



The Oral Health Crisis in Nevada

The Problem: Poor oral health can lead to pain, other systemic illnesses and can be life threatening. Many barriers exist for people to get adequate dental care and this can have a significant impact on the quality of life.

A Solution: A multi-pronged approach should be considered to help improve health outcomes in Nevada. Removing barriers to care are feasible, cost effective ways to improve oral health, reduce dental pain and suffering, promote overall health and reduce oral health disparities in our state.

We are requesting the following four changes:

- Self -Regulation
- Local Anesthesia (change supervision)
- Dental Therapy
- Tele-Dentistry

SUMMARY OF EACH REQUESTED CHANGE

Self- Regulation

Enhance the rule making structure to represent an evolving profession and eliminate the conflict of interest by being regulated by the employer.

- Allow for transformative change, accountability to public health and scope of practice issues and ensure the profession has an equal voice in decision making.

Local Anesthesia

Allow dental hygienists to practice to the full extent of their education and allow administration of local anesthesia under authorization of a dentist, remove direct supervision.

- Dental hygienists are highly educated and skilled professionals, must graduate from an accredited institution, pass national and regional board exams and obtain professional licensure.

Dental Hygienists have been administering local anesthesia for pain management since 1982 with no history of negligence. Allowing this would provide greater pain management options for the public and ensure that patients can receive the proper treatment whether or not the dentist is present. Surrounding states have already passed legislation many years ago, with no history of negligence.

Dental Therapy

A new midlevel dental provider could increase access to care and bring care to many vulnerable populations.

- Dental Therapists must graduate from an accredited dental hygiene program and have additional years of advanced education to have the ability to provide expanded practice services such as fillings and simple extractions.
- They may practice in private settings, non-profit and public health settings and may be very helpful in ensuring care in rural areas.
- This model is also expected to provide a more diverse workforce and population served with less barriers.

Tele-Dentistry

Tele-Dentistry would allow dental professionals to work collaboratively to serve vulnerable populations using new and innovative technology.

- Could enhance the current dental delivery system
- Reduce social and geographic barriers to improve access to care
- Increase the number of patients that can be assessed and treated
- Reduce costs
- Telemedicine has proven to be successful for increasing access to medical care in communities. The use of tele-dentistry has been underutilized.
- Can be implemented for assessments, consulting, referrals, monitoring and improved communication between patients and/or providers.

SUGGESTED LANGUAGE

Self- Regulation

Language submitted from 2009 Legislative Session-SB320-R1

(this language has not been cross referenced with current statutes)

AN ACT relating to dental hygiene; creating a new chapter in NRS to govern dental hygienists and the practice of dental hygiene; establishing the Nevada State Board of Dental Hygienists; revising provisions relating to dentistry and dental hygiene; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law contains provisions relating to dental hygienists and the practice of dental hygiene within chapter 631 of NRS, which relates to dentistry.

Sections 2-56 of this bill create a new chapter within NRS relating solely to dental hygienists and the practice of dental hygiene. **Sections 59-80 and 116** of this bill revise chapter 631 of NRS to remove or repeal provisions relating to dental hygienists and the practice of dental hygiene. **Sections 57, 58 and 81-115** of this bill revise various provisions of NRS to account for the removal of provisions relating to dental hygienists and the practice of dental hygiene from chapter 631 of NRS and the addition of the new chapter relating solely to dental hygienists and the practice of dental hygiene.

Section 117 of this bill provides for the transition of authority over dental hygienists and the practice of dental hygiene from chapter 631 of NRS to the new chapter created by **sections 2-56** of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 54 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 56, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 10, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Accredited” means approved by the Commission on Dental Accreditation of the American Dental Association or its successor organization.*

Sec. 4. *“Board” means the Nevada State Board of Dental Hygienists.*

Sec. 5. *“Dental hygiene” means the performance of educational, preventive and therapeutic periodontal treatment, including scaling, curettage and planing of roots and any related and required intraoral or extraoral procedures that a dentist is authorized to assign to a dental hygienist.*

Sec. 6. *“Dental hygienist” means any person who practices the profession of dental hygiene and is licensed pursuant to this chapter.*

Sec. 7. *“License” means a certificate issued by the Board to any applicant upon completion of requirements for admission to practice dental hygiene.*

Sec. 8. *“Malpractice” means failure on the part of a dental hygienist to exercise the degree of care, diligence and skill ordinarily exercised by dental hygienists in good standing in the community in which he practices. As used in this section, “community” means the entire area customarily served by dental hygienists among whom a patient may reasonably choose, not merely the particular area inhabited by the patients of that individual dental hygienist or the particular city or place where he has his office.*

Sec. 9. *“Renewal certificate” means the certificate of renewal of a license issued by the Board.*

Sec. 10. *“Supervision by a dentist” means that a dentist is:*

- 1. Physically present in the office where the procedures to be supervised are being performed, while these procedures are being performed; and*
- 2. Capable of responding immediately if any emergency should arise.*

Sec. 11. *The Nevada State Board of Dental Hygienists, consisting of 7 members appointed by the Governor, is hereby created.*

Sec. 12. 1. *The Governor shall appoint to the Board:*

(a) Five members who:

- (1) Are graduates of accredited schools or colleges of dental hygiene;*
- (2) Are residents of Nevada; and*
- (3) Have been actively engaged in the practice of dental hygiene in Nevada for a period of at least 5 years before their appointment to the Board.*

(b) One member who has resided in Nevada for at least 5 years and who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care. This member may be licensed under the provisions of this chapter.

(c) One member who is a representative of the general public.

This member must not be:

- (1) A dentist or a dental hygienist; or*
- (2) The spouse or the parent or child, by blood, marriage or adoption, of a dentist or a dental hygienist.*

2. If a member is not licensed under the provisions of this chapter, the member shall not participate in grading any examination required by the Board.

Sec. 13. *The five members of the Board who are dental hygienists must be appointed from areas of the State as follows:*

- 1. Two of those members must be from Carson City, Douglas County or Washoe County.*
- 2. Two of those members must be from Clark County.*
- 3. One of those members may be from any county of the State.*

Sec. 14. *The Governor shall remove from office any member of the Board for:*

- 1. Continued neglect of duty.*
 - 2. Incompetency.*
 - 3. Dishonorable or unprofessional conduct as defined in this chapter.*
- Sec. 15. 1.** *At the first regular meeting of each year, the Board shall elect from its membership one of its members as President and one of its members as Secretary-Treasurer, each of whom shall hold office for 1 year and until his successor is elected and qualified.*
- 2. The Board shall define the duties of the President, the Secretary-Treasurer and the Executive Director.*
 - 3. The Executive Director shall receive such compensation as determined by the Board, and the Board shall fix the amount of the bond to be furnished by the Secretary-Treasurer and the Executive Director.*

Sec. 16. 1. *The Board shall meet whenever necessary to examine applicants. The dates of the examinations must be fixed by the Board. The Board may conduct examinations outside this State, and for this purpose may use the facilities of dental colleges. 2. The Board may also meet at such other times and places and for such other purposes as it may deem proper. 3. A quorum consists of five members of the Board.*

Sec. 17. *The liability of any person retained as an independent contractor by the Board to judge the qualifications of an applicant for licensure by the Board is limited to the same extent as is provided in NRS 41.035 for a member of the Board. Sec. 18. 1. Each member of the Board is entitled to receive:*

- (a) A salary of not more than \$150 per day as fixed by the Board, while engaged in the business of the Board; and*
- (b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.*

2. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

3. *The Board shall deposit in banks, credit unions or savings and loan associations in this State all fees which it receives.*

4. *All expenses of the Board must be paid from the fees received by the Board, and no part thereof may be paid from the State General Fund.*

Sec. 19. *In addition to the powers and duties provided in this chapter, the Board shall:*

1. *Adopt rules and regulations necessary to carry out the provisions of this chapter.*
2. *Appoint such committees, examiners, officers, employees, agents, attorneys, investigators and other professional consultants and define their duties and incur such expense as it may deem proper or necessary to carry out the provisions of this chapter, the expense to be paid as provided in this chapter.*
3. *Fix the time and place for and conduct examinations for the granting of licenses to practice dental hygiene.*
4. *Examine applicants for licenses to practice dental hygiene.*
5. *Collect and apply fees as provided in this chapter.*
6. *Keep a register of all dental hygienists licensed in this State, together with their addresses, license numbers and renewal certificate numbers.*
7. *Have and use a common seal.*
8. *Keep such records as may be necessary to report the acts and proceedings of the Board. Except as otherwise provided in section 51 of this act, the records must be open to public inspection.*
9. *Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.*
10. *Have discretion to examine work authorizations in dental offices or dental laboratories.*

Sec. 20. *The Board shall operate on the basis of a fiscal year commencing on July 1 and terminating on June 30.*

Sec. 21. (Deleted by amendment.)

Sec. 22. 1. *Every applicant for a license to practice dental hygiene must:*

(a) *File an application with the Board at least 45 days before:*

(1) The date on which the examination will be given; or (2) If an examination is not required for the issuance of a license, the date on which the Board is scheduled to take action on the application.

(b) *Accompany the application with a recent photograph of himself together with the required fee and such other documentation as the Board may require by regulation.*

(c) *Submit with the application a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of*

Investigation for its report.

2. *An application must include all information required to complete the application.*

Sec. 23. 1. *In addition to any other requirements set forth in this chapter:*

(a) *An applicant for the issuance of a license to practice dental hygiene shall include the social security number of the applicant in the application submitted to the Board.*

(b) *An applicant for the issuance or renewal of a license to practice dental hygiene shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.*

2. *The Board shall include the statement required pursuant to subsection 1 in:*

(a) *The application or any other forms that must be submitted for the issuance or renewal of the license; or (b) A separate form prescribed by the Board.*

3. *A license to practice dental hygiene may not be issued or renewed by the Board if the applicant:*

(a) *Fails to submit the statement required pursuant to subsection 1; or*

(b) *Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.*

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 24. 1. *In addition to any other requirements set forth in this chapter, an applicant for the issuance or renewal of a license to practice dental hygiene shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.*

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted

for the issuance or renewal of the license; or (b) A separate form prescribed by the Board.

3. A license to practice dental hygiene may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 25. *As soon as possible after the examination has been given, the Board, under rules and regulations adopted by it, shall determine the qualifications of the applicant and shall issue to each person found by the Board to have the qualifications therefor a license which will entitle the person to practice dental hygiene subject to the provisions of this chapter.*

Sec. 26. 1. *The Board shall, without a clinical examination required by section 30 of this act, issue a limited license to practice dental hygiene to a person who:*

(a) Is qualified for a license to practice dental hygiene in this State;

(b) Pays the required application fee;

(c) Has entered into a contract with the Nevada System of Higher Education to provide services as an instructor of dental hygiene at an educational facility of the Nevada System of Higher Education;

(d) Satisfies the requirements of section 29 of this act; and (e) Satisfies at least one of the following requirements:

(1) Has a license to practice dental hygiene issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(2) Presents to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the person has passed, within the 5 years immediately preceding the date of the application, a clinical examination administered by the Western Regional Examining Board; or (3) Has the educational facility where the person will provide services as an instructor of dental hygiene submit to the Board written confirmation that the person has been appointed to a position in the program and is a citizen of the United States or is lawfully entitled to remain and work in the United States. If a person qualifies for a limited license pursuant to this subparagraph, the limited license remains valid only while the person is actively providing services as an instructor of dental hygiene, is lawfully entitled to remain and work in the United States and is in compliance with all other requirements for the limited license.

2. The Board shall not issue a limited license to a person:

(a) Who has been issued a license to practice dental hygiene if:

(1) The person is involved in a disciplinary action

concerning the license; or

(2) The license has been revoked or suspended; or

(b) Who has been refused a license to practice dental hygiene, in this State, another state or territory of the United States, or the District of Columbia.

3. A person to whom a limited license is issued pursuant to subsection 1:

(a) May practice dental hygiene in this State only:

(1) At the educational facility where he is employed; and (2) In accordance with the contract required by paragraph (c) of subsection 1.

(b) Shall not, for the duration of the limited license, engage in the private practice of dental hygiene in this State or accept compensation for the practice of dental hygiene except such compensation as may be paid to him by the Nevada System of Higher Education for services provided as an instructor of dental hygiene.

4. A limited license expires 1 year after its date of issuance and may be renewed on or before the date of its expiration, unless the holder no longer satisfies the requirements for the limited license. The holder of a limited license may, upon compliance with the applicable requirements set forth in section 33 of this act and the completion of a review conducted at the discretion of the Board, be granted a renewal certificate that authorizes the continuation of practice pursuant to the limited license for 1 year.

5. Within 7 days after the termination of his contract required by paragraph (c) of subsection 1, the holder of a limited license shall notify the Board of the termination, in writing, and surrender the limited license to the Board.

6. The Board may revoke a limited license at any time upon submission of substantial evidence to the Board that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 27. 1. *The Board shall, without a clinical examination required by section 30 of this act, issue a restricted geographical license to practice dental hygiene to a person if he meets the requirements of subsection 2 and:*

(a) A board of county commissioners submits a request that the Nevada State Board of Dental Hygienists waive the requirements of section 30 of this act for any applicant intending to practice dental hygiene in a rural area of a county in which dental hygiene needs are underserved as that term is defined by the officer of rural health of the University of Nevada School of Medicine;

(b) Two or more boards of county commissioners submit a joint request that the Nevada State Board of Dental Hygienists waive the requirements of section 30 of this act for any applicant intending to practice dental hygiene in one or more rural areas within those counties in which dental hygiene needs are underserved as that term is defined by the officer of rural health of the University of Nevada School of Medicine; or

(c) The director of a federally qualified health center or a nonprofit clinic submits a request that the Board waive the requirements of section 30 of this act for any applicant who has entered into a contract with a federally qualified health center or nonprofit clinic which treats underserved populations in Washoe County or Clark County.

2. A person may apply for a restricted geographical license if he:

(a) Has a license to practice dental hygiene issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(b) Is otherwise qualified for a license to practice dental hygiene in this State;

(c) Pays the application, examination and renewal fees in the same manner as a person licensed pursuant to section 30 of this act;

(d) Submits all information required to complete an application for a license; and

(e) Satisfies the requirements of section 29 of this act.

3. The Board shall not issue a restricted geographical license to a person:

(a) Whose license to practice dental hygiene has been revoked or suspended;

(b) Who has been refused a license to practice dental hygiene; or

(c) Who is involved in or has pending a disciplinary action concerning his license to practice dental hygiene,

in this State, another state or territory of the United States, or the District of Columbia.

