

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  
2 Department of Health and Human Services to appoint, with the consent of the  
3 Director of the Department, a State Dental Health Officer and prescribes  
4 the qualifications and duties of the State Dental Health Officer. Existing law also  
5 requires the State Dental Health Officer to: (1) hold a current license to practice  
6 dentistry issued pursuant to chapter 631 of NRS; and (2) be appointed on the basis  
7 of his or her education, training and experience and his or her interest in public  
8 dental health and related programs. Finally, existing law requires the State Dental  
9 Health Officer to devote all of his or her time to the business of his or her office



10 and prohibits him or her from pursuing any other business or vocation or holding  
11 any other office of profit. (NRS 422.239) **Section 1** of this bill transfers the duty to  
12 appoint the State Dental Health Officer from the Division of Health Care Financing  
13 and Policy to the Director of the Department. **Section 1** also provides that the State  
14 Dental Health Officer may, but is not required to, hold a current license to practice  
15 dentistry issued pursuant to chapter 631 of NRS. Finally, **section 1** eliminates the  
16 requirement that the State Dental Health Officer devote all of his or her time to the  
17 business of his or her office and the prohibition on the pursuit of any other business  
18 or vocation or holding any other office of profit.

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

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

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

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

51 Existing law authorizes the Division of Public and Behavioral Health to take  
52 certain actions and sets forth certain requirements and duties for the administration  
53 of money accepted to carry out the State Program for Oral Health. (NRS 439.2794)  
54 **Section 6** of this bill transfers that authority and those requirements and duties to  
55 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~~  
3 ~~Policy of the Department}~~ *Director* shall appoint ~~[-, with the consent~~



1 ~~of the Director,]~~ a State Dental Health Officer, who may serve in the  
2 unclassified service of the State or as a contractor for the ~~[Division]~~  
3 **Department**. The State Dental Health Officer : ~~[must:]~~

- 4 (a) ~~[Be]~~ **Must be** a resident of this State;  
5 (b) ~~[Hold]~~ **May, but is not required to, hold** a current license to  
6 practice dentistry issued pursuant to chapter 631 of NRS; and  
7 (c) ~~[Be]~~ **Must be** appointed on the basis of his or her education,  
8 training and experience and his or her interest in public dental health  
9 and related programs.

10 2. The State Dental Health Officer shall:

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

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

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

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

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

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

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

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

34 439.279 1. The ~~[Division]~~ **Department** shall appoint ~~[, with~~  
35 ~~the consent of the Director,]~~ a State Public Health Dental Hygienist,  
36 who may serve in the unclassified service of the State or as a  
37 contractor for the ~~[Division.]~~ **Department**. The State Public Health  
38 Dental Hygienist : ~~[must:]~~

- 39 (a) ~~[Be]~~ **Must be** a resident of this State;  
40 (b) ~~[Hold]~~ **May, but is not required to, hold** a current license to  
41 practice dental hygiene issued pursuant to chapter 631 of NRS with  
42 a special endorsement issued pursuant to NRS 631.287; and  
43 (c) ~~[Be]~~ **Must be** appointed on the basis of his or her education,  
44 training and experience and his or her interest in public health dental  
45 hygiene and related programs.



1 2. The State Public Health Dental Hygienist:  
2 (a) Shall work collaboratively with the State Dental Health  
3 Officer in carrying out his or her duties; and

4 (b) May:  
5 (1) Provide advice and make recommendations to the  
6 Advisory Committee and the ~~[Division]~~ *Department* regarding  
7 programs in this State for public health dental hygiene; and

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

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

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

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

20 439.2791 There is hereby established within the ~~[Division]~~  
21 *Department* the State Program for Oral Health to increase public  
22 knowledge and raise public awareness of the importance of oral  
23 health and to educate the residents of this State on matters relating  
24 to oral health, including, without limitation:

- 25 1. Proper oral hygiene;  
26 2. The factors that increase the risk of a person developing oral  
27 diseases; and  
28 3. The prevention and treatment of oral diseases.

