

**ADOPTED REGULATION OF THE
BOARD OF DENTAL EXAMINERS OF NEVADA**

LCB File No. R004-17

Effective _____

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1, 2 and 4, NRS 631.190; §3, NRS 631.190 and 631.345; §§5-21 and 24, NRS 631.190 and 631.265; §22, NRS 631.190, 631.265 and 631.342; §23, NRS 631.190, 631.347 and 631.350.

A REGULATION relating to dentistry; revising provisions relating to moderate sedation; revising provisions relating to the administration of certain anesthesia and medications that do not constitute sedation; revising provisions relating to the permitting of dentists and facilities by the Board of Dental Examiners of Nevada for the administration of sedation; revising provisions relating to the education and experience required to administer sedation to certain patients; requiring a dentist administering sedation to certain patients to have certain equipment available in his or her office; revising provisions relating to obtaining a certificate of site approval from the Board; revising provisions relating to the employment of certain licensees to administer sedation; increasing the number of hours of study required to renew certain sedation permits; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Board of Dental Examiners of Nevada to regulate the practice of dentistry in this State. (NRS 631.190) Existing law also prohibits a licensed dentist from administering general anesthesia, moderate sedation or deep sedation to a patient without first obtaining a permit from the Board. Existing law further requires the Board to adopt regulations to establish standards relating to the administration of general anesthesia, moderate sedation and deep sedation. (NRS 631.265) Existing regulations establish the process by which a licensed dentist may obtain a permit for the administration of anesthesia or sedation and also set forth the standards by which such anesthesia or sedation is administered. (NAC 631.2211-631.2256)

Section 1-4, 7-11 and 19-23 of this regulation change the term “conscious sedation” to “moderate sedation” to be consistent with the term used in existing law. **Section 5** of this regulation specifies the circumstances under which the administration of oral medication to relieve the anxiety of a patient does not fall under the scope of the regulations relating to sedation.

Under existing regulations, a dentist is authorized to use general anesthesia, deep sedation or moderate sedation if he or she: (1) holds the applicable permit issued by the Board; (2) obtains

a certificate of site approval for the office at which the anesthesia or sedation will be used and employs a dentist licensed in this State who holds the applicable permit or an anesthesiologist licensed in this State to administer the anesthesia or sedation to dental patients; or (3) uses the anesthesia or sedation in a medical facility accredited by the Joint Commission. (NAC 631.2213, 631.2236) **Section 6** of this regulation: (1) removes the authority for a dentist to use general anesthesia, deep sedation or moderate sedation in a medical facility accredited by the Joint Commission and, instead, authorizes a dentist to use such anesthesia or sedation in a facility that holds a permit to offer general anesthesia, conscious sedation or deep sedation which has been issued by the Division of Public and Behavioral Health of the Department of Health and Human Services; and (2) requires a dentist to obtain a certain amount of experience and successfully complete a course of study to obtain a permit to administer moderate sedation to patients 12 years of age or younger. **Section 16** of this regulation removes the authority for a licensed dentist to employ a licensed anesthesiologist to administer anesthesia or sedation at his or her office. **Section 11** of this regulation revises the knowledge and methods of treatment that a dentist and his or her staff are required to demonstrate in order for the dentist to obtain or renew a permit to administer general anesthesia, deep sedation or moderate sedation. **Sections 12 and 14** of this regulation revise the list of equipment and medication that must be available at a dentist's office for the administration of anesthesia or sedation and require certain equipment and medications to be available at a dentist's office at which anesthesia or sedation is administered to a patient who is 12 years of age or younger. **Sections 15 and 16** of this regulation revise the procedures for the issuance or denial of a permit to administer anesthesia or sedation or a certificate of site approval authorizing the administration of anesthesia or sedation at a dentist's office. **Section 22** of this regulation increases from 3 hours to 6 hours the amount of biennial continuing education required for the renewal of a permit to administer general anesthesia, deep sedation or moderate sedation.

Section 1. NAC 631.003 is hereby amended to read as follows:

631.003 ~~["Conscious]~~ **"Moderate** sedation" has the meaning ascribed to it in NRS

~~{631.025.}~~ **631.079.**

Sec. 2. NAC 631.004 is hereby amended to read as follows:

631.004 ~~["Conscious]~~ **"Moderate** sedation permit" means a permit that:

1. Is issued by the Board pursuant to NAC 631.2213; and
2. Authorizes the holder to administer ~~{conscious}~~ **moderate** sedation to a patient.