4. *The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.*

5. *A person to whom a restricted geographical license is issued pursuant to this section:*

(a) *May practice dental hygiene only in the county or counties which requested the restricted geographical licensure pursuant to paragraph (a) or (b) of subsection 1.*

(b) *Shall not, for the duration of the restricted geographical license, engage in the private practice of dental hygiene in this State or accept compensation for the practice of dental hygiene except such compensation as may be paid to him by a federally qualified health center or nonprofit clinic pursuant to paragraph (c) of subsection 1.*

6. *Within 7 days after the termination of his contract pursuant to paragraph (c) of subsection 1, the holder of a restricted geographical license shall notify the Board of the termination, in writing, and surrender the restricted geographical license.*

7. *A person to whom a restricted geographical license was issued pursuant to this section may petition the Board for an unrestricted license without a clinical examination required by section 30 of this act if the person:*

(a) *Has not had his license to practice dental hygiene revoked or suspended in this State, another state or territory of the United States, or the District of Columbia;*

(b) *Has not been refused a license to practice dental hygiene in this State, another state or territory of the United States, or the District of Columbia;*

(c) *Is not involved in or does not have pending a disciplinary action concerning his license to practice dental hygiene in this State, another state or territory of the United States, or the District of Columbia; and (d) Has:*

(1) *Actively practiced dental hygiene for 3 years at a minimum of 30 hours per week in the county or counties which requested the restricted geographical licensure pursuant to paragraph (a) or (b) of subsection 1; or*

(2) *Been under contract with a federally qualified health center or nonprofit clinic for a minimum of 3 years.*

8. *The Board may revoke a restricted geographical license at any time upon submission of substantial evidence to the Board that the holder of the license violated any provision of sections 2 to 56, inclusive, of this act or the regulations of the Board.*

Sec. 28. 1. *The Board shall, upon application by a dental hygienist who is licensed pursuant to this chapter and has such qualifications as the Board specifies by regulation, issue a special endorsement of his license allowing him to practice public health dental hygiene pursuant to subsection 2.*

2. *The State Dental Health Officer may authorize a person who holds a special endorsement issued pursuant to subsection 1 to provide or cause to be provided such services for the promotion of public health dental hygiene as the State Dental Health Officer deems appropriate. Such services:*

(a) *May be provided at schools, community centers, hospitals, nursing homes and such other locations as the State Dental Health Officer deems appropriate.*

(b) *May not be provided at a dental office that is not operated by a public or nonprofit entity.*

Sec. 29. 1. *Any person is eligible to apply for a license to practice dental hygiene in this State who:*

(a) *Is of good moral character;*

(b) *Is over 18 years of age;*

(c) *Is a citizen of the United States or is lawfully entitled to remain and work in the United States; and*

(d) *Is a graduate of a program of dental hygiene from an institution which is accredited by a regional educational accrediting organization that is recognized by the United States Department of Education. The program of dental hygiene must:*

(1) *Be accredited by the Commission on Dental*

Accreditation of the American Dental Association or its successor specialty accrediting organization; and

(2) *Include a curriculum of not less than 2 years of academic instruction in dental hygiene or its academic equivalent.*

2. To determine whether a person has good moral character, the Board may consider whether his license to practice dental hygiene in another state has been suspended or revoked or whether he is currently involved in any disciplinary action concerning his license in that state.

Sec. 30. 1. Any person desiring to obtain a license to practice dental hygiene, after having complied with the regulations of the Board to determine eligibility:

(a) Except as otherwise provided in NRS 622.090, must pass a written examination given by the Board upon such subjects as the Board deems necessary for the practice of dental hygiene or must present a certificate granted by the Joint Commission on National Dental Examinations which contains a notation that the applicant has passed the National Board Dental Hygiene Examination with a score of at least 75; and

(b) Except as otherwise provided in this chapter, must:

(1) Successfully complete a clinical examination in dental hygiene given by the Board which examines the applicant's practical knowledge of dental hygiene and which includes, but is not limited to, demonstrations in the removal of deposits from, and the polishing of, the exposed surface of the teeth; or

(2) Present to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the applicant has passed, within the 5 years immediately preceding the date of the application, a clinical examination administered by the Western Regional Examining Board.

2. The clinical examination given by the Board must include components that are:

(a) Written or oral, or a combination of both; and

(b) Practical, as in the opinion of the Board is necessary to test the qualifications of the applicant.

3. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

4. All persons who have satisfied the requirements for licensure as a dental hygienist must be registered as licensed dental hygienists on the board register, as provided in this chapter and are entitled to receive a certificate of registration, signed by all members of the Board.

Sec. 31. 1. Except as otherwise provided in sections 26 and 28 of this act, the holder of a license or renewal certificate to practice dental hygiene may practice dental hygiene in this State in the following places:

(a) In the office of any licensed dentist.

(b) In a clinic or in clinics in the public schools of this State as an employee of the Health Division of the Department of Health and Human Services.

(c) In a clinic or in clinics in a state institution as an employee of the institution.

(d) In a clinic established by a hospital approved by the Board as an employee of the hospital where service is rendered only to patients of the hospital, and upon the authorization of a member of the dental staff.

(e) In an accredited school of dental hygiene.

(f) In other places if specified in a regulation adopted by the Board.

2. A dental hygienist may perform only the services which are authorized by a dentist licensed in the State of Nevada, unless otherwise provided in a regulation adopted by the Board.

3. Except as otherwise provided in section 28 of this act or specifically authorized by a regulation adopted by the Board, a dental hygienist shall not provide services to a person unless that person is a patient of the dentist who authorized the performance of those services.

4. A dental hygienist may, pursuant to the provisions of subsection 3 and regulations adopted by the Board, administer local anesthesia or nitrous oxide in a health care facility, as defined in NRS 449.800, if the health care facility has licensed medical personnel and necessary emergency supplies and equipment available when the local anesthesia or nitrous oxide is administered.

5. A dental hygienist shall not perform diagnosis or treatment planning unless otherwise provided in regulations adopted by the Board.

Sec. 32. The Board shall adopt rules or regulations:

1. Specifying the intraoral tasks that may be performed by a dental hygienist engaged in school health activities or employed by a public health agency.

2. *Governing the practice of dental hygienists in full-time employment with the State of Nevada.*

Sec. 33. 1. *A license issued pursuant to section 26 of this act must be renewed annually. All other licenses must be renewed biennially.*

2. Except as otherwise provided in section 26 of this act: (a) Each holder of a license to practice dental hygiene must, upon:

(1) Payment of the required fee;

(2) Submission of proof of completion of the required continuing education; and

(3) Submission of all information required to complete the renewal,

be granted a renewal certificate which will authorize continuation of the practice for 2 years.

(b) A licensee must comply with the provisions of this subsection and subsection 1 on or before June 30. Failure to comply with those provisions by June 30 every 2 years automatically suspends the license, and it may be reinstated only upon payment of the fee for reinstatement and compliance with the requirements of this subsection.

3. If a license suspended pursuant to this section is not reinstated within 12 months after suspension, it is automatically revoked.

Sec. 34. 1. *The license of a person who does not actively practice in this State for 1 year automatically reverts to inactive status at the time the license renewal fee is next payable. If a person whose license has reverted to inactive status:*

(a) Continues to practice actively outside this State, his license may be reinstated to active status by the Secretary-Treasurer if he pays the required reinstatement fee and complies with the conditions prescribed by the regulations of the Board.

(b) Does not continue to practice, his license may be reinstated to active status only upon the motion of the Board, submission of the required reinstatement fee and proof of continuing education, and compliance with the conditions prescribed by the regulations of the Board.

2. A licensee who has a disability and cannot practice, or who is retired must be issued a license which reflects that status when the fee to renew his license is next payable. His license may be reinstated to active status only upon the motion of the Board, submission of the required reinstatement fee and proof of continuing education, and compliance with the conditions prescribed by the regulations of the Board.

Sec. 35. 1. *Any person who has obtained from the Board a license certificate to practice dental hygiene in this State, and who fails to obtain a renewal certificate, must, before resuming practice, make application to the Secretary-Treasurer, under such rules as the Board may prescribe, for the restoration of the license to practice.*

2. Upon application being made, the Secretary-Treasurer shall determine whether the applicant possesses the qualifications prescribed for the granting of a license to practice, and whether the applicant continues to possess a good moral character and is not otherwise disqualified to practice in this State. If the Secretary-Treasurer so determines, he shall thereupon issue the license, and thereafter the person may make application annually for a renewal certificate, as provided in this chapter.

Sec. 36. 1. *The Board shall adopt regulations concerning continuing education in dental hygiene. The regulations must include:*

(a) The number of hours of credit required annually;

(b) The criteria used to accredit each course;

(c) The requirements for submission of proof of attendance at courses; and

(d) A provision requiring the completion of a course of instruction, within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(1) An overview of acts of terrorism and weapons of mass destruction;

(2) Personal protective equipment required for acts of terrorism;

(3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(4) Syndromic surveillance and reporting procedures for

acts of terrorism that involve biological agents; and

(5) *An overview of the information available on, and the use of, the Health Alert Network.*

The Board may thereafter determine whether to include in a program of continuing education additional courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.

2. *As used in this section:*

- (a) *“Act of terrorism” has the meaning ascribed to it in NRS 202.4415.*
- (b) *“Biological agent” has the meaning ascribed to it in NRS 202.442.*
- (c) *“Chemical agent” has the meaning ascribed to it in NRS 202.4425.*
- (d) *“Radioactive agent” has the meaning ascribed to it in NRS 202.4437.*
- (e) *“Weapon of mass destruction” has the meaning ascribed to it in NRS 202.4445.*

Sec. 37. *A holder of an inactive license, or the holder of a license who is retired or has a disability, is exempt from the requirement of continuing education. If the holder of such a license applies to the Board to reactivate it, he must submit proof of continuing education for the year in which the license is restored to active status.*

Sec. 38. 1. *The Board shall by regulation establish fees for the performance of the duties imposed upon it by this chapter, which must not exceed the following amounts:*

<i>Application fee for an initial license to practice dental hygiene</i>	<i>\$750</i>
<i>Application fee for a limited license or restricted license to practice dental hygiene.....</i>	<i>300</i>
<i>Biennial license renewal fee for a general license, temporary license or restricted geographical license to practice dental hygiene.....</i>	<i>600</i>
<i>Annual license renewal fee for a limited license to practice dental hygiene</i>	<i>300</i>
<i>Biennial license renewal fee for an inactive dental hygienist.....</i>	<i>200</i>
<i>Biennial license renewal fee for a dental hygienist who is retired or has a disability.....</i>	<i>100</i>
<i>Reinstatement fee for a suspended license to practice dental hygiene</i>	<i>500</i>
<i>Reinstatement fee for a revoked license to practice dental hygiene</i>	<i>500</i>
<i>Reinstatement fee to return a dental hygienist who is inactive, retired or has a disability to active status ...</i>	<i>\$500</i>
<i>Fee for the certification of a license.....</i>	<i>50</i>

2. *Except as otherwise provided in this subsection, the Board shall charge a fee to review a course of continuing education for accreditation. The fee must not exceed \$150 per credit hour of the proposed course. The Board shall not charge a nonprofit organization or an agency of the State or of a political subdivision of the State a fee to review a course of continuing education.*

3. *All fees prescribed in this section are payable in advance and must not be refunded.*

Sec. 39. *The following acts, among others, constitute unprofessional conduct:*

- 1. *Except as otherwise provided in section 28 of this act, giving a public demonstration of methods of practice any place other than the office where the licensee is known to be regularly engaged in this practice;*
- 2. *Procuring, inducing, aiding or abetting a person not licensed or registered as a dentist or dental hygienist to engage in the practice of dentistry or dental hygiene, but a patient shall not be deemed to be an accomplice, employer, procurer, inducer, aider or abettor;*
- 3. *Practicing in any place not authorized pursuant to this chapter; or*
- 4. *Practicing while his license is suspended or without a renewal certificate.*

Sec. 40. *The following acts, among others, constitute unprofessional conduct:*

1. Dividing fees or agreeing to divide fees received for services with any person for bringing or referring a patient, without the knowledge of the patient or his legal representative. 2. Associating with or lending his name to any person engaged in the illegal practice of dentistry or associating with any person, firm or corporation holding himself or itself out in any manner contrary to the provisions of this chapter or chapter 631 of NRS.

3. Using the name “clinic,” “institute,” “referral services” or other title or designation that may suggest a public or semipublic activity.

Sec. 41. *The following acts, among others, constitute unprofessional conduct:*

- 1. Malpractice;*
- 2. Suspension or revocation of his license to practice dental hygiene, the imposition of a fine or other disciplinary action by any agency of another state authorized to regulate the practice of dentistry or dental hygiene in that state;*
- 3. More than one act by the dental hygienist constituting substandard care in the practice of dental hygiene;*
- 4. Chronic or persistent inebriety or addiction to a controlled substance, to such an extent as to render him unsafe or unreliable as a practitioner, or such gross immorality as tends to bring reproach upon the dental hygiene profession; or*
- 5. Conviction of a felony or misdemeanor involving moral turpitude or which relates to the practice of dental hygiene in this State, or conviction of any criminal violation of this chapter.*

Sec. 42. *The following acts, among others, constitute unprofessional conduct:*

- 1. Publishing or circulating, directly or indirectly, any fraudulent, false or misleading statement concerning the skill or method of practice of any dentist or dental hygienist; 2. Using advertising which is false or misleading;*
- 3. Claiming or inferring professional superiority over neighboring practitioners;*
- 4. Using fraud or misrepresentation to secure a license; 5. Practicing under a name, other than a lawfully assumed or fictitious name, that is false or misleading; or*
- 6. Submitting a false or fraudulent claim for payment to an insurer for dental hygiene services rendered.*

Sec. 43. *The following acts, among others, constitute unprofessional conduct:*

- 1. Willful or repeated violations of the provisions of this chapter;*
- 2. Willful or repeated violations of the regulations of the State Board of Health, the State Board of Pharmacy or the Nevada*

State Board of Dental Hygienists;

- 3. Failure to pay the fees for a license; or*
- 4. Failure to make the health care records of a patient available for inspection and copying as provided in NRS 629.061. Sec. 44. 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license to practice dental hygiene, the Board shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

2. The Board shall reinstate a license to practice dental hygiene that has been suspended by a district court pursuant to NRS 425.540 if:

(a) The Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560; and

(b) The person whose license was suspended pays the fee imposed pursuant to section 38 of this act for the reinstatement of a suspended license.

Sec. 45. *The acts described in sections 39 to 43, inclusive, of this act must not be construed as a complete list of dishonorable or unprofessional conduct, or as authorizing or permitting the performance of other*

and similar acts, or as limiting or restricting the Board from holding that other or similar acts constitute unprofessional or dishonorable conduct.

