Nevada State Board of Dental Examiners

6010 S. Rainbow Blvd., Bldg. A, Ste. 1
Las Vegas, NV 89118
(702) 486-7044 • (800) DDS-EXAM • Fax (702) 486-7046

FACT SHEET

Applicants for Dental Licensure
for Military Spouse by Reciprocity

Thank you for your interest in applying for dental licensure for Military Spouse by reciprocity/credential pursuant to the laws of the State of Nevada.

If you intend to apply for dental licensure for Military Spouse by reciprocity/credential the following documentation MUST be submitted to the board office prior to Board approval:

1. Application for Nevada Dental Licensure

2. The application fee of $1200. 00.

3. One (1) 2" x 2" photograph of the applicant taken within six months immediately preceding the submission of application for dental licensure.

4. Military orders and/or military identification

Upon receipt of the above referenced documents and fees, your application will be reviewed by the Secretary-Treasurer for compliance pursuant to NAC 631.050. If the application is found to be in compliance, the application will be placed before the Board for approval contingent upon receipt of the additional documentation to include, completion of the jurisprudence examination, fingerprints and the background check.

Applicants acknowledge they have a continuing responsibility to update all information contained in your application for limited licensure.

Jurisprudence Examination/Fingerprint Information:

Once the Board office is in receipt of your completed application and the license application fee, you will receive via US Mail the information for the on-line jurisprudence examination and the fingerprint materials. However, included with this application packet are the study materials on the contents of the statutes and regulations.

APPLICATION FOR NEVADA DENTAL LICENSURE

I hereby make application for Nevada Dental licensure by: (Please check one below)

2" x 2" color photo of applicant taken within the last 6 months must be affixed to this space.

Licensure by ADEX: $1200 _____
(NRS 631.240)

Licensure by WREB Exam: $1200 _____
(NRS 631.240)

Restricted Geographical: $600 _____
(NRS 631.274)
Indicate County(ies) _____

Indicate FQHC Facility or Non Profit_____

Restricted License: $125.00_____
(NRS 631.275)

Indicate facility approved by the Health Division of DHHS

_____

Licensure by Credential: $1200_____
(NRS 631.255)
Indicate Specialty (Board Eligible / Diplomate

Orthodontia_____
Periodontia_____
Endodontia_____
O & M Surgery_____
O & M Pathology _____
O & M Radiology_____
Pediatric Dentistry _____
Prosthodontia_____
Public Health _____

Limited Licensure: $125 _____
(NRS 631.271)

Indicate Residency Program _____
Instructor/Facility_____

Military Spouse by Reciprocity/Credential: $1200.00 _____

NOTE: An application is considered complete when the application, all required documents, background information, and fees are on file with the Board office. APPLICATION FEES MUST BE PAID IN ADVANCE AND MAY NOT BE REFUNDED PURSUANT TO NEVADA REVISED STATUTE (NRS) 631.345. YOU WILL BE NOTIFIED WITHIN 15 BUSINESS DAYS UPON APPROVAL OF YOUR APPLICATION BY THE BOARD.

Please type or print legibly. All questions must be answered. If additional space is needed, attach a separate sheet identifying additional information by Section number. Applicants acknowledge they have a continuing responsibility to update all information contained in this application until such time as the Board takes final action on this application. Failure of an applicant to update the information prior to final action of the Board is grounds for subsequent disciplinary action.

1. FULL NAME: _____ **SOCIAL SECURITY #**_____

Have you ever been known by any other name? Yes _____ No _____

If yes, state in full every other name by which you have been known, the reason therefore, and the inclusive dates so known: _____

_____

_____

If a name change was made by court order, attach a CERTIFIED COPY of the court order.

If a married woman, state maiden name: _____

2. ADDRESS Mailing Address _____

_____

Permanent Address _____
(If different) _____
Practice Address _____
(If any) _____

Telephone Residence ( ) _____
Telephone Cell ( ) _____
Telephone Business ( ) _____ FAX ( ) _____
E-mail address _____@_____

3. AGE _____ **Birth Date** _____ **Birthplace** _____
(City, County, State, & Country)

Are you a U.S. born citizen? Yes _____ No _____

If no, are you naturalized? Yes _____ No _____

If yes, naturalization # _____

Naturalization Date: _____ *Place:* _____

If no, were you born abroad of US citizens? Yes_____ No _____

If no, are you a legal resident? Yes _____ No _____

Is your application for naturalization pending? Yes_____ No _____

Date of Application _____ *Place* _____

4. DENTAL SCHOOL EDUCATION: DOCTORAL & POST DOCTORAL

Dental School:
(Doctoral) _____ (Post Doctoral)_____

City & State: _____ City & State: _____

Years attended: From _____ *(month & year)*
(Doctoral) To _____ *(month & year)*

Years attended From _____ *(month & year)*
(Post Doctoral) To _____ *(month & year)*

Graduation Date:
(Doctoral) _____ (Post Doctoral) _____
(Month, Day & Year) *(Month, Day & Year)*

Degree Granted: DDS _____ DMD _____ Specialty (MS) _____

5. CERTIFICATE OF COMPLETION OF NATIONAL BOARD EXAMINATION

Have you been granted a certificate of successful completion of the National Board of Dental Examiner examination? Yes _____ No _____

If yes, list total average score on Part I and II: Part I _____ Part II _____

Date of Certificate _____

6. LASER USE AND CERTIFICATION

I utilize laser radiation in the performance of my practice of dentistry. Yes _____ No _____

I certify that each laser I use in my practice of dentistry has been cleared by the United States Food and Drug Administration for use in dentistry. Yes _____ No _____

Attach a copy of proof of course completion of laser proficiency indicating successful completion of a recognized course pursuant to Board regulation NAC 631.033 and NAC 631.035 based on the curriculum guidelines and standards for dental laser education as adopted by the Academy of Laser Dentistry.

7. SELF EMPLOYMENT

Have you ever been self-employed? Yes _____ No _____

If yes, please list date(s) of self-employment and nature of business: _____

_____

_____

8. FICTITIOUS OR ASSUMED NAME

Have you ever done business under a fictitious name (D.B.A.)? Yes _____ No _____

If yes, list all fictitious names (D.B.A.), dates, and nature of business: _____

_____

_____

9. DENTAL PRACTICE

Have you ever been engaged in private dental practice or been employed as a dentist? Yes _____ No _____

If yes, list the following information for the past ten years including the dates you practiced dentistry: the names and addresses of all employers, partners, associates or persons sharing office space, and the reason for leaving each practice. (Use additional sheets if necessary)

From	To	Practice Address	Names and Addresses Of Employers, Associates, etc.	Reason for Leaving

10. CONTINUED CLINICAL COMPETENCY

Have you been out of active practice for one or more years just prior to completing this application? Yes _____ No _____

If yes, attached a separate sheet with details of how you have maintained your clinical skills.

11. HISTORY OF IMPAIRMENT

Do you now, or have you ever, abused alcohol, other chemical substances, or do you have any medical/mental impairments or emotional condition(s) that would impair your ability to perform as a licensee pursuant to NRS and NAC Chapters 631?

If yes, submit details on separate sheet. Yes _____ No _____

12. EXAMINATION AND LICENSURE HISTORY

(a) Have you ever participated as a candidate in dental clinical examination(s) administered by Nevada or any state, territory, or the District of Columbia or any Regional Testing Agency? Yes _____ No _____

If yes, list the following for each examination (use additional sheets if necessary):

State, Territory, DC or Regional Testing Agency	Date(s) of Each Clinical Examination	Result of Each Clinical Examination

(b) Have you ever applied for a license to practice dentistry? Yes _____ No _____

If yes, list the following for each state, territory or the District of Columbia (use additional sheets if necessary):

State, Territory or District of Columbia	Date of Each Application	Result of Each Application

(c) Have any proceedings been initiated against you to revoke or suspend your dental license? Yes _____ No _____

(d) At the time you filed this application, were any disciplinary proceedings pending against you, including complaints or investigations, in any other state, territory or the District of Columbia? Yes _____ No _____

(e) Have you ever been terminated or attempted to terminate or surrender a dental license in any state, territory or the District of Columbia? Yes _____ No _____

(f) Have you ever been denied a dental license in this state, another state, or a territory of the U.S. or the District of Columbia? Yes _____ No _____

If you answered 'yes' to questions 12(c), 12(d), 12(e) and/or 12(f), provide a full explanation of each answer on a separate sheet and attach to this application.

13. MORAL CHARACTER

(a) As a member of any profession or association connected with the practice of dentistry, or as a staff member at a hospital, outpatient clinic, or surgery center, or as a holder of public office:

(1) Have you ever been suspended or otherwise disqualified? Yes _____ No _____

(2) Have you ever been reprimanded, censored, restricted or otherwise disciplined? Yes._____ No _____

(3) Have any charges or complaints, formal or informal, ever been made or filed against you, or have any proceedings been instituted against you? Yes _____ No _____

(4) Have you ever been requested to appear before a Peer Review Committee? Yes _____ No _____

(5) Have your clinical privileges or procedures been restricted by any hospital, outpatient clinic or surgery center? Yes _____ No _____

(b) Have you ever been convicted of a felony or a misdemeanor or a crime involving moral turpitude? Yes _____ No _____

(c) Have you ever entered a plea of nolo contendere to a felony or misdemeanor, or a charge of a crime involving moral turpitude? Yes _____ No _____

(d) Have you ever been summoned, arrested, taken into custody, indicted convicted, tried for, charged with, or pleaded guilty to the violation of any law or ordinance or the commission of any misdemeanor(s) or felony(ies)? Yes _____ No _____

(e) Have you ever been declared a ward of any court, or adjudged as incompetent, or have any proceedings ever been brought to have you declared a ward of any court or adjudged as incompetent, or have you ever been committed to any institution? Yes _____ No _____

(f) Have you ever had any claims of malpractice filed against you? Yes _____ No _____

(g) Have you ever been dropped, suspended, expelled or disciplined by any school or college for any cause whatsoever: Yes _____ No _____

(h) I acknowledge that should I be issued a license to practice dentistry in the State of Nevada, by checking the "Yes" box that I am aware I have a mandatory requirement to report child abuse or neglect pursuant to the laws of the State of Nevada. Yes ___

If your answer is 'yes' to any of the foregoing questions (13 a-g), furnish a written statement of each occurrence giving the complete facts. For each incident, state the date, the nature of the charge the disposition of the matter, and the name and address of the authority in possession of the records thereof. You must provide certified copies of any arrest or conviction and/or any plea agreements entered into for any felony(ies) or misdemeanor(s)

14. STATEMENT OF CHILD SUPPORT

Pursuant to state and federal mandated requirements, I further certify that (place an X on the appropriate line):

(1) _____ I am NOT subject to a court order for the support of one or more children.

(2) _____ I AM subject to a court order for the support of one or more children. (continue to 2a or 2b below)

(a) _____ I am NOT in compliance with a plan approved by the district attorney or other public agency enforcing the order for the payment of the amount owed pursuant to the court order for the support of one or more children.

(b) _____ I AM in compliance with a plan approved by the district attorney or other public agency enforcing the order for the payment of the amount owed pursuant to the court order for the support of one or more children.

15. AFFIDAVIT AND PLEDGE:

I hereby expressly waive all provisions of law forbidding any physician or other person who has attended or examined me or who may hereafter attend or examine me from disclosing any knowledge or information that is thereby acquired, and I hereby consent that such knowledge or information may be disclosed to the Nevada State Board of Dental Examiners.

The person named as the applicant in the foregoing application and questionnaire, being first duly sworn, deposes and says: I am the applicant for dental licensure referred to; and I have carefully read and understand the questions in the foregoing questionnaire and have answered them truthfully, fully, and completely, without mental reservation of any kind. I further understand I have a continuing obligation to inform the Board should any of my answers since filing this application change prior to the Board issuing my license. In the event I fail to update the answers which have changed since submitting this application, I understand that such failure is ground for revocation of any license issued or denial of the application.

I hereby authorize educational and other institutions, my references (past and present), business and professional associates (past and present), insurance carriers, professional societies, governmental agencies and instrumentalities (local, state, federal or foreign), and independent information gathering services to release to the Nevada State Board of Dental Examiners any information, files or records requested by the Board in connection with the processing of this application.

I hereby pledge myself to the highest standards and ethics in the Practice of Dentistry and further pledge to abide by the laws and regulations pertaining to the practice of dentistry. I understand that a violation of this pledge may be deemed sufficient cause for the revocation of a license issued by the Board.

I hereby understand and agree that the title of all licenses shall remain with the Nevada State Board of Dental Examiners and subject to surrender by Order of said Board.

I UNDERSTAND THAT ANY OMISSIONS, INACCURACIES, OR MISREPRESENTATIONS OF INFORMATION ON THIS APPLICATION ARE GROUNDS FOR REJECTION OF THIS APPLICATION AND THE REVOCATION OF A LICENSE WHICH MAY HAVE BEEN OBTAINED THROUGH THIS APPLICATION.

STATE OF _____

COUNTY OF _____

Signature of Applicant _____

(Notary Seal) **Date** _____

Signature of Notary _____

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DENTAL LICENSURE FOR MILITARY SPOUSE BY RECIPROCITY/CREDENTIAL CHECKLIST

_____ Complete Nevada Licensure Application

_____ Application fee of $1200.00.

_____ One (1) 2" x 2" photograph of the applicant taken within six months immediately preceding the submission of application for limited licensure.

_____ Military Orders and/or military identification

NOTE: When the Board office has received all the information listed above, your application will be submitted to the Secretary-Treasurer for review pursuant to state law. Upon review by the Secretary-Treasurer your application will be forwarded to the Board for consideration at a scheduled meeting of the Nevada State Board of Dental Examiners. Approval of your dental licensure for Military Spouse is valid for ninety (90) days upon approval by the Board and contingent upon completion of the other required documents to include; jurisprudence examination, fingerprints and the back ground check.

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National Practitioner Data Bank / Healthcare Integrity and Protection Data Bank Report

All applicants for dental or dental hygiene licensure are required to self-query the National Practitioner Data Bank/Healthcare Integrity and Protection Data Bank. The self-query must be completed on the internet. Instructions for accessing the self-query forms are as follows:

- Go to: www.npdb-hipdb.hrsa.gov
- In the 'Practitioners' box/section, click on 'Has A Report Been Filed on You'
- Click on: 'Search on Myself'
- Read the information presented then check the box at the bottom of the page and click 'Continue'
- Complete the form on-line following the instructions.

You will need a credit card for payment of the querying fees. Upon completion of the self- query form, follow instructions for printing and notarizing the form. Mail the notarized form to the National Practitioners Data Bank office in Chantilly, Virginia. Federal law requires that the self-query results be mailed directly to you with an approximate turn-around time of 3-4 weeks.

When completing the self-query form, you will be given the option to have the results returned to you by mail and/or by email. Either format is acceptable. You may submit the original report you receive by mail to the board office, or submit the completed report by email by following these instructions:

- Open the email received from the NPDB
- Sign in to open/view your report
- From the open report, save a copy of the report PDF to your desktop
- Forward the original email from the NPDB to nsbde@nsbde.nv.gov AND include the PDF as an attachment. We must receive the original email from NPDB in order to view the email thread.

If you should have questions pertaining to your self-query you may call:
Data Bank Customer Service at 800-767-6732

Posted 3/14/13

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BACKGROND CHECK INFORMATION

You will find listed below the two companies the Board has approved to provide back ground services. You are required to contact Complete Credentialing and Background Services, LLC (CCBS) or Professional Background Information Service (PBIS) to request an appropriate background status report for Nevada. CCBS and PBIS are independent contractors which provide information to the Board. Neither CCBS nor PBIS are agents or representatives of the Board. Applicable fees can be obtained by contacting either CCBS or PBIS. These fees are payable by you directly to CCBS or PBIS. Please contact CCBS or PBIS at the telephone number and/or website address for an application for the background status report and primary source document gathering for Nevada:

Complete Credentialing and Background Services, LLC (CCBS)
Phone: (623) 972-0749 FAX: (623) 972-0764 Web Site: completecbs.com
Please access website for address and application information

Professional Background Information Service (PBIS)
Phone: (602) 861-5867 FAX: (602) 861-9656 Web Site: pbisonline.com
Please access website for address and application information

Either CCBS or PBIS will forward an application packet to you along with a list of requirements for a complete background/document report. All required information will be verified by CCBS or PBIS and, upon completion, will be forwarded directly to the Board office. Your application will not be processed until the Board office receives the completed report from CCBS or PBIS. In order to avoid delays in processing your application, you should contact CCBS or PBIS immediately to request an appropriate packet for Nevada. In some cases, collection of the required documentation by CCBS or PBIS may take as long as 45-90 days. All inquiries regarding the status of your CCBS or PBIS report must be directed to CCBS or PBIS staff at the address and telephone number listed above. The Board office cannot provide information on the status of the CCBS or PBIS report.

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Name of person Requesting:	Mailing Address (where to mail document requested):
Contact Telephone Number: ( ) --	Suite No. : _____ City: _____
NV License Number: ☐ Dental ☐ Dental Hygiene	State: _____ Zip Code: _____

DESCRIPTION OF PURCHASE — TOTAL $

Dental Application Fees:

- ☐ WREB Dental ($1200)
- ☐ ADEX Dental ($1200)
- ☐ Specialty Credential ($1200)
- ☐ Geographically Restricted ($600)
- ☐ Limited License ($125)
- ☐ Limited License for Supervision ($100)
- ☐ Restricted ($125)
- ☐ Specialty (NV licensed Dentist Only) ($125)
  (If applying for a general dental license and specialty license concurrently, application fee will be $1325)

Dental Hygiene Application Fees:

- ☐ WREB Hygiene ($600)
- ☐ ADEX Hygiene ($600)
- ☐ Geographically Restricted ($150)
- ☐ Limited License ($125)
- ☐ Local Anesthesia/N2O Permit(s) ($25 each)

Anesthesia Permit Fee:

- ☐ General Anesthesia Application ($350)
- ☐ Conscious Sedation Application ($350)
- ☐ Site Permit Application ($350)
- ☐ Site Re-inspection Fee ($250)

Other: _____

Licensure Fees:

Dental Renewal:	Hygiene Renewal:
☐ Active ($600)	☐ Active ($300)
☐ Inactive ($200)	☐ Inactive ($50)
☐ Limited/Restricted ($100)	☐ Limited ($100)
☐ Retired ($50)	☐ Retired ($50)

Reinstatment Fee:
☐ Revoked ($350) ☐ Suspended ($200)

- ☐ General Anesthesia Permit Renewal ($100)
- ☐ Conscious Sedation Permit Renewal ($100)
- ☐ Site Permit Renewal ($100)
- ☐ License Reactiviation ($200)

Certificate(s):

- ☐ Wall Certificate ($25)
- ☐ Pocket Card ($25)
- ☐ Dental Anesthesia Wall Certificate ($25)
- ☐ Local anesthesia/N2O Wall Certificate ($25)
- ☐ Exam Verification Certificate ($25)
- ☐ License Verification Certificate ($25)

Miscellaneous:

- ☐ Continuing Education Provider Fee
  ($50 1st hour, $25 each additional hours)
- ☐ NRS/NAC Booklets ($3 each)
- ☐ Return Check Fee ($25)
- ☐ Change of Address Fine ($50)
- ☐ Investigation Costs
- ☐ Civil Penalty

Name on Credit Card:	Method of Payment: Master card ☐ Visa ☐ Discover Card ☐ Check ☐
Credit Card Billing Address: _____	Credit Card Number: ___ ___ ___ ___ - ___ ___ ___ ___ - ___ ___ ___ ___ - ___ ___ ___ ___
Suite No. : _____ City: _____ State: _____ Zip Code: _____	Exp. Date: ____ - ____ / Security Code# ___ ___ ___

Purchasers Signature: _____ **Date:** _____

****PERSONAL & BUSINESS CHECKS ONLY ACCEPTED IF YOU ARE A CURRENT LICENSEE IN GOOD STANDING****
****THERE IS A 7 TO 15 BUSINESS DAY PROCESSING PERIOD FOR ALL REQUESTS****

Nevada Revised Statutes

Chapter 631 Dentistry and Dental Hygiene

[Rev. 1/16/2013 11:45:52 AM--2012R2]

CHAPTER 631 - DENTISTRY AND DENTAL HYGIENE

GENERAL PROVISIONS

NRS 631.005	Definitions.
NRS 631.015	"Accredited" defined.
NRS 631.020	"Board" defined.
NRS 631.025	"Conscious sedation" defined.
NRS 631.027	"Deep sedation" defined.
NRS 631.030	"Dental hygiene" defined.
NRS 631.040	"Dental hygienist" defined.
NRS 631.055	"General anesthesia" defined.
NRS 631.070	"License" defined.
NRS 631.075	"Malpractice" defined.
NRS 631.095	"Professional incompetence" defined.
NRS 631.100	"Renewal certificate" defined.
NRS 631.105	"Supervision by a dentist" defined.
NRS 631.115	Applicability of chapter.

BOARD OF DENTAL EXAMINERS OF NEVADA

NRS 631.120	Creation; membership.
NRS 631.130	Qualifications of members; restrictions on participation in examinations.
NRS 631.140	Appointment of members from particular areas of State.
NRS 631.150	Grounds for removal of member from office.
NRS 631.160	Officers and Executive Director.
NRS 631.170	Examination of applicants; meetings; quorum.
NRS 631.175	Liability of person retained by Board to judge qualifications of applicant for licensure.
NRS 631.180	Compensation of members and employees; deposit and expenditure of fees.
NRS 631.190	Powers and duties.
NRS 631.195	Fiscal year.

COMMITTEE ON DENTAL HYGIENE

NRS 631.205	Creation; membership; powers and duties.

LICENSING

NRS 631.215	Persons deemed to be practicing dentistry; regulations regarding clinical practice of dentistry.
NRS 631.220	Filing of application for license.
NRS 631.225	Payment of child support: Submission of certain information by applicant; grounds for denial of license; duty of Board. [Effective until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]
NRS 631.225	Payment of child support: Submission of certain information by applicant; grounds for denial of license; duty of Board. [Effective on the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings and expires by limitation 2 years after that date.]
NRS 631.230	Eligibility of applicant for examination.
NRS 631.240	Examination; issuance of certificate of registration.
NRS 631.250	Issuance of specialist's license to dentist licensed in this State.
NRS 631.255	Issuance of specialist's license to person without required clinical examination.
NRS 631.260	Issuance of licenses.
NRS 631.265	Permit to administer general anesthesia, conscious sedation or deep sedation.
NRS 631.267	Authorization to perform physical evaluation and compile medical history of patient before hospital admission; hospital prohibited from refusing to accept; "qualified dentist" defined.
NRS 631.271	Limited license to practice dentistry or dental hygiene; permit authorizing certain persons to practice dentistry or dental hygiene.
NRS 631.2715	Limited license to supervise certain courses of continuing education.
NRS 631.272	Temporary license to practice dentistry.
NRS 631.273	Temporary license to practice dental hygiene.
NRS 631.274	Restricted geographical license to practice dentistry or dental hygiene.
NRS 631.275	Restricted license to practice dentistry at facility that provides dental services to persons of low income.