Sec. 3. NAC 631.029 is hereby amended to read as follows:

631.029 The Board will charge and collect the following fees:

Application fee for an initial license to practice dentistry if the applicant has successfully passed a clinical examination administered by the Western Regional Examining Board or a clinical examination approved by the Board and the American Board of Dental Examiners and administered by a regional examination organization other than the Board.....	\$1,200
Application fee for an initial license to practice dental hygiene	600
Application fee for a specialty license by credential.....	1,200
Application fee for a temporary restricted geographical license to practice dentistry	600
Application fee for a temporary restricted geographical license to practice dental hygiene.....	150
Application fee for a specialist's license to practice dentistry	125
Application fee for a limited license or restricted license to practice dentistry or dental hygiene	125
Application and examination fee for a permit to administer general anesthesia, conscious moderate sedation or deep sedation	750
Application and examination fee for a site permit to administer general anesthesia, conscious moderate sedation or deep sedation	500
Fee for any reinspection required by the Board to maintain a permit to administer general anesthesia, conscious moderate sedation or deep sedation.....	500
Biennial renewal fee for a permit to administer general anesthesia, conscious moderate sedation or deep sedation.....	200

Fee for the inspection of a facility required by the Board to renew a permit to administer general anesthesia, conscious moderate sedation or deep sedation.....	350
Biennial license renewal fee for a general license or specialist's license to practice dentistry	600
Biennial license renewal fee for a restricted geographical license to practice dentistry	600
Biennial license renewal fee for a restricted geographical license to practice dental hygiene.....	300
Biennial license renewal fee for a general license to practice dental hygiene	300
Annual license renewal fee for a limited license to practice dentistry or dental hygiene	200
Annual license renewal fee for a restricted license to practice dentistry	100
Biennial license renewal fee for an inactive dentist	200
Biennial license renewal fee for an inactive dental hygienist	50
Reinstatement fee for a suspended license to practice dentistry or dental hygiene	300
Reinstatement fee for a revoked license to practice dentistry or dental hygiene	500
Reinstatement fee to return an inactive or retired dentist or dental hygienist or a dentist or dental hygienist with a disability to active status	300
Fee for the certification of a license	25
Fee for the certification of a license to administer nitrous oxide or local anesthesia.....	25

Fee for a duplicate wall certificate	25
Fee for a duplicate pocket card receipt.....	25
Application fee for converting a temporary license to a permanent license	125
Fee for an application packet for an examination	25
Fee for an application packet for licensure by credentials	25

Sec. 4. NAC 631.2205 is hereby amended to read as follows:

631.2205 1. A form for registration of a permanent facility for the sole purpose of providing postgraduate continuing education in dentistry will be prescribed and furnished by the Board.

2. The form will include, without limitation:

(a) The name of each individual or entity who owns or operates the institute or organization that is registering the facility;

(b) The type of facility;

(c) The location of the facility; and

(d) A notarized statement, executed by an owner or other person authorized on behalf of the institute or organization, that:

(1) The facility is a permanent facility for the sole purpose of providing postgraduate continuing education in dentistry;

(2) All courses of continuing education involving live patients will be supervised by dentists licensed in this State;

(3) Any person who is actively licensed as a dentist in another jurisdiction and who is treating a patient during a course of continuing education at the facility:

(I) Has previously treated the patient in the jurisdiction in which the person performing the treatment is licensed;

(II) Is treating the patient only during a course of continuing education at the facility;
and

(III) Is treating the patient under the supervision of a person licensed under NRS 631.2715; and

(4) The institute or organization is in full compliance with:

(I) All applicable regulations of the State Board of Health;

(II) All applicable guidelines issued by the Centers for Disease Control and Prevention;

(III) All applicable provisions of this chapter and chapter 631 of NRS, as they relate to the administration of ~~conscious~~ moderate sedation, deep sedation and general anesthesia; and

(IV) All applicable provisions of this chapter and chapter 631 of NRS, as they relate to the operation of radiographic equipment.

Sec. 5. NAC 631.2211 is hereby amended to read as follows:

631.2211 **1.** NAC 631.2213 to 631.2256, inclusive, do not apply to the administration of:

~~1.1~~ **(a)** Local anesthesia;

~~1.2~~ **(b)** Nitrous oxide-oxygen analgesia, if the delivery system for the nitrous oxide-oxygen contains a mechanism which guarantees that an oxygen concentration of at least 25 percent will be administered to the patient at all times during the administration of the nitrous oxide; and

~~1.3~~ **(c)** Oral medication that is administered to a patient to relieve anxiety in the patient, if the medication is not given in a dosage that is sufficient to induce in a patient a controlled state of depressed consciousness or unconsciousness similar to the state produced pursuant to the administration of general anesthesia, deep sedation or ~~conscious~~ moderate sedation.

2. Any oral medication administered as described in paragraph (c) of subsection 1 must not be combined with the administration of any other method of sedation, including, without limitation, nitrous oxide-oxygen analgesia. A single dosage of a single sedative agent administered must be appropriate for anxiolysis. The dosage of enteral drugs must not be more than the maximum recommended dosage that can be prescribed for unmonitored home use.

Sec. 6. NAC 631.2213 is hereby amended to read as follows:

631.2213 1. Except as otherwise set forth in NAC 631.2211 to 631.2256, inclusive, no dentist may:

(a) Use general anesthesia or deep sedation for dental patients, except in a facility ~~{accredited by The Joint Commission,}~~ *for which a permit is held as required by NRS 449.442*, unless he or she first ~~{obtains a}~~ :

(1) Obtains a general anesthesia permit; or

(2) Employs a dentist who is licensed in this State and who holds a general anesthesia permit to administer general anesthesia to his or her patients, and obtains a certificate of site approval for each location at which general anesthesia, deep sedation or moderate sedation is administered to his or her patients;

(b) Use ~~{conscious}~~ *moderate* sedation for dental patients ~~{}~~ *who are 13 years of age or older*, except in a facility ~~{accredited by The Joint Commission,}~~ *for which a permit is held as required by NRS 449.442*, unless he or she first obtains ~~{a}~~ :

