

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

**LCB FILE NO. R051-26I**

**The following document is the initial draft regulation proposed  
by the agency submitted on 03/17/2026**

**1. Amend NAC 631.178 - Adoption by reference of certain guidelines; additional infection control inspection requirements; compliance with guidelines required** – A regulation relating to dentistry; revising provisions relating to certain guidelines for infection control and disinfection and sterilization adopted by reference; and *[new] establishing certain requirements for passage of an infection control inspection*. [Authority: there is no NRS 631 authority on point; *see* NRS 631.190, generally.]

**2. Amend NAC 631.1785 - Inspection of office or facility for infection control compliance** – A regulation relating to dentistry; requiring initial inspections of offices or facilities where dental treatments are to be performed; *[new] amends inspection requirements, inspection failure appeal procedures, and reinspection availability; requires inspections of non-dental offices*. [Authority: there is no NRS 631 authority on point. But *see* NRS 631.396. See also NRS 631.190, generally.]

**3. Amend NAC 631.179 - Random inspection of office or facility; subsequent action by Executive Director** – A regulation relating to dentistry; authorizing random inspections of offices or facilities where dental treatments are to be performed; *[new] amends inspection requirements, inspection failure appeal procedures; and reinspection availability*. [Authority: there is no NRS 631 authority on point, but *see* NRS 631.396. See also NRS 631.190, generally.]

**NAC 631.178 Adoption by reference of certain guidelines; *additional infection control inspection requirements*; compliance with guidelines required.**

1. Each person who is licensed pursuant to the provisions of chapter 631 of NRS shall comply with:

(a) The provisions of the *Guidelines for Infection Control in Dental Health-Care Settings-2003* **and the 2016 summary of these guidelines titled *Summary of Infection Prevention Practices in Dental Settings: Basic Expectations for Safe Care*** adopted by the Centers for Disease Control and Prevention (CDC) **are** hereby adopted by reference, **as is any superseding guidance from the CDC**. **These publications are** available, free of charge, from the CDC at the Internet addresses <http://www.cdc.gov/mmwr/preview/mmwrhtml/rr5217a1.htm> **and** <https://www.cdc.gov/dental-infection-control/hcp/summary/>; and

(b) As applicable to the practice of dentistry, the provisions of the *Guideline for Disinfection and Sterilization in Healthcare Facilities, 2008*, adopted by the CDC which is hereby adopted by reference, as is any superseding guidance from the CDC. The publication is available, free of charge, from the Centers for Disease Control and Prevention at the Internet address [http://www.cdc.gov/ncidod/dhqp/pdf/guidelines/Disinfection\\_Nov\\_2008.pdf](http://www.cdc.gov/ncidod/dhqp/pdf/guidelines/Disinfection_Nov_2008.pdf).

(c) In the event either or both of the publications at paragraphs (a) or (b) of subsection (1) are rescinded or otherwise no longer applicable, the Board may adopt infection control protocols established by the Association for Dental Safety.

**2. *The infection control inspection will verify the presence of the following, the absence of which will result in an adverse score on the relevant section of the inspection:***

**(a) *a minimum of one standard 16-unit first-aid kit with no expired items that must be kept filled and ready for use and housed at a convenient location near patient treatment areas.***

**(b) *an emergency medical kit that must contain, at minimum, the following:***

**(a) *Nitroglycerin***

**(b) *Benadryl***

**(c) *Epinephrine (injectable)***

**(d) *Aspirin***

**(e) *Albuterol***

- (f) Glucose or Glucose substitute, and*
- (g) Oxygen.*

*3. The infection control inspection will verify that each sterilization load is monitored with mechanical indicators for time, temperature, and pressure, and that each sterilization load includes, at a minimum, a Class V integrator. Failing to use a Class V integrator will result in an adverse score on the relevant section of the inspection.*

*4. Chronological updates to the same-titled publications outlined in section 1 published by the CDC will further be incorporated by reference and used as guidelines for compliance and inspections without the need for a Board vote or regulatory change. The Board shall notify licensees of any critical updates that will significantly change the infection control inspection procedures or outcomes.*

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**NAC 631.1785 Inspection of office or facility *for infection control compliance.***

