

NEVADA STATE BOARD
of
DENTAL EXAMINERS



BOARD TELECONFERENCE MEETING

TUESDAY, JANUARY 12, 2021

5:30 P.M.

PUBLIC BOOK

NSBDE Emergency Regulations for Covid-19 Vaccine

**EMERGENCY REGULATION OF THE
NEVADA STATE BOARD OF DENTAL EXAMINERS**

January 12, 2021

EXPLANATION – Matter in *italics* is new, matter in brackets
~~[omitted material]~~ is material to be omitted.

Filing of an Emergency Administrative Regulation

AUTHORITY: NRS 631.190; NRS 454.213; Declaration of Emergency, Directive 003,
March 12, 2020

A REGULATION relating to immunizations; authorizing licensed dental professionals to administer certain immunizations under certain conditions to persons aged 16 or older; prescribing required training for such licensed dental professionals; and for providing other matters properly relating thereto.

Explanation:

Pursuant to the Governor's Declaration of Emergency issued March 12, 2020, Nevada is in an emergency status due to the ongoing COVID-19 pandemic. This proposed emergency regulation will authorize Licensed Dental Practitioners under Chapter NRS 631, who have obtained appropriate training, to administer immunizations, including for COVID-1 to persons aged 16 or older. The proposed emergency regulation will allow Licensed Dental Professionals to bring their pre-existing experience and training in the use of drugs, anesthetic agents and physical evaluation to bear upon the increased demand for vaccine services in this state, and to expand the State's capacity to expediently treat Nevada's population with existing and future COVID-19 vaccines as doses become available, and to ensure the availability of Nevada's other healthcare providers to perform other urgent healthcare tasks. The proposed regulations are necessary for the protection, health and safety of the public.

Section 1. **Chapter 631 of the NAC is hereby amended by adding thereto a new section to read, as follows:**

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NAC 631.XXX “Licensed Dental Practitioner” defined. (NRS 631.190)

A Licensed Dental Practitioner means a dentist, dental hygienist, dental hygienist with a public health endorsement, or dental therapist who is licensed pursuant to Chapter 631 of NRS.

NAC 631.XXX “Model Standing Orders” defined. (NRS 631.190)

Model standing orders means prewritten orders and specific instructions for administration and frequency of a given medication (vaccines) to a person in clearly defined circumstances by the Nevada Department of Health and Human Services.

NAC 631.XXX “Vaccine Adverse Event Reporting System (VAERS)” defined. (NRS 631.190)

The National Childhood Vaccine Injury Act of 1986 requires an immunizing health care provider (including, but not limited to, licensed dental practitioners) to report adverse vaccine events to the Vaccine Adverse Event Reporting System (VAERS).

NAC 631.XXX “Vaccine Information Statement” (VIS) defined. (NRS 631.190)

Vaccine Information Statement (VIS) means vaccine information statement developed and maintained by the Centers for Disease Control and Prevention. Current versions can be found at: <https://www.cdc.gov/vaccines/hcp/vis/current-vis.html>

NAC 631.XXX Authorization; administration of vaccines (NRS 631.190)

- 1. A licensed dental practitioner shall be deemed to be practicing dentistry, dental therapy, and/or dental hygiene pursuant to their respective license(s), while participating in the prescription and administration of vaccines according to this section.*
- 2. A licensed dental practitioner may administer immunizations by an intranasal, intramuscular or subcutaneous injection only:*
 - (a) To a patient of record who is 16 years of age or older;*
 - (b) If the licensed dental practitioner has completed an immunization certification program approved by the Board;*
 - (c) If the vaccines are administered in accordance with the “Model Standing Orders” approved by the Nevada Department of Health and Human Services;*
 - (d) For the vaccines that are administered in a dental office, the dental office shall maintain and follow written policies and procedures for handling and disposal of used or contaminated equipment and supplies;*
 - (e) If the licensed dental practitioner has immediate access to emergency response equipment, including, but not limited to, oxygen administration equipment, epinephrine, and other allergic reaction response equipment;*
and

