

Informational Statement Form

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 631

1. A clear and concise explanation of the need for the adopted regulation.

On June 16, 2023, AB 147, authorizing the practice of teledentistry and providing for the issuance of a special endorsement to dental providers to administer immunizations, was enacted by the Governor. The text of AB 147 (now codified at NRS 631.34586) requires the Board to enact regulations governing the provision of dental care via teledentistry (inclusive of regulations related to prescription issuance via teledentistry, records maintenance for teledentistry patients, provider collaboration practices, and patient safety practices for teledentistry).

The attached regulation is the result of this statutory edict. It is needed so the NSBDE can be in statutory compliance.

2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

How Public Comment was Solicited

On February 13, 2024, a Public Workshop was held related to the teledentistry and immunization regulations (then under LCB File No. R056-24); public comment was solicited.

On February 27, 2024, the Legislative, Legal & Dental Practice (LLDP) Committee met at a public meeting to discuss the workshop comments and to craft a requested regulation proposal; public comment was solicited.

On or about March 28, 2024, the NSBDE requested assistance from the Legislative Counsel Bureaus (LCB) in crafting regulations. Thereafter, on or about July 15, 2024, the NSBDE issued a Notice of Intent to Act Upon a Regulation, which was published to libraries and required repositories across the state; public comment was solicited.

On August 14, 2024, at a public Board meeting, the regulation was discussed under an agenda item for the Notice of Intent to Act Upon a Regulation; public comment was solicited. The result of the discussion was that edits needed to be made to the proposed language and sent back to LCB for incorporation.

On June 11, 2025, the Board revisited the teledentistry and immunization regulations at a public Board meeting; public comment was solicited. It was felt the language related to a bona fide relationship was unclear; the matter was tabled for research on AB 147 intent and for new legal counsel to weigh in.

On July 9, 2025, the Board revisited the teledentistry and immunization regulations at a public Board meeting; public comment was solicited. Based on public comment and the Executive Director's research, it was felt that new general counsel should send further edits to LCB for incorporation.

On October 15, 2025, the Board revisited the teledentistry and immunization regulations at a public Board meeting; public comment was solicited. General Counsel noted the NSBDE was working for LCB on edits.

On November 12, 2025, the Board revisited the teledentistry and immunization regulations at a public Board meeting; public comment was solicited. The newest version of LCB-drafted regulations was presented and discussed. The matter was tabled by the Board for us to have a discussion with LCB about why we are making the requests or specific language.

On December 11, 2025, the Board revisited the teledentistry and immunization regulations at a public Board meeting; public comment was solicited. New edits after the Executive Director and General Counsel spoke with the LCB were presented to the Board. The Board requested additional edits be sent to the LCB.

On February 25, 2026, the Board revisited the teledentistry and immunization regulations at a public Board meeting; public comment was solicited. After it was explained that the LCB felt any further changes risk statutory non-compliance, the Board approved and adopted the regulation.

After being informed by LCB that the two-year lifespan of the related file number was expiring, and the Board subsequently obtained a new file number for the teledentistry and immunization regulations, the Board revisited the teledentistry and immunization regulations at a public Board meeting on March 25, 2026, solely for the purpose of being informed of the new regulation number and re-voting on approval. Public comment was solicited.

A Summary of the Public Response

At the initial workshop, the three comments focused on balancing the need for patient safety protections with access to care. The primary concerns noted were that the regulation should give clinical deference to the dentists, the regulation needed to require a relationship between the patient and dentist before the teledentistry, and that the regulation needed safeguards to ensure consistency of teledentistry dental care.

At the LLDP Committee meeting, several commenters reiterated the need for a bona fide relationship existing prior to teledentistry, stating that patient safety required an in-persons examination such that teledentistry should be reserved for follow-up care. However, several orthodontics companies and orthodontist groups wanted clarity on the need for a bona fide relationship in orthodontia, since a prominent orthodontics business model relates to the use of teledentistry to create temporary and disposable retainers that gradually correct teeth positioning, and any regulation we impose might interfere with interstate commerce and that business model. Meanwhile, other orthodontics groups and individual orthodontists disagreed with this model and

felt proper patient care required in-person radiographs, which cannot be accomplished via teledentistry.

