

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

New regulation:

NAC 631: Subpoenas.

- 1. A party desiring to subpoena a witness must submit an application in writing to the Executive Director stating the reasons why a subpoena is requested.*
- 2. The Executive Director may require that a subpoena requested by a party for the production of health records (as defined by NRS 629.021), papers, accounts or other documents, be issued only after the submission of an application in writing, which specifies as clearly as may be, the health records, papers, books, accounts or other documents desired.*
- 3. The Executive Director, upon receipt of an application for a subpoena, shall:*
 - (a) Grant the application and issue the subpoena;*
 - (b) Deny the application; or*
 - (c) Schedule a hearing to decide whether to grant or deny the application.*
- (d) If an application to issue a subpoena is denied the applicant may petition the board for reconsideration.*

NAC 631.029

NAC 631.029 **Schedule of fees (NRS 631.190, 631.345)** The Board will charge and collect the following fees:

Examination fee for an initial license to practice dentistry (ADEX).....\$1,500

NAC 631.030:

NAC 631.030 **Provision of certain information and documentation by applicant for licensure; examination for certain licenses. (NRS 631.190, 631.220, 631.255, 631.271, 631.272, 631.274, 631.275)**

1. An applicant for licensure must provide the following information and documentation in his application:
 - (a) The date and place of his birth;
 - (b) Certification of graduation from an accredited dental school or college or from an accredited school or college of dental hygiene, whichever is applicable;
 - (c) Whether he 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 application;
 - (d) If he has practiced dentistry 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 has practiced or is practicing that he is in good standing and that there are not any disciplinary proceedings affecting his standing pending against him in the other state or territory of the United States or the District of Columbia;
 - (e) Whether he 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, his reasons for doing so;

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

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

(h) Whether he 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 his conviction or plea and the sentence, if any, which was imposed;

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

(j) Whether any malpractice judgment has been entered against him and, if so, any documents relevant to the malpractice judgment;

(k) Whether he has a history of substance abuse and, if so, any documents relevant to the substance abuse;

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

(m) Whether he 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 has had his license to practice dentistry or dental hygiene suspended, revoked or placed on probation 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 or probation;

(o) Whether his practice of dentistry or dental hygiene has been subject to mandatory supervision in this State, another state or territory of the United States or the District of Columbia and, if so, any documents relevant to the mandatory supervision;

(p) Whether he has received a public reprimand or is currently involved in any disciplinary action concerning his license to practice dentistry 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; and

(r) Any other information requested by the Board.

2. An applicant for licensure with examination must deliver to the Board, at least 45 days before the examination:

(a) The information and documentation listed in subsection 1;

(b) If applicable, the certified statement and proof required by subsection 5;

(c) A completed and signed application form issued by the Board, including a properly executed request to release information;

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

(e) A copy of his malpractice insurance policy showing the effective dates, which must cover his examination dates, and the limits of liability.

3. An applicant for licensure pursuant to NRS 631.272 must deliver to the Board, at least 45 days before the meeting of the Board to consider the applicant for licensure, the documents listed in paragraphs (a) to (e), inclusive, of subsection 2 and proof that the applicant has actively practiced dentistry for the 5 years immediately preceding the date of submission of the

application. If the applicant fails to deliver to the Board, at least 45 days before the meeting of the Board to consider the applicant for licensure, any of the documents required pursuant to this subsection, the Executive Director or the Secretary-Treasurer shall reject the application and inform the applicant that he is not eligible for consideration for licensure pursuant to NRS 631.272 until the next scheduled meeting of the Board.

4. *All applicants for licensure* ~~[An applicant for licensure pursuant to NRS 631.255, 631.272 or 631.274]~~ must, at least 45 days before the meeting of the Board to consider the applicant for licensure, pass an examination on the contents and interpretation of this chapter and chapter 631 of NRS. The examination will be given on the first Monday of each month. If the first Monday of the month is a legal holiday, the examination will be given on the first Tuesday of the month.

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

(a) A statement certifying that each laser that will be used by the licensee in his practice of dentistry or dental hygiene has been cleared by the Food and Drug Administration for use in dentistry; and

(b) Proof that he 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.

NAC 631.050 Rejection of application; reconsideration and review. (NRS 631.160, 631.190)

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

(a) An application is:

(1) Deficient;

(2) Not in the proper form; or

(3) Delivered to the Board less than the 45 days required before the examination pursuant to subsection 2 of NAC 631.030 or less than the 45 days required before the meeting of the Board to consider the applicant for licensure pursuant to subsection 3 of NAC 631.030; 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) A malpractice judgment against him;

(d) A history of substance abuse;

(e) Been refused permission to take an examination for licensure by any other state or territory of the United States or the District of Columbia;

(f) Been denied licensure by any other state or territory of the United States or the District of Columbia;

(g) Had his license to practice dentistry or dental hygiene suspended, revoked or placed on probation in this State, another state or territory of the United States or the District of Columbia;

(h) A malpractice claim pending disposition;

(i) Not maintained active dental or dental hygiene practice, as applicable, for 2 years or more prior to the date of application to the board

(j) Had his practice of dentistry or dental hygiene subject to mandatory supervision in this State, another state or territory of the United States or the District of Columbia; or

(k) Received a public reprimand or is currently involved in any disciplinary action concerning his license to practice dentistry 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 his 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 his application at the next regularly scheduled meeting of the Board.

