

Notice Of Intent To Act Upon a Regulation

The Nevada State Board of Dental Examiners will hold a public hearing at 6:00PM on the 14th day of August, 2024, at 2651 N. Green Valley Parkway, Suite 104, Henderson, Nevada 89014. The purpose of the hearing is to receive comments from all interested persons regarding the Adoption of regulations that pertain to Chapter 631 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. ***The need for and the purpose of the proposed regulation or amendment.***

-The proposed regulation results from minor revisions by the Nevada State Board of Dental Examiners to existing regulations concerning administration of anesthesia.

2. ***If the proposed regulation is a temporary regulation, the terms or the substance of the proposed regulation to be adopted, amended, or repealed, or a description of the subjects and issues involved.***

N/A

3. ***If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation.***

-The proposed regulation is available on the website of the Nevada State Board of Dental Examiners; it is also available at the office of the Nevada State Board of Dental Examiners located at 2651 N. Green Valley Parkway, Suite 104, Henderson, Nevada 89014.

4. *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:*

(a) *Both adverse and beneficial effects; and*

(b) *Both immediate and long term effects.*

Regulated Business

-The estimated beneficial economic effect on the regulated businesses will be to potentially increase the number of dental providers who apply for anesthesia permits. There is no anticipated adverse economic effect upon the regulated businesses at this time.

-The anticipated immediate effect on the regulated businesses will be to clarify those drugs required of dental providers who are permitted to administer anesthesia to pediatric patients under the age of 12. The anticipated long term effect on the regulated businesses will be to allow the Nevada State Board of Dental Examiners more flexibility in re-inspecting and re-evaluating dental providers who have been authorized original anesthesia permits. Once again, the long term effect on the regulated businesses will be to potentially increase the number of dental providers who apply for anesthesia permits.

Public

-The estimated beneficial economic effect on the public will be a potentially increased number of dental providers authorized to administer general anesthesia; there is no projected negative economic effect on the public.

-The anticipated immediate effect on the public will be more options regarding dental providers as well as defined clarity regarding those drugs required

of dental providers who are permitted to administer anesthesia to pediatric patients under the age of 12. The long term effect will be the same over time.

5. *The methods used by the agency in determining the impact on a small business.*

-The Nevada State Board of Dental Examiners solicited written and oral comments, objections and suggestions from various stakeholders at meetings designed to address proposing revisions to the current anesthesia regulations.

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

N/A

7. *A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.*

N/A

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

N/A

9. *If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.*

N/A

10. *Whether the proposed regulation establishes a new fee or increases an existing fee.*

N/A

11. *If the proposed regulation is a temporary regulation, each address at which the test of the regulation may be inspected and copied.*

N/A

Persons wishing to comment upon the action of the Nevada State Board of Dental Examiners may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to Nevada State Board of Dental Examiners, 2651 N. Green Valley Parkway, Suite 104, Henderson, Nevada 89014. Written submissions must be received by the Nevada State Board of Dental Examiners on or before August 12, 2024. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada State Board of Dental Examiners may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be Adopted will be on file at the State Library, Archives and Public Records, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours.

Additional copies of the notice and the regulation to be Adopted will be available at the Nevada State Board of Dental Examiners for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation 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.0653, and on the Internet at

<http://www.leg.state.nv.us/>. Copies of this notice and the proposed regulation will also be mailed to members of the public at no charge upon request.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

- 1) Nevada State Board of Dental Examiners, 2651 N. Green Valley Parkway, Henderson, Nevada 89014 - www.dental.nv.gov
- 2) Legislative Counsel Bureau - www.leg.state.nv.us
- 3) State Library and Archives - www.nsla.nv.gov
- 4) Green Valley Library, 2797 N. Green Valley Parkway, Henderson, Nevada 89014

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

LCB File No. R083-24

May 1, 2024

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

AUTHORITY: §§ 1-3, NRS 631.190 and 631.265.

A REGULATION relating to dentistry; revising provisions relating to the inspection and evaluation of certain facilities, equipment, personnel, records, procedures and dentists; revising certain equipment and drugs which a dentist administering general anesthesia or sedation to certain patients is required to maintain in his or her office; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a licensed dentist from administering general anesthesia, minimal sedation, moderate sedation or deep sedation to a patient unless the dentist has obtained a permit from the Board of Dental Examiners of Nevada. Existing law further requires the Board to adopt regulations to establish standards relating to the administration of general anesthesia, moderate sedation and deep sedation. (NRS 631.265)

Existing regulations 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 moderate sedation permit, and of the dentist himself or herself: (1) before the Board will issue such an original permit to the dentist; and (2) at least once in every 5-year period thereafter. (NAC 631.2219) **Section 1** of this regulation removes the requirement for a subsequent inspection and evaluation at least once in every 5-year period after the issuance of an original permit, and instead authorizes the Board to require such an inspection and evaluation any time after the issuance of the original permit.

Existing regulations require that certain equipment be available at a dentist's office if general anesthesia, deep sedation or moderate sedation is administered at the dentist's office to a patient 12 years of age or younger. (NAC 631.2227) **Section 2** of this regulation revises the equipment which is required to be available if moderate sedation is administered to a patient 12 years of age or younger, but does not change the equipment required if general anesthesia or deep sedation is administered to such a patient.

Existing regulations require a dentist's office to maintain certain emergency drugs if general anesthesia, deep sedation or moderate sedation is administered at the dentist's office to a patient 12 years of age or younger. (NAC 631.2231) **Section 3** of this regulation removes certain drugs from the list of emergency drugs which are required to be maintained under such circumstances.