NRS 631.280 Failure of examination; limitation on reexamination.
NRS 631.287 Dental hygienists: Special endorsement of license to practice public health dental hygiene.
NRS 631.290 Dental hygienists: Eligibility to apply for license.
NRS 631.300 Dental hygienists: Examination; issuance of certificate of registration.
NRS 631.310 Dental hygienists: Places of practice; supervision; provision of services.
NRS 631.311 Dentist not required to be present when dental hygienist provides services authorized by dentist.
NRS 631.313 Assignment of dental hygienist or dental assistant to perform intraoral tasks under supervision of dentist; exception; administration of local anesthesia or nitrous oxide by dental hygienist.
NRS 631.317 Regulations concerning intraoral tasks and other practices.
NRS 631.330 Renewal of license: Requirements; issuance of renewal certificate.
NRS 631.335 Inactive status of license.
NRS 631.340 Restoration of license.
NRS 631.342 Regulations concerning continuing education.
NRS 631.343 Persons exempt from requirement of continuing education.
NRS 631.345 Fees.

ENTITIES OWNING OR OPERATING A DENTAL OFFICE OR CLINIC

NRS 631.3452 Designation and responsibilities of dental director of dental office or clinic; retention of records.
NRS 631.3454 Ownership or operation not violation or dishonorable or unprofessional conduct; contract with entity by dentist or professional entity not prohibited.

PERSONS OR ENTITIES PROVIDING GOODS OR SERVICES FOR SUPPORT OF THE BUSINESS OF A DENTAL PRACTICE, OFFICE OR CLINIC

NRS 631.3455 Unlicensed person or entity not precluded from providing goods or services for support of business of dental practice, office or clinic in certain circumstances.
NRS 631.3456 Certain provision of goods or services or receipt of payment for provision of goods or services not violation or dishonorable or unprofessional conduct; contracts with persons providing such goods or services not prohibited.
NRS 631.3457 Revocation of state business license for certain violations.

UNPROFESSIONAL CONDUCT

NRS 631.346 Employment of unlicensed person; public demonstrations; aiding in unlicensed practice; dental hygienist practicing in unauthorized place; practice with license suspended or without renewal certificate.
NRS 631.3465 Fee for referral; association with person engaged in illegal practice or with unlicensed person; use of name "clinic," "institute" or "referral services"; practice under name of retired dentist.
NRS 631.347 Participation in plan requiring patients to select dentist from preselected group unless plan for personal selection offered; authorized disciplinary action.
NRS 631.3475 Malpractice; professional incompetence; disciplinary action in another state; substandard care; procurement or administration of controlled substance or dangerous drug; inebriety or addiction; gross immorality; conviction of certain crimes; certain operation of medical facility.
NRS 631.348 Misleading statements; false advertising; fraud in securing license; practice under misleading name; submitting fraudulent claim to insurer; failure to notify insurer of forgiven debt.
NRS 631.3485 Violation of chapter or regulations; failure to pay fee for license.
NRS 631.3487 Suspension of license for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of license. [Effective until 2 years after the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]
NRS 631.349 Examples of unprofessional conduct not complete list or authorization of other acts; Board may hold similar acts unprofessional conduct.

DISCIPLINARY ACTION

NRS 631.350 Disciplinary powers of Board; grounds; delegation of authority to take disciplinary action; deposit of fines; claim for attorney's fees and costs of investigation; private reprimands prohibited; orders imposing discipline deemed public records.
NRS 631.355 Action by hearing officer or panel: Procedural requirements; powers and duties of officer or panel.
NRS 631.360 Investigation, notice and hearing; subpoena; search warrant; retention of complaints.
NRS 631.363 Appointment of member or agent to conduct investigation and hearing; notice of hearing; report; hearing by Board.
NRS 631.366 Enforcement of subpoena by district court.
NRS 631.368 Certain records relating to investigation deemed confidential; certain records relating to disciplinary action deemed public records; dissemination of records to other agencies.

MISCELLANEOUS PROVISIONS

NRS 631.371 Use of letters "M.D." or other appropriate abbreviation by certain dentists who hold degree as doctor of

medicine.
NRS 631.375 Identification of removable dental appliances by name or social security number.
NRS 631.378 Immunity from civil liability for furnishing information to Board or otherwise assisting in investigation or prosecution; recovery of attorney's fees and costs.
NRS 631.380 Validity of license or renewal certificate issued on or before March 20, 1951.
NRS 631.385 Ownership or control of practice without license after death of dentist.
NRS 631.388 Manager of business of dental practice, office or clinic to register certain information with Board.

UNLAWFUL ACTS; PENALTIES; INJUNCTIVE RELIEF

NRS 631.395 Acts constituting illegal practice of dentistry.
NRS 631.400 Penalties; injunctive relief.

GENERAL PROVISIONS

NRS 631.005 Definitions. As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 631.015 to 631.105, inclusive, have the meanings ascribed to them in those sections.
(Added to NRS by 1983, 1106; A 1987, 857; 1989, 1739; 2001, 2692)

NRS 631.015 "Accredited" defined. "Accredited" means approved by the Commission on Dental Accreditation of the American Dental Association or its successor organization.
(Added to NRS by 1971, 530; A 1983, 1110; 1985, 379)

NRS 631.020 "Board" defined. "Board" means the Board of Dental Examiners of Nevada.
[Part 2:152:1951]—(NRS A 1983, 1110)

NRS 631.025 "Conscious sedation" defined. "Conscious sedation" means a minimally depressed level of consciousness, produced by a pharmacologic or nonpharmacologic method or a combination thereof, in which the patient retains the ability independently and continuously to maintain an airway and to respond appropriately to physical stimulation and verbal commands.
(Added to NRS by 2001, 2691)

NRS 631.027 "Deep sedation" defined. "Deep sedation" means a controlled state of depressed consciousness, produced by a pharmacologic or nonpharmacologic method or a combination thereof, and accompanied by a partial loss of protective reflexes and the inability to respond purposefully to verbal commands.
(Added to NRS by 2001, 2691)

NRS 631.030 "Dental hygiene" defined. "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.
[Part 2:152:1951]—(NRS A 1971, 531; 1981, 1969; 1983, 1110; 2003, 519)

NRS 631.040 "Dental hygienist" defined. "Dental hygienist" means any person who practices the profession of dental hygiene and is licensed pursuant to this chapter.
[Part 2:152:1951]—(NRS A 1983, 1110; 2003, 519)

NRS 631.055 "General anesthesia" defined. "General anesthesia" means a controlled state of unconsciousness, produced by a pharmacologic or nonpharmacologic method or a combination thereof, and accompanied by partial or complete loss of protective reflexes and the inability independently to maintain an airway and respond purposefully to physical stimulation or verbal commands.
(Added to NRS by 1989, 1739)

NRS 631.070 "License" defined. "License" means a certificate issued by the Board to any applicant upon completion of requirements for admission to practice either dental hygiene or dentistry, or any of the special branches of dentistry, as provided by the license.
[Part 2:152:1951]—(NRS A 1983, 1111)

NRS 631.075 "Malpractice" defined. "Malpractice" means failure on the part of a dentist to exercise the degree of care, diligence and skill ordinarily exercised by dentists in good standing in the community in which he or she practices. As used in this section, "community" means the entire area customarily served by dentists among whom a patient may reasonably choose, not merely the particular area inhabited by the patients of that individual dentist or the particular city or place where the dentist has an office.
(Added to NRS by 1983, 1106)

NRS 631.095 "Professional incompetence" defined. "Professional incompetence" means lack of ability safely and skillfully to practice dentistry, or to practice one or more specified branches of dentistry, arising from:

1. Lack of knowledge or training;
2. Impaired physical or mental capability of the dentist;
3. Indulgence in the use of alcohol or any controlled substance; or
4. Any other sole or contributing cause.

(Added to NRS by 1983, 1106)

NRS 631.100 "Renewal certificate" defined. "Renewal certificate" means the certificate of renewal of a license issued by the Board.

[Part 2:152:1951]—(NRS A 1967, 865; 1981, 1972; 1983, 1112)

NRS 631.105 "Supervision by a dentist" defined. "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.

(Added to NRS by 1987, 857)

NRS 631.115 Applicability of chapter. Except as otherwise provided in subsection 2 of NRS 631.317, this chapter does not apply to:

1. A legally qualified physician or surgeon unless he or she practices dentistry as a specialty.
2. A dentist or 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 or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

[13:152:1951]—(NRS A 1971, 537; 1987, 861; 1995, 1097; 2009, 820)—(Substituted in revision for NRS 631.390)

BOARD OF DENTAL EXAMINERS OF NEVADA

NRS 631.120 Creation; membership. The Board of Dental Examiners of Nevada, consisting of 11 members appointed by the Governor, is hereby created.

[Part 4:152:1951; A 1953, 363]—(NRS A 1977, 1250; 1981, 1972; 2003, 519)

NRS 631.130 Qualifications of members; restrictions on participation in examinations.

1. The Governor shall appoint:

(a) Six 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.

[Part 4:152:1951; A 1953, 363]—(NRS A 1971, 533; 1977, 1250; 1981, 1972; 1983, 1112; 1989, 52; 1995, 275; 2003, 519, 1190; 2005, 271)

NRS 631.140 Appointment of members from particular areas of State.

1. The six 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 of those members must be from Carson City, Douglas County or Washoe County.

(b) Four of those members must be from Clark County.

(c) One 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.

[Part 4:152:1951; A 1953, 363]—(NRS A 1957, 343; 1971, 533; 1977, 1251; 1979, 87; 1981, 1973; 2003, 520, 1191)

NRS 631.150 Grounds for removal of member from office. 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.

[Part 4:152:1951; A 1953, 363]

NRS 631.160 Officers and Executive Director.

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 a 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.

[Part 4:152:1951; A 1953, 363]—(NRS A 1995, 275)

NRS 631.170 Examination of applicants; meetings; quorum.

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 who are dentists and two members who are dental hygienists.

[Part 4:152:1951; A 1953, 363]—(NRS A 1957, 343; 1963, 82; 1981, 1973; 1983, 1113; 1987, 857; 2003, 520; 2007, 505)

NRS 631.175 Liability of person retained by Board to judge qualifications of applicant for licensure. 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.

(Added to NRS by 1985, 1892)

NRS 631.180 Compensation of members and employees; deposit and expenditure of fees.

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.

[Part 4:152:1951; A 1953, 363]—(NRS A 1963, 149; 1975, 303; 1981, 1973; 1985, 444; 1989, 1697; 1999, 1531; 2007, 2944)

NRS 631.190 Powers and duties. 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. Notwithstanding the provisions of this subsection, the Attorney General in his or her sole discretion may, but is not required to, serve as legal counsel for the Board at any time and in any and all matters.
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.

[Part 4:152:1951; A 1953, 363]—(NRS A 1963, 150; 1967, 865; 1993, 2743; 2009, 3002)

NRS 631.195 Fiscal year. The Board shall operate on the basis of a fiscal year commencing on July 1 and terminating on June 30.

(Added to NRS by 1963, 149)

COMMITTEE ON DENTAL HYGIENE

NRS 631.205 Creation; membership; powers and duties.

1. The Committee on Dental Hygiene is hereby created.
2. The Committee consists of:

(a) The members of the Board who are dental hygienists; and

(b) One dentist who is a member of the Board and who has supervised a dental hygienist for at least 3 years immediately preceding his or her appointment to the Committee by the Board.

3. The Committee:

(a) May accept recommendations from dental hygienists, dentists and the general public and may meet to review such recommendations.

(b) May make recommendations to the Board concerning:

(1) The practice of dental hygiene; and

(2) The licensing of dental hygienists, including, without limitation, requirements relating to the education, examination and discipline of dental hygienists.

(c) Shall carry out any duties the Board may assign to the Committee.

(Added to NRS by 2003, 519)

LICENSING

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) Diagnoses, professes to diagnose or treats or professes to treat any of the diseases or lesions of the oral cavity, teeth, gingiva or the supporting structures thereof;

(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.

(b) 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.

(c) 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) 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) 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) 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) 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) 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.

Ê 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)

NRS 631.220 Filing of application for license.

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 the applicant 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.

[Part 5:152:1951]—(NRS A 1967, 865; 1987, 858; 1989, 1739; 1995, 276; 1997, 2124; 2003, 2860; 2005, 2717, 2807; 2007, 505)

NRS 631.225 Payment of child support: Submission of certain information by applicant; grounds for denial of license; duty of Board. [Effective until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

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 the applicant 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 the applicant 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.

(Added to NRS by 1997, 2123; A 2005, 2717, 2807)

NRS 631.225 Payment of child support: Submission of certain information by applicant; grounds for denial of license; duty of Board. [Effective on the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings and expires by limitation 2 years after that date.]

1. In addition to any other requirements set forth in this chapter, 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 the applicant 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 the applicant 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.

(Added to NRS by 1997, 2123; A 2005, 2717, 2718, 2807, effective on the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings)

NRS 631.230 Eligibility of applicant for examination.

1. Any person is eligible to apply for a license to practice dentistry in the State of Nevada who:

(a) Is over the age of 21 years;

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

(c) Is a graduate of an accredited dental school or college; and

(d) Is of good moral character.

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

[Part 5:152:1951]—(NRS A 1967, 866; 1971, 534; 1977, 1564; 1983, 1113; 1985, 379; 2001, 1609)

NRS 631.240 Examination; issuance of certificate of registration.

1. Any person desiring to obtain a license to practice dentistry in this State, after having complied with the regulations of the Board to determine eligibility:

(a) Except as otherwise provided in NRS 622.090, must present to the Board a certificate granted by the Joint Commission on National Dental Examinations which contains a notation that the applicant has passed the National Board Dental Examination with an average score of at least 75; and

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

(1) Successfully pass a clinical examination approved by the Board and the American Board of Dental Examiners; 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 Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

3. All persons who have satisfied the requirements for licensure as a dentist must be registered as licensed dentists 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.

[Part 5:152:1951]—(NRS A 1971, 534; 1985, 380; 1987, 859; 1991, 330; 1995, 277; 1999, 1654, 2849; 2001, 1610; 2003, 66; 2005, 44, 272; 2007, 506, 2945)

NRS 631.250 Issuance of specialist's license to dentist licensed in this State.

1. The Board may issue a specialist's license authorizing a dentist licensed in this State to announce, hold himself or herself out and practice as a specialist in a special area of dentistry for which there is a certifying board approved by the Commission on Dental Accreditation of the American Dental Association.

2. No dentist licensed in this State may announce or hold himself or herself out to the public as a specialist or practice as a specialist unless the dentist has successfully completed the educational requirements currently specified for qualification in the special area by the certifying board.

3. A dentist licensed in this State who has successfully completed those educational requirements, has passed the general dentistry examination or has otherwise been approved for licensure by the Board, and has been issued a specialist's license under this section may commence specialty practice immediately in the special area without:

(a) Examination by the certifying board.

(b) Certification as a diplomate of the certifying board.

4. A dentist licensed in this State to whom a specialist's license is issued shall limit his or her practice to the specialty.

[Part 5:152:1951]—(NRS A 1971, 534; 1981, 1974; 1985, 380; 2001, 1610; 2005, 273)

NRS 631.255 Issuance of specialist's license to person without required clinical examination.

1. The Board may, without a clinical examination required by NRS 631.240, issue a specialist's license to a person who:

(a) Presents a current certification as a diplomate from a certifying board approved by the Commission on Dental Accreditation of the American Dental Association; or

(b) Has completed the educational requirements specified for certification in a specialty area by a certifying board approved by the Commission on Dental Accreditation of the American Dental Association and is recognized by the certifying board as being eligible for that certification. A person who is licensed as a specialist pursuant to the provisions of this paragraph:

(1) Shall submit to the Board his or her certificate as a diplomate from the certifying board within 6 years after licensure as a specialist; and

(2) Must maintain certification as a diplomate of the certifying board during the period in which the person is licensed as a specialist pursuant to this paragraph.

2. In addition to the requirements set forth in subsection 1, a person applying for a specialist's license:
(a) Must hold an active license to practice dentistry pursuant to the laws of another state or territory of the United States, or the District of Columbia, or pursuant to the laws of this State, another state or territory of the United States, or the District of Columbia, if the person is applying pursuant to paragraph (b) of subsection 1;
(b) Must be a specialist as identified by the Board;
(c) Shall pay the application, examination and renewal fees in the same manner as a person licensed pursuant to NRS 631.240;
(d) Must submit all information required to complete an application for a license; and
(e) Must satisfy the requirements of NRS 631.230.
3. The Board shall not issue a specialist's license to a person:
(a) Whose license to practice dentistry has been revoked or suspended;
(b) Who has been refused a license to practice dentistry; or
(c) Who is involved in or has pending a disciplinary action concerning a license to practice dentistry,
Ê 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 specialist's license is issued pursuant to this section shall limit his or her practice to the specialty.
6. The Board may revoke a specialist's 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.
(Added to NRS by 2001, 1607; A 2005, 45, 273, 274, 2719; 2009, 1527)

NRS 631.260 Issuance of licenses. 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 or dentistry, or any special branch of dentistry, as in such license defined, subject to the provisions of this chapter.
[Part 5:152:1951]

NRS 631.265 Permit to administer general anesthesia, conscious sedation or deep sedation.
1. No licensed dentist or person who holds a restricted license issued pursuant to NRS 631.275 may administer or supervise directly the administration of general anesthesia, conscious sedation or deep sedation to dental patients unless the dentist or person has been issued a permit authorizing him or her to do so by the Board.
2. The Board may issue a permit authorizing a licensed dentist or person who holds a restricted license issued pursuant to NRS 631.275 to administer or supervise directly the administration of general anesthesia, conscious sedation or deep sedation to dental patients under such standards, conditions and other requirements as the Board shall by regulation prescribe.
(Added to NRS by 1983, 278; A 1989, 1740; 2001, 2692)

NRS 631.267 Authorization to perform physical evaluation and compile medical history of patient before hospital admission; hospital prohibited from refusing to accept; "qualified dentist" defined.
1. A qualified dentist may, to the extent necessary for the exercise of due care in the practice of dentistry, perform a complete physical evaluation and compile a medical history of a patient before admitting the patient to a hospital for the purpose of practicing dentistry.
2. A hospital shall not refuse to accept a physical evaluation or medical history of a patient for the purpose of admission which is performed by a qualified dentist who is a member in good standing of the medical staff of the hospital.
3. As used in this section, "qualified dentist" means a dentist who is licensed to practice dentistry in this State and who has completed a training program to perform physical evaluations approved by the American Medical Association or a training program for oral and maxillofacial surgery approved by the American Dental Association.
(Added to NRS by 1985, 2097; A 1987, 520)

NRS 631.271 Limited license to practice dentistry or dental hygiene; permit authorizing certain persons to practice dentistry or dental hygiene.
1. The Board shall, without a clinical examination required by NRS 631.240 or 631.300, issue a limited license to practice dentistry or dental hygiene to a person who:
(a) Is qualified for a license to practice dentistry or dental hygiene in this State;
(b) Pays the required application fee;
(c) Has entered into a contract with:
(1) The Nevada System of Higher Education to provide services as a dental intern, dental resident or instructor of dentistry or dental hygiene at an educational or outpatient clinic, hospital or other facility of the Nevada System of Higher Education; or
(2) An accredited program of dentistry or dental hygiene of an institution which is accredited by a regional educational accrediting organization that is recognized by the United States Department of Education to provide services as a dental intern, dental resident or instructor of dentistry or dental hygiene at an educational or outpatient clinic, hospital or other facility of the institution and accredited by the Commission on Dental Accreditation of the American Dental Association or its successor specialty accrediting organization;
(d) Satisfies the requirements of NRS 631.230 or 631.290, as appropriate; and
(e) Satisfies at least one of the following requirements:
(1) Has a license to practice dentistry or 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;

(3) Successfully passes a clinical examination approved by the Board and the American Board of Dental Examiners; or

(4) 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 or 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 or dental hygiene,

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

3. Except as otherwise provided in subsection 4, a person to whom a limited license is issued pursuant to subsection 1:

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

(1) At the educational or outpatient clinic, hospital or other facility where the person 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 or dental hygiene in this State or accept compensation for the practice of dentistry or dental hygiene except such compensation as may be paid to the person by the Nevada System of Higher Education or an accredited program of dentistry or dental hygiene for services provided as a dental intern, dental resident or instructor of dentistry or dental hygiene pursuant to paragraph (c) of subsection 1.

4. The Board may issue a permit authorizing a person who holds a limited license to engage in the practice of dentistry or dental hygiene in this State and to accept compensation for such practice as may be paid to the person by entities other than the Nevada System of Higher Education or an accredited program of dentistry or dental hygiene with whom the person is under contract pursuant to paragraph (c) of subsection 1. The Board shall, by regulation, prescribe the standards, conditions and other requirements for the issuance of a permit.

5. 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.

6. A permit issued pursuant to subsection 4 expires on the date that the holder's limited license expires and may be renewed when the limited license is renewed, unless the holder no longer satisfies the requirements for the permit.

7. Within 7 days after the termination of a 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 and a permit issued pursuant to this section, if any, to the Board.

8. The Board may revoke a limited license and a permit issued pursuant to this section, if any, 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.

(Added to NRS by 1999, 1653; A 1999, 2849; 2001, 907; 2003, 1182; 2005, 46, 274; 2011, 74)

NRS 631.2715 Limited license to supervise certain courses of continuing education.

1. The Board shall, without a clinical examination required by NRS 631.240 or 631.300, issue a limited license to a person to supervise courses of continuing education involving live patients at an institute or organization with a permanent facility registered with the Board for the sole purpose of providing postgraduate continuing education in dentistry if the person has received a degree from a dental school or college accredited by the Commission on Dental Accreditation of the American Dental Association or its successor.

2. A limited license issued pursuant to this section expires 1 year after the date of its issuance and may be renewed annually upon submission of proof acceptable to the Board of compliance with subsection 1 and payment of any fee required pursuant to subsection 3.

3. The Board may impose a fee of not more than $100 for the issuance and each renewal of a limited license issued pursuant to this section.

4. A limited license issued pursuant to this section may be suspended or revoked by the Board if the holder of the limited license:

(a) Has had a license to practice dentistry suspended, revoked or placed on probation in another state, territory or possession of the United States, the District of Columbia or a foreign country;

(b) Has been convicted of a felony or misdemeanor involving moral turpitude; or

(c) Has a documented history of substance abuse.

