

Nevada State Board of Dental Examiners



6010 S. Rainbow Blvd., Bldg. A, Ste.1 • Las Vegas, NV 89118 • (702) 486-7044 • (800) DDS-EXAM • Fax (702) 486-7046

NOTICE OF AGENDA FOR THE COMMITTEE ON DENTAL HYGIENE AND DENTAL THERAPY in conjunction with THE PUBLIC HEALTH DENTAL HYGIENE AND DENTAL THERAPY SUBCOMMITTEE

Meeting Date & Time

May 19, 2021 6:00 p.m.

**This meeting will be held exclusively through teleconference means,
in accordance with Emergency Directives issued by Governor Sisolak**

Teleconference Number: (669) 900 6833

Teleconference ID#: 931 3004 4906

Teleconference Passcode: 923426

PUBLIC NOTICE:

***** This meeting will be held via TELECONFERENCE ONLY, pursuant to Section 1 of the DECLARATION OF EMERGENCY DIRECTIVE 006 ("DIRECTIVE 006") issued by the State of Nevada Executive Department and as extended by Directives 016, 018, 021, 026, and 029. There will be no physical location for this meeting*****

Public Comment by pre-submitted email/written form, only, is available after roll call (beginning of meeting); **Live Public Comment by teleconference** is available prior to adjournment (end of meeting). Live Public Comment is limited to three (3) minutes for each individual.

Pursuant to Section 2 of Directive 006, members of the public may participate in the meeting by submitting public comment in written form to: **Nevada State Board of Dental Examiners, 6010 S. Rainbow Blvd, A-1, Las Vegas, Nevada 89118; FAX number (702) 486-7046; e-mail address nsbde@nsbde.nv.gov**. Written submissions received by the Board on or before **Tuesday May 18, 2021 by 4:00 p.m.** may be entered into the record during the meeting. Any other written public comment submissions received prior to the adjournment of the meeting will be included in the permanent record.

The Nevada State Board of Dental Examiners may 1) address agenda items out of sequence to accommodate persons appearing before the Board or to aid the efficiency or effectiveness of the meeting; 2) combine items for consideration by the public body; 3) pull or remove items from the agenda at any time. The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person. See NRS 241.030. Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual the board may refuse to consider public comment. See NRS 233B.126.

Persons/facilities who want to be on the mailing list must submit a written request every six (6) months to the Nevada State Board of Dental Examiners at the address listed in the previous paragraph. With regard to any board meeting or telephone conference, it is possible that an amended agenda will be published adding new items to the original agenda. Amended Nevada notices will be posted in compliance with the Open Meeting Law.

We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Board, at (702) 486-7044, no later than 48 hours prior to the meeting. Requests for special arrangements made after this time frame cannot be guaranteed.

Pursuant to NRS 241.020(2) you may contact at (702) 486-7044, to request supporting materials for the public body or you may download the supporting materials for the public body from the Board's website at <http://dental.nv.gov> In addition, the supporting materials for the public body are available at the Board's office located at 6010 S Rainbow Blvd, Ste. A-1, Las Vegas, Nevada.

Note: Asterisks (*) "**For Possible Action**" denotes items on which the Board may take action.

Note: Action by the Board on an item may be to approve, deny, amend, or tabled.

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1. **Call to Order**

- Roll call/ Quorum

Mr. DiMaggio performed roll call: Quorum was established at 6:19pm.

Dr. Park (Chair)—PRESENT	Dr. West—PRESENT
Ms. Solie—PRESENT	Ms. Jessica Woods—PRESENT
Ms. McIntyre—PRESENT	Ms. Lancelle VanGuilder—NOT PRESENT
Ms. Arias—PRESENT	Dr. Robert Talley—NOT PRESENT
	Dr. Antonina Capurro—NOT PRESENT
	Dr. Steve Saxe—PRESENT
	Dr. Adam Gatan—PRESENT
	Ms. Taylor—PRESENT

2. **Public Comment (By pre-submitted email/written form):** The public comment period is limited to matters specifically noticed on the agenda. No action may be taken upon the matter raised during public comment unless the matter itself has been specifically included on the agenda as an action item. Comments by the public may be limited to three (3) minutes as a reasonable time, place and manner restriction, but may not be limited based upon viewpoint. The Chairperson may allow additional time at his/her discretion.

