

SENATE BILL NO. 85—SENATOR CARLTON

FEBRUARY 21, 2005

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing practice of dentistry.
(BDR 54-179)

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

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to dentistry; revising provisions governing the examination of applicants for a permanent license to practice dentistry; revising provisions governing the issuance of a temporary license to practice dentistry; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, an applicant for a license to practice dentistry must pass an examination which examines the applicant's practical knowledge of dentistry and which includes clinical demonstrations of the applicant's dentistry skills. This examination is administered by the Board of Dental Examiners of Nevada. (NRS 631.240)

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 authorizes the Board to issue temporary licenses to practice dentistry to persons who are licensed in another jurisdiction and who meet certain additional qualifications. This provision is set to expire by limitation on September 30, 2005. (NRS 631.272; Section 12 of Chapter 340, Statutes of Nevada 2001, at page 1614)

This bill removes the expiration date for the issuance of 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.



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

Section 1. 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 ~~[, must:~~

~~—(a) Present]:~~

(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) [Be—examined] Except as otherwise provided in this chapter, must:

(1) Successfully complete a clinical examination given by the Board ~~[on]~~ *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. ~~[Except as otherwise provided in NRS 631.255, 631.271, 631.272 and 631.274, the examination required by paragraph (b) of subsection 1 must include clinical demonstrations of the applicant's skill in dentistry.~~

~~—4.]~~ All persons who ~~[present the appropriate certificate and successfully complete the examination]~~ *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 members of the Board who are dentists.

Sec. 2. NRS 631.255 is hereby amended to read as follows:

631.255 1. The Board may, without a clinical ~~[demonstration]~~ *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.

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 revoke a specialist's license at any time upon proof satisfactory to the Board that the holder of the license violated any provision of this section or the regulations of the Board.

Sec. 3. NRS 631.255 is hereby amended to read as follows:

631.255 1. The Board may, without a clinical ~~demonstration~~ 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.

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 revoke a specialist's license at any time upon proof satisfactory to the Board that the holder of the license violated any provision of this section or the regulations of the Board.

Sec. 4. NRS 631.271 is hereby amended to read as follows:

631.271 1. The Board shall, without a clinical ~~demonstration~~ 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.

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



1 a dental intern, dental resident or instructor of dentistry or dental
2 hygiene.

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

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

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

17 **Sec. 5.** NRS 631.272 is hereby amended to read as follows:

18 631.272 1. ~~[The]~~ *Except as otherwise provided in this*
19 *section, the* Board shall, without a clinical ~~[demonstration]~~
20 *examination* required by NRS 631.240, issue a temporary license to
21 practice dentistry to a person who:

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

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

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

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

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

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

40 (g) Submits the statement required by NRS 631.225.

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

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



(b) Apply for a permanent license to practice dentistry without a clinical ~~[demonstration]~~ *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.

Sec. 6. NRS 631.272 is hereby amended to read as follows:

631.272 1. ~~[The]~~ *Except as otherwise provided in this section, the* Board shall, without a clinical ~~[demonstration]~~ *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.

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 ~~[demonstration]~~ 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.

Sec. 7. NRS 631.274 is hereby amended to read as follows:

631.274 1. The Board shall, without a clinical ~~[demonstration]~~ 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) 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:



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

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

6 (c) Pays the application, examination and renewal fees in the
7 same manner as a person licensed pursuant to NRS 631.240 or
8 631.300; and

9 (d) Submits the statement required by NRS 631.225.

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

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

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

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

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

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

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

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

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

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

43 (a) Has not had his license to practice dentistry or dental hygiene
44 revoked or suspended in this State, another state or territory of the
45 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 restricted geographical area; or

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

8. The Board shall revoke a restricted geographical license at any time upon proof satisfactory to the Board that the holder of the license violated any provision of this section or the regulations of the Board.

Sec. 8. NRS 631.274 is hereby amended to read as follows:

631.274 1. The Board shall, without a clinical ~~demonstration~~ 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) 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.

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 which has requested the restricted geographical licensure pursuant to paragraph (a) 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) of subsection 1.

6. Within 7 days after the termination of his contract pursuant to paragraph (b) 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 ~~demonstration~~ 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



1 in this State, another state or territory of the United States, or the
2 District of Columbia; and

3 (d) Has:

4 (1) Actively practiced dentistry or dental hygiene for 3 years
5 at a minimum of 30 hours per week in the restricted geographical
6 area; or

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

9 8. The Board shall revoke a restricted geographical license at
10 any time upon proof satisfactory to the Board that the holder of the
11 license violated any provision of this section or the regulations of
12 the Board.

13 **Sec. 9.** Section 12 of chapter 340, Statutes of Nevada 2001, as
14 last amended by chapter 2, Statutes of Nevada 2003, at page 66, is
15 hereby amended to read as follows:

16 Sec. 12. 1. This section and sections 1 to 5, inclusive,
17 7, 7.5 and 8 of this act become effective on October 1, 2001.

18 2. ~~[Section 6 of this act becomes effective on October 1,~~
19 ~~2005.~~

20 ~~—3.1~~ Sections 9, 10 and 11 of this act become effective on
21 the date on which the provisions of 42 U.S.C. § 666 requiring
22 each state to establish procedures under which the state has
23 authority to withhold or suspend, or to restrict the use of
24 professional, occupational and recreational licenses of
25 persons who:

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

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

32 ➤ are repealed by the Congress of the United States.

33 ~~[4. Section 2 of this act expires by limitation on~~
34 ~~September 30, 2005.~~

35 ~~—5. Section 9 of this act becomes effective on the date on~~
36 ~~which the provisions of 42 U.S.C. § 666 requiring each state~~
37 ~~to establish procedures under which the state has authority to~~
38 ~~withhold or suspend, or to restrict the use of professional,~~
39 ~~occupational and recreational licenses of persons who:~~

40 ~~—(a) Have failed to comply with a subpoena or warrant~~
41 ~~relating to a procedure to determine the paternity of a child or~~
42 ~~to establish or enforce an obligation for the support of a child;~~
43 ~~or~~

44 ~~—(b) Are in arrears in the payment for the support of one or~~
45 ~~more children;~~



~~↪ are repealed by the Congress of the United States only if that date occurs before September 30, 2005. If section 9 of this act becomes effective, that section expires by limitation on September 30, 2005.]~~

Sec. 10. Section 6 of chapter 340, Statutes of Nevada 2001, at page 1610, is hereby repealed.

Sec. 11. Any person who has applied for a permanent license to practice dentistry pursuant to chapter 631 of NRS and whose application is pending on July 1, 2005, must be issued a permanent license to practice dentistry 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. 12. 1. This section and sections 1, 2, 4, 5, 7, 9, 10 and 11 of this act become effective on July 1, 2005.

2. Sections 2, 5 and 7 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.

3. Sections 3, 6 and 8 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.



TEXT OF REPEALED SECTION

Section 6 of chapter 340, Statutes of Nevada 2001:

Sec. 6. 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, must:

(a) 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) Be examined by the board on the applicant's practical knowledge of dentistry.

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

3. Except as otherwise provided in NRS 631.271 and sections ~~[2,]~~ 3 and 4 of this act, the examination required by paragraph (b) of subsection 1 must include clinical demonstrations of the applicant's skill in dentistry.

4. All persons who present the appropriate certificate and successfully complete the examination 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 members of the board who are dentists.