- (f) If the licensed dental practitioner has, along with each dose of vaccine administered, provided the appropriate written Vaccine Information Statement (VIS) to the patient or patient's legal representative, discussed the information provided in the VIS with the patient or patient's legal representative, and has obtained written informed consent from the patient or patient's legal representative prior to administering the vaccine. The VIS given to the patient must be the most current statement.*
- 3. The licensed dental practitioner must document in the patient record:*
- (a) The date and site of the administration of the vaccine;*
 - (b) The brand name, or national drug code (NDC) number, or other acceptable standardized vaccine code set, dose, manufacturer, lot number, and expiration date of the vaccine;*
 - (c) The name or identifiable initials of the administering licensed dental practitioner;*
 - (d) The address of the office where the vaccine(s) was administered unless automatically embedded in the electronic report provided to the Immunization Information System according to NRS 439.265;*
 - (e) The date of publication of the VIS; and*
 - (f) The date the VIS was provided to the patient.*
- 4. If providing vaccines pursuant to state or federal funded programs, the vaccine eligibility code must be reported to the Immunization Information System.*

5. *A licensed dental practitioner who administers any vaccine must report the information from Sections (3) and (4) of this rule, if applicable, to the Immunization Information System within 14 days of administration.*
6. *The licensed dental practitioner must report any adverse event resulting from administration of the vaccine according to the VAERS Table of Reportable Events. Reports of the adverse event must be made to each of the following:*
 - (a) VAERS;*
 - (b) the Nevada State Board of Dental Examiners; and*
 - (c) to the primary care provider, if any, as identified by the patient.*
7. *A licensed dental practitioner who administers any vaccine will follow storage and handling guidance from the vaccine manufacturer and the Centers for Disease Control and Prevention (CDC).*
8. *Any licensed dental practitioner administering immunizations by an intranasal, intramuscular or subcutaneous injection under this section shall comply with guidelines established by the federal Advisory Committee on Immunization Practices (ACIP) relating to vaccines and immunizations, which includes, but is not limited to, vaccine storage and handling, vaccine administration and documentation, and vaccine contraindications and precautions.*

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NAC 631.XXX Training and certification to administer immunizations. (NRS 631.190)

1. Before a licensed dental practitioner may administer an immunization to a patient who is 16 years of age or older, the licensed dental practitioner must be trained and board endorsed to administer immunizations by completing an immunization certification program approved by the Nevada State Board of Dental Examiners that includes:

(a) Education and practical training, including, without limitation, written study materials regarding techniques for administering immunizations;

(b) Evaluation of the knowledge and technique of the licensed dental practitioner in administering immunizations;

(c) Instruction consistent with the current training guidelines of the Centers for Disease Control and Prevention; and

(d) Except as otherwise provided in subsection 2, instruction and practical training concerning:

(1) The standards for pediatric, adolescent and adult immunization practices recommended and approved by the United States Public Health Service Advisory Committee on Immunization Practices;

(2) Basic immunology, and vaccine and immunization protection;

(3) Diseases that are preventable through vaccination and immunization;

(4) Recommended immunization schedules;

(5) Vaccine and immunization storage and management;

- (6) *Informed consent;*
- (7) *Physiology and techniques for administration of immunizations;*
- (8) *Preimmunization and postimmunization assessment and counseling;*
- (9) *Immunization reporting and records management; and*
- (10) *Identification, response, documentation and reporting of adverse events.*

2. *In lieu of complying with the requirements of paragraph (d) of subsection 1, a licensed dental practitioner who administers immunizations consisting exclusively of COVID-19 vaccines during the Declaration of Emergency, Directive 003, as issued on March 12, 2020, may complete the following training programs available through the Centers of Disease Control and Prevention:*

(a) *"COVID-19 Vaccine Training: General Overview of Immunization Best Practices for Healthcare Providers";*

