

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

**LCB File No. R055-26**

April 14, 2026

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

AUTHORITY: §§ 1-3, NRS 631.190 and 631.3452.

A REGULATION relating to dentistry; requiring certain persons to serve as the custodian of health care records for certain dental practices; establishing requirements relating to the retention and maintenance of certain records under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law requires the Board of Dental Examiners of Nevada to regulate the practice of dentistry in this State. (NRS 631.190) Existing law defines the term “custodian of health care records” and generally requires a custodian of health care records to retain the health care records of patients for 5 years after the receipt or production of the records, among other requirements. (NRS 629.016, 629.051-629.069) Existing law requires certain entities that own or operate a dental office or clinic to designate an actively licensed dentist as the dental director of the office or clinic who, among other responsibilities, is responsible for retaining patient dental records as required by existing law and regulations. (NRS 631.215, 631.3452) Existing law exempts a program for the provision of public health dental hygiene or dental therapy from the requirement to designate a dental director if the program meets certain other requirements. (NRS 631.3453)

**Section 2** of this regulation requires the dental director of a dental office or clinic and a person who operates a program for the provision of public health dental hygiene or dental therapy to serve as the custodian of health care records for the dental office or clinic or program, as applicable, and to comply with all applicable requirements imposed on a custodian of health care records with respect to the records maintained by the dental office or clinic or program, as applicable.

**Section 3** of this regulation defines “applicable dental practice” to mean: (1) a dental office or clinic for which a dental director is required to be designated; or (2) a program for the provision of public health dental hygiene or dental therapy. **Section 3** also defines the term “applicable records” to mean: (1) records of patients; (2) records which relate to inspections for or compliance with infection control guidelines; or (3) records which relate to inspections for or compliance with the requirements to hold a general anesthesia permit or moderate sedation permit. Except as otherwise required by federal law or regulation, **section 3** requires the custodian of health care records for an applicable dental practice to retain, for 3 years after the

receipt or production of such records, applicable records which relate to such infection control guidelines or general anesthesia permits or moderate sedation permits.

**Section 3** establishes requirements relating to the retention and maintenance of applicable records if the owner of an applicable dental practice closes, sells or otherwise transfers ownership of the practice.

If the closure, sale or transfer of ownership of an applicable dental practice does not transfer the right to care for existing patients and does not transfer control of applicable records, **section 3** requires the owner to: (1) retain and maintain the applicable records in accordance with existing law and the provisions of this regulation; or (2) contract with and transfer the applicable records to a person who will retain and maintain the applicable records in accordance with existing law and the provisions of this regulation.

If the sale or transfer of ownership of an applicable dental practice includes the transfer to the buyer or transferee of the right to care for existing patients of the practice, **section 3** requires the buyer or transferee to serve as the custodian of health care records for the practice: (1) unless the person serving as the custodian of health care records maintains the position after the sale or transfer; or (2) unless and until the buyer or transferee designates an applicable person described in **section 2** to serve as the custodian of health care records for the practice.

**Section 3** also requires, under certain circumstances, that the seller or transferor of an applicable dental practice be allowed access to the applicable records if the seller or transferor requests such access for the purposes of responding to an investigation or administrative or disciplinary proceeding of the Board.

**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. 1.** *Except as otherwise provided in section 3 of this regulation, the dental director of a dental office or clinic designated pursuant to NRS 631.3452 shall serve as the custodian of health care records for the dental office or clinic and shall comply with all applicable requirements imposed on a custodian of health care records by law or regulation with respect to the records maintained by the dental office or clinic, including, without limitation, the requirements imposed by NRS 629.051 to 629.069, inclusive, any regulations adopted pursuant thereto and section 3 of this regulation.*

**2.** *Except as otherwise provided in section 3 of this regulation, the operator of a program for the provision of public health dental hygiene or dental therapy described in NRS 631.3453 shall serve as the custodian of health care records for the program and shall comply with all*

*applicable requirements imposed on a custodian of health care records by law or regulation with respect to the records maintained by the program, including, without limitation, the requirements imposed by NRS 629.051 to 629.069, inclusive, any regulations adopted pursuant thereto and section 3 of this regulation.*

