

1 NEVADA STATE BOARD OF DENTAL EXAMINERS  
2 NOTICE OF PUBLIC MEETING  
3 Friday, November 30, 2012 at 8:32 am  
4

5 Minutes

6 Dental Hygiene Committee Resource Group

7 Chair: Mr. McKernan; Mrs. Guillen; Mrs. Villigan; Dr. Sill  
8

9 Videoconferencing was only available at the Legislative Counsel Bureau- Grant Sawyer Building, 555 E.  
10 Washington Avenue, Room 4412, Las Vegas, Nevada 89101 and the Legislative Counsel Bureau, 401 South  
11 Carson Street, Room 3137, Carson City, Nevada 89701. There was no videoconference at NSBDE Boardroom.  
12

13 **Please Note:** The Nevada State Board of Dental Examiners may 1) address agenda items out of sequence to accommodate  
14 persons appearing before the Board or to aid the efficiency or effectiveness of the meeting; 2) combine items for consideration  
15 by the public body; 3) pull or remove items from the agenda at any time. The Board may convene in closed session to consider  
16 the character, alleged misconduct, professional competence or physical or mental health of a person. *See* NRS 241.030. Prior to  
17 the commencement and conclusion of a contested case or a quasi judicial proceeding that may affect the due process rights of an  
18 individual the board may refuse to consider public comment. *See* NRS 233B.126.  
19

20 Public comment is welcomed by the Board, but at the discretion of the Chair, may be limited to five minutes per person. A public  
21 comment time will be available before any action items are heard by the public body and then once again prior to adjournment of  
22 the meeting. The Chair may allow additional time to be given a speaker as time allows and in his/her sole discretion. Once all  
23 items on the agenda are completed the meeting will adjourn. Prior to the commencement and conclusions of a contested case or  
24 a quasi judicial proceeding that may affect the due process rights of an individual the board may refuse to consider public  
25 comment.  
26

27 Call to Order

28  
29 **1. Roll call and Establish a Quorum:**  
30

31 Mr. McKernan clarified for the record that the agenda states "Dental Hygiene Committee Resource Group"  
32 when it should state "Committee on Dental Hygiene."  
33

34 Mr. McKernan called the meeting to order and Ms. Shaffer conducted the following roll call:  
35

36 Mr. James "Tuko" McKernan -----PRESENT  
37 Mrs. Theresa Guillen -----EXCUSED  
38 Mrs. Leslea Villigan -----PRESENT  
39 Dr. J Stephen Sill -----PRESENT  
40

41 Others Present: John A Hunt, Board Legal Counsel; Debra Shaffer, Interim Executive Director.  
42

43 Public attendees: Shari Peterson, NDHA & CSN; Brad Wilbur, NDA; Chris Garvey, State Oral Health  
44 Program; Dwight Brooks, NDA; Heather Rogers, RDH, NDHA; Laura Lord, SNDHA; Joanna Jacob, NDA  
45 & Ferrari Public Affairs; Lori Benven, NNDS; Neena Laxalt, NDHA; Caryn Solie, RDH, NDHA; Alex  
46 Tanchek, NDHA (assistant to Neena Laxalt); Annette Lincicome, Huntridge Teen Clinic.  
47

48 **2. Public Comment:** Mr. Hunt indicated that pursuant to NRS 241.020, public comment will be accepted at the  
49 beginning of the meeting prior to agenda items and after agenda items are discussed.  
50

51 **Note: No vote may be taken upon a matter raised under this item of the agenda until the matter itself has**  
52 **been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)**  
53

54 **\*3. Old Business (For Possible Action)**

55 **(a) Discuss How Many Hygienists in Nevada Currently Hold a Public Health Endorsement.**  
56 **(For Possible Action)**

57  
58 Mr. McKernan indicated that there were some questions brought to the committee in August but were unable to  
59 provide responses since the items were not on the agenda. Mr. McKernan responded that currently 25 hygienists  
60 hold a Public Health Endorsement (PHE).

