

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

LCB File No. R072-22

February 6, 2024

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

AUTHORITY: §§ 1, 2, 10, 14, 15, 20, 24, 25 and 27, NRS 631.190; § 3, NRS 631.190 and 631.3121; § 4, NRS 631.190, 631.3122 and 631.3123; § 5, NRS 631.190 and 631.3124; § 6, NRS 631.190 and 631.350; § 7, NRS 631.190 and 631.345; § 8, NRS 622.530, 631.190, 631.220, 631.255, 631.272, 631.274, 631.290 and 631.312; §§ 9 and 11, NRS 631.190 and 631.330; § 12, NRS 631.160, 631.190, 631.260, 631.290 and 631.312; § 13, NRS 631.190 and 631.240; § 16, NRS 631.190 and 631.335; §§ 17 and 18, NRS 631.190 and 631.342; § 19, NRS 631.190, 631.330, 631.335 and 631.342; § 21, NRS 631.190, 631.250 and 631.255; § 22, NRS 631.190, 631.313 and 631.317; § 23, NRS 631.190, 631.346 and 631.350; § 26, NRS 631.190 and 631.215.

A REGULATION relating to oral health; prescribing certain qualifications for licensure as a dental therapist; prescribing certain requirements governing the practice of a dental therapist; authorizing the summary suspension of authorization for a dentist to supervise a dental therapist under certain circumstances; making various provisions relating to providers of oral healthcare also applicable to dental therapists; prescribing certain fees; providing that mandatory supervision constitutes discipline for certain purposes; authorizing the Board of Dental Examiners of Nevada to require certain persons to pass an examination before the issuance or reinstatement of a license to practice dentistry, dental therapy or dental hygiene; requiring a licensee to notify the Board of certain information; prescribing certain requirements relating to an applicant for a license who has previously voluntarily surrendered his or her license; prescribing continuing education requirements for dental therapists; expanding the circumstances under which the failure to provide proof of continuing education constitutes unprofessional conduct; revising provisions governing audits of compliance with continuing education requirements; expanding the specialties for which the Board may issue a specialist's license; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Senate Bill No. 366 of the 2019 Legislative Session enacted provisions to authorize the practice of dental therapy by licensed dental therapists in this State. (Chapter 532, Statutes of Nevada 2019, at page 3198) Existing law requires the Board of Dental Examiners of Nevada to adopt rules and regulations necessary to carry out the provisions relating to the profession and

practice of dental therapy and the examination of applicants for licensure as dental therapists. (NRS 631.190)

Existing law requires an applicant for a license to practice dental therapy to have passed certain clinical examinations, including a clinical examination approved by the Board. (NRS 631.3121) **Section 3** of this regulation requires an applicant to pass a simulated clinical examination in dental therapy or a comparable examination in order to fulfill that requirement.

Existing law requires a dental therapist to practice under the authorization and supervision of a dentist. A dental therapist is only authorized to perform the services that are within the scope of his or her supervising dentist, authorized by the dentist and provided according to written practices and protocols. A dental therapist is also required to practice under the direct supervision of the authorizing dentist for a certain period of time. (NRS 631.3122) Existing law further requires: (1) a dental therapist to enter into a written practice agreement with his or her authorizing dentist; and (2) such a written practice agreement to include certain provisions. (NRS 631.3122, 631.3123) **Section 4** of this regulation additionally requires a written practice agreement to include certain provisions regarding the maintenance of records and responding to medical emergencies. **Section 2** of this regulation interprets the term “direct supervision.”

Existing law authorizes a dental therapist to perform certain procedures. (NRS 631.3124) **Section 5** of this regulation prescribes the procedures that a dental therapist is authorized to perform: (1) only after the authoring dentist examines the patient; and (2) without the authorizing dentist examining the patient before the procedure.

Existing law authorizes the Board to discipline a person who engages in unprofessional conduct or violates any regulation adopted by the Board. (NRS 631.350) **Section 6** of this regulation authorizes the Board to summarily suspend a dentist from supervising a dental therapist if an investigation reasonably finds that the health, safety or welfare of the public or a patient is at risk. **Section 6** provides that the Board will hold a hearing and make a decision concerning the relevant formal complaint not later than 60 days after the issuance of an order for summary suspension unless the dentist and the Board agree to a longer period of time.

Sections 7-9, 11, 12, 14, 16, 20 and 22-27 of this regulation add references to dental therapy and dental therapists to certain provisions governing licensing and standards of practice for providers of oral health care. **Sections 17-19** of this regulation prescribe continuing education requirements for dental therapists.

Existing law requires the Board to establish by regulation fees associated with the performance of its duties. (NRS 631.345) Existing regulations establish a fee for the inspection of a facility required by the Board to ensure compliance with infection control guidelines. (NAC 631.029) **Section 7** of this regulation adds a reduced fee for a second or subsequent inspection of a facility to ensure compliance with infection control guidelines. **Section 7** also imposes a fee for a second or subsequent audit of a licensee to ensure compliance with continuing education requirements.

Existing regulations: (1) require an applicant for licensure as a dentist, dental therapist or dental hygienist to provide to the Board information concerning discipline imposed against the applicant in another jurisdiction; and (2) authorize the Executive Director or Secretary-Treasurer of the Board to reject an application for licensure if the applicant has been subject to such discipline. (NAC 631.030, 631.050) **Sections 8 and 12** of this regulation clarify that being subject to mandatory supervision constitutes discipline for those purposes.

Existing law provides that the term “substance abuse” is a term disfavored for use in the Nevada Revised Statutes and the Nevada Administrative Code. (NRS 220.125, 233B.062) **Sections 8 and 12** replace the term “substance abuse” with preferred terminology.

Section 10 of this regulation removes an obsolete reference to an Internet website from a provision adopting by reference certain standards relating to the use of laser radiation in the practice of dentistry. **Section 20** of this regulation updates a reference to an Internet website with the correct address for guidelines relating to disinfection and sterilization. **Section 26** of this regulation updates a statutory reference to reflect technical changes made during the 2019 Legislative Session.

Existing regulations provide that the Board may require a licensee whose license has been placed on inactive status for 2 years or more and who is not actively practicing in another state to pass such examinations for licensure as the Board may prescribe before his or her license is reinstated. (NAC 631.170) **Section 13** of this regulation provides that the Board may similarly require a former licensee who has not held a license in this State for 2 years or more and has not maintained an active practice outside this State to pass such examinations before issuing a new license to the applicant. **Section 16** of this regulation provides that the Board may require a licensee whose license has been suspended for 2 years or more and who has not maintained an active practice outside this State to pass such examinations before reinstating his or her license. **Sections 13 and 16** further clarify that a licensee or former licensee is not maintaining an active practice outside this State if he or she is not practicing because of disciplinary action in another jurisdiction.

