

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
LCB File No. R004-17

1. A clear and concise explanation of the need for the adopted regulation.

The Nevada State Board of Dental Examiners has conducted a review of Nevada Administrative Codes Chapter 631. Upon this review, discussion and public comment of the proposed/amended regulations an Anesthesia Committee workshop was held on September 8, 2016 and January 20, 2017. On January 20, 2017, the Board held a Public Workshop after a 15 day notice was posted in compliance with the Nevada administrative rulemaking requirements. A Notice of Intent to Act Upon Regulations public hearing and adoption of the proposed regulation changes to permanent regulations was held on January 19, 2018 after a 30 day notice was posted in compliance with the Nevada administrative rulemaking requirements. Public comment was sought in all meetings, workshops, hearings and adoption. Further, upon review of certain regulations the Board proposed changes/amendments to the anesthesia regulations section of the Nevada Administrative Code to include the following; NAC 631.003; NAC 631.004; NAC 631.029; NAC 631.2205; NAC 631.2211; NAC 631.2213; NAC 631.2217; NAC 631.2219; NAC 631.2221; NAC 631.2223; NAC 631.2225; NAC 631.2227; NAC 631.2229; NAC 631.2231; NAC 631.2235; NAC 631.2236; NAC 631.2237; NAC 631.2239; NAC 631.224; NAC 631.2241; NAC 631.2254; NAC 631.2256 and NAC 631.230

2. Description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

Public workshops were held on September 8, 2016 and January 20, 2017 for consideration of amended/proposed regulations after a 15 day notice was posted in compliance with the Nevada administrative rulemaking requirements. A Notice of Intent to Act Upon Regulations public hearing and adoption of the proposed regulation changes to permanent regulations was held on January 19, 2018 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. Public notice 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 and a copy obtained on the Board's website. 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 or downloaded by visiting our website at dental.nv.gov.

3. The number of persons who. Exhibit A

(a) **Attended each hearing:** Approx: 8 09/23/2016
Approx: 2 01/20/2017
13 01/19/2018

(b) **Testified at each hearing:** Exhibit B

09/23/2016
01/20/2017
01/19/2018

(c) **Submitted written comments: Exhibit B**

09/23/2016
01/20/2017
01/19/2018

4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing:

See Exhibit B attached

5. A description of how comment was solicited from affected businesses, a summary of their response and an explanation of 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 and a copy obtained on the Board's website. 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 or downloaded by visiting our website at dental.nv.gov.

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

The following regulations listed below were adopted as proposed and as recommended by the Board and LCB (R004-17).

Adopted Proposed Permanent Regulations No Changes-R004-17

NAC 631.003-Moderate Sedation defined
NAC 631.004-Moderate Sedation permit defined
NAC 631.029-Schedule of Fees
NAC 631.2205-Contents of Form for registration to provide continuing ed
NAC 631.2217-Review of holder to permit
NAC 631.2219-Inspection and evaluation; reevaluation
NAC 631.2221-Inspector and evaluators; participation of member
NAC 631.2223-Inspection and evaluation; general requirements
NAC 631.2225-Inspection and evaluations; simulated emergencies
NAC 631.2229- Inspection and evaluations; records of patients
NAC 631.2237-Procedures required before administration of anesthesia
NAC 631.224-Employment of certified registered nurse anesthetist
NAC 631.2241-Report of injury to patients
NAC 631.2254-Temporary permits
NAC 631.2256-Coninuing Education required
NAC 631.230-Unprofessional Conduct

Adopted Proposed Permanent Regulations with Changes-R004-17-Listed as Exhibit C

The following regulations listed below were adopted by the Board **with changes** believed to be non substantive

NAC 631.2211-Scope
NAC 631.2213-Permits required; qualifications of applicants
NAC 631.2227-Inspection and evaluation; physical facility and equipment

- NAC 631.2231- Inspection and evaluation; emergency drugs
- NAC 631.2235- Inspection and evaluation; Failure or pass
- NAC 631.2236- Certificate of site approval; general requirements
- NAC 631.2239- Properly equipped facility required; qualifications of auxiliary personnel

7. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and in each case must include:

NAC 631.003- Moderate Sedation defined

Change the word conscious sedation to moderate sedation consistent with the statute NRS 631.025

a). Adverse and Beneficial Effect.

