

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

LCB File No. R066-11

Effective February 15, 2012

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

AUTHORITY: §1, NRS 631.190 and 631.345, as amended by section 2 of chapter 25, Statutes of Nevada 2011, at page 76; §2, NRS 631.190; §3, NRS 631.190 and 631.317.

A REGULATION relating to dentistry; establishing fees for clinical examinations in dentistry and dental hygiene; revising provisions governing permits issued by the Board of Dental Examiners of Nevada; and providing other matters properly relating thereto.

Section 1. NAC 631.029 is hereby amended to read as follows:

631.029 The Board will charge and collect the following fees:

Application fee for an initial license to practice dentistry	\$1,200
<i>Fee for administering a clinical examination in dentistry</i>	<i>2,090</i>
Application fee for an initial license to practice dental hygiene	600
<i>Fee for administering a clinical examination in dental hygiene.....</i>	<i>975</i>
Application fee for a temporary license to practice dentistry	1,200
Application fee for a temporary license to practice dental hygiene	600
Application fee for a specialty license by credential.....	1,200
Application fee for a temporary restricted geographical license to practice dentistry	600

Application fee for a temporary restricted geographical license to practice dental hygiene.....	150
Application fee for a specialist’s license to practice dentistry	125
Application fee for a limited license or restricted license to practice dentistry or dental hygiene	125
Application and examination fee for a permit to administer general anesthesia, conscious sedation or deep sedation	350
Application and examination fee for a site permit to administer general anesthesia, conscious sedation or deep sedation	350
Fee for any reinspection required by the Board to maintain a permit to administer general anesthesia, conscious sedation or deep sedation.....	250
Biennial renewal fee for a permit to administer general anesthesia, conscious sedation or deep sedation.....	100
Fee for the inspection of a facility required by the Board to renew a permit to administer general anesthesia, conscious sedation or deep sedation.....	100
Biennial license renewal fee for a general license or specialist’s license to practice dentistry	600
Biennial license renewal fee for a temporary license to practice dentistry	600
Biennial license renewal fee for a restricted geographical license to practice dentistry	600
Biennial license renewal fee for a restricted geographical license to practice dental hygiene.....	300
Biennial license renewal fee for a general license to practice dental hygiene	300

Biennial license renewal fee for a temporary license to practice dental hygiene	300
Annual license renewal fee for a limited license to practice dentistry or dental hygiene.....	100
Annual license renewal fee for a restricted license to practice dentistry	100
Biennial license renewal fee for an inactive dentist	200
Biennial license renewal fee for an inactive dental hygienist	50
Reinstatement fee for a suspended license to practice dentistry or dental hygiene	200
Reinstatement fee for a revoked license to practice dentistry or dental hygiene	350
Reinstatement fee to return an inactive or retired dentist or dental hygienist or a dentist or dental hygienist with a disability to active status	200
Fee for the certification of a license	25
Fee for the certification of a license to administer nitrous oxide or local anesthesia.....	25
Fee for a duplicate wall certificate	25
Fee for a duplicate pocket card receipt.....	25
Application fee for converting a temporary license to a permanent license	125
Fee for an application packet for an examination	25
Fee for an application packet for licensure by credentials	25

Sec. 2. NAC 631.150 is hereby amended to read as follows:

631.150 1. Each licensee shall file with the Board the addresses of his permanent residence and the office or offices where he conducts his practice.

2. Within 30 days after any change occurs in any of these addresses, the licensee shall give the Board a written notice of the change. The Board will impose a fine of \$50 if a licensee does not report such a change within 30 days after it occurs.

3. The licensee shall display his license *and any permit issued by the Board*, or a copy thereof, at each place where he practices.

Sec. 3. 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) Remove stains, deposits and accretions, including dental calculus.

(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 preventive dental procedure of scaling and polishing which includes the removal of calculus, soft deposits, plaques and stains 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.

(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 removable appliances, provided no missing teeth are replaced by those appliances.

(e) Perform subgingival curettage.

(f) Expose radiographs.

(g) Place and remove a periodontal pack.

(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.

(i) Train and instruct persons in the techniques of oral hygiene and preventive procedures.

(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. 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) Fabricate and place temporary crowns and bridges.
- (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.
- (f) Apply and activate agents for bleaching teeth with a light source.
- (g) Use a laser that has been cleared by the Food and Drug Administration to perform

intrasulcular periodontal procedures or tooth whitening procedures if:

(1) The use of such a laser for those purposes is within the scope of the education, experience and training of the dental hygienist;

(2) Before operating the laser, the dental hygienist has provided proof to the supervising dentist that the dental hygienist has successfully completed a course in laser proficiency that:

(I) Is at least 6 hours in length; and

(II) Is based on the *Curriculum Guidelines and Standards for Dental Laser Education*, adopted by reference pursuant to NAC 631.035; and

(3) The supervising dentist has successfully completed a course in laser proficiency that:

(I) Is at least 6 hours in length; and

(II) Is based on the *Curriculum Guidelines and Standards for Dental Laser Education*, adopted by reference pursuant to NAC 631.035.

↪ The dental hygienist must obtain authorization from the licensed dentist of the patient on whom the services authorized pursuant to this subsection 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 *or permit* certifying the hygienist ~~[to]~~*for* this level of ~~[proficiency.]~~ *administration*.

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 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 local intraoral chemotherapeutic agents are to be administered; and

(b) Submits to the Secretary-Treasurer 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 local intraoral chemotherapeutic agents are administered.

5. The Board may authorize a dental hygienist to perform the 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 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.~~ ***162A.740.***
- (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.

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.