

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

LCB FILE NO. R035-21I

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by the agency submitted on 09/08/2021**

IMMUNIZATION BY LICENSED DENTAL PRACTITIONER

(1/7/2021 WORKSHOP DRAFT, v1.1)

NAC 631.2270 Definitions. (NRS 631.190) As used in NAC 631.2271 to 631.2285, inclusive, unless the context otherwise requires, the words and terms defined in NAC 631.2271 to 631.2275, inclusive, have the meanings ascribed to them in those sections.

NAC 631.2271 “Immunization Information System” defined. (NRS 631.190) Immunization Information System means the informational collection system concerning the immunization of children in this State, as administered by the Nevada State Board of Health and outlined in NRS 439.265.

NAC 631.2272 “Licensed Dental Practitioner” defined. (NRS 631.190) A Licensed Dental Practitioner means a dentist, dental hygienist, dental hygienist with a public health endorsement, or dental therapist who is licensed pursuant to Chapter 631 of NRS.

NAC 631.2273 “Model Standing Orders” defined. (NRS 631.190) Model standing orders means prewritten orders and specific instructions for administration and frequency of a given medication (vaccines) to a person in clearly defined circumstances by the Nevada Department of Health and Human Services.

NAC 631.2274 “Vaccine Adverse Event Reporting System (VAERS)” defined. (NRS 631.190) The National Childhood Vaccine Injury Act of 1986 requires an immunizing health care provider (including, but not limited to, licensed dental practitioners) to report adverse vaccine events to the Vaccine Adverse Event Reporting System (VAERS).

NAC 631.2275 “Vaccine Information Statement” (VIS) defined. (NRS 631.190) Vaccine Information Statement (VIS) means vaccine information statement developed and maintained by the Centers for Disease Control and Prevention. Current versions can be found at: <https://www.cdc.gov/vaccines/hcp/vis/current-vis.html>

NAC 631.2280 Authorization; administration of vaccines (NRS 631.190)

1. A licensed dental practitioner shall be deemed to be practicing dentistry, dental therapy, and/or dental hygiene pursuant to their respective license(s), while participating in the prescription and administration of vaccines according to this section.
2. A licensed dental practitioner may administer immunizations by an intranasal, intramuscular or subcutaneous injection only:
 - (a) To a patient of record;
 - (b) If the licensed dental practitioner has completed an immunization certification program approved by the Board;
 - (c) If the vaccines are administered in accordance with the “Model Standing Orders” approved by the Nevada Department of Health and Human Services;
 - (d) If the dental office maintains and follows written policies and procedures for handling and disposal of used or contaminated equipment and supplies;
 - (e) If the licensed dental practitioner has immediate access to emergency response equipment, including, but not limited to, oxygen administration equipment, epinephrine, and other allergic reaction response equipment;
 - (f) If the licensed dental practitioner has, along with each dose of vaccine administered, provided the appropriate written Vaccine Information Statement (VIS) to the patient or patient’s legal representative, discussed the information provided in

the VIS with the patient or patient's legal representative, and has obtained written informed consent from the patient or patient's legal representative prior to administering the vaccine. The VIS given to the patient must be the most current statement.

3. The licensed dental practitioner must document in the patient record:
 - (a) The date and site of the administration of the vaccine;
 - (b) The brand name, or national drug code (NDC) number, or other acceptable standardized vaccine code set, dose, manufacturer, lot number, and expiration date of the vaccine;
 - (c) The name or identifiable initials of the administering licensed dental practitioner;
 - (d) The address of the office where the vaccine(s) was administered unless automatically embedded in the electronic report provided to the Immunization Information System according to NRS 439.265;
 - (e) The date of publication of the VIS; and
 - (f) The date the VIS was provided to the patient.
4. If providing vaccines pursuant to state or federal funded programs, including, but not limited to, the "Vaccines for Children" (VFC) program, the vaccine eligibility code must be reported to the Immunization Information System.
5. A licensed dental practitioner who administers any vaccine must report the information from Sections (3) and (4) of this rule, if applicable, to the Immunization Information System within 14 days of administration.
6. The licensed dental practitioner must report any adverse event resulting from administration of the vaccine according to the VAERS Table of Reportable Events. Reports of the adverse event must be made to each of the following:
 - (a) VAERS;
 - (b) the Nevada State Board of Dental Examiners; and
 - (c) to the primary care provider, if any, as identified by the patient.
7. A licensed dental practitioner who administers any vaccine will follow storage and handling guidance from the vaccine manufacturer and the Centers for Disease Control and Prevention (CDC).
8. Any licensed dental practitioner administering immunizations by an intranasal, intramuscular or subcutaneous injection under this section shall comply with guidelines established by the federal Advisory Committee on Immunization Practices (ACIP) relating to vaccines and immunizations, which includes, but is not limited to, vaccine storage and handling, vaccine administration and documentation, and vaccine contraindications and precautions.

