

SENATE BILL NO. 320—SENATOR CARLTON

MARCH 16, 2009

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to dental hygiene.
(BDR 54-367)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to dental hygiene; creating a new chapter in NRS to govern dental hygienists and the practice of dental hygiene; establishing the Nevada State Board of Dental Hygienists; revising provisions relating to dentistry and dental hygiene; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law contains provisions relating to dental hygienists and the practice of
- 2 dental hygiene within chapter 631 of NRS, which relates to dentistry.
- 3 **Sections 2-56** of this bill create a new chapter within NRS relating solely to
- 4 dental hygienists and the practice of dental hygiene.
- 5 **Sections 59-80 and 116** of this bill revise chapter 631 of NRS to remove or
- 6 repeal provisions relating to dental hygienists and the practice of dental hygiene.
- 7 **Sections 57, 58 and 81-115** of this bill revise various provisions of NRS to
- 8 account for the removal of provisions relating to dental hygienists and the practice
- 9 of dental hygiene from chapter 631 of NRS and the addition of the new chapter
- 10 relating solely to dental hygienists and the practice of dental hygiene.
- 11 **Section 117** of this bill provides for the transition of authority over dental
- 12 hygienists and the practice of dental hygiene from chapter 631 of NRS to the new
- 13 chapter created by **sections 2-56** of this bill.



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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Title 54 of NRS is hereby amended by adding
2 thereto a new chapter to consist of the provisions set forth as
3 sections 2 to 56, inclusive, of this act.

4 **Sec. 2.** *As used in this chapter, unless the context otherwise*
5 *requires, the words and terms defined in sections 3 to 10,*
6 *inclusive, of this act have the meanings ascribed to them in those*
7 *sections.*

8 **Sec. 3.** *“Accredited” means approved by the Commission on*
9 *Dental Accreditation of the American Dental Association or its*
10 *successor organization.*

11 **Sec. 4.** *“Board” means the Nevada State Board of Dental*
12 *Hygienists.*

13 **Sec. 5.** *“Dental hygiene” means the performance of*
14 *educational, preventive and therapeutic periodontal treatment,*
15 *including scaling, curettage and planing of roots and any related*
16 *and required intraoral or extraoral procedures that a dentist is*
17 *authorized to assign to a dental hygienist.*

18 **Sec. 6.** *“Dental hygienist” means any person who practices*
19 *the profession of dental hygiene and is licensed pursuant to this*
20 *chapter.*

21 **Sec. 7.** *“License” means a certificate issued by the Board to*
22 *any applicant upon completion of requirements for admission to*
23 *practice dental hygiene.*

24 **Sec. 8.** *“Malpractice” means failure on the part of a dental*
25 *hygienist to exercise the degree of care, diligence and skill*
26 *ordinarily exercised by dental hygienists in good standing in the*
27 *community in which he practices. As used in this section,*
28 *“community” means the entire area customarily served by dental*
29 *hygienists among whom a patient may reasonably choose, not*
30 *merely the particular area inhabited by the patients of that*
31 *individual dental hygienist or the particular city or place where he*
32 *has his office.*

33 **Sec. 9.** *“Renewal certificate” means the certificate of*
34 *renewal of a license issued by the Board.*

35 **Sec. 10.** *“Supervision by a dentist” means that a dentist is:*

36 1. *Physically present in the office where the procedures to be*
37 *supervised are being performed, while these procedures are being*
38 *performed; and*

39 2. *Capable of responding immediately if any emergency*
40 *should arise.*



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1 **Sec. 11.** *The Nevada State Board of Dental Hygienists,*
2 *consisting of 7 members appointed by the Governor, is hereby*
3 *created.*

4 **Sec. 12.** *1. The Governor shall appoint to the Board:*

5 *(a) Five members who:*

6 *(1) Are graduates of accredited schools or colleges of dental*
7 *hygiene;*

8 *(2) Are residents of Nevada; and*

9 *(3) Have been actively engaged in the practice of dental*
10 *hygiene in Nevada for a period of at least 5 years before their*
11 *appointment to the Board.*

12 *(b) One member who has resided in Nevada for at least 5 years*
13 *and who represents the interests of persons or agencies that*
14 *regularly provide health care to patients who are indigent,*
15 *uninsured or unable to afford health care. This member may be*
16 *licensed under the provisions of this chapter.*

17 *(c) One member who is a representative of the general public.*
18 *This member must not be:*

19 *(1) A dentist or a dental hygienist; or*

20 *(2) The spouse or the parent or child, by blood, marriage or*
21 *adoption, of a dentist or a dental hygienist.*

22 *2. If a member is not licensed under the provisions of this*
23 *chapter, the member shall not participate in grading any*
24 *examination required by the Board.*

25 **Sec. 13.** *The five members of the Board who are dental*
26 *hygienists must be appointed from areas of the State as follows:*

27 *1. Two of those members must be from Carson City, Douglas*
28 *County or Washoe County.*

29 *2. Two of those members must be from Clark County.*

30 *3. One of those members may be from any county of the*
31 *State.*

32 **Sec. 14.** *The Governor shall remove from office any member*
33 *of the Board for:*

34 *1. Continued neglect of duty.*

35 *2. Incompetency.*

36 *3. Dishonorable or unprofessional conduct as defined in this*
37 *chapter.*

38 **Sec. 15.** *1. At the first regular meeting of each year, the*
39 *Board shall elect from its membership one of its members as*
40 *President and one of its members as Secretary-Treasurer, each of*
41 *whom shall hold office for 1 year and until his successor is elected*
42 *and qualified.*

43 *2. The Board shall define the duties of the President, the*
44 *Secretary-Treasurer and the Executive Director.*



1 3. *The Executive Director shall receive such compensation as*
2 *determined by the Board, and the Board shall fix the amount of*
3 *the bond to be furnished by the Secretary-Treasurer and the*
4 *Executive Director.*

5 **Sec. 16.** *1. The Board shall meet whenever necessary to*
6 *examine applicants. The dates of the examinations must be fixed*
7 *by the Board. The Board may conduct examinations outside this*
8 *State, and for this purpose may use the facilities of dental colleges.*

9 *2. The Board may also meet at such other times and places*
10 *and for such other purposes as it may deem proper.*

11 *3. A quorum consists of five members of the Board.*

12 **Sec. 17.** *The liability of any person retained as an*
13 *independent contractor by the Board to judge the qualifications of*
14 *an applicant for licensure by the Board is limited to the same*
15 *extent as is provided in NRS 41.035 for a member of the Board.*

16 **Sec. 18.** *1. Each member of the Board is entitled to receive:*

17 *(a) A salary of not more than \$150 per day as fixed by the*
18 *Board, while engaged in the business of the Board; and*

19 *(b) A per diem allowance and travel expenses at a rate fixed by*
20 *the Board, while engaged in the business of the Board. The rate*
21 *must not exceed the rate provided for state officers and employees*
22 *generally.*

23 *2. While engaged in the business of the Board, each employee*
24 *of the Board is entitled to receive a per diem allowance and travel*
25 *expenses at a rate fixed by the Board. The rate must not exceed the*
26 *rate provided for state officers and employees generally.*

27 *3. The Board shall deposit in banks, credit unions or savings*
28 *and loan associations in this State all fees which it receives.*

29 *4. All expenses of the Board must be paid from the fees*
30 *received by the Board, and no part thereof may be paid from the*
31 *State General Fund.*

32 **Sec. 19.** *In addition to the powers and duties provided in this*
33 *chapter, the Board shall:*

34 *1. Adopt rules and regulations necessary to carry out the*
35 *provisions of this chapter.*

36 *2. Appoint such committees, examiners, officers, employees,*
37 *agents, attorneys, investigators and other professional consultants*
38 *and define their duties and incur such expense as it may deem*
39 *proper or necessary to carry out the provisions of this chapter, the*
40 *expense to be paid as provided in this chapter.*

41 *3. Fix the time and place for and conduct examinations for*
42 *the granting of licenses to practice dental hygiene.*

43 *4. Examine applicants for licenses to practice dental hygiene.*

44 *5. Collect and apply fees as provided in this chapter.*



1 6. *Keep a register of all dental hygienists licensed in this*
2 *State, together with their addresses, license numbers and renewal*
3 *certificate numbers.*

4 7. *Have and use a common seal.*

5 8. *Keep such records as may be necessary to report the acts*
6 *and proceedings of the Board. Except as otherwise provided in*
7 *section 51 of this act, the records must be open to public*
8 *inspection.*

9 9. *Maintain offices in as many localities in the State as it*
10 *finds necessary to carry out the provisions of this chapter.*

11 10. *Have discretion to examine work authorizations in dental*
12 *offices or dental laboratories.*

13 **Sec. 20.** *The Board shall operate on the basis of a fiscal year*
14 *commencing on July 1 and terminating on June 30.*

15 **Sec. 21.** (Deleted by amendment.)

16 **Sec. 22.** 1. *Every applicant for a license to practice dental*
17 *hygiene must:*

18 (a) *File an application with the Board at least 45 days before:*

19 (1) *The date on which the examination will be given; or*

20 (2) *If an examination is not required for the issuance of a*
21 *license, the date on which the Board is scheduled to take action on*
22 *the application.*

23 (b) *Accompany the application with a recent photograph of*
24 *himself together with the required fee and such other*
25 *documentation as the Board may require by regulation.*

26 (c) *Submit with the application a complete set of fingerprints*
27 *and written permission authorizing the Board to forward the*
28 *fingerprints to the Central Repository for Nevada Records of*
29 *Criminal History for submission to the Federal Bureau of*
30 *Investigation for its report.*

31 2. *An application must include all information required to*
32 *complete the application.*

33 **Sec. 23.** 1. *In addition to any other requirements set forth*
34 *in this chapter:*

35 (a) *An applicant for the issuance of a license to practice dental*
36 *hygiene shall include the social security number of the applicant*
37 *in the application submitted to the Board.*

38 (b) *An applicant for the issuance or renewal of a license to*
39 *practice dental hygiene shall submit to the Board the statement*
40 *prescribed by the Division of Welfare and Supportive Services of*
41 *the Department of Health and Human Services pursuant to NRS*
42 *425.520. The statement must be completed and signed by the*
43 *applicant.*

44 2. *The Board shall include the statement required pursuant to*
45 *subsection 1 in:*



1 (a) *The application or any other forms that must be submitted*
2 *for the issuance or renewal of the license; or*

3 (b) *A separate form prescribed by the Board.*

4 3. *A license to practice dental hygiene may not be issued or*
5 *renewed by the Board if the applicant:*

6 (a) *Fails to submit the statement required pursuant to*
7 *subsection 1; or*

8 (b) *Indicates on the statement submitted pursuant to*
9 *subsection 1 that he is subject to a court order for the support of a*
10 *child and is not in compliance with the order or a plan approved*
11 *by the district attorney or other public agency enforcing the order*
12 *for the repayment of the amount owed pursuant to the order.*

13 4. *If an applicant indicates on the statement submitted*
14 *pursuant to subsection 1 that he is subject to a court order for the*
15 *support of a child and is not in compliance with the order or a*
16 *plan approved by the district attorney or other public agency*
17 *enforcing the order for the repayment of the amount owed*
18 *pursuant to the order, the Board shall advise the applicant to*
19 *contact the district attorney or other public agency enforcing the*
20 *order to determine the actions that the applicant may take to*
21 *satisfy the arrearage.*

22 **Sec. 24.** 1. *In addition to any other requirements set forth*
23 *in this chapter, an applicant for the issuance or renewal of a*
24 *license to practice dental hygiene shall submit to the Board the*
25 *statement prescribed by the Division of Welfare and Supportive*
26 *Services of the Department of Health and Human Services*
27 *pursuant to NRS 425.520. The statement must be completed and*
28 *signed by the applicant.*

29 2. *The Board shall include the statement required pursuant to*
30 *subsection 1 in:*

31 (a) *The application or any other forms that must be submitted*
32 *for the issuance or renewal of the license; or*

33 (b) *A separate form prescribed by the Board.*

34 3. *A license to practice dental hygiene may not be issued or*
35 *renewed by the Board if the applicant:*

36 (a) *Fails to submit the statement required pursuant to*
37 *subsection 1; or*

38 (b) *Indicates on the statement submitted pursuant to*
39 *subsection 1 that he is subject to a court order for the support of a*
40 *child and is not in compliance with the order or a plan approved*
41 *by the district attorney or other public agency enforcing the order*
42 *for the repayment of the amount owed pursuant to the order.*

43 4. *If an applicant indicates on the statement submitted*
44 *pursuant to subsection 1 that he is subject to a court order for the*
45 *support of a child and is not in compliance with the order or a*



1 *plan approved by the district attorney or other public agency*
2 *enforcing the order for the repayment of the amount owed*
3 *pursuant to the order, the Board shall advise the applicant to*
4 *contact the district attorney or other public agency enforcing the*
5 *order to determine the actions that the applicant may take to*
6 *satisfy the arrearage.*

7 **Sec. 25.** *As soon as possible after the examination has been*
8 *given, the Board, under rules and regulations adopted by it, shall*
9 *determine the qualifications of the applicant and shall issue to*
10 *each person found by the Board to have the qualifications therefor*
11 *a license which will entitle the person to practice dental hygiene*
12 *subject to the provisions of this chapter.*

13 **Sec. 26. 1.** *The Board shall, without a clinical examination*
14 *required by section 30 of this act, issue a limited license to practice*
15 *dental hygiene to a person who:*

16 (a) *Is qualified for a license to practice dental hygiene in this*
17 *State;*

18 (b) *Pays the required application fee;*

19 (c) *Has entered into a contract with the Nevada System of*
20 *Higher Education to provide services as an instructor of dental*
21 *hygiene at an educational facility of the Nevada System of Higher*
22 *Education;*

23 (d) *Satisfies the requirements of section 29 of this act; and*

24 (e) *Satisfies at least one of the following requirements:*

25 (1) *Has a license to practice dental hygiene issued pursuant*
26 *to the laws of another state or territory of the United States, or the*
27 *District of Columbia;*

28 (2) *Presents to the Board a certificate granted by the*
29 *Western Regional Examining Board which contains a notation*
30 *that the person has passed, within the 5 years immediately*
31 *preceding the date of the application, a clinical examination*
32 *administered by the Western Regional Examining Board; or*

33 (3) *Has the educational facility where the person will*
34 *provide services as an instructor of dental hygiene submit to the*
35 *Board written confirmation that the person has been appointed to*
36 *a position in the program and is a citizen of the United States or is*
37 *lawfully entitled to remain and work in the United States. If a*
38 *person qualifies for a limited license pursuant to this*
39 *subparagraph, the limited license remains valid only while the*
40 *person is actively providing services as an instructor of dental*
41 *hygiene, is lawfully entitled to remain and work in the United*
42 *States and is in compliance with all other requirements for the*
43 *limited license.*

44 **2.** *The Board shall not issue a limited license to a person:*

45 (a) *Who has been issued a license to practice dental hygiene if:*



1 (1) *The person is involved in a disciplinary action*
2 *concerning the license; or*

3 (2) *The license has been revoked or suspended; or*

4 (b) *Who has been refused a license to practice dental hygiene,*
5 *↪ in this State, another state or territory of the United States, or*
6 *the District of Columbia.*

7 3. *A person to whom a limited license is issued pursuant to*
8 *subsection 1:*

9 (a) *May practice dental hygiene in this State only:*

10 (1) *At the educational facility where he is employed; and*

11 (2) *In accordance with the contract required by paragraph*

12 *(c) of subsection 1.*

13 (b) *Shall not, for the duration of the limited license, engage in*
14 *the private practice of dental hygiene in this State or accept*
15 *compensation for the practice of dental hygiene except such*
16 *compensation as may be paid to him by the Nevada System of*
17 *Higher Education for services provided as an instructor of dental*
18 *hygiene.*

19 4. *A limited license expires 1 year after its date of issuance*
20 *and may be renewed on or before the date of its expiration, unless*
21 *the holder no longer satisfies the requirements for the limited*
22 *license. The holder of a limited license may, upon compliance with*
23 *the applicable requirements set forth in section 33 of this act and*
24 *the completion of a review conducted at the discretion of the*
25 *Board, be granted a renewal certificate that authorizes the*
26 *continuation of practice pursuant to the limited license for 1 year.*

27 5. *Within 7 days after the termination of his contract required*
28 *by paragraph (c) of subsection 1, the holder of a limited license*
29 *shall notify the Board of the termination, in writing, and*
30 *surrender the limited license to the Board.*

31 6. *The Board may revoke a limited license at any time upon*
32 *submission of substantial evidence to the Board that the holder of*
33 *the license violated any provision of this chapter or the regulations*
34 *of the Board.*

35 **Sec. 27. 1.** *The Board shall, without a clinical examination*
36 *required by section 30 of this act, issue a restricted geographical*
37 *license to practice dental hygiene to a person if he meets the*
38 *requirements of subsection 2 and:*

39 (a) *A board of county commissioners submits a request that*
40 *the Nevada State Board of Dental Hygienists waive the*
41 *requirements of section 30 of this act for any applicant intending*
42 *to practice dental hygiene in a rural area of a county in which*
43 *dental hygiene needs are underserved as that term is defined by*
44 *the officer of rural health of the University of Nevada School of*
45 *Medicine;*



1 (b) Two or more boards of county commissioners submit a
2 joint request that the Nevada State Board of Dental Hygienists
3 waive the requirements of section 30 of this act for any applicant
4 intending to practice dental hygiene in one or more rural areas
5 within those counties in which dental hygiene needs are
6 underserved as that term is defined by the officer of rural health of
7 the University of Nevada School of Medicine; or

8 (c) The director of a federally qualified health center or a
9 nonprofit clinic submits a request that the Board waive the
10 requirements of section 30 of this act for any applicant who has
11 entered into a contract with a federally qualified health center or
12 nonprofit clinic which treats underserved populations in Washoe
13 County or Clark County.

