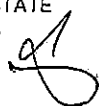


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**Form For Filing
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Agency:
Nevada State Board of Dental
Examiners
LCB No. R020-14

FOR EMERGENCY
REGULATIONS ONLY

Effective date _____

Expiration date _____

Governor's signature

Classification: PROPOSED **XX** ADOPTED BY AGENCY EMERGENCY

Brief description of action:

The Nevada State Board of Dental Examiners conducted a review of Nevada Administrative Codes Chapter 631 pursuant to NRS 233B at least every ten (10) years. Upon this review, discussion and public comment of the proposed/amended regulations and the repeal of certain regulations which were noticed at two public workshops held on December 13, 2013 and January 24, 2014. On April 25, 2014, the Board approved the proposed regulations and request for repeal of certain regulations. I have provided a list below.

Adopted Proposed Regulations

NAC 631.029 – Schedule of Fees

NAC 631.145 – Dental Hygienist-Special Endorsement of license to practice public health

NAC 631.173 – Continuing education. Required hours, types of courses and activities, approval of provider or instructor

NAC 631.175 – Continuing education. Approved subjects, minimum requirements for clinical subjects, maximum credit for certain types of courses and activities

NAC 631.1785 – Licensed dentist to request initial inspection of office or facility

NAC 631.2203 – "Registered facility" defined

Adopted Repealed Regulations

- (1) NAC 631.031 Hearing to determine claim of malpractice pending;
- (2) NAC 631.039 Application for permanent license holder of temporary license;
- (3) NAC 631.060 Reapplications;
- (4) NAC 631.080 Examination-Authorization required;
- (5) NAC 631.100 Examination-practice dental hygiene;
- (6) NAC 631.120 Examination-practical portion;
- (7) NAC 631.130 Examination-requirements for successful completion;
- (8) NAC 631.180 Employment of instructor;
- (9) NAC 631.2207 Application for limited license to supervise courses of continuing education.

Adopted Proposed Regulation pending change.

- (1) NAC 631.045
- (2) NAC 631.230

Authority citation other than 233B:

Notice date: 03/25/2014

Date of Adoption by Agency: 04/25/2014

Hearing dates: 12/13/2013 and 01/24/2014

**ADOPTED REGULATION OF
THE BOARD OF DENTAL EXAMINERS OF NEVADA**

LCB File No. R020-14

Effective June 23, 2014

EXPLANATION – Matter in *italics* is new; matter in brackets [~~emitted material~~] is material to be omitted.

AUTHORITY: §1, NRS 631.190, 631.240 and 631.345; §§2, 9 and 10, NRS 631.190; §3, NRS 631.190 and 631.287; §§4 and 5, NRS 631.190 and 631.342; §6, NRS 631.190 and 631.363; §7, NRS 631.190 and 631.2715; §8, NRS 631.190, 631.346 and 631.350.

A REGULATION relating to dentistry; revising provisions relating to fees; revising requirements for an application for renewal of the license of certain dentists; revising the term of a special endorsement to practice public health dental hygiene; authorizing and placing limits on the amount of credit for continuing education that may be obtained through certain programs; providing for summary suspension of the license of a dentist under certain circumstances; revising the acts which constitute unprofessional conduct; repealing various provisions; and providing other matters properly relating thereto.

Legislative Counsel's Digest

Existing law requires the Board of Dental Examiners of Nevada to adopt regulations governing the licensing and practice of dentists and dental hygienists, including the collection and application of fees. (NRS 631.190) **Section 1** of this regulation revises the schedule of fees that the Board will impose for various purposes.

Existing regulations require certain licensed dentists to execute a certified statement containing certain information on an application for the renewal of a license. (NAC 631.045) **Section 2** of this regulation requires a dentist who is registered to distribute controlled substances with the State Board of Pharmacy to include in the statement an attestation that the dentist has conducted annually a minimum of one self-query regarding the issuance of controlled substances through the Prescription Monitoring Program of the State Board of Pharmacy. **Section 8** of this regulation provides that the failure of such a dentist to conduct such an annual inquiry constitutes unprofessional conduct.

Section 3 of this regulation provides that a special endorsement of a license that allows a dental hygienist to practice public health dental hygiene may be renewed biennially in accordance with NRS 631.287.

Existing regulations set forth requirements and limits on subjects, methods of instruction and credits for continuing education for licensed dentists and dental hygienists. (NAC 631.173, 631.175) **Section 4** of this regulation provides that credit may be allowed for courses completed via home study, on-line study, self-study or journal study which are taught through correspondence, webinar, compact disc or digital video disc, while **section 5** of this regulation limits the number of required hours of continuing education that may be obtained through such methods.

Existing regulations require an initial inspection of an office or facility where dental treatments are to be performed. (NAC 631.1785) **Section 6** of this regulation provides for the summary suspension of the license of the licensed dentist who owns the office or facility and the licenses of other licensees employed at the office or facility if the initial inspection indicates that the public health, safety or welfare imperatively requires emergency action.

Existing regulations require a licensee of the Board of Dental Examiners of Nevada who employs certain persons to assist in radiographic procedures to include with his or her application for renewal of his or her license a certified statement containing certain information regarding those employees. (NAC 631.260) **Section 9** of this regulation requires the certified statement also to include the attestation of the licensee regarding the employees' receipt of copies of chapter 631 of NRS and chapter 631 of NAC and training in cardiopulmonary resuscitation and infection control.

Section 10 of this regulation repeals regulations: (1) providing for a hearing if an applicant for a license to practice dentistry or dental hygiene has a claim of malpractice pending disposition; (2) requiring certain applicants for a permanent license to practice dentistry or dental hygiene to submit proof of certain experience; (3) requiring certain applicants who are denied licensure to request the permission of the Board to reapply; (4) governing the examinations applicants for a license to practice dentistry or dental hygiene must pass; (5) governing instruction of students by dentists or dental hygienists who currently hold an active license from another jurisdiction in the United States; and (6) prescribing requirements for an application for a limited license to supervise certain courses of continuing education.

