

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

LCB File No. R201-09

February 18, 2010

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

AUTHORITY: §§1, 2, 5 and 7, NRS 631.190; §§3 and 4, NRS 631.190 and 631.363; §6, NRS 631.190 and 631.342.

A REGULATION relating to dentistry; requiring certain information to be provided with an application for renewal of a license to practice dentistry; providing for inspections of certain offices or facilities where dental treatments are performed; revising certain continuing education requirements; revising provisions relating to certain guidelines for infection control adopted by reference; 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 5, inclusive, of this regulation.

Sec. 2. *A licensed dentist who owns an office or facility where dental treatments are to be performed in this State must, on his application for renewal of his license, execute a certified statement that includes:*

1. The location of each office or facility owned by the licensed dentist where dental treatments are to be performed;

2. The name and address of each employee and independent contractor, other than a licensed dentist or dental hygienist, who assists at the office or facility in procedures for infection control and the date the employee or independent contractor began to assist in procedures for infection control at the office or facility; and

3. A statement that each employee and independent contractor identified in subsection 2:

- (a) Has received adequate instruction concerning procedures for infection control; and*
- (b) Is qualified to:*

- (1) Operate sterilization equipment and other equipment in compliance with the guidelines adopted by reference in NAC 631.178; and*

- (2) Perform all other applicable activities in compliance with the guidelines adopted by reference in NAC 631.178.*

Sec. 3. 1. Not later than 30 days after a licensed dentist becomes the owner of an office or facility in this State where dental treatments are to be performed, other than a medical facility as defined in NRS 449.0151, the licensed dentist must request in writing that the Board conduct an initial inspection of the office or facility to ensure compliance with the guidelines adopted by reference in NAC 631.178.

2. Not later than 90 days after receiving a written request pursuant to subsection 1:

- (a) The Executive Director will assign agents of the Board to conduct the inspection; and*
- (b) The agents shall conduct the inspection.*

3. Not later than 30 days after agents of the Board have completed the initial inspection of an office or facility to ensure compliance with the guidelines adopted by reference in NAC 631.178, the agents shall issue a report to the Executive Director, indicating whether the office or facility is equipped in compliance with the guidelines adopted by reference in NAC 631.178. If the report indicates that the office or facility:

- (a) Is equipped in compliance with the guidelines adopted by reference in NAC 631.178, the Executive Director will, without any further action by the Board, issue a written notice of the agents' findings to the licensed dentist who owns the office or facility.*

(b) Is not equipped in compliance with the guidelines adopted by reference in NAC 631.178, the Executive Director will, without any further action by the Board, issue a written notice to the licensed dentist who owns the office or facility, identifying deficiencies.

4. Not later than 72 hours after issuing a written notice of deficiencies pursuant to paragraph (b) of subsection 3:

(a) The Executive Director will assign agents of the Board to conduct a reinspection of the office or facility to determine if the licensed dentist and the personnel he supervises have taken corrective measures; and

(b) The agents assigned pursuant to paragraph (a) shall conduct the reinspection and issue a report to the Executive Director indicating whether the licensed dentist and the personnel he supervises are in compliance with the guidelines adopted by reference in NAC 631.178. If the report indicates that the licensed dentist and the personnel he supervises:

(1) Are in compliance with the guidelines adopted by reference in NAC 631.178, the Executive Director will, without any further action by the Board, issue a written notice of the agents' findings to the licensed dentist who owns the office or facility.

(2) Are not in compliance with the guidelines adopted by reference in NAC 631.178, the Executive Director may, without any further action by the Board, issue an order to the licensed dentist who owns the office or facility and all other licensees employed by the office or facility that any or all of those licensees or personnel must immediately cease and desist from performing dental treatments and that some or all dental treatments must cease to be performed at the office or facility until a hearing is held before the Board. The hearing before the Board will be convened not later than 30 days after the Executive Director issues the order to cease and desist.

Sec. 4. 1. *The Executive Director may assign agents of the Board to conduct a random inspection of an office or facility in this State where dental treatments are to be performed to ensure that the licensed dentist and the personnel he supervises are in compliance with the guidelines adopted by reference in NAC 631.178. Random inspections conducted pursuant to this subsection may be conducted during normal business hours without notice to the licensed dentist who owns the office or facility to be inspected.*

2. Not later than 30 days after agents of the Board have completed a random inspection of an office or facility in this State where dental treatments are to be performed to ensure compliance with the guidelines adopted by reference in NAC 631.178, the agents shall issue a report to the Executive Director indicating whether the licensed dentist and the personnel he supervises are in compliance with the guidelines adopted by reference in NAC 631.178. If the report indicates that the licensed dentist and the personnel he supervises:

(a) Are in compliance with the guidelines adopted by reference in NAC 631.178, the Executive Director will, without any further action by the Board, issue a written notice of the agents' findings to the licensed dentist who owns the office or facility.

(b) Are not in compliance with the guidelines adopted by reference in NAC 631.178, the Executive Director will, without any further action by the Board, issue a written notice to the licensed dentist who owns the office or facility, identifying deficiencies.

