related to Inspections

Permit holders will not be charged an inspection fee for a periodic or initial inspection. A \$350 fee will be charged for any additional inspections that result from a disciplinary order issued to address findings of non-compliance in periodic inspections. *See* 18VAC60-21-40.