Section 1. NAC 631.2219 is hereby amended to read as follows:

631.2219 1. The Board ~~[will]~~:

(a) 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 moderate sedation permit, and of the dentist himself or herself, before issuing such an original permit to the dentist : ~~[,]~~ and ~~[at least once in every 5-year period thereafter.]~~

(b) May require an inspection and evaluation described in paragraph (a) any time after the issuance of an original permit described in paragraph (a).

2. The Board will renew general anesthesia permits and moderate 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 or her 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 or her qualifications.

Sec. 2. NAC 631.2227 is hereby amended to read as follows:

631.2227 A dentist's office inspected or evaluated for the issuance or renewal of a general anesthesia permit, moderate sedation permit or certificate of site approval must meet the following minimum standards with regard to physical facilities and equipment:

1. The operating theater must be large enough to accommodate the patient adequately on a table or in a dental chair and to allow an operating team consisting of at least three persons to move freely about the patient.
2. The operating table or dental chair must:
 - (a) Allow the patient to be placed in a position such that the operating team can maintain the airway;
 - (b) Allow the operating team to alter the patient's position quickly in an emergency; and
 - (c) Provide a firm platform for the management of cardiopulmonary resuscitation.
3. The lighting system must be adequate to allow an evaluation of the patient's skin and mucosal color. An alternate lighting system must derive its power from batteries and must be sufficiently intense to allow completion of any procedure underway at the time of a general power failure.
4. Suction equipment must be available that allows aspiration of the oral and pharyngeal cavities. An alternate suction device that will function effectively during a general power failure must be available.
5. A system for delivering oxygen must have adequate full-face masks and appropriate connectors, and be capable of delivering oxygen to the patient under positive pressure. An adequate alternate system for delivering oxygen is also required.
6. A recovery area must be provided that has available oxygen, adequate lighting, suction and electrical outlets. The recovery area may be the operating theater. A member of the staff must be able to observe the patient at all times during the recovery.
7. Except as otherwise provided in this subsection, ancillary equipment must include:

(a) A laryngoscope complete with an adequate selection of blades and spare batteries and bulbs;

(b) Endotracheal tubes and appropriate connectors;

(c) Oral airways;

(d) A tonsillar or pharyngeal suction tip adaptable to all office suction outlets;

(e) An endotracheal tube type forcep;

(f) A sphygmomanometer and stethoscope;

(g) An electrocardioscope and defibrillator;

(h) Adequate equipment for the establishment of an intravenous infusion;

(i) A pulse oximeter; and

(j) A capnography monitor.

↪ Except as otherwise provided in subsection 8, a dentist's office inspected or evaluated for the issuance or renewal of a moderate sedation permit is not required to have the ancillary equipment described in paragraphs (a), (b), (e), (g) and (j).

8. In addition to the requirements of subsection 7 ~~[, if]~~:

(a) *If* general anesthesia ~~[,]~~ *or* deep sedation ~~[or moderate sedation]~~ is administered at the dentist's office to a patient 12 years of age or younger, the following equipment must be available at the dentist's office:

~~[(a)]~~ (1) A pediatric size ambu bag and masks;

~~[(b)]~~ (2) Pediatric blood pressure cuffs;

~~[(e)]~~ (3) A laryngoscope complete with an adequate selection of blades for use on pediatric patients;

~~[(d)]~~ (4) Appropriately sized endotracheal tubes and appropriate connectors;

~~(e)~~ (5) An electrocardioscope and defibrillator;

~~(f)~~ (6) Pediatric pads for use with an electrocardioscope and defibrillator; and

~~(g)~~ (7) Small oral and nasal airways.

(b) If moderate sedation is administered at the dentist's office to a patient 12 years of age or younger, the following equipment must be available at the dentist's office:

(1) A pediatric size ambu bag and masks;

(2) Pediatric blood pressure cuffs; and

(3) Small oral and nasal airways.

Sec. 3. NAC 631.2231 is hereby amended to read as follows:

631.2231 1. Except as otherwise provided in this section, a dentist's office inspected or evaluated for the issuance or renewal of a general anesthesia permit, moderate sedation permit or certificate of site approval must maintain emergency drugs of the following categories which must be immediately available for use on the patient:

(a) Vasopressor;

(b) Corticosteroid;

(c) Bronchodilator;

(d) Muscle relaxant;

(e) Intravenous medication for the treatment of cardiopulmonary arrest;

(f) Appropriate drug antagonist;

(g) Antihistaminic;

(h) Anticholinergic;

(i) Antiarrhythmic;

(j) Coronary artery vasodilator;

(k) Anti-hypertensive; and

(l) Anti-convulsive.

2. In addition to the requirements of subsection 1, if general anesthesia, deep sedation or moderate sedation is administered at a dentist's office to a patient 12 years of age or younger, the dentist's office must maintain ~~the following emergency drugs:~~

~~(a) Appropriate]~~ *appropriate* dosages of epinephrine or a pediatric epinephrine auto-injector .

~~];~~

~~(b) Adenosine;~~

~~(c) Aminodarone;~~

~~(d) Magnesium sulfate; and~~

~~(e) Procainamide.]~~

3. Except as otherwise provided in subsection 2, a dentist's office that is inspected or evaluated for the issuance or renewal of a moderate sedation permit is not required to maintain the emergency drugs described in paragraphs (d), (e), (i) and (k) of subsection 1.