

CHAPTER.....

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; and providing other matters properly relating thereto.

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

**Section 1.** Chapter 439 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

**Sec. 2. 1.** *The health division shall appoint a state dental health officer, who is in the unclassified service of the state. The state dental health officer must:*

- (a) Be a resident of this state;*
- (b) Hold a current license to practice dentistry issued pursuant to chapter 631 of NRS; and*
- (c) Be appointed on the basis of his education, training and experience and his interest in public dental health and related programs.*

**2.** *The state dental health officer shall:*

- (a) Determine the needs of the residents of this state for public dental health;*
- (b) Provide the health division with advice regarding public dental health;*
- (c) Make recommendations to the health division and the legislature regarding programs in this state for public dental health;*
- (d) Supervise the activities of the state public health dental hygienist; and*
- (e) Seek such information and advice from a dental school of the University and Community College System of Nevada as necessary to carry out his duties.*

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

**4.** *The health division may solicit and accept gifts and grants to pay the costs associated with the position of state dental health officer.*

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

- (a) Be a resident of this state;*
- (b) Hold a current license to practice dental hygiene issued pursuant to chapter 631 of NRS with a special endorsement issued pursuant to section 7 of this act; and*
- (c) Be appointed on the basis of his education, training and experience and his interest in public health dental hygiene and related programs.*

2. *The state public health dental hygienist:*
  - (a) *Shall assist the state dental health officer in carrying out his duties; and*
  - (b) *May:*

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

- (2) *Perform any acts authorized pursuant to section 7 of this act.*

3. *Except as otherwise provided in this subsection, the state public health dental hygienist shall devote all of his time to the business of his office and shall not pursue any other business or vocation or hold any other office of profit. Notwithstanding the provisions of NRS 281.127 and 284.143, the state public health dental hygienist may engage in academic instruction, research and studies in a program of the University and Community College System of Nevada.*

4. *The health division may solicit and accept gifts and grants to pay the costs associated with the position of state public health dental hygienist.*

**Sec. 3.5** Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

*The board of regents may, to the extent that money is available, develop the curriculum and standards required for a student in the system to earn a bachelor of science degree in dental hygiene or a master's degree in public health dental hygiene.*

**Sec. 4.** Chapter 631 of NRS is hereby amended by adding thereto the provisions set forth as sections 5, 6 and 7 of this act.

**Sec. 5.** *"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.*

**Sec. 6.** *"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.*

**Sec. 7. 1.** *The board shall, upon application by a dental hygienist who is licensed pursuant to this chapter and has such qualifications as the board specifies by regulation, issue a special endorsement of his license allowing him to practice public health dental hygiene pursuant to subsection 2.*

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

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

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

**Sec. 8.** NRS 631.005 is hereby amended to read as follows:

631.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 631.015 to 631.105, inclusive, *and sections 5 and 6 of this act* have the meanings ascribed to them in those sections.

**Sec. 9.** NRS 631.265 is hereby amended to read as follows:

631.265 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 he has been issued a permit authorizing him 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.

~~{3. As used in this section:~~

~~—(a) “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.~~

~~—(b) “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.}~~

**Sec. 10.** NRS 631.275 is hereby amended to read as follows:

631.275 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 ~~{American Dental Association}~~ Commission on Dental Accreditation *of the American Dental Association* or its successor organization; and

(c) Has entered into a contract with a facility approved by the health division of the department of human resources to provide publicly funded dental services exclusively to persons of low income for the duration of the restricted license.

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 human resources 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 ; ~~of the department;~~ 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 person who receives a restricted license must pass the examination of the board within 3 years after receiving his restricted license. If the person fails to pass that examination, the board shall revoke the restricted license.

5. The board may revoke a restricted license at any time.

**Sec. 11.** NRS 631.290 is hereby amended to read as follows:

631.290 1. Any person is eligible to take an examination 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 ~~an accredited~~ a school of dental hygiene ~~or~~ *other institution that awards at least an associate degree upon completion of the program and that is accredited by a regional educational accrediting organization that is recognized by the United States Department of Education. The program of dental hygiene must:*

*(1) Be accredited by the Commission on Dental Accreditation of the American Dental Association or its successor specialty accrediting organization; and*

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

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

**Sec. 12.** (Deleted by amendment.)

**Sec. 13.** NRS 631.310 is hereby amended to read as follows:

631.310 1. Except as otherwise provided in NRS 631.271 ~~or~~ *and section 7 of this act*, the holder of a license or renewal certificate to practice dental hygiene may practice dental hygiene in this state in the following places:

(a) In the office of any licensed dentist.