Section 1. NAC 631.029 is hereby amended to read as follows:

631.029 The Board will charge and collect the following fees:

Application fee for an initial license to practice dentistry if the applicant has successfully passed a clinical examination administered by the Western Regional Examining Board or a clinical examination approved by the Board and the American Board of Dental Examiners and administered by a regional examination organization other than the Board.....	\$1,200
Application and examination fee for an initial license to practice dentistry if the examination is approved by the Board and the American Board of Dental Examiners and administered by the Board	1,500
Fee for administering a clinical examination in dentistry	2,090
Application fee for an initial license to practice dental hygiene	600
Fee for administering a clinical examination in dental hygiene	975
Application fee for a temporary license to practice dentistry	1,200
Application fee for a temporary license to practice dental hygiene	600
Application fee for a specialty license by credential.....	1,200
Application fee for a temporary restricted geographical license to practice dentistry	600
Application fee for a temporary restricted geographical license to practice dental hygiene.....	150
Application fee for a specialist's license to practice dentistry	125
Application fee for a limited license or restricted license to practice dentistry or dental hygiene	125

Application and examination fee for a permit to administer general anesthesia, conscious sedation or deep sedation	{350} 750
Application and examination fee for a site permit to administer general anesthesia, conscious sedation or deep sedation	{350} 500
Fee for any reinspection required by the Board to maintain a permit to administer general anesthesia, conscious sedation or deep sedation.....	{250} 500
Biennial renewal fee for a permit to administer general anesthesia, conscious sedation or deep sedation.....	{100} 200
Fee for the inspection of a facility required by the Board to renew a permit to administer general anesthesia, conscious sedation or deep sedation.....	{100} 350
Biennial license renewal fee for a general license or specialist's license to practice dentistry	600
{Biennial license renewal fee for a temporary license to practice dentistry.....}	600}
Biennial license renewal fee for a restricted geographical license to practice dentistry	600
Biennial license renewal fee for a restricted geographical license to practice dental hygiene.....	300
Biennial license renewal fee for a general license to practice dental hygiene	300
{Biennial license renewal fee for a temporary license to practice dental hygiene	300}

Annual license renewal fee for a limited license to practice dentistry or dental hygiene	[100] 200
Annual license renewal fee for a restricted license to practice dentistry	100
Biennial license renewal fee for an inactive dentist.....	200
Biennial license renewal fee for an inactive dental hygienist	50
Reinstatement fee for a suspended license to practice dentistry or dental hygiene	[200] 300
Reinstatement fee for a revoked license to practice dentistry or dental hygiene	[350] 500
Reinstatement fee to return an inactive or retired dentist or dental hygienist or a dentist or dental hygienist with a disability to active status	[200] 300
Fee for the certification of a license	25
Fee for the certification of a license to administer nitrous oxide or local anesthesia.....	25
Fee for a duplicate wall certificate	25
Fee for a duplicate pocket card receipt.....	25
Application fee for converting a temporary license to a permanent license	125
Fee for an application packet for an examination	25
Fee for an application packet for licensure by credentials	25

Sec. 2. NAC 631.045 is hereby amended to read as follows:

631.045 A licensed dentist who owns an office or facility where dental treatments are to be performed in this State must, on the application for renewal of his or her license, execute a certified statement that includes:

1. The location of each office or facility owned by the licensed dentist where dental treatments are to be performed;
2. The name and address of each employee, other than a licensed dentist or dental hygienist, who assists at the office or facility in procedures for infection control and the date the employee began to assist in procedures for infection control at the office or facility; ~~and~~
3. A statement that each employee identified in subsection 2:
 - (a) Has received adequate instruction concerning procedures for infection control; and
 - (b) Is qualified to:
 - (1) Operate sterilization equipment and other equipment in compliance with the guidelines adopted by reference in NAC 631.178; and
 - (2) Perform all other applicable activities in compliance with the guidelines adopted by reference in NAC 631.178 ~~{ }~~; *and*
4. *If the licensed dentist is registered to dispense controlled substances with the State Board of Pharmacy pursuant to chapter 453 of NRS, an attestation that the licensed dentist has conducted annually a minimum of one self-query regarding the issuance of controlled substances through the Prescription Monitoring Program of the State Board of Pharmacy.*

Sec. 3. NAC 631.145 is hereby amended to read as follows:

631.145 1. A special endorsement of a license that allows a dental hygienist to practice public health dental hygiene issued by the Board [~~is valid for 1 year after the date of issuance.~~] ***may be renewed biennially in accordance with NRS 631.287.***

2. A dental hygienist may apply to renew the special endorsement ***upon the renewal*** of his or her license by submitting a report summarizing the services performed by the dental hygienist under the authority of the special endorsement [~~in the prior year.~~] ***during the immediately preceding biennium.***

Sec. 4. NAC 631.173 is hereby amended to read as follows:

631.173 1. Each dentist licensed to practice in this State must annually complete at least 20 hours of instruction in approved courses of continuing education or biennially complete at least 40 hours of instruction in approved courses of continuing education, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the dentist. Hours of instruction may not be transferred or carried over from one licensing period to another.

2. Each dental hygienist licensed to practice in this State must annually complete at least 15 hours of instruction in approved courses of continuing education or biennially complete at least 30 hours of instruction in approved courses of continuing education, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the dental hygienist. Hours of instruction may not be transferred or carried over from one licensing period to another.

3. In addition to the hours of instruction prescribed in subsections 1 and 2, each dentist and dental hygienist must maintain current certification in administering cardiopulmonary resuscitation or another medically acceptable means of maintaining basic bodily functions which support life. Any course taken pursuant to this subsection must be taught by a certified instructor.

