



NEVADA STATE BOARD OF DENTAL EXAMINERS
 6010 S Rainbow Boulevard, Suite A-1
 Las Vegas, Nevada 89118
 (702) 486-7044



Video Conferencing was available for this meeting at the Nevada State Board of Medical Examiners located at 1105 Terminal Way, Suite 301, Reno, NV 89502

Friday, March 20, 2015
 12:30 p.m.

COMMITTEE ON DENTAL HYGIENE

(Theresa Guillen, RDH (Chair), Leslea Villigan, RDH, Caryn Solie, RDH, and Byron Blasco, DMD)

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

At the discretion of the Chair, public comment is welcomed by the Board, but will be heard only when that item is reached and will be limited to five minutes per person. A public comment time will also be available as the last item on the agenda. The Chair may allow additional time to be given a speaker as time allows and in his/her sole discretion. Once all items on the agenda are completed the meeting will adjourn.

Asterisks () denote items on which the Board may take action.
 Action by the Board on an item may be to approve, deny, amend, or table.*

1. Call to Order, roll call, and establish quorum

- Mrs. Theresa Guillen -----PRESENT
- Mrs. Leslea Villigan -----PRESENT (via teleconference)
- Mrs. Caryn Solie -----PRESENT
- Dr. Byron Blasco -----PRESENT

Others Present: John Hunt, Board Legal Counsel; Debra Shaffer-Kugel, Executive Director.

Public Attendees: Theresa Chandler, Lincicome, Peterson – No northern attendees

2. Public Comment: (Public Comment is limited to five (5) minutes for each individual) Mrs. Lincicome asked that a correction be made to their name, that it should read “Nevada Dental Hygienists’ Association.”

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

*3. Recommendations from the Nevada Dental Hygiene Association–NRS 631.205 (For Possible Action)

57
58 (1) Discuss and Recommend to define a Public Health Dental Hygienist
59

60 Mrs. Peterson went over the letter she submitted (attached for the record). She stated that in the interest of being
61 succinct, they currently do not have a definition for Dental Hygiene Public Health endorsed holder, and would like
62 to clarify their duties by using existing language. She added that she would like the committee to consider this
63 particular item as they feel it would be more clarifying for the public. Mr. Hunt clarified for the committee that the
64 statute only defines a dental hygienist, and not a Public Health Endorsed Dental Hygienist ("PHEDH"). He noted
65 to the committee that in speaking with Mrs. Peterson; his initial impression was that it would be a different license
66 category. He further added that given the information provided, it would be for the committee to determine
67 whether or not to recommend the proposed language for a statutory change that would create a new license
68 category for Public Health Endorsed Dental Hygienists. Mrs. Peterson clarified that that they are not necessarily
69 asking for a new license category, but rather their intent is to define what a PHEDH does. Mrs. Shaffer-Kugel
70 suggested that perhaps it would be better to change the title to "Special Health Endorsement," which would be
71 similar to the process of issuing a permit. Furthermore, the endorsement/permit would be listed on the verification
72 page online for any individual who holds the special permit/endorsement. Mrs. Peterson stated that the issue they
73 are seeing when it comes to grant writing, which is a great part of the PHE programs, many insurance companies
74 will not cover someone who isn't working under an entity. The issue is that there are individuals who practice on
75 their own. Mr. Hunt indicated that a regulation is supposed to clarify a statute, and that the PHE is already
76 explained, therefore, a new definition should not be needed. Mrs. Peterson explained that the insurance
77 companies must believe that a PHEDH does something differently than a regular dental hygienist that does not
78 hold a PHE. Therefore, as the regulation currently stands it does not change the current issue at hand that they are
79 facing with insurance companies.
80

81 Mrs. Chandler indicated that Future Smiles has an umbrella policy that covers the PHEDH, but there are some
82 PHEDH's that are trying to work independently at approved location and not necessarily part of an entity. Her
83 suggestion was that they add verbiage "deemed to be an essential community provider" to the current definition.
84 Mrs. Shaffer-Kugel indicated that it would be a regulation change.
85

86 MOTION: Mrs. Solie made the motion that until there is a legislative change regarding the PHEDH, there is no
87 recommendation for the Board, however, should there be a change made, it is to be brought back before the
88 committee. Motion seconded by Dr. Blasco. All were in favor.
89

90 (2) Discuss and Recommend to change/amend NAC 631.210
91

- 92 a). NAC 631.210(1)(a-n)
93 b). NAC 631.210 (1)(f), (1)(c)(1) and (1)(c)(2)
94

95 Mrs. Peterson brought to the committees' attention the common situation occurring where Dental Hygienists
96 want to practice ethically and under their scope of practice, but some are being dismissed from jobs because they
97 are not willing to violate the dental practice act. She specified that currently under NAC 631.210 a dental hygienist
98 can do (a-n) without a dentist present. She stated that the issue is the requirement of a DH being unable to see
99 patients (new or returning) if the patient has not been seen by a dentist in the past 18 months. Further, that under
100 the regulation a dental hygienist cannot do any of the precursory prep before being seen by a dentist; a dental
101 assistant, on the other hand, is allowed to do the precursory prep, which is unfair to the educated and licensed
102 dental hygienist. Therefore, they would like to remove these rules that are inhibiting a dental hygienist, who is
103 more educated than a dental assistant, from providing the dentist with the precursory information than a Dental
104 Assistant. It is suggested that they, perhaps, combine sections (1) and (2) of the regulation. Mrs. Shaffer-Kugel
105 expressed her concern regarding dental hygienists that perform scaling and root planning without the Dentist
106 being aware that in some cases the scaling and root planning were not necessary. She explained that the
107 regulations were created to protect the public. She added that a dental assistant can only do the duties delegable
108 to them under the supervision of a dentist.
109

