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Office of Governor Steve Sisolak

June 11, 2021

The Honorable Barbara K. Cegavske
Secretary of State
101 N. Carson Street, Suite 3
Carson City, Nevada 89701

Re: Senate Bill 391 of the 81st Legislative Session

Dear Secretary Cegavske:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Senate Bill 391 (SB 391), which is titled as follows:

AN ACT relating to dentistry; revising provisions relating to the State Dental Health Officer and State Public Health Dental Hygienist; requiring hospitals and issuers of Medicaid managed care plans to take certain measures to ensure access by recipients of Medicaid to teledentistry; authorizing the issuance of a permit as a dental responder to a dentist, dental hygienist or dental therapist who meets certain requirements; authorizing a dental responder to perform certain duties during a declared emergency, disaster, public health emergency or other health event; creating and prescribing the duties of the Committee on Dental Emergency Management; revising the membership of the Committee on Emergency Medical Services; requiring a public or private school or child care facility to accept a dental examination, screening or assessment provided through teledentistry for certain purposes; requiring dental hygienists and dental therapists to comply with certain requirements governing the provision of health care; imposing certain requirements relating to the provision of services through teledentistry; requiring certain providers of dental care to receive training concerning teledentistry; prescribing certain requirements relating to the electronic storage of records; deeming certain conduct by a provider of dental care to be unprofessional conduct; and providing other matters properly relating thereto.

Senate Bill 391 would set forth new laws related to the State Dental Health Officer, governing teledentistry, and establishing a committee to make rules for dentists administering medical care during an emergency.

I support the provisions of the bill that would allow for use of teledentistry to bring dental care to more Nevadans, especially those in rural areas, and I remain committed to continue working on

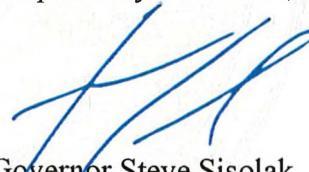
these efforts. Unfortunately, however, I cannot support this bill because of the provisions that create a new committee governing the practice of dentistry during an emergency.

The committee would be required to meet at least twice a year, whether or not any emergency exists. The committee would advise and provide recommendations to the Board of Dental Examiners, the State Board of Health, and the Department of Health and Human Services, and other agencies. It would develop a plan for the practice of dental care during an emergency, and submit an annual report to the Division of Emergency Management stating the policies and procedures adopted by the committee. It is unclear why a new committee is necessary to develop such recommendations, or whether those policies would be binding on the Dental Board and on dentists and dental hygienists. There is no similar committee for other licensed medical professionals.

Additionally, the bill would entirely exempt the committee from the Open Meeting Law when there is an emergency or disaster. The Open Meeting Law already contains limited exceptions for emergency situations. *See* NRS 241.020(3). "Emergency" in the Open Meeting Law is defined to mean a situation requiring immediate action. NRS 241.020(11). This bill would create a blanket exception during any declaration of emergency, regardless of whether that emergency is related in any way to dentistry, and regardless of whether immediate action by the committee is necessary. I strongly disagree with such a broad exemption from the Open Meeting Law.

For these reasons, I veto this bill and return it without my signature or approval.

Respectfully submitted,



Governor Steve Sisolak
State of Nevada

cc: The Honorable Nicole Cannizzaro, Majority Leader of the Senate
The Honorable Jason Frierson, Speaker of the Assembly