

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
LCB File No. R020-14

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

The Nevada State Board of Dental Examiners has conducted a review of Nevada Administrative Codes Chapter 631 pursuant to NRS 233B at least every ten (10) years. Upon this review, discussion and public comment of the proposed/amended regulations which was noticed at two public workshops held on December 13, 2013 and January 24, 2014 after a 15 day notice was posted in compliance with the Nevada administrative rulemaking requirements. A Notice of Intent to Act Upon Regulations public hearing and adoption of the proposed regulation changes to permanent regulations and the repeal of certain regulations was held April 25, 2014 after a 30 day notice was posted in compliance with the Nevada administrative rulemaking requirements. Public comment was sought in all workshops, hearings and adoptions. The Board has adopted that various regulations be repealed because they are no longer applicable or needed. Further, upon review certain regulations the Board proposed changes/amendments for due process consistency, continuing educations hours include more on-line methods, dental hygienist special health endorsement be renewed consist with the legislative change made to NRS 631.287, amend the regulation for dental renewal to include a self-query to the Prescription Monitoring Program as a proactive measure to address the abuse of controlled substances being prescribed and amend NAC 631.260 to include attestation for dentist to ensure their personnel has the appropriate training in CPR, infection control and the laws governing the practice of dentistry and dental hygiene.

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

Two public workshops were held on December 13, 2013 and January 24, 2014 for consideration of amended/proposed regulations after a 15 day notice was posted in compliance with the Nevada administrative rulemaking requirements after a 15 day notice was posted in compliance with the Nevada administrative rulemaking requirements. A Notice of Intent to Act Upon Regulations public hearing and adoption of the proposed regulation changes to permanent regulations and the repeal of certain regulations was held April 25, 2014 after a 30 day notice was posted in compliance with the Nevada administrative rulemaking requirements. Public comment was sought in all workshops, hearings and adoptions. Public notices of the workshop and hearing were posted at a site in each county along with the Las Vegas and Carson City offices of the Attorney General, State Library and Archives, the Clark County Health District, and mailings of said notices to interested parties including affected practitioner associations within Nevada. Notices were also posted on the website maintained by the Board. Comments were recorded at each meeting if offered and are available in the minutes of those meetings which can be inspected at the board office and a copy obtained on the Board's website. A copy of the written minutes of the meetings may be obtained by contacting the Nevada State Board of

Dental Examiners at (702) 486-7044 or by writing to the Board at 6010 S. Rainbow Blvd, A-1, Las Vegas, NV 89118 or downloaded by visiting our website at **dental.nv.gov**.

3. The number of persons who:

(a) **Attended each hearing:** Approx: 7 12/13/2014
Approx: 12 01/24/2014
Approx; 9 04/25/2014

(b) **Testified at each hearing:**

4 12/13/2013

1 01/24/2014

0 04/25/2014

(c) **Submitted written comments:**

1 12/13/2013

0 01/24/2014

1 04/25/2014

4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing:

December 13, 2013 – Public Workshop

Robert Talley, DDS
(702) 255-0437
8863 W Flamingo Road, Suite 100
Las Vegas, Nevada 89147
Nevada Dental Association
Testified and submitted written comment

Sharon Peterson, RDH
(702) 651-5853
6575 W Charleston Blvd
Las Vegas, Nevada 89146
CSN, Dental Hygiene Program
Testified

Rick Thiriot, DDS
1001 Shadow Lane MS7410
Las Vegas, Nevada 89106
(702) 774-2655
UNLV, School of Dental Medicine
Testified

R. Michael Sanders, DMD
1001 Shadow Lane MS7410
Las Vegas, Nevada 89106
(702) 774-2660

UNLV, School of Dental Medicine
Testified

January 24, 2014-Public Workshop

William Pappas, DDS
7884 W Sahara Ave, Suite 100
Las Vegas, NV 89117-1944
(702) 367-7133
Self
Testified

April 25, 2014-Public Hearing for Adoption

Katherine Landsberg
444 N. Michigan Avenue, Suite 900
Chicago, IL 60611-3985
(312) 640-8507
Dental Assisting National Boards
Written Comment

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

Public notices of the workshop and hearing were posted at a site in each county along with the Las Vegas and Carson City offices of the Attorney General, State Library and Archives, the Clark County Health District, and mailings of said notices to interested parties including affected practitioner associations within Nevada. Notices were also posted on the website maintained by the Board. Comments were recorded at each meeting if offered and are available in the minutes of those meetings which can be inspected at the board office and a copy obtained on the Board's website. A copy of the written minutes of the meetings may be obtained by contacting the Nevada State Board of Dental Examiners at (702) 486-7044 or by writing to the Board at 6010 S. Rainbow Blvd, A-1, Las Vegas, NV 89118 or downloaded by visiting our website at dental.nv.gov.

