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CHAPTER 39.

DEPARTMENT OF LABOR, LICENSING AND REGULATION-- STATE BOARD OF DENTISTRY

(Statutory Authority: 1976 Code Sections 40-1-40, 40-15-40, 40-15-140, and 40-15-275)

39-1. License to Practice Dentistry.

A. The South Carolina Board of Dentistry has no reciprocal licensure arrangement with any other jurisdiction.

B. No applicant shall be examined by the Board to practice dentistry in this state unless the applicant shall;

(1) Be at least twenty-one (21) years of age.

(2) Present such evidence of good moral character as is required by the Board.

(3) Present to the Board satisfactory evidence of graduation from a dental college approved by the Commission on Accreditation of Dental and Dental Auxiliary Educational Programs of the American Dental Association. The Board may, in its discretion, accept as such satisfactory evidence of graduation any of the following:

(a) A notarized copy of the applicant's diploma or other certificate of graduation from an approved dental college.

(b) A sworn statement from the Dean of the dental college stating that the applicant has graduated from such dental college.

(4) Complete the application to practice dentistry in South Carolina on the form furnished by the Board at least forty-five (45) days prior to the date of the examination. In making the application the applicant authorizes the Board to verify the information contained in the application or to seek such further information pertinent to the applicant's qualification or character as the Board may deem proper.

(5) Pay to the Board a fee as prescribed by the Board at the same time the application is received by the Board.

C. The Board shall require each applicant to successfully complete an examination before such applicant is licensed. The examination may be given either orally, or in writing, or by requiring a practical demonstration of the applicant's skill, or by any combination of such methods as the Board may in its discretion require. Each applicant shall furnish their own patient on the exam. The selection of this patient as well as the final treatment for this patient shall be considered in the final grade.

(1) Fees:

(a) Dentists--not to exceed \$300.00.

(b) Dental Specialty--not to exceed \$300.00.

(2) The Board may automatically disqualify any person who may be detected using or attempting to use any unfair assistance during the exam.

D. Dentists licensed in any state or territory of the United States may be issued a license to practice dentistry in this State if the applicant complies with the provisions of Regulation 39-1(B) and Section 40-15-275 and pays a fee of \$2000.00. The Board may waive \$1500.00 of the fee upon agreement with an applicant to practice exclusively in a rural county for not less than two consecutive years.

39-2. License to Practice Dental Hygiene.

A. The South Carolina State Board has no reciprocal licensure arrangement with any other jurisdiction.

B. No applicant shall be examined by the Board to practice dental hygiene in this state unless applicant shall:

(1) Present such evidence of good moral character as is required by the Board.

(2) Present to the Board satisfactory evidence of graduation from a school of dental hygiene approved by the Commission on Accreditation of Dental and Dental Auxiliary Education Programs of the American Dental Association. The Board may, in its discretion, accept as such satisfactory evidence of graduation any of the following:

(a) A notarized copy of the applicant's diploma or other certificate of graduation from a school of dental hygiene accredited by the council on Dental Education of the American Dental Association.

(b) A sworn statement from the Dean or Registrar of a school of dental hygiene stating that the applicant has graduated from such school of dental hygiene.

(3) Complete the application to practice dental hygiene in South Carolina on the form furnished by the Board at least forty-five (45) days prior to the date of the examination. In making the application the applicant authorizes the Board to verify the information contained in the application or to seek such further information pertinent to the applicant's qualification or character as the Board may deem proper.

(4) Pay to the Board a fee as prescribed by the Board at the same time the application is received by the Board.

(a) Fees:

1. Dental Hygienists--not to exceed \$150.00.

C. The Board shall require each applicant to successfully complete an examination before such applicant is licensed. The examination may be given either orally, or in writing, or by requiring a practical demonstration of the applicant's skill, or by any combination of such methods as the Board may in its discretion require.

(1) The Board may automatically disqualify any person who may be detected using or attempting to use any unfair assistance during the exam.

39-3. Registration as a Dental Technician.

A. The South Carolina State Board has no reciprocal arrangement with any other jurisdiction.

B. No applicant shall be examined by the Board to practice as a dental technician unless he or she shall:

(1) Be at least twenty-one (21) years of age.