110 They began to discuss the possible options for proposed changes. Option 1: remove the language and exclude the
111 diagnostic → NAC 631.210 (1f) (1c1) (1c2) that the DH would be able to do the data collection then take it to the
112 dentist and then be able to proceed to see a patient.
113

114 Mrs. Solie indicated that (c1 and 2 and f) could be placed above under (a), and move the 18 month requirement to

115 the dental assistants section. Mrs. Shaffer-Kugel indicated that they could place it before section one, therefore
116 creating a new section (1), and section (1) would become section (2); then they could use the same language under
117 the dental assistant regulation. Mr. Hunt indicated that the first step would be to make a new paragraph one, and
118 the rest to be left as is. Further, add the language to the dental assistant regulation NAC 631.220.
119

120 Option 2: remove the language noted and add it to dental assistant regulation. It is recommended that NAC
121 631.210 be amended to include a section that prior to a patient becoming a patient of record or treated, a dental
122 hygienist would be able to perform [outside the 18 month examination parameter] (1c1) (1c2), (1cf), and (1d1).
123 It is recommended to add to NAC 631.220 to allow a DA to do (1k1) prior to a dentist.
124

125 MOTION: Mrs. Solie made the motion to recommend to the Board that NAC 631.210 be amended to create a new
126 section one (1) to state that a licensed dental hygienist may perform the following acts prior to be a patient being
127 seen/examined by dentist to do (1c1), (1c2), (1d1), and (1f). [This is to be language drafted by the committee and
128 present it to the Board for recommendation.] Motion seconded by Dr. Blasco. All were in favor.
129

130 MOTION: Mrs. Solie made the motion to recommend to the Board to amend NAC 631.220 that a dental assistant
131 may perform (1) (k1) prior to examination of a patient by a dentist. Motion seconded by Dr. Blasco. All were in
132 favor.
133

- 134 (3) Discuss and Recommend to change/amend NRS 631.105-Supervision by a dentist
 - 135 (4) Discuss and Recommendations regarding Emergency Management
- 136

137 Mrs. Peterson stated that they were not requesting to change the supervision by a dentist, but rather were looking
138 at asking if section (2) could be under the same parameter as section (1). They would like to have (1) and (2) under
139 the authorization section of NAC 631.210, and would like section (2) and (3) moved to section (1) so that they may
140 be able to perform those duties with the authorization of the dentist. Further, that the same protocol would be
141 applied if they were cleaning the patient's teeth. It was inquired to know what the difference between the terms
142 'supervision' and 'authorization' were. Mrs. Shaffer-Kugel indicated that the difference is that under 'supervision' a
143 dentist is present to react in the event of an emergency to protect the public. Whereas, 'authorization' only
144 requires that a dentist grant authorization to perform certain duties/treatment without their supervision or
145 presence in the office. Mrs. Peterson expressed her opinion that a dental hygienist should stay with a patient to
146 respond to an emergency, and that in the time it would take to go get the dentist, the dental hygienist herself could
147 address the emergency immediately.
148

149 Mrs. Chandler inquired about the possibility of opening up the ability for a dental hygienist to treat patients with
150 lasers or to anesthetize without a dentist being present. Mrs. Peterson inquired why there needs to be dental
151 supervision when utilizing lasers and anesthetizing a patient. Mr. Hunt explained that the liability scheme is that a
152 dentist, whether present or not, is ultimately liable. Therefore, a dentist is not going to want to allow a dental
153 hygienist to do procedures that regardless if they are not present, would hold them, the dentist, liable.
154

155 Mrs. Solie made the motion to recommend to the Board that NAC 631.210(2) items (a, b, c, d, e, and f) be placed in
156 the items that were placed in new proposed section (1) and also include that section (3) 'may be authorized' by a
157 dentist. No second was made; motion unsuccessful.
158

159 Dr. Blasco indicated that in an effort to protect the public, he does not have a problem with some items, but some
160 things he would have an issue with. He recommended that a dental hygienist could do items (a, b, c, e, and f).
161

162 Recess: 2:27 p.m.

Returned to meeting: 2:34 p.m.

163
164 MOTION: Mrs. Solie made the motion to recommend to the Board that NAC 631.210 be amended to have section
165 (a, b, c, e, and f) placed under the authorized provision, which would state that a dentist may authorize a dental
166 hygienist to administer local anesthesia. Motion seconded by Dr. Blasco. All were in favor.
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171 **4. Public Comment:** (Public Comment is limited to Five (5) minutes for each individual) Mrs. Chandler thanked the
172 committee for their time. Mrs. Lincicome stated that this was a gratifying event and thanked the committee.

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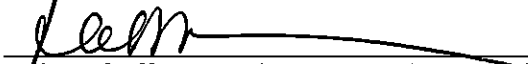
5. Announcements: Mrs. Shaffer-Kugel indicated that the recommendations will be placed on the May 22nd Board meeting agenda.

*6. Adjournment (For Possible Action)

MOTION: Dr. Blasco made the motion to adjourn. Motion seconded by Mrs. Villigan. All were in favor.

Meeting Adjourned at 2:39 p.m.

Respectfully submitted by:


Debra Shaffer-Kugel, Executive Director