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**BUSINESS AND PROFESSIONS CODE - BPC**

**DIVISION 2. HEALING ARTS [500 - 4999.129]** ( *Division 2 enacted by Stats. 1937, Ch. 399.*  )

**CHAPTER 4. Dentistry [1600 - 1976]** ( *Chapter 4 added by Stats. 1937, Ch. 415.*  )

**ARTICLE 2.86. Use of Oral Conscious Sedation for Adult Patients [1647.18 - 1647.26]** ( *Article 2.86 added by Stats. 2005, Ch. 539, Sec. 12.*  )

**1647.18.** As used in this article, the following terms have the following meanings:

- (a) "Adult patient" means a dental patient 13 years of age or older.
- (b) "Good standing" means the license or permit is active and unrestricted by disciplinary action taken pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, is not the subject of an unresolved complaint or review procedure, and is not the subject of any unresolved disciplinary proceeding.
- (c) "Oral conscious sedation" means a minimally depressed level of consciousness produced by oral medication that retains the patient's ability to maintain independently and continuously an airway, and respond appropriately to physical stimulation or verbal command. "Oral conscious sedation" does not include dosages less than or equal to the single maximum recommended dose that can be prescribed for home use.
  - (1) The drugs and techniques used in oral conscious sedation shall have a margin of safety wide enough to render unintended loss of consciousness unlikely. Further, patients whose only response is reflex withdrawal from painful stimuli would not be considered to be in a state of oral conscious sedation.
  - (2) For the handicapped individual, incapable of the usually expected verbal response, a minimally depressed level of consciousness for that individual should be maintained.

(Amended by Stats. 2024, Ch. 483, Sec. 21. (SB 1453) Effective January 1, 2025.)

**1647.19.** (a) A dentist may administer or order the administration of oral conscious sedation on an outpatient basis to an adult patient if the dentist possesses an active dentist license or permit issued under Section 1638 or 1640 and an active general anesthesia permit, moderate sedation permit, or adult oral conscious sedation certificate pursuant to Section 1647.20.

(b) An adult oral conscious sedation certificate shall expire on the date specified in Section 1715 that next occurs after its issuance, unless it is renewed as provided in this article.

(c) This article shall not apply to the administration of local anesthesia or a mixture of nitrous oxide and oxygen, or to the administration, dispensing, or prescription of postoperative medications.

(Amended by Stats. 2024, Ch. 483, Sec. 22. (SB 1453) Effective January 1, 2025.)

**1647.20.** A dentist who desires to administer, or order the administration of, oral conscious sedation for adult patients, who does not hold a general anesthesia permit, as provided in Sections 1646.1 and 1646.2, or a moderate sedation permit, as provided in Sections 1647.2 and 1647.3, shall possess a dentist license or a permit under Section 1638 or 1640 issued by the board that is in good standing, apply to the board on an application form prescribed by the board, and submit the certification fee and evidence showing that the dentist satisfies any of the following requirements:

- (a) Satisfactory completion of a postgraduate program in oral and maxillofacial surgery approved by either the Commission on Dental Accreditation or a comparable organization approved by the board.
- (b) Satisfactory completion of a pediatric dental, periodontics, or general practice residency or other advanced education in a general dentistry program approved by the board.
- (c) Satisfactory completion of a board-approved educational program on oral medications and sedation.

*(Amended by Stats. 2024, Ch. 483, Sec. 23. (SB 1453) Effective January 1, 2025.)*

**1647.21.** A certificate holder shall be required to complete a minimum of seven hours of approved courses of study related to oral conscious sedation of adult patients as a condition of certification renewal as an oral conscious sedation provider. Those courses of study shall be accredited toward any continuing education required by the board pursuant to Section 1645.

*(Added by Stats. 2005, Ch. 539, Sec. 12. Effective January 1, 2006.)*

**1647.22.** (a) A physical evaluation and medical history shall be taken before the administration of oral conscious sedation to an adult. Records of the physical evaluation, medical history, and oral conscious sedation procedures used shall be maintained as required by the board regulations.

(b) A dentist who administers, or orders the administration of, oral conscious sedation for an adult patient shall be physically present in the treatment facility while the patient is sedated, and shall be present until discharge of the patient from the facility.

(c) The drugs and techniques used in oral conscious sedation to adults shall have a margin of safety wide enough to render unintended loss of consciousness unlikely.

*(Amended by Stats. 2024, Ch. 483, Sec. 24. (SB 1453) Effective January 1, 2025.)*

**1647.23.** The fee for an application for initial certification or renewal under this article shall not exceed the amount necessary to cover administration and enforcement costs incurred by the board in carrying out this article. The listed fee may be prorated based upon the date of the renewal of the dentist's license or permit.

*(Added by Stats. 2005, Ch. 539, Sec. 12. Effective January 1, 2006.)*

**1647.24.** Any office in which oral conscious sedation of adult patients is conducted pursuant to this article shall, unless otherwise provided by law, meet the facilities and equipment standards set forth by the board in regulation.

*(Added by Stats. 2005, Ch. 539, Sec. 12. Effective January 1, 2006.)*

**1647.25.** A violation of any provision of this article constitutes unprofessional conduct and is grounds for the revocation or suspension of the dentist's permit, certificate, license, or all three, or the dentist may be reprimanded or placed on probation. The proceedings under this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part I of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

*(Added by Stats. 2005, Ch. 539, Sec. 12. Effective January 1, 2006.)*

**1647.26.** The sum of forty-seven thousand dollars (\$47,000) is hereby appropriated for the 2005–06 fiscal year from the State Dentistry Fund to the Department of Consumer Affairs for the purpose of processing applications for adult conscious sedation certificates pursuant to this article.

*(Added by Stats. 2005, Ch. 539, Sec. 12. Effective January 1, 2006.)*