

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

LCB File No. R158-08

Effective December 17, 2008

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

AUTHORITY: §1, NRS 631.190, 631.220 and 631.273; §2, NRS 631.190, 631.260 and 631.290; §3, NRS 631.190, 631.250 and 631.255; §§4-6, NRS 631.190 and 631.265; §7, NRS 631.190.

A REGULATION relating to dentistry; establishing a procedure for a person who holds a temporary license to practice dental hygiene to apply for a permanent license to practice dental hygiene; expanding the grounds upon which the Executive Director or Secretary-Treasurer of the Board of Dental Examiners of Nevada may reject an application for licensure as a dentist or dental hygienist; expanding the specialties for which the Board will issue a license; revising the renewal periods of certain permits and certificates issued by the Board; and providing other matters properly relating thereto.

Section 1. NAC 631.039 is hereby amended to read as follows:

631.039 A person who wishes to apply for a permanent license to practice dentistry *or dental hygiene* after holding a temporary license to practice dentistry *or dental hygiene* for a minimum of 2 years pursuant to subsection 2 of NRS 631.272 *or subsection 2 of NRS 631.273, as applicable*, must submit to the Board proof that he actively practiced dentistry *or dental hygiene* in this State during the 2 years in which he held the temporary license.

Sec. 2. NAC 631.050 is hereby amended to read as follows:

631.050 1. If the Executive Director or Secretary-Treasurer finds that:

(a) An application is:

- (1) Deficient;
- (2) Not in the proper form; or

(3) Delivered to the Board less than the 45 days required before the examination pursuant to subsection 2 of NAC 631.030 or less than the 45 days required before the meeting of the Board to consider the applicant for licensure pursuant to subsection 3 of NAC 631.030; or

(b) The applicant has:

(1) Provided incorrect information;

(2) Not attained the scores required by chapter 631 of NRS; or

(3) Not submitted the required fee,

↪ the Executive Director or Secretary-Treasurer shall reject the application and return it to the applicant with the reasons for its rejection.

2. If the Executive Director or Secretary-Treasurer finds that an applicant has:

(a) A felony conviction;

(b) A misdemeanor conviction;

(c) A malpractice judgment against him;

(d) A history of substance abuse;

(e) Been refused permission to take an examination for licensure by *this State*, any other state or territory of the United States or the District of Columbia;

(f) Been denied licensure by *this State*, any other state or territory of the United States or the District of Columbia;

(g) Had his license to practice dentistry or dental hygiene suspended, revoked or placed on probation in this State, another state or territory of the United States or the District of Columbia;

(h) Had his practice of dentistry or dental hygiene subject to mandatory supervision in this State, another state or territory of the United States or the District of Columbia; or

(i) Received a public reprimand or is currently involved in any disciplinary action concerning his license to practice dentistry or dental hygiene in this State, another state or territory of the United States or the District of Columbia,

➡ the Executive Director or Secretary-Treasurer may reject the application. If rejected, the application must be returned to the applicant with the reasons for its rejection.

3. If an application is rejected pursuant to subsection 2, the applicant may furnish additional relevant information to the Executive Director or Secretary-Treasurer, and request that his application be reconsidered. If an application is rejected following reconsideration by the Executive Director or Secretary-Treasurer, the applicant may petition the Board for a review of his application at the next regularly scheduled meeting of the Board.

Sec. 3. NAC 631.190 is hereby amended to read as follows:

631.190 The only specialties for which the Board will issue licenses are:

1. Oral *and maxillofacial* pathology;
2. Oral and maxillofacial surgery;
3. Orthodontia;
4. Periodontia;
5. Prosthodontia;
6. Pediatric dentistry;
7. Endodontia; ~~and~~
8. Public health ~~and~~; *and*
9. *Oral and maxillofacial radiology.*

Sec. 4. NAC 631.2217 is hereby amended to read as follows:

631.2217 1. The holder of a general anesthesia permit or conscious sedation permit is subject to review by the Board at any time.

2. Each general anesthesia permit and conscious sedation permit must be renewed annually ~~or~~ *or biennially, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the holder of the permit.*

Sec. 5. NAC 631.2219 is hereby amended to read as follows:

631.2219 1. The Board will require an inspection and evaluation of the facility, equipment, personnel, records of patients and the procedures used by every dentist who seeks or holds a general anesthesia permit or conscious sedation permit, and of the dentist himself, before issuing such an original permit to the dentist, and at least once in every 5-year period thereafter.

