

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.

~

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 must have satisfied the educational requirements for and  
15 may, but is not required to, satisfy any other requirements for the issuance of an  
16 unrestricted license to practice dentistry pursuant to chapter 631 of NRS. Finally,  
17 **section 1** eliminates the requirement that the State Dental Health Officer devote all  
18 of his or her time to the business of his or her office and the prohibition on the  
19 pursuit of any other business or vocation or holding any other office of profit.

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

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

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

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

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



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~~  
4 ~~of the Director,]~~ a State Dental Health Officer, who may serve in the  
5 unclassified service of the State or as a contractor for the ~~{Division,}~~  
6 **Department**. The State Dental Health Officer must:

- 7       (a) Be a resident of this State;  
8       (b) ~~{Hold a current}~~ *Have satisfied the educational*  
9 *requirements for and may, but is not required to, satisfy any other*  
10 *requirements for the issuance of an unrestricted* license to practice  
11 dentistry ~~{issued}~~ pursuant to chapter 631 of NRS; and  
12       (c) Be appointed on the basis of his or her education, training  
13 and experience and his or her interest in public dental health and  
14 related programs.

15       2. The State Dental Health Officer shall:

- 16       (a) Determine the needs of the residents of this State for public  
17 dental health;  
18       (b) Provide the Advisory Committee ~~[, the Division of Health~~  
19 ~~Care Financing and Policy]~~ and the ~~{Division of Public and~~  
20 ~~Behavioral Health}~~ **Department** with advice regarding public dental  
21 health;  
22       (c) Make recommendations to the Advisory Committee, the  
23 ~~{Division of Health Care Financing and Policy, the Division of~~  
24 ~~Public and Behavioral Health}~~ **Department** and the Legislature  
25 regarding programs in this State for public dental health;  
26       (d) Work collaboratively with the State Public Health Dental  
27 Hygienist; and  
28       (e) Seek such information and advice from the Advisory  
29 Committee or from any dental education program in this State,  
30 including any such programs of the Nevada System of Higher  
31 Education, as necessary to carry out his or her duties.

32       3. ~~{The State Dental Health Officer shall devote all of his or~~  
33 ~~her time to the business of his or her office and shall not pursue any~~  
34 ~~other business or vocation or hold any other office of profit.~~

35       —4. As used in this section, “Advisory Committee” means the  
36 Advisory Committee on the State Program for Oral Health created  
37 by NRS 439.2792.

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

39       439.279 1. The ~~{Division}~~ **Department** shall appoint ~~[, with~~  
40 ~~the consent of the Director,]~~ a State Public Health Dental Hygienist,  
41 who may serve in the unclassified service of the State or as a



1 contractor for the ~~[Division.]~~ *Department*. The State Public Health  
2 Dental Hygienist : ~~[must:]~~

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

4 (b) ~~[Hold]~~ *May, but is not required to, hold* a current license to  
5 practice dental hygiene issued pursuant to chapter 631 of NRS with  
6 a special endorsement issued pursuant to NRS 631.287; 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 health dental  
9 hygiene and related programs.

10 2. The State Public Health Dental Hygienist:

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

13 (b) May:

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

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

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

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

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

29 439.2791 There is hereby established within the ~~[Division]~~  
30 *Department* the State Program for Oral Health to increase public  
31 knowledge and raise public awareness of the importance of oral  
32 health and to educate the residents of this State on matters relating  
33 to oral health, including, without limitation:

34 1. Proper oral hygiene;

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

37 3. The prevention and treatment of oral diseases.

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

39 439.2792 1. There is hereby created within the ~~[Division of~~  
40 ~~Public and Behavioral Health]~~ *Department* the Advisory Committee  
41 on the State Program for Oral Health to advise and make  
42 recommendations to the ~~[Division]~~ *Department* concerning the  
43 Program.



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

4 (a) Public health care professionals and educators;

5 (b) Providers of oral health care;

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

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

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

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

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

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

27 7. The Advisory Committee shall:

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

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

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

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

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

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



1 2. Provide educational materials and information on research  
2 concerning matters relating to oral health to health care  
3 professionals, providers of oral health care and the public, including,  
4 without limitation, materials and information concerning programs  
5 and services available to the public and strategies for the prevention  
6 of oral diseases;

7 3. Coordinate the establishment of regional coalitions to  
8 support the efforts of the Program;

9 4. Increase public awareness about the prevention, detection  
10 and treatment of oral diseases among state and local governmental  
11 officials who are responsible for matters relating to oral health,  
12 health care professionals, providers of oral health care and  
13 policymakers;

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

16 6. Work with other governmental agencies, national health  
17 organizations and their local and state chapters, community and  
18 business leaders, community organizations and providers of oral  
19 health care to:

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

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

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

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

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

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

35 439.2794 1. The ~~Division~~ *Department* may:

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

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

43 (c) Apply for any waiver from the Federal Government that may  
44 be necessary to maximize the amount of money this State may



1 obtain from the Federal Government to carry out the provisions of  
2 NRS 439.271 to 439.2794, inclusive; and

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

5 2. Any money that is accepted by the ~~[Division]~~ *Department*  
6 pursuant to subsection 1 must be deposited in the State Treasury and  
7 accounted for separately in the State General Fund.

8 3. The ~~[Administrator]~~ *Director* shall administer the account  
9 created pursuant to subsection 2. Money in the account does not  
10 lapse to the State General Fund at the end of the fiscal year. The  
11 interest and income earned on the money in the account must be  
12 credited to the account. Any claims against the account must be paid  
13 as other claims against the State are paid.

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

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

20 2. In preparing supplements to the Nevada Administrative  
21 Code, appropriately change any references to an officer, agency or  
22 other entity whose name is changed or whose responsibilities are  
23 transferred pursuant to the provisions of this act to refer to the  
24 appropriate officer, agency or other entity.

25 **Sec. 8.** 1. Any administrative regulations adopted by an  
26 officer or an agency whose name has been changed or whose  
27 responsibilities have been transferred pursuant to the provisions of  
28 this act to another officer or agency remain in force until amended  
29 by the officer or agency to which the responsibility for the adoption  
30 of the regulations has been transferred.

31 2. Any contracts or other agreements entered into by an officer  
32 or agency whose name has been changed or whose responsibilities  
33 have been transferred pursuant to the provisions of this act to  
34 another officer or agency are binding upon the officer or agency to  
35 which the responsibility for the administration of the provisions of  
36 the contract or other agreement has been transferred. Such contracts  
37 and other agreements may be enforced by the officer or agency to  
38 which the responsibility for the enforcement of the provisions of the  
39 contract or other agreement has been transferred.

40 3. Any action taken by an officer or agency whose name has  
41 been changed or whose responsibilities have been transferred  
42 pursuant to the provisions of this act to another officer or agency  
43 remains in effect as if taken by the officer or agency to which the  
44 responsibility for the enforcement of such actions has been  
45 transferred.



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

⑩

