Nevada State Board of Dental Examiners

6010 S. Rainbow Blvd., Bldg. A, Ste.1 • Las Vegas, NV 89118 • (702) 486-7044 • (800) DDS-EXAM • Fax (702) 486-7046

NOTICE OF INTENT TO ACT UPON REGULATIONS
LCB File No: R086-16

Notice of Public Hearing for the Adoption of Proposed Permanent Regulations of the Nevada State Board of Dental Examiners

The Nevada State Board of Dental Examiners will hold a Hearing on **Friday September 23, 2016 at 9:00 a.m.** during a regularly scheduled meeting of the Board at the offices of the Nevada State Board of Dental Examiners, 6010 S. Rainbow Blvd, Suite A-1, Las Vegas, Nevada 89118. Videoconferencing will also be available at the offices of the Nevada State Board of Medical Examiners, 1105 Terminal Way, Suite 301, Reno, NV 89502.

The purpose of the Hearing is to receive comments from all interested persons regarding the adoption of the following proposed regulations that pertain to Chapter 631 of the Nevada Administrative Code. The revisions are regarding the following:

Pursuant to the requirements of NRS 233B.0603, the following information is provided:

1. Purpose and Need of the Proposed Regulation:

The proposed regulations are necessary to establish Board of Dental Examiners policy and to clarify existing Board of Dental Examiners policy.

2. How to obtain the Revised Text of the Proposed Regulations:

A copy of this notice will be on file at the State Library, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the notice and the regulations to be adopted and repealed will be available at the office of the **Nevada State Board of Dental Examiners, 6010 S. Rainbow Blvd. A-1, Las Vegas, Nevada 89118**; and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice is also available on the Board's website at: **dental.nv.gov.** This notice and the text of the proposed regulations are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0633, and on the Internet at www.leg.state.nv.us. Copies of this notice and the proposed regulations will also be mailed to members of the public upon request.

3. Estimated Economic effect of the Proposed Permanent Regulations on the Business, which it is to regulate and the Public:

NAC 631.033:

Use of laser radiation in practice: Documentation required with application for renewal of license. *(NRS 631.190, 631.330) Each licensee who uses or wishes to use laser radiation in his or her practice of dentistry or dental hygiene must include with the application for renewal of his or her license:*

1. A statement certifying that each laser used by the licensee in his or her practice of dentistry or dental hygiene has been cleared by the Food and Drug Administration for use in dentistry; and

2. Proof that he or she has successfully completed a course in laser proficiency that:

(a) Is at least 6 hours in length; and

(b) Is based on the Curriculum Guidelines and Standards for Dental Laser Education, adopted by reference pursuant to NAC 631.035.

a). Adverse and Beneficial Effect:

This proposed regulation change amends NAC 631.033 to add a new section for the administration of botulinum toxin, dermal fillers or other facial injectables in his or her practice of dentistry or dental hygiene and establish the education and hands-on training hours required to administer botulinum toxin, dermal fillers or other facial injectables.

b). Immediate and Long Tem Effect:

The Board does not foresee any long term effects.

c). Method utilized to Determine Economic Effect:

Upon holding a Public Workshop on May 20, 2016 where licensees, members of local associations and societies and public persons attended, the attendees did not object to amending NAC 631.033 to add botulinum toxin, dermal fillers or other facial injectables in his or her practice of dentistry or dental hygiene and establish the education and hands-on training hours required to administer botulinum toxin, dermal fillers or other facial injectables.

d). The estimated cost to the agency for enforcement of the proposed regulation.

The immediate cost would include informing the licensed professionals of the State of Nevada of the change in regulation.

NAC 631.175:

Continuing education. Approved subjects; minimum requirements for clinical subjects; maximum credit for certain types of courses and activities. *(NRS 631.190, 631.342)*

1. Approved subjects for continuing education in dentistry and dental hygiene are:

(a) Clinical subjects, including, without limitation:

(1) Dental and medical health;

(2) Preventive services;

(3) Dental diagnosis and treatment planning; and

(4) Dental clinical procedures, including corrective and restorative oral health procedures and basic dental sciences, dental research and new concepts in dentistry; and

(b) Nonclinical subjects, including, without limitation:

(1) Dental practice organization and management;

(2) Patient management skills;

(3) Methods of health care delivery; and

(4) Teaching methodology.

2. In completing the hours of continuing education required pursuant to NAC 631.173, a dentist must annually complete at least 15 hours in clinical subjects approved pursuant to subsection 1 or biennially complete at least 30 hours in clinical subjects approved pursuant to subsection 1, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the dentist.

