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.
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.

Agenda Item 6(e)(1):
Lance Kim, DMD
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: __________________________
   Office (1) address: ______________________________________________________
   Office (1) telephone: ____________________________________________________
   Office (2) name: __________________________
   Office (2) address: ______________________________________________________
   Office (2) telephone: ____________________________________________________

SIGNATURE OF LICENSEE ___________________________  DATE 01/10/2022
Lance Jungmin Kim, DMD

**Objective**

To obtain dental and dental hygiene review panel members position

**Civilian Work Experience**

**Staff Dentist**

VA Southern Nevada Healthcare System  
10/2015-Present

Provided comprehensive general dental care (including fixed, removable prosthodontics and aesthetic dentistry) to disable veterans at VA hospital in Las Vegas, Nevada

**Owner Dentist**

Dynamic Dental, North Las Vegas, NV.  
06/2006-09/2015

Performed all aspects of dentistry, including routine restorative treatment, prosthodontics (crown/bridge, implant, dentures), endodontics, extractions, and periodontal treatment.

**Associate Dentist**

Crestview Dental, Henderson, NV,  
08/2005-06/2006

Provided and managed direct patient care, including examinations, diagnoses, and treatment for a diverse patient population.

**Military Experience**

US Air Force Reserve Nellis AFB, NV  
06/2006-04/2021

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.
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.

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.

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)
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 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)
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.

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:

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

Existing law authorizes a dentist who is not licensed in this State but is licensed in another jurisdiction to treat a patient whom he or she has previously treated during certain courses of continuing education under the supervision of the holder of a specialized license to supervise courses of continuing education. (NRS 631.215)

Section 5 of this bill: (1) additionally authorizes a dental hygienist or dental therapist to treat a patient under those conditions; (2) removes the requirement that the dentist, dental hygienist or dental therapist must have previously treated the patient; and (3) authorizes any dentist, dental hygienist or dental therapist licensed in this state to supervise such treatment.

Existing law authorizes the Board to issue a license to practice dentistry as a specialist without a clinical examination to an applicant who: (1) has completed the educational requirements specified for certification in a specialty area by a certifying board approved by the Commission on Dental Accreditation of the American Dental Association; and (2) is recognized by the certifying board as being eligible for that certification. (NRS 631.255)

Section 6 of this bill removes an additional requirement that such a person be certified as a diplomate of the certifying board within 6 years after licensure.

Until July 1, 2006, existing law authorized the Board to issue a temporary license to practice dentistry without a clinical examination to an applicant who was licensed in another jurisdiction of the United States, had practiced dentistry for at least 5 years and met certain other requirements. (NRS 631.272)

Section 7 of this bill authorizes the Board to issue a license by endorsement to practice dentistry to an applicant who: (1) is licensed in another jurisdiction of the United States; (2) has practiced dentistry or served as a full-time faculty member of an accredited school of dentistry for at least 5 years or, if the applicant has completed an accredited residency program, 3 years; (3) has not been subject to certain professional discipline in another jurisdiction; and (4) meets certain other requirements.

Section 3 of this bill similarly authorizes the Board to issue a license by endorsement to practice dental hygiene to an applicant who: (1) is licensed in another jurisdiction of the United States; (2) has practiced dental hygiene for at least 5 years; (3) has not been subject to certain professional discipline in another jurisdiction; and (4) meets certain other requirements.

Existing law authorizes the imposition of disciplinary action against a licensed dentist, dental hygienist or dental therapist who engages in the illegal practice of dentistry, dental hygiene or dental therapy or unprofessional conduct, violates the regulations of the Board or breaches a duty to an organization for dental care. (NRS 631.350, 695D.190)

Section 8 of this bill prohibits the Board from imposing disciplinary action for any other grounds or for any conduct that occurred more than 5 years before the submission of the relevant complaint to the Board. Section 8 also: (1) limits the amount of the fine that the Board may impose on a licensee; and (2) authorizes the Board to issue a written warning, letter of concern or other written correspondence to a licensee. Section 10 of this bill requires a committee of members of the Board to review and investigate a complaint and if there is a reasonable basis, refer the complaint to the Board or a hearing officer or panel appointed by the Board to hold a formal hearing on the complaint. Section 10 requires the redaction of the identifying information of any person involved in the activities discussed in the complaint for the purposes of such a review and investigation. Sections 10 and 13 of this bill exempt the meetings of such a committee from provisions of law requiring that the meetings of a public body must be open and public.

