

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

LCB File No. R125-26

July 6, 2026

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

AUTHORITY: § 1, NRS 631.190; § 2, NRS 631.190, 631.342 and 631.363; §§ 3, 5 and 6, NRS 631.190 and 631.342; § 4, NRS 631.190 and 631.330; § 7, NRS 631.190 and 631.349.

A REGULATION relating to oral health; requiring providers or instructors of courses of continuing education which include a live patient demonstration to submit to certain inspections; prescribing certain requirements for auditing a licensee's proof of completion of required continuing education; revising requirements governing certain courses for licensees who use laser radiation; exempting certain licensees from required continuing education; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires: (1) the Board of Dental Examiners of Nevada to adopt regulations concerning continuing education in dentistry, dental hygiene, dental therapy and expanded function dental assistance; and (2) an applicant for the renewal of a license to practice dentistry, dental hygiene, dental therapy or expanded function dental assistance to submit proof of completion of the required continuing education. (NRS 631.330, 631.342) **Sections 5 and 6** of this regulation provide that certain applicants for the renewal of an initial license are exempt from requirements for continuing education.

Existing regulations require a provider of or instructor for a course in continuing education to be approved by the Board unless the course is approved by certain dental, medical or educational entities. To obtain such approval, existing regulations require the instructor of the course to complete a form provided by the Board and submit the form to the Board for review by a committee appointed by the Board not later than 45 days before the beginning date of the course. Existing regulations require the committee to approve or disapprove the application within 10 days after receiving the form. (NAC 631.173) **Section 5** lengthens those time periods from 45 to 60 days and from 10 to 30 days, respectively.

Existing regulations require a licensed dentist who becomes the owner of an office or facility in this State where dental treatments are to be performed, other than certain licensed medical facilities, to pass an inspection conducted by the Board to ensure compliance with certain infection control guidelines. (NAC 631.1785) **Section 2** of this regulation subjects the location of a course of continuing education that includes a live patient demonstration and will occur at a temporary event to similar inspections.

Existing regulations provide that the Board will conduct random initial audits of licensees to ensure compliance with requirements for continuing education. (NAC 631.177) **Section 3** of this regulation requires the Executive Director to notify a licensee in writing of such an audit. **Section 3** provides that a licensee fails such an audit if the licensee fails, in certain manners, to provide the Board with proof that the licensee has completed the required continuing education. **Section 3** also provides that, if a licensee fails an audit, the Board will: (1) automatically suspend the license of the licensee until the licensee provides proof to the Board that he or she has completed the required continuing education; and (2) determine whether the licensee has falsely certified that he or she completed the required continuing education. **Sections 3 and 7** of this regulation provide that such false certification or failure to provide proof of completion of the required continuing education within a 90-day period prescribed by the Board constitutes unprofessional conduct for which discipline may be imposed.

Existing regulations require each licensee who uses or wishes to use laser radiation in his or her practice of dentistry to include in the application for the renewal of his or her license proof that the licensee has successfully completed a course in laser proficiency that meets certain requirements. (NAC 631.033) **Section 4** of this regulation requires that such a course in laser proficiency also include an in-person, hands-on clinical component.

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 this subsection, if a course in continuing education includes a live patient demonstration and will occur at a temporary event, the provider or instructor of the course must request in writing at least 45 days before the live patient demonstration is scheduled to occur that the Board conduct an inspection to ensure that the location of the live patient demonstration is equipped in compliance with the guidelines adopted by reference in NAC 631.178. Such an inspection is not required if:*

(a) The temporary event is occurring at a location whose sole function is the provision of dental care or the education and training of professions regulated under this chapter and chapter 631 of NRS; and

(b) The agents of the Board have determined within the last 5 years pursuant to NAC 631.1785 or 631.179 that the location of the live patient demonstration is equipped in compliance with the guidelines adopted by reference in NAC 631.178.

2. *After receiving a written request pursuant to subsection 1:*

(a) The Executive Director shall assign agents of the Board to conduct an initial inspection of the location; and

(b) The agents shall conduct the inspection.

3. *Not later than 30 days after agents of the Board have completed the initial inspection of a location pursuant to subsection 2, the agents shall issue a report to the Executive Director indicating whether the location is equipped in compliance with the guidelines adopted by reference in NAC 631.178. If the report indicates that the location:*

(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 provider or instructor of the course of continuing education.