(2) Present such evidence of good moral character as is required by the Board.

(3) Present to the satisfaction of the Board evidence that the applicant has graduated from high school, or the equivalent, and present to the satisfaction of the Board, evidence that such applicant has completed a two (2) year course of study in a school for dental technological work acceptable to the Board or, in the alternative, has performed dental technological work under the direct supervision of a licensed dentist or registered dental technician for a period of three (3) years.

(4) Complete the application for registration as a dental technician on the form furnished by the Board at least forty-five (45) days prior to the date of the examination. In making the application, the applicant authorizes the Board to verify the information contained in the application or to seek such further information pertinent to the applicant's qualification or character as the Board may deem proper.

(5) Pay to the Board a fee as prescribed by the Board at the same time the application is received by the Board.

(a) Fees.

1. Dental Technician--not to exceed \$300.00.

C. The Board shall require each applicant to successfully complete an examination before such applicant is registered. The examination may be given either orally, or in writing, or by requiring a practical demonstration of the applicant's skill, or by any combination of such methods as the Board may in its discretion require.

(1) The Board may automatically disqualify any person who may be detected using or attempting to use any unfair assistance during the exam.

39-4. Examination of Dentists and Dental Hygienists.

(Statutory Authority: 1976 Code Sections 40-1-40, 40-15-40, and 40-15-140)

All applicants for the general dentistry examination, and all applicants for the dental hygiene examination applying for licensure by examination in South Carolina must have passed the National Board (Joint Commission on National Dental Examinations).

39-4.1. Re-examination.

A. In case of failure at any examination, the applicant shall have the privilege of a second or third examination with the payment of the regular fee.

B. If the applicant has not met the Board's criteria for passing the examination after three takings, applicant shall not be permitted to retake the examination, and any score received after three takings shall not be considered, except by special permission of the Board. It shall be the responsibility of the applicant to petition the Board and to successfully complete at least one year of additional dental or dental hygiene education in an American Dental Association approved dental school or residency, as applicable, or explain in detail any special or compelling factors presented by the applicant to the Board the applicant wishes the Board to consider.

39-5. Registration of Licenses or Certificates.

A. Every licensed dentist or dental hygienist and every registered technician shall keep the Board informed of their current mailing address.

B. The Board will notify any dentist, dental hygienist or technician of the expiration of his/her license or certificate.

C. Any person whose license or certificate has expired and who wishes to have the same reinstated must notify the Board of this in writing. Such notification must set forth the reasons for seeking to have the same reinstated and the reasons why the same has expired. Thereafter the Board may require a reexamination of the person whose license or certificate has expired or may require the person to appear before the Board and explain why the license or certificate has expired.

D. In Section 40-15-170 of the Code of Laws of South Carolina, 1976, there is a requirement that affects your license: “. . .The license of a dentist or dental hygienist who does not either reside or practice in South Carolina for a period of six successive years shall be deemed revoked. Provided, that the time spent in active service by any person in the armed forces or public health service of the United States or with the Veterans' Administration shall not be construed as absence from or failure to practice in the State. Relicensing after an absence of over six years can be made at the discretion of the Board upon proof of high professional fitness and moral character.”

E. Relicensing can be made at the discretion of the Board upon proof of high professional fitness and moral character.

F. Each licensed dentist, licensed dental hygienist and registered dental technician shall complete as a requirement for relicensure the following accredited continuing education on a two-year continuous cycle basis. The licensee/registrant shall certify on the relicensure/registration form that he/she has taken and can verify the required number of hours specified below. Verification shall be in the form of a record of courses taken, continuing hours earned, the date, sponsor and subject matter of the courses. This material shall be maintained for a period of three years from the date of verification to the Board upon licensure/reregistration and, upon request of the State Board or its representative, the licensee/registrant shall provide documentation in the form of certificates or attendance or letters from course sponsors as proof of attendance.