14 2. A person may apply for a restricted geographical license if
15 he:

16 (a) Has a license to practice dental hygiene issued pursuant to
17 the laws of another state or territory of the United States, or the
18 District of Columbia;

19 (b) Is otherwise qualified for a license to practice dental
20 hygiene in this State;

21 (c) Pays the application, examination and renewal fees in the
22 same manner as a person licensed pursuant to section 30 of this
23 act;

24 (d) Submits all information required to complete an
25 application for a license; and

26 (e) Satisfies the requirements of section 29 of this act.

27 3. The Board shall not issue a restricted geographical license
28 to a person:

29 (a) Whose license to practice dental hygiene has been revoked
30 or suspended;

31 (b) Who has been refused a license to practice dental hygiene;
32 or

33 (c) Who is involved in or has pending a disciplinary action
34 concerning his license to practice dental hygiene,
35 ↪ in this State, another state or territory of the United States, or
36 the District of Columbia.

37 4. The Board shall examine each applicant in writing on the
38 contents and interpretation of this chapter and the regulations of
39 the Board.

40 5. A person to whom a restricted geographical license is
41 issued pursuant to this section:

42 (a) May practice dental hygiene only in the county or counties
43 which requested the restricted geographical licensure pursuant to
44 paragraph (a) or (b) of subsection 1.



1 (b) *Shall not, for the duration of the restricted geographical*
2 *license, engage in the private practice of dental hygiene in this*
3 *State or accept compensation for the practice of dental hygiene*
4 *except such compensation as may be paid to him by a federally*
5 *qualified health center or nonprofit clinic pursuant to paragraph*
6 *(c) of subsection 1.*

7 6. *Within 7 days after the termination of his contract*
8 *pursuant to paragraph (c) of subsection 1, the holder of a*
9 *restricted geographical license shall notify the Board of the*
10 *termination, in writing, and surrender the restricted geographical*
11 *license.*

12 7. *A person to whom a restricted geographical license was*
13 *issued pursuant to this section may petition the Board for an*
14 *unrestricted license without a clinical examination required by*
15 *section 30 of this act if the person:*

16 (a) *Has not had his license to practice dental hygiene revoked*
17 *or suspended in this State, another state or territory of the United*
18 *States, or the District of Columbia;*

19 (b) *Has not been refused a license to practice dental hygiene in*
20 *this State, another state or territory of the United States, or the*
21 *District of Columbia;*

22 (c) *Is not involved in or does not have pending a disciplinary*
23 *action concerning his license to practice dental hygiene in this*
24 *State, another state or territory of the United States, or the District*
25 *of Columbia; and*

26 (d) *Has:*

27 (1) *Actively practiced dental hygiene for 3 years at a*
28 *minimum of 30 hours per week in the county or counties which*
29 *requested the restricted geographical licensure pursuant to*
30 *paragraph (a) or (b) of subsection 1; or*

31 (2) *Been under contract with a federally qualified health*
32 *center or nonprofit clinic for a minimum of 3 years.*

33 8. *The Board may revoke a restricted geographical license at*
34 *any time upon submission of substantial evidence to the Board*
35 *that the holder of the license violated any provision of sections 2 to*
36 *56, inclusive, of this act or the regulations of the Board.*

37 **Sec. 28.** 1. *The Board shall, upon application by a dental*
38 *hygienist who is licensed pursuant to this chapter and has such*
39 *qualifications as the Board specifies by regulation, issue a special*
40 *endorsement of his license allowing him to practice public health*
41 *dental hygiene pursuant to subsection 2.*

42 2. *The State Dental Health Officer may authorize a person*
43 *who holds a special endorsement issued pursuant to subsection 1*
44 *to provide or cause to be provided such services for the promotion*



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1 *of public health dental hygiene as the State Dental Health Officer*
2 *deems appropriate. Such services:*

3 (a) *May be provided at schools, community centers, hospitals,*
4 *nursing homes and such other locations as the State Dental*
5 *Health Officer deems appropriate.*

6 (b) *May not be provided at a dental office that is not operated*
7 *by a public or nonprofit entity.*

8 **Sec. 29.** 1. *Any person is eligible to apply for a license to*
9 *practice dental hygiene in this State who:*

10 (a) *Is of good moral character;*

11 (b) *Is over 18 years of age;*

12 (c) *Is a citizen of the United States or is lawfully entitled to*
13 *remain and work in the United States; and*

14 (d) *Is a graduate of a program of dental hygiene from an*
15 *institution which is accredited by a regional educational*
16 *accrediting organization that is recognized by the United States*
17 *Department of Education. The program of dental hygiene must:*

18 (1) *Be accredited by the Commission on Dental*
19 *Accreditation of the American Dental Association or its successor*
20 *specialty accrediting organization; and*

21 (2) *Include a curriculum of not less than 2 years of*
22 *academic instruction in dental hygiene or its academic equivalent.*

23 2. *To determine whether a person has good moral character,*
24 *the Board may consider whether his license to practice dental*
25 *hygiene in another state has been suspended or revoked or*
26 *whether he is currently involved in any disciplinary action*
27 *concerning his license in that state.*

28 **Sec. 30.** 1. *Any person desiring to obtain a license to*
29 *practice dental hygiene, after having complied with the*
30 *regulations of the Board to determine eligibility:*

31 (a) *Except as otherwise provided in NRS 622.090, must pass a*
32 *written examination given by the Board upon such subjects as the*
33 *Board deems necessary for the practice of dental hygiene or must*
34 *present a certificate granted by the Joint Commission on National*
35 *Dental Examinations which contains a notation that the applicant*
36 *has passed the National Board Dental Hygiene Examination with*
37 *a score of at least 75; and*

38 (b) *Except as otherwise provided in this chapter, must:*

39 (1) *Successfully complete a clinical examination in dental*
40 *hygiene given by the Board which examines the applicant's*
41 *practical knowledge of dental hygiene and which includes, but is*
42 *not limited to, demonstrations in the removal of deposits from, and*
43 *the polishing of, the exposed surface of the teeth; or*

44 (2) *Present to the Board a certificate granted by the*
45 *Western Regional Examining Board which contains a notation*



1 *that the applicant has passed, within the 5 years immediately*
2 *preceding the date of the application, a clinical examination*
3 *administered by the Western Regional Examining Board.*

4 *2. The clinical examination given by the Board must include*
5 *components that are:*

6 *(a) Written or oral, or a combination of both; and*

7 *(b) Practical, as in the opinion of the Board is necessary to test*
8 *the qualifications of the applicant.*

9 *3. The Board shall examine each applicant in writing on the*
10 *contents and interpretation of this chapter and the regulations of*
11 *the Board.*

12 *4. All persons who have satisfied the requirements for*
13 *licensure as a dental hygienist must be registered as licensed*
14 *dental hygienists on the board register, as provided in this chapter*
15 *and are entitled to receive a certificate of registration, signed by all*
16 *members of the Board.*

17 **Sec. 31.** *1. Except as otherwise provided in sections 26 and*
18 *28 of this act, the holder of a license or renewal certificate to*
19 *practice dental hygiene may practice dental hygiene in this State*
20 *in the following places:*

21 *(a) In the office of any licensed dentist.*

22 *(b) In a clinic or in clinics in the public schools of this State as*
23 *an employee of the Health Division of the Department of Health*
24 *and Human Services.*

25 *(c) In a clinic or in clinics in a state institution as an employee*
26 *of the institution.*

27 *(d) In a clinic established by a hospital approved by the Board*
28 *as an employee of the hospital where service is rendered only to*
29 *patients of the hospital, and upon the authorization of a member*
30 *of the dental staff.*

31 *(e) In an accredited school of dental hygiene.*

32 *(f) In other places if specified in a regulation adopted by the*
33 *Board.*

34 *2. A dental hygienist may perform only the services which are*
35 *authorized by a dentist licensed in the State of Nevada, unless*
36 *otherwise provided in a regulation adopted by the Board.*

37 *3. Except as otherwise provided in section 28 of this act or*
38 *specifically authorized by a regulation adopted by the Board, a*
39 *dental hygienist shall not provide services to a person unless that*
40 *person is a patient of the dentist who authorized the performance*
41 *of those services.*

42 *4. A dental hygienist may, pursuant to the provisions of*
43 *subsection 3 and regulations adopted by the Board, administer*
44 *local anesthesia or nitrous oxide in a health care facility, as*
45 *defined in NRS 449.800, if the health care facility has licensed*



1 *medical personnel and necessary emergency supplies and*
2 *equipment available when the local anesthesia or nitrous oxide is*
3 *administered.*

4 *5. A dental hygienist shall not perform diagnosis or treatment*
5 *planning unless otherwise provided in regulations adopted by the*
6 *Board.*

7 **Sec. 32.** *The Board shall adopt rules or regulations:*

8 *1. Specifying the intraoral tasks that may be performed by a*
9 *dental hygienist engaged in school health activities or employed by a*
10 *public health agency.*

11 *2. Governing the practice of dental hygienists in full-time*
12 *employment with the State of Nevada.*

13 **Sec. 33.** *1. A license issued pursuant to section 26 of this*
14 *act must be renewed annually. All other licenses must be renewed*
15 *biennially.*

16 *2. Except as otherwise provided in section 26 of this act:*

17 *(a) Each holder of a license to practice dental hygiene must,*
18 *upon:*

19 *(1) Payment of the required fee;*

20 *(2) Submission of proof of completion of the required*
21 *continuing education; and*

22 *(3) Submission of all information required to complete the*
23 *renewal,*

24 *↳ be granted a renewal certificate which will authorize*
25 *continuation of the practice for 2 years.*

26 *(b) A licensee must comply with the provisions of this*
27 *subsection and subsection 1 on or before June 30. Failure to*
28 *comply with those provisions by June 30 every 2 years*
29 *automatically suspends the license, and it may be reinstated only*
30 *upon payment of the fee for reinstatement and compliance with*
31 *the requirements of this subsection.*

32 *3. If a license suspended pursuant to this section is not*
33 *reinstated within 12 months after suspension, it is automatically*
34 *revoked.*

35 **Sec. 34.** *1. The license of a person who does not actively*
36 *practice in this State for 1 year automatically reverts to inactive*
37 *status at the time the license renewal fee is next payable. If a*
38 *person whose license has reverted to inactive status:*

39 *(a) Continues to practice actively outside this State, his license*
40 *may be reinstated to active status by the Secretary-Treasurer if he*
41 *pays the required reinstatement fee and complies with the*
42 *conditions prescribed by the regulations of the Board.*

43 *(b) Does not continue to practice, his license may be reinstated*
44 *to active status only upon the motion of the Board, submission of*
45 *the required reinstatement fee and proof of continuing education,*



1 *and compliance with the conditions prescribed by the regulations*
2 *of the Board.*

3 2. *A licensee who has a disability and cannot practice, or who*
4 *is retired must be issued a license which reflects that status when*
5 *the fee to renew his license is next payable. His license may be*
6 *reinstated to active status only upon the motion of the Board,*
7 *submission of the required reinstatement fee and proof of*
8 *continuing education, and compliance with the conditions*
9 *prescribed by the regulations of the Board.*

10 **Sec. 35.** 1. *Any person who has obtained from the Board a*
11 *license certificate to practice dental hygiene in this State, and who*
12 *fails to obtain a renewal certificate, must, before resuming*
13 *practice, make application to the Secretary-Treasurer, under such*
14 *rules as the Board may prescribe, for the restoration of the license*
15 *to practice.*

16 2. *Upon application being made, the Secretary-Treasurer*
17 *shall determine whether the applicant possesses the qualifications*
18 *prescribed for the granting of a license to practice, and whether*
19 *the applicant continues to possess a good moral character and is*
20 *not otherwise disqualified to practice in this State. If the*
21 *Secretary-Treasurer so determines, he shall thereupon issue the*
22 *license, and thereafter the person may make application annually*
23 *for a renewal certificate, as provided in this chapter.*

24 **Sec. 36.** 1. *The Board shall adopt regulations concerning*
25 *continuing education in dental hygiene. The regulations must*
26 *include:*

27 (a) *The number of hours of credit required annually;*

28 (b) *The criteria used to accredit each course;*

29 (c) *The requirements for submission of proof of attendance at*
30 *courses; and*

31 (d) *A provision requiring the completion of a course of*
32 *instruction, within 2 years after initial licensure, relating to the*
33 *medical consequences of an act of terrorism that involves the use*
34 *of a weapon of mass destruction. The course must provide at least*
35 *4 hours of instruction that includes instruction in the following*
36 *subjects:*

37 (1) *An overview of acts of terrorism and weapons of mass*
38 *destruction;*

39 (2) *Personal protective equipment required for acts of*
40 *terrorism;*

41 (3) *Common symptoms and methods of treatment*
42 *associated with exposure to, or injuries caused by, chemical,*
43 *biological, radioactive and nuclear agents;*

44 (4) *Syndromic surveillance and reporting procedures for*
45 *acts of terrorism that involve biological agents; and*



1 (5) *An overview of the information available on, and the*
2 *use of, the Health Alert Network.*

3 *↳ The Board may thereafter determine whether to include in a*
4 *program of continuing education additional courses of instruction*
5 *relating to the medical consequences of an act of terrorism that*
6 *involves the use of a weapon of mass destruction.*

7 2. *As used in this section:*

8 (a) *“Act of terrorism” has the meaning ascribed to it in*
9 *NRS 202.4415.*

10 (b) *“Biological agent” has the meaning ascribed to it in*
11 *NRS 202.442.*

12 (c) *“Chemical agent” has the meaning ascribed to it in*
13 *NRS 202.4425.*

14 (d) *“Radioactive agent” has the meaning ascribed to it in*
15 *NRS 202.4437.*

16 (e) *“Weapon of mass destruction” has the meaning ascribed to*
17 *it in NRS 202.4445.*

18 **Sec. 37.** *A holder of an inactive license, or the holder of a*
19 *license who is retired or has a disability, is exempt from the*
20 *requirement of continuing education. If the holder of such a*
21 *license applies to the Board to reactivate it, he must submit proof*
22 *of continuing education for the year in which the license is*
23 *restored to active status.*

24 **Sec. 38. 1.** *The Board shall by regulation establish fees for*
25 *the performance of the duties imposed upon it by this chapter,*
26 *which must not exceed the following amounts:*

27	
28	<i>Application fee for an initial license to practice</i>
29	<i>dental hygiene \$750</i>
30	<i>Application fee for a limited license or restricted</i>
31	<i>license to practice dental hygiene..... 300</i>
32	<i>Biennial license renewal fee for a general license,</i>
33	<i>temporary license or restricted geographical</i>
34	<i>license to practice dental hygiene..... 600</i>
35	<i>Annual license renewal fee for a limited license to</i>
36	<i>practice dental hygiene 300</i>
37	<i>Biennial license renewal fee for an inactive dental</i>
38	<i>hygienist..... 200</i>
39	<i>Biennial license renewal fee for a dental hygienist</i>
40	<i>who is retired or has a disability..... 100</i>
41	<i>Reinstatement fee for a suspended license to practice</i>
42	<i>dental hygiene 500</i>
43	<i>Reinstatement fee for a revoked license to practice</i>
44	<i>dental hygiene 500</i>



1 *Reinstatement fee to return a dental hygienist who is*
2 *inactive, retired or has a disability to active status ... \$500*
3 *Fee for the certification of a license..... 50*
4

5 2. *Except as otherwise provided in this subsection, the Board*
6 *shall charge a fee to review a course of continuing education for*
7 *accreditation. The fee must not exceed \$150 per credit hour of the*
8 *proposed course. The Board shall not charge a nonprofit*
9 *organization or an agency of the State or of a political subdivision*
10 *of the State a fee to review a course of continuing education.*

11 3. *All fees prescribed in this section are payable in advance*
12 *and must not be refunded.*

13 **Sec. 39.** *The following acts, among others, constitute*
14 *unprofessional conduct:*

15 1. *Except as otherwise provided in section 28 of this act,*
16 *giving a public demonstration of methods of practice any place*
17 *other than the office where the licensee is known to be regularly*
18 *engaged in this practice;*

19 2. *Procuring, inducing, aiding or abetting a person not*
20 *licensed or registered as a dentist or dental hygienist to engage in*
21 *the practice of dentistry or dental hygiene, but a patient shall not*
22 *be deemed to be an accomplice, employer, procurer, inducer, aider*
23 *or abettor;*

24 3. *Practicing in any place not authorized pursuant to this*
25 *chapter; or*

26 4. *Practicing while his license is suspended or without a*
27 *renewal certificate.*

28 **Sec. 40.** *The following acts, among others, constitute*
29 *unprofessional conduct:*

30 1. *Dividing fees or agreeing to divide fees received for*
31 *services with any person for bringing or referring a patient,*
32 *without the knowledge of the patient or his legal representative.*

33 2. *Associating with or lending his name to any person*
34 *engaged in the illegal practice of dentistry or associating with any*
35 *person, firm or corporation holding himself or itself out in any*
36 *manner contrary to the provisions of this chapter or chapter 631*
37 *of NRS.*

38 3. *Using the name "clinic," "institute," "referral services" or*
39 *other title or designation that may suggest a public or semipublic*
40 *activity.*

41 **Sec. 41.** *The following acts, among others, constitute*
42 *unprofessional conduct:*

43 1. *Malpractice;*

44 2. *Suspension or revocation of his license to practice dental*
45 *hygiene, the imposition of a fine or other disciplinary action by*



1 *any agency of another state authorized to regulate the practice of*
2 *dentistry or dental hygiene in that state;*

3 *3. More than one act by the dental hygienist constituting*
4 *substandard care in the practice of dental hygiene;*

5 *4. Chronic or persistent inebriety or addiction to a controlled*
6 *substance, to such an extent as to render him unsafe or unreliable*
7 *as a practitioner, or such gross immorality as tends to bring*
8 *reproach upon the dental hygiene profession; or*

9 *5. Conviction of a felony or misdemeanor involving moral*
10 *turpitude or which relates to the practice of dental hygiene in this*
11 *State, or conviction of any criminal violation of this chapter.*

12 **Sec. 42.** *The following acts, among others, constitute*
13 *unprofessional conduct:*

14 *1. Publishing or circulating, directly or indirectly, any*
15 *fraudulent, false or misleading statement concerning the skill or*
16 *method of practice of any dentist or dental hygienist;*

17 *2. Using advertising which is false or misleading;*

18 *3. Claiming or inferring professional superiority over*
19 *neighboring practitioners;*

20 *4. Using fraud or misrepresentation to secure a license;*

21 *5. Practicing under a name, other than a lawfully assumed or*
22 *fictitious name, that is false or misleading; or*

23 *6. Submitting a false or fraudulent claim for payment to an*
24 *insurer for dental hygiene services rendered.*

25 **Sec. 43.** *The following acts, among others, constitute*
26 *unprofessional conduct:*

27 *1. Willful or repeated violations of the provisions of this*
28 *chapter;*

29 *2. Willful or repeated violations of the regulations of the*
30 *State Board of Health, the State Board of Pharmacy or the Nevada*
31 *State Board of Dental Hygienists;*

32 *3. Failure to pay the fees for a license; or*

33 *4. Failure to make the health care records of a patient*
34 *available for inspection and copying as provided in NRS 629.061.*

35 **Sec. 44.** *1. If the Board receives a copy of a court order*
36 *issued pursuant to NRS 425.540 that provides for the suspension*
37 *of all professional, occupational and recreational licenses,*
38 *certificates and permits issued to a person who is the holder of a*
39 *license to practice dental hygiene, the Board shall deem the*
40 *license issued to that person to be suspended at the end of the 30th*
41 *day after the date on which the court order was issued unless the*
42 *Board receives a letter issued to the holder of the license by the*
43 *district attorney or other public agency pursuant to NRS 425.550*
44 *stating that the holder of the license has complied with the*



1 subpoena or warrant or has satisfied the arrearage pursuant to
2 NRS 425.560.

