

Amendment No. 6

Senate Amendment to Senate Bill No. 44	(BDR 38-221)
<b>Proposed by:</b> Senate Committee on Health and Human Services	
<b>Amends:</b> Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION	Initial and Date		SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>
Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>
Receded <input type="checkbox"/>	Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/>	Not <input type="checkbox"/>

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

DP/AAK



Date: 4/3/2023

S.B. No. 44—Revises provisions related to dental and oral health care.  
(BDR 38-221)





SENATE BILL NO. 44—COMMITTEE ON  
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE DIVISION OF PUBLIC AND  
BEHAVIORAL HEALTH OF THE DEPARTMENT  
OF HEALTH AND HUMAN SERVICES)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions related to dental and oral health care.  
(BDR 38-221)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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

AN ACT relating to public health; transferring the State Dental Health Officer from the Division of Health Care Financing and Policy of the Department of Health and Human Services to the Department; revising provisions governing the qualifications for appointment as the State Dental Health Officer or the State Public Health Dental Hygienist; transferring the State Program for Oral Health, the Advisory Committee on the State Program for Oral Health and certain duties from the Division of Public and Behavioral Health of the Department of Health and Human Services to the Department; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law requires the Division of Health Care Financing and Policy of the Department  
2 of Health and Human Services to appoint, with the consent of the Director of the Department,  
3 a State Dental Health Officer and prescribes the qualifications and duties of the State Dental  
4 Health Officer. Existing law also requires the State Dental Health Officer to: (1) hold a current  
5 license to practice dentistry issued pursuant to chapter 631 of NRS; and (2) be appointed on  
6 the basis of his or her education, training and experience and his or her interest in public  
7 dental health and related programs. Finally, existing law requires the State Dental Health  
8 Officer to devote all of his or her time to the business of his or her office and prohibits him or  
9 her from pursuing any other business or vocation or holding any other office of profit. (NRS  
10 422.239) **Section 1** of this bill transfers the duty to appoint the State Dental Health Officer  
11 from the Division of Health Care Financing and Policy to the Director of the Department.  
12 **Section 1** also provides that the State Dental Health Officer must have satisfied the  
13 educational requirements for and may, but is not required to, ~~hold a current~~ satisfy any  
14 other requirements for the issuance of an unrestricted license to practice dentistry ~~issued~~  
15 pursuant to chapter 631 of NRS. Finally, **section 1** eliminates the requirement that the State  
16 Dental Health Officer devote all of his or her time to the business of his or her office and the

17 prohibition on the pursuit of any other business or vocation or holding any other office of  
18 profit.

19 Existing law requires the Division of Public and Behavioral Health of the Department of  
20 Health and Human Services to appoint, with the consent of the Director of the Department, a  
21 State Public Health Dental Hygienist, who must: (1) hold a current license to practice dental  
22 hygiene issued pursuant to chapter 631 of NRS with a special endorsement to practice public  
23 health dental hygiene; and (2) be appointed on the basis of his or her education, training and  
24 experience and his or her interest in public health dental hygiene and related programs.  
25 Existing law also requires the State Public Health Dental Hygienist to devote all of his or her  
26 time to the business of his or her office and prohibits the State Public Health Dental Hygienist  
27 from pursuing any other business or vocation or holding any other office of profit. (NRS  
28 439.279) **Section 2** of this bill transfers the duty to appoint the State Public Health Dental  
29 Hygienist to the Department and provides that the State Public Health Dental Hygienist may,  
30 but is not required to, hold a current license to practice dental hygiene issued pursuant to  
31 chapter 631 of NRS with a special endorsement to practice public health dental hygiene.  
32 **Section 2** also eliminates the requirement that the State Public Health Dental Hygienist devote  
33 all of his or her time to the business of his or her office and the prohibition on the pursuit of  
34 any other business or vocation or holding any other office of profit.

35 Existing law establishes the State Program for Oral Health within the Division of Public  
36 and Behavioral Health. (NRS 439.2791) **Section 3** of this bill transfers that Program to the  
37 Department.