Sec. 46. 1. *Except as otherwise provided in section 26 of this act, the Board may:*

- (a) Refuse to issue a license to any person;*
- (b) Revoke or suspend the license or renewal certificate issued by it to any person;*
- (c) Fine a person it has licensed;*
- (d) Place a person on probation for a specified period on any conditions the Board may order;*
- (e) Issue a public reprimand to a person;*
- (f) Require a person to participate in a program to correct alcohol or drug abuse or any other impairment;*
- (g) Require that a person's practice be supervised;*
- (h) Require a person to perform community service without compensation;*
- (i) Require a person to take a physical or mental examination or an examination of his competence;*
- (j) Require a person to fulfill certain training or educational requirements;*
- (k) Require a person to reimburse a patient; or*
- (l) Any combination thereof,*

upon submission of substantial evidence to the Board that the person has engaged in any of the activities listed in subsection 2. 2. The following activities may be punished as provided in subsection 1:

- (a) Engaging in the illegal practice of dental hygiene;*
 - (b) Engaging in unprofessional conduct; or*
 - (c) Violating any regulations adopted by the Board or the provisions of this chapter.*
- 3. The Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines therefor and deposit the money therefrom in banks, credit unions or savings and loan associations in this State.*
 - 4. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 3 and the Board deposits the money collected from the imposition of fines with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.*
 - 5. The Board shall not administer a private reprimand.*
 - 6. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records. Sec. 47. 1. Any disciplinary action taken by a hearing officer or panel pursuant to section 46 of this act is subject to the same procedural requirements which apply to disciplinary actions taken by the Board, and the officer or panel has those powers and duties given to the Board in relation thereto.*
 - 2. Any decision of the hearing officer or panel relating to the imposition of any disciplinary action pursuant to this chapter is a final decision in a contested case.*

Sec. 48. 1. *The Board may, upon its own motion, and shall, upon the verified complaint in writing of any person setting forth facts which, if proven, would constitute grounds for refusal, suspension or revocation of a license or certificate under this chapter, investigate the actions of any person holding a certificate. 2. The Board shall, before refusing to issue, or before suspending or revoking any certificate, at least 10 days before the date set for the hearing, notify in writing the applicant or the holder of the certificate of any charges made. The notice may be served by delivery of it personally to the accused person or by mailing it by registered or certified mail to the place of business last specified by the accused person, as registered with the Board.*

3. At the time and place fixed in the notice, the Board shall proceed to hear the charges. If the Board receives a report pursuant to subsection 5 of NRS 228.420, a hearing must be held within 30 days after receiving the report.

4. The Board may compel the attendance of witnesses or the production of documents or objects by subpoena. The Board may adopt regulations that set forth a procedure pursuant to which the Executive Director of the Board may issue subpoenas on behalf of the Board. Any person who is

subpoenaed pursuant to this subsection may request the Board to modify the terms of the subpoena or grant additional time for compliance.

5. *The Board may obtain a search warrant from a magistrate upon a showing that the warrant is needed for an investigation or hearing being conducted by the Board and that reasonable cause exists to issue the warrant.*

6. *If the Board is not sitting at the time and place fixed in the notice, or at the time and place to which the hearing has been continued, the Board shall continue the hearing for a period not to exceed 30 days.*

Sec. 49. 1. *The Board may appoint one of its members and any of its employees, investigators or other agents to conduct an investigation and informal hearing concerning any practice by a person constituting a violation of the provisions of this chapter or the regulations of the Board.*

2. *The investigator designated by the Board to conduct a hearing shall notify the person being investigated at least 10 days before the date set for the hearing. The notice must describe the reasons for the investigation and must be served personally on the person being investigated or by mailing it by registered or certified mail to his last known address.*

3. *If, after the hearing, the investigator determines that the Board should take further action concerning the matter, he shall prepare written findings of fact and conclusions and submit them to the Board. A copy of his report must be sent to the person being investigated.*

4. *If the Board, after receiving the report of its investigator pursuant to this section, holds its own hearing on the matter pursuant to section 48 of this act, it may consider the investigator's report but is not bound by his findings or conclusions. The investigator shall not participate in the hearing conducted by the Board.*

5. *If the person who was investigated agrees in writing to the findings and conclusions of the investigator, the Board may adopt that report as its final order and take such action as is necessary without conducting its own hearing on the matter.*

Sec. 50. 1. *The district court for the county in which any investigation or hearing is being conducted by the Board may compel the attendance of witnesses, the giving of testimony and the production of books and papers as required by any subpoena issued by or on behalf of the Board.*

2. *If any witness refuses to attend or testify or produce any papers required by a subpoena, the Board may so report to the district court for the county in which the investigation or hearing is pending by petition, setting forth:*

(a) *That due notice has been given of the time and place of attendance of the witness or the production of the books and papers;*

(b) *That the witness has been subpoenaed in the manner prescribed in this chapter;*

(c) *That the witness has failed and refused to attend or produce the papers required by subpoena before the Board in the investigation or hearing named in the subpoena, or has refused to answer questions propounded to him in the course of the investigation or hearing;*

(d) *That the subpoena identified specifically any documents or the subject of any testimony required;*

(e) *That the documents or testimony were relevant to the allegations being investigated or heard;*

(f) *That no reasonable cause exists for the failure or refusal to comply with the subpoena, and requesting an order of the court compelling the witness to attend and testify or produce the books or papers before the Board.*

3. *The court, upon petition of the Board, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, not more than 10 days after the service of the order, and show cause why he has not attended or testified or produced the books or papers before the Board. A certified copy of the order must be served upon the witness. If it appears to the court that the subpoena was regularly issued by or on behalf of the Board and there is no reasonable cause for the refusal or failure to comply, the court shall thereupon enter an order that the witness appear before the Board at the time and place fixed in the order and testify or produce the required books or papers, and upon failure to obey the order, the witness must be dealt with as if in contempt of court.*

4. *The court may consider, in determining whether reasonable cause existed for the witness's refusal or failure to comply with the subpoena, such factors as:*

- (a) The burden or cost of compliance, financial or otherwise, to the witness;*
- (b) The time allowed for compliance;*
- (c) The extent of the information requested in relation to the nature of the underlying charge; and*
- (d) The extent of the statistical information necessary to investigate the charge adequately.*

Sec. 51. 1. *Except as otherwise provided in this section and NRS 239.0115, any records or information obtained during the course of an investigation by the Board and any record of the investigation are confidential.*

2. *The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.*

3. *The Board may provide any record or information described in subsection 1 to any other licensing board or agency or any agency which is investigating a person licensed pursuant to this chapter, including a law enforcement agency.*

Sec. 52. 1. *Any person who furnishes information to the Board concerning a licensee or an applicant for licensure, in good faith and without malicious intent, is immune from any civil action for furnishing that information.*

2. *The Board, any member, employee or committee of the Board, counsel, investigator, expert, hearing officer, licensee or other person who assists the Board in the investigation or prosecution of an alleged violation of a provision of this chapter, a proceeding concerning licensure or reissuance of a license or a criminal prosecution is immune from any civil liability for:*

- (a) Any decision or action taken in good faith and without malicious intent in response to information acquired by the Board.*
- (b) Disseminating information concerning a licensee or an applicant for licensure to any member of the public, other licensing board, national association of registered boards, an agency of the Federal Government or of the State, the Attorney General or any law enforcement agency.*

3. *A defendant who is the prevailing party in a civil action brought pursuant to subsection 2 may recover the attorney's fees and costs incurred in defending the action.*

Sec. 53. *All licenses and renewal certificates to practice dental hygiene heretofore issued by the Board of Dental Examiners of Nevada and in force on March 20, 1951, if any, shall remain in force subject to the provisions of this chapter and shall entitle the holders to practice their profession as therein designated.*

Sec. 54. *Except as otherwise provided in section 32 of this act, this chapter does not apply to a dental hygienist of the United States Army, Navy, Air Force, Public Health Service, Coast Guard or Department of Veterans Affairs in the discharge of his official duty.*

Sec. 55. *A person is guilty of the illegal practice of dental hygiene who:*

- 1. *Sells or barter, or offers to sell or barter any certificate or transcript made or purporting to be made pursuant to the laws regulating the licensing and registration of dental hygienists;*
- 2. *Purchases or procures by barter any such certificate or transcript, with the intent that it be used as evidence of the holder's qualifications to practice dental hygiene, or in fraud of the laws regulating that practice;*
- 3. *With fraudulent intent, alters in a material regard any such certificate or transcript;*
- 4. *Uses or attempts to use any certificate or transcript, which has been purchased, fraudulently issued, counterfeited or materially altered, either as a license or color of license to practice dental hygiene, or in order to procure registration as a dental hygienist;*
- 5. *Appends the letters "R.D.H." to his name, not having conferred upon him, by diploma from an accredited dental or dental hygiene college or school legally empowered to confer the title, the right to assume the title; or*
- 6. *Assumes any title or appends any letters to his name with the intent to represent falsely that he has received a dental hygiene degree or license;*
- 7. *Willfully makes, as an applicant for examination, license or registration under this chapter, a false statement in a material regard in an affidavit required by this chapter;*

8. *Except as otherwise provided in NRS 629.091, practices dental hygiene in this State without a license; or*

9. *Aids or abets another in violating any of the provisions of this chapter.*

Sec. 56. 1. *A person who practices or offers to practice dental hygiene in this State without a license, or who, having a license, practices dental hygiene in a manner or place not permitted by the provisions of this chapter:*

(a) *If it is his first or second offense, is guilty of a gross misdemeanor.*

(b) *If it is his third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.*

2. *The Board may assign a person described in subsection 1 specific duties as a condition of renewing his license.*

3. *If a person has engaged or is about to engage in any acts or practices which constitute or will constitute an offense under this chapter, the district court of any county, on application of the Board, may issue an injunction or other appropriate order restraining the conduct. Proceedings under this subsection are governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking is required in any action commenced by the Board.*

Sec. 57. NRS 629.095 is hereby amended to read as follows:

629.095 1. Except as otherwise provided in subsection 2, the Commissioner of Insurance shall develop, prescribe for use and make available a single, standardized form for use by insurers, carriers, societies, corporations, health maintenance organizations and managed care organizations in obtaining any information related to the credentials of a provider of health care.

2. The provisions of subsection 1 do not prohibit the Commissioner of Insurance from developing, prescribing for use and making available:

(a) Appropriate variations of the form described in that subsection for use in different geographical regions of this State.

(b) Addenda or supplements to the form described in that subsection to address, until such time as a new form may be developed, prescribed for use and made available, any requirements newly imposed by the Federal Government, the State or one of its agencies, or a body that accredits hospitals, medical facilities or health care plans.

3. With respect to the form described in subsection 1, the Commissioner of Insurance shall:

(a) Hold public hearings to seek input regarding the development of the form;

(b) Develop the form in consideration of the input received pursuant to paragraph (a);

(c) Ensure that the form is developed in such a manner as to accommodate and reflect the different types of credentials applicable to different classes of providers of health care;

(d) Ensure that the form is developed in such a manner as to reflect standards of accreditation adopted by national organizations which accredit hospitals, medical facilities and health care plans; and

(e) Ensure that the form is developed to be used efficiently and is developed to be neither unduly long nor unduly voluminous.

4. As used in this section:

(a) "Carrier" has the meaning ascribed to it in NRS 689C.025. (b) "Corporation" means a corporation operating pursuant to the provisions of chapter 695B of NRS.

(c) "Health maintenance organization" has the meaning ascribed to it in NRS 695C.030. (d) "Insurer" means:

(1) An insurer that issues policies of individual health insurance in accordance with chapter 689A of NRS; and

(2) An insurer that issues policies of group health insurance in accordance with chapter 689B of NRS.

(e) "Managed care organization" has the meaning ascribed to it in NRS 695G.050.

(f) "Provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~or~~ *or sections 2 to 56, inclusive, of this act.*

(g) "Society" has the meaning ascribed to it in NRS 695A.044. **Sec. 58.** NRS 629.097 is hereby amended to read as follows: 629.097 1. If the Governor must appoint to a board a person who is a member of a profession being regulated by that board, the Governor shall solicit nominees from one or more applicable professional associations in this State.

2. To the extent practicable, such an applicable professional association shall provide nominees who represent the geographic diversity of this State.

3. The Governor may appoint any qualified person to a board, without regard to whether the person is nominated pursuant to this section.

4. As used in this section, “board” refers to a board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637A, 637B, 639, 640, 640A, 640B, 640C, 641, 641A, 641B or 641C ~~or sections 2 to 56, inclusive, of this act.~~

Sec. 59. NRS 631.040 is hereby amended to read as follows:

631.040 “Dental hygienist” means any person who practices the profession of dental hygiene and is licensed pursuant to ~~[this chapter.]~~ *the provisions of sections 2 to 56, inclusive, of this act.*

Sec. 60. NRS 631.130 is hereby amended to read as follows:

631.130 1. The Governor shall appoint:

- (a) ~~[Six]~~ *Nine* members who are graduates of accredited dental schools or colleges, are residents of Nevada and have ethically engaged in the practice of dentistry in Nevada for a period of at least 5 years.
- (b) One member who has resided in Nevada for at least 5 years and who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care. This member may be licensed under the provisions of this chapter.
- (c) ~~[Three members who:~~
 - ~~(1) Are graduates of accredited schools or colleges of dental hygiene;~~
 - ~~(2) Are residents of Nevada; and~~
 - ~~(3) Have been actively engaged in the practice of dental hygiene in Nevada for a period of at least 5 years before their appointment to the Board.~~
- ~~—(d)]~~ One member who is a representative of the general public.

This member must not be:

- (1) A dentist or a dental hygienist; or
 - (2) The spouse or the parent or child, by blood, marriage or adoption, of a dentist or a dental hygienist.
2. ~~[The members who are dental hygienists may vote on all matters but may not participate in grading any clinical examinations required by NRS 631.240 for the licensing of dentists.~~
- ~~3.]~~ If a member is not licensed under the provisions of this chapter, the member shall not participate in grading any examination required by the Board.

Sec. 61. NRS 631.140 is hereby amended to read as follows: 631.140 ~~[1.]~~ The ~~[six]~~ *eleven* members of the Board ~~[who are dentists, the member of the Board who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care, and the member of the Board who is a representative of the general public]~~ must be appointed from areas of the State as follows:

~~[(a) Three]~~ *1. Four* of those members must be from Carson City, Douglas County or Washoe County.

~~[(b) Four]~~ *2. Five* of those members must be from Clark County.

~~[(c) One]~~ *3. Two* of those members may be from any county of the State.

~~[2. The three members of the Board who are dental hygienists must be appointed from areas of the State as follows:~~

~~(a) — One of those members must be from Carson City, Douglas County or Washoe County.~~

~~(b) — One of those members must be from Clark County. — (c) One of those members may be from any county of the State.]~~

Sec. 62. NRS 631.170 is hereby amended to read as follows:

631.170 1. The Board shall meet whenever necessary to examine applicants. The dates of the examinations must be fixed by the Board. The Board may conduct examinations outside this State, and for this purpose may use the facilities of dental colleges.

2. The Board may also meet at such other times and places and for such other purposes as it may deem proper.

3. A quorum consists of ~~[five]~~ *seven* members who are dentists

~~.[and two members who are dental hygienists.]~~

Sec. 63. NRS 631.190 is hereby amended to read as follows:

631.190 In addition to the powers and duties provided in this chapter, the Board shall:

1. Adopt rules and regulations necessary to carry out the provisions of this chapter.
2. Appoint such committees, examiners, officers, employees, agents, attorneys, investigators and other professional consultants and define their duties and incur such expense as it may deem proper or necessary to carry out the provisions of this chapter, the expense to be paid as provided in this chapter.
3. Fix the time and place for and conduct examinations for the granting of licenses to practice dentistry . ~~[and dental hygiene.]~~ 4. Examine applicants for licenses to practice dentistry . ~~[and dental hygiene.]~~
5. Collect and apply fees as provided in this chapter.
6. Keep a register of all dentists ~~[and dental hygienists]~~ licensed in this State, together with their addresses, license numbers and renewal certificate numbers.
7. Have and use a common seal.
8. Keep such records as may be necessary to report the acts and proceedings of the Board. Except as otherwise provided in NRS 631.368, the records must be open to public inspection.
9. Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.
10. Have discretion to examine work authorizations in dental offices or dental laboratories.