3 2. The Board shall reinstate a license to practice dental
4 hygiene that has been suspended by a district court pursuant to
5 NRS 425.540 if:

6 (a) The Board receives a letter issued by the district attorney or
7 other public agency pursuant to NRS 425.550 to the person whose
8 license was suspended stating that the person whose license was
9 suspended has complied with the subpoena or warrant or has
10 satisfied the arrearage pursuant to NRS 425.560; and

11 (b) The person whose license was suspended pays the fee
12 imposed pursuant to section 38 of this act for the reinstatement of
13 a suspended license.

14 **Sec. 45.** The acts described in sections 39 to 43, inclusive, of
15 this act must not be construed as a complete list of dishonorable or
16 unprofessional conduct, or as authorizing or permitting the
17 performance of other and similar acts, or as limiting or restricting
18 the Board from holding that other or similar acts constitute
19 unprofessional or dishonorable conduct.

20 **Sec. 46.** 1. Except as otherwise provided in section 26 of
21 this act, the Board may:

22 (a) Refuse to issue a license to any person;

23 (b) Revoke or suspend the license or renewal certificate issued
24 by it to any person;

25 (c) Fine a person it has licensed;

26 (d) Place a person on probation for a specified period on any
27 conditions the Board may order;

28 (e) Issue a public reprimand to a person;

29 (f) Require a person to participate in a program to correct
30 alcohol or drug abuse or any other impairment;

31 (g) Require that a person's practice be supervised;

32 (h) Require a person to perform community service without
33 compensation;

34 (i) Require a person to take a physical or mental examination
35 or an examination of his competence;

36 (j) Require a person to fulfill certain training or educational
37 requirements;

38 (k) Require a person to reimburse a patient; or

39 (l) Any combination thereof,

40 ↪ upon submission of substantial evidence to the Board that the
41 person has engaged in any of the activities listed in subsection 2.

42 2. The following activities may be punished as provided in
43 subsection 1:

44 (a) Engaging in the illegal practice of dental hygiene;

45 (b) Engaging in unprofessional conduct; or



1 (c) *Violating any regulations adopted by the Board or the*
2 *provisions of this chapter.*

3 3. *The Board may delegate to a hearing officer or panel its*
4 *authority to take any disciplinary action pursuant to this chapter,*
5 *impose and collect fines therefor and deposit the money therefrom*
6 *in banks, credit unions or savings and loan associations in this*
7 *State.*

8 4. *If a hearing officer or panel is not authorized to take*
9 *disciplinary action pursuant to subsection 3 and the Board*
10 *deposits the money collected from the imposition of fines with the*
11 *State Treasurer for credit to the State General Fund, it may*
12 *present a claim to the State Board of Examiners for*
13 *recommendation to the Interim Finance Committee if money is*
14 *needed to pay attorney's fees or the costs of an investigation, or*
15 *both.*

16 5. *The Board shall not administer a private reprimand.*

17 6. *An order that imposes discipline and the findings of fact*
18 *and conclusions of law supporting that order are public records.*

19 **Sec. 47.** 1. *Any disciplinary action taken by a hearing*
20 *officer or panel pursuant to section 46 of this act is subject to the*
21 *same procedural requirements which apply to disciplinary actions*
22 *taken by the Board, and the officer or panel has those powers and*
23 *duties given to the Board in relation thereto.*

24 2. *Any decision of the hearing officer or panel relating to the*
25 *imposition of any disciplinary action pursuant to this chapter is a*
26 *final decision in a contested case.*

27 **Sec. 48.** 1. *The Board may, upon its own motion, and shall,*
28 *upon the verified complaint in writing of any person setting forth*
29 *facts which, if proven, would constitute grounds for refusal,*
30 *suspension or revocation of a license or certificate under this*
31 *chapter, investigate the actions of any person holding a certificate.*

32 2. *The Board shall, before refusing to issue, or before*
33 *suspending or revoking any certificate, at least 10 days before the*
34 *date set for the hearing, notify in writing the applicant or the*
35 *holder of the certificate of any charges made. The notice may be*
36 *served by delivery of it personally to the accused person or by*
37 *mailing it by registered or certified mail to the place of business*
38 *last specified by the accused person, as registered with the Board.*

39 3. *At the time and place fixed in the notice, the Board shall*
40 *proceed to hear the charges. If the Board receives a report*
41 *pursuant to subsection 5 of NRS 228.420, a hearing must be held*
42 *within 30 days after receiving the report.*

43 4. *The Board may compel the attendance of witnesses or the*
44 *production of documents or objects by subpoena. The Board may*
45 *adopt regulations that set forth a procedure pursuant to which the*



1 *Executive Director of the Board may issue subpoenas on behalf of*
2 *the Board. Any person who is subpoenaed pursuant to this*
3 *subsection may request the Board to modify the terms of the*
4 *subpoena or grant additional time for compliance.*

5 *5. The Board may obtain a search warrant from a magistrate*
6 *upon a showing that the warrant is needed for an investigation or*
7 *hearing being conducted by the Board and that reasonable cause*
8 *exists to issue the warrant.*

9 *6. If the Board is not sitting at the time and place fixed in the*
10 *notice, or at the time and place to which the hearing has been*
11 *continued, the Board shall continue the hearing for a period not to*
12 *exceed 30 days.*

13 **Sec. 49.** *1. The Board may appoint one of its members and*
14 *any of its employees, investigators or other agents to conduct an*
15 *investigation and informal hearing concerning any practice by a*
16 *person constituting a violation of the provisions of this chapter or*
17 *the regulations of the Board.*

18 *2. The investigator designated by the Board to conduct a*
19 *hearing shall notify the person being investigated at least 10 days*
20 *before the date set for the hearing. The notice must describe the*
21 *reasons for the investigation and must be served personally on the*
22 *person being investigated or by mailing it by registered or certified*
23 *mail to his last known address.*

24 *3. If, after the hearing, the investigator determines that the*
25 *Board should take further action concerning the matter, he shall*
26 *prepare written findings of fact and conclusions and submit them*
27 *to the Board. A copy of his report must be sent to the person being*
28 *investigated.*

29 *4. If the Board, after receiving the report of its investigator*
30 *pursuant to this section, holds its own hearing on the matter*
31 *pursuant to section 48 of this act, it may consider the*
32 *investigator's report but is not bound by his findings or*
33 *conclusions. The investigator shall not participate in the hearing*
34 *conducted by the Board.*

35 *5. If the person who was investigated agrees in writing to the*
36 *findings and conclusions of the investigator, the Board may adopt*
37 *that report as its final order and take such action as is necessary*
38 *without conducting its own hearing on the matter.*

39 **Sec. 50.** *1. The district court for the county in which any*
40 *investigation or hearing is being conducted by the Board may*
41 *compel the attendance of witnesses, the giving of testimony and*
42 *the production of books and papers as required by any subpoena*
43 *issued by or on behalf of the Board.*

44 *2. If any witness refuses to attend or testify or produce any*
45 *papers required by a subpoena, the Board may so report to the*



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1 *district court for the county in which the investigation or hearing*
2 *is pending by petition, setting forth:*

3 (a) *That due notice has been given of the time and place of*
4 *attendance of the witness or the production of the books and*
5 *papers;*

6 (b) *That the witness has been subpoenaed in the manner*
7 *prescribed in this chapter;*

8 (c) *That the witness has failed and refused to attend or*
9 *produce the papers required by subpoena before the Board in the*
10 *investigation or hearing named in the subpoena, or has refused to*
11 *answer questions propounded to him in the course of the*
12 *investigation or hearing;*

13 (d) *That the subpoena identified specifically any documents or*
14 *the subject of any testimony required;*

15 (e) *That the documents or testimony were relevant to the*
16 *allegations being investigated or heard; and*

17 (f) *That no reasonable cause exists for the failure or refusal to*
18 *comply with the subpoena,*

19 *and requesting an order of the court compelling the witness to*
20 *attend and testify or produce the books or papers before the Board.*

21 3. *The court, upon petition of the Board, shall enter an order*
22 *directing the witness to appear before the court at a time and place*
23 *to be fixed by the court in its order, not more than 10 days after*
24 *the service of the order, and show cause why he has not attended*
25 *or testified or produced the books or papers before the Board. A*
26 *certified copy of the order must be served upon the witness. If it*
27 *appears to the court that the subpoena was regularly issued by or*
28 *on behalf of the Board and there is no reasonable cause for the*
29 *refusal or failure to comply, the court shall thereupon enter an*
30 *order that the witness appear before the Board at the time and*
31 *place fixed in the order and testify or produce the required books*
32 *or papers, and upon failure to obey the order, the witness must be*
33 *dealt with as if in contempt of court.*

34 4. *The court may consider, in determining whether*
35 *reasonable cause existed for the witness's refusal or failure to*
36 *comply with the subpoena, such factors as:*

37 (a) *The burden or cost of compliance, financial or otherwise,*
38 *to the witness;*

39 (b) *The time allowed for compliance;*

40 (c) *The extent of the information requested in relation to the*
41 *nature of the underlying charge; and*

42 (d) *The extent of the statistical information necessary to*
43 *investigate the charge adequately.*

44 **Sec. 51. 1. Except as otherwise provided in this section and**
45 **NRS 239.0115, any records or information obtained during the**



1 *course of an investigation by the Board and any record of the*
2 *investigation are confidential.*

3 2. *The complaint or other document filed by the Board to*
4 *initiate disciplinary action and all documents and information*
5 *considered by the Board when determining whether to impose*
6 *discipline are public records.*

7 3. *The Board may provide any record or information*
8 *described in subsection 1 to any other licensing board or agency*
9 *or any agency which is investigating a person licensed pursuant to*
10 *this chapter, including a law enforcement agency.*

11 **Sec. 52.** 1. *Any person who furnishes information to the*
12 *Board concerning a licensee or an applicant for licensure, in good*
13 *faith and without malicious intent, is immune from any civil*
14 *action for furnishing that information.*

15 2. *The Board, any member, employee or committee of the*
16 *Board, counsel, investigator, expert, hearing officer, licensee or*
17 *other person who assists the Board in the investigation or*
18 *prosecution of an alleged violation of a provision of this chapter, a*
19 *proceeding concerning licensure or reissuance of a license or a*
20 *criminal prosecution is immune from any civil liability for:*

21 (a) *Any decision or action taken in good faith and without*
22 *malicious intent in response to information acquired by the Board.*

23 (b) *Disseminating information concerning a licensee or an*
24 *applicant for licensure to any member of the public, other*
25 *licensing board, national association of registered boards, an*
26 *agency of the Federal Government or of the State, the Attorney*
27 *General or any law enforcement agency.*

28 3. *A defendant who is the prevailing party in a civil action*
29 *brought pursuant to subsection 2 may recover the attorney's fees*
30 *and costs incurred in defending the action.*

31 **Sec. 53.** *All licenses and renewal certificates to practice*
32 *dental hygiene heretofore issued by the Board of Dental*
33 *Examiners of Nevada and in force on March 20, 1951, if any,*
34 *shall remain in force subject to the provisions of this chapter and*
35 *shall entitle the holders to practice their profession as therein*
36 *designated.*

37 **Sec. 54.** *Except as otherwise provided in section 32 of this*
38 *act, this chapter does not apply to a dental hygienist of the United*
39 *States Army, Navy, Air Force, Public Health Service, Coast Guard*
40 *or Department of Veterans Affairs in the discharge of his official*
41 *duty.*

42 **Sec. 55.** *A person is guilty of the illegal practice of dental*
43 *hygiene who:*



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1 1. Sells or barter, or offers to sell or barter any certificate or
2 transcript made or purporting to be made pursuant to the laws
3 regulating the licensing and registration of dental hygienists;

4 2. Purchases or procures by barter any such certificate or
5 transcript, with the intent that it be used as evidence of the
6 holder's qualifications to practice dental hygiene, or in fraud of
7 the laws regulating that practice;

8 3. With fraudulent intent, alters in a material regard any
9 such certificate or transcript;

10 4. Uses or attempts to use any certificate or transcript, which
11 has been purchased, fraudulently issued, counterfeited or
12 materially altered, either as a license or color of license to practice
13 dental hygiene, or in order to procure registration as a dental
14 hygienist;

15 5. Appends the letters "R.D.H." to his name, not having
16 conferred upon him, by diploma from an accredited dental or
17 dental hygiene college or school legally empowered to confer the
18 title, the right to assume the title; or

19 6. Assumes any title or appends any letters to his name with
20 the intent to represent falsely that he has received a dental hygiene
21 degree or license;

22 7. Willfully makes, as an applicant for examination, license
23 or registration under this chapter, a false statement in a material
24 regard in an affidavit required by this chapter;

25 8. Except as otherwise provided in NRS 629.091, practices
26 dental hygiene in this State without a license; or

27 9. Aids or abets another in violating any of the provisions of
28 this chapter.

29 **Sec. 56.** 1. A person who practices or offers to practice
30 dental hygiene in this State without a license, or who, having a
31 license, practices dental hygiene in a manner or place not
32 permitted by the provisions of this chapter:

33 (a) If it is his first or second offense, is guilty of a gross
34 misdemeanor.

35 (b) If it is his third or subsequent offense, is guilty of a
36 category D felony and shall be punished as provided in
37 NRS 193.130.

38 2. The Board may assign a person described in subsection 1
39 specific duties as a condition of renewing his license.

40 3. If a person has engaged or is about to engage in any acts
41 or practices which constitute or will constitute an offense under
42 this chapter, the district court of any county, on application of the
43 Board, may issue an injunction or other appropriate order
44 restraining the conduct. Proceedings under this subsection are
45 governed by Rule 65 of the Nevada Rules of Civil Procedure,



1 *except that no bond or undertaking is required in any action*
2 *commenced by the Board.*

3 **Sec. 57.** NRS 629.095 is hereby amended to read as follows:

4 629.095 1. Except as otherwise provided in subsection 2, the
5 Commissioner of Insurance shall develop, prescribe for use and
6 make available a single, standardized form for use by insurers,
7 carriers, societies, corporations, health maintenance organizations
8 and managed care organizations in obtaining any information
9 related to the credentials of a provider of health care.

10 2. The provisions of subsection 1 do not prohibit the
11 Commissioner of Insurance from developing, prescribing for use
12 and making available:

13 (a) Appropriate variations of the form described in that
14 subsection for use in different geographical regions of this State.

15 (b) Addenda or supplements to the form described in that
16 subsection to address, until such time as a new form may be
17 developed, prescribed for use and made available, any requirements
18 newly imposed by the Federal Government, the State or one of its
19 agencies, or a body that accredits hospitals, medical facilities or
20 health care plans.

21 3. With respect to the form described in subsection 1, the
22 Commissioner of Insurance shall:

23 (a) Hold public hearings to seek input regarding the
24 development of the form;

25 (b) Develop the form in consideration of the input received
26 pursuant to paragraph (a);

27 (c) Ensure that the form is developed in such a manner as to
28 accommodate and reflect the different types of credentials
29 applicable to different classes of providers of health care;

30 (d) Ensure that the form is developed in such a manner as to
31 reflect standards of accreditation adopted by national organizations
32 which accredit hospitals, medical facilities and health care plans;
33 and

34 (e) Ensure that the form is developed to be used efficiently and
35 is developed to be neither unduly long nor unduly voluminous.

