

NEVADA STATE BOARD
of
DENTAL EXAMINERS



LEGISLATIVE, LEGAL, & DENTAL PRACTICE
COMMITTEE TELECONFERENCE MEETING

WEDNESDAY JANUARY 26, 2022

6:00 P.M.

PUBLIC BOOK

Agenda Item 4(a):

**Discussion, Review, and Possible Recommendations to
the Board of Proposed Changes to
Amend, Add, or Repeal the Following Permanent
Regulations—NRS 631.190**

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)

Agenda Item 4(a)(1):
Licensing: NAC 631.028 through NAC 631.220

LICENSING

NAC 631.028 Applications for licensure; payment of fees. ([NRS 631.190](#), [631.220](#), [631.345](#))

1. An application for licensure must be filed with the Executive Director on a form furnished by the Board. The application must be sworn to before a notary public or other officer authorized to administer oaths and accompanied by the fee required pursuant to [NAC 631.029](#).

2. All such fees must be paid with an instrument which is immediately negotiable.

(Added to NAC by Bd. of Dental Exam'rs, eff. 10-21-83; A 12-15-87; 4-3-89; 9-6-96; R169-01, 4-5-2002; R026-05, 12-29-2005)

NAC 631.029 Schedule of fees. ([NRS 631.190](#), [631.240](#), [631.345](#)) The Board will charge and collect the following fees:

Application fee for an initial license to practice dentistry if the applicant has successfully passed a clinical examination administered by the Western Regional Examining Board or a clinical examination approved by the Board and the American Board of Dental Examiners and administered by a regional examination organization other than the Board.....	\$1,200
Application fee for an initial license to practice <i>dental therapy or</i> dental hygiene.....	
Application fee for a specialty license by credential.....	600
Application fee for a temporary restricted geographical license to practice dentistry.....	1,200
Application fee for a temporary restricted geographical license to practice <i>dental therapy or</i> dental hygiene.....	600
Application fee for a specialist's license to practice dentistry.....	150
Application fee for a limited license or restricted license to practice dentistry, <i>dental therapy</i> or dental hygiene.....	125
Application and examination fee for a permit to administer general anesthesia, moderate sedation or deep sedation.....	125
Application and examination fee for a site permit to administer general anesthesia, moderate sedation or deep sedation.....	750
Fee for any reinspection required by the Board to maintain a permit to administer general anesthesia, moderate sedation or deep sedation.....	500
Fee for the inspection of a facility required by the Board to ensure compliance with infection control guidelines.....	500
<i>Fee for second or subsequent re-inspection of a facility required by the Board to ensure compliance with infection control guidelines.....</i>	<i>250</i>
Biennial renewal fee for a permit to administer general anesthesia, moderate sedation or deep sedation.....	<i>150</i>
Fee for the inspection of a facility required by the Board to renew a permit to administer general anesthesia, moderate sedation or deep sedation.....	200
Biennial license renewal fee for a general license or specialist's license to practice dentistry.....	350

Biennial license renewal fee for a restricted geographical license to practice dentistry.....	600
Biennial license renewal fee for a restricted geographical license to practice <i>dental therapy or</i> dental hygiene.....	600
Biennial license renewal fee for a general license to practice <i>dental therapy or</i> dental hygiene.....	300
Annual license renewal fee for a limited license to practice dentistry or dental hygiene.....	300
Annual license renewal fee for a restricted license to practice dentistry.....	200
Biennial license renewal fee for an inactive dentist.....	100
Biennial license renewal fee for an inactive <i>dental therapist or</i> dental hygienist.....	200
<i>Fee for second or subsequent audits to ensure compliance with Continuing Education requirements</i>	50
Reinstatement fee for a suspended license to practice dentistry, <i>dental therapy</i> or dental hygiene	200
Reinstatement fee to return an inactive or retired dentist, <i>dental therapist</i> or dental hygienist or a dentist, <i>dental therapist</i> or dental hygienist with a disability to active status.....	500
Fee for the certification of a license.....	300
Fee for the certification of a license to administer nitrous oxide or local anesthesia.....	25
Fee for a duplicate wall certificate.....	25
Fee for a duplicate pocket card receipt.....	25
Application fee for converting a temporary license to a permanent license.....	25
Fee for an application packet for an examination.....	125
Fee for an application packet for licensure by credentials.....	25
	25

(Added to NAC by Bd. of Dental Exam'rs by R026-05, eff. 12-29-2005; A by R159-08, 4-23-2009; R066-11, 2-15-2012; R020-14, 6-23-2014; R119-15, 6-28-2016; R004-17, 5-16-2018))

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, *from an 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/or 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, *been subject to mandatory supervision*, ~~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, *supervision*, 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 hygiene pursuant to NRS 631.290; *or*
 - (3) *Dental therapy pursuant to NRS 631.312;*
- (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 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](#).

[Bd. of Dental Exam'rs, § III, eff. 7-21-82] — (NAC A 10-21-83; 12-15-87; 4-3-89; 9-6-96; R169-01, 4-5-2002; R139-05, 12-29-2005; R159-08, 4-23-2009; R143-17, 5-16-2018)

NAC 631.033 Use of laser radiation in practice: Documentation required with application for renewal of license. ([NRS 631.190](#), [631.330](#)) Each licensee who uses or wishes to use laser radiation in his or her practice of dentistry, *dental therapy* or dental hygiene must include with the application for renewal of his or her license:

1. A statement certifying that each laser used by the licensee in his or her practice of dentistry, *dental therapy* or dental hygiene has been cleared by the Food and Drug Administration for use in dentistry; and

2. Proof that he or she has successfully completed a course in laser proficiency that:

- (a) Is at least 6 hours in length; and
- (b) Is based on the *Curriculum Guidelines and Standards for Dental Laser Education*, adopted by reference pursuant to [NAC 631.035](#).

(Added to NAC by Bd. of Dental Exam'rs by R139-05, eff. 12-29-2005)

NAC 631.035 Use of laser radiation in practice: Adoption by reference of *Curriculum Guidelines and Standards for Dental Laser Education*. ([NRS 631.190](#))

1. The Board hereby adopts by reference the *Curriculum Guidelines and Standards for Dental Laser Education*, adopted by the Academy of Laser Dentistry. The *Curriculum Guidelines and Standards for Dental Laser Education* is available, free of charge, from the Academy of Laser Dentistry:

- (a) By mail, at P.O. Box 8667, Coral Springs, Florida 33075;

- (b) By telephone, at (954) 346-3776; or
- (c) At the Internet address

http://www.laserdentistry.org/prof/edu_curriculumguidelines.cfm.

2. The Board will periodically review the *Curriculum Guidelines and Standards for Dental Laser Education* and determine within 30 days after the review whether any change made to those guidelines and standards is appropriate for application in this State. If the Board does not disapprove a change to an adopted guideline or standard within 30 days after the review, the change is deemed to be approved by the Board.

(Added to NAC by Bd. of Dental Exam'rs by R139-05, eff. 12-29-2005)

NAC 631.045 Renewal of license: Certified statement required. ([NRS 631.190](#)) A licensed dentist who owns an office or facility where dental treatments are to be performed in this State must, on the application for renewal of his or her license, execute a certified statement that includes:

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

(Added to NAC by Bd. of Dental Exam'rs by R201-09, eff. 8-13-2010; A by R020-14, 6-23-2014)

NAC 631.050 Rejection and return of application; reconsideration; petition for review by Board. ([NRS 631.160](#), [631.190](#), [631.230](#), [631.260](#), [631.290](#))

1. If the Executive Director or Secretary-Treasurer finds that:
 - (a) An application is:
 - (1) Deficient; or
 - (2) Not in the proper form; or
 - (b) The applicant has:
 - (1) Provided incorrect information;
 - (2) Not attained the scores required by [chapter 631](#) of NRS; or
 - (3) Not submitted the required fee,

↪ the Executive Director or Secretary-Treasurer shall reject the application and return it to the applicant with the reasons for its rejection.
2. If the Executive Director or Secretary-Treasurer finds that an applicant has:
 - (a) A felony conviction;

- (b) A misdemeanor conviction;
- (c) 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;
- (d) A history of substance abuse;
- (e) 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;
- (f) Been denied licensure by this State, any other state or territory of the United States or the District of Columbia;
- (g) Had his or her license to practice dentistry, *dental therapy* or dental hygiene suspended, revoked, *subject to mandatory supervision*, ~~or~~ placed on probation or has otherwise been disciplined concerning his or her license to practice dentistry 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;
- (h) Not actively practiced dentistry, *dental therapy* or dental hygiene, as applicable, for 2 years or more before the date of the application to the Board; or
- (i) 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,

↳ the Executive Director or Secretary-Treasurer may reject the application. If rejected, the application must be returned to the applicant with the reasons for its rejection.

3. If an application is rejected pursuant to subsection 2, the applicant may furnish additional relevant information to the Executive Director or Secretary-Treasurer, and request that the application be reconsidered. If an application is rejected following reconsideration by the Executive Director or Secretary-Treasurer, the applicant may petition the Board for a review of the application at the next regularly scheduled meeting of the Board.

[Bd. of Dental Exam'rs, § V, eff. 7-21-82] — (NAC A 4-3-89; 9-6-96; R003-99, 4-3-2000; R169-01, 4-5-2002; R158-08, 12-17-2008; R159-08, 4-23-2009; R143-17, 5-16-2018)

NAC 631.070 Reconsideration of application following request for postponement of action. ([NRS 631.190](#), [631.220](#))

1. If an applicant requests that the Board postpone its action on his or her application for licensure, he or she may later request the Board to reconsider the application. The request for reconsideration must be made on a form furnished by the Board.

2. If an applicant requests the Board to reconsider the application within 1 year after filing the original application for licensure, the Board will not require the applicant to submit another application for licensure unless the information contained in the original application has changed. The applicant must update the information in the original application by furnishing the Board with a supplement when subsequent changes have taken place.

[Bd. of Dental Exam'rs, § XI, eff. 7-21-82] — (NAC A 4-3-89; R169-01, 4-5-2002)

NAC 631.090 Examination for license to practice dentistry. ([NRS 631.190](#), [631.240](#))
 Except as otherwise provided in [NRS 622.090](#), in fulfillment of the statutory requirements of paragraph (b) of subsection 1 of [NRS 631.240](#), 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 the Dental 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 fixed prosthodontics as the organization administering the clinical examination requires;
 4. Demonstrate proficiency in restorative dentistry as the organization administering the clinical examination requires;
 5. Demonstrate proficiency in periodontics as the organization administering the clinical examination requires; and
 6. Perform such other procedures as the Board requires.
- [Bd. of Dental Exam'rs, § XII, eff. 7-21-82] — (NAC A 12-15-87; R169-01, 4-5-2002; R159-08, 4-23-2009; R143-17, 5-16-2018)

NAC 631.140 Reexaminations; completion of failed clinical demonstration. ([NRS 631.190](#), [631.220](#), [631.240](#), [631.280](#), [631.300](#))

1. Except as otherwise provided in [NRS 622.090](#), an applicant who does not pass all sections of 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 may apply for a reexamination. The application must be made on a form furnished by the Board.
 2. An applicant who does not pass the examination may not take another examination without completing such additional professional training as is required by the Board.
 3. An applicant who does not pass the examination solely because he or she fails one of the demonstrations required pursuant to [NAC 631.090](#) may, at the next scheduled examination, complete the remaining demonstration. If the applicant does not successfully complete the remaining demonstration at the next scheduled examination or within the timeline approved by the American Board of Dental Examiners or by the Western Regional Examining Board for a person who takes the examination as part of an integrated curriculum, he or she must retake the entire examination.
 4. For the purposes of [NRS 631.280](#), an applicant who attempts to complete successfully a demonstration pursuant to subsection 3 shall not be deemed to have failed the examination twice if he or she fails to complete that demonstration successfully.
- [Bd. of Dental Exam'rs, § X, eff. 7-21-82] — (NAC A 4-3-89; 9-6-96; R169-01, 4-5-2002; R159-08, 4-23-2009; R143-17, 5-16-2018)

NAC 631.145 Dental hygienists: Renewal of special endorsement of license to practice public health dental hygiene. ([NRS 631.190](#), [631.287](#))

1. A special endorsement of a license that allows a dental hygienist to practice public health dental hygiene issued by the Board may be renewed biennially in accordance with [NRS 631.287](#).
 2. A dental hygienist may apply to renew the special endorsement upon the renewal of his or her license by submitting a report summarizing the services performed by the dental hygienist under the authority of the special endorsement during the immediately preceding biennium.
- (Added to NAC by Bd. of Dental Exam'rs by R231-03, eff. 5-25-2004; A by R020-14, 6-23-2014)

NAC 631.150 Filing of addresses of licensee; notice of change; display of license. ([NRS 631.190](#), [631.350](#))

1. Each licensee shall file with the Board the addresses of his or her permanent residence and the office or offices where he or she conducts his or her practice, including, without limitation, any electronic mail address for that practice.

