

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

LCB File No. R231-03

Effective May 25, 2004

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

AUTHORITY: §1, NRS 631.190 and 631.287; §§2-4, NRS 631.342; §5, NRS 631.190 and 631.317; §6, NRS 631.190 and 631.265; §7, NRS 631.190 and 631.385; §8, NRS 631.190.

A REGULATION relating to dentistry; increasing the hours of required continuing education for dentists and dental hygienists; amending the approved subjects for continuing education in dentistry and dental hygiene; allowing dental hygienists to administer local intraoral chemotherapeutic agents, apply pit and fissure sealant to the dentition and perform nonsurgical cytologic testing; allowing the Board of Dental Examiners to issue a special endorsement of a dental hygienist's license; and providing other matters properly relating thereto.

Section 1. Chapter 631 of NAC is hereby amended by adding thereto a new section to read as follows:

- 1. A special endorsement of a license that allows a dental hygienist to practice public health dental hygiene issued by the Board is valid for 1 year after the date of issuance.*
- 2. A dental hygienist may apply to renew the special endorsement of his license by submitting a report summarizing the services performed by the dental hygienist under the authority of the special endorsement in the prior year.*

Sec. 2. NAC 631.173 is hereby amended to read as follows:

631.173 1. Each dentist ~~[and dental hygienist]~~ licensed to practice in this state shall complete annually at least ~~[12]~~ **20** hours of instruction in approved courses of continuing

education. Hours of instruction may not be transferred or carried over from one licensing period to another.

2. *Each dental hygienist licensed to practice in this State shall complete annually at least 15 hours of instruction in approved courses of continuing education. Hours of instruction may not be transferred or carried over from one licensing period to another.*

3. In addition to the hours of instruction prescribed in ~~[subsection 1,]~~ *subsections 1 and 2*, each dentist and dental hygienist shall maintain current certification in administering cardiopulmonary resuscitation or another medically acceptable means of maintaining basic bodily functions which support life. Any course ~~[in administering cardiopulmonary resuscitation]~~ *taken pursuant to this subsection* must be ~~[taken from an instructor certified in cardiopulmonary resuscitation.~~

~~—3.]~~ *taught by a certified instructor.*

4. Any provider of or instructor for a course in continuing education relating to the practice of dentistry or dental hygiene which meets the requirements of this section must be approved by the Board, unless the course is for training in cardiopulmonary resuscitation or is approved by:

- (a) The American Dental Association or the societies which are a part of it;
 - (b) The American Dental ~~[Hygiene]~~ *Hygienists'* Association or the societies which are part of it;
 - (c) The Academy of General Dentistry;
 - (d) Any nationally recognized association of *dental or medical* specialists;
 - (e) Any university, college or community college, whether located in or out of Nevada; or
 - (f) Any hospital accredited by the Joint Commission ~~[of]~~ *on* the Accreditation of ~~[Hospitals.~~
- ~~4.]~~ *Healthcare Organizations.*

5. To be approved as a provider of a course in continuing education, the instructor of the course must complete a form provided by the Board and submit it to the Board for review by a committee appointed by the Board not later than 45 days before the beginning date of the course. Upon receipt of the form, the committee shall, *within 10 days after receiving the form*, approve or disapprove the application and inform the applicant of its decision.

~~5.1~~ 6. Study by group may be approved for continuing education if the organizer of the group complies with the requirements of subsection ~~4~~ 5 and furnishes the Board with a complete list of all members of the group, a synopsis of the subject to be studied, the time, place and duration of the meetings of the group and the method by which attendance is recorded and authenticated.

~~6.1~~ 7. Credit may be allowed for attendance at a meeting or a convention of a dental and dental hygiene society.

~~7.1~~ 8. Credit may be allowed for courses completed at home which are taught through correspondence or video cassettes.

Sec. 3. NAC 631.175 is hereby amended to read as follows:

631.175 *1. Approved subjects for continuing education in dentistry and dental hygiene are:*

(a) Dental and medical health;

(b) Preventive services;

(c) Dental diagnosis and treatment planning;

(d) Dental clinical procedures, including corrective and restorative oral health procedures and basic dental sciences, dental research and new concepts in dentistry;

(e) Dental practice organization and management;

(f) Patient management skills;

(g) Methods of health care delivery; and

(h) Teaching methodology.