36 4. As used in this section:

37 (a) "Carrier" has the meaning ascribed to it in NRS 689C.025.

38 (b) "Corporation" means a corporation operating pursuant to the
39 provisions of chapter 695B of NRS.

40 (c) "Health maintenance organization" has the meaning ascribed
41 to it in NRS 695C.030.

42 (d) "Insurer" means:

43 (1) An insurer that issues policies of individual health
44 insurance in accordance with chapter 689A of NRS; and



1 (2) An insurer that issues policies of group health insurance
2 in accordance with chapter 689B of NRS.

3 (e) "Managed care organization" has the meaning ascribed to it
4 in NRS 695G.050.

5 (f) "Provider of health care" means a provider of health care
6 who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~§~~
7 *or sections 2 to 56, inclusive, of this act.*

8 (g) "Society" has the meaning ascribed to it in NRS 695A.044.

9 **Sec. 58.** NRS 629.097 is hereby amended to read as follows:

10 629.097 1. If the Governor must appoint to a board a person
11 who is a member of a profession being regulated by that board, the
12 Governor shall solicit nominees from one or more applicable
13 professional associations in this State.

14 2. To the extent practicable, such an applicable professional
15 association shall provide nominees who represent the geographic
16 diversity of this State.

17 3. The Governor may appoint any qualified person to a board,
18 without regard to whether the person is nominated pursuant to this
19 section.

20 4. As used in this section, "board" refers to a board created
21 pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636,
22 637, 637A, 637B, 639, 640, 640A, 640B, 640C, 641, 641A, 641B or
23 641C ~~§~~ *or sections 2 to 56, inclusive, of this act.*

24 **Sec. 59.** NRS 631.040 is hereby amended to read as follows:

25 631.040 "Dental hygienist" means any person who practices
26 the profession of dental hygiene and is licensed pursuant to ~~this~~
27 ~~chapter.~~ *the provisions of sections 2 to 56, inclusive, of this act.*

28 **Sec. 60.** NRS 631.130 is hereby amended to read as follows:

29 631.130 1. The Governor shall appoint:

30 (a) ~~Six~~ *Nine* members who are graduates of accredited dental
31 schools or colleges, are residents of Nevada and have ethically
32 engaged in the practice of dentistry in Nevada for a period of at least
33 5 years.

34 (b) One member who has resided in Nevada for at least 5 years
35 and who represents the interests of persons or agencies that
36 regularly provide health care to patients who are indigent, uninsured
37 or unable to afford health care. This member may be licensed under
38 the provisions of this chapter.

39 (c) ~~Three members who:~~

40 ~~(1) Are graduates of accredited schools or colleges of dental~~
41 ~~hygiene;~~

42 ~~(2) Are residents of Nevada; and~~

43 ~~(3) Have been actively engaged in the practice of dental~~
44 ~~hygiene in Nevada for a period of at least 5 years before their~~
45 ~~appointment to the Board.~~



1 ~~—(d)~~ One member who is a representative of the general public.
2 This member must not be:

- 3 (1) A dentist or a dental hygienist; or
4 (2) The spouse or the parent or child, by blood, marriage or
5 adoption, of a dentist or a dental hygienist.

6 2. ~~【The members who are dental hygienists may vote on all
7 matters but may not participate in grading any clinical examinations
8 required by NRS 631.240 for the licensing of dentists.~~

9 ~~—3.】~~ If a member is not licensed under the provisions of this
10 chapter, the member shall not participate in grading any
11 examination required by the Board.

12 **Sec. 61.** NRS 631.140 is hereby amended to read as follows:

13 631.140 ~~【1.】~~ The ~~【six】~~ *eleven* members of the Board ~~【who are
14 dentists, the member of the Board who represents the interests of
15 persons or agencies that regularly provide health care to patients
16 who are indigent, uninsured or unable to afford health care, and the
17 member of the Board who is a representative of the general public】~~
18 must be appointed from areas of the State as follows:

19 ~~【(a) Three】~~ 1. *Four* of those members must be from Carson
20 City, Douglas County or Washoe County.

21 ~~【(b) Four】~~ 2. *Five* of those members must be from Clark
22 County.

23 ~~【(c) One】~~ 3. *Two* of those members may be from any county of
24 the State.

25 ~~【2. The three members of the Board who are dental hygienists
26 must be appointed from areas of the State as follows:~~

27 ~~—(a) One of those members must be from Carson City, Douglas
28 County or Washoe County.~~

29 ~~—(b) One of those members must be from Clark County.~~

30 ~~—(c) One of those members may be from any county of the State.】~~

31 **Sec. 62.** NRS 631.170 is hereby amended to read as follows:

32 631.170 1. The Board shall meet whenever necessary to
33 examine applicants. The dates of the examinations must be fixed by
34 the Board. The Board may conduct examinations outside this State,
35 and for this purpose may use the facilities of dental colleges.

36 2. The Board may also meet at such other times and places and
37 for such other purposes as it may deem proper.

38 3. A quorum consists of ~~【five】~~ *seven* members who are dentists
39 ~~【and two members who are dental hygienists.】~~

40 **Sec. 63.** NRS 631.190 is hereby amended to read as follows:

41 631.190 In addition to the powers and duties provided in this
42 chapter, the Board shall:

43 1. Adopt rules and regulations necessary to carry out the
44 provisions of this chapter.



1 2. Appoint such committees, examiners, officers, employees,
2 agents, attorneys, investigators and other professional consultants
3 and define their duties and incur such expense as it may deem
4 proper or necessary to carry out the provisions of this chapter, the
5 expense to be paid as provided in this chapter.

6 3. Fix the time and place for and conduct examinations for the
7 granting of licenses to practice dentistry. ~~[and dental hygiene.]~~

8 4. Examine applicants for licenses to practice dentistry. ~~[and~~
9 ~~dental hygiene.]~~

10 5. Collect and apply fees as provided in this chapter.

11 6. Keep a register of all dentists ~~[and dental hygienists]~~
12 licensed in this State, together with their addresses, license numbers
13 and renewal certificate numbers.

14 7. Have and use a common seal.

15 8. Keep such records as may be necessary to report the acts and
16 proceedings of the Board. Except as otherwise provided in NRS
17 631.368, the records must be open to public inspection.

18 9. Maintain offices in as many localities in the State as it finds
19 necessary to carry out the provisions of this chapter.

20 10. Have discretion to examine work authorizations in dental
21 offices or dental laboratories.

22 **Sec. 64.** NRS 631.220 is hereby amended to read as follows:

23 631.220 1. Every applicant for a license to practice ~~[dental~~
24 ~~hygiene or]~~ dentistry ~~[,]~~ or any of its special branches ~~[,]~~ must:

25 (a) File an application with the Board at least 45 days before:

26 (1) The date on which the examination will be given; or

27 (2) If an examination is not required for the issuance of a
28 license, the date on which the Board is scheduled to take action on
29 the application.

30 (b) Accompany the application with a recent photograph of
31 himself together with the required fee and such other documentation
32 as the Board may require by regulation.

33 (c) Submit with the application a complete set of fingerprints
34 and written permission authorizing the Board to forward the
35 fingerprints to the Central Repository for Nevada Records of
36 Criminal History for submission to the Federal Bureau of
37 Investigation for its report.

38 2. An application must include all information required to
39 complete the application.

40 **Sec. 65.** NRS 631.225 is hereby amended to read as follows:

41 631.225 1. In addition to any other requirements set forth in
42 this chapter:

43 (a) An applicant for the issuance of a license to practice
44 dentistry or dental hygiene shall include the social security number
45 of the applicant in the application submitted to the Board.



1 (b) An applicant for the issuance or renewal of a license to
2 practice dentistry or dental hygiene shall submit to the Board the
3 statement prescribed by the Division of Welfare and Supportive
4 Services of the Department of Health and Human Services pursuant
5 to NRS 425.520. The statement must be completed and signed by
6 the applicant.

7 2. The Board shall include the statement required pursuant to
8 subsection 1 in:

9 (a) The application or any other forms that must be submitted
10 for the issuance or renewal of the license; or

11 (b) A separate form prescribed by the Board.

12 3. A license to practice dentistry ~~for dental hygiene~~ may not
13 be issued or renewed by the Board if the applicant:

14 (a) Fails to submit the statement required pursuant to subsection
15 1; or

16 (b) Indicates on the statement submitted pursuant to subsection
17 1 that he is subject to a court order for the support of a child and is
18 not in compliance with the order or a plan approved by the district
19 attorney or other public agency enforcing the order for the
20 repayment of the amount owed pursuant to the order.

21 4. If an applicant indicates on the statement submitted pursuant
22 to subsection 1 that he is subject to a court order for the support of a
23 child and is not in compliance with the order or a plan approved by
24 the district attorney or other public agency enforcing the order for
25 the repayment of the amount owed pursuant to the order, the Board
26 shall advise the applicant to contact the district attorney or other
27 public agency enforcing the order to determine the actions that the
28 applicant may take to satisfy the arrearage.

29 **Sec. 66.** NRS 631.260 is hereby amended to read as follows:

30 631.260 As soon as possible after the examination has been
31 given, the Board, under rules and regulations adopted by it, shall
32 determine the qualifications of the applicant and shall issue to each
33 person found by the Board to have the qualifications therefor a
34 license which will entitle the person to practice ~~dental hygiene or~~
35 dentistry ~~or~~ or any special branch of dentistry, as in such license
36 defined, subject to the provisions of this chapter.

37 **Sec. 67.** NRS 631.271 is hereby amended to read as follows:

38 631.271 1. The Board shall, without a clinical examination
39 required by NRS 631.240, ~~for 631.300,~~ issue a limited license to
40 practice dentistry ~~for dental hygiene~~ to a person who:

41 (a) Is qualified for a license to practice dentistry ~~for dental~~
42 ~~hygiene~~ in this State;

43 (b) Pays the required application fee;

44 (c) Has entered into a contract with the Nevada System of
45 Higher Education to provide services as a dental intern, dental



1 resident or instructor of dentistry ~~for dental hygiene~~ at an
2 educational or outpatient clinic, hospital or other facility of the
3 Nevada System of Higher Education;

4 (d) Satisfies the requirements of NRS 631.230 ; ~~for 631.290, as~~
5 ~~appropriate;~~ and

6 (e) Satisfies at least one of the following requirements:

7 (1) Has a license to practice dentistry ~~for dental hygiene~~
8 issued pursuant to the laws of another state or territory of the United
9 States, or the District of Columbia;

10 (2) Presents to the Board a certificate granted by the Western
11 Regional Examining Board which contains a notation that the
12 person has passed, within the 5 years immediately preceding the
13 date of the application, a clinical examination administered by
14 the Western Regional Examining Board; or

15 (3) Has the educational or outpatient clinic, hospital or other
16 facility where the person will provide services as a dental intern or
17 dental resident in an internship or residency program submit to the
18 Board written confirmation that the person has been appointed to a
19 position in the program and is a citizen of the United States or is
20 lawfully entitled to remain and work in the United States. If a person
21 qualifies for a limited license pursuant to this subparagraph, the
22 limited license remains valid only while the person is actively
23 providing services as a dental intern or dental resident in the
24 internship or residency program, is lawfully entitled to remain and
25 work in the United States and is in compliance with all other
26 requirements for the limited license.

27 2. The Board shall not issue a limited license to a person:

28 (a) Who has been issued a license to practice dentistry ~~for dental~~
29 ~~hygiene~~ if:

30 (1) The person is involved in a disciplinary action concerning
31 the license; or

32 (2) The license has been revoked or suspended; or

33 (b) Who has been refused a license to practice dentistry , ~~for~~
34 ~~dental hygiene.~~

35 ➔ in this State, another state or territory of the United States, or the
36 District of Columbia.

37 3. A person to whom a limited license is issued pursuant to
38 subsection 1:

39 (a) May practice dentistry ~~for dental hygiene~~ in this State only:

40 (1) At the educational or outpatient clinic, hospital or other
41 facility where he is employed; and

42 (2) In accordance with the contract required by paragraph (c)
43 of subsection 1.

44 (b) Shall not, for the duration of the limited license, engage in
45 the private practice of dentistry ~~for dental hygiene~~ in this State or



1 accept compensation for the practice of dentistry ~~for dental hygiene~~
2 except such compensation as may be paid to him by the Nevada
3 System of Higher Education for services provided as a dental intern,
4 dental resident or instructor of dentistry. ~~for dental hygiene.~~

5 4. A limited license expires 1 year after its date of issuance and
6 may be renewed on or before the date of its expiration, unless the
7 holder no longer satisfies the requirements for the limited license.
8 The holder of a limited license may, upon compliance with the
9 applicable requirements set forth in NRS 631.330 and the
10 completion of a review conducted at the discretion of the Board, be
11 granted a renewal certificate that authorizes the continuation of
12 practice pursuant to the limited license for 1 year.

13 5. Within 7 days after the termination of his contract required
14 by paragraph (c) of subsection 1, the holder of a limited license shall
15 notify the Board of the termination, in writing, and surrender the
16 limited license to the Board.

17 6. The Board may revoke a limited license at any time upon
18 submission of substantial evidence to the Board that the holder of
19 the license violated any provision of this chapter or the regulations
20 of the Board.

21 **Sec. 68.** NRS 631.274 is hereby amended to read as follows:

22 631.274 1. The Board shall, without a clinical examination
23 required by NRS 631.240 , ~~for 631.300,~~ issue a restricted
24 geographical license to practice dentistry ~~for dental hygiene~~ to a
25 person if he meets the requirements of subsection 2 and:

26 (a) A board of county commissioners submits a request that the
27 Board of Dental Examiners of Nevada waive the requirements of
28 NRS 631.240 ~~for 631.300~~ for any applicant intending to practice
29 dentistry ~~for dental hygiene~~ in a rural area of a county in which
30 dental ~~for dental hygiene~~ needs are underserved as that term is
31 defined by the officer of rural health of the University of Nevada
32 School of Medicine;

33 (b) Two or more boards of county commissioners submit a joint
34 request that the Board of Dental Examiners of Nevada waive the
35 requirements of NRS 631.240 ~~for 631.300~~ for any applicant
36 intending to practice dentistry ~~for dental hygiene~~ in one or more
37 rural areas within those counties in which dental ~~for dental hygiene~~
38 needs are underserved as that term is defined by the officer of rural
39 health of the University of Nevada School of Medicine; or

40 (c) The director of a federally qualified health center or a
41 nonprofit clinic submits a request that the Board waive the
42 requirements of NRS 631.240 ~~for 631.300~~ for any applicant who
43 has entered into a contract with a federally qualified health center or
44 nonprofit clinic which treats underserved populations in Washoe
45 County or Clark County.



- 1 2. A person may apply for a restricted geographical license if
2 he:
- 3 (a) Has a license to practice dentistry ~~for dental hygiene~~ issued
4 pursuant to the laws of another state or territory of the United States,
5 or the District of Columbia;
- 6 (b) Is otherwise qualified for a license to practice dentistry ~~for~~
7 ~~dental hygiene~~ in this State;
- 8 (c) Pays the application, examination and renewal fees in the
9 same manner as a person licensed pursuant to NRS 631.240 ; ~~for~~
10 ~~631.300;~~
- 11 (d) Submits all information required to complete an application
12 for a license; and
- 13 (e) Satisfies the requirements of NRS 631.230 . ~~for 631.290, as~~
14 ~~appropriate.~~
- 15 3. The Board shall not issue a restricted geographical license to
16 a person:
- 17 (a) Whose license to practice dentistry ~~for dental hygiene~~ has
18 been revoked or suspended;
- 19 (b) Who has been refused a license to practice dentistry ; ~~for~~
20 ~~dental hygiene;~~ or
- 21 (c) Who is involved in or has pending a disciplinary action
22 concerning his license to practice dentistry , ~~for dental hygiene.~~
23 ➔ in this State, another state or territory of the United States, or the
24 District of Columbia.
- 25 4. The Board shall examine each applicant in writing on the
26 contents and interpretation of this chapter and the regulations of the
27 Board.
- 28 5. A person to whom a restricted geographical license is issued
29 pursuant to this section:
- 30 (a) May practice dentistry ~~for dental hygiene~~ only in the county
31 or counties which requested the restricted geographical licensure
32 pursuant to paragraph (a) or (b) of subsection 1.
- 33 (b) Shall not, for the duration of the restricted geographical
34 license, engage in the private practice of dentistry ~~for dental~~
35 ~~hygiene~~ in this State or accept compensation for the practice of
36 dentistry ~~for dental hygiene~~ except such compensation as may be
37 paid to him by a federally qualified health center or nonprofit clinic
38 pursuant to paragraph (c) of subsection 1.
- 39 6. Within 7 days after the termination of his contract pursuant
40 to paragraph (c) of subsection 1, the holder of a restricted
41 geographical license shall notify the Board of the termination, in
42 writing, and surrender the restricted geographical license.
- 43 7. A person to whom a restricted geographical license was
44 issued pursuant to this section may petition the Board for an



1 unrestricted license without a clinical examination required by NRS
2 631.240 ~~for 631.300~~ if the person:

3 (a) Has not had his license to practice dentistry ~~for dental~~
4 ~~hygiene~~ revoked or suspended in this State, another state or
5 territory of the United States, or the District of Columbia;

6 (b) Has not been refused a license to practice dentistry ~~for dental~~
7 ~~hygiene~~ in this State, another state or territory of the United States,
8 or the District of Columbia;

9 (c) Is not involved in or does not have pending a disciplinary
10 action concerning his license to practice dentistry ~~for dental~~
11 ~~hygiene~~ in this State, another state or territory of the United States,
12 or the District of Columbia; and

13 (d) Has:

14 (1) Actively practiced dentistry ~~for dental hygiene~~ for 3
15 years at a minimum of 30 hours per week in the county or counties
16 which requested the restricted geographical licensure pursuant to
17 paragraph (a) or (b) of subsection 1; or

18 (2) Been under contract with a federally qualified health
19 center or nonprofit clinic for a minimum of 3 years.