Pursuant to Section 2 of Directive 006, and extended by Directives 016, 018, 021, 026, and 029, members of the public may participate in the meeting without being physically present by submitting public comment via email to nsbde@nstate.nv.gov, or by mailing/faxing messages to the Board office. Written submissions received by the Board on or before **Tuesday May 18, 2021 by 4:00 p.m.** may be entered into the record during the meeting. Any other written public comment submissions received prior to the adjournment of the meeting will be included in the permanent record.

In accordance with Attorney General Opinion No. 00-047, as restated in the Attorney General's Open Meeting Law Manual, the Chair may prohibit comment if the content of that comment is a topic that is not relevant to, or within the authority of, the Nevada State Board of Dental Examiners, or if the content is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational, or amounting to personal attacks or interfering with the rights of other speakers.

There was no written public comment.

*3. **Chairwoman's Report: Elizabeth Park, DDS** (For Possible Action)

Ms. Solie made a statement that the committee will be going through the assignments and information without interruption to get through the agenda items. Ms. Solie thanked the Committee for all their hard work.

*a. **Request to add/remove agenda item(s)** (For Possible Action)

There were no agenda items to add or remove.

*b. **Approve Agenda** (For Possible Action)

Ms. McIntyre made a motion to approve the agenda as written. Ms. Solie seconded the motion. All were in favor. The motion passed.

*4. **Review, discussion, and possible recommendations to the Board regarding certain Nevada Revised Statutes (NRS) related to the practice of Dental Therapy to Develop Proposed Regulations related to the practice of Dental Therapy:** (For Possible Action)

*a. **Dental Therapy Statutes, including, but not limited to, NRS 631.3124-631.3128**

- o **NRS 631.3124 Dental Therapists: Authorized services; referral of patient to authorizing dentist for certain purposes; supervision of dental assistants and dental hygienists.**
- o **NRS 631.3125 Dental therapists: Additional authorized care and services.**
 - **NRS 631.3125(1-9): Point of discussion:**

Ms. Arias stated she had referenced dentaltherapy.org. In Arizona, dental supervision is only required after 1000 hours of direct supervision. Minnesota varies by service. Ms. Arias said that 1-7 was under direct supervision and 8 and 9 were under indirect supervision. Dental Therapists need to have an NPI in general. The dental therapist can bill under the dentist's NPI. Dental therapists billing Medicaid will bill under their own NPI.

- **NPI and Insurance; Direct or Indirect Supervision**

Ms. Taylor defined what NPI is, a healthcare identifier that was established in 1996. All healthcare providers are required to have an NPI. Ms. Taylor stated that you can only file Medicaid electronically. The provider identifier is 12 in the system and the taxonomy code J125000x identifies a dental therapist specifically. The NPI is issued by the NPPEs and is administered with provision of HIPAA. Ms. Taylor said that only one NPI will be issued to a healthcare provider with multiple licenses and specialties. She stated that NPI is a lifetime identifier and will not be deactivated if that healthcare provider is barred or sanctioned from one or more health plans. When a healthcare organization is disbanded that NPI will be deactivated and if the previously deactivated healthcare organization is reactivated the healthcare providers NPI will be reactivated. NPI is not used to track disciplinary actions or ethical concerns of a licensed professional or provider. This establishes the therapist as a self-directed provider.

- **NRS 631.3125(10): Point of discussion:**
 - Preparation and placement of direct restoration in primary and permanent teeth
- **NRS 631.3125(11-16): Point of discussion:**
 - Hours of training required for proof of proficiency in these areas
- **NRS 631.3125(17): Point of discussion:**
 - What is considered non-reversible surgical damage; liability coverage (i.e. sinus perforation & wrongful death) pursuant to written protocol, to include after-care plan
- **NPI**
- **NRS 631.3125(18): Point of discussion:**
 - What does "other related services and functions" entail

Dr. Saxe asked if everyone would get a copy of this presentation.

Dr. Park said yes.

Dr. Saxe asked where Ms. Taylor was sourcing her information.

Ms. Taylor said that she referenced the direct website nppsecrnmshhs.gov.