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

30 439.2792 1. There is hereby created within the ~~[Division of~~  
31 ~~Public and Behavioral Health]~~ *Department* the Advisory Committee  
32 on the State Program for Oral Health to advise and make  
33 recommendations to the ~~[Division]~~ *Department* concerning the  
34 Program.

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

- 38 (a) Public health care professionals and educators;  
39 (b) Providers of oral health care;  
40 (c) Persons knowledgeable in promoting and educating the  
41 public on oral health issues; and  
42 (d) National dental and other oral health organizations and their  
43 local or state chapters.



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

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

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

14 6. A majority of the members of the Advisory Committee  
15 constitutes a quorum for the transaction of business, and a majority  
16 of a quorum present at any meeting is sufficient for any official  
17 action taken by the Advisory Committee.

18 7. The Advisory Committee shall:

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

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

24 (c) On or before July 1 of each year, submit a written report to  
25 the ~~Administrator~~ *Director* summarizing the activities of the  
26 Advisory Committee and any recommendations of the Advisory  
27 Committee.

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

29 439.2793 To carry out the provisions of NRS 439.271 to  
30 439.2794, inclusive, the ~~Division~~ *Department* shall, with advice  
31 and recommendations of the Advisory Committee:

32 1. Establish a solid scientific database of the most current  
33 information on the importance of oral health, using information  
34 obtained through surveillance, epidemiology and research related to  
35 oral health;

36 2. Provide educational materials and information on research  
37 concerning matters relating to oral health to health care  
38 professionals, providers of oral health care and the public, including,  
39 without limitation, materials and information concerning programs  
40 and services available to the public and strategies for the prevention  
41 of oral diseases;

42 3. Coordinate the establishment of regional coalitions to  
43 support the efforts of the Program;

44 4. Increase public awareness about the prevention, detection  
45 and treatment of oral diseases among state and local governmental



1 officials who are responsible for matters relating to oral health,  
2 health care professionals, providers of oral health care and  
3 policymakers;

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

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

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

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

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

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

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

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

25 439.2794 1. The ~~Division~~ **Department** may:

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

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

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

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

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

42 3. The ~~Administrator~~ **Director** shall administer the account  
43 created pursuant to subsection 2. Money in the account does not  
44 lapse to the State General Fund at the end of the fiscal year. The  
45 interest and income earned on the money in the account must be



1 credited to the account. Any claims against the account must be paid  
2 as other claims against the State are paid.

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

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

9 2. In preparing supplements to the Nevada Administrative  
10 Code, appropriately change any references to an officer, agency or  
11 other entity whose name is changed or whose responsibilities are  
12 transferred pursuant to the provisions of this act to refer to the  
13 appropriate officer, agency or other entity.

14 **Sec. 8.** 1. Any administrative regulations adopted by an  
15 officer or an agency whose name has been changed or whose  
16 responsibilities have been transferred pursuant to the provisions of  
17 this act to another officer or agency remain in force until amended  
18 by the officer or agency to which the responsibility for the adoption  
19 of the regulations has been transferred.

20 2. Any contracts or other agreements entered into by an officer  
21 or agency whose name has been changed or whose responsibilities  
22 have been transferred pursuant to the provisions of this act to  
23 another officer or agency are binding upon the officer or agency to  
24 which the responsibility for the administration of the provisions of  
25 the contract or other agreement has been transferred. Such contracts  
26 and other agreements may be enforced by the officer or agency to  
27 which the responsibility for the enforcement of the provisions of the  
28 contract or other agreement has been transferred.

29 3. Any action taken by an officer or agency whose name has  
30 been changed or whose responsibilities have been transferred  
31 pursuant to the provisions of this act to another officer or agency  
32 remains in effect as if taken by the officer or agency to which the  
33 responsibility for the enforcement of such actions has been  
34 transferred.

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