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

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

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

*AB438*
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.

Sec. 3. The Board shall, without a clinical examination required by NRS 631.300, issue a license by endorsement to practice dental hygiene to a person who:
1. Has a valid, unrestricted license to practice dental hygiene issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;
2. Satisfies the requirements of NRS 631.290;
3. Has practiced dental hygiene pursuant to the laws of another state or territory of the United States, or the District of Columbia, for at least 5 years immediately preceding the date that the person applies for a license by endorsement;
4. Has not had a license to practice dental hygiene revoked or suspended in this State, another state or territory of the United States, or the District of Columbia;
5. Has not been denied a license to practice dental hygiene in this State, another state or territory of the United States, or the District of Columbia;
6. Is not involved in or does not have pending a disciplinary action concerning a license to practice dental hygiene in this State, another state or territory of the United States, or the District of Columbia;
7. Pays the application, examination and renewal fees in the same manner as a person licensed pursuant to NRS 631.300; and
8. Submits all information required to complete an application for a license.

Sec. 4. NRS 631.160 is hereby amended to read as follows:
1. At the first regular meeting of each year, the Board shall elect from its membership one of its members as President and one of its members as Secretary-Treasurer, each of whom shall hold office for 1 year and until a successor is elected and qualified.
2. The Board shall define the duties of the President, the Secretary-Treasurer and the Executive Director.
3. The Executive Director shall receive such compensation as determined by the Board, and the Board shall fix the amount of the bond to be furnished by the Secretary-Treasurer and the Executive Director.
4. The Executive Director is an at-will employee who serves 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).
Sec. 5. NRS 631.215 is hereby amended to read as follows:

631.215 1. Any person shall be deemed to be practicing dentistry who:
(a) Uses words or any letters or title in connection with his or her name which in any way represents the person as engaged in the practice of dentistry, or any branch thereof;
(b) Advertises or permits to be advertised by any medium that the person can or will attempt to perform dental operations of any kind;
(c) Evaluates or diagnoses, professes to evaluate or diagnose or treats or professes to treat, surgically or nonsurgically, any of the diseases, disorders, conditions or lesions of the oral cavity, maxillofacial area or the adjacent and associated structures and their impact on the human body;
(d) Extracts teeth;
(e) Corrects malpositions of the teeth or jaws;
(f) Takes impressions of the teeth, mouth or gums, unless the person is authorized by the regulations of the Board to engage in such activities without being a licensed dentist;
(g) Examines a person for, or supplies artificial teeth as substitutes for natural teeth;
(h) Places in the mouth and adjusts or alters artificial teeth;
(i) Does any practice included in the clinical dental curricula of accredited dental colleges or a residency program for those colleges;
(j) Administers or prescribes such remedies, medicinal or otherwise, as are needed in the treatment of dental or oral diseases;
(k) Uses X-ray radiation or laser radiation for dental treatment or dental diagnostic purposes, unless the person is authorized by the regulations of the Board to engage in such activities without being a licensed dentist;
(l) Determines:
   (1) Whether a particular treatment is necessary or advisable;
   or
   (2) Which particular treatment is necessary or advisable; or
(m) Dispenses tooth whitening agents or undertakes to whiten or bleach teeth by any means or method, unless the person is:
   (1) Dispensing or using a product that may be purchased over the counter for a person’s own use; or
   (2) Authorized by the regulations of the Board to engage in such activities without being a licensed dentist.

