

BEFORE THE NEVADA STATE BOARD OF DENTAL EXAMINERS

IN REGARDS TO THE MATTER OF:

Request by William G. Pappas, DDS
For an Advisory Opinion Regarding the
Patient Mask Requirements; Ultrasonic
Scaler Use

ADVISORY OPINION
AO-03152022-1

On March 15, 2022, pursuant to agenda item 6(b)(1) at a properly noticed meeting held at the Nevada State Board of Dental Examiners (“Board”) office located at 2651 N. Green Valley Parkway, Ste. 104, Henderson, Nevada, 89014, the Board issued the following advisory opinion. This advisor opinion is effective March 15, 2022 and supersedes any prior guidance or statements issued by the Board on these matters:

BOARD MEMBER PARTICIPATION:

Dr. Tejpal Jahl	Present
Dr. David Lee	Present
Dr. Ronald Lemon	Present
Dr. Elizabeth Park	Present
Dr. Todd Thompson	Present
Dr. Ron West	Present
Dr. Adam York	Present
Yamilka Arias, RDH	Present
Jana McIntyre, RDH	Present
Michael Pontoni, Public Member	Present

ADVISORY OPINION

I.
BACKGROUND

1. As set forth in NAC 631.279 through authority of NRS 631.190 and NRS 233B.120 the Board is authorized to provide advisory opinions.

*NAC 631.279 Proceedings to determine applicability and construction of statutes and regulations.
([NRS 631.190](#))*

1. Any applicant or licensed dentist or dental hygienist may obtain a determination or advisory opinion from the Board as to the applicability of any provision of [chapter 631](#) of NRS or any regulation adopted pursuant thereto by bringing an action for a declaratory judgment before the Board.

2. The Board will construe any statute or regulation reviewed pursuant to this section in a manner consistent with the declared policy of the State of Nevada.

- A. The Board has discretion whether or not to issue an advisory opinion pursuant to NAC 631.279.
- B. Public notice of the above-referenced request for an advisory opinion was provided in accordance with state law.

II. DISCUSSION

Licensed Dentist William G. Pappas, DDS requested the Board “[p]lease clarify how the Governor’s recent lifting of the indoor mask mandate affects dental offices in the state.” Specifically, Dr. Pappas wanted to know: “are patients required to wear masks inside our offices?” Dr. Pappas also inquired: “are dental hygienists allowed to utilize ultrasonic scalers?”

A. Background and Analysis

i. Masking of Patients

On Friday, July 30, 2021, Governor Sisolak issued Declaration of Emergency Directive 047, mandating that everyone in the state, including fully vaccinated individuals, should wear a mask in public indoor settings in counties with substantial or high transmission. This requirement mirrored CDC guidance from July 27, 2021 and was issued due to the emergence of the Delta variant of SARS-CoV-2 (COVID-19).

On February 10, 2022, Governor Sisolak announced that the State’s mask mandate was lifted, effective immediately. Board President David Lee issued a guidance memorandum, dated February 11, 2022, to all Nevada Dental Licensees, via email and posting on the Board’s website, dental.nv.gov, noting the Governor’s lifting of the mandate, and that the Board had, at its October 19, 2021 Board meeting, had previously adopted the Centers for Disease Control and Prevention’s (“CDC”) “Interim Infection Prevention and Control Recommendations for Healthcare Personnel During the Coronavirus Disease 2019 (COVID-19) Pandemic (“Interim Infection Control Settings”).

Discussion by the Board Members focused upon whom should be responsible for determining the patient masking policy in each practice location, since the state-wide mandate had been lifted, and the consensus was that there should be no masking ‘mandate,’ but the decision whether to require patients to wear masks should be left to

the dentist-in-charge of the practice location. Dr. Lemon noted that in institutional entities, such as dental schools, that process large numbers of patients should defer that decision to the leader of that organization, such as the School Dean, to the extent that their activities are regulated by the Board.

ii. Use of Ultrasonic Scaling Equipment

Moreover, the Board noted in its discussion that dental healthcare personnel are currently permitted to use ultrasonic scaling equipment, under the circumstances and with the precautions set forth in the Interim Infection Control Settings, as follows:

- When performing aerosol generating procedures on patients who are not suspected or confirmed to have SARS-CoV-2 infection, ensure that DHCP correctly wear the recommended PPE (including a NIOSH-approved N95 or equivalent or higher-level respirator in counties with substantial or high levels of transmission) and use mitigation methods such as four-handed dentistry, high evacuation suction, and dental dams to minimize droplet spatter and aerosols.
 - Commonly used dental equipment known to create aerosols and airborne contamination include ultrasonic scaler, high-speed dental handpiece, air/water syringe, air polishing, and air abrasion.

III.
CONCLUSION

After consideration and discussion of the matters as outlined above, a motion was made by Board Member President Lee:

- To allow for the practice owner and/or dental director (as defined by NRS 631.3452) of any given practice location to determine patient masking requirements for that location;
- To note that ultrasonic scaling is permitted pursuant to the Interim Infection Control Settings that have been adopted by the Board.

The motion was seconded by Board Member Park.

Dr. Lee called for the motion, which carried unanimously.



DAVID LEE, DMD, PRESIDENT
Nevada State Board of Dental Examiners