2. Within 30 days after any change occurs in any of these addresses, the licensee shall give the Board a written notice of the change. The Board will impose a fine of \$50 if a licensee does not report such a change within 30 days after it occurs.

3. The licensee shall display his or her license and any permit issued by the Board, or a copy thereof, at each place where he or she practices.

[Bd. of Dental Exam'rs, § XVI, eff. 7-21-82] — (NAC A 9-6-96; R066-11, 2-15-2012; R119-15, 6-28-2016)

NAC 631.155 Licensee to notify Board of certain events. (NRS 631.190) Each licensee shall, within 30 days after the occurrence of the event, notify the Board in writing by certified mail of:

1. The death of a patient during the performance of any dental procedure;

2. Any unusual incident occurring in his or her dental practice which results in permanent physical or mental injury to a patient or requires the hospitalization of a patient;

3. The suspension or revocation of his or her license to practice dentistry or the imposition of a fine or other disciplinary action against him or her by any agency of another state authorized to regulate the practice of dentistry in that state;

4. The conviction of any felony or misdemeanor involving moral turpitude or which relates to the practice of dentistry in this State or the conviction of any violation of [chapter 631](#) of NRS;

~~or~~

5. *The filing and service upon him or her of any claim or complaint of malpractice; or*

~~5-6.~~ Being 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.

(Added to NAC by Bd. of Dental Exam'rs, eff. 9-16-85; A by R143-17, 5-16-2018)

NAC 631.160 Voluntary surrender of license. (NRS 631.190)

1. If a licensee desires voluntarily to surrender his or her license, he or she may submit to the Board a sworn written surrender of the license accompanied by delivery to the Board of the certificate of registration previously issued to him or her. The Board may accept or reject the surrender of the license. If the Board accepts the surrender of the license, the surrender is absolute and irrevocable. The Board will notify any agency or person of the surrender as it deems appropriate.

2. The voluntary surrender of a license does not preclude the Board from hearing a complaint for disciplinary action filed against the licensee.

3. If, following a voluntary surrender of license pursuant to this section, the former licensee wishes to again practice in Nevada, he or she must re-apply for a license pursuant to this chapter and NRS 631, and must meet all criteria required for licensure as of the date of his or her reapplication.

4. If a licensee voluntarily surrenders his or her license with discipline or during a pending investigation, the Board may require the dentist or hygienist to complete any terms of discipline or corrective action not completed as a result of the surrender, and/or may require additional terms as a condition of licensure as deemed necessary and appropriate by the Board.

[Bd. of Dental Exam'rs, § XX, eff. 7-21-82]

NAC 631.170 Placement of license on inactive, retired or disabled status; reinstatement. (NRS 631.190, 631.335)

1. A licensee may request the Board to place his or her license in an inactive or retired status. Such a request must be made in writing and before the license expires.

2. The Secretary-Treasurer may reinstate an inactive license upon the written request of an inactive licensee who has maintained an active license and practice outside this State during the time his or her Nevada license was inactive. To reinstate the license, such an inactive licensee must:

- (a) Pay the appropriate renewal fees;
- (b) Provide a list of his or her employment during the time the license was inactive;
- (c) Report all claims of unprofessional conduct or professional incompetence against him or her or any violation of the law which he or she may have committed, including administrative disciplinary charges brought by any other jurisdiction;
- (d) Report 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;
- (e) Report any appearance he or she may have made before a peer review committee;
- (f) Submit proof of his or her completion of an amount of continuing education, prorated as necessary, for the year in which the license is restored to active status;
- (g) Provide certification from each jurisdiction in which he or she currently practices that his or her license is in good standing and that no proceedings which may affect that standing are pending;

(h) Satisfy the Secretary-Treasurer that he or she is of good moral character; and

(i) Provide any other information which the Secretary-Treasurer may require,

↪ before the license may be reinstated. In determining whether the licensee is of good moral character, the Secretary-Treasurer may consider whether the license to practice dentistry in another state has been suspended or revoked or whether the licensee is currently involved in any disciplinary action concerning the license in that state.

3. If a person whose license has been on inactive status for less than 2 years has not maintained an active license or practice outside this State, or if a person's license has been on retired status for less than 2 years, he or she must submit to the Board:

- (a) Payment of the appropriate renewal fees;
- (b) A written petition for reinstatement that has been signed and notarized;
- (c) Proof of his or her completion of an amount of continuing education, prorated as necessary, for the year in which the license is restored to active status; and

(d) A list of his or her employment, if any, during the time the license was on inactive or retired status,

↪ before the license may be reinstated.

4. If a person whose license has been on inactive status for 2 years or more has not maintained an active license or practice outside this State, or if a person's license has been on retired status for 2 years or more, he or she must:

- (a) Satisfy the requirements set forth in paragraphs (a) to (d), inclusive, of subsection 3; and
- (b) Pass such additional examinations for licensure as the Board may prescribe,

↪ before the license may be reinstated.

5. If the license of a person has been placed on disabled status, the person must:

- (a) Satisfy the requirements of paragraphs (a), (b) and (c) of subsection 3;
- (b) Submit to the Board a list of his or her employment, if any, during the time the license was on disabled status;
- (c) Pass such additional examinations for licensure as the Board may prescribe; and
- (d) Submit to the Board a statement signed by a licensed physician setting forth that the person is able, mentally and physically, to practice dentistry,
 ↪ before the license may be reinstated.

6. For purposes of the requirement for an examination as the Board may prescribe following two years of inactivity, "inactive" as used in subsections 3 and 4 of this section may refer to voluntary placement of a license on inactive status or to inactivity due to voluntary surrender of a licenses, and/or suspension or revocation of a license or other order by the Board of this State, another state or territory of the United States or the District of Columbia.

[Bd. of Dental Exam'rs, § XV, eff. 7-21-82] — (NAC A 4-3-89; 11-28-90; 9-6-96; R004-99, 4-3-2000; R143-17, 5-16-2018)

NAC 631.173 Continuing education: Required hours; types of courses and activities; approval of provider or instructor. (NRS 631.190, 631.342, SB366 (2019))

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

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

3. Each 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 or carried over from one licensing period to another.

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

~~4.~~ 5. Any provider of or instructor for a course in continuing education relating to the practice of dentistry, *dental therapy* or dental hygiene which meets the requirements of this section must be approved by the Board, unless the course is for training in cardiopulmonary resuscitation or is approved by:

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

(f) Any hospital accredited by The Joint Commission.

~~5-6~~. To be approved as a provider of a course in continuing education, the instructor of the course must complete a form provided by the Board and submit it to the Board for review by a committee appointed by the Board not later than 45 days before the beginning date of the course. Upon receipt of the form, the committee shall, within 10 days after receiving the form, approve or disapprove the application and inform the applicant of its decision.

~~6~~ 7. Study by group may be approved for continuing education if the organizer of the group complies with the requirements of subsection ~~5~~ 6 and furnishes the Board with a complete list of all members of the group, a synopsis of the subject to be studied, the time, place and duration of the meetings of the group, and the method by which attendance is recorded and authenticated.

~~7~~ 8. Credit may be allowed for attendance at a meeting or a convention of a dental and dental hygiene society.

~~8~~ 9. Credit may be allowed for courses completed via home study, on-line study, self-study or journal study which are taught through correspondence, webinar, compact disc or digital video disc.

~~9~~ 10. Credit may be allowed for dental and dental hygiene services provided on a voluntary basis to nonprofit agencies and organizations approved by the Board.

(Added to NAC by Bd. of Dental Exam'rs, eff. 9-16-85; A 12-15-87; 9-6-96; R231-03, 5-25-2004; R063-05, 12-29-2005; R159-08, 4-23-2009; R020-14, 6-23-2014)

NAC 631.175 Continuing education: Approved subjects; minimum requirements for clinical subjects; minimum requirements for dentists registered to dispense controlled substances; maximum credit for certain types of courses and activities. ([NRS 631.190](#), [631.342](#), [631.344](#))

1. Approved subjects for continuing education in dentistry, *dental therapy* and dental hygiene are:

(a) Clinical subjects, including, without limitation:

(1) Dental and medical health;

(2) Preventive services;

(3) Dental diagnosis and treatment planning; and

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

(b) Nonclinical subjects, including, without limitation:

(1) Dental practice organization and management;

(2) Patient management skills;

(3) Methods of health care delivery; and

(4) Teaching methodology.

2. In completing the hours of continuing education required pursuant to [NAC 631.173](#), a dentist must annually complete at least 15 hours in clinical subjects approved pursuant to subsection 1 or biennially complete at least 30 hours in clinical subjects approved pursuant to subsection 1, as applicable, based on the renewal period set forth in [NRS 631.330](#) for the type of license held by the dentist.

3. In completing the hours of continuing education required pursuant to [NAC 631.173](#), a dental therapist must annually complete at least 15 hours in clinical subjects approved pursuant to subsection 1 or biennially complete at least 30 hours in clinical subjects approved pursuant to subsection 1, as applicable, based on the renewal period set forth in [NRS 631.330](#) for the type of license held by the dental therapist.

~~3-~~ **4.** In completing the hours of continuing education required pursuant to [NAC 631.173](#), a dental hygienist must annually complete at least 12 hours in clinical subjects approved pursuant to subsection 1 or biennially complete at least 24 hours in clinical subjects approved pursuant to subsection 1, as applicable, based on the renewal period set forth in [NRS 631.330](#) for the type of license held by the dental hygienist.

~~4-~~ **5.** In completing the hours of continuing education required pursuant to [NAC 631.173](#), a dentist, *dental therapist* or dental hygienist must annually complete at least 2 hours in the clinical subject of infection control in accordance with the provisions of the guidelines adopted by reference in [NAC 631.178](#) or biennially complete at least 4 hours in the clinical subject of infection control in accordance with the provisions of the guidelines adopted by reference in [NAC 631.178](#), as applicable, based on the renewal period set forth in [NRS 631.330](#) for the type of license held by the dentist, *dental therapist* or dental hygienist.