4. Any provider of or instructor for a course in continuing education relating to the practice of dentistry or dental hygiene which meets the requirements of this section must be approved by the Board, unless the course is for training in cardiopulmonary resuscitation or is approved by:

- (a) The American Dental Association or the societies which are a part of it;
- (b) The American Dental Hygienists' Association or the societies which are a part of it;
- (c) The Academy of General Dentistry;
- (d) Any nationally recognized association of dental or medical specialists;
- (e) Any university, college or community college, whether located in or out of Nevada; or
- (f) Any hospital accredited by The Joint Commission.

5. To be approved as a provider of a course in continuing education, the instructor of the course must complete a form provided by the Board and submit it to the Board for review by a committee appointed by the Board not later than 45 days before the beginning date of the course. Upon receipt of the form, the committee shall, within 10 days after receiving the form, approve or disapprove the application and inform the applicant of its decision.

6. Study by group may be approved for continuing education if the organizer of the group complies with the requirements of subsection 5 and furnishes the Board with a complete list of all members of the group, a synopsis of the subject to be studied, the time, place and duration of the meetings of the group, and the method by which attendance is recorded and authenticated.

7. Credit may be allowed for attendance at a meeting or a convention of a dental and dental hygiene society.

8. Credit may be allowed for courses completed ~~at~~ *via home study, on-line study, self-study or journal study* which are taught through correspondence, *webinar, compact disc* or ~~videocassettes.~~ *digital video disc.*

9. Credit may be allowed for dental and dental hygiene services provided on a voluntary basis to nonprofit agencies and organizations approved by the Board.

Sec. 5. NAC 631.175 is hereby amended to read as follows:

631.175 1. Approved subjects for continuing education in dentistry and dental hygiene are:

(a) Clinical subjects, including, without limitation:

(1) Dental and medical health;

(2) Preventive services;

(3) Dental diagnosis and treatment planning; and

(4) Dental clinical procedures, including corrective and restorative oral health procedures and basic dental sciences, dental research and new concepts in dentistry; and

(b) Nonclinical subjects, including, without limitation:

(1) Dental practice organization and management;

(2) Patient management skills;

(3) Methods of health care delivery; and

(4) Teaching methodology.

2. In completing the hours of continuing education required pursuant to NAC 631.173, a dentist must annually complete at least 15 hours in clinical subjects approved pursuant to subsection 1 or biennially complete at least 30 hours in clinical subjects approved pursuant to

subsection 1, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the dentist.

3. In completing the hours of continuing education required pursuant to NAC 631.173, a dental hygienist must annually complete at least 12 hours in clinical subjects approved pursuant to subsection 1 or biennially complete at least 24 hours in clinical subjects approved pursuant to subsection 1, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the dental hygienist.

4. In completing the hours of continuing education required pursuant to NAC 631.173, a dentist or dental hygienist must annually complete at least 2 hours in the clinical subject of infection control in accordance with the provisions of the guidelines adopted by reference in NAC 631.178 or biennially complete at least 4 hours in the clinical subject of infection control in accordance with the provisions of the guidelines adopted by reference in NAC 631.178, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the dentist or dental hygienist.

5. The Board will credit, as a maximum in any one year of an annual or biennial licensing period, the following number of hours of instruction for the following types of courses or activities:

(a) For approved study by a group, 3 hours.

(b) For attendance at a meeting or convention of a dental or dental hygiene society, 1 hour for each meeting, but not more than 3 hours, exclusive of hours of continuing education offered in conjunction with the meeting.

(c) For courses completed ~~in the~~ *via home study, on-line study, self-study or journal study* through correspondence, *webinar, compact disc* or ~~[videocassettes, 6 hours.]~~ *digital video disc*, *not more than 50 percent of the number of hours of continuing education required by subsection 1 or 2 of NAC 631.173, as applicable.*

(d) For all other courses conducted by an approved instructor, the number of hours completed by the dentist or dental hygienist.

(e) For approved dental or dental hygiene services provided in approved nonprofit settings, 6 hours, except that not more than 3 hours will be allowed for any day of volunteer services provided.

Sec. 6. NAC 631.1785 is hereby amended to read as follows:

631.1785 1. Not later than 30 days after a licensed dentist becomes the owner of an office or facility in this State where dental treatments are to be performed, other than a medical facility as defined in NRS 449.0151, the licensed dentist must request in writing that the Board conduct an initial inspection of the office or facility to ensure compliance with the guidelines adopted by reference in NAC 631.178.

2. Not later than 90 days after receiving a written request pursuant to subsection 1:

(a) The Executive Director shall assign agents of the Board to conduct the inspection; and

(b) The agents shall conduct the inspection.

3. Not later than 30 days after agents of the Board have completed the initial inspection of an office or facility to ensure compliance with the guidelines adopted by reference in NAC 631.178, the agents shall issue a report to the Executive Director indicating whether the office or

facility is equipped in compliance with the guidelines adopted by reference in NAC 631.178. If the report indicates that the office or facility:

(a) Is equipped in compliance with the guidelines adopted by reference in NAC 631.178, the Executive Director shall, without any further action by the Board, issue a written notice of the agents' findings to the licensed dentist who owns the office or facility.

(b) Is not equipped in compliance with the guidelines adopted by reference in NAC 631.178, the Executive Director shall, without any further action by the Board, issue a written notice which identifies *critical* deficiencies to the licensed dentist who owns the office or facility.

4. Not later than 72 hours after issuing a written notice of deficiencies pursuant to paragraph (b) of subsection 3:

(a) The Executive Director shall assign agents of the Board to conduct a reinspection of the office or facility to determine if the licensed dentist and the personnel supervised by the dentist have taken corrective measures; and

(b) The agents assigned pursuant to paragraph (a) shall conduct the reinspection and issue a report to the Executive Director indicating whether the licensed dentist and the personnel supervised by the dentist are in compliance with the guidelines adopted by reference in NAC 631.178. If the report indicates that the licensed dentist and the personnel supervised by the dentist:

(1) Are in compliance with the guidelines adopted by reference in NAC 631.178, the Executive Director shall, without any further action by the Board, issue a written notice of the agents' findings to the licensed dentist who owns the office or facility.