38 Existing law: (1) creates the Advisory Committee on the State Program for Oral Health  
39 within the Division of Public and Behavioral Health; and (2) requires the Advisory Committee  
40 to annually submit a written report to the Administrator of the Division summarizing the  
41 activities of the Advisory Committee and its recommendations. (NRS 439.2792) **Section 4** of  
42 this bill: (1) transfers the Advisory Committee to the Department; and (2) requires the  
43 Advisory Committee to submit its annual report to the Director of the Department.

44 Existing law prescribes certain duties for the Division of Public and Behavioral Health to  
45 perform with the advice and recommendations of the Advisory Committee. (NRS 439.2793)  
46 **Section 5** of this bill transfers those duties to the Department.

47 Existing law authorizes the Division of Public and Behavioral Health to take certain  
48 actions and sets forth certain requirements and duties for the administration of money  
49 accepted to carry out the State Program for Oral Health. (NRS 439.2794) **Section 6** of this bill  
50 transfers that authority and those requirements and duties to the Department.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 422.239 is hereby amended to read as follows:

2 422.239 1. The ~~{Division of Health Care Financing and Policy of the~~  
3 ~~Department}~~ **Director** shall appoint ~~{, with the consent of the Director,}~~ a State  
4 Dental Health Officer, who may serve in the unclassified service of the State or as a  
5 contractor for the ~~{Division.}~~ **Department**. The State Dental Health Officer ~~{#}~~  
6 must:

7 (a) Be ~~{Must be}~~ a resident of this State;

8 (b) ~~{Hold May,}~~ Have satisfied the educational requirements for and may,  
9 but is not required to, {hold a current} satisfy any other requirements for the  
10 issuance of an unrestricted license to practice dentistry ~~{issued}~~ pursuant to  
11 chapter 631 of NRS; and

12 (c) Be ~~{Must be}~~ appointed on the basis of his or her education, training and  
13 experience and his or her interest in public dental health and related programs.

14 2. The State Dental Health Officer shall:

15 (a) Determine the needs of the residents of this State for public dental health;

1 (b) Provide the Advisory Committee ~~[, the Division of Health Care Financing~~  
2 ~~and Policy]~~ and the ~~[Division of Public and Behavioral Health]~~ **Department** with  
3 advice regarding public dental health;

4 (c) Make recommendations to the Advisory Committee, the ~~[Division of~~  
5 ~~Health Care Financing and Policy, the Division of Public and Behavioral Health]~~  
6 **Department** and the Legislature regarding programs in this State for public dental  
7 health;

8 (d) Work collaboratively with the State Public Health Dental Hygienist; and

9 (e) Seek such information and advice from the Advisory Committee or from  
10 any dental education program in this State, including any such programs of the  
11 Nevada System of Higher Education, as necessary to carry out his or her duties.

12 3. ~~[The State Dental Health Officer shall devote all of his or her time to the~~  
13 ~~business of his or her office and shall not pursue any other business or vocation or~~  
14 ~~hold any other office of profit.~~

15 ~~—4.]~~ As used in this section, “Advisory Committee” means the Advisory  
16 Committee on the State Program for Oral Health created by NRS 439.2792.

17 **Sec. 2.** NRS 439.279 is hereby amended to read as follows:

18 439.279 1. The ~~[Division]~~ **Department** shall appoint ~~[, with the consent of~~  
19 ~~the Director,]~~ a State Public Health Dental Hygienist, who may serve in the  
20 unclassified service of the State or as a contractor for the ~~[Division.]~~ **Department**.  
21 The State Public Health Dental Hygienist : ~~[must:]~~

22 (a) ~~[Be]~~ **Must be** a resident of this State;

23 (b) ~~[Hold]~~ **May, but is not required to, hold** a current license to practice dental  
24 hygiene issued pursuant to chapter 631 of NRS with a special endorsement issued  
25 pursuant to NRS 631.287; and

26 (c) ~~[Be]~~ **Must be** appointed on the basis of his or her education, training and  
27 experience and his or her interest in public health dental hygiene and related  
28 programs.