~~5-~~ **6.** In completing the hours of continuing education required pursuant to [NAC 631.173](#), a dentist who is registered to dispense controlled substances pursuant to [NRS 453.231](#) must complete at least 2 hours of training relating specifically to the misuse and abuse of controlled substances, the prescribing of opioids or addiction during each period of licensure.

~~6-~~ **7.** The Board will credit, as a maximum in any one year of an annual or biennial licensing period, the following number of hours of instruction for the following types of courses or activities:

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

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

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

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

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

(Added to NAC by Bd. of Dental Exam'rs, eff. 9-16-85; A 12-15-87; 4-3-89; 9-6-96; R231-03, 5-25-2004; R063-05, 12-29-2005; R149-06, 9-18-2006; R159-08, 4-23-2009; R201-09, 8-13-2010; R020-14, 6-23-2014; R044-17, 5-16-2018)

NAC 631.177 Continuing education: Renewal or reinstatement of license; records; unprofessional conduct; audits. ([NRS 631.190](#), [631.330](#), [631.335](#), [631.342](#), [SB 366 \(2019\)](#))

1. When requesting a renewal or reinstatement of his or her license, each:

(a) Dentist shall submit a signed, written statement in substantially the following language for each year since his or her last renewal:

I,, hereby certify to the Board of Dental Examiners of Nevada that I have obtained at least 20 approved hours of instruction in continuing education during the period July 1,, through and including June 30,, I also certify to the Board of Dental Examiners of Nevada that I am currently certified in administering cardiopulmonary

resuscitation or another medically acceptable means of maintaining basic bodily functions which support life.

Dated this (day) of (month) of (year)

.....
Signature of Dentist

(b) Dental hygienist shall submit a signed, written statement in substantially the following language for each year since his or her last renewal:

I,, hereby certify to the Board of Dental Examiners of Nevada that I have obtained at least 15 approved hours of instruction in continuing education during the period July 1,, through and including June 30,, I also certify to the Board of Dental Examiners of Nevada that I am currently certified in administering cardiopulmonary resuscitation or another medically acceptable means of maintaining basic bodily functions which support life.

Dated this (day) of (month) of (year)

.....
Signature of Dental Hygienist

(c) *Dental therapist shall submit a signed, written statement in substantially the following language for each year since his or her last renewal:*

I,, hereby certify to the Board of Dental Examiners of Nevada that I have obtained at least 18 approved hours of instruction in continuing education during the period July 1,, through and including June 30,, I also certify to the Board of Dental Examiners of Nevada that I am currently certified in administering cardiopulmonary resuscitation or another medically acceptable means of maintaining basic bodily functions which support life.

Dated this (day) of (month) of (year)

.....
Signature of Dental Therapist

(d) Dentist, *dental therapist* or dental hygienist shall submit proof of his or her current certification in administering cardiopulmonary resuscitation or other medically acceptable means of maintaining basic bodily functions which support life.

2. Legible copies of all receipts, records of attendance, certificates and other evidence of attendance by a dentist, *dental therapist* or dental hygienist at an approved course in continuing education must be retained by the dentist, *dental therapist* or dental hygienist and made available to the Board for inspection or copying for 3 years after attendance at the course is submitted to meet the continuing education requirements of the Board. Proof of attendance and completion of the required credit hours of instruction must be complete enough to enable the Board to verify the attendance and completion of the course by the dentist, *dental therapist* or dental hygienist and must include at least the following information:

- (a) The name and location of the course;
- (b) The date of attendance;
- (c) The name, address and telephone number of its instructor;
- (d) A synopsis of its contents; and
- (e) For courses designed for home study, the number assigned to the provider by the Board at the time the course was approved and the name, address and telephone number of the producer or author of the course.

3. The ~~third~~ **second** or subsequent failure of a dentist, **dental therapist** ~~and or~~ dental hygienist to obtain or file proof of completion of the credit hours of instruction required by this section and [NAC 631.173](#) and [631.175](#) is unprofessional conduct.

4. The Board will conduct random **initial** audits of dentists, **dental therapists**, or dental hygienists, **and additional follow-up audits as necessary** to ensure compliance with the requirements of this section and [NAC 631.173](#) and [631.175](#).

(Added to NAC by Bd. of Dental Exam'rs, eff. 9-16-85; A 12-15-87; 4-3-89; 9-6-96; R231-03, 5-25-2004; R159-08, 4-23-2009)

NAC 631.178 Adoption by reference of certain guidelines; compliance with guidelines required. ([NRS 631.190](#))

1. Each person who is licensed pursuant to the provisions of [chapter 631](#) of NRS shall comply with:

(a) The provisions of the *Guidelines for Infection Control in Dental Health-Care Settings-2003* adopted by the Centers for Disease Control and Prevention which is hereby adopted by reference. The publication is available, free of charge, from the Centers for Disease Control and Prevention at the Internet address <http://www.cdc.gov/mmwr/preview/mmwrhtml/rr5217a1.htm>; and

(b) As applicable to the practice of dentistry, the provisions of the *Guideline for Disinfection and Sterilization in Healthcare Facilities, 2008*, adopted by the Centers for Disease Control and Prevention which is hereby adopted by reference. The publication is available, free of charge, from the Centers for Disease Control and Prevention at the Internet address http://www.cdc.gov/ncidod/dhqp/pdf/guidelines/Disinfection_Nov_2008.pdf.

2. The Board will periodically review the guidelines adopted by reference in this section and determine within 30 days after the review whether any change made to the guidelines is appropriate for application in this State. If the Board does not disapprove a change to the guidelines within 30 days after the review, the change is deemed to be approved by the Board.

(Added to NAC by Bd. of Dental Exam'rs, eff. 9-6-96; A by R025-05, 11-17-2005; R201-09, 8-13-2010)

NAC 631.1785 Inspection of office or facility. ([NRS 631.190](#), [631.363](#))

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

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

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

3. Not later than 30 days after agents of the Board have completed the initial inspection of an office or facility pursuant to subsection 2, the agents shall issue a report to the Executive Director indicating whether the office or facility is equipped in compliance with the guidelines adopted by reference in [NAC 631.178](#). If the report indicates that the office or facility:

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

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

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

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

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

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

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

5. Not later than 72 hours after receiving material evidencing critical deficiencies by a licensed dentist who owns an office or facility in this State where dental treatments are to be performed, other than a medical facility as defined in [NRS 449.0151](#), the Executive Director may assign agents of the Board to conduct an inspection of an office or facility to ensure that the licensed dentist and the personnel supervised by the dentist are in compliance with the guidelines adopted by reference in [NAC 631.178](#). An inspection conducted pursuant to this subsection may be conducted during normal business hours with notice to the licensed dentist who owns the office or facility.

6. Not later than 3 days after a dentist receives a written notice pursuant to subsection 5:

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

(b) The agents shall conduct the inspection.

7. Not later than 72 hours after agents of the Board have completed the inspection of an office or facility pursuant to subsection 6, the agents shall issue a report to the Executive Director indicating whether the office or facility is equipped in compliance with the guidelines adopted by reference in [NAC 631.178](#). If the report indicates that the office or facility:

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

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

8. Not later than 72 hours after issuing a written notice of deficiencies pursuant to paragraph (b) of subsection 7:

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

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

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

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

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

(Added to NAC by Bd. of Dental Exam'rs by R201-09, eff. 8-13-2010; A by R020-14, 6-23-2014; R119-15, 6-28-2016)

NAC 631.179 Random inspection of office or facility; subsequent action by Executive Director. ([NRS 631.190](#), [631.363](#))

1. The Executive Director may assign agents of the Board to conduct a random inspection of an office or facility in this State where dental treatments are to be performed to ensure that the licensed dentist and the personnel supervised by the dentist are in compliance with the guidelines adopted by reference in [NAC 631.178](#). Random inspections conducted pursuant to this subsection may be conducted during normal business hours without notice to the licensed dentist who owns the office or facility to be inspected.

2. Not later than 30 days after agents of the Board have completed a random inspection of an office or facility in this State where dental treatments are to be performed to ensure compliance with the guidelines adopted by reference in [NAC 631.178](#), the agents shall issue a report to the Executive Director indicating whether the licensed dentist and the personnel supervised by the dentist are in compliance with the guidelines adopted by reference in [NAC 631.178](#). If the report indicates that the licensed dentist and the personnel supervised by the dentist:

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

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

3. Not later than 72 hours after a licensed dentist receives a written notice of deficiencies issued pursuant to paragraph (b) of subsection 2:

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

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

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

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

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

(Added to NAC by Bd. of Dental Exam'rs by R201-09, eff. 8-13-2010)

NAC 631.1795 Provisions governing inspections do not preclude Board from initiating disciplinary proceedings. ([NRS 631.190](#)) Nothing in [NAC 631.1785](#) and [631.179](#) prevents the

Board from initiating disciplinary proceedings or additional disciplinary proceedings against a licensed dentist who owns an office or facility in this State where dental treatments are to be performed or against other licensees or personnel of the office or facility for failure to comply with the guidelines adopted by reference in [NAC 631.178](#).

(Added to NAC by Bd. of Dental Exam'rs by R201-09, eff. 8-13-2010)

NAC 631.190 Specialties. ([NRS 631.190](#), [631.250](#), [631.255](#)) The only specialties for which the Board will issue licenses are:

1. Oral and maxillofacial pathology;
2. Oral and maxillofacial surgery;
3. Orthodontia;
4. Periodontia;
5. Prosthodontia;
6. Pediatric dentistry;
7. Endodontia;
8. Public health; ~~and~~
9. Oral and maxillofacial radiology;

10. Dental Anesthesiology;

11. Oral Medicine; and

12. Orofacial Pain.

[Bd. of Dental Exam'rs, § XXI, eff. 7-21-82] — (NAC A 10-7-85; R158-08, 12-17-2008)

NAC 631.200 Delegation of duty to supervise dental hygienists and dental assistants. ([NRS 631.190](#), [631.313](#)) The supervisory duties prescribed in [NRS 631.313](#) may be delegated by one licensed dentist to another.

[Bd. of Dental Exam'rs, § XXIV, eff. 7-21-82] — (NAC A 12-15-87)

NAC 631.210 Dental hygienists: Authorization to perform certain services; referral of patient to authorizing dentist for certain purposes. ([NRS 631.190](#), [631.310](#), [631.313](#), [631.317](#))

1. A dentist who is licensed in this State may authorize a dental hygienist in his or her employ and under his or her supervision to:

(a) Place and secure orthodontic ligatures.

(b) Fabricate and place temporary crowns and bridges.

(c) Fit orthodontic bands and prepare teeth for orthodontic bands if the bands are cemented or bonded, or both, into the patient's mouth by the dentist who authorized the dental hygienist to perform this procedure.

(d) Perform nonsurgical cytologic testing.

(e) Apply and activate agents for bleaching teeth with a light source.

(f) Use a laser that has been cleared by the Food and Drug Administration to perform intrasulcular periodontal procedures or tooth whitening procedures if:

(1) The use of such a laser for those purposes is within the scope of the education, experience and training of the dental hygienist;

(2) Before operating the laser, the dental hygienist has provided proof to the supervising dentist that the dental hygienist has successfully completed a course in laser proficiency that:

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

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

(3) The supervising dentist has successfully completed a course in laser proficiency that:

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

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

↳ The dental hygienist must obtain authorization from the licensed dentist of the patient on whom the services authorized pursuant to this subsection are to be performed.