(2) Are not in compliance with the guidelines adopted by reference in NAC 631.178, the Executive Director may, without any further action by the Board, issue an order to the licensed dentist who owns the office or facility and all other licensees employed at the office or facility that any or all of those licensees or personnel must immediately cease and desist from performing dental treatments and that some or all dental treatments must cease to be performed at the office or facility until a hearing is held before the Board. The hearing before the Board must be convened not later than 30 days after the Executive Director issues the order to cease and desist.

5. Pursuant to subsection 3 of NRS 233B.127, if an initial inspection of an office or facility conducted pursuant to this section indicates that the public health, safety or welfare imperatively requires emergency action, the President of the Board may, without any further action by the Board, issue an order of summary suspension of the license of the licensed dentist who owns the office or facility and the licenses of any or all of the other licensees employed at the office or facility pending proceedings for revocation or other action. An order of summary suspension issued by the President of the Board must contain findings of the exigent circumstances which warrant the issuance of the order of summary suspension. The President of the Board shall not participate in any further proceedings relating to the order.

Sec. 7. NAC 631.2203 is hereby amended to read as follows:

631.2203 As used in NAC 631.2203 to ~~{631.2207,}~~ **631.2206**, inclusive, “registered facility” means a permanent facility registered with the Board for the sole purpose of providing postgraduate continuing education in dentistry.

Sec. 8. NAC 631.230 is hereby amended to read as follows:

631.230 1. In addition to those specified by statute and subsection 3 of NAC 631.177, the following acts constitute unprofessional conduct:

(a) The falsification of records of health care or medical records.

(b) Writing prescriptions for controlled substances in such excessive amounts as to constitute a departure from prevailing standards of acceptable dental practice.

(c) The consistent use of dental procedures, services or treatments which constitute a departure from prevailing standards of acceptable dental practice even though the use does not constitute malpractice or gross malpractice.

(d) The acquisition of any controlled substances from any pharmacy or other source by misrepresentation, fraud, deception or subterfuge.

(e) Making an unreasonable additional charge for laboratory tests, radiology services or other testing services which are ordered by the dentist and performed outside his or her own office.

(f) The failure to report to the Board as required in NAC 631.155 or to sign any affidavit required by the Board.

(g) Employing any person in violation of NAC 631.260 or failing to report to the Board as required by that section.

(h) The failure of a dentist who is administering or directly supervising the administration of general anesthesia, deep sedation or conscious sedation to be physically present while a patient is under general anesthesia, deep sedation or conscious sedation.

(i) Administering conscious sedation to more than one patient at a time, unless each patient is directly supervised by a person authorized by the Board to administer conscious sedation.

(j) Administering general anesthesia or deep sedation to more than one patient at a time.

(k) The failure to have any patient who is undergoing general anesthesia, deep sedation or conscious sedation monitored with a pulse oximeter or similar equipment required by the Board.

(l) Allowing a person who is not certified in basic cardiopulmonary resuscitation to care for any patient who is undergoing general anesthesia, deep sedation or conscious sedation.

(m) The failure to obtain a patient's written, informed consent before administering general anesthesia, deep sedation or conscious sedation to the patient or, if the patient is a minor, the failure to obtain his or her parent's or guardian's consent unless the dentist determines that an emergency situation exists in which delaying the procedure to obtain the consent would likely cause permanent injury to the patient.

(n) The failure to maintain a record of all written, informed consents given for the administration of general anesthesia, deep sedation or conscious sedation.

(o) The failure to report to the Board, in writing, the death or emergency hospitalization of any patient to whom general anesthesia, deep sedation or conscious sedation was administered. The report must be made within 30 days after the event.

(p) Allowing a person to administer general anesthesia, deep sedation or conscious sedation to a patient if the person does not hold a permit to administer such anesthesia or sedation unless the anesthesia or sedation is administered:

(1) In a facility approved by The Joint Commission; or

(2) By an anesthesiologist in an office for which a certificate of site approval has been issued.

(q) The failure of a dentist who owns a dental practice to provide copies of the records of a patient to a dentist or dental hygienist who provided the services as an employee or independent

contractor of the dentist when the records are the basis of a complaint before the Board. Nothing in this paragraph relieves the treating dentist or dental hygienist from the obligation to provide records of the patient to the Board.

(r) The failure of a dentist who owns a dental practice to verify the license of a dentist or dental hygienist before offering employment or contracting for services with the dentist or dental hygienist as an independent contractor.

(s) The failure of a dentist who owns a dental practice and participates in the diagnosis and treatment of any patient to ensure that the services rendered by a dentist or dental hygienist who is an employee or independent contractor of that dentist meet the prevailing standards of acceptable dental practice. If a dentist or dental hygienist who is an employee or independent contractor of the dentist is found by substantial evidence to have provided services below the prevailing standards of acceptable dental practice, the dentist who owns the dental practice may be required to reimburse the patient to whom the services were provided pursuant to paragraph (l) of subsection 1 of NRS 631.350.

(t) The failure of a dentist who owns a dental practice to record the name of the dentist or dental hygienist who provided the services in the records of a patient each time the services are rendered.

(u) The failure of a dentist who is registered to dispense controlled substances with the State Board of Pharmacy pursuant to chapter 453 of NRS to conduct annually a minimum of one self-query regarding the issuance of controlled substances through the Prescription Monitoring Program of the State Board of Pharmacy.

