

BEFORE THE NEVADA STATE BOARD OF DENTAL EXAMINERS

IN REGARDS TO THE MATTER OF:

DDS, DeLisle's request for the Advisory Opinion regarding the use of a portable sink in a dental practice and compliance with Infection Control standards in a dental Office (NAC 631.178)

AO-13-0307-01

On March 7, 2013, pursuant to agenda item 6 (h)(2) at a properly noticed meeting held at the Nevada State Board of Dental Examiners ("Board") office located at 6010 S Rainbow Boulevard, Suite A-1, Las Vegas, Nevada 89118 the "Board" issued the following advisory opinion.

Dr. Jade A Miller	Excused
Dr. M. Masih Soltani	Excused
Dr. Jason Champagne	Present
Dr. Timothy Pinther	Present
Dr. James G Kinard	Present
Dr. J. Stephen Sill	Present
Dr. Byron Blasco	Present
Ms. Solie	Present
Mrs. Leslea Villigan	Present
Mrs. Theresa Guillen	Present
Mrs. Lisa Wark	Present

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 opinion.

II.
REQUESTED OPINION

Pursuant to NAC 631.279, Nevada licensee, Steven DeLisle, DDS, has requested an advisory opinion as to whether the use of a portable sink in a dental practice is in compliance with Infection Control standards pursuant to NAC 631.178

2. Public notice of the above-referenced request for an advisory opinion was provided in accordance with state law.

III.
DISCUSSION

Dr. DeLisle requested this advisory opinion whether the use of portable sink located in an operatory is in compliance with the infection control requirements set forth in NAC 631.178. Dr Delisle explained the type of portable sinks he purchased and indicated he has two of these sinks in the operatory area which include a built in eye wash station. Further, Dr DeLisle explained the portable sinks are for hand washing purposes only. The sinks in question hold five gallon container of water. Board member Villigan stated she reviewed the CDC guidelines in a Dental Care Setting 2003 and could not find any references to a portable sinks in a dental practice setting. Board Member Villigan did have concerns regarding whether the five gallon water container would be enough to last the day. Board Member Sill stated from his experience it was sufficient. Board Member Villigan expressed concern with regards to sufficient water should a patient or employee have a need for the eye washing station. Dr DeLisle stated he does have a sink around the corner on public water that could be utilized for an eye washing station if need be.

Board Counsel explained to the options available to Board on whether to issue an advisory opinion sought pursuant to NAC 631.279. Board Counsel a review of the regulation and the CDC guidelines do not specifically prohibit use of a portable sink in a dental setting. Therefore the Board could conclude that the use of a portable sink in a dental for hand washing purposes is not in violation of the infection control requirements set forth in NAC 631.178.

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.

IV. DELIBERATIONS

After considering and discussing public comment pursuant to the authority set forth in NAC 631.279, NRS 631.190 and NRS 233B.120, Board Member Blasco made the following Motion:

“That the Board issues an Advisory Opinion, the use of portable sinks may be used in a dental practice for hand washing purposes and such use would not be in violation of infection control requirements set forth in NAC 631.178.

The motion was seconded by Board Member Wark.

Further Discussion: Board Member Solie made comment that she does not want to see licensees requesting advisory opinions with regards to dental products and feels the licensee should know whether the product is in compliance with the statues and regulations before purchasing such products.

Since there was no further discussion, Dr. Kinard called for a vote on the motion:

Dr. Jade A Miller	excused
Dr. M. Masih Soltani	excused
Dr. Jason Champagne	yes
Dr. Timothy Pinther	yes
Dr. James G Kinard	yes
Dr. J. Stephen Sill	yes
Dr. Byron Blasco	yes
Ms. Caryn Solie	yes
Mrs. Leslea Villigan	yes



Mrs. Theresa Guillen yes
Mrs. Lisa Wark yes

ADVISORY OPINION

The motion having passed unanimously the following Advisory Opinion is hereby issued by the BOARD:

“That portable sinks may be used in a dental practice for hand washing purposes and such use would not be in violation of infection control requirements set forth in NAC 631.178”

SO ORDERED:



JAMES G. KINARD, DDS, PRESIDENT
Nevada State Board of Dental Examiners

