

NEVADA STATE BOARD  
of  
DENTAL EXAMINERS



REGULATION WORKSHOP

WEDNESDAY, NOVEMBER 10, 2021

6:00 P.M.

**PUBLIC BOOK**

**Agenda Item 3:**

**Proposed draft of proposed dental therapy regulations,  
pursuant to recommendations from the Dental  
Hygiene/Dental Therapy Committee. NRS 631.190; NRS  
631.312 to 631.3128**

**NRS 631.190** Powers and duties. [Effective through December 31, 2019.] In addition to the powers and duties provided in this chapter, the Board shall:

1. Adopt rules and regulations necessary to carry out the provisions of this chapter.
2. Appoint such committees, review panels, examiners, officers, employees, agents, attorneys, investigators and other professional consultants and define their duties and incur such expense as it may deem proper or necessary to carry out the provisions of this chapter, the expense to be paid as provided in this chapter.
3. Fix the time and place for and conduct examinations for the granting of licenses to practice dentistry and dental hygiene.
4. Examine applicants for licenses to practice dentistry and dental hygiene.
5. Collect and apply fees as provided in this chapter.
6. Keep a register of all dentists and dental hygienists licensed in this State, together with their addresses, license numbers and renewal certificate numbers.
7. Have and use a common seal.
8. Keep such records as may be necessary to report the acts and proceedings of the Board. Except as otherwise provided in [NRS 631.368](#), the records must be open to public inspection.
9. Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.
10. Have discretion to examine work authorizations in dental offices or dental laboratories.

[Part 4:152:1951; A [1953, 363](#)] — (NRS A [1963, 150](#); [1967, 865](#); [1993, 2743](#); [2009, 3002](#); [2017, 989, 2848](#))

**NRS 631.190** Powers and duties. [Effective January 1, 2020.] In addition to the powers and duties provided in this chapter, the Board shall:

1. Adopt rules and regulations necessary to carry out the provisions of this chapter.
2. Appoint such committees, review panels, examiners, officers, employees, agents, attorneys, investigators and other professional consultants and define their duties and incur such expense as it may deem proper or necessary to carry out the provisions of this chapter, the expense to be paid as provided in this chapter.
3. Fix the time and place for and conduct examinations for the granting of licenses to practice dentistry, dental hygiene and dental therapy.

4. Examine applicants for licenses to practice dentistry, dental hygiene and dental therapy.
5. Collect and apply fees as provided in this chapter.
6. Keep a register of all dentists, dental hygienists and dental therapists licensed in this State, together with their addresses, license numbers and renewal certificate numbers.
7. Have and use a common seal.
8. Keep such records as may be necessary to report the acts and proceedings of the Board. Except as otherwise provided in [NRS 631.368](#), the records must be open to public inspection.
9. Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.
10. Have discretion to examine work authorizations in dental offices or dental laboratories.

[Part 4:152:1951; A [1953, 363](#)] — (NRS A [1963, 150](#); [1967, 865](#); [1993, 2743](#); [2009, 3002](#); [2017, 989](#), [2848](#); [2019, 3205](#), effective January 1, 2020)

### **Proposed Regulation Changes Regarding Dental Therapy**

**NAC 631.030 Provision of certain information and documentation by applicant for licensure; provision of certain additional information for licensure by endorsement; requirements for use of laser radiation in practice. ([NRS 622.530](#), [631.190](#), [631.220](#), [631.230](#), [631.255](#), [631.272](#), [631.274](#), [631.290](#))**

1. An applicant for licensure must provide the following information and documentation in his or her application:

(a) The date and place of his or her birth;

(b) Certification of graduation from an accredited dental school or college, **accredited school or college of dental therapy**, or from an accredited school or college of dental hygiene, whichever is applicable;

(c) Whether he or she has applied for similar licensure in another state or a territory of the United States or the District of Columbia and, if so, the name of the state or territory of the United States or the District of Columbia, the date and the result of his or her application;

(d) If he or she has practiced dentistry, **dental therapy** or dental hygiene in another state or a territory of the United States or the District of Columbia, certification from the licensing authority of each state or territory of the United States or the District of Columbia in which he or she has practiced or is practicing that he or she is in good standing and that there are not any disciplinary proceedings affecting his or her standing pending against him or her in the other state or territory of the United States or the District of Columbia;

(e) Whether he or she 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, the reasons for doing so;

(f) If he or she is not a natural born citizen of the United States, a copy of his or her certificate of naturalization or other document attesting that he or she is legally eligible to reside and work in the United States;

(g) All scores obtained on the examination in which he or she was granted a certificate by the Joint Commission on National Dental Examinations and the date it was issued;

(h) Whether he or she 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;

(i) Whether he or she has had any misdemeanor or felony convictions and, if so, any documents relevant to any misdemeanor or felony convictions;

(j) Whether he or she has been held civilly or criminally liable in this State, another state or territory of the United States or the District of Columbia for misconduct relating to his or her occupation or profession;

(k) Whether he or she has a history of substance abuse and, if so, any documents relevant to the substance abuse;

(l) Whether he or she has been refused permission to take an examination for licensure by this State, any other state or territory of the United States or the District of Columbia, or any regional testing agency recognized by the Board and, if so, any documents relevant to the refusal;

(m) Whether he or she 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;

(n) Whether he or she has had his or her license to practice dentistry, **dental therapy** or dental hygiene suspended, revoked or placed on probation, or has otherwise been disciplined concerning his or her license to practice dentistry, **dental therapy** or dental hygiene, including, without limitation, receiving a public reprimand, 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, probation or other discipline;

(o) A copy of current certification in administering cardiopulmonary resuscitation;

(p) Whether he or she is currently involved in any disciplinary action concerning his or her license to practice dentistry, **dental therapy** 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;

(q) 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;

(r) Whether he or she has any claims against him or her or has committed any actions that would constitute unprofessional conduct pursuant to [NRS 631.3475](#) or [NAC 631.230](#);

(s) An application form that he or she has completed and signed which:

(1) Is furnished by the Board; and

(2) Includes, without limitation, a properly executed request to release information;

(t) If applicable, the statement and proof required by subsection 3;

(u) Evidence that he or she is eligible to apply for a license to practice:

(1) Dentistry pursuant to [NRS 631.230](#);

(2) **Dental therapy pursuant to [NRS 631.312](#)**; or

(3) Dental hygiene pursuant to [NRS 631.290](#);

(v) The statement required by [NRS 425.520](#); and

(w) Any other information requested by the Board.

2. An applicant for licensure by endorsement pursuant to [NRS 622.530](#) must provide the following information and documentation with his or her application:

(a) The information and documentation listed in subsection 1;

(b) A certificate granted by a nationally recognized, nationally accredited or nationally certified examination or other examination approved by the Board which proves that the applicant has achieved a passing score on such an examination; and

(c) Proof that the applicant has actively practiced dentistry, **dental therapy** or dental hygiene for the 5 years immediately preceding the date of submission of the application.

3. An applicant for licensure who wishes to use laser radiation in his or her practice of dentistry, **dental therapy** or dental hygiene must provide to the Board:

(a) A statement certifying that each laser that will be used by the licensee in the practice of dentistry, **dental therapy** or dental hygiene has been cleared by the Food and Drug Administration for use in dentistry; and

(b) Proof that he or she has successfully completed a course in laser proficiency that:

(1) Is at least 6 hours in length; and

(2) Is based on the *Curriculum Guidelines and Standards for Dental Laser Education*, adopted by reference pursuant to [NAC 631.035](#).

**NAC 631.\_\_\_\_ Dental Therapists: Eligibility to apply for license; educational requirements. (NRS 631.190, NRS 631.312)**

In addition to the requirements set forth in [NRS 631.312\(1\)\(c\)](#), a dental therapist applicant shall complete a program of dental therapy:

1. In which the applicant completes at least 500 clinical practice hours in the dental therapy program, which will include practice hours in extractions and restorations, which clinical practice hours shall not be counted towards the hours of clinical practice as a dental therapist as set forth in [NRS 631.3122\(1\)\(a\)](#), (b), or (c); and
2. That includes a curriculum of at least 3 years of academic instruction in dental therapy for its academic equivalent.

**Commented [PWS1]:** • A dental therapist shall complete at least 500 clinical practice hours within the educational program, including practice hours in extractions and restorations as determined by the educational program.



**NAC 631.\_\_\_\_ Examination for license to practice dental therapy. (NRS 631.190, NRS 631.312)**

Except as otherwise provided in NRS 622.090, in fulfillment of the statutory requirements of paragraph (a) of subsection 1 of NRS 631.3121, an applicant taking the clinical examination approved by the Board and the American Board of Dental Examiners or the clinical examination administered by the Western Regional Examining Board must:

1. Pass a Dental Therapy Simulated Clinical Examination or a comparable examination administered by the Western Regional Examining Board, as applicable;
2. Demonstrate proficiency in endodontics as the organization administering the clinical examination requires;
3. Demonstrate proficiency in the preparation and placement of pre-formed crowns, as the organization administering the clinical examination requires;
4. Demonstrate proficiency in restorative dentistry as the organization administering the clinical examination requires; and
5. Perform such other procedures as the Board requires.

**Commented [PWS2]:** I obtained the subject areas based on CDCA/WREB's posted dental therapy examination, as shown at <https://www.cdcaexams.org/dental-therapy-exam/>

•The rule should track the definition outlined in the statute i.e. a person who provides care and services described herein.

•“Approved course” means a course offered by either a dental, dental therapy, dental hygiene, or dental assistant program accredited by the Commission on Dental Accreditation (CODA) of the American Dental Association (ADA) that meets the requirements set forth herein (NRS 631.)

•The board approves and adopts the comprehensive, competency-based dental therapy clinical examination. An applicant shall provide evidence to the department of passing each component of the examination with a converted score of not less than 75. (a) The clinical practice must be included in a dental therapy education program that meets the standards as outlined by the NRS

• An applicant who has never held a dental therapy license in this state and who is not applying by examination may apply for licensure by endorsement by submitting a completed application on a form provided by the department, together with the requisite fee.

