

NEVADA STATE BOARD  
of  
DENTAL EXAMINERS



BOARD TELECONFERENCE MEETING

TUESDAY, FEBRUARY 15, 2022

6:00 P.M.

**PUBLIC BOOK**

**Agenda Item 5(c):**  
**Authorized Investigative Complaints – NRS 631.360**

**NRS 631.360** Investigation, notice and hearing; subpoena; search warrant; continuances; retention of complaints; regulations. [Effective January 1, 2020.]

1. Except as otherwise provided in [NRS 631.364](#), the Board may, upon its own motion, and shall, upon the verified complaint in writing of any person setting forth facts which, if proven, would constitute grounds for initiating disciplinary action, investigate the actions of any person who practices dentistry, dental hygiene or dental therapy in this State. A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.

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

3. At the time and place fixed in the notice, the Board shall proceed to hear the charges. If the Board receives a report pursuant to subsection 5 of [NRS 228.420](#), a hearing must be held within 30 days after receiving the report.

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

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

6. If the Board is not sitting at the time and place fixed in the notice, or at the time and place to which the hearing has been continued, the Board shall continue the hearing for a period not to exceed 30 days.

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

[Part 11:152:1951] — (NRS A [1969, 95](#); [1981, 99](#); [1983, 1114](#); [1993, 784](#); [2007, 508](#); [2009, 883](#); [2013, 2219](#); [2017, 4415](#), effective January 1, 2020)

**Agenda Item 6(a):**

**Discussion, Consideration, and Possible Approval/  
Rejection of Public Health Endorsement Application –  
NRS 631.287**

**NRS 631.287** Dental hygienists: Special endorsement of license to practice public health dental hygiene; renewal.

1. The Board shall, upon application by a dental hygienist who is licensed pursuant to this chapter and has such qualifications as the Board specifies by regulation, issue a special endorsement of the license allowing the dental hygienist to practice public health dental hygiene. The special endorsement may be renewed biennially upon the renewal of the license of the dental hygienist.

2. A dental hygienist who holds a special endorsement issued pursuant to subsection 1 may provide services without the authorization or supervision of a dentist only as specified by regulations adopted by the Board.

(Added to NRS by [2001, 2691](#); A [2013, 479](#))

**Agenda Item 6(b):**

**Approval/Rejection of Temporary Anesthesia Permit –  
NAC 631.2254**

**NAC 631.2254** Temporary permits. ([NRS 631.190](#), [631.265](#))

1. The Board may grant a temporary permit to administer general anesthesia and deep sedation or a temporary permit to administer moderate sedation to an applicant who meets the qualifications for a permit to administer that type of anesthesia or sedation pursuant to [NAC 631.2213](#).
2. A temporary permit is valid for not more than 90 days, but the Board may, in any case it deems appropriate, grant a 90-day extension of the permit.
3. The Board may require the holder of a temporary permit to pass an on-site inspection as a condition of retaining the permit. If the holder fails the inspection, his or her permit will be revoked. In case of revocation, the holder of a temporary permit may apply to be reinspected in accordance with the procedures set forth in [NAC 631.2235](#).

(Added to NAC by Bd. of Dental Exam'rs, eff. 11-28-90; A by R005-99, 9-7-2000; R004-17, 5-16-2018)

**Agenda Item 6(c):**  
**Approval/Rejection of Reinstatement of 90-Day**  
**Temporary Permit – NAC 631.2254**



**NAC 631.2254** Temporary permits. ([NRS 631.190](#), [631.265](#))

1. The Board may grant a temporary permit to administer general anesthesia and deep sedation or a temporary permit to administer moderate sedation to an applicant who meets the qualifications for a permit to administer that type of anesthesia or sedation pursuant to [NAC 631.2213](#).

2. A temporary permit is valid for not more than 90 days, but the Board may, in any case it deems appropriate, grant a 90-day extension of the permit.

3. The Board may require the holder of a temporary permit to pass an on-site inspection as a condition of retaining the permit. If the holder fails the inspection, his or her permit will be revoked. In case of revocation, the holder of a temporary permit may apply to be reinspected in accordance with the procedures set forth in [NAC 631.2235](#).

