

CHAPTER.....

AN ACT relating to dentistry and dental hygiene; revising various provisions governing the qualifications, examination and licensure of dentists and dental hygienists; revising the provisions governing activities that are deemed to be included within the practice of dentistry; providing for the biennial renewal of certain licenses; increasing the limits for certain licensing fees; changing the standard of proof in certain proceedings before the Board of Dental Examiners of Nevada; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Board of Dental Examiners of Nevada consists of 11 members, three of whom must be dental hygienists. The members who are dental hygienists are prohibited from grading any portion of the licensing examination for dentists. The licensing examination for dentists includes a clinical portion which examines the applicant's practical knowledge of dentistry and which includes clinical demonstrations of the applicant's dentistry skills. (NRS 631.130, 631.240)

This bill allows the members of the Board who are dental hygienists to grade portions of the licensing examination for dentists. However, those members are prohibited from grading the clinical portion of the examination.

Existing law prohibits a person from practicing dentistry without a license. (NRS 631.395, 631.400) Existing law also defines which activities are considered to be practicing dentistry. (NRS 631.215)

This bill provides that a person is practicing dentistry if the person uses X-ray or laser radiation for dental diagnosis or treatment or if the person dispenses certain tooth whitening agents or undertakes to whiten or bleach teeth other than with over-the-counter products. However, a person may engage in such activities without being licensed as a dentist if the person is acting in a manner authorized by the regulations of the Board.

Existing law allows the Board to issue temporary licenses to practice dental hygiene to persons who are licensed in another jurisdiction and who meet certain additional qualifications. These provisions are set to expire by limitation on September 30, 2005. (NRS 631.273; Section 34 of Chapter 89, Statutes of Nevada 2003, at page 522)

This bill removes the expiration date for the issuance of these temporary licenses. However, this bill prevents the Board from issuing any additional temporary licenses on or after July 1, 2006. Any person who holds a temporary license on July 1, 2006, may continue to practice under the temporary license until December 31, 2008, or until the person applies for and is issued or denied a permanent license, whichever period is shorter.

Existing law establishes certain requirements that an applicant must satisfy before receiving a license to practice dentistry or dental hygiene, including requirements concerning age, citizenship, education and character. (NRS 631.230, 631.290) These requirements are not expressly set forth in each of the licensing statutes administered by the Board. (NRS 631.255, 631.271, 631.272, 631.274, 631.275)

This bill adds the existing requirements concerning age, citizenship, education and character to each of the licensing statutes administered by the Board.

Existing law allows the Board of Dental Examiners to issue a limited license to practice dentistry or dental hygiene to an applicant who will practice as a dental

intern, a dental resident or an instructor at a facility of the University and Community College System of Nevada. (NRS 631.271)

This bill establishes additional requirements that an applicant must meet to be issued a limited license by the Board.

Existing law allows a board of county commissioners to request a waiver of certain licensing requirements for an applicant who intends to practice dentistry or dental hygiene in an underserved rural area of the county. If a waiver is granted by the Board of Dental Examiners, the applicant receives a restricted geographical license for that county only. (NRS 631.274)

This bill authorizes two or more boards of county commissioners to make a joint request for a waiver on behalf of applicants who intend to practice in underserved rural areas within multiple counties. If a waiver is granted by the Board of Dental Examiners, the applicant receives a restricted geographical license covering those counties.

Under existing law, an applicant for a license as a dental hygienist must be a graduate of a school of dental hygiene or other institution which awards at least an associate's degree and which is accredited by a regional educational accrediting organization that is recognized by the United States Department of Education. (NRS 631.290)

This bill removes the requirement that the institution has to award at least an associate's degree. Rather, the institution need only be accredited by a regional educational accrediting organization that is recognized by the United States Department of Education.

Under existing law, an applicant for a license to practice dental hygiene must pass an examination which examines the applicant's practical knowledge of dental hygiene. This examination is administered by the Board of Dental Examiners of Nevada. (NRS 631.300)

This bill amends existing law by giving the applicant the option of either passing the clinical examination administered by the Board or presenting the Board with a certificate establishing that the applicant has passed a clinical examination administered by the Western Regional Examining Board within the 5 years before the date of the application.

Existing law requires dentists and dental hygienists to renew their licenses each year. (NRS 631.330) Existing law also establishes maximum limits on the fees the Board may charge for the issuance and renewal of licenses. (NRS 631.345)

This bill requires dentists and dental hygienists who hold certain licenses to renew their licenses every 2 years. This bill also increases the maximum limits on the fees the Board may charge for the issuance and renewal of licenses.

Under existing law, the Board may deny an application for a license or may take disciplinary action against a licensee upon proof satisfactory to the Board that the person has engaged in certain unlawful or unprofessional conduct. (NRS 631.255, 631.271, 631.274, 631.275, 631.350) The Nevada Supreme Court has interpreted satisfactory proof to mean proof by clear and convincing evidence. (*Gilman v. Nevada State Bd. of Veterinary Med. Exam'rs*, 120 Nev. Adv. Op. 31, 89 P.3d 1000 (2004)) Clear and convincing evidence is established by presenting evidence which shows each factual element to be highly probable or evidence which is so clear as to leave no substantial doubt. (*In re Drakulich*, 111 Nev. 1556 (1995))

This bill changes the Board's standard of proof to substantial evidence, which is the standard of proof generally followed by state agencies under the Nevada Administrative Procedure Act. (NRS 233B.135) Substantial evidence is established by presenting evidence that a reasonable person would deem adequate to support a decision. (*City of Reno v. Reno Police Protective Ass'n*, 118 Nev. 889 (2002))

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

Section 1. NRS 631.130 is hereby amended to read as follows:
631.130 1. The Governor shall appoint:

(a) Six members who are graduates of accredited dental schools or colleges, are residents of Nevada and have ethically engaged in the practice of dentistry in Nevada for a period of at least 5 years.

