

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

**LCB FILE NO. R106-221**

**The following document is the initial draft regulation proposed  
by the agency submitted on 06/23/2022**

## **Proposed Regulation Changes Regarding Dental Therapy**

**NAC 631.030 Provision of certain information and documentation by applicant for licensure; provision of certain additional information for licensure by endorsement; requirements for use of laser radiation in practice. ([NRS 622.530](#), [631.190](#), [631.220](#), [631.230](#), [631.255](#), [631.272](#), [631.274](#), [631.290](#))**

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, **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 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, **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, 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](#);

(2) **Dental therapy pursuant to [NRS 631.312](#)**; or

(3) 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 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](#).

**NAC 631.\_\_\_\_ Dental Therapists: Eligibility to apply for license; educational requirements. (NRS 631.190, NRS 631.312)**

In addition to the requirements set forth in [NRS 631.312\(1\)\(c\)](#), a dental therapist applicant shall complete a program of dental therapy:

1. In which the applicant completes at least 500 clinical practice hours in the dental therapy program, which will include practice hours in extractions and restorations, which clinical practice hours shall not be counted towards the hours of clinical practice as a dental therapist as set forth in [NRS 631.3122\(1\)\(a\)](#), (b), or (c); and
2. That includes a curriculum of at least 3 years of academic instruction in dental therapy for its academic equivalent.

**NAC 631. Examination for license to practice dental therapy. (NRS 631.190, NRS 631.312)**

Except as otherwise provided in NRS 622.090, in fulfillment of the statutory requirements of paragraph (a) of subsection 1 of NRS 631.3121, an applicant taking the clinical examination approved by the Board and the ~~American Board of Dental Examiners~~ Commission on Dental Competency Assessments-Western Regional Examining Board (“CDCA-WREB”) or the clinical examination administered by the ~~Western Regional Examining Board~~ CDCA-WREB must:

1. Pass a Dental Therapy Simulated Clinical Examination or a comparable examination administered by the ~~Western Regional Examining Board~~ CDCA-WREB, as applicable;
2. Demonstrate proficiency in endodontics on a simulated mannequin as the organization administering the clinical examination requires;
3. Demonstrate proficiency in the preparation and placement of pre-formed crowns on a simulated mannequin, as the organization administering the clinical examination requires;
4. Demonstrate proficiency in restorative dentistry on a live patient as the organization administering the clinical examination requires; and
5. Perform such other procedures as the Board requires.

**NAC 631.\_\_\_\_ "Direct Supervision" defined for purposes of NRS 631.3122.**  
([NRS 631.190](#), [NRS 631.105](#), [NRS 631.312](#), [NRS 631.3122](#), [NRS 631.3123](#))

For purposes of [NRS 631.3122](#), "Direct Supervision" shall, in addition to the definition set forth for "Supervision by a dentist" under [NRS 631.105](#), require that the authorizing dentist of a dental therapist:

1. Designates a patient of record upon whom the procedures are to be performed by the dental therapist.
2. Describes the procedures to be performed to the dental therapist.
3. Examines the patient before prescribing the procedures to be performed by the dental therapist.
4. Examines the patient upon completion of the procedures that were performed by the dental therapist.

**NAC 631.\_\_\_\_\_ Required provisions of dental therapy written practice agreement. (NRS 631.190, NRS 631.312, NRS 631.3122, NRS 631.3123)**

A dental therapy written practice agreement, as set forth in [NRS 631.3122](#) and [NRS 631.3123](#), shall require:

1. procedures to be used for the duplication, maintenance and storage, by the authorizing dentist, of all patient records generated by the dental therapist;
2. procedures to be used for the management of medical emergencies, including, but not limited to, CPR training and certification, first aid, automated external defibrillator (AED), and supplemental oxygen;
3. procedures outlining the roles of every staff member to assist during medical emergencies;
4. the plan for monthly review of patient records as required under [NRS 631.3123\(4\)](#) shall include a written log maintained by the authorizing dentist that:
  - a. includes evaluations of patient referrals and referral follow-up to the authorizing dentist or an appropriate dental specialist; and
  - b. includes **de-identified** patient demographic information to be available for review and examination by the Board; and
5. procedures for dispensing and administering medication, as clearly defined in the written practice agreement and subject to the restrictions set forth under [NRS 631.3127](#).



**NAC 631. Requirements of authorizing dentist supervising a dental therapist. (NRS 631.190, NRS 631.312, NRS 631.3122, NRS 631.360)**

In addition to the requirements for an authorizing dentist supervising dental therapist as set forth in [NRS 631.3122](#) and [NRS 631.3123](#), the authorizing dentist must also address, within the practice agreement:

1. provisions for another dentist or specialist to provide any service needed by the dental therapist's patient that exceeds the dental therapist's authorized scope of practice;
  2. provisions regarding any limitation on services, practice settings, and patient groups to be treated by the dental therapist, including practice settings pursuant to [NRS 631.3122\(3\)](#) and age-specific or procedure-specific practice protocols including, but not limited to, case selection criteria, assessment guidelines and imaging frequency;
  3. provisions regarding any limitation on practice settings established by the authorizing dentist and the level of supervision required for various services or treatment settings;
  4. establish practice protocols, including protocols for informed consent, recordkeeping, managing medical emergencies and providing care to patients with complex medical conditions, including requirements for consultation before initiating care;
  5. establish practice protocols for quality assurance, administering and dispensing medications and supervising dental assistants; and
  6. establish practice protocols to govern situations in which the dental therapist encounters a patient requiring treatment that exceeds the dental therapist's authorized scope of practice or the limits imposed by written practice agreement.
7. attest in writing that the supervising dentist does not have any pending claims and/or disciplinary action with the Nevada Board of Dental Examiners against him/her at the time of execution of the practice agreement.
8. provision acknowledging that should the supervising dentist become the subject of a claim and/or disciplinary action with the Nevada Board of Dental Examiners subsequent to the execution of the practice agreement and during the term of the agreement, the supervising dentist must provide notification to the dental therapist that he/she is the subject of a board investigation and shall adhere to the requirements as outlined in NAC 631.\_\_\_\_, which includes, but is not limited to, discontinuing the supervision of the dental therapist in his/her clinical practice until the investigation has been completed and the Board has authorized the parties to resume the practice agreement.

**NAC 631. \_\_\_\_\_ Notification to dental therapist if authorizing dentist is under board investigation. (NRS 631.190, NRS 631.312, NRS 631.3122, NRS 631.360)**

In addition to the requirements for an authorizing dentist supervising dental therapist as set forth in [NRS 631.3122\(4\)](#), the holder of a license or renewal certificate to practice dental therapy may practice only under the authorization of a dentist who is not the current subject of an investigation pursuant to [NRS 631.360](#).

If an authorizing dentist is notified by the Board that they current subject of an investigation pursuant to [NRS 631.360](#), that authorizing dentist shall:

1. notify any dental therapist with whom they have entered into a written practice agreement within 7 business days that they are disqualified from continuing to supervise the dental therapist;

2. discontinue directly supervising the dental therapist in his or her clinical practice upon providing the dental therapist with notice of their disqualification until the investigation has been completed **and the Board has authorized the parties to resume the practice agreement;**

3. immediately notify the Board of the supervising dentist's practice agreement with the dental therapist and provide a copy of the agreement to the Board and proof that the supervising dentist notified the dental therapist of the pending claim and/or disciplinary action;

4. the authorizing dentist may only resume supervision of the dental therapist if the investigation did not result in a disciplinary action **and the Board has authorized the parties to resume the practice agreement;** and
5. the dental therapist must enter into a new written practice agreement with another authorizing dentist **which must be reviewed and approved by the Board** before they can resume clinical dental therapy practice.

**NAC 631.\_\_\_\_ Dental therapists: Authorization to perform certain services; referral of patient to authorizing dentist for certain purposes.**  
([NRS 631.190](#), [NRS 631.312](#), [NRS 631.3122](#), [NRS 631.3124](#), [NRS 631.3125](#), [631.313](#), [631.317](#))

1. A dental therapist may provide the following services under the indirect supervision of the authorizing dentist if the authorizing dentist has given the dental therapist written authorization and standing protocols for the services and reviews patient records as provided by the written practice agreement pursuant to NRS 631.3122:

- (a) Making and exposing cone-beam radiographs.
- (b) Application of topical preventive or prophylactic agents, including fluoride varnishes and pit and fissure sealants when indicated only if radiographs obtained within 6 months
- (c) Remove excess cement from cemented restorations or orthodontic appliances without rotary • Re-cement and repair temporary crowns and bridges
- (d) Re-cement permanent crowns and bridges with nonpermanent material as a palliative treatment
- (e) Administer local intraoral chemotherapeutic agents in any form except aerosol including:
  - a. Antimicrobial agents;
  - b. Fluoride preparations;
  - c. Topical Anesthetics; and
  - d. Topical Desensitizing agents
- (f) Minor adjustments and repairs of removable partial dentures
- (g) Placement and removal of space maintainers.

2. A dental therapist may provide the following services only under the direct supervision of a dentist, as set forth under NAC 631.\_\_\_\_, and, prior to dismissal of the patient, the authorizing dentist must review and evaluate the patient and treatment rendered by the dental therapist:

- (a) Cavity preparation
- (b) Restoration of primary and permanent teeth
- (c) Extractions of primary teeth and permanent teeth with grade three plus mobility with recorded periodontal charting
- (d) Preparation and placement of preformed crowns on primary teeth
- (e) Indirect and direct pulp capping of permanent
- (f) Administration of local anesthetic

(g) Sub-gingival Curettage

(h) fabricating mouth guards for TMJ dysfunction or sleep disorders; and

(i) Definitive charting of the oral cavity.

3. A dental therapist may provide the following services to a patient who has not first seen a dentist for examination if the authorizing dentist has given the dental therapist written authorization and standing protocols for the services and reviews patient records as provided by the written practice agreement pursuant to NRS 631.3122:

(a) Making radiographs PA, Bitewings and Panorex

(b) Mechanical polishing

(c) Application of desensitizing medication or resin o  
Preliminary charting of the oral cavity

(d) Removal of sutures

(e) Oral health instruction and disease prevention education,  
including nutritional counseling dietary analysis; and

(f) Fabricating mouth guards for use in sports protection