Existing law authorizes the Board to discipline a licensee for certain conduct, including malpractice, disciplinary action imposed against the licensee in another jurisdiction or conviction of certain crimes. (NRS 631.3475, 631.350) Existing regulations require a licensee to notify the Board if he or she is so disciplined or is convicted of any such crime. (NAC 631.155) **Section 14** of this regulation similarly requires a licensee to notify the Board of any claim or complaint of malpractice served and filed on the licensee.

Existing regulations authorize the Board to accept the voluntary surrender of a license by a licensee. (NAC 631.160) **Section 15** of this regulation prescribes certain requirements that a licensee who has voluntarily surrendered his or her license must satisfy before applying for a new license.

Existing regulations: (1) require a licensee to provide proof of his or her continuing education credits; and (2) provide that the third or subsequent failure of a licensee to provide such proof constitutes unprofessional conduct, which is grounds for discipline under existing law. (NAC 631.177) **Section 19** of this regulation instead provides that the second or subsequent such failure constitutes unprofessional conduct.

Existing regulations provide that the Board will conduct audits of providers of oral health care to ensure compliance with continuing education requirements. (NAC 631.177) **Section 19** clarifies that the Board may conduct follow-up audits after an initial audit.

Existing law authorizes the Board to issue a specialist’s license, which authorizes a dentist to hold himself or herself out as a specialist in a special area of dentistry. (NRS 631.250) **Section 21** of this regulation adds dental anesthesiology, oral medicine and orofacial pain to the list of specialties for which the Board may issue a specialist license.

Section 1. Chapter 631 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this regulation.

Sec. 2. *For the purposes of NRS 631.3122, the Board will interpret “direct supervision” to mean supervision by a dentist where the dentist:*

1. Documents in the record of the patient the name of the dental therapist providing care to the patient;

2. Examines the patient before the dental therapist performs the procedure either face-to-face or by the use of electronic means;

3. Provides instructions for treating the patient before the dental therapist begins treating the patient; and

4. Examines the patient upon completion of the procedures performed by the dental therapist.

Sec. 3. *Except as otherwise provided in NRS 622.090, in fulfillment of the requirements of paragraph (b) of subsection 1 of NRS 631.3121, an applicant taking the clinical examination approved by the Board and the American Board of Dental Examiners or the clinical examination administered by the Western Regional Examining Board must pass a simulated clinical examination in dental therapy or a comparable examination administered by the Western Regional Examining Board, as applicable.*

Sec. 4. *In addition to the items required by NRS 631.3123, a written practice agreement between a dentist and a dental therapist must include, without limitation:*

1. Procedures for the duplication, maintenance and storage of the records of the patients of the dental therapist by the authorizing dentist;

2. Specific procedures for the management of medical emergencies, including, without limitation:

(a) A requirement that the dental therapist must be certified in the administration of cardiopulmonary resuscitation in accordance with NAC 631.173; and

(b) Procedures for the administration of first aid, an automated external defibrillator and supplemental oxygen;

3. The tasks that each staff member is required to perform when a medical emergency occurs; and

4. Procedures for the maintenance of a written log to document the monthly review of the records of patients which must include, without limitation:

(a) Evaluations of each referral of a patient made by the dental therapist to an authorizing dentist or an appropriate dental specialist and any follow-up of such a referral;

(b) The demographic information of the authorizing dentist and dental therapist, with any personally identifying information removed; and

(c) Procedures for making the written log available to the Board for review and examination upon request.

Sec. 5. 1. *In accordance with a written practice agreement required pursuant to NRS 631.3122, a dental therapist may:*

(a) Provide the following services to a patient who has first been examined by the authorizing dentist:

(1) Making and exposing cone-beam radiographs;

(2) Application of topical preventive or prophylactic agents, including, without limitation, fluoride varnishes and pit and fissure sealants;

(3) Removal of excess cement from cemented restorations or orthodontic appliances without rotary;

(4) Re-cementing permanent crowns and bridges with nonpermanent material as a palliative treatment;

(5) Administering local intraoral chemotherapeutic agents in any form except aerosol, including, without limitation, antimicrobial agents, fluoride preparations, topical anesthetics and topical desensitizing agents;

(6) Minor adjustments and repairs of removable partial dentures;

(7) Placement and removal of space maintainers;

(8) Cavity preparation;

(9) Restoration of primary and permanent teeth;

(10) Extractions of primary teeth and permanent teeth with grade three plus mobility with recorded periodontal charting;

(11) Preparation and placement of preformed crowns on primary teeth;

(12) Indirect and direct pulp capping of permanent teeth;

(13) Administration of local anesthetic;

(14) Sub-gingival curettage;

(15) Fabricating mouth guards for temporomandibular joint dysfunction or sleep disorders; and

(16) Definitive charting of the oral cavity.

(b) Provide the following services to a patient who has not first been examined by the authorizing dentist:

(1) Making a radiograph through periapical, bitewing or panorex;

- (2) Mechanical polishing;*
- (3) Application of desensitizing medication or resin;*
- (4) Preliminary charting of an oral cavity;*
- (5) Removal of sutures;*
- (6) Instruction and education on oral health and disease prevention, including, without limitation, nutritional counseling and dietary analysis; and*
- (7) Fabricating mouth guards for use in sports protection.*

2. In addition to performing the examination required by paragraph (a) of subsection 1, the authorizing dentist of a dental therapist who provides a service listed in that paragraph shall:

- (a) Document in the record of the patient the name of the dental therapist; and*
- (b) Provide instructions for treating the patient before the dental therapist begins treating the patient.*

Sec. 6. *1. If an investigation by the Board regarding the supervision of a dental therapist by an authorizing dentist reasonably determines that the health, safety or welfare of the public or any patient served by the dentist or dental therapist is placed at risk of imminent or continued harm by the continued supervision of a dental therapist by the authorizing dentist, the Board may summarily suspend the dentist from supervising any dental therapist pending the conclusion of a hearing to consider a formal complaint against the dentist or dental therapist.*

2. The order of summary suspension may be issued only by the Board, the President of the Board, the presiding officer of an investigative committee convened by the Board to

investigate the dentist or dental therapist or the member, employee, investigator or other agent of the Board who conducted the investigation.

3. If the Board, the President of the Board, the presiding officer of an investigative committee convened by the Board to investigate the dentist or dental therapist or a member, employee, investigator or other agent of the Board issues an order to summarily suspend a dentist from supervising a dental therapist pursuant to subsection 1, the Board will hold a hearing to consider the formal complaint against the dentist or dental therapist. The Board will hold the hearing and render a decision concerning the formal complaint not later than 60 days after the date of issuance of the order, unless the Board and the dentist or dental therapist agree to a longer period of time.

