

Informational Statement Form

R041-26

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 March 20, 2023, SB 310, creating the license for Expanded Function Dental Assistant, (EFDA) was enacted by the Governor. The text of SB 310 (now codified at NRS 631.31285 et. seq.) requires the Board to enact regulations establishing requirements for EFDA licensure and authorizing EFDAs to perform certain tasks. The attached regulations are 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 March 27, 2024, a Public Workshop was held related to the EFDA regulations; public comment was solicited.

On April 3, 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 April 10, 2024, the NSBDE requested assistance from the Legislative Counsel Bureaus (LCB) in crafting regulations.

On August 14, 2024, at a public Board meeting, the regulation was discussed; public comment was solicited.

(Due to staff turnover and other priorities, progress was stalled for over a year)

On February 25, 2026, the Board revisited the EFDA regulation at a public Board meeting; public comment was solicited.

On March 25, 2026, the EFDA regulation was discussed; public comment was solicited; public comment was solicited.

On May 27, 2026, the Board revisited the EFDA regulation at a public Board meeting; public comment was solicited.

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 EFDAs 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) Carson City Main Library, 900 N Roop St, Carson City, NV 89701
- 5) Churchill County Main Library, 553 S Maine St, Fallon, NV 89406
- 6) Douglas County Main Library, 1625 Library Ln, Minden, NV 89423
- 7) Elko County Main Library, 720 Court St, Elko, NV 89801
- 8) Esmerelda County Main Library, PO Box 430, Goldfield, NV 89013
- 9) Eureka County Main Library, 80 Monroe St, Eureka, NV 89316
- 10) Humboldt County Main Library, 85 E 5th St, Winnemucca, NV 89445
- 11) Lander County Main Library, 625 S Broad St, Battle Mountain, NV 89820
- 12) Lincoln County Main Library, 63 Main Street, PO Box 330, Pioche, NV 89043
- 13) Lyon County Main Library, 20 Nevin Way, Yerington, NV 89447
- 14) Mineral County Main Library, 110 1st Street, Hawthorne, NV 89415
- 15) Nye County Main Library, 701 East Street, Pahrump, NV 89048
- 16) Pershing County Main Library, 1125 Central Ave, Lovelock, NV 89419
- 17) Storey County Main Library, 175 Carson St 2nd Floor, Virginia City, NV 89440
- 18) Washoe County Main Library, 301 South Center Street, Reno, NV 89501
- 19) White Pine County Main Library, 950 Campton St, Ely, NV 89301

A Summary of the Public Response

At the initial workshop, Ms. Juhle, who helped author the regulation language, spoke in favor of the regulation. Both the NDA and NDHA representatives also spoke in favor, with the NDHA rep wanting to ensure that EFDAs were CODA-educated. three comments focused on balancing the need for patient safety protections with access to care.

At the LLDP Committee meeting, Dr. Abbitan voice support. RDH Ventura suggested a few edits to fees and hygiene terminology. Ms. Juhle commented that the 12 hours of continuing education credits required of EFDAs annually was reasonable in light of the amount required for other licensees.

At the April 10, 2024, Board meeting, based on a revised draft with changes proposed at the LLDP Committee meeting, Ms. Juhle noted she could answer any questions as co-author of the proposal, while both the NDA and NDHA representatives spoke in favor,

The single commentor at the August 14, 2024, Board meeting, RDH Ventura, voiced support and noted seven other states has similar regulations; however, then-General Counsel noted that LCB had concerns about the language and proposed suggestions for the Board to consider. Then-GC was going to further discuss the language with LCB.

(In the interim, then-General Counsel departed and a new Executive Director was appointed; the regulation momentum stopped. In December of 2025, LCB reached out to the Executive Director for an update, putting this back on the Board's radar.)

At the December 11, 2025, Board meeting, the status of the regulation as coming back to light was noted, and it was further noted that the presented version was the one the LCB had no issue with. The Board voted to move forward with this version of the regulation with no further edits.

At the February 25, 2026, after LCB finalized the regulation language, it was put on the Board's agenda for a final vote of approval. They did vote for approval.