2. Nothing in this section:
(a) Prevents a dental assistant, dental hygienist, dental therapist or qualified technician from making radiograms or X-ray exposures for dental treatment or dental diagnostic purposes upon the direction of a licensed dentist.
(b) Prevents a dental hygienist or dental therapist from administering local anesthesia for pain management during treatment or using X-ray radiation or laser radiation for dental treatment or dental diagnostic purposes, upon authorization of a licensed dentist.

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

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

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

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

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

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

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

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

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

1. The patient has previously been treated by the dentist in the jurisdiction in which the dentist is licensed;

2. The dentist, dental hygienist, dental therapist or other person treats the patient only during:
During a course of continuing education involving live patients which is conducted at an institute or organization with a permanent facility registered with the Board for the sole purpose of providing postgraduate continuing education in dentistry; and (I) is
(II) Meets all applicable requirements for approval as a course of continuing education; and
(3) The dentist treats the patient only under
the supervision of a person licensed pursuant to
NRS 631.2715.1 this chapter.
(i) Prohibits a person from providing goods or services for the support of the business of a dental practice, office or clinic owned or operated by a licensed dentist or any entity not prohibited from owning or operating a dental practice, office or clinic if the person does not:
(1) Provide such goods or services in exchange for payments based on a percentage or share of revenues or profits of the dental practice, office or clinic; or
(2) Exercise any authority or control over the clinical practice of dentistry.
3. The Board shall adopt regulations identifying activities that constitute the exercise of authority or control over the clinical practice of dentistry, including, without limitation, activities which:
(a) Exert authority or control over the clinical judgment of a licensed dentist; or
(b) Relieve a licensed dentist of responsibility for the clinical aspects of the dental practice.
Such regulations must not prohibit or regulate aspects of the business relationship, other than the clinical practice of dentistry, between a licensed dentist or professional entity organized pursuant to the provisions of chapter 89 of NRS and the person or entity providing goods or services for the support of the business of a dental practice, office or clinic owned or operated by the licensed dentist or professional entity.
Sec. 6. NRS 631.255 is hereby amended to read as follows:
1. The Board may, without a clinical examination required by NRS 631.240, issue a specialist’s license to a person who:
(a) Presents a current certification as a diplomate from a certifying board approved by the Commission on Dental Accreditation of the American Dental Association; or
(b) Has completed the educational requirements specified for certification in a specialty area by a certifying board approved by the Commission on Dental Accreditation of the American Dental Association and is recognized by the certifying board as being
eligible for that certification. [A person who is licensed as a specialist pursuant to the provisions of this paragraph:

(1) Shall submit to the Board his or her certificate as a diplomate from the certifying board within 6 years after licensure as a specialist; and
(2) Must maintain certification as a diplomate of the certifying board during the period in which the person is licensed as a specialist pursuant to this paragraph.]

2. In addition to the requirements set forth in subsection 1, a person applying for a specialist’s license:
(a) Must hold an active license to practice dentistry pursuant to the laws of another state or territory of the United States, or the District of Columbia, or pursuant to the laws of this State, another state or territory of the United States, or the District of Columbia, if the person is applying pursuant to paragraph (b) of subsection 1;
(b) Must be a specialist as identified by the Board;
(c) Shall pay the application, examination and renewal fees in the same manner as a person licensed pursuant to NRS 631.240;
(d) Must submit all information required to complete an application for a license; and
(e) Must satisfy the requirements of NRS 631.230.

3. The Board shall not issue a specialist’s license to a person:
(a) Whose license to practice dentistry has been revoked or suspended;
(b) Who has been refused a license to practice dentistry; or
(c) Who is involved in or has pending a disciplinary action concerning a license to practice dentistry, in this State, another state or territory of the United States, or the District of Columbia.

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

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

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

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

631.272 1. [Except as otherwise provided in this section, the] The Board shall, without a clinical examination required by NRS 631.240, issue a [temporary] license by endorsement to practice dentistry to a person who:
(a) Has a valid, unrestricted license to practice dentistry issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

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

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

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

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

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

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

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

(i) Satisfies the requirements of NRS 631.230.