Sec. 7. NAC 631.029 is hereby amended to read as follows:

631.029 The Board will charge and collect the following fees:

Application fee for an initial license to practice dentistry if the applicant has successfully passed a clinical examination administered by the Western Regional Examining Board or a clinical examination approved by the Board and the American Board of Dental Examiners and administered by a regional examination organization other than the Board	\$1,200
Application fee for an initial license to practice <i>dental therapy or</i> dental hygiene	600
Application fee for a specialty license by credential.....	1,200
Application fee for a temporary restricted geographical license to practice dentistry	600

Application fee for a temporary restricted geographical license to practice <i>dental therapy or</i> dental hygiene	150
Application fee for a specialist's license to practice dentistry	125
Application fee for a limited license or restricted license to practice dentistry , <i>dental therapy</i> or dental hygiene.....	125
Application and examination fee for a permit to administer general anesthesia, moderate sedation or deep sedation	750
Application and examination fee for a site permit to administer general anesthesia, moderate sedation or deep sedation	500
Fee for any reinspection required by the Board to maintain a permit to administer general anesthesia, moderate sedation or deep sedation.....	500
Fee for the inspection of a facility required by the Board to ensure compliance with infection control guidelines.....	250
<i>Fee for a second or subsequent inspection of a facility required by the Board to ensure compliance with infection control guidelines</i>	<i>150</i>
Biennial renewal fee for a permit to administer general anesthesia, moderate sedation or deep sedation.....	200
Fee for the inspection of a facility required by the Board to renew a permit to administer general anesthesia, moderate sedation or deep sedation.....	350
Biennial license renewal fee for a general license or specialist's license to practice dentistry	600
Biennial license renewal fee for a restricted geographical license to practice dentistry	600

Biennial license renewal fee for a restricted geographical license to practice <i>dental therapy or</i> dental hygiene	300
Biennial license renewal fee for a general license to practice <i>dental therapy</i> <i>or</i> dental hygiene	300
Annual license renewal fee for a limited license to practice dentistry , <i>dental</i> <i>therapy</i> or dental hygiene	200
Annual license renewal fee for a restricted license to practice dentistry	100
Biennial license renewal fee for an inactive dentist	200
Biennial license renewal fee for an inactive <i>dental therapist or</i> dental hygienist	50
<i>Fee for a second or subsequent audit to ensure compliance with continuing</i> <i>education requirements</i>	<i>200</i>
Reinstatement fee for a suspended license to practice dentistry , <i>dental</i> <i>therapy</i> or dental hygiene	300
Reinstatement fee for a revoked license to practice dentistry , <i>dental therapy</i> or dental hygiene	500
Reinstatement fee to return an inactive or retired dentist , <i>dental therapist</i> or dental hygienist or a dentist , <i>dental therapist</i> or dental hygienist with a disability to active status	300
Fee for the certification of a license	25
Fee for the certification of a license to administer nitrous oxide or local anesthesia	25

Fee for a duplicate wall certificate	25
Fee for a duplicate pocket card receipt.....	25
Application fee for converting a temporary license to a permanent license	125
Fee for an application packet for an examination	25
Fee for an application packet for licensure by credentials	25

Sec. 8. NAC 631.030 is hereby amended to read as follows:

631.030 1. An applicant for licensure must provide the following information and documentation in his or her application:

- (a) The date and place of his or her birth;
- (b) Certification of graduation from an accredited dental school or college *, from an accredited school or college of dental therapy* or from an accredited school or college of dental hygiene, whichever is applicable;
- (c) Whether he or she has applied for similar licensure in another state or a territory of the United States or the District of Columbia and, if so, the name of the state or territory of the United States or the District of Columbia, the date and the result of his or her application;
- (d) If he or she has practiced dentistry *, dental therapy* or dental hygiene in another state or a territory of the United States or the District of Columbia, certification from the licensing authority of each state or territory of the United States or the District of Columbia in which he or she has practiced or is practicing that he or she is in good standing and that there are not any disciplinary proceedings affecting his or her standing pending against him or her in the other state or territory of the United States or the District of Columbia;

(e) Whether he or she has terminated or attempted to terminate a license from another state or territory of the United States or the District of Columbia and, if so, the reasons for doing so;

(f) If he or she is not a natural born citizen of the United States, a copy of his or her certificate of naturalization or other document attesting that he or she is legally eligible to reside and work in the United States;

(g) All scores obtained on the examination in which he or she was granted a certificate by the Joint Commission on National Dental Examinations and the date it was issued;

(h) Whether he or she has ever been convicted of a crime involving moral turpitude or has entered a plea of nolo contendere to a charge of such a crime and, if so, the date and place of the conviction or plea and the sentence, if any, which was imposed;

(i) Whether he or she has had any misdemeanor or felony convictions and, if so, any documents relevant to any misdemeanor or felony convictions;

(j) Whether he or she has been held civilly or criminally liable in this State, another state or territory of the United States or the District of Columbia for misconduct relating to his or her occupation or profession;

(k) Whether he or she has a history of substance ~~abuse;~~ *misuse or substance use disorder* and, if so, any documents relevant to the substance ~~abuse;~~ *misuse or substance use disorder*;

(l) Whether he or she has been refused permission to take an examination for licensure by this State, any other state or territory of the United States or the District of Columbia, or any regional testing agency recognized by the Board and, if so, any documents relevant to the refusal;

(m) Whether he or she has been denied licensure by this State, any other state or territory of the United States or the District of Columbia and, if so, any documents relevant to the denial;

(n) Whether he or she has had his or her license to practice dentistry , *dental therapy* or dental hygiene suspended, revoked or placed on probation, or has otherwise been disciplined concerning his or her license to practice dentistry , *dental therapy* or dental hygiene, including, without limitation, *being subject to mandatory supervision or* receiving a public reprimand, in this State, another state or territory of the United States or the District of Columbia and, if so, any documents relevant to the suspension, revocation, probation or other discipline;

(o) A copy of current certification in administering cardiopulmonary resuscitation;

(p) Whether he or she is currently involved in any disciplinary action concerning his or her license to practice dentistry , *dental therapy* or dental hygiene in this State, another state or territory of the United States or the District of Columbia and, if so, any documents relevant to the reprimand or disciplinary action;

(q) Two sets of certified fingerprint cards and an authorization form allowing the Board to submit the fingerprint forms to law enforcement agencies for verification of background information;

(r) Whether he or she has any claims against him or her or has committed any actions that would constitute unprofessional conduct pursuant to NRS 631.3475 or NAC 631.230;

(s) An application form that he or she has completed and signed which:

(1) Is furnished by the Board; and

(2) Includes, without limitation, a properly executed request to release information;

(t) If applicable, the statement and proof required by subsection 3;

(u) Evidence that he or she is eligible to apply for a license to practice:

(1) Dentistry pursuant to NRS 631.230; ~~for~~

(2) Dental hygiene pursuant to NRS 631.290; *or*

(3) Dental therapy pursuant to NRS 631.312;

- (v) The statement required by NRS 425.520; and
- (w) Any other information requested by the Board.