This proposed regulation changes has no adverse or beneficial effect on the dental profession

b). Immediate and Long Term Effect.

There should be no economic effect of the changes in the regulations on the dental profession

c). Method utilized to Determine Economic Effect.

Upon holding a Public Workshop and Notice of Intent to Act Upon where licensees, members of local associations and societies and public persons attended, the attendees did not object to this regulation change/amendment

d). The estimated cost to the agency for enforcement of the proposed regulation.

There should be no costs 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 631.004- Moderate Sedation Permit defined

Change the word conscious sedation to moderate sedation consistent with the statute NRS 631.025

a). Adverse and Beneficial Effect.

There should be no adverse effect of the changes in the regulations on the dental profession

b). Immediate and Long Term Effect.

There should be no immediate or long term effect of the changes in the regulations on the dental profession

c). Method utilized to Determine Economic Effect.

Upon holding a Public Workshop and Notice of Intent to Act Upon where licensees, members of local associations and societies and public persons attended, the attendees did not object to this regulation change/amendment

d). The estimated cost to the agency for enforcement of the proposed regulation.

There should be no costs 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 631.029–Schedule of fees

Change the word conscious sedation to moderate sedation consistent with the statute NRS 631.025

a). Adverse and Beneficial Effect.

There should be no adverse effect of the changes in the regulations on the dental profession

b). Immediate and Long Term Effect.

There should be no immediate or long term effect of the changes in the regulations on the dental profession

c). Method utilized to Determine Economic Effect.

Upon holding a Public Workshop and Notice of Intent to Act Upon where licensees, members of local associations and societies and public persons attended, the attendees did not object to this regulation change/amendment.

d). The estimated cost to the agency for enforcement of the proposed regulation.

There should be no costs 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 631.2205–Contents of form for registration to provide continuing education

Change the word conscious sedation to moderate sedation consistent with the statute NRS 631.025

a). Adverse and Beneficial Effect.

There should be no adverse effect of the changes in the regulations on the dental profession

b). Immediate and Long Term Effect.

There should be no immediate or long term effect of the changes in the regulations on the dental profession

c). Method utilized to Determine Economic Effect.

Upon holding a Public Workshop and Notice of Intent to Act Upon where licensees, members of local associations and societies and public persons attended, the attendees did not object to this regulation change/amendment

d). The estimated cost to the agency for enforcement of the proposed regulation.

There should be no costs 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 631.2211–Scope

Amend the regulation to define minimal sedation is as set forth in NRS 631.078 and change the word conscious sedation to moderate sedation

a). Adverse and Beneficial Effect.

There should be no adverse effect of the changes in the regulations on the dental profession

b). Immediate and Long Term Effect.

There should be no immediate or long term effect of the changes in the regulations on the dental profession

c). Method utilized to Determine Economic Effect.

Upon holding a Public Workshop and Notice of Intent to Act Upon where licensees, members of local associations and societies and public persons attended, the attendees did not object to this regulation change/amendment

d). The estimated cost to the agency for enforcement of the proposed regulation.

There should be no costs 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 631.2213-Permit required

This amendment to the regulation changes conscious sedation to moderate sedation, adds a moderate sedation permit to administer on patients 12 years of age or younger and the educational requirements for said permit

a). Adverse and Beneficial Effect.

There should be no adverse effect of the changes in the regulations on the dental profession

b). Immediate and Long Term Effect.

There should be no immediate or long term effect of the changes in the regulations on the dental profession

c). Method utilized to Determine Economic Effect.