(1) Obtains a general anesthesia permit or ~~{conscious}~~ *a moderate* sedation permit ~~{}~~

~~➔ A separate general anesthesia permit or conscious sedation permit, as appropriate, is required for each location at which a dentist administers general anesthesia, deep sedation or conscious sedation.~~ *pursuant to paragraph (a) of subsection 2; or*

(2) Employs a dentist who is licensed in this State and who holds a general anesthesia permit or a moderate sedation permit pursuant to paragraph (a) of subsection 2 to administer moderate sedation to his or her patients who are 13 years of age or older, and obtains a certificate of site approval for each location at which moderate sedation is administered to his or her patients who are 13 years of age or older; or

(c) Use moderate sedation for dental patients who are 12 years of age or younger, except in a facility for which a permit is held as required by NRS 449.442, unless he or she first:

(1) Obtains a moderate sedation permit pursuant to paragraph (b) of subsection 2; or

(2) Employs a dentist who is licensed in this State and who holds a general anesthesia permit or a moderate sedation permit pursuant to paragraph (b) of subsection 2 to administer moderate sedation to his or her patients who are 12 years of age or younger, and obtains a certificate of site approval for each location at which moderate sedation is administered to his or her patients who are 12 years of age or younger.

2. To obtain a general anesthesia permit or ~~{conscious}~~ *moderate* sedation permit, a dentist must apply to the Board for such a permit on a form prescribed by the Board, submit any fees that are set by the Board pursuant to NRS 631.345 and produce evidence showing that he or she is a dentist who is licensed in this State, and:

(a) For a ~~{conscious}~~ *moderate* sedation permit ~~{}~~ *to administer moderate sedation to a patient 13 years of age or older*, the applicant must show evidence of:

(1) The completion of a course of study, subject to the approval of the Board, of not less than 60 hours dedicated exclusively to the administration of ~~{conscious}~~ *moderate* sedation, and the successful ~~{management of the}~~ administration *as the operator* of ~~{conscious}~~ *moderate* sedation to not less than 20 patients; or

(2) The completion of a program for specialty training which is approved by the Commission on Dental Accreditation of the American Dental Association and which includes education and training in the administration of ~~{conscious}~~ *moderate* sedation that is equivalent to the education and training described in subparagraph (1) and ~~{completion of an}~~ :

(I) Valid certification in Advanced Cardiac Life Support ~~{course given}~~ by the American Heart Association ~~{or, if licensed as a specialist in pediatric dentistry, completion of a Pediatric Advanced Life Support course given}~~ ; or

(II) The completion of a course approved by the ~~{American Heart Association.}~~ *Board that provides instruction on medical emergencies and airway management.*

(b) *For a moderate sedation permit to administer moderate sedation to a patient 12 years of age or younger, the applicant must show evidence of:*

(1) The completion of a course of study, subject to the approval of the Board, of not less than 60 hours dedicated exclusively to the administration of moderate sedation to patients 12 years of age or younger, and the successful administration as the operator of moderate sedation to not less than 25 patients who are 12 years of age or younger; or

(2) The completion of a program for specialty training which is approved by the Commission on Dental Accreditation of the American Dental Association and which includes education and training in the administration of moderate sedation that is equivalent to the education and training described in subparagraph (1) and:

(I) Valid certification in Pediatric Advanced Life Support by the American Heart Association; or

(II) The completion of a course approved by the Board that provides instruction on medical emergencies and airway management.

*(c) For a general anesthesia permit, the applicant must show evidence of the completion of an Advanced Cardiac Life Support course given by the American Heart Association **or a course providing similar instruction that is approved by the Board**, and:*

(1) The completion of a program, subject to the approval of the Board, of advanced training in anesthesiology and related academic subjects beyond the level of undergraduate dental school in a training program as described in the *Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students*, published by the American Dental Association, 211 East Chicago Avenue, Chicago, Illinois 60611, and available, free of charge, at the Internet address ~~http://www.ada.org/prof/resources/positions/statements/anxiety_guidelines.pdf;~~ http://www.ada.org/~media/ADA/Education%20and%20Careers/Files/ADA_Sedation_Teaching_Guidelines.pdf?la=en; or

(2) The completion of a graduate program in oral and maxillofacial surgery **or dental anesthesiology** which has been approved by the Commission on Dental Accreditation of the American Dental Association.

3. A holder of a general anesthesia permit may administer general anesthesia, deep sedation or moderate sedation to a patient of any age.

Sec. 7. NAC 631.2217 is hereby amended to read as follows:

631.2217 1. The holder of a general anesthesia permit or ~~conscious~~ **moderate** sedation permit is subject to review by the Board at any time.

2. Each general anesthesia permit and ~~{conscious}~~ moderate sedation permit must be renewed annually or biennially, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the holder of the permit.

Sec. 8. NAC 631.2219 is hereby amended to read as follows:

631.2219 1. The Board will require an inspection and evaluation of the facility, equipment, personnel, records of patients and the procedures used by every dentist who seeks or holds a general anesthesia permit or ~~{conscious}~~ moderate sedation permit, and of the dentist himself or herself, before issuing such an original permit to the dentist, and at least once in every 5-year period thereafter.