2. An applicant for licensure by endorsement pursuant to NRS 622.530 must provide the following information and documentation with his or her application:

- (a) The information and documentation listed in subsection 1;
- (b) A certificate granted by a nationally recognized, nationally accredited or nationally certified examination or other examination approved by the Board which proves that the applicant has achieved a passing score on such an examination; and
- (c) Proof that the applicant has actively practiced dentistry , *dental therapy* or dental hygiene for the 5 years immediately preceding the date of submission of the application.

3. An applicant for licensure who wishes to use laser radiation in his or her practice of dentistry , *dental therapy* or dental hygiene must provide to the Board:

- (a) A statement certifying that each laser that will be used by the licensee in the practice of dentistry , *dental therapy* or dental hygiene has been cleared by the Food and Drug Administration for use in dentistry; and
- (b) Proof that he or she has successfully completed a course in laser proficiency that:
 - (1) Is at least 6 hours in length; and
 - (2) Is based on the *Curriculum Guidelines and Standards for Dental Laser Education*, adopted by reference pursuant to NAC 631.035.

Sec. 9. NAC 631.033 is hereby amended to read as follows:

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

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

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

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

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

Sec. 10. NAC 631.035 is hereby amended to read as follows:

631.035 1. The Board hereby adopts by reference the *Curriculum Guidelines and Standards for Dental Laser Education*, adopted by the Academy of Laser Dentistry. The *Curriculum Guidelines and Standards for Dental Laser Education* is available, free of charge, from the Academy of Laser Dentistry:

(a) By mail, at P.O. Box 8667, Coral Springs, Florida 33075;

(b) By telephone, at (954) 346-3776; or

(c) At the Internet address

~~http://www.laserdentistry.org/prof/edu_curriculumguidelines.cfm~~

<http://www.laserdentistry.org/certification#curriculum-guidelines>.

2. The Board will periodically review the *Curriculum Guidelines and Standards for Dental Laser Education* and determine within 30 days after the review whether any change made to those guidelines and standards is appropriate for application in this State. If the Board does not

disapprove a change to an adopted guideline or standard within 30 days after the review, the change is deemed to be approved by the Board.

Sec. 11. NAC 631.045 is hereby amended to read as follows:

631.045 A licensed dentist who owns an office or facility where dental treatments are to be performed in this State must, on the application for renewal of his or her license, execute a certified statement that includes:

1. The location of each office or facility owned by the licensed dentist where dental treatments are to be performed;
2. The name and address of each employee, other than a licensed dentist , *dental therapist* or dental hygienist, who assists at the office or facility in procedures for infection control and the date the employee began to assist in procedures for infection control at the office or facility;
3. A statement that each employee identified in subsection 2:
 - (a) Has received adequate instruction concerning procedures for infection control; and
 - (b) Is qualified to:
 - (1) Operate sterilization equipment and other equipment in compliance with the guidelines adopted by reference in NAC 631.178; and
 - (2) Perform all other applicable activities in compliance with the guidelines adopted by reference in NAC 631.178; and
4. If the licensed dentist is registered to dispense controlled substances with the State Board of Pharmacy pursuant to chapter 453 of NRS, an attestation that the licensed dentist has conducted annually a minimum of one self-query regarding the issuance of controlled substances through the Prescription Monitoring Program of the State Board of Pharmacy.

Sec. 12. NAC 631.050 is hereby amended to read as follows:

631.050 1. If the Executive Director or Secretary-Treasurer finds that:

(a) An application is:

- (1) Deficient; or
- (2) Not in the proper form; or

(b) The applicant has:

- (1) Provided incorrect information;
- (2) Not attained the scores required by chapter 631 of NRS; or
- (3) Not submitted the required fee,

→ the Executive Director or Secretary-Treasurer shall reject the application and return it to the applicant with the reasons for its rejection.

2. If the Executive Director or Secretary-Treasurer finds that an applicant has:

- (a) A felony conviction;
- (b) A misdemeanor conviction;
- (c) Been held civilly or criminally liable in this State, another state or territory of the United States or the District of Columbia for misconduct relating to his or her occupation or profession;
- (d) A history of substance ~~abuse;~~ *misuse or substance use disorder;*
- (e) Been refused permission to take an examination for licensure by this State, any other state or territory of the United States or the District of Columbia;
- (f) Been denied licensure by this State, any other state or territory of the United States or the District of Columbia;
- (g) Had his or her license to practice dentistry , *dental therapy* or dental hygiene suspended, revoked or placed on probation, or has otherwise been disciplined concerning his or her license to practice dentistry , *dental therapy* or dental hygiene, including, without limitation, *being*

subject to mandatory supervision or receiving a public reprimand, in this State, another state or territory of the United States or the District of Columbia;

(h) Not actively practiced dentistry , *dental therapy* or dental hygiene, as applicable, for 2 years or more before the date of the application to the Board; or

(i) Is currently involved in any disciplinary action concerning his or her license to practice dentistry , *dental therapy* or dental hygiene in this State, another state or territory of the United States or the District of Columbia,

↪ the Executive Director or Secretary-Treasurer may reject the application. If rejected, the application must be returned to the applicant with the reasons for its rejection.

3. If an application is rejected pursuant to subsection 2, the applicant may furnish additional relevant information to the Executive Director or Secretary-Treasurer, and request that the application be reconsidered. If an application is rejected following reconsideration by the Executive Director or Secretary-Treasurer, the applicant may petition the Board for a review of the application at the next regularly scheduled meeting of the Board.

Sec. 13. NAC 631.090 is hereby amended to read as follows:

631.090 *1.* Except as otherwise provided in NRS 622.090, in fulfillment of the statutory requirements of paragraph (b) of subsection 1 of NRS 631.240, an applicant taking the clinical examination approved by the Board and the American Board of Dental Examiners or the clinical examination administered by the Western Regional Examining Board must:

~~11-1~~ *(a)* Pass the Dental Simulated Clinical Examination or a comparable examination administered by the Western Regional Examining Board, as applicable;

~~12-1~~ *(b)* Demonstrate proficiency in endodontics as the organization administering the clinical examination requires;

~~13.1~~ (c) Demonstrate proficiency in fixed prosthodontics as the organization administering the clinical examination requires;

~~14.1~~ (d) Demonstrate proficiency in restorative dentistry as the organization administering the clinical examination requires;

~~15.1~~ (e) Demonstrate proficiency in periodontics as the organization administering the clinical examination requires; and

~~16.1~~ (f) Perform such other procedures as the Board requires.

