

EXEMPT

(REPRINTED WITH ADOPTED AMENDMENTS)
FIRST REPRINT **S.B. 208**

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 health division shall appoint a state dental health***
4 ***officer, who is in the unclassified service of the state. The state dental***
5 ***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 health division with advice regarding public dental***
15 ***health;***
16 ***(c) Make recommendations to the health division and the legislature***
17 ***regarding programs in this state for public dental health;***
18 ***(d) Supervise the activities of the state public health dental hygienist;***
19 ***and***



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

14 (i) *Be a resident of this state;*

15 (ii) *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 7 of this act; and*

18 (iii) *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 (i) *Shall assist the state dental health officer in carrying out his*
23 *duties; and*

24 (ii) *May:*

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

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

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

30 Sec. 5. *"Conscious sedation" means a minimally depressed level of*
31 *consciousness, produced by a pharmacologic or nonpharmacologic*
32 *method or a combination thereof, in which the patient retains the ability*
33 *independently and continuously to maintain an airway and to respond*
34 *appropriately to physical stimulation and verbal commands.*

35 Sec. 6. *"Deep sedation" means a controlled state of depressed*
36 *consciousness, produced by a pharmacologic or nonpharmacologic*
37 *method or a combination thereof, and accompanied by a partial loss of*
38 *protective reflexes and the inability to respond purposefully to verbal*
39 *commands.*

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

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



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

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

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

7 631.005 As used in this chapter, unless the context otherwise requires,
8 the words and terms defined in NRS 631.015 to 631.105, inclusive, *and*
9 *sections 5 and 6 of this act* have the meanings ascribed to them in those
10 sections.

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

12 631.265 1. No licensed dentist *or person who holds a restricted*
13 *license issued pursuant to NRS 631.275* may administer or supervise
14 directly the administration of general anesthesia, conscious sedation or
15 deep sedation to dental patients unless he has been issued a permit
16 authorizing him to do so by the board.

17 2. The board may issue a permit authorizing a licensed dentist *or*
18 *person who holds a restricted license issued pursuant to NRS 631.275* to
19 administer or supervise directly the administration of general anesthesia,
20 conscious sedation or deep sedation to dental patients under such
21 standards, conditions and other requirements as the board shall by
22 regulation prescribe.

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

24 ~~—(a) “Conscious sedation” means a minimally depressed level of~~
25 ~~consciousness, produced by a pharmacologic or nonpharmacologic method~~
26 ~~or a combination thereof, in which the patient retains the ability~~
27 ~~independently and continuously to maintain an airway and to respond~~
28 ~~appropriately to physical stimulation and verbal commands.~~

29 ~~—(b) “Deep sedation” means a controlled state of depressed~~
30 ~~consciousness, produced by a pharmacologic or nonpharmacologic method~~
31 ~~or a combination thereof, and accompanied by a partial loss of protective~~
32 ~~reflexes and the inability to respond purposefully to verbal commands.]~~

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

34 631.275 1. Except as otherwise provided in subsection 2, the board
35 shall, without examination, issue a restricted license to practice dentistry to
36 a person who:

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

39 (b) Has received a degree from a dental school or college accredited by
40 the ~~{American Dental Association}~~ Commission on Dental Accreditation
41 ~~{}~~ *of the American Dental Association* or its successor organization; and

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

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

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

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



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

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

5 (a) May perform dental services only:

6 (1) Under the *general supervision of the state dental health officer*
7 *or the* supervision of a dentist who is licensed to practice dentistry in this
8 state and appointed by the health division of the department of human
9 resources to supervise dental care that is provided in a facility which has
10 entered into a contract with the person to whom a restricted license is
11 issued and which is approved by the health division ; ~~of the department;~~
12 and

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

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

18 4. A person who receives a restricted license must pass the
19 examination of the board within 3 years after receiving his restricted
20 license. If the person fails to pass that examination, the board shall revoke
21 the restricted license.