61  
62 **(b) Discuss if Disciplinary Actions Have Been Investigated Against Public Health**  
63 **Endorsed Hygienists in Nevada. (For Possible Action)**

64  
65 Mr. McKernan indicated that there were zero (0) disciplinary actions against dental hygienists that hold a PHE.

66  
67 **(c) Discuss NSBDE Compiling and Reporting Data on Public Health Endorsed Hygienists' and**  
68 **How Information is Released. (For Possible Action)**

69  
70 Ms. Shaffer indicated that the PHE licensees are required to renew annually. If a request is received regarding any  
71 licensing information, however, she inquired of the NDHA what it was asking specifically. Mrs. Peterson responded  
72 that on the form to renew the PHE licenses, it requires information on the types of services provided and PHE  
73 holders are to report the number of sealants, prophys, screenings, etc. they have completed in the year. She indicated  
74 that having a general total count of how many services of each kind are being provided, helps them when writing for  
75 grants. Ms. Shaffer indicated that the Board staff may be able to provide that data, however, reminded them that not  
76 all PHE holders renew at the same time.

77  
78 **\*4. New Business (For Possible Action)**

79  
80 **(a) Report from the Nevada Dental Hygienists' Association (NDHA) (For Possible Action)**

81  
82 Mrs. Peterson indicated that they met with several individuals to discuss some issues that they would like to report to  
83 committee's attention. Mrs. Peterson went over a list of several items, which she provided a document with the list of  
84 items (document attached for the record). Please see attached document for list of issues discussed for the  
85 committee's consideration.

86  
87 (1) Seek support to the restoration of the legislatives intent of the dental hygiene public health endorsement  
88 the idea was that the Board would allow the hygienist to provide services, without the supervision of a dentist. Ms.  
89 Shaffer clarified with Mrs. Peterson that they are proposing to change the regulation so that the PHE do not have to  
90 renew every year but rather every two years. Mrs. Peterson indicated, that, yes, they would like for the PHE holder to  
91 not have to renew every year, and to also grant any PHE holder to work at any entity already approved by the Board  
92 or an entity under the purview of the State Dental Health Officer. Further, that the PHE holders would report the  
93 information on services offered on their regular license renewal.

94  
95 (2) The NDHA requested the opinion of the Board if the dental hygiene PHE practice locations would have  
96 to be compliant by having a dental director present at the facility to assume the responsibility. She indicated that  
97 should their opinion affirm this requirement, then the NDHA would like to pursue a statutory exemption. She noted  
98 that should the Board's opinion be that they do not have to comply with said requirement, then the NDHA would not  
99 pursue the statutory exemption. Ms. Shaffer inquired if all the PHE programs non-profit or federally qualified health  
100 centers. Mrs. Peterson indicated that all were non-profit, but unsure if they were federally qualified.

101  
102 (3) She requested that they would like to see the Committee take more of an active role. (See attached  
103 document for further explanation of active they seek the committee to take).

104  
105 (4) Asks that the Committee support the increase of dental hygiene representation on the Board.

106  
107 (5) Asked that the Committee support the appointment of a dental hygienist to the Board that represents that  
108 underserved population.

109 (6) Asked for the support of the Committee to register dental assistants to protect the public from the illegal  
110 practice of dentistry and dental hygiene by unlicensed individuals. (See attached document for further detail).  
111

112 Recess: 9:27 am Returned from Recess: 9:35 am  
113

114 Mr. McKernan indicated that they Committee would give a report to the Board because the information addressed by  
115 Mrs. Peterson was submitted the Committee at today's meeting, the information was not provided, perhaps, to other  
116 interested parties that would like to partake or comment on the issues addressed by Mrs. Peterson. He added that at  
117 the next Board meeting the Committee will schedule another meeting to further discuss the concerns addressed by the  
118 Mrs. Peterson. Mr. Hunt indicated that due to the fact that the information presented to the Committee was delivered  
119 at the beginning of the meeting, the open meeting law the Committee would not vote on the items discussed by Mrs.  
120 Peterson.