(b) One member who has resided in Nevada for at least 5 years and who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care. This member may be licensed under the provisions of this chapter.

(c) Three members who:

(1) Are graduates of accredited schools or colleges of dental hygiene;

(2) Are residents of Nevada; and

(3) Have been actively engaged in the practice of dental hygiene in Nevada for a period of at least 5 years before their appointment to the Board.

(d) One member who is a representative of the general public. This member must not be:

(1) A dentist or a dental hygienist; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a dentist or a dental hygienist.

2. The members who are dental hygienists may vote on all matters but may not participate in *grading any clinical examinations required by NRS 631.240* for the licensing of dentists.

3. If a member is not licensed under the provisions of this chapter, the member shall not participate in grading any examination required by the Board.

Sec. 2. NRS 631.215 is hereby amended to read as follows:

631.215 1. Any person shall be deemed to be practicing dentistry who:

(a) Uses words or any letters or title in connection with his name which in any way represents him as engaged in the practice of dentistry, or any branch thereof;

(b) Advertises or permits to be advertised by any medium that he can or will attempt to perform dental operations of any kind;

(c) Diagnoses, professes to diagnose or treats or professes to treat any of the diseases or lesions of the oral cavity, teeth, gingiva or the supporting structures thereof;

(d) Extracts teeth;

(e) Corrects malpositions of the teeth or jaws;

(f) Takes impressions of the teeth, mouth or gums ~~other than as~~, *unless the person is* authorized by the regulations of the Board ~~to engage in such activities without being a licensed dentist;~~

(g) Examines a person for, or supplies artificial teeth as substitutes for natural teeth;

(h) Places in the mouth and adjusts or alters artificial teeth;

(i) Does any practice included in the clinical dental curricula of accredited dental colleges or a residency program for those colleges;

(j) Administers or prescribes such remedies, medicinal or otherwise, as are needed in the treatment of dental or oral diseases;

(k) Uses X-ray radiation *or laser radiation* for dental treatment or dental diagnostic purposes ~~;~~, *unless the person is authorized by the regulations of the Board to engage in such activities without being a licensed dentist;*

(l) Determines:

(1) Whether a particular treatment is necessary or advisable;

or

(2) Which particular treatment is necessary or advisable ~~to~~ ;

or

(m) Dispenses tooth whitening agents or undertakes to whiten or bleach teeth by any means or method, unless the person is:

(1) Dispensing or using a product that may be purchased over the counter for a person's own use; or

(2) Authorized by the regulations of the Board to engage in such activities without being a licensed dentist.

2. Nothing in this section:

(a) Prevents a dental assistant, dental hygienist or ~~X-ray~~ *qualified* technician from making radiograms or X-ray exposures *or using X-ray radiation or laser radiation* for *dental treatment or dental* diagnostic purposes upon the direction of a licensed dentist.

(b) Prohibits the performance of mechanical work, on inanimate objects only, by any person employed in or operating a dental laboratory upon the written work authorization of a licensed dentist.

(c) Prevents students from performing dental procedures that are part of the curricula of an accredited dental school or college or an accredited school of dental hygiene or an accredited school of dental assisting.

(d) Prevents a licensed dentist or dental hygienist from another state or country from appearing as a clinician for demonstrating certain methods of technical procedures before a dental society or organization, convention or dental college or an accredited school of dental hygiene or an accredited school of dental assisting.

(e) Prohibits the manufacturing of artificial teeth upon receipt of a written authorization from a licensed dentist if the manufacturing does not require direct contact with the patient.

Sec. 3. NRS 631.240 is hereby amended to read as follows:

631.240 1. Any person desiring to obtain a license to practice dentistry in this State, after having complied with the regulations of the Board to determine eligibility:

(a) Must present to the Board a certificate granted by the Joint Commission on National Dental Examinations which contains a notation that the applicant has passed the National Board Dental Examination with an average score of at least 75; and

(b) Except as otherwise provided in this chapter, must:

(1) Successfully complete a clinical examination given by the Board which examines the applicant's practical knowledge of dentistry and which includes demonstrations of the applicant's skill in dentistry; or

(2) Present to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the applicant has passed, within the 5 years immediately preceding the date of the application, a clinical examination administered by the Western Regional Examining Board.

2. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

3. All persons who have satisfied the requirements for licensure as a dentist must be registered as licensed dentists on the board register, as provided in this chapter, and are entitled to receive a certificate of registration, signed by ~~[the member of the Board who is a representative of the general public and those]~~ *all* members of the Board. ~~[who are dentists.]~~

Sec. 4. NRS 631.250 is hereby amended to read as follows:

631.250 1. The Board may issue a specialist's license authorizing a dentist licensed in this State to announce, hold himself out and practice as a specialist in a special area of dentistry for which there is a certifying board approved by the Commission on Dental Accreditation of the American Dental Association.

2. No dentist licensed in this State may announce or hold himself out to the public as a specialist or practice as a specialist unless he has successfully completed the educational requirements currently specified for qualification in the special area by the certifying board.