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

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

24 631.290 1. Any person is eligible to take an examination for a
25 license to practice dental hygiene in this state who:

26 (a) Is of good moral character;

27 (b) Is over 18 years of age;

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

30 (d) Is a graduate of ~~an accredited~~ a school of dental hygiene ~~or~~ *or*
31 *other institution that awards at least an associate degree upon*
32 *completion of the program and that is accredited by a regional*
33 *educational accrediting organization that is recognized by the United*
34 *States Department of Education. The program of dental hygiene must:*

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

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

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

44 **Sec. 12.** NRS 631.300 is hereby amended to read as follows:

45 631.300 1. Any person desiring to obtain a license to practice dental
46 hygiene, after having complied with the regulations of the board to
47 determine eligibility, must ~~be~~ :



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1 (a) Hold a certificate issued by the National Board of Dental
2 Examiners that contains a notation that the applicant has passed the
3 examination of the board with a score of at least 75; and

4 (b) Be examined by the board upon such subjects as the board deems
5 necessary, and, except as otherwise provided in NRS 631.271, be given a
6 practical examination in dental hygiene, including, but not limited to, the
7 removal of deposits from, and the polishing of, the exposed surface of the
8 teeth.

9 2. The examination must be:

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

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

13 3. The board shall examine each applicant in writing on the contents
14 and interpretation of chapter 631 of NRS and the regulations of the board.

15 ~~14. In lieu of the written examination which may be required by~~
16 ~~subsection 2, the board shall recognize a certificate from the National~~
17 ~~Board of Dental Examiners which contains a notation that the applicant has~~
18 ~~passed the examination of the board with a score of at least 75.~~

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

20 631.310 1. Except as otherwise provided in NRS 631.271 ~~and~~ **and**
21 **section 7 of this act**, the holder of a license or renewal certificate to
22 practice dental hygiene may practice dental hygiene in this state in the
23 following places:

24 (a) In the office of any licensed dentist.

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

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

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

32 (e) In an accredited school of dental hygiene.

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

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

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

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

42 631.313 1. A licensed dentist may assign to a person in his employ
43 who is a dental hygienist, dental assistant or other person directly or
44 indirectly involved in the provision of dental care only such intraoral tasks
45 as may be permitted by a regulation of the board or by the provisions of
46 this chapter.

47 2. The performance of these tasks must be:

48 (a) If performed by a dental assistant or a person, other than a dental
49 hygienist, who is directly or indirectly involved in the provision of dental



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1 care, under the supervision of the licensed dentist who made the
2 assignment.

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

6 3. No such assignment is permitted that requires:

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

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

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

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

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

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

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

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

28 631.346 The following acts, among others, constitute unprofessional
29 conduct:

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

33 2. ~~Giving~~ *Except as otherwise provided in section 7 of this act,*
34 *giving* a public demonstration of methods of practice any place other than
35 the office where the licensee is known to be regularly engaged in this
36 practice;

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

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

43 5. Practicing while his license is suspended or without a renewal
44 certificate.

45 **Sec. 16.** 1. There is hereby appropriated from the state general fund
46 to the state board of health the sum of \$568,244 to carry out the provisions
47 of sections 2 and 3 of this act.

48 2. Any remaining balance of the appropriation made by subsection 1
49 must not be committed for expenditure after June 30, 2003, and reverts to



1 the state general fund as soon as all payments of money committed have
2 been made.

3 **Sec. 17.** 1. There is hereby appropriated from the state general fund
4 to the board of regents of the University of Nevada the sum of \$250,000 to
5 develop the curriculum and standards necessary for a student in the
6 University and Community College System of Nevada to earn a bachelor
7 of science degree in dental hygiene or a master's degree in public health
8 dental hygiene.

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

13 **Sec. 18.** 1. This section and sections 16 and 17 of this act become
14 effective upon passage and approval.

15 2. Sections 1 to 15, inclusive, of this act become effective on July 1,
16 2001.