- 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 following regulations listed below were adopted as proposed and as recommended by the Legislative and Dental Practice Act Resource Group. The regulations listed below were repealed without any changes:

Adopted Proposed Regulations

NAC 631.029 – Schedule of Fees

NAC 631.145 – Dental Hygienist-Special Endorsement of license to practice public health

NAC 631.173 – Continuing education: Required hours, types of courses and activities, approval of provider or instructor

NAC 631.175 – Continuing education: Approved subjects, minimum requirements for clinical subjects, maximum credit for certain types of courses and activities

NAC 631.1785 – Licensed dentist to request initial inspection of office or facility

NAC 631.2203 – “Registered facility” defined

Adopted Repealed Regulations

(1) NAC 631.031 Hearing to determine claim of malpractice pending;

(2) NAC 631.039 Application for permanent license holder of temporary license;

(3) NAC 631.060 Reapplications;

(4) NAC 631.080 Examination-Authorization required;

(5) NAC 631.100 Examination-practice dental hygiene;

(6) NAC 631.120 Examination-practical portion;

(7) NAC 631.130 Examination-requirements for successful completion;

(8) NAC 631.180 Employment of instructor;

(9) NAC 631.2207 Application for limited license to supervise courses of continuing education.

Adopted Proposed Regulation pending change:

(1) NAC 631.045

(2) NAC 631.230

The Board approved the word change from “dispense” to “prescribe”. It is the understanding of the Board Members and Legal Counsel since the Pharmacy Board issues permits to “dispense” controlled substances, the use of the word “dispense” may cause confusion to the licensee thinking they would not be required to perform a “self-query” to the PMP for controlled substances since the licensee is not dispensing via a dispensing permit issued by the Board of Pharmacy the licensee is prescribing. The Board to avoid any confusion approved the proposed regulation with the word “prescribe” controlled substances. Please see attachment.

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

NAC 631.029 Schedule of Fees:

a). Adverse and Beneficial Effect:

This proposed regulation would increase certain fees with regards to certain licensure and anesthesia permits. The beneficial effect would be to ensure the Board has the monetary resources to continue to conduct the required evaluations and inspections needed for the issuance of anesthesia permits to ensure the public’s safety, health and welfare.

b). Immediate and Long Tem Effect:

The immediate effect would be an increase to the applicant who applies for or renews an anesthesia permit. The Board does not foresee any long term effects.

c). Method utilized to Determine Economic Effect:

Upon holding two Public Workshops where licensees, members of local associations and societies and public persons attended, the attendees did not object for increasing certain licensure fees in order to implement the policies of the Board. This included, a review of the Board's budget showing the amount of money it is costing the Board to conduct anesthesia evaluations and inspections for the issuance of an anesthesia permit. The Board determined that an increase to certain maximum amounts as set forth in NRS 631.345 was needed to continue the required evaluations and inspections for anesthesia to ensure the public's health, safety and welfare.

d). The estimated cost to the agency for enforcement of the proposed regulation.

There should be a minimal cost for enforcement of the proposed regulation to the agency to conduct the evaluations and inspections. The immediate cost would include informing the licensed professionals of the State of Nevada of the change in regulation.

NAC 631.045-Renewal of License

a). Adverse and Beneficial Effect:

This proposed regulation is a proactive measure for dentist to perform a self query to the Prescription Monitoring Program to evaluate the controlled substances being prescribed and received to ensure no fraudulent controlled substances are being issued

b). Immediate and Long Tem Effect:

There should be no adverse effect of the changes in the regulations on the dental profession.

c). Method utilized to Determine Economic Effect:

There should be no economic effect of the changes in the regulations on the dental profession.

d). The estimated cost to the agency for enforcement of the proposed regulation.

There should be no additional cost for enforcement of the proposed regulation to the agency. The immediate cost would include informing the licensed professionals of the State of Nevada of the change in regulation.

NAC 631.145 Dental Hygienist-Special Endorsement of a license:

a). Adverse and Beneficial Effect:

This proposed regulation would allow for a dental hygienist to renew their special health endorsement permit biennially. This is consistent with the change to NRS 631.287 at the last legislative session.

b). Immediate and Long Tem Effect:

There should be no adverse effect of the changes in the regulations on the dental or dental hygiene profession.

c). Method utilized to Determine Economic Effect:

There should be no economic effect of the changes in the regulations on the dental or dental hygiene profession.

d). The estimated cost to the agency for enforcement of the proposed regulation.

There should be no additional cost for enforcement of the proposed regulation to the agency. The immediate cost would include informing the licensed professionals of the State of Nevada of the change in regulation.

