

LCB File No. R004-99

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

NOTICE OF INTENT TO ACT UPON A REGULATION

**Notice of Hearing for the Amendment
of Regulations of the Nevada State Board of Dental Examiners**

The Nevada State Board of Dental Examiners will hold a public hearing at 10:30 a.m. on Saturday, January 15, 2000, at the offices of the Board, 2295-B Renaissance Drive, Las Vegas, Nevada 89119. The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to chapter 631 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.060:

1. The need for and purpose of the proposed amendment to regulations is the protection of the citizens of Nevada by assuring that those individuals who return to active practice are qualified and have not incurred disciplinary action in other jurisdictions.
2. The subjects and issues involved in the proposed amendments to regulations deal with clarification of the requirements for changing license status from retired, disabled, or inactive to active license status. The definition of active license status is the full privilege and responsibility of actively practicing dentistry or dental hygiene in the State of Nevada.
3. There are no economic effects on either the public or the profession.
4. The cost for enforcement of this regulations will not increase the current total cost for regulating the dental and dental hygiene professions.
5. To our knowledge, this amendment does not overlap or duplicate any other state, local or federal regulation or statute.
6. The amendment is not required pursuant to a federal law.
7. To our knowledge there are no federal regulations governing the practice of dentistry or dental hygiene.
8. No new fee or increases in fees are proposed in this amendment.

Persons wishing to comment upon the proposed action of the Nevada State Board of Dental Examiners may appear at the scheduled public hearing or may address their comments, data, views, or arguments in written form to the Nevada State Board of Dental Examiners, 2225 Renaissance Drive, Suite E, Las Vegas, Nevada 89119. Written submissions must be received by the Nevada State Board of Dental Examiners on or before January 10, 2000. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada State Board of Dental Examiners may proceed immediately to act upon any written submissions.

A copy of this notice and the proposed regulation will be on file at the State Library, 100 Stewart Street, Carson City, Nevada for inspection by the public during business hours. Additional copies of this notice and the proposed regulation will be available at the Nevada State Board of Dental Examiners, 2225 Renaissance Drive, Suite E, Las Vegas, Nevada, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice has been posted at the following locations:

Carson City County Courthouse, 198 N. Carson Street, Carson City, Nevada.
Clark County District Health Department, 625 Shadow Lane, Las Vegas, Nevada.
Elko County Courthouse, Room 106, Elko, Nevada.
Washoe County Courthouse, 75 Court Street, Reno, Nevada.
Office of the N.S.B.D.E., 2225-E Renaissance Drive, Las Vegas, Nevada.
Carson City Library, 900 N. Roop St., Carson City, Nevada.
Churchill County Library, 553 S. Main St., Fallon, Nevada.
Las Vegas Library, 833 Las Vegas Blvd, North, Las Vegas, Nevada.
Douglas County Library, 1625 Library Lane, Minden, Nevada.
Elko County Library, 720 Court St., Elko, Nevada.
Goldfield Public Library, Fourth & Crook St., Goldfield, Nevada.
Eureka Branch Library, 10190 Monroe St., Eureka, Nevada.
Humboldt County Library, 85 East 5th St., Winnemucca, Nevada.
Battle Mountain Branch Library, 625 Broad St., Battle Mountain, Nevada.
Lincoln County Library, 93 Main Street, Pioche, Nevada .
Lyon County Library, 20 Nevin Way, Yerington, Nevada .
Mineral County Library, First & A Street, Hawthorne, Nevada.
Tonopah Public Library, 171 Central St., Tonopah, Nevada.
Pershing County Library, 1125 Central Ave., Lovelock, Nevada.
Storey County Library, 95 South R. St., Virginia City, Nevada.

Washoe County Library, 301 S. Center St., Reno, Nevada.
White Pine County Library, 950 Campton St., Ely, Nevada.
Las Vegas Office of the State Attorney General, 555 E. Washington Ave, Las Vegas, Nevada
Carson City Office of the State Attorney General, 198 S. Carson St., Carson City, Nevada
Reno City Hall, 490 S. Center, Reno, Nevada 89505
White Pine County Clerk, White Pine County Courthouse, Ely, Nevada.

