

BEFORE THE NEVADA STATE BOARD OF DENTAL EXAMINERS

IN REGARDS TO THE MATTER OF:)
)
Request for the Advisory Opinion)
regarding whether applicants Juan)
Carlos Garcia Perez and Esther)
Rodriguez Fernandez meet the)
requirements for dental hygiene)
licensure pursuant to NRS 631.290)

AO-16-0520

On May 20, 2016, pursuant to agenda item 7(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. Brendan Johnson	Present
Dr. Gregory Pisani	Present
Dr. Jason Champagne	Present
Dr. Timothy Pinther	Present
Dr. James G Kinard	Excused
Dr. Ali Shahrestani	Excused
Dr. Byron Blasco	Present
Ms. Maria “Sharon” Gabriel	Present
Mrs. Leslea Villigan	Excused
Mrs. Theresa Guillen	Present
Mrs. Stephanie Tyler	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. Applicants, Juan Carlos Garcia Perez and Esther Rodriguez Fernandez requested an advisory opinion regarding whether he or she meets the requirements for dental hygiene licensure pursuant to NRS 631.290 and request a letter be submitted to the Western Regional Examining Board on his and her behalf.
- C. Public notice of the above-referenced request for an advisory opinion was provided in accordance with state law.

**II.
DISCUSSION**

- D. Mr. Perez and Ms. Fernandez requested an advisory opinion regarding whether she meets the requirements for dental hygiene licensure pursuant to NRS 631.290. Board Counsel read into the record all provisions set forth in NRS 631.290.

NRS 631.290 states:

NRS 631.290 Dental hygienists. Eligibility to apply for license.

- 1. Any person is eligible to apply for a license to practice dental hygiene in this State who:
 - (a) Is of good moral character;
 - (b) Is over 18 years of age;
 - (c) Is a citizen of the United States or is lawfully entitled to remain and work in the United States; and
 - (d) Is a graduate of a program of dental hygiene from an institution which is accredited by a regional educational accrediting organization that is recognized by the United States Department of Education. The program of dental hygiene must:
 - (1) Be accredited by the Commission on Dental Accreditation of the American Dental Association or its successor specialty accrediting organization; and
 - (2) Include a curriculum of not less than 2 years of academic instruction in dental hygiene or its

academic equivalent.

2. To determine whether a person has good moral character, the Board may consider whether his or her license to practice dental hygiene in another state has been suspended or revoked or whether he or she is currently involved in any disciplinary action concerning his or her license in that state.

Applicants Mr. Perez and Ms. Fernandez explained their education and training to the Board. Both applicants received their dental degrees in 1983-1985 from Cuba. Board Counsel advised pursuant to NRS 631.2901(d) the applicants *must* be a graduate of a program of dental hygiene from an institution which is accredited by a regional educational accrediting organization that is recognized by the United States Department of Education, be accredited by the Commission on Dental Accreditation of the American Dental Association or its successor specialty accrediting organization; and the curriculum of not less than two (2) years of academic instruction in dental hygiene or its academic equivalent. The presence of the word "must" is the authority as being compulsory and mandatory.

Therefore, it is the legal opinion of Board Counsel that applicants Juan Carlos Garcia Perez and Esther Rodriguez Fernandez do not meet the eligibility requirements as set forth in NRS 631.290 and the requested letter should not be issued by the Board to the Western Regional Examining Board indicating either applicant is eligible to participate in their dental hygiene clinical examination.

Board Counsel then advised to 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 applicants Juan Carlos Garcia Perez and Esther Rodriguez Fernandez do not meet the eligibility requirements as set forth in NRS 631.290 and the requested letter should not be issued by the Board to the Western Regional Examining Board indicating either applicant is eligible to participate in their dental hygiene clinical examination.

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

III

Dr. Kinard called for the motion:

Dr. Brendan Johnson	yes
Dr. Gregory Pisani	yes
Dr. Jason Champagne	yes
Dr. Timothy Pinther	yes
Dr. James G Kinard	excused
Dr. Ali Shahrestani	excused
Dr. Byron Blasco	yes
Ms. Maria Sharon Gabriel	yes
Mrs. Leslea Villigan	excused
Mrs. Theresa Guillen	yes
Mrs. Stephanie Tyler	yes

The motion was passed unanimously that applicants Juan Carlos Garcia Perez and Esther Rodriguez Fernandez do not meet the eligibility requirements as set forth in NRS 631.290 and the requested letter should not be issued by the Board to the Western Regional Examining Board indicating either applicant is eligible to participate in their dental hygiene clinical examination.



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