**20:43:09:04.01.  Employing or contracting with licensed anesthesia provider that provides general anesthesia, deep sedation, or moderate sedation in dental office.** A dentist that holds a general anesthesia and deep sedation, moderate sedation, or host permit and utilizes a licensed anesthesia provider to administer general anesthesia, deep sedation, or moderate sedation in a dental office or facility on an outpatient basis to a dental patient on whom the dentist is performing a dental procedure shall:

 (1)  Have a written contract or written agreement with the licensed anesthesia provider that outlines the appropriate roles and responsibilities of the dentist, licensed anesthesia provider, and clinical staff, for the administration of sedation or anesthesia, that shall include requirements that the licensed anesthesia provider:

 (A)  Collaborate with the dentist on patient selection based on clearly defined patient selection criteria;

 (B)  Be continuously present during the administration of the anesthetic;

 (C)  Remain with the patient until the patient is communicating effectively;

 (D)  Transfer care of the patient to an individual who holds a permit to monitor patients under general anesthesia, deep sedation, or moderate sedation, or is otherwise authorized by law to monitor patients under general anesthesia, deep sedation, or moderate sedation; and

 (E)  Remain on the premises of the facility where the anesthesia was administered until the anesthetized patient is fully recovered and discharged from the facility to a responsible adult;

 (2)  Notify the board of the location of any dental office or facility where general anesthesia, deep sedation, or moderate sedation services will be provided;

 (3)  Ensure the availability of auxiliary personnel that are certified in administering basic life support by the American Heart Association for the Healthcare Provider, the American Red Cross for the Professional Rescuer, or an equivalent program approved by the board;

 (4)  Verify that the requirements for the level of anesthesia or sedation being provided, as required in § 20:43:09:13 or 20:43:09:13.01, are satisfied;

 (5)  Hold a general anesthesia and deep sedation, moderate sedation, or host permit and have completed the inspection, as required in § 20:43:09:12;

 (6)  Ensure that the licensed anesthesia provider holds a license in good standing in South Dakota;

 (7)  Ensure that the licensed anesthesia provider's qualifications and competency to deliver the necessary sedation or anesthesia services have been meaningfully verified; and

 (8)  Ensure that the licensed anesthesia provider is not administering general anesthesia and deep sedation without the presence and assistance of at least one individual, other than the dentist completing the dental procedure, who holds a permit to monitor patients under general anesthesia, deep sedation, or moderate sedation, or is otherwise authorized by law to monitor patients under general anesthesia and deep sedation.

 **Source:** 37 SDR 131, effective January 6, 2011; 42 SDR 83, effective December 3, 2015; 48 SDR 62, effective December 13, 2021.

 **General Authority:** SDCL 36-6A-14(20).

 **Law Implemented:** SDCL 36-6A-14(1)(13)(14)(22).