

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
LCB File No. R119-15

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 which was noticed held a public workshop on September 18, 2015 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 22, 2016 after a 30 day notice was posted in compliance with the Nevada administrative rulemaking requirements. The matter was tabled at the January 22, 2016 and the Board referred the questions to the Committee on Dental Hygiene for discussion of NAC 631.210. On March 18, 2016, the Committee on Dental Hygiene held a public meeting to discuss NAC 631.210. On May 20, 2016 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 NAC 631.029 Schedule of Fees which is to add the fee for the inspection of a facility required by the Board to ensure compliance with infection control guidelines, NAC 631.150 Filing of addresses; this amendment is to add an requirement to file an electronic mailing address; NAC 631.1785 Dental Facilities; change to provide due process to licensees; NAC 631.210 Duties delegable to dental hygienists; a change to allow dental hygienists to perform certain duties prior to patients being examined by the dentist and add certain duties under authorization and lastly NAC 631.220 Duties delegable to dental assistants, a change to allow dental assistants to perform certain duties under the authorization and supervision prior to patients being examined by the dentist.

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 workshop was held on September 18, 2016 for consideration of amended/proposed regulations after a 15 day notice was posted in compliance with the Nevada administrative rulemaking requirements 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 22, 2016, after a 30 day notice was posted in compliance with the Nevada administrative rulemaking requirements. The matter was tabled at the January 22, 2016 meeting and the Board refereed the questions pertaining to NAC 631.210 to the Committee on Dental Hygiene. On March 18, 2016, the Committee on Dental Hygiene meeting was held to discuss NAC 631.210. On May 20, 2016 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: 47 09/18/2015
Approx: 21 01/22/2016
Approx: 14 03/18/2016
Approx: 17 05/20/2016

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

7 09/18/2015
5 01/22/2016
7 03/18/2016
2 05/20/2016

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

93 09/18/2015
2 01/22/2016
1 03/18/2016
0 05/20/2016

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 Committee on Dental Hygiene, the Board and LCB.

Adopted Proposed Regulations-R119-15

NAC 631.029 – Schedule of Fees

NAC 631.150-Filing of address

NAC 631.1785 – Licensed dentist to request initial inspection of office or facility

NAC 631.210-Dental Hygienists; duties delegable

NAC 631.220-Dental assistants; duties delegable

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 631.029 Schedule of Fees:

a). Adverse and Beneficial Effect:

This proposed regulation would establish a fee for the inspection of a facility required by the Board to ensure compliance with infection control guidelines. The beneficial effect would be to ensure the Board has the monetary resources to continue to conduct the required inspections needed to ensure the public's safety, health and welfare.

b). Immediate and Long Term Effect:

The immediate effect would be an increase to the licensee who buys or opens a new dental office. The Board does not foresee any long term effects.

c). Method utilized to Determine Economic Effect:

Upon holding a Public Workshop where licensees, members of local associations and societies and public persons attended, the attendees did not object for the establishment of a fee to conduct infection control inspections in order to implement the policies of the Board. This included, a review of the Board's budget showing the amount of money it is costing the Board to conduct inspections for compliance with infection control guidelines. The Board determined that they needed to establish a fee to continue the required inspections for infection control compliance to ensure the public's health, safety and welfare.

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

By establishing a fee for the inspection of a facility required by the Board to ensure compliance with infection control guidelines, this fee covers the costs associated with conducting said inspections

NAC 631.150 – Filing of address

a). Adverse and Beneficial Effect:

This proposed regulation to require electronic mailing addresses be filed with the Board is a proactive measure for dentists and dental hygienists to receive immediate communication from the Board.

b). Immediate and Long Term Effect:

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

c). Method utilized to Determine Economic Effect:

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

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 631.1785 initial inspections of facility:

a). Adverse and Beneficial Effect:

This proposed regulation would utilize language as set forth in NAC 631.179 with regards to random inspection to ensure consistency and to clarify due processes.

b). Immediate and Long Term Effect:

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

c). Method utilized to Determine Economic Effect:

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

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

There should be no additional cost 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 631.210-Dental hygienists; duties delegable

a). Adverse and Beneficial Effect:

This proposed regulation would allow certain duties to be performed by a dental hygienists under the authorization and employ of a dentist prior to the patient being examined by the dentist. In addition, changes with regards to certain procedures to be performed under authorization instead of supervision by the dentist.

b). Immediate and Long Term Effect:

The immediate and long term effect is to ensure the public's health, safety and welfare.

c). Method utilized to Determine Economic Effect:

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

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

There should be no additional cost 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 631.220-Dental assistants; duties delegable

a). Adverse and Beneficial Effect:

This proposed regulation would allow certain duties to be performed by a dental assistant under the authorization, supervision and employ of a dentist prior to the patient being examined by the dentist.

b). Immediate and Long Term Effect:

The immediate and long term effect is to ensure the public's health, safety and welfare.

c). Method utilized to Determine Economic Effect:

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

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

There should be no additional cost 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.

- 9. 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.

- 10. 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.

- 11. 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 amount to be collected is directly related to the number of licensees who request an initial inspection of their facility to ensure compliance with infection control guidelines. These are for licensees who either purchase an existing dental practice or open a new dental practice. The fee is to cover the costs associated with inspection conducted by the Board for compliance with infection control guidelines.