**NAC 631.\_\_\_\_ "Direct Supervision" defined for purposes of NRS 631.3122.**  
([NRS 631.190](#), [NRS 631.105](#), [NRS 631.312](#), [NRS 631.3122](#), [NRS 631.3123](#))

For purposes of [NRS 631.3122](#), "Direct Supervision" shall, in addition to the definition set forth for "Supervision by a dentist" under [NRS 631.105](#), require that the authorizing dentist of a dental therapist:

1. Designates a patient of record upon whom the procedures are to be performed by the dental therapist.
2. Describes the procedures to be performed to the dental therapist.
3. Examines the patient before prescribing the procedures to be performed by the dental therapist.
4. Examines the patient upon completion of the procedures that were performed by the dental therapist.

**NAC 631.\_\_\_\_ Required provisions of dental therapy written practice agreement. (NRS 631.190, NRS 631.312, NRS 631.3122, NRS 631.3123)**

A dental therapy written practice agreement, as set forth in [NRS 631.3122](#) and [NRS 631.3123](#), shall require:

1. procedures to be used for the duplication, maintenance and storage, by the authorizing dentist, of all patient records generated by the dental therapist;
2. procedures to be used for the management of medical emergencies, including, but not limited to, CPR training and certification, first aid, automated external defibrillator (AED), and supplemental oxygen;
3. procedures outlining the roles of every staff member to assist during medical emergencies;
4. the plan for monthly review of patient records as required under [NRS 631.3123\(4\)](#) shall include a written log maintained by the authorizing dentist that:
  - a. includes evaluations of patient referrals and referral follow-up to the authorizing dentist or an appropriate dental specialist; and
  - b. includes patient demographic information to be available for review and examination by the Board; and
5. procedures for dispensing and administering medication, as clearly defined in the written practice agreement and subject to the restrictions set forth under [NRS 631.3127](#).

**NAC 631.\_\_\_\_ Requirements of authorizing dentist supervising a dental therapist. (NRS 631.190, NRS 631.312, NRS 631.3122, NRS 631.360)**

In addition to the requirements for an authorizing dentist supervising dental therapist as set forth in [NRS 631.3122](#) and [NRS 631.3123](#), the authorizing dentist must also address, within the practice agreement:

1. provisions for another dentist or specialist to provide any service needed by the dental therapist's patient that exceeds the dental therapist's authorized scope of practice;

2. provisions regarding any limitation on services, practice settings, and patient groups to be treated by the dental therapist, including practice settings pursuant to [NRS 631.3122\(3\)](#) and age-specific or procedure-specific practice protocols including, but not limited to, case selection criteria, assessment guidelines and imaging frequency;

3. provisions regarding any limitation on practice settings established by the authorizing dentist and the level of supervision required for various services or treatment settings;

4. establish practice protocols, including protocols for informed consent, recordkeeping, managing medical emergencies and providing care to patients with complex medical conditions, including requirements for consultation before initiating care;

5. establish practice protocols for quality assurance, administering and dispensing medications and supervising dental assistants; and

6. establish practice protocols to govern situations in which the dental therapist encounters a patient requiring treatment that exceeds the dental therapist's authorized scope of practice or the limits imposed by written practice agreement.

**Commented [PWS3]:** A dental therapist shall be under the direct supervision of a dentist who is currently licensed in this state and is in good standing.

• As used in this rule, "direct supervision" means that the supervising dentist complies with all of the following:

- Designates a patient of record upon whom the procedures are to be performed by the dental therapist.
- Describes the procedures to be performed to the dental therapist.
- Examines the patient before prescribing the procedures to be performed by the dental therapist.
- Examines the patient upon completion of the procedures that were performed by the dental therapist.
- Is physically present in the office at the time the procedures are being performed by the dental therapist.

**Commented [PWS4]:** •Create and Maintain Dental Records: Procedures completed will be documented on the patient record that will be maintained and stored by the overseeing Dentist to meet the requirements of the Nevada State Board of Dental Examiners (NSBDE).

• Management of Medical Emergencies: Medical emergency plans will follow written office protocols. Dental Therapists must be CPR certified to respond appropriately to emergency situations. First aid kits, AED, and oxygen will be centrally located in the dental office. A written plan will be adopted for each office to outline the roles of every staff member to assist during emergencies. See, NRS 6123 section 5.

• Quality Assurance Plan for Monitoring Care: Per NRS 3123 section 4, patient care will be monitored monthly with a written log maintained by the supervising Dentist to ensure the best quality treatment and outcome. Additionally, patient referrals and referral follow-up will be evaluated monthly by the supervising Dentist to the appropriate Dentist or Dental Specialist, along with the demographics of the patient to be available for audit by the NSBDE per NRS 631.3123 section 6.

• Protocols for Dispensing and Administering Medication: Dental Therapists will not have the authority to dispense or administer medication unless criteria are met and clearly defined in the written practice agreement. The supervising Dentist will determine if medication is necessary prior or post treatment. Dental Therapists are prohibited from prescribing a controlled substance that is included in schedules II, III, IV or V of the Uniform Controlled Substances Act pursuant to NRS 3127.

A dental therapist may practice in this state either under the direct supervision of a

**NAC 631.\_\_\_\_ Notification to dental therapist if authorizing dentist is under board investigation. (NRS 631.190, NRS 631.312, NRS 631.3122, NRS 631.360)**

In addition to the requirements for an authorizing dentist supervising dental therapist as set forth in [NRS 631.3122\(4\)](#), the holder of a license or renewal certificate to practice dental therapy may practice only under the authorization of a dentist who is not the current subject of an investigation pursuant to [NRS 631.360](#).

If an authorizing dentist is notified by the Board that they current subject of an investigation pursuant to [NRS 631.360](#), that authorizing dentist shall:

1. notify any dental therapist with whom they have entered into a written practice agreement within 7 business days that they are disqualified from continuing to supervise the dental therapist;
2. discontinue directly supervising the dental therapist in his or her clinical practice upon providing the dental therapist with notice of their disqualification until the investigation has been completed;
3. the authorizing dentist may only resume supervision of the dental therapist if the investigation did not result in a disciplinary action; and
4. the dental therapist must enter into a new written practice agreement with another authorizing dentist before they can resume clinical dental therapy practice.

**Commented [PWS5]:** A dentist under disciplinary review or action shall not provide direct supervision of a dental therapist in a clinical practice. If a dentist is notified by the department that he or she is under disciplinary review or action by any state, within 7 days of notification, he or she shall notify the dental therapist program and discontinue directly supervising the dental therapist in his or her clinical practice.

**NAC 631.\_\_\_\_ Dental therapists: Authorization to perform certain services; referral of patient to authorizing dentist for certain purposes. ([NRS 631.190](#), [NRS 631.312](#), [NRS 631.3122](#), [NRS 631.3124](#), [NRS 631.3125](#), [631.313](#), [631.317](#))**

1. A dental therapist may provide the following services under the indirect supervision of the authorizing dentist if the authorizing dentist has given the dental therapist written authorization and standing protocols for the services and reviews patient records as provided by the written practice agreement pursuant to NRS 631.3122:

- (a) Making and exposing cone-beam radiographs.
- (b) Application of topical preventive or prophylactic agents, including fluoride varnishes and pit and fissure sealants when indicated only if radiographs obtained within 6 months
- (c) Remove excess cement from cemented restorations or orthodontic appliances without rotary • Re-cement and repair temporary crowns and bridges
- (d) Re-cement permanent crowns and bridges with nonpermanent material as a palliative treatment
- (e) Administer local intraoral chemotherapeutic agents in any form except aerosol including:
  - a. Antimicrobial agents;
  - b. Fluoride preparations;
  - c. Topical Anesthetics; and
  - d. Topical Desensitizing agents
- (f) Minor adjustments and repairs of removable partial dentures
- (g) Placement and removal of space maintainers.

2. A dental therapist may provide the following services only under the direct supervision of a dentist, as set forth under NAC 631.\_\_\_\_, and, prior to dismissal of the patient, the authorizing dentist must review and evaluate the patient and treatment rendered by the dental therapist:

- (a) Cavity preparation
- (b) Restoration of primary and permanent teeth
- (c) Extractions of primary teeth and permanent teeth with grade three plus mobility with recorded periodontal charting
- (d) Preparation and placement of preformed crowns on primary teeth
- (e) Indirect and direct pulp capping of permanent
- (f) Administration of local anesthetic

(g) Sub-gingival Curettage

(h) fabricating mouth guards for TMJ dysfunction or sleep disorders; and

(i) Definitive charting of the oral cavity.

