

SENATE BILL NO. 378—COMMITTEE ON HUMAN
RESOURCES AND FACILITIES

MARCH 19, 2001

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to dentistry and dental hygiene. (BDR 54-1230)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 professional occupations; providing civil immunity to a person who furnishes information to the board of dental examiners of Nevada under certain circumstances; providing civil immunity to members of the board and other persons under certain circumstances; clarifying that an applicant for a limited license to practice dentistry or dental hygiene must be licensed in another state or the District of Columbia at the time of his application and may have that license placed on inactive status after he has been issued a limited license; providing that certain records or information obtained by the board are inadmissible in a subsequent civil proceeding under certain circumstances; limiting the applicability of the doctrine of collateral estoppel under certain circumstances; 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 631 of NRS is hereby amended by adding thereto a new section to read as follows:

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.



1 *(b) Disseminating information concerning a licensee or an applicant*
2 *for licensure to any other licensing board, national association of*
3 *registered boards, an agency of the Federal Government or of the state,*
4 *the attorney general or any law enforcement agency.*

5 *3. A defendant who is the prevailing party in a civil action brought*
6 *pursuant to subsection 2, may recover the attorney's fees and costs*
7 *incurred in defending the action.*

8 **Sec. 2.** NRS 631.271 is hereby amended to read as follows:

9 631.271 1. The board shall, without a clinical demonstration required
10 by NRS 631.240 or a practical examination required by NRS 631.300,
11 issue a limited license to practice dentistry or dental hygiene to a person
12 who:

13 (a) ~~Has~~ *At the time of his application, has* a license to practice
14 dentistry or dental hygiene issued pursuant to the laws of another state or
15 the District of Columbia ~~or has passed all parts of the examination~~
16 *given by a nationally recognized regional board of dental examiners;*

17 (b) Is otherwise qualified for a license to practice dentistry or dental
18 hygiene in this state;

19 (c) Pays the required application fee; and

20 (d) Has entered into a contract with the University and Community
21 College System of Nevada to provide services ~~full-time~~ as a dental intern,
22 dental resident or instructor of dentistry or dental hygiene at an educational
23 or outpatient clinic, hospital or other facility of the University and
24 Community College System of Nevada. ~~As used in this paragraph, "full~~
25 ~~time" means providing such services at least 8 hours per day, 4 days per~~
26 ~~week, during an academic year.]~~

27 2. The board shall not issue a limited license to a person:

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

30 (b) Who has been refused a license or is involved in a disciplinary
31 action concerning his license to practice dentistry or dental
32 hygiene,
33 in this state, another state or territory of the United States or the District of
34 Columbia.

35 3. A person to whom a limited license is issued pursuant to
36 subsection 1:

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

38 (1) At the educational or outpatient clinic, hospital or other facility
39 where he is employed; and

40 (2) In accordance with the contract required by paragraph (d) of
41 subsection 1. ~~and~~

42 (b) Shall not, for the duration of the limited license, engage in the
43 private practice of dentistry or dental hygiene in this state or accept
44 compensation for the practice of dentistry or dental hygiene except such
45 compensation as may be paid to him by the University and Community
46 College System of Nevada for services provided as a dental intern, dental
47 resident or instructor of dentistry or dental hygiene.



1 *(c) May have his license to practice dentistry or dental hygiene issued*
2 *pursuant to the laws of another state or the District of Columbia placed*
3 *on inactive status.*

4 4. A limited license expires 1 year after its date of issuance and may be
5 renewed on or before the date of its expiration. The holder of a limited
6 license may, upon compliance with the requirements set forth in subsection
7 2 of NRS 631.330 and the completion of a review conducted at the
8 discretion of the board, be granted a renewal certificate that authorizes the
9 continuation of practice pursuant to the limited license for 1 year.

10 5. Within 7 days after the termination of his contract required by
11 paragraph (d) of subsection 1, the holder of a limited license shall notify
12 the board of the termination, in writing, and surrender the limited license to
13 the board.

14 6. The board may revoke a limited license at any time upon proof
15 satisfactory to the board that the holder of the license violated any
16 provision of this chapter or the regulations of the board.

17 **Sec. 3.** NRS 631.368 is hereby amended to read as follows:

18 631.368 1. Except as otherwise provided in subsection 2, any records
19 or information obtained during the course of an investigation by the board
20 and any record of the investigation are confidential until the investigation
21 is completed. Upon completion of the investigation the information and
22 records are public records, only if:

23 (a) Disciplinary action is imposed by the board as a result of the
24 investigation; or

25 (b) The person regarding whom the investigation was made submits a
26 written request to the board asking that the information and records be
27 made public records.

28 2. The board may provide any record or information described in
29 subsection 1 to any other licensing board or agency or any agency which is
30 investigating a person licensed pursuant to this chapter, including a law
31 enforcement agency.

32 *3. Any records or information obtained during the course of or as a*
33 *result of:*

34 *(a) An investigation by the board, including, without limitation,*
35 *investigative reports, dental records and summaries of interviews of*
36 *witnesses;*

37 *(b) A disciplinary hearing; or*

38 *(c) A stipulation or consent order or any other final order of the*
39 *board,*

40 *is not admissible as evidence in a subsequent civil proceeding and the*
41 *doctrine of collateral estoppel applies to an issue related to such records*
42 *or information in a subsequent civil proceeding only if the board and the*
43 *person who was a party to the disciplinary hearing or other*
44 *administrative action taken by the board are parties in the subsequent*
45 *civil proceeding.*

46 **Sec. 4.** This act becomes effective on July 1, 2001.