(Added to NAC by Bd. of Dental Exam'rs, eff. 11-28-90; A by R005-99, 9-7-2000; R004-17, 5-16-2018)

**Agenda Item 6(d):**  
**Approval/Rejection of 90-day Extension of Temporary  
Anesthesia Permit – NAC 631.2254(2)**

**NAC 631.2254** Temporary permits. ([NRS 631.190](#), [631.265](#))

1. The Board may grant a temporary permit to administer general anesthesia and deep sedation or a temporary permit to administer moderate sedation to an applicant who meets the qualifications for a permit to administer that type of anesthesia or sedation pursuant to [NAC 631.2213](#).

2. A temporary permit is valid for not more than 90 days, but the Board may, in any case it deems appropriate, grant a 90-day extension of the permit.

3. The Board may require the holder of a temporary permit to pass an on-site inspection as a condition of retaining the permit. If the holder fails the inspection, his or her permit will be revoked. In case of revocation, the holder of a temporary permit may apply to be reinspected in accordance with the procedures set forth in [NAC 631.2235](#).

(Added to NAC by Bd. of Dental Exam'rs, eff. 11-28-90; A by R005-99, 9-7-2000; R004-17, 5-16-2018)

**Agenda Item 6(e):**

**Discussion, Consideration, and Possible Approval/  
Rejection of Recommendation by the Employment  
Committee to the Full Board Regarding Non-Board  
Member Dentist to Fill One Vacancy in Review Panel –  
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 6(e)(1):**  
**Lance Kim, DMD**

**NEVADA STATE BOARD OF DENTAL EXAMINERS**

6010 S Rainbow Boulevard, Building A, Suite 1

Las Vegas, NV 89118

(702) 486-7044 (Telephone) / (702) 486-7046 (FAX)

FULL NAME (please print) LANCE JUNGMIN KIM

FULL MAILING ADDRESS [REDACTED]

TELEPHONE [REDACTED]

EMAIL [REDACTED] LICENSE NO: 4575

**APPLICATION FOR REVIEW PANEL MEMBER**

Pursuant to NRS 631.3635, I hereby make application for the position of Review Panel Member:

**REQUIREMENTS:**

1. Must be licensed and practicing as a dentist or dental hygienist in Nevada for the 5 years preceding the submission of this application;
2. Nevada dental or dental hygiene license must be active and in good standing;
3. Submit a curriculum vitae and any other information you may want considered

1. List ALL states you hold, or have held (regardless of license status), a license to practice dentistry (attach additional sheet if necessary):

PENNSYLVANIA      NEVADA      \_\_\_\_\_

2. List of all office addresses in the State of Nevada in which you are currently practicing dentistry (attach additional sheet if necessary):

Office (1) name: [REDACTED]

Office (1) address: \_\_\_\_\_

Office (1) telephone: \_\_\_\_\_

Office (2) name: \_\_\_\_\_

Office (2) address: \_\_\_\_\_

Office (2) telephone: \_\_\_\_\_

SIGNATURE OF LICENSEE *Lance J Kim*

DATE 01/10/2022

**Lance Jungmin Kim, DMD**

<b>Objective</b>	To obtain dental and dental hygiene review panel members position
<b>Civilian Work Experience</b>	<p><b>Staff Dentist</b></p> <p>VA Southern Nevada Healthcare System <i>10/2015-Present</i></p> <p>Provided comprehensive general dental care (including fixed, removable prosthodontics and aesthetic dentistry) to disable veterans at VA hospital in Las Vegas, Nevada</p>
	<p><b>Owner Dentist</b></p> <p>Dynamic Dental, North Las Vegas, NV. <i>06/2006-09/2015</i></p> <p>Performed all aspects of dentistry, including routine restorative treatment, prosthodontics (crown/bridge, implant, dentures), endodontics, extractions, and periodontal treatment.</p>
	<p><b>Associate Dentist</b></p> <p>Crestview Dental, Henderson, NV, <i>08/2005-06/2006</i></p> <p>Provided and managed direct patient care, including examinations, diagnoses, and treatment for a diverse patient population.</p>
<b>Military Experience</b>	<p><b>US Air Force Reserve Nellis AFB, NV</b></p> <p><i>06/2006-04/2021</i></p> <p>Officer in Charge of dental flight of 926 Aerospace Medicine Squadron in Nellis Air Force base. Created dental flight, program, and protocols in 926AMDS. Provide care to over 1000 reserve members. MPA tours include the Osan AFB, the Davis-Monthan, and the Eielson AFB for manning assist.</p>



Currently working as an Admission Liaison Officer for the USAF Academy to mentor and interview potential cadet candidates.