(1) All dentists shall complete a minimum of fourteen (14) continuing education hours per year or twenty-eight (28) continuing education hours over two (2) years; dental hygienists shall complete a minimum of seven (7) continuing education hours per year or fourteen (14) over two (2) years; dental technicians shall complete a minimum of four (4) continuing education hours per year or eight (8)

continuing education hours over two (2) years, in order to be eligible for relicensure or reregistration. Upon licensure by examination of this State, dentists, dental hygienists and dental technicians shall be exempt from continuing education requirements for the first relicensure period.

(2) The continuing education hours must be courses related to the procedures approved for each licensee/registrant such as

- (a) medical and scientific subjects;
- (b) clinical and technical subjects;
- (c) risk management and infection control;
- (d) dental radiology;
- (e) CPR, diet and nutrition.

(3) All dentists and dental hygienists must have completed an approved CPR course within three (3) years of licensure or renewal. Thereafter, all dentists and dental hygienists must be recertified in CPR once every three years. Yearly recertification is not required, but can be used as continuing education hours any time.

(4) Programs that meet the general requirement of Section 2. may be developed and/or endorsed by organizations and agencies such as:

- (a) the American Dental Association, Academy of General Dentistry, American Dental Hygienists' Association, American Dental Assistants' Association, National Association of Dental Laboratories, or their local societies and associations;
- (b) national, state, local, district dental specialty organizations recognized by the American Dental Association;
- (c) dental colleges or schools accredited by the American Dental Association;
- (d) other organizations, schools, and agencies approved by the State Board of Dentistry.

(5) Each dentist, dental hygienist and dental technician licensed/registered by the Board who is not exempt from this regulation, at the time of filing his application for renewal of his license/registration, shall certify on the reregistration form that he/she has taken and can verify the required number of hours. A record of the courses taken, continuing education hours earned, date, sponsor, and subject matter shall be retained for a minimum of three (3) years from the date of attendance. Upon request, the applicant shall provide documentation in the form of certificates of attendance or letters from course sponsors, to the Board as proof of attendance.

(6) Failure to comply with this mandatory continuing education requirement may result in disciplinary action by the Board against the applicant.

(7) In individual cases involving extraordinary hardship or extenuating circumstances, disability or illness, all or any part of the requirements may be waived, modified or extended by the Board. Any applicant shall be eligible for waiver or extension who, upon written application to the Board and for good cause shown, demonstrates that they are unable to participate in a sufficient number of regular continuing educational programs for licensure/registration.

(8) The Board shall have the authority to decide if a course meets its accreditation criterion, if a question arises.

39-6. Annual Election of the Board.

Notice of the annual election of the Board will be mailed in March to each dentist qualified to vote, according to the records of the Board. Nominations of candidates shall be made to the Board by written petition signed by not less than fifteen dentists qualified to vote in the election. Any person who is nominated by valid petition may withdraw his name by written notice to the Board. If only one candidate is nominated, he shall be declared elected. If more than one candidate is nominated, ballots shall be prepared with the names of the nominees in alphabetical order. Ballots and return envelopes shall be mailed to every dentist qualified to vote in the election. The candidate receiving the majority of the ballots received by the Board, in the allotted time, will be declared elected. Voters will be allowed

approximately ten days to cast their ballot. Annual election's for officers of the Board shall be conducted by the Board at the first meeting held in each calendar year.

Notice of the election of the dental hygiene member of the Board will be mailed in March of the appropriate year (once every six years) to each dental hygienist qualified to vote, according to the records of the Board. Nominations of candidates shall be made to the Board by written petition signed by not less than fifteen dental hygienists qualified to vote in the election. Nominations must be received by the Board within thirty days from the date of the notice announcing the election. Any person who is nominated by valid petition may withdraw their name by written notice to the Board. If only one candidate is nominated, she shall be declared elected. If more than one candidate is nominated, ballots shall be prepared with the names of the nominees in alphabetical order. Ballots and return envelopes shall be mailed to every dental hygienist qualified to vote in the election. The candidate receiving the majority of the ballots received by the Board in the allotted time, will be declared elected. Voters will be allowed approximately ten days to cast their ballots.

39-7. Executive Director.

