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**DEPARTMENT OF BUSINESS AND INDUSTRY  
OFFICE OF NEVADA BOARDS, COMMISSIONS AND COUNCILS STANDARDS**

**NEVADA STATE BOARD OF DENTAL EXAMINERS**

**NOTICE OF WORKSHOP  
TO SOLICIT COMMENTS ON SEVERAL PROPOSED NEW REGULATIONS AND  
AMENDMENTS TO EXISTING REGULATIONS  
AND  
WORKSHOP AGENDA**

The State of Nevada, Department of Business and Industry, Nevada State Board of Dental Examiners (the Board) is proposing the adoption, amendment or repeal of several regulations pertaining to chapter 631 of the Nevada Administrative Code (NAC). A workshop has been set for **9:30 a.m.** on **Friday, May 22, 2026**, at the following location:

**The Department of Business and Industry  
Nevada State Business Center  
3300 W. Sahara Ave., Suite 400  
Las Vegas NV 89102**

Interested persons may also participate through a simultaneous videoconference link, which is available at:

**To access by phone, + 1(646) 568-7788**

**To access by video webinar, <https://us06web.zoom.us/j/89747782830>  
Webinar/Meeting ID#: 897 4778 2830  
Webinar/Meeting Passcode: 437213**

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify our office prior to the day before the meeting by calling (702) 486-7044 no later than two (2) working days prior to the scheduled meeting.

The purpose of the workshop is to solicit comments from interested persons on the following general topic(s) that may be addressed in the proposed regulation(s); and to assist in determining whether the proposed regulation additions and amendments are likely to impose a direct and significant burden upon a small business or directly restricts the formation, operation or expansion of a small business.

**1. Amend NAC 631.033 - Use of laser radiation in practice: Documentation required with application for renewal of license** – A regulation related to the qualifications of a practitioner to use laser radiation in practice; *[new] amends education requirements to requires hands-on clinical training.* [Authority: NRS 631.215(k); (2)(b)].

**2. Amend NAC 631.173 - Continuing education: Required hours; types of courses and activities; approval of provider or instructor** – A regulation related to professional licensing for the practices of dentistry and dental hygiene and continuing education to maintain licensing; *[new] exempts new dental school or dental program graduates from needing to meet continuing education requirements where they graduated less than 6 months prior to continuing education credits being due; requires location of live instruction continuing education to undergo an infection control inspection prior to providing live-patient demonstrations* [Authority: NRS 631.342(1)].

**3. Amend NAC 631.175 - Continuing education: Approved subjects; minimum requirements for clinical subjects; minimum requirements for dentists registered to dispense controlled substances; maximum credit for certain types of courses and activities** – A regulation related to professional licensing for the practices of dentistry and dental hygiene and dental hygiene and continuing education to maintain licensing; *[new] exempts new dental school or dental program graduates from needing to meet continuing education requirements where they graduated less than 6 months prior to continuing education credits being due..* [Authority: NRS 631.342(1)].

**4. Amend NAC 631.177 - Continuing education: Renewal or reinstatement of license; records; unprofessional conduct; audits** – A regulation related to professional licensing for the practices of dentistry and dental hygiene and dental hygiene and continuing education to maintain licensing; *[new] exempts new dental school or dental program graduates from needing to meet continuing education requirements where they graduated less than 6 months prior to continuing education credits being due..* [Authority: NRS 631.342(1); NRS 631.396].

**5. Amend NAC 631.210 - Dental hygienists: Authorization to perform certain services; referral of patient to authorizing dentist for certain purposes.** – A regulation relating to the scope of practice for licensed dental hygienists; revising provisions relating to the level of supervision or authorization required by a dentist over the activities of a dental hygienist; *[new] changing many hygienist tasks to allowing a dentist to choose between authorization or supervision of a hygienist's activities; requiring documentation of which activities were conducted by a dentist versus a hygienist; clarify public health special endorsement requirements; removing anesthesia-related guidelines for movement to anesthesia regulations.* [Authority: NRS 631.190; NRS 631.310; NRS 631.2853].

**6. Amend NAC 631.220 – Dental assistants: Authorization to perform certain services; supervision by dental hygienist for certain purposes.** A regulation relating to the scope of practice for dental assistants; *[new] adding to the scope of practice the ability to provide supragingival scaling under certain conditions qualifying them for a temporary endorsement to perform supragingival scaling* [Authority: NRS 631.190; NRS 631.313(1), (2)(a)].

A copy of all materials relating to the proposal(s) may be obtained at the workshop at the address listed above or by visiting the Division's Internet Web site at <https://dental.nv.gov/>. A reasonable fee for copying may be charged. Members of the public who would like additional information about a proposed regulation may contact Adam Higginbotham at (702) 486-7048, or via e-mail to

ahigginbotham@dental.nv.gov. Please submit any written comments no later than **12:00 p.m. (noon) PT , Friday, May 15, 2026.**

Notice of the workshop was provided via electronic means to all persons on the agency's e-mail list for noticing of administrative regulations. This *Notice of Workshop to Solicit Comments on Proposed Regulations* is also being posted to the agency's Internet Web site at <http://dental.nv.gov/>, the Nevada Legislature's Internet Web site at <http://www.leg.state.nv.us>, and at the following locations: 2651 N. Green Valley Parkway, Henderson, NV 89014.

DATED this 7th day of May, 2026.

