

SENATE BILL NO. 208—SENATOR RAWSON

FEBRUARY 20, 2001

Referred to Committee on Human Resources and Facilities

SUMMARY—Makes various changes to provisions concerning public dental health. (BDR 40-738)

FISCAL NOTE: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to public dental health; providing for the appointment of a state dental health officer and a state public health dental hygienist; establishing their duties; providing for the authorization of a person to practice public health dental hygiene; making appropriations; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 439 of NRS is hereby amended by adding thereto
- 2 the provisions set forth as sections 2 and 3 of this act.
- 3 **Sec. 2. 1.** *The state board of health shall appoint a state dental*
- 4 *health officer, who is in the unclassified service of the state. The state*
- 5 *dental health officer must:*
- 6 *(a) Be a resident of this state;*
- 7 *(b) Hold a current license to practice dentistry issued pursuant to*
- 8 *chapter 631 of NRS; and*
- 9 *(c) Be appointed on the basis of his education, training and*
- 10 *experience and his interest in public dental health and related programs.*
- 11 **2.** *The state dental health officer shall:*
- 12 *(a) Determine the needs of the residents of this state for public dental*
- 13 *health;*
- 14 *(b) Provide the state board of health with advice regarding public*
- 15 *dental health;*
- 16 *(c) Make recommendations to the state board of health and the*
- 17 *legislature regarding programs in this state for public dental health;*
- 18 *(d) Supervise the activities of the state public health dental hygienist;*
- 19 *and*



1 *(e) Seek such information and advice from a dental school of the*
2 *University and Community College System of Nevada as necessary to*
3 *carry out his duties.*

4 *3. Except as otherwise provided in this subsection and NRS 284.143,*
5 *the state dental health officer shall devote all of his time to the business*
6 *of his office and shall not pursue any other business or vocation or hold*
7 *any other office of profit. Notwithstanding the provisions of NRS*
8 *281.127, the state dental health officer may engage in academic*
9 *instruction, research and studies at a dental school of the University and*
10 *Community College System of Nevada.*

11 **Sec. 3.** *1. The state board of health shall appoint a state public*
12 *health dental hygienist, who is in the unclassified service of the state.*
13 *The state public health dental hygienist must:*

- 14 *(a) Be a resident of this state;*
- 15 *(b) Hold a current license to practice dental hygiene issued pursuant*
16 *to chapter 631 of NRS with a special endorsement issued pursuant to*
17 *section 4 of this act; and*
- 18 *(c) Be appointed on the basis of his education, training and*
19 *experience and his interest in public health dental hygiene and related*
20 *programs.*

21 *2. The state public health dental hygienist:*

- 22 *(a) Shall assist the state dental health officer in carrying out his*
23 *duties; and*
- 24 *(b) May:*

25 *(1) Make recommendations to the state dental health officer*
26 *regarding programs in this state for public health dental hygiene; and*

27 *(2) Perform any acts authorized pursuant to section 4 of this act.*

28 **Sec. 4.** Chapter 631 of NRS is hereby amended by adding thereto a
29 new section to read as follows:

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

35 *2. The state dental health officer may authorize a person who holds a*
36 *special endorsement issued pursuant to subsection 1 to provide or cause*
37 *to be provided such services for the promotion of public health dental*
38 *hygiene as the state dental health officer deems appropriate. Such*
39 *services:*

40 *(a) May be provided at schools, community centers, hospitals, nursing*
41 *homes and such other locations as the state dental health officer deems*
42 *appropriate.*

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

45 **Sec. 5.** NRS 631.310 is hereby amended to read as follows:

46 631.310 1. Except as otherwise provided in NRS 631.271 ~~H~~ *and*
47 *section 4 of this act*, the holder of a license or renewal certificate to
48 practice dental hygiene may practice dental hygiene in this state in the
49 following places:



- 1 (a) In the office of any licensed dentist.
- 2 (b) In a clinic or in clinics in the public schools of this state as an
- 3 employee of the health division of the department of human resources.
- 4 (c) In a clinic or in clinics in a state institution as an employee of the
- 5 institution.
- 6 (d) In a clinic established by a hospital approved by the board as an
- 7 employee of the hospital where service is rendered only to patients of the
- 8 hospital, and upon the authorization of a member of the dental staff.
- 9 (e) In an accredited school of dental hygiene.
- 10 (f) In other places if specified in a regulation adopted by the board.
- 11 2. A dental hygienist may perform only the services which are
- 12 authorized by a dentist licensed in the State of Nevada, unless otherwise
- 13 provided in a regulation adopted by the board.
- 14 3. Except as otherwise *provided in section 4 of this act or* specifically
- 15 authorized by a regulation adopted by the board, a dental hygienist shall
- 16 not provide services to a person unless that person is a patient of the dentist
- 17 who authorized the performance of those services.
- 18 **Sec. 6.** NRS 631.313 is hereby amended to read as follows:
- 19 631.313 1. A licensed dentist may assign to a person in his employ
- 20 who is a dental hygienist, dental assistant or other person directly or
- 21 indirectly involved in the provision of dental care only such intraoral tasks
- 22 as may be permitted by a regulation of the board or by the provisions of
- 23 this chapter.
- 24 2. The performance of these tasks must be:
- 25 (a) If performed by a dental assistant or a person, other than a dental
- 26 hygienist, who is directly or indirectly involved in the provision of dental
- 27 care, under the supervision of the licensed dentist who made the
- 28 assignment.
- 29 (b) If performed by a dental hygienist, authorized by the licensed dentist
- 30 of the patient for whom the tasks will be performed ~~+~~ , *except as*
- 31 *otherwise provided in section 4 of this act.*
- 32 3. No such assignment is permitted that requires:
- 33 (a) The diagnosis, treatment planning, prescribing of drugs or
- 34 medicaments, or authorizing the use of restorative, prosthodontic or
- 35 orthodontic appliances.
- 36 (b) Surgery on hard or soft tissues within the oral cavity or any other
- 37 intraoral procedure that may contribute to or result in an irremediable
- 38 alteration of the oral anatomy.
- 39 (c) The administration of general anesthetics other than by an
- 40 anesthetist or anesthesiologist licensed in this state.
- 41 (d) The performance of a task outside the authorized scope of practice
- 42 of the employee who is being assigned the task.
- 43 4. A dental hygienist may, pursuant to regulations adopted by the
- 44 board, administer local anesthesia or nitrous oxide in a health care facility,
- 45 as defined in NRS 449.800, if:
- 46 (a) He is so authorized by the licensed dentist of the patient to whom the
- 47 local anesthesia or nitrous oxide is administered; and



1 (b) The health care facility has licensed medical personnel and
2 necessary emergency supplies and equipment available when the local
3 anesthesia or nitrous oxide is administered.

4 **Sec. 7.** NRS 631.346 is hereby amended to read as follows:
5 631.346 The following acts, among others, constitute unprofessional
6 conduct:

7 1. Employing, directly or indirectly, any student or any suspended or
8 unlicensed dentist or dental hygienist to perform operations of any kind to
9 treat or correct the teeth or jaws, except as provided in this chapter;

10 2. ~~Giving~~ *Except as otherwise provided in section 4 of this act,*
11 *giving* a public demonstration of methods of practice any place other than
12 the office where the licensee is known to be regularly engaged in this
13 practice;

14 3. Employing, procuring, inducing, aiding or abetting a person not
15 licensed or registered as a dentist to engage in the practice of dentistry, but
16 a patient shall not be deemed to be an accomplice, employer, procurer,
17 inducer, aider or abettor;

18 4. For a dental hygienist, practicing in any place not authorized ~~by~~
19 *pursuant to* this chapter; or

20 5. Practicing while his license is suspended or without a renewal
21 certificate.

22 **Sec. 8.** 1. There is hereby appropriated from the state general fund
23 to the state board of health the sum of \$350,000 to carry out the provisions
24 of sections 2 and 3 of this act.

25 2. Any remaining balance of the appropriation made by subsection 1
26 must not be committed for expenditure after June 30, 2003, and reverts to
27 the state general fund as soon as all payments of money committed have
28 been made.

29 **Sec. 9.** 1. There is hereby appropriated from the state general fund
30 to the board of regents of the University of Nevada the sum of \$250,000 to
31 develop the curriculum and standards necessary for a student in the
32 University and Community College System of Nevada to earn a bachelor
33 of science degree in dental hygiene or a master's degree in public health
34 dental hygiene.

35 2. Any remaining balance of the appropriation made by subsection 1
36 must not be committed for expenditure after June 30, 2003, and reverts to
37 the state general fund as soon as all payments of money committed have
38 been made.

39 **Sec. 10.** 1. This section and sections 8 and 9 of this act become
40 effective upon passage and approval.

41 2. Sections 1 to 7, inclusive, of this act become effective on July 1,
42 2001.