4. If a dentist who is licensed in this State has in his or her employ and under his or her supervision a dental hygienist who has:

(a) Successfully completed a course of continuing education in the administering of local anesthetics or nitrous oxide-oxygen analgesia, or both, which has been approved by the Board; or

(b) Graduated from an accredited program of dental hygiene which includes the administering of local anesthetics or nitrous oxide-oxygen analgesia, or both, in its curriculum,

↳ the dentist may authorize the dental hygienist to administer local anesthetics or nitrous oxide-oxygen analgesia, or both, as appropriate, if the dental hygienist has received from the Board a certificate or permit certifying the hygienist for this level of administration. The dental hygienist must obtain the authorization from the licensed dentist of the patient on whom the services are to be performed.

5. A dental hygienist in a health care facility may administer local intraoral chemotherapeutic agents and, if he or she has complied with paragraph (a) or (b) of subsection 4, may administer local anesthetics or nitrous oxide-oxygen analgesia, or both, as appropriate, if he or she first:

(a) Obtains written authorization from the licensed dentist of the patient to whom the local anesthetics, nitrous oxide-oxygen analgesia or local intraoral chemotherapeutic agents are to be administered; and

(b) Submits to the Secretary-Treasurer a written confirmation from the director of the health care facility that the facility has licensed medical personnel and necessary emergency supplies and equipment that will be available when the local anesthetics, nitrous oxide-oxygen analgesia or local intraoral chemotherapeutic agents are administered.

6. The Board may authorize a dental hygienist to perform the services set forth in subsection 1 and paragraphs (a) to (n), inclusive, of subsection 2 without supervision by a dentist and without authorization from the licensed dentist of the patient on whom the services are to be performed, at a health facility, a school or a place in this State approved by the Board after the Board:

(a) Issues a special endorsement of the dental hygienist's license.

(b) Approves the treatment protocol submitted by the dental hygienist which includes an explanation of the methods that the dental hygienist will use to:

(1) Treat patients; and

(2) Refer patients to a dentist for:

(I) Follow-up care;

(II) Diagnostic services; and

(III) Any service that the dental hygienist is not authorized to perform.

7. The Board may revoke the authorization described in subsection 6 if the:

(a) Dental hygienist fails to renew his or her license or it is cancelled, suspended or revoked;

(b) Board receives a complaint filed against the dental hygienist;

- (c) Dental hygienist commits an act which constitutes a cause for disciplinary action; or
- (d) Dental hygienist violates any provision of this chapter or [chapter 631](#) of NRS.

↪ Nothing in this subsection prohibits a dental hygienist from reapplying for authorization to perform the services described in subsection 6 if the Board revokes the authorization pursuant to this subsection.

8. As used in this section:

- (a) “Health care facility” has the meaning ascribed to it in [NRS 162A.740](#).
- (b) “Health facility” has the meaning ascribed to it in subsection 6 of [NRS 449.260](#).

(c) “School” means an elementary, secondary or postsecondary educational facility, public or private, in this State.

[Bd. of Dental Exam’rs, § XXIII, eff. 7-21-82] — (NAC A 7-30-84; 4-3-89; 3-11-96; R154-97, 1-14-98; R217-99, 4-3-2000; R231-03, 5-25-2004; R139-05, 12-29-2005; R066-11, 2-15-2012; R119-15, 6-28-2016)

NAC 631.220 Dental assistants: Authorization to perform certain services; supervision by dental hygienist for certain purposes. ([NRS 631.190](#), [631.313](#), [631.317](#))

1. A dentist who is licensed in the State of Nevada may authorize a dental assistant in his or her employ and under his or her supervision to perform the following procedures before the patient is examined by the dentist:

- (a) Expose radiographs; and
- (b) Take impressions for the preparation of diagnostic models.

2. A dentist who is licensed in the State of Nevada may authorize a dental assistant in his or her employ and under his or her supervision only to do one or more of the following procedures after the patient has been examined by the dentist:

- (a) Retract a patient’s cheek, tongue or other tissue during a dental operation.
- (b) Remove the debris that normally accumulates during or after a cleaning or operation by the dentist by using mouthwash, water, compressed air or suction.
- (c) Place or remove a rubber dam and accessories used for its placement.
- (d) Place and secure an orthodontic ligature.
- (e) Remove sutures.
- (f) Place and remove a periodontal pack.
- (g) Remove excess cement from cemented restorations and orthodontic appliances. A dental assistant may not use a rotary cutting instrument to remove excess cement from restorations or orthodontic appliances.
- (h) Administer a topical anesthetic in any form except aerosol.
- (i) Train and instruct persons in the techniques of oral hygiene and preventive procedures.
- (j) Take the following types of impressions:
 - (1) Those used for the preparation of counter or opposing 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.
- (k) Fabricate and place temporary crowns and bridges. This procedure must be checked and approved by the supervising dentist before dismissal of the patient from the office of the dentist.
- (l) Retract gingival tissue if the retraction cord contains no medicaments that have potential systemic side effects.
- (m) Remove soft plaque and stain from exposed tooth surfaces, utilizing an appropriate rotary instrument with a rubber cup or brush and a suitable polishing agent. A licensed dentist or

dental hygienist shall determine that the teeth to be polished are free of calculus or other extraneous material.

(n) Administer a topical fluoride.

(o) Apply pit and fissure sealant to the dentition for the prevention of decay. This procedure must be checked and approved by the supervising dentist before dismissal of the patient from the office of the dentist.

(p) Fit orthodontic bands and prepare teeth for orthodontic bands if the bands are cemented or bonded, or both, into the patient's mouth by the dentist who authorized the dental assistant to perform this procedure.

3. A dentist who is licensed in the State of Nevada may authorize a dental hygienist to supervise a dental assistant in the assistance of the hygienist's performance of one or more of the following:

(a) Retract a patient's cheek, tongue or other tissue during a dental operation.

(b) Remove the debris that normally accumulates during or after a cleaning or operation by the dental hygienist by using mouthwash, water, compressed air or suction.

(c) Train and instruct persons in the techniques of oral hygiene and preventive procedures.

(d) Remove soft plaque and stain from exposed tooth surfaces, utilizing an appropriate rotary instrument with a rubber cup or brush and a suitable polishing agent. A licensed dentist or dental hygienist shall determine that the teeth to be polished are free of calculus or other extraneous material.

(e) Administer a topical fluoride.

4. A dental hygienist, who is authorized by the Board to perform the services described in subsection 6 of [NAC 631.210](#), may authorize a dental assistant under his or her supervision to assist the hygienist in the performance of the services described in paragraphs (a) to (e), inclusive, of subsection 3.

[Bd. of Dental Exam'rs, § XXII, eff. 7-21-82] — (NAC A 10-21-83; 10-7-85; 4-3-89; 3-11-96; R051-04, 8-25-2004; R119-15, 6-28-2016)

Agenda Item 4(b):

**Discussion, Review, and Possible Recommendations to the Board Regarding Topics for Submission to Legislative Advisors for Drafting Proposed Permanent Regulatory Language, Including, but not Limited to, the Following—
NRS 631.190**

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)

Agenda Item 4(b)(1):
Hands-on Amendment to CPR Requirements
(NAC 631.173)

NAC 631.173 Continuing education: Required hours; types of courses and activities; approval of provider or instructor. ([NRS 631.190](#), [631.342](#))

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

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

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

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

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

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

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

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

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

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

(Added to NAC by Bd. of Dental Exam'rs, eff. 9-16-85; A 12-15-87; 9-6-96; R231-03, 5-25-2004; R063-05, 12-29-2005; R159-08, 4-23-2009; R020-14, 6-23-2014)

Agenda Item 4(b)(2):

**Amendments to Continuing Education Audit Language
(NAC 631.177)**

NAC 631.177 Continuing education: Renewal or reinstatement of license; records; unprofessional conduct; audits. ([NRS 631.190](#), [631.330](#), [631.335](#), [631.342](#))

1. When requesting a renewal or reinstatement of his or her license, each:

(a) Dentist shall submit a signed, written statement in substantially the following language for each year since his or her last renewal:

I,, hereby certify to the Board of Dental Examiners of Nevada that I have obtained at least 20 approved hours of instruction in continuing education during the period July 1,, through and including June 30,, I also certify to the Board of Dental Examiners of Nevada that I am currently certified in administering cardiopulmonary resuscitation or another medically acceptable means of maintaining basic bodily functions which support life.

Dated this (day) of (month) of (year)

.....

Signature of Dentist

(b) Dental hygienist shall submit a signed, written statement in substantially the following language for each year since his or her last renewal:

I,, hereby certify to the Board of Dental Examiners of Nevada that I have obtained at least 15 approved hours of instruction in continuing education during the period July 1,, through and including June 30,, I also certify to the Board of Dental Examiners of Nevada that I am currently certified in administering cardiopulmonary resuscitation or another medically acceptable means of maintaining basic bodily functions which support life.

Dated this (day) of (month) of (year)

.....

Signature of Dental Hygienist

(c) Dentist or dental hygienist shall submit proof of his or her current certification in administering cardiopulmonary resuscitation or other medically acceptable means of maintaining basic bodily functions which support life.

2. Legible copies of all receipts, records of attendance, certificates and other evidence of attendance by a dentist or dental hygienist at an approved course in continuing education must be retained by the dentist or dental hygienist and made available to the Board for inspection or copying for 3 years after attendance at the course is submitted to meet the continuing education requirements of the Board. Proof of attendance and completion of the required credit hours of instruction must be complete enough to enable the Board to verify the attendance and completion of the course by the dentist or dental hygienist and must include at least the following information:

(a) The name and location of the course;

(b) The date of attendance;

(c) The name, address and telephone number of its instructor;

(d) A synopsis of its contents; and

(e) For courses designed for home study, the number assigned to the provider by the Board at the time the course was approved and the name, address and telephone number of the producer or author of the course.

3. The third or subsequent failure of a dentist and dental hygienist to obtain or file proof of completion of the credit hours of instruction required by this section and [NAC 631.173](#) and [631.175](#) is unprofessional conduct.

4. The Board will conduct random audits of dentists or dental hygienists to ensure compliance with the requirements of this section and [NAC 631.173](#) and [631.175](#).

(Added to NAC by Bd. of Dental Exam'rs, eff. 9-16-85; A 12-15-87; 4-3-89; 9-6-96; R231-03, 5-25-2004; R159-08, 4-23-2009)

Agenda Item 5(a):

Discussion, Review, and Possible Recommendations to the Board Regarding Possible Regulatory Changes to address issues raised by proposed legislation, AB 438 (2021)—NRS 631.190

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)

REQUIRES TWO-THIRDS MAJORITY VOTE
(§§ 3, 7)

A.B. 438

ASSEMBLY BILL NO. 438—COMMITTEE
ON COMMERCE AND LABOR

MARCH 26, 2021

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to dentistry.
(BDR 54-1137)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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

AN ACT relating to dentistry; authorizing the Board of Dental Examiners of Nevada to employ persons for certain purposes; prescribing conditions concerning such employment; revising provisions governing the treatment of a patient by a dentist, dental hygienist or dental therapist licensed in another jurisdiction during certain courses of continuing education; providing for the licensure by endorsement of dentists and dental hygienists; prohibiting the imposition of disciplinary action against a dentist, dental hygienist or dental therapist for certain reasons; revising the types of disciplinary action that the Board is authorized to impose; revising provisions concerning the investigation of a complaint against a dentist, dental hygienist or dental therapist; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law creates the Board of Dental Examiners of Nevada to regulate the
2 practices of dentistry, dental hygiene and dental therapy in this State and provides
3 for the appointment of the Executive Director of the Board. (NRS 631.120,
4 631.160) **Section 2** of this bill authorizes the Board to employ certain personnel
5 necessary to the discharge of its duties. **Sections 2 and 4** of this bill provide that all
6 employees of the Board, including the Executive Director, are at-will employees
7 who serve at the pleasure of the Board. **Section 2** prescribes certain additional
8 requirements governing the employment of hearing officers. **Section 2** also



9 authorizes the Executive Director to appoint and remove or discharge employees
10 with the approval of the Board.