(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 critical deficiencies to the provider or instructor of the course of continuing education.

4. *Not later than 72 hours after issuing a written notice of critical deficiencies pursuant to paragraph (b) of subsection 3:*

(a) The Executive Director shall assign agents of the Board to conduct a reinspection of the location of the live patient demonstration to determine if the provider or instructor of the course of continuing education has 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 location of the live patient

demonstration is equipped in compliance with the guidelines adopted by reference in NAC 631.178. If the report indicates that the location:

(1) 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 provider or instructor of the course of continuing education.

(2) Is not equipped 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 provider or instructor of the course of continuing education prohibiting the performance of live patient demonstrations at the location 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.

5. A determination pursuant to this section that a location of a live patient demonstration is equipped in compliance with the guidelines adopted by reference in NAC 631.178 is only valid for the duration of the temporary event at which the live patient demonstration will occur. The provider or instructor of the course of continuing education that includes the live patient demonstration shall ensure that the location of the live patient demonstration remains until the conclusion of all live patient demonstrations in substantially the same condition as on the date of the inspection where the agents of the Board found the location to be equipped in compliance with the guidelines adopted by reference in NAC 631.178.

6. Nothing in this section prevents the Board from initiating disciplinary proceedings or additional disciplinary proceedings against a licensee who is involved in or responsible for a live patient demonstration that occurs as part of a course of continuing education at a

temporary event for failure to comply with the guidelines adopted by reference in NAC 631.178.

7. As used in this section, “temporary event” means an event that includes continuing education where the continuing education is presented on less than 15 total days, regardless of whether those days occur consecutively.

Sec. 3. *1. The Board will conduct random initial audits of licensees who are required by NAC 631.173 and 631.175 to complete continuing education and additional follow-up audits as necessary to ensure compliance with the requirements of NAC 631.173, 631.175 and 631.177.*

2. If the Board conducts an audit pursuant to subsection 1, the Executive Director shall notify the licensee in writing by regular mail of the audit. The notice must require the licensee to submit to the Board proof of the completion of the continuing education required by NAC 631.173 and 631.175 for the time period audited by the Board. If the licensee does not respond to the notice, the Executive Director shall send a second notice by certified mail to the licensee.

3. A licensee fails an audit if the licensee:

(a) Notifies the Board in response to a notice sent pursuant to subsection 2 that the licensee cannot provide proof that the licensee has completed the continuing education required by NAC 631.173 and 631.175;

(b) Does not respond to the Board or provide the requested proof after the licensee receives a second notice pursuant to subsection 2; or

(c) Provides to the Board in response to a notice sent pursuant to subsection 2 documentation that fails to indicate that the licensee has completed the continuing education required by NAC 631.173 and 631.175.

4. If the licensee fails an audit pursuant to subsection 3, the Board will:

(a) Automatically suspend the license of the licensee until the licensee provides to the Board proof that the licensee has completed the continuing education required by NAC 631.173 and 631.175. Upon receipt of such proof, the Board will, subject to any disciplinary action imposed for unprofessional conduct pursuant to subsection 5 or 6 or for any other reason, automatically reinstate the license of the licensee without a reapplication or the payment of any fee.

(b) Determine whether the licensee submitted with his or her most recent request for renewal or reinstatement a signed statement pursuant to NAC 631.177 falsely certifying that he or she completed the continuing education required by NAC 631.173 and 631.175.

5. Failure to provide the proof described in paragraph (a) of subsection 4 within 90 days after the suspension of a license pursuant to that paragraph constitutes unprofessional conduct.

6. If the Board determines pursuant to paragraph (b) of subsection 4 that a licensee who has failed an audit pursuant to subsection 3 submitted with his or her most recent request for renewal or reinstatement a signed statement pursuant to NAC 631.177 falsely certifying that the licensee has completed the continuing education required by NAC 631.173 and 631.175, the Board will initiate proceedings against the licensee for unprofessional conduct under NRS 631.348. The initiation of such proceedings does not affect the ability of the licensee to provide to the Board pursuant to paragraph (a) of subsection 4 proof that the licensee has completed

the continuing education required by NAC 631.173 and 631.175, but the reinstatement of the license of the licensee is subject to any disciplinary action that may result from such proceedings.

