

## Amendment No. 128

Senate Amendment to Senate Bill No. 265

(BDR 54-1184)

**Proposed by:** Senate Committee on Commerce and Labor**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date		SENATE ACTION				Initial and Date	
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____		Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold* is newly added transitory language.

RRY



Date: 4/21/2007

S.B. No. 265—Revises provisions relating to dentistry and dental hygiene.

(BDR 54-1184)



SENATE BILL NO. 265—SENATOR CARLTON  
(BY REQUEST)

MARCH 12, 2007

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to dentistry and dental hygiene.  
(BDR 54-1184)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for  
Term of Imprisonment in County or City Jail or Detention  
Facility.  
Effect on the State: Yes.

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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 dentistry; ~~increasing the maximum salary a member of the Board of Dental Examiners of Nevada is entitled to receive for each day he is engaged in the business of the Board;~~ authorizing the Executive Director and the members of the Board to issue subpoenas; revising the requirements for the issuance of a permanent license for an applicant who holds a temporary license; eliminating the requirement that the Board meet at least annually to examine applicants for licenses; providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

**Section 1** of this bill removes the requirement that the Board of Dental Examiners of Nevada meet at least once each year to examine applicants for licenses ~~[Section 2 of this bill increases the maximum salary a member of the Board of Dental Examiners of Nevada is entitled to receive for each day he is engaged in the business of the Board.]~~ **and removes the requirement that examinations be conducted by members of the Board or its appointees.** **Section 3** of this bill requires a person who applies for a license without examination to file an application at least 45 days before the Board is scheduled to take action on the application. **Section 4 of this bill specifies that an applicant for a license to practice dentistry must pass a clinical examination approved by the Board and the American Board of Dental Examiners.** **Sections 4 and 5 and 6** of this bill eliminate the requirement that a person who holds a temporary license and wishes to apply for a permanent license must not have been involved in any disciplinary action during the period he held the temporary license. **Section 7 of this bill authorizes the Executive Director and any member of the Board to issue subpoenas.** **Section 8 of this bill prohibits a dentist from practicing dentistry in a manner or place that is not permitted by the provisions of chapter 631 of NRS.** **Section 8 also provides that a first or second offense is a gross misdemeanor and a third or subsequent offense is a category D felony.**

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

**Section 1.** NRS 631.170 is hereby amended to read as follows:

631.170 1. The Board shall meet ~~at least once annually~~ *whenever necessary* to examine applicants. The dates of the examinations must be fixed by the Board. The Board may conduct examinations outside ~~of~~ this State, and for this purpose may use the facilities of dental colleges ~~. [but all examinations must be conducted by members of the Board or examiners appointed by the Board.]~~

2. The Board may also meet at such other times and places and for such other purposes as it may deem proper.

3. A quorum consists of five members who are dentists and two members who are dental hygienists.

Sec. 2. ~~NRS 631.180 is hereby amended to read as follows:~~

~~631.180 1. Each member of the Board is entitled to receive:~~

~~(a) A salary of not more than \$80 \$150 per day as fixed by the Board, while engaged in the business of the Board; and~~

~~(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.~~

~~2. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.~~

~~3. The Board shall deposit in banks, credit unions or savings and loan associations in this State all fees which it receives.~~

~~4. All expenses of the Board must be paid from the fees received by the Board, and no part thereof may be paid from the State General Fund.] (Deleted by amendment.)~~

**Sec. 3.** NRS 631.220 is hereby amended to read as follows:

631.220 1. Every applicant for a license to practice dental hygiene or dentistry, or any of its special branches, ~~shall~~ *must*:

(a) File an application with the Board *at least* 45 days before ~~the~~ :

*(1) The date on which the examination is to be given [;] ; or*

*(2) If an examination is not required for the issuance of a license, the date on which the Board is scheduled to take action on the application.*

(b) Accompany the application with a recent photograph of himself together with the required ~~examination~~ fee and such other documentation as the Board may require by regulation.

(c) Submit with the application a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

2. An application must include all information required to complete the application.

**Sec. 4.** *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~~ pass a clinical examination ~~given~~ approved by the Board ~~[which examines the applicant's practical knowledge of dentistry and which includes demonstrations of the applicant's skill in dentistry;]~~ and the American Board of Dental Examiners; 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 all members of the Board.

