

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

LCB File No. R054-26

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

AUTHORITY: §§ 1-4, NRS 631.190; § 5, NRS 631.190 and 631.220; § 6, NRS 631.190 and 631.335; § 7, NRS 631.190 and 631.2715.

A REGULATION relating to dentistry; revising the manner in which certain forms must be authenticated; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Board of Dental Examiners of Nevada to adopt regulations as necessary to carry out the provisions of law regulating dentists, dental therapists, dental hygienists and expanded function dental assistants. (NRS 631.190) Existing regulations require that an application for licensure to practice dentistry, dental therapy, dental hygiene or expanded function dental assistance be sworn before a notary public or other officer authorized to administer oaths. (NAC 631.028) Existing regulations also require that a petition for reinstatement of licensure from inactive to active status and the statement included with the form for registration of a permanent facility that only provides postgraduate continuing education in dentistry be notarized before being submitted to the Board. (NAC 631.170, 631.2205) Instead of notarizing such an application, petition or form, **sections 5-7** of this regulation authorize such an applicant, petitioner or registrant to submit to the Board: (1) a declaration signed under penalty of perjury that the information provided to the Board as part of the application, petition or form is true and correct to the best of the knowledge of the person submitting the application, petition or form, as applicable; and (2) a copy of a valid identification card. **Section 3** of this regulation defines “valid identification card” to mean a driver’s license or identification card, tribal identification card, military identification card, permanent resident card, passport or any other form of identification issued by a governmental agency which contains a picture of the owner of the form of identification. **Section 2** of this regulation defines “tribal identification card.” **Section 4** of this regulation indicates the applicability of the definitions set forth in **sections 2 and 3**.

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

Sec. 2. *“Tribal identification card” means an identification card issued by a tribal government which satisfies the requirements of subsection 3 of NRS 232.006.*

Sec. 3. *“Valid identification card” means a valid and current:*

- 1. Driver’s license or identification card issued by this State or another state, the District of Columbia or any territory of the United States;*
- 2. Tribal identification card;*
- 3. Military identification card;*
- 4. Permanent resident card;*
- 5. Passport issued by the United States Government or a foreign government; or*
- 6. Any other form of identification issued by a governmental agency which contains a picture of the owner of the form of identification.*

Sec. 4. NAC 631.0005 is hereby amended to read as follows:

631.0005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 631.002 to 631.008, inclusive, *and sections 2 and 3 of this regulation* have the meanings ascribed to them in those sections.

Sec. 5. NAC 631.028 is hereby amended to read as follows:

631.028 1. An application for licensure must be filed with the Executive Director on a form furnished by the Board.

2. An applicant must:

(a) Have his or her application sworn before a notary public or other officer authorized to administer oaths; or

(b) Submit with his or her application:

(1) A declaration that the information provided as part of the application is true and correct to the best of the knowledge of the applicant, which must be signed by the applicant under penalty of perjury in accordance with NRS 53.045; and

(2) A copy of a valid identification card that contains the same name as the signature on the declaration.

3. The application must be ~~sworn to before a notary public or other officer authorized to administer oaths and~~ accompanied by the fee required pursuant to NAC 631.029.

~~{2.}~~ 4. All ~~{such}~~ fees must be paid with an instrument which is immediately negotiable.

Sec. 6. NAC 631.170 is hereby amended to read as follows:

631.170 1. A licensee may request the Board to place his or her license in an inactive or retired status. Such a request must be made in writing and before the license expires.

2. The Secretary-Treasurer may reinstate an inactive license upon the written request of an inactive licensee who has maintained an active license and practice outside this State during the time his or her Nevada license was inactive. To reinstate the license, such an inactive licensee must:

- (a) Pay the appropriate renewal fees;
- (b) Provide a list of his or her employment during the time the license was inactive;
- (c) Report all claims of unprofessional conduct or professional incompetence against him or her or any violation of the law which he or she may have committed, including administrative disciplinary charges brought by any other jurisdiction;
- (d) Report whether he or she has been held civilly or criminally liable in this State, another state or territory of the United States or the District of Columbia for misconduct relating to his or her occupation or profession;

(e) Report any appearance he or she may have made before a peer review committee;

(f) Submit proof of his or her completion of an amount of continuing education, prorated as necessary, for the year in which the license is restored to active status;

(g) Provide certification from each jurisdiction in which he or she currently practices that his or her license is in good standing and that no proceedings which may affect that standing are pending;

(h) Satisfy the Secretary-Treasurer that he or she is of good moral character; and

(i) Provide any other information which the Secretary-Treasurer may require,
↪ before the license may be reinstated. In determining whether the licensee is of good moral character, the Secretary-Treasurer may consider whether the license to practice dentistry, dental therapy or dental hygiene in another state has been suspended or revoked or whether the licensee is currently involved in any disciplinary action concerning the license in that state.