A. The Board shall employ an executive director whose duties are administrative, investigative, and secretarial, as directed by the Board. The executive director shall provide executive offices for the Board with sufficient space and equipment for investigations, meetings, hearings, and records of the Board. The executive director, when directed by the Board, may perform secretarial and administrative duties of the secretary.

39-8. Laboratory Work Authorization Form.

A. The Board has approved a specific type of laboratory work authorization form, a copy of which is available at the executive offices of the Board. Any variation from the form approved by the Board must be submitted to the Board for approval.

39-9. Repealed effective March 23, 1990.

39-10. Sanitary Standards.

A. All dental offices and dental laboratories shall provide and maintain sanitary facilities and conditions in accordance with the following regulations:

(1) Premises:

(a) The premises shall be kept neat and clean, and free of accumulated rubbish and substances of a similar nature which create a public health nuisance.

(b) The premises shall be kept free of all insects and vermin. Proper methods for their eradication or control shall be utilized.

(c) Water of a safe, sanitary quality, from a source approved by the health officer, shall be piped under pressure and in an approved manner, to all equipment and fixtures where the use of water is required.

(d) All plumbing shall be in accordance with the local plumbing ordinances.

(2) Housekeeping:

(a) Comfortable and sanitary conditions for patients and employees shall be maintained constantly.

(b) All liquid and human waste, including floor wash water, shall be disposed of through trapped drains into a public sanitary sewer system in localities where such system is available. In localities where a public sanitary system is not available, liquid and human waste shall be disposed of through trapped drains in a manner approved by the health officer.

(3) Toilet Facilities:

(a) There shall be adequate toilet facilities on the premises of every dental office. They shall conform to standards of the State Board of Health.

(4) Sterilization:

- (a) All instruments or equipment used in the treatment of dental patients shall be sterilized according to usage, i.e., autoclave, boiling water sterilization, or cold sterilizer solutions as indicated.
- (b) Each facility shall ensure compliance by all personnel with existing federal and state infection control procedures.

39-11. Ethics.

PRINCIPLE--Section 1

Service to the Public and Quality of Care. The dentist's primary obligation of service to the public shall include the delivery of quality care, competently and timely, within the bounds of the clinical circumstances presented by the patient. Quality of care shall be a primary consideration of the dental practitioner.

CODE OF PROFESSIONAL CONDUCT

1-A Patient Selection.

While dentists, in serving the public, may exercise reasonable discretion in selecting patients for their practices, dentists shall not refuse to accept patients into their practice or deny service to patients because of the patient's race, creed, color, sex or national origin.

1-B Patient Records.

Dentists are obliged to safeguard the confidentiality of patient records. Dentists shall maintain patient records in a manner consistent with the protection of the welfare of the patient. Upon request of a patient or another dental practitioner, dentists shall provide any information that will be beneficial for the future treatment of that patient.

1-C Community Service.

Since dentists have an obligation to use their skills, knowledge and experience for the improvement of the dental health of the public and are encouraged to be leaders in their community, dentists in such service shall conduct themselves in such a manner as to maintain or elevate the esteem of the profession.

1-D Emergency Service

Dentists shall be obliged to make reasonable arrangements for the emergency care of their patients of record.

Dentists shall be obliged when consulted in an emergency by patients not of record to make reasonable arrangements for emergency care. If treatment is provided, the dentist, upon completion of such treatment, is obliged to return the patient to his or her regular dentist unless the patient expressly reveals a different preference.

1-E Consultation and Referral

Dentists shall be obliged to seek consultation, if possible, whenever the welfare of patients will be safeguarded or advanced by utilizing those who have special skills, knowledge and experience. When patients visit or are referred to specialists or consulting dentists for consultation:

1. The specialists or consulting dentists upon completion of their care shall return the patient, unless the patient expressly reveals a different preference, to the referring dentist, or if none, to the dentist of record for future care.
2. The specialists shall be obliged when there is no referring dentist and upon a completion of their treatment to inform patients when there is a need for further dental care.

1-F Use of Auxiliary Personnel

Dentists shall be obliged to protect the health of their patient by only assigning to qualified auxiliaries those duties which can be legally delegated. Dentists shall be further obliged to prescribe and supervise the work of all auxiliary personnel working under their direction and control.

