

EXEMPT

(REPRINTED WITH ADOPTED AMENDMENTS)
SECOND 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; 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***



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

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

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

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

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

48 **Sec. 6.** *"Deep sedation" means a controlled state of depressed*
49 *consciousness, produced by a pharmacologic or nonpharmacologic*



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1 *method or a combination thereof, and accompanied by a partial loss of*
2 *protective reflexes and the inability to respond purposefully to verbal*
3 *commands.*

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

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

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

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

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

20 631.005 As used in this chapter, unless the context otherwise requires,
21 the words and terms defined in NRS 631.015 to 631.105, inclusive, *and*
22 *sections 5 and 6 of this act* have the meanings ascribed to them in those
23 sections.

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

25 631.265 1. No licensed dentist *or person who holds a restricted*
26 *license issued pursuant to NRS 631.275* may administer or supervise
27 directly the administration of general anesthesia, conscious sedation or
28 deep sedation to dental patients unless he has been issued a permit
29 authorizing him to do so by the board.

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

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

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

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

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

47 631.275 1. Except as otherwise provided in subsection 2, the board
48 shall, without examination, issue a restricted license to practice dentistry to
49 a person who:



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- 1 (a) Has a valid license to practice dentistry issued pursuant to the laws
2 of another state or the District of Columbia;
- 3 (b) Has received a degree from a dental school or college accredited by
4 the ~~{American Dental Association}~~ Commission on Dental Accreditation
5 ~~{}~~ *of the American Dental Association* or its successor organization; and
- 6 (c) Has entered into a contract with a facility approved by the health
7 division of the department of human resources to provide publicly funded
8 dental services exclusively to persons of low income for the duration of the
9 restricted license.
- 10 2. The board shall not issue a restricted license to a person:
- 11 (a) Who has failed to pass the examination of the board;
- 12 (b) Who has been refused a license in this state, another state or territory
13 of the United States or the District of Columbia; or
- 14 (c) Whose license to practice dentistry has been revoked in this state,
15 another state or territory of the United States or the District of Columbia.
- 16 3. A person to whom a restricted license is issued pursuant to
17 subsection 1:
- 18 (a) May perform dental services only:
- 19 (1) Under the *general supervision of the state dental health officer*
20 *or the* supervision of a dentist who is licensed to practice dentistry in this
21 state and appointed by the health division of the department of human
22 resources to supervise dental care that is provided in a facility which has
23 entered into a contract with the person to whom a restricted license is
24 issued and which is approved by the health division ; ~~{of the department;}~~
25 and
- 26 (2) In accordance with the contract required pursuant to paragraph (c)
27 of that subsection.
- 28 (b) Shall not, for the duration of the restricted license, engage in the
29 private practice of dentistry, which includes, without limitation, providing
30 dental services to a person who pays for the services.
- 31 4. A person who receives a restricted license must pass the
32 examination of the board within 3 years after receiving his restricted
33 license. If the person fails to pass that examination, the board shall revoke
34 the restricted license.
- 35 5. The board may revoke a restricted license at any time.
- 36 **Sec. 11.** NRS 631.290 is hereby amended to read as follows:
- 37 631.290 1. Any person is eligible to take an examination for a
38 license to practice dental hygiene in this state who:
- 39 (a) Is of good moral character;
- 40 (b) Is over 18 years of age;
- 41 (c) Is a citizen of the United States or is lawfully entitled to remain and
42 work in the United States; and
- 43 (d) Is a graduate of ~~{an-accredited}~~ a school of dental hygiene ~~{}~~ *or*
44 *other institution that awards at least an associate degree upon*
45 *completion of the program and that is accredited by a regional*
46 *educational accrediting organization that is recognized by the United*
47 *States Department of Education. The program of dental hygiene must:*



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

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

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

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

11 631.300 1. Any person desiring to obtain a license to practice dental
12 hygiene, after having complied with the regulations of the board to
13 determine eligibility, must ~~be~~:

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

17 *(b) Be* examined by the board upon such subjects as the board deems
18 necessary, and, except as otherwise provided in NRS 631.271, be given a
19 practical examination in dental hygiene, including, but not limited to, the
20 removal of deposits from, and the polishing of, the exposed surface of the
21 teeth.

22 2. The examination must be:

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

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

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

28 ~~{4. In lieu of the written examination which may be required by~~
29 ~~subsection 2, the board shall recognize a certificate from the National~~
30 ~~Board of Dental Examiners which contains a notation that the applicant has~~
31 ~~passed the examination of the board with a score of at least 75.}~~

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

33 631.310 1. Except as otherwise provided in NRS 631.271 ~~and~~ *and*
34 *section 7 of this act*, the holder of a license or renewal certificate to
35 practice dental hygiene may practice dental hygiene in this state in the
36 following places:

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

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

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

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

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

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

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



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

5 **Sec. 14.** NRS 631.313 is hereby amended to read as follows:
6 631.313 1. A licensed dentist may assign to a person in his employ
7 who is a dental hygienist, dental assistant or other person directly or
8 indirectly involved in the provision of dental care only such intraoral tasks
9 as may be permitted by a regulation of the board or by the provisions of
10 this chapter.

11 2. The performance of these tasks must be:
12 (a) If performed by a dental assistant or a person, other than a dental
13 hygienist, who is directly or indirectly involved in the provision of dental
14 care, under the supervision of the licensed dentist who made the
15 assignment.

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

19 3. No such assignment is permitted that requires:
20 (a) The diagnosis, treatment planning, prescribing of drugs or
21 medicaments, or authorizing the use of restorative, prosthodontic or
22 orthodontic appliances.

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

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

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

32 4. A dental hygienist may, pursuant to regulations adopted by the
33 board, administer local anesthesia or nitrous oxide in a health care facility,
34 as defined in NRS 449.800, if:
35 (a) He is so authorized by the licensed dentist of the patient to whom the
36 local anesthesia or nitrous oxide is administered; and
37 (b) The health care facility has licensed medical personnel and
38 necessary emergency supplies and equipment available when the local
39 anesthesia or nitrous oxide is administered.

40 **Sec. 15.** NRS 631.346 is hereby amended to read as follows:
41 631.346 The following acts, among others, constitute unprofessional
42 conduct:
43 1. Employing, directly or indirectly, any student or any suspended or
44 unlicensed dentist or dental hygienist to perform operations of any kind to
45 treat or correct the teeth or jaws, except as provided in this chapter;
46 2. ~~†Giving†~~ *Except as otherwise provided in section 7 of this act,*
47 *giving* a public demonstration of methods of practice any place other than
48 the office where the licensee is known to be regularly engaged in this
49 practice;



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

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

7 5. Practicing while his license is suspended or without a renewal
8 certificate.

9 **Sec. 16.** Notwithstanding the provisions of sections 2 and 3 of this act:

10 1. The health division shall, not later than October 1, 2001, appoint a
11 state dental health officer and a state public health dental hygienist from
12 the lists of names submitted by the board of regents of the University of
13 Nevada for terms expiring on June 30, 2003. If the board of regents fails to
14 submit a list for any position, the health division may appoint any qualified
15 person.

16 2. Each person appointed pursuant to subsection 1 shall carry out the
17 duties set forth in sections 2 and 3 of this act, without additional
18 compensation and using the office, equipment, staff and other resources
19 provided to him by the University and Community College System of
20 Nevada for his existing position.

21 **Sec. 17.** This act becomes effective on July 1, 2001.