2. The Board may require an applicant for licensure to practice dentistry, dental hygiene or dental therapy to pass such additional examinations for licensure as the Board may prescribe if the applicant:

(a) Has been previously licensed in this State and has not held such a license for 2 years or more, including, without limitation, because the license was revoked or voluntarily surrendered; and

(b) Has not maintained an active practice outside of this State, including, without limitation, because his or her license to practice in another jurisdiction has been suspended, revoked, surrendered or because of any other order by a competent authority of another jurisdiction.

Sec. 14. NAC 631.155 is hereby amended to read as follows:

631.155 Each licensee shall, within 30 days after the occurrence of the event, notify the Board in writing by certified mail of:

1. The death of a patient during the performance of any dental procedure;
2. Any unusual incident occurring in his or her dental practice which results in permanent physical or mental injury to a patient or requires the hospitalization of a patient;

3. The suspension or revocation of his or her license to practice dentistry , *dental therapy or dental hygiene* or the imposition of a fine or other disciplinary action against him or her by any agency of another state authorized to regulate the practice of dentistry , *dental therapy or dental hygiene, as applicable*, in that state;

4. The conviction of any felony or misdemeanor involving moral turpitude or which relates to the practice of dentistry , *dental therapy or dental hygiene, as applicable*, in this State or the conviction of any violation of chapter 631 of NRS; ~~for~~

5. *The filing and service of any claim or complaint of malpractice against the licensee; or*

6. Being held civilly or criminally liable in this State, another state or territory of the United States or the District of Columbia for misconduct relating to his or her occupation or profession.

Sec. 15. NAC 631.160 is hereby amended to read as follows:

631.160 1. If a licensee desires voluntarily to surrender his or her license, he or she may submit to the Board a sworn written surrender of the license accompanied by delivery to the Board of the certificate of registration previously issued to him or her. The Board may accept or reject the surrender of the license. If the Board accepts the surrender of the license, the surrender is absolute and irrevocable. The Board will notify any agency or person of the surrender as it deems appropriate.

2. The voluntary surrender of a license does not preclude the Board from hearing a complaint for disciplinary action filed against the licensee.

3. *A former licensee who has voluntarily surrendered his or her license may apply for a new license if he or she meets all criteria required for licensure by this chapter and chapter 631 of NRS. If a former licensee surrendered his or her license voluntarily while being disciplined by the Board or during a pending investigation, the Board may require the former*

licensee to complete any terms of discipline or corrective action not completed as a result of the surrender and require additional terms be completed before issuing a new license.

Sec. 16. NAC 631.170 is hereby amended to read as follows:

631.170 1. A licensee may request the Board to place his or her license in an inactive or retired status. Such a request must be made in writing and before the license expires.

2. The Secretary-Treasurer may reinstate an inactive license upon the written request of an inactive licensee who has maintained an active license and practice outside this State during the time his or her Nevada license was inactive. To reinstate the license, such an inactive licensee must:

- (a) Pay the appropriate renewal fees;
- (b) Provide a list of his or her employment during the time the license was inactive;
- (c) Report all claims of unprofessional conduct or professional incompetence against him or her or any violation of the law which he or she may have committed, including administrative disciplinary charges brought by any other jurisdiction;
- (d) Report whether he or she has been held civilly or criminally liable in this State, another state or territory of the United States or the District of Columbia for misconduct relating to his or her occupation or profession;
- (e) Report any appearance he or she may have made before a peer review committee;
- (f) Submit proof of his or her completion of an amount of continuing education, prorated as necessary, for the year in which the license is restored to active status;
- (g) Provide certification from each jurisdiction in which he or she currently practices that his or her license is in good standing and that no proceedings which may affect that standing are pending;

(h) Satisfy the Secretary-Treasurer that he or she is of good moral character; and

(i) Provide any other information which the Secretary-Treasurer may require,

↪ before the license may be reinstated. In determining whether the licensee is of good moral character, the Secretary-Treasurer may consider whether the licensee to practice dentistry , *dental therapy or dental hygiene* in another state has been suspended or revoked or whether the licensee is currently involved in any disciplinary action concerning the license in that state.

3. If a person whose license has been on inactive status for less than 2 years has not maintained an active license or practice outside this State, *including, without limitation, because his or her license to practice in another jurisdiction has been suspended, revoked or surrendered or because of any other order by a competent authority of another jurisdiction*, or if a person's license has been on retired status for less than 2 years, he or she must submit to the Board:

(a) Payment of the appropriate renewal fees;

(b) A written petition for reinstatement that has been signed and notarized;

(c) Proof of his or her completion of an amount of continuing education, prorated as necessary, for the year in which the license is restored to active status; and

(d) A list of his or her employment, if any, during the time the license was on inactive or retired status,

↪ before the license may be reinstated.

4. If a person whose license has been on inactive status for 2 years or more has not maintained an active license or practice outside this State, *including, without limitation, because his or her license to practice in another jurisdiction has been suspended, revoked or*

surrendered or because of any other order by a competent authority of another jurisdiction, or

if a person's license has been on retired status for 2 years or more, he or she must:

(a) Satisfy the requirements set forth in paragraphs (a) to (d), inclusive, of subsection 3; and

(b) Pass such additional examinations for licensure as the Board may prescribe,

↪ before the license may be reinstated.

5. If the license of a person has been placed on disabled status, the person must:

(a) Satisfy the requirements of paragraphs (a), (b) and (c) of subsection 3;

(b) Submit to the Board a list of his or her employment, if any, during the time the license was on disabled status;

(c) Pass such additional examinations for licensure as the Board may prescribe; and

(d) Submit to the Board a statement signed by a licensed physician setting forth that the person is able, mentally and physically, to practice dentistry, *dental therapy or dental hygiene, as applicable,*

↪ before the license may be reinstated.

6. If the license of a person has been suspended for 2 years or more and the person has not maintained an active practice outside of this State, including, without limitation, because his or her license to practice in another jurisdiction has been suspended, revoked or surrendered or because of any other order by a competent authority of another jurisdiction, the Board may require the person to pass such examinations for licensure as the Board may prescribe before reinstating the license.

Sec. 17. NAC 631.173 is hereby amended to read as follows:

631.173 1. Each dentist licensed to practice in this State must annually complete at least 20 hours of instruction in approved courses of continuing education or biennially complete at

least 40 hours of instruction in approved courses of continuing education, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the dentist. Hours of instruction may not be transferred or carried over from one licensing period to another.

2. *Each dental therapist licensed to practice in this State must annually complete at least 18 hours of instruction in approved courses of continuing education or biennially complete at least 40 hours of instruction in approved courses of continuing education, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the dental therapist. Hours of instruction may not be transferred or carried over from one licensing period to another.*

3. Each dental hygienist licensed to practice in this State must annually complete at least 15 hours of instruction in approved courses of continuing education or biennially complete at least 30 hours of instruction in approved courses of continuing education, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the dental hygienist. Hours of instruction may not be transferred or carried over from one licensing period to another.