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

Deletions designated by ~~⊞~~

Additions designated by *italics*

631.170 Placement of license on inactive, *retired, or disabled* status; reinstatement.

1. A licensee may request the board to place his license in an inactive, *or retired* status. Such a request must be made in writing and before his license expires.
2. The secretary-treasurer may reinstate an inactive license upon the written request of the inactive licensee. If the licensee has maintained an active license and practice outside this state during the time his Nevada license was inactive, he must:
 - (a) Pay the appropriate renewal fees;
 - (b) Provide a list of his employment during the time his license was inactive;
 - (c) Report all claims of malpractice, unprofessional conduct, or professional incompetence against him or any violation of the law which he may have committed, including administrative disciplinary charges brought by any other jurisdiction;
 - (d) Report any appearance he may have made before a peer review committee;
 - (e) Submit proof of his continuing education *in the amount of twenty-four (24) hours for the previous two (2) years and completion of continuing education, pro-rated as necessary, for the year in which the licensee is to be restored to active status;*
 - (f) Provide certification from each jurisdiction in which he ~~currently practices~~ *has ever practiced* that his license is in good standing and that no proceedings which may affect that standing are pending;
 - (g) Satisfy the secretary-treasurer that he is of good moral character; and
 - (h) Provide any other information which the secretary-treasurer may require.In determining whether the licensee is of good moral character, the secretary-treasurer may consider whether his license to practice dentistry in another state has been suspended or revoked or whether he is currently involved in any disciplinary action concerning his license in that state.
3. If a person whose license has been placed on inactive status has not maintained an active license or practice outside this state, he 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 continuing education *in the amount of twenty-four (24) hours for the previous two (2) years and completion of continuing education, pro-rated as*

*necessary, for the year in which the licensee is to be restored to active status;
and*

~~[(d) — At least two letters of recommendation from actively practicing dentists who are licensed in this state; and]~~

~~[(e)](d)~~ A list of his employment during the time his license was inactive, before his license may be reinstated.

4. *An inactive licensee who has not practiced for two (2) or more years must comply with Section 3(a) - (d) and may be required to submit additional continuing education as prescribed by the board and/or reexamination for licensure before his license may be reinstated.*
5. *If the licensee has been retired for two (2) or more years, he/she must comply with Section 3(a) - (d) and, at the discretion of the board, may be required to submit additional continuing education as prescribed by the board and/or reexamination for licensure before his license may be reinstated.*
6. *If a person is disabled and cannot perform the services as set forth in NRS 631.215:*
 - (a) *A person who is disabled may reinstate his license by complying with section 3(a) - (d), and may be required to submit additional continuing education as prescribed by the board and/or reexamination for licensure;*
 - (b) *Must submit a certifying statement from a physician that he can perform the services as set forth in NRS 631.215 before his license may be reinstated.*

Informational Statement

The following statement is submitted for ~~adopted temporary~~ *proposed* regulations to Nevada Administrative Code NAC 631.

- 1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.**

Notice of the November 13, 1998, public hearing was posted on October 13, 1998, at the following locations: Carson City, Clark, Elko, Washoe, and White Pine County Courthouses; Carson City County, Churchill County, Clark County, Douglas County, Elko County, Esmeralda County, Eureka County, Humboldt County, Lander County, Lincoln County, Lyon County, Mineral County, Nye County, Pershing County, Storey County, Washoe County, and White Pine County Public Libraries; Las Vegas Office of the Attorney General; Reno City Hall; Clark County District Health Department; and Office of the Nevada State Board of Dental Examiners in Las Vegas, Nevada.

A mailing list of approximately fifty (50) individuals and organizations who have requested notification of the Board's public meetings was also notified at this time.

Comments from the public were limited to clarification of certain sections of the amended regulations.

A copy of the transcript of the public hearing may be obtained by writing to the Nevada State Board of Dental Examiners, 2225-E Renaissance Drive, Las Vegas, NV 89119.

- 2. The number of persons who:**

(a) Attended each hearing:	25
(b) Testified at each hearing:	4
(c) Submitted to the agency written comments:	2

- 3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation of how other interested persons may obtain a copy of the summary.**

Comments were solicited from licensed dentists and dental hygienists in the State of Nevada through notices to individuals, to the Nevada Dental Association, the Clark County Dental Society, and officers of the Nevada Dental Hygiene Association. As indicated above, notices were posted in all county libraries and in several county courthouses. Other than the aforementioned inquires regarding clarification of sections of the amendments, no other comments were received either in writing or orally. A copy of the transcript of the public hearing may be obtained by writing to the Nevada State Board of Dental Examiners, 2225-E Renaissance Drive, Las Vegas, NV 89119.

- 4. If the regulation was adopted without changes in any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The regulations were discussed at a public workshop held on November 13, 1998. All requirements and changes were discussed and drafted at this meeting. Therefore, the public hearing was a review of LCB language with no changes requested. One correction was noted and approved by LCB.

- 5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public.**

- (a) Both adverse and beneficial effects; and**
- (b) Both immediate and long-term effects.**

See Item #3 of the Notice of Intent to Act

- 6. The estimated cost of the agency for enforcement of the adopted regulations.**

No additional cost is anticipated for the enforcement of these regulations.

- 7. A description of any regulations of other state or government agencies which the proposed regulations overlap or duplicate, and a statement explaining why the duplication or overlapping is necessary. If the regulations overlap or duplicate a federal regulation, the name of the regulating federal agency.**

To our knowledge, there are no other state or government agency regulations which the proposed regulations will overlap or duplicate.

- 8. If the regulations include provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

Each state regulates its own license-holders. Therefore, the federal government has no regulations which directly effect the practice of dentistry and dental hygiene.

- 9. If the regulation provides a new fee or increase an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

No new or increased fees will be instituted by these regulations.