2. The Board will renew general anesthesia permits and ~~{conscious}~~ moderate sedation permits annually or biennially, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the holder of the permit, unless the holder is informed in writing, 60 days before the date for renewal, that a reevaluation of his or her credentials is required. In determining whether reevaluation is necessary, the Board will consider, among other factors, complaints by patients and reports of adverse occurrences. A reevaluation will, if appropriate, include an inspection of the facility, equipment, personnel, records of patients and the procedures used by the holder, and an examination of his or her qualifications.

Sec. 9. NAC 631.2221 is hereby amended to read as follows:

631.2221 1. When an inspection or evaluation is required to issue or renew a general anesthesia permit or ~~{conscious}~~ moderate sedation permit, the Board ~~{will}~~ may designate two or more persons, each of whom holds a general anesthesia permit or ~~{conscious}~~ moderate sedation permit and has practiced general anesthesia, deep sedation or ~~{conscious}~~ moderate sedation, as applicable, for a minimum of 3 years preceding his or her appointment, exclusive of

his or her training in the administration of anesthesia or sedation. At least one of the inspectors or evaluators must have had experience in the evaluation of dentists using general anesthesia, deep sedation or ~~conscious~~ *moderate* sedation, as applicable. At least one member of the inspection or evaluation team must have had substantial experience in the administration of the type of anesthesia *or sedation* contemplated for use by the dentist being evaluated and must hold the type of permit for which the dentist is applying.

2. Any member of the Board who is a dentist may observe or consult in any inspection or evaluation. A member of the Board who is not a dentist may be present at an observation but may not participate in any grading or evaluation resulting from the inspection or evaluation.

Sec. 10. NAC 631.2223 is hereby amended to read as follows:

631.2223 An inspection or evaluation ordered by the Board must be conducted in all offices where general anesthesia, deep sedation or ~~conscious~~ *moderate* sedation is to be administered and, except as otherwise required in NAC 631.2236, must consist of:

1. An evaluation of the office's facilities and equipment, records and emergency medications; and
2. A demonstration of:
 - (a) The administration to a patient who is receiving dental treatment of the type of anesthesia or sedation for which the dentist is applying for a permit;
 - (b) Simulated emergencies in the surgical area of the dental office with participation by the members of the staff who are trained to handle emergencies;
 - (c) A dental procedure utilizing the type of anesthesia or sedation for which the dentist is applying for a permit;

(d) Any anesthesia or sedation technique that is routinely employed during the administration of anesthesia or sedation;

(e) The appropriate monitoring of a patient during anesthesia or sedation; and

(f) The observation of a patient during recovery and the time allowed for recovery.

Sec. 11. NAC 631.2225 is hereby amended to read as follows:

631.2225 A dentist's office inspected or evaluated for the issuance or renewal of a general anesthesia permit or ~~conscious~~ *moderate* sedation permit must meet the following minimum standards with regard to simulated emergencies. The dentist and his or her staff must demonstrate a knowledge of and a method of treatment for the following types of emergencies:

1. Airway obstruction laryngospasm;
2. Bronchospasm;
3. Emesis and aspiration of foreign material under anesthesia;
4. Angina pectoris;
5. Myocardial infarction;
6. Hypotension;
7. Hypertension;
8. Cardiac arrest;
9. Allergic reaction;
10. Convulsions;
11. Hypoglycemia;
12. Asthma;
13. Respiratory depression;
14. ~~Allergy to or overdose~~ *Overdose* from local anesthesia;

15. Hyperventilation syndrome; and
16. Syncope.

Sec. 12. NAC 631.2227 is hereby amended to read as follows:

631.2227 A dentist's office inspected or evaluated for the issuance or renewal of a general anesthesia permit, ~~conscious~~ moderate sedation permit or certificate of site approval must meet the following minimum standards with regard to physical facilities and equipment:

1. The operating theater must be large enough to accommodate the patient adequately on a table or in a dental chair and to allow an operating team consisting of at least three persons to move freely about the patient.

2. The operating table or dental chair must:

- (a) Allow the patient to be placed in a position such that the operating team can maintain the airway;

- (b) Allow the operating team to alter the patient's position quickly in an emergency; and

- (c) Provide a firm platform for the management of cardiopulmonary resuscitation.

3. The lighting system must be adequate to allow an evaluation of the patient's skin and mucosal color. An alternate lighting system must derive its power from batteries and must be sufficiently intense to allow completion of any procedure underway at the time of a general power failure.

4. Suction equipment must be available that allows aspiration of the oral and pharyngeal cavities. An alternate suction device that will function effectively during a general power failure must be available.

5. A system for delivering oxygen must have adequate full-face masks and appropriate connectors, and be capable of delivering oxygen to the patient under positive pressure. An adequate alternate system for delivering oxygen is also required.

6. A recovery area must be provided that has available oxygen, adequate lighting, suction and electrical outlets. The recovery area may be the operating theater. A member of the staff must be able to observe the patient at all times during the recovery.