2. At least 15 of the hours of continuing education required for dentists by NAC 631.173 must be in the approved subjects listed in paragraphs (a) to (d), inclusive, of subsection 1.

3. At least 12 of the hours of continuing education required for dental hygienists by NAC 631.173 must be in the approved subjects listed in paragraphs (a) to (d), inclusive, of subsection 1.

4. The Board will credit as a maximum in any one year, the following number of hours of instruction for the following types of courses or activities:

~~1.1~~ *(a) For approved study by a group, 3 hours.*

~~1.2~~ *(b) For attendance at a meeting or convention of a dental or dental hygiene society, 1 hour for each meeting, but no more than 3 hours, exclusive of hours of continuing education offered in conjunction with the meeting.*

~~1.3~~ *(c) For courses completed in the home through correspondence or video cassettes, 6 hours.*

(d) For all other courses conducted by an approved instructor, the number of hours completed by the licensee.

~~Not more than 50 percent of the required hours of instruction may consist of courses completed in the home through correspondence or video cassettes.] dentist or dental hygienist.~~

Sec. 4. NAC 631.177 is hereby amended to read as follows:

631.177 1. When requesting a renewal or reinstatement of his license, each **Licensee** :

(a) Dentist shall submit a signed, written statement in substantially the following language for each year since his last renewal:

I,, hereby certify to the Board of Dental Examiners *of Nevada* that I have obtained at least ~~12~~ **20** approved hours of instruction in continuing education during the period July 1,, through and including June 30,, I also certify to the Board of Dental Examiners *of Nevada* that I am currently certified in administering cardiopulmonary resuscitation or another medically acceptable means of maintaining basic bodily functions which support life.

Dated this (day) of (month) of (year)

.....

Signature of **Licensee** *Dentist*

(b) Dental hygienist shall submit a signed, written statement in substantially the following language for each year since his last renewal:

I,, hereby certify to the Board of Dental Examiners of Nevada that I have obtained at least 15 approved hours of instruction in continuing education during the period July 1,, through and including June 30,, I also certify to the Board of Dental Examiners of Nevada that I am currently certified in administering cardiopulmonary resuscitation or another medically acceptable means of maintaining basic bodily functions which support life.

Dated this (day) of (month) of (year)

.....
Signature of Dental Hygienist

(c) Dentist or dental hygienist shall submit proof of his current certification in administering cardiopulmonary resuscitation or other medically acceptable means of maintaining basic bodily functions which support life.

2. Legible copies of all receipts, records of attendance, certificates and other evidence of **[a licensee's]** attendance *by a dentist or dental hygienist* at an approved course in continuing education must be retained by the **[licensee]** *dentist or dental hygienist* and made available to the Board for inspection or copying for 3 years after attendance at the course is submitted to meet the continuing education requirements of the Board. Proof of attendance and completion of the required credit hours of instruction must be complete enough to enable the Board to verify the **[licensee's]** attendance and completion of the course *by the dentist or dental hygienist* and must include at least the following information:

- (a) The name and location of the course;
- (b) The date of attendance;
- (c) The name, address and telephone number of its instructor;
- (d) A synopsis of its contents; and
- (e) For courses designed for home study, the number assigned to the provider by the Board at the time the course was approved and the name, address and telephone number of the producer or author of the course.

3. The third or subsequent failure of a ~~licensee~~ *dentist or dental hygienist* to obtain or file proof of completion of the annual credit hours of instruction required by this section and NAC 631.173 and 631.175 is unprofessional conduct.

4. The Board will conduct random audits of ~~licensees~~ *dentists and dental hygienists* to ensure compliance with the requirements of this section and NAC 631.173 and 631.175.

Sec. 5. NAC 631.210 is hereby amended to read as follows:

631.210 1. A dentist who is licensed in this state may authorize a dental hygienist in his employ to:

(a) ~~Administer topical anesthetics and topical desensitizing agents in any form except aerosol.~~

~~(b)~~ Remove stains, deposits and accretions, including dental calculus.

~~(e)~~ (b) Smooth the natural and restored surface of a tooth by using the procedures and instruments commonly used in oral prophylaxis, except that an abrasive stone, disc or bur may be used only to polish a restoration. As used in this paragraph, “oral prophylaxis” means the ~~preventative~~ *preventive* dental procedure of scaling and polishing which includes the removal of calculus, soft deposits, plaques and stain and the smoothing of unattached tooth surfaces in order to create an environment in which hard and soft tissues can be maintained in good health by the patient.