5. A holder of a limited license issued pursuant to this section shall notify the Board in writing by certified mail not later than 30 days after:

(a) The death of a patient being treated by a dentist under the supervision of the holder of a limited license;

(b) Any incident which:

(1) Results in the hospitalization of or a permanent physical or mental injury to a patient being treated by a dentist under the supervision of the holder of a limited license; and

(2) Occurs while the dentist is treating the patient under the supervision of the holder of a limited license; or

(c) Any event or circumstance described in subsection 4.

(Added to NRS by 2009, 1525)

NRS 631.272 Temporary license to practice dentistry.

1. Except as otherwise provided in this section, the Board shall, without a clinical examination required by NRS 631.240, issue a temporary license to practice dentistry to a person who:

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

(b) Has practiced dentistry pursuant to the laws of another state or territory of the United States, or the District of Columbia, for a minimum of 5 years;

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

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

(e) Is not involved in or does not have pending a disciplinary action concerning a license to practice dentistry in this State, another state or territory of the United States, or the District of Columbia;

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

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

(h) Satisfies the requirements of NRS 631.230.

2. A person to whom a temporary license is issued pursuant to subsection 1 may:

(a) Practice dentistry for the duration of the temporary license; and

(b) Apply for a permanent license to practice dentistry without a clinical examination required by NRS 631.240 if the person has held a temporary license to practice dentistry pursuant to subsection 1 for a minimum of 2 years.

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

4. The Board shall not, on or after July 1, 2006, issue any additional temporary licenses to practice dentistry pursuant to this section.

5. Any person who, on July 1, 2006, holds a temporary license to practice dentistry issued pursuant to this section may, subject to the regulatory and disciplinary authority of the Board, practice dentistry under the temporary license until December 31, 2008, or until the person is qualified to apply for and is issued or denied a permanent license to practice dentistry in accordance with this section, whichever period is shorter.

6. The Board may revoke a temporary 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.

(Added to NRS by 2001, 1607; A 2003, 66; 2005, 47, 48, 51, 276, 277, 2719; 2007, 506)

NRS 631.273 Temporary license to practice dental hygiene.

1. Except as otherwise provided in this section, the Board shall, without a clinical examination required by NRS 631.300, issue a temporary license to practice dental hygiene to a person who:

(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) Satisfies the requirements of NRS 631.290;

(c) Has practiced dental hygiene pursuant to the laws of another state or territory of the United States, or the District of Columbia, for at least 5 years immediately preceding the date that the person applies for a temporary license;

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

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

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

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

(h) Submits all information required to complete an application for a license.

2. A person to whom a temporary license is issued pursuant to this section may:

(a) Practice dental hygiene for the duration of the temporary license; and

(b) Apply for a permanent license to practice dental hygiene without a clinical examination required by NRS 631.300 if the person has held a temporary license to practice dental hygiene issued pursuant to this section for at least 2 years.

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

4. The Board shall not, on or after July 1, 2006, issue any additional temporary licenses to practice dental hygiene pursuant to this section.

5. Any person who, on July 1, 2006, holds a temporary license to practice dental hygiene issued pursuant to this section may, subject to the regulatory and disciplinary authority of the Board, practice dental hygiene under the temporary license until December 31, 2008, or until the person is qualified to apply for and is issued or denied a permanent license to practice dental hygiene in accordance with this section, whichever period is shorter.

6. The Board may revoke a temporary 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.

(Added to NRS by 2003, 518; A 2005, 277, 278, 287, 2720, 2812; 2007, 507)

NRS 631.274 Restricted geographical license to practice dentistry or dental hygiene.

1. The Board shall, without a clinical examination required by NRS 631.240 or 631.300, issue a restricted geographical license to practice dentistry or dental hygiene to a person if the person 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 or 631.300 for any applicant intending to practice dentistry or dental hygiene in a rural area of a

county in which dental or 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 or 631.300 for any applicant intending to practice dentistry or dental hygiene in one or more rural areas within those counties in which dental or 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 or 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 the person:

(a) Has a license to practice dentistry or 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 or 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 or 631.300;

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

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

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

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

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

(c) Who is involved in or has pending a disciplinary action concerning a license to practice dentistry or dental hygiene, Ê 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 or 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 or dental hygiene in this State or accept compensation for the practice of dentistry or dental hygiene except such compensation as may be paid to the person by a federally qualified health center or nonprofit clinic pursuant to paragraph (c) of subsection 1.

6. Within 7 days after the termination of a 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 or 631.300 if the person:

(a) Has not had a license to practice dentistry or 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 or 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 a 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.

(Added to NRS by 2001, 1608; A 2005, 48, 50, 279, 281, 2720)

NRS 631.275 Restricted license to practice dentistry at facility that provides dental services to persons of low income.

1. Except as otherwise provided in subsection 2, the Board shall, without examination, issue a restricted license to practice dentistry to a person who:

(a) Has a valid license to practice dentistry issued pursuant to the laws of another state or the District of Columbia;

(b) Has received a degree from a dental school or college accredited by the Commission on Dental Accreditation of the American Dental Association or its successor organization;

(c) Has entered into a contract with a facility approved by the Health Division of the Department of Health and Human Services to provide publicly funded dental services exclusively to persons of low income for the duration of the restricted license; and

(d) Satisfies the requirements of NRS 631.230.

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

(a) Who has failed to pass the examination of the Board;

(b) Who has been refused a license in this State, another state or territory of the United States, or the District of Columbia; or

(c) Whose license to practice dentistry has been revoked in this State, another state or territory of the United States, or the District of Columbia.

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

(a) May perform dental services only:

(1) Under the general supervision of the State Dental Health Officer or the supervision of a dentist who is licensed to practice dentistry in this State and appointed by the Health Division of the Department of Health and Human Services to supervise dental care that is provided in a facility which has entered into a contract with the person to whom a restricted

license is issued and which is approved by the Health Division; and

(2) In accordance with the contract required pursuant to paragraph (c) of that subsection.

(b) Shall not, for the duration of the restricted license, engage in the private practice of dentistry, which includes, without limitation, providing dental services to a person who pays for the services.

4. A restricted 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 restricted license. The holder of a restricted 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 restricted license for 1 year.

5. A person who receives a restricted license must pass the examination of the Board within 3 years after receiving the restricted license. If the person fails to pass that examination, the Board shall revoke the restricted license.

6. The Board may revoke a restricted 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.

(Added to NRS by 1997, 1377; A 1999, 1654, 2849; 2001, 2692; 2005, 283)

NRS 631.280 Failure of examination; limitation on reexamination. Any applicant for a license to practice dentistry in this State who twice fails to pass the examination of the Board is not eligible for reexamination within 12 months after the second examination was taken.

[Part 4:152:1951; A 1953, 363] + [Part 5:152:1951]—(NRS A 1957, 343; 1985, 380)

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

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 the license allowing the dental hygienist 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.

(Added to NRS by 2001, 2691)

NRS 631.290 Dental hygienists: Eligibility to apply for license.

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 or her license to practice dental hygiene in another state has been suspended or revoked or whether he or she is currently involved in any disciplinary action concerning his or her license in that state.

[Part 7:152:1951]—(NRS A 1971, 536; 1977, 1565; 1981, 1975; 1983, 1113; 2001, 1611, 2693, 2695; 2005, 284)

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

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 pass a clinical examination approved by the Board and the American Board of Dental Examiners or present evidence to the Board that the applicant has passed such a clinical examination within the 5 years immediately preceding the date of the application;

(2) 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

(3) 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.

[Part 7:152:1951]—(NRS A 1967, 866; 1971, 536; 1985, 381; 1991, 330; 1995, 277; 1999, 1655, 2849; 2001, 1611; 2003, 520; 2005, 284; 2007, 2945; 2011, 75, 1872)

NRS 631.310 Dental hygienists: Places of practice; supervision; 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 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 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.

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

NRS 631.311 Dentist not required to be present when dental hygienist provides services authorized by dentist. A dentist who provides a written or oral authorization to a dental hygienist for the provision of services by that dental hygienist is not required to be present when those services are provided.

(Added to NRS by 2003, 519)

NRS 631.313 Assignment of dental hygienist or dental assistant to perform intraoral tasks under supervision of dentist; exception; administration of local anesthesia or nitrous oxide by dental hygienist.

1. A licensed dentist may assign to a person in his or her 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.

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 162A.740, if:

(a) The dental hygienist 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.

(Added to NRS by 1971, 531; A 1981, 1975; 1983, 1114; 1987, 859; 1995, 216; 2001, 2694; 2009, 212)

NRS 631.317 Regulations concerning intraoral tasks and other practices. 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 or her 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.

(Added to NRS by 1971, 531)

NRS 631.330 Renewal of license: Requirements; issuance of renewal certificate.

1. Licenses issued pursuant to NRS 631.271, 631.2715 and 631.275 must be renewed annually. All other licenses must be renewed biennially.

2. Except as otherwise provided in NRS 631.271, 631.2715 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,
Ê 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.
[Part 4:152:1951; A 1953, 363] + [8:152:1951]—(NRS A 1957, 343; 1967, 866; 1981, 1976; 1985, 381; 1997, 2124; 1999, 1656, 2849; 2005, 285, 2722, 2807; 2009, 1528)

NRS 631.335 Inactive status of license.
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, the license may be reinstated to active status by the Secretary-Treasurer if the person pays the required reinstatement fee and complies with the conditions prescribed by the regulations of the Board.
(b) Does not continue to practice, the 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 the license is next payable. The 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.
(Added to NRS by 1981, 1974; A 1985, 381; 1989, 1740; 1995, 277; 1999, 1656, 2849)

NRS 631.340 Restoration of license.
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 or she 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 or her 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, the Secretary-Treasurer shall thereupon issue the license, and thereafter the person may make application annually for a renewal certificate, as provided in this chapter.
[9:152:1951]—(NRS A 1967, 867; 1981, 1976; 1995, 278)

NRS 631.342 Regulations concerning continuing education.
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; and
(c) The requirements for submission of proof of attendance at courses.
2. Except as otherwise provided in subsection 3, as part of continuing education, each licensee must complete 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:
(a) An overview of acts of terrorism and weapons of mass destruction;
(b) Personal protective equipment required for acts of terrorism;
(c) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;
(d) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and
(e) An overview of the information available on, and the use of, the Health Alert Network.
3. Instead of the course described in subsection 2, a licensee may complete:
(a) A course in Basic Disaster Life Support or a course in Core Disaster Life Support if the course is offered by a provider of continuing education accredited by the National Disaster Life Support Foundation; or
(b) Any other course that the Board determines to be the equivalent of a course specified in paragraph (a).
4. Notwithstanding the provisions of subsections 2 and 3, the Board may 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.
5. 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.
(Added to NRS by 1985, 379; A 2003, 2956; 2009, 301)

NRS 631.343 Persons exempt from requirement of continuing education. 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 or she must submit proof of continuing education for the year in which the license is restored to active status.
(Added to NRS by 1985, 379)

NRS 631.345 Fees.
1. Except as otherwise provided in NRS 631.2715, 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:

Application fee for an initial license to practice dentistry..... $1,500
Application fee for an initial license to practice dental hygiene..... 750
Application fee for a specialist's license to practice dentistry..... 300
Application fee for a limited license or restricted license to practice dentistry or dental hygiene 300
Fee for administering a clinical examination in dentistry..... 2,500
Fee for administering a clinical examination in dental hygiene..... 1,500
Application and examination fee for a permit to administer general anesthesia, conscious sedation or deep sedation. 750
Fee for any reinspection required by the Board to maintain a permit to administer general anesthesia, conscious sedation or deep sedation..... 500
Biennial renewal fee for a permit to administer general anesthesia, conscious sedation or deep sedation 600
Fee for the inspection of a facility required by the Board to renew a permit to administer general anesthesia, conscious sedation or deep sedation..... 350
Biennial license renewal fee for a general license, specialist's license, temporary license or restricted geographical license to practice dentistry..... 1,000
Annual license renewal fee for a limited license or restricted license to practice dentistry 300
Biennial license renewal fee for a general license, temporary license or restricted geographical license to practice dental hygiene..... 600
Annual license renewal fee for a limited license to practice dental hygiene... 300
Biennial license renewal fee for an inactive dentist..... 400
Biennial license renewal fee for a dentist who is retired or has a disability.... 100
Biennial license renewal fee for an inactive dental hygienist..... 200
Biennial license renewal fee for a dental hygienist who is retired or has a disability 100
Reinstatement fee for a suspended license to practice dentistry or dental hygiene 500
Reinstatement fee for a revoked license to practice dentistry or dental hygiene 500
Reinstatement fee to return a dentist or dental hygienist who is inactive, retired or has a disability to active status 500
Fee for the certification of a license..... 50

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.
[Part 4:152:1951; A 1953, 363]—(NRS A 1957, 343; 1967, 865; 1971, 533; 1981, 1974; 1983, 278; 1985, 382; 1987, 859; 1989, 1740; 1993, 2743; 1999, 1657, 2849; 2005, 285; 2009, 1528; 2011, 76)

ENTITIES OWNING OR OPERATING A DENTAL OFFICE OR CLINIC

NRS 631.3452 Designation and responsibilities of dental director of dental office or clinic; retention of records.
An entity that owns or operates a dental office or clinic as described in paragraph (f) of subsection 2 of NRS 631.215 must:
1. Designate an actively licensed dentist as the dental director of the dental office or clinic. The dental director shall have responsibility for the clinical practice of dentistry at the dental office or clinic, including, without limitation:
(a) Diagnosing or treating any of the diseases or lesions of the oral cavity, teeth, gingiva or the supporting structures thereof.
(b) Administering or prescribing such remedies, medicinal or otherwise, as are needed in the treatment of dental or oral diseases.
(c) Determining:
(1) Whether a particular treatment is necessary or advisable; or
(2) Which particular treatment is necessary or advisable.
(d) The overall quality of patient care that is rendered or performed in the clinical practice of dentistry.
(e) Supervising dental hygienists, dental assistants and other personnel involved in direct patient care and authorizing procedures performed by the dental hygienists, dental assistants and other personnel in accordance with the standards of supervision established by law or regulations adopted pursuant thereto.
(f) Providing any other specific services that are within the scope of clinical dental practice.
(g) Retaining patient dental records as required by law and regulations adopted by the Board.
(h) Ensuring that each patient receiving services from the dental office or clinic has a dentist of record.
2. Maintain current records of the names of licensed dentists who supervise the clinical activities of dental hygienists, dental assistants or other personnel involved in direct patient care. The records must be available to the Board upon written request.

(Added to NRS by 2009, 1092)

NRS 631.3454 Ownership or operation not violation or dishonorable or unprofessional conduct; contract with entity by dentist or professional entity not prohibited.

1. It is not a violation of NRS 631.395 or an act of dishonorable or unprofessional conduct under NRS 631.346 to 631.349, inclusive, for an entity to own or operate a dental office or clinic as described in and operating in compliance with the provisions of paragraph (f) of subsection 2 of NRS 631.215 and 631.3452.

2. It is not a violation of NRS 631.3465 for a dentist or a professional entity organized by a dentist pursuant to the provisions of chapter 89 of NRS to contract with an entity described in and operating in compliance with the provisions of paragraph (f) of subsection 2 of NRS 631.215 and 631.3452.

(Added to NRS by 2009, 1092)

PERSONS OR ENTITIES PROVIDING GOODS OR SERVICES FOR SUPPORT OF THE BUSINESS OF A DENTAL PRACTICE, OFFICE OR CLINIC

NRS 631.3455 Unlicensed person or entity not precluded from providing goods or services for support of business of dental practice, office or clinic in certain circumstances. Nothing in this chapter precludes a person or entity not licensed by the Board from providing goods or services for the support of the business of a dental practice, office or clinic if the person or entity does not manage or control the clinical practice of dentistry. Such goods and services may include, without limitation, transactions involving:

1. Real and personal property, other than the ownership of the clinical records of patients; and
2. Personnel, other than licensed dentists and dental hygienists.

(Added to NRS by 2009, 3001)

NRS 631.3456 Certain provision of goods or services or receipt of payment for provision of goods or services not violation or dishonorable or unprofessional conduct; contracts with persons providing such goods or services not prohibited.

1. It is not a violation of NRS 631.395, or an act of dishonorable or unprofessional conduct under NRS 631.346 to 631.349, inclusive, for a person described in paragraph (h) of subsection 2 of NRS 631.215 to provide, or receive payment for providing, goods or services in accordance with the conditions set forth in paragraph (h) of subsection 2 of NRS 631.215.

2. It is not a violation of NRS 631.3465 for a dentist or a professional entity organized by a dentist pursuant to the provisions of chapter 89 of NRS to contract with a person described in and operating in accordance with the conditions set forth in paragraph (h) of subsection 2 of NRS 631.215.

(Added to NRS by 2009, 3001; A 2011, 119)

NRS 631.3457 Revocation of state business license for certain violations.

1. If the Board determines that a person who provides goods or services for the support of the business of a dental practice, office or clinic has committed any act described in subparagraph (1) or (2) of paragraph (h) of subsection 2 of NRS 631.215, the Board may seek revocation of any state business license held by that person by submitting a request for such revocation to the Secretary of State.

2. Upon receipt of a request for a revocation of a state business license pursuant to subsection 1, the Secretary of State shall revoke that license in accordance with the provisions of this section and in the manner provided in NRS 76.170 as if the holder of the license had failed to comply with a provision of chapter 76 of NRS.

3. The Secretary of State shall not issue a new license to the former holder of a state business license revoked pursuant to this section unless the Secretary of State receives notification from the Board that the Board is satisfied that the person:

(a) Will comply with any regulations of the Board adopted pursuant to the provisions of this chapter; and

(b) Will not commit any act described in subparagraph (1) or (2) of paragraph (h) of subsection 2 of NRS 631.215 or any act prohibited by regulations of the Board adopted pursuant to the provisions of this chapter.

4. As used in this section, "state business license" has the meaning ascribed to it in NRS 76.030.

(Added to NRS by 2009, 3002)

UNPROFESSIONAL CONDUCT

NRS 631.346 Employment of unlicensed person; public demonstrations; aiding in unlicensed practice; dental hygienist practicing in unauthorized place; practice with license suspended or without renewal certificate. 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 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;
4. For a dental hygienist, practicing in any place not authorized pursuant to this chapter; or
5. Practicing while a license is suspended or without a renewal certificate.

(Added to NRS by 1983, 1106; A 2001, 2694)

NRS 631.3465 Fee for referral; association with person engaged in illegal practice or with unlicensed person; use of name "clinic," "institute" or "referral services"; practice under name of retired dentist. 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 or her legal representative, but licensed dentists are not prohibited from:
(a) Practicing in a partnership and sharing professional fees;
(b) Employing another licensed dentist or dental hygienist; or
(c) Rendering services as a member of a nonprofit professional service corporation.
2. Associating with or lending his or her name to any person engaged in the illegal practice of dentistry or associating with any person, firm or corporation holding himself, herself or itself out in any manner contrary to the provisions of this chapter.
3. Associating with or being employed by a person not licensed pursuant to this chapter if that person exercises control over the services offered by the dentist, owns all or part of the dentist's practice or receives or shares the fees received by the dentist. The provisions of this subsection do not apply to a dentist who associates with or is employed by a person who owns or controls a dental practice pursuant to NRS 631.385.
4. Using the name "clinic," "institute," "referral services" or other title or designation that may suggest a public or semipublic activity.
5. Practicing under the name of a dentist who has not been in active practice for more than 1 year.
(Added to NRS by 1983, 1107; A 1987, 1041)

NRS 631.347 Participation in plan requiring patients to select dentist from preselected group unless plan for personal selection offered; authorized disciplinary action. Participating in any plan or practice in which patients are required to select a dentist from a preselected group constitutes unprofessional conduct unless those patients are also offered a plan which provides them with a reasonable opportunity to select a dentist of their own choice. The Board may not revoke the license of a person who participates in such a plan or practice but may take any other action authorized in this chapter regarding unprofessional conduct.
(Added to NRS by 1983, 1107)

NRS 631.3475 Malpractice; professional incompetence; disciplinary action in another state; substandard care; procurement or administration of controlled substance or dangerous drug; inebriety or addiction; gross immorality; conviction of certain crimes; certain operation of medical facility. The following acts, among others, constitute unprofessional conduct:
1. Malpractice;
2. Professional incompetence;
3. Suspension or revocation of a 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 or dental hygienist constituting substandard care in the practice of dentistry or 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. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:
(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;
(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or
(c) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS;
7. Chronic or persistent inebriety or addiction to a controlled substance, to such an extent as to render the person unsafe or unreliable as a practitioner, or such gross immorality as tends to bring reproach upon the dental profession;
8. 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;
9. Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or
10. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:
(a) The license of the facility is suspended or revoked; or
(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.
Ê This subsection applies to an owner or other principal responsible for the operation of the facility.
(Added to NRS by 1983, 1107; A 1987, 1556; 1993, 784; 2009, 882; 2011, 258, 849)

NRS 631.348 Misleading statements; false advertising; fraud in securing license; practice under misleading name; submitting fraudulent claim to insurer; failure to notify insurer of forgiven debt. 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;
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;
6. Submitting a false or fraudulent claim for payment to an insurer for dental services rendered; or
7. Failing repeatedly to advise an insurer that the dentist has forgiven the patient's share of the payment to the dentist under a policy of insurance. This failure to notify an insurer includes forgiving one patient's debts more than once and forgiving the debt of different patients with different insurers on a regular basis.
(Added to NRS by 1983, 1108)

NRS 631.3485 Violation of chapter or regulations; failure to pay fee for license. 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 Board of Dental Examiners of Nevada;
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.

(Added to NRS by 1983, 1108; A 1987, 801, 1041)

NRS 631.3487 Suspension of license for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of license. [Effective until 2 years after the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

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 or 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 or 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.

(Added to NRS by 1997, 2123; A 2005, 2807)

NRS 631.349 Examples of unprofessional conduct not complete list or authorization of other acts; Board may hold similar acts unprofessional conduct. The acts described in NRS 631.346 to 631.3485, inclusive, 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.

(Added to NRS by 1983, 1108)

DISCIPLINARY ACTION

NRS 631.350 Disciplinary powers of Board; grounds; delegation of authority to take disciplinary action; deposit of fines; claim for attorney's fees and costs of investigation; private reprimands prohibited; orders imposing discipline deemed public records.

1. Except as otherwise provided in NRS 631.271, 631.2715 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 or her 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,

Ê 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 or 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.