NAC 631.2281 Training and certification to administer immunizations. (NRS 631.190)

1. Before a licensed dental practitioner may administer an immunization, the licensed dental practitioner must be trained and board endorsed to administer immunizations by completing an immunization certification program approved by the Nevada State Board of Dental Examiners that includes:

- (a) Education and practical training, including, without limitation, written study materials regarding techniques for administering immunizations;
- (b) Evaluation of the knowledge and technique of the licensed dental practitioner in administering immunizations;
- (c) Instruction consistent with the current training guidelines of the Centers for Disease Control and Prevention; and
- (d) Except as otherwise provided in subsection 2, instruction and practical training concerning:
 - (1) The standards for pediatric, adolescent and adult immunization practices recommended and approved by the United States Public Health Service Advisory Committee on Immunization Practices;
 - (2) Basic immunology, and vaccine and immunization protection;
 - (3) Diseases that are preventable through vaccination and immunization;

- (4) Recommended immunization schedules;
- (5) Vaccine and immunization storage and management;
- (6) Informed consent;
- (7) Physiology and techniques for administration of immunizations;
- (8) Preimmunization and postimmunization assessment and counseling;
- (9) Immunization reporting and records management; and
- (10) Identification, response, documentation and reporting of adverse events.

2. In lieu of complying with the requirements of paragraph (d) of subsection 1, a licensed dental practitioner who administers immunizations consisting exclusively of live attenuated influenza vaccine through the nasal passages of a person may complete a certification program of instruction which is approved by the Nevada State Board of Dental Examiners, and which includes instruction pertaining to:

- (a) The epidemiology of influenza;
- (b) The pathophysiology, clinical presentation, diagnosis, prevention and treatment of influenza;
- (c) The administration, storage and handling of influenza vaccines; and
- (d) The counseling of patients who will be immunized with the vaccine.

NAC 631.2282 Continuing education required. (NRS 631.190; NRS 631.342)

Each licensed dental professional who administers immunizations must annually complete at least 2 hours of instruction or biennially complete at least 4 hours of instruction, as applicable. that:

- (a) Addresses the life cycle of diseases, drugs and administration of immunizations;
- (b) Constitute a training course provided by the Centers for Disease Control and Prevention regarding epidemiology and prevention of diseases which are preventable through immunization;
- (c) Constitute a training course provided by Immunize Nevada or its successor organization; or
- (d) Any other course regarding immunizations offered by a teaching entity approved by the Board.

This training will be credited toward any continuing education required by NAC 631.173.

NAC 631.2283 Reporting of certain information concerning immunizations. (NRS 631.190)

A licensed dental professional who administers immunizations shall, pursuant to NRS 439.265 and the regulations adopted pursuant thereto by the Department of Health and Human Services (NAC 439.870 to NAC 439.897), report all such information required for inclusion in the Immunization Information System concerning any administered immunizations.

NAC 631.2284 Written informed consent; review of medical history of patient prior to administration of immunizations. (NRS 631.190)

1. Written informed consent of the patient must be obtained before the administration of immunizations by an intranasal, intramuscular or subcutaneous injection. If the patient is a minor, the consent must be obtained from the minor's parent or legal guardian.

2. Each licensed dental professional who administers immunizations must review the patient's medical history before the administration of immunizations by an intranasal, intramuscular or subcutaneous injection.

3. The medical history review includes asking the patient to describe any current medical conditions or treatments, including, without limitation, medications, drug allergies, impending or past operations and pregnancy, and to provide any other information that may be helpful to the person administering immunizations by an intranasal, intramuscular or subcutaneous injection.

4. If the licensed dental practitioner identifies an issue that may prevent the safe administration of the immunization, they must consult with a physician for an examination, evaluation and diagnosis. The licensed dental practitioner can only proceed with administering the immunization if they can rely upon that physician's evaluation and diagnosis.

5. The medical history review must be memorialized in writing and signed by the patient prior to administration of immunization, and must be documented in the patient record.

NAC 631.2285 Confidentiality of records. (NRS 631.190)

1. A licensed dental professional who administers immunizations shall provide adequate security to prevent unauthorized access to confidential records of immunizations. If confidential health information is not transmitted directly between a licensed dental practitioner and a physician, but is transmitted through a data communication device, the confidential health information must not be viewed or used by the operator of the data communication device unless the operator is specifically authorized to obtain confidential information pursuant to this subsection.

2. Except as otherwise provided in NRS 49.245, the confidential records of immunizations are privileged and may be released only to:

- (a) The patient or the authorized agent of the patient;
- (b) Physicians, licensed dental practitioners, and pharmacists, when, in the professional judgment of the licensed dental practitioner, such release is necessary to protect the health and well-being of the patient;
- (c) The Board or other federal, state or local agencies authorized by law to receive such information;
- (d) A law enforcement agency engaged in the investigation of a suspected violation involving a controlled substance or dangerous drug;
- (e) A person employed by any state agency that licenses a physician if such a person is engaged in the performance of his or her official duties; or
- (f) An insurance carrier or other third-party payor authorized by a patient to receive such information.

3. The provisions of this section must not be construed to affect or alter the provisions of NRS 49.215 to 49.245, inclusive, relating to the confidentiality of communications between a doctor and a patient.