20 8. The Board may revoke a restricted geographical license at
21 any time upon submission of substantial evidence to the Board that
22 the holder of the license violated any provision of this chapter or the
23 regulations of the Board.

24 **Sec. 69.** NRS 631.313 is hereby amended to read as follows:

25 631.313 1. A licensed dentist may assign to a person in his
26 employ who is a dental hygienist, dental assistant or other person
27 directly or indirectly involved in the provision of dental care only
28 such intraoral tasks as may be permitted by a regulation of the
29 Board or by the provisions of this chapter.

30 2. The performance of these tasks must be:

31 (a) If performed by a dental assistant or a person, other than a
32 dental hygienist, who is directly or indirectly involved in the
33 provision of dental care, under the supervision of the licensed
34 dentist who made the assignment.

35 (b) If performed by a dental hygienist, authorized by the
36 licensed dentist of the patient for whom the tasks will be performed,
37 except as otherwise provided in ~~NRS 631.287.~~ *section 28 of this*
38 *act.*

39 3. No such assignment is permitted that requires:

40 (a) The diagnosis, treatment planning, prescribing of drugs or
41 medicaments, or authorizing the use of restorative, prosthodontic or
42 orthodontic appliances.

43 (b) Surgery on hard or soft tissues within the oral cavity or any
44 other intraoral procedure that may contribute to or result in an
45 irremediable alteration of the oral anatomy.



1 (c) The administration of general anesthesia, conscious sedation
2 or deep sedation except as otherwise authorized by regulations
3 adopted by the Board.

4 (d) The performance of a task outside the authorized scope of
5 practice of the employee who is being assigned the task.

6 ~~[4.—A dental hygienist may, pursuant to regulations adopted by
7 the Board, administer local anesthesia or nitrous oxide in a health
8 care facility, as defined in NRS 449.800, if:~~

9 ~~—(a) He is so authorized by the licensed dentist of the patient to
10 whom the local anesthesia or nitrous oxide is administered; and~~

11 ~~—(b) The health care facility has licensed medical personnel and
12 necessary emergency supplies and equipment available when the
13 local anesthesia or nitrous oxide is administered.]~~

14 **Sec. 70.** NRS 631.317 is hereby amended to read as follows:

15 631.317 The Board shall adopt rules or regulations:

16 1. Specifying the intraoral tasks that may be assigned by a
17 licensed dentist to a ~~{dental hygienist or}~~ dental assistant in his
18 employ . ~~[or that may be performed by a dental hygienist engaged in
19 school health activities or employed by a public health agency.]~~

20 2. Governing the practice of dentists ~~[and dental hygienists]~~ in
21 full-time employment with the State of Nevada.

22 **Sec. 71.** NRS 631.330 is hereby amended to read as follows:

23 631.330 1. Licenses issued pursuant to NRS 631.271 and
24 631.275 must be renewed annually. All other licenses must be
25 renewed biennially.

26 2. Except as otherwise provided in NRS 631.271 and 631.275:

27 (a) Each holder of a license to practice dentistry ~~[or dental
28 hygiene]~~ must, upon:

29 (1) Payment of the required fee;

30 (2) Submission of proof of completion of the required
31 continuing education; and

32 (3) Submission of all information required to complete the
33 renewal,

34 ➔ be granted a renewal certificate which will authorize continuation
35 of the practice for 2 years.

36 (b) A licensee must comply with the provisions of this
37 subsection and subsection 1 on or before June 30. Failure to comply
38 with those provisions by June 30 every 2 years automatically
39 suspends the license, and it may be reinstated only upon payment of
40 the fee for reinstatement and compliance with the requirements of
41 this subsection.

42 3. If a license suspended pursuant to this section is not
43 reinstated within 12 months after suspension, it is automatically
44 revoked.



1 **Sec. 72.** NRS 631.342 is hereby amended to read as follows:

2 631.342 1. The Board shall adopt regulations concerning
3 continuing education in dentistry . ~~[and dental hygiene.]~~ The
4 regulations must include:

5 (a) The number of hours of credit required annually;

6 (b) The criteria used to accredit each course;

7 (c) The requirements for submission of proof of attendance at
8 courses; and

9 (d) A provision requiring the completion of a course of
10 instruction, within 2 years after initial licensure, relating to the
11 medical consequences of an act of terrorism that involves the use of
12 a weapon of mass destruction. The course must provide at least 4
13 hours of instruction that includes instruction in the following
14 subjects:

15 (1) An overview of acts of terrorism and weapons of mass
16 destruction;

17 (2) Personal protective equipment required for acts of
18 terrorism;

19 (3) Common symptoms and methods of treatment associated
20 with exposure to, or injuries caused by, chemical, biological,
21 radioactive and nuclear agents;

22 (4) Syndromic surveillance and reporting procedures for acts
23 of terrorism that involve biological agents; and

24 (5) An overview of the information available on, and the use
25 of, the Health Alert Network.

26 ↳ The Board may thereafter determine whether to include in a
27 program of continuing education additional courses of instruction
28 relating to the medical consequences of an act of terrorism that
29 involves the use of a weapon of mass destruction.

30 2. As used in this section:

31 (a) "Act of terrorism" has the meaning ascribed to it in
32 NRS 202.4415.

33 (b) "Biological agent" has the meaning ascribed to it in
34 NRS 202.442.

35 (c) "Chemical agent" has the meaning ascribed to it in
36 NRS 202.4425.

37 (d) "Radioactive agent" has the meaning ascribed to it in
38 NRS 202.4437.

39 (e) "Weapon of mass destruction" has the meaning ascribed to it
40 in NRS 202.4445.

41 **Sec. 73.** NRS 631.340 is hereby amended to read as follows:

42 631.340 1. Any person who has obtained from the Board a
43 license certificate to practice ~~[dental hygiene or]~~ dentistry or any
44 special branch of dentistry in this State, and who fails to obtain a
45 renewal certificate, must, before resuming the practice in which he



1 was licensed, make application to the Secretary-Treasurer, under
2 such rules as the Board may prescribe, for the restoration of the
3 license to practice.

4 2. Upon application being made, the Secretary-Treasurer shall
5 determine whether the applicant possesses the qualifications
6 prescribed for the granting of a license to practice in his particular
7 profession, and whether the applicant continues to possess a good
8 moral character and is not otherwise disqualified to practice in this
9 State. If the Secretary-Treasurer so determines, he shall thereupon
10 issue the license, and thereafter the person may make application
11 annually for a renewal certificate, as provided in this chapter.

12 **Sec. 74.** NRS 631.346 is hereby amended to read as follows:

13 631.346 The following acts, among others, constitute
14 unprofessional conduct:

15 1. Employing, directly or indirectly, any student or any
16 suspended or unlicensed dentist or dental hygienist to perform
17 operations of any kind to treat or correct the teeth or jaws, except as
18 provided in this chapter;

19 2. ~~Except as otherwise provided in NRS 631.287, giving~~
20 **Giving** a public demonstration of methods of practice any place
21 other than the office where the licensee is known to be regularly
22 engaged in this practice;

23 3. Employing, procuring, inducing, aiding or abetting a person
24 not licensed or registered as a dentist to engage in the practice of
25 dentistry, but a patient shall not be deemed to be an accomplice,
26 employer, procurer, inducer, aider or abettor; **or**

27 4. ~~For a dental hygienist, practicing in any place not~~
28 ~~authorized pursuant to this chapter; or~~
29 ~~—5.]~~ Practicing while his license is suspended or without a
30 renewal certificate.

31 **Sec. 75.** NRS 631.3475 is hereby amended to read as follows:

32 631.3475 The following acts, among others, constitute
33 unprofessional conduct:

34 1. Malpractice;

35 2. Professional incompetence;

36 3. Suspension or revocation of his license to practice dentistry,
37 the imposition of a fine or other disciplinary action by any agency of
38 another state authorized to regulate the practice of dentistry in that
39 state;

40 4. More than one act by the dentist ~~for dental hygienist~~
41 constituting substandard care in the practice of dentistry ; ~~for dental~~
42 ~~hygiene;]~~

43 5. Administering, dispensing or prescribing any controlled
44 substance or any dangerous drug as defined in chapter 454 of NRS,
45 if it is not required to treat the dentist's patient;



1 6. Chronic or persistent inebriety or addiction to a controlled
2 substance, to such an extent as to render him unsafe or unreliable as
3 a practitioner, or such gross immorality as tends to bring reproach
4 upon the dental profession;

5 7. Conviction of a felony or misdemeanor involving moral
6 turpitude or which relates to the practice of dentistry in this State, or
7 conviction of any criminal violation of this chapter; or

8 8. Conviction of violating any of the provisions of NRS
9 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
10 inclusive.

11 **Sec. 76.** NRS 631.3487 is hereby amended to read as follows:

12 631.3487 1. If the Board receives a copy of a court order
13 issued pursuant to NRS 425.540 that provides for the suspension of
14 all professional, occupational and recreational licenses, certificates
15 and permits issued to a person who is the holder of a license to
16 practice dentistry , ~~for dental hygiene,~~ the Board shall deem the
17 license issued to that person to be suspended at the end of the 30th
18 day after the date on which the court order was issued unless the
19 Board receives a letter issued to the holder of the license by the
20 district attorney or other public agency pursuant to NRS 425.550
21 stating that the holder of the license has complied with the subpoena
22 or warrant or has satisfied the arrearage pursuant to NRS 425.560.

23 2. The Board shall reinstate a license to practice dentistry ~~for~~
24 ~~dental hygiene~~ that has been suspended by a district court pursuant
25 to NRS 425.540 if:

26 (a) The Board receives a letter issued by the district attorney or
27 other public agency pursuant to NRS 425.550 to the person whose
28 license was suspended stating that the person whose license was
29 suspended has complied with the subpoena or warrant or has
30 satisfied the arrearage pursuant to NRS 425.560; and

31 (b) The person whose license was suspended pays the fee
32 imposed pursuant to NRS 631.345 for the reinstatement of a
33 suspended license.

34 **Sec. 77.** NRS 631.350 is hereby amended to read as follows:

35 631.350 1. Except as otherwise provided in NRS 631.271
36 and 631.347, the Board may:

37 (a) Refuse to issue a license to any person;

38 (b) Revoke or suspend the license or renewal certificate issued
39 by it to any person;

40 (c) Fine a person it has licensed;

41 (d) Place a person on probation for a specified period on any
42 conditions the Board may order;

43 (e) Issue a public reprimand to a person;

44 (f) Limit a person's practice to certain branches of dentistry;



1 (g) Require a person to participate in a program to correct
2 alcohol or drug abuse or any other impairment;

3 (h) Require that a person's practice be supervised;

4 (i) Require a person to perform community service without
5 compensation;

6 (j) Require a person to take a physical or mental examination or
7 an examination of his competence;

8 (k) Require a person to fulfill certain training or educational
9 requirements;

10 (l) Require a person to reimburse a patient; or

11 (m) Any combination thereof,

12 ➔ upon submission of substantial evidence to the Board that the
13 person has engaged in any of the activities listed in subsection 2.

14 2. The following activities may be punished as provided in
15 subsection 1:

16 (a) Engaging in the illegal practice of dentistry ; ~~for dental~~
17 ~~hygiene;~~

18 (b) Engaging in unprofessional conduct; or

19 (c) Violating any regulations adopted by the Board or the
20 provisions of this chapter.

21 3. The Board may delegate to a hearing officer or panel its
22 authority to take any disciplinary action pursuant to this chapter,
23 impose and collect fines therefor and deposit the money therefrom
24 in banks, credit unions or savings and loan associations in this State.

25 4. If a hearing officer or panel is not authorized to take
26 disciplinary action pursuant to subsection 3 and the Board deposits
27 the money collected from the imposition of fines with the State
28 Treasurer for credit to the State General Fund, it may present a
29 claim to the State Board of Examiners for recommendation to the
30 Interim Finance Committee if money is needed to pay attorney's
31 fees or the costs of an investigation, or both.

32 5. The Board shall not administer a private reprimand.

33 6. An order that imposes discipline and the findings of fact and
34 conclusions of law supporting that order are public records.

35 **Sec. 78.** NRS 631.380 is hereby amended to read as follows:

36 631.380 All licenses and renewal certificates *to practice*
37 *dentistry or a specialty thereof* heretofore issued by the Board and
38 in force on March 20, 1951, shall remain in force subject to the
39 provisions of this chapter, and shall entitle the holders to practice
40 their profession as therein designated.

41 **Sec. 79.** NRS 631.395 is hereby amended to read as follows:

42 631.395 A person is guilty of the illegal practice of dentistry
43 ~~for dental hygiene~~ who:

44 1. Sells or barter, or offers to sell or barter, any diploma or
45 document conferring or purporting to confer any dental degree, or



- 1 any certificate or transcript made or purporting to be made pursuant
2 to the laws regulating the licensing and registration of dentists ; ~~for~~
3 ~~dental hygienists;~~
- 4 2. Purchases or procures by barter any such diploma, certificate
5 or transcript, with the intent that it be used as evidence of the
6 holder's qualifications to practice dentistry, or in fraud of the laws
7 regulating that practice;
- 8 3. With fraudulent intent, alters in a material regard any such
9 diploma, certificate or transcript;
- 10 4. Uses or attempts to use any diploma, certificate or transcript,
11 which has been purchased, fraudulently issued, counterfeited or
12 materially altered, either as a license or color of license to practice
13 dentistry, or in order to procure registration as a dentist ; ~~for a dental~~
14 ~~hygienist;~~
- 15 5. Practices dentistry under a false or assumed name;
- 16 6. Assumes the degree of "Doctor of Dental Surgery" or
17 "Doctor of Dental Medicine" or appends the letters "D.D.S." or
18 "D.M.D." ~~for "R.D.H."~~ to his name, not having conferred upon
19 him, by diploma from an accredited dental ~~for dental hygiene~~
20 college or school legally empowered to confer the title, the right to
21 assume the title; or assumes any title or appends any letters to his
22 name with the intent to represent falsely that he has received a
23 dental degree or license;
- 24 7. Willfully makes, as an applicant for examination, license or
25 registration under this chapter, a false statement in a material regard
26 in an affidavit required by this chapter;
- 27 8. Within 10 days after a demand is made by the Secretary-
28 Treasurer, fails to furnish to the Board the names and addresses of
29 all persons practicing or assisting in the practice of dentistry in the
30 office of the person at any time within 60 days before the notice,
31 together with a sworn statement showing under and by what license
32 or authority the person and his employee are and have been
33 practicing dentistry, but the affidavit must not be used as evidence
34 against the person in any proceeding under this chapter;
- 35 9. Except as otherwise provided in NRS 629.091, practices
36 dentistry ~~for dental hygiene~~ in this State without a license;
- 37 10. Except as otherwise provided in NRS 631.385, owns or
38 controls a dental practice, shares in the fees received by a dentist or
39 controls or attempts to control the services offered by a dentist if the
40 person is not himself licensed pursuant to this chapter; or
- 41 11. Aids or abets another in violating any of the provisions of
42 this chapter.



1 **Sec. 80.** NRS 631.400 is hereby amended to read as follows:

2 631.400 1. A person who engages in the illegal practice of
3 dentistry in this State is guilty of a category D felony and shall be
4 punished as provided in NRS 193.130.

5 2. ~~{A person who practices or offers to practice dental hygiene~~
6 ~~in this State without a license, or who, having a license, practices~~
7 ~~dental hygiene in a manner or place not permitted by the provisions~~
8 ~~of this chapter:~~

9 ~~—(a) If it is his first or second offense, is guilty of a gross~~
10 ~~misdemeanor.~~

11 ~~—(b) If it is his third or subsequent offense, is guilty of a category~~
12 ~~D felony and shall be punished as provided in NRS 193.130.~~

13 ~~3.}~~ Unless a greater penalty is provided by specific statute, a
14 person who is licensed to practice dentistry who practices dentistry
15 in a manner or place not permitted by the provisions of this chapter:

16 (a) If it is his first or second offense, is guilty of a gross
17 misdemeanor.

18 (b) If it is his third or subsequent offense, is guilty of a category
19 D felony and shall be punished as provided in NRS 193.130.

20 ~~{4.}~~ 3. The Board may assign a person described in subsection
21 1 ~~{.}~~ or 2 ~~{or 3}~~ specific duties as a condition of renewing his
22 license.

23 ~~{5.}~~ 4. If a person has engaged or is about to engage in any
24 acts or practices which constitute or will constitute an offense
25 against this chapter, the district court of any county, on application
26 of the Board, may issue an injunction or other appropriate order
27 restraining the conduct. Proceedings under this subsection are
28 governed by Rule 65 of the Nevada Rules of Civil Procedure, except
29 that no bond or undertaking is required in any action commenced by
30 the Board.