~~3.1~~ 4. In addition to the hours of instruction prescribed in subsections 1 , ~~and~~ 2 ~~1~~ and 3, each dentist , *dental therapist* and dental hygienist must maintain current certification in administering cardiopulmonary resuscitation or another medically acceptable means of maintaining basic bodily functions which support life. Any course taken pursuant to this subsection must be taught by a certified instructor.

~~4.1~~ 5. Any provider of or instructor for a course in continuing education relating to the practice of dentistry , *dental therapy* or dental hygiene which meets the requirements of this section must be approved by the Board, unless the course is for training in cardiopulmonary resuscitation or is approved by:

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

~~15.1~~ **6.** To be approved as a provider of a course in continuing education, the instructor of the course must complete a form provided by the Board and submit it to the Board for review by a committee appointed by the Board not later than 45 days before the beginning date of the course. Upon receipt of the form, the committee shall, within 10 days after receiving the form, approve or disapprove the application and inform the applicant of its decision.

~~16.1~~ **7.** Study by group may be approved for continuing education if the organizer of the group complies with the requirements of subsection ~~15.1~~ **6** and furnishes the Board with a complete list of all members of the group, a synopsis of the subject to be studied, the time, place and duration of the meetings of the group, and the method by which attendance is recorded and authenticated.

~~17.1~~ **8.** Credit may be allowed for attendance at a meeting or a convention of a dental ~~and~~, *dental therapy or* dental hygiene society.

~~18.1~~ **9.** Credit may be allowed for courses completed via home study, on-line study, self-study or journal study which are taught through correspondence, webinar, compact disc or digital video disc.

~~19.1~~ **10.** Credit may be allowed for dental , *dental therapy* and dental hygiene services provided on a voluntary basis to nonprofit agencies and organizations approved by the Board.

Sec. 18. NAC 631.175 is hereby amended to read as follows:

631.175 1. Approved subjects for continuing education in dentistry , *dental therapy* and dental hygiene are:

(a) Clinical subjects, including, without limitation:

- (1) Dental and medical health;
- (2) Preventive services;
- (3) Dental diagnosis and treatment planning; and
- (4) Dental clinical procedures, including corrective and restorative oral health procedures

and basic dental sciences, dental research and new concepts in dentistry; and

(b) Nonclinical subjects, including, without limitation:

- (1) Dental practice organization and management;
- (2) Patient management skills;
- (3) Methods of health care delivery; and
- (4) Teaching methodology.

2. In completing the hours of continuing education required pursuant to NAC 631.173, a dentist *or dental therapist* must annually complete at least 15 hours in clinical subjects approved pursuant to subsection 1 or biennially complete at least 30 hours in clinical subjects approved pursuant to subsection 1, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the dentist ~~H~~ *or dental therapist, as applicable.*

3. In completing the hours of continuing education required pursuant to NAC 631.173, a dental hygienist must annually complete at least 12 hours in clinical subjects approved pursuant to subsection 1 or biennially complete at least 24 hours in clinical subjects approved pursuant to

subsection 1, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the dental hygienist.

4. In completing the hours of continuing education required pursuant to NAC 631.173, a dentist , *dental therapist* or dental hygienist must annually complete at least 2 hours in the clinical subject of infection control in accordance with the provisions of the guidelines adopted by reference in NAC 631.178 or biennially complete at least 4 hours in the clinical subject of infection control in accordance with the provisions of the guidelines adopted by reference in NAC 631.178, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the dentist , *dental therapist* or dental hygienist.

5. In completing the hours of continuing education required pursuant to NAC 631.173, a dentist who is registered to dispense controlled substances pursuant to NRS 453.231 must complete at least 2 hours of training relating specifically to the misuse and abuse of controlled substances, the prescribing of opioids or addiction during each period of licensure.

6. The Board will credit, as a maximum in any one year of an annual or biennial licensing period, the following number of hours of instruction for the following types of courses or activities:

- (a) For approved study by a group, 3 hours.
- (b) For attendance at a meeting or convention of a dental , *dental therapy* or dental hygiene society, 1 hour for each meeting, but not more than 3 hours, exclusive of hours of continuing education offered in conjunction with the meeting.
- (c) For courses completed via home study, on-line study, self-study or journal study through correspondence, webinar, compact disc or digital video disc, not more than 50 percent of the

number of hours of continuing education required by subsection 1 , ~~for~~ 2 *or* 3 of NAC 631.173, as applicable.

(d) For all other courses conducted by an approved instructor, the number of hours completed by the dentist , *dental therapist* or dental hygienist.

(e) For approved dental , *dental therapy* or dental hygiene services provided in approved nonprofit settings, 6 hours, except that not more than 3 hours will be allowed for any day of volunteer services provided.

Sec. 19. NAC 631.177 is hereby amended to read as follows:

631.177 1. When requesting a renewal or reinstatement of his or her license, each:

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

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

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

.....

Signature of Dentist

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

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

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

.....
Signature of Dental Therapist

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

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

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

.....
Signature of Dental Hygienist

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

2. Legible copies of all receipts, records of attendance, certificates and other evidence of attendance by a dentist , *dental therapist* or dental hygienist at an approved course in continuing education must be retained by the dentist , *dental therapist* or dental hygienist and made available to the Board for inspection or copying for 3 years after attendance at the course is submitted to meet the continuing education requirements of the Board. Proof of attendance and completion of the required credit hours of instruction must be complete enough to enable the Board to verify the attendance and completion of the course by the dentist , *dental therapist* or dental hygienist and must include at least the following information:

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

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

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

Sec. 20. NAC 631.178 is hereby amended to read as follows:

631.178 1. Each person who is licensed pursuant to the provisions of chapter 631 of NRS shall comply with:

(a) The provisions of the *Guidelines for Infection Control in Dental Health-Care Settings-2003* adopted by the Centers for Disease Control and Prevention which is hereby adopted by reference. The publication is available, free of charge, from the Centers for Disease Control and Prevention at the Internet address

<http://www.cdc.gov/mmwr/preview/mmwrhtml/rr5217a1.htm>; and

(b) As applicable to the practice of dentistry, *dental therapy and dental hygiene*, the provisions of the *Guideline for Disinfection and Sterilization in Healthcare Facilities, 2008*, adopted by the Centers for Disease Control and Prevention which is hereby adopted by reference. The publication is available, free of charge, from the Centers for Disease Control and Prevention at the Internet address

~~http://www.cdc.gov/ncidod/dhqp/pdf/guidelines/Disinfection_Nov_2008.pdf~~

<http://www.cdc.gov/infectioncontrol/pdf/guidelines/disinfection-guidelines-H.pdf>.

2. The Board will periodically review the guidelines adopted by reference in this section and determine within 30 days after the review whether any change made to the guidelines is

appropriate for application in this State. If the Board does not disapprove a change to the guidelines within 30 days after the review, the change is deemed to be approved by the Board.

