

BEFORE THE NEVADA STATE BOARD OF DENTAL EXAMINERS

IN REGARDS TO THE MATTER OF:

DMD, Heil's request for the Advisory Opinion regarding "mobile" practice within the schools of the Clark County School District and is such practice permissible with NRS and NAC Chapter 631

AO-0714-10

On July 10, 2010, pursuant to agenda item 4 (b) at a properly noticed meeting held at the Nevada State Board of Dental Examiners ("Board") office located at 6010 S Rainbow Boulevard, Suite A-1, Las Vegas, Nevada 89118 the "Board" issued the following advisory opinion.

Dr. Tony Guillen	Present
Dr. Masih Soltani	Present
Dr. J Gordon Kinard	Present
Dr. Donna Hellwinkel	Present
Dr. Jade Miller	Present
Dr. William Pappas	Present
Dr. J Stephen Sill	Present
Mrs. Leslea Villigan	Present
Mrs. Roseanne Matthews	Present
Mr. James McKernan	Present
Mrs. Lisa Wark	Present

I.
BACKGROUND

1. As set forth in NAC 631.279 through authority of NRS 631.190 and NRS 233B.120 the Board is authorized to provide advisory opinions.

II. REQUESTED OPINION

Pursuant to NAC 631.279, Nevada licensee, Amy Heil, DMD, has requested an advisory opinion regarding “mobile” practice within schools of the Clark County School District and is such practice permissible with NRS and NAC of Chapter 631.

2. Public notice of the above-referenced request for an advisory opinion was provided in accordance with state law.

III. DISCUSSION

Dr Heil requested this advisory opinion regarding “mobile” practice within schools of the Clark County School District and is such practice permissible with NRS and NAC of Chapter 631.

Board Counsel explained to the Board Members NAC 631.279 with regards to an advisory opinion, the process to proceed, and how to bring the motion forward. Executive Director, Kelly stated she was contacted by a representative for the Clark County School District (CCSD) regarding their participation in the program services offered by Dr Heil. The CCSD requested a representative of the Board be sent to attend and listen to their discussions regarding Dr Heil’s services with Reach Out HealthCare being offered at the schools in Clark County to answer questions pertaining to NRS and NAC 631. Ms. Kelly indicated that Dr Roberts attended the meeting at her request but did state a disclaimer at the start of the meeting that he did not represent by his appearance or answering questions any board decision or opinion on the matters. Ms. Fulstone, legal counsel to Dr Heil indicated they are coming before the Board requesting an advisory opinion on whether or not “mobile” dentistry is permissible. Ms. Jost, a representative for the Clark County School District advise the Board CCSD had a contract with Reach Out Health Care not Dr Heil. Further, Ms. Jost stated Reach Out America has a memorandum with Dr Heil. Ms. Jost further indicated that the CCSD just wanted to be sure that they are in compliance with CDC and dental regulations. It is determined that the mobile unit would be held to the same standards as any dental practice.

Board Member Miller, indicated that he did not feel that it is permissible to have a mobile dental unit, however, Dr Miller suggested that Dr Heil provide the Board with a more comprehensive summary of what the program entails. Board Member Pappas,

suggested sending out Dr Haskin, Disciplinary Screening Officer for the Board, to see the practice live and provide her opinion. Board member Miller, suggested making sure the radiation is assessed.

Ms. Fulstone, Esquire, legal counsel for Dr Heil said she would request another advisory opinion from the Board once an assessment is conducted.

NAC 631.279 Proceedings to determine applicability and construction of statutes and regulations. (NRS 631.190)

1. Any applicant or licensed dentist or dental hygienist may obtain a determination or advisory opinion from the Board as to the applicability of any provision of chapter 631 of NRS or any regulation adopted pursuant thereto by bringing an action for a declaratory judgment before the Board.

2. The Board will construe any statute or regulation reviewed pursuant to this section in a manner consistent with the declared policy of the State of Nevada.

IV.
CONCLUSION

After considering and discussing public comment pursuant to the authority set forth in NAC 631.279, NRS 631.190 and NRS 233B.120,

ADVISORY OPINION

The Board DID NOT issue an advisory opinion regarding “mobile” practice within schools of the Clark County School District and is such practice permissible with NRS and NAC of Chapter 631.

1). The Board would conduct an assessment of the practices regarding the “mobile” dentistry offered through Reach Out America and Dr Heil for the Clark County School District. After the assessment, Dr Heil would request another advisory opinion from the Board pursuant to NAC 631.279.

Respectfully,

Kathleen Kelly, Executive Director
Nevada State Board of Dental Examiners