Sec. 64. NRS 631.220 is hereby amended to read as follows:

631.220 1. Every applicant for a license to practice ~~[dental hygiene or]~~ dentistry ~~[,]~~ or any of its special branches ~~[,]~~ must: (a) File an application with the Board at least 45 days before:

(1) The date on which the examination will be given; or (2) If an examination is not required for the issuance of a license, the date on which the Board is scheduled to take action on the application.

(b) Accompany the application with a recent photograph of himself together with the required fee and such other documentation as the Board may require by regulation.

(c) Submit with the application a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

2. An application must include all information required to complete the application.

Sec. 65. NRS 631.225 is hereby amended to read as follows:

631.225 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license to practice dentistry or dental hygiene shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license to practice dentistry or dental hygiene shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted

for the issuance or renewal of the license; or (b) A separate form prescribed by the Board.

3. A license to practice dentistry ~~[or dental hygiene]~~ may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 66. NRS 631.260 is hereby amended to read as follows:

631.260 As soon as possible after the examination has been given, the Board, under rules and regulations adopted by it, shall determine the qualifications of the applicant and shall issue to each person found by the Board to have the qualifications therefor a license which will entitle the person to practice ~~dentist~~ ~~hygiene or~~ dentistry ~~;~~ or any special branch of dentistry, as in such license defined, subject to the provisions of this chapter.

Sec. 67. NRS 631.271 is hereby amended to read as follows: 631.271 1. The Board shall, without a clinical examination required by NRS 631.240 , ~~for 631.300,~~ issue a limited license to practice dentistry ~~for dental hygiene~~ to a person who:

- (a) Is qualified for a license to practice dentistry ~~for dental hygiene~~ in this State;
- (b) Pays the required application fee;
- (c) Has entered into a contract with the Nevada System of Higher Education to provide services as a dental intern, dental resident or instructor of dentistry ~~for dental hygiene~~ at an educational or outpatient clinic, hospital or other facility of the Nevada System of Higher Education;
- (d) Satisfies the requirements of NRS 631.230 ; ~~for 631.290, as appropriate;~~ and
- (e) Satisfies at least one of the following requirements:

- (1) Has a license to practice dentistry ~~for dental hygiene~~ issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

- (2) Presents to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the person has passed, within the 5 years immediately preceding the date of the application, a clinical examination administered by the Western Regional Examining Board; or

- (3) Has the educational or outpatient clinic, hospital or other facility where the person will provide services as a dental intern or dental resident in an internship or residency program submit to the Board written confirmation that the person has been appointed to a position in the program and is a citizen of the United States or is lawfully entitled to remain and work in the United States. If a person qualifies for a limited license pursuant to this subparagraph, the limited license remains valid only while the person is actively providing services as a dental intern or dental resident in the internship or residency program, is lawfully entitled to remain and work in the United States and is in compliance with all other requirements for the limited license.

2. The Board shall not issue a limited license to a person: (a) Who has been issued a license to practice dentistry ~~for dental hygiene~~ if:

- (1) The person is involved in a disciplinary action concerning the license; or
- (2) The license has been revoked or suspended; or
- (b) Who has been refused a license to practice dentistry , ~~for dental hygiene,~~ in this State, another state or territory of the United States, or the District of Columbia.

3. A person to whom a limited license is issued pursuant to subsection 1:

- (a) May practice dentistry ~~for dental hygiene~~ in this State only:
 - (1) At the educational or outpatient clinic, hospital or other facility where he is employed; and
 - (2) In accordance with the contract required by paragraph (c) of subsection 1.
- (b) Shall not, for the duration of the limited license, engage in the private practice of dentistry ~~for dental hygiene~~ in this State or accept compensation for the practice of dentistry ~~for dental hygiene~~ except such compensation as may be paid to him by the Nevada System of Higher Education for services provided as a dental intern, dental resident or instructor of dentistry . ~~for dental hygiene.~~

4. A limited license expires 1 year after its date of issuance and may be renewed on or before the date of its expiration, unless the holder no longer satisfies the requirements for the limited license. The holder of a limited license may, upon compliance with the applicable requirements set forth in NRS 631.330 and the completion of a review conducted at the discretion of the Board, be granted a renewal certificate that authorizes the continuation of practice pursuant to the limited license for 1 year.

5. Within 7 days after the termination of his contract required by paragraph (c) of subsection 1, the holder of a limited license shall notify the Board of the termination, in writing, and surrender the limited license to the Board.

6. The Board may revoke a limited license at any time upon submission of substantial evidence to the Board that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 68. NRS 631.274 is hereby amended to read as follows: 631.274 1. The Board shall, without a clinical examination required by NRS 631.240 , ~~for 631.300,~~ issue a restricted geographical license to practice dentistry ~~for dental hygiene~~ to a person if he meets the requirements of subsection 2 and:

(a) A board of county commissioners submits a request that the Board of Dental Examiners of Nevada waive the requirements of NRS 631.240 ~~for 631.300~~ for any applicant intending to practice dentistry ~~for dental hygiene~~ in a rural area of a county in which dental ~~for dental hygiene~~ needs are underserved as that term is defined by the officer of rural health of the University of Nevada School of Medicine;

(b) Two or more boards of county commissioners submit a joint request that the Board of Dental Examiners of Nevada waive the requirements of NRS 631.240 ~~for 631.300~~ for any applicant intending to practice dentistry ~~for dental hygiene~~ in one or more rural areas within those counties in which dental ~~for dental hygiene~~ needs are underserved as that term is defined by the officer of rural health of the University of Nevada School of Medicine; or

(c) The director of a federally qualified health center or a nonprofit clinic submits a request that the Board waive the requirements of NRS 631.240 ~~for 631.300~~ for any applicant who has entered into a contract with a federally qualified health center or nonprofit clinic which treats underserved populations in Washoe County or Clark County.

2. A person may apply for a restricted geographical license if he:

(a) Has a license to practice dentistry ~~for dental hygiene~~ issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(b) Is otherwise qualified for a license to practice dentistry ~~for dental hygiene~~ in this State;

(c) Pays the application, examination and renewal fees in the same manner as a person licensed pursuant to NRS 631.240 ; ~~for 631.300;~~

(d) Submits all information required to complete an application for a license; and

(e) Satisfies the requirements of NRS 631.230 . ~~for 631.290, as appropriate.~~

3. The Board shall not issue a restricted geographical license to a person:

(a) Whose license to practice dentistry ~~for dental hygiene~~ has been revoked or suspended;

(b) Who has been refused a license to practice dentistry ; ~~for dental hygiene;~~ or

(c) Who is involved in or has pending a disciplinary action concerning his license to practice dentistry , ~~for dental hygiene,~~ in this State, another state or territory of the United States, or the District of Columbia.

4. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

5. A person to whom a restricted geographical license is issued pursuant to this section:

(a) May practice dentistry ~~for dental hygiene~~ only in the county or counties which requested the restricted geographical licensure pursuant to paragraph (a) or (b) of subsection 1.

(b) Shall not, for the duration of the restricted geographical license, engage in the private practice of dentistry ~~for dental hygiene~~ in this State or accept compensation for the practice of dentistry ~~for dental hygiene~~ except such compensation as may be paid to him by a federally qualified health center or nonprofit clinic pursuant to paragraph (c) of subsection 1.

6. Within 7 days after the termination of his contract pursuant to paragraph (c) of subsection 1, the holder of a restricted geographical license shall notify the Board of the termination, in writing, and surrender the restricted geographical license.

7. A person to whom a restricted geographical license was issued pursuant to this section may petition the Board for an unrestricted license without a clinical examination required by NRS 631.240 ~~for 631.300~~ if the person:

(a) Has not had his license to practice dentistry ~~for dental hygiene~~ revoked or suspended in this State, another state or territory of the United States, or the District of Columbia;

(b) Has not been refused a license to practice dentistry ~~for dental hygiene~~ in this State, another state or territory of the United States, or the District of Columbia;

(c) Is not involved in or does not have pending a 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 (d) Has:

- (1) Actively practiced dentistry ~~[or dental hygiene]~~ for 3 years at a minimum of 30 hours per week in the county or counties which requested the restricted geographical licensure pursuant to paragraph (a) or (b) of subsection 1; or
- (2) Been under contract with a federally qualified health center or nonprofit clinic for a minimum of 3 years.

8. The Board may revoke a restricted geographical license at any time upon submission of substantial evidence to the Board that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 69. NRS 631.313 is hereby amended to read as follows: 631.313 1. A licensed dentist may assign to a person in his employ who is a dental hygienist, dental assistant or other person directly or indirectly involved in the provision of dental care only such intraoral tasks as may be permitted by a regulation of the Board or by the provisions of this chapter.

2. The performance of these tasks must be:

- (a) If performed by a dental assistant or a person, other than a dental hygienist, who is directly or indirectly involved in the provision of dental care, under the supervision of the licensed dentist who made the assignment.
- (b) If performed by a dental hygienist, authorized by the licensed dentist of the patient for whom the tasks will be performed, except as otherwise provided in ~~[NRS 631.287.]~~ *section 28 of this act.*

3. No such assignment is permitted that requires:

- (a) The diagnosis, treatment planning, prescribing of drugs or medicaments, or authorizing the use of restorative, prosthodontic or orthodontic appliances.
- (b) Surgery on hard or soft tissues within the oral cavity or any other intraoral procedure that may contribute to or result in an irremediable alteration of the oral anatomy.
- (c) The administration of general anesthesia, conscious sedation or deep sedation except as otherwise authorized by regulations adopted by the Board.
- (d) The performance of a task outside the authorized scope of practice of the employee who is being assigned the task.

~~[4. A dental hygienist may, pursuant to regulations adopted by the Board, administer local anesthesia or nitrous oxide in a health care facility, as defined in NRS 449.800, if:~~

- ~~(a) He is so authorized by the licensed dentist of the patient to whom the local anesthesia or nitrous oxide is administered; and~~
- ~~(b) The health care facility has licensed medical personnel and necessary emergency supplies and equipment available when the local anesthesia or nitrous oxide is administered.]~~

Sec. 70. NRS 631.317 is hereby amended to read as follows:

631.317 The Board shall adopt rules or regulations:

1. Specifying the intraoral tasks that may be assigned by a licensed dentist to a ~~[dental hygienist or]~~ dental assistant in his employ . ~~[or that may be performed by a dental hygienist engaged in school health activities or employed by a public health agency.]~~ 2. Governing the practice of dentists ~~[and dental hygienists]~~ in full-time employment with the State of Nevada.

Sec. 71. NRS 631.330 is hereby amended to read as follows:

631.330 1. Licenses issued pursuant to NRS 631.271 and 631.275 must be renewed annually. All other licenses must be renewed biennially.

2. Except as otherwise provided in NRS 631.271 and 631.275: (a) Each holder of a license to practice dentistry ~~[or dental hygiene]~~ must, upon:

- (1) Payment of the required fee;
- (2) Submission of proof of completion of the required continuing education; and
- (3) Submission of all information required to complete the renewal,

be granted a renewal certificate which will authorize continuation of the practice for 2 years.

(b) A licensee must comply with the provisions of this subsection and subsection 1 on or before June 30. Failure to comply with those provisions by June 30 every 2 years automatically suspends the license, and

it may be reinstated only upon payment of the fee for reinstatement and compliance with the requirements of this subsection.

3. If a license suspended pursuant to this section is not reinstated within 12 months after suspension, it is automatically revoked.

Sec. 72. NRS 631.342 is hereby amended to read as follows: 631.342 1. The Board shall adopt regulations concerning continuing education in dentistry . ~~[and dental hygiene.]~~ The regulations must include:

- (a) The number of hours of credit required annually;
- (b) The criteria used to accredit each course;
- (c) The requirements for submission of proof of attendance at courses; and
- (d) A provision requiring the completion of a course of instruction, within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:
 - (1) An overview of acts of terrorism and weapons of mass destruction;
 - (2) Personal protective equipment required for acts of terrorism;
 - (3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;
 - (4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and
 - (5) An overview of the information available on, and the use of, the Health Alert Network.

The Board may thereafter determine whether to include in a program of continuing education additional courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.

2. As used in this section:

- (a) “Act of terrorism” has the meaning ascribed to it in NRS 202.4415.
- (b) “Biological agent” has the meaning ascribed to it in NRS 202.442.
- (c) “Chemical agent” has the meaning ascribed to it in NRS 202.4425.
- (d) “Radioactive agent” has the meaning ascribed to it in NRS 202.4437.
- (e) “Weapon of mass destruction” has the meaning ascribed to it in NRS 202.4445.

Sec. 73. NRS 631.340 is hereby amended to read as follows:

631.340 1. Any person who has obtained from the Board a license certificate to practice ~~[dental hygiene or]~~ dentistry or any special branch of dentistry in this State, and who fails to obtain a renewal certificate, must, before resuming the practice in which he was licensed, make application to the Secretary-Treasurer, under such rules as the Board may prescribe, for the restoration of the license to practice.

2. Upon application being made, the Secretary-Treasurer shall determine whether the applicant possesses the qualifications prescribed for the granting of a license to practice in his particular profession, and whether the applicant continues to possess a good moral character and is not otherwise disqualified to practice in this State. If the Secretary-Treasurer so determines, he shall thereupon issue the license, and thereafter the person may make application annually for a renewal certificate, as provided in this chapter.

Sec. 74. NRS 631.346 is hereby amended to read as follows: 631.346 The following acts, among others, constitute unprofessional conduct:

1. Employing, directly or indirectly, any student or any suspended or unlicensed dentist or dental hygienist to perform operations of any kind to treat or correct the teeth or jaws, except as provided in this chapter;
2. ~~[Except as otherwise provided in NRS 631.287, giving]~~ **Giving** a public demonstration of methods of practice any place other than the office where the licensee is known to be regularly engaged in this practice;
3. Employing, procuring, inducing, aiding or abetting a person not licensed or registered as a dentist to engage in the practice of dentistry, but a patient shall not be deemed to be an accomplice, employer, procurer, inducer, aider or abettor; **or**
4. ~~[For a dental hygienist, practicing in any place not authorized pursuant to this chapter; or -5.]~~ Practicing while his license is suspended or without a renewal certificate.

Sec. 75. NRS 631.3475 is hereby amended to read as follows: 631.3475 The following acts, among others, constitute unprofessional conduct:

1. Malpractice;
2. Professional incompetence;
3. Suspension or revocation of his license to practice dentistry, the imposition of a fine or other disciplinary action by any agency of another state authorized to regulate the practice of dentistry in that state;
4. More than one act by the dentist ~~for dental hygienist~~ constituting substandard care in the practice of dentistry; ~~for dental hygiene;~~
5. Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS,

if it is not required to treat the dentist's patient;

6. Chronic or persistent inebriety or addiction to a controlled substance, to such an extent as to render him unsafe or unreliable as a practitioner, or such gross immorality as tends to bring reproach upon the dental profession;
7. Conviction of a felony or misdemeanor involving moral turpitude or which relates to the practice of dentistry in this State, or conviction of any criminal violation of this chapter; or
8. Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

Sec. 76. NRS 631.3487 is hereby amended to read as follows: 631.3487 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license to practice dentistry, ~~for dental hygiene,~~ the Board shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license to practice dentistry ~~for dental hygiene~~ that has been suspended by a district court pursuant to NRS 425.540 if:

- (a) The Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560; and
- (b) The person whose license was suspended pays the fee imposed pursuant to NRS 631.345 for the reinstatement of a suspended license.