3. A dentist licensed in this State who has successfully completed those educational requirements, has passed the general dentistry examination *or has otherwise been approved for licensure by the Board,* and has been issued a specialist's license under this section may commence specialty practice immediately in the special area without:

(a) Examination by the certifying board.

(b) Certification as a diplomate of the certifying board.

4. A dentist licensed in this State to whom a specialist's license is issued shall limit his practice to the specialty.

Sec. 5. NRS 631.255 is hereby amended to read as follows:

631.255 1. The Board may, without a clinical examination required by NRS 631.240, issue a specialist's license to a person who:

(a) Presents a current certification as a diplomate from a certifying board approved by the Commission on Dental Accreditation of the American Dental Association;

(b) Has an active license to practice dentistry pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(c) Is a specialist as identified by the Board;

(d) Pays the application, examination and renewal fees in the same manner as a person licensed pursuant to NRS 631.240; ~~and~~

(e) Submits the statement required by NRS 631.225 ~~[-]~~; and

(f) Satisfies the requirements of NRS 631.230.

2. The Board shall not issue a specialist's license to a person:

(a) Whose license to practice dentistry has been revoked or suspended;

(b) Who has been refused a license to practice dentistry; or

(c) Who is involved in or has pending a disciplinary action concerning his license to practice dentistry,
↳ in this State, another state or territory of the United States, or the District of Columbia.

3. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

4. A person to whom a specialist's license is issued pursuant to this section shall limit his practice to the specialty.

5. The Board ~~shall~~ *may* revoke a specialist's license at any time upon ~~[proof-satisfactory]~~ *submission of substantial evidence* to the Board that the holder of the license violated any provision of this ~~[section]~~ *chapter* or the regulations of the Board.

Sec. 6. NRS 631.255 is hereby amended to read as follows:

631.255 1. The Board may, without a clinical examination required by NRS 631.240, issue a specialist's license to a person who:

(a) Presents a current certification as a diplomate from a certifying board approved by the Commission on Dental Accreditation of the American Dental Association;

(b) Has an active license to practice dentistry pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(c) Is a specialist as identified by the Board; ~~and~~

(d) Pays the application, examination and renewal fees in the same manner as a person licensed pursuant to NRS 631.240 ~~{};~~ *and (e) Satisfies the requirements of NRS 631.230.*

2. The Board shall not issue a specialist's license to a person:

(a) Whose license to practice dentistry has been revoked or suspended;

(b) Who has been refused a license to practice dentistry; or

(c) Who is involved in or has pending a disciplinary action concerning his license to practice dentistry,

→ in this State, another state or territory of the United States, or the District of Columbia.

3. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

4. A person to whom a specialist's license is issued pursuant to this section shall limit his practice to the specialty.

5. The Board ~~[shall]~~ *may* revoke a specialist's license at any time upon ~~[proof-satisfactory]~~ *submission of substantial evidence* to the Board that the holder of the license violated any provision of this ~~[section]~~ *chapter* or the regulations of the Board.

Sec. 7. NRS 631.271 is hereby amended to read as follows:

631.271 1. The Board shall, without a clinical examination required by NRS 631.240 or ~~[a practical examination required by NRS]~~ 631.300, issue a limited license to practice dentistry or dental hygiene to a person who:

(a) Is qualified for a license to practice dentistry or dental hygiene in this State;

(b) Pays the required application fee; ~~[and]~~

(c) Has entered into a contract with the University and Community College System of Nevada to provide services as a dental intern, dental resident or instructor of dentistry or dental hygiene at an educational or outpatient clinic, hospital or other facility of the University and Community College System of Nevada ~~{};~~

(d) Satisfies the requirements of NRS 631.230 or 631.290, as appropriate; and

(e) Satisfies at least one of the following requirements:

(1) Has a license to practice dentistry or dental hygiene issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(2) Presents to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the person has passed, within the 5 years immediately preceding the date of the application, a clinical examination administered by the Western Regional Examining Board; or

(3) Has the educational or outpatient clinic, hospital or other facility where the person will provide services as a dental intern or dental resident in an internship or residency program submit to the Board written confirmation that the person has been appointed to a position in the program and is a citizen of the United States or is lawfully entitled to remain and work in the United States. If a person qualifies for a limited license pursuant to this subparagraph, the limited license remains valid only while the person is actively providing services as a dental intern or dental resident in the internship or residency program, is lawfully entitled to remain and work in the United States and is in compliance with all other requirements for the limited license.

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

(a) Who has been issued a license to practice dentistry or dental hygiene if:

(1) The person is involved in a disciplinary action concerning the license; or

(2) The license has been revoked or suspended; or

(b) Who has been refused a license to practice dentistry or dental hygiene,

➔ in this State, another state or territory of the United States, or the District of Columbia.

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

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

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

(2) In accordance with the contract required by paragraph (c) of subsection 1.

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

4. A limited license expires 1 year after its date of issuance and may be renewed on or before the date of its expiration ~~H~~, *unless the holder no longer satisfies the requirements for the limited license.* The holder of a limited license may, upon compliance with the *applicable* requirements set forth in ~~{subsection 2 of}~~ NRS 631.330 and the completion of a review conducted at the discretion of the Board, be granted a renewal certificate that authorizes the continuation of practice pursuant to the limited license for 1 year.

5. Within 7 days after the termination of his contract required by paragraph (c) of subsection 1, the holder of a limited license shall

notify the Board of the termination, in writing, and surrender the limited license to the Board.

