

2015 Legislative Session in Review

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AB 53– Administrative hearings, standard of proof –The bill becomes effective July 1, 2015.

Sec. 2. "Preponderance of the evidence" means evidence that enables a trier of fact to determine that the existence of the contested fact is more probable than the nonexistence of the contested fact.

6. The voluntary surrender of a license in a contested case shall be deemed to constitute disciplinary action against the licensee.

AB89 –Changes to definition of conscious sedation, change to WREB certification, changes to the Secretary–Treasurer approving applications that are sufficient without any further action by the Board, Fee for the Initial Infection Control Inspection: Effective July 1, 2015

Sec. 20. Chapter 631 of NRS is hereby amended by adding thereto a new section to read as follows:

"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.

Sec. 22. NRS 631.025 is hereby amended to read as follows:

631.025 ["Conscious"] "Moderate sedation" means a

[minimally] **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 patent airway; and**
3. **Cardiovascular function is usually maintained**

Sec. 22.5. NRS 631.220 is hereby amended to read as follows:

631.220 1. Every applicant for a license to practice dental hygiene or dentistry, or any of its special branches, must.

*(a) File an application with the Board . ~~at least 45 days before.~~
~~The date on which the examination will be given; or~~
~~(2) If an examination is not required for the issuance of a license, the date on which the Board is scheduled to take action on the application.]~~*

d) If the applicant is required to take an examination pursuant to NRS 631.240 or 631.300, submit with the application proof satisfactory that the applicant passed the examination.

3. The Secretary-Treasurer may, in accordance with regulations adopted by the Board and if the Secretary-Treasurer determines that an application is:

(a) Sufficient, advise the Executive Director of the sufficiency of the application. Upon the advice of the Secretary-Treasurer, the Executive Director may issue a license to the applicant without further review by the Board.

(b) Insufficient, reject the application by sending written notice of the rejection to the applicant

Sec 23 NRS 631.240

(2) Present to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the applicant has passed ~~[, within the 5 years immediately preceding the date of the application.]~~ a clinical examination administered by the Western Regional Examining Board.

Sec. 23.5. NRS 631.260 is hereby amended to read as follows:

631.260 [As] Except as otherwise provided in subsection 3 of NRS 631.220, as soon as possible after the examination has been given, the Board, under rules and regulations adopted by it, shall determine the qualifications of the applicant and shall issue to each person found by the Board to have the qualifications therefor a license which will entitle the person to practice dental hygiene or dentistry, or any special branch of dentistry, as in such license defined, subject to the provisions of this chapter:

Sec. 24. NRS 631.265 is hereby amended to read as follows:

631.265 1. No licensed dentist or person who holds a restricted license issued pursuant to NRS 631.275 may administer or supervise directly the administration of general anesthesia,

~~[conscious]~~ *minimal sedation, moderate* sedation or deep sedation to dental patients unless the dentist or person has been issued a permit authorizing him or her to do so by the Board.

2. The Board may issue a permit authorizing a licensed dentist or person who holds a restricted license issued pursuant to NRS 631.275 to administer or supervise directly the administration of general anesthesia, ~~[conscious]~~ *minimal sedation, moderate* sedation or deep sedation to dental patients under such standards, conditions and other requirements as the Board shall by regulation prescribe

Sec. 25. NRS 631.300 is hereby amended to read as follows:

631.300 1. Any person desiring to obtain a license to practice dental hygiene, after having complied with the regulations of the Board to determine eligibility:

(a) Except as otherwise provided in NRS 622.090, must pass a written examination given by the Board upon such subjects as the Board deems necessary for the practice of dental hygiene or must present a certificate granted by the Joint Commission on National Dental Examinations which contains a notation that the applicant has passed the National Board Dental Hygiene Examination with a score of at least 75; and

(b) Except as otherwise provided in this chapter, must:

1) Successfully pass a clinical examination approved by the Board and the American Board of Dental Examiners ~~for present evidence to the Board that the applicant has passed such a clinical~~

~~examination within the 5 years immediately preceding the date of the application;] ; or~~

~~(2) [Successfully complete a clinical examination in dental hygiene given by the Board which examines the applicant's practical knowledge of dental hygiene and which includes, but is not limited to, demonstrations in the removal of deposits from, and the polishing of, the exposed surface of the teeth; or~~

~~(3)] Present to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the applicant has passed [within the 5 years immediately preceding the date of the application,] a clinical examination administered by the Western Regional Examining Board.~~

~~2. [The clinical examination given by the Board must include components that are.~~

~~(a) Written or oral, or a combination of both; and~~

~~(b) (b) Practical, as in the opinion of the Board is necessary to test the qualifications of the applicant.~~

NRS 631.345. FEES

Fee for the inspection of a facility required by the Board to ensure compliance with infection control guidelines 500

SB114—Prescriptions of Controlled Substances—Effective October 1, 2015 (Pharmacy Board)

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

SB70 — Open Meeting Law—NRS 233B

4. For each of its meetings, a public body shall document 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 and include, without limitation.