/s/ A.L. Higginbotham \_\_\_\_\_  
ADAM HIGGINBOTHAM  
Executive Director

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## WORKSHOP AGENDA

1. Open Workshop: Opening remarks; intent of regulations; opening public comment
2. Presentation of proposed regulations/amendments and individual public comment on each
  - a. NAC 631.033 (Laser live-patient education requirement)
  - b. NAC 631.173/NAC 631.175/NAC 631.177 (collectively CE requirements)
  - c. NAC 631.210 (dental hygienist scope of practice)
  - d. NAC 631.220 (dental assistant scope of practice)
3. Any general closing public comment
4. Close Workshop: Next steps

Note: Any agenda item may be taken out of order; items may be combined for consideration by the public body; items may be pulled or removed from the agenda at any time; and discussion relating to an item may be delayed or continued at any time. The meeting presenter, within his/her discretion, may allow for public comment on individual agenda items.

## PROPOSED REGULATIONS

Some regulations at issue in this workshop (NAC 631.033, 173, 175, and 177) reflect the amendments and inclusions the Board feels are generally needed.

The regulations at issue in this workshop related to NAC 631.210 were initially proposed in a different form by the Nevada Dental Hygienist Association (NDHA). Same have been modified based on preliminary comments received from both the NDHA and the Nevada Dental Association (NDA).

The regulations at issue in this workshop related to NAC 631.220 were initially proposed in a different form by the NDA. Same have been modified based on preliminary comments received from both the NDA and the NDHA.

Please note that the language in these proposed regulations is draft language only and will be sent to the Legislative Counsel Bureau (LCB), who will take these ideas (along with any edits made subsequent to the workshops) and draft a version using LCB writing style. Thus, even if the language below is considered generally acceptable by stakeholders, the final written product may vary based on LCB preferred language.

Note that black lettering represents the current regulation as it exists. Red lettering represents changes to already existing language.

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**APPENDIX 1 – LASER LIVE-PATIENT EDUCATION REQUIREMENT AND  
BUSINESS IMPACT STATEMENT**

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

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

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

(a) Is at least 6 hours in length;

(b) ***Had an in-person, hands-on, clinical component;*** and

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

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NEVADA STATE BOARD OF DENTAL EXAMINERS

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## Small Business Impact Statement

### Proposed Regulations: Laser Live-Patient Education Requirement

The Nevada State Board of Dental Examiners (NSBDE) emailed the proposed regulations and a Business Impact Statement Survey to all active licensed dental professionals to determine the impact of the proposed regulations to a small business in Nevada.

A small business is defined in Nevada Revised Statutes (NRS) 233B as a "business conducted for profit which employs fewer than 150 full-time or part-time employees."

This small business impact statement is made pursuant to NRS 233B.0608(3) and complies with the requirements of NRS 233B.0609. As required by NRS 233B.0608(3), this statement identifies the methods used by the agency in determining the impact of the proposed regulation on a small business as stated below.

#### **Brief Background**

The proposed regulation modifications in NAC 631.033 require that, in order to use a laser in the provision of dental care, a laser operator take a proficiency course that contains a live, hands-on component. Currently, a laser operator can take an online course with no hands-on practice, which the Board feels does not best protect patient safety.

#### **Statement of Methods Used and Results**

As part of NSBDE's due diligence, a small business impact survey was emailed directly to all active licensed dental professionals in Nevada. With the response from the survey, it was deemed by the NSBDE that these regulation changes would not affect small businesses as defined by NRS 233B, since

this is a matter of individual licensing. At most, some survey participants felt taking a hands-on-component course is more onerous and more expensive than an online course.

**Certification by person responsible for the Board**

I, A.L. Higginbotham, Executive Director of the Nevada State Board of Dental Examiners, certify to the best of my knowledge or belief that a concerted effort was made to determine the impact of the proposed regulation on small businesses and the information contained in this statement was prepared properly and accurately.

Signature: /s/ A.L. Higginbotham

Date: May 7, 2026

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**APPENDIX 2 – CE REQUIREMENTS PROPOSED REGULATIONS AND  
COLLECTIVE BUSINESS IMPACT STATEMENT**

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

1. Each dentist licensed to practice in this State must annually complete at least 20 hours of instruction in approved courses of continuing education or biennially complete at least 40 hours of instruction in approved courses of continuing education (CE), 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.

***(a) Initial licensees who graduated from an accredited dental program within six months of Board licensing, who were admitted from January 1 to June 30 of a calendar year, and who must seek renewal starting July 1 of the same calendar year, are exempt from the renewal CE requirement during the first calendar year of their admission.***

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

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

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

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

or

- (f) Any hospital accredited by The Joint Commission.

***5. Any provider of or instructor for a course in continuing education relating to the practice of dentistry or dental hygiene where providers perform live patient demonstrations must request and pass an infection control inspection at the mobile location where the dentistry will be provided prior to the course or event, as outlined in NAC 631.276, unless the continuing education course is being provided in a dental practice or at an educational institution dental clinic that already passed an infection control inspection.***

**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 **60** days before the beginning date of the course. Upon receipt of the form, the committee shall, within **30** 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.