Dr. Saxe replied that there were inconsistencies with her information.

Ms. Taylor said that she had explained the NPI in a corporate or group situation and about disbanding of groups and corporations.

Dr. Saxe stated that any breach of CMA "Collaborative Management Agreement" must be addressed in front of The Dental Board.

Dr. Saxe stated that dentist and dental therapists are jointly responsible. When it is a corporate entity, they are responsible to the Attorney General and Secretary of State. CMA contracts should be assigned to a specialist on the Board's staff.

Dr. Saxe stated the non-reversible surgical damage is:

- 1) Failure to diagnose a pathological condition, such as oral cancer.
- 2) Failure to make and appropriate referral to another professional for an oral manifestation of an undiagnosed systemic disease
- 3) Perforation of the maxillary sinus during the normal circumstance of having a tooth extracted or during deep scaling or root planning
- 4) Nerve damage in association with both extractions and with deep scaling root planning
- 5) Aspiration of a foreign body
- 6) Wrongful tooth extraction
- 7) Laceration of the skin that results in scarring
- 8) Death of a patient

- **NRS 631.3126 Arrangements for referrals of patients to other dental or health care professionals in certain circumstances.**
 - **I.NRS 631.3126: Point of discussion:**
 - 1. **Capabilities of a dental therapist; dental hygiene care**

Dr. Gatan stated the CMA governs the referral of patients needing care outside the scope practice of both dental therapists and advanced dental therapists in Minnesota.

- 1) Dental therapists CMA must have a plan in place for the provisions of clinical resources in referral situations which are beyond the capabilities of the dental therapist.
- 2) For advanced dental therapists, the collaborating dentist is responsible for directly providing the care or arranging for another dentist or specialist to provide services needed by the patient. The collaborating dentist is directly responsible for these referrals. In accordance with the CMA the advanced dental therapist must refer patients to another qualified dental or health care professional for services outside the scope of practice. The CMA must have specific written protocol in place to govern situations that require treatment outside of advanced dental therapists scope of practice. A collaborating dentist must insure a timely consultation during treatment and must provide or arrange for another dentist or specialist to provide the necessary treatment for any patient. The collaborating dentist must be available if a situation arises during the treatment.

- **NRS 631.3127 Dental Therapists: Prohibition on prescription of certain controlled substances.**
 - **NRS 631.3127: Points of discussion:**
 - **Supervision of administration of Nitrous**

Dr. Saxe stated that controlled substances and nitrous oxide must be directly supervised by the overseeing dentist. The dentist is expected to identify certain situations such as poor patient selection for nitrous oxide and potential to diffusion, hypoxia and where patients safety and well-being may be compromised. Dr. Saxe stated there should be a monthly log of anesthesia records kept by the overseeing dentist. Nitrous oxide use should be set forth in the CMA.

- **NRS 631.3128 Dental Therapists: Limitation on number with whom authorizing dentist may simultaneously maintain written practice agreements.**
 - **NRS 631.3128: Points of discussion:**
- **NRS 631.313 Assignment of dental hygienist or dental assistant to perform certain intraoral tasks under certain circumstances; exceptions; administration of local anesthesia or nitrous oxide by dental hygienist. (Amended by SB 366(2019))**
 - **NRS 631.313(3)(a) and (b): Point of discussion:**
 - **Written Contract; How is it determined that there is incorrect treatment planning or irremediate alteration of the oral anatomy; what defines that; concerns about practicing out of scope.**
 - **NRS 631.313(3)(c) and (d): Point of discussion:**
 - **For Discipline if there is treatment outside scope of written agreement; disciplinary guidelines**
 - **NRS 631.313(4): Point of discussion:**
 - **Nitrous**

The CMA overseeing dentist is the only one that determines scope of practice and substitute dentists cannot conduct oversight.

Dr. Saxe stated that any Board action against a dental therapist should hold the same penalties for the dentist and should be reported to NPDB, Attorney General and Secretary of State.

- **NRS 631.3425 Continuing education: Requirements for dental therapists. (Amended by SB 366(2019))**
 - **NRS 631.3425: Point of discussion:**
 - **Validation of type of CE; medical emergency training annualized?**

Ms. Arias corrected the hours of continuing education training necessary; it is either 36 hours biennially or 40 hours biennially. Ms. Arias recommended in addition to the continuing education requirement to make emergency medical training necessary.