[10:152:1951]—(NRS A 1981, 1976; 1983, 1114, 1535, 1546, 1547; 1987, 860; 1999, 1531, 1658, 2849; 2001, 91; 2001 Special Session, 154; 2003, 3438; 2005, 287; 2009, 1529)

NRS 631.355 Action by hearing officer or panel: Procedural requirements; powers and duties of officer or panel.

1. Any disciplinary action taken by a hearing officer or panel pursuant to NRS 631.350 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.

(Added to NRS by 1983, 1535; A 1987, 861)

NRS 631.360 Investigation, notice and hearing; subpoena; search warrant; retention of complaints.

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 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.

7. The Board shall retain all complaints received by the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

[Part 11:152:1951]—(NRS A 1969, 95; 1981, 99; 1983, 1114; 1993, 784; 2007, 508; 2009, 883)

NRS 631.363 Appointment of member or agent to conduct investigation and hearing; notice of hearing; report; hearing by Board.

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 or her last known address.

3. If, after the hearing, the investigator determines that the Board should take further action concerning the matter, the investigator shall prepare written findings of fact and conclusions and submit them to the Board. A copy of the 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 NRS 631.360, it may consider the investigator's report but is not bound by his or her 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.

(Added to NRS by 1983, 1108)

NRS 631.366 Enforcement of subpoena by district court.

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 or her 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; and

(f) That no reasonable cause exists for the failure or refusal to comply with the subpoena,

Ê 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 the witness 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.

(Added to NRS by 1983, 1109; A 2007, 508)

NRS 631.368 Certain records relating to investigation deemed confidential; certain records relating to disciplinary action deemed public records; dissemination of records to other agencies.

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.

(Added to NRS by 1993, 2742; A 2003, 3439; 2007, 2135)

MISCELLANEOUS PROVISIONS

NRS 631.371 Use of letters "M.D." or other appropriate abbreviation by certain dentists who hold degree as doctor of medicine. A dentist licensed pursuant to this chapter who holds a degree as a doctor of medicine and is not licensed as a physician pursuant to chapter 630 of NRS may identify himself or herself as a doctor of medicine and use the letters "M.D." or any other appropriate abbreviation if the dentist clearly identifies himself or herself as a practitioner of dentistry.

(Added to NRS by 2003, 438)

NRS 631.375 Identification of removable dental appliances by name or social security number. All artificial teeth, dentures or other removable dental appliances, at the time they are manufactured or sent to a laboratory for repair, must be identified with the name or social security number of the owner by:

1. Embedding the name or number in the material of the appliance;
2. Adding the name or number with an adhesive; or
3. Marking the appliance in any manner consistent with advances in technology and approved by the Board.

(Added to NRS by 1987, 2222)

NRS 631.378 Immunity from civil liability for furnishing information to Board or otherwise assisting in investigation or prosecution; recovery of attorney's fees and costs.

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.

(Added to NRS by 2001, 907)

NRS 631.380 Validity of license or renewal certificate issued on or before March 20, 1951. All licenses and renewal certificates 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.

[14:152:1951]

NRS 631.385 Ownership or control of practice without license after death of dentist. A surviving member of a dentist's family may own all or part of or control that dentist's practice after the dentist's death, share in the fees received therefrom and control or attempt to control the services offered without being licensed pursuant to this chapter for no more than 2 years after the dentist's death.

(Added to NRS by 1983, 1108)

NRS 631.388 Manager of business of dental practice, office or clinic to register certain information with Board. A person who manages the business of a dental practice, office or clinic shall register with the Board:

1. The name and business address of the person;
2. The address of the dental practice, office or clinic of the business which the person manages; and
3. The names of the licensed dentist or other entity not prohibited from owning or operating a dental practice, office or clinic whose business the person manages.

(Added to NRS by 2009, 3002)

UNLAWFUL ACTS; PENALTIES; INJUNCTIVE RELIEF

NRS 631.395 Acts constituting illegal practice of dentistry. A person is guilty of the illegal practice of dentistry or dental hygiene who:

1. Sells or barters, 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 or 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 or 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." or "R.D.H." to his or her name, not having conferred upon him or her, 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 assumes any title or appends any letters to his or her name with the intent to represent falsely that he or she 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 Secretary-Treasurer, 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 or her 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 or 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 or herself licensed pursuant to this chapter; or
11. Aids or abets another in violating any of the provisions of this chapter.

[Part 2:152:1951]—(NRS A 1971, 531; 1981, 1970; 1983, 1110; 1995, 278, 750)

NRS 631.400 Penalties; injunctive relief.

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 or her first or second offense, is guilty of a gross misdemeanor.
   (b) If it is his or her 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 or her first or second offense, is guilty of a gross misdemeanor.
   (b) If it is his or her third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.
4. The Board may assign a person described in subsection 1, 2 or 3 specific duties as a condition of renewing a license.
5. 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.

[3:152:1951]—(NRS A 1957, 343; 1981, 1977; 1983, 1115, 1535, 1547; 1995, 1310; 2007, 509)

Nevada Administrative Code

Chapter 631 Dentistry and Dental Hygiene

[Rev. 5/4/2013 2:47:04 PM]

This chapter of NAC has changes which have been adopted but have not been codified; you can see those changes by viewing the following regulation(s) on the Nevada Register of Administrative Regulations: R066-11

[NAC-631 Revised Date: 2-12]

CHAPTER 631 - DENTISTRY AND DENTAL HYGIENE

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GENERAL PROVISIONS

NAC 631.0005 Definitions. (NRS 631.190) As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 631.001 to 631.008, inclusive, have the meanings ascribed to them in those sections.
(Added to NAC by Bd. of Dental Exam'rs by R005-99, eff. 9-7-2000; A by R169-01, 4-5-2002)

NAC 631.001 "Board" defined. (NRS 631.190) "Board" means the Board of Dental Examiners of Nevada.
(Added to NAC by Bd. of Dental Exam'rs by R003-99, eff. 4-3-2000; A by R005-99, 9-7-2000)

NAC 631.002 "Certificate of site approval" defined. (NRS 631.190) "Certificate of site approval" means a certificate issued by the Board pursuant to NAC 631.2236.
(Added to NAC by Bd. of Dental Exam'rs by R005-99, eff. 9-7-2000)

NAC 631.003 "Conscious sedation" defined. (NRS 631.190) "Conscious sedation" has the meaning ascribed to it in NRS 631.025.
(Added to NAC by Bd. of Dental Exam'rs by R005-99, eff. 9-7-2000)

NAC 631.004 "Conscious sedation permit" defined. (NRS 631.190) "Conscious sedation permit" means a permit that:
1. Is issued by the Board pursuant to NAC 631.2213; and
2. Authorizes the holder to administer conscious sedation to a patient.
(Added to NAC by Bd. of Dental Exam'rs by R005-99, eff. 9-7-2000)

NAC 631.005 "Deep sedation" defined. (NRS 631.190) "Deep sedation" has the meaning ascribed to it in NRS 631.027.
(Added to NAC by Bd. of Dental Exam'rs by R005-99, eff. 9-7-2000)

NAC 631.0055 "Executive Director" defined. (NRS 631.190) "Executive Director" means the Executive Director of the Board.
(Added to NAC by Bd. of Dental Exam'rs by R169-01, eff. 4-5-2002)

NAC 631.006 "General anesthesia" defined. (NRS 631.190) "General anesthesia" has the meaning ascribed to it in NRS 631.055.
(Added to NAC by Bd. of Dental Exam'rs by R005-99, eff. 9-7-2000)

NAC 631.007 "General anesthesia permit" defined. (NRS 631.190) "General anesthesia permit" means a permit that:
1. Is issued by the Board pursuant to NAC 631.2213; and
2. Authorizes the holder to administer general anesthesia, deep sedation and conscious sedation to a

patient.
(Added to NAC by Bd. of Dental Exam'rs by R005-99, eff. 9-7-2000)

NAC 631.008 "Secretary-Treasurer" defined. (NRS 631.190) "Secretary-Treasurer" means the Secretary-Treasurer of the Board.
(Added to NAC by Bd. of Dental Exam'rs by R169-01, eff. 4-5-2002)

BOARD OF DENTAL EXAMINERS OF NEVADA

NAC 631.010 President of Board: Duties; designation of acting President. (NRS 631.160, 631.190)
1. The President of the Board shall preside at all meetings and hearings of the Board.
2. If the President will be absent or is unable to preside at any meeting or hearing, he or she may designate any other member of the Board to act in his or her place. If the President does not make such a designation, or if the member whom he or she designates is absent, the members who attend the meeting or hearing shall, by majority vote, select from among themselves the person to preside.
3. If the President is notified that the Secretary-Treasurer will not be able to attend a meeting or hearing, the President shall designate another member of the Board to perform the duties of the Secretary-Treasurer at the meeting or hearing.
[Bd. of Dental Exam'rs, § I, eff. 7-21-82]

NAC 631.020 Secretary-Treasurer: Duties; bond. (NRS 631.160, 631.190)
1. The Secretary-Treasurer shall attend all meetings and hearings of the Board and ensure that minutes of the proceedings are taken.
2. The Secretary-Treasurer shall:
(a) Examine all applications for licensure and require that the approved forms are properly executed;
(b) Ensure that the provisions of this chapter which relate to licensure are observed by applicants and licensees; and
(c) Perform such other duties as the Board may direct.
3. The Secretary-Treasurer must have a bond executed in the amount of $1,000 to indemnify the Board for any loss of its money which is caused by his or her actions. The premium for the bond must be paid from the money of the Board.
[Bd. of Dental Exam'rs, § II, eff. 7-21-82]—(NAC A 12-15-87; R169-01, 4-5-2002)

NAC 631.023 Executive Director: Duties; bond. (NRS 631.160, 631.190)
1. The Executive Director shall attend all meetings and hearings of the Board and take minutes of the proceedings.
2. The Executive Director shall keep in his or her office:
(a) The minutes of matters considered by the Board;
(b) The records of the Board's finances;
(c) The applications submitted to the Board; and
(d) The records of cases in which the Board has denied an application, suspended or revoked a license or certificate, or taken any other disciplinary action.
3. The Executive Director shall:
(a) Account for all money received by the Board;
(b) Examine all applications for licensure and require that the approved forms are properly executed;
(c) Ensure that the provisions of this chapter which relate to licensure are observed by applicants and licensees;
(d) Act as custodian of the Board's official seal;
(e) Affix the seal to any document to be executed on behalf of the Board or to be certified as emanating from the Board; and
(f) Perform such other duties as the Board may direct.
4. The Executive Director must have a bond executed in the amount of $250,000 to indemnify the Board for any loss of its money which is caused by his or her actions. The premium for the bond must be

paid from the money of the Board.
(Added to NAC by Bd. of Dental Exam'rs, eff. 12-15-87; A 9-6-96; R169-01, 4-5-2002)

LICENSING

NAC 631.028 Applications for licensure; payment of fees. (NRS 631.190, 631.220, 631.345)
1. An application for licensure must be filed with the Executive Director on a form furnished by the Board. The application must be sworn to before a notary public or other officer authorized to administer oaths and accompanied by the fee required pursuant to NAC 631.029.
2. All such fees must be paid with an instrument which is immediately negotiable.
(Added to NAC by Bd. of Dental Exam'rs, eff. 10-21-83; A 12-15-87; 4-3-89; 9-6-96; R169-01, 4-5-2002; R026-05, 12-29-2005)

NAC 631.029 Schedule of fees. (NRS 631.190, 631.240, 631.345) The Board will charge and collect the following fees:

Application fee for an initial license to practice dentistry if the applicant has successfully passed a clinical examination administered by the Western Regional Examining Board or a clinical examination approved by the Board and the American Board of Dental Examiners and administered by a regional examination organization other than the Board	$1,200
Application and examination fee for an initial license to practice dentistry if the examination is approved by the Board and the American Board of Dental Examiners and administered by the Board	1,500
Application fee for an initial license to practice dental hygiene	600
Application fee for a temporary license to practice dentistry	1,200
Application fee for a temporary license to practice dental hygiene	600
Application fee for a specialty license by credential	1,200
Application fee for a temporary restricted geographical license to practice dentistry	600
Application fee for a temporary restricted geographical license to practice dental hygiene	150
Application fee for a specialist's license to practice dentistry	125
Application fee for a limited license or restricted license to practice dentistry or dental hygiene	125
Application and examination fee for a permit to administer general anesthesia, conscious sedation or deep sedation	350
Application and examination fee for a site permit to administer general anesthesia, conscious sedation or deep sedation	350

Fee for any reinspection required by the Board to maintain a permit to administer general anesthesia, conscious sedation or deep sedation	250
Biennial renewal fee for a permit to administer general anesthesia, conscious sedation or deep sedation	100
Fee for the inspection of a facility required by the Board to renew a permit to administer general anesthesia, conscious sedation or deep sedation	100
Biennial license renewal fee for a general license or specialist's license to practice dentistry	600
Biennial license renewal fee for a temporary license to practice dentistry	600
Biennial license renewal fee for a restricted geographical license to practice dentistry	600
Biennial license renewal fee for a restricted geographical license to practice dental hygiene	300
Biennial license renewal fee for a general license to practice dental hygiene	300
Biennial license renewal fee for a temporary license to practice dental hygiene	300
Annual license renewal fee for a limited license to practice dentistry or dental hygiene	$100
Annual license renewal fee for a restricted license to practice dentistry	100
Biennial license renewal fee for an inactive dentist	200
Biennial license renewal fee for an inactive dental hygienist	50
Reinstatement fee for a suspended license to practice dentistry or dental hygiene	200
Reinstatement fee for a revoked license to practice dentistry or dental hygiene	350
Reinstatement fee to return an inactive or retired dentist or dental hygienist or a dentist or dental hygienist with a disability to active status	200
Fee for the certification of a license	25
Fee for the certification of a license to administer nitrous oxide or local anesthesia	25
Fee for a duplicate wall certificate	25
Fee for a duplicate pocket card receipt	25

Application fee for converting a temporary license to a permanent license.....	125
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(Added to NAC by Bd. of Dental Exam'rs by R026-05, eff. 12-29-2005; A by R159-08, 4-23-2009)

NAC 631.030 Provision of certain information and documentation by applicant for licensure; examination for certain licenses. (NRS 631.190, 631.220, 631.255, 631.272, 631.274, 631.290)

1. An applicant for licensure must provide the following information and documentation in his or her application:

(a) The date and place of his or her birth;

(b) Certification of graduation from an accredited dental school or college or from an accredited school or college of dental hygiene, whichever is applicable;

(c) Whether he or she has applied for similar licensure in another state or a territory of the United States or the District of Columbia and, if so, the name of the state or territory of the United States or the District of Columbia, the date and the result of his or her application;

(d) If he or she has practiced dentistry or dental hygiene in another state or a territory of the United States or the District of Columbia, certification from the licensing authority of each state or territory of the United States or the District of Columbia in which he or she has practiced or is practicing that he or she is in good standing and that there are not any disciplinary proceedings affecting his or her standing pending against him or her in the other state or territory of the United States or the District of Columbia;

(e) Whether he or she has terminated or attempted to terminate a license from another state or territory of the United States or the District of Columbia and, if so, the reasons for doing so;

(f) If he or she is not a natural born citizen of the United States, a copy of his or her certificate of naturalization or other document attesting that he or she is legally eligible to reside and work in the United States;

(g) All scores obtained on the examination in which he or she was granted a certificate by the Joint Commission on National Dental Examinations and the date it was issued;

(h) Whether he or she has ever been convicted of a crime involving moral turpitude or has entered a plea of nolo contendere to a charge of such a crime and, if so, the date and place of the conviction or plea and the sentence, if any, which was imposed;

(i) Whether he or she has had any misdemeanor or felony convictions and, if so, any documents relevant to any misdemeanor or felony convictions;

(j) Whether any malpractice judgment has been entered against him or her and, if so, any documents relevant to the malpractice judgment;

(k) Whether he or she has a history of substance abuse and, if so, any documents relevant to the substance abuse;

(l) Whether he or she has been refused permission to take an examination for licensure by this State, any other state or territory of the United States or the District of Columbia, or any regional testing agency recognized by the Board and, if so, any documents relevant to the refusal;

(m) Whether he or she has been denied licensure by this State, any other state or territory of the United States or the District of Columbia and, if so, any documents relevant to the denial;

(n) Whether he or she has had his or her license to practice dentistry or dental hygiene suspended, revoked or placed on probation in this State, another state or territory of the United States or the District of Columbia and, if so, any documents relevant to the suspension, revocation or probation;

(o) Whether his or her practice of dentistry or dental hygiene has been subject to mandatory supervision in this State, another state or territory of the United States or the District of Columbia and, if so, any documents relevant to the mandatory supervision;

(p) Whether he or she has received a public reprimand or is currently involved in any disciplinary action concerning his or her license to practice dentistry or dental hygiene in this State, another state or territory of the United States or the District of Columbia and, if so, any documents relevant to the

reprimand or disciplinary action;

(q) Two sets of certified fingerprint cards and an authorization form allowing the Board to submit the fingerprint forms to law enforcement agencies for verification of background information; and

(r) Any other information requested by the Board.

2. An applicant for licensure with examination must deliver to the Board, at least 45 days before the examination:

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

(b) If applicable, the certified statement and proof required by subsection 5;

(c) A completed and signed application form issued by the Board, including a properly executed request to release information;

(d) A copy of current certification in administering cardiopulmonary resuscitation; and

(e) A copy of his or her malpractice insurance policy showing the effective dates, which must cover his or her examination dates, and the limits of liability.

3. An applicant for licensure pursuant to NRS 631.272 must deliver to the Board, at least 45 days before the meeting of the Board to consider the applicant for licensure, the documents listed in subsection 2 and proof that the applicant has actively practiced dentistry for the 5 years immediately preceding the date of submission of the application. If the applicant fails to deliver to the Board, at least 45 days before the meeting of the Board to consider the applicant for licensure, any of the documents required pursuant to this subsection, the Executive Director or the Secretary-Treasurer shall reject the application and inform the applicant that he or she is not eligible for consideration for licensure pursuant to NRS 631.272 until the next scheduled meeting of the Board.

4. Each applicant for licensure must, at least 45 days before the meeting of the Board to consider the applicant for licensure, pass an examination on the contents and interpretation of this chapter and chapter 631 of NRS. The examination will be given on the first Monday of each month. If the first Monday of the month is a legal holiday, the examination will be given on the first Tuesday of the month.

5. An applicant for licensure who wishes to use laser radiation in his or her practice of dentistry or dental hygiene must provide to the Board:

(a) A statement certifying that each laser that will be used by the licensee in the practice of dentistry or dental hygiene has been cleared by the Food and Drug Administration for use in dentistry; and

(b) Proof that he or she has successfully completed a course in laser proficiency that:

(1) Is at least 6 hours in length; and

(2) Is based on the *Curriculum Guidelines and Standards for Dental Laser Education*, adopted by reference pursuant to NAC 631.035.

[Bd. of Dental Exam'rs, § III, eff. 7-21-82]—(NAC A 10-21-83; 12-15-87; 4-3-89; 9-6-96; R169-01, 4-5-2002; R139-05, 12-29-2005; R159-08, 4-23-2009)

NAC 631.031 Hearing to determine qualifications if claim of malpractice is pending disposition. (NRS 631.190, 631.230, 631.290)

1. The Executive Director or Secretary-Treasurer shall notify the Board if the Executive Director or Secretary-Treasurer finds that an applicant for the issuance of a license pursuant to chapter 631 of NRS has a claim or complaint of malpractice that is filed against him or her and is pending disposition.

2. Except as otherwise provided in subsection 3, if the Board receives the notification described in subsection 1, the Board will hold a hearing to determine the qualifications of the applicant to practice dentistry or dental hygiene, as applicable.

3. The Board may approve an application for the issuance of a license without holding a hearing pursuant to subsection 2 if the Board determines that the application contains sufficient information to support a decision to approve the application.

(Added to NAC by Bd. of Dental Exam'rs by R159-08, eff. 4-23-2009)

NAC 631.033 Use of laser radiation in practice: Documentation required with application for renewal of license. (NRS 631.190, 631.330) Each licensee who uses or wishes to use laser radiation in his or her practice of dentistry or dental hygiene must include with the application for renewal of his or her license:

1. A statement certifying that each laser used by the licensee in his or her practice of dentistry or dental hygiene has been cleared by the Food and Drug Administration for use in dentistry; and

2. Proof that he or she has successfully completed a course in laser proficiency that:

(a) Is at least 6 hours in length; and

(b) Is based on the *Curriculum Guidelines and Standards for Dental Laser Education*, adopted by reference pursuant to NAC 631.035.

(Added to NAC by Bd. of Dental Exam'rs by R139-05, eff. 12-29-2005)

REVISER'S NOTE.

The regulation of the Board of Dental Examiners of Nevada filed with the Secretary of State on December 29, 2005 (LCB File No. R139-05), the source of this section (section 2 of the regulation), contains the following provisions not included in NAC:

"Notwithstanding the provisions of section 2 of this regulation [NAC 631.033], a licensee who, on December 29, 2005, is using laser radiation in his practice of dentistry or dental hygiene is not required to comply with the provisions of section 2 of this regulation [NAC 631.033]:

1. Until December 29, 2006; or
2. Until June 30 of the year in which his license is required to be renewed pursuant to NRS 631.330,

Ê whichever occurs later."

NAC 631.035 Use of laser radiation in practice: Adoption by reference of *Curriculum Guidelines and Standards for Dental Laser Education*. (NRS 631.190)

1. The Board hereby adopts by reference the *Curriculum Guidelines and Standards for Dental Laser Education*, adopted by the Academy of Laser Dentistry. The *Curriculum Guidelines and Standards for Dental Laser Education* is available, free of charge, from the Academy of Laser Dentistry:

(a) By mail, at P.O. Box 8667, Coral Springs, Florida 33075;

(b) By telephone, at (954) 346-3776; or

(c) At the Internet address **http://www.laserdentistry.org/prof/edu_curriculumguidelines.cfm**.

2. The Board will periodically review the *Curriculum Guidelines and Standards for Dental Laser Education* and determine within 30 days after the review whether any change made to those guidelines and standards is appropriate for application in this State. If the Board does not disapprove a change to an adopted guideline or standard within 30 days after the review, the change is deemed to be approved by the Board.

(Added to NAC by Bd. of Dental Exam'rs by R139-05, eff. 12-29-2005)

NAC 631.039 Application for permanent license by holder of temporary license. (NRS 631.190, 631.220, 631.272) A person who wishes to apply for a permanent license to practice dentistry or dental hygiene after holding a temporary license to practice dentistry or dental hygiene for a minimum of 2 years pursuant to subsection 2 of NRS 631.272 or subsection 2 of NRS 631.273, as applicable, must submit to the Board proof that he or she actively practiced dentistry or dental hygiene in this State during the 2 years in which he or she held the temporary license.

