



# NEVADA STATE BOARD OF DENTAL EXAMINERS

Providing information and education to Nevada's dental health care professionals

SUMMER - FALL 2015

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## 2015 LEGISLATIVE SESSION IN REVIEW

As the 2015 Legislative Session came to a close, many changes took place regarding occupational licensing boards. The Nevada State Board of Dental Examiners would like to inform you of some of the changes enacted by the Legislature. A brief summary of the changes affecting licensure, anesthesia definitions, reporting requirements, Open Meeting laws and administrative proceedings are listed below:

### **AB 89-Changes to Chapter 631:**

- Effective July 1, 2015, the requirements for examination as set forth in NRS 631.300 is the certificate of successful passing of the Western Regional Examining Board no longer has the five year requirement from the date of application. Therefore, if an applicant having met all other requirements for licensure has successfully passed the Western Regional Examining Board for dentistry at any time may be eligible for licensure in the State of Nevada.
- Effective July 1, 2015, the requirements for examination as set forth in NRS 631.300 is the certificate of successful passing of the Western Regional Examining Board and the American Board of Dental Examiners (ADEX) examination no longer has the five year requirement from the date of application. Therefore, if an applicant having met all other requirements for licensure has successfully passed the Western Regional Examining Board or the ADEX examination for dental hygiene at any time may be eligible for licensure in the State of Nevada.
- A maximum fee of \$500.00 for the Initial Infection Control Inspection was enacted by the legislature to over the administrative associated with conducting said inspections. The Board will be conducting workshops to amend NAC 631.029 to develop the actually fee the Board will charge for an initial Infection Control Inspections.
- The definition of conscious sedation was changed to minimal and moderate sedation. The language is listed below:

**"Minimal Sedation"** means a minimally depressed level of consciousness, produced by a pharmacologic or nonpharmacologic method, that retains the patient's ability to independently and continuously maintain an airway and respond normally to tactile stimulation and verbal command, and during which cognitive function and coordination may be modestly impaired, but ventilatory and cardiovascular functions are unaffected.

**"Moderate Sedation"** means a drug-induced depressed level of consciousness, produced by a pharmacologic or nonpharmacologic method or a combination thereof, [in] during which [the]:

1. The patient retains the ability [independently and continuously to maintain an airway and] to respond [appropriately] purposefully to [physical stimulation and] verbal commands [.] ,either alone or accompanied by light tactile stimulation;
2. Spontaneous ventilation is adequate and no interventions are required to maintain a patient airway; and
3. Cardiovascular function is maintained

(continued on page 2)





The Board will be holding public workshops to amend/change the regulations pertaining to anesthesia.

- Effective July 1, 2015, NRS 631.220 was amended with regards to applications for licensure for dental and dental hygiene which provides the Secretary Treasurer finding an application sufficient may grant approval of the license without any further action by the Board.

**AB 53:**

This Bill has made changes to the administrative hearings, standard of proof as set forth in Chapter 233B to define "Preponderance of Evidence" to *mean evidence that enables a trier of fact to determine that the existence of the contested fact is more probable than nonexistence of the contested fact*

**SB 288:**

This Bill requires each practitioner who is authorized to write prescriptions for controlled substances listed in schedule II, III, or IV shall access the database of the Prescription Monitoring Program through the Nevada State Board of Pharmacy, to the extent the program allows, access the database of the program established pursuant to subsection 1 at least once each 6 months to review the information concerning the practitioner that is listed in the database and notify the Board if any such information is not correct; and verify to the Board that he or she continues to have access to and has accessed the database as required by this subsection.

**SB 114:**

This Bill is regarding access to the Prescription Monitoring Profile by law enforcement and occupational licensing boards.

**SB 459:**

This Bill requires mandatory access and use of the Prescription Monitoring Program by practitioners who have prescription privileges through the Nevada State Board of Pharmacy. Section 16 of the bill amended NRS 639.2350(7)(1) such that practitioners are now ***obligated to obtain a PMP report before "initiating" a controlled substance prescription*** in most cases. The obligation arises where:

1. ***The prescription for a controlled substance listed in schedule II, III, and IV, and***
2. ***The patient is a new patient of the practitioner, or***
3. ***The prescription is for more than 7 days and of part of a new course of treatment for the patient***

The practitioner is obligated to ***review*** the report and although the statute does not require the practitioner maintain a copy of the report it is suggested that you note in the patient file the date the report was run and reviewed with signature. The statute further provides penalties to be imposed against practitioners who do not comply with the new law.

**SB 273:**

This Bill has made changes to the Health Care Records pursuant to NRS 629-Subject to the provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, or any other federal law or regulation Chapter 629 was amended adding a new section regarding custodian of records and custody of patients records for providers of healthcare which include dentists.

**SB 501:**

This Bill has made changes to the State Dental Health Officer/State Public Health Dental Hygienist .

**SB 70:**

This Bill is in regards to the Opening Meeting Law-NRS 233B-Requires documentation in writing that the public body complied with the minimum public notice required by paragraph (a) of subsection 3. The documentation must be prepared by every person who posted a copy of the public notice. Paragraph 6 was amended to unless good cause is shown, a public body shall approve the minutes of a meeting within 45 days after the meeting or at the next meeting of the public body, whichever occurs later.