2. The Board will renew general anesthesia permits and conscious sedation permits annually *or biennially, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the holder of the permit*, unless the holder is informed in writing, 60 days before the date for renewal, that a reevaluation of his credentials is required. In determining whether reevaluation is necessary, the Board will consider, among other factors, complaints by patients and reports of adverse occurrences. A reevaluation will, if appropriate, include an inspection of the facility, equipment, personnel, records of patients and the procedures used by the holder, and an examination of his qualifications.

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~~ 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 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 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 ~~or~~ *or biennially, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the holder of the certificate.*

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

Sec. 7. Notwithstanding the provisions of sections 3, 4 and 5 of this regulation, any existing general anesthesia permit, conscious sedation permit and certificate of site approval issued by the Board of Dental Examiners of Nevada pursuant to chapters 631 of NRS and NAC is valid until the expiration date of the permit or certificate and all renewals made after that date expire on June 30 of the year in which the license held by the holder of the permit or certificate must be renewed pursuant to NRS 631.330.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R158-08

The Board of Dental Examiners of Nevada adopted regulations assigned LCB File No. R158-08 which pertain to chapter 631 of the Nevada Administrative Code.

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.

A public workshop was held January 17, 2008 after a 15 day notice was posted in compliance with the Nevada administrative rulemaking requirements. A second public workshop was held March 13, 2008 after a 15 day notice was posted for a workshop followed by the public hearing and adoption which was posted for 30 days in compliance with the Nevada Administrative Rulemaking requirements. The public hearing and adoption 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, Notice List maintained by the board; and the Clark County Health District. Public comment was sought; however no written comments were forthcoming at the workshops, nor the hearing. A copy of the written minutes of the meeting 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.

The board held a public hearing and adoption hearing on October 30, 2008 after a 30 day notice was posted in compliance with the Nevada administrative rulemaking requirements. Public comment was sought; however no voiced comments at the hearings nor written comments were submitted. The board did make changes to the submitted regulations by LCB to adopt changes to NAC 631.190 as noted below to provide continued consistency with the assigned specialty license numbers issued by the board for the specialties as recognized by the American Dental Association Commission on Dental Accreditation pursuant to statute NRS 631.250 and NRS 631.255. The numerical listing in regulation corresponds to the S# assignment for the license issued by the board and has been done so for over thirty years.

NAC 631.190 **Specialties.** (NRS 631.190, 631.250, 631.255) The only specialties for which the Board will issue licenses are:

1. Oral *and Maxillofacial* Pathology;
2. Oral and ~~m~~*Maxillofacial* surgery;
3. Orthodontia;
4. Periodontia;
5. Prosthodontia;
6. Pediatric dentistry;
7. Endodontia; ~~and~~
8. Public health; *and*
9. *Oral and Maxillofacial Radiology*

All other submitted regulatory language was adopted by the board.

2. The number of persons who:
 - (a) Attended the hearing: Approx. 25 1/17/2008
Approx. 22 3/13/2008
Approx 25 10/30/08
 - (b) Testified at the hearing: 0 1/17/2008
0 3/13/2008
0 10/30/08
 - (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 the workshops 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. Representation was specifically made from one affected practitioner association present at the meetings. (Dr. Robert Talley, NDA). These regulatory changes were adopted consistent with current statute for licensure conversion, specialties recognized by the American Dental Association's Commission on Dental Accreditation, application review consistent with modified licensure methods occurring since 2001, and changes to licensure renewal in 2005 all proscribed in NRS 631. These changes are viewed as 'housekeeping' changes to existing statutes adopted by the Nevada Legislature to present. A copy of the written minutes of the workshop and meeting 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 at the Nevada State Board of Dental Examiners hearing on March 13, 2008. No substantive changes were proposed at either workshop, public hearing or adoption hearing after thorough review and discussion with extensive explanations given at each meeting and hearing to ensure understanding. The regulations submitted by LCB were adopted as submitted with the exception of NAC 631.190 for the numerical listing of specialties to correspond with the specialty license numbers issued by the board.

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.

There are no expected adverse economic effects for licensees or applicants for licensure. The beneficial effects are to identify more specifically in regulation what is authorized in statute in NRS 631.

(b) Both immediate and long-term effects.

Immediate and long term effects are to clarify more specifically the statutes of Chapter 631.

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

There are no greater costs to the board for enforcement of these regulations than what is already incurred through application of the statutes currently.

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 providing these provisions.

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.