3. In completing the hours of continuing education required pursuant to NAC 631.173, a dental hygienist must annually complete at least 12 hours in clinical subjects approved pursuant to subsection 1 or biennially complete at least 24 hours in clinical subjects approved pursuant to subsection 1, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the dental hygienist.

4. In completing the hours of continuing education required pursuant to NAC 631.173, a dentist or dental hygienist must annually complete at least 2 hours in the clinical subject of infection control in accordance with the provisions of the guidelines adopted by reference in NAC 631.178 or biennially complete at least 4 hours in the clinical subject of infection control in accordance with the provisions of the guidelines adopted by reference in NAC 631.178, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the dentist or dental hygienist.

5. The Board will credit, as a maximum in any one year of an annual or biennial licensing period, the following number of hours of instruction for the following types of courses or activities:

(a) For approved study by a group, 3 hours.

(b) For attendance at a meeting or convention of a dental or dental hygiene society, 1 hour for each meeting, but not more than 3 hours, exclusive of hours of continuing education offered in conjunction with the meeting.

(c) For courses completed via home study, on-line study, self-study or journal study through correspondence, webinar, compact disc or digital video disc, 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.

(d) For all other courses conducted by an approved instructor, the number of hours completed by the dentist or dental hygienist.

(e) For approved dental or dental hygiene services provided in approved nonprofit settings, 6 hours, except that not more than 3 hours will be allowed for any day of volunteer services provided.

a). Adverse and Beneficial Effect:

This proposed regulation change would require dentists who are registered to dispense controlled substances pursuant to NRS 453.213 must complete at least 1 hour of training relating specifically to the misuse and abuse of controlled substances during each renewal period.

b). Immediate and Long Tem Effect:

There should be no adverse effect of the change in the regulation on the dental profession.

c). Method utilized to Determine Economic Effect:

Upon holding a Public Workshop on May 20, 2016 where licensees, members of local associations and societies and public persons attended, the attendees did not object to amending NAC 631.175 to require for those dentist who are registered to dispense controlled substances to complete at least 1 hour of training relating specifically to the misuse and abuse of controlled substances during each renewal period.

The Board did have one written submission from a licensee who was opposed to requiring the 1 hour of continuing education with regards to controlled substance misuse and abuse.

d). The estimated cost to the agency for enforcement of the proposed regulation.

The immediate cost would include informing the licensed professionals of the State of Nevada of the change in regulation

NAC 631.210-

Dental hygienists. Authorization to perform certain services; referral of patient to authorizing dentist for certain purposes. *(NRS 631.190, 631.310, 631.313, 631.317)*

1. A dentist who is licensed in this State may authorize a dental hygienist in his or her employ to:

(a) Remove stains, deposits and accretions, including dental calculus.

(b) Smooth the natural and restored surface of a tooth by using the procedures and instruments commonly used in oral prophylaxis, except that an abrasive stone, disc or bur may be used only to polish a restoration. As used in this paragraph, "oral prophylaxis" means the preventive dental procedure of scaling and polishing which includes the removal of calculus, soft deposits, plaques and stains and the smoothing of unattached tooth surfaces in order to create an environment in which hard and soft tissues can be maintained in good health by the patient.

(c) Provide dental hygiene care that includes:

(1) Assessment of the oral health of patients through medical and dental histories, radiographs, indices, risk assessments and intraoral and extraoral procedures that analyze and identify the oral health needs and problems of patients.

(2) Development and implementation of a dental hygiene care plan to address the oral health needs and problems of patients described in subparagraph (1).

(3) Evaluation of oral and periodontal health after the implementation of the dental hygiene care plan described in subparagraph (2) in order to identify the subsequent treatment, continued care and referral needs of the patient.

(d) Take the following types of impressions:

(1) Those used for the preparation of diagnostic models;

(2) Those used for the fabrication of temporary crowns or bridges; and

(3) Those used for the fabrication of temporary removable appliances, provided no missing teeth are replaced by those appliances.

(e) Perform subgingival curettage.

(f) Expose radiographs.

(g) Place and remove a periodontal pack.

(h) Remove excess cement from cemented restorations and orthodontic appliances. A dental hygienist may not use a rotary cutting instrument to remove excess cement from restorations or orthodontic appliances.

(i) Train and instruct persons in the techniques of oral hygiene and preventive procedures.