31 **Sec. 81.** NRS 439.279 is hereby amended to read as follows:

32 439.279 1. The Health Division shall appoint, with the
33 consent of the Director, a State Public Health Dental Hygienist, who
34 is in the unclassified service of the State. The State Public Health
35 Dental Hygienist must:

36 (a) Be a resident of this State;

37 (b) Hold a current license to practice dental hygiene issued
38 pursuant to ~~{chapter 631 of NRS}~~ *sections 2 to 56, inclusive, of this*
39 *act* with a special endorsement issued pursuant to ~~{NRS 631.287;}~~
40 *section 28 of this act;* and

41 (c) Be appointed on the basis of his education, training and
42 experience and his interest in public health dental hygiene and
43 related programs.

44 2. The State Public Health Dental Hygienist:



1 (a) Shall assist the State Dental Health Officer in carrying out
2 his duties; and

3 (b) May:

4 (1) Make recommendations to the Health Division regarding
5 programs in this State for public health dental hygiene; and

6 (2) Perform any acts authorized pursuant to ~~NRS 631.287~~
7 *section 28 of this act.*

8 3. The State Public Health Dental Hygienist shall devote all of
9 his time to the business of his office and shall not pursue any other
10 business or vocation or hold any other office of profit.

11 4. The Health Division may solicit and accept gifts and grants
12 to pay the costs associated with the position of State Public Health
13 Dental Hygienist.

14 **Sec. 82.** NRS 439B.225 is hereby amended to read as follows:

15 439B.225 1. As used in this section, "licensing board" means
16 any division or board empowered to adopt standards for licensing or
17 registration or for the renewal of licenses or certificates of
18 registration pursuant to NRS 435.3305 to 435.339, inclusive,
19 chapter 449, 625A, 630, 630A, 631, 632, 633, 634, 634A, 635, 636,
20 637, 637A, 637B, 639, 640, 640A, 641, 641A, 641B, 641C, 652 or
21 654 of NRS ~~§~~ *or sections 2 to 56, inclusive, of this act.*

22 2. The Committee shall review each regulation that a licensing
23 board proposes or adopts that relates to standards for licensing or
24 registration or to the renewal of a license or certificate of
25 registration issued to a person or facility regulated by the board,
26 giving consideration to:

27 (a) Any oral or written comment made or submitted to it by
28 members of the public or by persons or facilities affected by the
29 regulation;

30 (b) The effect of the regulation on the cost of health care in this
31 State;

32 (c) The effect of the regulation on the number of licensed or
33 registered persons and facilities available to provide services in this
34 State; and

35 (d) Any other related factor the Committee deems appropriate.

36 3. After reviewing a proposed regulation, the Committee shall
37 notify the agency of the opinion of the Committee regarding the
38 advisability of adopting or revising the proposed regulation.

39 4. The Committee shall recommend to the Legislature as a
40 result of its review of regulations pursuant to this section any
41 appropriate legislation.

42 **Sec. 83.** NRS 640A.070 is hereby amended to read as follows:

43 640A.070 This chapter does not apply to a person:

44 1. Holding a current license or certificate issued pursuant to
45 chapter 391, 630 to 637B, inclusive, 640, 640B to 641B, inclusive,



1 of NRS, *or sections 2 to 56, inclusive, of this act* who practices
2 within the scope of that license or certificate.

3 2. Employed by the Federal Government who practices
4 occupational therapy within the scope of that employment.

5 3. Enrolled in an educational program approved by the Board
6 which is designed to lead to a certificate or degree in occupational
7 therapy, if he is designated by a title which clearly indicates that he
8 is a student.

9 4. Obtaining the supervised experience necessary to satisfy the
10 requirements of subsection 3 of NRS 640A.120.

11 5. Practicing occupational therapy in this State in association
12 with an occupational therapist licensed pursuant to this chapter if the
13 person:

14 (a) Practices in this State for not more than 45 days in a calendar
15 year;

16 (b) Is licensed to practice occupational therapy in another state
17 where the requirements for such a license are equivalent to the
18 requirements of this chapter; and

19 (c) Meets the requirements for certification as an “occupational
20 therapist registered” or “certified occupational therapy assistant”
21 established by the American Occupational Therapy Certification
22 Board.

23 **Sec. 84.** NRS 640B.145 is hereby amended to read as follows:
24 640B.145 The provisions of this chapter do not apply to:

25 1. A person who is licensed pursuant to chapters 630 to 637,
26 inclusive, or chapter 640 or 640A of NRS, *or sections 2 to 56,*
27 *inclusive, of this act*, when acting within the scope of that license.

28 2. A person who is employed by the Federal Government and
29 engages in the practice of athletic training within the scope of that
30 employment.

31 3. A person who is employed as an athletic trainer outside this
32 State when engaging in the practice of athletic training within the
33 scope of that employment in connection with an athletic event held
34 in this State.

35 **Sec. 85.** NRS 640C.100 is hereby amended to read as follows:
36 640C.100 1. The provisions of this chapter do not apply to:

37 (a) A person licensed pursuant to chapter 630, 630A, 631, 632,
38 633, 634, 634A, 635, 640, 640A or 640B of NRS *or sections 2 to*
39 *56, inclusive, of this act* if the massage therapy is performed in the
40 course of the practice for which the person is licensed.

41 (b) A person licensed as a barber or apprentice pursuant to
42 chapter 643 of NRS if the person is massaging, cleansing or
43 stimulating the scalp, face, neck or skin within the permissible scope
44 of practice for a barber or apprentice pursuant to that chapter.



1 (c) A person licensed or registered as an aesthetician,
2 cosmetologist or cosmetologist's apprentice pursuant to chapter 644
3 of NRS if the person is massaging, cleansing or stimulating the
4 scalp, face, neck or skin within the permissible scope of practice for
5 an aesthetician, cosmetologist or cosmetologist's apprentice
6 pursuant to that chapter.

7 (d) A person who is an employee of an athletic department of
8 any high school, college or university in this State and who, within
9 the scope of that employment, practices massage therapy on
10 athletes.

11 (e) Students enrolled in a school of massage therapy recognized
12 by the Board.

13 (f) A person who practices massage therapy solely on members
14 of his immediate family.

15 (g) A person who performs any activity in a licensed brothel.

16 2. Except as otherwise provided in subsection 3, the provisions
17 of this chapter preempt the licensure and regulation of a massage
18 therapist by a county, city or town, including, without limitation,
19 conducting a criminal background investigation and examination of
20 a massage therapist or applicant for a license to practice massage
21 therapy.

22 3. The provisions of this chapter do not prohibit a county, city
23 or town from requiring a massage therapist to obtain a license or
24 permit to transact business within the jurisdiction of the county, city
25 or town, if the license or permit is required of other persons,
26 regardless of occupation or profession, who transact business within
27 the jurisdiction of the county, city or town.

28 4. As used in this section, "immediate family" means persons
29 who are related by blood, adoption or marriage, within the second
30 degree of consanguinity or affinity.

31 **Sec. 86.** NRS 200.5095 is hereby amended to read as follows:

32 200.5095 1. Reports made pursuant to NRS 200.5093,
33 200.50935 and 200.5094, and records and investigations relating to
34 those reports, are confidential.

35 2. A person, law enforcement agency or public or private
36 agency, institution or facility who willfully releases data or
37 information concerning the reports and investigation of the abuse,
38 neglect, exploitation or isolation of older persons or vulnerable
39 persons, except:

40 (a) Pursuant to a criminal prosecution;

41 (b) Pursuant to NRS 200.50982; or

42 (c) To persons or agencies enumerated in subsection 3,

43 ➔ is guilty of a misdemeanor.

44 3. Except as otherwise provided in subsection 2 and NRS
45 200.50982, data or information concerning the reports and



1 investigations of the abuse, neglect, exploitation or isolation of an
2 older person or a vulnerable person is available only to:

3 (a) A physician who is providing care to an older person or a
4 vulnerable person who may have been abused, neglected, exploited
5 or isolated;

6 (b) An agency responsible for or authorized to undertake the
7 care, treatment and supervision of the older person or vulnerable
8 person;

9 (c) A district attorney or other law enforcement official who
10 requires the information in connection with an investigation of the
11 abuse, neglect, exploitation or isolation of the older person or
12 vulnerable person;

13 (d) A court which has determined, in camera, that public
14 disclosure of such information is necessary for the determination of
15 an issue before it;

16 (e) A person engaged in bona fide research, but the identity of
17 the subjects of the report must remain confidential;

18 (f) A grand jury upon its determination that access to such
19 records is necessary in the conduct of its official business;

20 (g) Any comparable authorized person or agency in another
21 jurisdiction;

22 (h) A legal guardian of the older person or vulnerable person, if
23 the identity of the person who was responsible for reporting the
24 alleged abuse, neglect, exploitation or isolation of the older person
25 or vulnerable person to the public agency is protected, and the legal
26 guardian of the older person or vulnerable person is not the person
27 suspected of such abuse, neglect, exploitation or isolation;

28 (i) If the older person or vulnerable person is deceased, the
29 executor or administrator of his estate, if the identity of the person
30 who was responsible for reporting the alleged abuse, neglect,
31 exploitation or isolation of the older person or vulnerable person to
32 the public agency is protected, and the executor or administrator is
33 not the person suspected of such abuse, neglect, exploitation or
34 isolation; or

35 (j) The older person or vulnerable person named in the report as
36 allegedly being abused, neglected, exploited or isolated, if that
37 person is not legally incompetent.

38 4. If the person who is reported to have abused, neglected,
39 exploited or isolated an older person or a vulnerable person is the
40 holder of a license or certificate issued pursuant to chapters 449, 630
41 to 641B, inclusive, or 654 of NRS, *or sections 2 to 56, inclusive, of*
42 *this act*, information contained in the report must be submitted to
43 the board that issued the license.



1 **Sec. 87.** NRS 218.825 is hereby amended to read as follows:

2 218.825 1. Except as otherwise provided in subsection 2,
3 each board created by the provisions of NRS 590.485 and chapters
4 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656
5 of NRS *and sections 2 to 56, inclusive, of this act* shall:

6 (a) If the revenue of the board from all sources is less than
7 \$50,000 for any fiscal year, prepare a balance sheet for that fiscal
8 year on the form provided by the Legislative Auditor and file the
9 balance sheet with the Legislative Auditor and the Chief of the
10 Budget Division of the Department of Administration on or before
11 December 1 following the end of that fiscal year. The Legislative
12 Auditor shall prepare and make available a form that must be used
13 by a board to prepare such a balance sheet.

14 (b) If the revenue of the board from all sources is \$50,000 or
15 more for any fiscal year, engage the services of a certified public
16 accountant or public accountant, or firm of either of such
17 accountants, to audit all its fiscal records for that fiscal year and file
18 a report of the audit with the Legislative Auditor and the Chief of
19 the Budget Division of the Department of Administration on or
20 before December 1 following the end of that fiscal year.

21 2. In lieu of preparing a balance sheet or having an audit
22 conducted for a single fiscal year, a board may engage the services
23 of a certified public accountant or public accountant, or firm of
24 either of such accountants, to audit all its fiscal records for a period
25 covering two successive fiscal years. If such an audit is conducted,
26 the board shall file the report of the audit with the Legislative
27 Auditor and the Chief of the Budget Division of the Department of
28 Administration on or before December 1 following the end of the
29 second fiscal year.

30 3. The cost of each audit conducted pursuant to subsection 1 or
31 2 must be paid by the board that is audited. Each such audit must be
32 conducted in accordance with generally accepted auditing standards,
33 and all financial statements must be prepared in accordance with
34 generally accepted principles of accounting for special revenue
35 funds.

36 4. Whether or not a board is required to have its fiscal records
37 audited pursuant to subsection 1 or 2, the Legislative Auditor shall
38 audit the fiscal records of any such board whenever directed to do so
39 by the Legislative Commission. When the Legislative Commission
40 directs such an audit, the Legislative Commission shall also
41 determine who is to pay the cost of the audit.

42 5. A person who is a state officer or employee of a board is
43 guilty of nonfeasance if the person:

44 (a) Is responsible for preparing a balance sheet or having an
45 audit conducted pursuant to this section or is responsible for



1 preparing or maintaining the fiscal records that are necessary to
2 prepare a balance sheet or have an audit conducted pursuant to this
3 section; and

4 (b) Knowingly fails to prepare the balance sheet or have the
5 audit conducted pursuant to this section or knowingly fails to
6 prepare or maintain the fiscal records that are necessary to prepare a
7 balance sheet or have an audit conducted pursuant to this section.

8 6. In addition to any other remedy or penalty, a person who is
9 guilty of nonfeasance pursuant to this section forfeits his state office
10 or employment and may not be appointed to a state office or
11 position of state employment for a period of 2 years following the
12 forfeiture. The provisions of this subsection do not apply to a state
13 officer who may be removed from office only by impeachment
14 pursuant to Article 7 of the Nevada Constitution.

15 **Sec. 88.** NRS 284.013 is hereby amended to read as follows:

16 284.013 1. Except as otherwise provided in subsection 4, this
17 chapter does not apply to:

18 (a) Agencies, bureaus, commissions, officers or personnel in the
19 Legislative Department or the Judicial Department of State
20 Government, including the Commission on Judicial Discipline;

21 (b) Any person who is employed by a board, commission,
22 committee or council created in chapters 590, 623 to 625A,
23 inclusive, 628, 630 to 644, inclusive, 648, 652, 654 and 656 of NRS
24 ~~§~~ *and sections 2 to 56, inclusive, of this act*; or

25 (c) Officers or employees of any agency of the Executive
26 Department of the State Government who are exempted by specific
27 statute.

28 2. Except as otherwise provided in subsection 3, the terms and
29 conditions of employment of all persons referred to in subsection 1,
30 including salaries not prescribed by law and leaves of absence,
31 including, without limitation, annual leave and sick and disability
32 leave, must be fixed by the appointing or employing authority
33 within the limits of legislative appropriations or authorizations.

34 3. Except as otherwise provided in this subsection, leaves of
35 absence prescribed pursuant to subsection 2 must not be of lesser
36 duration than those provided for other state officers and employees
37 pursuant to the provisions of this chapter. The provisions of this
38 subsection do not govern the Legislative Commission with respect
39 to the personnel of the Legislative Counsel Bureau.

40 4. Any board, commission, committee or council created in
41 chapters 590, 623 to 625A, inclusive, 628, 630 to 644, inclusive,
42 648, 652, 654 and 656 of NRS *and sections 2 to 56, inclusive, of*
43 *this act* which contracts for the services of a person, shall require the
44 contract for those services to be in writing. The contract must be



1 approved by the State Board of Examiners before those services
2 may be provided.

3 **Sec. 89.** NRS 353.005 is hereby amended to read as follows:

4 353.005 The provisions of this chapter do not apply to boards
5 created by the provisions of NRS 590.485 and chapters 623 to
6 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of
7 NRS *and sections 2 to 56, inclusive, of this act* and the officers and
8 employees of those boards.

9 **Sec. 90.** NRS 353A.020 is hereby amended to read as follows:

10 353A.020 1. The Director, in consultation with the
11 Committee and Legislative Auditor, shall adopt a uniform system of
12 internal accounting and administrative control for agencies. The
13 elements of the system must include, without limitation:

14 (a) A plan of organization which provides for a segregation of
15 duties appropriate to safeguard the assets of the agency;

16 (b) A plan which limits access to assets of the agency to persons
17 who need the assets to perform their assigned duties;

18 (c) Procedures for authorizations and recordkeeping which
19 effectively control accounting of assets, liabilities, revenues and
20 expenses;

21 (d) A system of practices to be followed in the performance of
22 the duties and functions of each agency; and

23 (e) An effective system of internal review.

24 2. The Director, in consultation with the Committee and
25 Legislative Auditor, may modify the system whenever he considers
26 it necessary.

27 3. Each agency shall develop written procedures to carry out
28 the system of internal accounting and administrative control adopted
29 pursuant to this section.

30 4. For the purposes of this section, "agency" does not include:

31 (a) A board created by the provisions of NRS 590.485 and
32 chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648,
33 654 and 656 of NRS *and sections 2 to 56, inclusive, of this act.*

34 (b) The Nevada System of Higher Education.

35 (c) The Public Employees' Retirement System.

36 (d) The Housing Division of the Department of Business and
37 Industry.

38 (e) The Colorado River Commission of Nevada.

39 **Sec. 91.** NRS 353A.025 is hereby amended to read as follows:

40 353A.025 1. The head of each agency shall periodically
41 review the agency's system of internal accounting and
42 administrative control to determine whether it is in compliance with
43 the uniform system of internal accounting and administrative control
44 for agencies adopted pursuant to subsection 1 of NRS 353A.020.



1 2. On or before July 1 of each even-numbered year, the head of
2 each agency shall report to the Director whether the agency's
3 system of internal accounting and administrative control is in
4 compliance with the uniform system adopted pursuant to subsection
5 1 of NRS 353A.020. The reports must be made available for
6 inspection by the members of the Legislature.

7 3. For the purposes of this section, "agency" does not include:

8 (a) A board created by the provisions of NRS 590.485 and
9 chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648,
10 654 and 656 of NRS ~~H~~ *and sections 2 to 56, inclusive, of this act.*

11 (b) The Nevada System of Higher Education.

12 (c) The Public Employees' Retirement System.

13 (d) The Housing Division of the Department of Business and
14 Industry.

15 (e) The Colorado River Commission of Nevada.

16 4. The Director shall, on or before the first Monday in
17 February of each odd-numbered year, submit a report on the status
18 of internal accounting and administrative controls in agencies to the:

19 (a) Director of the Legislative Counsel Bureau for transmittal to
20 the:

21 (1) Senate Standing Committee on Finance; and

22 (2) Assembly Standing Committee on Ways and Means;

23 (b) Governor; and

24 (c) Legislative Auditor.

