



Nevada Board of Dental Examiners
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PETITION FOR ADVISORY OPINION

Applicant/Licensee: Antonina Capurro Date: May 20,2020
 Address: 1001 Shadow Lane, MS 7411 Suite No.:
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In the matter of the petition for an advisory opinion of NRS & NAC Chapter 631:

This request is for clarification of the following statute, regulation, or order:
 (Identify the particular aspect thereof to which the request is made.)

Note: If you require additional space you may attach separate pages to the petition form.

NAC 652.397

The substance and nature of this request is as follows:

(State clearly and concisely petitioner's question.)

Note: If you require additional space you may attach separate pages to the petition form.

Requesting NSBDE support for inclusion of licensed dental providers to NAC 652.397 which will allow providers to apply for the certification and licensure needed to administer COVID-19 waive tests. Please see documentation attached

(Please submit any additional supporting documentation with the petition form)

Wherefore, applicant/licensee requests that the Nevada State Board of Dental Examiners grant this petition and issue an advisory opinion in this matter.

Applicant/Licensee Signature

Additional Documentation for Nevada State Board of Dental Examiners Advisory Opinion

INCLUSION OF DENTAL PROFESSIONALS INTO NAC 652.397

In Nevada, to perform a laboratory test that has been categorized by the Food and Drug Administration (FDA) as a Waived test (ie. blood glucose level test – in-office using a glucose meter, HbA1c in-office point of service testing, dip-stick test, etc.), a State of Nevada Exempt Laboratory License and a federal CLIA certificate is required. This requirement must be met before licensed dental professionals can perform COVID-19 testing categorized as a waive test.

In order to qualify for an exempt laboratory license, a laboratory director must qualify according to NAC 652.397 which lists qualifying professions for this distinction. Currently, the dental profession is not included as qualified persons to be exempt laboratory directors. The Board of Health has jurisdiction over Chapter 652. Support from NSBDE is required before regulations can be submitted to the Board of Health for adoption of changes to this chapter. I humbly request that NSBDE consider this matter and vote to support inclusion of licensed dental providers in NAC 652.397: Director of Exempt Laboratory.

Example of NAC 652.397 change:

1. Except as otherwise provided in subsection 2 and NAC 652.395, to qualify to serve as a director of an exempt laboratory, a person must be:
 - (a) A licensed physician;
 - (b) Qualified for a license as a director of a licensed laboratory pursuant to NAC 652.380;
 - (c) Qualified for a license as a director of a registered laboratory pursuant to NAC 652.395; ...
 - (h)** A dentists licensed pursuant to chapter 631 of NRS.

Please note: While public health dental hygienists could be added to NAC 652.397 as they are allowed to practice without direct supervision according to NAC 631.145, in order to manipulate, collect, or perform a waive laboratory test they must additionally either qualify under NRS 652.210 or obtain certification as an assistant in a medical laboratory pursuant to NRS 652.127. Dentists are specifically listed under NRS 652.210. Any changes to NRS would require legislative action.

NRS 652.210 Manipulation of persons for collection of specimens; authorized practices of technical personnel.

1. Except as otherwise provided in subsection 2 and NRS 126.121 and 652.186, no person other than a licensed physician, a licensed optometrist, a licensed practical nurse,

a registered nurse, a perfusionist, a physician assistant licensed pursuant to chapter 630 or 633 of NRS, a certified advanced emergency medical technician, a certified paramedic, a practitioner of respiratory care licensed pursuant to chapter 630 of NRS, a licensed **dentist** or a registered pharmacist may manipulate a person for the collection of specimens. The persons described in this subsection may perform any laboratory test which is classified as a waived test pursuant to Subpart A of Part 493 of Title 42 of the Code of Federal Regulations without obtaining certification as an assistant in a medical laboratory pursuant to NRS 652.127.

2. The technical personnel of a laboratory may collect blood, remove stomach contents, perform certain diagnostic skin tests or field blood tests or collect material for smears and cultures.