7. Except as otherwise provided in this subsection, ancillary equipment must include:

(a) A laryngoscope complete with an adequate selection of blades and spare batteries and bulbs;

(b) Endotracheal tubes and appropriate connectors;

(c) Oral airways;

(d) A tonsillar or pharyngeal suction tip adaptable to all office suction outlets;

(e) An endotracheal tube type forcep;

(f) A sphygmomanometer and stethoscope;

(g) An electrocardioscope and defibrillator;

(h) Adequate equipment for the establishment of an intravenous infusion; ~~and~~

(i) A pulse oximeter ~~and~~; *and*

(j) A capnography monitor.

→ ~~A~~ *Except as otherwise provided in subsection 8, a* dentist's office inspected or evaluated for the issuance or renewal of a ~~conscious~~ *moderate* sedation permit is not required to have the ancillary equipment described in paragraphs (a), (b), (e) , ~~and~~ (g) ~~and~~ *(j)*.

8. *In addition to the requirements of subsection 7, if general anesthesia, deep sedation or moderate sedation is administered at the dentist's office to a patient 12 years of age or younger, the following equipment must be available at the dentist's office:*

- (a) A pediatric size ambu bag and masks;*
- (b) Pediatric blood pressure cuffs;*
- (c) A laryngoscope complete with an adequate selection of blades for use on pediatric patients;*
- (d) Appropriately sized endotracheal tubes and appropriate connectors;*
- (e) An electrocardioscope and defibrillator;*
- (f) Pediatric pads for use with an electrocardioscope and defibrillator; and*
- (g) Small oral and nasal airways.*

Sec. 13. NAC 631.2229 is hereby amended to read as follows:

631.2229 A dentist's office inspected or evaluated for the issuance or renewal of a general anesthesia permit, ~~conscious~~ *moderate* sedation permit or certificate of site approval must meet the following minimum standards with regard to the records of patients:

1. Adequate medical history , ~~and~~ records of physical evaluation ~~and~~ *American Society of Anesthesiologists acuity classification.*
2. Records of the administration of anesthesia must include:
 - (a) The patient's ~~blood pressure and pulse;~~ *vital signs;*
 - (b) The names of the drugs and the amounts *and times* administered;
 - (c) The length of the procedure; and
 - (d) Any complications of anesthesia.

Sec. 14. NAC 631.2231 is hereby amended to read as follows:

631.2231 **1.** Except as otherwise provided in this section, a dentist's office inspected or evaluated for the issuance or renewal of a general anesthesia permit, ~~conscious~~ **moderate** sedation permit or certificate of site approval must maintain emergency drugs of the following categories which must be immediately available for use on the patient:

- ~~{1.}~~ **(a)** Vasopressor;
- ~~{2.}~~ **(b)** Corticosteroid;
- ~~{3.}~~ **(c)** Bronchodilator;
- ~~{4.}~~ **(d)** Muscle relaxant;
- ~~{5.}~~ **(e)** Intravenous medication for the treatment of cardiopulmonary arrest;
- ~~{6.}~~ **(f)** Appropriate drug antagonist;
- ~~{7.}~~ **(g)** Antihistaminic;
- ~~{8.}~~ **(h)** Anticholinergic;
- ~~{9.}~~ **(i)** Antiarrhythmic;
- ~~{10.}~~ **(j)** Coronary artery vasodilator;
- ~~{11.}~~ **(k)** Anti-hypertensive; and
- ~~{12.}~~ **(l)** Anti-convulsive.

~~{→A}~~

2. *In addition to the requirements of subsection 1, if general anesthesia, deep sedation or moderate sedation is administered at a dentist's office to a patient 12 years of age or younger, the dentist's office must maintain the following emergency drugs:*

- (a)** *Appropriate dosages of epinephrine or a pediatric epinephrine auto-injector;*
- (b)** *Adenosine;*
- (c)** *Aminodarone;*

(d) Magnesium sulfate; and

(e) Procainamide.

3. Except as otherwise provided in subsection 2, a dentist's office that is inspected or evaluated for the issuance or renewal of a ~~{conscious}~~ moderate sedation permit is not required to maintain the emergency drugs described in ~~{subsections 4, 5, 9}~~ paragraphs (d), (e), (i) and ~~{11.}~~ (k) of subsection 1.

Sec. 15. NAC 631.2235 is hereby amended to read as follows:

631.2235 1. ~~{A dentist whose office}~~ *The persons performing an inspection or evaluation of a dentist and his or her office for the ~~{Board determines has failed the inspection or evaluation is not entitled to have}~~ issuance or renewal of a general anesthesia permit or ~~{conscious}~~ moderate sedation permit ~~{issued}~~ shall grade the dentist as passing or ~~{renewed.}~~ failing to meet the requirements set forth in NAC 631.2219 to 631.2231, inclusive. Within 72 hours after completing the inspection or evaluation, each evaluator shall report his or her recommendation for passing or failing to the Executive Director, setting forth the details supporting his or her conclusion.*

2. If the dentist meets the requirements set forth in NAC 631.2219 to 631.2231, inclusive, the Board will issue the general anesthesia permit or moderate sedation permit, as applicable.

3. If the dentist does not meet the requirements set forth in NAC 631.2219 to 631.2231, inclusive, the Executive Director shall issue a written notice to the dentist that identifies the reasons he or she failed the inspection or evaluation.