Sec. 4. NAC 631.033 is hereby amended to read as follows:

631.033 Each licensee who uses or wishes to use laser radiation in his or her practice of dentistry, dental therapy or dental hygiene must include with the application for renewal of his or her license:

1. A statement certifying that each laser used by the licensee in his or her practice of dentistry, dental therapy or dental hygiene has been cleared by the Food and Drug Administration for use in dentistry; and

2. Proof that he or she has successfully completed a course in laser proficiency that:

(a) Is at least 6 hours in length; ~~and~~

(b) *Included an in-person, hands-on clinical component; and*

(c) Is based on the *Curriculum Guidelines and Standards for Dental Laser Education*, adopted by reference pursuant to NAC 631.035.

Sec. 5. NAC 631.173 is hereby amended to read as follows:

631.173 1. Each dentist licensed to practice in this State must annually complete at least 20 hours of instruction in approved courses of continuing education or biennially complete at least 40 hours of instruction in approved courses of continuing education, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the dentist. Hours of instruction may not be transferred or carried over from one licensing period to another.

2. Each dental therapist licensed to practice in this State must annually complete at least 18 hours of instruction in approved courses of continuing education or biennially complete at least

40 hours of instruction in approved courses of continuing education, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the dental therapist.

Hours of instruction may not be transferred or carried over from one licensing period to another.

3. Each dental hygienist licensed to practice in this State must annually complete at least 15 hours of instruction in approved courses of continuing education or biennially complete at least 30 hours of instruction in approved courses of continuing education, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the dental hygienist.

Hours of instruction may not be transferred or carried over from one licensing period to another.

4. Each expanded function dental assistant licensed to practice in this State must annually complete at least 12 hours of instruction in approved courses of continuing education or biennially complete at least 24 hours of instruction in approved courses of continuing education, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the expanded function dental assistant. Hours of instruction may not be transferred or carried over from one licensing period to another.

5. In addition to the hours of instruction prescribed in subsections 1 to 4, inclusive, each dentist, dental therapist, dental hygienist and expanded function dental assistant must maintain current certification in administering cardiopulmonary resuscitation or another medically acceptable means of maintaining basic bodily functions which support life. Any course taken pursuant to this subsection must be taught by a certified instructor.

6. *An applicant for the renewal of an initial license is exempt from the requirements for continuing education set forth in this section if the applicant graduated from an accredited program not more than 6 months before the Board issued the license.*

7. Any provider of or instructor for a course in continuing education relating to the practice of dentistry, dental therapy, dental hygiene or expanded function dental assistance which meets the requirements of this section must be approved by the Board, unless the course is for training in cardiopulmonary resuscitation or is approved by:

- (a) The American Dental Association or the societies which are a part of it;
- (b) The American Dental Hygienists' Association or the societies which are a part of it;
- (c) The Academy of General Dentistry;
- (d) Any nationally recognized association of dental or medical specialists;
- (e) Any university, college or community college, whether located in or out of Nevada; or
- (f) Any hospital accredited by The Joint Commission.

~~7.7~~ 8. To be approved as a provider of a course in continuing education, the instructor of the course must complete a form provided by the Board and submit it to the Board for review by a committee appointed by the Board not later than ~~45~~ 60 days before the beginning date of the course. Upon receipt of the form, the committee shall, within ~~10~~ 30 days after receiving the form, approve or disapprove the application and inform the applicant of its decision.

~~8.1~~ 9. Study by group may be approved for continuing education if the organizer of the group complies with the requirements of subsection ~~7.7~~ 8 and furnishes the Board with a complete list of all members of the group, a synopsis of the subject to be studied, the time, place and duration of the meetings of the group, and the method by which attendance is recorded and authenticated.

~~9.1~~ 10. Credit may be allowed for attendance at a meeting or a convention of a dental, dental therapy, dental hygiene or dental assistance society.

~~10.~~ 11. Credit may be allowed for courses completed via home study, on-line study, self-study or journal study which are taught through correspondence, webinar, compact disc or digital video disc.

~~11.~~ 12. Credit may be allowed for dental, dental therapy, dental hygiene and expanded function dental assistance services provided on a voluntary basis to nonprofit agencies and organizations approved by the Board.