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

1. Approved subjects for continuing education in dentistry and dental hygiene are:
  - (a) Clinical subjects, including, without limitation:
    - (1) Dental and medical health;
    - (2) Preventive services;
    - (3) Dental diagnosis and treatment planning; and
    - (4) Dental clinical procedures, including corrective and restorative oral health procedures and basic dental sciences, dental research and new concepts in dentistry; and
  - (b) Nonclinical subjects, including, without limitation:
    - (1) Dental practice organization and management;
    - (2) Patient management skills;
    - (3) Methods of health care delivery; and
    - (4) Teaching methodology.
2. In completing the hours of continuing education required pursuant to [NAC 631.173](#), a dentist must annually complete at least 15 hours in clinical subjects approved pursuant to subsection 1 or biennially complete at least 30 hours in clinical subjects approved pursuant to subsection 1, as applicable, based on the renewal period set forth in [NRS 631.330](#) for the type of license held by the dentist.
3. In completing the hours of continuing education required pursuant to [NAC 631.173](#), a dental hygienist must annually complete at least 12 hours in clinical subjects approved pursuant to subsection 1 or biennially complete at least 24 hours in clinical subjects approved pursuant to subsection 1, as applicable, based on the renewal period set forth in [NRS 631.330](#) for the type of license held by the dental hygienist.
4. In completing the hours of continuing education required pursuant to [NAC 631.173](#), a dentist or dental hygienist must annually complete at least 2 hours in the clinical subject of infection control in accordance with the provisions of the guidelines adopted by reference in [NAC 631.178](#) or biennially complete at least 4 hours in the clinical subject of infection control in accordance with the provisions of the guidelines adopted by reference in [NAC 631.178](#), as applicable, based on the renewal period set forth in [NRS 631.330](#) for the type of license held by the dentist or dental hygienist.
5. In completing the hours of continuing education required pursuant to [NAC 631.173](#), a dentist who is registered to dispense controlled substances pursuant to [NRS 453.231](#) must complete at least 2 hours of training relating specifically to the misuse and abuse of controlled substances, the prescribing of opioids or addiction during each period of licensure.

***6. Initial licensees who graduated from an accredited dental program, dental therapy program, dental hygiene program, or an extended function dental assisting program within six months of Board licensing, who were admitted from January 1 to June 30 of a calendar year, and who must seek renewal starting July 1 of the same calendar year, are***

*exempt from the renewal CLE requirements listed in sections 1 through 5 during the first calendar year of their admission.*

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

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

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

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

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

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

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

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

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

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

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

.....  
.....  
Signature of Dentist

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

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

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

.....  
.....  
Signature of Dental Hygienist

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

***(d) Initial licensees who graduated from an accredited dental program within six months of Board licensing, who were admitted from January 1 to June 30 of a calendar year, and who must seek renewal starting July 1 of the same calendar year, are exempt from the renewal CLE requirements listed in Section 1 (a), (b), and (c) during the first calendar year of their admission.***

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

- (a) The name and location of the course;
- (b) The date of attendance;
- (c) The name, address and telephone number of its instructor;
- (d) A synopsis of its contents; and

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

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

3. The Board will conduct random audits of dentists or dental hygienists to ensure compliance with the requirements of this section and [NAC 631.173](#) and [631.175](#). *Licensees subject to audit will be issued a letter by the Board's Executive Director requesting written proof of completion of all required continuing education requirements for the period of time stated in the letter.*

*(a) If a licensee fails their audit, their most recent renewal application will be examined to see if they affirmed completing continuing education requirements. If a licensee did affirm completion of continuing education requirements but fails the audit, they will be referred to the Board for possible authorized investigation and disciplinary action, up to and including revocation of license.*

*(b) If a licensee fails their audit and their most recent renewal application did not affirm that they completed continuing education requirements, the licensee will be provided a 90-day extension to attempt to cure all outstanding continuing education course type or credit hour deficiencies. Successful completion of the remaining continuing education requirements during this extension period will result in no disciplinary referral. Failing to cure all outstanding continuing education course type or credit hour deficiencies during this extension period will result in referral to the Board for possible authorized investigation and disciplinary action, up to and including suspension of license.*

*(c) If a licensee fails their audit, their license to practice will be temporarily suspended without further Board action until they can demonstrate to the Board that they have cured all outstanding continuing education course type or credit hour deficiencies. Once all deficiencies are cured, the licensee's current license will be automatically reinstated without further action of the Board. No reinstatement application or reinstatement fee are required from a licensee whose license is reinstated under this paragraph.*

***(d) Failing the audit occurs when:***

***(i) A licensee receives an audit notification letter, knows they did not meet requirements or cannot show written proof of completing requirements, and notifies the Board that they cannot comply;***

***(ii) A licensee fails to contact the Board or fails to provide the requested documentation after being provided two notices to cure deficiencies letters, the first sent by regular mail and the second sent by certified mail; or***

***(iii) A licensee sends documentation attempting compliance, but the audit reveals they did not complete the quantity and type of required continuing education courses.***

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

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## Small Business Impact Statement

### Proposed Regulation: CE Requirements (Collectively)

The Nevada State Board of Dental Examiners (NSBDE) emailed the proposed regulations and a Business Impact Statement Survey to all active licensed dental professionals to determine the impact of the proposed regulations to a small business in Nevada.

A small business is defined in Nevada Revised Statutes (NRS) 233B as a "business conducted for profit which employs fewer than 150 full-time or part-time employees."

This small business impact statement is made pursuant to NRS 233B.0608(3) and complies with the requirements of NRS 233B.0609. As required by NRS 233B.0608(3), this statement identifies the methods used by the agency in determining the impact of the proposed regulation on a small business as stated below.

#### **Brief Background**

The proposed regulation modifications in NAC 631.173, 631.175, and 631.177 provide allowances for new graduates to be exempted from certain continuing education requirements. As the law currently exists, all persons seeking renewal, even those who have just graduated from a dental program and were initially licensed within the prior six months, have to take two-year's worth of continuing

education to qualify for renewal. Recent graduates have long felt this was an onerous ask given that they just graduated, and the Board agrees. Thus, it is seeking to provide this exemption.

NAC 631.177 further clarifies the continuing education auditing process. As currently written, the regulation does not set forth the process for conducting a CE audit, nor does it set forth the penalties for failing a CE audit. These changes rectify both omissions.

