

## INFORMATIONAL STATEMENT

### LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066 LCB File No. R066-11 (November 9, 2011)

The following statement is submitted for adopted regulations within Nevada Administrative Code (NAC) 631.

1. 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.

A public workshop for consideration of temporary regulations being made permanent was held October 21, 2011 after a 15 day notice was posted in compliance with the Nevada administrative rulemaking requirements. A public hearing and adoption of the regulation changes was held December 9, 2011 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. 10/21/2011: Ms. Kelly reviewed the temporary regulations adopted and the desire by the Board to adopt the regulations permanently. Additionally, Ms. Kelly discussed AB55 from the 2011 Legislative Session which contained statutory provisions for examination fees and was passed and signed by the Governor. Ms. Heather Rogers from the Southern Nevada Dental Hygiene Association expressed opposition to raising fees for the dental hygiene exam at this time. Ms. Kelly indicated that no objections were previously voiced during adoption of temporary regulations nor at the committee hearing for AB55 which contained fee increases and the hygiene association expressed support. Further, Ms. Kelly explained that the fee for the hygiene examination was similar to or even lower than the current WREB fee for dental hygiene examination. No other opposition to the regulations was expressed. 12/9/2011: No public comments were made. 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.

2. The number of persons who:

- (a) Attended the workshop/hearing: Approx. 21 10/21/2011  
Approx. 25 12/9/2011
- (b) Testified at the workshop/hearing:  
1 10/21/2011  
0 12/9/2011
- (c) Submitted to the agency written comments:  
No comments were submitted.

3. 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.

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. 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.

4. If the regulations were adopted without changing any part of the proposed regulations, a summary of the reasons for adopting the regulations without change.

The regulations were adopted as they were in temporary regulation form with the change only to the fees for exam that had been drafted prior to AB55. The permanent regulations were changed to conform to the fee changes made in AB55 pertaining to examination only.

5. The estimated economic effect of the adopted regulations on the businesses that it is to regulate and on the public. These must be stated separately, and each case must include:  
(a) both adverse and beneficial effects; and (b) both immediate and long-term effects.

- (a) Both adverse and beneficial effects.

The purpose of this amending language is to require the display of anesthesia permits issued by the board to qualifying licensees in addition to the required display of licenses issued by the board. The public will then be aware the individual has been licensed for practice in this state and authorized by permit for the administration of the applicable level of sedation/anesthesia after meeting the qualifications in state law.

There is no expected economic effect on licensees other than a possible paper cost to copy the permit issued for administration (no copying of a site permit issued by the board is acceptable as the site permits are location specific for authorizing the type of anesthesia to be administered at the particular location) to the individual if they practice at more than one location. The paper cost would be viewed as negligible.

The benefit is to more clearly provide notification to patients and prospective patients being treated regarding individual qualifications. The individual is licensed and has met state law requirements for administration of conscious sedation, deep sedation, or general anesthesia as applicable. There is no adverse effect.

The beneficial effect of using certificate and permit terms in the regulation is to avoid misunderstanding by licensees that board authorization for administration is required and will be provided in this written format. There is no adverse effect.

While there is an economic effect on candidates for examination, distinguished from those regulated as they are not licensees, it is not any greater than would otherwise be since in nearly

all states a clinical examination is required for licensure. The exam fees proposed are at or below the cost of other regional testing agencies costs for exam administration. The examination to be administered has a greater number of states that should accept the passing scores for licensure giving the applicant more state choice for practice which is a beneficial effect for the applicant.

(b) Both immediate and long-term effects.

Again, an immediate and long term effect of this amending language is to require the display of anesthesia permits issued by the board to qualifying licensees in addition to the required display of licenses issued by the board. The public will then be aware the individual has been licensed for practice in this state and authorized by permit for the administration of the applicable level of sedation/anesthesia after meeting the qualifications in state law.

Further, the clarification of language for permit and certificate is to ensure that licensees understand the requirement to obtain written authorization from the board for anesthesia administration after having complied with regulations for such administration.

The immediate and long term effects of increasing fees for clinical examination administration is to more accurately associate the costs for administration to be borne by those taking such examinations. The candidates for exam may or may not seek licensure in Nevada but can use exam results for such in those states accepting the examination.

6. The estimated cost to the agency for enforcement of the adopted regulation.

The examination fee is not an additional cost for the board as the fee determined will more accurately cover the administration of the examinations administered. There is also no expected additional cost for permit display nor adding permit language to the existing regulation.

7. A description of any regulations of other state or government agencies that 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 agency.

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

8. 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.

9. 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 candidates registering for the exam and cannot be specifically determined. It is the candidate's choice which clinical

examination to take dependent upon which state(s) they are seeking to obtain licensure. The fees collected will be applied to the expenses associated with the administration of the exam including equipment, personnel costs, use of facilities, lab fees, and other direct costs for examination.