3. If a person whose license has been on inactive status for less than 2 years has not maintained an active license or practice outside this State, including, without limitation, because his or her license to practice in another jurisdiction has been suspended, revoked or surrendered or because of any other order by a competent authority of another jurisdiction, or if a person's license has been on retired status for less than 2 years, he or she must submit to the Board:

(a) Payment of the appropriate renewal fees;

(b) A written petition for reinstatement that has been signed and ~~notarized;~~ *either:*

(1) Notarized; or

(2) Submitted with:

(I) A declaration that the information provided as part of the petition is true and correct to the best of the knowledge of the petitioner, which must be signed by the petitioner under penalty of perjury in accordance with NRS 53.045; and

(II) A copy of a valid identification card that contains the same name as the signature on the declaration;

(c) Proof of his or her completion of an amount of continuing education, prorated as necessary, for the year in which the license is restored to active status; and

(d) A list of his or her employment, if any, during the time the license was on inactive or retired status,

↳ before the license may be reinstated.

4. If a person whose license has been on inactive status for 2 years or more has not maintained an active license or practice outside this State, including, without limitation, because his or her license to practice in another jurisdiction has been suspended, revoked or surrendered or because of any other order by a competent authority of another jurisdiction, or if a person's license has been on retired status for 2 years or more, he or she must:

(a) Satisfy the requirements set forth in paragraphs (a) to (d), inclusive, of subsection 3; and

(b) Pass such additional examinations for licensure as the Board may prescribe,

↳ before the license may be reinstated.

5. If the license of a person has been placed on disabled status, the person must:

(a) Satisfy the requirements of paragraphs (a), (b) and (c) of subsection 3;

(b) Submit to the Board a list of his or her employment, if any, during the time the license was on disabled status;

(c) Pass such additional examinations for licensure as the Board may prescribe; and

(d) Submit to the Board a statement signed by a licensed physician setting forth that the person is able, mentally and physically, to practice dentistry, dental therapy or dental hygiene, as applicable,

↳ before the license may be reinstated.

6. If the license of a person has been suspended for 2 years or more and the person has not maintained an active practice outside of this State, including, without limitation, because his or her license to practice in another jurisdiction has been suspended, revoked or surrendered or because of any other order by a competent authority of another jurisdiction, the Board may require the person to pass such examinations for licensure as the Board may prescribe before reinstating the license.

Sec. 7. NAC 631.2205 is hereby amended to read as follows:

631.2205 1. A form for registration of a permanent facility for the sole purpose of providing postgraduate continuing education in dentistry will be prescribed and furnished by the Board.

2. The form will include, without limitation:

(a) The name of each individual or entity who owns or operates the institute or organization that is registering the facility;

(b) The type of facility;

(c) The location of the facility; and

(d) A ~~notarized~~ statement, executed by an owner or other person authorized on behalf of the institute or organization, that:

(1) The facility is a permanent facility for the sole purpose of providing postgraduate continuing education in dentistry;

(2) All courses of continuing education involving live patients will be supervised by dentists licensed in this State;

(3) Any person who is actively licensed as a dentist in another jurisdiction and who is treating a patient during a course of continuing education at the facility:

(I) Has previously treated the patient in the jurisdiction in which the person performing the treatment is licensed;

(II) Is treating the patient only during a course of continuing education at the facility;
and

(III) Is treating the patient under the supervision of a person licensed under NRS 631.2715; and

(4) The institute or organization is in full compliance with:

(I) All applicable regulations of the State Board of Health;

(II) All applicable guidelines issued by the Centers for Disease Control and Prevention;

(III) All applicable provisions of this chapter and chapter 631 of NRS, as they relate to the administration of moderate sedation, deep sedation and general anesthesia; and

(IV) All applicable provisions of this chapter and chapter 631 of NRS, as they relate to the operation of radiographic equipment.

3. The statement included pursuant to paragraph (d) of subsection 2 must be either:

(a) Notarized; or

(b) Submitted with:

(1) A declaration that the statement is true and correct to the best of the knowledge of the person submitting the statement, which must be signed under penalty of perjury in accordance with NRS 53.045 by the person submitting the form; and

(2) A copy of a valid identification card that contains the same name as the signature on the declaration.