121 Public comment: Mrs. Garvey, School Board Trustee, thanked the Committee for hearing out the concerns  
122 addressed by the NDHA. Dr. Brooks on behalf of the NDA, he thanked the Committee for listening to the concerns  
123 addressed.

124 Mr. McKernan commented that they will schedule another Committee meeting for January.  
125

126 **5. Discussion Regarding Dental Directors Pursuant to NRS 631.3452 and NRS 631.215(2)(f).**  
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128 Already address under agenda item (4) (a) under the first issue addressed by Mrs. Peterson, which will be further  
129 discussed at the meeting in January.  
130

131 **6. Public Comment:** No comments.  
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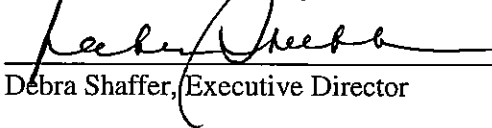
133 **Note: No vote may be taken upon a matter raised under this item of the agenda until the matter itself has**  
134 **been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)**

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136 **7. Announcements:** No announcements.  
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138 **\*8. Adjournment (For Possible Action)** Dr. Sill made the motion to adjourn. Second by Mrs. Villigan. All in favor.  
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146 Meeting Adjourned at 9:43 am.  
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148 Respectfully submitted by:  
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151 Debra Shaffer, Executive Director  
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11/30/12  
Committee on  
Dental Hygiene  
Agenda item: (4)(a)

**Nevada Dental Hygienists' Association  
"The Voice of Dental Hygiene in Nevada"**

The Nevada Dental Hygienists' Association is the voice of dental hygienists in Nevada. We advocate for all dental hygienists who practice in Nevada regardless of professional association membership. Dental Hygiene as a profession in Nevada has been progressive to match the practice standards across the nation. Inequities and unwarranted decisions towards dental hygienists have directly impacted access to care for the public and established a greater need for services provided by a dental hygienist with a public health endorsement of their license.

There are six main issues that NDHA seeks to resolve through the regulatory/legislative process:

**1. Support the restoration of the legislative intent of the dental hygiene public health endorsement**

**Request that NSBDE CODH pursue the clarification of the following in NAC 631.210:**

- A dental hygienist who is issued a special endorsement to practice public health dental hygiene may perform the services set forth in NAC 631.210 (1) inclusive, of subsection 1 without supervision by a dentist and without authorization from the licensed dentist of the patient on whom the services are to be performed, *and is not subject to the subsection postscript requiring examination within the last eighteen months.*
- *A special endorsement to practice public health dental hygiene shall be issued and renewed upon biannual licensure, for the duration of license and shall not be limited to individual programs or sites.*

**2. Support statutory exemption of a mandated dental director to provide oversight of community outreach oral health programs owned or managed by a RDH PHE.**

**Request that the NSBDE Committee on Dental Hygiene (CODH) support the following statutory amendment:**

**ENTITIES OWNING OR OPERATING A DENTAL OFFICE OR CLINIC**

NRS 631.3452 Designation and responsibilities of dental director of dental office or clinic; retention of records.

An entity that owns or operates a dental office or clinic as described in paragraph (f) of subsection 2 of NRS 631.215, *except individuals practicing under NRS 631.287*, must:

1. Designate an actively licensed dentist as the dental director of the dental office or clinic. The dental director shall have responsibility for the clinical practice of dentistry at the dental office or clinic, including, without limitation:

(a) Diagnosing or treating any of the diseases or lesions of the oral cavity, teeth, gingiva or the supporting structures thereof.

(b) Administering or prescribing such remedies, medicinal or otherwise, as are needed in the treatment of dental or oral diseases.