Sec. 6. NAC 631.177 is hereby amended to read as follows:

631.177 1. ~~When~~ *Except as otherwise provided in subsection 2, when* requesting a renewal or reinstatement of his or her license, each:

(a) Dentist shall submit a signed, written statement in substantially the following language for each year since his or her last renewal:

I,, hereby certify to the Board of Dental Examiners of Nevada that I have obtained at least 20 approved hours of instruction in continuing education during the period July 1,, through and including June 30,, I also certify to the Board of Dental Examiners of Nevada that I am currently certified in administering cardiopulmonary resuscitation or another medically acceptable means of maintaining basic bodily functions which support life.

Dated this (day) of (month) of (year)

.....

Signature of Dentist

(b) Dental therapist shall submit a signed, written statement in substantially the following language for each year since his or her last renewal:

I,, hereby certify to the Board of Dental Examiners of Nevada that I have obtained at least 18 approved hours of instruction in continuing education during the period July 1,, through and including June 30,, I also certify to the Board of Dental Examiners of Nevada that I am currently certified in administering cardiopulmonary resuscitation or another medically acceptable means of maintaining basic bodily functions which support life.

Dated this (day) of (month) of (year)

.....
Signature of Dental Therapist

(c) Dental hygienist shall submit a signed, written statement in substantially the following language for each year since his or her last renewal:

I,, hereby certify to the Board of Dental Examiners of Nevada that I have obtained at least 15 approved hours of instruction in continuing education during the period July 1,, through and including June 30,, I also certify to the Board of Dental Examiners of Nevada that I am currently certified in administering cardiopulmonary resuscitation or another medically acceptable means of maintaining basic bodily functions which support life.

Dated this (day) of (month) of (year)

.....
Signature of Dental Hygienist

(d) Expanded function dental assistant shall submit a signed, written statement in substantially the following language for each year since his or her last renewal:

I,, hereby certify to the Board of Dental Examiners of Nevada that I have obtained at least 12 approved hours of instruction in continuing education during the period July 1,, through and including June 30,, I also certify to the Board of Dental Examiners of Nevada that I am currently certified in administering cardiopulmonary resuscitation or another medically acceptable means of maintaining basic bodily functions which support life.

Dated this (day) of (month) of (year)

.....
Signature of Expanded Function Dental Assistant

(e) Dentist, dental therapist, dental hygienist or expanded function dental assistant shall submit proof of his or her current certification in administering cardiopulmonary resuscitation or other medically acceptable means of maintaining basic bodily functions which support life.

(f) Dentist, dental hygienist or dental therapist who holds a special endorsement issued pursuant to NRS 631.285 shall submit a signed, written statement in substantially the following language for each biennium since his or her last renewal:

I,, hereby certify to the Board of Dental Examiners of Nevada that I have obtained the continuing education required by subsection 6 of NRS 631.342 and section 12 of LCB File No. R040-26 during the period July 1,, through and including June 30,

Dated this (day) of (month) of (year)

.....
Signature of Dentist, Dental Hygienist
or Dental Therapist

(g) Dentist who provides dental services through teledentistry shall attest that he or she possesses the policy of professional liability insurance required by NRS 631.34581.

2. *A licensee who is exempt from requirements for continuing education pursuant to subsection 6 of NAC 631.173 is not required to submit a signed, written statement pursuant to subsection 1.*

3. Legible copies of all receipts, records of attendance, certificates and other evidence of attendance by a dentist, a dental therapist, a dental hygienist or an expanded function dental assistant at an approved course in continuing education must be retained by the dentist, dental therapist, dental hygienist or expanded function dental assistant and made available to the Board

for inspection or copying for 3 years after attendance at the course is submitted to meet the continuing education requirements of the Board. Proof of attendance and completion of the required credit hours of instruction must be complete enough to enable the Board to verify the attendance and completion of the course by the dentist, dental therapist, dental hygienist or expanded function dental assistant and must include at least the following information:

- (a) The name and location of the course;
- (b) The date of attendance;
- (c) The name, address and telephone number of its instructor;
- (d) A synopsis of its contents; and
- (e) For courses designed for home study, the number assigned to the provider by the Board at the time the course was approved and the name, address and telephone number of the producer or author of the course.