6. The Board may revoke a limited license at any time upon ~~[proof satisfactory]~~ *submission of substantial evidence* to the Board that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 8. NRS 631.272 is hereby amended to read as follows:

631.272 1. Except as otherwise provided in this section, the Board shall, without a clinical examination required by NRS 631.240, issue a temporary license to practice dentistry to a person who:

(a) Has a license to practice dentistry issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(b) Has practiced dentistry pursuant to the laws of another state or territory of the United States, or the District of Columbia, for a minimum of 5 years;

(c) Has not had his license to practice dentistry revoked or suspended in this State, another state or territory of the United States, or the District of Columbia;

(d) Has not been refused a license to practice dentistry in this State, another state or territory of the United States, or the District of Columbia;

(e) Is not involved in or does not have pending a disciplinary action concerning his license to practice dentistry in this State, another state or territory of the United States, or the District of Columbia;

(f) Pays the application, examination and renewal fees in the same manner as a person licensed pursuant to NRS 631.240; ~~[and]~~

(g) Submits the statement required by NRS 631.225 ~~[.]~~; and

(h) Satisfies the requirements of NRS 631.230.

2. A person to whom a temporary license is issued pursuant to subsection 1 may:

(a) Practice dentistry for the duration of the temporary license; and

(b) Apply for a permanent license to practice dentistry without a clinical examination required by NRS 631.240 if:

(1) The person has held a temporary license to practice dentistry pursuant to subsection 1 for a minimum of 2 years; and

(2) The person has not been involved in any disciplinary action during the time he has held a temporary license pursuant to subsection 1.

3. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

4. The Board shall not, on or after July 1, 2006, issue any additional temporary licenses to practice dentistry pursuant to this section.

5. Any person who, on July 1, 2006, holds a temporary license to practice dentistry issued pursuant to this section may, subject to the regulatory and disciplinary authority of the Board, practice dentistry under the temporary license until December 31, 2008, or until the person is qualified to apply for and is issued or denied a permanent license to practice dentistry in accordance with this section, whichever period is shorter.

6. The Board may revoke a temporary license at any time upon submission of substantial evidence to the Board that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 9. NRS 631.272 is hereby amended to read as follows:

631.272 1. Except as otherwise provided in this section, the Board shall, without a clinical examination required by NRS 631.240, issue a temporary license to practice dentistry to a person who:

(a) Has a license to practice dentistry issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(b) Has practiced dentistry pursuant to the laws of another state or territory of the United States, or the District of Columbia, for a minimum of 5 years;

(c) Has not had his license to practice dentistry revoked or suspended in this State, another state or territory of the United States, or the District of Columbia;

(d) Has not been refused a license to practice dentistry in this State, another state or territory of the United States, or the District of Columbia;

(e) Is not involved in or does not have pending a disciplinary action concerning his license to practice dentistry in this State, another state or territory of the United States, or the District of Columbia; ~~and~~

(f) Pays the application, examination and renewal fees in the same manner as a person licensed pursuant to NRS 631.240 ~~and~~; *and*

(g) Satisfies the requirements of NRS 631.230.

2. A person to whom a temporary license is issued pursuant to subsection 1 may:

(a) Practice dentistry for the duration of the temporary license; and

(b) Apply for a permanent license to practice dentistry without a clinical examination required by NRS 631.240 if:

(1) The person has held a temporary license to practice dentistry pursuant to subsection 1 for a minimum of 2 years; and

(2) The person has not been involved in any disciplinary action during the time he has held a temporary license pursuant to subsection 1.

3. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

4. The Board shall not, on or after July 1, 2006, issue any additional temporary licenses to practice dentistry pursuant to this section.

5. Any person who, on July 1, 2006, holds a temporary license to practice dentistry issued pursuant to this section may, subject to the regulatory and disciplinary authority of the Board, practice dentistry under the temporary license until December 31, 2008, or until the person is qualified to apply for and is issued or denied a permanent license to practice dentistry in accordance with this section, whichever period is shorter.

6. The Board may revoke a temporary license at any time upon submission of substantial evidence to the Board that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 10. NRS 631.273 is hereby amended to read as follows:

631.273 1. ~~[The]~~ *Except as otherwise provided in this section, the* Board shall, without a ~~[practical]~~ *clinical* examination required by NRS 631.300, issue a temporary license to practice dental hygiene to a person who:

(a) Has a license to practice dental hygiene issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(b) Satisfies the requirements of NRS 631.290;

(c) Has practiced dental hygiene pursuant to the laws of another state or territory of the United States, or the District of Columbia, for at least 5 years immediately preceding the date that he applies for a temporary license;

(d) Has not had his license to practice dental hygiene revoked or suspended in this State, another state or territory of the United States, or the District of Columbia;

(e) Has not been denied a license to practice dental hygiene in this State, another state or territory of the United States, or the District of Columbia;

(f) Is not involved in or does not have pending a disciplinary action concerning his license to practice dental hygiene in this State, another state or territory of the United States, or the District of Columbia;

(g) Pays the application, examination and renewal fees in the same manner as a person licensed pursuant to NRS 631.300; and

(h) Submits the statement required by NRS 631.225.