2. For purposes of NRS 631.347, a plan or practice requiring a patient to select a dentist from a specific group does not provide the patient with a reasonable opportunity to select a dentist of his or her own choice, and constitutes unprofessional conduct on the part of any dentist participating in such a plan or practice, unless it, or another plan concurrently available to the patient, allows the patient to:

(a) Have an annual opportunity, lasting for a minimum of 30 days, to select a dentist of his or her own choice for all dental work to be performed during the subsequent 12 months. Any new patient added to the plan or practice must immediately be given an initial opportunity, lasting at least 30 days, to select the coverage supplied by the plan or practice or a dentist of his or her own choice.

(b) Receive the allowance for a procedure performed by a dentist of his or her own choice in substantially the same amount as he or she would if he or she used the services of one of the group of dentists specified by the plan or practice.

Sec. 9. NAC 631.260 is hereby amended to read as follows:

631.260 1. Each patient who is undergoing a radiographic procedure must be covered with a lead apron.

2. Each licensee who employs any person, other than a dental hygienist, to assist him or her in radiographic procedures shall include with his or her application for ~~annual~~ renewal of his or her license ~~the~~:

~~(a) A] a certified statement [containing the] :~~

(a) *Containing the* name of each person so employed, his or her position and the date he or she began to assist the licensee in radiographic procedures; and

(b) ~~{Proof}~~ *Attesting* that ~~{the}~~ *each such* employee has received ~~{adequate}~~ :

(1) *Adequate* instruction concerning radiographic procedures and is qualified to operate radiographic equipment as required pursuant to subsection 3 of NAC 459.552 ~~{1}~~ ;

(2) *Training in cardiopulmonary resuscitation at least every 2 years while so employed;*

(3) *A minimum of 4 hours of continuing education in infection control every 2 years while so employed; and*

(4) *Before beginning such employment, a copy of this chapter and chapter 631 of NRS in paper or electronic format.*

Sec. 10. NAC 631.031, 631.039, 631.060, 631.080, 631.100, 631.120, 631.130, 631.180 and 631.2207 are hereby repealed.

TEXT OF REPEALED SECTIONS

631.031 Hearing to determine qualifications if claim of malpractice is pending disposition. (NRS 631.190, 631.230, 631.290)

1. The Executive Director or Secretary-Treasurer shall notify the Board if the Executive Director or Secretary-Treasurer finds that an applicant for the issuance of a license pursuant to

chapter 631 of NRS has a claim or complaint of malpractice that is filed against him or her and is pending disposition.

2. Except as otherwise provided in subsection 3, if the Board receives the notification described in subsection 1, the Board will hold a hearing to determine the qualifications of the applicant to practice dentistry or dental hygiene, as applicable.

3. The Board may approve an application for the issuance of a license without holding a hearing pursuant to subsection 2 if the Board determines that the application contains sufficient information to support a decision to approve the application.

631.039 Application for permanent license by holder of temporary license. (NRS 631.190, 631.220, 631.272) A person who wishes to apply for a permanent license to practice dentistry or dental hygiene after holding a temporary license to practice dentistry or dental hygiene for a minimum of 2 years pursuant to subsection 2 of NRS 631.272 or subsection 2 of NRS 631.273, as applicable, must submit to the Board proof that he or she actively practiced dentistry or dental hygiene in this State during the 2 years in which he or she held the temporary license.

631.060 Reapplications. (NRS 631.190, 631.220) An applicant who is denied licensure for a reason other than his or her failure to pass an examination may not reapply until he or she requests and receives the permission of the Board to do so.

631.080 Examination: Authorization required; cheating prohibited. (NRS 631.190, 631.240, 631.300)

1. An applicant must have obtained the Board's written authorization before he or she may take the examination. He or she must take the examination at the times and places set forth in the authorization.

2. An applicant shall not use or possess any note or cheating aid during any part of the examination. Any use or possession of a test aid will result in a score of zero and is sufficient evidence of the applicant's unfitness to receive licensure.

631.100 Examination for license to practice dental hygiene. (NRS 631.190, 631.300)

In fulfillment of the requirements of paragraph (b) of subsection 2 of NRS 631.300, the applicant must:

1. Perform an oral prophylaxis on patients, the number to be determined by the Board, whose teeth have a sufficient amount of stain and calculus to permit the applicant to demonstrate the ability to remove any stain and calculus; and

2. Perform such other procedures as the Board requests.

631.120 Examinations: Procedure for practical portion. (NRS 631.170, 631.190, 631.240, 631.300)

1. The practical part of the dentist's or dental hygienist's examination must be performed in the presence of a quorum of the examining members of the Board. Examiners appointed by the Board to conduct examinations pursuant to NRS 631.170 may be counted in determining whether a quorum is present as set forth in subsection 3 of NRS 631.170.

2. Each applicant must furnish his or her own patients, materials and instruments for the examination. The Board will furnish the dental chair and light.

3. At the end of each day of the practical part of the examination, the Board will collect and safely store all of the materials and work of each applicant. The materials and work will be returned at the beginning of the next day of the examination. The applicant is responsible for all of his or her equipment and instruments, except as otherwise directed by instructions given at the examination.

4. The applicant may not bring any study models or impressions into the examination room except as allowed by instructions given at the examination.

631.130 Examinations: Requirements for successful completion; notice of results.

(NRS 631.190, 631.240, 631.300)

1. To complete successfully any examination given by the Board, a person must:

(a) Receive a passing score in the applicable examination required by NRS 631.240 or 631.300; and

(b) Complete the entire examination.

2. The Board will mail each applicant a notice of the results of his or her examination.

631.180 Employment as an instructor. (NRS 631.190)

1. Except as otherwise provided in subsection 2, a dentist or dental hygienist who currently holds an active license from another jurisdiction in the United States may be employed in this State in an accredited educational institution to instruct the students of the institution.

