

LCB File No. R202-09

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

NAC 631.215 Activities that constitute the exercise of authority or control over the clinical practice of dentistry (NRS 631.215 as amended by SB 295).

1. For the purpose of NRS 631.215(f)(3), the board will consider that a person or entity exercises authority or control over the clinical practice of dentistry if the person or entity by agreement, lease, policy, understanding or other arrangement exercises authority or control over:

a. the manner in which a dentist, dental hygienist or dental assistant uses dental equipment or material for the provision of dental treatment;

b. the purchase or non-purchase of dental equipment or material, or the use of a laboratory, against the advice of the dentist if the dentist reasonably concludes that such purchase or non-purchase, or use of a laboratory, would impair the dentist's or a dental hygienist's ability to deliver dental care for patients consistent with the standard of care in the community;

c. the decision of any dentist regarding a course or alternative courses of treatment for the patient, the procedures, or materials to be used as part of the course of treatment or the manner in which the course or treatment is carried out by the dentist, dental hygienist or dental assistant;

d. the amount of time a dentist or dental hygienist spends with any patient or otherwise places conditions on the number of patients a dentist or dental hygienist may see in a period of time;

e. the amount of time a dentist, dental hygienist or dental assistant spends performing dental services against the advice of the dentist if the dentist reasonably believes that the dentist's, dental hygienist's or dental assistant's ability to deliver dental care for patients consistent with the standard of care in the community would be impaired;

f. the referrals by a dentist to another dentist or place any restriction or limitation on referral of patients to a specialist or any other practitioner the dentist determines is necessary;

g. the clinical practices of dental hygienists regarding appropriate dental hygiene care or duties delegable to a dental hygienist;

h. patient records at any time to the exclusion of the dentist or the patient;

i. the decision of any dentist to refund patient fees for clinical work not performed or incorrectly performed by the dentist or any dental hygienist employed by a dentist or a dentist's professional entity in his or her dental practice, or decisions regarding the advertising of the dentist's practice if such decisions would result in the dentist's violation of NRS 631.348 or NAC 631.270;

j. the decision to establish fees for dental services against the advice of the dentist if the dentist reasonably concludes that such fees would impair the dentist's or a dental hygienist's ability to deliver dental care for patients consistent with the standard of care in the community;

k. decisions relating to the clinical supervision of dental hygienists and ancillary personnel regarding the delivery of dental care to patients in the dentist's practice;

l. the hiring and firing of dentists and dental hygienists or the material terms of their employment relationship with the dentist or the dentist's professional entity to the extent related to the clinical practice of dentistry, or decisions regarding the hiring of ancillary personnel against the advice of the dentist or a dentist's decision to fire or refuse to work with ancillary personnel if related to the clinical competence of such ancillary personnel to render dental care to patients, regardless of who employs such personnel; and

m. the material terms of any provider contracts or arrangements between the dentist or professional entity and third party payors against the advice of the dentist if the dentist reasonably concludes that such contract or arrangement would impair the dentist's ability to deliver dental care for patients consistent with the standard of care in the community.

2. For purpose if this Regulation, the following terms shall have the following meaning:

a. "Ancillary personnel" shall mean any individual other than a licensed dentist or dental hygienist, to the extent that such individual directly delivers dental care to patients under the supervision of a dentist or dental hygienist, or assists a dentist or dental hygienist in the delivery of dental care to patients.

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