## HOW TO AVOID AN ADVERTISING VIOLATION

Advertising is a useful tool in keeping the public informed of changes to dentistry, sharing your services offered, which can include your credentials. Advertisements include, but are not limited to, yellow pages, websites, newspapers, business cards, flyers, and commercials. Pursuant to NAC 631.270 the regulation outlines what is deemed to be false advertising. The regulation is there to protect the public and ensure the advertisements are not false and misleading. Listed below are some of the pitfalls you can avoid when advertising:

- 1). States, suggests or implies that a dentist specializes in an area of specialization listed in [NAC 631.190](#), unless the dentist is licensed for that area of specialty and the number of his or her license for that specialty is included in the advertisement. **If you hold a specialty license, you shall include your specialty license number in your advertisements.** [NAC 631.270\(h\)](#)
- 2). Guarantees that any professional service, dental treatment or dental procedure will be painless-**Do not use the word "painless"** See [NAC 631.270\(c\)](#)
- 3). Includes any false claim of a dentist's skill, or the efficacy or value of his or her dental treatment.
- 4). If you are doing business under a fictitious name and promote the services of a dentist or group of dentists using a fictitious name, unless the name of each dentist, as registered with the Board, is included in the advertisement.-If operating under a fictitious name. **List the names of all dentists providing services at the business on your advertisements.** [NAC 631.270\(g\)](#)
- 5). Includes any extravagant claim, aggrandizement of abilities or self-laudatory statement calculated to attract patients, and which has a tendency to mislead the public or produce unrealistic expectations in particular cases. **Avoid using words such as expert, world renowned, specialize (unless a licensed specialists).**
- 6). When advertising discounts on services make sure to include any disclaimers to avoid confusion to the patient.
- 7). Includes any statement which is known to be false, or through the exercise of reasonable care should be known to be false, deceptive, misleading or harmful, in order to induce any person to purchase, use or acquire any professional services or to enter into any obligation or transaction relating to those services. **Examples: "Sleep Dentistry" (unless you hold a general anesthesia permit); "Specialize in Dentures" (unless you are licensed as a Prosthodontist).**

For more detailed information, please review the regulation to ensure compliance with [NAC 631.270](#).



## DO ORTHODONTIC DENTAL ASSISTANTS HAVE EXTENDED DUTIES?

The answer is **no**. Dental Assistants whether employed in a general practice or specialty dental practice are required to perform the same duties under the employment, supervision and authorization of the Nevada licensed dentist and in accordance with NAC 631.220. Orthodontic or any other Dental Assistant working in a specialty practice do not have expanded duties.

To ensure compliance the Board recommends you and your staff review [NAC 631.220](#) which outlines the duties a dental assistant may perform.

### NOTICE TO LICENSEES

Please read the following notice from the Workers' Compensation Section

### Modified Dental Fee Schedule for Nevada Workers' Comp Proposed

The State of Nevada Division of Industrial Relations (DIR) Workers' Compensation Section (WCS) is hosting a public workshop to gather input from stakeholders regarding the proposed Nevada Medical Fee Schedule including the addition of a modified dental fee schedule for Nevada workers' compensation claims. The workshop will be held on October 6, 2015 beginning at 9:00 a.m. Information regarding locations and a copy of the proposed Nevada Medical Fee Schedule is posted on the DIR website at <http://dirweb.state.nv.us/WCS/wcs.htm>. Please contact the WCS at (702) 486-9019 for other related inquiries.

### IN MEMORY OF:

Henry A Malm, DDS

John S McCulloch, DDS

## BOARD ACTIONS FROM APRIL 2015—SEPTEMBER 2015

Michael D Bell, DDS	2486	Lisa T Hoang, DDS	6393	Albert G Ruezga, DDS	4065	My G Tran, DDS	5586
James E Brannan, DDS	2568	Min S Kim, DMD	6140	Erika J Smith, DDS	5627	Hai Q Xa, DMD	3780
L. Scott Brooksby, DDS	S5-09	Cyrus D Kwong, DDS	5686	Travis M Sorensen, DDS	S2-130		
Vincent G Colosimo, DMD	6654	Kayla E Mai, DDS	4491	Larry O Staples, DDS	4667		
Peter P Doan, DDS	4693	Christine T Navales, DDS	5070	Thien T Tang, DDS	4284		





## Nevada State Board of Dental Examiners

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### **FRIENDLY REMINDER:**

This is a friendly reminder of the statutes and regulations that can cause unnecessary complaints or delays in renewal of licensure that can be easily avoided:

- **Address Change**- You shall report any address change (all offices, mailing and home) to the Board within 30 days of the occurrence. You may change addresses online or by paper form which are available on the Board's website -[NAC 631.150](#)
- **Claims or Complaints of Malpractice**-Upon service of a claim or complaint of malpractice, you shall notify the Board in writing within 30 days of receipt of the claim or complaint-[NAC 631.155](#)
- **Patient Records**- Upon receiving a request from a patient or their legal representative, you have 10 working days to process the request for copies of records. The patient is entitled to all records noted in their file. You may not deny a patient a copy of their dental records if they have a balance on account- [NRS 629.061](#)
- **Advertising**-You may not state you specialize in any branches of dentistry unless you have been issued a specialty license by the Board- [NAC 631.270](#)
- **Bio-terrorism** -Four hours continuing education is a one-time requirement and shall be completed within two (2) years from initial licensure date. Non-compliance with this requirement may cause the inability to renew your license or may initiate disciplinary proceedings against you. Please make sure upon completion to submit the certificate of completion to the Board office- [NRS 631.342](#).
- **Dental Assistants**- Dentists should review the duties delegable to dental assistants to ensure the dental assistants are only performing those duties delegable to them as set forth in [NAC 631.220](#).
- **Infection Control Inspection** - Upon a change in ownership of an office or facility where dental treatments are to be performed, the licensed owner dentist is required to submit a written request within thirty days for the Board to conduct an initial infection control inspection of the office or facility. Request forms can be accessed on the Board's website. -[NAC 631.1785](#)