2. The dentist or dental hygienist must apply for and successfully complete the appropriate examination for licensure administered by the Board within 1 year after the date of his or her employment to retain the right to be so employed.

631.2207 Application for limited license to supervise courses of continuing education.

(NRS 631.190, 631.215, 631.2715) An applicant for a limited license to supervise courses of continuing education involving live patients at a registered facility must provide the following information and documentation in his or her application:

1. The date and place of his or her birth;
2. Certification of graduation from an accredited dental school or college or from an accredited school or college of dental hygiene, whichever is applicable;
3. Whether the applicant has applied for similar licensure in another state or territory of the United States or the District of Columbia and, if so, the name of the state or territory or the District of Columbia, the date and the result of the application;
4. If the applicant has practiced dentistry or dental hygiene in another state or territory of the United States or the District of Columbia, certification from the licensing authority of each state or territory or the District of Columbia in which the applicant has practiced or is practicing that the applicant is in good standing and that there are not any disciplinary proceedings pending against the applicant in the other state or territory or the District of Columbia which may affect his or her standing;
5. Whether the applicant has terminated or attempted to terminate a license from another state or territory of the United States or the District of Columbia and, if so, his or her reasons for doing so;
6. If the applicant is not a natural born citizen of the United States, a copy of his or her certificate of naturalization or other document attesting that the applicant is legally eligible to reside and work in the United States;

7. Whether the applicant has ever been convicted of a crime involving moral turpitude or has entered a plea of nolo contendere to a charge of such a crime and, if so, the date and place of the conviction or plea and the sentence, if any, which was imposed;
8. Whether the applicant has had any misdemeanor or felony convictions and, if so, any documents relevant to the misdemeanor or felony convictions;
9. Whether any malpractice judgment has been entered against the applicant and, if so, any documents relevant to the malpractice judgment;
10. Whether the applicant has a history of substance abuse and, if so, any documents relevant to the substance abuse;
11. Whether the applicant has been refused permission to take an examination for licensure by any other state or territory of the United States or the District of Columbia and, if so, any documents relevant to the refusal;
12. Whether the applicant has been denied licensure by this State, any other state or territory of the United States, or the District of Columbia, and, if so, any documents relevant to the denial;
13. Whether the applicant has had his or her license to practice dentistry or dental hygiene suspended, revoked or placed on probation in this State, another state or territory of the United States, or the District of Columbia, and, if so, any documents relevant to the suspension, revocation or probation;
14. Whether the applicant's practice of dentistry or dental hygiene has been subject to mandatory supervision in this State, another state or territory of the United States, or the District of Columbia, and, if so, any documents relevant to the mandatory supervision;

15. Whether the applicant has received a public reprimand or is currently involved in any disciplinary action concerning his or her license to practice dentistry or dental hygiene in this State, another state or territory of the United States, or the District of Columbia and, if so, any documents relevant to the reprimand or disciplinary action; and

16. Two sets of certified fingerprint cards and an authorization form allowing the Board to submit the fingerprint forms to law enforcement agencies for verification of background information.

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
LCB File No. R020-14

1. A clear and concise explanation of the need for the adopted regulation.

The Nevada State Board of Dental Examiners has conducted a review of Nevada Administrative Codes Chapter 631 pursuant to NRS 233B at least every ten (10) years. Upon this review, discussion and public comment of the proposed/amended regulations which was noticed at two public workshops held on December 13, 2013 and January 24, 2014 after a 15 day notice was posted in compliance with the Nevada administrative rulemaking requirements. A Notice of Intent to Act Upon Regulations public hearing and adoption of the proposed regulation changes to permanent regulations and the repeal of certain regulations was held April 25, 2014 after a 30 day notice was posted in compliance with the Nevada administrative rulemaking requirements. Public comment was sought in all workshops, hearings and adoptions. The Board has adopted that various regulations be repealed because they are no longer applicable or needed. Further, upon review certain regulations the Board proposed changes/amendments for due process consistency, continuing educations hours include more on-line methods, dental hygienist special health endorsement be renewed consist with the legislative change made to NRS 631.287, amend the regulation for dental renewal to include a self-query to the Prescription Monitoring Program as a proactive measure to address the abuse of controlled substances being prescribed and amend NAC 631.260 to include attestation for dentist to ensure their personnel has the appropriate training in CPR, infection control and the laws governing the practice of dentistry and dental hygiene.

2. Description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

Two public workshops were held on December 13, 2013 and January 24, 2014 for consideration of amended/proposed regulations after a 15 day notice was posted in compliance with the Nevada administrative rulemaking requirements after a 15 day notice was posted in compliance with the Nevada administrative rulemaking requirements. A Notice of Intent to Act Upon Regulations public hearing and adoption of the proposed regulation changes to permanent regulations and the repeal of certain regulations was held April 25, 2014 after a 30 day notice was posted in compliance with the Nevada administrative rulemaking requirements. Public comment was sought in all workshops, hearings and adoptions. Public notices of the workshop and hearing were posted at a site in each county along with the Las Vegas and Carson City offices of the Attorney General, State Library and Archives, the Clark County Health District, and mailings of said notices to interested parties including affected practitioner associations within Nevada. Notices were also posted on the website maintained by the Board. Comments were recorded at each meeting if offered and are available in the minutes of those meetings which can be inspected at the board office and a copy obtained on the

Board's website. A copy of the written minutes of the meetings may be obtained by contacting the Nevada State Board of Dental Examiners at (702) 486-7044 or by writing to the Board at 6010 S. Rainbow Blvd, A-1, Las Vegas, NV 89118 or downloaded by visiting our website at dental.nv.gov.

