

# 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: R044-17

### 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 January 19, 2018 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 for the injection of neuromodulator that is derived from Clostridium botulinum and injection of dermal or soft tissue fillers and to amend NAC 631.175 with the addition of at least 2 hours of training for dentists who are registered to dispense controlled substances pursuant to NRS 453.231 relating specifically to the misuse and abuse of controlled substances, the prescribing of opioids or addiction during each period of licensure.

#### 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 Additional copies of the notice and the regulations to be adopted and repealed will be available at the office of the **Nevada State Board of Dental Examiners, 6010 S. Rainbow Blvd.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](http://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](http://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:

**ADD NEW SECTION:**

*Sec 2. A holder of a license to practice dentistry who, pursuant to section 1 of Senate Bill No. 101, chapter 238, Statutes of Nevada 2017, at page 1249, injects a neuromodulator that is derived from Clostridium botulinum or that is biosimilar to or the bioequivalent of such a neuromodulator or who, pursuant to section 1.8 of Senate Bill No. 101, chapter 238, Statutes of Nevada 2017, at page 1253, injects a dermal or soft tissue filler, must:*

*1. Successfully complete a didactic and hands-on course of study in the injection of such neuromodulators and fillers that:*

*(a) Is at least 24 total hours in length;*

*(b) Includes at least 4 hours of didactic instruction and at least 4 hours of hands-on instruction in each of the following subjects,*

*(1) The use of neuromodulators that are derived from Clostridium botulinum or that are biosimilar to or the bioequivalent of such a neuromodulator in the treatment of temporomandibular joint disorder and myofascial pain syndrome;*

*(2) The use of neuromodulators that are derived from Clostridium botulinum or that are biosimilar to or the bioequivalent of such a neuromodulator for dental and facial esthetics; and*

*(3) The use of dermal and soft tissue fillers for dental and facial esthetics; and*

*(c) Is approved by the Board.*

*2. Included with the application for the renewal of his or her license;*

*(a) Proof acceptable to the Board that he or she has successfully completed a course of study required by subsection 1; and*

*(b) A statement certifying that each neuromodulators that has been or will be injected by the holder pursuant to section 1.8 of Senate Bill No. 101, chapter 238, Statutes of Nevada 2017, at page 1249, and each dermal or soft tissue filler that has been or will be injected by the holder pursuant to section 1.8 of Senate Bill No. 101, chapter 238, Statutes of Nevada 2017, at page 1253, is approved for the use in dentistry by the United States Food and Drug Administration.*

*Sec 3. 1. A dentist who is authorized, pursuant to section 1.8 of Senate Bill No. 101, chapter 238, Statutes of Nevada 2017, at page 1249, to inject a neuromodulator that is derived from Clostridium botulinum or that is biosimilar to or the bioequivalent of such a neuromodulator or who is*

*authorized, pursuant to section 1.8 of Senate Bill No. 101, chapter 238, Statutes of Nevada 2017, at page 1253, to inject a dermal or soft tissue filler, and who has satisfied the requirements of subsection 1 of this regulation shall not;*

- (a) Administer such an injection to a person other than a patient of record; or*
- (b) Inject such a neuromodulator or filler at an injection site that is outside the cavity, maxillofacial area or the adjacent and associated structures of the person.*

*2. As used in this section, "patient of record" means a person for who the dentist has, not more than 18 months before the injection of a neuromodulator or filler described in subsection 1.*

- (a) Performed a clinical examination;*
- (b) Completed or evaluated a medical or dental history*
- (c) Diagnosed an oral condition; and*
- (d) Developed a written plan of treatment*

**a). Adverse and Beneficial Effect:**

The proposed regulation creates the policy for the injection of neuromodulator that is derived from Clostridium botulinum and injection of dermal or soft tissue fillers and the education requirements.

**b). Immediate and Long Term Effect:**

The Board does not foresee any long term effects.

**c). Method utilized to Determine Economic Effect:**

Upon holding a Public Workshop on September 29, 2017 where licensees, members of local associations and societies and public persons attended, the attendees did not object to the proposed language or the educational requirements.