2. A person to whom a temporary license is issued pursuant to this section may:

(a) Practice dental hygiene for the duration of the temporary license; and

(b) Apply for a permanent license to practice dental hygiene without a ~~practical~~ *clinical* examination required by NRS 631.300 if:

(1) The person has held a temporary license to practice dental hygiene issued pursuant to this section for at least 2 years; and

(2) The person has not been involved in any disciplinary action during the time he has held a temporary license issued pursuant to this section.

3. The Board shall examine each applicant in writing concerning the contents and interpretation of this chapter and the regulations of the Board.

4. The Board shall not, on or after July 1, 2006, issue any additional temporary licenses to practice dental hygiene pursuant to this section.

5. Any person who, on July 1, 2006, holds a temporary license to practice dental hygiene issued pursuant to this section may, subject to the regulatory and disciplinary authority of the Board, practice dental hygiene under the temporary license until December 31, 2008, or until the person is qualified to apply for and is issued or denied a permanent license to practice dental hygiene in accordance with this section, whichever period is shorter.

6. The Board may revoke a temporary license at any time upon submission of substantial evidence to the Board that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 11. NRS 631.273 is hereby amended to read as follows:

631.273 1. ~~The~~ *Except as otherwise provided in this section, the* Board shall, without a ~~practical~~ *clinical* examination required by NRS 631.300, issue a temporary license to practice dental hygiene to a person who:

(a) Has a license to practice dental hygiene issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(b) Satisfies the requirements of NRS 631.290;

(c) Has practiced dental hygiene pursuant to the laws of another state or territory of the United States, or the District of Columbia, for at least 5 years immediately preceding the date that he applies for a temporary license;

(d) Has not had his license to practice dental hygiene revoked or suspended in this State, another state or territory of the United States, or the District of Columbia;

(e) Has not been denied a license to practice dental hygiene in this State, another state or territory of the United States, or the District of Columbia;

(f) Is not involved in or does not have pending a disciplinary action concerning his license to practice dental hygiene in this State, another state or territory of the United States, or the District of Columbia; and

(g) Pays the application, examination and renewal fees in the same manner as a person licensed pursuant to NRS 631.300.

2. A person to whom a temporary license is issued pursuant to this section may:

(a) Practice dental hygiene for the duration of the temporary license; and

(b) Apply for a permanent license to practice dental hygiene without a ~~practical~~ *clinical* examination required by NRS 631.300 if:

(1) The person has held a temporary license to practice dental hygiene issued pursuant to this section for at least 2 years; and

(2) The person has not been involved in any disciplinary action during the time he has held a temporary license issued pursuant to this section.

3. The Board shall examine each applicant in writing concerning the contents and interpretation of this chapter and the regulations of the Board.

4. The Board shall not, on or after July 1, 2006, issue any additional temporary licenses to practice dental hygiene pursuant to this section.

5. Any person who, on July 1, 2006, holds a temporary license to practice dental hygiene issued pursuant to this section may, subject to the regulatory and disciplinary authority of the Board, practice dental hygiene under the temporary license until December 31, 2008, or until the person is qualified to apply for and is issued or denied a permanent license to practice dental hygiene in accordance with this section, whichever period is shorter.

6. The Board may revoke a temporary license at any time upon submission of substantial evidence to the Board that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 12. NRS 631.274 is hereby amended to read as follows:

631.274 1. The Board shall, without a clinical examination required by NRS 631.240 or ~~a practical examination required by~~

~~NRS~~ 631.300, issue a restricted geographical license to practice dentistry or dental hygiene to a person if he meets the requirements of subsection 2 and:

(a) A board of county commissioners submits a request that the Board of Dental Examiners of Nevada waive the requirements of NRS 631.240 or 631.300 for any applicant intending to practice dentistry or dental hygiene in a rural area of a county in which dental or dental hygiene needs are underserved as that term is defined by the officer of rural health of the University of Nevada School of Medicine; ~~for~~

(b) *Two or more boards of county commissioners submit a joint request that the Board of Dental Examiners of Nevada waive the requirements of NRS 631.240 or 631.300 for any applicant intending to practice dentistry or dental hygiene in one or more rural areas within those counties in which dental or dental hygiene needs are underserved as that term is defined by the officer of rural health of the University of Nevada School of Medicine; or*

(c) The director of a federally qualified health center or a nonprofit clinic submits a request that the Board waive the requirements of NRS 631.240 or 631.300 for any applicant who has entered into a contract with a federally qualified health center or nonprofit clinic which treats underserved populations in Washoe County or Clark County.

2. A person may apply for a restricted geographical license if he:

(a) Has a license to practice dentistry or dental hygiene issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

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

(c) Pays the application, examination and renewal fees in the same manner as a person licensed pursuant to NRS 631.240 or 631.300; ~~and~~

(d) Submits the statement required by NRS 631.225 ~~to~~; and

(e) *Satisfies the requirements of NRS 631.230 or 631.290, as appropriate.*

3. The Board shall not issue a restricted geographical license to a person:

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

(b) Who has been refused a license to practice dentistry or dental hygiene; or

(c) Who is involved in or has pending a disciplinary action concerning his license to practice dentistry or dental hygiene,

↪ in this State, another state or territory of the United States, or the District of Columbia.

4. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

5. A person to whom a restricted geographical license is issued pursuant to this section:

(a) May practice dentistry or dental hygiene only in the county *or counties* which has requested the restricted geographical licensure pursuant to paragraph (a) *or (b)* of subsection 1.