3. The number of persons who.

(a) (a) Attended each hearing, Approx: 7 12/13/2014
Approx: 12 01/24/2014
Approx; 9 04/25/2014

(b) Testified at each hearing:

4 12/13/2013
1 01/24/2014
0 04/25/2014

(c) Submitted written comments:

1 12/13/2013
0 01/24/2014
1 04/25/2014

4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing:

December 13, 2013 – Public Workshop

Robert Talley, DDS

(702) 255-0437

8863 W Flamingo Road, Suite 100

Las Vegas, Nevada 89147

Nevada Dental Association

Testified and submitted written comment

Sharon Peterson, RDH

(702) 651-5853

6575 W Charleston Blvd

Las Vegas, Nevada 89146

CSN, Dental Hygiene Program
Testified

Rick Thiriot, DDS
1001 Shadow Lane MS7410
Las Vegas, Nevada 89106
(702) 774-2655
UNLV, School of Dental Medicine
Testified

R. Michael Sanders, DMD
1001 Shadow Lane MS7410
Las Vegas, Nevada 89106
(702) 774-2660
UNLV, School of Dental Medicine
Testified

January 24, 2014--Public Workshop

William Pappas, DDS
7884 W Sahara Ave, Suite 100
Las Vegas, NV 89117-1944
(702) 367-7133
Self
Testified

April 25, 2014--Public Hearing for Adoption

Katherine Landsberg
444 N. Michigan Avenue, Suite 900
Chicago, IL 60611-3985
(312) 640-8507
Dental Assisting National Boards
Written Comment

- 5. A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.**

Public notices of the workshop and hearing were posted at a site in each county along with the Las Vegas and Carson City offices of the Attorney General, State Library and Archives, the Clark County Health District, and mailings of said notices to interested parties including affected practitioner associations within Nevada. Notices were also posted on the website maintained by the Board. Comments were recorded at each meeting if offered and are available in the minutes of those meetings which can be inspected at the board office and a copy obtained on the Board's website. A copy of the written minutes of the meetings may be obtained by contacting the Nevada State Board of Dental Examiners at (702) 486-7044 or by writing to the Board at 6010 S. Rainbow Blvd. A-1, Las Vegas, NV 89118 or downloaded by visiting our website at dental.nv.gov.

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The following regulations listed below were adopted as proposed and as recommended by the Legislative and Dental Practice Act Resource Group. The regulations listed below were repealed without any changes.

Adopted Proposed Regulations

NAC 631.029 – Schedule of Fees

NAC 631.145 – Dental Hygienist-Special Endorsement of license to practice public health

NAC 631.173 – Continuing education: Required hours, types of courses and activities, approval of provider or instructor

NAC 631.175 – Continuing education: Approved subjects, minimum requirements for clinical subjects, maximum credit for certain types of courses and activities

NAC 631.1785 – Licensed dentist to request initial inspection of office or facility

NAC 631.2203 – "Registered facility" defined

Adopted Repealed Regulations

- (1) NAC 631.031 Hearing to determine claim of malpractice pending;
- (2) NAC 631.039 Application for permanent license holder of temporary license;
- (3) NAC 631.060 Reapplications;
- (4) NAC 631.080 Examination-Authorization required;
- (5) NAC 631.100 Examination-practice dental hygiene;
- (6) NAC 631.120 Examination-practical portion;
- (7) NAC 631.130 Examination-requirements for successful completion;
- (8) NAC 631.180 Employment of instructor;
- (9) NAC 631.2207 Application for limited license to supervise courses of continuing education.

Adopted Proposed Regulation pending change.

(1) NAC 631.045

(2) NAC 631.230

The Board approved the word change from "dispense" to "prescribe". It is the understanding of the Board Members and Legal Counsel since the Pharmacy Board issues permits to "dispense" controlled substances, the use of the word "dispense" may cause confusion to the licensee thinking they would not be required to perform a "self-query" to the PMP for controlled substances since the licensee is not dispensing via a dispensing permit issued by the Board of Pharmacy the licensee is prescribing. The Board to avoid any confusion approved the proposed regulation with the word "prescribe" controlled substances. Please see attachment.

7. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and in each case must include:

NAC 631.029 Schedule of Fees.

a). Adverse and Beneficial Effect.

This proposed regulation would increase certain fees with regards to certain licensure and anesthesia permits. The beneficial effect would be to ensure the Board has the monetary resources to continue to conduct the required evaluations and inspections needed for the issuance of anesthesia permits to ensure the public's safety, health and welfare.

b). Immediate and Long Tem Effect.

The immediate effect would be an increase to the applicant who applies for or renews an anesthesia permit. The Board does not foresee any long term effects.

c). Method utilized to Determine Economic Effect.

Upon holding two Public Workshops where licensees, members of local associations and societies and public persons attended, the attendees did not object for increasing certain licensure fees in order to implement the policies of the Board. This included, a review of the Board's budget showing the amount of money it is costing the Board to conduct anesthesia evaluations and inspections for the issuance of an anesthesia permit. The Board determined that an increase to certain maximum amounts as set forth in NRS 631.345 was needed to continue the required evaluations and inspections for anesthesia to ensure the public's health, safety and welfare.

d). The estimated cost to the agency for enforcement of the proposed regulation.

There should be a minimal cost for enforcement of the proposed regulation to the agency to conduct the evaluations and inspections. The immediate cost would include informing the licensed professionals of the State of Nevada of the change in regulation.

NAC 631.045-Renewal of License

a). Adverse and Beneficial Effect.

This proposed regulation is a proactive measure for dentist to perform a self query to the Prescription Monitoring Program to evaluate the controlled substances being prescribed and received to ensure no fraudulent controlled substances are being issued

b). Immediate and Long Term Effect.

There should be no adverse effect of the changes in the regulations on the dental profession.

c). Method utilized to Determine Economic Effect.

There should be no economic effect of the changes in the regulations on the dental profession.

d). The estimated cost to the agency for enforcement of the proposed regulation.

There should be no additional cost for enforcement of the proposed regulation to the agency. The immediate cost would include informing the licensed professionals of the State of Nevada of the change in regulation.