1-G Justifiable Criticism and Expert Testimony.

Dentists shall be obliged to report to the appropriate reviewing agency instances of gross and/or continual faulty treatment of other dentists. If there is evidence of such treatment, the patient should be informed. Dentists shall be obliged to refrain from commenting disparagingly without justification about the

services of other dentists. Dentists may provide expert testimony when that testimony is essential to a just and fair disposition of a judicial or administrative action.

1-H Rebate and Split Fees.

Dentists shall not accept or tender “rebates” or “split fees.”

PRINCIPLE--Section 2

Education. The privilege of dentists to be accorded professional status rests primarily in the knowledge, skill and experience with which they serve their patients and society. All dentists, therefore, have the obligation of keeping their knowledge and skill current.

PRINCIPLE--Section 3

Research and Development. Dentists have the obligation of making the results and benefits of their investigative efforts available to all when they are useful in safeguarding or promoting the health of the public.

CODE OF PROFESSIONAL CONDUCT

3-A Devices and Therapeutic Methods.

Except for formal investigative studies, dentists shall be obliged to prescribe, dispense or promote only those devices, drugs and other agents whose complete formulae are available to the dental profession. Dentists shall have the further obligation of not holding out as exclusive any device, agent method or technique.

3-B Patents and Copyrights.

Patents and copyrights may be secured by dentists provided that such patents and copyrights shall not be used to restrict research or practice.

PRINCIPLE--Section [4]

Professional Announcement. In order to properly serve the public, dentists should represent themselves in a manner that contributes to the esteem of the profession. Dentists should not misrepresent their training and competence in any way that would be false or misleading in any material respect.

4-A Advertising.

Although any dentist may advertise, no dentist shall advertise or solicit patients in any form of communication in a manner that is false or misleading in any material respect.

4-B Name of Practice.

Since the name under which a dentist conducts his practice may be a factor in the selection process of the patient, the use of a trade name or an assumed name that is false or misleading in any material respect is unethical and illegal.

Use of the name of a dentist no longer actively associated with the practice may be continued for a period not to exceed one year.

4-C Announcement of Specialization and Limitation of Practice.

This Section and Section 4-D are designed to help the public make an informed selection between the practitioner who has not completed such a program.

Dentists who choose to announce specialization should use “specialist in” and shall limit their practice exclusively to the announced special area(s) of dental practice, provided at the time of the announcement such dentists have met in each approved specialty for which they announce the existing educational requirements and standards set forth by the American Dental Association.

Dentists who use their eligibility to announce as specialists to make the public believe that specialty services rendered in the dental office are being rendered by qualified specialists when such is not the case are engaged in unethical and illegal conduct. The burden of responsibility is on specialists to avoid any inference that general practitioners who are associated with specialists are qualified to announce themselves as specialists.

4-D General Practitioner Announcement of Services.

General dentists who wish to announce the services available in their practices are permitted to announce the availability of those services so long as they avoid any communications that express or imply specialization. General dentists shall also state that the services are being provided by general dentists.

No dentist shall announce available services in any way that would be false or misleading in any material respect. The phrase “practice limited to” shall be avoided.

39-12. Approved Procedures of Dental Assistants.

The Board has approved performance of the following procedures by dental assistants in South Carolina. No formal academic dental training is required for dental assistants. These procedures must be performed under the direct supervision of a dentist present on the premises and licensed in South Carolina.

- (1) Assist in basic supportive chairside procedures.
- (2) Chart existing restorations, clinically missing teeth, and appliances within the oral cavity.
- (3) Apply topical drugs as prescribed by the dentist.
- (4) Place and remove rubber dam.
- (5) Place and remove matrix.
- (6) Place and remove orthodontic ligatures.
- (7) Take and record vital signs (blood pressure, pulse, respiration, etc.).
- (8) Expose radiographs upon completion of a Board approved radiation safety course.
- (9) Place and remove periodontal packs.
- (10) Remove sutures.

39-13. Approved Procedures of Expanded Duty Dental Assistants.

