

PUBLIC COMMENT  
FOR INTENT TO ACT UPON REGULATIONS  
LCB NO: R020-14



# Dental Assisting National Board, Inc.

*Measuring Dental Assisting Excellence®*

**VIA EMAIL: [nsbde@nsbde.nv.gov](mailto:nsbde@nsbde.nv.gov)**

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Cynthia C. Durley, M.Ed., MBA

April 22, 2014

Nevada State Board of Dental Examiners  
Attention: Debra Shaffer-Kugel, Executive Director  
6010 S. Rainbow Blvd., A-1  
Las Vegas, NV 89118

Dear Distinguished Members of the Nevada State Board of Dental Examiners:

Thank you for allowing the opportunity to provide written comments on the Notice of Intent to Act Upon Regulations, LCB File No. R020-14, which will be the subject of a hearing on April 25, 2014. The Dental Assisting National Board, Inc. (DANB) and its affiliated foundation, the Dental Auxiliary Learning and Education Foundation (the DALE Foundation), respectfully submit the following written comments in connection with the proposal.

DANB is the American Dental Association-recognized national certification board for dental assistants, administering the nationally recognized Certified Dental Assistant™ (CDA®) certification program. DANB's exams meet nationally accepted test development standards, and DANB's CDA and Certified Orthodontic Assistant (COA) certification programs are accredited by the National Commission on Certifying Agencies (NCCA). DANB exams are currently recognized or required for dental assistants to perform specified functions in 38 states, the District of Columbia, the U.S. Air Force, and the Department of Veterans Affairs.

The DALE Foundation, the official DANB affiliate, offers interactive online educational courses and resources to advance the dental team and prepare dental auxiliaries for DANB certification. The DALE Foundation has received Recognized Provider status from the American Dental Association's Continuing Education Recognition Program (ADA CERP) and is an Approved Program Provider through the Academy of General Dentistry's Program Approval for Continuing Education (AGD PACE). In addition, the DALE Foundation's DANB RHS Review course currently meets part of the requirements for dental assistants to qualify to perform radiography procedures in Virginia, Kentucky, and Ohio. The DALE Foundation is recognized as an accepted provider of continuing education by the boards of dentistry in California and Maryland.

The comments of DANB and the DALE Foundation will address the following three areas of the proposed amendments and existing regulations:

NAC 631.260(3): Infection control continuing education course requirement for dental assistants

NAC 631.173(4): Approved continuing education providers

NAC 631.173(8): Continuing education earned online



**NAC 631.260(3): Infection control continuing education course requirement for dental assistants**

DANB and the DALE Foundation note that the current proposal to amend the regulations of the Nevada Board of Dentistry includes the following addition to the requirements for dental assistants who perform radiography procedures (NAC 631.260(2)(b) – additions underlined):

*2. Each licensee who employs any person, other than a dental hygienist, to assist him or her in radiographic procedures shall include with his or her application for renewal of this or her license a certified statement:*

*(a) Containing the name of each person so employed, his or her position and the date he or she began to assist the licensee in radiographic procedures;*

*and*

*(b) Attesting that each such employee has received:*

*(1) Adequate instruction concerning radiographic procedures and is qualified to operate radiographic equipment as required pursuant to subsection 3 of NAC 459.552;*

*(2) Training in cardiopulmonary resuscitation at least every 2 years while so employed;*

*(3) A minimum of 4 hours of continuing education in infection control every 2 years while so employed ; and*

*(4) Before beginning such employment, a copy of this chapter and chapter 631 of NRS in paper or electronic format.*

With regard to the proposed infection control continuing education (CE) requirement added as NAC 631.260(2)(b)(3), we believe it may be unclear to those attempting to comply with this rule whether the “continuing education” described here is subject to the same requirements as continuing education for dentists and dental hygienists, as set forth in NAC 631.173 and NAC 631.175.