NAC 631.145 Dental Hygienist-Special Endorsement of a license.

a). Adverse and Beneficial Effect.

This proposed regulation would allow for a dental hygienist to renew their special health endorsement permit biennially. This is consistent with the change to NRS 631.287 at the last legislative session.

b). Immediate and Long Term Effect.

There should be no adverse effect of the changes in the regulations on the dental or dental hygiene profession.

c). Method utilized to Determine Economic Effect.

There should be no economic effect of the changes in the regulations on the dental or dental hygiene profession.

d). The estimated cost to the agency for enforcement of the proposed regulation.

There should be no additional cost for enforcement of the proposed regulation to the agency. The immediate cost would include informing the licensed professionals of the State of Nevada of the change in regulation.

NAC 631.173 Continuing Education, required hours.

a). **Adverse and Beneficial Effect.**

This proposed regulation would allow for licensees to increase the amount of hours they may obtain continuing education through on-line, self-study or home study methods. The beneficial effect is the licensee will have more course subjects and course materials to choose from.

b). **Immediate and Long Tem Effect.**

There should be no adverse effect of the changes in the regulations on the dental or dental hygiene profession.

c). **Method utilized to Determine Economic Effect.**

There should be no economic effect of the changes in the regulations on the dental or dental hygiene profession.

d). **The estimated cost to the agency for enforcement of the proposed regulation.**

There should be no additional cost for enforcement of the proposed regulation to the agency. The immediate cost would include informing the licensed professionals of the State of Nevada of the change in regulation.

NAC 631.175 Continuing Education, approved subjects.

a). **Adverse and Beneficial Effect.**

This proposed regulation would allow for licensees to increase the amount of hours they may obtain continuing education through on-line, self-study or home study methods. The beneficial effect is the licensee will have more course subjects and course materials to choose from.

b). **Immediate and Long Tem Effect.**

There should be no adverse effect of the changes in the regulations on the dental or dental hygiene profession.

c). **Method utilized to Determine Economic Effect.**

There should be no economic effect of the changes in the regulations on the dental or dental hygiene profession.

d). **The estimated cost to the agency for enforcement of the proposed regulation.**

There should be no additional cost for enforcement of the proposed regulation to the agency. The immediate cost would include informing the licensed professionals of the State of Nevada of the change in regulation.

NAC 631.1785 initial inspections.

a). **Adverse and Beneficial Effect.**

This proposed regulation would utilize language as set forth in NAC 631.179 with regards to random inspection to ensure consistency and to clarify due processes.

b). **Immediate and Long Tem Effect.**

There should be no adverse effect of the changes in the regulations on the dental or dental hygiene profession.

c). **Method utilized to Determine Economic Effect.**

There should be no economic effect of the changes in the regulations on the dental or dental hygiene profession.

d). **The estimated cost to the agency for enforcement of the proposed regulation.**

There should be no additional cost for enforcement of the proposed regulation to the agency. The immediate cost would include informing the licensed professionals of the State of Nevada of the change in regulation.

NAC 631.1785 initial inspections.

a). **Adverse and Beneficial Effect.**

This proposed regulation would utilize language as set forth in NAC 631.179 with regards to random inspection to ensure consistency and to clarify due processes.

b). **Immediate and Long Tem Effect.**

There should be no adverse effect of the changes in the regulations on the dental or dental hygiene profession.

c). **Method utilized to Determine Economic Effect.**

There should be no economic effect of the changes in the regulations on the dental or dental hygiene profession.

d). **The estimated cost to the agency for enforcement of the proposed regulation.**

There should be no additional cost for enforcement of the proposed regulation to the agency. The immediate cost would include informing the licensed professionals of the State of Nevada of the change in regulation.

NAC 631.230 Unprofessional conduct.

a). Adverse and Beneficial Effect.

This proposed regulation change would add language that if a dentist who is registered to dispense controlled substances has failed to conduct a minimum of one self query annually to the Nevada State Board of Pharmacy Task Force the Board would deem the failure as unprofessional conduct. The beneficial effect to the licensee and the public is to ensure the dentist is aware of all controlled substances being filled under his DEA and Controlled Substance permit and make the dentist aware of how many controlled substances he is issuing.

b). Immediate and Long Term Effect.

The long term effect will hopefully result in a reduction in fraudulent controlled substances being obtained.

c). Method utilized to Determine Economic Effect.

There should be no economic effect of the changes in the regulations on the dental or dental hygiene profession.

d). The estimated cost to the agency for enforcement of the proposed regulation.

There should be no additional cost for enforcement of the proposed regulation to the agency. The immediate cost would include informing the licensed professionals of the State of Nevada of the change in regulation.

NAC 631.260 Radiographic procedures

a). Adverse and Beneficial Effect.

This proposed regulation would require the dentist to attest that each such employee receive adequate training in CPR, infection control and a copy of this chapter and chapter 631 of NRS in paper or electronic format. The beneficial effects will result in public safety and ensure the employee is fully aware of the duties delegable to them.

b). Immediate and Long Term Effect.

The immediate and long term effect is to ensure the public's health, safety and welfare.

c). Method utilized to Determine Economic Effect.

There should be no economic effect of the changes in the regulations on the dental or dental hygiene profession.

d). The estimated cost to the agency for enforcement of the proposed regulation.

There should be no additional cost for enforcement of the proposed regulation to the agency. The immediate cost would include informing the licensed professionals of the State of Nevada of the change in regulation.

- 9. A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

We are aware of no other duplication in regulations either in state or federal regulations.

- 10. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

There are no federal regulations providing these provisions that the board is aware of.

- 11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

The amount to be collected is directly related to the number of applicants applying for a permit to administered anesthesia and cannot be specifically determined. The fees collected will be applied to the expenses associated with the administration of the examination and inspection conducted by the Board for the issuance of an anesthesia permit/