(Added to NAC by Bd. of Dental Exam'rs by R169-01, eff. 4-5-2002; A by R158-08, 12-17-2008)

NAC 631.045 Renewal of license: Certified statement required. (NRS 631.190) A licensed dentist who owns an office or facility where dental treatments are to be performed in this State must, on the application for renewal of his or her license, execute a certified statement that includes:

1. The location of each office or facility owned by the licensed dentist where dental treatments are to be performed;

2. The name and address of each employee, other than a licensed dentist or dental hygienist, who assists at the office or facility in procedures for infection control and the date the employee began to assist in procedures for infection control at the office or facility; and

3. A statement that each employee identified in subsection 2:

(a) Has received adequate instruction concerning procedures for infection control; and

(b) Is qualified to:

(1) Operate sterilization equipment and other equipment in compliance with the guidelines adopted by reference in NAC 631.178; and

(2) Perform all other applicable activities in compliance with the guidelines adopted by reference in NAC 631.178.

(Added to NAC by Bd. of Dental Exam'rs by R201-09, eff. 8-13-2010)

NAC 631.050 Rejection of application; reconsideration and review. (NRS 631.160, 631.190, 631.230, 631.260, 631.290)

1. If the Executive Director or Secretary-Treasurer finds that:

(a) An application is:

(1) Deficient;

(2) Not in the proper form; or

(3) Delivered to the Board less than the 45 days required before the examination pursuant to subsection 2 of NAC 631.030 or less than the 45 days required before the meeting of the Board to consider the applicant for licensure pursuant to subsection 3 of NAC 631.030; or

(b) The applicant has:

(1) Provided incorrect information;

(2) Not attained the scores required by chapter 631 of NRS; or

(3) Not submitted the required fee,

Ê the Executive Director or Secretary-Treasurer shall reject the application and return it to the applicant with the reasons for its rejection.

2. If the Executive Director or Secretary-Treasurer finds that an applicant has:

(a) A felony conviction;

(b) A misdemeanor conviction;

(c) A malpractice judgment against him or her;

(d) A history of substance abuse;

(e) Been refused permission to take an examination for licensure by this State, any other state or territory of the United States or the District of Columbia;

(f) Been denied licensure by this State, any other state or territory of the United States or the District of Columbia;

(g) Had his or her license to practice dentistry or dental hygiene suspended, revoked or placed on probation in this State, another state or territory of the United States or the District of Columbia;

(h) Not actively practiced dentistry or dental hygiene, as applicable, for 2 years or more before the date of the application to the Board;

(i) Had his or her practice of dentistry or dental hygiene subject to mandatory supervision in this State, another state or territory of the United States or the District of Columbia; or

(j) Received a public reprimand or is currently involved in any disciplinary action concerning his or her license to practice dentistry or dental hygiene in this State, another state or territory of the United States or the District of Columbia,

Ê the Executive Director or Secretary-Treasurer may reject the application. If rejected, the application must be returned to the applicant with the reasons for its rejection.

3. If an application is rejected pursuant to subsection 2, the applicant may furnish additional relevant information to the Executive Director or Secretary-Treasurer, and request that the application be reconsidered. If an application is rejected following reconsideration by the Executive Director or Secretary-Treasurer, the applicant may petition the Board for a review of the application at the next regularly scheduled meeting of the Board.

[Bd. of Dental Exam'rs, § V, eff. 7-21-82]—(NAC A 4-3-89; 9-6-96; R003-99, 4-3-2000; R169-01, 4-5-2002; R158-08, 12-17-2008; R159-08, 4-23-2009)

NAC 631.060 Reapplications. (NRS 631.190, 631.220) An applicant who is denied licensure for a reason other than his or her failure to pass an examination may not reapply until he or she requests and receives the permission of the Board to do so.

[Bd. of Dental Exam'rs, § VI, eff. 7-21-82]—(NAC A by R169-01, 4-5-2002)

NAC 631.070 Reconsideration of application following request for postponement of action. (NRS 631.190, 631.220)

1. If an applicant requests that the Board postpone its action on his or her application for licensure, he or she may later request the Board to reconsider the application. The request for reconsideration must be made on a form furnished by the Board.

2. If an applicant requests the Board to reconsider the application within 1 year after filing the original application for licensure, the Board will not require the applicant to submit another application for licensure unless the information contained in the original application has changed. The applicant must update the information in the original application by furnishing the Board with a supplement when subsequent changes have taken place.

[Bd. of Dental Exam'rs, § XI, eff. 7-21-82]—(NAC A 4-3-89; R169-01, 4-5-2002)

NAC 631.080 Examination: Authorization required; cheating prohibited. (NRS 631.190, 631.240, 631.300)

1. An applicant must have obtained the Board's written authorization before he or she may take the examination. He or she must take the examination at the times and places set forth in the authorization.

2. An applicant shall not use or possess any note or cheating aid during any part of the examination. Any use or possession of a test aid will result in a score of zero and is sufficient evidence of the applicant's unfitness to receive licensure.

[Bd. of Dental Exam'rs, § VIII, eff. 7-21-82]—(NAC A 4-3-89; R169-01, 4-5-2002)

NAC 631.090 Examination for license to practice dentistry. (NRS 631.190, 631.240) Except as otherwise provided in NRS 622.090, in fulfillment of the statutory requirements of subparagraph (1) of paragraph (b) of subsection 1 of NRS 631.240, an applicant taking the clinical examination approved by the Board and the American Board of Dental Examiners must:

1. Pass the Dental Simulated Clinical Examination;
2. Demonstrate proficiency in endodontics as the organization administering the clinical examination requires;
3. Demonstrate proficiency in fixed prosthodontics as the organization administering the clinical examination requires;
4. Demonstrate proficiency in restorative dentistry as the organization administering the clinical examination requires;
5. Demonstrate proficiency in periodontics as the organization administering the clinical examination requires; and
6. Perform such other procedures as the Board requires.

[Bd. of Dental Exam'rs, § XII, eff. 7-21-82]—(NAC A 12-15-87; R169-01, 4-5-2002; R159-08, 4-23-2009)

NAC 631.100 Examination for license to practice dental hygiene. (NRS 631.190, 631.300) In fulfillment of the requirements of paragraph (b) of subsection 2 of NRS 631.300, the applicant must:

1. Perform an oral prophylaxis on patients, the number to be determined by the Board, whose teeth have a sufficient amount of stain and calculus to permit the applicant to demonstrate the ability to remove any stain and calculus; and
2. Perform such other procedures as the Board requests.

[Bd. of Dental Exam'rs, § XIV, eff. 7-21-82]—(NAC A 7-31-85, eff. 8-1-85; 12-15-87; 9-6-96)

NAC 631.120 Examinations: Procedure for practical portion. (NRS 631.170, 631.190, 631.240, 631.300)

1. The practical part of the dentist's or dental hygienist's examination must be performed in the presence of a quorum of the examining members of the Board. Examiners appointed by the Board to conduct examinations pursuant to NRS 631.170 may be counted in determining whether a quorum is present as set forth in subsection 3 of NRS 631.170.
2. Each applicant must furnish his or her own patients, materials and instruments for the examination. The Board will furnish the dental chair and light.
3. At the end of each day of the practical part of the examination, the Board will collect and safely store all of the materials and work of each applicant. The materials and work will be returned at the beginning of the next day of the examination. The applicant is responsible for all of his or her equipment and instruments, except as otherwise directed by instructions given at the examination.
4. The applicant may not bring any study models or impressions into the examination room except as allowed by instructions given at the examination.

[Bd. of Dental Exam'rs, § XIII, eff. 7-21-82]—(NAC A 4-3-89; R023-06, 9-18-2006)

NAC 631.130 Examinations: Requirements for successful completion; notice of results. (NRS 631.190, 631.240, 631.300)

1. To complete successfully any examination given by the Board, a person must:
(a) Receive a passing score in the applicable examination required by NRS 631.240 or 631.300; and
(b) Complete the entire examination.
2. The Board will mail each applicant a notice of the results of his or her examination.

[Bd. of Dental Exam'rs, § IX, eff. 7-21-82]—(NAC A 12-15-87; 7-22-88)

NAC 631.140 Reexaminations; completion of failed clinical demonstration. (NRS 631.190, 631.220, 631.240, 631.280, 631.300)

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

2. An applicant who does not pass the examination may not take another examination without completing such additional professional training as is required by the Board.

3. An applicant who does not pass the examination solely because he or she fails one of the demonstrations required pursuant to NAC 631.090 may, at the next scheduled examination, complete the remaining demonstration. If the applicant does not successfully complete the remaining demonstration at the next scheduled examination or within the timeline approved by the American Board of Dental Examiners for a person who takes the examination as part of an integrated curriculum, he or she must retake the entire examination.

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

[Bd. of Dental Exam'rs, § X, eff. 7-21-82]—(NAC A 4-3-89; 9-6-96; R169-01, 4-5-2002; R159-08, 4-23-2009)

NAC 631.145 Dental hygienists: Expiration and renewal of special endorsement of license to practice public health dental hygiene. (NRS 631.190, 631.287)

1. A special endorsement of a license that allows a dental hygienist to practice public health dental hygiene issued by the Board is valid for 1 year after the date of issuance.

2. A dental hygienist may apply to renew the special endorsement of his or her license by submitting a report summarizing the services performed by the dental hygienist under the authority of the special endorsement in the prior year.

(Added to NAC by Bd. of Dental Exam'rs by R231-03, eff. 5-25-2004)

NAC 631.150 Filing of addresses of licensee; notice of change; display of license. (NRS 631.190, 631.350)

1. Each licensee shall file with the Board the addresses of his or her permanent residence and the office or offices where he or she conducts his or her practice.

2. Within 30 days after any change occurs in any of these addresses, the licensee shall give the Board a written notice of the change. The Board will impose a fine of $50 if a licensee does not report such a change within 30 days after it occurs.

3. The licensee shall display his or her license or a copy thereof at each place where he or she practices.

[Bd. of Dental Exam'rs, § XVI, eff. 7-21-82]—(NAC A 9-6-96)

NAC 631.155 Licensee to notify Board of certain events. (NRS 631.190) Each licensee shall, within 30 days after the occurrence of the event, notify the Board in writing by certified mail of:

1. The death of a patient during the performance of any dental procedure;

2. Any unusual incident occurring in his or her dental practice which results in permanent physical or mental injury to a patient or requires the hospitalization of a patient;

3. The suspension or revocation of his or her license to practice dentistry or the imposition of a fine or other disciplinary action against him or her by any agency of another state authorized to regulate the practice of dentistry in that state;

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

5. The filing and service upon him or her of any claim or complaint of malpractice.

(Added to NAC by Bd. of Dental Exam'rs, eff. 9-16-85)

NAC 631.160 Voluntary surrender of license. (NRS 631.190)

1. If a licensee desires voluntarily to surrender his or her license, he or she may submit to the Board a sworn written surrender of the license accompanied by delivery to the Board of the certificate of registration previously issued to him or her. The Board may accept or reject the surrender of the license. If the Board accepts the surrender of the license, the surrender is absolute and irrevocable. The Board will notify any agency or person of the surrender as it deems appropriate.

2. The voluntary surrender of a license does not preclude the Board from hearing a complaint for disciplinary action filed against the licensee.

[Bd. of Dental Exam'rs, § XX, eff. 7-21-82]

NAC 631.170 Placement of license on inactive, retired or disabled status; reinstatement. (NRS 631.190, 631.335)

1. A licensee may request the Board to place his or her license in an inactive or retired status. Such a request must be made in writing and before the license expires.

2. The Secretary-Treasurer may reinstate an inactive license upon the written request of an inactive licensee who has maintained an active license and practice outside this State during the time his or her Nevada license was inactive. To reinstate the license, such an inactive licensee must:

(a) Pay the appropriate renewal fees;

(b) Provide a list of his or her employment during the time the license was inactive;

(c) Report all claims of malpractice, unprofessional conduct or professional incompetence against him or her or any violation of the law which he or she may have committed, including administrative disciplinary charges brought by any other jurisdiction;

(d) Report any appearance he or she may have made before a peer review committee;

(e) Submit proof of his or her completion of an amount of continuing education, prorated as necessary, for the year in which the license is restored to active status;

(f) Provide certification from each jurisdiction in which he or she currently practices that his or her license is in good standing and that no proceedings which may affect that standing are pending;

(g) Satisfy the Secretary-Treasurer that he or she is of good moral character; and

(h) Provide any other information which the Secretary-Treasurer may require,

Ê before the license may be reinstated. In determining whether the licensee is of good moral character, the Secretary-Treasurer may consider whether the license to practice dentistry in another state has been suspended or revoked or whether the licensee is currently involved in any disciplinary action concerning the license in that state.

3. If a person whose license has been on inactive status for less than 2 years has not maintained an active license or practice outside this State, or if a person's license has been on retired status for less than 2 years, he or she must submit to the Board:

(a) Payment of the appropriate renewal fees;

(b) A written petition for reinstatement that has been signed and notarized;

(c) Proof of his or her completion of an amount of continuing education, prorated as necessary, for the year in which the license is restored to active status; and

(d) A list of his or her employment, if any, during the time the license was on inactive or retired status,

Ê before the license may be reinstated.

4. If a person whose license has been on inactive status for 2 years or more has not maintained an active license or practice outside this State, or if a person's license has been on retired status for 2 years or more, he or she must:

(a) Satisfy the requirements set forth in paragraphs (a) to (d), inclusive, of subsection 3; and

(b) Pass such additional examinations for licensure as the Board may prescribe,

Ê before the license may be reinstated.

5. If the license of a person has been placed on disabled status, the person must:

(a) Satisfy the requirements of paragraphs (a), (b) and (c) of subsection 3;

(b) Submit to the Board a list of his or her employment, if any, during the time the license was on disabled status;

(c) Pass such additional examinations for licensure as the Board may prescribe; and

(d) Submit to the Board a statement signed by a licensed physician setting forth that the person is able, mentally and physically, to practice dentistry,

Ê before the license may be reinstated.

[Bd. of Dental Exam'rs, § XV, eff. 7-21-82]—(NAC A 4-3-89; 11-28-90; 9-6-96; R004-99, 4-3-2000)

NAC 631.173 Continuing education: Required hours; types of courses and activities; approval of provider or instructor. (NRS 631.190, 631.342)

1. Each dentist licensed to practice in this State must annually complete at least 20 hours of instruction in approved courses of continuing education or biennially complete at least 40 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 dentist. Hours of instruction may not be transferred or carried over from one licensing period to another.

2. Each dental hygienist licensed to practice in this State must annually complete at least 15 hours of instruction in approved courses of continuing education or biennially complete at least 30 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 hygienist. Hours of instruction may not be transferred or carried over from one licensing period to another.

3. In addition to the hours of instruction prescribed in subsections 1 and 2, each dentist and dental hygienist must maintain current certification in administering cardiopulmonary resuscitation or another medically acceptable means of maintaining basic bodily functions which support life. Any course taken pursuant to this subsection must be taught by a certified instructor.

4. Any provider of or instructor for a course in continuing education relating to the practice of dentistry or dental hygiene which meets the requirements of this section must be approved by the Board, unless the course is for training in cardiopulmonary resuscitation or is approved by:

(a) The American Dental Association or the societies which are a part of it;
(b) The American Dental Hygienists' Association or the societies which are a part of it;
(c) The Academy of General Dentistry;
(d) Any nationally recognized association of dental or medical specialists;
(e) Any university, college or community college, whether located in or out of Nevada; or
(f) Any hospital accredited by The Joint Commission.

5. To be approved as a provider of a course in continuing education, the instructor of the course must complete a form provided by the Board and submit it to the Board for review by a committee appointed by the Board not later than 45 days before the beginning date of the course. Upon receipt of the form, the committee shall, within 10 days after receiving the form, approve or disapprove the application and inform the applicant of its decision.

6. Study by group may be approved for continuing education if the organizer of the group complies with the requirements of subsection 5 and furnishes the Board with a complete list of all members of the group, a synopsis of the subject to be studied, the time, place and duration of the meetings of the group, and the method by which attendance is recorded and authenticated.

7. Credit may be allowed for attendance at a meeting or a convention of a dental and dental hygiene society.

8. Credit may be allowed for courses completed at home which are taught through correspondence or videocassettes.

9. Credit may be allowed for dental and dental hygiene services provided on a voluntary basis to nonprofit agencies and organizations approved by the Board.

(Added to NAC by Bd. of Dental Exam'rs, eff. 9-16-85; A 12-15-87; 9-6-96; R231-03, 5-25-2004; R063-05, 12-29-2005; R159-08, 4-23-2009)

NAC 631.175 Continuing education: Approved subjects; minimum requirements for clinical subjects; maximum credit for certain types of courses and activities. (NRS 631.190, 631.342)

1. Approved subjects for continuing education in dentistry and dental hygiene are:

(a) Clinical subjects, including, without limitation:
(1) Dental and medical health;
(2) Preventive services;
(3) Dental diagnosis and treatment planning; and
(4) Dental clinical procedures, including corrective and restorative oral health procedures and basic dental sciences, dental research and new concepts in dentistry; and

(b) Nonclinical subjects, including, without limitation:
(1) Dental practice organization and management;
(2) Patient management skills;
(3) Methods of health care delivery; and
(4) Teaching methodology.

2. In completing the hours of continuing education required pursuant to NAC 631.173, a dentist must annually complete at least 15 hours in clinical subjects approved pursuant to subsection 1 or biennially complete at least 30 hours in clinical subjects approved pursuant to subsection 1, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the dentist.

3. In completing the hours of continuing education required pursuant to NAC 631.173, a dental hygienist must annually complete at least 12 hours in clinical subjects approved pursuant to subsection 1

or biennially complete at least 24 hours in clinical subjects approved pursuant to subsection 1, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the dental hygienist.

4. In completing the hours of continuing education required pursuant to NAC 631.173, a dentist or dental hygienist must annually complete at least 2 hours in the clinical subject of infection control in accordance with the provisions of the guidelines adopted by reference in NAC 631.178 or biennially complete at least 4 hours in the clinical subject of infection control in accordance with the provisions of the guidelines adopted by reference in NAC 631.178, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the dentist or dental hygienist.

5. The Board will credit, as a maximum in any one year of an annual or biennial licensing period, the following number of hours of instruction for the following types of courses or activities:

(a) For approved study by a group, 3 hours.

(b) For attendance at a meeting or convention of a dental or dental hygiene society, 1 hour for each meeting, but not more than 3 hours, exclusive of hours of continuing education offered in conjunction with the meeting.

(c) For courses completed in the home through correspondence or videocassettes, 6 hours.

(d) For all other courses conducted by an approved instructor, the number of hours completed by the dentist or dental hygienist.

(e) For approved dental or dental hygiene services provided in approved nonprofit settings, 6 hours, except that not more than 3 hours will be allowed for any day of volunteer services provided.

(Added to NAC by Bd. of Dental Exam'rs, eff. 9-16-85; A 12-15-87; 4-3-89; 9-6-96; R231-03, 5-25-2004; R063-05, 12-29-2005; R149-06, 9-18-2006; R159-08, 4-23-2009; R201-09, 8-13-2010)

NAC 631.177 Continuing education: Renewal or reinstatement of license; records; unprofessional conduct; audits. (NRS 631.190, 631.330, 631.335, 631.342)

1. When requesting a renewal or reinstatement of his or her license, each:

(a) Dentist shall submit a signed, written statement in substantially the following language for each year since his or her last renewal:

> I, ..., hereby certify to the Board of Dental Examiners of Nevada that I have obtained at least 20 approved hours of instruction in continuing education during the period July 1, ..., through and including June 30, ... I also certify to the Board of Dental Examiners of Nevada that I am currently certified in administering cardiopulmonary resuscitation or another medically acceptable means of maintaining basic bodily functions which support life.
>
> Dated this ..... (day) of ..... (month) of ..... (year)
>
> .....
> Signature of Dentist

(b) Dental hygienist shall submit a signed, written statement in substantially the following language for each year since his or her last renewal:

> I, ..., hereby certify to the Board of Dental Examiners of Nevada that I have obtained at least 15 approved hours of instruction in continuing education during the period July 1, ..., through and including June 30, ... I also certify to the Board of Dental Examiners of Nevada that I am currently certified in administering cardiopulmonary resuscitation or another medically acceptable means of maintaining basic bodily functions which support life.
>
> Dated this ..... (day) of ..... (month) of ..... (year)
>
> .....
> Signature of Dental Hygienist

(c) Dentist or dental hygienist shall submit proof of his or her current certification in administering cardiopulmonary resuscitation or other medically acceptable means of maintaining basic bodily functions which support life.

2. Legible copies of all receipts, records of attendance, certificates and other evidence of attendance by a dentist or dental hygienist at an approved course in continuing education must be retained by the dentist or dental hygienist and made available to the Board for inspection or copying for 3 years after attendance at the course is submitted to meet the continuing education requirements of the Board. Proof

of attendance and completion of the required credit hours of instruction must be complete enough to enable the Board to verify the attendance and completion of the course by the dentist or dental hygienist and must include at least the following information:

(a) The name and location of the course;

(b) The date of attendance;

(c) The name, address and telephone number of its instructor;

(d) A synopsis of its contents; and

(e) For courses designed for home study, the number assigned to the provider by the Board at the time the course was approved and the name, address and telephone number of the producer or author of the course.

3. The third or subsequent failure of a dentist and dental hygienist to obtain or file proof of completion of the credit hours of instruction required by this section and NAC 631.173 and 631.175 is unprofessional conduct.

4. The Board will conduct random audits of dentists or dental hygienists to ensure compliance with the requirements of this section and NAC 631.173 and 631.175.

(Added to NAC by Bd. of Dental Exam'rs, eff. 9-16-85; A 12-15-87; 4-3-89; 9-6-96; R231-03, 5-25-2004; R159-08, 4-23-2009)

NAC 631.178 Adoption by reference of certain guidelines; compliance with guidelines required. (NRS 631.190)

1. Each person who is licensed pursuant to the provisions of chapter 631 of NRS shall comply with:

(a) The provisions of the *Guidelines for Infection Control in Dental Health-Care Settings-2003* adopted by the Centers for Disease Control and Prevention which is hereby adopted by reference. The publication is available, free of charge, from the Centers for Disease Control and Prevention at the Internet address **http://www.cdc.gov/mmwr/preview/mmwrhtml/rr5217a1.htm**; and

(b) As applicable to the practice of dentistry, the provisions of the *Guideline for Disinfection and Sterilization in Healthcare Facilities, 2008*, adopted by the Centers for Disease Control and Prevention which is hereby adopted by reference. The publication is available, free of charge, from the Centers for Disease Control and Prevention at the Internet address **http://www.cdc.gov/ncidod/dhqp/pdf/guidelines/Disinfection_Nov_2008.pdf**.

