

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

LCB File No. R044-17

September 5, 2017

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

AUTHORITY: §§1 and 3, NRS 631.190; §2, NRS 631.190 and 631.330 and section 3.3 of Senate Bill No. 101, chapter 238, Statutes of Nevada 2017, at page 1255; §4, NRS 631.190, 631.342 and 631.344, as amended by section 24 of Assembly Bill No. 474, chapter 605, Statutes of Nevada 2017, at page 4414; §5, NRS 631.190 and section 64 of Assembly Bill No. 474, chapter 605, Statutes of Nevada 2017, at page 4438.

A REGULATION relating to dentistry; prescribing the training that a dentist is required to complete before injecting a neuromodulator derived from *Clostridium botulinum*, a neuromodulator that is biosimilar to or the bioequivalent of such a neuromodulator or a dermal or soft tissue filler; requiring a dentist who injects such a neuromodulator or filler to submit proof of completion of such training with his or her application for the renewal of a license; prohibiting the administration of such an injection except under certain circumstances; requiring a dentist who is registered to dispense controlled substances to complete 2 hours of continuing education relating to the misuse and abuse of controlled substances, the prescribing of opioids or addiction during each period of licensure; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a dentist from injecting a neuromodulator that is derived from *Clostridium botulinum*, a neuromodulator that is biosimilar to or the bioequivalent of such a neuromodulator or a dermal or soft tissue filler unless the dentist has first received training prescribed by the Board of Dental Examiners of Nevada. (Section 1 of Senate Bill No. 101, chapter 238, Statutes of Nevada 2017, at page 1249; section 1.8 of Senate Bill No. 101, chapter 238, Statutes of Nevada 2017, at page 1253) Existing law also requires the Board to adopt regulations that prescribe such training. (Section 3.3 of Senate Bill No. 101, chapter 238, Statutes of Nevada 2017, at page 1255) **Section 2** of this regulation requires a dentist who wishes to inject such a neuromodulator or filler to successfully complete a didactic and hands-on course of study in the injection of such neuromodulators and fillers that: (1) is at least 24 hours in length; (2) includes at least 4 hours of didactic instruction and at least 4 hours of hands-on instruction in each of three specified subjects; and (3) is approved by the Board. **Section 2** also requires such a dentist to include with his or her application for the renewal of his or her license to practice dentistry: (1) proof of his or her completion of such a course; and (2) a statement certifying that each such neuromodulator or filler that has been or will be injected by the dentist is approved by

the United States Food and Drug Administration. **Section 3** of this regulation prohibits a dentist who has completed the required training from: (1) administering an injection of such a neuromodulator or filler to a person other than a patient of record; or (2) injecting such a neuromodulator or filler at an injection site that is outside the oral cavity, maxillofacial area or the adjacent and associated structures of the patient.

Existing law authorizes the Board to adopt regulations that require a dentist who is registered to dispense controlled substances to complete at least 1 hour of training relating to the misuse and abuse of controlled substances during each period of his or her licensure. During the 2017 Legislative Session, the Legislature enacted Assembly Bill No. 474, which requires the Board to adopt such regulations, increases the minimum hours of training from 1 hour of training to 2 hours of training, and expands the training to include training relating to the prescribing of opioids and addiction. The provisions of A.B. 474 became effective on passage and approval for the purposes of adopting regulations to carry out the bill and will become effective on January 1, 2018, for all other purposes. (NRS 631.344, as amended by section 24 of Assembly Bill No. 474, chapter 605, Statutes of Nevada 2017, at page 4414) **Section 4** of this regulation adopts the provisions necessary to comply with existing law.

Section 1. Chapter 631 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. *A holder of a license to practice dentistry who, pursuant to section 1 of Senate Bill No. 101, chapter 238, Statutes of Nevada 2017, at page 1249, injects a neuromodulator that is derived from Clostridium botulinum or that is biosimilar to or the bioequivalent of such a neuromodulator or who, pursuant to section 1.8 of Senate Bill No. 101, chapter 238, Statutes of Nevada 2017, at page 1253, injects a dermal or soft tissue filler, must:*

1. Successfully complete a didactic and hands-on course of study in the injection of such neuromodulators and fillers that:

(a) Is at least 24 total hours in length;

(b) Includes at least 4 hours of didactic instruction and at least 4 hours of hands-on instruction in each of the following subjects:

(1) The use of neuromodulators that are derived from Clostridium botulinum or that are biosimilar to or the bioequivalent of such neuromodulators in the treatment of temporomandibular joint disorder and myofascial pain syndrome;

(2) The use of neuromodulators that are derived from Clostridium botulinum or that are biosimilar to or the bioequivalent of such neuromodulators for dental and facial esthetics; and

(3) The use of dermal and soft tissue fillers for dental and facial esthetics; and

(c) Is approved by the Board.

2. Include with the application for the renewal of his or her license:

(a) Proof acceptable to the Board that he or she has successfully completed the course of study required by subsection 1; and

(b) A statement certifying that each neuromodulator that has been or will be injected by the holder pursuant to section 1 of Senate Bill No. 101, chapter 238, Statutes of Nevada 2017, at page 1249, and each dermal or soft tissue filler that has been or will be injected by the holder pursuant to section 1.8 of Senate Bill No. 101, chapter 238, Statutes of Nevada 2017, at page 1253, is approved for use in dentistry by the United States Food and Drug Administration.

Sec. 3. 1. *A dentist who is authorized, pursuant to section 1 of Senate Bill No. 101, chapter 238, Statutes of Nevada 2017, at page 1249, to inject a neuromodulator that is derived from Clostridium botulinum or that is biosimilar to or the bioequivalent of such a neuromodulator or who is authorized, pursuant to section 1.8 of Senate Bill No. 101, chapter 238, Statutes of Nevada 2017, at page 1253, to inject a dermal or soft tissue filler, and who has satisfied the requirements of section 1 of this regulation shall not:*

(a) Administer such an injection to a person other than a patient of record; or

(b) Inject such a neuromodulator or filler at an injection site that is outside the oral cavity, maxillofacial area or the adjacent and associated structures of the person.

2. As used in this section, “patient of record” means a person for whom the dentist has, not more than 18 months before the injection of a neuromodulator or filler described in subsection 1:

(a) Performed a clinical examination;

(b) Completed or evaluated a medical and dental history;

(c) Diagnosed an oral condition; and

(d) Developed a written plan of treatment.

Sec. 4. 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. *In completing the hours of continuing education required pursuant to NAC 631.173, a dentist who is registered to dispense controlled substances pursuant to NRS 453.231 must complete at least 2 hours of training relating specifically to the misuse and abuse of controlled substances, the prescribing of opioids or addiction during each period of licensure.*

6. 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 via home study, on-line study, self-study or journal study through correspondence, webinar, compact disc or digital video disc, not more than 50 percent of the number of hours of continuing education required by subsection 1 or 2 of NAC 631.173, as applicable.

(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. 5. 1. This section and sections 1, 2 and 3 of this regulation become effective upon filing with the Secretary of State.

2. Section 4 of this regulation becomes effective on January 1, 2018, or upon filing with the Secretary of State, whichever occurs later.