(b) Shall not, for the duration of the restricted geographical license, engage in the private practice of dentistry or dental hygiene in this State or accept compensation for the practice of dentistry or dental hygiene except such compensation as may be paid to him by a federally qualified health center or nonprofit clinic pursuant to paragraph ~~[(b)]~~ (c) of subsection 1.

6. Within 7 days after the termination of his contract pursuant to paragraph ~~[(b)]~~ (c) of subsection 1, the holder of a restricted geographical license shall notify the Board of the termination, in writing, and surrender the restricted geographical license.

7. A person to whom a restricted geographical license was issued pursuant to this section may petition the Board for an unrestricted license without a clinical examination required by NRS 631.240 or ~~[a practical examination required by NRS]~~ 631.300 if the person:

(a) Has not had his license to practice dentistry or dental hygiene revoked or suspended in this State, another state or territory of the United States, or the District of Columbia;

(b) Has not been refused a license to practice dentistry or dental hygiene in this State, another state or territory of the United States, or the District of Columbia;

(c) Is not involved in or does not have pending a disciplinary action concerning his license to practice dentistry or dental hygiene in this State, another state or territory of the United States, or the District of Columbia; and

(d) Has:

(1) Actively practiced dentistry or dental hygiene for 3 years at a minimum of 30 hours per week in the *county or counties which requested the* restricted geographical ~~[area:]~~ *licensure pursuant to paragraph (a) or (b) of subsection 1;* or

(2) Been under contract with a federally qualified health center or nonprofit clinic for a minimum of 3 years.

8. The Board ~~[shall]~~ *may* revoke a restricted geographical license at any time upon ~~[proof-satisfactory]~~ *submission of substantial evidence* to the Board that the holder of the license

violated any provision of this ~~[section]~~ *chapter* or the regulations of the Board.

Sec. 13. NRS 631.274 is hereby amended to read as follows:

631.274 1. The Board shall, without a clinical examination required by NRS 631.240 or ~~[a practical examination required by NRS]~~ 631.300, issue a restricted geographical license to practice dentistry or dental hygiene to a person if he meets the requirements of subsection 2 and:

(a) A board of county commissioners submits a request that the Board of Dental Examiners of Nevada waive the requirements of NRS 631.240 or 631.300 for any applicant intending to practice dentistry or dental hygiene in a rural area of a county in which dental or dental hygiene needs are underserved as that term is defined by the officer of rural health of the University of Nevada School of Medicine; ~~[or]~~

(b) *Two or more boards of county commissioners submit a joint request that the Board of Dental Examiners of Nevada waive the requirements of NRS 631.240 or 631.300 for any applicant intending to practice dentistry or dental hygiene in one or more rural areas within those counties in which dental or dental hygiene needs are underserved as that term is defined by the officer of rural health of the University of Nevada School of Medicine; or*

(c) The director of a federally qualified health center or a nonprofit clinic submits a request that the Board waive the requirements of NRS 631.240 or 631.300 for any applicant who has entered into a contract with a federally qualified health center or nonprofit clinic which treats underserved populations in Washoe County or Clark County.

2. A person may apply for a restricted geographical license if he:

(a) Has a license to practice dentistry or dental hygiene issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(b) Is otherwise qualified for a license to practice dentistry or dental hygiene in this State; ~~[and]~~


(c) Pays the application, examination and renewal fees in the same manner as a person licensed pursuant to NRS 631.240 or 631.300 ~~[]~~; *and*

(d) *Satisfies the requirements of NRS 631.230 or 631.290, as appropriate.*

3. The Board shall not issue a restricted geographical license to a person:

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

(b) Who has been refused a license to practice dentistry or dental hygiene; or

(c) Who is involved in or has pending a disciplinary action concerning his license to practice dentistry or dental hygiene,  in this State, another state or territory of the United States, or the District of Columbia.

4. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

5. A person to whom a restricted geographical license is issued pursuant to this section:

(a) May practice dentistry or dental hygiene only in the county *or counties* which ~~has~~ requested the restricted geographical licensure pursuant to paragraph (a) *or (b)* of subsection 1.

(b) Shall not, for the duration of the restricted geographical license, engage in the private practice of dentistry or dental hygiene in this State or accept compensation for the practice of dentistry or dental hygiene except such compensation as may be paid to him by a federally qualified health center or nonprofit clinic pursuant to paragraph ~~(b)~~ (c) of subsection 1.

6. Within 7 days after the termination of his contract pursuant to paragraph ~~(b)~~ (c) of subsection 1, the holder of a restricted geographical license shall notify the Board of the termination, in writing, and surrender the restricted geographical license.

7. A person to whom a restricted geographical license was issued pursuant to this section may petition the Board for an unrestricted license without a clinical examination required by NRS 631.240 or ~~the practical examination required by NRS~~ 631.300 if the person:

(a) Has not had his license to practice dentistry or dental hygiene revoked or suspended in this State, another state or territory of the United States, or the District of Columbia;

(b) Has not been refused a license to practice dentistry or dental hygiene in this State, another state or territory of the United States, or the District of Columbia;

(c) Is not involved in or does not have pending a disciplinary action concerning his license to practice dentistry or dental hygiene in this State, another state or territory of the United States, or the District of Columbia; and

(d) Has:

(1) Actively practiced dentistry or dental hygiene for 3 years at a minimum of 30 hours per week in the *county or counties which requested the* restricted geographical ~~area~~ *licensure pursuant to paragraph (a) or (b) of subsection 1;* or

(2) Been under contract with a federally qualified health center or nonprofit clinic for a minimum of 3 years.

