

BEFORE THE NEVADA STATE BOARD OF DENTAL EXAMINERS

IN REGARDS TO THE MATTER OF:

Request for the Advisory Opinion by licensee Marianne Sampson, RDH, BSDH regarding whether it is permissible for a dental hygienist who holds a Public Health Endorsement and who is faculty through the CSN Dental Hygiene Program to supervise dental hygiene students performing treatments through Board approved Public Health Programs and/or Correctional Facilities without the presence of a Nevada licensed dentist

AO—15-0522

On May 22, 2015 pursuant to agenda item 6(a) 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

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.

- A. The Board has discretion whether or not to issue an advisory opinion pursuant to NAC 631.279.
- B. Licensee, Marianne Sampson, RDH, BSDH, requested an advisory opinion regarding whether it is permissible for a dental hygienist who holds a Public Health Endorsement and who is faculty through the CSN Dental Hygiene Program to supervise dental hygiene students performing treatments through Board approved Public Health Programs and/or Correctional Facilities without the presence of a Nevada licensed dentist
- C. Public notice of the above-referenced request for an advisory opinion was provided in accordance with state law.

II.

DISCUSSION

- D. Marianne Sampson, RDH, BSDH was **not** present at the meeting to discuss whether it is permissible for a dental hygienist who holds a Public Health Endorsement and who is faculty through the CSN Dental Hygiene Program to supervise dental hygiene students performing treatments through Board approved Public Health Programs and/or Correctional Facilities without the presence of a Nevada licensed dentist.

Discussion was held to include input and questions from dental hygiene licensees regarding public health programs. Board Legal Counsel advised the Board is specifically addressing the Florence McClure Women's Correctional Facility that has a Nevada licensed dentist (Dr Olsen) who oversees the dental hygiene students perform services at the facility. Further, Board Counsel addressed NRS 631.3452

regarding the requirement of a dental director at nonprofit offices or facilities where dental treatments are performed. Further, the discussion included that a public health endorsement issued to a licensed dental hygienist allows the dental hygienist who holds a PHE to perform certain duties as set forth in NAC 631.210(1)(a-n) without the authorization or supervision of a licensed dentist through a Board approved program. However, a PHE does not give the dental hygienist the authority to supervise dental hygiene students without the presence of a licensed dentist.

- E. Board Counsel reviewed the following statute and regulation NRS 631.3452 and NAC 631.210.
- F. Therefore, it is the legal opinion of Board Counsel that NRS 631.3452 and NAC 631.210 does not allow dental hygienists who hold public health endorsements or licensed dental hygienist who are faculty through the Nevada System of Higher Education to supervise dental hygiene students to perform duties set forth in NAC 631.210 at the Florence McClure Women’s Correctional Center or any office or facility set forth in NRS 631.3452 without the presence of a Nevada licensed dentist (i.e. dental director).

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 Blasco that the Board issue an opinion that NRS 631.3452 and NAC 631.210 does not allow dental hygiene students to perform duties as set forth in NAC 631.210 without the supervision of a Nevada licensed dentist in a correctional facility (Florence McClure Women’s Correctional Facility) and/or nonprofit/public health facility.

The motion was seconded by Board Member Pisani. 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 and NAC 631.210 does not allow dental hygiene students to perform duties as set forth in NAC 631.210 without the supervision of a Nevada licensed dentist in a correctional facility (Florence McClure Women's Correctional Facility) and/or nonprofit/public health facility.



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