3. Not later than 72 hours after a licensed dentist receives a written notice of deficiencies issued pursuant to paragraph (b) of subsection 2:

(a) The Executive Director will assign agents of the Board to conduct a reinspection of the office or facility to determine if the licensed dentist and the personnel he supervises have taken corrective measures; and

(b) The agents assigned pursuant to paragraph (a) shall conduct the reinspection and issue a report to the Executive Director, indicating whether the licensed dentist and the personnel he supervises are in compliance with the guidelines adopted by reference in NAC 631.178. If the report indicates that the licensed dentist and the personnel he supervises:

(1) Are in compliance with the guidelines adopted by reference in NAC 631.178, the Executive Director will, without any further action by the Board, issue a written notice of the agents' findings to the licensed dentist who owns the office or facility.

(2) Are not in compliance with the guidelines adopted by reference in NAC 631.178, the Executive Director may, without any further action by the Board, issue an order to the licensed dentist who owns the office or facility and all other licensees employed by the office or facility that any or all of those licensees or personnel must immediately cease and desist from performing dental treatments and that some or all dental treatments must cease to be performed at the office or facility until a hearing is held before the Board. The hearing before the Board will be convened not later than 30 days after the Executive Director issues the order to cease and desist.

4. Pursuant to subsection 3 of NRS 233B.127, if a random inspection of an office or facility conducted pursuant to this section indicates that the public health, safety or welfare imperatively requires emergency action, the President of the Board may, without any further action by the Board, issue an order of summary suspension of the license of the licensed dentist who owns the office or facility and the licenses of any or all of the other licensees employed by the office or facility pending proceedings for revocation or other action. An order for summary suspension issued by the President of the Board must contain findings of the

exigent circumstances which warrant the issuance of the order for summary suspension. The President of the Board will not participate in any further proceedings relating to the order.

Sec. 5. *Nothing in sections 3 and 4 of this regulation prevents the Board from initiating disciplinary proceedings or additional disciplinary proceedings against a licensed dentist who owns an office or facility in this State where dental treatments are to be performed or against other licensees or personnel of the office or facility for failure to comply with the guidelines adopted by reference in NAC 631.178.*

Sec. 6. NAC 631.175 is hereby amended to read as follows:

631.175 1. Approved subjects for continuing education in dentistry and dental hygiene are:

(a) Clinical subjects, including, without limitation:

- (1) Dental and medical health;
- (2) Preventive services;
- (3) Dental diagnosis and treatment planning; and
- (4) Dental clinical procedures, including corrective and restorative oral health procedures

and basic dental sciences, dental research and new concepts in dentistry; and

(b) Nonclinical subjects, including, without limitation:

- (1) Dental practice organization and management;
- (2) Patient management skills;
- (3) Methods of health care delivery; and
- (4) Teaching methodology.

2. In completing the hours of continuing education required pursuant to NAC 631.173, a dentist must annually complete at least 15 hours in clinical subjects approved pursuant to

subsection 1 or biennially complete at least 30 hours in clinical subjects approved pursuant to subsection 1, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the dentist.

3. In completing the hours of continuing education required pursuant to NAC 631.173, a dental hygienist must annually complete at least 12 hours in clinical subjects approved pursuant to subsection 1 or biennially complete at least 24 hours in clinical subjects approved pursuant to subsection 1, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the dental hygienist.

4. *In completing the hours of continuing education required pursuant to NAC 631.173, a dentist or dental hygienist must annually complete at least 2 hours in the clinical subject of infection control in accordance with the provisions of the guidelines adopted by reference in NAC 631.178 or biennially complete at least 4 hours in the clinical subject of infection control in accordance with the provisions of the guidelines adopted by reference in NAC 631.178, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the dentist or dental hygienist.*

5. The Board will credit, as a maximum in any one year of an annual or biennial licensing period, the following number of hours of instruction for the following types of courses or activities:

(a) For approved study by a group, 3 hours.

(b) For attendance at a meeting or convention of a dental or dental hygiene society, 1 hour for each meeting, but not more than 3 hours, exclusive of hours of continuing education offered in conjunction with the meeting.

(c) For courses completed in the home through correspondence or videocassettes, 6 hours.

(d) For all other courses conducted by an approved instructor, the number of hours completed by the dentist or dental hygienist.

(e) For approved dental or dental hygiene services provided in approved nonprofit settings, 6 hours, except that not more than 3 hours will be allowed for any day of volunteer services provided.

Sec. 7. NAC 631.178 is hereby amended to read as follows:

631.178 *1.* Each person who is licensed pursuant to the provisions of chapter 631 of NRS shall comply with the provisions of the *Guidelines for Infection Control in Dental Health-Care Settings-2003* adopted by the Centers for Disease Control *and Prevention* which is hereby adopted by reference. A copy of the publication may be obtained from the Superintendent of Documents, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954, for the price of \$5. The publication is also available, free of charge, from the Centers for Disease Control *and Prevention* at the Internet address <http://www.cdc.gov/mmwr/preview/mmwrhtml/rr5217a1.htm>.

2. The Board will periodically review the guidelines adopted by reference in this section and determine within 30 days after the review whether any change made to the guidelines is appropriate for application in this State. If the Board does not disapprove a change to the guidelines within 30 days after the review, the change is deemed to be approved by the Board.

Sec. 8. 1. This section and sections 1 to 5, inclusive, and 7 of this regulation become effective upon filing with the Secretary of State.

2. Section 6 of this regulation becomes effective upon the later of:

(a) July 2, 2010; or

(b) The date this regulation is filed with the Secretary of State.