2. The Board will periodically review the guidelines adopted by reference in this section and determine within 30 days after the review whether any change made to the guidelines is appropriate for application in this State. If the Board does not disapprove a change to the guidelines within 30 days after the review, the change is deemed to be approved by the Board.

(Added to NAC by Bd. of Dental Exam'rs, eff. 9-6-96; A by R025-05, 11-17-2005; R201-09, 8-13-2010)

NAC 631.1785 Licensed dentist to request initial inspection of office or facility. (NRS 631.190, 631.363)

1. Not later than 30 days after a licensed dentist becomes the owner of an office or facility in this State where dental treatments are to be performed, other than a medical facility as defined in NRS 449.0151, the licensed dentist must request in writing that the Board conduct an initial inspection of the office or facility to ensure compliance with the guidelines adopted by reference in NAC 631.178.

2. Not later than 90 days after receiving a written request pursuant to subsection 1:

(a) The Executive Director shall assign agents of the Board to conduct the inspection; and

(b) The agents shall conduct the inspection.

3. Not later than 30 days after agents of the Board have completed the initial inspection of an office or facility to ensure compliance with the guidelines adopted by reference in NAC 631.178, the agents shall issue a report to the Executive Director indicating whether the office or facility is equipped in compliance with the guidelines adopted by reference in NAC 631.178. If the report indicates that the office or facility:

(a) Is equipped in compliance with the guidelines adopted by reference in NAC 631.178, the Executive Director shall, without any further action by the Board, issue a written notice of the agents' findings to the licensed dentist who owns the office or facility.

(b) Is not equipped in compliance with the guidelines adopted by reference in NAC 631.178, the Executive Director shall, without any further action by the Board, issue a written notice which identifies

deficiencies to the licensed dentist who owns the office or facility.

4. Not later than 72 hours after issuing a written notice of deficiencies pursuant to paragraph (b) of subsection 3:

(a) The Executive Director shall assign agents of the Board to conduct a reinspection of the office or facility to determine if the licensed dentist and the personnel supervised by the dentist have taken corrective measures; and

(b) The agents assigned pursuant to paragraph (a) shall conduct the reinspection and issue a report to the Executive Director indicating whether the licensed dentist and the personnel supervised by the dentist are in compliance with the guidelines adopted by reference in NAC 631.178. If the report indicates that the licensed dentist and the personnel supervised by the dentist:

(1) Are in compliance with the guidelines adopted by reference in NAC 631.178, the Executive Director shall, without any further action by the Board, issue a written notice of the agents' findings to the licensed dentist who owns the office or facility.

(2) Are not in compliance with the guidelines adopted by reference in NAC 631.178, the Executive Director may, without any further action by the Board, issue an order to the licensed dentist who owns the office or facility and all other licensees employed at the office or facility that any or all of those licensees or personnel must immediately cease and desist from performing dental treatments and that some or all dental treatments must cease to be performed at the office or facility until a hearing is held before the Board. The hearing before the Board must be convened not later than 30 days after the Executive Director issues the order to cease and desist.

(Added to NAC by Bd. of Dental Exam'rs by R201-09, eff. 8-13-2010)

NAC 631.179 Random inspection of office or facility; subsequent action by Executive Director. (NRS 631.190, 631.363)

1. The Executive Director may assign agents of the Board to conduct a random inspection of an office or facility in this State where dental treatments are to be performed to ensure that the licensed dentist and the personnel supervised by the dentist are in compliance with the guidelines adopted by reference in NAC 631.178. Random inspections conducted pursuant to this subsection may be conducted during normal business hours without notice to the licensed dentist who owns the office or facility to be inspected.

2. Not later than 30 days after agents of the Board have completed a random inspection of an office or facility in this State where dental treatments are to be performed to ensure compliance with the guidelines adopted by reference in NAC 631.178, the agents shall issue a report to the Executive Director indicating whether the licensed dentist and the personnel supervised by the dentist are in compliance with the guidelines adopted by reference in NAC 631.178. If the report indicates that the licensed dentist and the personnel supervised by the dentist:

(a) Are in compliance with the guidelines adopted by reference in NAC 631.178, the Executive Director shall, without any further action by the Board, issue a written notice of the agents' findings to the licensed dentist who owns the office or facility.

(b) Are not in compliance with the guidelines adopted by reference in NAC 631.178, the Executive Director shall, without any further action by the Board, issue a written notice which identifies deficiencies to the licensed dentist who owns the office or facility.

3. Not later than 72 hours after a licensed dentist receives a written notice of deficiencies issued pursuant to paragraph (b) of subsection 2:

(a) The Executive Director shall assign agents of the Board to conduct a reinspection of the office or facility to determine if the licensed dentist and the personnel supervised by the dentist have taken corrective measures; and

(b) The agents assigned pursuant to paragraph (a) shall conduct the reinspection and issue a report to the Executive Director indicating whether the licensed dentist and the personnel supervised by the dentist are in compliance with the guidelines adopted by reference in NAC 631.178. If the report indicates that the licensed dentist and the personnel supervised by the dentist:

(1) Are in compliance with the guidelines adopted by reference in NAC 631.178, the Executive Director shall, without any further action by the Board, issue a written notice of the agents' findings to the licensed dentist who owns the office or facility.

(2) Are not in compliance with the guidelines adopted by reference in NAC 631.178, the Executive Director may, without any further action by the Board, issue an order to the licensed dentist who owns the office or facility and all other licensees employed at the office or facility that any or all of those licensees or personnel must immediately cease and desist from

performing dental treatments and that some or all dental treatments must cease to be performed at the office or facility until a hearing is held before the Board. The hearing before the Board must be convened not later than 30 days after the Executive Director issues the order to cease and desist.

4. Pursuant to subsection 3 of NRS 233B.127, if a random inspection of an office or facility conducted pursuant to this section indicates that the public health, safety or welfare imperatively requires emergency action, the President of the Board may, without any further action by the Board, issue an order of summary suspension of the license of the licensed dentist who owns the office or facility and the licenses of any or all of the other licensees employed at the office or facility pending proceedings for revocation or other action. An order for summary suspension issued by the President of the Board must contain findings of the exigent circumstances which warrant the issuance of the order for summary suspension. The President of the Board shall not participate in any further proceedings relating to the order.

(Added to NAC by Bd. of Dental Exam'rs by R201-09, eff. 8-13-2010)

NAC 631.1795 Provisions governing inspections do not preclude Board from initiating disciplinary proceedings. (NRS 631.190) Nothing in NAC 631.1785 and 631.179 prevents the Board from initiating disciplinary proceedings or additional disciplinary proceedings against a licensed dentist who owns an office or facility in this State where dental treatments are to be performed or against other licensees or personnel of the office or facility for failure to comply with the guidelines adopted by reference in NAC 631.178.

(Added to NAC by Bd. of Dental Exam'rs by R201-09, eff. 8-13-2010)

NAC 631.180 Employment as an instructor. (NRS 631.190)

1. Except as otherwise provided in subsection 2, a dentist or dental hygienist who currently holds an active license from another jurisdiction in the United States may be employed in this State in an accredited educational institution to instruct the students of the institution.

2. The dentist or dental hygienist must apply for and successfully complete the appropriate examination for licensure administered by the Board within 1 year after the date of his or her employment to retain the right to be so employed.

[Bd. of Dental Exam'rs, § XXVIII, eff. 7-21-82]—(NAC A by R169-01, 4-5-2002)

NAC 631.190 Specialties. (NRS 631.190, 631.250, 631.255) The only specialties for which the Board will issue licenses are:

1. Oral and maxillofacial pathology;
2. Oral and maxillofacial surgery;
3. Orthodontia;
4. Periodontia;
5. Prosthodontia;
6. Pediatric dentistry;
7. Endodontia;
8. Public health; and
9. Oral and maxillofacial radiology.

[Bd. of Dental Exam'rs, § XXI, eff. 7-21-82]—(NAC A 10-7-85; R158-08, 12-17-2008)

NAC 631.200 Delegation of duty to supervise dental hygienists and dental assistants. (NRS 631.190, 631.313) The supervisory duties prescribed in NRS 631.313 may be delegated by one licensed dentist to another.

[Bd. of Dental Exam'rs, § XXIV, eff. 7-21-82]—(NAC A 12-15-87)

NAC 631.210 Dental hygienists: Authorization to perform certain services; referral of patient to authorizing dentist for certain purposes. (NRS 631.190, 631.310, 631.313, 631.317)

1. A dentist who is licensed in this State may authorize a dental hygienist in his or her employ to:

(a) Remove stains, deposits and accretions, including dental calculus.

(b) Smooth the natural and restored surface of a tooth by using the procedures and instruments commonly used in oral prophylaxis, except that an abrasive stone, disc or bur may be used only to polish

a restoration. As used in this paragraph, "oral prophylaxis" means the preventive dental procedure of scaling and polishing which includes the removal of calculus, soft deposits, plaques and stains and the smoothing of unattached tooth surfaces in order to create an environment in which hard and soft tissues can be maintained in good health by the patient.

(c) Provide dental hygiene care that includes:

(1) Assessment of the oral health of patients through medical and dental histories, radiographs, indices, risk assessments and intraoral and extraoral procedures that analyze and identify the oral health needs and problems of patients.

(2) Development and implementation of a dental hygiene care plan to address the oral health needs and problems of patients described in subparagraph (1).

(3) Evaluation of oral and periodontal health after the implementation of the dental hygiene care plan described in subparagraph (2) in order to identify the subsequent treatment, continued care and referral needs of the patient.

(d) Take the following types of impressions:

(1) Those used for the preparation of diagnostic models;

(2) Those used for the fabrication of temporary crowns or bridges; and

(3) Those used for the fabrication of temporary removable appliances, provided no missing teeth are replaced by those appliances.

(e) Perform subgingival curettage.

(f) Expose radiographs.

(g) Place and remove a periodontal pack.

(h) Remove excess cement from cemented restorations and orthodontic appliances. A dental hygienist may not use a rotary cutting instrument to remove excess cement from restorations or orthodontic appliances.

(i) Train and instruct persons in the techniques of oral hygiene and preventive procedures.

(j) Recement and repair temporary crowns and bridges.

(k) Recement permanent crowns and bridges with nonpermanent material as a palliative treatment.

(l) Place a temporary restoration with nonpermanent material as a palliative treatment.

(m) Administer local intraoral chemotherapeutic agents in any form except aerosol, including, but not limited to:

(1) Antimicrobial agents;

(2) Fluoride preparations;

(3) Topical antibiotics;

(4) Topical anesthetics; and

(5) Topical desensitizing agents.

(n) Apply pit and fissure sealant to the dentition for the prevention of decay.

Ê Before performing any of the services set forth in this subsection, the dental hygienist must obtain authorization from the licensed dentist of the patient on whom the services are to be performed and the patient must have been examined by that dentist not more than 18 months before the services are to be performed. After performing any of the services set forth in this subsection, the dental hygienist shall refer the patient to the authorizing dentist for follow-up care or any necessary additional procedures that the dental hygienist is not authorized to perform.

2. A dentist who is licensed in this State may authorize a dental hygienist in his or her employ and under his or her supervision to:

(a) Remove sutures.

(b) Place and secure orthodontic ligatures.

(c) Fabricate and place temporary crowns and bridges.

(d) Fit orthodontic bands and prepare teeth for orthodontic bands if the bands are cemented or bonded, or both, into the patient's mouth by the dentist who authorized the dental hygienist to perform this procedure.

(e) Perform nonsurgical cytologic testing.

(f) Apply and activate agents for bleaching teeth with a light source.

(g) Use a laser that has been cleared by the Food and Drug Administration to perform intrasulcular periodontal procedures or tooth whitening procedures if:

(1) The use of such a laser for those purposes is within the scope of the education, experience and training of the dental hygienist;

(2) Before operating the laser, the dental hygienist has provided proof to the supervising dentist

that the dental hygienist has successfully completed a course in laser proficiency that:

(I) Is at least 6 hours in length; and

(II) Is based on the *Curriculum Guidelines and Standards for Dental Laser Education*, adopted by reference pursuant to NAC 631.035; and

(3) The supervising dentist has successfully completed a course in laser proficiency that:

(I) Is at least 6 hours in length; and

(II) Is based on the *Curriculum Guidelines and Standards for Dental Laser Education*, adopted by reference pursuant to NAC 631.035.

Ê The dental hygienist must obtain authorization from the licensed dentist of the patient on whom the services authorized pursuant to this subsection are to be performed.

3. If a dentist who is licensed in this State has in his or her employ and under his or her supervision a dental hygienist who has:

(a) Successfully completed a course of continuing education in the administering of local anesthetics or nitrous oxide-oxygen analgesia, or both, which has been approved by the Board; or

(b) Graduated from an accredited program of dental hygiene which includes the administering of local anesthetics or nitrous oxide-oxygen analgesia, or both, in its curriculum,

Ê the dentist may authorize the dental hygienist to administer local anesthetics or nitrous oxide-oxygen analgesia, or both, as appropriate, if the dental hygienist has received from the Board a certificate certifying the hygienist to this level of proficiency. The dental hygienist must obtain the authorization from the licensed dentist of the patient on whom the services are to be performed.

4. A dental hygienist in a health care facility may administer local intraoral chemotherapeutic agents and, if he or she has complied with paragraph (a) or (b) of subsection 3, may administer local anesthetics or nitrous oxide-oxygen analgesia, or both, as appropriate, if he or she first:

(a) Obtains written authorization from the licensed dentist of the patient to whom the local anesthetics, nitrous oxide-oxygen analgesia or local intraoral chemotherapeutic agents are to be administered; and

(b) Submits to the Secretary-Treasurer a written confirmation from the director of the health care facility that the facility has licensed medical personnel and necessary emergency supplies and equipment that will be available when the local anesthetics, nitrous oxide-oxygen analgesia or local intraoral chemotherapeutic agents are administered.

5. The Board may authorize a dental hygienist to perform the services set forth in paragraphs (a) to (n), inclusive, of subsection 1 without supervision by a dentist and without authorization from the licensed dentist of the patient on whom the services are to be performed, at a health facility, a school or a place in this State approved by the Board after the Board:

(a) Issues a special endorsement of the dental hygienist's license.

(b) Approves the treatment protocol submitted by the dental hygienist which includes an explanation of the methods that the dental hygienist will use to:

(1) Treat patients; and

(2) Refer patients to a dentist for:

(I) Follow-up care;

(II) Diagnostic services; and

(III) Any service that the dental hygienist is not authorized to perform.

6. The Board may revoke the authorization described in subsection 5 if the:

(a) Dental hygienist fails to renew his or her license or it is cancelled, suspended or revoked;

(b) Board receives a complaint filed against the dental hygienist;

(c) Dental hygienist commits an act which constitutes a cause for disciplinary action; or

(d) Dental hygienist violates any provision of this chapter or chapter 631 of NRS.

Ê Nothing in this subsection prohibits a dental hygienist from reapplying for authorization to perform the services described in subsection 5 if the Board revokes the authorization pursuant to this subsection.

7. As used in this section:

(a) "Health care facility" has the meaning ascribed to it in NRS 162A.740.

(b) "Health facility" has the meaning ascribed to it in subsection 6 of NRS 449.260.

(c) "School" means an elementary, secondary or postsecondary educational facility, public or private, in this State.

[Bd. of Dental Exam'rs, § XXIII, eff. 7-21-82]—(NAC A 7-30-84; 4-3-89; 3-11-96; R154-97, 1-14-98; R217-99, 4-3-2000; R231-03, 5-25-2004; R139-05, 12-29-2005)

NAC 631.220 Dental assistants: Authorization to perform certain services; supervision by

dental hygienist for certain purposes. (NRS 631.190, 631.313, 631.317)

1. A dentist who is licensed in the State of Nevada may authorize a dental assistant in his or her employ and under his or her supervision only to do one or more of the following:

(a) Expose radiographs.

(b) Retract a patient's cheek, tongue or other tissue during a dental operation.

(c) Remove the debris that normally accumulates during or after a cleaning or operation by the dentist by using mouthwash, water, compressed air or suction.

(d) Place or remove a rubber dam and accessories used for its placement.

(e) Place and secure an orthodontic ligature.

(f) Remove sutures.

(g) Place and remove a periodontal pack.

(h) Remove excess cement from cemented restorations and orthodontic appliances. A dental assistant may not use a rotary cutting instrument to remove excess cement from restorations or orthodontic appliances.

(i) Administer a topical anesthetic in any form except aerosol.

(j) Train and instruct persons in the techniques of oral hygiene and preventive procedures.

(k) Take the following types of impressions:

(1) Those used for the preparation of diagnostic models;

(2) Those used for the preparation of counter or opposing models;

(3) Those used for the fabrication of temporary crowns or bridges; and

(4) Those used for the fabrication of temporary removable appliances, provided no missing teeth are replaced by those appliances.

(l) Fabricate and place temporary crowns and bridges. This procedure must be checked and approved by the supervising dentist before dismissal of the patient from the office of the dentist.

(m) Retract gingival tissue if the retraction cord contains no medicaments that have potential systemic side effects.

(n) Remove soft plaque and stain from exposed tooth surfaces, utilizing an appropriate rotary instrument with a rubber cup or brush and a suitable polishing agent. A licensed dentist or dental hygienist shall determine that the teeth to be polished are free of calculus or other extraneous material.

(o) Administer a topical fluoride.

(p) Apply pit and fissure sealant to the dentition for the prevention of decay. This procedure must be checked and approved by the supervising dentist before dismissal of the patient from the office of the dentist.

(q) Fit orthodontic bands and prepare teeth for orthodontic bands if the bands are cemented or bonded, or both, into the patient's mouth by the dentist who authorized the dental assistant to perform this procedure.

2. A dentist who is licensed in the State of Nevada may authorize a dental hygienist to supervise a dental assistant in the assistance of the hygienist's performance of one or more of the following:

(a) Expose radiographs.

(b) Retract a patient's cheek, tongue or other tissue during a dental operation.

(c) Remove the debris that normally accumulates during or after a cleaning or operation by the dental hygienist by using mouthwash, water, compressed air or suction.

(d) Train and instruct persons in the techniques of oral hygiene and preventive procedures.

(e) Remove soft plaque and stain from exposed tooth surfaces, utilizing an appropriate rotary instrument with a rubber cup or brush and a suitable polishing agent. A licensed dentist or dental hygienist shall determine that the teeth to be polished are free of calculus or other extraneous material.

(f) Administer a topical fluoride.

3. A dental hygienist, who is authorized by the Board to perform the services described in subsection 5 of NAC 631.210, may authorize a dental assistant under his or her supervision to assist the hygienist in the performance of the services described in paragraphs (a) to (f), inclusive, of subsection 2.

[Bd. of Dental Exam'rs, § XXII, eff. 7-21-82]—(NAC A 10-21-83; 10-7-85; 4-3-89; 3-11-96; R051-04, 8-25-2004)

CONTINUING EDUCATION: REGISTERED FACILITIES

NAC 631.2203 "Registered facility" defined. (NRS 631.190, 631.2715) As used in NAC 631.2203 to 631.2207, inclusive, "registered facility" means a permanent facility registered with the Board for the sole purpose of providing postgraduate continuing education in dentistry.

(Added to NAC by Bd. of Dental Exam'rs by R200-09, eff. 8-13-2010)

NAC 631.2204 Registration required before providing continuing education. (NRS 631.190, 631.2715) Pursuant to the provisions of NRS 631.2715, an institute or organization must, on the form prescribed by NAC 631.2205, register with the Board a permanent facility for the sole purpose of providing postgraduate continuing education in dentistry before providing that postgraduate continuing education.

(Added to NAC by Bd. of Dental Exam'rs by R200-09, eff. 8-13-2010)

NAC 631.2205 Contents of form for registration to provide continuing education. (NRS 631.190, 631.2715)

1. A form for registration of a permanent facility for the sole purpose of providing postgraduate continuing education in dentistry will be prescribed and furnished by the Board.

2. The form will include, without limitation:

(a) The name of each individual or entity who owns or operates the institute or organization that is registering the facility;

(b) The type of facility;

(c) The location of the facility; and

(d) A notarized statement, executed by an owner or other person authorized on behalf of the institute or organization, that:

(1) The facility is a permanent facility for the sole purpose of providing postgraduate continuing education in dentistry;

(2) All courses of continuing education involving live patients will be supervised by dentists licensed in this State;

(3) Any person who is actively licensed as a dentist in another jurisdiction and who is treating a patient during a course of continuing education at the facility:

(I) Has previously treated the patient in the jurisdiction in which the person performing the treatment is licensed;

(II) Is treating the patient only during a course of continuing education at the facility; and

(III) Is treating the patient under the supervision of a person licensed under NRS 631.2715; and

(4) The institute or organization is in full compliance with:

(I) All applicable regulations of the State Board of Health;

(II) All applicable guidelines issued by the Centers for Disease Control and Prevention;

(III) All applicable provisions of this chapter and chapter 631 of NRS, as they relate to the administration of conscious sedation, deep sedation and general anesthesia; and

(IV) All applicable provisions of this chapter and chapter 631 of NRS, as they relate to the operation of radiographic equipment.

(Added to NAC by Bd. of Dental Exam'rs by R200-09, eff. 8-13-2010)

NAC 631.2206 Maintenance of records at registered facility. (NRS 631.190, 631.2715)

1. An institute or organization which provides courses of continuing education involving live patients and which is not accredited as defined in NRS 631.015 must:

(a) Maintain at its registered facility the following documentation:

(1) Copies of credentials and applications for employment for each person that is licensed under NRS 631.2715 and employed by the institute or organization to supervise courses of continuing education involving live patients at the registered facility;

(2) Documentation showing that a person who treated a patient during a course of continuing education at the registered facility was actively licensed as a dentist in another jurisdiction at the time of the treatment; and

(3) Consent forms prepared by each live patient treated during a course of continuing education at the registered facility;

(b) Maintain at its registered facility copies of health care records of live patients, which may be reviewed by the Board:

(1) Upon consent by the live patient to whom the records pertain; or

(2) As provided under NRS 629.061; and

(c) Display at its registered facility the limited licenses issued to persons to supervise courses of continuing education involving live patients at the registered facility.

