

BEFORE THE NEVADA STATE BOARD OF DENTAL EXAMINERS

IN REGARDS TO THE MATTER OF:

Request for the Advisory Opinion by licensee Mary T Chandler, RDH regarding whether it is permissible for dental assistants to place dental sealants under the supervision of a dental hygienist who holds a Public Health Endorsement pursuant to NAC 631.210 and NAC 631.220

AO—15-0320

On March 20, 2015, pursuant to agenda item 6(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. Jade A Miller	Excused
Dr. Gregory Pisani	Present
Dr. Jason Champagne	Present
Dr. Timothy Pinther	Present
Dr. James G Kinard	Present
Dr. J. Stephen Sill	Present
Dr. Byron Blasco	Present
Ms. Caryn Solie	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.

- A. The Board has discretion whether or not to issue an advisory opinion pursuant to NAC 631.279.
- B. Licensee, Mary T Chandler, RDH, requested an advisory opinion regarding whether it is permissible for dental assistants to place dental sealants under the supervision of a dental hygienist who holds a Public Health Endorsement pursuant to NAC 631.210 and NAC 631.220
- C. Public notice of the above-referenced request for an advisory opinion was provided in accordance with state law.

II. DISCUSSION

- D. Mary T Chandler, RDH was present at the meeting to discuss whether it is permissible for a dental assistant to place dental sealants under the supervision of a dental hygienist with a Public Health Endorsement. Ms. Chandler a representative of Future Smiles Program advised the Board that additional grant money has been received by the Program and to expedite the access to care by having a dental assistants under the supervision of the dental hygienist who holds a public health endorsement would help to meet the needs of children not having access to care.
- E. Board Counsel reviewed the regulations pertaining to duties delegable to dental hygienists who hold a public health endorsement (NAC 631.210(5)) and regulation for duties delegable to dental assistants as set forth in NAC 631.220. In addition, NRS 631.3452 was reviewed. Board Counsel advised the Board that allowing dental assistants to place dental sealants under the supervision of a dental hygienist with a public health endorsement in a public health setting is not permissible under the following regulations; NAC 631.210 or NAC 631.220.

Therefore, it is the legal opinion of Board Counsel that NRS 631.3452, NAC 631.210 and NAC 631.220 does not allow dental assistants to place dental sealants

under the supervision of a dental hygienist who holds a public health endorsement in a public health setting.

Board Counsel then advised the Board Members the proper language necessary to issue an advisory opinion.

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 Board Member Pisani that the Board issue an opinion that NRS 631.3452, NAC 631.210 and NAC 631.220 does not allow dental assistants to place dental sealants under the supervision of a dental hygienist who holds a public health endorsement in a public health setting.

The motion was seconded by Board Member Kinard. No discussion:

III

Dr. Pinther called for the motion:

Dr. Jade A Miller	excused
Dr. Gregory Pisani	yes
Dr. Jason Champagne	yes
Dr. Timothy Pinther	yes
Dr. James G Kinard	yes
Dr. J. Stephen Sill	yes
Dr. Byron Blasco	yes
Ms. Caryn Solie	yes
Mrs. Leslea Villigan	yes
Mrs. Theresa Guillen	yes
Mrs. Lisa Wark	yes

The motion was passed unanimously that the Board issue an opinion that NRS 631.3452, NAC 631.210 and NAC 631.220 does not allow dental assistants to place dental sealants under the supervision of a dental hygienist who holds a public health endorsement in a public health setting.



TIMOTHY PINTHER, DDS, PRESIDENT
Nevada State Board of Dental Examiners