(a) The date and time when the person posted the copy of the public notice;

(b) The address of the location where the person posted the copy of the public notice; and

(c) The name, title and signature of the person who posted the copy of the notice.

Per our OML DAG, he is interpreting this to require that the person posting, sign something containing this information... i.e , require your posters to complete, sign, and send back a form containing a signature that verifies the posting.

Another important change is in section 6.

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.

AB59–Leases

Our regulatory board is exempt from buildings and grounds negotiating leases on the Board's behalf.

SB273–Health Care Records–effective July 1, 2015 –Chapter 629

Section 1. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. 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

(a) A custodian of health care records having custody of any health care records of a provider of health care pursuant to this chapter shall not prevent the provider of health care from physically inspecting the health care records or receiving copies of those records upon request by the provider of health care in the manner specified in NRS 629.061.

(b) If a custodian of health care records specified in paragraph (a) ceases to do business in this State, the custodian of health care records shall, within 10 days after ceasing to do business in this State, deliver the health care records of the provider of health care, or copies thereof, to the provider of health care.

2. A custodian of health care records who violates a provision of this section is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than 364

days, or by a fine of not more than \$25,000 for each violation, or by both fine and imprisonment.

3. In addition to any criminal penalties imposed pursuant to subsection 2, a custodian of health care records who violates a provision of this section is subject to a civil penalty of not less than \$10,000 for each violation, to be recovered in a civil action brought in the district court in the county in which the provider of health care's principal place of business is located or in the district court of Carson City.

4. As used in this section, "custodian of health care records" means any person having custody of any health care records pursuant to this chapter. The term does not include:

(a) A facility for hospice care, as defined in NRS 449.0033;

(b) A facility for intermediate care, as defined in NRS 449.0038;

(c) A facility for skilled nursing, as defined in NRS 449.0039;

(d) A hospital, as defined in NRS 449.012; or

(e) A psychiatric hospital, as defined in NRS 449.0165.

Sec. 2. This act becomes effective on July 1, 2015.

SB288—Controlled Substance Database—effective January 1, 2016 (Pharmacy Board)

4. Each practitioner who is authorized to write prescriptions for controlled substances listed in schedule II, III or IV shall, to the extent the program allows, access the database of the program established pursuant to subsection

1 at least once each 6 months

to:

(a) Review the information concerning the practitioner that is listed in the database and notify the Board if any such information is not correct; and

(b) Verify to the Board that he or she continues to have access to and has accessed the database as required by this subsection

SB501—State Dental Health Officer/State Public Health Dental Hygienist—effective June 8, 2015

Section 1. NRS 439.272 is hereby amended to read as follows:

439.272 1. The Division shall appoint, with the consent of the Director, a State Dental Health Officer, who ~~is~~ *may serve* in the unclassified service of the State ~~[.]~~ *or as a contractor for the Division*. The State Dental Health Officer must:

- (a) Be a resident of this State;
- (b) Hold a current license to practice dentistry issued pursuant to chapter 631 of NRS; and
- (c) Be appointed on the basis of his or her education, training and experience and his or her interest in public dental health and related programs.

2. The State Dental Health Officer shall:

- (a) Determine the needs of the residents of this State for public dental health;
- (b) Provide the Advisory Committee and the Division with advice regarding public dental health;
- (c) Make recommendations to the Advisory Committee, the Division and the Legislature regarding programs in this State for public dental health;
- (d) ~~[Supervise the activities of]~~ *Work collaboratively with* the State Public Health Dental Hygienist; and
- (e) Seek such information and advice from the Advisory Committee or ~~[a dental school]~~ *from any dental education program in this State, including any such programs* of the Nevada System of Higher Education, as necessary to carry out his or her duties.

3. The State Dental Health Officer shall devote all of his or her time to the business of his or her office and shall not pursue any other business or vocation or hold any other office of profit.

4. Pursuant to NRS 439.2794, the Division may solicit and accept gifts and grants to pay the costs associated with oral health programs.

Sec. 2. NRS 439.279 is hereby amended to read as follows:

439.279 1. The Division shall appoint, with the consent of the Director, a State Public Health Dental Hygienist, who ~~is~~ *may serve* in the unclassified service of the State ~~[.]~~ *or as a contractor for the Division*. The State Public Health Dental Hygienist must:

- (a) Be a resident of this State;
- (b) Hold a current license to practice dental hygiene issued

pursuant to chapter 631 of NRS with a special endorsement issued pursuant to NRS 631.287; and

(c) Be appointed on the basis of his or her education, training and experience and his or her interest in public health dental hygiene and related programs.

2. The State Public Health Dental Hygienist:

(a) Shall ~~assist~~ *work collaboratively with* the State Dental Health Officer in carrying out his or her duties; and

(b) May:

(1) Provide advice and make recommendations to the Advisory Committee and the Division regarding programs in this State for public health dental hygiene; and

(2) Perform any acts authorized pursuant to NRS 631.287