11 Existing law authorizes a dentist who is not licensed in this State but is licensed
12 in another jurisdiction to treat a patient whom he or she has previously treated
13 during certain courses of continuing education under the supervision of the holder
14 of a limited license to supervise courses of continuing education. (NRS 631.215)
15 **Section 5** of this bill: (1) additionally authorizes a dental hygienist or dental
16 therapist to treat a patient under those conditions; (2) removes the requirement that
17 the dentist, dental hygienist or dental therapist must have previously treated the
18 patient; and (3) authorizes any dentist, dental hygienist or dental therapist licensed
19 in this state to supervise such treatment.

20 Existing law authorizes the Board to issue a license to practice dentistry as a
21 specialist without a clinical examination to an applicant who: (1) has completed the
22 educational requirements specified for certification in a specialty area by a
23 certifying board approved by the Commission on Dental Accreditation of the
24 American Dental Association; and (2) is recognized by the certifying board as
25 being eligible for that certification. (NRS 631.255) **Section 6** of this bill removes an
26 additional requirement that such a person be certified as a diplomate of the
27 certifying board within 6 years after licensure.

28 Until July 1, 2006, existing law authorized the Board to issue a temporary
29 license to practice dentistry without a clinical examination to an applicant who was
30 licensed in another jurisdiction of the United States, had practiced dentistry for at
31 least 5 years and met certain other requirements. (NRS 631.272) **Section 7** of this
32 bill authorizes the Board to issue a license by endorsement to practice dentistry to
33 an applicant who: (1) is licensed in another jurisdiction of the United States; (2) has
34 practiced dentistry or served as a full-time faculty member of an accredited school
35 of dentistry for at least 5 years or, if the applicant has completed an accredited
36 residency program, 3 years; (3) has not been subject to certain professional
37 discipline in another jurisdiction; and (4) meets certain other requirements. **Section**
38 **3** of this bill similarly authorizes the Board to issue a license by endorsement to
39 practice dental hygiene to an applicant who: (1) is licensed in another jurisdiction
40 of the United States; (2) has practiced dental hygiene for at least 5 years; (3) has not
41 been subject to certain professional discipline in another jurisdiction; and (4) meets
42 certain other requirements.

43 Existing law authorizes the imposition of disciplinary action against a licensed
44 dentist, dental hygienist or dental therapist who engages in the illegal practice of
45 dentistry, dental hygiene or dental therapy or unprofessional conduct, violates the
46 regulations of the Board or breaches a duty to an organization for dental care. (NRS
47 631.350, 695D.190) **Section 8** of this bill prohibits the Board from imposing
48 disciplinary action for any other grounds or for any conduct that occurred more
49 than 5 years before the submission of the relevant complaint to the Board. **Section**
50 **8** also: (1) limits the amount of the fine that the Board may impose on a licensee;
51 and (2) authorizes the Board to issue a written warning, letter of concern or other
52 written correspondence to a licensee. **Section 10** of this bill requires a committee of
53 members of the Board to review and investigate a complaint and if there is a
54 reasonable basis, refer the complaint to the Board or a hearing officer or panel
55 appointed by the Board to hold a formal hearing on the complaint. **Section 10**
56 requires the redaction of the identifying information of any person involved in the
57 activities discussed in the complaint for the purposes of such a review and
58 investigation. **Sections 10 and 13** of this bill exempt the meetings of such a
59 committee from provisions of law requiring that the meetings of a public body must
60 be open and public.

61 Existing law authorizes the Board appoint one of its members and any of its
62 employees, investigators or other agents to conduct an investigation and informal
63 hearing concerning a violation of provisions of law or regulations governing the



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64 practice of dentistry, dental hygiene and dental therapy. After an informal hearing,
 65 existing law requires an investigator to prepare and submit to the Board written
 66 findings of fact and conclusions only if the investigator determines that the Board
 67 should take further action. Existing law authorizes the Board to consider the
 68 investigator's report if it holds its own hearing on the matter. (NRS 631.363) If the
 69 Board appoints one of its members and any of its employees, investigators or other
 70 agents to conduct an investigation and informal hearing, existing law requires the
 71 Board to appoint a panel of members to review the investigation and informal
 72 hearing. (NRS 631.3635) **Section 11** of this bill requires the investigator to prepare
 73 and submit to the Board written findings of fact and conclusions regardless of
 74 whether the investigator determines that the Board should take further action.
 75 **Sections 9 and 11** of this bill also require the Board or a hearing officer or panel to
 76 which the Board has delegated its disciplinary authority to: (1) hold a hearing on
 77 the complaint regardless of the investigator's determination; and (2) consider at that
 78 hearing the report of the investigator and the recommendations of the review panel.
 79 **Section 12** of this bill requires the findings of such a review panel to include
 80 findings concerning whether any determination made during the investigation and
 81 informal hearing was without basis.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 631 of NRS is hereby amended by adding
 2 thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2. 1.** *The Board may employ hearing officers, experts,*
 4 *administrators, attorneys, investigators, consultants and clerical*
 5 *personnel necessary to the discharge of its duties.*

6 **2.** *Each employee of the Board is an at-will employee who*
 7 *serves at the pleasure of the Board. The Board may discharge an*
 8 *employee of the Board for any reason that does not violate public*
 9 *policy, including, without limitation, making a false representation*
 10 *to the Board.*

11 **3.** *A hearing officer employed by the Board shall not act in*
 12 *any other capacity for the Board or occupy any other position of*
 13 *employment with the Board, and the Board shall not assign the*
 14 *hearing officer any duties which are unrelated to the duties of a*
 15 *hearing officer.*

16 **4.** *If a person resigns his or her position as a hearing officer*
 17 *or the Board terminates the person from his or her position as a*
 18 *hearing officer, the Board may not rehire the person in any*
 19 *position of employment with the Board for a period of 2 years*
 20 *following the date of the resignation or termination. The*
 21 *provisions of this subsection do not give a person any right to be*
 22 *rehired by the Board and do not authorize the Board to rehire a*
 23 *person who is prohibited from being employed by the Board*
 24 *pursuant to any other provision of law.*



1 5. *The Executive Director may, with the approval of the*
2 *Board, appoint and remove or discharge employees of the Board*
3 *as may be necessary for the performance of the functions of the*
4 *Board.*

5 **Sec. 3.** *The Board shall, without a clinical examination*
6 *required by NRS 631.300, issue a license by endorsement to*
7 *practice dental hygiene to a person who:*

8 1. *Has a valid, unrestricted license to practice dental hygiene*
9 *issued pursuant to the laws of another state or territory of the*
10 *United States, or the District of Columbia;*

11 2. *Satisfies the requirements of NRS 631.290;*

12 3. *Has practiced dental hygiene pursuant to the laws of*
13 *another state or territory of the United States, or the District of*
14 *Columbia, for at least 5 years immediately preceding the date that*
15 *the person applies for a license by endorsement;*

16 4. *Has not had a license to practice dental hygiene revoked or*
17 *suspended in this State, another state or territory of the United*
18 *States, or the District of Columbia;*

19 5. *Has not been denied a license to practice dental hygiene in*
20 *this State, another state or territory of the United States, or the*
21 *District of Columbia;*

22 6. *Is not involved in or does not have pending a disciplinary*
23 *action concerning a license to practice dental hygiene in this*
24 *State, another state or territory of the United States, or the District*
25 *of Columbia;*

26 7. *Pays the application, examination and renewal fees in the*
27 *same manner as a person licensed pursuant to NRS 631.300; and*

28 8. *Submits all information required to complete an*
29 *application for a license.*

30 **Sec. 4.** NRS 631.160 is hereby amended to read as follows:

31 631.160 1. At the first regular meeting of each year, the
32 Board shall elect from its membership one of its members as
33 President and one of its members as Secretary-Treasurer, each of
34 whom shall hold office for 1 year and until a successor is elected
35 and qualified.

36 2. The Board shall define the duties of the President, the
37 Secretary-Treasurer and the Executive Director.

38 3. The Executive Director shall receive such compensation as
39 determined by the Board, and the Board shall fix the amount of the
40 bond to be furnished by the Secretary-Treasurer and the Executive
41 Director.

42 4. *The Executive Director is an at-will employee who serves*
43 *at the pleasure of the Board.*



1 **Sec. 5.** NRS 631.215 is hereby amended to read as follows:
2 631.215 1. Any person shall be deemed to be practicing
3 dentistry who:

4 (a) Uses words or any letters or title in connection with his or
5 her name which in any way represents the person as engaged in the
6 practice of dentistry, or any branch thereof;

7 (b) Advertises or permits to be advertised by any medium that
8 the person can or will attempt to perform dental operations of any
9 kind;

10 (c) Evaluates or diagnoses, professes to evaluate or diagnose or
11 treats or professes to treat, surgically or nonsurgically, any of the
12 diseases, disorders, conditions or lesions of the oral cavity,
13 maxillofacial area or the adjacent and associated structures and their
14 impact on the human body;

15 (d) Extracts teeth;

16 (e) Corrects malpositions of the teeth or jaws;

17 (f) Takes impressions of the teeth, mouth or gums, unless the
18 person is authorized by the regulations of the Board to engage in
19 such activities without being a licensed dentist;

20 (g) Examines a person for, or supplies artificial teeth as
21 substitutes for natural teeth;

22 (h) Places in the mouth and adjusts or alters artificial teeth;

23 (i) Does any practice included in the clinical dental curricula of
24 accredited dental colleges or a residency program for those colleges;

25 (j) Administers or prescribes such remedies, medicinal or
26 otherwise, as are needed in the treatment of dental or oral diseases;

27 (k) Uses X-ray radiation or laser radiation for dental treatment
28 or dental diagnostic purposes, unless the person is authorized by the
29 regulations of the Board to engage in such activities without being a
30 licensed dentist;

31 (l) Determines:

32 (1) Whether a particular treatment is necessary or advisable;
33 or

34 (2) Which particular treatment is necessary or advisable; or

35 (m) Dispenses tooth whitening agents or undertakes to whiten or
36 bleach teeth by any means or method, unless the person is:

37 (1) Dispensing or using a product that may be purchased
38 over the counter for a person's own use; or

39 (2) Authorized by the regulations of the Board to engage in
40 such activities without being a licensed dentist.

41 2. Nothing in this section:

42 (a) Prevents a dental assistant, dental hygienist, dental therapist
43 or qualified technician from making radiograms or X-ray exposures
44 for dental treatment or dental diagnostic purposes upon the direction
45 of a licensed dentist.



1 (b) Prevents a dental hygienist or dental therapist from
2 administering local anesthesia for pain management during
3 treatment or using X-ray radiation or laser radiation for dental
4 treatment or dental diagnostic purposes, upon authorization of a
5 licensed dentist.

6 (c) Prohibits the performance of mechanical work, on inanimate
7 objects only, by any person employed in or operating a dental
8 laboratory upon the written work authorization of a licensed dentist.