(c) Determining:

(1) Whether a particular treatment is necessary or advisable; or

- (2) Which particular treatment is necessary or advisable.
- (d) The overall quality of patient care that is rendered or performed in the clinical practice of dentistry.
- (e) Supervising dental hygienists, dental assistants and other personnel involved in direct patient care and authorizing procedures performed by the dental hygienists, dental assistants and other personnel in accordance with the standards of supervision established by law or regulations adopted pursuant thereto.
- (f) Providing any other specific services that are within the scope of clinical dental practice.
- (g) Retaining patient dental records as required by law and regulations adopted by the Board.
- (h) Ensuring that each patient receiving services from the dental office or clinic has a dentist of record.
2. Maintain current records of the names of licensed dentists who supervise the clinical activities of dental hygienists, dental assistants or other personnel involved in direct patient care. The records must be available to the Board upon written request.  
(Added to NRS by 2009, 1092)

**3. Support dental hygienists greater authority over the practice of dental hygiene in the state of Nevada by pursuing the following:**

- A. Clarify responsibilities of the NSBDE CODH and pursue regulatory ability within the committee.**
- B. Support the legislative amendment of NRS 631.205 Creation; membership; powers and duties.**

*Request that the NSBDE (CODH) develop and advocate for recognition of the CODH within the NAC and pursue clarification of responsibilities and tasks through development of rules and regulations.*

Rules and regulations to include but not be limited to:

- Quarterly meetings of the CODH
- Quarterly reporting of data collection on the PHE
- Annual reporting of licensing exam pass rates
- Ensure that the Executive Director of the NSBDE apprises the Governor's office of dental hygiene member vacancies and the specific statutory requirements for appointment of positions.

*Request that the NSBDE (CODH) support the statutory amendment of:*

- NRS 631.205 Creation; membership; powers and duties.
2. The Committee consists of:
- (c) Four dental hygienists licensed according to this chapter who are not appointed to the Board. The dental hygienists must be:
- Nominated by their professional association
  - Appointed by a majority vote of the Board
  - Meet the same qualifications as required for members of the Board
  - Two appointed from Carson City, Douglas County or Washoe County
  - Two appointed from Clark County

- All matters pertaining to the practice of dental hygiene must first be brought to the CODH for review and recommendation to the NSBDE.
- All recommendations from the CODH shall be presented to the Board of Dental Examiners and shall be ratified by the Board within 60 days of listing with the Board Secretary/Treasurer.
- Members of the CODH shall be recognized as disciplinary screening officers of the Board and conduct all investigations into the discipline of dental hygienists licensed by this chapter.
- The members of any advisory committee appointed pursuant to subsection 2 are not entitled to be paid a salary or to receive per diem allowances for conducting the business of the advisory committee, but the Board may authorize reimbursement for the actual expenses incurred by a member for traveling to and from a meeting of the advisory committee.

**4. Support the increase of dental hygiene representation on the NSBDE.**

Request that the NSBDE CODH support the following statutory amendment:

- Increase the number of dental hygienists appointed to the Board to (4) four and decrease the number of dentists appointed to the Board to (6).

The Nevada State Board of Dental Examiners representation of dental professionals should be proportionate with the numbers of licensees in the profession

**5. Support the appointment of a dental hygienist to the NSBDE for the “individual who represents the interests of underserved populations”**

Request that the NSBDE CODH provide a recommendation for appointment as the aforementioned individual to the Governor.

The original reasoning for requesting that a dentist be appointed to that position is not valid.

**6. Support the registration of dental assistants to protect the public from the illegal practice of dentistry and dental hygiene by unlicensed individuals.**

Request that the NSBDE CODH support the creation of a Registered Dental Assistant with defined duties.

Definitions-

Registered Dental Assistant:

A licensed person who may perform all procedures authorized by the provisions NAC 631.220 under the direct supervision of a licensed dentist.

Requirement for Registration as a Dental Assistant:

A dental assistant who is currently certified by the Dental Assisting National Board, Inc. and has successfully passed the Nevada jurisprudence examination must.

Obtain 12 hours of continuing education credits for renewal of biannual registration.

Complete cardiopulmonary resuscitation certification; and

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Pay the appropriate registration fee

Renewal of Dental Assistant Registration:

A dental assistant registered by the Board may renew registration every two years after completing the following:

Present to the Board active certification by the Dental Assisting National Board;

Pay the renewal fee;

Attend 12 continuing education credits; and

Maintain current certification in cardiopulmonary resuscitation.