



**DEPARTMENT OF BUSINESS AND INDUSTRY
OFFICE OF NEVADA BOARDS, COMMISSIONS AND COUNCILS STANDARDS
NEVADA STATE BOARD OF DENTAL EXAMINERS**

Advisory Opinion

Subject: Definition of a “Facility,” Infection-Control Inspection Duties, and Professional Liability When Dental Services Are Delivered in Pop-Up, Mobile, or Other Non-Permanent Locations

(Adopted by the Board at the August 13, 2025 Board Meeting from the July 14, 2025 Infection Control Committee Meeting Discussion.)

1. Purpose

To clarify for all licensees that any site (permanent or temporary) where dental services are rendered is a “facility” under Nevada law, that all facilities must undergo a Board infection-control inspection before patient care begins, and that practicing in an uninspected facility constitutes unprofessional conduct and a breach of the standard of care.

2. Statutory & Regulatory Authority

- **NRS 631.190** – Authorizes the Board to adopt rules and take actions necessary to protect the public
- **NAC 631.178** – Incorporates the CDC *Guidelines for Infection Control in Dental Health-Care Settings* and requires licensee compliance in every practice environment.
- **NAC 631.1785** – Requires a licensed dentist who is the owner of any “office or facility” where dental treatment is performed to request an initial infection control inspection within 30 days of assuming ownership.
- **NAC 631.179 & 631.1795** – Permits random and summary inspections and authorize disciplinary action for deficiencies.
- **NAC 631.230** – Designates violations of Board regulations and breaches of the standard of care as unprofessional conduct subject to discipline.

3. Committee Determination

1. Facility Defined

- For purposes of NAC 631.1785 and related regulations, a *facility* is any physical location (fixed, mobile, pop-up, or otherwise) where one or more licensees provide dental services to the public. This definition includes self-contained mobile vans, temporary operatories erected

in traditionally non-dental clinic spaces (e.g., hotel ballrooms, convention centers, offices or common areas of workplaces, and similar non-traditional venues).

2. Inspection Requirement & Timing

- No patient care may be initiated until the Board conducts an infection control inspection and the inspection is passed.
- For *mobile units*, the inspection must occur in the interior of the unit; any treatment stations placed outside the vehicle constitute a separate facility requiring its own inspection or the inspection of the setup and breakdown of the equipment at an agreed upon location.
- For *pop-up or event-based clinics*, a new inspection is required for each distinct set-up and location, even if the equipment and personnel remain the same.
- For school-based clinics, the inspection may occur at an agreed upon location to demonstrate the setup and breakdown of the equipment. *

3. Licensee Duties and Liability

- Dentists who own, manage, sponsor, or otherwise control a pop-up or mobile operation are professionally responsible for requesting and passing the required inspection.
- Delivering care in an uninspected facility is deemed *unprofessional conduct* under NRS 631.230 and NAC 631.230 and is a *breach of the standard of care*, exposing every participating licensee to disciplinary action.

4. Ancillary Authority Affecting Non-Licensees

- Any out-of-state dentist who owns an interstate traveling mobile or pop-up dental company or clinic cannot operate a mobile or pop-up clinic offering services to Nevada consumers or business; to do so is practicing without a license pursuant to NRS 631.395(10). While an owner of an interstate traveling mobile or pop-up company could employ or contact a Nevada licensed dentist to run or work at such a mobile or pop-up site, the out-of-state owner cannot share in the fees collected at the site or direct the work of the Nevada licensee at that site (also pursuant to NRS 631.395(10)).
- Any non-dental service business owner who employs or contracts with an interstate traveling mobile or pop-up dental company or clinic owned by an out-of-state dentist or out-of-state entity can be subject to a violation of practicing dentistry without a license under NRS 631.395(11)(for aiding and abetting another to violate the provisions of Chapter 631).

4. Effective Date

This Advisory Opinion is effective upon adoption at the Board's August 13, 2025, meeting and remains in force until modified or superseded by subsequent Board action or legislative amendment.

5. Reservation of Authority

Nothing herein limits the Board's discretion to impose additional conditions, suspend or revoke licenses, or seek injunctive relief when patient safety requires.

* NAC 631.178 governs the infection-control expectations related to “licensed dentists” who own an office or facility; to that end, it does not govern dental hygienists. Thus, where a dental hygienist owns and/or operates a mobile, portable, or pop-up public health care program clinic pursuant to NRS 631.3453, this advisory opinion does not necessarily guide their infection-control inspection obligations. Nonetheless, public health dental hygienists are subject to biannual specialty renewal per NAC 631.145, under which they must submit a report summarizing their services. If this summary does not contain sufficient information substantiating basic compliance with infection-control measures (e.g., using sterile or disposable instruments and equipment, describing disinfectant measures for areas where services are provided, etc.), renewal may not be permitted.