(When current General Counsel went looking through prior counsel's records for a Notice of Intent to Act (NOIA) related to this regulation, it could not be found).

At the March 25, 2026, Board meeting, since a prior NOIA could not be found, the Board repeated that step out of an abundance of caution and ordered the 30-day NOIA posting and subsequent meeting to solicit comment. It was also noted that the age of the proposed regulation necessitated renumbering.

Finally, at the May 27, 2026, Board meeting, NOIA requirements were addressed, comment after a 30-day notice period was solicited, and there was no comment. The Board voted to move this to the Notice of Adoption rulemaking step.

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 NSBDE 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.)

03/27/2024 Public Workshop: 2 (Dr. Aimee Abittan for the Nevada Dental Association (NDA); Julie Muhle for Truckee Meadows Community College (TMCC); RDH Antonio Ventura; RDH Caryn Solie)

04/03/2024 LLDP Committee Meeting: 3 (Dr. Aimee Abittan for the NDA, Julie Muhle for TMCC; RDH Antonio Ventura for Nevada Dental Hygiene Association (NDHA))

4/10/2024 Board Meeting: (Dr. Aimee Abittan for the NDA; Julie Muhle for TMCC; RDH Caryn Solie for NDHA)

08/14/2024 Board Meeting: 1 (RDH Antonia Ventura for NDHA)

12/11/2025 Board Meeting: 0
02/25/2026 Board Meeting: 0
3/25/2026 Board Meeting: 0
5/27/2026 Board Meeting: 0

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

03/27/2024 Public Workshop: 2 (RDH Antonia Ventura for NDHA; Julie Muhle for TMCC)
04/03/2024 LLDP Committee Meeting: 2 (RDH Antonia Ventura for NDHA; Julie Muhle for TMCC)
04/10/2024 Board Meeting: 0
08/14/2024 Board Meeting: 1 (RDH Antonia Ventura for NDHA)
12/11/2025 Board Meeting: 1 (Paul Klein for Tri-Strategies)
02/25/2026 Board Meeting: 0
3/25/2026 Board Meeting: 0
5/27/2026 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:

NDA/Dr. Abittan
00 E. William St.,
Ste. # 202
Carson City, NV 89701
702-255-4211
www.nvda.org

NDHA/RDH Ventura/RDH Solie
PO Box 2602
Sparks, NV 89432
nevadadentalhygiene@gmail.com

TMCC/Julie Muhle
7000 Dandini Blvd.
Suite 417B
Reno, NV 89512
775-673-7125
jmuhle@tmcc.edu

Tri-Strategies
59 Damonte Ranch Pkwy
Suite B-552
Reno, NV 89521
(480) 343-1602

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 because these regulations relate to individual licensing matters. Thus, there is no anticipated beneficial or adverse economic effects upon regulated businesses.

Both immediate and long-term effects

For the reasons stated in #7a above, the anticipated immediate effect on the regulated businesses will be none to minimal. Only if a business were to pay for an EFDA licensee on behalf of their staff would any economic impact be felt by the business itself. Similarly, there is no to minimal anticipated long term effect on the regulated businesses. Importantly, there are not currently any schools in Nevada that offer an EFDA educational program meeting statutory requirements; to the Board does not currently have and has not previously had an EFDA licensee applications, such that, until Nevada offers such educational programs, there may continue to be no economic impact.

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, other than the expenditure of additional staff time in processing an additional type of license application.

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 provide new fees to license EFDAs; this is accomplished by adding EFDA as a license type to the Schedule of Fees. Based on the training and experience required to become an EFDA as compared to other license types, the licensing fees are minimal, each \$125 or less.

The proposed regulation creates a new license category for which educational programs must first be developed and approved before individuals can become eligible for licensure.

As a result, the Board does not anticipate collecting licensing fees associated with this license category during the next two fiscal years, as sufficient time will be needed for educational programs to be established, students to enroll, and graduates to complete the required training and become eligible for licensure.

Any future licensing fees collected from license holders will be used to support the Board's licensing, compliance, enforcement, and program administration activities associated with regulating the profession and protecting the public. It is anticipated to generate an estimated \$25,000 biennially.