3. A dental therapist may provide the following services to a patient who has not first seen a dentist for examination if the authorizing dentist has given the dental therapist written authorization and standing protocols for the services and reviews patient records as provided by the written practice agreement pursuant to NRS 631.3122:

(a) Making radiographs PA, Bitewings and Panorex

(b) Mechanical polishing

(c) Application of desensitizing medication or resin o Preliminary charting of the oral cavity

(d) Removal of sutures

(e) Oral health instruction and disease prevention education, including nutritional counseling dietary analysis; and

(f) Fabricating mouth guards for use in sports protection

**Unaddressed bulletpoints (because they are addressed in the statutory language, or for reasons noted below):**

In addition to meeting the requirements of this section, an applicant for dental therapist licensure by examination shall submit a completed application, on a form provided by the department, together with the requisite fee and shall meet all of the following requirements:

- (a) Graduate from a dental therapy educational program that meets the standards outlined herein. (Addressed in NRS 631.3122(1)(a-c)).
- (b) Pass the comprehensive, competency-based clinical examination developed and scored by the XXXX with a passing converted score of not less than 75 on each component of the examination. (Addressed in NRS 631.3121 and new regulation above).
- (c) Complete at least 500 hours of clinical practice. (Addressed in NRS 631.3122(1)(a-c)).
- (d) Complete a 1-time training in opioids and other controlled substances awareness as required (is required by dental therapists in revisions to licensing NAC 631.175(5).)
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**(2) An applicant who is licensed as a dental therapist in another state is presumed to have met the requirements if he or she meets all of the following requirements:**

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- Has graduated from a dental therapy educational program that meets the standards as outlined in this section and provides the department with the original, official transcripts of professional education and documentation of graduation for board evaluation. (Addressed in NRS 631.312(1)(c)).
- Has passed the comprehensive, competency-based clinical examination developed and scored by the CDCA with a converted passing score of not less than 75 on each component of the examination. (Addressed in NRS 631.3121 and new regulation above).
- Verifies completion of at least 500 hours of clinical practice in dental therapy, that substantially meets the requirements completing a dental therapy educational program that meets the standards contained herein. (Addressed in NRS 631.3121 and new regulation above).
- Verifies his or her license, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or ever held a license as a dental therapist, including the record of any disciplinary action taken or pending against the applicant. Addressed in NRS 631.312(2)).
- Has held a license as a dental therapist in good standing in another state 30 days before filing an application in this state. Licensure by endorsement under NAC 631.030 requires 5 years of licensure in the prior jurisdiction.
- The board may deny an application for licensure by endorsement upon finding the existence of a board action in any other state for a violation related to applicable provisions of the appropriate NRS or upon determining that the applicant does not fulfill the requirements of section Licensure by endorsement under NAC 631.030 sets forth that discipline in another jurisdiction must be reported to the board and may be grounds for denial of a license by endorsement.
- For purposes of this rule, subject to the subrules herein of this rule, the board may approve a dental therapist clinical examination of another state board if the examination is substantially equivalent to all parts of the comprehensive, competency-based clinical



examination developed and scored appropriately. A passing score on a substantially equivalent examination is the score recommended by the sponsoring organization. An applicant shall present evidence to the department of a converted score of 75 or higher on each component of the examination. Licensure by endorsement under NAC 631.030 provides that the examination in the other jurisdiction must be a "certificate granted by a nationally recognized, nationally accredited or nationally certified examination or other examination approved by the Board".

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- A dental therapist may provide care and services in any health setting included in NRS
- The health setting, includes a geographic area that is designated as a dental shortage area by the United States Department of Health and Human Services in geographic health professional shortage areas based on geographic area and population groups. Addressed in NRS 631.3122(3).
- The health setting in section in the NRS, includes a geographic area that is designated as a dental shortage area by the United States Department of Health and Human Services in geographic health professional shortage areas based on geographic area and population groups. Addressed in NRS 631.3122(3).

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• A practicing dentist who holds an active license pursuant to this chapter and a licensed dental therapist who holds an active license pursuant to this article may enter into a written collaborative practice agreement for the delivery of dental therapy services. The supervising dentist shall provide or arrange for another dentist or specialist to provide any service needed by the dental therapist's patient that exceeds the dental therapist's authorized scope of practice. Addressed in NRS 631.3122 and 3123.

Subject to NRS and the dental therapist's written practice agreement, if the patient requires treatment that exceeds the dental therapist's capabilities or the scope of practice as a dental therapist, the dentist or dental therapist shall refer the patient to an appropriate provider within a reasonable distance.

• Provision of Care to Patients with Specific Medical Conditions or Complex Medication Histories: All patients must be presented to the authorizing Dentist to determine their health status necessary to receive dental treatment. Treatment will be explained to the patient and informed consent will be obtained. These items will be reviewed by the authorizing Dentist prior to the patient Addressed in NRS 631.3122 and 3123.

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Subject to NRS and the dental therapist may not prescribe any controlled substance that is included in schedules II, III, IV, or V of the Uniformed Controlled Substances Act

• Protocols for Dispensing and Administering Medication: Dental Therapists will not have the authority to dispense or administer medication unless criteria are met and clearly defined in the written practice agreement. The supervising Dentist will determine if medication is necessary prior or post treatment. Dental Therapists are prohibited from prescribing a controlled substance that is included in schedules II, III, IV or V of the Uniform Controlled Substances Act pursuant to NRS 3127. Addressed in NRS 631.3127.

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**An applicant for a dental therapist license renewal who has been licensed for the 2-year period immediately preceding the expiration date of the license shall complete not less than 18 hours of continuing education approved by the board annually or biennially complete 40 hours of instruction.** Addressed in licensing draft regulations that have been separately created and submitted for LLDP review.

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- **Bi-Annual license renewal for dental therapist shall be 200**

Addressed in licensing draft regulations that have been separately created and submitted for LLDP review.

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**Agenda Item 3:**

**Bullet-point recommendations, as approved by Dental Hygiene/Dental Therapy Committee at August 24, 2021 Committee meeting and Board at September 21, 2021 Board meeting**

NRS 631.047 “Dental therapy” means the performance of educational, preventative, therapeutic, palliative and restorative or surgical treatment of intraoral or extraoral procedures.

- The rule should track the definition outlined in the statute i.e. a person who provides care and services described herein.

NRS 631.247. An accredited program of dentistry, dental hygiene or dental therapy of an institution which is accredited by a regional educational accrediting organization that is recognized by the United States Department of Education to provide services as a dental intern, dental resident or instructor of dentistry, dental hygiene or dental therapy at an educational or outpatient clinic, hospital or other facility of the institution and accredited by the Commission on Dental Accreditation of the American Dental Association.

- “Approved course” means a course offered by either a dental, dental therapy, dental hygiene, or dental assistant program accredited by the Commission on Dental Accreditation (CODA) of the American Dental Association (ADA) that meets the requirements set forth herein
- (d) Satisfies the requirements of [NRS 631.230](#), [631.290](#) or [631.312](#), as appropriate; and
- (e) Satisfies at least one of the following requirements:
- (1) Has a license to practice dentistry, dental hygiene or dental therapy issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;
  - (2) Presents to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the person has passed, within the 5 years immediately preceding the date of the application, a clinical examination administered by the Western Regional Examining Board;
  - (3) Successfully passes a clinical examination approved by the Board and the American Board of Dental Examiners; or
  - (4) Has the educational or outpatient clinic, hospital or other facility where the person will provide services as a dental intern or dental resident in an internship or residency program submit to the Board written confirmation that the person has been appointed to a position in the program. If a person qualifies for a limited license pursuant to this subparagraph, the limited license remains valid only while the person is actively providing services as a dental intern or dental resident in the internship or residency program and is in compliance with all other requirements for the limited license.

- **The board approves and adopts the comprehensive, competency-based dental therapy clinical examination. An applicant shall provide evidence to the department of passing each component of the examination with a converted score of not less than 75. (a) The clinical practice must be included in a dental therapy education program that meets the standards as outlined by the NRS**
- **An applicant who has never held a dental therapy license in this state and who is not applying by examination may apply for licensure by endorsement by submitting a completed application on a form provided by the department, together with the requisite fee.**

The Board shall not issue a limited license to a person:

- (a) Who has been issued a license to practice dentistry, dental hygiene or dental therapy if:
    - (1) The person is involved in a disciplinary action concerning the license; or
    - (2) The license has been revoked or suspended; or
  - (b) Who has been refused a license to practice dentistry, dental hygiene or dental therapy, in this State, another state or territory of the United States, or the District of Columbia.
3. Except as otherwise provided in subsection 4, a person to whom a limited license is issued pursuant to subsection 1:

(a) May practice dentistry, dental hygiene or dental therapy in this State only:

(1) At the educational or outpatient clinic, hospital or other facility where the person is employed;

and

(2) In accordance with the contract required by paragraph (c) of subsection 1.

(b) Shall not, for the duration of the limited license, engage in the private practice of dentistry, dental hygiene or dental therapy in this State or accept compensation for the practice of dentistry, dental hygiene or dental therapy except such compensation as may be paid to the person by the Nevada System of Higher Education or an accredited program of dentistry, dental hygiene or dental therapy for services provided as a dental intern, dental resident or instructor of dentistry, dental hygiene or dental therapy pursuant to paragraph (c) of subsection 1.

4. The Board may issue a permit authorizing a person who holds a limited license to engage in the practice of dentistry, dental hygiene or dental therapy in this State and to accept compensation for such practice as may be paid to the person by entities other than the Nevada System of Higher Education or an accredited program of dentistry, dental hygiene or dental therapy with whom the person is under contract pursuant to paragraph (c) of subsection 1. The Board shall, by regulation, prescribe the standards, conditions and other requirements for the issuance of a permit.

5. A limited license expires 1 year after its date of issuance and may be renewed on or before the date of its expiration, unless the holder no longer satisfies the requirements for the limited license. The holder of a limited license may, upon compliance with the applicable requirements set forth in [NRS 631.330](#) and the completion of a review conducted at the discretion of the Board, be granted a renewal certificate that authorizes the continuation of practice pursuant to the limited license for 1 year.

6. A permit issued pursuant to subsection 4 expires on the date that the holder's limited license expires and may be renewed when the limited license is renewed, unless the holder no longer satisfies the requirements for the permit.

7. Within 7 days after the termination of a contract required by paragraph (c) of subsection 1, the holder of a limited license shall notify the Board of the termination, in writing, and surrender the limited license and a permit issued pursuant to this section, if any, to the Board.

8. The Board may revoke a limited license and a permit issued pursuant to this section, if any, at any time if the Board finds, by a preponderance of the evidence, that the holder of the license violated any provision of this chapter or the regulations of the Board.

**NRS 631.274 Restricted geographical license to practice dentistry, dental hygiene or dental therapy. [Effective January 1, 2020.]**

1. The Board shall, without a clinical examination required by [NRS 631.240](#), [631.300](#) or [631.3121](#), issue a restricted geographical license to practice dentistry, dental hygiene or dental therapy to a person if the person meets the requirements of subsection 2 and:

(a) A board of county commissioners submits a request that the Board of Dental Examiners of Nevada waive the requirements of [NRS 631.240](#), [631.300](#) or [631.3121](#) for any applicant intending to practice dentistry, dental hygiene or dental therapy in a rural area of a county in which dental, dental hygiene or dental therapy needs are underserved as that term is defined by the officer of rural health of the University of Nevada School of Medicine;

(b) Two or more boards of county commissioners submit a joint request that the Board of Dental Examiners of Nevada waive the requirements of [NRS 631.240](#), [631.300](#) or [631.3121](#) for any applicant intending to practice dentistry, dental hygiene or dental therapy in one or more rural areas within those counties in which dental, dental hygiene or dental therapy needs are underserved as that term is defined by the officer of rural health of the University of Nevada School of Medicine; or

(c) The director of a federally qualified health center or a nonprofit clinic submits a request that the Board waive the requirements of [NRS 631.240](#), [631.300](#) or [631.3121](#) for any applicant who has entered into a contract with a federally qualified health center or nonprofit clinic which treats underserved populations in Washoe County or Clark County.