4. A dentist who has received a notice of failure from the Board ~~{may,}~~ pursuant to subsection 3:

(a) Must cease the administration of any general anesthesia, deep sedation or moderate sedation until the dentist has obtained the general anesthesia permit or moderate sedation permit, as applicable; and

(b) May, within 15 days after receiving the notice, request the Board in writing for a reevaluation. The request for a reevaluation must state specific grounds supporting it.

~~{3.}~~ 5. If the reevaluation is granted by the Board, it will be conducted by different persons in the manner set forth by NAC 631.2219 to ~~{631.2233,}~~ **631.2231**, inclusive, for an original evaluation.

~~{4.}~~ 6. No dentist who has received a notice of failing an inspection or evaluation from the Board may request more than one reevaluation within any period of 12 months.

7. Pursuant to subsection 3 of NRS 233B.127, if an inspection or evaluation of a dentist or his or her office indicates that the public health, safety or welfare imperatively requires emergency action, the President of the Board may, without any further action by the Board, issue an order of summary suspension of the license of the dentist pending proceedings for revocation or other action. An order of summary suspension issued by the President of the Board must contain findings of the exigent circumstances which warrant the issuance of the order of summary suspension. The President of the Board shall not participate in any further proceedings relating to the order.

Sec. 16. NAC 631.2236 is hereby amended to read as follows:

631.2236 1. A dentist who is licensed in this State may employ ~~{~~
~~—(a) An anesthesiologist who is licensed as such by the State of Nevada; or~~
~~—(b) A]~~ **a** dentist who is licensed in this State and who holds a general anesthesia permit or ~~{conscious}~~ **moderate** sedation permit ~~{~~

➡] to administer general anesthesia, deep sedation or ~~[conscious]~~ *moderate* sedation, as appropriate, to his or her patients at his or her office if he or she holds a certificate of site approval issued pursuant to this section.

2. A dentist who is licensed in this State and who desires to receive or renew a certificate of site approval must submit to the Board:

(a) An application for a certificate or for the renewal of a certificate, in a form approved by the Board;

(b) The fee for the inspection of a facility which is established by the Board pursuant to NRS 631.345; and

(c) Written documentation which demonstrates that the ~~[anesthesiologist or]~~ dentist who is to be employed to administer the general anesthesia, deep sedation or ~~[conscious]~~ *moderate* sedation holds an appropriate ~~[license or]~~ permit issued by the ~~[appropriate board in this State]~~ *Board* to administer such anesthesia or sedation . ~~[and, if the person to be employed is an anesthesiologist, that the anesthesiologist maintains unrestricted active staff privileges within the department of anesthesiology at a hospital or surgical center approved by The Joint Commission.]~~

3. Upon receipt of an application pursuant to this section, the Board will appoint one of its members or a representative of the Board to inspect the office of the applicant to determine whether the office complies with the requirements set forth in NAC 631.2227, 631.2229 and 631.2231. The person conducting the inspection shall report his or her determination to the Board.

4. If the person conducting the inspection determines that the office of the applicant complies with the requirements of NAC 631.2227, 631.2229 and 631.2231 and the applicant has

otherwise met the requirements of this section, the Executive Director shall issue a certificate of site approval to the applicant.

5. A holder of a certificate of site approval shall maintain the information described in paragraph (c) of subsection 2 at his or her office at all times.

6. *If the office of the applicant does not meet the requirements set forth in NAC 631.2227, 631.2229 and 631.2231, the Executive Director shall issue a written notice to the licensed dentist who owns the dental practice conducted at the office that identifies the reasons the office failed the inspection.*

7. *A dentist who has received a notice of failure from the Executive Director pursuant to subsection 6:*

(a) Must cease the administration of any general anesthesia, deep sedation or moderate sedation at his or her office until the Board has issued a certificate of site approval for the office; and

(b) May, within 15 days after receiving the notice, request the Board in writing for a reevaluation.

8. *If the reevaluation is granted by the Board, it will be conducted by different persons in the manner set forth by NAC 631.2227, 631.2229 and 631.2231 for an original inspection.*

9. *Pursuant to subsection 3 of NRS 233B.127, if an evaluation or inspection of a dentist's office indicates that the public health, safety or welfare imperatively requires emergency action, the President of the Board may, without any further action by the Board, issue an order of summary suspension of the license of the dentist who owns the dental practice conducted at the office and the licenses of any or all of the other licensees employed at the office pending proceedings for revocation or other action. An order of summary suspension*

issued by the President of the Board must contain findings of the exigent circumstances which warrant the issuance of the order of summary suspension. The President of the Board shall not participate in any further proceedings relating to the order.

10. Each certificate of site approval issued by the Board must be renewed annually or biennially, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the holder of the certificate.

~~{7.}~~ **11.** The Board may reinspect the office of the holder of a certificate of site approval at any time.

Sec. 17. NAC 631.2237 is hereby amended to read as follows:

631.2237 1. Written consent of the patient must be obtained before the administration of a general anesthetic, deep sedation or ~~{conscious}~~ *moderate* sedation, unless the dentist determines that an emergency situation exists in which delaying the procedure to obtain the consent would likely cause permanent injury to the patient. If the patient is a minor, the consent must be obtained from his or her parent or legal guardian.