Sec. 77. NRS 631.350 is hereby amended to read as follows:

631.350 1. Except as otherwise provided in NRS 631.271 and 631.347, the Board may:

- (a) Refuse to issue a license to any person;
- (b) Revoke or suspend the license or renewal certificate issued by it to any person;
- (c) Fine a person it has licensed;
- (d) Place a person on probation for a specified period on any conditions the Board may order;
- (e) Issue a public reprimand to a person;
- (f) Limit a person's practice to certain branches of dentistry;
- (g) Require a person to participate in a program to correct alcohol or drug abuse or any other impairment;
- (h) Require that a person's practice be supervised;
- (i) Require a person to perform community service without compensation;
- (j) Require a person to take a physical or mental examination or an examination of his competence;
- (k) Require a person to fulfill certain training or educational requirements;
- (l) Require a person to reimburse a patient; or
- (m) Any combination thereof,

upon submission of substantial evidence to the Board that the person has engaged in any of the activities listed in subsection 2.

2. The following activities may be punished as provided in subsection 1:

- (a) Engaging in the illegal practice of dentistry ; ~~for dental hygiene;~~
- (b) Engaging in unprofessional conduct; or
- (c) Violating any regulations adopted by the Board or the provisions of this chapter.

3. The Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines therefor and deposit the money therefrom in banks, credit unions or savings and loan associations in this State. 4. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 3 and the Board deposits the money collected from the imposition of fines with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

5. The Board shall not administer a private reprimand.

6. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records. **Sec. 78.** NRS 631.380 is hereby amended to read as follows:

631.380 All licenses and renewal certificates *to practice dentistry or a specialty thereof* heretofore issued by the Board and in force on March 20, 1951, shall remain in force subject to the provisions of this chapter, and shall entitle the holders to practice their profession as therein designated.

Sec. 79. NRS 631.395 is hereby amended to read as follows: 631.395 A person is guilty of the illegal practice of dentistry ~~for dental hygiene~~ who:

- 1. Sells or barter, or offers to sell or barter, any diploma or document conferring or purporting to confer any dental degree, or any certificate or transcript made or purporting to be made pursuant to the laws regulating the licensing and registration of dentists ; ~~for dental hygienists;~~
- 2. Purchases or procures by barter any such diploma, certificate or transcript, with the intent that it be used as evidence of the holder's qualifications to practice dentistry, or in fraud of the laws regulating that practice;
- 3. With fraudulent intent, alters in a material regard any such diploma, certificate or transcript;
- 4. Uses or attempts to use any diploma, certificate or transcript, which has been purchased, fraudulently issued, counterfeited or materially altered, either as a license or color of license to practice dentistry, or in order to procure registration as a dentist ; ~~for a dental hygienist;~~
- 5. Practices dentistry under a false or assumed name;
- 6. Assumes the degree of "Doctor of Dental Surgery" or "Doctor of Dental Medicine" or appends the letters "D.D.S." or "D.M.D." ~~for "R.D.H."~~ to his name, not having conferred upon him, by diploma from an accredited dental ~~for dental hygiene~~ college or school legally empowered to confer the title, the right to assume the title; or assumes any title or appends any letters to his name with the intent to represent falsely that he has received a dental degree or license;
- 7. Willfully makes, as an applicant for examination, license or registration under this chapter, a false statement in a material regard in an affidavit required by this chapter;
- 8. Within 10 days after a demand is made by the SecretaryTreasurer, fails to furnish to the Board the names and addresses of all persons practicing or assisting in the practice of dentistry in the office of the person at any time within 60 days before the notice, together with a sworn statement showing under and by what license or authority the person and his employee are and have been practicing dentistry, but the affidavit must not be used as evidence against the person in any proceeding under this chapter;
- 9. Except as otherwise provided in NRS 629.091, practices dentistry ~~for dental hygiene~~ in this State without a license;
- 10. Except as otherwise provided in NRS 631.385, owns or controls a dental practice, shares in the fees received by a dentist or controls or attempts to control the services offered by a dentist if the person is not himself licensed pursuant to this chapter; or
- 11. Aids or abets another in violating any of the provisions of this chapter.

Sec. 80. NRS 631.400 is hereby amended to read as follows: 631.400 1. A person who engages in the illegal practice of dentistry in this State is guilty of a category D felony and shall be punished as provided in NRS 193.130.

~~2. [A person who practices or offers to practice dental hygiene in this State without a license, or who, having a license, practices dental hygiene in a manner or place not permitted by the provisions of this chapter:~~

~~(a) — If it is his first or second offense, is guilty of a gross misdemeanor.~~

~~(b) — If it is his third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.~~

~~3.] Unless a greater penalty is provided by specific statute, a person who is licensed to practice dentistry who practices dentistry in a manner or place not permitted by the provisions of this chapter: (a) If it is his first or second offense, is guilty of a gross misdemeanor.~~

~~(b) If it is his third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.~~

~~4.] 3. The Board may assign a person described in subsection 1 [;] or 2 [or 3] specific duties as a condition of renewing his license.~~

~~5.] 4. If a person has engaged or is about to engage in any acts or practices which constitute or will constitute an offense against this chapter, the district court of any county, on application of the Board, may issue an injunction or other appropriate order restraining the conduct. Proceedings under this subsection are governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking is required in any action commenced by the Board.~~

Sec. 81. NRS 439.279 is hereby amended to read as follows:

439.279 1. The Health Division shall appoint, with the consent of the Director, a State Public Health Dental Hygienist, who is in the unclassified service of the State. The State Public Health Dental Hygienist must:

(a) Be a resident of this State;

(b) Hold a current license to practice dental hygiene issued pursuant to ~~[chapter 631 of NRS]~~ *sections 2 to 56, inclusive, of this act* with a special endorsement issued pursuant to ~~[NRS 631.287;]~~ *section 28 of this act;* and

(c) Be appointed on the basis of his education, training and experience and his interest in public health dental hygiene and related programs.

2. The State Public Health Dental Hygienist:

(a) Shall assist the State Dental Health Officer in carrying out his duties; and

(b) May:

(1) Make recommendations to the Health Division regarding programs in this State for public health dental hygiene; and

(2) Perform any acts authorized pursuant to ~~[NRS 631.287;]~~ *section 28 of this act.*

3. The State Public Health Dental Hygienist shall devote all of his time to the business of his office and shall not pursue any other business or vocation or hold any other office of profit.

4. The Health Division may solicit and accept gifts and grants to pay the costs associated with the position of State Public Health Dental Hygienist.

Sec. 82. NRS 439B.225 is hereby amended to read as follows: 439B.225 1. As used in this section, “licensing board” means any division or board empowered to adopt standards for licensing or registration or for the renewal of licenses or certificates of registration pursuant to NRS 435.3305 to 435.339, inclusive, chapter 449, 625A, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637A, 637B, 639, 640, 640A, 641, 641A, 641B, 641C, 652 or 654 of NRS ~~[;]~~ *or sections 2 to 56, inclusive, of this act.*

2. The Committee shall review each regulation that a licensing board proposes or adopts that relates to standards for licensing or registration or to the renewal of a license or certificate of registration issued to a person or facility regulated by the board, giving consideration to:

(a) Any oral or written comment made or submitted to it by members of the public or by persons or facilities affected by the regulation;

(b) The effect of the regulation on the cost of health care in this State;

(c) The effect of the regulation on the number of licensed or registered persons and facilities available to provide services in this

State; and

(d) Any other related factor the Committee deems appropriate.

3. After reviewing a proposed regulation, the Committee shall notify the agency of the opinion of the Committee regarding the advisability of adopting or revising the proposed regulation.

4. The Committee shall recommend to the Legislature as a result of its review of regulations pursuant to this section any appropriate legislation.

Sec. 83. NRS 640A.070 is hereby amended to read as follows:

640A.070 This chapter does not apply to a person:

1. Holding a current license or certificate issued pursuant to chapter 391, 630 to 637B, inclusive, 640, 640B to 641B, inclusive, of NRS, *or sections 2 to 56, inclusive, of this act* who practices within the scope of that license or certificate.

2. Employed by the Federal Government who practices occupational therapy within the scope of that employment.

3. Enrolled in an educational program approved by the Board which is designed to lead to a certificate or degree in occupational therapy, if he is designated by a title which clearly indicates that he is a student.

4. Obtaining the supervised experience necessary to satisfy the requirements of subsection 3 of NRS 640A.120.

5. Practicing occupational therapy in this State in association with an occupational therapist licensed pursuant to this chapter if the person:

(a) Practices in this State for not more than 45 days in a calendar year;

(b) Is licensed to practice occupational therapy in another state where the requirements for such a license are equivalent to the requirements of this chapter; and

(c) Meets the requirements for certification as an “occupational therapist registered” or “certified occupational therapy assistant” established by the American Occupational Therapy Certification Board.

Sec. 84. NRS 640B.145 is hereby amended to read as follows:

640B.145 The provisions of this chapter do not apply to:

1. A person who is licensed pursuant to chapters 630 to 637, inclusive, or chapter 640 or 640A of NRS, *or sections 2 to 56, inclusive, of this act*, when acting within the scope of that license. 2. A person who is employed by the Federal Government and engages in the practice of athletic training within the scope of that employment.

3. A person who is employed as an athletic trainer outside this State when engaging in the practice of athletic training within the scope of that employment in connection with an athletic event held in this State.

Sec. 85. NRS 640C.100 is hereby amended to read as follows: 640C.100 1. The provisions of this chapter do not apply to:

(a) A person licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 640, 640A or 640B of NRS *or sections 2 to 56, inclusive, of this act* if the massage therapy is performed in the course of the practice for which the person is licensed.

(b) A person licensed as a barber or apprentice pursuant to chapter 643 of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for a barber or apprentice pursuant to that chapter.

(c) A person licensed or registered as an aesthetician, cosmetologist or cosmetologist’s apprentice pursuant to chapter 644 of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for an aesthetician, cosmetologist or cosmetologist’s apprentice pursuant to that chapter.

(d) A person who is an employee of an athletic department of any high school, college or university in this State and who, within the scope of that employment, practices massage therapy on athletes.

(e) Students enrolled in a school of massage therapy recognized by the Board.

(f) A person who practices massage therapy solely on members of his immediate family.

(g) A person who performs any activity in a licensed brothel.

2. Except as otherwise provided in subsection 3, the provisions of this chapter preempt the licensure and regulation of a massage therapist by a county, city or town, including, without limitation, conducting a criminal background investigation and examination of a massage therapist or applicant for a license to practice massage therapy.

3. The provisions of this chapter do not prohibit a county, city or town from requiring a massage therapist to obtain a license or permit to transact business within the jurisdiction of the county, city or town,

if the license or permit is required of other persons, regardless of occupation or profession, who transact business within the jurisdiction of the county, city or town.

4. As used in this section, “immediate family” means persons who are related by blood, adoption or marriage, within the second degree of consanguinity or affinity.

Sec. 86. NRS 200.5095 is hereby amended to read as follows:

200.5095 1. Reports made pursuant to NRS 200.5093, 200.50935 and 200.5094, and records and investigations relating to those reports, are confidential.

2. A person, law enforcement agency or public or private agency, institution or facility who willfully releases data or information concerning the reports and investigation of the abuse, neglect, exploitation or isolation of older persons or vulnerable persons, except:

- (a) Pursuant to a criminal prosecution;
- (b) Pursuant to NRS 200.50982; or
- (c) To persons or agencies enumerated in subsection 3, is guilty of a misdemeanor.

3. Except as otherwise provided in subsection 2 and NRS 200.50982, data or information concerning the reports and investigations of the abuse, neglect, exploitation or isolation of an older person or a vulnerable person is available only to:

- (a) A physician who is providing care to an older person or a vulnerable person who may have been abused, neglected, exploited or isolated;
- (b) An agency responsible for or authorized to undertake the care, treatment and supervision of the older person or vulnerable person;
- (c) A district attorney or other law enforcement official who requires the information in connection with an investigation of the abuse, neglect, exploitation or isolation of the older person or vulnerable person;
- (d) A court which has determined, in camera, that public disclosure of such information is necessary for the determination of an issue before it;
- (e) A person engaged in bona fide research, but the identity of the subjects of the report must remain confidential;
- (f) A grand jury upon its determination that access to such records is necessary in the conduct of its official business;
- (g) Any comparable authorized person or agency in another jurisdiction;
- (h) A legal guardian of the older person or vulnerable person, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation or isolation of the older person or vulnerable person to the public agency is protected, and the legal guardian of the older person or vulnerable person is not the person suspected of such abuse, neglect, exploitation or isolation;
- (i) If the older person or vulnerable person is deceased, the executor or administrator of his estate, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation or isolation of the older person or vulnerable person to the public agency is protected, and the executor or administrator is not the person suspected of such abuse, neglect, exploitation or isolation; or
- (j) The older person or vulnerable person named in the report as allegedly being abused, neglected, exploited or isolated, if that person is not legally incompetent.

4. If the person who is reported to have abused, neglected, exploited or isolated an older person or a vulnerable person is the holder of a license or certificate issued pursuant to chapters 449, 630 to 641B, inclusive, or 654 of NRS, *or sections 2 to 56, inclusive, of this act*, information contained in the report must be submitted to the board that issued the license.

Sec. 87. NRS 218.825 is hereby amended to read as follows: 218.825 1. Except as otherwise provided in subsection 2, each board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of NRS *and sections 2 to 56, inclusive, of this act* shall:

- (a) If the revenue of the board from all sources is less than \$50,000 for any fiscal year, prepare a balance sheet for that fiscal year on the form provided by the Legislative Auditor and file the balance sheet with the Legislative Auditor and the Chief of the Budget Division of the Department of Administration on or before December 1 following the end of that fiscal year. The Legislative Auditor shall prepare and make available a form that must be used by a board to prepare such a balance sheet.

(b) If the revenue of the board from all sources is \$50,000 or more for any fiscal year, engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for that fiscal year and file a report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Department of Administration on or before December 1 following the end of that fiscal year.

2. In lieu of preparing a balance sheet or having an audit conducted for a single fiscal year, a board may engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for a period covering two successive fiscal years. If such an audit is conducted, the board shall file the report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Department of Administration on or before December 1 following the end of the second fiscal year.

3. The cost of each audit conducted pursuant to subsection 1 or 2 must be paid by the board that is audited. Each such audit must be conducted in accordance with generally accepted auditing standards, and all financial statements must be prepared in accordance with generally accepted principles of accounting for special revenue funds.

4. Whether or not a board is required to have its fiscal records audited pursuant to subsection 1 or 2, the Legislative Auditor shall audit the fiscal records of any such board whenever directed to do so by the Legislative Commission. When the Legislative Commission directs such an audit, the Legislative Commission shall also determine who is to pay the cost of the audit.

