

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

LCB File No. R143-17

January 19, 2017

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

AUTHORITY: §1, NRS 631.190, 631.220, 631.230 and 631.290 and section 3 of Senate Bill No. 69, chapter 518, Statutes of Nevada 2017, at page 3510 (NRS 622.530); §2, NRS 631.160, 631.190, 631.230, 631.260 and 631.290; §3, NRS 631.190 and 631.240; §4, NRS 631.190, 631.220, 631.240, 631.280 and 631.300; §§5 and 6, NRS 631.190.

A REGULATION relating to dental care; requiring an applicant for licensure to practice dentistry or dental hygiene to provide certain information and documentation in his or her application; requiring an applicant for such licensure by endorsement to provide certain additional information and documentation in his or her application; requiring an applicant for licensure to practice dentistry who is taking certain clinical examinations to demonstrate certain proficiencies; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Board of Dental Examiners of Nevada to adopt rules and regulations necessary to carry out the provisions governing dentistry and dental hygiene. (NRS 631.190)

Existing law requires every applicant for a license to practice dental hygiene or dentistry, or any of its special branches, to accompany the application with the required fee and such other documentation as the Board may require by regulation. (NRS 631.220) Existing law further sets forth that, in addition to other requirements, a person is eligible to apply for a license to practice dentistry or dental hygiene in the State of Nevada if the person is of good moral character. Existing law authorizes the Board, in order to determine whether a person is of good moral character, to consider whether the: (1) person’s license to practice dentistry or dental hygiene in another state has been suspended or revoked; or (2) person is currently involved in any disciplinary action concerning his or her license in that state. (NRS 631.230, 631.290) Existing regulations require an applicant for licensure to practice dentistry or dental hygiene to provide certain information and documentation in his or her application, including whether: (1) a malpractice judgment has been entered against the applicant; (2) the applicant has had his or her license to practice dentistry or dental hygiene suspended, revoked or placed on probation; (3) the applicant’s practice of dentistry or dental hygiene has been subject to mandatory supervision;

and (4) the applicant has received a public reprimand or is currently involved in any disciplinary action concerning his or her license to practice dentistry or dental hygiene. (NAC 631.030)

Section 1 of this regulation: (1) removes the requirement that an applicant must include in his or her application for licensure whether a malpractice judgment has been entered against him or her and instead requires such an applicant to include whether he or she has been held civilly or criminally liable for misconduct relating to his or her occupation or profession; (2) requires an applicant to include in his or her application for licensure whether he or she has previously been disciplined concerning his or her license to practice dentistry or dental hygiene, including if he or she has previously received a public reprimand; (3) removes the requirement that an applicant must include in his or her application for licensure whether his or her practice of dentistry or dental hygiene has been subject to mandatory supervision; and (4) requires an applicant to provide in his or her application evidence which shows that the applicant is currently certified in administering cardiopulmonary resuscitation. **Sections 2, 5 and 6** of this regulation make conforming changes.

Section 1 further requires an applicant for licensure to include in his or her application for licensure the following information and documentation: (1) whether he or she has committed unprofessional conduct; (2) an application form that he or she has completed and signed; (3) certain statements and proofs if the applicant wishes to use laser radiation in his or her practice of dentistry or dental hygiene; (4) evidence that the applicant is eligible to apply for a license to practice dentistry or dental hygiene; and (5) a statement of whether the applicant is subject to a court order for the support of a child.

Existing regulations require: (1) an applicant for certain licensures to provide certain information to the Board; and (2) all applicants to pass a certain examination at least 45 days before the meeting of the Board to consider the applicant for licensure. (NAC 631.030) **Section 1** removes these requirements. **Section 2** makes conforming changes.

The Nevada Legislature during the 2017 Legislative Session enacted Senate Bill No. 69, which, with certain exceptions, requires a regulatory body to adopt regulations that allow for the issuance of a license by endorsement. (Section 3 of Senate Bill No. 69, chapter 518, Statutes of Nevada 2017, at page 3510) **Section 1** requires an applicant for licensure by endorsement to practice dentistry or dental hygiene to provide certain information and documentation with his or her application, including proof that the applicant has: (1) achieved a passing score on certain examinations; and (2) actively practiced dentistry or dental hygiene for the 5 years immediately preceding the date of submission of the application.

Existing law requires any person desiring to obtain a license to practice dentistry in Nevada to successfully pass a clinical examination: (1) approved by the Board and the American Board of Dental Examiners; or (2) administered by the Western Regional Examining Board. (NRS 631.240) Existing regulations require an applicant for licensure to practice dentistry who is taking the clinical examination approved by the Board and the American Board of Dental Examiners to pass certain examinations and demonstrate certain proficiencies. (NAC 631.090) **Section 3** of this regulation requires an applicant to pass certain examinations and demonstrate certain proficiencies if the applicant is taking the clinical examination: (1) approved by the Board

and the American Board of Dental Examiners; or (2) administered by the Western Regional Examining Board. **Section 4** of this regulation makes conforming changes.