**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. In completing the hours of continuing education required pursuant to NAC 631.173, a dentist who is registered to dispense controlled substances pursuant to NRS 453.231 must complete at least 2 hours of training relating specifically to the misuse and abuse of controlled substances, the prescribing of opioids or addiction during each period of licensure.*

~~5.~~ 6. 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:**

Amend NAC 631.175 with the addition of at least 2 hours of training for dentists who are registered to dispense controlled substances pursuant to NRS 453.231 relating specifically to the misuse and abuse of controlled substances, the prescribing of opioids or addiction during each period of licensure.

**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 September 29, 2017 where licensees, members of local associations and societies and public persons attended, the attendees did not object to amending NAC 631.175 with the addition of at least 2 hours of training relating specifically to the misuse and abuse of controlled substances, the prescribing of opioids or addiction during each period of licensure.

**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, arguments or small business impact 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](mailto:nsbde@nsbde.nv.gov).** Written submissions must be received by the **NEVADA STATE BOARD OF DENTAL EXAMINERS** on or before **January 12, 2018** 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](http://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.



AMERICAN ACADEMY OF  
DERMATOLOGY | ASSOCIATION



AMERICAN ACADEMY OF  
OTOLARYNGOLOGY-  
HEAD AND NECK SURGERY



THE AMERICAN SOCIETY  
FOR AESTHETIC PLASTIC SURGERY



AMERICAN SOCIETY FOR  
DERMATOLOGIC SURGERY ASSOCIATION

October 3, 2017

Byron M. Blasco, DMD, President  
Nevada State Board of Dental Examiners  
6010 S. Rainbow Blvd., Ste. A-1  
Las Vegas, NV 89118  
Submitted electronically: [nsbde@nsbde.nv.gov](mailto:nsbde@nsbde.nv.gov)

**Re: NAC 631.033 Use of laser radiation, administration of botulinum toxins and dermal fillers in practice:  
Documentation required with application for renewal of license**

Dear Dr. Blasco,

On behalf of the undersigned physician organizations, we appreciate the opportunity to provide comments in response to the Nevada State Board of Dental Examiners proposed regulation change to NAC 631.033. This rule change adds the administration of botulinum toxins and dermal fillers to an existing rule allowing dentists to use laser radiation. We believe these procedures are outside the scope of practice of dentists and are a risk to patient safety. The addition of these procedures also necessitates different training and education requirements, which will likely result in inconsistent standards for the same procedures performed by other practitioners. For these reasons, we urge you **not** to adopt the proposed changes.

Procedures by any means, methods, devices or instruments that can alter or cause biologic change or damage the skin and subcutaneous tissue constitute the practice of medicine and surgery. This includes the use of foreign or natural substances by injection or insertion.<sup>1,2</sup> Our organizations believe that procedures using a Food and Drug Administration (FDA)-regulated device, such as those that can alter or cause biologic change or damage, should only be performed by a physician or appropriately trained non-physician personnel under the direct, onsite supervision of an appropriately trained physician.<sup>3</sup> This rule jeopardizes patient safety and disregards what is considered adequate and appropriate medical education and training. Quality patient care includes evaluating a patient's needs and condition(s), selecting an appropriate course of treatment and providing adequate follow-up care.

According to the American Dental Association, three or more years of undergraduate education plus four years of dental school is required to graduate and become a general dentist.<sup>4</sup> The focus of their education is oral health rather than skin and facial tissue. Dentists are not required to demonstrate competency in procedures involving skin and soft tissue augmentation with products that can alter or damage living tissue. It is of utmost importance that the health care provider performing procedures with botulinum toxins or dermal fillers have specific, long-term training (such as a medical residency in plastic, ocular or dermatologic surgery). The education for dentists does not include this type of intense training; additionally, any short-term training program offered by manufacturers of these products does not adequately protect patient safety.

