

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

**LCB FILE NO. R055-26I**

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

**1. Implement NAC 631.274 - Closure or Sale of Dental Clinic; records retention obligations** – *[all new] A regulation relating to the practice of dentistry; establishes practices for patient notes record retention after a dentist sells or closes their business; expands records retention to infection control inspection records; allows a practice-selling dentist continued access to patient records after the sale for purposes of responding to disciplinary complaints. [Authority: no NRS 631 or NRS 629 directly on point regarding records retention post-office closure or sell, though NRS 631.3452(1)(g) discussed records retention obligations on dental practice owners; see also NRS 629.051 for medical records retention scheduled, generally.]*

*NAC (new, possibly 631.276) 631.274 Closure or Sale of Dental Clinic; records retention obligations.*

*1. For purposes of identifying a custodian of records bound to comply with NRS 629.051 records retention schedules and processes, the dental director, designated consistent with NRS 631.3452, or the Program Director of a public health program consistent with NRS 631.3453, shall be the custodian of records required to retain patient records for 5 years after their receipt or production.*

*2. If a Dental Director custodian of records or public health Program Director custodian of records is also the owner of a practice, and that owner closes their practice with no transfer of patients or patient assets to another practitioner, the custodian of records owner shall maintain patient records in any form acceptable under NRS 629.051(1) either at a facility to which they will have direct possession or at a designated commercial repository with which they will contract for records retention services as follows:*

*(a) for patients 23 years old or older, for the following 5 years; and*

*(b) for minor patients, defined for the purpose of this regulation as anyone 22 years old and younger, for the time until the patient turns 23 years old, plus five years thereafter.*

*3. If a Dental Director custodian of records or public health Program Director custodian of records is also the owner of a practice, and that owner sells their practice to another practitioner by way of a contract that transfers the right to care for existing patients and patient assets, including patient records, the selling owner ceases to have custodian of records authority and obligations on the date of final transfer of ownership. When ownership transfers, the new owner shall be the new custodian of records unless or until they appoint another dentist to be Dental Director, at which time custodian of records authority and obligations transfer to the Dental Director.*

*4. If a Dental Director custodian of records or public health Program Director custodian of records is also the owner of a practice, and that owner sells their practice to another practitioner, but the sales contract does not transfer the right to care for existing patients and patient assets, including patient records, or the sales contract is silent on the matter, the original selling owner maintains custodian of records authority and obligations and must adhere to all records retention provisions outlined in subsection (2).*

*5. If an owner of a practice is not also the Dental Director or the Public Health Program Director and:*

*(a) the owner closes the practice without transferring patients, assets, and records, such that a Dental Director no longer exists for the practice, the owner must adhere to all records retention provisions outlined in subsection (1);*

*(b) the owner sells the practice, assets and records, such that the Dental Director under their leadership maintains their Dental Director position throughout the sale, custodian of records authority and obligations remain with the Dental Director; or*

*(c) the owner sells the practice, assets and records, but part of the sales contract is the identification of a new Dental Director, custodian of records authority and obligations goes to the newly identified Dental Director immediately upon transfer of ownership.*

*6. The records retention responsibility and structure outlined for patient records in subsections 1 through 5 above also applies to infection control inspection records and anesthesia inspection and permit records, each of which must be retained by the responsible individual or entity for a minimum of 3 years after creation or receipt, whichever is latest. Records retention rules related to OSHA compliance are governed by federal law and exceed the retention schedule for Nevada, such that custodians of records should maintain those records for the federally prescribed minimum as established by OSHA.*

*7. After the sale of a practice where patient records are transferred as outlined in paragraph (3) of this subsection, the selling dentist is allowed to access his or her former patient's records, infection control records, and anesthesia permitting records now in the custody of the new Dental Director custodian of records, for up to 5 years after the close of the sale, for the sole purpose of responding to a disciplinary investigation commenced by the Nevada State Board of Dental Examiners. The new Dental Director custodian of records shall not prohibit or hinder the former owner from inspecting and copying records for that purpose so long as the new owner seeks to inspect and copy records during normal business hours and at their own expense.*