Section 1. 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 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 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 ~~[any malpractice judgment]~~ *he or she* has been ~~[entered against him or her and, if so, any documents relevant to the malpractice judgment;]~~ *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 and, if so, any documents relevant to the substance abuse;

(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 or dental hygiene suspended, revoked or placed on probation , *or has otherwise been disciplined concerning his or her license to practice dentistry or dental hygiene, including, without limitation, 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 , ~~[or]~~ probation ~~;~~ *or other discipline;*

(o) ~~Whether his or her 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;~~ *A copy of current certification in administering cardiopulmonary resuscitation;*

(p) Whether he or she ~~has received a public reprimand or~~ is currently involved in any disciplinary action concerning his or her 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) *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, as amended by section 6 of Senate Bill No. 101, chapter 238, Statutes of Nevada 2017, at page 1256, and section 25 of Assembly Bill No. 474, chapter 605, Statutes of Nevada 2017, at page 4414, 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; or

(2) Dental hygiene pursuant to NRS 631.290;

(v) The statement required by NRS 425.520; and

(w) Any other information requested by the Board.

2. An applicant for licensure ~~[with examination]~~ *by endorsement pursuant to section 3 of Senate Bill No. 69, chapter 518, Statutes of Nevada 2017, at page 3510,* must ~~[deliver to the Board, at least 45 days before the examination:]~~ *provide the following information and documentation with his or her application:*

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

(b) ~~[If applicable, the certified statement and proof required by subsection 5;]~~ *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) ~~[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 or her malpractice insurance policy showing the effective dates, which must cover his or her examination dates, and the limits of liability.]~~ *Proof that the applicant has actively practiced dentistry or dental hygiene for the 5 years immediately preceding the date of submission of the application.*

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 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 or she is not eligible for consideration for licensure pursuant to NRS 631.272 until the next scheduled meeting of the Board.~~

~~—4.— Each applicant for licensure 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 or her 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 the practice of dentistry 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. 2. 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; ~~for~~

~~— (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 or her;}~~ *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;
- (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 or dental hygiene suspended, revoked or placed on probation , *or has otherwise been disciplined concerning his or her license to practice dentistry or dental hygiene, including, without limitation, 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 or dental hygiene, as applicable, for 2 years or more before the date of the application to the Board; *or*

(i) ~~Had his or her 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~~

~~—(j) Received a public reprimand or is~~ *Is* currently involved in any disciplinary action concerning his or her 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 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. 3. NAC 631.090 is hereby amended to read as follows:

631.090 Except as otherwise provided in NRS 622.090, in fulfillment of the statutory requirements of ~~subparagraph (1) 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:

1. Pass the Dental Simulated Clinical Examination ~~†~~ *or a comparable examination administered by the Western Regional Examining Board, as applicable;*
2. Demonstrate proficiency in endodontics as the organization administering the clinical examination requires;
3. Demonstrate proficiency in fixed prosthodontics as the organization administering the clinical examination requires;
4. Demonstrate proficiency in restorative dentistry as the organization administering the clinical examination requires;
5. Demonstrate proficiency in periodontics as the organization administering the clinical examination requires; and
6. Perform such other procedures as the Board requires.

Sec. 4. NAC 631.140 is hereby amended to read as follows:

631.140 1. Except as otherwise provided in NRS 622.090, an applicant who does not pass all sections of 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* may apply for a reexamination. The application must be made on a form furnished by the Board.

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.

3. An applicant who does not pass the examination solely because he or she fails one of the demonstrations required pursuant to NAC 631.090 may, at the next scheduled examination, complete the remaining demonstration. If the applicant does not successfully complete the remaining demonstration at the next scheduled examination or within the timeline approved by

the American Board of Dental Examiners *or by the Western Regional Examining Board* for a person who takes the examination as part of an integrated curriculum, he or she must retake the entire examination.

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

Sec. 5. 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 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 in that state;
 4. The conviction of any felony or misdemeanor involving moral turpitude or which relates to the practice of dentistry in this State or the conviction of any violation of chapter 631 of NRS;
- or

5. ~~The filing and service upon him or her of any claim or complaint of malpractice.~~ *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. 6. 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 ~~malpractice,~~ 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;
- ~~(e)~~ (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;
- ~~(f)~~ (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;
- ~~(g)~~ (h) Satisfy the Secretary-Treasurer that he or she is of good moral character; and
- ~~(h)~~ (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 license to practice dentistry 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, 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, 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,

↳ before the license may be reinstated.