(j) Recement and repair temporary crowns and bridges.

(k) Recement permanent crowns and bridges with nonpermanent material as a palliative treatment.

(l) Place a temporary restoration with nonpermanent material as a palliative treatment.

(m) Administer local intraoral chemotherapeutic agents in any form except aerosol, including, but not limited to:

(1) Antimicrobial agents;

(2) Fluoride preparations;

(3) Topical antibiotics;

(4) Topical anesthetics; and

(5) Topical desensitizing agents.

(n) Apply pit and fissure sealant to the dentition for the prevention of decay.

Ê Before performing any of the services set forth in this subsection, the dental hygienist must obtain authorization from the licensed dentist of the patient on whom the services are to be performed and the patient must have been examined by that dentist not more than 18 months before the services are to be performed. After performing any of the services set forth in this subsection, the dental hygienist shall refer the patient to the authorizing dentist for follow-up care or any necessary additional procedures that the dental hygienist is not authorized to perform.

2. A dentist who is licensed in this State may authorize a dental hygienist in his or her employ and under his or her supervision to:

(a) Remove sutures.

(b) Place and secure orthodontic ligatures.

(c) Fabricate and place temporary crowns and bridges.

(d) Fit orthodontic bands and prepare teeth for orthodontic bands if the bands are cemented or bonded, or both, into the patient's mouth by the dentist who authorized the dental hygienist to perform this procedure.

(e) Perform nonsurgical cytologic testing.

(f) Apply and activate agents for bleaching teeth with a light source.

(g) Use a laser that has been cleared by the Food and Drug Administration to perform intrasulcular periodontal procedures or tooth whitening procedures if:

(1) The use of such a laser for those purposes is within the scope of the education, experience and training of the dental hygienist;

(2) Before operating the laser, the dental hygienist has provided proof to the supervising dentist that the dental hygienist has successfully completed a course in laser proficiency that:

(I) Is at least 6 hours in length; and

(II) Is based on the Curriculum Guidelines and Standards for Dental Laser Education, adopted by reference pursuant to NAC 631.035; and

(3) The supervising dentist has successfully completed a course in laser proficiency that:

(I) Is at least 6 hours in length; and

(II) Is based on the Curriculum Guidelines and Standards for Dental Laser Education, adopted by reference pursuant to NAC 631.035.

Ê The dental hygienist must obtain authorization from the licensed dentist of the patient on whom the services authorized pursuant to this subsection are to be performed.

3. If a dentist who is licensed in this State has in his or her employ and under his or her supervision a dental hygienist who has:

(a) Successfully completed a course of continuing education in the administering of local anesthetics or nitrous oxide-oxygen analgesia, or both, which has been approved by the Board; or

(b) Graduated from an accredited program of dental hygiene which includes the administering of local anesthetics or nitrous oxide-oxygen analgesia, or both, in its curriculum,

Ê the dentist may authorize the dental hygienist to administer local anesthetics or nitrous oxide-oxygen analgesia, or both, as appropriate, if the dental hygienist has received from the Board a certificate or permit certifying the hygienist for this level of administration. The dental hygienist must obtain the authorization from the licensed dentist of the patient on whom the services are to be performed.

4. A dental hygienist in a health care facility may administer local intraoral chemotherapeutic agents and, if he or she has complied with paragraph (a) or (b) of subsection 3, may administer local anesthetics or nitrous oxide-oxygen analgesia, or both, as appropriate, if he or she first:

(a) Obtains written authorization from the licensed dentist of the patient to whom the local anesthetics, nitrous oxide-oxygen analgesia or local intraoral chemotherapeutic agents are to be administered; and

(b) Submits to the Secretary-Treasurer a written confirmation from the director of the health care facility that the facility has licensed medical personnel and necessary emergency supplies and equipment that will be available when the local anesthetics, nitrous oxide-oxygen analgesia or local intraoral chemotherapeutic agents are administered.

5. The Board may authorize a dental hygienist to perform the services set forth in paragraphs (a) to (n), 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, at a health facility, a school or a place in this State approved by the Board after the Board:

(a) Issues a special endorsement of the dental hygienist's license.

(b) Approves the treatment protocol submitted by the dental hygienist which includes an explanation of the methods that the dental hygienist will use to:

(1) Treat patients; and

(2) Refer patients to a dentist for:

(I) Follow-up care;

(II) Diagnostic services; and

(III) Any service that the dental hygienist is not authorized to perform.