Dr. Park asked if there was a specific training course and Ms. Arias said no; however, Minnesota requires 50 hours continuing education biennially for dental therapists. Ms. Arias recommended that EMT be part of the required CE's, not separate. Ms. Arias recommends a separate CE training for proper prescribing and disposing of prescription drugs in addition to the emergency medical training at each renewal.

Dr. Park stated that the State of Nevada has a training on drug abuse and that may be a helpful resource.

- **NRS 631.190 Powers and Duties. (Amended by SB 366(2019))**
 - **NRS 631.190(3-6): Point of discussion:**
 - **Fees**

Ms. Solie suggested to add the line item on the application fee for the initial license to practice dental therapy as \$125.00 after the \$600 fee for the initial license to practice Hygiene and any biennial fee for dental hygiene of \$300 have been paid.

Ms. Solie suggested:

- a) Biennial renewal fee of \$450 that would include the \$300 to maintain their dental hygiene license. This option is for the ease of renewal of both licenses; or,
- b) Separate biennial renewal fee for dental therapy of \$150 with the caveat that there will be a separate fee for the renewal of the dental hygiene license. This option is to separate the 2 licenses and would allow for future changes in practice options.

- **NRS 631.215 Persons deemed to be practicing dentistry; regulations regarding clinical practice of dentistry. (Amended by SB 366(2019))**
 - **NRS 631.215(1)(a-b): ADVERTISEMENT/patient consent to disclosure type of professional**

Dr. Park stated that in a case of malpractice, it could result in possible termination of the CMA.

Dr. Park asked Mr. Su if it is 90 days that a licensee must report malpractice.

Mr. Su stated that pursuant to NAC 631.155, it is 30 days to report an incident.

Dr. West stated he had nothing to add to what Dr. Park had mentioned; just that he wanted to know if the dental therapist were to have discipline against them how it would affect their dental hygiene license.

- **NRS 631.271 Limited license to practice dentistry, dental hygiene or dental therapy; permit authorizing certain persons to practice dentistry or dental hygiene; regulations. (Amended by SB 366(2019))**
 - **NRS 631.271(c)(1) and (7): Points of discussion:**
 - **Malpractice and termination of written contract with dentistry program;**
 - **Board to be provided documentation within seven days of termination of contract**
 - **Notifying Board and Insurance Carriers**

Dr. Park feels we should not write guidelines for disciplinary action.

Dr. Saxe stated that violation of the CMA contract or malpractice judgments or unprofessional behavior of a dental professional must be reported to The Board of Dental Examiners within 7 days following entry of judgment along with written notification to any other overseeing dentist who may have a CMA with a dental therapist.

Dr. Saxe stated that it is important to have a separate person at the Board to monitor dental therapists for the well-being of the public.

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Jessica Woods had a public comment; she wanted clarification on what constitutes an excused absence from a meeting. She said some subcommittee member gave notice that they could not make it.

Dr. Park said this applies to the frequent flyers that do not show up.

Jessica Wood replied just for clarification that if a committee member is unable to make it that they need to make you aware (Dr. Park) because she said she normally responds to the quorum call.

Dr. Park stated that the protocol is that you notify Mr. DiMaggio and he will reach out and let the Board or Committee Chair.

Mr. Su Stated that any emails that have been received for an absence would be communicated to the proper Chairman or Chairwoman.

Dr. Saxe stated that the State of Nevada has the highest rate of corporate employment of dentists. He feels the board needs to establish penalties they expect the Attorney General to enforce. Corporations could employ dental therapists across their whole network.

6. **Announcements**

There were no announcements

*7. **Adjournment** (For Possible Action)

Ms. McIntyre made a motion to adjourn, Ms. Arias seconded the motion. All were in favor, motion passed. Meeting was adjourned at 7:06pm

PUBLIC NOTICE POSTED TO:

Nevada State Board of Dental Examiners website: www.dentistry.nv.gov
Nevada Public Posting Website: www.notice.nv.gov

X


Frank DiMaggio
Executive Director