8. The Board ~~[shall]~~ *may* revoke a restricted geographical license at any time upon ~~[proof-satisfactory]~~ *submission of substantial evidence* to the Board that the holder of the license violated any provision of this ~~[section]~~ *chapter* or the regulations of the Board.

Sec. 14. 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 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 ~~[; and]~~ *;*

(d) Satisfies the requirements of NRS 631.230.

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; 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 restricted license expires 1 year after its date of issuance and may be renewed on or before the date of its expiration, unless the holder no longer satisfies the requirements for the restricted license. The holder of a restricted license may, upon compliance with the applicable requirements set forth in NRS 631.330 and the*

completion of a review conducted at the discretion of the Board, be granted a renewal certificate that authorizes the continuation of practice pursuant to the restricted license for 1 year.

5. 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-]~~ 6. The Board may revoke a restricted license at any time ~~[.]~~ *upon submission of substantial evidence to the Board that the holder of the license violated any provision of this chapter or the regulations of the Board.*

Sec. 15. NRS 631.290 is hereby amended to read as follows:

631.290 1. Any person is eligible to 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]~~ *program* of dental hygiene ~~for other institution that awards at least an associate degree upon completion of the program and that~~ *from an institution which* 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. 16. NRS 631.300 is hereby amended to read as follows:

631.300 1. Any person desiring to obtain a license to practice dental hygiene, after having complied with the regulations of the Board to determine eligibility ~~[, must be examined]~~ :

(a) *Must pass a written examination given* by the Board upon such subjects as the Board deems necessary *for the practice of dental hygiene or must present a certificate granted by the Joint Commission on National Dental Examinations which contains a notation that the applicant has passed the National Board Dental Hygiene Examination with a score of at least 75;* and ~~[, except]~~

(b) *Except* as otherwise provided in ~~[NRS 631.271 and 631.274, be given a practical]~~ *this chapter, must:*

(1) Successfully complete a clinical examination in dental hygiene ~~[-, including,]~~ given by the Board which examines the applicant's practical knowledge of dental hygiene and which includes, but is not limited to, demonstrations in the removal of deposits from, and the polishing of, the exposed surface of the teeth ~~[-]; or~~

(2) Present to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the applicant has passed, within the 5 years immediately preceding the date of the application, a clinical examination administered by the Western Regional Examining Board.

2. The *clinical examination given by the Board* must ~~[be:]~~ *include components that are:*

(a) Written ~~[-]~~ *or* oral, or a combination of both; and

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

3. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

4. ~~In lieu of the written examination which may be required by subsection 2, the Board shall recognize a certificate from the Joint Commission on National Dental Examinations which contains a notation that the applicant has passed the National Board Dental Hygiene Examination with a score of at least 75.] All persons who have satisfied the requirements for licensure as a dental hygienist must be registered as licensed dental hygienists on the board register, as provided in this chapter, and are entitled to receive a certificate of registration, signed by all members of the Board.~~

Sec. 17. NRS 631.330 is hereby amended to read as follows:

631.330 1. Licenses *issued pursuant to NRS 631.271 and 631.275* must be renewed annually. *All other licenses must be renewed biennially.*

2. Except as otherwise provided in NRS 631.271 ~~[-]~~ *and 631.275:*

(a) Each holder of a license to practice dentistry or dental hygiene must, upon:

(1) Submission of the statement required pursuant to NRS 631.225;

(2) Payment of the required fee; and

(3) Submission of proof of completion of the required continuing education,

➔ be granted a renewal certificate which will authorize continuation of the practice for ~~[-year:]~~ *2 years.*

(b) A licensee must comply with the provisions of this subsection and subsection 1 on or before June 30. Failure to comply with those provisions by June 30 ~~[of each year]~~ *every 2 years*

automatically suspends the license, and it may be reinstated only upon payment of the fee for reinstatement and compliance with the requirements of this subsection.

3. If a license suspended pursuant to this section is not reinstated within 12 months after suspension, it is automatically revoked.

Sec. 18. NRS 631.330 is hereby amended to read as follows:

631.330 1. Licenses *issued pursuant to NRS 631.271 and 631.275* must be renewed annually. *All other licenses must be renewed biennially.*

2. Except as otherwise provided in NRS 631.271 ~~and 631.275~~:

(a) Each holder of a license to practice dentistry or dental hygiene must, upon payment of the required fee and submission of proof of completion of the required continuing education, be granted a renewal certificate which will authorize continuation of the practice for ~~1 year~~ *2 years*.

(b) The ~~annual~~ *biennial* renewal fee must be paid, and proof of continuing education submitted on or before June 30. Failure to pay the fee or submit the proof to the board by June 30 ~~of each year~~ *every 2 years* automatically suspends the license and it may be reinstated only upon payment of the fee for reinstatement in addition to the ~~annual~~ *biennial* fee due and submission of proof of the required continuing education.

3. If a license suspended pursuant to this section is not reinstated within 12 months after suspension, it is automatically revoked.