2. A medical history must be taken before the administration of a general anesthetic, deep sedation or ~~{conscious}~~ *moderate* sedation. A patient should be asked to describe any current medical conditions or treatments, including, without limitation, medications, drug allergies, impending or past operations and pregnancy, and to give other information that may be helpful to the person administering the anesthetic or sedation. The dentist is not required to make a complete medical examination of the patient and draw medical diagnostic conclusions. If a dentist suspects a medical problem and calls in a physician for an examination and evaluation, he or she may then rely upon that conclusion and diagnosis. Questions asked of and answers received from the patient must be permanently recorded and signed by the patient before the

administration of any general anesthetic, deep sedation or ~~{conscious}~~ *moderate* sedation, and this record must be a permanent part of the patient's record of treatment.

Sec. 18. NAC 631.2239 is hereby amended to read as follows:

631.2239 1. A dentist using general anesthesia, deep sedation or ~~{conscious}~~ *moderate* sedation shall maintain a properly equipped facility for the administration of the anesthesia or sedation which is staffed with supervised auxiliary personnel who are capable of reasonably handling procedures, problems and emergencies incident thereto.

2. A dentist using general anesthesia, deep sedation or ~~{conscious}~~ *moderate* sedation shall ensure that his or her auxiliary personnel are certified in basic cardiopulmonary resuscitation by the American Heart Association ~~{}~~ *or a course providing similar instruction approved by the Board.*

Sec. 19. NAC 631.224 is hereby amended to read as follows:

631.224 1. Any dentist who holds a general anesthesia permit pursuant to the provisions of NAC 631.2211 to 631.2256, inclusive, may employ a certified registered nurse anesthetist to administer the general anesthesia, deep sedation or ~~{conscious}~~ *moderate* sedation to a patient if the dentist is physically present and directly supervises the administration of the general anesthesia, deep sedation or ~~{conscious}~~ *moderate* sedation to the patient. The holder of the permit must maintain at his or her office evidence in writing that the certified registered nurse anesthetist is licensed to practice in the State of Nevada and maintains unrestricted active staff privileges within the department of anesthesiology at a hospital or surgical center ~~{which is certified by The Joint Commission.}~~ *for which a permit is held as required by NRS 449.442.*

2. Except as otherwise provided in NAC 631.2236, a dentist who does not hold a general anesthesia permit may not allow any person to administer general anesthesia, deep sedation or

~~{conscious}~~ *moderate* sedation to his or her patients unless the treatment is rendered within a facility ~~{approved by The Joint Commission.}~~ *for which a permit is held as required by NRS 449.442.*

Sec. 20. NAC 631.2241 is hereby amended to read as follows:

631.2241 Each holder of a general anesthesia permit, ~~{conscious}~~ *moderate* sedation permit or certificate of site approval shall submit to the Board a complete report regarding any mortality or unusual incident which occurs outside a facility ~~{accredited by The Joint Commission and produces}~~ *for which a permit is held as required by NRS 449.442 and which results in* permanent *physical or mental* injury to a patient or requires the hospitalization of a patient, as a direct result of the administration of general anesthesia, deep sedation or ~~{conscious}~~ *moderate* sedation. The report must be submitted within 30 days after the date of the incident. If a dentist fails to report any incident as required by this section, his or her permit may be revoked.

Sec. 21. NAC 631.2254 is hereby amended to read as follows:

631.2254 1. The Board may grant a temporary permit to administer general anesthesia and deep sedation or a temporary permit to administer ~~{conscious}~~ *moderate* sedation to an applicant who meets the qualifications for a permit to administer that type of anesthesia or sedation pursuant to NAC 631.2213.

2. A temporary permit is valid for not more than 90 days, but the Board may, in any case it deems appropriate, grant a 90-day extension of the permit.

3. The Board may require the holder of a temporary permit to pass an on-site inspection as a condition of retaining the permit. If the holder fails the inspection, his or her permit will be revoked. In case of revocation, the holder of a temporary permit may apply to be reinspected in accordance with the procedures set forth in NAC 631.2235.

Sec. 22. NAC 631.2256 is hereby amended to read as follows:

631.2256 Every 2 years, the holder of a general anesthesia permit or ~~conscious~~ *moderate* sedation permit must complete at least ~~3~~ 6 hours in courses of study that specifically relate to anesthesia or sedation, as applicable, before the permit may be renewed. This training will be credited toward any continuing education required by NAC 631.173.

Sec. 23. NAC 631.230 is hereby amended to read as follows:

631.230 1. In addition to those specified by statute and subsection 3 of NAC 631.177, the following acts constitute unprofessional conduct:

- (a) The falsification of records of health care or medical records.
- (b) Writing prescriptions for controlled substances in such excessive amounts as to constitute a departure from prevailing standards of acceptable dental practice.
- (c) The consistent use of dental procedures, services or treatments which constitute a departure from prevailing standards of acceptable dental practice even though the use does not constitute malpractice or gross malpractice.
- (d) The acquisition of any controlled substances from any pharmacy or other source by misrepresentation, fraud, deception or subterfuge.
- (e) Making an unreasonable additional charge for laboratory tests, radiology services or other testing services which are ordered by the dentist and performed outside his or her own office.
- (f) The failure to report to the Board as required in NAC 631.155 or to sign any affidavit required by the Board.
- (g) Employing any person in violation of NAC 631.260 or failing to report to the Board as required by that section.