5. A person who is a state officer or employee of a board is guilty of nonfeasance if the person:

(a) Is responsible for preparing a balance sheet or having an audit conducted pursuant to this section or is responsible for preparing or maintaining the fiscal records that are necessary to prepare a balance sheet or have an audit conducted pursuant to this section; and

(b) Knowingly fails to prepare the balance sheet or have the audit conducted pursuant to this section or knowingly fails to prepare or maintain the fiscal records that are necessary to prepare a balance sheet or have an audit conducted pursuant to this section.

6. In addition to any other remedy or penalty, a person who is guilty of nonfeasance pursuant to this section forfeits his state office or employment and may not be appointed to a state office or position of state employment for a period of 2 years following the forfeiture. The provisions of this subsection do not apply to a state officer who may be removed from office only by impeachment pursuant to Article 7 of the Nevada Constitution.

Sec. 88. NRS 284.013 is hereby amended to read as follows: 284.013 1. Except as otherwise provided in subsection 4, this chapter does not apply to:

(a) Agencies, bureaus, commissions, officers or personnel in the Legislative Department or the Judicial Department of State Government, including the Commission on Judicial Discipline;

(b) Any person who is employed by a board, commission, committee or council created in chapters 590, 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 652, 654 and 656 of NRS ~~§~~ *and sections 2 to 56, inclusive, of this act;* or

(c) Officers or employees of any agency of the Executive Department of the State Government who are exempted by specific statute.

2. Except as otherwise provided in subsection 3, the terms and conditions of employment of all persons referred to in subsection 1, including salaries not prescribed by law and leaves of absence, including, without limitation, annual leave and sick and disability leave, must be fixed by the appointing or employing authority within the limits of legislative appropriations or authorizations.

3. Except as otherwise provided in this subsection, leaves of absence prescribed pursuant to subsection 2 must not be of lesser duration than those provided for other state officers and employees pursuant to the provisions of this chapter. The provisions of this subsection do not govern the Legislative Commission with respect to the personnel of the Legislative Counsel Bureau.

4. Any board, commission, committee or council created in chapters 590, 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 652, 654 and 656 of NRS *and sections 2 to 56, inclusive, of this act* which contracts for the services of a person, shall require the contract for those services to be in writing. The contract must be approved by the State Board of Examiners before those services may be provided.

Sec. 89. NRS 353.005 is hereby amended to read as follows: 353.005 The provisions of this chapter do not apply to boards created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of NRS *and sections 2 to 56, inclusive, of this act* and the officers and employees of those boards.

Sec. 90. NRS 353A.020 is hereby amended to read as follows:

353A.020 1. The Director, in consultation with the Committee and Legislative Auditor, shall adopt a uniform system of internal accounting and administrative control for agencies. The elements of the system must include, without limitation:

- (a) A plan of organization which provides for a segregation of duties appropriate to safeguard the assets of the agency;
- (b) A plan which limits access to assets of the agency to persons who need the assets to perform their assigned duties;
- (c) Procedures for authorizations and recordkeeping which effectively control accounting of assets, liabilities, revenues and expenses;
- (d) A system of practices to be followed in the performance of the duties and functions of each agency; and
- (e) An effective system of internal review.

2. The Director, in consultation with the Committee and Legislative Auditor, may modify the system whenever he considers it necessary.

3. Each agency shall develop written procedures to carry out the system of internal accounting and administrative control adopted pursuant to this section.

4. For the purposes of this section, “agency” does not include: (a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of NRS *and sections 2 to 56, inclusive, of this act*.

(b) The Nevada System of Higher Education.

(c) The Public Employees’ Retirement System.

(d) The Housing Division of the Department of Business and Industry.

(e) The Colorado River Commission of Nevada.

Sec. 91. NRS 353A.025 is hereby amended to read as follows: 353A.025 1. The head of each agency shall periodically review the agency’s system of internal accounting and administrative control to determine whether it is in compliance with the uniform system of internal accounting and administrative control for agencies adopted pursuant to subsection 1 of NRS 353A.020.

2. On or before July 1 of each even-numbered year, the head of each agency shall report to the Director whether the agency’s system of internal accounting and administrative control is in compliance with the uniform system adopted pursuant to subsection 1 of NRS 353A.020. The reports must be made available for inspection by the members of the Legislature.

3. For the purposes of this section, “agency” does not include: (a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of NRS *and sections 2 to 56, inclusive, of this act*.

(b) The Nevada System of Higher Education.

(c) The Public Employees’ Retirement System.

(d) The Housing Division of the Department of Business and Industry.

(e) The Colorado River Commission of Nevada.

4. The Director shall, on or before the first Monday in February of each odd-numbered year, submit a report on the status of internal accounting and administrative controls in agencies to the: (a) Director of the Legislative Counsel Bureau for transmittal to the:

(1) Senate Standing Committee on Finance; and

(2) Assembly Standing Committee on Ways and Means; (b) Governor; and (c) Legislative Auditor.

5. The report submitted by the Director pursuant to subsection 4 must include, without limitation:

- (a) The identification of each agency that has not complied with the requirements of subsections 1 and 2;

- (b) The identification of each agency that does not have an effective method for reviewing its system of internal accounting and administrative control; and
- (c) The identification of each agency that has weaknesses in its system of internal accounting and administrative control, and the extent and types of such weaknesses.

Sec. 92. NRS 353A.045 is hereby amended to read as follows:

353A.045 The Chief shall:

1. Report to the Director.
2. Develop long-term and annual work plans to be based on the results of periodic documented risk assessments. The annual work plan must list the agencies to which the Division will provide training and assistance and be submitted to the Director for approval. Such agencies must not include:
 - (a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of NRS ~~§~~ *sections 2 to 56, inclusive, of this act.*
 - (b) The Nevada System of Higher Education.
 - (c) The Public Employees' Retirement System.
 - (d) The Housing Division of the Department of Business and Industry.
 - (e) The Colorado River Commission of Nevada.
3. Provide a copy of the approved annual work plan to the Legislative Auditor.
4. In consultation with the Director, prepare a plan for auditing executive branch agencies for each fiscal year and present the plan to the Committee for its review and approval. Each plan for auditing must:
 - (a) State the agencies which will be audited, the proposed scope and assignment of those audits and the related resources which will be used for those audits; and
 - (b) Ensure that the internal accounting, administrative controls and financial management of each agency are reviewed periodically.
5. Perform the audits of the programs and activities of the agencies in accordance with the plan approved pursuant to subsection 5 of NRS 353A.038 and prepare audit reports of his findings.
6. Review each agency that is audited pursuant to subsection 5 and advise those agencies concerning internal accounting, administrative controls and financial management.
7. Submit to each agency that is audited pursuant to subsection 5 analyses, appraisals and recommendations concerning:
 - (a) The adequacy of the internal accounting and administrative controls of the agency; and
 - (b) The efficiency and effectiveness of the management of the agency.
8. Report any possible abuses, illegal actions, errors, omissions and conflicts of interest of which the Division becomes aware during the performance of an audit.
9. Adopt the standards of the Institute of Internal Auditors for conducting and reporting on internal audits.
10. Consult with the Legislative Auditor concerning the plan for auditing and the scope of audits to avoid duplication of effort and undue disruption of the functions of agencies that are audited pursuant to subsection 5.
11. Appoint a Manager of Internal Controls.

Sec. 93. NRS 454.361 is hereby amended to read as follows: 454.361 A conviction of the violation of any of the provisions of NRS 454.181 to 454.371, inclusive, constitutes grounds for the suspension or revocation of any license issued to such person pursuant to the provisions of chapters 630, 631, 633, 635, 636, 638 or 639 of NRS ~~§~~ *or sections 2 to 56, inclusive, of this act.*

Sec. 94. NRS 608.0116 is hereby amended to read as follows: 608.0116 "Professional" means pertaining to an employee who is licensed or certified by the State of Nevada for and engaged in the practice of law or any of the professions regulated by chapters 623 to 645, inclusive, 645G and 656A of NRS ~~§~~ *and sections 2 to 56, inclusive, of this act.*

Sec. 95. NRS 679B.440 is hereby amended to read as follows: 679B.440 1. The Commissioner may require that reports submitted pursuant to NRS 679B.430 include, without limitation, information regarding:

- (a) Liability insurance provided to:
- (1) Governmental agencies and political subdivisions of this State, reported separately for:

- (I) Cities and towns;
 - (II) School districts; and
 - (III) Other political subdivisions;
 - (2) Public officers;
 - (3) Establishments where alcoholic beverages are sold;
 - (4) Facilities for the care of children;
 - (5) Labor, fraternal or religious organizations; and
 - (6) Officers or directors of organizations formed pursuant to title 7 of NRS, reported separately for nonprofit entities and entities organized for profit; (b) Liability insurance for:
 - (1) Defective products;
 - (2) Medical or dental malpractice of:
 - (I) A practitioner licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637A, 637B, 639 or 640 of NRS ~~§~~ *or sections 2 to 56, inclusive, of this act;*
 - (II) A hospital or other health care facility; or
 - (III) Any related corporate entity.
 - (3) Malpractice of attorneys;
 - (4) Malpractice of architects and engineers; and
 - (5) Errors and omissions by other professionally qualified persons;
 - (c) Vehicle insurance, reported separately for:
 - (1) Private vehicles;
 - (2) Commercial vehicles;
 - (3) Liability insurance; and
 - (4) Insurance for property damage;
 - (d) Workers' compensation insurance; and
 - (e) In addition to any information provided pursuant to subparagraph (2) of paragraph (b) or NRS 690B.260, a policy of insurance for medical malpractice. As used in this paragraph, "policy of insurance for medical malpractice" has the meaning ascribed to it in NRS 679B.144.
2. The Commissioner may require that the report include, without limitation, information specifically pertaining to this State or to an insurer in its entirety, in the aggregate or by type of insurance, and for a previous or current year, regarding:
- (a) Premiums directly written;
 - (b) Premiums directly earned;
 - (c) Number of policies issued;
 - (d) Net investment income, using appropriate estimates when necessary;
 - (e) Losses paid;
 - (f) Losses incurred;
 - (g) Loss reserves, including:
 - (1) Losses unpaid on reported claims; and
 - (2) Losses unpaid on incurred but not reported claims; (h) Number of claims, including:
 - (1) Claims paid; and
 - (2) Claims that have arisen but are unpaid;
 - (i) Expenses for adjustment of losses, including allocated and unallocated losses;
 - (j) Net underwriting gain or loss;
 - (k) Net operation gain or loss, including net investment income; and
 - (l) Any other information requested by the Commissioner.
3. The Commissioner may also obtain, based upon an insurer in its entirety, information regarding:
- (a) Recoverable federal income tax;
 - (b) Net unrealized capital gain or loss; and
 - (c) All other expenses not included in subsection 2.

Sec. 96. NRS 686B.030 is hereby amended to read as follows:

686B.030 1. Except as otherwise provided in subsection 2, NRS 686B.010 to 686B.1799, inclusive, apply to all kinds and lines of direct insurance written on risks or operations in this State by any insurer authorized to do business in this State, except:

- (a) Ocean marine insurance;
- (b) Contracts issued by fraternal benefit societies;
- (c) Life insurance and credit life insurance;
- (d) Variable and fixed annuities;
- (e) Group and blanket health insurance and credit health insurance;
- (f) Property insurance for business and commercial risks;
- (g) Casualty insurance for business and commercial risks other than insurance covering the liability of a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS ~~§~~ *and sections 2 to 56, inclusive, of this act*; and
- (h) Surety insurance.

2. The exclusions set forth in paragraphs (f) and (g) of subsection 1 extend only to issues related to the determination or approval of premium rates.

Sec. 97. NRS 686B.040 is hereby amended to read as follows: 686B.040 1. Except as otherwise provided in subsection 2, the Commissioner may by rule exempt any person or class of persons or any market segment from any or all of the provisions of NRS 686B.010 to 686B.1799, inclusive, if and to the extent that he finds their application unnecessary to achieve the purposes of those sections.

2. The Commissioner may not, by rule or otherwise, exempt an insurer from the provisions of NRS 686B.010 to 686B.1799, inclusive, with regard to insurance covering the liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 56, inclusive, of this act* for a breach of his professional duty toward a patient.

Sec. 98. NRS 686B.070 is hereby amended to read as follows: 686B.070 1. Every authorized insurer and every rate service organization licensed under NRS 686B.140 which has been designated by any insurer for the filing of rates under subsection 2 of NRS 686B.090 shall file with the Commissioner all:

- (a) Rates and proposed increases thereto;
- (b) Forms of policies to which the rates apply;
- (c) Supplementary rate information; and
- (d) Changes and amendments thereof, made by it for use in this state.

2. If an insurer makes a filing for a proposed increase in a rate for insurance covering the liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 56, inclusive, of this act* for a breach of his professional duty toward a patient, the insurer shall not include in the filing any component that is directly or indirectly related to the following:

- (a) Capital losses, diminished cash flow from any dividends, interest or other investment returns, or any other financial loss that is materially outside of the claims experience of the professional liability insurance industry, as determined by the Commissioner.
- (b) Losses that are the result of any criminal or fraudulent activities of a director, officer or employee of the insurer.

If the Commissioner determines that a filing includes any such component, the Commissioner shall, pursuant to NRS 686B.110, disapprove the proposed increase, in whole or in part, to the extent that the proposed increase relies upon such a component.

Sec. 99. NRS 686B.115 is hereby amended to read as follows: 686B.115 1. Any hearing held by the Commissioner to determine whether rates comply with the provisions of NRS 686B.010 to 686B.1799, inclusive, must be open to members of the public.

2. All costs for transcripts prepared pursuant to such a hearing must be paid by the insurer requesting the hearing.

3. At any hearing which is held by the Commissioner to determine whether rates comply with the provisions of NRS 686B.010 to 686B.1799, inclusive, and which involves rates for insurance covering the liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 56, inclusive, of this act* for a breach of his professional duty toward a patient, if a person is not otherwise authorized pursuant to this title to become a party to the hearing by intervention, the person is entitled to

provide testimony at the hearing if, not later than 2 days before the date set for the hearing, the person files with the Commissioner a written statement which states:

- (a) The name and title of the person;
- (b) The interest of the person in the hearing; and
- (c) A brief summary describing the purpose of the testimony the person will offer at the hearing.

4. If a person provides testimony at a hearing in accordance with subsection 3:

- (a) The Commissioner may, if he finds it necessary to preserve order, prevent inordinate delay or protect the rights of the parties at the hearing, place reasonable limitations on the duration of the testimony and prohibit the person from providing testimony that is not relevant to the issues raised at the hearing.
- (b) The Commissioner shall consider all relevant testimony provided by the person at the hearing in determining whether the rates comply with the provisions of NRS 686B.010 to 686B.1799, inclusive.

Sec. 100. NRS 686B.117 is hereby amended to read as follows:

686B.117 If a filing made with the Commissioner pursuant to paragraph (a) of subsection 1 of NRS 686B.070 pertains to insurance covering the liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 56, inclusive, of this act* for a breach of his professional duty toward a patient, any interested person, and any association of persons or organization whose members may be affected, may intervene as a matter of right in any hearing or other proceeding conducted to determine whether the applicable rate or proposed increase thereto:

1. Complies with the standards set forth in NRS 686B.050 and subsection 2 of NRS 686B.070.
2. Should be approved or disapproved.