NAC 631.090 **Examination for license to practice dentistry.** (NRS 631.190, 631.240) In fulfillment of the statutory requirements of paragraph (b) of subsection 1 of NRS 631.240, the applicant must:

~~{1. Demonstrate proficiency in the fabrication of dentures by performing procedures authorized by the Board;~~

~~—2. Restore a tooth, using silver alloy (a class II restoration);~~

~~—3. Restore a tooth, using a partial veneer crown which covers the entire occlusal surface while maintaining sound enamel on the buccal or lingual surfaces, or both;~~

~~—4. Make such other restorations as the Board requires; and~~

~~—5. Perform such other procedures as the Board requires.}~~

1 Pass Dental Simulated Clinical Examination (DSCE) as authorized by the Board

2. Demonstrate proficiency in endodontics as the Board requires

3. Demonstrate proficiency in fixed prosthodontics as the Board requires

4. Demonstrate proficiency in restorative dentistry as the Board requires

5. Demonstrate proficiency in periodontics as the Board requires

6. Perform such other procedures as the Board requires

NAC 631.140 **Reexaminations; completion of failed clinical demonstration.** (NRS 631.190, 631.220, 631.240, 631.280, 631.300)

1. An applicant who does not pass *all sections of* the examination may apply for a reexamination. The application must be made on a form furnished by the Board.

~~{2. If, within 1 year after filing his application for licensure, an applicant files an application for reexamination, the applicant must revise the information on the original application by furnishing the Board with a supplement when subsequent changes have taken place.~~

~~—3.}~~ 2. An applicant who does not pass *the* examination may not take another examination without completing such additional professional training as is required by the Board.

~~{4.}~~ 3. An applicant who does not pass the examination solely because he fails one of the ~~{clinical}~~ demonstrations required pursuant to subsections ~~{1, 2 and 3}~~ *1,2,3,4,5, and 6* of NAC 631.090 may, at the next scheduled examination, complete the remaining demonstration without being required to retake any other part of the examination. If he does not successfully complete

the remaining demonstration at the next scheduled examination, he must retake the entire examination.

~~15.1~~ 4. For the purposes of NRS 631.280, an applicant who attempts to complete successfully a demonstration pursuant to subsection ~~14~~ 3 shall not be deemed to have failed the examination twice if he fails to complete that demonstration successfully.

NAC 631.173 Continuing education: Required hours; types of courses and activities; approval of provider or instructor. (NRS 631.190, 631.342)

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

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

3. In addition to the hours of instruction prescribed in subsections 1 and 2, each dentist 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. Any provider of or instructor for a course in continuing education relating to the practice of dentistry 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 on Accreditation of Healthcare Organizations.

5. 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.

6. Study by group may be approved for continuing education if the organizer of the group complies with the requirements of subsection 5 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.

7. Credit may be allowed for attendance at a meeting or a convention of a dental and dental hygiene society.

8. Credit may be allowed for courses completed at home which are taught through correspondence or videocassettes.

9. Credit may be allowed for dental and dental hygiene services provided on a voluntary basis to nonprofit agencies and organizations approved by the Board.

NAC 631.175 Continuing education: Approved subjects; minimum requirements for clinical subjects; maximum credit for certain types of courses and activities. (NRS 631.190, 631.342)

1. Approved subjects for continuing education in dentistry 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. At least 15 *hours, or 30 hours, as applicable to the type of license held pursuant to NRS 631.330*, of the hours of continuing education required for dentists by NAC 631.173 must be in clinical subjects approved pursuant to paragraph (a) of subsection 1.
3. At least 12 *hours, or 24 hours, as applicable to the type of license held pursuant to NRS 631.330*, of the hours of continuing education required for dental hygienists by NAC 631.173 must be in clinical subjects approved pursuant to paragraph (a) of subsection 1.
4. The Board will credit, as a maximum in any *one year of the 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 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 in the home through correspondence or videocassettes, 6 hours.
 - (d) For all other courses conducted by an approved instructor, the number of hours completed by the dentist or dental hygienist.
 - (e) For approved dental 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.

NAC 631.177 Continuing education: Renewal or reinstatement of license; records; unprofessional conduct; audits. (NRS 631.190, 631.330, 631.335, 631.342)

1. When requesting a renewal or reinstatement of his license, each:
 - (a) Dentist shall submit a signed, written statement in substantially the following language for each year since his 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 hygienist shall submit a signed, written statement in substantially the following language for each year since his 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

(c) Dentist or dental hygienist shall submit proof of his 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 or dental hygienist at an approved course in continuing education must be retained by the dentist 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 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 or subsequent failure of a dentist and dental hygienist to obtain or file proof of completion of the annual *or biennial, as applicable to the type of license held pursuant to NRS 631.330*, credit hours of instruction required by this section and NAC 631.173 and 631.175 is unprofessional conduct.

4. The Board will conduct random audits of dentists or dental hygienists to ensure compliance with the requirements of this section and NAC 631.173 and 631.175.