~~{3. The second or subsequent failure of a dentist, a dental therapist, a dental hygienist or an expanded function dental assistant to obtain or file proof of completion of the credit hours of instruction required by this section and NAC 631.173 and 631.175 is unprofessional conduct.~~

~~—4. The Board will conduct random initial audits of dentists, dental therapists, dental hygienists and expanded function dental assistants and additional follow-up audits, as necessary, to ensure compliance with the requirements of this section and NAC 631.173 and 631.175.}~~

Sec. 7. NAC 631.230 is hereby amended to read as follows:

631.230 1. In addition to those specified by statute and ~~{subsection 3 of NAC 631.177,}~~ *section 3 of this regulation*, the following acts constitute unprofessional conduct:

- (a) The falsification of records of health care or medical records.

(b) Writing prescriptions for controlled substances in such excessive amounts as to constitute a departure from prevailing standards of acceptable dental practice.

(c) The acquisition of any controlled substances from any pharmacy or other source by misrepresentation, fraud, deception or subterfuge.

(d) The failure to report to the Board as required in NAC 631.155.

(e) Employing any person in violation of NAC 631.260 or failing to make the attestation required by that section.

(f) The failure of a dentist who is administering or directly supervising the administration of general anesthesia, deep sedation or moderate sedation to be physically present while a patient is under general anesthesia, deep sedation or moderate sedation.

(g) Administering moderate sedation to more than one patient at a time, unless each patient is directly supervised by a person authorized by the Board to administer moderate sedation.

(h) Administering general anesthesia or deep sedation to more than one patient at a time.

(i) The failure to have any patient who is undergoing general anesthesia, deep sedation or moderate sedation monitored with a pulse oximeter or similar equipment required by the Board.

(j) Allowing a person who is not certified in basic cardiopulmonary resuscitation to care for any patient who is undergoing general anesthesia, deep sedation or moderate sedation.

(k) The failure to obtain a patient's written, informed consent before administering general anesthesia, deep sedation or moderate sedation to the patient or, if the patient is a minor, the failure to obtain his or her parent's or guardian's consent unless the dentist determines that an emergency situation exists in which delaying the procedure to obtain the consent would likely cause permanent injury to the patient.

(l) The failure to maintain a record of all written, informed consents given for the administration of general anesthesia, deep sedation or moderate sedation.

(m) The failure to report to the Board, in writing, the death or emergency hospitalization of any patient to whom general anesthesia, deep sedation or moderate sedation was administered. The report must be made within 30 days after the event.

(n) Allowing a person to administer general anesthesia, deep sedation or moderate sedation to a patient if the person does not hold a permit to administer such anesthesia or sedation unless the anesthesia or sedation is administered in a facility for which a permit is held as required by NRS 449.442.

(o) The failure of a dentist who owns a dental practice to provide copies of the records of a patient to a dentist, dental therapist, dental hygienist or expanded function dental assistant who provided the services as an employee or independent contractor of the dentist when the records are the basis of a complaint before the Board. Nothing in this paragraph relieves the treating dentist, dental therapist, dental hygienist or expanded function dental assistant from the obligation to provide records of the patient to the Board.

(p) The failure of a dentist who owns a dental practice to verify the license of a dentist, dental therapist, dental hygienist or expanded function dental assistant before offering employment or contracting for services with the dentist, dental therapist, dental hygienist or expanded function dental assistant as an independent contractor. This paragraph must not be construed to provide that it is unprofessional conduct for a dentist who owns a dental practice to offer employment to, or enter into a contract for services with, a dentist, dental therapist, dental hygienist or expanded function dental assistant who fraudulently misrepresents that he or she is appropriately licensed.

(q) The failure to record the name of the dentist, dental therapist, dental hygienist or expanded function dental assistant who provided the services in the records of a patient each time the services are rendered.

(r) The failure of a dentist who is registered to dispense controlled substances with the State Board of Pharmacy pursuant to chapter 453 of NRS to conduct annually a minimum of one self-query regarding the issuance of controlled substances through the Prescription Monitoring Program of the State Board of Pharmacy.

(s) The failure to provide records of a patient to an investigator when required by NAC 631.250.

(t) The failure of a dentist, dental therapist, dental hygienist or expanded function dental assistant to ensure that each medication or immunization in his or her control that is used in his or her practice is returned at the end of each day to a specified physical location that is safe and appropriate for the storage of the medication or immunization, as applicable.

2. Conduct relating solely to a dispute over finances does not constitute unprofessional conduct.