Subsections 4 and 5 of section NAC 631.173 indicate that providers of CE for dentists and dental hygienists must be approved by one of the specified approving organizations or must obtain approval from the Board. Subsection 8 of NAC 631.173 (as amended by the current proposal) specifies that courses may be completed through home study or online study. Subsection 4 of NAC 631.175 specifies that infection control CE for dentist and dental hygienists must address the Centers for Disease Control and Prevention (CDC) guidelines adopted by reference in NAC 631.178. It is not clear whether the Board intends for the same requirements to apply to infection control CE courses to be taken by dental assistants.

If it is the Board’s intention that the infection control CE courses for dental assistants be provided by an approved CE provider as defined in NAC 631.173(4) and (5) and that they address the content specified in NAC 631.178, then we suggest the following revision to the proposed amendment to clarify this intended requirement:

*(3) A minimum of 4 hours of continuing education in infection control meeting the requirements of NAC 631.173 and NAC 631.175(4) every 2 years while so employed;*  
*and*

If it is not the Board's intention that the infection control CE course meet the requirements of NAC 631.173 and NAC 631.175, then we recommend that the Board consider whether it would be helpful to add language providing additional guidance to dental assistants and their employers, such as specifying whether the course may be an online or self-study course and whether the course provider must hold approval from the Board or from a recognized CE approval program, such as ADA CERP or AGD PACE.

**NAC 631.173(4): Approved continuing education providers**

Subsection 4 of section NAC 631.173 of existing regulations specifies that continuing education courses for dentists and dental hygienists in Nevada must be approved by the Board or by an approving organization falling into one of six categories listed. Included in this list are (a) the American Dental Association or the societies which are a part of it, and (c) the Academy of General Dentistry. DANB and the DALE Foundation understand these provisions to mean that dentists and dental hygienists may satisfy Nevada licensure renewal requirements by taking CE courses offered by providers approved/recognized by the American Dental Association's Continuing Education Recognition Program (ADA CERP) or the Academy of General Dentistry's Program Approval for Continuing Education (AGD PACE).

DANB and the DALE Foundation would like to request written confirmation of this understanding from the Nevada State Board of Dental Examiners. The DALE Foundation has achieved approval by both ADA CERP and AGD PACE, and we would like to provide the most accurate guidance possible to potential learners about each state's recognition of these approvals.

**NAC 631.173(8): Continuing education earned online**

Proposed amendments to subsection 8 of section NAC 631.173 are as follows (additions underlined):

*Credit may be allowed for courses completed via home study, on-line study, self-study or journal study which are taught through correspondence, webinar, compact disc or digital video disc.*

Although it appears to be the intent of these amendments to allow dentists and dental hygienists to use online courses to meet Nevada CE requirements, the current phrasing of the second part of the sentence could be interpreted to exclude certain online courses, such as those delivered by video or other online multimedia file formats. To clarify that such courses are included among those that may be used to meet Nevada CE requirements, we suggest the following additional revision to the currently proposed language (proposed additions underlined):

*Credit may be allowed for courses completed via home study, on-line study, self-study or journal study which are taught or delivered through correspondence, webinar, compact disc, ~~or digital video disc~~, online video or other online multimedia file formats.*



Accordingly, section NAC 631.175(5)(c) should be revised as follows (additions underlined; deletions stricken):

*(c) For courses completed via home study, on-line study, self-study or journal study through correspondence, webinar, compact disc ~~or~~, digital video disc, online video or other online multimedia file formats, not more than 50 percent of the number of hours of continuing education required by subsection 1 or 2 of NAC 631.173, as applicable.*

Once again, DANB and the DALE Foundation thank you for the opportunity to submit comments in connection with the current proposal. Please do not hesitate to contact me at [klandsberg@danb.org](mailto:klandsberg@danb.org) or 1-800-367-3262, ext. 431, if there are any questions.

Sincerely,

A handwritten signature in black ink that reads "K Landsberg". The signature is fluid and cursive, with the first letter "K" being particularly large and stylized.

Katherine Landsberg  
Assistant Director, Government Relations  
DANB and the DALE Foundation

Cc: Cynthia C. Durley, M.Ed., MBA, Executive Director, DANB and the DALE Foundation  
Jim Van Dellen, Director of Education, the DALE Foundation