~~(d) Inspect and record the condition of a patient's teeth.~~

~~(e)~~ (c) *Provide dental hygiene care that includes:*

(1) Assessment of the oral health of patients through medical and dental histories, radiographs, indices, risk assessments and intraoral and extraoral procedures that analyze and identify the oral health needs and problems of patients.

(2) Development and implementation of a dental hygiene care plan to address the oral health needs and problems of patients described in subparagraph (1).

(3) Evaluation of oral and periodontal health after the implementation of the dental hygiene care plan described in subparagraph (2) in order to identify the subsequent treatment, continued care and referral needs of the patient.

(d) Take the following types of impressions:

(1) Those used for the preparation of diagnostic models;

(2) Those used for the fabrication of temporary crowns or bridges; and

(3) Those used for the fabrication of temporary ~~removal~~ *removable* appliances, provided no missing teeth are replaced by those appliances.

~~[(f)]~~ ~~Apply a fluoride preparation to teeth.~~

~~[(g)]~~ *(e)* Perform subgingival curettage.

~~[(h)]~~ *(f)* Expose radiographs.

~~[(i)]~~ *(g)* Place and remove a periodontal pack.

~~[(j)]~~ *(h)* Remove excess cement from cemented restorations and orthodontic appliances. A dental hygienist may not use a rotary cutting instrument to remove excess cement from restorations or orthodontic appliances.

~~[(k)]~~ *(i)* Train and instruct persons in the techniques of oral hygiene and ~~preventative~~ *preventive* procedures.

~~[(l)]~~ ~~Repair temporary crowns and bridges.~~

~~[(m)]~~ *(j)* Recement *and repair* temporary crowns and bridges.

(k) Recement permanent crowns and bridges with nonpermanent material as a palliative treatment.

(l) Place a temporary restoration with nonpermanent material as a palliative treatment.

(m) Administer local intraoral chemotherapeutic agents in any form except aerosol,

including, but not limited to:

(1) Antimicrobial agents;

(2) Fluoride preparations;

(3) Topical antibiotics;

(4) Topical anesthetics; and

(5) Topical desensitizing agents.

(n) Apply pit and fissure sealant to the dentition for the prevention of decay.

↪ Before performing any of the services set forth in this subsection, the dental hygienist must obtain authorization from the licensed dentist of the patient on whom the services are to be performed and the patient must have been examined by that dentist not more than 18 months before the services are to be performed. ~~[by the dental hygienist.]~~ *After performing any of the services set forth in this subsection, the dental hygienist shall refer the patient to the authorizing dentist for follow-up care or any necessary additional procedures that the dental hygienist is not authorized to perform.*

2. A dentist who is licensed in this state may authorize a dental hygienist in his employ and under his supervision to:

(a) Remove sutures.

(b) Place and secure orthodontic ligatures.

(c) ~~Apply topical antibiotics.~~

~~—(d)] Fabricate and place temporary crowns and bridges. [This procedure must be checked and approved by the supervising dentist before dismissal of the patient from the office of the dentist.~~

~~—(e) Apply pit and fissure sealant to the dentition for the prevention of decay. This procedure must be checked and approved by the supervising dentist before dismissal of the patient from the office of the dentist.~~

~~—(f)]~~ (d) Fit orthodontic bands and prepare teeth for orthodontic bands if the bands are cemented or bonded, or both, into the patient's mouth by the dentist who authorized the dental hygienist to perform this procedure.

(e) Perform nonsurgical cytologic testing.

↪ The dental hygienist must obtain ~~[the]~~ authorization from the licensed dentist of the patient on whom the services are to be performed.

3. If a dentist who is licensed in this state has in his employ and under his supervision a dental hygienist who has:

(a) Successfully completed a course of continuing education in the administering of local anesthetics or nitrous oxide-oxygen analgesia, or both, which has been approved by the Board; or

(b) Graduated from an accredited program of dental hygiene which includes the administering of local anesthetics or nitrous oxide-oxygen analgesia, or both, in its curriculum,

↪ the dentist may authorize the dental hygienist to administer local anesthetics or nitrous oxide-oxygen analgesia, or both, as appropriate, if the dental hygienist has received from the Board a certificate certifying the hygienist to this level of proficiency. The dental hygienist must obtain the authorization from the licensed dentist of the patient on whom the services are to be performed.