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

(a) Practice dentistry for the duration of the temporary license; and

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

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

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

5. Any person who, on July 1, 2006, holds a temporary license to practice dentistry issued pursuant to this section may, subject to the regulatory and disciplinary authority of the Board, practice dentistry under the temporary license until December 31, 2008, or until the person is qualified to apply for and is issued or denied a permanent license to practice dentistry in accordance with this section, whichever period is shorter.
6. The Board may revoke a temporary license at any time if the Board finds, by a preponderance of the evidence, that the holder of the license violated any provision of this chapter or the regulations of the Board. An applicant for licensure by endorsement to practice dentistry pursuant to this section must have practiced dentistry pursuant to the laws of another state or territory of the United States, or the District of Columbia, or served as a full-time faculty member in an accredited program of dentistry, for:

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

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

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

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

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

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

(c) Fine a person it has licensed in an amount not to exceed $5,000 for each violation;

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

(e) Issue a public reprimand to a person;

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

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

(h) Require a person to participate in a program relating to an alcohol or other substance use disorder or any other impairment;

(i) Require that a person’s practice be supervised;

(j) Require a person to perform community service without compensation;

(k) Require a person to take a physical or mental examination or an examination of his or her competence;

(l) Require a person to fulfill certain training or educational requirements;

(m) Require a person to reimburse a patient; or

(n) Any combination thereof.

If the Board finds, by a preponderance of the evidence, that the person has engaged in any of the activities listed in subsection 2.

2. The following activities may be punished as provided in subsection 1:
(a) Engaging in the illegal practice of dentistry, dental hygiene or dental therapy;
(b) Engaging in unprofessional conduct; or
(c) Violating any regulations adopted by the Board or the provisions of this chapter.

3. The Board shall not impose disciplinary action for:
(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.

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

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

6. The Board shall not administer a private reprimand.

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

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

631.355 1. Any disciplinary action taken by a hearing officer or panel pursuant to subsection 2 and the Board deposits the money collected from the imposition of fines with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney’s fees or the costs of an investigation, or both.

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

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

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

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

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

6. 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.
7. 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.

8. 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.

9. 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.

10. 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.

Sec. 11. NRS 631.363 is hereby amended to read as follows:
631.363 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 an
informal 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. After the informal 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. The investigator may
not dismiss a complaint.

4. After receiving the report of its
investigator pursuant to this section, the Board shall hold
its own hearing on the matter pursuant to NRS 631.360. It may
At the hearing, the Board shall consider the investigator’s report
and the findings and recommendations of the review panel
appointed pursuant to NRS 361.3635 but is not bound by its or
her the findings or conclusions of the investigator or the
findings and recommendations of the review panel. The
investigator and any member of a review panel appointed pursuant

*AB438*
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.

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

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

(a) If the subject of the investigation and informal hearing is a holder of a license to practice dental hygiene, one member of the Board who is a holder of a license to practice dentistry, one member of the Board who is a holder of a license to practice dental hygiene and one holder of a license to practice dental hygiene who is not a member of the Board and is not the subject of the investigation and informal hearing.

(b) If the subject of the investigation and informal hearing is a holder of a license to practice dentistry or any other person not described in paragraph (a), one member of the Board who is a holder of a license to practice dentistry, one member of the Board who is a holder of a license to practice dental hygiene and one holder of a license to practice dentistry who is not a member of the Board and is not the subject of the investigation and informal hearing.

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

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

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

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

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

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

*AB438*
during the investigation and informal hearing was without basis. The Board shall review and consider those findings and recommendations.

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

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

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

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

(a) The Legislature of the State of Nevada.

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

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


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

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding, prevails over the general provisions of this chapter.

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

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

*AB438*
Sec. 15. 1. This section becomes effective upon passage and approval.
2. Sections 1 to 14, inclusive, of this act become effective:
(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and
(b) On October 1, 2021, for all other purposes.
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]