2. The documents maintained pursuant to paragraph (a) of subsection 1 must be made available to

the Board during normal business hours.
(Added to NAC by Bd. of Dental Exam'rs by R200-09, eff. 8-13-2010)

NAC 631.2207 Application for limited license to supervise courses of continuing education. (NRS 631.190, 631.215, 631.2715) An applicant for a limited license to supervise courses of continuing education involving live patients at a registered facility must provide the following information and documentation in his or her application:

1. The date and place of his or her birth;
2. Certification of graduation from an accredited dental school or college or from an accredited school or college of dental hygiene, whichever is applicable;
3. Whether the applicant has applied for similar licensure in another state or territory of the United States or the District of Columbia and, if so, the name of the state or territory or the District of Columbia, the date and the result of the application;
4. If the applicant has practiced dentistry or dental hygiene in another state or territory of the United States or the District of Columbia, certification from the licensing authority of each state or territory or the District of Columbia in which the applicant has practiced or is practicing that the applicant is in good standing and that there are not any disciplinary proceedings pending against the applicant in the other state or territory or the District of Columbia which may affect his or her standing;
5. Whether the applicant has terminated or attempted to terminate a license from another state or territory of the United States or the District of Columbia and, if so, his or her reasons for doing so;
6. If the applicant is not a natural born citizen of the United States, a copy of his or her certificate of naturalization or other document attesting that the applicant is legally eligible to reside and work in the United States;
7. Whether the applicant has ever been convicted of a crime involving moral turpitude or has entered a plea of nolo contendere to a charge of such a crime and, if so, the date and place of the conviction or plea and the sentence, if any, which was imposed;
8. Whether the applicant has had any misdemeanor or felony convictions and, if so, any documents relevant to the misdemeanor or felony convictions;
9. Whether any malpractice judgment has been entered against the applicant and, if so, any documents relevant to the malpractice judgment;
10. Whether the applicant has a history of substance abuse and, if so, any documents relevant to the substance abuse;
11. Whether the applicant has been refused permission to take an examination for licensure by any other state or territory of the United States or the District of Columbia and, if so, any documents relevant to the refusal;
12. Whether the applicant has been denied licensure by this State, any other state or territory of the United States, or the District of Columbia, and, if so, any documents relevant to the denial;
13. Whether the applicant has had his or her license to practice dentistry or dental hygiene suspended, revoked or placed on probation in this State, another state or territory of the United States, or the District of Columbia, and, if so, any documents relevant to the suspension, revocation or probation;
14. Whether the applicant's practice of dentistry or dental hygiene has been subject to mandatory supervision in this State, another state or territory of the United States, or the District of Columbia, and, if so, any documents relevant to the mandatory supervision;
15. Whether the applicant has received a public reprimand or is currently involved in any disciplinary action concerning his or her license to practice dentistry or dental hygiene in this State, another state or territory of the United States, or the District of Columbia and, if so, any documents relevant to the reprimand or disciplinary action; and
16. Two sets of certified fingerprint cards and an authorization form allowing the Board to submit the fingerprint forms to law enforcement agencies for verification of background information.

(Added to NAC by Bd. of Dental Exam'rs by R200-09, eff. 8-13-2010)

ADMINISTRATION OF GENERAL ANESTHESIA, CONSCIOUS SEDATION OR DEEP SEDATION

NAC 631.2211 Scope. (NRS 631.190, 631.265) NAC 631.2213 to 631.2256, inclusive, do not apply to the administration of:

1. Local anesthesia;
2. Nitrous oxide-oxygen analgesia, if the delivery system for the nitrous oxide-oxygen contains a mechanism which guarantees that an oxygen concentration of at least 25 percent will be administered to

the patient at all times during the administration of the nitrous oxide; and

3. Oral medication that is administered to a patient to relieve anxiety in the patient, if the medication is not given in a dosage that is sufficient to induce in a patient a controlled state of depressed consciousness or unconsciousness similar to the state produced pursuant to the administration of general anesthesia, deep sedation or conscious sedation.

(Added to NAC by Bd. of Dental Exam'rs, eff. 10-21-83; A by R005-99, 9-7-2000)

NAC 631.2212 Board to determine degree of sedation. (NRS 631.190, 631.265) In a proceeding of the Board at which the Board must determine the degree of sedation or level of consciousness of a patient, the Board will base its findings on:

1. The type and dosage of medication that was administered or is proposed for administration to the patient; and

2. The degree of sedation or level of consciousness that should reasonably be expected to result from that type and dosage of medication.

(Added to NAC by Bd. of Dental Exam'rs by R005-99, eff. 9-7-2000)

NAC 631.2213 Permit required; qualifications of applicants. (NRS 631.190, 631.265)

1. Except as otherwise set forth in NAC 631.2211 to 631.2256, inclusive, no dentist may:

(a) Use general anesthesia or deep sedation for dental patients, except in a facility accredited by The Joint Commission, unless he or she first obtains a general anesthesia permit; or

(b) Use conscious sedation for dental patients, except in a facility accredited by The Joint Commission, unless he or she first obtains a general anesthesia permit or conscious sedation permit.

Ê A separate general anesthesia permit or conscious sedation permit, as appropriate, is required for each location at which a dentist administers general anesthesia, deep sedation or conscious sedation.

2. To obtain a general anesthesia permit or conscious sedation permit, a dentist must apply to the Board for such a permit on a form prescribed by the Board, submit any fees that are set by the Board pursuant to NRS 631.345 and produce evidence showing that he or she is a dentist who is licensed in this State, and:

(a) For a conscious sedation permit, the applicant must show evidence of:

(1) The completion of a course of study, subject to the approval of the Board, of not less than 60 hours dedicated exclusively to the administration of conscious sedation, and the successful management of the administration of conscious sedation to not less than 20 patients; or

(2) The completion of a program for specialty training which is approved by the Commission on Dental Accreditation of the American Dental Association and which includes education and training in the administration of conscious sedation that is equivalent to the education and training described in subparagraph (1) and completion of an Advanced Cardiac Life Support course given by the American Heart Association or, if licensed as a specialist in pediatric dentistry, completion of a Pediatric Advanced Life Support course given by the American Heart Association.

(b) For a general anesthesia permit, the applicant must show evidence of the completion of an Advanced Cardiac Life Support course given by the American Heart Association and:

(1) The completion of a program, subject to the approval of the Board, of advanced training in anesthesiology and related academic subjects beyond the level of undergraduate dental school in a training program as described in the *Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students*, published by the American Dental Association, 211 East Chicago Avenue, Chicago, Illinois 60611, and available, free of charge, at the Internet address **http://www.ada.org/prof/resources/positions/statements/anxiety_guidelines.pdf**; or

(2) The completion of a graduate program in oral and maxillofacial surgery which has been approved by the Commission on Dental Accreditation of the American Dental Association.

(Added to NAC by Bd. of Dental Exam'rs, eff. 10-21-83; A by R005-99, 9-7-2000; R159-08, 4-23-2009)

NAC 631.2217 Review of holder of permit; renewal of permit. (NRS 631.190, 631.265)

1. The holder of a general anesthesia permit or conscious sedation permit is subject to review by the Board at any time.

2. Each general anesthesia permit and conscious sedation permit must be renewed annually or biennially, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the holder of the permit.

(Added to NAC by Bd. of Dental Exam'rs, eff. 10-21-83; A by R005-99, 9-7-2000; R158-08, 12-17-2008)

NAC 631.2219 Inspection and evaluation; reevaluation. (NRS 631.190, 631.265)

1. The Board will require an inspection and evaluation of the facility, equipment, personnel, records of patients and the procedures used by every dentist who seeks or holds a general anesthesia permit or conscious sedation permit, and of the dentist himself or herself, before issuing such an original permit to the dentist, and at least once in every 5-year period thereafter.

2. The Board will renew general anesthesia permits and conscious sedation permits annually or biennially, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the holder of the permit, unless the holder is informed in writing, 60 days before the date for renewal, that a reevaluation of his or her credentials is required. In determining whether reevaluation is necessary, the Board will consider, among other factors, complaints by patients and reports of adverse occurrences. A reevaluation will, if appropriate, include an inspection of the facility, equipment, personnel, records of patients and the procedures used by the holder, and an examination of his or her qualifications.

(Added to NAC by Bd. of Dental Exam'rs, eff. 10-21-83; A 7-30-84; R005-99, 9-7-2000; R158-08, 12-17-2008)

NAC 631.2221 Inspectors and evaluators; participation of members of Board. (NRS 631.190, 631.265)

1. When an inspection or evaluation is required to issue or renew a general anesthesia permit or conscious sedation permit, the Board will designate two or more persons, each of whom holds a general anesthesia permit or conscious sedation permit and has practiced general anesthesia, deep sedation or conscious sedation, as applicable, for a minimum of 3 years preceding his or her appointment, exclusive of his or her training in the administration of anesthesia or sedation. At least one of the inspectors or evaluators must have had experience in the evaluation of dentists using general anesthesia, deep sedation or conscious sedation, as applicable. At least one member of the inspection or evaluation team must have had substantial experience in the administration of the type of anesthesia contemplated for use by the dentist being evaluated and must hold the type of permit for which the dentist is applying.

2. Any member of the Board who is a dentist may observe or consult in any inspection or evaluation. A member of the Board who is not a dentist may be present at an observation but may not participate in any grading or evaluation resulting from the inspection or evaluation.

(Added to NAC by Bd. of Dental Exam'rs, eff. 10-21-83; A 7-30-84; R005-99, 9-7-2000)

NAC 631.2223 Inspections and evaluations: General requirements. (NRS 631.190, 631.265)

An inspection or evaluation ordered by the Board must be conducted in all offices where general anesthesia, deep sedation or conscious sedation is to be administered and, except as otherwise required in NAC 631.2236, must consist of:

1. An evaluation of the office's facilities and equipment, records and emergency medications; and
2. A demonstration of:

(a) The administration to a patient who is receiving dental treatment of the type of anesthesia or sedation for which the dentist is applying for a permit;

(b) Simulated emergencies in the surgical area of the dental office with participation by the members of the staff who are trained to handle emergencies;

(c) A dental procedure utilizing the type of anesthesia or sedation for which the dentist is applying for a permit;

(d) Any anesthesia or sedation technique that is routinely employed during the administration of anesthesia or sedation;

(e) The appropriate monitoring of a patient during anesthesia or sedation; and

(f) The observation of a patient during recovery and the time allowed for recovery.

(Added to NAC by Bd. of Dental Exam'rs, eff. 10-21-83; A by R005-99, 9-7-2000)

NAC 631.2225 Inspections and evaluations: Simulated emergencies. (NRS 631.190, 631.265)

A dentist's office inspected or evaluated for the issuance or renewal of a general anesthesia permit or conscious sedation permit must meet the following minimum standards with regard to simulated emergencies. The dentist and his or her staff must demonstrate a knowledge of and a method of treatment for the following types of emergencies:

1. Airway obstruction laryngospasm;
2. Bronchospasm;
3. Emesis and aspiration of foreign material under anesthesia;
4. Angina pectoris;
5. Myocardial infarction;
6. Hypotension;
7. Hypertension;
8. Cardiac arrest;
9. Allergic reaction;
10. Convulsions;
11. Hypoglycemia;
12. Asthma;
13. Respiratory depression;
14. Allergy to or overdose from local anesthesia;
15. Hyperventilation syndrome; and
16. Syncope.

(Added to NAC by Bd. of Dental Exam'rs, eff. 10-21-83; A by R005-99, 9-7-2000)

NAC 631.2227 Inspections and evaluations: Physical facilities and equipment. (NRS 631.190, 631.265) A dentist's office inspected or evaluated for the issuance or renewal of a general anesthesia permit, conscious sedation permit or certificate of site approval must meet the following minimum standards with regard to physical facilities and equipment:

1. The operating theater must be large enough to accommodate the patient adequately on a table or in a dental chair and to allow an operating team consisting of at least three persons to move freely about the patient.

2. The operating table or dental chair must:

(a) Allow the patient to be placed in a position such that the operating team can maintain the airway;

(b) Allow the operating team to alter the patient's position quickly in an emergency; and

(c) Provide a firm platform for the management of cardiopulmonary resuscitation.

3. The lighting system must be adequate to allow an evaluation of the patient's skin and mucosal color. An alternate lighting system must derive its power from batteries and must be sufficiently intense to allow completion of any procedure underway at the time of a general power failure.

4. Suction equipment must be available that allows aspiration of the oral and pharyngeal cavities. An alternate suction device that will function effectively during a general power failure must be available.

5. A system for delivering oxygen must have adequate full-face masks and appropriate connectors, and be capable of delivering oxygen to the patient under positive pressure. An adequate alternate system for delivering oxygen is also required.

6. A recovery area must be provided that has available oxygen, adequate lighting, suction and electrical outlets. The recovery area may be the operating theater. A member of the staff must be able to observe the patient at all times during the recovery.

7. Except as otherwise provided in this subsection, ancillary equipment must include:

(a) A laryngoscope complete with an adequate selection of blades and spare batteries and bulbs;

(b) Endotracheal tubes and appropriate connectors;

(c) Oral airways;

(d) A tonsillar or pharyngeal suction tip adaptable to all office suction outlets;

(e) An endotracheal tube type forcep;

(f) A sphygmomanometer and stethoscope;

(g) An electrocardioscope and defibrillator;

(h) Adequate equipment for the establishment of an intravenous infusion; and

(i) A pulse oximeter.

Ê A dentist's office inspected or evaluated for the issuance or renewal of a conscious sedation permit is not required to have the ancillary equipment described in paragraphs (a), (b), (e) and (g).

(Added to NAC by Bd. of Dental Exam'rs, eff. 10-21-83; A by R005-99, 9-7-2000)

NAC 631.2229 Inspections and evaluations: Records of patients. (NRS 631.190, 631.265) A

dentist's office inspected or evaluated for the issuance or renewal of a general anesthesia permit, conscious sedation permit or certificate of site approval must meet the following minimum standards with regard to the records of patients:

1. Adequate medical history and records of physical evaluation.
2. Records of the administration of anesthesia must include:

(a) The patient's blood pressure and pulse;
(b) The names of the drugs and the amounts administered;
(c) The length of the procedure; and
(d) Any complications of anesthesia.

(Added to NAC by Bd. of Dental Exam'rs, eff. 10-21-83; A by R005-99, 9-7-2000)

NAC 631.2231 Inspections and evaluations: Emergency drugs. (NRS 631.190, 631.265) Except as otherwise provided in this section, a dentist's office inspected or evaluated for the issuance or renewal of a general anesthesia permit, conscious sedation permit or certificate of site approval must maintain emergency drugs of the following categories which must be immediately available for use on the patient:

1. Vasopressor;
2. Corticosteroid;
3. Bronchodilator;
4. Muscle relaxant;
5. Intravenous medication for the treatment of cardiopulmonary arrest;
6. Appropriate drug antagonist;
7. Antihistaminic;
8. Anticholinergic;
9. Antiarrhythmic;
10. Coronary artery vasodilator;
11. Anti-hypertensive; and
12. Anti-convulsive.

Ê A dentist's office that is inspected or evaluated for the issuance or renewal of a conscious sedation permit is not required to maintain the emergency drugs described in subsections 4, 5, 9 and 11.

(Added to NAC by Bd. of Dental Exam'rs, eff. 10-21-83; A by R005-99, 9-7-2000)

NAC 631.2233 Inspections and evaluations: Recommendations of inspectors or evaluators; decision of Board. (NRS 631.190, 631.265)

1. The persons performing an inspection or evaluation of a dentist's office for the issuance or renewal of a general anesthesia permit or conscious sedation permit shall grade the office as passing or failing. Within 10 days after completing the inspection or evaluation, each inspector or evaluator shall report his or her recommendation for passing or failing to the Board, setting forth the details supporting his or her conclusion. The Board is not bound by these recommendations.
2. The Board will make the final determination whether the office has passed or failed the inspection or evaluation and will notify the dentist whose office is the subject of the inspection or evaluation, in writing, of its findings within 30 days after the Board receives a recommendation from each inspector or evaluator who inspected or evaluated the office.

(Added to NAC by Bd. of Dental Exam'rs, eff. 10-21-83; A by R005-99, 9-7-2000)

NAC 631.2235 Inspections and evaluations: Failure to pass; requests for reevaluations. (NRS 631.190, 631.265)

1. A dentist whose office the Board determines has failed the inspection or evaluation is not entitled to have a general anesthesia permit or conscious sedation permit issued or renewed.
2. A dentist who has received a notice of failure from the Board may, within 15 days after receiving the notice, request the Board in writing for a reevaluation. The request for a reevaluation must state specific grounds supporting it.
3. If the reevaluation is granted by the Board, it will be conducted by different persons in the manner set forth by NAC 631.2219 to 631.2233, inclusive, for an original evaluation.
4. No dentist who has received a notice of failing an inspection or evaluation from the Board may request more than one reevaluation within any period of 12 months.

(Added to NAC by Bd. of Dental Exam'rs, eff. 10-21-83; A by R005-99, 9-7-2000)

NAC 631.2236 Certificate of site approval: General requirements. (NRS 631.190, 631.265)

1. A dentist who is licensed in this State may employ:

(a) An anesthesiologist who is licensed as such by the State of Nevada; or

(b) A dentist who is licensed in this State and who holds a general anesthesia permit or conscious sedation permit,

Ê to administer general anesthesia, deep sedation or conscious sedation, as appropriate, to his or her patients at his or her office if he or she holds a certificate of site approval issued pursuant to this section.

2. A dentist who is licensed in this State and who desires to receive or renew a certificate of site approval must submit to the Board:

(a) An application for a certificate or for the renewal of a certificate, in a form approved by the Board;

(b) The fee for the inspection of a facility which is established by the Board pursuant to NRS 631.345; and

(c) Written documentation which demonstrates that the anesthesiologist or dentist who is to be employed to administer the general anesthesia, deep sedation or conscious sedation holds an appropriate license or permit issued by the appropriate board in this State to administer such anesthesia or sedation and, if the person to be employed is an anesthesiologist, that the anesthesiologist maintains unrestricted active staff privileges within the department of anesthesiology at a hospital or surgical center approved by The Joint Commission.

3. Upon receipt of an application pursuant to this section, the Board will appoint one of its members or a representative of the Board to inspect the office of the applicant to determine whether the office complies with the requirements set forth in NAC 631.2227, 631.2229 and 631.2231. The person conducting the inspection shall report his or her determination to the Board.

4. If the person conducting the inspection determines that the office of the applicant complies with the requirements of NAC 631.2227, 631.2229 and 631.2231 and the applicant has otherwise met the requirements of this section, the Executive Director shall issue a certificate of site approval to the applicant.

5. A holder of a certificate of site approval shall maintain the information described in paragraph (c) of subsection 2 at his or her office at all times.

6. Each certificate of site approval issued by the Board must be renewed annually or biennially, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the holder of the certificate.

7. The Board may reinspect the office of the holder of a certificate of site approval at any time.

(Added to NAC by Bd. of Dental Exam'rs by R005-99, eff. 9-7-2000; A by R231-03, 5-25-2004; R158-08, 12-17-2008; R159-08, 4-23-2009)

NAC 631.2237 Procedures required before administration of anesthetic or sedation. (NRS 631.190, 631.265)

1. Written consent of the patient must be obtained before the administration of a general anesthetic, deep sedation or conscious sedation, unless the dentist determines that an emergency situation exists in which delaying the procedure to obtain the consent would likely cause permanent injury to the patient. If the patient is a minor, the consent must be obtained from his or her parent or legal guardian.

2. A medical history must be taken before the administration of a general anesthetic, deep sedation or conscious sedation. A patient should be asked to describe any current medical conditions or treatments, including, without limitation, medications, drug allergies, impending or past operations and pregnancy, and to give other information that may be helpful to the person administering the anesthetic or sedation. The dentist is not required to make a complete medical examination of the patient and draw medical diagnostic conclusions. If a dentist suspects a medical problem and calls in a physician for an examination and evaluation, he or she may then rely upon that conclusion and diagnosis. Questions asked of and answers received from the patient must be permanently recorded and signed by the patient before the administration of any general anesthetic, deep sedation or conscious sedation, and this record must be a permanent part of the patient's record of treatment.

(Added to NAC by Bd. of Dental Exam'rs, eff. 10-21-83; A by R005-99, 9-7-2000)

NAC 631.2239 Properly equipped facility required; qualifications of auxiliary personnel. (NRS 631.190, 631.265)

1. A dentist using general anesthesia, deep sedation or conscious sedation shall maintain a properly equipped facility for the administration of the anesthesia or sedation which is staffed with supervised

auxiliary personnel who are capable of reasonably handling procedures, problems and emergencies incident thereto.

2. A dentist using general anesthesia, deep sedation or conscious sedation shall ensure that his or her auxiliary personnel are certified in basic cardiopulmonary resuscitation by the American Heart Association.

(Added to NAC by Bd. of Dental Exam'rs, eff. 10-21-83; A by R005-99, 9-7-2000)

NAC 631.224 Employment of certified registered nurse anesthetist. (NRS 631.190, 631.265)

1. Any dentist who holds a general anesthesia permit pursuant to the provisions of NAC 631.2211 to 631.2256, inclusive, may employ a certified registered nurse anesthetist to administer the general anesthesia, deep sedation or conscious sedation to a patient if the dentist is physically present and directly supervises the administration of the general anesthesia, deep sedation or conscious sedation to the patient. The holder of the permit must maintain at his or her office evidence in writing that the certified registered nurse anesthetist is licensed to practice in the State of Nevada and maintains unrestricted active staff privileges within the department of anesthesiology at a hospital or surgical center which is certified by The Joint Commission.

2. Except as otherwise provided in NAC 631.2236, a dentist who does not hold a general anesthesia permit may not allow any person to administer general anesthesia, deep sedation or conscious sedation to his or her patients unless the treatment is rendered within a facility approved by The Joint Commission.

(Added to NAC by Bd. of Dental Exam'rs, eff. 10-7-85; A by R005-99, 9-7-2000; R159-08, 4-23-2009)

NAC 631.2241 Report of injuries to patients. (NRS 631.190, 631.265) Each holder of a general anesthesia permit, conscious sedation permit or certificate of site approval shall submit to the Board a complete report regarding any mortality or unusual incident which occurs outside a facility accredited by The Joint Commission and produces permanent injury to a patient or requires the hospitalization of a patient, as a direct result of the administration of general anesthesia, deep sedation or conscious sedation. The report must be submitted within 30 days after the date of the incident. If a dentist fails to report any incident as required by this section, his or her permit may be revoked.

(Added to NAC by Bd. of Dental Exam'rs, eff. 10-21-83; A by R005-99, 9-7-2000; R159-08, 4-23-2009)

NAC 631.2254 Temporary permits. (NRS 631.190, 631.265)

1. The Board may grant a temporary permit to administer general anesthesia and deep sedation or a temporary permit to administer conscious sedation to an applicant who meets the qualifications for a permit to administer that type of anesthesia or sedation pursuant to NAC 631.2213.

2. A temporary permit is valid for not more than 90 days, but the Board may, in any case it deems appropriate, grant a 90-day extension of the permit.

3. The Board may require the holder of a temporary permit to pass an on-site inspection as a condition of retaining the permit. If the holder fails the inspection, his or her permit will be revoked. In case of revocation, the holder of a temporary permit may apply to be reinspected in accordance with the procedures set forth in NAC 631.2235.