4. A dental hygienist in a health care facility may ~~[apply topical antibiotics]~~ *administer local intraoral chemotherapeutic agents* and, if he has complied with paragraph (a) or (b) of

subsection 3, may administer local anesthetics or nitrous oxide-oxygen analgesia, or both, as appropriate, if he first:

(a) Obtains written authorization from the licensed dentist of the patient to whom the local anesthetics, nitrous oxide-oxygen analgesia or ~~topical antibiotics~~ *local intraoral chemotherapeutic agents* are to be administered; and

(b) Submits to the Secretary-Treasurer ~~of the Board~~ a written confirmation from the director of the health care facility that the facility has licensed medical personnel and necessary emergency supplies and equipment that will be available when the local anesthetics, nitrous oxide-oxygen analgesia or ~~topical antibiotics~~ *local intraoral chemotherapeutic agents* are administered.

5. The Board may authorize a dental hygienist to perform the ~~following~~ services *set forth in paragraphs (a) to (n), inclusive, of subsection 1* without supervision by a dentist and without authorization from the licensed dentist of the patient on whom the services are to be performed, at a health facility, a school or a place in this state approved by the Board ~~;~~

~~—(a) The services set forth in paragraphs (a) to (m), inclusive, of subsection 1; and~~

~~—(b) Application of pit and fissure sealant to the dentition if:~~

~~—(1) The sealant is an unfilled resin; and~~

~~—(2) The sealant is applied in accordance with a diagnosis made by a licensed dentist not more than 6 months before the application of the sealant by the dental hygienist.]~~ *after the*

Board:

(a) Issues a special endorsement of the dental hygienist's license.

(b) Approves the treatment protocol submitted by the dental hygienist which includes an explanation of the methods that the dental hygienist will use to:

(1) Treat patients; and

(2) Refer patients to a dentist for:

(I) Follow-up care;

(II) Diagnostic services; and

(III) Any service that the dental hygienist is not authorized to perform.

6. *The Board may revoke the authorization described in subsection 5 if the:*

(a) Dental hygienist fails to renew his license or it is cancelled, suspended or revoked;

(b) Board receives a complaint filed against the dental hygienist;

(c) Dental hygienist commits an act which constitutes a cause for disciplinary action; or

(d) Dental hygienist violates any provision of this chapter or chapter 631 of NRS.

↪ Nothing in this subsection prohibits a dental hygienist from reapplying for authorization to perform the services described in subsection 5 if the Board revokes the authorization pursuant to this subsection.

7. As used in this section:

(a) "Health care facility" has the meaning ascribed to it in subsection 1 of NRS 449.800.

(b) "Health facility" has the meaning ascribed to it in subsection 6 of NRS 449.260.

(c) "School" means an elementary, secondary or postsecondary educational facility, public or private, in this state.

Sec. 6. 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 dentist who is licensed in this state and who holds a general anesthesia permit or conscious sedation permit,

↳ to administer general anesthesia, deep sedation or conscious sedation, as appropriate, to his patients at his office if he 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 sedation holds an appropriate license or permit issued by the appropriate board in this state 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 on *the* Accreditation of Healthcare Organizations.

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 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 ~~[of the Board]~~ 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 office at all times.

6. Each certificate of site approval issued by the Board must be renewed annually.

7. The Board may reinspect the office of the holder of a certificate of site approval at any time.

Sec. 7. NAC 631.273 is hereby amended to read as follows:

631.273 1. If, upon the death of a dentist licensed pursuant to chapter 631 of NRS, a surviving member of his family desires to own or control his practice, share in the fees therefrom, or control the services offered, the surviving member shall, within 2 months after the dentist's death, notify the Board of that fact by furnishing the Secretary-Treasurer ~~[of the Board]~~ with a certified copy of the death certificate.

2. Upon receipt of the death certificate, the Board will appoint one or more of its members, agents or employees to investigate the operation of the dental practice of the decedent to determine whether the practice is being conducted in full compliance with the requirements of chapter 631 of NRS and the regulations of the Board, paying particular attention to the health, welfare and safety of the public.