### **Statement of Methods Used and Results**

As part of NSBDE's due diligence, a small business impact survey was emailed directly to all active licensed dental professionals in Nevada. With the response from the survey, it was deemed by the NSBDE that these regulation changes would not affect small businesses as defined by NRS 233B, since these are matters of individual licensing. At most, some survey participants felt it was unfair for recent graduates not to be held to the same requirements as they who have been licensed for longer.

### **Certification by person responsible for the Board**

I, A.L. Higginbotham, Executive Director of the Nevada State Board of Dental Examiners, certify to the best of my knowledge or belief that a concerted effort was made to determine the impact of the proposed regulation on small businesses and the information contained in this statement was prepared properly and accurately.

Signature: /s/ A.L. Higginbotham

Date: May 7, 2026

**APPENDIX 3 – DENTAL HYGIENIST SCOPE OF PRACTICE REGULATION  
AND BUSINESS IMPACT STATEMENT**

**NAC 631.210 Dental hygienists: Authorization to perform certain services; referral of patient to authorizing dentist for certain purposes. [NRS 631.030; 631.215; 631.311; 631.313]**

1. A dentist who is licensed in this State may authorize a dental hygienist in his or her employ to perform the following acts before a patient is examined by the dentist, *without the supervision of a dentist*:

- (a) Expose radiographs.
- (b) Conduct an assessment of the oral health of the patient through medical and dental histories, radiographs, indices, risk assessments and intraoral and extraoral procedures that analyze and identify the oral health needs and problems of the patient.
- (c) After conducting an assessment pursuant to paragraph (b), develop a dental hygiene care plan to address the oral health needs and problems of the patient.
- (d) Take impressions for the preparation of diagnostic models.

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

2. A dentist who is licensed in this State may, *at their discretion*, authorize a dental hygienist in his or her employ to *perform any duty, service, and/or task that is within the scope of their training and experience and within the definition of dental hygiene at NRS 631.030, without the supervision of a dentist, including*:

- (a) Remove stains, deposits and accretions, including dental calculus.
- (b) Smooth the natural and restored surface of a tooth by using the procedures and instruments commonly used in oral prophylaxis, except that an abrasive stone, disc or bur may be used only to polish a restoration. As used in this paragraph, “oral prophylaxis” means the preventive dental procedure of scaling and polishing which includes the removal of calculus, soft deposits, plaques and stains and the smoothing of unattached tooth surfaces in order to create an environment in which hard and soft tissues can be maintained in good health by the patient.
- (c) Provide dental hygiene care that includes:
  - (1) Assessment of the oral health of patients through medical and dental histories, radiographs, indices, risk assessments and intraoral and extraoral procedures that analyze and identify the oral health needs and problems of patients.
  - (2) Implementation of a dental hygiene care plan to address the oral health needs and problems of patients described in subparagraph (1).
  - (3) Evaluation of oral and periodontal health after the implementation of the dental hygiene care plan described in subparagraph (2) in order to identify the subsequent treatment, continued care and referral needs of the patient.
- (d) Take the following types of impressions:
  - (1) Those used for the preparation of diagnostic models;
  - (2) Those used for the fabrication of temporary crowns or bridges; and

- (3) Those used for the fabrication of temporary removable appliances, provided no missing teeth are replaced by those appliances.
- (e) Perform subgingival curettage.
  - (f) Remove sutures.
  - (g) Place and remove a periodontal pack.
  - (h) Remove excess cement from cemented restorations and orthodontic appliances. A dental hygienist may not use a rotary cutting instrument to remove excess cement from restorations or orthodontic appliances.
  - (i) Train and instruct persons in the techniques of oral hygiene and preventive procedures.
  - (j) Recement and repair temporary crowns and bridges.
  - (k) Recement permanent crowns and bridges with nonpermanent material as a palliative treatment.
  - (l) Place a temporary restoration with nonpermanent material as a palliative treatment.
  - (m) Administer local intraoral chemotherapeutic agents in any form except aerosol, including, but not limited to:
    - (1) Antimicrobial agents;
    - (2) Fluoride preparations;
    - (3) Topical antibiotics;
    - (4) Topical anesthetics ***not otherwise considered minimal sedation under the definition of NRS 631.078***; and
    - (5) Topical desensitizing agents.
  - (n) Apply pit and fissure sealant to the dentition for the prevention of decay.
  - (o)** Place and secure orthodontic ligatures.
  - (p)** Fabricate and place temporary crowns and bridges.
  - (q)** Fit orthodontic bands and prepare teeth for orthodontic bands if the bands are cemented or bonded, or both, into the patient's mouth by the dentist who authorized the dental hygienist to perform this procedure.
  - (r)** Perform nonsurgical cytologic testing.
  - (s)** Apply and activate agents for bleaching teeth with a light source.
  - (t)** Use a laser that has been cleared by the Food and Drug Administration to perform intrasulcular periodontal procedures or tooth whitening procedures if:
    - (1) The use of such a laser for those purposes is within the scope of the education, experience and training of the dental hygienist;
    - (2) Before operating the laser, the dental hygienist has provided proof to the ***authorizing*** dentist that the dental hygienist has successfully completed a course in laser proficiency that:
      - (I) Is at least 6 hours in length; and
      - (II) Is based on the *Curriculum Guidelines and Standards for Dental Laser Education*, adopted by reference pursuant to [NAC 631.035](#); and
    - (3) The ***authorizing*** dentist has successfully completed a course in laser proficiency that:
      - (I) Is at least 6 hours in length; and

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

*(u) any other task the dentist deems delegable consistent with the limitations of subsection 3 of NRS 631.313 for which a hygienist has been educated under their dental hygiene degree program.*

*↳ If an employing dentist does not use their discretion to authorize performance of these tasks outside their supervision, these tasks may still be performed by the dental hygienist under the dentist's supervision.*

