

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

LCB File No. R200-09

Effective August 13, 2010

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

AUTHORITY: §§1-5, NRS 631.190 and 631.2715; §6, NRS 631.190, NRS 631.215 and NRS 631.2715.

A REGULATION relating to dentistry; providing for the registration of certain facilities by institutes and organizations providing postgraduate continuing education; requiring the retention of certain records by institutes and organizations providing certain postgraduate continuing education; establishing requirements for applications for limited licenses to supervise courses of continuing education using live patients; and providing other matters properly relating thereto.

Section 1. Chapter 631 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 6, inclusive, of this regulation, “registered facility” means a permanent facility registered with the Board for the sole purpose of providing postgraduate continuing education in dentistry.*

Sec. 3. *Pursuant to the provisions of NRS 631.2715, an institute or organization must, on the form prescribed by section 4 of this regulation, register with the Board a permanent facility for the sole purpose of providing postgraduate continuing education in dentistry before providing that postgraduate continuing education.*

Sec. 4. *1. A form for registration of a permanent facility for the sole purpose of providing postgraduate continuing education in dentistry will be prescribed and furnished by the Board.*

2. *The form will include, without limitation:*

(a) The name of each individual or entity who owns or operates the institute or organization that is registering the facility;

(b) The type of facility;

(c) The location of the facility; and

(d) A notarized statement, executed by an owner or other person authorized on behalf of the institute or organization, that:

(1) The facility is a permanent facility for the sole purpose of providing postgraduate continuing education in dentistry;

(2) All courses of continuing education involving live patients will be supervised by dentists licensed in this State;

(3) Any person who is actively licensed as a dentist in another jurisdiction and who is treating a patient during a course of continuing education at the facility:

(I) Has previously treated the patient in the jurisdiction in which the person performing the treatment is licensed;

(II) Is treating the patient only during a course of continuing education at the facility; and

(III) Is treating the patient under the supervision of a person licensed under NRS 631.2715; and

(4) The institute or organization is in full compliance with:

(I) All applicable regulations of the State Board of Health;

(II) All applicable guidelines issued by the Centers for Disease Control and Prevention;

(III) All applicable provisions of this chapter and chapter 631 of NRS, as they relate to the administration of conscious sedation, deep sedation and general anesthesia; and

(IV) All applicable provisions of this chapter and chapter 631 of NRS, as they relate to the operation of radiographic equipment.

Sec. 5. 1. *An institute or organization which provides courses of continuing education involving live patients and which is not accredited as defined in NRS 631.015 must:*

(a) Maintain at its registered facility the following documentation:

(1) Copies of credentials and applications for employment for each person that is licensed under NRS 631.2715 and employed by the institute or organization to supervise courses of continuing education involving live patients at the registered facility;

(2) Documentation showing that a person who treated a patient during a course of continuing education at the registered facility was actively licensed as a dentist in another jurisdiction at the time of the treatment; and

(3) Consent forms prepared by each live patient treated during a course of continuing education at the registered facility;

(b) Maintain at its registered facility copies of health care records of live patients, which may be reviewed by the Board:

(1) Upon consent by the live patient to whom the records pertain; or

(2) As provided under NRS 629.061; and

(c) Display at its registered facility the limited licenses issued to persons to supervise courses of continuing education involving live patients at the registered facility.

2. The documents maintained pursuant to paragraph (a) of subsection 1 must be made available to the Board during normal business hours.

Sec. 6. *An applicant for a limited license to supervise courses of continuing education involving live patients at a registered facility must provide the following information and documentation in his or her application:*

- 1. The date and place of his or her birth;*
- 2. Certification of graduation from an accredited dental school or college or from an accredited school or college of dental hygiene, whichever is applicable;*
- 3. Whether the applicant has applied for similar licensure in another state or territory of the United States or the District of Columbia and, if so, the name of the state or territory or the District of Columbia, the date and the result of the application;*
- 4. If the applicant has practiced dentistry or dental hygiene in another state or territory of the United States or the District of Columbia, certification from the licensing authority of each state or territory or the District of Columbia in which the applicant has practiced or is practicing that the applicant is in good standing and that there are not any disciplinary proceedings pending against the applicant in the other state or territory or the District of Columbia which may affect his or her standing;*
- 5. Whether the applicant has terminated or attempted to terminate a license from another state or territory of the United States or the District of Columbia and, if so, his or her reasons for doing so;*
- 6. If the applicant is not a natural born citizen of the United States, a copy of his or her certificate of naturalization or other document attesting that the applicant is legally eligible to reside and work in the United States;*

7. *Whether the applicant has ever been convicted of a crime involving moral turpitude or has entered a plea of nolo contendere to a charge of such a crime and, if so, the date and place of the conviction or plea and the sentence, if any, which was imposed;*

8. *Whether the applicant has had any misdemeanor or felony convictions and, if so, any documents relevant to the misdemeanor or felony convictions;*