At the June 2025 Board meeting, after a draft came back from the LCB following first requested edits, some commentors felt the proposed language requiring an in-office visit prior to teledentistry was too restrictive and limited access to care; instead, they argued that we should adopt the Virginia definition, which allows a patient relationship to be established virtually. Other commentors did not necessarily have a qualm with the requirement of an in-person exam prior to teledentistry but did think there should be an exception made for emergency care needs. Another commentor thought the requirements placed on dental providers using teledentistry was unfair because in-person dentists did not have to meet the same requirements.

Commentors at the July 2025 Board meeting largely reiterated comments from the prior meeting that the legislative intent was for the bona fide relationship requirements not to stymie access to emergency tele-dental care.

After changes were made to the draft, comments at the November 2025 Board meeting focused on needing to make sure the bona fide relationship requirement did not affect access to orthodontic treatment, while still protecting patient safety of orthodontic patients such that out-of-state fly-by-night mail-order retainer services could not harm patients they have never treated. The need for an emergent care exception was reiterated, and there was support for the addition of an emergent care exception to the edit. Comments were also made regarding the immunization program, with a suggestion to add references to WebIZ.

Further changes were made before the December 2025 Board meeting; all comments there were written. The crux of comments from the orthodontics industry was that they were satisfied with the protections for orthodontic treatment access as edited. Another commentor still thought requiring a bona-fide relationship between a dentist and patient was too strict.

Finally, at the February 2026 Board meeting when the regulations were voted as approved, there was no oral comment, and the one written comment was more so questions about how the regulation would be implemented.

Additionally, copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by U.S. mail and email to persons who were known to have an interest in the subject of industrial development bonds as well as any persons who had specifically requested such notice. These documents were also made available at the website of the NSBDE at <https://dental.nv.gov/>. Further, the Notice of Intent to Act on a Regulation was posted on or about July 15, 2024, at the following locations:

- 1) Nevada State Board of Dental Examiners, 2651 N. Green Valley Parkway, Henderson, Nevada 89014 - www.dental.nv.gov
- 2) Legislative Counsel Bureau - www.leg.state.nv.us
- 3) State Library and Archives - www.nsla.nv.gov
- 4) Green Valley Library, 2797 N. Green Valley Parkway, Henderson, Nevada 89014

Explanation of How Other Interested Persons May Obtain a Copy of the Summary

A copy of the summary of the public response to the proposed regulation may be obtained from the NSBDE in person at 2651 N. Green Valley Pkwy., Henderson, Nevada 89014 or via email to nsbde@dental.nv.gov.

3. The number persons who: (a) attended each hearing; (b) testified at each hearing; and (c) submitted to the agency written comments:

The following number of persons submitted live oral public comment (the BSBDE takes public comment twice each meeting in lieu of accepting testimony) at each identified hearing as follows: (Note, the NSBDE does not take attendance of number of persons generally who attend hearings.)

02/13/2024 Public Workshop: 3 (Byte, an orthodontics company; Tri Strategies Lobbyists, Nevada Dental Association (NDA))
02/27/2024 LLDP Committee Meeting: 8 (NDA, Dr. R. Dragon, American Association of Orthodontists, Tri Strategies Lobbyists, Pacific Coast Society of Orthodontists, Dr. J. Griffiths, Nevada State Orthodontic Society, Dr. M. Candleman)
08/14/2024 Board Meeting: 0
06/11/2025 Board Meeting: 2 (A. Erenbaum, T. Chandler)

07/09/2025 Board Meeting: 2 (A. Erenbaum, American Association of Orthodontists)
10/15/2025 Board Meeting: 0
11/12/2025 Board Meeting: 3 (American Association of Orthodontists, A. Erenbaum, Dr. J. Griffiths)
12/11/2025 Board Meeting: 0
02/25/2026 Board Meeting: 0
03/25/2026 Board Meeting: 0

The following number of persons submitted written public comments for consideration at each identified hearing as follows:

02/13/2024 Public Workshop: 0
02/27/2024 LLDP Committee Meeting: 2 (Byte, an orthodontics company; the Nevada Dental Hygienists Association)
08/14/2024 Board Meeting: 0
06/11/2025 Board Meeting: 4 (Delta Dental, National Association of Dental Plans, DialCare, ATA Action)
07/09/2025 Board Meeting: 0
10/15/2025 Board Meeting: 0
11/12/2025 Board Meeting: 2 (A. Chen, L. Helzer)
12/11/2025 Board Meeting: 4 (American Association of Orthodontists x 2 persons), A. Erenbaum, ATA Action)
02/25/2026 Board Meeting: 1 (ATA Action)
03/25/2026 Board Meeting: 0

4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3, as provided to the agency.

(Note, the NSBDE does not require or request telephone numbers, addresses, email addresses, or names of associated business entities from public commenters; thus, it will not be possible to set forth information complying with NRS 233B.066(1)(c) in every case. However, the following persons, identified as licensees for whom the NSDBE does have licensing information, are noted; we have also included what contact information was provided in the written public comments:

ATA Action
c/o Kyle Zebley
www.ataaction.org

Delta Dental
c/o Jeffrey Album
deltadentalins.com

DialCare
c/o Stewart Sweda
7400 Gaylord Pkwy.
Frisco, TX 75034
www.dialcare.com

American Association of Orthodontists
c/o Dan Ta
dta@aaortho.org

Lily Helzer
Nevada Cancer Coalition
lily@nevadacancercoalition.org

Richard Dragon DMD
1234 Waterloo Ln
Gardnerville, NV, 89410
(775) 782-9755
rick@dragondental.org

Alice Chen DMD
1 Breakthrough Way
Suite #3218
Las Vegas, NV, 89135
(702) 242-2436
alpchen@gmail.com

John Griffiths DDS
8710 W. Charleston Blvd.
Suite #150
Las Vegas, NV, 89117
(702) 256-7846
jcgortho@aol.com

Mary (Terri) Chandler RDH
3339 E. University Ave
Las Vegas, NV, 89121
(702) 521-4550
futuresmiles@centurylink.net

Allen Erenbaum
Erenbaum Legal Strategies
310-621-2043
allen@erenbaum.com

Nevada Dental Assoc.
600 E. William St.,
Ste. # 202
Carson City, NV 89701
702-255-4211
www.nvda.org

5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses in the same manner as they were solicited from the public.

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The regulation was not adopted without changes; as noted above, the draft went through several edit iterations through the LCB.

7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:

Both adverse and beneficial effects

The agency has concluded that the proposed regulations will not impose a direct and significant economic burden upon small businesses, not any more so than the statute that allowed for the use of teledentistry. Those providers who wanted to offer teledentistry can if they choose, accepted an economic burden to obtain technology to do so, but the statute nor the regulation require dentists to use teledentistry, such that those who do not want to shoulder any economic burden do not have to do so. The regulation merely requires a provider to either already have or to establish a bona fide dentist-patient relationship prior or contemporaneous to the teledental visit. At most, there may be an economic impact of very large national dental or orthodontic conglomerates who otherwise would seek to offer tooth alignment correction of other dental services, since they could not do so, and thus lose business, unless they satisfy the requirements of creating a bona fide dentist-patient relationship.

Both immediate and long-term effects

For the reasons stated in #6a above, the proposed regulations will only have immediate and long-term effects related to patient safety, since the goal of the regulation is to establish requirements for being able to treat a patient via teledentistry for those dentists that want to offer this service, but not requiring all dentists to use teledentistry. The only perceptible long or short term effect on very large national dental or orthodontic conglomerates who otherwise would seek to offer tooth alignment correction of other dental services is that will not be able to do so, and thus might lose business, unless they are willing to meet Nevada's patient safety requirements.

8. The estimated cost to the agency for enforcement of the adopted regulations.

There is no additional cost to the agency for enforcement of this regulation.

9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no other state or government agency regulations that the proposed regulation duplicates or overlaps.

10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

There are no federal regulations that apply.

11 If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

This regulation does not provide a new fee or increase an existing fee.