*3. (a) It is presumed without the need of a separate written agreement that an employing dentist authorizes a dental hygienist in this employment to complete all the tasks set forth in subsection 1 and paragraphs (a) to (u) of subsection 2, so long as each individual patients clinical records clearly indicate when a dental hygienist performed one or more of the authorized tasks.*

*(b) If an employing dentist ~~may~~ elects to authorize some of the tasks set forth in subsection 1 and paragraphs (a) to (u) of subsection 2 and simultaneously elects to supervise some of the tasks set forth in subsection 1 and paragraphs (a) to (u), any distinction in which tasks are authorized versus which require dentist supervision must be set forth in a document provided to the dental hygienist and maintained by the dentist for the duration of the hygienist's employment and for 5 years thereafter. There must also be documentation demonstrating the hygienist was knowingly apprised of any authorization limitations.*

*(c) An employing dentist may elect to authorize any of the tasks set forth in subsection 1 and paragraphs (a) to (u) of subsection 2, but with conditions such as, but not limited to, when the dentist must be called to evaluate or assist or limitations on authorization based on level of patient periodontic disease presentation or health comorbidities. Any authorizations subject to conditions must be set forth in a document provided to the dental hygienist and maintained by the dentist for the duration of the hygienist's employment and for 5 years thereafter. There must also be documentation demonstrating the hygienist was knowingly apprised of any authorization limitations.*

*(d) For any task the dentist authorizes instead of supervises, a dental hygienist should obtain their own malpractice insurance as vicariously liability principals may be affected by authorization in lieu of supervision.*

*4. Any tasks considered restorative dental hygiene within the meaning of NRS 631.101 cannot be performed with authorization alone in the absence of a dentist's supervision, unless the hygienist has a special endorsement to practice restorative dental hygiene. If the hygienist has a special endorsement to practice restorative dental hygiene, he or she may do with the dentist's documented authorization.*

*5. Before performing any of the services set forth in this subsection, the dental hygienist must obtain authorization from the licensed dentist of the patient on whom the services are to be performed, and the patient must have been examined by that dentist not more than 18 months before the services are to be performed. After performing any of the*

services set forth in this subsection, the dental hygienist shall refer the patient to the authorizing dentist for follow-up care or any necessary additional procedures that the dental hygienist is not authorized to perform.

~~6. If a dentist who is licensed in this State has in his or her employment and under his or her supervision a dental hygienist who has:~~

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

~~—(b) Graduated from an accredited program of dental hygiene which includes the administering of local anesthetics or nitrous oxide-oxygen analgesia, or both, in its curriculum, obtained a minimal anesthesia permit consistent with paragraph (d) of subsection 1 of NAC 631.2213,~~

~~→ the dentist may authorize the dental hygienist to the in the administration of local anesthetics or nitrous oxide-oxygen analgesia, or both, at a site permitted dental office or facility, consistent with subsection 2 of NAC 631.2213. as appropriate, if the dental hygienist has received from the Board a certificate or minimal sedation permit certifying the hygienist for this level of administration. The dental hygienist must obtain the authorization from the licensed dentist of the patient on whom the services are to be performed. (omitted and all moved to anesthesia regulation; see (10) below)~~

**7. *Not including topical chemotherapeutic agents that can be administered by a dental hygienist with a dentist's authorization, a dental hygienist in a dental office or health care facility may, with either written dentist authorization or dentist supervision at the dentist's discretion, administer non-topical local intraoral chemotherapeutic agents to treat periodontal pockets and gingivitis.*** and, if he or she has complied with paragraph (a) or (b) of subsection 5 and may administer local anesthetics or nitrous oxide-oxygen analgesia, or both, as appropriate, if he or she first:

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

~~—(b) Submits to the Secretary-Treasurer a written confirmation from the director of the health care facility that~~

***(a) The dental office of facility where the local chemotherapeutic agent will be provided must have the necessary emergency supplies, equipment, and auxiliary personnel to safely provide local intraoral chemotherapeutic agents are administered.***

***(b) A dental hygienist may also provide local intraoral chemotherapeutic agents in accordance with facility rules and policies at a medical facility as defined in NRS 449.0151.***

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

(a) Issues a **public health** special endorsement of the dental hygienist's license **consistent with subsections 1 and 2 of NRS 631.287;**

**(b) the specially endorsed dental hygienist identifies the public health dental hygiene program with which they will be employed or affiliated; and**

**(c) Approves the application of a public health dental hygiene program that includes the treatment protocols of the program ~~to submitted by the dental hygienist, which includes~~ and an explanation of the methods that the dental hygienists employed by or affiliated with the public health hygiene program will use to:**

(1) Treat patients; and

(2) Refer patients to a dentist for:

(I) Follow-up care;

(II) Diagnostic services; and

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

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

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

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

(c) Dental hygienist commits an act which constitutes a cause for disciplinary action; or

(d) Dental hygienist violates any provision of this chapter or [chapter 631](#) of NRS.

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

**10.** As used in this section:

(a) "Health care facility" has the meaning ascribed to it in [NRS 162A.740](#).

(b) "Health facility" has the meaning ascribed to it in subsection 6 of [NRS 449.260](#).