(b) *"What Every Clinician Should Know about COVID-19 Vaccine Safety";*
The pathophysiology, clinical presentation, diagnosis, prevention and treatment of influenza;

(c) *"What Clinicians Need to Know about the Pfizer-BioNTech and Moderna COVID-19 Vaccines";*

(d) *"Pfizer-BioNTech COVID-19 Vaccine: What Healthcare Professionals Need to Know"; and*

(e) *"Moderna COVID-19 Vaccine: What Healthcare Professionals Need to Know".*

NAC 631.XXX Continuing education required. (NRS 631.190; NRS 631.342)

Each licensed dental professional who administers immunizations pursuant to this section must annually complete at least 2 hours of instruction or biennially complete at least 4 hours of instruction, as applicable, that:

- (a) Addresses the life cycle of diseases, drugs and administration of immunizations;*
- (b) Constitute a training course provided by the Centers for Disease Control and Prevention regarding epidemiology and prevention of diseases which are preventable through immunization;*
- (c) Constitute a training course provided by Immunize Nevada or its successor organization; or*
- (d) Any other course regarding immunizations offered by a teaching entity approved by the Board.*

This training will be credited toward any continuing education required by NAC 631.173.

NAC 631.XXX Reporting of certain information concerning immunizations. (NRS 631.190)

A licensed dental professional who administers immunizations shall, pursuant to NRS 439.265 and the regulations adopted pursuant thereto by the Department of Health and Human Services (NAC 439.870 to NAC 439.897), report all such information required for inclusion in the Immunization Information System concerning any administered immunizations.

NAC 631.XXX Written informed consent; review of medical history of patient prior to administration of immunizations. (NRS 631.190)

1. Written informed consent of the patient must be obtained before the administration of immunizations by an intranasal, intramuscular or subcutaneous injection.

2. Each licensed dental professional who administers immunizations must review the patient's medical history before the administration of immunizations by an intranasal, intramuscular or subcutaneous injection.

3. The medical history review includes asking the patient to describe any current medical conditions or treatments, including, without limitation, medications, drug allergies, impending or past operations and pregnancy, and to provide any other information that may be helpful to the person administering immunizations by an intranasal, intramuscular or subcutaneous injection.

4. If the licensed dental practitioner identifies an issue that may prevent the safe administration of the immunization, they must consult with a physician for an examination, evaluation and diagnosis. The licensed dental practitioner can only proceed with administering the immunization if they can rely upon that physician's evaluation and diagnosis.

5. *The medical history review must be memorialized in writing and signed by the patient prior to administration of immunization, and must be documented in the patient record.*

NAC 631.XXX Confidentiality of records. (NRS 631.190)

1. *A licensed dental professional who administers immunizations shall provide adequate security to prevent unauthorized access to confidential records of immunizations. If confidential health information is not transmitted directly between a licensed dental practitioner and a physician, but is transmitted through a data communication device, the confidential health information must not be viewed or used by the operator of the data communication device unless the operator is specifically authorized to obtain confidential information pursuant to this subsection.*

2. *Except as otherwise provided in NRS 49.245, the confidential records of immunizations are privileged and may be released only to:*

(a) The patient or the authorized agent of the patient;

(b) Physicians, licensed dental practitioners, and pharmacists, when, in the professional judgment of the licensed dental practitioner, such release is necessary to protect the health and well-being of the patient;

(c) The Board or other federal, state or local agencies authorized by law to receive such information;

(d) A law enforcement agency engaged in the investigation of a suspected violation involving a controlled substance or dangerous drug;

(e) A person employed by any state agency that licenses a physician if such a person is engaged in the performance of his or her official duties; or

(f) An insurance carrier or other third-party payor authorized by a patient to receive such information.

3. The provisions of this section must not be construed to affect or alter the provisions of NRS 49.215 to 49.245, inclusive, relating to the confidentiality of communications between a doctor and a patient.