Sec. 21. NAC 631.190 is hereby amended to read as follows:

631.190 The only specialties for which the Board will issue licenses are:

1. Oral and maxillofacial pathology;
2. Oral and maxillofacial surgery;
3. Orthodontia;
4. Periodontia;
5. Prosthodontia;
6. Pediatric dentistry;
7. Endodontia;
8. Public health; ~~and~~
9. Oral and maxillofacial radiology ~~H~~;

10. Dental anesthesiology;

11. Oral medicine; and

12. Orofacial pain.

Sec. 22. NAC 631.220 is hereby amended to read as follows:

631.220 1. A dentist who is licensed in the State of Nevada may authorize a dental assistant in his or her employ and under his or her supervision to perform the following procedures before the patient is examined by the dentist:

- (a) Expose radiographs; and
- (b) Take impressions for the preparation of diagnostic models.

2. A dentist who is licensed in the State of Nevada may authorize a dental assistant in his or her employ and under his or her supervision only to do one or more of the following procedures after the patient has been examined by the dentist:

- (a) Retract a patient's cheek, tongue or other tissue during a dental operation.
- (b) Remove the debris that normally accumulates during or after a cleaning or operation by the dentist by using mouthwash, water, compressed air or suction.
- (c) Place or remove a rubber dam and accessories used for its placement.
- (d) Place and secure an orthodontic ligature.
- (e) Remove sutures.
- (f) Place and remove a periodontal pack.
- (g) Remove excess cement from cemented restorations and orthodontic appliances. A dental assistant may not use a rotary cutting instrument to remove excess cement from restorations or orthodontic appliances.
- (h) Administer a topical anesthetic in any form except aerosol.
- (i) Train and instruct persons in the techniques of oral hygiene and preventive procedures.
- (j) Take the following types of impressions:
 - (1) Those used for the preparation of counter or opposing models;
 - (2) Those used for the fabrication of temporary crowns or bridges; and
 - (3) Those used for the fabrication of temporary removable appliances, provided no missing teeth are replaced by those appliances.
- (k) Fabricate and place temporary crowns and bridges. This procedure must be checked and approved by the supervising dentist before dismissal of the patient from the office of the dentist.

(l) Retract gingival tissue if the retraction cord contains no medicaments that have potential systemic side effects.

(m) Remove soft plaque and stain from exposed tooth surfaces, utilizing an appropriate rotary instrument with a rubber cup or brush and a suitable polishing agent. A licensed dentist, *dental therapist* or dental hygienist shall determine that the teeth to be polished are free of calculus or other extraneous material.

(n) Administer a topical fluoride.

(o) Apply pit and fissure sealant to the dentition for the prevention of decay. This procedure must be checked and approved by the supervising dentist before dismissal of the patient from the office of the dentist.

(p) Fit orthodontic bands and prepare teeth for orthodontic bands if the bands are cemented or bonded, or both, into the patient's mouth by the dentist who authorized the dental assistant to perform this procedure.

3. A dentist who is licensed in the State of Nevada may authorize a *dental therapist or* dental hygienist to supervise a dental assistant in the assistance of the ~~hygienist's~~ performance of *the dental therapist or dental hygienist of* one or more of the following ~~+~~ *procedures:*

(a) Retract a patient's cheek, tongue or other tissue during a dental operation.

(b) Remove the debris that normally accumulates during or after a cleaning or operation by the *dental therapist or* dental hygienist by using mouthwash, water, compressed air or suction.

(c) Train and instruct persons in the techniques of oral hygiene and preventive procedures.

(d) Remove soft plaque and stain from exposed tooth surfaces, utilizing an appropriate rotary instrument with a rubber cup or brush and a suitable polishing agent. A licensed dentist, *dental*

therapist or dental hygienist shall determine that the teeth to be polished are free of calculus or other extraneous material.

(e) Administer a topical fluoride.

4. A dental hygienist ~~H~~ who is authorized by the Board to perform the services described in subsection 6 of NAC 631.210 ~~H~~ *or a dental therapist* may authorize a dental assistant under his or her supervision to assist the hygienist *or therapist, as applicable*, in the performance of the services described in paragraphs (a) to (e), inclusive, of subsection 3.

Sec. 23. NAC 631.230 is hereby amended to read as follows:

631.230 1. In addition to those specified by statute and subsection 3 of NAC 631.177, the following acts constitute unprofessional conduct:

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

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

(c) The consistent use of dental procedures, services or treatments which constitute a departure from prevailing standards of acceptable dental practice even though the use does not constitute malpractice or gross malpractice.

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

(e) Making an unreasonable additional charge for laboratory tests, radiology services or other testing services which are ordered by the dentist and performed outside his or her own office.

(f) The failure to report to the Board as required in NAC 631.155 or to sign any affidavit required by the Board.

(g) Employing any person in violation of NAC 631.260 or failing to report to the Board as required by that section.

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

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

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

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

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

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

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

(o) The failure to report to the Board, in writing, the death or emergency hospitalization of any patient to whom general anesthesia, deep sedation or moderate sedation was administered.

The report must be made within 30 days after the event.

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

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

(r) The failure of a dentist who owns a dental practice to verify the license of a dentist , *dental therapist* or dental hygienist before offering employment or contracting for services with the dentist , *dental therapist* or dental hygienist as an independent contractor.

(s) The failure of a dentist who owns a dental practice and participates in the diagnosis and treatment of any patient to ensure that the services rendered by a dentist , *dental therapist* or dental hygienist who is an employee or independent contractor of that dentist meet the prevailing standards of acceptable dental practice. If a dentist , *dental therapist* or dental hygienist who is an employee or independent contractor of the dentist is found by substantial evidence to have provided services below the prevailing standards of acceptable dental practice, the dentist who owns the dental practice may be required to reimburse the patient to whom the services were provided pursuant to paragraph (l) of subsection 1 of NRS 631.350.

(t) The failure of a dentist who owns a dental practice to record the name of the dentist , *dental therapist* or dental hygienist who provided the services in the records of a patient each time the services are rendered.

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

2. For purposes of NRS 631.347, a plan or practice requiring a patient to select a dentist from a specific group does not provide the patient with a reasonable opportunity to select a dentist of his or her own choice, and constitutes unprofessional conduct on the part of any dentist participating in such a plan or practice, unless it, or another plan concurrently available to the patient, allows the patient to:

(a) Have an annual opportunity, lasting for a minimum of 30 days, to select a dentist of his or her own choice for all dental work to be performed during the subsequent 12 months. Any new patient added to the plan or practice must immediately be given an initial opportunity, lasting at least 30 days, to select the coverage supplied by the plan or practice or a dentist of his or her own choice.

(b) Receive the allowance for a procedure performed by a dentist of his or her own choice in substantially the same amount as he or she would if he or she used the services of one of the group of dentists specified by the plan or practice.