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

**(d) "Public health dental hygiene program" has the meaning ascribed to "public health program" as defined in paragraph (b) of subsection 5 of NRS 631.34583.**

**(e) All requirements and limitations related to a dental hygienist providing minimal sedation, including but not limited to, local sedation or nitrous oxide, are referred to in paragraph (b) of subsection 2 of NRS 631.215, NRS 631.265, and subsections 2 and 4 of NAC 631.2213**

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JOE LOMBARDO  
Governor

DR. KRISTOPHER SANCHEZ  
*Director*

PERRY FAIGIN  
NIKKI HAAG  
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STATE OF NEVADA



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

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## **Small Business Impact Statement**

### **Proposed Regulation: Dental Hygienist Scope of Practice**

The Nevada State Board of Dental Examiners (NSBDE) emailed the proposed regulations and a Business Impact Statement Survey to all active licensed dental professionals to determine the impact of the proposed regulations to a small business in Nevada.

A small business is defined in Nevada Revised Statutes (NRS) 233B as a "business conducted for profit which employs fewer than 150 full-time or part-time employees."

This small business impact statement is made pursuant to NRS 233B.0608(3) and complies with the requirements of NRS 233B.0609. As required by NRS 233B.0608(3), this statement identifies the methods used by the agency in determining the impact of the proposed regulation on a small business as stated below.

#### **Brief Background**

The proposed modifications to NAC 631.210 establish changes to the current scope of practice for licensed dental hygienists. As currently written, the law allows some dental hygiene tasks to be performed with "authorization," meaning the dental hygienists can perform these tasks with no dentist supervision so long as their employing dentist authorizes them to perform that task. Meanwhile, other tasks are designated as allowed only under "supervision," meaning the dentist must be present to supervise the hygienist in completing that tasks. The Nevada Dental Hygienist Association (NDHA) proposes changes to NAC 631.210 that would increase the scope of their abilities

to practice within the broad range of the education and abilities, specially by removing “supervision” from all tasks and allowing them instead to perform tasks with “authorization.” After review and weigh-in from the Nevada Dental Association (NDA), the attached regulation draft is proposed, which will give the dentist the discretion to decide what tasks a hygienist can perform with their authorization and what tasks they want to supervise, if any.

### **Statement of Methods Used**

As part of NSBDE’s due diligence, a small business impact survey was emailed directly to all active licensed dental professionals in Nevada. Survey results showed mixed but generally non-adverse responses. 54 respondents indicated no adverse economic impact, while 14 indicated a potential adverse impact, reporting concerns about potential liability, workflow changes, oversight concerns, and patient-safety considerations. Reported adverse dollar estimates varied widely. 32 respondents indicated a beneficial economic impact, while 35 indicated no beneficial impact. Reported benefits included improved workforce flexibility, increased ability to provide services, better time management, and potential assistance with the dental hygienist shortage. Immediate effects were thought to include operational adjustments, clarification of supervision/authorization workflows, and possible changes in how dental hygiene services are scheduled or delivered. Long-term effects were thought to include improved access to care, more flexible utilization of dental hygiene professionals, and greater regulatory clarity. Some respondents expressed concern that long-term effects could include increased liability or reduced patient confidence if not implemented carefully.

### **Certification by person responsible for the Board**

I, A.L. Higginbotham, Executive Director of the Nevada State Board of Dental Examiners, certify to the best of my knowledge or belief that a concerted effort was made to determine the impact of the proposed regulation on small businesses and the information contained in this statement was prepared properly and accurately.

Signature: /s/ A.L. Higginbotham

Date: May 7, 2026

**APPENDIX 4 – DENTAL ASSISTANT SCOPE OF PRACTICE REGULATION  
AND BUSINESS IMPACT STATEMENT**

**NAC 631.220 Dental assistants: Authorization to perform certain services; supervision by dental hygienist for certain purposes.**

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

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

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

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

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

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

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

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

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

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

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

(e) Administer a topical fluoride.

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

**5.** ~~A dentist who is licensed in the State of Nevada may authorize a~~ dental assistant ~~in his or her employ to,~~ ***under the direct supervision of either their employing dentist or a dental hygienist in the dentist's employ as authorized by the dentist, remove supragingival calculus, soft plaque, and stain from exposed tooth surfaces utilizing hand instruments, ultrasonic scalers, or air-polishing devices only if they receive a Board-approved temporary special endorsement to do so. To qualify for the temporary dental assistant supragingival scaling special endorsement, the dental assistant must demonstrate in their temporary special endorsement application that they:***

***(a) have either:***

***(i) at least seven years of total dental assisting experience in a U.S. State or territory; or***

***(ii) at least five years of continuous dental assisting experience with the same Nevada licensed dentist;***

***(b) have completed a Board-approved training course or courses of no less than 200 hours in supragingival scaling techniques that includes infection control; dental and gingival anatomy and morphology; dental plaque, stain, and calculus formation; instrumentation; patient assessment; and supragingival scaling,***

*including laboratory experience with mechanical and ultrasonic devices. A list of approved courses may be obtained from the Board;*

*(c) have observed and participated in at least 50 supragingival cleanings performed by a licensed dental hygienist, with the dental hygienist who participated in these demonstrations attesting to the accuracy of the certification;*

*(d) have either:*

*(i) after completing the requirements of paragraphs (a), (b), and (c), successfully performed two supervised live-patient supragingival scaling demonstrations in front of one dental hygienist and one dentist who do not work together and who do not work with the dental assistant permit applicant, each of whom must certify successful completion of the supragingival scaling; or*

*(ii) completed and passed the competency assessment/supervised scaling procedure demonstration offered by a Board-approved dental assisting certification institution, typically located in states that authorize oral preventative assistants, which would be a capstone to some of the educational hours needed to fulfill paragraph (b) of this subsection;*

*(e) have a current certification from the American Heart Association or equivalent certifying body in basic life support, cardiopulmonary resuscitation, or emergency cardiovascular care; and*

