

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

LCB File No. R020-14

**NOTICE OF INTENT TO ACT UPON REGULATIONS
LCB File No: R020-14**

**Notice of Hearing for the Adoption and Repeal of Regulations of the
Nevada State Board of Dental Examiners**

The Nevada State Board of Dental Examiners will hold a Hearing on **Friday April 25, 2014 at 9:00 a.m.** during a regularly scheduled meeting of the Board at the offices of the Nevada State Board of Dental Examiners, 6010 S. Rainbow Blvd, Suite A-1, Las Vegas, Nevada 89118. Videoconferencing will also be available at the offices of the Nevada State Board of Medical Examiners, 1105 Terminal Way, Suite 301, Reno, NV 89502.

The purpose of the Hearing is to receive comments from all interested persons regarding the adoption of the following proposed regulations that pertain to Chapter 631 of the Nevada Administrative Code. The revisions are regarding the following:

Pursuant to the requirements of NRS 233B.0603, the following information is provided:

1. Purpose and Need of the Proposed Regulation:

The proposed regulations are necessary to establish Board of Dental Examiners policy and to clarify existing Board of Dental Examiners policy.

2. How to obtain the Revised Text of the Proposed Regulations:

A copy of this notice will be on file at the State Library, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the notice and the regulations to be adopted and repealed will be available at the office of the **Nevada State Board of Dental Examiners, 6010 S. Rainbow Blvd. A-1, Las Vegas, Nevada 89118**; and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice is also available on the Board's website at: dental.nv.gov. This notice and the text of the proposed regulations are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0633, and on the Internet at www.leg.state.nv.us. Copies of this notice and the proposed regulations will also be mailed to members of the public upon request.

3. Estimated Economic effect of the Proposed Permanent Regulations on the Business, which it is to regulate and the Public:

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 an 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 631.145 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 631.2203 registered facility:

a). Adverse and Beneficial Effect:

This proposed regulation change is to remove the wording NAC 631.2207 the regulation the Board has proposed to repeal.

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.

4. A description of any duplication or overlapping of other local, state, or federal agencies.

To our knowledge, there are no other government entities regulating the licensure of dentists and/or dental hygienists in the State of Nevada. Therefore, there is no duplication or overlap of regulation of another agency.

5. If the regulation is required pursuant to federal law, a citation and description of the federal law.

This regulation is not required pursuant to federal law.

6. If the regulation includes provisions which 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.

Repeal Sections: NAC 631.031 Hearing to determine claim of malpractice pending; NAC 631.039 Application for permanent license holder of temporary license; NAC 631.060 Reapplications; NAC 631.080 Examination-Authorization required; NAC 631.100 Examination-practice dental hygiene; NAC 631.120 Examination-practical portion; NAC 631.130

Examination-requirements for successful completion; NAC 631.180 Employment of instructor; NAC 631.2207 Application for limited license to supervise courses of continuing education.

Persons wishing to comment may appear at the scheduled hearing or may address their comments, data, views or arguments, in written form to: **Nevada State Board of Dental Examiners, 6010 S. Rainbow Blvd, A-1, Las Vegas, Nevada 89118, Attn: Debra Shaffer-Kugel, Executive Director; FAX number (702) 486-7046; e-mail address nsbde@nsbde.nv.gov.** Written submissions must be received by the **NEVADA STATE BOARD OF DENTAL EXAMINERS** on or before **April 23, 2014** in order to make copies available to members and the public.

Pursuant to NRS 233B.064(2), “upon adoption of any regulation, the Board, if requested to do so by an interested person, either before adoption or within thirty (30) days thereafter, shall issue a concise statement of the principal reason for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.”

AGENDA POSTING LOCATIONS

Clark County Government Center,
500 Grand Central Parkway, Las Vegas, Nevada
Elko County Courthouse, Room 106, Elko, Nevada
Washoe County Courthouse, 75 Court Street, Reno, Nevada
Office of the N.S.B.D.E., 6010 S Rainbow Boulevard, #A-1, Las Vegas, Nevada
On the Internet at the Nevada State Board of Dental Examiners website:
dental.nv.gov

Legislative Counsel Bureau, 401 S Carson Street, Carson City, Nevada 89701
Carson City Library, 900 N. Roop St., Carson City, Nevada.
Churchill County Library, 553 S. Main St., Fallon, Nevada.
Las Vegas Library, 833 Las Vegas Blvd, North, Las Vegas, Nevada.
Douglas County Library, 1625 Library Lane, Minden, Nevada.
Elko County Library, 720 Court St., Elko, Nevada.
Goldfield Public Library, Fourth & Crook St., Goldfield, Nevada.
Eureka Branch Library, 10190 Monroe St., Eureka, Nevada.
Humboldt County Library, 85 East 5th St., Winnemucca, Nevada.
Battle Mountain Branch Library, 625 Broad St., Battle Mountain, Nevada.
Lincoln County Library, 93 Main Street, Pioche, Nevada .
Lyon County Library, 20 Nevin Way, Yerington, Nevada .
Mineral County Library, First & A Street, Hawthorne, Nevada.
Tonopah Public Library, 171 Central St., Tonopah, Nevada.
Pershing County Library, 1125 Central Ave., Lovelock, Nevada.
Storey County Library, 95 South R. St., Virginia City, Nevada.
Washoe County Library, 301 S. Center St., Reno, Nevada.
White Pine County Library, 950 Campton St., Ely, Nevada.

Las Vegas Office of the Nevada Attorney General, 555 E. Washington Ave, Las Vegas, Nevada
Carson City Office of the Nevada Attorney General, 100 N. Carson St., Carson City, Nevada