Sec. 24. NAC 631.260 is hereby amended to read as follows:

631.260 1. Each patient who is undergoing a radiographic procedure must be covered with a lead apron.

2. Each licensee who employs any person, other than a *dental therapist or* dental hygienist, to assist him or her in radiographic procedures shall include with his or her application for renewal of his or her license a certified statement:

- (a) Containing the name of each person so employed, his or her position and the date he or she began to assist the licensee in radiographic procedures; and
- (b) Attesting that each such employee has received:
 - (1) Adequate instruction concerning radiographic procedures and is qualified to operate radiographic equipment as required pursuant to subsection 3 of NAC 459.552;
 - (2) Training in cardiopulmonary resuscitation at least every 2 years while so employed;
 - (3) A minimum of 4 hours of continuing education in infection control every 2 years while so employed; and
 - (4) Before beginning such employment, a copy of this chapter and chapter 631 of NRS in paper or electronic format.

Sec. 25. NAC 631.273 is hereby amended to read as follows:

631.273 1. If, upon the death of a dentist licensed pursuant to chapter 631 of NRS, a surviving member of his or her family desires to own or control his or her practice, share in the fees therefrom, or control the services offered, the surviving member shall, within 2 months after the dentist's death, notify the Board of that fact by furnishing the Secretary-Treasurer with a certified copy of the death certificate.

2. Upon receipt of the death certificate, the Board will appoint one or more of its members, agents or employees to investigate the operation of the dental practice of the decedent to determine whether the practice is being conducted in full compliance with the requirements of chapter 631 of NRS and the regulations of the Board, paying particular attention to the health, welfare and safety of the public.

3. If, upon investigation, the Board finds that the practice is not being conducted in full compliance with the requirements of chapter 631 of NRS or the regulations of the Board, it will

apply to the district court to enjoin the continuation of the practice and will further institute any disciplinary action it deems necessary against any licensed dentist , *dental therapist* or dental hygienist associated with the practice.

Sec. 26. NAC 631.275 is hereby amended to read as follows:

631.275 1. For the purposes of paragraph ~~(b)~~ (i) of subsection 2 of NRS 631.215, the Board will deem a person to exercise authority or control over the clinical practice of dentistry if the person, by agreement, lease, policy, understanding or other arrangement, exercises authority or control over:

(a) The manner in which a licensed dentist, *a dental therapist*, a dental hygienist or a dental assistant uses dental equipment or materials for the provision of dental treatment;

(b) The use of a laboratory or the decision to purchase or not to purchase dental equipment or materials against the advice of a licensed dentist if the dentist reasonably concludes that such use, purchase or failure to purchase would impair the ability of the dentist , *a dental therapist* or a dental hygienist to provide dental care to a patient consistent with the standard of care in the community;

(c) A decision of a licensed dentist regarding a course or alternative course of treatment for a patient, the procedures or materials to be used as part of a course of treatment or the manner in which a course of treatment is carried out by the dentist, *a dental therapist*, a dental hygienist or a dental assistant;

(d) The length of time a licensed dentist , *a dental therapist* or a dental hygienist spends with a patient or if the person otherwise places conditions on the number of patients a licensed dentist , *a dental therapist* or a dental hygienist may treat in a certain period of time;

(e) The length of time a licensed dentist, *a dental therapist*, a dental hygienist or a dental assistant spends performing dental services, against the advice of the dentist, if the dentist reasonably believes that the ability of the dentist, *dental therapist*, dental hygienist or dental assistant to provide dental care to a patient consistent with the standard of care in the community would be impaired;

(f) The referrals by a licensed dentist to another licensed dentist or otherwise places any restriction or limitation on the referral of patients to a specialist or any other practitioner the licensed dentist determines is necessary;

(g) The clinical practices of a *dental therapist or* dental hygienist regarding appropriate *dental therapy care or* dental hygiene care , *as applicable*, or the duties that a licensed dentist may delegate to a *dental therapist or* dental hygienist;

(h) Patient records at any time to the exclusion of the applicable licensed dentist or the applicable patient;

(i) A decision of a licensed dentist to refund payments made by a patient for clinical work that is not performed or is performed incorrectly by:

- (1) The dentist; or
- (2) A *dental therapist or* dental hygienist employed by the licensed dentist or a professional entity of the licensed dentist;

(j) A decision regarding the advertising of the practice of a licensed dentist if the decision would result in a violation of the provisions of NRS 631.348 by the dentist;

(k) A decision to establish fees for dental services against the advice of a licensed dentist if the dentist reasonably concludes that those fees would impair the ability of the dentist , ~~for~~ a

dental therapist or a dental hygienist to provide dental care to patients consistent with the standard of care in the community;

(l) A decision relating to the clinical supervision of *dental therapists or* dental hygienists and ancillary personnel regarding the delivery of dental care to patients of a licensed dentist;

(m) The hiring or firing of licensed dentists , *dental therapists* or dental hygienists or the material clinical terms of their employment relationship with a licensed dentist or a professional entity of a licensed dentist;

(n) A decision regarding the hiring of ancillary personnel against the advice of a licensed dentist or a decision by a licensed dentist to fire or refuse to work with ancillary personnel if that advice, firing or refusal is related to the clinical competence of that ancillary personnel to render dental care to patients, regardless of who employs such ancillary personnel; and

(o) The material terms of any provider contracts or arrangements between a licensed dentist or a professional entity of a licensed dentist and third-party payors against the advice of the dentist, if the dentist reasonably concludes that the contract or arrangement would impair the ability of the dentist to provide dental care to patients consistent with the standard of care in the community.

2. For the purposes of this section:

(a) “Ancillary personnel” means a person, other than a licensed dentist , *a dental therapist* or a dental hygienist, who:

(1) Directly provides dental care to a patient under the supervision of a licensed dentist , *a dental therapist* or a dental hygienist; or

(2) Assists a licensed dentist , *a dental therapist* or a dental hygienist in the provision of dental care to a patient.

(b) “Clinical” means relating to or involving the diagnosis, evaluation, examination, prevention or treatment of conditions, diseases or disorders of the maxillofacial area, oral cavity or the adjacent and associated structures and their impact on the human body, as typically provided by a licensed dentist or, if applicable, a *dental therapist or* dental hygienist, within the scope of the education, experience and training of the dentist , *dental therapist* or dental hygienist, in accordance with applicable law and the ethics of the profession of dentistry.

Sec. 27. NAC 631.279 is hereby amended to read as follows:

631.279 1. Any applicant or licensed dentist , *dental therapist* or dental hygienist may obtain a determination or advisory opinion from the Board as to the applicability of any provision of chapter 631 of NRS or any regulation adopted pursuant thereto by bringing an action for a declaratory judgment before the Board.

2. The Board will construe any statute or regulation reviewed pursuant to this section in a manner consistent with the declared policy of the State of Nevada.