

BEFORE THE NEVADA STATE BOARD OF DENTAL EXAMINERS

IN REGARDS TO THE MATTER OF:

Request for the Advisory Opinion regarding clarification to market, demonstrate, and apply the use of Perioscopy technology in dental offices under the supervision of a dentist.

AO-12-0920

On September 20, 2012, pursuant to agenda item 7m at a properly noticed meeting held at the Board office located at 6010 South Rainbow Boulevard, Suite A-1, Las Vegas, Nevada 89118 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.

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, Margaret Chesser, RDH, requested an advisory opinion for clarification to market, demonstrate, and apply the use of Perioscopy technology in dental offices under the supervision of a dentist.
2. Public notice of the above-referenced request for an advisory opinion was provided in accordance with state law.

II.
DISCUSSION

Mr. Hunt addressed Ms. Chesser regarding the request for an advisory opinion, attached letter and advertisement regarding the use of the perioscope. Ms. Chesser advised Mr. Hunt her request was not with regards to the perioscope. Ms. Chesser explained the perioscope goes below the gum-line and is a camera that magnifies up to forty eight times and is used in dental offices for root surfaces of the teeth allowing her to see much better when root planning and scaling as opposed to the blind eye. Ms. Chesser stated she was requesting the advisory opinion due to the concerns by dentist in the community that contacted the Board when Ms. Chesser began going to dental offices to offer this perioscope service. Ms. Chesser came to the Board office and spoke with Ms. Debra Shaffer to see what she needed to do to ensure compliance. Ms. Shaffer suggested Ms. Chesser request an advisory opinion.

Mr. Hunt stated as long the Board has no objection to the use of the device as to the other items Ms. Chesser understands she is still required to be under the supervision of a dentist and this cannot be a fee splitting arrangement. Based

upon the letter, Ms. Chesser is not asking for an advisory opinion on those items since Ms. Chesser is already aware of what is required by statute and regulation. The question that is presented is Ms. Chesser is asking for an advisory opinion of the use of the perioscope in the execution of her duties as a dental hygienist.

Ms. Chesser explained she will not be diagnosing that will be the dentist. Ms. Chesser is there to help assist the dentist in his/her diagnoses, Ms. Chesser will not be fee splitting with the dentist she is now aware this is not permissible and will not be fee splitting and she has taken care of these items referenced in her letter.

Mr. Hunt stated the Board may entertain a motion to give an advisory opinion that the perioscope is within the duties of dental hygiene under the supervision of a dentist.

Dr. Miller acknowledged Ms. Chesser for being proactive with new technology.

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. Blasco to approve the request for the opinion that the use of the perioscope by a dental hygienist is permissible under supervision of a dentist.


Ms. Villigan had questions for Ms. Chesser related to infection control. Ms. Chesser indicated every patient receives a new sheath to cover the fiber. Ms. Chesser stated she has multiples of everything including the perioscope she has two. Instruments are left at the practice where treatment is rendered for sterilization and normal protocols are followed.

Dr. Miller called for the motion, motion by Dr Blasco seconded by Mr. McKernan.

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 use of a perioscope by a dental hygienist under supervision of the dentist is permissible.



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