

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

LCB File No. R158-08

June 27, 2008

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

AUTHORITY: §1, NRS 631.190, 631.220, 631.272 and 631.273; §2, NRS 631.190, 631.220, 631.230, 631.260 and 631.290; §3, NRS 631.190, 631.250 and 631.255; §§4, 5 and 6, NRS 631.190 and 631.265.

A REGULATION relating to dentistry; revising the requirements for a permanent license to include dental hygienists; revising certain actions for which the Executive Director or Secretary Treasurer may reject an application for licensure; revising certain specialties for which the Board of Dental Examiners of Nevada will issue a license; revising certain permit and certificate renewal periods based on the renewal of the license held; and providing other matters properly relating thereto.

Section 1. NAC 631.039 is hereby amended to read as follows:

631.039 A person who wishes to apply for a permanent license to practice dentistry *or dental hygiene* after holding a temporary license to practice dentistry *or dental hygiene* for a minimum of 2 years pursuant to subsection 2 of NRS 631.272 must submit to the Board proof that he actively practiced dentistry *or dental hygiene* in this State during the 2 years in which he held the temporary license.

Sec. 2. NAC 631.050 is hereby amended to read as follows:

631.050 1. If the Executive Director or Secretary-Treasurer finds that:

(a) An application is:

- (1) Deficient;
- (2) Not in the proper form; or

(3) Delivered to the Board less than the 45 days required before the examination pursuant to subsection 2 of NAC 631.030 or less than the 45 days required before the meeting of the Board to consider the applicant for licensure pursuant to subsection 3 of NAC 631.030; or

(b) The applicant has:

(1) Provided incorrect information;

(2) Not attained the scores required by chapter 631 of NRS; or

(3) Not submitted the required fee,

↪ the Executive Director or Secretary-Treasurer shall reject the application and return it to the applicant with the reasons for its rejection.

2. If the Executive Director or Secretary-Treasurer finds that an applicant has:

(a) A felony conviction;

(b) A misdemeanor conviction;

(c) A malpractice judgment against him;

(d) A history of substance abuse;

(e) Been refused permission to take an examination for licensure by *this State*, any other state or territory of the United States or the District of Columbia;

(f) Been denied licensure by *this State*, any other state or territory of the United States or the District of Columbia;

(g) Had his license to practice dentistry or dental hygiene suspended, revoked or placed on probation in this State, another state or territory of the United States or the District of Columbia;

(h) Had his practice of dentistry or dental hygiene subject to mandatory supervision in this State, another state or territory of the United States or the District of Columbia; or

(i) Received a public reprimand or is currently involved in any disciplinary action concerning his license to practice dentistry or dental hygiene in this State, another state or territory of the United States or the District of Columbia,

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

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

Sec. 3. NAC 631.190 is hereby amended to read as follows:

631.190 The only specialties for which the Board will issue licenses are:

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

Sec. 4. NAC 631.2217 is hereby amended to read as follows:

631.2217 1. The holder of a general anesthesia permit or conscious sedation permit is subject to review by the Board at any time.

2. Each general anesthesia permit and conscious sedation permit must be renewed annually ~~or~~ *or biennially, based on the renewal period of the license held.*

Sec. 5. NAC 631.2219 is hereby amended to read as follows:

631.2219 1. The Board will require an inspection and evaluation of the facility, equipment, personnel, records of patients and the procedures used by every dentist who seeks or holds a general anesthesia permit or conscious sedation permit, and of the dentist himself, before issuing such an original permit to the dentist, and at least once in every 5-year period thereafter.

2. The Board will renew general anesthesia permits and conscious sedation permits annually *or biennially, based on the renewal period of the license held*, unless the holder is informed in writing, 60 days before the date for renewal, that a reevaluation of his credentials is required. In determining whether reevaluation is necessary, the Board will consider, among other factors, complaints by patients and reports of adverse occurrences. A reevaluation will, if appropriate, include an inspection of the facility, equipment, personnel, records of patients and the procedures used by the holder, and an examination of his qualifications.

Sec. 6. NAC 631.2236 is hereby amended to read as follows:

631.2236 1. A dentist who is licensed in this State may employ:

(a) An anesthesiologist who is licensed as such by the State of Nevada; or

(b) A dentist who is licensed in this State and who holds a general anesthesia permit or conscious sedation permit,

↳ to administer general anesthesia, deep sedation or conscious sedation, as appropriate, to his patients at his office if he holds a certificate of site approval issued pursuant to this section.

2. A dentist who is licensed in this State and who desires to receive or renew a certificate of site approval must submit to the Board:

(a) An application for a certificate or for the renewal of a certificate, in a form approved by the Board;

(b) The fee for the inspection of a facility which is established by the Board pursuant to NRS 631.345; and

(c) Written documentation which demonstrates that the anesthesiologist or dentist who is to be employed to administer the general anesthesia, deep sedation or conscious sedation holds an appropriate license or permit issued by the appropriate board in this State to administer such anesthesia or sedation, and if the person to be employed is an anesthesiologist, that the anesthesiologist maintains unrestricted active staff privileges within the department of anesthesiology at a hospital or surgical center approved by the Joint Commission on Accreditation of Healthcare Organizations.

3. Upon receipt of an application pursuant to this section, the Board will appoint one of its members or a representative of the Board to inspect the office of the applicant to determine whether the office complies with the requirements set forth in NAC 631.2227, 631.2229 and 631.2231. The person conducting the inspection shall report his determination to the Board.

4. If the person conducting the inspection determines that the office of the applicant complies with the requirements of NAC 631.2227, 631.2229 and 631.2231 and the applicant has otherwise met the requirements of this section, the Executive Director shall issue a certificate of site approval to the applicant.

5. A holder of a certificate of site approval shall maintain the information described in paragraph (c) of subsection 2 at his office at all times.

6. Each certificate of site approval issued by the Board must be renewed annually ~~or~~ *or biennially, based on the renewal period of the license held.*
7. The Board may reinspect the office of the holder of a certificate of site approval at any time.