6. The Board may revoke the authorization described in subsection 5 if the:

(a) Dental hygienist fails to renew his or her license or it is cancelled, suspended or revoked;

(b) Board receives a complaint filed against the dental hygienist;

(c) Dental hygienist commits an act which constitutes a cause for disciplinary action; or

(d) Dental hygienist violates any provision of this chapter or chapter 631 of NRS.

Ê Nothing in this subsection prohibits a dental hygienist from reapplying for authorization to perform the services described in subsection 5 if the Board revokes the authorization pursuant to this subsection.

7. As used in this section:

(a) "Health care facility" has the meaning ascribed to it in NRS 162A.740.

(b) "Health facility" has the meaning ascribed to it in subsection 6 of NRS 449.260.

(c) "School" means an elementary, secondary or postsecondary educational facility, public or private, in this State

a). Adverse and Beneficial Effect:

This proposed regulation change would make the administration of

b). Immediate and Long Tem Effect:

There should be no adverse effect of the change in the regulations on the dental or dental hygiene profession.

c). Method utilized to Determine Economic Effect:

There should be no economic effect of the change in the regulations on the dental or dental hygiene profession.

d). The estimated cost to the agency for enforcement of the proposed regulation.

The immediate cost would include informing the licensed professionals of the State of Nevada of the change in regulation

4. A description of any duplication or overlapping of other local, state, or federal agencies.

   To our knowledge, there are no other government entities regulating the licensure of dentists and/or dental hygienists in the State of Nevada. Therefore, there is no duplication or overlap of regulation of another agency.

5. If the regulation is required pursuant to federal law, a citation and description of the federal law.

   This regulation is not required pursuant to federal law.

6. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

   There are no federal regulations addressing state dental and/or dental hygiene.

Persons wishing to comment may appear at the scheduled hearing or may address their comments, data, views or arguments, in written form to: **Nevada State Board of Dental Examiners, 6010 S. Rainbow Blvd, A-1, Las Vegas, Nevada 89118, Attn: Debra Shaffer-Kugel, Executive Director; FAX number (702) 486-7046; e-mail address nsbde@nsbde.nv.gov.** Written submissions must be received by the **NEVADA STATE BOARD OF DENTAL EXAMINERS** on or before **September 16, 2016** in order to make copies available to members and the public.

Pursuant to NRS 233B.064(2), "*upon adoption of any regulation, the Board, if requested to do so by an interested person, either before adoption or within thirty (30) days thereafter, shall issue a concise statement of the principal reason for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.*"

AGENDA POSTING LOCATIONS

Clark County Government Center,
500 Grand Central Parkway, Las Vegas, Nevada
Elko County Courthouse, Room 106, Elko, Nevada
Washoe County Courthouse, 75 Court Street, Reno, Nevada
Office of the N.S.B.D.E., 6010 S Rainbow Boulevard, #A-1, Las Vegas, Nevada
On the Internet at the Nevada State Board of Dental Examiners website:
dental.nv.gov
Legislative Counsel Bureau, 401 S Carson Street, Carson City, Nevada 89701
Carson City Library, 900 N. Roop St., Carson City, Nevada.
Churchill County Library, 553 S. Main St., Fallon, Nevada.
Las Vegas Library, 833 Las Vegas Blvd, North, Las Vegas, Nevada.
Douglas County Library, 1625 Library Lane, Minden, Nevada.
Elko County Library, 720 Court St., Elko, Nevada.
Goldfield Public Library, Fourth & Crook St., Goldfield, Nevada.
Eureka Branch Library, 10190 Monroe St., Eureka, Nevada.
Humboldt County Library, 85 East 5th St., Winnemucca, Nevada.
Battle Mountain Branch Library, 625 Broad St., Battle Mountain, Nevada.
Lincoln County Library, 93 Main Street, Pioche, Nevada .
Lyon County Library, 20 Nevin Way, Yerington, Nevada .
Mineral County Library, First & A Street, Hawthorne, Nevada.
Tonopah Public Library, 171 Central St., Tonopah, Nevada.
Pershing County Library, 1125 Central Ave., Lovelock, Nevada.
Storey County Library, 95 South R. St., Virginia City, Nevada.
Washoe County Library, 301 S. Center St., Reno, Nevada.
White Pine County Library, 950 Campton St., Ely, Nevada.
Las Vegas Office of the Nevada Attorney General, 555 E. Washington Ave, Las Vegas, Nevada
Carson City Office of the Nevada Attorney General, 100 N. Carson St., Carson City, Nevada