Upon holding a Public Workshop and Notice of Intent to Act Upon where licensees, members of local associations and societies and public persons attended, the attendees did not object to this regulation change/amendment.

d). The estimated cost to the agency for enforcement of the proposed regulation.

There should be no costs 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 631.2217-Review of holder of permits

Change the word conscious sedation to moderate sedation consistent with the statute NRS 631.025

a). Adverse and Beneficial Effect.

There should be no adverse effect of the changes in the regulations on the dental profession

b). Immediate and Long Term Effect.

There should be no immediate or long term effect of the changes in the regulations on the dental profession

c). Method utilized to Determine Economic Effect.

Upon holding a Public Workshop and Notice of Intent to Act Upon where licensees, members of local associations and societies and public persons attended, the attendees did not object to this regulation change/amendment

d). The estimated cost to the agency for enforcement of the proposed regulation.

There should be no costs 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 631.2219–Inspection and evaluation; reevaluations

Change the word conscious sedation to moderate sedation consistent with the statute NRS 631.025

a). Adverse and Beneficial Effect.

There should be no adverse effect of the changes in the regulations on the dental profession

b). Immediate and Long Term Effect.

There should be no immediate or long term effect of the changes in the regulations on the dental profession

c). Method utilized to Determine Economic Effect.

Upon holding a Public Workshop and Notice of Intent to Act Upon where licensees, members of local associations and societies and public persons attended, the attendees did not object to this regulation change/amendment

d). The estimated cost to the agency for enforcement of the proposed regulation.

There should be no costs 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 631.2221–Inspection and evaluation; participation of members

Change the word conscious sedation to moderate sedation consistent with the statute NRS 631.025

a). Adverse and Beneficial Effect.

There should be no adverse effect of the changes in the regulations on the dental profession

b). Immediate and Long Term Effect.

There should be no immediate or long term effect of the changes in the regulations on the dental profession

c). Method utilized to Determine Economic Effect.

Upon holding a Public Workshop and Notice of Intent to Act Upon where licensees, members of local associations and societies and public persons attended, the attendees did not object to this regulation change/amendment

d). The estimated cost to the agency for enforcement of the proposed regulation.

There should be no costs 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 631.2223– Inspection and evaluation; general requirements

Change the word conscious sedation to moderate sedation consistent with the statute NRS 631.025

a). Adverse and Beneficial Effect.

There should be no adverse effect of the changes in the regulations on the dental profession

b). Immediate and Long Term Effect.

There should be no immediate or long term effect of the changes in the regulations on the dental profession

c). Method utilized to Determine Economic Effect.

Upon holding a Public Workshop and Notice of Intent to Act Upon where licensees, members of local associations and societies and public persons attended, the attendees did not object to this regulation change/amendment

d). The estimated cost to the agency for enforcement of the proposed regulation.

There should be no costs 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 631.2225- Inspection and evaluation; simulated emergencies

Change the word conscious sedation to moderate sedation consistent with the statute NRS 631.025 and add the word overdose

a). Adverse and Beneficial Effect.

There should be no adverse effect of the changes in the regulations on the dental profession

b). Immediate and Long Term Effect.

There should be no immediate or long term effect of the changes in the regulations on the dental profession

c). Method utilized to Determine Economic Effect.

Upon holding a Public Workshop and Notice of Intent to Act Upon where licensees, members of local associations and societies and public persons attended, the attendees did not object to this regulation change/amendment

d). The estimated cost to the agency for enforcement of the proposed regulation.

There should be no costs 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 631.2227 – Inspection and evaluation; physical facilities and equipment

Change the word conscious sedation to moderate sedation consistent with the statute NRS 631.025 and add additional equipment for the administration of general anesthesia and to administer moderate sedation to patients 12 years old or younger

a). Adverse and Beneficial Effect.

There should be no adverse effect of the changes in the regulations on the dental profession

b). Immediate and Long Term Effect.

There should be no immediate or long term effect of the changes in the regulations on the dental profession

c). Method utilized to Determine Economic Effect.