(Added to NAC by Bd. of Dental Exam'rs, eff. 11-28-90; A by R005-99, 9-7-2000)

NAC 631.2256 Continuing education required. (NRS 631.190, 631.265, 631.342) Every 2 years, the holder of a general anesthesia permit or conscious sedation permit must complete at least 3 hours in courses of study that specifically relate to anesthesia or sedation, as applicable, before the permit may be renewed. This training will be credited toward any continuing education required by NAC 631.173.

(Added to NAC by Bd. of Dental Exam'rs, eff. 11-28-90; A by R005-99, 9-7-2000)

DISCIPLINARY ACTION

NAC 631.230 Unprofessional conduct. (NRS 631.190, 631.346, 631.347, 631.350)

1. In addition to those specified by statute and subsection 3 of NAC 631.177, the following acts constitute unprofessional conduct:

(a) The falsification of records of health care or medical records.

(b) Writing prescriptions for controlled substances in such excessive amounts as to constitute a departure from prevailing standards of acceptable dental practice.

(c) The consistent use of dental procedures, services or treatments which constitute a departure from prevailing standards of acceptable dental practice even though the use does not constitute malpractice or gross malpractice.

(d) The acquisition of any controlled substances from any pharmacy or other source by misrepresentation, fraud, deception or subterfuge.

(e) Making an unreasonable additional charge for laboratory tests, radiology services or other testing services which are ordered by the dentist and performed outside his or her own office.

(f) The failure to report to the Board as required in NAC 631.155 or to sign any affidavit required by the Board.

(g) Employing any person in violation of NAC 631.260 or failing to report to the Board as required by that section.

(h) The failure of a dentist who is administering or directly supervising the administration of general anesthesia, deep sedation or conscious sedation to be physically present while a patient is under general anesthesia, deep sedation or conscious sedation.

(i) Administering conscious sedation to more than one patient at a time, unless each patient is directly supervised by a person authorized by the Board to administer conscious sedation.

(j) Administering general anesthesia or deep sedation to more than one patient at a time.

(k) The failure to have any patient who is undergoing general anesthesia, deep sedation or conscious sedation monitored with a pulse oximeter or similar equipment required by the Board.

(l) Allowing a person who is not certified in basic cardiopulmonary resuscitation to care for any patient who is undergoing general anesthesia, deep sedation or conscious sedation.

(m) The failure to obtain a patient's written, informed consent before administering general anesthesia, deep sedation or conscious sedation to the patient or, if the patient is a minor, the failure to obtain his or her parent's or guardian's consent unless the dentist determines that an emergency situation exists in which delaying the procedure to obtain the consent would likely cause permanent injury to the patient.

(n) The failure to maintain a record of all written, informed consents given for the administration of general anesthesia, deep sedation or conscious sedation.

(o) The failure to report to the Board, in writing, the death or emergency hospitalization of any patient to whom general anesthesia, deep sedation or conscious sedation was administered. The report must be made within 30 days after the event.

(p) Allowing a person to administer general anesthesia, deep sedation or conscious sedation to a patient if the person does not hold a permit to administer such anesthesia or sedation unless the anesthesia or sedation is administered:

(1) In a facility approved by The Joint Commission; or

(2) By an anesthesiologist in an office for which a certificate of site approval has been issued.

(q) The failure of a dentist who owns a dental practice to provide copies of the records of a patient to a dentist or dental hygienist who provided the services as an employee or independent contractor of the dentist when the records are the basis of a complaint before the Board. Nothing in this paragraph relieves the treating dentist or dental hygienist from the obligation to provide records of the patient to the Board.

(r) The failure of a dentist who owns a dental practice to verify the license of a dentist or dental hygienist before offering employment or contracting for services with the dentist or dental hygienist as an independent contractor.

(s) The failure of a dentist who owns a dental practice and participates in the diagnosis and treatment of any patient to ensure that the services rendered by a dentist or dental hygienist who is an employee or independent contractor of that dentist meet the prevailing standards of acceptable dental practice. If a dentist or dental hygienist who is an employee or independent contractor of the dentist is found by substantial evidence to have provided services below the prevailing standards of acceptable dental practice, the dentist who owns the dental practice may be required to reimburse the patient to whom the services were provided pursuant to paragraph (l) of subsection 1 of NRS 631.350.

(t) The failure of a dentist who owns a dental practice to record the name of the dentist or dental hygienist who provided the services in the records of a patient each time the services are rendered.

2. For purposes of NRS 631.347, a plan or practice requiring a patient to select a dentist from a specific group does not provide the patient with a reasonable opportunity to select a dentist of his or her own choice, and constitutes unprofessional conduct on the part of any dentist participating in such a plan

or practice, unless it, or another plan concurrently available to the patient, allows the patient to:

(a) Have an annual opportunity, lasting for a minimum of 30 days, to select a dentist of his or her own choice for all dental work to be performed during the subsequent 12 months. Any new patient added to the plan or practice must immediately be given an initial opportunity, lasting at least 30 days, to select the coverage supplied by the plan or practice or a dentist of his or her own choice.

(b) Receive the allowance for a procedure performed by a dentist of his or her own choice in substantially the same amount as he or she would if he or she used the services of one of the group of dentists specified by the plan or practice.

[Bd. of Dental Exam'rs, § XXVII, eff. 7-21-82]—(NAC A 10-21-83; 7-30-84; 9-13-85; 9-16-85; 4-3-89; 11-28-90; R005-99, 9-7-2000; R023-06, 9-18-2006; R159-08, 4-23-2009)

NAC 631.235 "Insurer" defined for purposes of NRS 631.348. (NRS 631.190, 631.348) For the purposes of NRS 631.348, "insurer" includes any entity licensed or required to be licensed by the Commissioner of Insurance pursuant to title 57 of NRS, Medicare, Medicaid or any third party payor.

(Added to NAC by Bd. of Dental Exam'rs, eff. 7-30-84)

NAC 631.240 Complaints against licensees. (NRS 631.190)

1. Any aggrieved person may file a complaint with the Board against a licensee. The complaint must:

(a) Be written;

(b) Be signed and verified by the complainant; and

(c) Contain specific charges.

2. The Board will send a notice and a copy of the complaint to the licensee. The licensee must file a response to the complaint within 15 days after receiving the notice and copy of the complaint.

[Bd. of Dental Exam'rs, § XVII, eff. 7-21-82]—(NAC A 4-3-89)

NAC 631.250 Investigation by Board. (NRS 631.190, 631.360, 631.363)

1. If the Board conducts an investigation upon a complaint against a licensee, the Board will not limit the scope of its investigation to the matters set forth in the complaint but will extend the investigation to any additional matters which appear to constitute a violation of any provision of chapter 631 of NRS or of this chapter.

2. If, after its investigation, the Board dismisses the complaint, the dismissal does not operate as a limitation on or a detriment to any subsequent investigation or other action by the Board.

3. Whenever the Board directs that an investigation be conducted into a disciplinary matter, the results of the investigation or any information relating to the investigation will not be examined by and must not be disclosed to, the members of the Board before the Board's hearing on the matter.

[Bd. of Dental Exam'rs, § XVIII, eff. 7-21-82]

NAC 631.255 Record of hearing conducted by investigator or hearing officer or panel. (NRS 631.190, 631.350, 631.360, 631.363) If the Board has delegated its responsibility pursuant to the provisions of subsection 3 of NRS 631.350 or NRS 631.363, the hearing conducted as a result of that delegation of authority must be recorded and transcribed in permanent form by a shorthand reporter licensed to do business in this State.

(Added to NAC by Bd. of Dental Exam'rs, eff. 4-3-89)

MISCELLANEOUS PROVISIONS

NAC 631.260 Radiographic procedures: Lead apron required; certified statement and proof of qualifications required for certain persons who assist in procedures. (NRS 631.190)

1. Each patient who is undergoing a radiographic procedure must be covered with a lead apron.

2. Each licensee who employs any person, other than a dental hygienist, to assist him or her in radiographic procedures shall include with his or her application for annual renewal of his or her license:

(a) A certified statement containing the name of each person so employed, his or her position and the date he or she began to assist the licensee in radiographic procedures; and

(b) Proof that the employee has received adequate instruction concerning radiographic procedures and is qualified to operate radiographic equipment as required pursuant to subsection 3 of NAC 459.552.
[Bd. of Dental Exam'rs, § XXV, eff. 7-21-82]—(NAC A 7-30-84; 9-13-85; 9-6-96)

NAC 631.265 Requirements for machines used to administer nitrous oxide-oxygen analgesia. (NRS 631.190, 631.265) Each machine used to administer nitrous oxide-oxygen analgesia must be equipped with a device to recover any gas which escapes into the air during the administration of the gas.
(Added to NAC by Bd. of Dental Exam'rs, eff. 9-6-96)

NAC 631.270 False or misleading advertising. (NRS 631.190, 631.348)
1. Advertising is false or misleading if it:
(a) Claims that a manifestly incurable disease can be permanently cured.
(b) Includes any false claim of a dentist's skill, or the efficacy or value of his or her dental treatment.
(c) Guarantees that any professional service, dental treatment or dental procedure will be painless.
(d) Includes any statement which is known to be false, or through the exercise of reasonable care should be known to be false, deceptive, misleading or harmful, in order to induce any person to purchase, use or acquire any professional services or to enter into any obligation or transaction relating to those services.
(e) Includes any extravagant claim, aggrandizement of abilities or self-laudatory statement calculated to attract patients, and which has a tendency to mislead the public or produce unrealistic expectations in particular cases.
(f) Is false, deceptive or misleading in regard to the price or terms of credit for services performed or to be performed.
(g) Promotes the services of a dentist or group of dentists using a fictitious name, unless the name of each dentist, as registered with the Board, is included in the advertisement.
(h) States, suggests or implies that a dentist specializes in an area of specialization listed in NAC 631.190, unless the dentist is licensed for that area of specialty and the number of his or her license for that specialty is included in the advertisement.
2. Paragraph (h) of subsection 1 does not prohibit a dentist from limiting his or her practice to a single area of the practice of dentistry and so advertising that fact, if the advertisement:
(a) Uses the words "practice limited to" (area of limitation); and
(b) States that the dentist is not licensed as a specialist in that area of practice unless he or she is so licensed.
[Bd. of Dental Exam'rs, § XXVI, eff. 7-21-82]—(NAC A 9-13-85)

NAC 631.273 Ownership or control of practice by member of family after death of dentist. (NRS 631.190, 631.385)
1. If, upon the death of a dentist licensed pursuant to chapter 631 of NRS, a surviving member of his or her family desires to own or control his or her practice, share in the fees therefrom, or control the services offered, the surviving member shall, within 2 months after the dentist's death, notify the Board of that fact by furnishing the Secretary-Treasurer with a certified copy of the death certificate.
2. Upon receipt of the death certificate, the Board will appoint one or more of its members, agents or employees to investigate the operation of the dental practice of the decedent to determine whether the practice is being conducted in full compliance with the requirements of chapter 631 of NRS and the regulations of the Board, paying particular attention to the health, welfare and safety of the public.
3. If, upon investigation, the Board finds that the practice is not being conducted in full compliance with the requirements of chapter 631 of NRS or the regulations of the Board, it will apply to the district court to enjoin the continuation of the practice and will further institute any disciplinary action it deems necessary against any licensed dentist or dental hygienist associated with the practice.
(Added to NAC by Bd. of Dental Exam'rs, eff. 10-21-83; A by R231-03, 5-25-2004)

NAC 631.275 Activities which constitute exercise of authority or control over clinical practice. (NRS 631.190, 631.215)
1. For the purposes of paragraph (h) of subsection 2 of NRS 631.215, the Board will deem a person to exercise authority or control over the clinical practice of dentistry if the person, by agreement, lease, policy, understanding or other arrangement, exercises authority or control over:

(a) The manner in which a licensed dentist, a dental hygienist or a dental assistant uses dental equipment or materials for the provision of dental treatment;

(b) The use of a laboratory or the decision to purchase or not to purchase dental equipment or materials against the advice of a licensed dentist if the dentist reasonably concludes that such use, purchase or failure to purchase would impair the ability of the dentist or a dental hygienist to provide dental care to a patient consistent with the standard of care in the community;

(c) A decision of a licensed dentist regarding a course or alternative course of treatment for a patient, the procedures or materials to be used as part of a course of treatment or the manner in which a course of treatment is carried out by the dentist, a dental hygienist or a dental assistant;

(d) The length of time a licensed dentist or a dental hygienist spends with a patient or if the person otherwise places conditions on the number of patients a licensed dentist or a dental hygienist may treat in a certain period of time;

(e) The length of time a licensed dentist, a dental hygienist or a dental assistant spends performing dental services, against the advice of the dentist, if the dentist reasonably believes that the ability of the dentist, dental hygienist or dental assistant to provide dental care to a patient consistent with the standard of care in the community would be impaired;

(f) The referrals by a licensed dentist to another licensed dentist or otherwise places any restriction or limitation on the referral of patients to a specialist or any other practitioner the licensed dentist determines is necessary;

(g) The clinical practices of a dental hygienist regarding appropriate dental hygiene care or the duties that a licensed dentist may delegate to a dental hygienist;

(h) Patient records at any time to the exclusion of the applicable licensed dentist or the applicable patient;

(i) A decision of a licensed dentist to refund payments made by a patient for clinical work that is not performed or is performed incorrectly by:

(1) The dentist; or

(2) A dental hygienist employed by the licensed dentist or a professional entity of the licensed dentist;

(j) A decision regarding the advertising of the practice of a licensed dentist if the decision would result in a violation of the provisions of NRS 631.348 by the dentist;

(k) A decision to establish fees for dental services against the advice of a licensed dentist if the dentist reasonably concludes that those fees would impair the ability of the dentist or a dental hygienist to provide dental care to patients consistent with the standard of care in the community;

(l) A decision relating to the clinical supervision of dental hygienists and ancillary personnel regarding the delivery of dental care to patients of a licensed dentist;

(m) The hiring or firing of licensed dentists or dental hygienists or the material clinical terms of their employment relationship with a licensed dentist or a professional entity of a licensed dentist;

(n) A decision regarding the hiring of ancillary personnel against the advice of a licensed dentist or a decision by a licensed dentist to fire or refuse to work with ancillary personnel if that advice, firing or refusal is related to the clinical competence of that ancillary personnel to render dental care to patients, regardless of who employs such ancillary personnel; and

(o) The material terms of any provider contracts or arrangements between a licensed dentist or a professional entity of a licensed dentist and third-party payors against the advice of the dentist, if the dentist reasonably concludes that the contract or arrangement would impair the ability of the dentist to provide dental care to patients consistent with the standard of care in the community.

2. For the purposes of this section:

(a) "Ancillary personnel" means a person, other than a licensed dentist or a dental hygienist, who:

(1) Directly provides dental care to a patient under the supervision of a licensed dentist or a dental hygienist; or

(2) Assists a licensed dentist or a dental hygienist in the provision of dental care to a patient.

(b) "Clinical" means relating to or involving the diagnosis, evaluation, examination, prevention or treatment of conditions, diseases or disorders of the maxillofacial area, oral cavity or the adjacent and associated structures and their impact on the human body, as typically provided by a licensed dentist or, if applicable, a dental hygienist, within the scope of the education, experience and training of the dentist or dental hygienist, in accordance with applicable law and the ethics of the profession of dentistry.

(Added to NAC by Bd. of Dental Exam'rs by R202-09, eff. 8-13-2010)

NAC 631.279 Proceedings to determine applicability and construction of statutes and

regulations. (NRS 631.190)

1. Any applicant or licensed dentist or dental hygienist may obtain a determination or advisory opinion from the Board as to the applicability of any provision of chapter 631 of NRS or any regulation adopted pursuant thereto by bringing an action for a declaratory judgment before the Board.

2. The Board will construe any statute or regulation reviewed pursuant to this section in a manner consistent with the declared policy of the State of Nevada.

(Added to NAC by Bd. of Dental Exam'rs, eff. 12-15-87)

PRACTICE BEFORE THE BOARD OF DENTAL EXAMINERS OF NEVADA

Parties

NAC 631.280 Appearances. (NRS 631.190) Each party must enter his or her appearance at the beginning of a hearing or at a time designated by the presiding officer by giving his or her name and address and stating his or her position or interest to the presiding officer. The information must be entered in the record of the hearing.

[Bd. of Dental Exam'rs, part § XIX, eff. 7-21-82]

NAC 631.285 Representation by attorney. (NRS 631.190)

1. A party to a proceeding before the Board is entitled to be heard in person or by his or her attorney.

2. An attorney appearing as counsel in any proceeding must be an attorney at law, admitted to practice and in good standing before the highest court of any state. If an attorney is not admitted and entitled to practice before the Supreme Court of Nevada, an attorney so admitted and entitled to practice must be associated with that attorney.

(Added to NAC by Bd. of Dental Exam'rs by R023-06, eff. 9-18-2006)

NAC 631.290 Service of process on attorney. (NRS 631.190) Following the entry of an appearance by an attorney for a party, all notices, pleadings and orders to be served on that party must be served upon the attorney, and that service is valid for all purposes upon the party represented.

[Bd. of Dental Exam'rs, part § XIX, eff. 7-21-82]

Pleadings, Motions and Other Papers

NAC 631.300 Verification. (NRS 631.190) All pleadings must be verified.

[Bd. of Dental Exam'rs, part § XIX, eff. 7-21-82]

NAC 631.310 Motions. (NRS 631.190)

1. All motions, unless made during a hearing, must be made in writing. All written motions must set forth the nature of relief sought, the grounds therefor, and the points and authorities relied upon in support of the motion.

2. A party desiring to oppose a motion may serve and file a written response to the motion within 20 days after service of the motion. The moving party may serve and file a written reply to the response within 10 days after service of the response.

3. A decision on the motion will be rendered without oral argument unless oral argument is requested by the Board, in which event the Board will set a date and time for hearing.

[Bd. of Dental Exam'rs, part § XIX, eff. 7-21-82]

NAC 631.320 Filing; availability of copies. (NRS 631.190) The original and two copies of each pleading, motion or other paper must be filed with the Secretary-Treasurer. He or she may direct that a copy of each pleading or motion be made available by the party filing it to any other person who the Secretary-Treasurer determines may be affected by the proceeding and who desires the copy.

[Bd. of Dental Exam'rs, part § XIX, eff. 7-21-82]—(NAC A by R231-03, 5-25-2004)

NAC 631.330 Service of process. (NRS 631.190) Any document required to be served by a party, other than a notice of a hearing, complaint, adverse decision or order of the Board, may be served by mail. The service shall be deemed complete when a true copy of the document, properly addressed and stamped, is deposited in the United States mail.

[Bd. of Dental Exam'rs, part § XIX, eff. 7-21-82]

NAC 631.340 Proof of service. (NRS 631.190) There must appear on, or be attached to, each document required to be served proof of service by a certificate of an attorney or his or her employee, a proof of personal service, a written admission of service or by an affidavit of mailing.
[Bd. of Dental Exam'rs, part § XIX, eff. 7-21-82]

NAC 631.350 Failure of party to answer complaint. (NRS 631.190) The failure of a party to file an answer within the time prescribed creates a rebuttable presumption that the party admits generally the allegations of the complaint.
[Bd. of Dental Exam'rs, part § XIX, eff. 7-21-82]—(NAC A by R006-99, 4-3-2000)

NAC 631.355 Application for subpoena. (NRS 631.190, 631.360)
1. A party to a proceeding before the Board desiring to subpoena a witness must submit an application in writing to the Executive Director stating the reasons why the subpoena is requested.
2. The Executive Director may require that a subpoena requested by a party for the production of health care records, papers, books, accounts or other documents be issued only after the submission of an application in writing to the Executive Director, which specifies as clearly as may be, the health care records, papers, books, accounts or other documents desired.
3. The Executive Director, upon receipt of an application for a subpoena, shall:
(a) Grant the application and issue the subpoena;
(b) Deny the application; or
(c) Schedule a hearing to decide whether to grant or deny the application.
4. If an application to issue a subpoena is denied, the applicant may petition the Board for reconsideration.
5. As used in this section, "health care records" has the meaning ascribed to it in NRS 629.021.
(Added to NAC by Bd. of Dental Exam'rs by R159-08, eff. 4-23-2009)

Hearings

NAC 631.370 Expenses of witness attending prehearing deposition. (NRS 631.190) Any witness required to attend a prehearing deposition or hearing before the Board is entitled to receive, in the same manner and amount, the fees and reimbursements for travel which are statutorily provided for witnesses in courts generally.
[Bd. of Dental Exam'rs, part § XIX, eff. 7-21-82]—(NAC A 12-15-87)

NAC 631.380 Failure of party to appear. (NRS 631.190) If a party fails to appear at a hearing scheduled by the Board and no continuance has been requested or granted, the Board will hear the evidence and proceed to consider the matter and dispose of it on the basis of the evidence before it.
[Bd. of Dental Exam'rs, part § XIX, eff. 7-21-82]

NAC 631.390 Presentation of evidence. (NRS 631.190)
1. The presiding member of the Board shall call the hearing to order and proceed to take the appearances of the Board's members, the parties and their counsel, and the Board will act upon any pending motions, stipulations and preliminary matters.
2. The notice of hearing, complaint, petition, answer, response or written stipulation becomes a part of the record without the necessity of being read unless a party requests that the paper be read verbatim into the record.
3. Applicants, petitioners or complainants must present their evidence first. Afterward, parties who are opposing the application, petition or complaint may submit their evidence.
4. Closing statements by the parties may be allowed by the Board or a presiding member.
[Bd. of Dental Exam'rs, part § XIX, eff. 7-21-82]

NAC 631.395 Participation by investigator. (NRS 631.190, 631.363) An investigator appointed pursuant to NRS 631.363 may provide testimony regarding the investigator's findings and conclusions about a matter at a hearing before the Board but may not participate in the decision rendered by the Board in that matter.
(Added to NAC by Bd. of Dental Exam'rs by R023-06, eff. 9-18-2006)

NAC 631.400 Briefs. (NRS 631.190) The Board may request briefs to be filed or, upon motion by

a party, may permit briefs to be filed. The time for filing briefs will be set by the members of the Board who are conducting the hearing.

[Bd. of Dental Exam'rs, part § XIX, eff. 7-21-82]

NAC 631.410 Decision by Board. (NRS 631.190)

1. A case stands submitted for decision by the Board after the taking of evidence, the filing of briefs or the presentation of such oral arguments as may have been permitted by the Board.

2. The Board will issue its order or render its decision within 90 days after the hearing or the submission of the case.

[Bd. of Dental Exam'rs, part § XIX, eff. 7-21-82]