*1. For purposes of this section, the term “dental practice or dental office” means the physical space where a dentist provides dental treatment. For an owner or operator, this means the entire physical space of ownership, inclusive of (but not limited to) operatories, cleaning facilities, sterile and sterilization areas, patient common areas, restrooms, administrative offices and spaces, and any space holding or storing dental equipment or patient records. For a dentist that rents a physical space from another dentist, this means the physical space where a dentist is entitled to provide dental service by virtue of their rental agreement, which can include (but is not limited to) an assigned operatory or chair space, any equipment in that immediate area of access and control, and any communal equipment for sterilization of any instruments they will personally use or for the provision of anesthesia or sedation in their practice. This definition does not include the space in a patient’s home where home care or house calls could be performed.*

*2. Except where a dental clinic, practice, or facility is to be opened and operated in a historically underserved community or as a federally qualified health clinic, a non-profit dental program, or a public health dental program, prior to opening or owning any new dental practice or dental office, whether created new or assuming the practice of another dentist, other than a medical facility as defined in NRS 449.0151 that is separately inspected under NRS 449.442, a licensed dentist must request in writing that the Board conduct an initial **infection control** inspection of the **dental practice or dental office** to ensure compliance with the guidelines adopted by reference in NAC 631.178.*

- (a) The Board has up to 30 days from the date the inspection request is received to conduct the initial infection control inspection. In order to open their practice on the anticipated start date, the licensed dentist should submit their inspection request no later than 30 days in advance of their anticipated opening date. There is no penalty for not submitting an infection control inspection request more than 30 days prior to the anticipated opening date, except that opening must be delayed until the infection control inspection is complete and passed.*
- (b) Except as outlined in subsection (c) below, an owner or operator of any new dental practice, office, or other space where dental treatments are to be performed cannot commence the practice of dentistry until the initial infection control inspection has occurred and has been passed. It is a disciplinary violation to provide dental services prior to passing an initial infection control inspection, for which either or both an owner-operator or non-operator owner can be liable.*
- (c) Subsections (a) and (b) do not apply to practices opening in historically underserved communities as defined in AB483, federally qualified health clinics, non-profit dental programs, or public health dental programs. While these practice location types must still submit an infection control inspection request prior to the anticipated opening date, said practice may commence providing dental services before the infection control inspection is completed and passed, and the Board has up to 30 days after opening to complete the inspection.*
- (i) Even if one these practice location types has opened and started operating before passing an infection control inspection, they are subject to reinspection and suspension remedies and obligations as outlined in subsections 5 through 9 of this regulation.*

*3. Where a dental clinic, practice, or facility is to be opened and operated in a historically underserved community or as a federally qualified health clinic, a non-profit dental program, or a public health dental program, prior to opening or owning any new dental practice or dental office, whether created new or assuming the practice space of another dentist or program, other than a medical facility as defined in NRS 449.0151 that is separately inspected under NRS 449.442, a licensed dentist or a non-dentist program administrator must request in writing that the Board conduct an initial infection control inspection of the dental practice or dental office to ensure compliance with the guidelines adopted by reference in NAC 631.178.*

**4. No** later than **7** days after receiving a written request pursuant **to subsections 1 or 3**:

- (a) The Executive Director shall assign **one or more agents** of the Board to conduct the inspection; and
- (b) Schedule the inspection with the applicant.

**5. Prior to operating a “registered facility” as defined by NAC 631.2203 for the purpose of providing continuing or advanced education where live patients will be used for demonstrations or practice, whether that be through rental agreement or purchase of a permanent space for the purpose of providing continuing education, the education service operator will meet the same infection control inspection requirements as an owner or operator of a dental practice or dental office as outlined in subsection 2, and the Board will have the same obligations outlined in subsection 2. The education service operator will have the same reinspection rights, remedies and obligations as outlined in subsections 5, 6, 7, and 8 of this regulation.**

**6.** Not later than **3 business** days after the **Board agent inspector has** completed the initial **infection control** inspection of a **dental practice or dental office pursuant to subsection 2**, the agent shall issue a report to the Executive Director indicating whether the office or facility is **equipped** in compliance with the guidelines adopted by reference in NAC 631.178. If the report indicates that the office or facility:

(a) Is **equipped** in compliance with the guidelines adopted by reference in NAC 631.178, the Executive Director shall, without any further action by the Board **and by the end of the next business day after receiving the report**, issue a written notice of the agents’ findings to the **owner or operator of the practice**, office or facility. **Thereafter, the practice may open and start providing dental services.**