NAC 631.173 Continuing Education: required hours:

a). Adverse and Beneficial Effect:

This proposed regulation would allow for licensees to increase the amount of hours they may obtain continuing education through on-line, self-study or home study methods. The beneficial effect is the licensee will have more course subjects and course materials to choose from.

b). Immediate and Long Tem Effect:

There should be no adverse effect of the changes in the regulations on the dental or dental hygiene profession.

c). Method utilized to Determine Economic Effect:

There should be no economic effect of the changes in the regulations on the dental or dental hygiene profession.

d). The estimated cost to the agency for enforcement of the proposed regulation.

There should be no additional cost for enforcement of the proposed regulation to the agency. The immediate cost would include informing the licensed professionals of the State of Nevada of the change in regulation.

NAC 631.175 Continuing Education: approved subjects:

a). Adverse and Beneficial Effect:

This proposed regulation would allow for licensees to increase the amount of hours they may obtain continuing education through on-line, self-study or home study methods. The beneficial effect is the licensee will have more course subjects and course materials to choose from.

b). Immediate and Long Tem Effect:

There should be no adverse effect of the changes in the regulations on the dental or dental hygiene profession.

c). Method utilized to Determine Economic Effect:

There should be no economic effect of the changes in the regulations on the dental or dental hygiene profession.

d). The estimated cost to the agency for enforcement of the proposed regulation.

There should be no additional cost for enforcement of the proposed regulation to the agency. The immediate cost would include informing the licensed professionals of the State of Nevada of the change in regulation.

NAC 631.1785 initial inspections:

a). Adverse and Beneficial Effect:

This proposed regulation would utilize language as set forth in NAC 631.179 with regards to random inspection to ensure consistency and to clarify due processes.

b). Immediate and Long Tem Effect:

There should be no adverse effect of the changes in the regulations on the dental or dental hygiene profession.

c). Method utilized to Determine Economic Effect:

There should be no economic effect of the changes in the regulations on the dental or dental hygiene profession.

d). The estimated cost to the agency for enforcement of the proposed regulation.

There should be no additional cost for enforcement of the proposed regulation to the agency. The immediate cost would include informing the licensed professionals of the State of Nevada of the change in regulation.

NAC 631.1785 initial inspections:

a). Adverse and Beneficial Effect:

This proposed regulation would utilize language as set forth in NAC 631.179 with regards to random inspection to ensure consistency and to clarify due processes.

b). Immediate and Long Tem Effect:

There should be no adverse effect of the changes in the regulations on the dental or dental hygiene profession.

c). Method utilized to Determine Economic Effect:

There should be no economic effect of the changes in the regulations on the dental or dental hygiene profession.

d). The estimated cost to the agency for enforcement of the proposed regulation.

There should be no additional cost for enforcement of the proposed regulation to the agency. The immediate cost would include informing the licensed professionals of the State of Nevada of the change in regulation.

NAC 631.230 Unprofessional conduct:

a). Adverse and Beneficial Effect:

This proposed regulation change would add language that if a dentist who is registered to dispense controlled substances has failed to conduct a minimum of one self query annually to the Nevada State Board of Pharmacy Task Force the Board would deem the failure as unprofessional conduct. The beneficial effect to the licensee and the public is to ensure the dentist is aware of all controlled substances being filled under his DEA and Controlled Substance permit and make the dentist aware of how many controlled substances he is issuing.

b). Immediate and Long Tem Effect:

The long term effect will hopefully result in a reduction in fraudulent controlled substances being obtained.

c). Method utilized to Determine Economic Effect:

There should be no economic effect of the changes in the regulations on the dental or dental hygiene profession.

d). The estimated cost to the agency for enforcement of the proposed regulation.

There should be no additional cost for enforcement of the proposed regulation to the agency. The immediate cost would include informing the licensed professionals of the State of Nevada of the change in regulation.

NAC 631.260 Radiographic procedures

a). Adverse and Beneficial Effect:

This proposed regulation would require the dentist to attest that each such employee receive adequate training in CPR, infection control and a copy of this chapter and chapter 631 of NRS in paper or electronic format. The beneficial effects will result in public safety and ensure the employee is fully aware of the duties delegable to them.

b). Immediate and Long Tem Effect:

The immediate and long term effect is to ensure the public's health, safety and welfare.

c). Method utilized to Determine Economic Effect:

There should be no economic effect of the changes in the regulations on the dental or dental hygiene profession.

d). The estimated cost to the agency for enforcement of the proposed regulation.

There should be no additional cost for enforcement of the proposed regulation to the agency. The immediate cost would include informing the licensed professionals of the State of Nevada of the change in regulation.

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

We are aware of no other duplication in regulations either in state or federal regulations.

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

There are no federal regulations providing these provisions that the board is aware of.

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.

The amount to be collected is directly related to the number of applicants applying for a permit to administered anesthesia and cannot be specifically determined. The fees collected will be applied to the expenses associated with the administration of the examination and inspection conducted by the Board for the issuance of an anesthesia permit/