(h) The failure of a dentist who is administering or directly supervising the administration of general anesthesia, deep sedation or ~~{conscious}~~ *moderate* sedation to be physically present while a patient is under general anesthesia, deep sedation or ~~{conscious}~~ *moderate* sedation.

(i) Administering ~~{conscious}~~ *moderate* sedation to more than one patient at a time, unless each patient is directly supervised by a person authorized by the Board to administer ~~{conscious}~~ *moderate* sedation.

(j) Administering general anesthesia or deep sedation to more than one patient at a time.

(k) The failure to have any patient who is undergoing general anesthesia, deep sedation or ~~{conscious}~~ *moderate* sedation monitored with a pulse oximeter or similar equipment required by the Board.

(l) Allowing a person who is not certified in basic cardiopulmonary resuscitation to care for any patient who is undergoing general anesthesia, deep sedation or ~~{conscious}~~ *moderate* sedation.

(m) The failure to obtain a patient's written, informed consent before administering general anesthesia, deep sedation or ~~{conscious}~~ *moderate* sedation to the patient or, if the patient is a minor, the failure to obtain his or her parent's or guardian's consent unless the dentist determines that an emergency situation exists in which delaying the procedure to obtain the consent would likely cause permanent injury to the patient.

(n) The failure to maintain a record of all written, informed consents given for the administration of general anesthesia, deep sedation or ~~{conscious}~~ *moderate* sedation.

(o) The failure to report to the Board, in writing, the death or emergency hospitalization of any patient to whom general anesthesia, deep sedation or ~~{conscious}~~ *moderate* sedation was administered. The report must be made within 30 days after the event.

(p) Allowing a person to administer general anesthesia, deep sedation or ~~conscious~~ *moderate* sedation to a patient if the person does not hold a permit to administer such anesthesia or sedation unless the anesthesia or sedation is administered ~~in~~:

~~—— (1) In~~ *in* a facility ~~approved by The Joint Commission; or~~

~~—— (2) By an anesthesiologist in an office for which a certificate of site approval has been issued;~~ *for which a permit is held as required by NRS 449.442.*

(q) The failure of a dentist who owns a dental practice to provide copies of the records of a patient to a dentist or dental hygienist who provided the services as an employee or independent contractor of the dentist when the records are the basis of a complaint before the Board. Nothing in this paragraph relieves the treating dentist or dental hygienist from the obligation to provide records of the patient to the Board.

(r) The failure of a dentist who owns a dental practice to verify the license of a dentist or dental hygienist before offering employment or contracting for services with the dentist or dental hygienist as an independent contractor.

(s) The failure of a dentist who owns a dental practice and participates in the diagnosis and treatment of any patient to ensure that the services rendered by a dentist or dental hygienist who is an employee or independent contractor of that dentist meet the prevailing standards of acceptable dental practice. If a dentist or dental hygienist who is an employee or independent contractor of the dentist is found by substantial evidence to have provided services below the prevailing standards of acceptable dental practice, the dentist who owns the dental practice may be required to reimburse the patient to whom the services were provided pursuant to paragraph (l) of subsection 1 of NRS 631.350.

(t) The failure of a dentist who owns a dental practice to record the name of the dentist or dental hygienist who provided the services in the records of a patient each time the services are rendered.

(u) The failure of a dentist who is registered to dispense controlled substances with the State Board of Pharmacy pursuant to chapter 453 of NRS to conduct annually a minimum of one self-query regarding the issuance of controlled substances through the Prescription Monitoring Program of the State Board of Pharmacy.

2. For purposes of NRS 631.347, a plan or practice requiring a patient to select a dentist from a specific group does not provide the patient with a reasonable opportunity to select a dentist of his or her own choice, and constitutes unprofessional conduct on the part of any dentist participating in such a plan or practice, unless it, or another plan concurrently available to the patient, allows the patient to:

(a) Have an annual opportunity, lasting for a minimum of 30 days, to select a dentist of his or her own choice for all dental work to be performed during the subsequent 12 months. Any new patient added to the plan or practice must immediately be given an initial opportunity, lasting at least 30 days, to select the coverage supplied by the plan or practice or a dentist of his or her own choice.

(b) Receive the allowance for a procedure performed by a dentist of his or her own choice in substantially the same amount as he or she would if he or she used the services of one of the group of dentists specified by the plan or practice.

Sec. 24. NAC 631.2233 is hereby repealed.

TEXT OF REPEALED SECTION

631.2233 Inspections and evaluations: Recommendations of inspectors or evaluators; decision of Board. (NRS 631.190, 631.265)

1. The persons performing an inspection or evaluation of a dentist's office for the issuance or renewal of a general anesthesia permit or conscious sedation permit shall grade the office as passing or failing. Within 10 days after completing the inspection or evaluation, each inspector or evaluator shall report his or her recommendation for passing or failing to the Board, setting forth the details supporting his or her conclusion. The Board is not bound by these recommendations.

2. The Board will make the final determination whether the office has passed or failed the inspection or evaluation and will notify the dentist whose office is the subject of the inspection or evaluation, in writing, of its findings within 30 days after the Board receives a recommendation from each inspector or evaluator who inspected or evaluated the office.