Sec. 101. NRS 689A.035 is hereby amended to read as follows:

689A.035 1. An insurer shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the insurer to its insureds.

2. An insurer shall not contract with a provider of health care to provide health care to an insured unless the insurer uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

3. A contract between an insurer and a provider of health care may be modified:

- (a) At any time pursuant to a written agreement executed by both parties.
- (b) Except as otherwise provided in this paragraph, by the insurer upon giving to the provider 30 days' written notice of the modification. If the provider fails to object in writing to the modification within the 30-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 30-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If an insurer contracts with a provider of health care to provide health care to an insured, the insurer shall:

- (a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or
- (b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments specified in paragraph (a) within 7 days after receiving the request.

5. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS  *or sections 2 to 56, inclusive, of this act.*

Sec. 102. NRS 689B.015 is hereby amended to read as follows:

689B.015 1. An insurer that issues a policy of group health insurance shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the insurer to its insureds.

2. An insurer specified in subsection 1 shall not contract with a provider of health care to provide health care to an insured unless the insurer uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

3. A contract between an insurer specified in subsection 1 and a provider of health care may be modified:

- (a) At any time pursuant to a written agreement executed by both parties.
- (b) Except as otherwise provided in this paragraph, by the insurer upon giving to the provider 30 days' written notice of the modification. If the provider fails to object in writing to the modification within the

30-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 30-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If an insurer specified in subsection 1 contracts with a provider of health care to provide health care to an insured, the insurer shall:

- (a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or
- (b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments specified in paragraph (a) within 7 days after receiving the request.

5. As used in this section, “provider of health care” means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~or sections 2 to 56, inclusive, of this act.~~

Sec. 103. NRS 689C.435 is hereby amended to read as follows:

689C.435 1. A carrier serving small employers and a carrier that offers a contract to a voluntary purchasing group shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the carrier to its insureds.

2. A carrier specified in subsection 1 shall not contract with a provider of health care to provide health care to an insured unless the carrier uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

3. A contract between a carrier specified in subsection 1 and a provider of health care may be modified:

- (a) At any time pursuant to a written agreement executed by both parties.
- (b) Except as otherwise provided in this paragraph, by the carrier upon giving to the provider 30 days’ written notice of the modification. If the provider fails to object in writing to the modification within the 30-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 30-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If a carrier specified in subsection 1 contracts with a provider of health care to provide health care to an insured, the carrier shall:

- (a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or
- (b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments specified in paragraph (a) within 7 days after receiving the request.

5. As used in this section, “provider of health care” means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~or sections 2 to 56, inclusive, of this act.~~

Sec. 104. NRS 690B.250 is hereby amended to read as follows:

690B.250 Except as more is required in NRS 630.3067 and 633.526:

1. Each insurer which issues a policy of insurance covering the liability of a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS *and sections 2 to 56, inclusive, of this act* for a breach of his professional duty toward a patient shall report to the board which licensed the practitioner within 45 days each settlement or award made or judgment rendered by reason of a claim, if the settlement, award or judgment is for more than \$5,000, giving the name and address of the claimant and the practitioner and the circumstances of the case.

2. A practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS *and sections 2 to 56, inclusive, of this act* who does not have insurance covering liability for a breach of his professional duty toward a patient shall report to the board which issued his license within 45 days of each settlement or award made or judgment rendered by reason of a claim, if the settlement, award or judgment is for more than \$5,000, giving his name and address, the name and address of the claimant and the circumstances of the case.

3. These reports are public records and must be made available for public inspection within a reasonable time after they are received by the licensing board.

Sec. 105. NRS 690B.270 is hereby amended to read as follows:

690B.270 If an insurer declines to issue to a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 56, inclusive, of this act* a policy of professional liability insurance, the insurer

shall, upon the request of the practitioner, disclose to the practitioner the reasons the insurer declined to issue the policy.

Sec. 106. NRS 690B.280 is hereby amended to read as follows:

690B.280 If an insurer, for a policy of professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~§~~ *or sections 2 to 56, inclusive, of this act*, sets the premium for the policy for the practitioner at a rate that is higher than the standard rate of the insurer for the applicable type of policy and specialty of the practitioner, the insurer shall, upon the request of the practitioner, disclose the reasons the insurer set the premium for the policy at the higher rate.

Sec. 107. NRS 690B.290 is hereby amended to read as follows:

690B.290 If an insurer offers to issue a claims-made policy to a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~§~~ *or sections 2 to 56, inclusive, of this act*, the insurer shall: 1. Offer to issue an extended reporting endorsement to the practitioner; and

2. Disclose to the practitioner the cost formula that the insurer uses to determine the premium for the extended reporting endorsement. The cost formula must be based on:

(a) An amount that is not more than twice the amount of the premium for the claims-made policy at the time of the termination of that policy; and

(b) The rates filed by the insurer and approved by the Commissioner.

Sec. 108. NRS 690B.310 is hereby amended to read as follows:

690B.310 1. If an agreement settles a claim or action against a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 56, inclusive, of this act* for a breach of his professional duty toward a patient, the following terms of the agreement must not be made confidential:

(a) The names of the parties;

(b) The date of the incidents or events giving rise to the claim or action;

(c) The nature of the claim or action as set forth in the complaint and the answer that is filed with the district court; and

(d) The effective date of the agreement.

2. Any provision of an agreement to settle a claim or action that conflicts with this section is void.

Sec. 109. NRS 690B.320 is hereby amended to read as follows:

690B.320 1. If an insurer offers to issue a claims-made policy to a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS, *and sections 2 to 56, inclusive, of this act*, the insurer shall:

(a) Offer to issue to the practitioner an extended reporting endorsement without a time limitation for reporting a claim.

(b) Disclose to the practitioner the premium for the extended reporting endorsement and the cost formula that the insurer uses to determine the premium for the extended reporting endorsement. (c) Disclose to the practitioner the portion of the premium attributable to funding the extended reporting endorsement offered at no additional cost to the practitioner in the event of the practitioner's death, disability or retirement, if such a benefit is offered.

(d) Disclose to the practitioner the vesting requirements for the extended reporting endorsement offered at no additional cost to the practitioner in the event of the practitioner's death or retirement, if such a benefit is offered. If such a benefit is not offered, the absence of such a benefit must be disclosed.

(e) Include, as part of the insurance contract, language which must be approved by the Commissioner and which must be substantially similar to the following:

If we adopt any revision that would broaden the coverage under this policy without any additional premium either within the policy period or within 60 days before the policy period, the broadened coverage will immediately apply to this policy.

2. The disclosures required by subsection 1 must be made as part of the offer and acceptance at the inception of the policy and again at each renewal in the form of an endorsement attached to the insurance contract and approved by the Commissioner.

3. The requirements set forth in this section are in addition to the requirements set forth in NRS 690B.290.

Sec. 110. NRS 690B.340 is hereby amended to read as follows:

690B.340 If a settlement or judgment exceeds the limits of the coverage provided by a policy of professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~or sections 2 to 56, inclusive, of this act~~, the Commissioner shall review the settlement or judgment. If the Commissioner finds, after notice and a hearing, or upon waiver of hearing by the insurer, that the insurer who issued the policy violated any provision of this Code with regard to the settlement or judgment, any combination of such settlements or judgments, or any proceedings related thereto, the Commissioner may suspend, limit or revoke the insurer's certificate of authority.

Sec. 111. NRS 690B.360 is hereby amended to read as follows:

690B.360 1. The Commissioner shall collect all information which is pertinent to monitoring whether an insurer that issues professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 56, inclusive, of this act* is complying with the applicable standards for rates established in NRS 686B.010 to 686B.1799, inclusive. Such information must include, without limitation:

- (a) The amount of gross premiums collected with regard to each medical specialty;
- (b) Information relating to loss ratios;
- (c) Information reported pursuant to NRS 690B.250; and (d) Information reported pursuant to NRS 679B.430 and 679B.440.

2. In addition to the information collected pursuant to subsection 1, the Commissioner may request any additional information from an insurer:

- (a) Whose rates and credit utilization are materially different from other insurers in the market for professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 56, inclusive, of this act* in this State; (b) Whose credit utilization shows a substantial change from the previous year; or
- (c) Whose information collected pursuant to subsection 1 indicates a potentially adverse trend.

3. If the Commissioner requests additional information from an insurer pursuant to subsection 2, the Commissioner shall:

- (a) Determine whether the additional information offers a reasonable explanation for the results described in paragraphs (a), (b) or (c) of subsection 2; and
- (b) Take any steps permitted by law that are necessary and appropriate to assure the ongoing stability of the market for professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 56, inclusive, of this act* in this State.

4. On an ongoing basis, the Commissioner shall:

- (a) Analyze and evaluate the information collected pursuant to this section to determine trends in and measure the health of the market for professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 56, inclusive, of this act* in this State; and
- (b) Prepare and submit a report of his findings and recommendations to the Director of the Legislative Counsel Bureau for transmittal to members of the Legislature on or before November 15 of each year.

Sec. 112. NRS 695A.095 is hereby amended to read as follows:

695A.095 1. A society shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the society to its insureds.

2. A society shall not contract with a provider of health care to provide health care to an insured unless the society uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

3. A contract between a society and a provider of health care may be modified:

- (a) At any time pursuant to a written agreement executed by both parties.
- (b) Except as otherwise provided in this paragraph, by the society upon giving to the provider 30 days' written notice of the modification. If the provider fails to object in writing to the modification within the 30-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 30-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If a society contracts with a provider of health care to provide health care to an insured, the society shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments specified in paragraph (a) within 7 days after receiving the request.

5. As used in this section, “provider of health care” means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~§~~ *or sections 2 to 56, inclusive, of this act.*

Sec. 113. NRS 695B.035 is hereby amended to read as follows:

695B.035 1. A corporation subject to the provisions of this chapter shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the corporation to its insureds.

2. A corporation specified in subsection 1 shall not contract with a provider of health care to provide health care to an insured unless the corporation uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

3. A contract between a corporation specified in subsection 1 and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the corporation upon giving to the provider 30 days’ written notice of the modification. If the provider fails to object in writing to the modification within the 30-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 30-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If a corporation specified in subsection 1 contracts with a provider of health care to provide health care to an insured, the corporation shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments specified in paragraph (a) within 7 days after receiving the request.

5. As used in this section, “provider of health care” means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~§~~ *or sections 2 to 56, inclusive, of this act.*

Sec. 114. NRS 695C.125 is hereby amended to read as follows:

695C.125 1. A health maintenance organization shall not contract with a provider of health care to provide health care to an insured unless the health maintenance organization uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

2. A contract between a health maintenance organization and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the health maintenance organization upon giving to the provider 30 days’ written notice of the modification. If the provider fails to object in writing to the modification within the 30-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 30-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

3. If a health maintenance organization contracts with a provider of health care to provide health care to an enrollee, the health maintenance organization shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments specified in paragraph (a) within 7 days after receiving the request.

4. As used in this section, “provider of health care” means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~§~~ *or sections 2 to 56, inclusive, of this act.*

Sec. 115. NRS 695G.430 is hereby amended to read as follows:

695G.430 1. A managed care organization shall not contract with a provider of health care to provide health care to an insured unless the managed care organization uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider

of health care. 2. A contract between a managed care organization and a provider of health care may be modified:

- (a) At any time pursuant to a written agreement executed by both parties.
- (b) Except as otherwise provided in this paragraph, by the managed care organization upon giving to the provider 30 days' written notice of the modification. If the provider fails to object in writing to the modification within the 30-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 30-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

3. If a managed care organization contracts with a provider of health care to provide health care services pursuant to chapter 689A, 689B, 689C, 695A, 695B or 695C of NRS, the managed care organization shall:

- (a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or
- (b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments specified in paragraph (a) within 7 days after receiving the request.

4. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~H~~ *or sections 2 to 56, inclusive, of this act.*

Sec. 116. NRS 631.205, 631.273, 631.287, 631.290, 631.300 and 631.310 are hereby repealed.

Sec. 117. 1. As soon as practicable, the Governor shall appoint the members of the Nevada State Board of Dental Hygienists and the Board of Dental Examiners of Nevada as required pursuant to the amendatory provisions of sections 12 and 60 of this act. The current members of the Committee on Dental Hygiene who are dental hygienists shall be deemed appointed to the Nevada State Board of Dental Hygienists for terms equal to the remainder of their current terms on the Committee on Dental Hygiene.

2. If a person is actively licensed as a dental hygienist pursuant to chapter 631 of NRS on September 30, 2009, he shall be deemed to hold an equivalent license, with the same expiration date, pursuant to the provisions of sections 2 to 56, inclusive, of this act. **Sec. 118.** 1. This section and sections 1 to 23, inclusive, and 25 to 117, inclusive, of this act become effective:

- (a) Upon passage and approval for the purposes of making appointments, adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and
- (b) On October 1, 2009, for all other purposes.

2. Sections 23 and 65 of this act expire by limitation on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending or restricting the use of professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.

3. Section 24 of this act becomes effective on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending or restricting the use of professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.

4. Sections 44 and 76 of this act expire by limitation on the date 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who: (a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

- (b) Are in arrears in the payment for the support of one or more children,
- are repealed by the Congress of the United States.

LEADLINES OF REPEALED SECTIONS

631.205 Creation; membership; powers and duties.

631.273 Temporary license to practice dental hygiene.

631.287 Dental hygienists: Special endorsement of license to practice public health dental hygiene.

631.290 Dental hygienists: Eligibility to apply for license.

631.300 Dental hygienists: Examination; issuance of certificate of registration.

631.310 Dental hygienists: Places of practice; supervision; provision of services.

SUGGESTED LANGUAGE

Local Anesthesia

NRS 631.215 Persons deemed to be practicing dentistry; regulations regarding clinical practice of dentistry.