An analysis by the FDA's General and Plastic Surgery Devices Panel of six years of adverse event reports associated with the use of injectable dermal fillers concluded the following:

- There are a number of adverse events that are serious and unexpected, such as facial, lip and eye palsy, disfigurement, retinal vascular occlusion, blindness, as well as rare but life-threatening events such as severe allergic reactions and anaphylactic shock.
- Some of the common adverse events that are expected to occur shortly after injection and resolve quickly can have a delayed onset and/or remain for a long period of time and turn into more serious problems.
- A number of the adverse events reported to the FDA and the device manufacturers imply that, in these cases, the administration of injectables were performed by untrained personnel or in settings other than health clinics or doctors' offices.<sup>5</sup>

A survey conducted by the Physicians Coalition for Injectable Safety found that 84 percent of physician respondents had seen at least one patient with complications from cosmetic injectables and 38 percent had seen complications arising from cosmetic injections administered by an unqualified or untrained provider.<sup>6</sup> Injectable fillers that are approved for injection in the dermis or mid-to-deep dermis require extensive knowledge of facial anatomy to ensure proper placement of the injections. Understanding which injectable product is appropriate for each anatomic site and its particular limitations is fundamental to avoiding adverse effects. Furthermore, in discussing these devices, the FDA's Consumer Health Information materials suggest that patients should discuss fillers with a doctor who can refer the patient to a specialist in the field of dermatology or aesthetic plastic surgery.<sup>7</sup>

In order to protect the citizens of Nevada from adverse events and ensure quality patient care, **we urge you to oppose the proposed changes, which include botulinum toxins and dermal fillers.** Dentists do not have the comprehensive education and training that is required to identify and respond to potential complications resulting from the administration of these devices. We appreciate the opportunity to provide comments on this issue; for further information, please contact Kristin Hellquist, ASDSA Director of Advocacy and Practice Affairs, at [REDACTED] or [REDACTED].

Sincerely,

American Academy of Dermatology Association  
 American Academy of Facial Plastic and Reconstructive Surgery  
 American Academy of Otolaryngology – Head and Neck Surgery  
 American Society for Aesthetic Plastic Surgery  
 American Society for Dermatologic Surgery Society Association

<sup>1</sup> ASDSA Position Statement on the Practice of Medicine. <http://asdsa.asds.net/uploadedFiles/ASDSA/PolicyMakers/ASDSA-Definition%20of%20the%20Practice%20of%20Medicine.pdf>

<sup>2</sup> AADA Position Statement on Medical Spa Standards of Practice. <https://www.aad.org/Forms/Policies/Uploads/PS/PS-Medical%20Spa%20Standards%20of%20Practice.pdf>

<sup>3</sup> ASDSA Position Statement on Delegation. [http://asdsa.asds.net/uploadedFiles/ASDSA/PolicyMakers/ASDSA-%20Delegation%20Position%20Statement\(4\).pdf](http://asdsa.asds.net/uploadedFiles/ASDSA/PolicyMakers/ASDSA-%20Delegation%20Position%20Statement(4).pdf)

<sup>4</sup> General Dentistry. Retrieved from <http://www.ada.org/en/education-careers/careers-in-dentistry/general-dentistry>.

<sup>5</sup> FDA General and Plastic Surgery Devices Panel. Dermal Filler Devices. November 11, 2008. Retrieved from <https://www.fda.gov/ohrms/dockets/ac/08/briefing/2008-4391b1-01%20-%20FDA%20Executive%20Summary%20Dermal%20Fillers.pdf>

<sup>6</sup> New Data Finds Greater Measures Needed For Consumer Safety And Education On Injectable Therapies. August 15 2007. Retrieved from [https://www.aafprs.org/media/press\\_release/150807.htm](https://www.aafprs.org/media/press_release/150807.htm)

<sup>7</sup> Filling in Wrinkles Safely. Retrieved from <https://www.fda.gov/ForConsumers/ConsumerUpdates/ucm049349.htm>



January 17, 2018

Byron M. Blasco, DMD President  
Nevada State Board of Dental Examiners  
6010 S. Rainbow Blvd., Suite A-1  
Las Vegas, NV 89118

**RE: Regulation of Dentists providing Neuromodulators and Facial Fillers**

Dear President Blasco:

The regulation of dentists providing neuromodulators (Botox) and facial fillers has recently emerged in Nevada. Antagonists often opine that dentists lack education and training to perform these procedures and therefore the public is at risk. As someone who has been involved with developing jurisdictional regulation of neuromodulators and fillers as well as teaching courses on this topic for many years to physicians, nurses and dentists, I am in a unique position to respond to this criticism and assure that dental education absolutely provides the fundamental knowledge to perform these procedures.