9 (d) Prevents students from performing dental procedures that are
10 part of the curricula of an accredited dental school or college or an
11 accredited school of dental hygiene or an accredited school of dental
12 therapy or an accredited school of dental assisting.

13 (e) Prevents a licensed dentist or dental hygienist from another
14 state or country from appearing as a clinician for demonstrating
15 certain methods of technical procedures before a dental society or
16 organization, convention or dental college or an accredited school of
17 dental hygiene or an accredited school of dental assisting.

18 (f) Prohibits the manufacturing of artificial teeth upon receipt of
19 a written authorization from a licensed dentist if the manufacturing
20 does not require direct contact with the patient.

21 (g) Prohibits the following entities from owning or operating a
22 dental office or clinic if the entity complies with the provisions of
23 NRS 631.3452:

24 (1) A nonprofit corporation organized pursuant to the
25 provisions of chapter 82 of NRS to provide dental services to rural
26 areas and medically underserved populations of migrant or homeless
27 persons or persons in rural communities pursuant to the provisions
28 of 42 U.S.C. § 254b or 254c.

29 (2) A federally-qualified health center as defined in 42
30 U.S.C. § 1396d(1)(2)(B) operating in compliance with other
31 applicable state and federal law.

32 (3) A nonprofit charitable corporation as described in section
33 501(c)(3) of the Internal Revenue Code and determined by the
34 Board to be providing dental services by volunteer licensed dentists
35 at no charge or at a substantially reduced charge to populations with
36 limited access to dental care.

37 (h) Prevents a person who is actively licensed as a dentist ,
38 *dental hygienist or dental therapist* in another jurisdiction *or a*
39 *person who has received a degree in dentistry from an accredited*
40 *dental school or college* from treating a patient if ~~f:~~

41 ~~—(1) The patient has previously been treated by the dentist in~~
42 ~~the jurisdiction in which the dentist is licensed;~~

43 ~~—(2) The} the dentist , dental hygienist, dental therapist or~~
44 *other person* treats the patient only ~~during} :~~



1 (1) *During* a course of continuing education involving live
2 patients which ~~is~~
3 ~~— (1) Is~~ *is* conducted at an institute or organization with a
4 permanent facility registered with the Board for the sole purpose of
5 providing postgraduate continuing education in dentistry; and

6 ~~— (II) Meets all applicable requirements for approval as a~~
7 ~~course of continuing education; and~~

8 ~~— (3) The dentist treats the patient only under}~~

9 (2) *Under* the supervision of a person licensed pursuant to
10 ~~[NRS 631.2715.] this chapter.~~

11 (i) Prohibits a person from providing goods or services for the
12 support of the business of a dental practice, office or clinic owned or
13 operated by a licensed dentist or any entity not prohibited from
14 owning or operating a dental practice, office or clinic if the person
15 does not:

16 (1) Provide such goods or services in exchange for payments
17 based on a percentage or share of revenues or profits of the dental
18 practice, office or clinic; or

19 (2) Exercise any authority or control over the clinical
20 practice of dentistry.

21 3. The Board shall adopt regulations identifying activities that
22 constitute the exercise of authority or control over the clinical
23 practice of dentistry, including, without limitation, activities which:

24 (a) Exert authority or control over the clinical judgment of a
25 licensed dentist; or

26 (b) Relieve a licensed dentist of responsibility for the clinical
27 aspects of the dental practice.

28 ➔ Such regulations must not prohibit or regulate aspects of the
29 business relationship, other than the clinical practice of dentistry,
30 between a licensed dentist or professional entity organized pursuant
31 to the provisions of chapter 89 of NRS and the person or entity
32 providing goods or services for the support of the business of a
33 dental practice, office or clinic owned or operated by the licensed
34 dentist or professional entity.

35 **Sec. 6.** NRS 631.255 is hereby amended to read as follows:

36 631.255 1. The Board may, without a clinical examination
37 required by NRS 631.240, issue a specialist's license to a person
38 who:

39 (a) Presents a current certification as a diplomate from a
40 certifying board approved by the Commission on Dental
41 Accreditation of the American Dental Association; or

42 (b) Has completed the educational requirements specified for
43 certification in a specialty area by a certifying board approved by
44 the Commission on Dental Accreditation of the American Dental
45 Association and is recognized by the certifying board as being



1 eligible for that certification. ~~{A person who is licensed as a~~
2 ~~specialist pursuant to the provisions of this paragraph:~~

3 ~~— (1) Shall submit to the Board his or her certificate as a~~
4 ~~diplomate from the certifying board within 6 years after licensure as~~
5 ~~a specialist; and~~

6 ~~— (2) Must maintain certification as a diplomate of the~~
7 ~~certifying board during the period in which the person is licensed as~~
8 ~~a specialist pursuant to this paragraph.]~~

9 2. In addition to the requirements set forth in subsection 1, a
10 person applying for a specialist's license:

11 (a) Must hold an active license to practice dentistry pursuant to
12 the laws of another state or territory of the United States, or the
13 District of Columbia, or pursuant to the laws of this State, another
14 state or territory of the United States, or the District of Columbia, if
15 the person is applying pursuant to paragraph (b) of subsection 1;

16 (b) Must be a specialist as identified by the Board;

17 (c) Shall pay the application, examination and renewal fees in
18 the same manner as a person licensed pursuant to NRS 631.240;

19 (d) Must submit all information required to complete an
20 application for a license; and

21 (e) Must satisfy the requirements of NRS 631.230.

22 3. The Board shall not issue a specialist's license to a person:

23 (a) Whose license to practice dentistry has been revoked or
24 suspended;

25 (b) Who has been refused a license to practice dentistry; or

26 (c) Who is involved in or has pending a disciplinary action
27 concerning a license to practice dentistry,

28 ➔ in this State, another state or territory of the United States, or the
29 District of Columbia.

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

33 5. A person to whom a specialist's license is issued pursuant to
34 this section shall limit his or her practice to the specialty.

35 6. The Board may revoke a specialist's license at any time if
36 the Board finds, by a preponderance of the evidence, that the holder
37 of the license violated any provision of this chapter or the
38 regulations of the Board.

39 **Sec. 7.** NRS 631.272 is hereby amended to read as follows:

40 631.272 1. ~~{Except as otherwise provided in this section, the}~~
41 *The* Board shall, without a clinical examination required by NRS
42 631.240, issue a ~~{temporary}~~ license *by endorsement* to practice
43 dentistry to a person who:



1 (a) Has a *valid, unrestricted* license to practice dentistry issued
2 pursuant to the laws of another state or territory of the United States,
3 or the District of Columbia;

4 ~~(b) [Has practiced dentistry pursuant to the laws of another state~~
5 ~~or territory of the United States, or the District of Columbia, for a~~
6 ~~minimum of 5 years;]~~ *Possesses the experience described in*
7 *subsection 2;*

8 (c) Has not had a license to practice dentistry revoked or
9 suspended in this State, another state or territory of the United
10 States, or the District of Columbia;

11 (d) Has not been refused a license to practice dentistry in this
12 State, another state or territory of the United States, or the District of
13 Columbia;

14 (e) Is not involved in or does not have pending a disciplinary
15 action concerning a license to practice dentistry in this State, another
16 state or territory of the United States, or the District of Columbia;

17 (f) *Has not failed the examination administered pursuant to*
18 *NRS 631.240 within the 5 years immediately preceding the date of*
19 *the application;*

20 (g) Pays the application, examination and renewal fees in the
21 same manner as a person licensed pursuant to NRS 631.240;

22 ~~{(g)}~~ (h) Submits all information required to complete an
23 application for a license; and

24 ~~{(h)}~~ (i) Satisfies the requirements of NRS 631.230.

25 2. ~~[A person to whom a temporary license is issued pursuant to~~
26 ~~subsection 1 may:~~

27 ~~—(a) Practice dentistry for the duration of the temporary license;~~
28 ~~and~~

29 ~~—(b) Apply for a permanent license to practice dentistry without a~~
30 ~~clinical examination required by NRS 631.240 if the person has held~~
31 ~~a temporary license to practice dentistry pursuant to subsection 1 for~~
32 ~~a minimum of 2 years.~~

33 ~~—3. The Board shall examine each applicant in writing on the~~
34 ~~contents and interpretation of this chapter and the regulations of the~~
35 ~~Board.~~

36 ~~—4. The Board shall not, on or after July 1, 2006, issue any~~
37 ~~additional temporary licenses to practice dentistry pursuant to this~~
38 ~~section.~~

39 ~~—5. Any person who, on July 1, 2006, holds a temporary license~~
40 ~~to practice dentistry issued pursuant to this section may, subject to~~
41 ~~the regulatory and disciplinary authority of the Board, practice~~
42 ~~dentistry under the temporary license until December 31, 2008, or~~
43 ~~until the person is qualified to apply for and is issued or denied a~~
44 ~~permanent license to practice dentistry in accordance with this~~
45 ~~section, whichever period is shorter.~~



1 ~~—6. The Board may revoke a temporary license at any time if the~~
2 ~~Board finds, by a preponderance of the evidence, that the holder of~~
3 ~~the license violated any provision of this chapter or the regulations~~
4 ~~of the Board.] An applicant for licensure by endorsement to~~
5 ~~practice dentistry pursuant to this section must have practiced~~
6 ~~dentistry pursuant to the laws of another state or territory of the~~
7 ~~United States, or the District of Columbia, or served as a full-time~~
8 ~~faculty member in an accredited program of dentistry, for:~~

9 (a) *A minimum of 3 years, if the applicant has successfully*
10 *completed an accredited residency program, including, without*
11 *limitation, a general practice residency, a program for advanced*
12 *education in general dentistry or a training program in a specialty*
13 *recognized by the American Dental Association, or its successor*
14 *organization; or*

15 (b) *A minimum of 5 years, if the applicant has not successfully*
16 *completed such a program.*

17 **Sec. 8.** NRS 631.350 is hereby amended to read as follows:

18 631.350 1. Except as otherwise provided in *subsection 3 and*
19 *NRS 631.271, 631.2715 and 631.347, the Board may:*

20 (a) Refuse to issue a license to any person;

21 (b) Revoke or suspend the license or renewal certificate issued
22 by it to any person;

23 (c) Fine a person it has licensed ~~{}~~ *in an amount not to exceed*
24 *\$5,000 for each violation;*

25 (d) Place a person on probation for a specified period on any
26 conditions the Board may order;

27 (e) Issue a public reprimand to a person;

28 (f) *Issue a written warning, letter of concern or other written*
29 *correspondence, other than a private reprimand, to a person;*

30 (g) Limit a person's practice to certain branches of dentistry;

31 ~~{(g)}~~ (h) Require a person to participate in a program relating to
32 an alcohol or other substance use disorder or any other impairment;

33 ~~{(h)}~~ (i) Require that a person's practice be supervised;

34 ~~{(i)}~~ (j) Require a person to perform community service without
35 compensation;

36 ~~{(j)}~~ (k) Require a person to take a physical or mental
37 examination or an examination of his or her competence;

38 ~~{(k)}~~ (l) Require a person to fulfill certain training or
39 educational requirements;

40 ~~{(l)}~~ (m) Require a person to reimburse a patient; or

41 ~~{(m)}~~ (n) Any combination thereof,

42 ~~↪~~ if the Board finds, by a preponderance of the evidence, that the
43 person has engaged in any of the activities listed in subsection 2.

44 2. The following activities may be punished as provided in
45 subsection 1:



1 (a) Engaging in the illegal practice of dentistry, dental hygiene
2 or dental therapy;

3 (b) Engaging in unprofessional conduct; or

4 (c) Violating any regulations adopted by the Board or the
5 provisions of this chapter.