1. Any person shall be deemed to be practicing dentistry who:
 - (a) Uses words or any letters or title in connection with his or her name which in any way represents the person as engaged in the practice of dentistry, or any branch thereof;
 - (b) Advertises or permits to be advertised by any medium that the person can or will attempt to perform dental operations of any kind;
 - (c) Evaluates or diagnoses, professes to evaluate or diagnose or treats or professes to treat, surgically or nonsurgically, any of the diseases, disorders, conditions or lesions of the oral cavity, maxillofacial area or the adjacent and associated structures and their impact on the human body.
 - (d) Extracts teeth;
 - (e) Corrects malpositions of the teeth or jaws;
 - (f) Takes impressions of the teeth, mouth or gums, unless the person is authorized by the regulations of the Board to engage in such activities without being a licensed dentist;
 - (g) Examines a person for, or supplies artificial teeth as substitutes for natural teeth;
 - (h) Places in the mouth and adjusts or alters artificial teeth;
 - (i) Does any practice included in the clinical dental curricula of accredited dental colleges or a residency program for those colleges;
 - (j) Administers or prescribes such remedies, medicinal or otherwise, as are needed in the treatment of dental or oral diseases;
 - (k) Uses X-ray radiation or laser radiation for dental treatment or dental diagnostic purposes, unless the person is authorized by the regulations of the Board to engage in such activities without being a licensed dentist;
 - (l) Determines:
 - (1) Whether a particular treatment is necessary or advisable; or
 - (2) Which particular treatment is necessary or advisable; or
 - (m) Dispenses tooth whitening agents or undertakes to whiten or bleach teeth by any means or method, unless the person is:
 - (1) Dispensing or using a product that may be purchased over the counter for a person's own use; or
 - (2) Authorized by the regulations of the Board to engage in such activities without being a licensed dentist.
2. Nothing in this section:
 - (a) Prevents a dental assistant, dental hygienist or qualified technician from making radiograms or X-ray exposures ~~[or using X-ray radiation or laser radiation]~~ for dental treatment or dental diagnostic purposes upon the direction of a licensed dentist.
 - (c) **Prevents a dental hygienist from administering local anesthesia or nitrous oxide analgesia for pain management during patient treatment or using X-ray radiation or laser radiation for dental treatment or dental diagnostic purposes, upon the authorization of a licensed dentist.**
 - ~~(b)~~ **c** Prohibits the performance of mechanical work, on inanimate objects only, by any person employed in or operating a dental laboratory upon the written work authorization of a licensed dentist.
 - ~~(e)~~ **d** Prevents students from performing dental procedures that are part of the curricula of an accredited dental school or college or an accredited school of dental hygiene or an accredited school of dental assisting.
 - ~~(d)~~ **e** Prevents a licensed dentist or dental hygienist from another state or country from appearing as a clinician for demonstrating certain methods of technical procedures before a dental society or organization, convention or dental college or an accredited school of dental hygiene or an accredited school of dental assisting.
 - ~~(e)~~ **f** Prohibits the manufacturing of artificial teeth upon receipt of a written authorization from a licensed dentist if the manufacturing does not require direct contact with the patient.

(f) g) Prohibits the following entities from owning or operating a dental office or clinic if the entity complies with the provisions of [NRS 631.3452](#):

(1) A nonprofit corporation organized pursuant to the provisions of [chapter 82](#) of NRS to provide dental services to rural areas and medically underserved populations of migrant or homeless persons or persons in rural communities pursuant to the provisions of 42 U.S.C. § 254b or 254c.

(2) A federally-qualified health center as defined in 42 U.S.C. § 1396d(l)(2)(B) operating in compliance with other applicable state and federal law.

(3) A nonprofit charitable corporation as described in section 501(c)(3) of the Internal Revenue Code and determined by the Board to be providing dental services by volunteer licensed dentists at no charge or at a substantially reduced charge to populations with limited access to dental care.

(g) h) Prevents a person who is actively licensed as a dentist in another jurisdiction from treating a patient if:

(1) The patient has previously been treated by the dentist in the jurisdiction in which the dentist is licensed;

(2) The dentist treats the patient only during a course of continuing education involving live patients which:

(I) Is conducted at an institute or organization with a permanent facility registered with the Board for the sole purpose of providing postgraduate continuing education in dentistry; and

(II) Meets all applicable requirements for approval as a course of continuing education; and

(3) The dentist treats the patient only under the supervision of a person licensed pursuant to [NRS 631.2715](#).

(h) i) Prohibits a person from providing goods or services for the support of the business of a dental practice, office or clinic owned or operated by a licensed dentist or any entity not prohibited from owning or operating a dental practice, office or clinic if the person does not:

(1) Provide such goods or services in exchange for payments based on a percentage or share of revenues or profits of the dental practice, office or clinic; or

(2) Exercise any authority or control over the clinical practice of dentistry.

3. The Board shall adopt regulations identifying activities that constitute the exercise of authority or control over the clinical practice of dentistry, including, without limitation, activities which:

(a) Exert authority or control over the clinical judgment of a licensed dentist; or

(b) Relieve a licensed dentist of responsibility for the clinical aspects of the dental practice.

↪ Such regulations must not prohibit or regulate aspects of the business relationship, other than the clinical practice of dentistry, between a licensed dentist or professional entity organized pursuant to the provisions of [chapter 89](#) of NRS and the person or entity providing goods or services for the support of the business of a dental practice, office or clinic owned or operated by the licensed dentist or professional entity.

[Part 2:152:1951]—(NRS A [1967, 864](#); [1971, 532](#); [1981, 1971](#); [1983, 1111](#); [1987, 858](#); [1995, 275](#); [2005, 271](#); [2009, 1093, 1526, 3003](#); [2013, 995](#))

SUGGESTED LANGUAGE

Nevada Proposed Dental Therapy Bill Draft

NRS 631.?? “Dental Therapy” defined. *The performance of educational, preventive, therapeutic, palliative and restorative/surgical treatment of intraoral or extraoral procedures.*

NRS631.?? “Dental Therapist” defined *A dental hygienist licensed in this state, who is in possession of a current Public Health Endorsement, has successfully completed a Dental Therapy educational program that is accredited by the Commission on Dental Accreditation and successfully passed a dental therapy clinical licensing examination.*

NRS 631.345 Application fee for initial Dental Therapy license \$1,000, Renewal fees TBD

NAC 631.?? New language: blue italics

(1) An individual who is granted a license under this part as a dental therapist may engage in practice as a dental therapist to the extent permitted under this section.

To qualify for licensure under this part as a dental therapist, an individual shall apply to The Nevada State Board of Dental Examiners, pay the application fee under section NRS631.345 and demonstrates to the board that he or she meets all of the following:

(A) Has graduated from a dental therapy education program that satisfies all of the following:

(i) Graduated from a dental therapy program that Meets the standards established for accreditation of a degree-granting program in Dental Therapy education at an approved postsecondary education institution.

(ii) meets the accreditation standards for dental therapy education programs established by the Commission on Dental Accreditation.

(B) Has passed a comprehensive, competency-based clinical examination approved by the board that includes an examination of the applicant's knowledge of the laws of this state under this part and rules promulgated under this part.

2) A Dental Therapist may provide services described in NAC 631.210 section 1 and section 2.

(A) A dental therapist may provide any of the following additional care or services:

(a) Identifying oral and systemic conditions that require evaluation or treatment by dentists, physicians, or other HEALTH CARE professionals and managing referrals.

(b) Providing oral health instruction and disease prevention education, including nutritional counseling and dietary analysis.

(c) Dispensing and administering via the oral or topical route nonnarcotic analgesics and anti-inflammatory and ANTIBIOTIC MEDICATIONS as prescribed by a health care professional.

(d) Pulp vitality testing.

(e) Applying desensitizing medication or resin.

(f) Fabricating athletic mouth guards.

(g) Changing periodontal dressings.

(h) Simple extraction of erupted primary teeth.

(i) Emergency palliative treatment of dental pain related to a care or service described in this subsection.

(j) Preparation and placement of direct restoration in primary and permanent teeth.

(j) Fabrication and placement of single-tooth temporary crowns.

(l) Preparation and placement of preformed crowns on primary teeth.

(m) Indirect and direct pulp capping on permanent teeth.

(n) Indirect pulp capping on primary teeth.

(o) Suturing and suture removal.

(p) Minor adjustments and repairs on removable prostheses.

(q) Placement and removal of space maintainers.

(r) Nonsurgical extractions of periodontally diseased permanent teeth with tooth mobility.

(However, a dental therapist shall not extract a tooth for any patient if the tooth is unerupted, impacted, or fractured or needs to be sectioned for removal.)

(s) Performing other related services and functions authorized and for which the dental therapist is trained.

3) Performing any other duties of a dental therapist that are authorized by the board by regulation in any of the following health settings:

(a) A hospital

(b) A health facility or agency, other than a hospital, that and is reimbursed as a federally qualified health center as defined in 42 USC 1395x(aa)(4) or that has been determined by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to meet the requirements for funding under section 330 of the public health service act, 42 USC 254b.

(c) A federally qualified health center, as defined in 42 USC 1395x(aa)(4), that is licensed as a health facility or agency under article 17.

(d) An outpatient health program or facility operated by a tribe or tribal organization under the Indian self-determination act, 25 USC 5321 to 5332, or by an urban Indian organization receiving funds under title V of the Indian health care improvement ACT, 25 USC 1651 TO 1660H.

(e) A health setting in a geographic area that is DESIGNATED AS a dental shortage area by the United States Department of HEALTH AND Human Services.

(f) A school-based health center

(g) Any other clinic or practice setting, including a mobile dental unit, in which at least 50% of the total patient base of the dental therapist will consist of patients who meet any of the following:

(i) Are enrolled in a health care program administered by the department of health and human services.

(ii) Have a medical disability or chronic condition that creates a significant barrier to receiving dental care.

(iii) Do not have dental health coverage, either through a public health care program or private insurance and have an annual gross family income equal to or less than 200% of the FEDERAL POVERTY level. As used in this subparagraph and subparagraph

(iv) "federal poverty level" means the poverty guidelines PUBLISHED ANNUALLY in the federal register by the United States Department of Health and Human Services.

(iv) Do not have dental health coverage, either through a state public health care program or private insurance, and whose family gross income is equal to or less than 200% of the federal poverty level.

4) A dental therapist may practice under the AUTHORIZATION of a dentist and through a written practice agreement signed by the dental therapist and the dentist. A dental therapist may provide only the services that are within his or her scope of practice, are authorized by a dentist, and are provided according to written protocols or standing orders established by the authorizing dentist.

(a) A dental therapist may provide services to a patient who has not first seen a dentist for an examination if the supervising dentist has given the dental therapist written authorization and standing protocols for the services and reviews the patient records as provided in the written practice agreement. The standing protocols may require the authorizing dentist to personally examine patients either face-to-face or by the use of electronic means.

(b) A dental therapist may provide care by use of tele dentistry.

(c) A written practice agreement between the authorizing dentist and a dental therapist must include all of the following elements:

(i) The services and procedures and the practice settings for those services and procedures that the dental therapist may provide, together with any limitations on those services and procedures.

(ii) Any age-specific and procedure-specific practice protocols, including case selection criteria, assessment guidelines, and imaging frequency.

(iii) Procedures to be used with patients treated by the dental therapist for obtaining informed consent and for creating and maintaining dental records.

(iv) A plan for review of patient records by the authorizing dentist and the dental therapist.

(v) A plan for managing medical emergencies in each practice setting in which the dental therapist provides care.

vi) A quality assurance plan for monitoring care, including patient care review, referral follow-up, and a quality assurance and chart review

(vii) Protocols for administering and dispensing medications, including the specific circumstances under which medications may be administered and dispensed.

(viii) Criteria for providing care to patients with specific medical conditions or complex medical histories, including requirements for consultation before initiating care.

(ix) Specific written protocols, including a plan for providing clinical resources and referrals, governing situations in which the patient requires treatment that exceeds the dental therapist's capabilities or the scope of practice as a dental therapist.

A HEALTH FACILITY OR AGENCY SHALL NOT REQUIRE A DENTIST TO ENTER INTO A WRITTEN PRACTICE AGREEMENT WITH A DENTAL THERAPIST AS A CONDITION OF EMPLOYMENT.

5) A dental therapist shall not prescribe a controlled substance that is included in schedules 2 to 5.

6) The authorizing dentist shall arrange for another dentist or specialist to provide any services needed by a patient of a dental therapist who is authorized by that dentist that are beyond the scope of practice of the dental therapist and that the authorizing dentist is unable to provide.

(a) A dental therapist, in accordance with a written practice agreement shall refer patients to another qualified dental professional or health care professional to receive needed services that exceed the scope of practice of the dental therapist.

NAC 631.220 *A dental therapist may supervise dental assistants and dental hygienists to the extent permitted in a written practice agreement.*

NAC631.173 *Each dental therapist licensed to practice in the State must annually complete at least 18 hours of instruction in approved courses of continuing education or biennially complete at least 36 hours of instruction in approved courses of continuing education, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the dental therapist. Hours of instruction may not be transferred or carried over from one licensing period to another.*

NRS 631.287 Dental hygienists and dental therapists: Special endorsement of license to practice public health dental hygiene and dental therapy; renewal.

1. The Board shall, upon application by a dental hygienist or a dental therapist who is licensed pursuant to this chapter and has such qualifications as the Board specifies by regulation, issue a special endorsement of the license allowing the dental hygienist or dental therapist to practice public health dental hygiene *and dental therapy*. The special endorsement may be renewed biennially upon the renewal of the license of the dental hygienist *or dental therapist*.

2. A dental hygienist *and a dental therapist* who holds a special endorsement issued pursuant to subsection 1 may provide services without the authorization or supervision of a dentist only as specified by regulations adopted by the Board.

NRS 631.3453 Exemption from requirement to designate dental director of dental office or clinic. The provisions of [NRS 631.3452](#) requiring the designation of an actively licensed dentist as a dental director do not apply to a program for the provision of public health dental hygiene *and dental therapy* if:

1. The program is owned or operated by a dental hygienist *or dental therapist* who holds a special endorsement of his or her license to practice public health dental hygiene or dental therapy pursuant to [NRS 631.287](#); and

2. Each dental hygienist *and dental therapist* employed to provide public health dental hygiene pursuant to the program holds a special endorsement of his or her license to practice public health dental hygiene pursuant to [NRS 631.287](#).

(Added to NRS by [2013, 478](#))

SUGGESTED LANGUAGE

Tele -Dentistry

NRS631.?? “Tele dentistry” defined *The means for a patient to receive services when the patient is in one physical location and the dentist or other oral health or general health care practitioner overseeing the delivery of those services is in another location. This mode of patient care makes use of telecommunication technologies to convey health information and facilitate the delivery of dental services without the physical constraints of a brick and mortar dental office.*

**this is the definition approved by the American Dental Association*

NRS 631.310 Dental hygienists: Places of practice; limitations on performance and provision of services.

1. Except as otherwise provided in [NRS 631.271](#) and [631.287](#), the holder of a license or renewal certificate to practice dental hygiene may practice dental hygiene in this State in the following places:

- (a) In the office of any licensed dentist.
- (b) In a clinic or in clinics in the public schools of this State as an employee of the Division of Public and Behavioral Health of the Department of Health and Human Services.
- (c) In a clinic or in clinics in a state institution as an employee of the institution.
- (d) In a clinic established by a hospital approved by the Board as an employee of the hospital where service is rendered only to patients of the hospital, and upon the authorization of a member of the dental staff.
- (e) In an accredited school of dental hygiene.
- (f) In other places if specified in a regulation adopted by the Board.

2. A dental hygienist may perform only the services which are authorized by a dentist licensed in the State of Nevada, unless otherwise provided in a regulation adopted by the Board.

3. Except as otherwise provided in [NRS 631.287](#) or specifically authorized by a regulation adopted by the Board, a dental hygienist shall not provide services to a person unless that person is a patient of the dentist who authorized the performance of those services.

4. Dental hygienists may practice utilizing tele-dentistry in board approved locations.

[12:152:1951] — (NRS A [1963, 974](#); [1971, 536](#); [1973, 1406](#); [1981, 1975](#); [1983, 1113](#); [1995, 216](#); [1999, 1656, 2849](#); [2001, 2693](#))