(b) In a clinic or in clinics in the public schools of this state as an employee of the health division of the department of human resources.

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

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

(e) In an accredited school of dental hygiene.

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

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

3. Except as otherwise *provided in section 7 of this act or* specifically authorized by a regulation adopted by the board, a dental hygienist shall not provide services to a person unless that person is a patient of the dentist who authorized the performance of those services.

**Sec. 14.** NRS 631.313 is hereby amended to read as follows:

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

2. The performance of these tasks must be:

(a) If performed by a dental assistant or a person, other than a dental hygienist, who is directly or indirectly involved in the provision of dental care, under the supervision of the licensed dentist who made the assignment.

(b) If performed by a dental hygienist, authorized by the licensed dentist of the patient for whom the tasks will be performed ~~†~~, *except as otherwise provided in section 7 of this act.*

3. No such assignment is permitted that requires:

(a) The diagnosis, treatment planning, prescribing of drugs or medicaments, or authorizing the use of restorative, prosthodontic or orthodontic appliances.

(b) Surgery on hard or soft tissues within the oral cavity or any other intraoral procedure that may contribute to or result in an irremediable alteration of the oral anatomy.

(c) The administration of general ~~{anesthetics other than by an anesthetist or anesthesiologist licensed in this state.}~~ *anesthesia, conscious sedation or deep sedation except as otherwise authorized by regulations adopted by the board.*

(d) The performance of a task outside the authorized scope of practice of the employee who is being assigned the task.

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

(a) He is so authorized by the licensed dentist of the patient to whom the local anesthesia or nitrous oxide is administered; and

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

**Sec. 15.** NRS 631.346 is hereby amended to read as follows:

631.346 The following acts, among others, constitute unprofessional conduct:

1. Employing, directly or indirectly, any student or any suspended or unlicensed dentist or dental hygienist to perform operations of any kind to treat or correct the teeth or jaws, except as provided in this chapter;
2. ~~Giving~~ *Except as otherwise provided in section 7 of this act, giving* a public demonstration of methods of practice any place other than the office where the licensee is known to be regularly engaged in this practice;
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 ~~by~~ *pursuant to* this chapter; or
5. Practicing while his license is suspended or without a renewal certificate.

**Sec. 16.** Section 7.5 of Senate Bill No. 133 of this session is hereby amended to read as follows:

Sec. 7.5 NRS 631.290 is hereby amended to read as follows:

631.290 1. Any person is eligible to ~~take an examination~~ *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 school of dental hygiene or other institution that awards at least an associate degree upon completion of the program and that is accredited by a regional educational accrediting organization that is recognized by the United States Department of Education. The program of dental hygiene must:
    - (1) Be accredited by the Commission on Dental Accreditation of the American Dental Association or its successor specialty accrediting organization; and
    - (2) Include a curriculum of not less than 2 years of academic instruction in dental hygiene or its academic equivalent.
2. To determine whether a person has good moral character, the board may consider whether his license to practice dental hygiene in another state has been suspended or revoked or whether he is currently involved in any disciplinary action concerning his license in that state.

**Sec. 17.** Notwithstanding the provisions of sections 2 and 3 of this act, for the fiscal years 2001-2002 and 2002-2003:

1. The health division may, in lieu of complying with the provisions of sections 2 and 3 of this act, appoint a state dental health officer and a state public health dental hygienist from the lists of names submitted by the board of regents of the University of Nevada for terms expiring on June 30, 2003. If the board of regents fails to submit a list for any position, the health division may appoint any qualified person.

2. Unless the health division provides otherwise, each person appointed pursuant to subsection 1 shall carry out the duties set forth in sections 2 and 3 of this act without additional compensation and using the

office, equipment, staff and other resources provided to him by the University and Community College System of Nevada for his existing position.

**Sec. 18.** This act becomes effective on July 1, 2001.