**Dentists possess the appropriate education, training and medical knowledge:**

The American Dental Association's definition of Dentistry includes "diagnosis, prevention and/or treatment of diseases and/or conditions of the oral cavity, maxillofacial area and/or the adjacent and associated structures". The Commission on Dental Accreditation awards accreditation status to programs that meet these standards. Accredited dental education programs "must ensure an in-depth understanding of basic biologic principles, consisting of a core of information on the fundamental structures, functions of the body systems." This requirement provides for detailed and comprehensive education in the biomedical sciences of the entire body.

In many university programs, dental and medical students take the same biomedical science courses and dental students focus on the oro-facial complex. Accreditation standards require that "the biomedical knowledge base must emphasize the oro-facial complex as an important anatomical area existing in a complex biological interrelationship with the entire body." This focus allows for thorough and detailed knowledge of the craniofacial complex at a level that is not generally as emphasized in medical education. Additionally, dental education and practice calls for detailed anatomic knowledge to provide for administration of local anaesthesia in the craniofacial complex. Indeed, many procedures involving fillers begin with a "dental nerve block".

## **Dentists Can Adequately Protect Patient Safety**

Regarding public safety, there are jurisdictions where dentists have provided these services for years. There is no evidence whatsoever that the risk related to these procedures is any different than that of other health care personnel. Many of the complaints arise from unlicensed and or untrained individuals. It would be erroneous to conclude that patient complications from these groups is related to licensed dentists providing these services. Further, there are unique human conditions, such as oro-facial pain, TMD disorders, post-herpetic neuralgia, Frey's Syndrome, chronic bruxism and other disorders where dentists are primarily involved with treatment and that treatment may involve the use neuromodulators. Regulations should not deny access to treatment for these patients. These applications of neuromodulators are included in the curriculum at UNLV School of Dental Medicine.


## **Continuing Education**

A common goal of many medical and dental schools is to graduate "life-long learners" as there are a vast number of topics that graduates learn beyond their basic education. Medical, dental and nursing schools do not commonly teach neuromodulators and facial fillers. Most providers of these services learn through continuing education venues. These are varied in depth and clinical experiences. Herein, is the opportunity for the health professions to work together to provide comprehensive continuing education on these topics with standardized curricula, evidence-based protocols, patient evaluation, documentation, outcomes assessments and clinical judgment. This is not novel but has been a successful model in other jurisdictions and is one to consider for professionals to provide these services and best serve the public.

In summary, any statement indicating that a dentist is not imminently qualified and trained to provide neuromodulators and fillers is simply misleading.

If I can be of further assistance in your deliberations, please feel free to reach out to me.

Sincerely,

A handwritten signature in cursive script that reads "James Mah".

James Mah, DDS, MSc, DMSc  
Professor in Residence  
Director of the Advanced Education Program in Orthodontics & Dentofacial Orthopedics  
UNLV School of Dental Medicine

References:

ADA Definition of Dentistry

Resolved, that dentistry is defined as the evaluation, diagnosis, prevention and/or treatment (nonsurgical, surgical or related procedures) of diseases, disorders and/or conditions of the oral cavity, maxillofacial area and/or the adjacent and associated structures and their impact on the human body; provided by a dentist, within the scope of his/her education, training and experience, in accordance with the ethics of the profession and applicable law.

<http://www.centreoms.com/admin/storage/news/ada%20definition%20of%20oms%20and%20dentistry.pdf>

The Commission on Dental Accreditation serves the public and profession by developing and implementing accreditation standards that promote and monitor the continuous quality and improvement of dental education programs.

<http://www.ada.org/en/coda>