An Expanded Duty Dental Assistant is a dental assistant who is a graduate of an American Dental Association accredited dental assisting program, or one who has completed two (2) years of continuous full-time employment as a chairside dental assistant. In addition to the procedures listed for dental assistants, Expanded Duty Dental Assistants may perform the following procedures under the direct supervision of a dentist present on the premises and licensed in South Carolina.

- (1) Take impressions for study models.
- (2) Place and remove socket dressing.
- (3) Place gingival retraction cord.
- (4) Place temporary restorations.
- (5) Cement temporary crowns or bridges.
- (6) Remove excess cement from restoration and/or appliances.
- (7) Polish restorations and supra-gingival tooth structure.
- (8) Application of pit and fissure sealant.
- (9) Monitor nitrous oxide anesthesia upon completion of a Board approved course and certification by the Board.

39-14. Approved Procedures for Licensed Dental Hygienists.

In addition to the procedures outlined for dental hygienists as defined in the Code of Laws of South Carolina, Section 40-15-80, dental hygienists may perform all procedures listed above for dental assistants and expanded duty dental assistants.

39-15. Definitions.

(Statutory Authority: 1976 Code Section 40-15-40)

- (1) “Under the direction and control” is defined to mean that the dentist or registered dental technician is present and directly supervising the performance of any and all dental technological work.

(2) "Premises" is defined to mean the immediate location where the dentist or dental technician is present and engaged in the practice of dentistry or the performance of dental technological work respectively. In the case of a dentist, the premises is further defined to mean the physical area where the dentist is actually present and practicing dentistry, commonly known as the "dental office". In the case of a registered dental technician the premises is further defined to mean the physical area where the technician is present and actually performing dental technological work, commonly known as the "lab area".

39-16. Dental Radiography.

(Statutory Authority: 1976 Code Section 40-15-40)

On or after July 1, 1985, all personnel in a dental office who place and expose radiographic films shall have successfully completed a structured course of training in radiation safety. Every dentist shall certify to the Board that any person employed by him, who shall place and expose radiographic films, has successfully completed the training required herein.

39-17. Guidelines for Sedation and General Anesthesia.

(Statutory Authority: 1976 Code Sections 40-1-40 and 40-15-40)

A. For purposes of these regulations, the administration of sedation and/or anesthesia by or under the direction of a licensed dentist in this state, except in the event that the sedation and/or anesthesia is administered by a licensed CRNA or anesthesiologist, shall be performed in accordance with applicable guidelines approved by the Board, including but not limited to, current American Dental Association (ADA) "Guidelines for the Use of Conscious Sedation, Deep Sedation and General Anesthesia for Dentists" and current American Academy of Pediatric Dentistry (AAPD) "Guidelines for the Elective Use of Pharmacologic Conscious Sedation and Deep Sedation in Pediatric Dental Patients."

B. A licensed dentist in this state shall be solely responsible for the administration and management of sedation and/or anesthesia in the practice of dentistry and must determine which of the guidelines, as referenced above, he or she shall operate under, and shall be responsible for complying with the same, as provided above.

C. In procedures utilizing a CRNA or an anesthesiologist, the administration of sedation and/or anesthesia shall be in accordance with South Carolina law.

D. Educational requirements may be waived by the Board for licensed dentists who have been utilizing conscious sedation for at least ten (10) years prior to the effective date of these regulations.

E. Dentists qualified to administer sedation and/or anesthesia under these regulations are subject to review and audit, and their facilities subject to on-site inspection by an official designee of the Board to determine compliance with these regulations.

F. Reporting of Adverse Occurrences - A licensed dentist must submit a written report within thirty (30) days to the Board regarding any known mortality or serious, unusual incident which occurs in a dental facility or during the twenty-four (24) hour period after the patient leaves the facility, if the incident produces significant temporary or permanent physical or mental injury of the patient as a direct result of the administration of the general anesthesia or sedation.

G. Nitrous Oxide/Oxygen. For purposes of these regulations, a licensed dentist in this state shall be solely responsible for the administration and management of nitrous oxide/oxygen in the practice of dentistry, and adequacy of the facility, including equipment with fail-safe features and a twenty-five (25%) percent minimum oxygen flow. Dental offices are subject to inspection and audit to determine compliance with these regulations.