2. A person may apply for a restricted geographical license if the person:

(a) Has a license to practice dentistry, dental hygiene or dental therapy issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(b) Is otherwise qualified for a license to practice dentistry, dental hygiene or dental therapy in this State;

(c) Pays the application, examination and renewal fees in the same manner as a person licensed pursuant to [NRS 631.240](#), [631.300](#) or [631.3121](#);

(d) Submits all information required to complete an application for a license; and

(e) Satisfies the requirements of [NRS 631.230](#), [631.290](#) or [631.312](#), as appropriate.

3. The Board shall not issue a restricted geographical license to a person:

(a) Whose license to practice dentistry, dental hygiene or dental therapy has been revoked or suspended;

(b) Who has been refused a license to practice dentistry, dental hygiene or dental therapy; or

(c) Who is involved in or has pending a disciplinary action concerning a license to practice dentistry, dental hygiene or dental therapy, in this State, another state or territory of the United States, or the District of Columbia.

4. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

5. A person to whom a restricted geographical license is issued pursuant to this section:

(a) May practice dentistry, dental hygiene or dental therapy only in the county or counties which requested the restricted geographical licensure pursuant to paragraph (a) or (b) of subsection 1.

(b) Shall not, for the duration of the restricted geographical license, engage in the private practice of dentistry, dental hygiene or dental therapy in this State or accept compensation for the practice of dentistry, dental hygiene or dental therapy except such compensation as may be paid to the person by a federally qualified health center or nonprofit clinic pursuant to paragraph (c) of subsection 1.

6. Within 7 days after the termination of a contract pursuant to paragraph (c) of subsection 1, the holder of a restricted geographical license shall notify the Board of the termination, in writing, and surrender the restricted geographical license.

7. A person to whom a restricted geographical license was issued pursuant to this section may petition the Board for an unrestricted license without a clinical examination required by [NRS 631.240](#), [631.300](#) or [631.3121](#) if the person:

(a) Has not had a license to practice dentistry, dental hygiene or dental therapy revoked or suspended in this State, another state or territory of the United States, or the District of Columbia;

(b) Has not been refused a license to practice dentistry, dental hygiene or dental therapy in this State, another state or territory of the United States, or the District of Columbia;

(c) Is not involved in or does not have pending a disciplinary action concerning a license to practice dentistry, dental hygiene or dental therapy in this State, another state or territory of the United States, or the District of Columbia; and

(d) Has:

(1) Actively practiced dentistry, dental hygiene or dental therapy for 3 years at a minimum of 30 hours per week in the county or counties which requested the restricted geographical licensure pursuant to paragraph (a) or (b) of subsection 1; or

(2) Been under contract with a federally qualified health center or nonprofit clinic for a minimum of 3 years.

8. The Board may revoke a restricted geographical license at any time if the Board finds, by a preponderance of the evidence, that the holder of the license violated any provision of this chapter or the regulations of the Board.

In addition to meeting the requirements of this section, an applicant for dental therapist licensure by examination shall submit a completed application, on a form provided by the department, together with the requisite fee and shall meet all of the following requirements:

(a) Graduate from a dental therapy educational program that meets the standards outlined herein.

(b) Pass the comprehensive, competency-based clinical examination developed and scored by the XXXX with a passing converted score of not less than 75 on each component of the examination.

(c) Complete at least 500 hours of clinical practice.

(d) Complete a 1-time training in opioids and other controlled substances awareness as required



**NRS 631.312 Dental therapists: Eligibility to apply for license. [Effective January 1, 2020.]**

1. Any person is eligible to apply for a license to practice dental therapy in this State who:
  - (a) Is of good moral character;
  - (b) Is over 18 years of age;
  - (c) Is a graduate of a program of dental therapy from an institution which is accredited by a regional educational accrediting organization that is recognized by the United States Department of Education. The program of dental therapy must:
    - (1) Be accredited by the Commission on Dental Accreditation of the American Dental Association or its successor specialty accrediting organization; and
    - (2) Include a curriculum of not less than 2 years of academic instruction in dental therapy or its academic equivalent; and
    - (d) Is in possession of a current special endorsement of his or her license pursuant to [NRS 631.287](#) to practice public health dental hygiene.
2. To determine whether a person has good moral character, the Board may consider whether his or her license to practice dental therapy or dental hygiene in another state has been suspended or revoked or whether he or she is currently involved in any disciplinary action concerning his or her license in that state.
 

(Added to NRS by [2019, 3199](#), effective January 1, 2020)

**NRS 631.3121 Dental therapists: Examination; issuance of certificate of registration. [Effective January 1, 2020.]**

1. Any person desiring to obtain a license to practice dental therapy, after having complied with [NRS 631.312](#) and the regulations of the Board to determine eligibility:
  - (a) Except as otherwise provided in [NRS 622.090](#), must pass a written examination given by the Board upon such subjects as the Board deems necessary for the practice of dental therapy or must present a certificate granted by the Joint Commission on National Dental Examinations which contains a notation that the applicant has passed the applicable national examination with a score of at least 75; and
  - (b) Except as otherwise provided in this chapter, must:
    - (1) Successfully pass a clinical examination approved by the Board and the American Board of Dental Examiners; or
    - (2) Present to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the applicant has passed a clinical examination administered by the Western Regional Examining Board.
2. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.
3. All persons who have satisfied the requirements for licensure as a dental therapist must be registered as licensed dental therapists on the board register, as provided in this chapter, and are entitled to receive a certificate of registration, signed by all members of the Board.
 

(Added to NRS by [2019, 3199](#), effective January 1, 2020)

- **(2) An applicant who is licensed as a dental therapist in another state is presumed to have met the requirements if he or she meets all of the following requirements:**

- Has graduated from a dental therapy educational program that meets the standards as outlined in this section and provides the department with the original, official transcripts of professional education and documentation of graduation for board evaluation.
- Has passed the comprehensive, competency-based clinical examination developed and scored by the CDCA with a converted passing score of not less than 75 on each component of the examination.
- Verifies completion of at least 500 hours of clinical practice in dental therapy, that substantially meets the requirements completing a dental therapy educational program that meets the standards contained herein.
- Verifies his or her license, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or ever held a license as a dental therapist, including the record of any disciplinary action taken or pending against the applicant.
- Has held a license as a dental therapist in good standing in another state 30 days before filing an application in this state.
- The board may deny an application for licensure by endorsement upon finding the existence of a board action in any other state for a violation related to applicable provisions of the appropriate NRS or upon determining that the applicant does not fulfill the requirements of section
- For purposes of this rule, subject to the subrules herein of this rule, the board may approve a dental therapist clinical examination of another state board if the examination is substantially equivalent to all parts of the comprehensive, competency-based clinical examination developed and scored appropriately. A passing score on a substantially equivalent examination is the score recommended by the sponsoring organization. An applicant shall present evidence to the department of a converted score of 75 or higher on each component of the examination.
- No other jurisdiction was found requiring “proof of proficiency” for services provided by the dental therapist, either during the hours of direct, indirect or general supervision once the license has been granted. The Commission on Dental Accreditation states in section 2-21 (pages 29-30) that all of the listed services **must** be taught to competency. The regional testing agencies additionally test for competency. Once a license is granted to dentists and dental hygienists upon completing their education, passing national boards and regional testing, they no longer have to prove themselves. The same respect for the education, training and testing process needs to apply to the dental therapy licensees.
- What certified examinations are currently available for Dental Therapy?
- The Commission on Dental Competency Assessments (CDCA) (ADEX) and the Central Regional Testing Service (CRDTS) have clinical examinations for dental therapy. Both utilize manikin and patient based clinical assessments and both are similar in the dental procedures tested. The Western Regional Examining Board (WREB) is preparing its Dental Therapy competency examination. CRDTS created the first examination for Dental Therapists 10 years ago to certify the first graduates of the Minnesota Dental

Therapy education programs. Currently, CDCA is the only agency with Dental Therapy testing scheduled for 2021.

- The Nevada State Board of Dental Examiners Jurisprudence test is the same for all dental licensees in the state. The exam covers all aspects of the Nevada practice act and would be the examination required of Dental Therapists. There would be no need to create an additional test.

**NRS 631.3122 Dental therapists: Practice settings; written practice agreement with authorizing dentist required; limitations on provision of services; qualifications of authorizing dentist. [Effective January 1, 2020.]**

1. The holder of a license or renewal certificate to practice dental therapy may practice only in the settings provided in subsection 3, under the authorization of a dentist meeting the requirements of subsection 4 and in accordance with a written practice agreement signed by the dental therapist and the authorizing dentist. A dental therapist may provide only the services that are within his or her scope of practice, the scope of practice of the dentist, are authorized by the dentist, and are provided according to written protocols or standing orders established by the authorizing dentist. A dental therapist may not provide any services that are outside the scope of practice of the authorizing dentist. A dental therapist shall provide such services only under the direct supervision of the authorizing dentist until such time as the dental therapist has obtained the following hours of clinical practice as a dental therapist:

- **A dental therapist shall be under the direct supervision of a dentist who is currently licensed in this state and is in good standing.**
- **As used in this rule, “direct supervision” means that the supervising dentist complies with all of the following:**
- **Designates a patient of record upon whom the procedures are to be performed by the dental therapist.**
- **Describes the procedures to be performed to the dental therapist.**
- **Examines the patient before prescribing the procedures to be performed by the dental therapist.**
- **Examines the patient upon completion of the procedures that were performed by the dental therapist.**
- **Is physically present in the office at the time the procedures are being performed by the dental therapist.**

(a) Not less than 500 hours, if the dental therapist has a license to practice dental therapy issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(b) Not less than 1,000 hours, if the dental therapist has practiced dental hygiene pursuant to the laws of this State, another state or territory of the United States, or the District of Columbia, for 5 years or more; or

(c) Not less than 1,500 hours, if paragraphs (a) and (b) are not applicable.