25 5. The report submitted by the Director pursuant to subsection
26 4 must include, without limitation:

27 (a) The identification of each agency that has not complied with
28 the requirements of subsections 1 and 2;

29 (b) The identification of each agency that does not have an
30 effective method for reviewing its system of internal accounting and
31 administrative control; and

32 (c) The identification of each agency that has weaknesses in its
33 system of internal accounting and administrative control, and the
34 extent and types of such weaknesses.


35 **Sec. 92.** NRS 353A.045 is hereby amended to read as follows:
36 353A.045 The Chief shall:

37 1. Report to the Director.

38 2. Develop long-term and annual work plans to be based on the
39 results of periodic documented risk assessments. The annual work
40 plan must list the agencies to which the Division will provide
41 training and assistance and be submitted to the Director for
42 approval. Such agencies must not include:

43 (a) A board created by the provisions of NRS 590.485 and
44 chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648,
45 654 and 656 of NRS ~~H~~ *sections 2 to 56, inclusive, of this act.*



- 1 (b) The Nevada System of Higher Education.
- 2 (c) The Public Employees' Retirement System.
- 3 (d) The Housing Division of the Department of Business and
- 4 Industry.
- 5 (e) The Colorado River Commission of Nevada.
- 6 3. Provide a copy of the approved annual work plan to the
- 7 Legislative Auditor.
- 8 4. In consultation with the Director, prepare a plan for auditing
- 9 executive branch agencies for each fiscal year and present the plan
- 10 to the Committee for its review and approval. Each plan for auditing
- 11 must:
- 12 (a) State the agencies which will be audited, the proposed scope
- 13 and assignment of those audits and the related resources which will
- 14 be used for those audits; and
- 15 (b) Ensure that the internal accounting, administrative controls
- 16 and financial management of each agency are reviewed periodically.
- 17 5. Perform the audits of the programs and activities of the
- 18 agencies in accordance with the plan approved pursuant to
- 19 subsection 5 of NRS 353A.038 and prepare audit reports of his
- 20 findings.
- 21 6. Review each agency that is audited pursuant to subsection 5
- 22 and advise those agencies concerning internal accounting,
- 23 administrative controls and financial management.
- 24 7. Submit to each agency that is audited pursuant to subsection
- 25 5 analyses, appraisals and recommendations concerning:
- 26 (a) The adequacy of the internal accounting and administrative
- 27 controls of the agency; and
- 28 (b) The efficiency and effectiveness of the management of the
- 29 agency.
- 30 8. Report any possible abuses, illegal actions, errors, omissions
- 31 and conflicts of interest of which the Division becomes aware
- 32 during the performance of an audit.
- 33 9. Adopt the standards of the Institute of Internal Auditors for
- 34 conducting and reporting on internal audits.
- 35 10. Consult with the Legislative Auditor concerning the plan
- 36 for auditing and the scope of audits to avoid duplication of effort
- 37 and undue disruption of the functions of agencies that are audited
- 38 pursuant to subsection 5.
- 39 11. Appoint a Manager of Internal Controls.
- 40 **Sec. 93.** NRS 454.361 is hereby amended to read as follows:
- 41 454.361 A conviction of the violation of any of the provisions
- 42 of NRS 454.181 to 454.371, inclusive, constitutes grounds for the
- 43 suspension or revocation of any license issued to such person
- 44 pursuant to the provisions of chapters 630, 631, 633, 635, 636, 638
- 45 or 639 of NRS  *or sections 2 to 56, inclusive, of this act.*



1 **Sec. 94.** NRS 608.0116 is hereby amended to read as follows:
2 608.0116 “Professional” means pertaining to an employee who
3 is licensed or certified by the State of Nevada for and engaged in the
4 practice of law or any of the professions regulated by chapters 623
5 to 645, inclusive, 645G and 656A of NRS ~~§~~ *and sections 2 to 56,*
6 *inclusive, of this act.*

7 **Sec. 95.** NRS 679B.440 is hereby amended to read as follows:
8 679B.440 1. The Commissioner may require that reports
9 submitted pursuant to NRS 679B.430 include, without limitation,
10 information regarding:

11 (a) Liability insurance provided to:

12 (1) Governmental agencies and political subdivisions of this
13 State, reported separately for:

14 (I) Cities and towns;

15 (II) School districts; and

16 (III) Other political subdivisions;

17 (2) Public officers;

18 (3) Establishments where alcoholic beverages are sold;

19 (4) Facilities for the care of children;

20 (5) Labor, fraternal or religious organizations; and

21 (6) Officers or directors of organizations formed pursuant to
22 title 7 of NRS, reported separately for nonprofit entities and entities
23 organized for profit;

24 (b) Liability insurance for:

25 (1) Defective products;

26 (2) Medical or dental malpractice of:

27 (I) A practitioner licensed pursuant to chapter 630, 630A,
28 631, 632, 633, 634, 634A, 635, 636, 637, 637A, 637B, 639 or 640
29 of NRS ~~§~~ *or sections 2 to 56, inclusive, of this act;*

30 (II) A hospital or other health care facility; or

31 (III) Any related corporate entity.

32 (3) Malpractice of attorneys;

33 (4) Malpractice of architects and engineers; and

34 (5) Errors and omissions by other professionally qualified
35 persons;

36 (c) Vehicle insurance, reported separately for:

37 (1) Private vehicles;

38 (2) Commercial vehicles;

39 (3) Liability insurance; and

40 (4) Insurance for property damage;

41 (d) Workers’ compensation insurance; and

42 (e) In addition to any information provided pursuant to
43 subparagraph (2) of paragraph (b) or NRS 690B.260, a policy of
44 insurance for medical malpractice. As used in this paragraph,



1 “policy of insurance for medical malpractice” has the meaning
2 ascribed to it in NRS 679B.144.

3 2. The Commissioner may require that the report include,
4 without limitation, information specifically pertaining to this State
5 or to an insurer in its entirety, in the aggregate or by type of
6 insurance, and for a previous or current year, regarding:

- 7 (a) Premiums directly written;
- 8 (b) Premiums directly earned;
- 9 (c) Number of policies issued;
- 10 (d) Net investment income, using appropriate estimates when
11 necessary;
- 12 (e) Losses paid;
- 13 (f) Losses incurred;
- 14 (g) Loss reserves, including:
 - 15 (1) Losses unpaid on reported claims; and
 - 16 (2) Losses unpaid on incurred but not reported claims;
- 17 (h) Number of claims, including:
 - 18 (1) Claims paid; and
 - 19 (2) Claims that have arisen but are unpaid;
- 20 (i) Expenses for adjustment of losses, including allocated and
21 unallocated losses;
- 22 (j) Net underwriting gain or loss;
- 23 (k) Net operation gain or loss, including net investment income;
24 and
- 25 (l) Any other information requested by the Commissioner.

26 3. The Commissioner may also obtain, based upon an insurer
27 in its entirety, information regarding:

- 28 (a) Recoverable federal income tax;
- 29 (b) Net unrealized capital gain or loss; and
- 30 (c) All other expenses not included in subsection 2.

31 **Sec. 96.** NRS 686B.030 is hereby amended to read as follows:
32 686B.030 1. Except as otherwise provided in subsection 2,
33 NRS 686B.010 to 686B.1799, inclusive, apply to all kinds and lines
34 of direct insurance written on risks or operations in this State by any
35 insurer authorized to do business in this State, except:

- 36 (a) Ocean marine insurance;
- 37 (b) Contracts issued by fraternal benefit societies;
- 38 (c) Life insurance and credit life insurance;
- 39 (d) Variable and fixed annuities;
- 40 (e) Group and blanket health insurance and credit health
41 insurance;
- 42 (f) Property insurance for business and commercial risks;
- 43 (g) Casualty insurance for business and commercial risks other
44 than insurance covering the liability of a practitioner licensed



1 pursuant to chapters 630 to 640, inclusive, of NRS **H** *and sections 2*
2 *to 56, inclusive, of this act*; and

3 (h) Surety insurance.

4 2. The exclusions set forth in paragraphs (f) and (g) of
5 subsection 1 extend only to issues related to the determination or
6 approval of premium rates.

7 **Sec. 97.** NRS 686B.040 is hereby amended to read as follows:

8 686B.040 1. Except as otherwise provided in subsection 2,
9 the Commissioner may by rule exempt any person or class of
10 persons or any market segment from any or all of the provisions of
11 NRS 686B.010 to 686B.1799, inclusive, if and to the extent that he
12 finds their application unnecessary to achieve the purposes of those
13 sections.

14 2. The Commissioner may not, by rule or otherwise, exempt an
15 insurer from the provisions of NRS 686B.010 to 686B.1799,
16 inclusive, with regard to insurance covering the liability of a
17 practitioner licensed pursuant to chapter 630, 631, 632 or 633 of
18 NRS *or sections 2 to 56, inclusive, of this act* for a breach of his
19 professional duty toward a patient.

20 **Sec. 98.** NRS 686B.070 is hereby amended to read as follows:

21 686B.070 1. Every authorized insurer and every rate service
22 organization licensed under NRS 686B.140 which has been
23 designated by any insurer for the filing of rates under subsection 2
24 of NRS 686B.090 shall file with the Commissioner all:

- 25 (a) Rates and proposed increases thereto;
- 26 (b) Forms of policies to which the rates apply;
- 27 (c) Supplementary rate information; and
- 28 (d) Changes and amendments thereof,

29 ➔ made by it for use in this state.

30 2. If an insurer makes a filing for a proposed increase in a rate
31 for insurance covering the liability of a practitioner licensed
32 pursuant to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 56,*
33 *inclusive, of this act* for a breach of his professional duty toward a
34 patient, the insurer shall not include in the filing any component that
35 is directly or indirectly related to the following:

36 (a) Capital losses, diminished cash flow from any dividends,
37 interest or other investment returns, or any other financial loss that
38 is materially outside of the claims experience of the professional
39 liability insurance industry, as determined by the Commissioner.

40 (b) Losses that are the result of any criminal or fraudulent
41 activities of a director, officer or employee of the insurer.

42 ➔ If the Commissioner determines that a filing includes any such
43 component, the Commissioner shall, pursuant to NRS 686B.110,
44 disapprove the proposed increase, in whole or in part, to the extent
45 that the proposed increase relies upon such a component.



1 **Sec. 99.** NRS 686B.115 is hereby amended to read as follows:

2 686B.115 1. Any hearing held by the Commissioner to
3 determine whether rates comply with the provisions of NRS
4 686B.010 to 686B.1799, inclusive, must be open to members of the
5 public.

6 2. All costs for transcripts prepared pursuant to such a hearing
7 must be paid by the insurer requesting the hearing.

8 3. At any hearing which is held by the Commissioner to
9 determine whether rates comply with the provisions of NRS
10 686B.010 to 686B.1799, inclusive, and which involves rates for
11 insurance covering the liability of a practitioner licensed pursuant to
12 chapter 630, 631, 632 or 633 of NRS *or sections 2 to 56, inclusive,*
13 *of this act* for a breach of his professional duty toward a patient, if a
14 person is not otherwise authorized pursuant to this title to become a
15 party to the hearing by intervention, the person is entitled to provide
16 testimony at the hearing if, not later than 2 days before the date set
17 for the hearing, the person files with the Commissioner a written
18 statement which states:

19 (a) The name and title of the person;

20 (b) The interest of the person in the hearing; and

21 (c) A brief summary describing the purpose of the testimony the
22 person will offer at the hearing.

23 4. If a person provides testimony at a hearing in accordance
24 with subsection 3:

25 (a) The Commissioner may, if he finds it necessary to preserve
26 order, prevent inordinate delay or protect the rights of the parties at
27 the hearing, place reasonable limitations on the duration of the
28 testimony and prohibit the person from providing testimony that is
29 not relevant to the issues raised at the hearing.

30 (b) The Commissioner shall consider all relevant testimony
31 provided by the person at the hearing in determining whether the
32 rates comply with the provisions of NRS 686B.010 to 686B.1799,
33 inclusive.

34 **Sec. 100.** NRS 686B.117 is hereby amended to read as
35 follows:

36 686B.117 If a filing made with the Commissioner pursuant
37 to paragraph (a) of subsection 1 of NRS 686B.070 pertains to
38 insurance covering the liability of a practitioner licensed pursuant to
39 chapter 630, 631, 632 or 633 of NRS *or sections 2 to 56, inclusive,*
40 *of this act* for a breach of his professional duty toward a patient, any
41 interested person, and any association of persons or organization
42 whose members may be affected, may intervene as a matter of right
43 in any hearing or other proceeding conducted to determine whether
44 the applicable rate or proposed increase thereto:



1 1. Complies with the standards set forth in NRS 686B.050 and
2 subsection 2 of NRS 686B.070.

3 2. Should be approved or disapproved.

4 **Sec. 101.** NRS 689A.035 is hereby amended to read as
5 follows:

6 689A.035 1. An insurer shall not charge a provider of health
7 care a fee to include the name of the provider on a list of providers
8 of health care given by the insurer to its insureds.

9 2. An insurer shall not contract with a provider of health care
10 to provide health care to an insured unless the insurer uses the form
11 prescribed by the Commissioner pursuant to NRS 629.095 to obtain
12 any information related to the credentials of the provider of health
13 care.

14 3. A contract between an insurer and a provider of health care
15 may be modified:

16 (a) At any time pursuant to a written agreement executed by
17 both parties.

18 (b) Except as otherwise provided in this paragraph, by the
19 insurer upon giving to the provider 30 days' written notice of
20 the modification. If the provider fails to object in writing to the
21 modification within the 30-day period, the modification becomes
22 effective at the end of that period. If the provider objects in writing
23 to the modification within the 30-day period, the modification must
24 not become effective unless agreed to by both parties as described in
25 paragraph (a).

26 4. If an insurer contracts with a provider of health care to
27 provide health care to an insured, the insurer shall:

28 (a) If requested by the provider of health care at the time the
29 contract is made, submit to the provider of health care the schedule
30 of payments applicable to the provider of health care; or

31 (b) If requested by the provider of health care at any other time,
32 submit to the provider of health care the schedule of payments
33 specified in paragraph (a) within 7 days after receiving the request.

34 5. As used in this section, "provider of health care" means a
35 provider of health care who is licensed pursuant to chapter 630, 631,
36 632 or 633 of NRS ~~or~~ *or sections 2 to 56, inclusive, of this act.*

37 **Sec. 102.** NRS 689B.015 is hereby amended to read as
38 follows:

39 689B.015 1. An insurer that issues a policy of group health
40 insurance shall not charge a provider of health care a fee to include
41 the name of the provider on a list of providers of health care given
42 by the insurer to its insureds.

43 2. An insurer specified in subsection 1 shall not contract with a
44 provider of health care to provide health care to an insured unless
45 the insurer uses the form prescribed by the Commissioner pursuant



1 to NRS 629.095 to obtain any information related to the credentials
2 of the provider of health care.

3 3. A contract between an insurer specified in subsection 1 and
4 a provider of health care may be modified:

5 (a) At any time pursuant to a written agreement executed by
6 both parties.

7 (b) Except as otherwise provided in this paragraph, by the
8 insurer upon giving to the provider 30 days' written notice of
9 the modification. If the provider fails to object in writing to the
10 modification within the 30-day period, the modification becomes
11 effective at the end of that period. If the provider objects in writing
12 to the modification within the 30-day period, the modification must
13 not become effective unless agreed to by both parties as described in
14 paragraph (a).

15 4. If an insurer specified in subsection 1 contracts with a
16 provider of health care to provide health care to an insured, the
17 insurer shall:

18 (a) If requested by the provider of health care at the time the
19 contract is made, submit to the provider of health care the schedule
20 of payments applicable to the provider of health care; or

21 (b) If requested by the provider of health care at any other time,
22 submit to the provider of health care the schedule of payments
23 specified in paragraph (a) within 7 days after receiving the request.

24 5. As used in this section, "provider of health care" means a
25 provider of health care who is licensed pursuant to chapter 630, 631,
26 632 or 633 of NRS ~~H~~ *or sections 2 to 56, inclusive, of this act.*

27 **Sec. 103.** NRS 689C.435 is hereby amended to read as
28 follows:

29 689C.435 1. A carrier serving small employers and a carrier
30 that offers a contract to a voluntary purchasing group shall not
31 charge a provider of health care a fee to include the name of the
32 provider on a list of providers of health care given by the carrier to
33 its insureds.

34 2. A carrier specified in subsection 1 shall not contract with a
35 provider of health care to provide health care to an insured unless
36 the carrier uses the form prescribed by the Commissioner pursuant
37 to NRS 629.095 to obtain any information related to the credentials
38 of the provider of health care.

39 3. A contract between a carrier specified in subsection 1 and a
40 provider of health care may be modified:

41 (a) At any time pursuant to a written agreement executed by
42 both parties.

43 (b) Except as otherwise provided in this paragraph, by the
44 carrier upon giving to the provider 30 days' written notice of
45 the modification. If the provider fails to object in writing to the



1 modification within the 30-day period, the modification becomes
2 effective at the end of that period. If the provider objects in writing
3 to the modification within the 30-day period, the modification must
4 not become effective unless agreed to by both parties as described in
5 paragraph (a).

6 4. If a carrier specified in subsection 1 contracts with a
7 provider of health care to provide health care to an insured, the
8 carrier shall:

9 (a) If requested by the provider of health care at the time the
10 contract is made, submit to the provider of health care the schedule
11 of payments applicable to the provider of health care; or

12 (b) If requested by the provider of health care at any other time,
13 submit to the provider of health care the schedule of payments
14 specified in paragraph (a) within 7 days after receiving the request.