(b) Is not **equipped** in compliance with the guidelines adopted by reference in NAC 631.178, the Executive Director shall, without any further action by the Board **and by the end of the next business day after receiving the report**, issue a written notice **to the owner or operator of the practice, office or facility that** identifies **the** deficiencies **causing the inspection failure. If a failure notice is received by a practice not in a historically underserved community, the practice cannot open and cannot start providing dental services. If a failure notice is received by a practice that is in a historically underserved community or a federally qualified health clinic, a non-profit dental program, or a public health dental program, that practice, office, or facility must immediately cease operations and close the practice, office, or facility to the provision of any dental services.**

**7. ~~Not later than 72 hours~~ Immediately upon receipt of ~~after~~ issuing a written inspection failure notice pursuant to paragraph (b) of subsection 4, but no later than 7 business days after receiving a failure notice:**

*(a) The owner or operator of a dental practice or dental office can request in writing a reinspection.*

*(b) If a request for reinspection is received, the Executive Director shall assign a different agent of the Board to conduct a reinspection to determine if the owner or operator ~~and the personnel supervised by the dentist has~~ taken corrective measures to cure the deficiencies causing the prior inspection failure.*

*(1) Assignment of a different Board agent inspector is only required in an area that this not defined as a historically underserved community. For historically underserved communities, staffing availability may require assignment of the same Board inspection agent.*

*(c) The reinspection will be scheduled at the convenience of the owner or operator, but, if the practice, office, or facility is not in a historically underserved community, no earlier than 7 business days from the reinspection request being received by the Board, and, if the practice, office, or facility is in a historically underserved community, no earlier than 30 business days from reinspection request being received by the Board.*

*(d) The Board agent inspector assigned pursuant to paragraph shall, no later than 3 business days after completing the reinspection, issue a report to the Executive Director indicating whether the owner or operator has cured the deficiencies causing the inspection failure. ~~licensed dentist and the personnel supervised by the dentist are in compliance with the guidelines adopted by reference in NAC 631.178.~~ If the report indicates that the owner or operator:*

*(1) Is in compliance with the guidelines adopted by reference in NAC 631.178, the Executive Director shall, without any further action by the Board and by the end of the next business day after receiving the report, issue a written notice of the agents' cure findings to the owner or operator of the office, practice, or facility. Thereafter, the practice may open and start providing dental services.*

*(2) Is still not in compliance with the guidelines adopted by reference in NAC 631.178, the Executive Director may, without any further action by the Board and by the end of the next business day after receiving the report, issue a written notice to the owner or operator of the practice, office or facility notifying them of their failure to cure. If a failure to cure notice is received, the practice, regardless of whether located in historically underserved community or not, cannot open and cannot provide dental services.*

*(e) If the owner or operator of a practice, office, or facility does not submit to the Board in writing a reinspection request within 7 business days after the initial inspection failure notice issues, the timelines for assigning Board agents and commencing inspections outlined in paragraphs (b) and (c) will not apply. In the event a reinspection request is received more than 7 business days from the date the initial inspection failure notice issues to the owner or operator, the Board will assign inspector agents and conduct reinspections at a pace commensurate with Board*

*staffing resources and Board workload, but the reinspection will not occur later than 180 days from the date the reinspection request is ultimately received.*

*(1) There is no administrative hearing entitlement until the exhaustion of other remedies; the remedy here is the reinspection, such that a reinspection will not be scheduled until after an owner or operator has an opportunity to cure the infection control deficiencies found in the initial inspection and fails inspection for a second time.*

~~*issue an order to the licensed dentist who owns the office or facility and all other licensees employed at the office or facility that any or all of those licensees or personnel must immediately cease and desist from performing dental treatments and that some or all dental treatments must cease to be performed at the office or facility until a hearing is held before the Board. The hearing before the Board must be convened not later than 30 days after the Executive Director issues the order to cease and desist.*~~

~~*6. Not later than 72 hours after receiving material evidencing critical deficiencies by a licensed dentist who owns an office or facility in this State where dental treatments are to be performed, other than a medical facility as defined in NRS 449.0151, the Executive Director may assign agents of the Board to conduct an inspection of an office or facility to ensure that the licensed dentist and the personnel supervised by the dentist are in compliance with the guidelines adopted by reference in NAC 631.178. An inspection conducted pursuant to this subsection may be conducted during normal business hours with notice to the licensed dentist who owns the office or facility.*~~

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

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

~~*(b) The agents shall conduct the inspection.*~~

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

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

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

8. *If the Executive Director issues a failure to cure notice after the failure of a reinspection, not later than 7 business days after issuing the failure to cure notice, the Board will schedule an administrative hearing for the purpose of determining whether the practice, office, or facility will be allowed to open or reopen and provide dental services regardless of the infection control inspection failures.*