- **A dental therapist shall complete at least 500 clinical practice hours within the educational program, including practice hours in extractions and restorations as determined by the educational program.**

2. A dental therapist may provide services to a patient who has not first seen a dentist for an examination if the authorizing dentist has given the dental therapist written authorization and standing protocols for the services and reviews the patient records as provided by the written practice agreement. The standing protocols may require the authorizing dentist to personally examine patients either face-to-face or by the use of electronic means.

- **Dental treatment records; requirements.**
- **A dentist or dental therapist shall make and maintain a dental treatment record on each patient.**
- **A dental treatment record must include all of the following information:**
- **Medical and dental history.**
- **The patient's existing oral health care status and the results of any diagnostic aids used.**
- **Diagnosis and treatment plan.**
- **Dental procedures performed upon the patient, including both of the following:**
- **The date the procedure was performed.**
- **Identity of the dentist, dental therapist, or allied dental personnel performing each procedure.**
- **Progress notes that include a chronology of the patient's progress throughout the course of all treatment.**
- **The date, dosage, and amount of any drug prescribed, dispensed, or administered to the patient.**
- **Radiographic images taken in the course of treatment. If radiographic images are transferred to another dentist, the name and address of that dentist must be entered in the treatment record.**
- **All dental treatment records must be maintained for not less than 5 years from the date of the last treatment.**

3. The holder of a license or renewal certificate to practice dental therapy may practice only in the following settings:

- (a) A hospital, as defined in [NRS 449.012](#).
- (b) A rural health clinic, as defined in 42 U.S.C. § 1395x(aa)(2).
- (c) A health facility or agency, other than a hospital, that is reimbursed as a federally qualified health center as defined in 42 U.S.C. § 1395x(aa)(4) or that has been determined by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services to meet the requirements to receive funding under section 330 of the Public Health Service Act, 42 U.S.C. § 254b, as amended.
- (d) A federally qualified health center, as defined in 42 U.S.C. § 1395x(aa)(4), that is licensed as a health facility or agency by the Department of Health and Human Services.
- (e) An outpatient health program or facility operated by a tribe or tribal organization under subchapter I of the Indian Self-Determination and Education Assistance Act, 25 U.S.C. §§ 5321 to 5332, inclusive, as amended, or by an urban Indian organization receiving funds under Title V of the Indian Health Care Improvement Act, 25 U.S.C. §§ 1651 to 1660h, inclusive, as amended.

(f) A school-based health center as defined in [NRS 41.495](#).

(g) Any other clinic or practice setting, including, without limitation, a mobile dental unit, in which at least 50 percent of the total patient base of the dental therapist will consist of patients who:

(1) Are enrolled in a health care program administered by the Department of Health and Human Services;

(2) Have a medical disability or chronic condition that creates a significant barrier to receiving dental care; or

(3) Do not have dental health coverage through a public health care program or private insurance and have a household income which is less than 200 percent of the federally designated level signifying poverty as provided in the most recent federal poverty guidelines published in the Federal Register by the United States Department of Health and Human Services.

- **A dental therapist may provide care and services in any health setting included in NRS**
- **The health setting, includes a geographic area that is designated as a dental shortage area by the United States Department of Health and Human Services in geographic health professional shortage areas based on geographic area and population groups.**
- **The health setting in section in the NRS, includes a geographic area that is designated as a dental shortage area by the United States Department of Health and Human Services in geographic health professional shortage areas based on geographic area and population groups.**

4. The holder of a license or renewal certificate to practice dental therapy may practice only under the authorization of a dentist who:

(a) Holds an active license to practice dentistry in this State;

(b) Maintains a location from which to practice dentistry; and

(c) Actively practices dentistry in this State by treating patients.

(Added to NRS by [2019, 3199](#), effective January 1, 2020)

- **A dentist under disciplinary review or action shall not provide direct supervision of a dental therapist in a clinical practice. If a dentist is notified by the department that he or she is under disciplinary review or action by any state, within 7 days of notification, he or she shall notify the dental therapist program and discontinue directly supervising the dental therapist in his or her clinical practice.**

**NRS 631.3122(2): Points of discussion:**

- **Points of discussion: What are the outer limits of the written protocols and standing orders? If a dental therapist treats a patient who is not first seen by the supervising dentist, could the supervising dentist be subject to claim of unprofessional conduct?**

**The CMA overseeing dentist determination on scope of practice and the potential for the patient to be referred must only conducted by the overseeing dentist. No substitute dentist**

assigned by a corporate entity can conduct the required daily review of patients to be seen and procedures to be completed by the dental therapist.

Any board action for a violation of chapter 631 taken upon a dental therapist by the CMA overseeing dentist must have the same penalties levied on them for these violations and will be reported to the national practitioners data bank. The employer corporate dental entity will also be accountable for these violations by the board of dental examiners reporting such business practices to the Nevada attorney general's office and the secretary of state.

**NRS 631.3123 Dental therapists: Required provisions of written practice agreement. [Effective January 1, 2020.]** The written practice agreement required pursuant to [NRS 631.3122](#) between the authorizing dentist and a dental therapist must include:

1. The services and procedures and the practice settings for those services and procedures that the dental therapist may provide, together with any limitations on those services and procedures.
2. Any age-specific and procedure-specific practice protocols, including case selection criteria, assessment guidelines and imaging frequency.
3. Procedures to be used with patients treated by the dental therapist for informed consent and creating and maintaining dental records.
4. A plan for the monthly review of patient records by the authorizing dentist and dental therapist.

- **Create and Maintain Dental Records: Procedures completed will be documented on the patient record that will be maintained and stored by the overseeing Dentist to meet the requirements of the Nevada State Board of Dental Examiners (NSBDE).**

5. A plan for managing medical emergencies in each practice setting in which the dental therapist provides care.

- **Management of Medical Emergencies: Medical emergency plans will follow written office protocols. Dental Therapists must be CPR certified to respond appropriately to emergency situations. First aid kits, AED, and oxygen will be centrally located in the dental office. A written plan will be adopted for each office to outline the roles of every staff member to assist during emergencies. See, NRS 6123 section 5.**

6. A quality assurance plan for monitoring care, including patient care review, referral follow-up, and a quality assurance and chart review.

- **Quality Assurance Plan for Monitoring Care: Per NRS 3123 section 4, patient care will be monitored monthly with a written log maintained by the supervising Dentist to ensure the best quality treatment and outcome. Additionally, patient referrals and referral follow-up will be evaluated monthly by the supervising Dentist to the appropriate Dentist or Dental Specialist, along with the demographics of the patient to be available for audit by the NSBDE per NRS 631.3123 section 6.**

7. Protocols for administering and dispensing medications, including the specific circumstances under which medications may be administered and dispensed.

- **Protocols for Dispensing and Administering Medication: Dental Therapists will not have the authority to dispense or administer medication unless criteria are met and clearly defined in the written practice agreement. The supervising Dentist will determine if medication is necessary prior or post treatment. Dental Therapists are prohibited from prescribing a controlled substance that is included in schedules II, III, IV or V of the Uniform Controlled Substances Act pursuant to NRS 3127.**

8. Criteria for providing care to patients with specific medical conditions or complex medical histories, including requirements for consultation before initiating care.

9. Specific written protocols, including a plan for providing clinical resources and referrals, governing situations in which the patient requires treatment that exceeds the dental therapist's capabilities or the scope of practice as a dental therapist.

10. A requirement that when an appointment is made for a patient, it must be disclosed to the patient whether the patient is scheduled to see the dentist or a dental therapist.

(Added to NRS by [2019, 3201](#), effective January 1, 2020)

- **A dental therapist may practice in this state either under the direct supervision of a dentist or pursuant to a written collaborative practice agreement. Before a dental therapist may enter into a written collaborative practice agreement, the dental therapist shall complete one thousand hours of dental therapy clinical practice under the direct supervision of a dentist who is licensed in this state and shall provide documentation satisfactory to the board of having completed this requirement.**
- **A practicing dentist who holds an active license pursuant to this chapter and a licensed dental therapist who holds an active license pursuant to this article may enter into a written collaborative practice agreement for the delivery of dental therapy services. The supervising dentist shall provide or arrange for another dentist or specialist to provide any service needed by the dental therapist's patient that exceeds the dental therapist's authorized scope of practice.**
- **A written collaborative practice agreement between a dentist and a dental therapist shall do all of the following:**
  - **Address any limit on services and procedures to be performed by the dental therapist, including types of populations and any age-specific or procedure-specific practice protocol, including case selection criteria, assessment guidelines and imaging frequency.**
  - **Address any limit on practice settings established by the supervising dentist and the level of supervision required for various services or treatment settings.**
  - **Establish practice protocols, including protocols for informed consent, recordkeeping, managing medical emergencies and providing care to patients with complex medical conditions, including requirements for consultation before initiating care.**
  - **Establish protocols for quality assurance, administering and dispensing medications and supervising dental assistants.**
  - **Include specific protocols to govern situations in which the dental therapist encounters a patient requiring treatment that exceeds the dental therapist's authorized scope of practice or the limits imposed by the collaborative practice agreement.**
- **Specific Practice Protocols- Age and Procedure: Per NRS 631.3123 section 1-10, the Dental Therapist will have patient age limitations as outlined by the scope of practice of the authorizing Dentist. Patients will be appointed to the Dental Therapist, following an examination by the authorizing Dentist who determines diagnosis and a treatment plan. The Dentist will supervise treatment provided by the Dental Therapist.**



NRS 631.3123: Points of discussion:

- Special provisions required for corporate dental settings;

The overseeing Dentist and the Dental Therapist are equally accountable to any and all violations of the collaborative management agreement (CMA). Furthermore, if a practice is owned and operated by a corporate entity employing both parties, it too is accountable to the state via the attorney general's office and secretary of state to be adjudicated according to their protocols. These contracts should be assigned to a (specialist) new employee of the NSBDE to closely update the states database of CMA's to track the content and the number of contracts each Dentist and Dental Therapist has entered into to protect the best interest of Nevadans.