*3. As used in this section, “custodian of health care records” has the meaning ascribed to it in NRS 629.016.*

*Sec. 3. 1. If the owner of an applicable dental practice closes, sells or otherwise transfers ownership of the practice without transferring the right to care for existing patients of the practice and without transferring control of applicable records of the practice, the owner shall:*

*(a) Retain and maintain the applicable records in accordance with the requirements of this section; or*

*(b) Contract with and transfer the applicable records to a person who will retain and maintain the applicable records in accordance with the requirements of this section.*

*2. If the owner of an applicable dental practice sells or otherwise transfers ownership of the applicable dental practice and the sale or transfer includes the transfer to the buyer or transferee of the right to care for existing patients of the practice and of control of applicable records of the practice:*

*(a) If the seller or transferor serves as the custodian of health care records for the applicable practice, on the date on which the sale or transfer is complete:*

*(1) The seller or transferor is divested of his or her powers and duties as the custodian of health care records for the practice; and*

*(2) Unless and until the buyer or transferee designates a person described in subsection 1 or 2 of section 2 of this regulation, as applicable, to serve as the custodian of health care records for the practice, the buyer or transferee shall serve as the custodian of health care records for the practice and shall comply with all applicable requirements imposed upon a custodian of health care records with respect to the applicable records maintained by the practice, including, without limitation, the requirements set forth in this section, NRS 629.051 to 629.069, inclusive, and any regulations adopted pursuant thereto.*

*(b) If the seller or transferor does not serve as the custodian of health care records for the applicable dental practice:*

*(1) If the terms of the sale or transfer provide for the continued service of the person who serves as the custodian of health care records of the practice after the sale or transfer, that person shall continue to serve as the custodian of health care records for the practice on and after the date on which the sale or transfer is complete.*

*(2) If the terms of the sale or transfer do not provide for the continued service of the person who serves as the custodian of health care records of the practice after the sale or transfer, the buyer or transferee, on the date on which the sale or transfer is complete and unless and until the buyer or transferee designates a person described in subsection 1 or 2 of section 2 of this regulation, as applicable, to serve as the custodian of health care records for the practice, shall serve as the custodian of health care records for the practice and shall comply with all applicable requirements imposed upon a custodian of health care records with respect to the applicable records maintained by the practice, including, without limitation, the requirements set forth in this section, NRS 629.051 to 629.069, inclusive, and any regulations adopted pursuant thereto.*

3. *For at least 5 years after a sale or transfer of ownership of an applicable dental practice described in subsection 2, the custodian of health care records for the practice:*

*(a) Shall allow the seller or transferor to access applicable records created during the period in which he or she owned the applicable dental practice if the seller or transferor requests access to such records for the purposes of responding to an investigation or administrative or disciplinary proceeding of the Board; and*

*(b) May require a seller or transferor who requests access to applicable records pursuant to paragraph (a) to inspect and copy the requested applicable records during regular business hours and at his or her own expense.*

4. *Except as otherwise required by federal law or regulation, each custodian of health care records for an applicable dental practice shall retain the applicable records described in subparagraph (2) of paragraph (b) of subsection 6 for 3 years after the receipt or production of such records.*

5. *The records described in this section must be maintained in accordance with all applicable federal and state laws and regulations, including, without limitation, NRS 629.051 to 629.069, inclusive, and any regulations adopted pursuant thereto.*

6. *As used in this section:*

*(a) “Applicable dental practice” means:*

*(1) A dental office or clinic described in paragraph (g) of subsection 2 of NRS 631.215;*

*or*

*(2) A program for the provision of public health dental hygiene or dental therapy described in NRS 631.3453.*

*(b) “Applicable records” means:*

*(1) Records of patients; or*

*(2) Records which relate to inspections for or compliance with:*

*(I) Infection control guidelines; or*

*(II) The requirements to hold a general anesthesia permit or moderate sedation*

*permit.*

*(c) “Custodian of health care records” has the meaning ascribed to it in NRS 629.016.*