29 2. The State Public Health Dental Hygienist:

30 (a) Shall work collaboratively with the State Dental Health Officer in carrying  
31 out his or her duties; and

32 (b) May:

33 (1) Provide advice and make recommendations to the Advisory Committee  
34 and the ~~[Division]~~ **Department** regarding programs in this State for public health  
35 dental hygiene; and

36 (2) ~~[Perform]~~ **If he or she holds a license to practice dental hygiene**  
37 **issued pursuant to chapter 631 of NRS with a special endorsement issued**  
38 **pursuant to NRS 631.287, perform** any acts authorized pursuant to NRS 631.287.

39 3. ~~[The State Public Health Dental Hygienist shall devote all of his or her~~  
40 ~~time to the business of his or her office and shall not pursue any other business or~~  
41 ~~vocation or hold any other office of profit.~~

42 ~~—4.]~~ The ~~[Division]~~ **Department** may solicit and accept gifts and grants to pay  
43 the costs associated with the position of State Public Health Dental Hygienist.

44 **Sec. 3.** NRS 439.2791 is hereby amended to read as follows:

45 439.2791 There is hereby established within the ~~[Division]~~ **Department** the  
46 State Program for Oral Health to increase public knowledge and raise public  
47 awareness of the importance of oral health and to educate the residents of this State  
48 on matters relating to oral health, including, without limitation:

49 1. Proper oral hygiene;

50 2. The factors that increase the risk of a person developing oral diseases; and

51 3. The prevention and treatment of oral diseases.

1       **Sec. 4.** NRS 439.2792 is hereby amended to read as follows:

2       439.2792 1. There is hereby created within the ~~[Division of Public and~~  
3 ~~Behavioral Health]~~ *Department* the Advisory Committee on the State Program for  
4 Oral Health to advise and make recommendations to the ~~[Division]~~ *Department*  
5 concerning the Program.

6       2. The ~~[Administrator]~~ *Director* shall appoint to the Advisory Committee 13  
7 members, including, without limitation, one or more persons who are  
8 representatives of:

9       (a) Public health care professionals and educators;

10       (b) Providers of oral health care;

11       (c) Persons knowledgeable in promoting and educating the public on oral  
12 health issues; and

13       (d) National dental and other oral health organizations and their local or state  
14 chapters.

15       3. After the initial terms, the members of the Advisory Committee serve terms  
16 of 2 years commencing on July 1. A member may be reappointed.

17       4. Members of the Advisory Committee serve without compensation, except  
18 that each member is entitled, while engaged in the business of the Advisory  
19 Committee, to the per diem allowance and travel expenses provided for state  
20 officers and employees generally.

21       5. Any member of the Advisory Committee who is a public employee must be  
22 granted administrative leave from his or her duties to engage in the business of the  
23 Advisory Committee without loss of his or her regular compensation. Such leave  
24 does not reduce the amount of the member's other accrued leave.

25       6. A majority of the members of the Advisory Committee constitutes a  
26 quorum for the transaction of business, and a majority of a quorum present at any  
27 meeting is sufficient for any official action taken by the Advisory Committee.

28       7. The Advisory Committee shall:

29       (a) At its first meeting and annually thereafter, elect a Chair from among its  
30 members;

31       (b) Meet at the call of the Director, the Chair or a majority of its members as  
32 necessary and within the budget of the Advisory Committee; and

33       (c) On or before July 1 of each year, submit a written report to the  
34 ~~[Administrator]~~ *Director* summarizing the activities of the Advisory Committee  
35 and any recommendations of the Advisory Committee.

36       **Sec. 5.** NRS 439.2793 is hereby amended to read as follows:

37       439.2793 To carry out the provisions of NRS 439.271 to 439.2794, inclusive,  
38 the ~~[Division]~~ *Department* shall, with advice and recommendations of the Advisory  
39 Committee:

40       1. Establish a solid scientific database of the most current information on the  
41 importance of oral health, using information obtained through surveillance,  
42 epidemiology and research related to oral health;

43       2. Provide educational materials and information on research concerning  
44 matters relating to oral health to health care professionals, providers of oral health  
45 care and the public, including, without limitation, materials and information  
46 concerning programs and services available to the public and strategies for the  
47 prevention of oral diseases;

48       3. Coordinate the establishment of regional coalitions to support the efforts of  
49 the Program;