- Lack of individuation of skill set for dental therapist.

**NRS 631.3124 Dental therapists: Authorized services; referral of patient to authorizing dentist for certain purposes; supervision of dental assistants and dental hygienists. [Effective January 1, 2020.]**

1. In accordance with the written practice agreement required pursuant to [NRS 631.3122](#), a dental therapist may perform the following acts:

- (a) Expose radiographs.
- (b) Conduct an assessment of the oral health of the patient through medical and dental histories, radiographs, indices, risk assessments and intraoral and extraoral procedures that analyze and identify the oral health needs and problems of the patient.
- (c) After conducting an assessment pursuant to paragraph (b), develop a dental hygiene care plan to address the oral health needs and problems of the patient.
- (d) Take the following types of impressions:
  - (1) Those used for the preparation of diagnostic models;
  - (2) Those used for the fabrication of temporary crowns or bridges; and
  - (3) Those used for the fabrication of temporary removable appliances, provided no missing teeth are replaced by those appliances.
- (e) Remove stains, deposits and accretions, including dental calculus.
- (f) Smooth the natural and restored surface of a tooth by using the procedures and instruments commonly used in oral prophylaxis, except that an abrasive stone, disc or bur may be used only to polish a restoration. As used in this paragraph, "oral prophylaxis" means the preventive dental procedure of scaling and polishing which includes the removal of calculus, soft deposits, plaques and stains and the smoothing of unattached tooth surfaces in order to create an environment in which hard and soft tissues can be maintained in good health by the patient.
- (g) Provide dental hygiene care that includes:
  - (1) Implementation of a dental hygiene care plan to address the oral health needs and problems of patients pursuant to paragraph (c).
  - (2) Evaluation of oral and periodontal health after the implementation of the dental hygiene care plan described in subparagraph (1) in order to identify the subsequent treatment, continued care and referral needs of the patient.
- (h) Perform subgingival curettage.
- (i) Remove sutures.
- (j) Place and remove a periodontal pack.
- (k) Remove excess cement from cemented restorations and orthodontic appliances. A dental therapist may not use a rotary cutting instrument to remove excess cement from restorations or orthodontic appliances.
- (l) Train and instruct persons in the techniques of oral hygiene and preventive procedures.
- (m) Recement and repair temporary crowns and bridges.
- (n) Recement permanent crowns and bridges with nonpermanent material as a palliative treatment.
- (o) Place a temporary restoration with nonpermanent material as a palliative treatment.
- (p) Administer local intraoral chemotherapeutic agents in any form except aerosol, including, but not limited to:
  - (1) Antimicrobial agents;
  - (2) Fluoride preparations;
  - (3) Topical antibiotics;
  - (4) Topical anesthetics; and
  - (5) Topical desensitizing agents.
- (q) Apply pit and fissure sealant to the dentition for the prevention of decay.

2. After performing any of the services set forth in subsection 1, the dental therapist shall refer the patient to the authorizing dentist for follow-up care or any necessary additional procedures that the dental therapist is not authorized to perform.

3. A dental therapist may supervise dental assistants and dental hygienists to the extent permitted in a written practice agreement.

(Added to NRS by [2019, 3201](#), [3203](#), effective January 1, 2020)

- **THE SCOPE OF PRACTICE FOR A DENTAL THERAPIST IS AS OUTLINED BELOW**
- **Pursuant to the discussions of the dental therapy committee these are some potential duties of dental therapists. This list was provided by Dr. Moore to myself this morning and as such I have incorporated.**
- Procedures performed by the dental therapist under *indirect supervision* of the dentist
- "Indirect supervision" means that a licensed dentist is present in the facility, authorizes the procedures, and remains in the dental facility while the procedures are being performed by the dental health aide.
- Making Cone Beam Radiographs
- Application of topical preventive or prophylactic agents, including fluoride varnishes and pit and fissure sealants when indicated only if radiographs obtained within 6 months
- Remove excess cement from cemented restorations or orthodontic appliances without rotary
- Re-cement and repair temporary crowns and bridges
- Re-cement permanent crowns and bridges with nonpermanent material as a palliative treatment
- Administer local intraoral chemotherapeutic agents in any form except aerosol including:
  - Antimicrobial agents
  - Fluoride preparations
  - Topical Anesthetics
  - Topical Desensitizing agents
- Minor adjustments and repairs of removable partial dentures
- Placement and removal of space maintainers
- Procedures performed by the dental therapist under *direct supervision* of the dentist
- "Direct supervision" means that a licensed dentist has authorized the procedures and they are being conducted in accordance with standing orders issued to a specific dental health aide and a licensed dentist is present in the office and available to provide treatment or care to a patient and observe a dental therapist's work. Before the patient is dismissed the licensed dentist must evaluate the performance of the treatment rendered by the dental health aide.
  - Cavity preparation
  - Restoration of primary and permanent teeth
  - Extractions of primary teeth and permanent teeth with grade three plus mobility with recorded periodontal charting
  - Preparation and placement of preformed crowns on primary teeth
  - Indirect and direct pulp capping of permanent teeth

- Administration of local anesthetic
  - Sub gingival Curettage
  - Fabricating mouth guards for TMJ dysfunction or sleep disorders
  - Definitive charting of the oral cavity.
- Procedures performed by the dental therapist under General Supervision of the dentist.
  - General supervision means that the licensed dentist has authorized the procedure and they are conducted in accordance withstanding orders issued to the specific dental health aide.
    - Making radiographs PA, Bitewings and Panorex
    - Mechanical polishing
    - Application of desensitizing medication or resin
    - Preliminary charting of the oral cavity
    - Remove sutures
    - Oral health instruction and disease prevention education, including nutritional counseling dietary analysis
    - Fabricating mouth guards for use in sports protection

NRS 631.3124 Dental Therapists: Authorized services; referral of patient to authorizing dentist for certain purposes; supervision of dental assistants and dental hygienists.

Dental Therapists: Additional authorized care and services. (Effective January 1, 2020.) In accordance with the written practice agreements, a dental therapist may provide any of the following additional care or services:

1. Identifying oral and systemic conditions that require evaluation or treatment by dentists, physicians, or other health care professionals and managing education, including nutritional counseling and dietary analysis. (GEN)
2. Dispensing and administering via the oral or topical route referrals to such persons. (GENERAL)
3. Providing oral health instructions and disease prevention e
4. nonnarcotic analgesics and anti-inflammatory and antibiotic medications as prescribed by a health care professional. (GEN)
5. Pulp vitality testing. (GEN)
6. Applying desensitizing medication or resin. (GEN)
7. Fabrication mouth guards. (GEN)
8. Changing periodontal dressings. (GEN)
9. Simple extraction of erupted primary teeth.( INDIRECT)
10. Emergency palliative treatment of dental pain related to a care or services described In this section. (INDIRECT)

631.3124: Ms. Arias discussed supervision requirements. She noted that general supervision can occur after 1000 hours of supervised work and that an individual cannot do billing under another therapists license. She identified the fact that MN rules differ by service. She noted which services were under

general supervision and which were under limited supervision. She also discussed who does the billing and the requirement for an NPI

**NRS 631.3125 Dental therapists: Additional authorized care and services. [Effective January 1, 2020.]** In accordance with the written practice agreement, a dental therapist may provide any of the following additional care or services:

1. Identifying oral and systemic conditions that require evaluation or treatment by dentists, physicians, or other health care professionals and managing referrals to such persons.
2. Providing oral health instruction and disease prevention education, including nutritional counseling and dietary analysis.
3. Dispensing and administering via the oral or topical route nonnarcotic analgesics and anti-inflammatory and antibiotic medications as prescribed by a health care professional.
4. Pulp and vitality testing.
5. Applying desensitizing medication or resin.
6. Fabricating mouth guards.
7. Changing periodontal dressings.
8. Simple extraction of erupted primary teeth.
9. Emergency palliative treatment of dental pain related to a care or service described in this section.
10. Preparation and placement of direct restoration in primary and permanent teeth.
11. Fabrication and placement of single tooth temporary crowns.
12. Preparation and placement of preformed crowns on primary teeth.
13. Indirect and direct pulp capping on permanent teeth.
14. Suturing and suture removal.
15. Minor adjustments and repairs on removable prostheses.
16. Placement and removal of space maintainers.
17. Nonsurgical extractions of periodontally diseased permanent teeth with tooth mobility. However, a dental therapist shall not extract a tooth for any patient if the tooth is unerupted, impacted, or fractured or needs to be sectioned for removal.
18. Performing other related services and functions authorized and for which the dental therapist is trained.

631.125: Ms Taylor: Discussed NPI and what it is. This necessary if you are billing Medicaid. She also discussed methods of billing.

**NRS 631.3126 Dental therapists: Arrangements for or referrals of patients to other dental or health care professionals in certain circumstances. [Effective January 1, 2020.]** In accordance with the written practice agreement required pursuant to [NRS 631.3122](#):

1. The authorizing dentist shall arrange for another dentist or specialist to provide any services needed by a patient of a dental therapist that exceed the dental therapist's capabilities or the authorized scope of practice of the dental therapist and that the authorizing dentist is unable to provide; and

2. A dental therapist shall refer patients to another qualified dental or health care professional to receive needed services that exceed the scope of practice of the dental therapist.