6 3. *The Board shall not impose disciplinary action for:*

7 (a) *Any grounds not described in this chapter or NRS*
8 *695D.190, including, without limitation, matters relating solely to*
9 *the amount of a fee charged by a licensee, the amount of an*
10 *insurance claim or the length of time a licensee took to perform a*
11 *procedure; or*

12 (b) *Any alleged misconduct that occurred more than 5 years*
13 *before the date on which the complaint concerning the alleged*
14 *misconduct was submitted.*

15 4. The Board may delegate to a hearing officer or panel its
16 authority to take any disciplinary action pursuant to this chapter,
17 impose and collect fines therefor and deposit the money therefrom
18 in banks, credit unions, savings and loan associations or savings
19 banks in this State.

20 ~~4.~~ 5. If a hearing officer or panel is not authorized to take
21 disciplinary action pursuant to subsection ~~3~~ 4 and the Board
22 deposits the money collected from the imposition of fines with the
23 State Treasurer for credit to the State General Fund, it may present a
24 claim to the State Board of Examiners for recommendation to the
25 Interim Finance Committee if money is needed to pay attorney's
26 fees or the costs of an investigation, or both.

27 ~~5.~~ 6. The Board shall not administer a private reprimand.

28 ~~6.~~ 7. An order that imposes discipline and the findings of fact
29 and conclusions of law supporting that order are public records.

30 **Sec. 9.** NRS 631.355 is hereby amended to read as follows:

31 631.355 1. Any disciplinary action taken by a hearing officer
32 or panel pursuant to NRS 631.350 is subject to the same procedural
33 requirements which apply to disciplinary actions taken by the
34 Board, and the officer or panel has those powers and duties given to
35 the Board in relation thereto. Before taking disciplinary action, the
36 hearing officer or panel shall review and consider the *findings and*
37 *conclusions of an investigator appointed pursuant to NRS 361.363*
38 *and the findings and recommendations of a review panel appointed*
39 *pursuant to NRS 631.3635.*

40 2. Any decision of the hearing officer or panel relating to the
41 imposition of any disciplinary action pursuant to this chapter is a
42 final decision in a contested case.

43 **Sec. 10.** NRS 631.360 is hereby amended to read as follows:

44 631.360 1. Except as otherwise provided in NRS 631.364,
45 the Board may, upon its own motion, and shall, upon the ~~verified~~



1 complaint in writing of any person setting forth facts which, if
2 proven, would constitute grounds for initiating disciplinary action,
3 investigate the actions of any person who practices dentistry, dental
4 hygiene or dental therapy in this State. A complaint may be filed
5 anonymously. If a complaint is filed anonymously, the Board may
6 accept the complaint but may refuse to consider the complaint if
7 anonymity of the complainant makes processing the complaint
8 impossible or unfair to the person who is the subject of the
9 complaint.

10 2. The Board shall, before initiating disciplinary action, at least
11 10 days before the date set for the hearing, notify the accused person
12 in writing of any charges made. The notice may be served by
13 delivery of it personally to the accused person or by mailing it by
14 registered or certified mail to the place of business last specified by
15 the accused person, as registered with the Board.

16 3. *Except as otherwise provided in NRS 361.364, a committee*
17 *designated by the Board and consisting of members of the Board*
18 *shall review and investigate each complaint to determine if the*
19 *complaint concerns a matter that is within the jurisdiction of the*
20 *Board and whether there is a reasonable basis for the complaint.*
21 *The committee must be composed of at least four members of the*
22 *Board, at least one of whom is not a holder of a license to practice*
23 *dentistry. A meeting of such a committee is not subject to the*
24 *provisions of chapter 241 of NRS.*

25 4. *Not more than 20 days after the meeting of the committee,*
26 *the committee shall publish a summary of the meeting and the*
27 *conclusions of the committee that does not identify any person*
28 *involved in the activities discussed in the complaint. If the*
29 *committee determines that the complaint concerns a matter that is*
30 *within the jurisdiction of the Board and that there is a reasonable*
31 *basis for the complaint, the committee must refer the complaint to*
32 *the Board or a hearing officer or panel to whom the Board has*
33 *delegated its authority pursuant to subsection 4 of NRS 631.350*
34 *for a hearing pursuant to subsection 6.*

35 5. *Before a complaint is submitted to a committee for review*
36 *pursuant to subsection 3, an employee of the Board must redact*
37 *from the complaint the identifying information of each person*
38 *involved in the activities discussed in the complaint. The identities*
39 *of those persons must not be revealed unless the committee refers*
40 *the complaint for a hearing.*

41 6. At the time and place fixed in the notice, the Board shall
42 proceed to hear the charges. If the Board receives a report pursuant
43 to subsection 5 of NRS 228.420, a hearing must be held within 30
44 days after receiving the report.



1 ~~{4}~~ 7. The Board may compel the attendance of witnesses or
 2 the production of documents or objects by subpoena. The Board
 3 may adopt regulations that set forth a procedure pursuant to which
 4 the Executive Director may issue subpoenas on behalf of the Board.
 5 Any person who is subpoenaed pursuant to this subsection may
 6 request the Board to modify the terms of the subpoena or grant
 7 additional time for compliance.

8 ~~{5}~~ 8. The Board may obtain a search warrant from a
 9 magistrate upon a showing that the warrant is needed for an
 10 investigation or hearing being conducted by the Board and that
 11 reasonable cause exists to issue the warrant.

12 ~~{6}~~ 9. If the Board is not sitting at the time and place fixed in
 13 the notice, or at the time and place to which the hearing has been
 14 continued, the Board shall continue the hearing for a period not to
 15 exceed 30 days.

16 ~~{7}~~ 10. The Board shall retain all complaints received by the
 17 Board pursuant to this section for at least 10 years, including,
 18 without limitation, any complaints not acted upon.

19 **Sec. 11.** NRS 631.363 is hereby amended to read as follows:

20 631.363 1. The Board may appoint one of its members and
 21 any of its employees, investigators or other agents to conduct an
 22 investigation and informal hearing concerning any practice by a
 23 person constituting a violation of the provisions of this chapter or
 24 the regulations of the Board.

25 2. The investigator designated by the Board to conduct ~~{a}~~ *an*
 26 *informal* hearing shall notify the person being investigated at least
 27 10 days before the date set for the hearing. The notice must describe
 28 the reasons for the investigation and must be served personally on
 29 the person being investigated or by mailing it by registered or
 30 certified mail to his or her last known address.

31 3. ~~{If, after}~~ *After* the *informal* hearing ~~{, the investigator~~
 32 ~~determines that the Board should take further action concerning the~~
 33 ~~matter,}~~ the investigator shall prepare written findings of fact and
 34 conclusions and submit them to the Board. A copy of the report
 35 must be sent to the person being investigated. *The investigator may*
 36 *not dismiss a complaint.*

37 4. ~~{If the Board, after}~~ *After* receiving the report of its
 38 investigator pursuant to this section ~~{, holds}~~ *the Board shall hold*
 39 *its own hearing on the matter pursuant to NRS 631.360 . {, it may}*
 40 *At the hearing, the Board shall* consider the investigator's report
 41 *and the findings and recommendations of the review panel*
 42 *appointed pursuant to NRS 361.3635* but is not bound by ~~{his or~~
 43 ~~her}~~ *the* findings or conclusions ~~{}~~ *of the investigator or the*
 44 *findings and recommendations of the review panel.* The
 45 investigator and any member of a review panel ~~{appointed pursuant~~



1 ~~to NRS 631.3635~~ shall not participate in the hearing conducted by
2 the Board.

3 5. If the person who was investigated agrees in writing to the
4 findings and conclusions of the investigator, the Board may adopt
5 that report as its final order and take such action as is necessary
6 without conducting its own hearing on the matter.

7 **Sec. 12.** NRS 631.3635 is hereby amended to read as follows:

8 631.3635 1. The Board shall appoint a panel to review an
9 investigation ~~or~~ and informal hearing conducted pursuant to NRS
10 631.363. Such a panel must consist of:

11 (a) If the subject of the investigation ~~or~~ and informal hearing
12 is a holder of a license to practice dental hygiene, one member of
13 the Board who is a holder of a license to practice dentistry, one
14 member of the Board who is a holder of a license to practice dental
15 hygiene and one holder of a license to practice dental hygiene who
16 is not a member of the Board and is not the subject of the
17 investigation ~~or~~ and informal hearing.

18 (b) If the subject of the investigation ~~or~~ and informal hearing
19 is a holder of a license to practice dentistry or any other person not
20 described in paragraph (a), one member of the Board who is a
21 holder of a license to practice dentistry, one member of the Board
22 who is a holder of a license to practice dental hygiene and one
23 holder of a license to practice dentistry who is not a member of the
24 Board and is not the subject of the investigation ~~or~~ and informal
25 hearing.

26 2. A review panel appointed pursuant to subsection 1 shall, in
27 conducting a review of an investigation ~~or~~ and informal hearing
28 conducted pursuant to NRS 631.363, review and consider, without
29 limitation:

30 (a) All files and records collected or produced by the
31 investigator;

32 (b) Any written findings of fact and conclusions prepared by the
33 investigator; and

34 (c) Any other information deemed necessary by the review
35 panel.

36 3. The investigator who conducted the investigation ~~or~~ and
37 informal hearing pursuant to NRS 631.363 shall not participate in a
38 review conducted pursuant to subsection 1.

39 4. Before the Board takes any action or makes any disposition
40 relating to a complaint, the review panel appointed pursuant to
41 subsection 1 to conduct a review of the investigation ~~or~~ and
42 informal hearing relating to the complaint shall present to the Board
43 its findings and recommendation relating to the investigation ~~or~~
44 and informal hearing, ~~and the~~ *which must include, without*
45 *limitation, findings concerning whether any determination made*



1 *during the investigation and informal hearing was without basis.*
2 *The* Board shall review and consider those findings and
3 recommendations.

4 5. Meetings held by a review panel appointed pursuant to
5 subsection 1 are not subject to the provisions of chapter 241 of
6 NRS.

7 **Sec. 13.** NRS 241.016 is hereby amended to read as follows:

8 241.016 1. The meetings of a public body that are quasi-
9 judicial in nature are subject to the provisions of this chapter.

10 2. The following are exempt from the requirements of this
11 chapter:

12 (a) The Legislature of the State of Nevada.

13 (b) Judicial proceedings, including, without limitation,
14 proceedings before the Commission on Judicial Selection and,
15 except as otherwise provided in NRS 1.4687, the Commission on
16 Judicial Discipline.

17 (c) Meetings of the State Board of Parole Commissioners when
18 acting to grant, deny, continue or revoke the parole of a prisoner or
19 to establish or modify the terms of the parole of a prisoner.

20 3. Any provision of law, including, without limitation, NRS
21 91.270, 219A.210, 228.495, 239C.140, 239C.420, 281A.350,
22 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415,
23 287.04345, 287.338, 288.220, 288.590, 289.387, 295.121, 360.247,
24 388.261, 388A.495, 388C.150, 388D.355, 388G.710, 388G.730,
25 392.147, 392.467, 394.1699, 396.3295, 414.270, 422.405, 433.534,
26 435.610, 442.774, 463.110, 480.545, 622.320, 622.340, 630.311,
27 630.336, **631.360**, 631.3635, 639.050, 642.518, 642.557, 686B.170,
28 696B.550, 703.196 and 706.1725, which:

29 (a) Provides that any meeting, hearing or other proceeding is not
30 subject to the provisions of this chapter; or

31 (b) Otherwise authorizes or requires a closed meeting, hearing
32 or proceeding,

33 ↪ prevails over the general provisions of this chapter.

