

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

LCB File No. R055-26

June 2, 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 terms “health care records” and “custodian of health care records” and requires, in general, 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, 629.021, 629.051-629.069) Subject to certain exceptions, existing law requires, in general, any person who owns or controls a dental practice to be licensed by the Board. (NRS 631.395) Under existing law, exceptions from that requirement are provided for the surviving member of a dentist’s family for a certain period after his or her death and for certain entities under certain circumstances. (NRS 631.215, 631.295) 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. For any other type of dental practice, office or clinic, **section 2** requires the licensed dentist or surviving family member who owns the practice, office or clinic or a designated member of the staff to serve as the custodian of health care records and to comply with all applicable requirements imposed on a custodian of health care records with respect to the records maintained by the practice, office or clinic.

Section 3 of this regulation defines “dental practice” for the purpose of **section 3** to mean: (1) a dental office or clinic for which a dental director is required to be designated; (2) a program for the provision of public health dental hygiene or dental therapy; or (3) any other dental practice, office or clinic. **Section 3** also defines the term “applicable records” to mean: (1) certain records of patients and health care records, including records relating to insurance and any warranty offered to the patient; (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 a dental practice to retain: (1) for 3 years after the receipt or production of such records, applicable records which relate to infection control guidelines or general anesthesia permits or moderate sedation permits; and (2) in accordance with existing law, for 5 years after the later of the date of receipt or production of such records or the date on which the patient attains the age of 23 years, applicable records which are records of patients or other health care records.

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

If the closure, sale or transfer of ownership of a dental practice does not transfer the right to care for existing patients and does not transfer control of applicable records, or if the terms of such a closure, sale or transfer do not contemplate the right to care for such existing patients and control of such applicable records, **section 3** requires the owner of the dental practice to: (1) retain and maintain the applicable records in accordance with existing law and the provisions of this regulation; or (2) enter into a 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. Under those circumstances, **section 3** prohibits a buyer or transferee of the dental practice from: (1) interfering with the duties of the person who retains and maintains the applicable records; or (2) refusing access to applicable records by a person who is authorized to access such records solely because such records were created by the dental practice before the date on which the sale or transfer was completed.

If the sale or transfer of ownership of a 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 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 a 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. Except as otherwise provided in section 3 of this regulation, for any dental practice, office or clinic other than a dental practice, office or clinic described in subsection 1 or 2, either the licensed dentist or surviving family member who owns the dental practice, office or clinic or a member of the staff who has been designated by that licensed dentist or surviving family member to serve as the custodian of health care records shall serve as the custodian of health care records for the dental practice, 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 practice, 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.

4. As used in this section,

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

(b) “Surviving family member” means a surviving member of a dentist’s member described in NRS 631.385.

Sec. 3. 1. If the owner of a dental practice closes, sells or otherwise transfers ownership of the dental practice without transferring the right to care for existing patients of the dental practice and without transferring control of applicable records of the dental practice, or if the terms of such a closure, sale or transfer do not contemplate the right to care for such existing patients and the control of such applicable records:

(a) The owner of the dental practice shall:

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

(2) Enter into a 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.

(b) In the case of a sale or other transfer of ownership, the buyer or transferee of the dental practice shall not:

(1) Interfere with the duties of the person who retains and maintains the applicable records pursuant to paragraph (a); or

(2) For a person who is authorized to access applicable records, refuse the person access to such records solely because such applicable records were created by the dental practice before the date on which the sale or transfer was completed.

2. If the owner of a dental practice sells or otherwise transfers ownership of the 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 dental practice and of control of applicable records of the dental practice, on the date on which the sale or transfer is complete:

(a) The person who was serving as the custodian of health care records for the dental practice before the sale or transfer is divested of his or her powers and duties as the custodian of health care records for the dental practice.

(b) For the sale or transfer of a dental practice described in subparagraph (1) of paragraph (c) of subsection 5 to an entity described in paragraph (g) of subsection 2 of NRS 631.215 or the sale or transfer of a dental practice described in subparagraph (2) of paragraph (c) of subsection 5 to a licensed dental therapist or dental hygienist described in subsection 1 of NRS 631.3453, 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 dental practice, the buyer or transferee shall serve as the custodian of health care records for the dental practice and shall comply with all applicable requirements imposed upon on a custodian of health care records with respect to the applicable records maintained by the dental practice, including, without limitation, the requirements set forth in this section, NRS 629.051 to 629.069, inclusive, and any regulations adopted pursuant thereto. On the date on which a person described in subsection 1 or 2 of section 2 of this regulation, as applicable, is designated:

(1) The buyer or transferee is divested of his or her powers and duties as the custodian of health care records for the dental practice; and

(2) The designated person shall serve as the custodian of health care records for the dental practice in accordance with section 2 of this regulation.

(c) For the sale or transfer of a dental practice other than as described in paragraph (b), the licensed dentist or surviving family member who is the buyer or transferee of the dental practice shall serve as the custodian of health care records for the dental practice in accordance with section 2 of this regulation unless and until he or she designates a member of the staff of the dental practice to serve as the custodian of health care records for the dental practice. On the date on which a member of the staff is so designated:

(1) The licensed dentist or surviving family member is divested of his or her powers and duties as the custodian of health care records for the dental practice; and

(2) The member of the staff who has been designated shall serve as the custodian of health care records for the dental practice in accordance with section 2 of this regulation.

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

(a) Shall allow the seller or transferor to access applicable records created during the period in which he or she owned the dental practice if he or she 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 a dental practice shall retain and maintain:*

(a) The applicable records described in subparagraph (2) of paragraph (a) of subsection 5 for 3 years after the receipt or production of such records.

(b) In accordance with the requirements of NRS 629.051, the applicable records described in subparagraph (1) of paragraph (a) of subsection 5 for not less than 5 years after the later of:

(1) The date of receipt or production of such records; or

(2) The date on which the person to whom the records pertain attains the age of 23 years.

(c) All applicable records of the dental practice in accordance with all other applicable federal and state law and regulations, including, without limitation, NRS 629.051 to 629.069, inclusive, and any regulations adopted pursuant thereto.

5. *As used in this section:*

(a) “Applicable records” means:

(1) Records of patients, including, without limitation, any records relating to insurance, any warranty offered to a patient and any other health care records as defined in NRS 629.061; 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.

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

(c) “Dental practice” means:

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

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

(3) A dental practice, office or clinic not described in subparagraph (1) or (2).

(d) “Surviving family member” has the meaning ascribed to it in section 2 of this regulation.