*(f) submitted documentation from the dentist employing the endorsement applicant affirming that the specially endorsed dental assistant will be supervised by either the employing dentist or a dental hygienist employed by that dentist during every supragingival scaling procedure assigned to the specially endorsed dental assistant.*

*↳ The temporary dental assistant supragingival scaling special endorsement is effective for two years before renewal is required so long as the specially endorsed dental assistant remains employed with the dentist who submitted the documentation required at paragraph (f) of subsection 3. If the dental assistant ceases employment with the affirming dentist during the active status of their supragingival scaling special endorsement, the supragingival scaling special endorsement reverts to inactive status. The dental assistant may reinstate their special endorsement to active status under a new dentist only by submitting a special endorsement reinstatement request with documentation from the new dentist employing them that conforms to the requirements of paragraph (f) of subsection 3. There is no time extension of the biennial endorsement period for any time the special endorsement remains in inactive status.*

*6. To obtain a temporary dental assistant supragingival scaling special endorsement, a dental assistant must:*

*(a) Fill out the Board-generated application and include all required documentation demonstrating compliance with paragraphs (a) through (f) of subsection 3; and*

*(b) sign an affirmation acknowledging that, while they are unlicensed for purposes of general dental assisting, the issuance to them of the temporary dental assistant supragingival scaling special endorsement may subject them to Board disciplinary investigation or action if they*

*engage in any intentional or grossly negligent professional misconduct or incompetence.*

*7. To renew a temporary dental assistant supragingival scaling special endorsement biennially, a specially endorsed scaling dental assistant must:*

- (a) Fill out the Board-generated endorsement renewal application and include an updated dentist affirmation that comports with the requirements of paragraph (f) of subsection 3, even if still employed with the same dentist that initially submitted the required affirmation; and*
- (b) Demonstrate completion of at least 15 continuing education credits related to supragingival scaling.*

*↳ The initial temporary dental assistant supragingival scaling special endorsement is effective on the date it is approved by the Board's Executive Director, and the two-year duration lasts until the second anniversary of that date. Renewals of the temporary dental assistant supragingival scaling special endorsement are effective from the date the Board's Executive Director approves the renewal until the second anniversary of that date. To avoid any lapse in the endorsement, renewal applications should be submitted at least one month prior to the end of the two-year endorsement expiration date.*

*8. A dental assistant possessing a temporary dental assistant supragingival scaling special endorsement may only perform supragingival scaling under the following limitations:*

- (a) The employing dentist or colleague dental hygienist must first examine the patient and confirm that the patient has no ~~subgingival calculus or~~ active periodontal disease requiring treatment by a licensed dental hygienist;*
- (b) The removal procedure will only be at the prophylaxis level on patients with healthy gingiva or mild gingivitis, as diagnosed by the dentist or dental hygienist immediately before the scaling, who have no periodontal disease diagnosis and no treatment plan requiring ongoing root planing or periodontal maintenance by a dental hygienist;*
- (c) The patient cannot have been diagnosed with periodontitis and cannot require root planning in conjunction with scaling;*
- (d) All scaling performed by the specially endorsed dental assistant must be above the gum line only;*
- (e) If the patient starts to experience more than an minimal amount of bleeding during a supragingival scaling procedure, as determined in real time by the dentist or dental hygienist supervising the procedure, the dental assistant must cease performing the scaling and transfer the remainder of the procedure to the employing dentist or colleague dental hygienist who is supervising them;*
- (f) Supervising more than one person endorsed under the temporary dental assistant supragingival scaling special endorsement at a time is not permitted, as direct supervision by either the employing dentist or the dentist-authorized dental hygienist must be at a 1 to 1 ratio;*

*(g) The employing dentist must inspect and approve the completed supragingival scaling procedure immediately after it is completed. In order to bill for a full preventative prophylaxis cleaning, either the dentist or a dental hygienist must immediately follow the supragingival scaling with a subgingival scaling before dismissal of the patient from the dental office or facility; and*

*(h) As part of obtaining patient informed consent, the patient must be notified that part of their cleaning procedure will be performed by a specially endorsed supragingival scaling dental assistant, and the patient must agree to have part of their cleaning performed by a specially endorsed supragingival scaling dental assistant in lieu of a dental hygienist.*

*9. The temporary dental assistant supragingival scaling special endorsement is only available to dental assistants during a period of time where there exists an identified dental hygienist workforce shortage. The Board's Dental Hygiene, Dental Therapy, and EFDA Committee will, on a yearly basis, review and determine whether an identified dental hygienist workforce shortage exists in the State of Nevada. If and when the Board's Dental Hygiene, Dental Therapy, and EFDA Committee determines an identified dental hygienist workforce shortage no longer exists, and the full Board votes to approve the Committee's recommendation, the availability of this endorsement will end, and no new endorsement applications will be accepted or processed by the Board. Any dental assistants holding and using this special endorsement on the date the Board votes that the dental hygiene workforce shortage has ended may finish their biennial period of endorsement but cannot further practice supragingival scaling or cleaning once their endorsement expires.*

*(a) The Board's Dental Hygiene, Dental Therapy, and EFDA Committee will continue to annually assess dental hygienist workforce availability in the state of Nevada, even if and after the Committee and Board previously declared a prior dental hygienist workforce shortage over. If, at any subsequent review, the Committee and Board determine there exists a renewed dental hygienist workforce shortage, the temporary dental assistant supragingival scaling special endorsement program will be revived and the provisions at subsections (5) through (8) of this regulation become effective again for any period of time the dental hygiene workforce shortage remains.*

*10. Nothing in this paragraph shall be construed to permit a dental assistant to perform any other procedures that remain within the exclusive scope of practice of dental hygienists under NAC 631.210.*