*(a) The administrative hearing will be scheduled for the next Board Meeting following a 30-day notice and complaint preparation period.*

*(b) The administrative hearing can be heard by, and the administrative matter can be resolved by, not less than 3 members of the Board.*

*(c) The owner or operator must submit to the Board any evidence of subsequent cures or any defenses for non-compliance no later than 7 business days before the scheduled hearing date.*

*(d) The practice, office, or facility must remain closed and must not provide dental services between the times of the initial inspection failure notice, the failure to cure notice, and the administrative hearing. This is regardless of whether the practice, office, or facility serves a historically underserved community.*

*(e) If the result of the administrative hearing is that the owner or operator, or practice, office or facility, remains non-compliant with the infection control guidelines adopted by reference in NAC 631.178, and there are no defenses warranting the allowance of practice despite noncompliance with the infection control guidelines adopted by reference in NAC 631.178, the practice, office, or facility must remain closed and the owner or operator cannot provide dental services at the facility for a minimum of one year.*

*(1) An owner or operator can request a new initial infection control inspection no earlier than 365 days from the date the administrative hearing result is announced. To open or reopen at that subsequent date, the owner or operator, or practice, office, or facility must pass the initial infection control inspection.*

*(2) If the owner or operator, or practice, office, or facility, does not pass this subsequent initial infection control inspection, the practice, office, or facility must remain closed, and the owner or operator cannot provide dental services at the facility for a minimum of another year.*

*(3) An owner or operator can request anew for an initial infection control inspection yearly until the site passes the initial infection control inspection. Only if the practice, office, or facility passes the initial*

*infection control inspection at some point can the practice, office, or facility and open and the provision of dental services be offered therefrom.*

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

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

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

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

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

*(a) Is a summary suspension issues pursuant to subsection 7, an owner or operator is not entitled to a reinspection under the process outlined in subsection 5;*

*instead, the administrative hearing provisions and process of subsection 6 become effective.*

*10. Due to patient property rights and privacy concerns, as well as inspector safety and practicality issues, an infection control inspection cannot be accomplished in a patient's place of residence. Thus, licensees shall not, unless they meet the exception below at paragraph (a), practice in a home care setting.*

*(a) An infection control inspection can be waived upon Board approval, and dental care rendered in a patient's home, if: (i) the patient is: homebound consistent with federal definitions found at 42 C.F.R. § 440.20(b)(4); (ii) the patient is receiving services to be billed to either or both Medicare or Medicaid; and (iii) the dental services to be provided are for treatment of active (acute or chronic) dental diseases, injuries, or conditions including but not limited to fractures, breaks, nerve damage, and significant pain, or for decay prevention such as removing biofilms and calculus. Home dental care cannot be provided for cosmetic or aesthetic purposes ~~or for dental cleanings.~~*

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**NAC 631.179 Random inspection of office or facility; subsequent action by Executive Director.**

1. The Executive Director may assign *one or more* Board *agents* to conduct a random inspection *without notice* of a *dental practice or dental office* in this State where dental treatments are to be performed to ensure that the owner or operator and any non-owner, non-operator dentists and personnel are in compliance with the guidelines adopted by reference in NAC 631.178. Random inspections conducted pursuant to this subsection may be conducted during normal business hours without notice to the licensed dentist who owns the office or facility to be inspected.

*(a) The assigned infection control inspector or inspectors will identify themselves as Board agents when entering a dental practice or facility. Any attempt by dental office staff to deny or delay entry to the random infection control inspectors will be deemed an admission of inability to pass the random inspection, and the practice will receive an automatic failure notice triggering an Executive Director notices under paragraph (b) of subsection 6 of NAC 631.1785.*

*2. All timelines and processes for infection control inspection agent reporting, Executive Director notices, reinspections, administrative hearings, and summary suspensions outlined in subsections 6 through 9 of NAC 631.1785 apply to random infection control inspections, summary suspensions, and the due process remedies available for failures of random infection control inspections.*

~~*Not later than 30 days after agents of the Board have completed a random inspection of an office or facility in this State where dental treatments are to be performed to ensure compliance with the guidelines adopted by reference in NAC 631.178, the agents shall issue a report to the Executive Director indicating whether the licensed dentist and the personnel supervised by the dentist are in compliance with the*~~

~~guidelines adopted by reference in NAC 631.178. If the report indicates that the licensed dentist and the personnel supervised by the dentist:~~

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

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

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

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

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

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

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

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