34 4. The exceptions provided to this chapter, and electronic
35 communication, must not be used to circumvent the spirit or letter of
36 this chapter to deliberate or act, outside of an open and public
37 meeting, upon a matter over which the public body has supervision,
38 control, jurisdiction or advisory powers.

39 **Sec. 14.** Notwithstanding the provisions of NRS 218D.430 and
40 218D.435, a committee, other than the Assembly Standing
41 Committee on Ways and Means and the Senate Standing Committee
42 on Finance, may vote on this act before the expiration of the period
43 prescribed for the return of a fiscal note in NRS 218D.475. This
44 section applies retroactively from and after March 22, 2021.



- 1 **Sec. 15.** 1. This section becomes effective upon passage and
2 approval.
3 2. Sections 1 to 14, inclusive, of this act become effective:
4 (a) Upon passage and approval for the purpose of adopting any
5 regulations and performing any other preparatory administrative
6 tasks that are necessary to carry out the provisions of this act; and
7 (b) On October 1, 2021, for all other purposes.



Agenda Item 5(c):

Summary of presentation at 1/20 meeting of Joint Interim Standing Committee on HHS regarding LCB file R035-21P, pertaining to proposed permanent regulations for dental licensees to administer immunizations

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

LCB FILE NO. R035-21I

**The following document is the initial draft regulation proposed
by the agency submitted on 09/08/2021**

IMMUNIZATION BY LICENSED DENTAL PRACTITIONER**(1/7/2021 WORKSHOP DRAFT, v1.1)**

NAC 631.2270 Definitions. (NRS 631.190) As used in NAC 631.2271 to 631.2285, inclusive, unless the context otherwise requires, the words and terms defined in NAC 631.2271 to 631.2275, inclusive, have the meanings ascribed to them in those sections.

NAC 631.2271 “Immunization Information System” defined. (NRS 631.190) Immunization Information System means the informational collection system concerning the immunization of children in this State, as administered by the Nevada State Board of Health and outlined in NRS 439.265.

NAC 631.2272 “Licensed Dental Practitioner” defined. (NRS 631.190) A Licensed Dental Practitioner means a dentist, dental hygienist, dental hygienist with a public health endorsement, or dental therapist who is licensed pursuant to Chapter 631 of NRS.

NAC 631.2273 “Model Standing Orders” defined. (NRS 631.190) Model standing orders means prewritten orders and specific instructions for administration and frequency of a given medication (vaccines) to a person in clearly defined circumstances by the Nevada Department of Health and Human Services.

NAC 631.2274 “Vaccine Adverse Event Reporting System (VAERS)” defined. (NRS 631.190) The National Childhood Vaccine Injury Act of 1986 requires an immunizing health care provider (including, but not limited to, licensed dental practitioners) to report adverse vaccine events to the Vaccine Adverse Event Reporting System (VAERS).

NAC 631.2275 “Vaccine Information Statement” (VIS) defined. (NRS 631.190) Vaccine Information Statement (VIS) means vaccine information statement developed and maintained by the Centers for Disease Control and Prevention. Current versions can be found at: <https://www.cdc.gov/vaccines/hcp/vis/current-vis.html>

NAC 631.2280 Authorization; administration of vaccines (NRS 631.190)

1. A licensed dental practitioner shall be deemed to be practicing dentistry, dental therapy, and/or dental hygiene pursuant to their respective license(s), while participating in the prescription and administration of vaccines according to this section.
2. A licensed dental practitioner may administer immunizations by an intranasal, intramuscular or subcutaneous injection only:
 - (a) To a patient of record;
 - (b) If the licensed dental practitioner has completed an immunization certification program approved by the Board;
 - (c) If the vaccines are administered in accordance with the “Model Standing Orders” approved by the Nevada Department of Health and Human Services;
 - (d) If the dental office maintains and follows written policies and procedures for handling and disposal of used or contaminated equipment and supplies;
 - (e) If the licensed dental practitioner has immediate access to emergency response equipment, including, but not limited to, oxygen administration equipment, epinephrine, and other allergic reaction response equipment;
 - (f) If the licensed dental practitioner has, along with each dose of vaccine administered, provided the appropriate written Vaccine Information Statement (VIS) to the patient or patient’s legal representative, discussed the information provided in

the VIS with the patient or patient's legal representative, and has obtained written informed consent from the patient or patient's legal representative prior to administering the vaccine. The VIS given to the patient must be the most current statement.

3. The licensed dental practitioner must document in the patient record:
 - (a) The date and site of the administration of the vaccine;
 - (b) The brand name, or national drug code (NDC) number, or other acceptable standardized vaccine code set, dose, manufacturer, lot number, and expiration date of the vaccine;
 - (c) The name or identifiable initials of the administering licensed dental practitioner;
 - (d) The address of the office where the vaccine(s) was administered unless automatically embedded in the electronic report provided to the Immunization Information System according to NRS 439.265;
 - (e) The date of publication of the VIS; and
 - (f) The date the VIS was provided to the patient.
4. If providing vaccines pursuant to state or federal funded programs, including, but not limited to, the "Vaccines for Children" (VFC) program, the vaccine eligibility code must be reported to the Immunization Information System.
5. A licensed dental practitioner who administers any vaccine must report the information from Sections (3) and (4) of this rule, if applicable, to the Immunization Information System within 14 days of administration.
6. The licensed dental practitioner must report any adverse event resulting from administration of the vaccine according to the VAERS Table of Reportable Events. Reports of the adverse event must be made to each of the following:
 - (a) VAERS;
 - (b) the Nevada State Board of Dental Examiners; and
 - (c) to the primary care provider, if any, as identified by the patient.
7. A licensed dental practitioner who administers any vaccine will follow storage and handling guidance from the vaccine manufacturer and the Centers for Disease Control and Prevention (CDC).
8. Any licensed dental practitioner administering immunizations by an intranasal, intramuscular or subcutaneous injection under this section shall comply with guidelines established by the federal Advisory Committee on Immunization Practices (ACIP) relating to vaccines and immunizations, which includes, but is not limited to, vaccine storage and handling, vaccine administration and documentation, and vaccine contraindications and precautions.

NAC 631.2281 Training and certification to administer immunizations. (NRS 631.190)

1. Before a licensed dental practitioner may administer an immunization, the licensed dental practitioner must be trained and board endorsed to administer immunizations by completing an immunization certification program approved by the Nevada State Board of Dental Examiners that includes:
 - (a) Education and practical training, including, without limitation, written study materials regarding techniques for administering immunizations;
 - (b) Evaluation of the knowledge and technique of the licensed dental practitioner in administering immunizations;
 - (c) Instruction consistent with the current training guidelines of the Centers for Disease Control and Prevention; and
 - (d) Except as otherwise provided in subsection 2, instruction and practical training concerning:
 - (1) The standards for pediatric, adolescent and adult immunization practices recommended and approved by the United States Public Health Service Advisory Committee on Immunization Practices;
 - (2) Basic immunology, and vaccine and immunization protection;
 - (3) Diseases that are preventable through vaccination and immunization;

- (4) Recommended immunization schedules;
- (5) Vaccine and immunization storage and management;
- (6) Informed consent;
- (7) Physiology and techniques for administration of immunizations;
- (8) Preimmunization and postimmunization assessment and counseling;
- (9) Immunization reporting and records management; and
- (10) Identification, response, documentation and reporting of adverse events.

2. In lieu of complying with the requirements of paragraph (d) of subsection 1, a licensed dental practitioner who administers immunizations consisting exclusively of live attenuated influenza vaccine through the nasal passages of a person may complete a certification program of instruction which is approved by the Nevada State Board of Dental Examiners, and which includes instruction pertaining to:

- (a) The epidemiology of influenza;
- (b) The pathophysiology, clinical presentation, diagnosis, prevention and treatment of influenza;
- (c) The administration, storage and handling of influenza vaccines; and
- (d) The counseling of patients who will be immunized with the vaccine.

NAC 631.2282 Continuing education required. (NRS 631.190; NRS 631.342)

Each licensed dental professional who administers immunizations must annually complete at least 2 hours of instruction or biennially complete at least 4 hours of instruction, as applicable. that:

- (a) Addresses the life cycle of diseases, drugs and administration of immunizations;
- (b) Constitute a training course provided by the Centers for Disease Control and Prevention regarding epidemiology and prevention of diseases which are preventable through immunization;
- (c) Constitute a training course provided by Immunize Nevada or its successor organization; or
- (d) Any other course regarding immunizations offered by a teaching entity approved by the Board.

This training will be credited toward any continuing education required by NAC 631.173.

NAC 631.2283 Reporting of certain information concerning immunizations. (NRS 631.190)

A licensed dental professional who administers immunizations shall, pursuant to NRS 439.265 and the regulations adopted pursuant thereto by the Department of Health and Human Services (NAC 439.870 to NAC 439.897), report all such information required for inclusion in the Immunization Information System concerning any administered immunizations.

NAC 631.2284 Written informed consent; review of medical history of patient prior to administration of immunizations. (NRS 631.190)

1. Written informed consent of the patient must be obtained before the administration of immunizations by an intranasal, intramuscular or subcutaneous injection. If the patient is a minor, the consent must be obtained from the minor's parent or legal guardian.

2. Each licensed dental professional who administers immunizations must review the patient's medical history before the administration of immunizations by an intranasal, intramuscular or subcutaneous injection.

3. The medical history review includes asking the patient to describe any current medical conditions or treatments, including, without limitation, medications, drug allergies, impending or past operations and pregnancy, and to provide any other information that may be helpful to the person administering immunizations by an intranasal, intramuscular or subcutaneous injection.

4. If the licensed dental practitioner identifies an issue that may prevent the safe administration of the immunization, they must consult with a physician for an examination, evaluation and diagnosis. The licensed dental practitioner can only proceed with administering the immunization if they can rely upon that physician's evaluation and diagnosis.

5. The medical history review must be memorialized in writing and signed by the patient prior to administration of immunization, and must be documented in the patient record.

NAC 631.2285 Confidentiality of records. (NRS 631.190)

1. A licensed dental professional who administers immunizations shall provide adequate security to prevent unauthorized access to confidential records of immunizations. If confidential health information is not transmitted directly between a licensed dental practitioner and a physician, but is transmitted through a data communication device, the confidential health information must not be viewed or used by the operator of the data communication device unless the operator is specifically authorized to obtain confidential information pursuant to this subsection.

2. Except as otherwise provided in NRS 49.245, the confidential records of immunizations are privileged and may be released only to:

- (a) The patient or the authorized agent of the patient;
- (b) Physicians, licensed dental practitioners, and pharmacists, when, in the professional judgment of the licensed dental practitioner, such release is necessary to protect the health and well-being of the patient;
- (c) The Board or other federal, state or local agencies authorized by law to receive such information;
- (d) A law enforcement agency engaged in the investigation of a suspected violation involving a controlled substance or dangerous drug;
- (e) A person employed by any state agency that licenses a physician if such a person is engaged in the performance of his or her official duties; or
- (f) An insurance carrier or other third-party payor authorized by a patient to receive such information.

3. The provisions of this section must not be construed to affect or alter the provisions of NRS 49.215 to 49.245, inclusive, relating to the confidentiality of communications between a doctor and a patient.