

BEFORE THE NEVADA STATE BOARD OF DENTAL EXAMINERS

IN REGARDS TO THE MATTER OF:

Request for the Advisory Opinion
regarding UNLV School of Dental
Medicine Advanced Pain Control
Protocol Compliance with Nevada
State Law

AO-12-0817

On August 17, 2012, pursuant to agenda item 5k at a properly noticed meeting held at the Legislative Counsel Bureau building located at 401 South Carson Street, Room 4100, Carson City, Nevada 89701 the Nevada State Board of Dental Examiners (the "Board") issued the following advisory opinion.

Dr. Jade A Miller	Present
Dr. M. Masih Soltani	Present
Dr. Jason Champagne	Present
Dr. Timothy Pinther	Present
Dr. James G Kinard	Present
Dr. J. Stephen Sill	Present
Dr. Byron Blasco	Present
Mr. James McKernan	Present
Mrs. Leslea Villigan	Present
Mrs. Theresa Guillen	Present
Mrs. Lisa Wark	Present

ADVISORY OPINION

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.
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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.

2. Nevada licensee, Robert Michael Sanders, DMD, requested on behalf of the UNLV School of Dental Medicine, pursuant to NAC 631.279, the Board issue an advisory opinion that the UNLV School of Dental Medicine Advanced Pain Control Protocol is in compliance with Nevada State Law.
3. Public notice of the above-referenced request for an advisory opinion was provided in accordance with state law.

II.
DISCUSSION

Ms. Kelly explained that Dr Sanders request for an advisory opinion regarding their new protocol for teaching advance pain control to the students at UNLV School of Dental Medicine. Dr. Sanders is asking for the opinion whether the protocol is in compliance with the Board's regulations and expectations.

Dr Miller previously discussed with Dr. Sanders about the teachers instructing at the School of Dental Medicine being permit holders for Conscious Sedation and General Anesthesia issued by our Board.

Ms. Kelly shared comments from Dr Thomas Myatt who recommends the instructors have a General Anesthesia permit in case there is an emergency where the student sedates a patient to a higher degree of sedation there would be an instructor permitted present to assist the student or provide immediate care if needed.

Mr. Hunt 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.

Dr. Miller added a suggestion that one of the permit holders have a permit one level higher than Conscious Sedation and suggests the students obtain certification in ACLS and/or PALS.

Ms. Kelly states Dr Thomas Myatt also suggested the students have training in the intubation.

III. CONCLUSION

After considering and discussing public comment pursuant to the authority set forth in NAC 631.279, NRS 631.190 and NRS 233B.120, a motion was made by Dr. Sill to approve the request for the opinion that Dr. Sanders guidelines are acceptable to the Board and meet the qualifications. The motion was seconded by Dr. Blasco.

Discussion was had wherein Dr. Sill explains his position on the motion that the guidelines indicate dentist qualified in accordance with NRS 631 or physicians with unrestricted anesthesia privileges in or at a Nevada State accredited facility must be present and along with two individuals who have certification and completed a basic life saving course. Dr Sill believes the guidelines meet these requirements. Dr Sill does not believe the Board needs to make the additional requirement because it is stated in the request and guidelines.

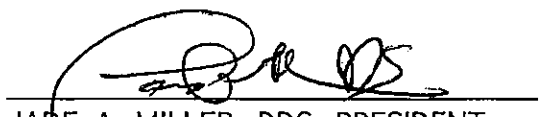
Dr. Miller reiterates that he along with and Dr. Myatt's concerns have been addressed favorably and are in the protocol submitted.

Ms. Kelly states for clarification that Dr. Myatt's comments are related to the ADA and that there will be proper instructor to student ratio. Ms. Kelly advised the Board of the ADA definitions and that they may or may not be consistent with NRS 631 and NAC 631. Ms. Kelly brings to the Board Members attention that statute NRS 631.025 which defines conscious sedation as minimal depression of the conscious state as opposed to what the ADA defines as minimal and moderate. The definitions of the ADA and the statues and regulations are slightly different.

Dr Miller advised the Board Members the Anesthesia Committee is going to revisit this issue with regards to the ADA and perhaps look to adopt the ADA current definitions and guidelines. Dr. Miller called for the motion:

Dr. Jade A Miller	yes
Dr. M. Masih Soltani	yes
Dr. Jason Champagne	yes
Dr. Timothy Pinther	yes
Dr. James G Kinard	yes
Dr. J. Stephen Sill	yes
Dr. Byron Blasco	yes
Mr. James McKernan	yes
Mrs. Leslea Villigan	yes
Mrs. Theresa Guillen	yes
Mrs. Lisa Wark	yes

The motion was passed unanimously the UNLV School of Dental Medicine's Advance Pain Control Protocol is in compliance with NRS and NAC Chapter 631.



JADE A. MILLER, DDS, PRESIDENT
Nevada State Board of Dental Examiners