Upon holding a Public Workshop and Notice of Intent to Act Upon where licensees, members of local associations and societies and public persons attended, the attendees did not object to this regulation change/amendment

d). The estimated cost to the agency for enforcement of the proposed regulation.

There should be no costs 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 631.2229– Inspection and evaluation; Records of patients

Change the word conscious sedation to moderate sedation consistent with the statute NRS 631.025 and add acuity classifications

a). Adverse and Beneficial Effect.

There should be no adverse effect of the changes in the regulations on the dental profession

b). Immediate and Long Term Effect.

There should be no immediate or long term effect of the changes in the regulations on the dental profession

c). Method utilized to Determine Economic Effect.

Upon holding a Public Workshop and Notice of Intent to Act Upon where licensees, members of local associations and societies and public persons attended, the attendees did not object to this regulation change/amendment

d). The estimated cost to the agency for enforcement of the proposed regulation.

There should be no costs 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 631.2231- Inspection and evaluation; emergency drugs

Change the word conscious sedation to moderate sedation consistent with the statute NRS 631.025 and add additional emergency drugs for the administration of general anesthesia and to administer moderate sedation to patients 12 years old or younger

a). Adverse and Beneficial Effect.

There should be no adverse effect of the changes in the regulations on the dental profession

b). Immediate and Long Term Effect.

There should be no immediate or long term effect of the changes in the regulations on the dental profession

c). Method utilized to Determine Economic Effect.

Upon holding a Public Workshop and Notice of Intent to Act Upon where licensees, members of local associations and societies and public persons attended, the attendees did not object to this regulation change/amendment

d). The estimated cost to the agency for enforcement of the proposed regulation.

There should be no costs 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 631.2235– Inspection and evaluation; Failure to pass; request for reevaluation

Change the word conscious sedation to moderate sedation consistent with the statute NRS 631.025 and amend to define the written notification processes when failure occurs and the due process rights of the licensee

a). Adverse and Beneficial Effect.

There should be no adverse effect of the changes in the regulations on the dental profession

b). Immediate and Long Term Effect.

There should be no immediate or long term effect of the changes in the regulations on the dental profession

c). Method utilized to Determine Economic Effect.

Upon holding a Public Workshop and Notice of Intent to Act Upon where licensees, members of local associations and societies and public persons attended, the attendees did not object to this regulation change/amendment

d). The estimated cost to the agency for enforcement of the proposed regulation.

There should be no costs 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 631.2236– Certificate of site approval; general requirements

Change the word conscious sedation to moderate sedation consistent with the statute NRS 631.025 and amend regulation to define the due process rights of the licensee when failure occurs

a). Adverse and Beneficial Effect.

There should be no adverse effect of the changes in the regulations on the dental profession

b). Immediate and Long Term Effect.

There should be no immediate or long term effect of the changes in the regulations on the dental profession

c). Method utilized to Determine Economic Effect.

Upon holding a Public Workshop and Notice of Intent to Act Upon where licensees, members of local associations and societies and public persons attended, the attendees did not object to this regulation change/amendment

d). The estimated cost to the agency for enforcement of the proposed regulation.

There should be no costs 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 631.2237–Procedures required before administration of anesthesia

Change the word conscious sedation to moderate sedation consistent with the statute NRS 631.025

a). Adverse and Beneficial Effect.

This proposed regulation changes has no adverse or beneficial effect on the dental profession

b). Immediate and Long Term Effect.

There should be no economic effect of the changes in the regulations on the dental profession

c). Method utilized to Determine Economic Effect.

Upon holding a Public Workshop and Notice of Intent to Act Upon where licensees, members of local associations and societies and public persons attended, the attendees did not object to this regulation to change/amendment.

d). The estimated cost to the agency for enforcement of the proposed regulation.

There should be no costs 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 631.2239–Properly equipped facility required; qualifications of auxiliary personnel

Change the word conscious sedation to moderate sedation consistent with the statute NRS 631.025 and add language for CPR course approved by the Board in addition to the American Heart Association

a). Adverse and Beneficial Effect.