- **Subject to NRS and the dental therapist's written practice agreement, if the patient requires treatment that exceeds the dental therapist's capabilities or the scope of practice as a dental therapist, the dentist or dental therapist shall refer the patient to an appropriate provider within a reasonable distance.**
- **Provision of Care to Patients with Specific Medical Conditions or Complex Medication Histories: All patients must be presented to the authorizing Dentist to determine their health status necessary to receive dental treatment. Treatment will be explained to the patient and informed consent will be obtained. These items will be reviewed by the authorizing Dentist prior to the patient**

**NRS 631.3127 Dental therapists: Prohibition on prescription of certain controlled substances.**  
**[Effective January 1, 2020.]** A dental therapist shall not prescribe a controlled substance that is included in schedules II, III, IV or V of the Uniform Controlled Substances Act.

- **Subject to NRS and the dental therapist mat not prescribe any controlled substance that is included in schedules II, III, IV, or V of the Uniformed Controlled Substances Act**
- **Protocols for Dispensing and Administering Medication: Dental Therapists will not have the authority to dispense or administer medication unless criteria are met and clearly defined in the written practice agreement. The supervising Dentist will determine if medication is necessary prior or post treatment. Dental Therapists are prohibited from prescribing a controlled substance that is included in schedules II, III, IV or V of the Uniform Controlled Substances Act pursuant to NRS 3127.**



**NRS 631.3128 Dental therapists: Limitation on number with whom authorizing dentist may simultaneously maintain written practice agreements. [Effective January 1, 2020.]** An authorizing dentist may not simultaneously maintain written practice agreements required pursuant to [NRS 631.3122](#) with more than four full-time or full-time equivalent dental therapists.

**NRS 631.317 Regulations concerning intraoral tasks and other practices. [Effective January 1, 2020.]**

The Board shall adopt rules or regulations:

1. Specifying the intraoral tasks that may be assigned by a licensed dentist to a dental hygienist, dental therapist or dental assistant in his or her employ or that may be performed by a dental hygienist or dental therapist engaged in school health activities or employed by a public health agency.
2. Governing the practice of dentists, dental hygienists and dental therapists in full-time employment with the State of Nevada.

**NRS 631.330 Renewal of license: Requirements; issuance of renewal certificate; automatic suspension or revocation; reinstatement. [Effective January 1, 2020.]**

1. Licenses issued pursuant to [NRS 631.271](#), [631.2715](#) and [631.275](#) must be renewed annually. All other licenses must be renewed biennially.

2. Except as otherwise provided in [NRS 631.271](#), [631.2715](#) and [631.275](#):

(a) Each holder of a license to practice dentistry, dental hygiene or dental therapy must, upon:

(1) Payment of the required fee;

(2) Submission of proof of completion of the required continuing education; and

(3) Submission of all information required to complete the renewal,

Ê be granted a renewal certificate which will authorize continuation of the practice for 2 years.

(b) A licensee must comply with the provisions of this subsection and subsection 1 on or before June 30. Failure to comply with those provisions by June 30 every 2 years automatically suspends the license, and it may be reinstated only upon payment of the fee for reinstatement and compliance with the requirements of this subsection.

3. If a license suspended pursuant to this section is not reinstated within 12 months after suspension, it is automatically revoked.

**NRS 631.340 Restoration of license. [Effective January 1, 2020.]**

1. Any person who has obtained from the Board a license certificate to practice dental hygiene, dental therapy or dentistry or any special branch of dentistry in this State, and who fails to obtain a renewal certificate, must, before resuming the practice in which he or she was licensed, make application to the Secretary-Treasurer, under such rules as the Board may prescribe, for the restoration of the license to practice.

2. Upon application being made, the Secretary-Treasurer shall determine whether the applicant possesses the qualifications prescribed for the granting of a license to practice in his or her particular profession, and whether the applicant continues to possess a good moral character and is not otherwise disqualified to practice in this State. If the Secretary-Treasurer so determines, the Secretary-Treasurer shall thereupon issue the license, and thereafter the person may make application annually for a renewal certificate, as provided in this chapter.

**NRS 631.3425 Continuing education: Requirements for dental therapists. [Effective January 1, 2020.]** A dental therapist licensed to practice in this State must annually complete at least 18 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 dental therapist. Hours of instruction may not be transferred over from one licensing period to another.

- **An applicant for a dental therapist license renewal who has been licensed for the 2-year period immediately preceding the expiration date of the license shall complete not less than 18 hours of continuing education approved by the board annually or biennially complete 40 hours of instruction.**

Ms Arias: She discussed the CE Requirements and indicated it was 18 hours CE per year. She indicated that EMT would be necessary.

**NRS 631.345 Fees; regulations. [Effective January 1, 2020.]**

1. Except as otherwise provided in [NRS 631.2715](#), the Board shall by regulation establish fees for the performance of the duties imposed upon it by this chapter which must not exceed the following amounts:

Application fee for an initial license to practice dentistry.....	\$1,500
Application fee for an initial license to practice dental hygiene.....	750
Application fee for an initial license to practice dental therapy.....	1,000
Application fee for a specialist's license to practice dentistry.....	300
Application fee for a limited license or restricted license to practice dentistry, dental hygiene or dental therapy	300
Fee for administering a clinical examination in dentistry.....	2,500
Fee for administering a clinical examination in dental hygiene or dental therapy	1,500
Application and examination fee for a permit to administer general anesthesia, minimal sedation, moderate sedation or deep sedation.....	750
Fee for any reinspection required by the Board to maintain a permit to administer general anesthesia, minimal sedation, moderate sedation or deep sedation.....	500
Biennial renewal fee for a permit to administer general anesthesia, minimal sedation, moderate sedation or deep sedation.....	600
Fee for the inspection of a facility required by the Board to renew a permit to administer general anesthesia, minimal sedation, moderate sedation or deep sedation.....	350
Fee for the inspection of a facility required by the Board to ensure compliance with infection control guidelines	500
Biennial license renewal fee for a general license, specialist's license, temporary license or restricted geographical license to practice dentistry.....	1,000
Annual license renewal fee for a limited license or restricted license to practice dentistry	300
Biennial license renewal fee for a general license, temporary license or restricted geographical license to practice dental hygiene or dental therapy.....	600
Annual license renewal fee for a limited license to practice dental hygiene or dental therapy	300
Biennial license renewal fee for an inactive dentist.....	400
Biennial license renewal fee for a dentist who is retired or has a disability....	100
Biennial license renewal fee for an inactive dental hygienist or dental therapist	200
Biennial license renewal fee for a dental hygienist or dental therapist who is retired or has a disability	100
Reinstatement fee for a suspended license to practice dentistry, dental hygiene or dental therapy	500
Reinstatement fee for a revoked license to practice dentistry, dental hygiene or dental therapy	500
Reinstatement fee to return a dentist, dental hygienist or dental therapist who is inactive, retired or has a disability to active status.....	500
Fee for the certification of a license.....	50

2. Except as otherwise provided in this subsection, the Board shall charge a fee to review a course of continuing education for accreditation. The fee must not exceed \$150 per credit hour of the proposed

course. The Board shall not charge a nonprofit organization or an agency of the State or of a political subdivision of the State a fee to review a course of continuing education.

3. All fees prescribed in this section are payable in advance and must not be refunded.

- **Bi-Annual license renewal for dental therapist shall be 200**

**NRS 631.3453 Exemption from requirement to designate actively licensed dentist as dental director of dental office or clinic. [Effective January 1, 2020.]** The provisions of [NRS 631.3452](#) requiring the designation of an actively licensed dentist as a dental director do not apply to a program for the provision of public health dental hygiene or dental therapy if:

1. The program is owned or operated by a dental hygienist who holds a special endorsement of his or her license to practice public health dental hygiene pursuant to [NRS 631.287](#) or a dental therapist licensed pursuant to this chapter; and
2. Each person employed to provide public health dental hygiene pursuant to the program is either a dental hygienist who holds a special endorsement of his or her license to practice public health dental hygiene pursuant to [NRS 631.287](#) or a dental therapist licensed pursuant to this chapter.



**NRS 631.3475 Malpractice; professional incompetence; disciplinary action in another state; substandard care; procurement or administration of controlled substance or dangerous drug; alcohol or other substance use disorder; gross immorality; conviction of certain crimes; failure to comply with certain provisions relating to controlled substances; inappropriate administration of botulinum toxin or dermal or soft tissue fillers; failure to obtain certain training; certain operation of medical facility. [Effective January 1, 2020, through June 30, 2020.]** The following acts, among others, constitute unprofessional conduct:

1. Malpractice;
2. Professional incompetence;
3. Suspension or revocation of a license to practice dentistry, the imposition of a fine or other disciplinary action by any agency of another state authorized to regulate the practice of dentistry in that state;
4. More than one act by the dentist, dental hygienist or dental therapist constituting substandard care in the practice of dentistry, dental hygiene or dental therapy;
5. Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in [chapter 454](#) of NRS, if it is not required to treat the dentist's patient;
6. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in [chapter 454](#) of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:
  - (a) Was procured through a retail pharmacy licensed pursuant to [chapter 639](#) of NRS;
  - (b) Was procured through a Canadian pharmacy which is licensed pursuant to [chapter 639](#) of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of [NRS 639.2328](#);
  - or
  - (c)
7. Having an alcohol or other substance use disorder to such an extent as to render the person unsafe or unreliable as a practitioner, or such gross immorality as tends to bring reproach upon the dental profession;
8. Conviction of a felony or misdemeanor involving moral turpitude or which relates to the practice of dentistry in this State, or conviction of any criminal violation of this chapter;
9. Conviction of violating any of the provisions of [NRS 616D.200](#), [616D.220](#), [616D.240](#) or [616D.300](#) to [616D.440](#), inclusive;
10. Failure to comply with the provisions of [NRS 453.163](#), [453.164](#), [453.226](#), [639.23507](#), [639.23535](#) and [639.2391](#) to [639.23916](#), inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto.
11. Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV;
12. Failure to comply with the provisions of [NRS 454.217](#) or [629.086](#);
13. Failure to obtain any training required by the Board pursuant to [NRS 631.344](#); or
14. Operation of a medical facility, as defined in [NRS 449.0151](#), at any time during which:
  - (a) The license of the facility is suspended or revoked; or
  - (b) An act or omission occurs which results in the suspension or revocation of the license pursuant to [NRS 449.160](#).