*11. If an application for the temporary dental assistant supragingival scaling special endorsement as submitted by a dental assistant is:*

*(a) determined by Board staff to be complete and all documentation is present, the Board Executive Director will notify the dental assistant applicant in a dated letter that the temporary dental assistant supragingival scaling special endorsement is issued and effective thereafter until the renewal period discussed in subsection 7;*

*(b) determined by Board staff to be incomplete or missing documentation, processing of the application will be halted and the dental assistant applicant will*

*receive notice of application deficiencies. If the deficiencies are corrected, application processing will be resumed, whereafter the applications will either be approved or denied; or*

*(c) subject to denial because the dental assistant applicant does not meet all eligibility and documentation requirements for the temporary special endorsement, the Board's executive director will notify the dental assistant applicant of the denial in a dated letter. The dental assistant applicant may request reconsideration by submitting additional information or materials. The Board at a public meeting will reconsider any denied application for the temporary dental assistant supragingival scaling special endorsement, and if the Board also finds denial of the temporary special endorsement application appropriate, the Board will set forth its findings and rationale at the public meeting.*

*12. It shall be a violation of professional competency for an employer dentist to eliminate the job of and replace an already employed dental hygienist with a specially endorsed scaling dental assistant or for the dentist or dental practice to bill for full preventative prophylaxis cleanings when only a specially endorsed dental assistant has performed part of the full prophylaxis cleaning process. The temporarily specially endorsed scaling dental assistant must be a supplement to an existing dental team only based on hygienist workforce shortages and shall not be used as a money saving or making mechanism for a dental practice.*

*a. A dental practice may only bill for a preventative prophylaxis under its current applicable CDT code, or an unspecified preventative procedure under its current applicable CDT code, if both a specially endorsed dental assistant performs the supragingival scaling and either the dentist or the dental hygienist follows up with a subgingival scaling at the same patient appointment.*

*b. A dental practice cannot bill any periodontal scaling and root planning procedure under its current applicable CDT code where a specially endorsed dental assistant has performed any part of the total scaling procedure.*

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JOE LOMBARDO  
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NEVADA STATE BOARD OF DENTAL EXAMINERS

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## Small Business Impact Statement

### Proposed Regulation: Proposed Regulation: Dental Assistant Scope of Practice

The Nevada State Board of Dental Examiners (NSBDE) emailed the proposed regulations and a Business Impact Statement Survey to all active licensed dental professionals to determine the impact of the proposed regulations to a small business in Nevada.

A small business is defined in Nevada Revised Statutes (NRS) 233B as a "business conducted for profit which employs fewer than 150 full-time or part-time employees."

This small business impact statement is made pursuant to NRS 233B.0608(3) and complies with the requirements of NRS 233B.0609. As required by NRS 233B.0608(3), this statement identifies the methods used by the agency in determining the impact of the proposed regulation on a small business as stated below.

#### **Brief Background**

The proposed modifications to NAC 631.220 set forth changes to the regulations governing what tasks a dental assistant can perform. The Nevada Dental Association (NDA) notified the Board of a dental-hygienist workforce shortage in Nevada. The Board compiled data confirming that, statewide, there is less than a 1:1 ration of hygienists to dentists, when the preferred ratio for patient access to care is 2 hygienists to 1 dentist. As a result of the shortage, the NDA proposed a regulation

change that would allow dental assistants to perform supragingival (above the gum) scaling. This is a task currently performed primarily by hygienists (though dentists can, and some do, perform this tasks themselves.) It is the NDA's belief that allowing dental assistants to perform supragingival scaling will increase the access to hygiene care by not subjecting patients to long wait times between hygiene appointments, which is a current symptom of the hygienist shortage.

After review and weigh-in from the Nevada Dental Hygienist Association (NDHA), the attached regulation draft is proposed. It creates a temporary special endorsement that would allow dental hygienists to scale during the dental hygienist workforce shortage.

### **Statement of Methods Used**

As part of NSBDE's due diligence, a small business impact survey was emailed directly to all active licensed dental professionals in Nevada. Survey results showed mixed responses that very much depended on whether the survey participant was a dentist or dental hygienist. 36 respondents indicated a potential adverse economic impact, while 26 indicated no adverse impact. Reported concerns included increased liability, training costs, supervision burdens, workflow disruption, patient dissatisfaction, and possible impacts on dental hygiene staffing. 18 respondents indicated a beneficial economic impact, while 44 indicated no beneficial impact. Reported benefits included increased service capacity, potential support for practices experiencing hygienist shortages, improved appointment availability, and increased workforce flexibility for limited services.

Immediate effects were thought to include costs related to training, implementation, supervision, scheduling, and workflow adjustments, with some businesses stating they may experience administrative or staffing burdens during implementation. Long-term effects were thought to include increased access to preventive services, improved use of dental team members, and additional capacity for limited hygiene-related services. However, some respondents expressed concern regarding long-term liability, patient trust, standard of care, and potential impact on the dental hygiene profession. Though a few hygienists posited that the businesses of the dentists would be negatively impacted if hygienists quit their jobs due to the job dissatisfaction that could result from this regulation being passes, both adverse economic impacts were individual to the hygienists themselves, who opined they might get squeezed out of their jobs in favor of dental assistants that are cheaper labor or that the value of their educational investments could be diminished by letting someone with lesser education perform a function of their job.

### **Certification by person responsible for the Board**

I, A.L. Higginbotham, Executive Director of the Nevada State Board of Dental Examiners, certify to the best of my knowledge or belief that a concerted effort was made to determine the impact of the proposed regulation on small businesses and the information contained in this statement was prepared properly and accurately.

Signature: /s/ A.L. Higginbotham

Date: May 7, 2026