50       4. Increase public awareness about the prevention, detection and treatment of  
51 oral diseases among state and local governmental officials who are responsible for  
52 matters relating to oral health, health care professionals, providers of oral health  
53 care and policymakers;

1           5. Coordinate state and local programs and services to ensure that the public  
2 has adequate access to dental services;

3           6. Work with other governmental agencies, national health organizations and  
4 their local and state chapters, community and business leaders, community  
5 organizations and providers of oral health care to:

6           (a) Coordinate the work of the Program with the work of those agencies,  
7 organizations and persons; and

8           (b) Maximize the resources of state and local governments in the efforts to  
9 educate the public about the importance of oral health, including, without  
10 limitation, the prevention and detection of oral diseases and proper oral hygiene;

11           7. Develop and carry out public awareness and media campaigns in each  
12 county, targeting groups of persons who are considered at risk for developing oral  
13 diseases;

14           8. Evaluate the need to improve the quality and accessibility of dental  
15 services that exist in communities in this State; and

16           9. Develop and coordinate, in cooperation with the Department of Education,  
17 recommendations for dental programs to encourage proper oral hygiene by  
18 children.

19           **Sec. 6.** NRS 439.2794 is hereby amended to read as follows:

20           439.2794 1. The ~~Division~~ **Department** may:

21           (a) Enter into contracts for any services necessary to carry out or assist the  
22 ~~Division~~ **Department** in carrying out the provisions of NRS 439.271 to 439.2794,  
23 inclusive, with public or private entities that have the appropriate expertise to  
24 provide such services;

25           (b) Apply for and accept any gift, donation, bequest, grant or other source of  
26 money to carry out the provisions of NRS 439.271 to 439.2794, inclusive;

27           (c) Apply for any waiver from the Federal Government that may be necessary  
28 to maximize the amount of money this State may obtain from the Federal  
29 Government to carry out the provisions of NRS 439.271 to 439.2794, inclusive; and

30           (d) Adopt regulations as necessary to carry out and administer the Program.

31           2. Any money that is accepted by the ~~Division~~ **Department** pursuant to  
32 subsection 1 must be deposited in the State Treasury and accounted for separately  
33 in the State General Fund.

34           3. The ~~Administrator~~ **Director** shall administer the account created pursuant  
35 to subsection 2. Money in the account does not lapse to the State General Fund at  
36 the end of the fiscal year. The interest and income earned on the money in the  
37 account must be credited to the account. Any claims against the account must be  
38 paid as other claims against the State are paid.

39           **Sec. 7.** The Legislative Counsel shall:

40           1. In preparing the reprint and supplements to the Nevada Revised Statutes,  
41 appropriately change any references to an officer, agency or other entity whose  
42 name is changed or whose responsibilities are transferred pursuant to the provisions  
43 of this act to refer to the appropriate officer, agency or other entity.

44           2. In preparing supplements to the Nevada Administrative Code,  
45 appropriately change any references to an officer, agency or other entity whose  
46 name is changed or whose responsibilities are transferred pursuant to the provisions  
47 of this act to refer to the appropriate officer, agency or other entity.

48           **Sec. 8.** 1. Any administrative regulations adopted by an officer or an  
49 agency whose name has been changed or whose responsibilities have been  
50 transferred pursuant to the provisions of this act to another officer or agency remain  
51 in force until amended by the officer or agency to which the responsibility for the  
52 adoption of the regulations has been transferred.

1           2. Any contracts or other agreements entered into by an officer or agency  
2 whose name has been changed or whose responsibilities have been transferred  
3 pursuant to the provisions of this act to another officer or agency are binding upon  
4 the officer or agency to which the responsibility for the administration of the  
5 provisions of the contract or other agreement has been transferred. Such contracts  
6 and other agreements may be enforced by the officer or agency to which the  
7 responsibility for the enforcement of the provisions of the contract or other  
8 agreement has been transferred.

9           3. Any action taken by an officer or agency whose name has been changed or  
10 whose responsibilities have been transferred pursuant to the provisions of this act to  
11 another officer or agency remains in effect as if taken by the officer or agency to  
12 which the responsibility for the enforcement of such actions has been transferred.

13           **Sec. 9.** This act becomes effective on July 1, 2023.