Sec. 19. NRS 631.345 is hereby amended to read as follows:

631.345 1. The Board shall by regulation establish fees for the performance of the duties imposed upon it by this chapter which must not exceed the following amounts:

Examination <i>Application</i> fee for a <i>an initial</i>	
license to practice dentistry.....	[\$750] <i>\$1,500</i>
Examination <i>Application</i> fee for a <i>an initial</i>	
license to practice dental hygiene	150 <i>750</i>
Application fee for a specialist <i>specialist's</i>	
license <i>to practice dentistry</i>	125 <i>300</i>
Application fee for a limited <i>license</i> or	
restricted license <i>to practice dentistry or</i>	
<i>dental hygiene</i>	125 <i>300</i>
Application and examination fee for a permit	
to administer general anesthesia, conscious	
sedation or deep sedation.	500 <i>750</i>

Fee for any reinspection required by the Board to maintain a permit to administer general anesthesia, conscious sedation or deep sedation	[250] \$500
[Annual] <i>Biennial</i> renewal fee for a permit to administer general anesthesia, conscious sedation or deep sedation	[\$100] 600
Fee for the inspection of a facility required by the Board to renew a permit to administer general anesthesia, conscious sedation or deep sedation.....	[100] 350
[Annual] <i>Biennial</i> license renewal fee for a general [dentist or specialist] <i>license, specialist's license, temporary license or restricted geographical license to practice dentistry</i>	[300] 1,000
<i>Annual license renewal fee for a limited license or restricted license to practice dentistry</i>	300
[Annual] <i>Biennial</i> license renewal fee for a <i>general license, temporary license or restricted geographical license to practice dental</i> [hygienist] <i>hygiene</i>	[150] 600
Annual license renewal fee for a limited license <i>to practice dental hygiene</i>	[100] 300
[Annual] <i>Biennial</i> license renewal fee for an inactive dentist	[100] 400
[Annual] <i>Biennial</i> license renewal fee for a retired or disabled dentist.....	[25] 100
[Annual] <i>Biennial</i> license renewal fee for an inactive dental hygienist	[25] 200
[Annual] <i>Biennial</i> license renewal fee for a retired or disabled dental hygienist	[25] 100
Reinstatement fee for a suspended license to practice dentistry or dental hygiene	[200] 500
Reinstatement fee for a revoked license to practice dentistry or dental hygiene	500
Reinstatement fee to return an inactive, retired or disabled dentist or dental hygienist to active status	[200] 500
Fee for the certification of a license	50

2. Except as otherwise provided in this subsection, the Board shall charge a fee to review a course of continuing education for accreditation. The fee must not exceed \$150 per credit hour of the proposed course. The Board shall not charge a nonprofit

organization or an agency of the State or of a political subdivision of the State a fee to review a course of continuing education.

3. All fees prescribed in this section are payable in advance and must not be refunded.

Sec. 20. NRS 631.350 is hereby amended to read as follows:

631.350 1. Except as otherwise provided in NRS 631.271 and 631.347, the Board may:

- (a) Refuse to issue a license to any person;
- (b) Revoke or suspend the license or renewal certificate issued by it to any person;
- (c) Fine a person it has licensed;
- (d) Place a person on probation for a specified period on any conditions the Board may order;
- (e) Issue a public reprimand to a person;
- (f) Limit a person's practice to certain branches of dentistry;
- (g) Require a person to participate in a program to correct alcohol or drug abuse or any other impairment;
- (h) Require that a person's practice be supervised;
- (i) Require a person to perform community service without compensation;
- (j) Require a person to take a physical or mental examination or an examination of his competence;
- (k) Require a person to fulfill certain training or educational requirements;
- (l) Require a person to reimburse a patient; or
- (m) Any combination thereof,

→ upon ~~[proof-satisfactory]~~ *submission of substantial evidence* to the Board that the person has engaged in any of the activities listed in subsection 2.

2. The following activities may be punished as provided in subsection 1:

- (a) Engaging in the illegal practice of dentistry or dental hygiene;
- (b) Engaging in unprofessional conduct; or
- (c) Violating any regulations adopted by the Board or the provisions of this chapter.

3. The Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines therefor and deposit the money therefrom in banks, credit unions or savings and loan associations in this State.

4. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 3 and the Board deposits the money collected from the imposition of fines with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the

Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

5. The Board shall not administer a private reprimand.

6. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 21. Section 34 of chapter 89, Statutes of Nevada 2003, at page 522, is hereby amended to read as follows:

Sec. 34. 1. This section and sections 1 to 30, inclusive, and 33 of this act become effective on October 1, 2003.

2. Section 2 of this act expires by limitation ~~{on September 30, 2005, or}~~ on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

↪ are repealed by the Congress of the United States . ~~{~~ ~~whichever occurs first.~~

3. Section 31 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

↪ are repealed by the Congress of the United States . ~~{~~ ~~and expires by limitation on September 30, 2005.~~

~~—4. Section 32 of this act becomes effective on October 1, 2005.~~

Sec. 22. Section 32 of chapter 89, Statutes of Nevada 2003, at page 522 is hereby repealed.

Sec. 23. Any person who has applied for a permanent license to practice dental hygiene pursuant to chapter 631 of NRS and whose application is pending on July 1, 2005, must be issued a permanent license to practice dental hygiene if the person meets either the requirements for the issuance of the license in effect

before the enactment of this act or the requirements for the issuance of the license in effect after the enactment of this act.

Sec. 24. 1. This section and sections 17 and 19 of this act become effective upon passage and approval.

2. Sections 1 to 5, inclusive, 7, 8, 10, 12, 14, 15, 16 and 20 to 23, inclusive, of this act become effective on July 1, 2005.

3. Sections 5, 8, 10, 12 and 17 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

↪ are repealed by the Congress of the United States.

4. Sections 6, 9, 11, 13 and 18 of this act become effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

↪ are repealed by the Congress of the United States.