15 5. As used in this section, "provider of health care" means a
16 provider of health care who is licensed pursuant to chapter 630, 631,
17 632 or 633 of NRS ~~§~~ *or sections 2 to 56, inclusive, of this act.*

18 **Sec. 104.** NRS 690B.250 is hereby amended to read as
19 follows:

20 690B.250 Except as more is required in NRS 630.3067 and
21 633.526:

22 1. Each insurer which issues a policy of insurance covering the
23 liability of a practitioner licensed pursuant to chapters 630 to 640,
24 inclusive, of NRS *and sections 2 to 56, inclusive, of this act* for a
25 breach of his professional duty toward a patient shall report to the
26 board which licensed the practitioner within 45 days each settlement
27 or award made or judgment rendered by reason of a claim, if
28 the settlement, award or judgment is for more than \$5,000, giving
29 the name and address of the claimant and the practitioner and the
30 circumstances of the case.

31 2. A practitioner licensed pursuant to chapters 630 to 640,
32 inclusive, of NRS *and sections 2 to 56, inclusive, of this act* who
33 does not have insurance covering liability for a breach of his
34 professional duty toward a patient shall report to the board which
35 issued his license within 45 days of each settlement or award made
36 or judgment rendered by reason of a claim, if the settlement, award
37 or judgment is for more than \$5,000, giving his name and address,
38 the name and address of the claimant and the circumstances of the
39 case.

40 3. These reports are public records and must be made available
41 for public inspection within a reasonable time after they are received
42 by the licensing board.



1 **Sec. 105.** NRS 690B.270 is hereby amended to read as
2 follows:

3 690B.270 If an insurer declines to issue to a practitioner
4 licensed pursuant to chapter 630, 631, 632 or 633 of NRS *or*
5 *sections 2 to 56, inclusive, of this act* a policy of professional
6 liability insurance, the insurer shall, upon the request of the
7 practitioner, disclose to the practitioner the reasons the insurer
8 declined to issue the policy.

9 **Sec. 106.** NRS 690B.280 is hereby amended to read as
10 follows:

11 690B.280 If an insurer, for a policy of professional liability
12 insurance for a practitioner licensed pursuant to chapter 630, 631,
13 632 or 633 of NRS ~~§~~ *or sections 2 to 56, inclusive, of this act*, sets
14 the premium for the policy for the practitioner at a rate that is higher
15 than the standard rate of the insurer for the applicable type of policy
16 and specialty of the practitioner, the insurer shall, upon the request
17 of the practitioner, disclose the reasons the insurer set the premium
18 for the policy at the higher rate.

19 **Sec. 107.** NRS 690B.290 is hereby amended to read as
20 follows:

21 690B.290 If an insurer offers to issue a claims-made policy to a
22 practitioner licensed pursuant to chapter 630, 631, 632 or 633 of
23 NRS ~~§~~ *or sections 2 to 56, inclusive, of this act*, the insurer shall:

24 1. Offer to issue an extended reporting endorsement to the
25 practitioner; and

26 2. Disclose to the practitioner the cost formula that the insurer
27 uses to determine the premium for the extended reporting
28 endorsement. The cost formula must be based on:

29 (a) An amount that is not more than twice the amount of the
30 premium for the claims-made policy at the time of the termination
31 of that policy; and

32 (b) The rates filed by the insurer and approved by the
33 Commissioner.

34 **Sec. 108.** NRS 690B.310 is hereby amended to read as
35 follows:

36 690B.310 1. If an agreement settles a claim or action against
37 a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of
38 NRS *or sections 2 to 56, inclusive, of this act* for a breach of his
39 professional duty toward a patient, the following terms of the
40 agreement must not be made confidential:

41 (a) The names of the parties;

42 (b) The date of the incidents or events giving rise to the claim or
43 action;

44 (c) The nature of the claim or action as set forth in the complaint
45 and the answer that is filed with the district court; and



1 (d) The effective date of the agreement.

2 2. Any provision of an agreement to settle a claim or action
3 that conflicts with this section is void.

4 **Sec. 109.** NRS 690B.320 is hereby amended to read as
5 follows:

6 690B.320 1. If an insurer offers to issue a claims-made
7 policy to a practitioner licensed pursuant to chapters 630 to 640,
8 inclusive, of NRS, *and sections 2 to 56, inclusive, of this act*, the
9 insurer shall:

10 (a) Offer to issue to the practitioner an extended reporting
11 endorsement without a time limitation for reporting a claim.

12 (b) Disclose to the practitioner the premium for the extended
13 reporting endorsement and the cost formula that the insurer uses to
14 determine the premium for the extended reporting endorsement.

15 (c) Disclose to the practitioner the portion of the premium
16 attributable to funding the extended reporting endorsement offered
17 at no additional cost to the practitioner in the event of the
18 practitioner's death, disability or retirement, if such a benefit is
19 offered.

20 (d) Disclose to the practitioner the vesting requirements for the
21 extended reporting endorsement offered at no additional cost to the
22 practitioner in the event of the practitioner's death or retirement, if
23 such a benefit is offered. If such a benefit is not offered, the absence
24 of such a benefit must be disclosed.

25 (e) Include, as part of the insurance contract, language which
26 must be approved by the Commissioner and which must be
27 substantially similar to the following:

28
29 If we adopt any revision that would broaden the coverage
30 under this policy without any additional premium either
31 within the policy period or within 60 days before the policy
32 period, the broadened coverage will immediately apply to this
33 policy.
34

35 2. The disclosures required by subsection 1 must be made as
36 part of the offer and acceptance at the inception of the policy and
37 again at each renewal in the form of an endorsement attached to the
38 insurance contract and approved by the Commissioner.

39 3. The requirements set forth in this section are in addition to
40 the requirements set forth in NRS 690B.290.

41 **Sec. 110.** NRS 690B.340 is hereby amended to read as
42 follows:

43 690B.340 If a settlement or judgment exceeds the limits of the
44 coverage provided by a policy of professional liability insurance for
45 a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of



1 NRS ~~H~~ *or sections 2 to 56, inclusive, of this act*, the Commissioner
2 shall review the settlement or judgment. If the Commissioner finds,
3 after notice and a hearing, or upon waiver of hearing by the insurer,
4 that the insurer who issued the policy violated any provision of this
5 Code with regard to the settlement or judgment, any combination of
6 such settlements or judgments, or any proceedings related thereto,
7 the Commissioner may suspend, limit or revoke the insurer's
8 certificate of authority.

9 **Sec. 111.** NRS 690B.360 is hereby amended to read as
10 follows:

11 690B.360 1. The Commissioner shall collect all information
12 which is pertinent to monitoring whether an insurer that issues
13 professional liability insurance for a practitioner licensed pursuant
14 to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 56,*
15 *inclusive, of this act* is complying with the applicable standards for
16 rates established in NRS 686B.010 to 686B.1799, inclusive. Such
17 information must include, without limitation:

18 (a) The amount of gross premiums collected with regard to each
19 medical specialty;

20 (b) Information relating to loss ratios;

21 (c) Information reported pursuant to NRS 690B.250; and

22 (d) Information reported pursuant to NRS 679B.430 and
23 679B.440.

24 2. In addition to the information collected pursuant to
25 subsection 1, the Commissioner may request any additional
26 information from an insurer:

27 (a) Whose rates and credit utilization are materially different
28 from other insurers in the market for professional liability insurance
29 for a practitioner licensed pursuant to chapter 630, 631, 632 or 633
30 of NRS *or sections 2 to 56, inclusive, of this act* in this State;

31 (b) Whose credit utilization shows a substantial change from the
32 previous year; or

33 (c) Whose information collected pursuant to subsection 1
34 indicates a potentially adverse trend.

35 3. If the Commissioner requests additional information from an
36 insurer pursuant to subsection 2, the Commissioner shall:

37 (a) Determine whether the additional information offers a
38 reasonable explanation for the results described in paragraphs (a),
39 (b) or (c) of subsection 2; and

40 (b) Take any steps permitted by law that are necessary and
41 appropriate to assure the ongoing stability of the market for
42 professional liability insurance for a practitioner licensed pursuant
43 to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 56,*
44 *inclusive, of this act* in this State.

45 4. On an ongoing basis, the Commissioner shall:



1 (a) Analyze and evaluate the information collected pursuant to
2 this section to determine trends in and measure the health of the
3 market for professional liability insurance for a practitioner licensed
4 pursuant to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 56,*
5 *inclusive, of this act* in this State; and

6 (b) Prepare and submit a report of his findings and
7 recommendations to the Director of the Legislative Counsel Bureau
8 for transmittal to members of the Legislature on or before
9 November 15 of each year.

10 **Sec. 112.** NRS 695A.095 is hereby amended to read as
11 follows:

12 695A.095 1. A society shall not charge a provider of health
13 care a fee to include the name of the provider on a list of providers
14 of health care given by the society to its insureds.

15 2. A society shall not contract with a provider of health care to
16 provide health care to an insured unless the society uses the form
17 prescribed by the Commissioner pursuant to NRS 629.095 to obtain
18 any information related to the credentials of the provider of health
19 care.

20 3. A contract between a society and a provider of health care
21 may be modified:

22 (a) At any time pursuant to a written agreement executed by
23 both parties.

24 (b) Except as otherwise provided in this paragraph, by the
25 society upon giving to the provider 30 days' written notice of
26 the modification. If the provider fails to object in writing to the
27 modification within the 30-day period, the modification becomes
28 effective at the end of that period. If the provider objects in writing
29 to the modification within the 30-day period, the modification must
30 not become effective unless agreed to by both parties as described in
31 paragraph (a).

32 4. If a society contracts with a provider of health care to
33 provide health care to an insured, the society shall:

34 (a) If requested by the provider of health care at the time the
35 contract is made, submit to the provider of health care the schedule
36 of payments applicable to the provider of health care; or

37 (b) If requested by the provider of health care at any other time,
38 submit to the provider of health care the schedule of payments
39 specified in paragraph (a) within 7 days after receiving the request.

40 5. As used in this section, "provider of health care" means a
41 provider of health care who is licensed pursuant to chapter 630, 631,
42 632 or 633 of NRS *or sections 2 to 56, inclusive, of this act.*



1 **Sec. 113.** NRS 695B.035 is hereby amended to read as
2 follows:

3 695B.035 1. A corporation subject to the provisions of this
4 chapter shall not charge a provider of health care a fee to include the
5 name of the provider on a list of providers of health care given by
6 the corporation to its insureds.

7 2. A corporation specified in subsection 1 shall not contract
8 with a provider of health care to provide health care to an insured
9 unless the corporation uses the form prescribed by the
10 Commissioner pursuant to NRS 629.095 to obtain any information
11 related to the credentials of the provider of health care.

12 3. A contract between a corporation specified in subsection 1
13 and a provider of health care may be modified:

14 (a) At any time pursuant to a written agreement executed by
15 both parties.

16 (b) Except as otherwise provided in this paragraph, by the
17 corporation upon giving to the provider 30 days' written notice of
18 the modification. If the provider fails to object in writing to the
19 modification within the 30-day period, the modification becomes
20 effective at the end of that period. If the provider objects in writing
21 to the modification within the 30-day period, the modification must
22 not become effective unless agreed to by both parties as described in
23 paragraph (a).

24 4. If a corporation specified in subsection 1 contracts with a
25 provider of health care to provide health care to an insured, the
26 corporation shall:

27 (a) If requested by the provider of health care at the time the
28 contract is made, submit to the provider of health care the schedule
29 of payments applicable to the provider of health care; or

30 (b) If requested by the provider of health care at any other time,
31 submit to the provider of health care the schedule of payments
32 specified in paragraph (a) within 7 days after receiving the request.

33 5. As used in this section, "provider of health care" means a
34 provider of health care who is licensed pursuant to chapter 630, 631,
35 632 or 633 of NRS ~~or~~ *or sections 2 to 56, inclusive, of this act.*

36 **Sec. 114.** NRS 695C.125 is hereby amended to read as
37 follows:

38 695C.125 1. A health maintenance organization shall not
39 contract with a provider of health care to provide health care to an
40 insured unless the health maintenance organization uses the form
41 prescribed by the Commissioner pursuant to NRS 629.095 to obtain
42 any information related to the credentials of the provider of health
43 care.

44 2. A contract between a health maintenance organization and a
45 provider of health care may be modified:



1 (a) At any time pursuant to a written agreement executed by
2 both parties.

3 (b) Except as otherwise provided in this paragraph, by the health
4 maintenance organization upon giving to the provider 30 days'
5 written notice of the modification. If the provider fails to object in
6 writing to the modification within the 30-day period, the
7 modification becomes effective at the end of that period. If the
8 provider objects in writing to the modification within the 30-day
9 period, the modification must not become effective unless agreed to
10 by both parties as described in paragraph (a).

11 3. If a health maintenance organization contracts with a
12 provider of health care to provide health care to an enrollee, the
13 health maintenance organization shall:

14 (a) If requested by the provider of health care at the time the
15 contract is made, submit to the provider of health care the schedule
16 of payments applicable to the provider of health care; or

17 (b) If requested by the provider of health care at any other time,
18 submit to the provider of health care the schedule of payments
19 specified in paragraph (a) within 7 days after receiving the request.

20 4. As used in this section, "provider of health care" means a
21 provider of health care who is licensed pursuant to chapter 630, 631,
22 632 or 633 of NRS ~~§~~ *or sections 2 to 56, inclusive, of this act.*

23 **Sec. 115.** NRS 695G.430 is hereby amended to read as
24 follows:

25 695G.430 1. A managed care organization shall not contract
26 with a provider of health care to provide health care to an insured
27 unless the managed care organization uses the form prescribed by
28 the Commissioner pursuant to NRS 629.095 to obtain any
29 information related to the credentials of the provider of health care.

30 2. A contract between a managed care organization and a
31 provider of health care may be modified:

32 (a) At any time pursuant to a written agreement executed by
33 both parties.

34 (b) Except as otherwise provided in this paragraph, by the
35 managed care organization upon giving to the provider 30 days'
36 written notice of the modification. If the provider fails to object in
37 writing to the modification within the 30-day period, the
38 modification becomes effective at the end of that period. If the
39 provider objects in writing to the modification within the 30-day
40 period, the modification must not become effective unless agreed to
41 by both parties as described in paragraph (a).

42 3. If a managed care organization contracts with a provider of
43 health care to provide health care services pursuant to chapter 689A,
44 689B, 689C, 695A, 695B or 695C of NRS, the managed care
45 organization shall:



1 (a) If requested by the provider of health care at the time the
2 contract is made, submit to the provider of health care the schedule
3 of payments applicable to the provider of health care; or

4 (b) If requested by the provider of health care at any other time,
5 submit to the provider of health care the schedule of payments
6 specified in paragraph (a) within 7 days after receiving the request.

7 4. As used in this section, "provider of health care" means a
8 provider of health care who is licensed pursuant to chapter 630, 631,
9 632 or 633 of NRS ~~§~~ *or sections 2 to 56, inclusive, of this act.*

10 **Sec. 116.** NRS 631.205, 631.273, 631.287, 631.290, 631.300
11 and 631.310 are hereby repealed.

12 **Sec. 117.** 1. As soon as practicable, the Governor shall
13 appoint the members of the Nevada State Board of Dental
14 Hygienists and the Board of Dental Examiners of Nevada as
15 required pursuant to the amendatory provisions of sections 12 and
16 60 of this act. The current members of the Committee on Dental
17 Hygiene who are dental hygienists shall be deemed appointed to the
18 Nevada State Board of Dental Hygienists for terms equal to the
19 remainder of their current terms on the Committee on Dental
20 Hygiene.

21 2. If a person is actively licensed as a dental hygienist pursuant
22 to chapter 631 of NRS on September 30, 2009, he shall be deemed
23 to hold an equivalent license, with the same expiration date,
24 pursuant to the provisions of sections 2 to 56, inclusive, of this act.

25 **Sec. 118.** 1. This section and sections 1 to 23, inclusive, and
26 25 to 117, inclusive, of this act become effective:

27 (a) Upon passage and approval for the purposes of making
28 appointments, adopting regulations and performing any other
29 preparatory administrative tasks that are necessary to carry out the
30 provisions of this act; and

31 (b) On October 1, 2009, for all other purposes.

32 2. Sections 23 and 65 of this act expire by limitation on the
33 date of the repeal of the federal law requiring each state to establish
34 procedures for withholding, suspending or restricting the use of
35 professional, occupational and recreational licenses for child support
36 arrearages and for noncompliance with certain processes relating to
37 paternity or child support proceedings.

38 3. Section 24 of this act becomes effective on the date of the
39 repeal of the federal law requiring each state to establish procedures
40 for withholding, suspending or restricting the use of professional,
41 occupational and recreational licenses for child support arrearages
42 and for noncompliance with certain processes relating to paternity or
43 child support proceedings.

44 4. Sections 44 and 76 of this act expire by limitation on the
45 date 2 years after the date on which the provisions of 42 U.S.C. §



- 1 666 requiring each state to establish procedures under which the
2 state has authority to withhold or suspend, or to restrict the use of
3 professional, occupational and recreational licenses of persons who:
4 (a) Have failed to comply with a subpoena or warrant relating to
5 a proceeding to determine the paternity of a child or to establish or
6 enforce an obligation for the support of a child; or
7 (b) Are in arrears in the payment for the support of one or more
8 children,
9 → are repealed by the Congress of the United States.

LEADLINES OF REPEALED SECTIONS

631.205 Creation; membership; powers and duties.

631.273 Temporary license to practice dental hygiene.

631.287 Dental hygienists: Special endorsement of license to practice public health dental hygiene.

631.290 Dental hygienists: Eligibility to apply for license.

631.300 Dental hygienists: Examination; issuance of certificate of registration.

631.310 Dental hygienists: Places of practice; supervision; provision of services.