**Nellis AFB, Las Vegas, NV**

08/2003-08/2005

General dental officer providing dental care for members of US Air force at Nellis Air Force Base, Nevada. As an Officer in charge of Preventive Dentistry, organized seminars to active duty members and local schools about preventive dentistry.

**Talil AFB, Iraq**

03/2004-06/2004

Officer in charge of Air Force dental section of a medical team in support of Operation Iraqi Freedom. Provided all phases of general dentistry to US and coalition troops.

**Osan AFB, South Korea**

08/2002-08/2003

General dental officer providing dental care for active duty military members, retirees, and their dependents. Clinical skills include making removable and fixed prostheses, endodontics, pedodontics, periodontics, and operative dentistry.

**MCAS Miramar, San Diego, CA**

08/2000-06/2002

General dental officer providing dental care to sailors and marines stationed in MCAS Miramar. Served as Officer in Charge of creating and maintaining team dentistry.

**Okinawa, Camp Lester, Camp Schwab**

09/1998-08/2000

General dental officer providing general dentistry for active duty military members, retirees, and their dependents.

**Education**

**Advanced Education in General Dentistry**

Camp Lester, Okinawa, Japan

1999

**Doctor of Dental Medicine**

Tufts University; School of Dental Medicine, Boston, MA  
1998

**Bachelor of Science in Biology**

SUNY @ Stony Brook University  
1994

**Professional Licensure:** Nevada Dental License 4575

**Agenda Item 6(f):**  
**Discussion, Consideration, and Possible Decision**  
**Regarding the Appointment of a Disciplinary Investigator**  
**– NRS 631.190; NRS 631.363**

**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)

**NRS 631.363** Appointment of member or agent to conduct investigation and hearing; notice of hearing; report; hearing or adoption of report by Board.

1. The Board may appoint one of its members and any of its employees, investigators or other agents to conduct an investigation and informal hearing concerning any practice by a person constituting a violation of the provisions of this chapter or the regulations of the Board.
2. The investigator designated by the Board to conduct a hearing shall notify the person being investigated at least 10 days before the date set for the hearing. The notice must describe the reasons for the investigation and must be served personally on the person being investigated or by mailing it by registered or certified mail to his or her last known address.
3. If, after the hearing, the investigator determines that the Board should take further action concerning the matter, the investigator shall prepare written findings of fact and conclusions and submit them to the Board. A copy of the report must be sent to the person being investigated.
4. If the Board, after receiving the report of its investigator pursuant to this section, holds its own hearing on the matter pursuant to [NRS 631.360](#), it may consider the investigator's report but is not bound by his or her findings or conclusions. The investigator and any member of a review panel appointed pursuant to [NRS 631.3635](#) shall not participate in the hearing conducted by the Board.
5. If the person who was investigated agrees in writing to the findings and conclusions of the investigator, the Board may adopt that report as its final order and take such action as is necessary without conducting its own hearing on the matter.

(Added to NRS by [1983, 1108](#); A [2017, 989](#))

**Agenda Item 6(g):**

**Discussion, Consideration, and Possible Approval/  
Rejection of Recommendation by the**

**Legislative, Legal, and Dental Practice Committee to the  
Full 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 6(g)(1) and (2):**  
**Hands-on Amendment to CPR requirements (NAC 631.173) and Amendments to Continuing Education Audit language (NAC 631.177)**



## New proposed language in Green

### **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 and *include, at minimum, XX hours of hand-on training.*

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.

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.

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.

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

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.

