

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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Writer's Direct Dial:

April 14, 2016

(504) _____

Re: Nitrous Oxide in Office-Based Settings

Dear :

At its March 2016 meeting Louisiana State Board of Medical Examiners (the "Board") considered your request for guidance concerning the use of nitrous oxide in connection with procedures performed in an office setting. The Board asked that I thank you for your inquiry and relay its opinion that while nitrous oxide is a relatively safe anesthetic agent, because it induces an alteration of consciousness it should only be used in compliance with the Board's office-based surgery rules (OBS Rules).¹

A physician who performs any non-exempt² surgical procedure³ in an office setting, which involves a drug alteration of consciousness, must comply with the OBS Rules⁴ unless performed in an exempt clinical setting.⁵

¹LAC 46:XLV.7301-7315. Promoted by reports of a deaths and untoward outcomes arising from office-based surgeries in other states, in 2001 the Board determined it appropriate to gather information and obtain public comment on the topic of office-based surgery. The Board convened a public hearing in 2001, reviewed and considered input from other states and individuals and considered comments of representatives from various professional organizations, including: the Louisiana Society of Plastic Surgeons, Louisiana Society of Anesthesiologists, American Academy of Dermatology and Louisiana Association of Nurse Anesthetists. The Board then appointed a committee that included representatives from each of these organizations, as well as the Louisiana State Board of Dentistry and the Louisiana Association of Oral Surgeons. The committee was charged with submitting draft recommendations to the Board. Following the receipt of such recommendations and input from additional stakeholders the Board concluded that its responsibility to protect the public health, welfare and safety made it appropriate for the Board to adopt and promulgate the OBS Rules.

²*Exempt surgical procedures* are '[T]hose that do not involve a drug induced alteration of consciousness and do not require the use of anesthesia or an anesthetic agent, those using only local, topical or regional anesthesia, or those using a single oral dose of a sedative or analgesic which is appropriate for the unsupervised treatment of anxiety or pain.' LAC 46:XLV.7305A.

³A *Surgery or Surgical Procedure* is defined by the OBS Rules as '[T]he excision or resection, partial or complete destruction, incision or other structural alteration of human tissue by any means, including but not limited to lasers, pulsed light, radio frequency, or medical microwave devices, that is not exempted by these rules upon the body of a living human being for the purpose of preserving health, diagnosing or curing disease, repairing injury, correcting deformity or defects, prolonging life, relieving suffering or any elective procedure for aesthetic, reconstructive or cosmetic purposes. Surgery shall have the same meaning as "operate."' AC 46:XLV.7303A.

⁴LAC 46:XLV.7305.

⁵Exempt clinical settings include: hospitals and hospital outpatient facilities, ambulatory surgical centers and other facilities licensed by the Louisiana Dept. of Health and Hospitals or operated by the state or a governmental entity of this state; a clinic operated by the United States; and outpatient settings accredited by the Joint Commission on Accreditation of Healthcare Organizations relating to ambulatory surgical centers; the American Association for the

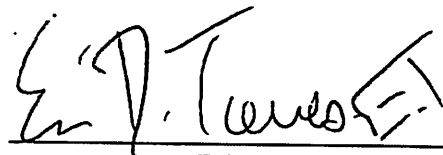
Among other items, the OBS Rules require compliance with established standards and requirements for the facility, appropriate equipment and policies and procedures for emergency transfers. The Rules also require that: the physician be adequately trained to perform the procedure and available for diagnosis, treatment and management of complications or emergencies; individuals assisting in patient care be appropriately trained and qualified by virtue of licensure or certification; and an anesthesia provider or qualified monitoring personnel monitor patient throughout the procedure until discharge.⁶

While Louisiana licensed physicians are authorized by their medical license to administer anesthesia, it would be inappropriate for them to perform any procedure, or engage in any practice, that is outside of their education, training and experience.⁷ A physician contemplating the use of anesthesia in an office setting should have appropriate training in its administration and be capable of dealing with complications arising from its use. An on-line course is not, in the Board's view, typically suitable for these purposes. By way of example, dentists commonly administer nitrous oxide to patients. Louisiana dentists who wish to use this drug in their offices require a permit from the Board of Dentistry preceded by documentation of approved training that includes both didactic and clinical experience, followed by a demonstration of clinical competence. Physicians using nitrous for office procedures should, in the Board's view, consider educational courses containing each of these components *e.g.* didactic, clinical and a demonstration of competency.

In summary, physicians using nitrous oxide in an office setting should be familiar with and comply with the OBS Rules. The Rules provide certain standards for the facility, personnel, equipment and patient monitoring. The Board does not believe that on-line or other courses that do not provide observed clinical competence are sufficient to satisfy national standards for demonstration of adequate competence in the administration of nitrous oxide.

Sincerely,

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**



Eric D. Torres
Executive Director

this state; a clinic operated by the United States; and outpatient settings accredited by the Joint Commission on Accreditation of Healthcare Organizations relating to ambulatory surgical centers; the American Association for the Accreditation of Ambulatory Surgery Facilities; or the Accreditation Association for Ambulatory Health Care. LAC 46:XLV.7305.A.2.

⁶LAC 46:XLV.7309.

⁷The Board's rules on unprofessional conduct provide that '[P]hysicians shall practice within the scope of their education, training and experience.' LAC 46:XLV.7603A(9).