3. If, upon investigation, the Board finds that the practice is not being conducted in full compliance with the requirements of chapter 631 of NRS or the regulations of the Board, it will apply to the district court to enjoin the continuation of the practice and will further institute any disciplinary action it deems necessary against any licensed dentist or dental hygienist associated with the practice.

Sec. 8. NAC 631.320 is hereby amended to read as follows:

631.320 The original and two copies of each pleading, motion or other paper must be filed with the Secretary-Treasurer . ~~[of the Board.]~~ He may direct that a copy of each pleading or motion be made available by the party filing it to any other person who the Secretary-Treasurer ~~[of the Board]~~ determines may be affected by the proceeding and who desires the copy.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R231-03

The Board of Dental Examiners of Nevada adopted regulations assigned LCB File No. R231-03 which pertain to chapter 631 of the Nevada Administrative Code on March 25, 2004.

Notice date: 2/6/2004
Hearing date: 3/25/2004

Date of adoption by agency: 3/25/2004
Filing date: 5/25/2004

INFORMATIONAL STATEMENT

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.

Public Workshops were held on November 15, 2002, January 18, 2003, and September 26, 2003 with adoption of the regulations at the meeting held on March 25, 2004, after a thirty day notice was posted prior to each in compliance with the Nevada open meeting law requirements, to solicit public comment regarding proposed regulation changes to NAC 631.173 and NAC 631.210. The workshops and adoption hearing was noticed to the main library in all counties in Nevada along with the Las Vegas and Carson City offices of the Attorney General, State Library and Archives, and the Clark County Health District. Public comment included reference to the increase in dental continuing education units to be high but the increase for hygienists to be acceptable. Comments made concerning more specific identification of courses related to dental and dental hygiene meeting criteria. Concern expressed regarding 'over management' of CEU courses. Further, comments made regarding the difficulty for rural practitioners' access to specific courses. Comments were given on specific language changes to address parameters of duties delegable to dental hygienists. Discussions took place to formulate just what duties would be authorized by a dentist versus supervised by a dentist in a private practice as well as a public health setting. Clarification was made of language regarding the need for referral to the authorizing dentist for follow-up care and immediate follow-up care. Concerns were expressed regarding the authorizing of duties delegable to a dental hygienist in a private practice versus public health setting and those duties delegable to a dental hygienist but directly supervised by the dentist. A copy of the written minutes of the workshops and meetings may be obtained by contacting the Nevada State Board of Dental Examiners at (702) 486-7044 or by writing to the Board at 2295-B Renaissance Drive, Las Vegas, Nevada 89119.

2. The number of persons who:
 - (a) Attended each hearing: approx. 25
 - (b) Testified at each hearing: approx. 6
 - (c) Submitted to the agency written comments: NONE

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 all workshops and meetings 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 practitioner associations within Nevada. Comments were solicited from practitioners and associations representing practitioners in this matter. Some public comment made at meetings focused on the concern for allowing greater duties delegable to a dental hygienist without direct dentist supervision in a private practice. The unsupervised duties delegable to a dental hygienist in a public health setting did not generate concerned comment. A copy of the written minutes of the workshops and meetings may be obtained by contacting the Nevada State Board of Dental Examiners at (702) 486-7044 or by writing to the Board at 2295-B Renaissance Drive, Las Vegas, Nevada 89119.

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

The permanent regulations were adopted at the Nevada State Board of Dental Examiners hearing on March 25, 2004 with changes incorporated from public workshops held on November 15, 2002, January 18, 2003, and September 26, 2003 previously. Public comment at the adoption hearing on March 25, 2004 was taken. No substantive changes were made to the proposed regulations from comments at the adoption hearing.

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. The proposed revisions are expected to have an immediate or long-term beneficial effect upon the regulated community through more practice specific continuing education benefit. There are no adverse effects.
 - b. The estimated economic effect on the regulated community is minimal as they will have additional continuing education credits to pay for. There is no estimated economic effect on the public.
6. The estimated cost to the agency for enforcement of the adopted regulation.

There is a minimal additional cost to the board for enforcement of the regulation to monitor and audit compliance.

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.

There are no other state or government agency regulations that the proposed amendments duplicate.

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 addressing state dental and/or dental hygiene licensure.

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.

These regulations do not provide or involve a new fee.