This proposed regulation changes has no adverse or beneficial effect on the dental profession

b). Immediate and Long Term Effect.

There should be no economic effect of the changes in the regulations on the dental profession

c). Method utilized to Determine Economic Effect.

Upon holding a Public Workshop and Notice of Intent to Act Upon where licensees, members of local associations and societies and public persons attended, the attendees did not object to this regulation to change/amendment.

d). The estimated cost to the agency for enforcement of the proposed regulation.

There should be no costs 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 631.224–Employment of certified registered nurse anesthetist

Change the word conscious sedation to moderate sedation consistent with the statute NRS 631.025 and make change to add language regarding facilities who are permitted pursuant to NRS 449.442

a). Adverse and Beneficial Effect.

This proposed regulation changes has no adverse or beneficial effect on the dental profession

b). Immediate and Long Term Effect.

There should be no economic effect of the changes in the regulations on the dental profession

c). Method utilized to Determine Economic Effect.

Upon holding a Public Workshop and Notice of Intent to Act Upon where licensees, members of local associations and societies and public persons attended, the attendees did not object to this regulation to change/amendment.

d). The estimated cost to the agency for enforcement of the proposed regulation.

There should be no costs 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 631.2241-Report of injuries to patients

Change the word conscious sedation to moderate sedation consistent with the statute NRS 631.025 and make change to add language regarding facilities who are permitted pursuant to NRS 449.442

a). Adverse and Beneficial Effect.

This proposed regulation changes has no adverse or beneficial effect on the dental profession

b). Immediate and Long Term Effect.

There should be no economic effect of the changes in the regulations on the dental profession

c). Method utilized to Determine Economic Effect.

Upon holding a Public Workshop and Notice of Intent to Act Upon where licensees, members of local associations and societies and public persons attended, the attendees did not object to this regulation to change/amendment.

d). The estimated cost to the agency for enforcement of the proposed regulation.

There should be no costs 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 631.2254-Temporary Permits

Change the word conscious sedation to moderate sedation consistent with the statute NRS 631.025

a). Adverse and Beneficial Effect.

There should be no adverse effect of the changes in the regulations on the dental profession

b). Immediate and Long Term Effect.

There should be no immediate or long term effect of the changes in the regulations on the dental profession

c). Method utilized to Determine Economic Effect.

Upon holding a Public Workshop and Notice of Intent to Act Upon where licensees, members of local associations and societies and public persons attended, the attendees did not object to this regulation to change/amendment.

d). The estimated cost to the agency for enforcement of the proposed regulation.

There should be no costs 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 631.2256–Continuing Education

Change the word conscious sedation to moderate sedation consistent with the statute NRS 631.025 and amend the amount of continuing education hours required

a). Adverse and Beneficial Effect.

There should be no adverse effect of the changes in the regulations on the dental profession

b). Immediate and Long Term Effect.

There should be no immediate or long term effect of the changes in the regulations on the dental profession

c). Method utilized to Determine Economic Effect.

Upon holding a Public Workshop and Notice of Intent to Act Upon where licensees, members of local associations and societies and public persons attended, the attendees did not object to this regulation to change/amendment.

d). The estimated cost to the agency for enforcement of the proposed regulation.

There should be no costs 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

Change the word conscious sedation to moderate sedation consistent with the statute NRS 631.025

a). Adverse and Beneficial Effect.

There should be no adverse effect of the changes in the regulations on the dental profession

b). Immediate and Long Term Effect.

There should be no immediate or long term effect of the changes in the regulations on the dental profession

c). Method utilized to Determine Economic Effect.

Upon holding a Public Workshop and Notice of Intent to Act Upon where licensees, members of local associations and societies and public persons attended, the attendees did not object to this regulation to change/amendment.

d). The estimated cost to the agency for enforcement of the proposed regulation.

There should be no costs 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

8. A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

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

9. 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.

- 10. 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 a new fee or an increase to an existing fee.