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 631.177 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 *second* or subsequent failure of a dentist, *dental therapist 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)

**Agenda Item 6(h):**

**Discussion, Consideration, and Possible Approval/  
Rejection of Recommendation by the  
Legislative, Legal, and Dental Practice Committee to the  
Full 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.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.  
[NSBDE BOARD STAFF NOTES IN GREEN]

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

**\*AB438\***

– 2 –

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

—  
\*AB438\*



– 3 –

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.*

— **\*AB438\***

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.

**Commented [PWS1]:** This board staff employment language is arguably redundant to NRS 631.190, which gives the board authority to delegate its duties to staff, and the board's employee handbook.

I also checked other Nevada boards' regulations – none have this language codified in their NAC rules.

**Commented [PWS2]:** This "license by endorsement" language is redundant to NAC 631.030(2), which already provides a pathway to license by endorsement pursuant to NRS 622.530. Also note that each of these terms are addressed in either NRS 622.530 or in NAC 631.030(2)(a-c).

**Commented [PWS3]:** The Executive Director is already considered an "at-will" employee by default if they are not hired pursuant to an employment contract (as is the case with the current ED, Frank DiMaggio).

**\*AB438\***

– 5 –

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.

**\*AB438\***

– 6 –

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 ~~†~~

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}~~ :

— **\*AB438\***

- 7 -

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

**Commented [PWS4]:** Proposed changes to NAC  
 631.2205 in attached document

**\*AB438\***

– 8 –

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:

— **\*AB438\***

– 9 –

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.~~

**\*AB438\***

– 10 –

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:

**\*AB438\***



- 11 -

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 ~~4.4~~ 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 ~~5.5~~ 6. The Board shall not administer a private reprimand.

28 ~~6.6~~ 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~~

**\*AB438\***

- 12 -

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.

—  
\*AB438\*

- 13 -

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 ~~an~~ *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 ~~this 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~~

— **\*AB438\***

- 14 -

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*

**\*AB438\***

– 15 –

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.

**\*AB438\***

– 16 –

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.

II

—  
\*AB438\*

**Agenda Item 6(h)(1) and (2):**

**Employment of Board Staff to be at-will  
and Additional Regulations regarding Administration of  
Board Disciplinary Proceedings**

**New proposed language in Green****NAC 631. \_\_\_ Board Staff**

1. *The Board may employ hearing officers, experts, administrators, attorneys, investigators, consultants and clerical personnel necessary to the discharge of its duties.*
2. *Each employee of the Board is an at-will employee who serves at the pleasure of the Board. The Board may discharge an employee of the Board for any reason that does not violate public policy, including, without limitation, making a false representation to the Board.*
3. *A hearing officer employed by the Board shall not act in any other capacity for the Board or occupy any other position of employment with the Board, and the Board shall not assign the hearing officer any duties which are unrelated to the duties of a hearing officer.*
4. *If a person resigns his or her position as a hearing officer or the Board terminates the person from his or her position as a hearing officer, the Board may not rehire the person in any position of employment with the Board for a period of 2 years following the date of the resignation or termination. The provisions of this subsection do not give a person any right to be rehired by the Board and do not authorize the Board to rehire a person who is prohibited from being employed by the Board pursuant to any other provision of law.*
5. *The Executive Director may, with the approval of the Board, appoint and remove or discharge employees of the Board as may be necessary for the performance of the functions of the Board.*



**NAC 631.250 Investigation by Board. (NRS 631.190, 631.360, 631.363)**

1. If the Board conducts an investigation upon a complaint against a licensee, the Board will not limit the scope of its investigation to the matters set forth in the complaint but will extend the investigation to any additional matters which appear to constitute a violation of any provision of [chapter 631](#) of NRS or of this chapter.

2. If, after its investigation, the Board dismisses the complaint, the dismissal does not operate as a limitation on or a detriment to any subsequent investigation or other action by the Board.

3. Whenever the Board directs that an investigation be conducted into a disciplinary matter, the results of the investigation or any information relating to the investigation will not be examined by and must not be disclosed to, the members of the Board before the Board's hearing on the matter.

4. *The Board shall not conduct an investigation based solely upon:*

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

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

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