

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

LCB File No. R051-04

Effective August 25, 2004

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

AUTHORITY: §1, NRS 631.190, 631.313 and 631.317.

A REGULATION relating to dentistry; allowing a dentist to authorize a dental hygienist to supervise a dental assistant in the assistance of duties performed by the hygienist; allowing a public health dental hygienist to authorize a dental assistant to assist with certain duties performed by the hygienist; and providing other matters properly relating thereto.

Section 1. NAC 631.220 is hereby amended to read as follows:

631.220 *1.* A dentist who is licensed in the State of Nevada may authorize a dental assistant in his employ and under his supervision only to do one or more of the following:

~~{1.}~~ *(a)* Expose radiographs.

~~{2.}~~ *(b)* Retract a patient's cheek, tongue or other tissue during a dental operation.

~~{3.}~~ *(c)* Remove the debris ~~{which}~~ *that* normally accumulates during or after a cleaning or operation by the dentist by using mouthwash, water, compressed air or suction.

~~{4.}~~ *(d)* Place or remove a rubber dam and accessories used for its placement.

~~{5.}~~ *(e)* Place and secure an orthodontic ligature.

~~{6.}~~ *(f)* Remove sutures.

~~{7.}~~ *(g)* Place and remove a periodontal pack.

~~§8.~~ (h) Remove excess cement from cemented restorations and orthodontic appliances. A dental assistant may not use a rotary cutting instrument to remove excess cement from restorations or orthodontic appliances.

~~§9.~~ (i) Administer a topical anesthetic in any form except aerosol.

~~§10.~~ (j) Train and instruct persons in the techniques of oral hygiene and preventive procedures.

~~§11.~~ (k) Take the following types of impressions:

~~§(a).~~ (1) Those used for the preparation of diagnostic models;

~~§(b).~~ (2) Those used for the preparation of counter or opposing models;

~~§(c).~~ (3) Those used for the fabrication of temporary crowns or bridges; and

~~§(d).~~ (4) Those used for the fabrication of temporary removable appliances, provided no missing teeth are replaced by those appliances.

~~§12.~~ (l) Fabricate and place temporary crowns and bridges. This procedure must be checked and approved by the supervising dentist before dismissal of the patient from the office of the dentist.

~~§13.~~ (m) Retract gingival tissue if the retraction cord contains no medicaments that have potential systemic side effects.

~~§14.~~ (n) Remove soft plaque and stain from exposed tooth surfaces, utilizing an appropriate rotary instrument with a rubber cup or brush and a suitable polishing agent. A licensed dentist or dental hygienist shall determine that the teeth to be polished are free of calculus or other extraneous material.

~~§15.~~ (o) Administer a topical fluoride.

~~16.1~~ (p) Apply pit and fissure sealant to the dentition for the prevention of decay. This procedure must be checked and approved by the supervising dentist before dismissal of the patient from the office of the dentist.

~~17.1~~ (q) Fit orthodontic bands and prepare teeth for orthodontic bands if the bands are cemented or bonded, or both, into the patient's mouth by the dentist who authorized the dental assistant to perform this procedure.

2. A dentist who is licensed in the State of Nevada may authorize a dental hygienist to supervise a dental assistant in the assistance of the hygienist's performance of one or more of the following:

- (a) Expose radiographs.*
- (b) Retract a patient's cheek, tongue or other tissue during a dental operation.*
- (c) Remove the debris that normally accumulates during or after a cleaning or operation by the dental hygienist by using mouthwash, water, compressed air or suction.*
- (d) Train and instruct persons in the techniques of oral hygiene and preventive procedures.*
- (e) Remove soft plaque and stain from exposed tooth surfaces, utilizing an appropriate rotary instrument with a rubber cup or brush and a suitable polishing agent. A licensed dentist or dental hygienist shall determine that the teeth to be polished are free of calculus or other extraneous material.*
- (f) Administer a topical fluoride.*

3. A dental hygienist, who is authorized by the Board to perform the services described in subsection 5 of NAC 631.210, may authorize a dental assistant under his supervision to assist the hygienist in the performance of the services described in paragraphs (a) to (f), inclusive, of subsection 2.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R051-04**

The Board of Dental Examiners of Nevada adopted regulations assigned LCB File No. R051-04 which pertain to chapter 631 of the Nevada Administrative Code on June 11, 2004.

Notice date: 5/11/2004
Hearing date: 6/11/2004

Date of adoption by agency: 6/11/2004
Filing date: 8/25/2004

INFORMATIONAL STATEMENT

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 noticed for September 26, 2003; however no discussion of the regulations took place due to lack of public interest. A second public workshop was noticed and held on June 11, 2004 with adoption of the regulations at the same meeting after a thirty day notice was posted prior in compliance with the Nevada open meeting law requirements, to solicit public comment regarding proposed regulation changes to NAC 631.220. The workshop, public hearing, and adoption hearing was noticed to the main library in all counties in Nevada along with the Las Vegas and Carson City offices of the Attorney General, State Library and Archives, and the Clark County Health District. Public comment was sought; however no comment was forthcoming at the workshop. A copy of the written minutes of the workshop and meeting may be obtained by contacting the Nevada State Board of Dental Examiners at (702) 486-7044 or by writing to the Board at 2295-B Renaissance Drive, Las Vegas, Nevada 89119.

2. The number of persons who:
 - (a) Attended the hearing: approx. 15
 - (b) Testified at each hearing: approx. 0
 - (c) Submitted to the agency written comments: NONE

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 workshop and meeting 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 practitioner associations within Nevada. Comments were solicited from practitioners and associations representing practitioners in this matter. A copy of the written minutes of the workshop and meeting may be obtained by contacting the Nevada State Board of Dental Examiners at (702) 486-7044 or by writing to the Board at 2295-B Renaissance Drive, Las Vegas, Nevada 89119.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulations without change.

The permanent regulations were adopted at the Nevada State Board of Dental Examiners hearing on June 11, 2004 with no changes. Public comment at the workshop and hearing on June 11, 2004 was solicited but not forthcoming. No substantive changes were made to the proposed regulations.

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.

The beneficial effects would be greater efficiency in the delivery of oral hygiene and preventive procedures to patients. It would increase availability of oral hygiene care to patients, particularly in a rural or public health setting.

(b) Both immediate and long-term effects.

Dental hygienists would be able to perform the procedures that they are taught in dental hygiene school with greater assistance from the dental assistants freeing the dentists to see more patients.

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

There is a minimal additional cost to the board for enforcement of the regulation to monitor and audit compliance.

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.

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 addressing state dental and/or dental hygiene licensure.

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.

These regulations do not provide or involve a new fee.