NSBDE Emergency Regulations for Covid-19 Vaccines
Informational Statement pursuant to NRS 233B.066

**NEVADA STATE BOARD OF
DENTAL EXAMINERS
EMERGENCY REGULATION
NAC 631**

Informational Statement per NRS 233B.066

The following informational statement, pursuant to NRS 233B.066, conforms to the subsections of the statute as follows:

1. EXPLANATION OF THE NEED FOR THE ADOPTED REGULATION.

Pursuant to the Governor's Declaration of Emergency issued March 12, 2020, Nevada is in an emergency status due to the ongoing COVID-19 pandemic. This proposed emergency regulation will authorize Licensed Dental Practitioners under Chapter NRS 631, who have obtained appropriate training, to administer immunizations for COVID-19 to persons aged 16 or older. The proposed emergency regulation will allow Licensed Dental Professionals to bring their pre-existing experience and training in the use of drugs, anesthetic agents and physical evaluation to bear upon the increased demand for vaccine services in this state, and to expand the State's capacity to expediently treat Nevada's population with approved and pending COVID-19 vaccines as doses and new formulations become available, and to ensure the availability of Nevada's other healthcare providers to perform other urgent healthcare tasks. The proposed regulations are necessary for the protection, health and safety of the public.

2. THE ESTIMATED ECONOMIC EFFECT OF THE REGULATION ON THE BUSINESS WHICH IT IS TO REGULATE AND ON THE PUBLIC. THESE MUST BE STATED SEPARATELY, AND IN EACH CASE MUST INCLUDE:

A) BOTH ADVERSE AND BENEFICIAL EFFECTS.

The Board of Dental Examiners does not anticipate any adverse economic impact from this emergency regulation on regulated businesses or the public. The beneficial effects of the emergency regulation include: the rapid activation of a large and adequately trained workforce to safely administer COVID-19 vaccinations to persons aged 16 or older, while also relieving the state's trained healthcare workforce of vaccination responsibilities so they can attend to other pandemic-related healthcare needs.

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B) BOTH IMMEDIATE AND LONG-TERM EFFECTS.

The Board of Dental Examiners anticipates that both the immediate and long-term economic effects on regulated businesses and/or the public will be beneficial, because this emergency regulation will increase the State's capacity to effectively and efficiently deploy both approved and pending COVID-19 vaccines in response to the current pandemic for the protection, health and safety of the public.

3. THE ESTIMATED COST TO THE AGENCY FOR ENFORCEMENT OF THE PROPOSED REGULATION

There will be no additional or special costs incurred by the Board of Dental Examiners for enforcement of this regulation.

4. A DESCRIPTION OF ANY REGULATIONS OF OTHER STATE OR GOVERNMENT AGENCIES WHICH THE PROPOSED REGULATION OVERLAPS OR DUPLICATES AND A STATEMENT EXPLAINING WHY THE DUPLICATION OR OVERLAPPING IS NECESSARY. IF THE REGULATION OVERLAPS OR DUPLICATES A FEDERAL REGULATION, THE NAME OF THE REGULATING FEDERAL AGENCY.

The Board of Dental Examiners is not aware of any similar regulations of other state or government agencies that the proposed regulation overlaps or duplicates.

5. IF THE REGULATION INCLUDES PROVISIONS WHICH ARE MORE STRINGENT THAN A FEDERAL REGULATION WHICH REGULATES THE SAME ACTIVITY, A SUMMARY OF SUCH PROVISIONS.

The Board of Dental Examiners is not aware of any similar regulations of the same activity in which the federal regulation is more stringent.

6. IF THE REGULATION PROVIDES A NEW FEE OR INCREASES AN EXISTING FEE, THE TOTAL ANNUAL AMOUNT THE AGENCY EXPECTS TO COLLECT AND THE MANNER IN WHICH THE MONEY WILL BE USED.

This regulation does not provide a new fee or increase of fees.