

LCB File No. R023-06

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

NAC 631.230 (1) (q): *The failure of a licensed dentist who owns a dental practice to provide copies of patient records, which are the basis of a complaint with the Nevada State Board of Dental Examiners, to either a licensed dentist or dental hygienist who has performed those services while either an employee or as independent contractor. Nothing in this regulation relieves the treating dentist or dental hygienist from his/her obligation to provide those patient records to the Board.*

NAC 631.230 (1) (r): *The failure of a licensed dentist who owns a dental practice to first verify licensure with the Board before either employing or entering into an independent contractor agreement with any individual who is offering to perform services as either a dentist or dental hygienist.*

NAC 631.230 (1) (s): *A licensed dentist who owns a dental practice who participates in the diagnosis or treatment of any patient, may be found to have committed unprofessional conduct where the services are performed by a licensed dentist or hygienist who is either employed or has provided services as an independent contractor, if the services rendered by either the employee or independent contractor are found to be below the standard of care by substantial evidence. Further, where a licensed dentist or dental hygienist, who is either employed or provides services as an independent contractor is found to have provided services to be below the standard of care by substantial evidence, the licensed dentist who owns the dental practice who participated in the diagnosis or treatment, may be required to reimburse that patient(s) pursuant to NRS 631.350(1)(l).*

NAC 631.230 (1) (t): *The failure of a licensed dentist who owns a dental practice to identify in the patient's records the name(s) of the dentist or dental hygienist who provided the services each time services are rendered.*

NAC 631.023 (3) (f) (NRS 631.360):

(f) Issue a subpoena on behalf of the Board to compel attendance of witnesses or production of documents or objects needed for an investigation or hearing being conducted by the Board.

(g) May grant continuances before commencement of a hearing before the Board.

(h) Perform such other duties as the Board may direct.

NAC 631.120 (1): The practical part of the dentist's or dental hygienist's examination must be performed in the presence of a quorum of the examining members of the Board. *In determining quorum, dentists or dental hygienists appointed pursuant to NRS 631.130(1) shall*

be counted to satisfy the requirements of a quorum for the dental examination or the dental hygiene examination administered by the Board.

NAC 631: An investigator shall not participate in the decision rendered by the Board during a hearing conducted by the Board but may provide testimony regarding his findings and conclusions on the matter. (NRS 631.363)

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: Representation of parties; qualifications of attorneys.

Appearances and representation of parties must be made as follows:

1. A licensee may appear in person or may be represented by an attorney.

2. If a party chooses to be represented by an attorney, the attorney must be one who is admitted to practice and in good standing before the highest court of any state of the United States. If the attorney is not admitted to practice and in good standing before the Supreme Court of Nevada, an attorney so admitted and in good standing must be associated with the attorney appearing before the Board.