9. *Whether any malpractice judgment has been entered against the applicant and, if so, any documents relevant to the malpractice judgment;*

10. *Whether the applicant has a history of substance abuse and, if so, any documents relevant to the substance abuse;*

11. *Whether the applicant has been refused permission to take an examination for licensure by any other state or territory of the United States or the District of Columbia and, if so, any documents relevant to the refusal;*

12. *Whether the applicant has been denied licensure by this State, any other state or territory of the United States, or the District of Columbia, and, if so, any documents relevant to the denial;*

13. *Whether the applicant has had his or her license to practice dentistry or dental hygiene suspended, revoked or placed on probation in this State, another state or territory of the United States, or the District of Columbia, and, if so, any documents relevant to the suspension, revocation or probation;*

14. *Whether the applicant's practice of dentistry or dental hygiene has been subject to mandatory supervision in this State, another state or territory of the United States, or the District of Columbia, and, if so, any documents relevant to the mandatory supervision;*

15. Whether the applicant has received a public reprimand or is currently involved in any disciplinary action concerning his or her license to practice dentistry or dental hygiene in this State, another state or territory of the United States, or the District of Columbia and, if so, any documents relevant to the reprimand or disciplinary action; and

16. Two sets of certified fingerprint cards and an authorization form allowing the Board to submit the fingerprint forms to law enforcement agencies for verification of background information.

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY
ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
LCB File No. R200-09**

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 was held August 14, 2009 after a 15 day notice was posted in compliance with the Nevada administrative rulemaking requirements. A second public workshop was held September 12, 2009 after a 15 day notice was posted in compliance with the Nevada Administrative Rulemaking requirements. A third public workshop was held December 4, 2009 after a 15 day notice was posted in compliance with the Nevada administrative rulemaking requirements. A fourth public workshop was held February 19, 2010 after a 15 day notice was posted in compliance with the Nevada administrative rulemaking requirements. A public hearing and adoption of regulations was held April 30, 2010 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. 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 37 8/14/09
Approx 16 9/12/09
Approx 31 12/4/09
Approx 32 2/19/10
Approx 29 4/30/10

(b) Testified at the workshop/hearing:
28/14/09
59/12/09
312/4/09
42/19/10
04/30/10

(c) Submitted to the agency written comments:
22/19/10 (Interested party representatives met with board counsels and staff to address comments for submission to board at public meeting. All done at the meeting and submitted during public meeting)

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 workshops 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. Notification was also made in the board newsletter mailed to all licensees. Comments were recorded at each meeting 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 went through a few revisions during the workshops and all changes were openly and publicly discussed. The regulations were adopted at the Nevada State Board of Dental Examiners hearing on April 30, 2010 without changes to the final version provided by LCB. Four workshops were held to accept and consider all comments and change proposals.

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.

There are no expected adverse economic effects for licensees or applicants for licensure. The beneficial effects are to identify more specifically in regulation what is authorized in statute. There may be adverse economic effects on the board resources given the statutorily imposed fee limit of \$100 for the application process for limited licensees instructing live patient courses for programs not accredited by the American Dental Association Commission on Dental Accreditation. There was also no fee imposed for processing the registration of entities established exclusively for offering post graduate dental education involving live patients within Senate Bill 314 yet board staff and time will be consumed to process the applications. Thus the cost of administering and recording this information is done within current revenues of the board from licensee fees in general.

(b) Both immediate and long-term effects.

Immediate effects are to clarify more specifically the requirements for instructors, participants, and patient treatment within post graduate dental education courses involving live patient treatment. The entities and facilities involved in live patient

treatment within continuing education courses outside accredited post graduate dental programs have particular registration requirements, patient care, post-operative treatment and follow-up care requirements, as well as requirements for those dentists not licensed in Nevada having active licensure in other states and countries.

The public benefit from these requirements is to ensure compliance with all patient safeguards, qualified and competent participants providing care and qualified and licensed instructors directing treatment. While accredited programs of advanced dental education have numerous standards and protocols, this law change would transfer some of those standards and protocols to those entities not accredited but determined to offer advanced dental education with live patients in course curriculum. Ensuring qualified, competent, and safe practitioners of dentistry and dental hygiene is a public trust ceded to the NSBDE by the Nevada Legislature applying to all dental treatment within the state of Nevada.

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

There will be cost to the board for processing limited license applications which would be paid in part by the \$100 application fee and renewal fee imposed for only instructors applying. There were no fees imposed for entities or facilities registering with the board nor for fees related to participants in courses of instruction using live patients. Any actions of the board related to violations and enforcement from these circumstances would be borne by the board.

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.

There are no other state or government agency regulations that the proposed amendments duplicate; however, the board may submit to the Nevada Secretary of State for relief if entities so registered with that office violated the terms for registration with our board regarding post graduate dental education courses offered involving live patients.

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 regulation does provide for a fee, the statute provides for a fee specifically related to applications by those individuals seeking to be instructors for entities offering post graduate continuing education involving live patients.