Dr. Park discussed Dr. West's portion: Discussed Malpractice and that both dentist and therapist would both be responsible as well as both need to report instances of malpractice.

**NRS 631.3475 Malpractice; professional incompetence; disciplinary action in another state; substandard care; procurement or administration of controlled substance or dangerous drug; alcohol or other substance use disorder; gross immorality; conviction of certain crimes; failure to comply with certain provisions relating to controlled substances; inappropriate administration of botulinum toxin or dermal or soft tissue fillers; failure to obtain certain training; certain operation of medical facility. [Effective July 1, 2020.]** The following acts, among others, constitute unprofessional conduct:

1. Malpractice;
2. Professional incompetence;
3. Suspension or revocation of a license to practice dentistry, the imposition of a fine or other disciplinary action by any agency of another state authorized to regulate the practice of dentistry in that state;
4. More than one act by the dentist, dental hygienist or dental therapist constituting substandard care in the practice of dentistry, dental hygiene or dental therapy;
5. Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in [chapter 454](#) of NRS, if it is not required to treat the dentist's patient;
6. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in [chapter 454](#) of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:
  - (a) Was procured through a retail pharmacy licensed pursuant to [chapter 639](#) of NRS;
  - (b) Was procured through a Canadian pharmacy which is licensed pursuant to [chapter 639](#) of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of [NRS 639.2328](#);
 or
  - (c) Is cannabis being used for medical purposes in accordance with [chapter 678C](#) of NRS;
7. Having an alcohol or other substance use disorder to such an extent as to render the person unsafe or unreliable as a practitioner, or such gross immorality as tends to bring reproach upon the dental profession;
8. Conviction of a felony or misdemeanor involving moral turpitude or which relates to the practice of dentistry in this State, or conviction of any criminal violation of this chapter;
9. Conviction of violating any of the provisions of [NRS 616D.200](#), [616D.220](#), [616D.240](#) or [616D.300](#) to [616D.440](#), inclusive;
10. Failure to comply with the provisions of [NRS 453.163](#), [453.164](#), [453.226](#), [639.23507](#), [639.23535](#) and [639.2391](#) to [639.23916](#), inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto.
11. Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV;
12. Failure to comply with the provisions of [NRS 454.217](#) or [629.086](#);
13. Failure to obtain any training required by the Board pursuant to [NRS 631.344](#); or
14. Operation of a medical facility, as defined in [NRS 449.0151](#), at any time during which:
  - (a) The license of the facility is suspended or revoked; or
  - (b) An act or omission occurs which results in the suspension or revocation of the license pursuant to [NRS 449.160](#).

**NRS 631.395 Acts constituting illegal practice of dentistry, dental hygiene or dental therapy.** [Effective January 1, 2020.] A person is guilty of the illegal practice of dentistry, dental hygiene or dental therapy who:

1. Sells or barter, or offers to sell or barter, any diploma or document conferring or purporting to confer any dental degree, or any certificate or transcript made or purporting to be made pursuant to the laws regulating the licensing and registration of dentists, dental hygienists or dental therapists;
2. Purchases or procures by barter any such diploma, certificate or transcript, with the intent that it be used as evidence of the holder's qualifications to practice dentistry, or in fraud of the laws regulating that practice;
3. With fraudulent intent, alters in a material regard any such diploma, certificate or transcript;
4. Uses or attempts to use any diploma, certificate or transcript, which has been purchased, fraudulently issued, counterfeited or materially altered, either as a license or color of license to practice dentistry, or in order to procure registration as a dentist, dental hygienist or dental therapist;
5. Practices dentistry under a false or assumed name;
6. Assumes the degree of "Doctor of Dental Surgery" or "Doctor of Dental Medicine" or appends the letters "D.D.S." or "D.M.D." or "R.D.H." to his or her name, not having conferred upon him or her, by diploma from an accredited dental or dental hygiene college or school legally empowered to confer the title, the right to assume the title, or assumes any title or appends any letters to his or her name with the intent to represent falsely that he or she has received a dental degree or license;
7. Willfully makes, as an applicant for examination, license or registration under this chapter, a false statement in a material regard in an affidavit required by this chapter;
8. Within 10 days after a demand is made by the Secretary-Treasurer, fails to furnish to the Board the names and addresses of all persons practicing or assisting in the practice of dentistry in the office of the person at any time within 60 days before the notice, together with a sworn statement showing under and by what license or authority the person and his or her employee are and have been practicing dentistry, but the affidavit must not be used as evidence against the person in any proceeding under this chapter;
9. Except as otherwise provided in [NRS 629.091](#), practices dentistry, dental hygiene or dental therapy in this State without a license;
10. Except as otherwise provided in [NRS 631.385](#), owns or controls a dental practice, shares in the fees received by a dentist or controls or attempts to control the services offered by a dentist if the person is not himself or herself licensed pursuant to this chapter; or
11. Aids or abets another in violating any of the provisions of this chapter.

[Part 2:152:1951] — (NRS A [1971, 531](#); [1981, 1970](#); [1983, 1110](#); [1995, 278, 750](#); [2019, 3220](#), effective January 1, 2020)

**NRS 631.396 Inspection of premises by Board. [Effective through December 31, 2019.]** Any member or agent of the Board may enter any premises in this State where a person who holds a license or certificate issued pursuant to the provisions of this chapter practices dentistry or dental hygiene and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing dentistry or dental hygiene without the appropriate license or certificate issued pursuant to the provisions of this chapter.

(Added to NRS by [2013, 2219](#))

**NRS 631.396 Inspection of premises by Board. [Effective January 1, 2020.]** Any member or agent of the Board may enter any premises in this State where a person who holds a license or certificate issued pursuant to the provisions of this chapter practices dentistry, dental hygiene or dental therapy and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing dentistry, dental hygiene or dental therapy without the appropriate license or certificate issued pursuant to the provisions of this chapter.

(Added to NRS by [2013, 2219](#), effective January 1, 2020)

**NRS 631.397 Practicing or offering to practice without license or certificate: Reporting requirements of Board. [Effective January 1, 2020.]** Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice dentistry, dental hygiene or dental therapy without the appropriate license or certificate issued pursuant to the provisions of this chapter.

(Added to NRS by [2013, 2219](#), effective January 1, 2020)

**NRS 631.400 Prohibited acts; penalties; injunctive relief. [Effective through December 31, 2019.]**

1. A person who engages in the illegal practice of dentistry in this State is guilty of a category D felony and shall be punished as provided in [NRS 193.130](#), unless a greater penalty is provided pursuant to [NRS 200.830](#) or [200.840](#).

2. Unless a greater penalty is provided pursuant to [NRS 200.830](#) or [200.840](#), a person who practices or offers to practice dental hygiene in this State without a license, or who, having a license, practices dental hygiene in a manner or place not permitted by the provisions of this chapter:

(a) If it is his or her first or second offense, is guilty of a gross misdemeanor.

(b) If it is his or her third or subsequent offense, is guilty of a category D felony and shall be punished as provided in [NRS 193.130](#).

3. Unless a greater penalty is provided by specific statute, a person who is licensed to practice dentistry who practices dentistry in a manner or place not permitted by the provisions of this chapter:

(a) If it is his or her first or second offense, is guilty of a gross misdemeanor.

(b) If it is his or her third or subsequent offense, is guilty of a category D felony and shall be punished as provided in [NRS 193.130](#).

4. The Board may assign a person described in subsection 1, 2 or 3 specific duties as a condition of renewing a license.

5. If a person has engaged or is about to engage in any acts or practices which constitute or will constitute an offense against this chapter, the district court of any county, on application of the Board, may issue an injunction or other appropriate order restraining the conduct. Proceedings under this subsection are governed by [Rule 65](#) of the Nevada Rules of Civil Procedure, except that no bond or undertaking is required in any action commenced by the Board.

6. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, 2 or 3, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or certificate or otherwise demonstrates that he or she is no longer in violation of subsection 1, 2 or 3. An order to cease and desist must include a telephone number with which the person may contact the Board.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than \$5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

[3:152:1951] — (NRS A [1957, 343; 1981, 1977; 1983, 1115, 1535, 1547; 1995, 1310; 2007, 509; 2013, 997, 2220](#))

**NRS 631.400 Prohibited acts; penalties; injunctive relief. [Effective January 1, 2020.]**

1. A person who engages in the illegal practice of dentistry in this State is guilty of a category D felony and shall be punished as provided in [NRS 193.130](#), unless a greater penalty is provided pursuant to [NRS 200.830](#) or [200.840](#).

2. Unless a greater penalty is provided pursuant to [NRS 200.830](#) or [200.840](#), a person who practices or offers to practice dental hygiene or dental therapy in this State without a license, or who, having a license, practices dental hygiene or dental therapy in a manner or place not permitted by the provisions of this chapter:

(a) If it is his or her first or second offense, is guilty of a gross misdemeanor.

(b) If it is his or her third or subsequent offense, is guilty of a category D felony and shall be punished as provided in [NRS 193.130](#).

3. Unless a greater penalty is provided by specific statute, a person who is licensed to practice dentistry who practices dentistry in a manner or place not permitted by the provisions of this chapter:

(a) If it is his or her first or second offense, is guilty of a gross misdemeanor.

(b) If it is his or her third or subsequent offense, is guilty of a category D felony and shall be punished as provided in [NRS 193.130](#).

4. The Board may assign a person described in subsection 1, 2 or 3 specific duties as a condition of renewing a license.

5. If a person has engaged or is about to engage in any acts or practices which constitute or will constitute an offense against this chapter, the district court of any county, on application of the Board, may issue an injunction or other appropriate order restraining the conduct. Proceedings under this subsection are governed by [Rule 65](#) of the Nevada Rules of Civil Procedure, except that no bond or undertaking is required in any action commenced by the Board.

6. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, 2 or 3, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or certificate or otherwise demonstrates that he or she is no longer in violation of subsection 1, 2 or 3. An order to cease and desist must include a telephone number with which the person may contact the Board.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than \$5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).