~~[Sec. 4.]~~ **Sec. 5.** 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;

(g) Submits all information required to complete an application for a license; 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~~ 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

1 until December 31, 2008, or until the person is qualified to apply for and is issued  
2 or denied a permanent license to practice dentistry in accordance with this section,  
3 whichever period is shorter.

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

7 ~~[Sec. 5.]~~ **Sec. 6.** NRS 631.273 is hereby amended to read as follows:

8 631.273 1. Except as otherwise provided in this section, the Board shall,  
9 without a clinical examination required by NRS 631.300, issue a temporary license  
10 to practice dental hygiene to a person who:

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

13 (b) Satisfies the requirements of NRS 631.290;

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

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

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

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

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

26 (h) Submits all information required to complete an application for a license.

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

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

30 (b) Apply for a permanent license to practice dental hygiene without a clinical  
31 examination required by NRS 631.300 if ~~[-]~~

32 ~~—(1) The] the~~ person has held a temporary license to practice dental hygiene  
33 issued pursuant to this section for at least 2 years. ~~[-] and~~

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

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

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

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

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

49 ~~[Sec. 6.]~~ **Sec. 7.** NRS 631.360 is hereby amended to read as follows:

50 631.360 1. The Board may, upon its own motion, and shall, upon the  
51 verified complaint in writing of any person setting forth facts which, if proven,  
52 would constitute grounds for refusal, suspension or revocation of a license or

1 certificate under this chapter, investigate the actions of any person holding a  
2 certificate.

3 2. The Board shall, before refusing to issue, or before suspending or revoking  
4 any certificate, at least 10 days before the date set for the hearing, notify in writing  
5 the applicant or the holder of the certificate of any charges made. The notice may  
6 be served by delivery of it personally to the accused person or by mailing it by  
7 registered or certified mail to the place of business last specified by the accused  
8 person, as registered with the Board.

9 3. At the time and place fixed in the notice, the Board shall proceed to hear  
10 the charges. If the Board receives a report pursuant to subsection 5 of NRS  
11 228.420, a hearing must be held within 30 days after receiving the report.

12 4. The Board, *any member thereof or the Executive Director* may compel  
13 the attendance of witnesses or the production of documents or objects by subpoena.  
14 Any person who is subpoenaed ~~[by the Board]~~ *pursuant to this subsection* may  
15 request the Board to modify the terms of the subpoena or grant additional time for  
16 compliance.

17 5. The Board may obtain a search warrant from a magistrate upon a showing  
18 that the warrant is needed for an investigation or hearing being conducted by the  
19 Board and that reasonable cause exists to issue the warrant.

20 6. If the Board is not sitting at the time and place fixed in the notice, or at the  
21 time and place to which the hearing has been continued, the Board shall continue  
22 the hearing for a period not to exceed 30 days.

23 ~~[Sec. 7.]~~ *Sec. 8.* NRS 631.400 is hereby amended to read as follows:

24 631.400 1. A person who engages in the illegal practice of dentistry in this  
25 State ~~[or]~~ *is guilty of a category D felony and shall be punished as provided in*  
26 *NRS 193.130.*

27 2. *A person* who practices or offers to practice dental hygiene in this State  
28 without a license, or who, having a license, practices dental hygiene in a manner or  
29 place not permitted by the provisions of this chapter:

30 (a) If it is his first or second offense, is guilty of a gross misdemeanor.

31 (b) If it is his third or subsequent offense, is guilty of a category D felony and  
32 shall be punished as provided in NRS 193.130.

33 ~~[2.]~~ 3. ~~[A.]~~ *Unless a greater penalty is provided by specific statute, a person*  
34 *who is licensed to practice dentistry who practices dentistry in a manner or place*  
35 *not permitted by the provisions of this chapter:*

36 (a) *If it is his first or second offense, is guilty of a gross misdemeanor.*

37 (b) *If it is his third or subsequent offense, is guilty of a category D felony and*  
38 *shall be punished as provided in NRS 193.130.*

39 4. The Board may assign ~~[such]~~ a person *described in subsection 1, 2 or 3*  
40 *specific duties as a condition of renewing his license.*

41 ~~[3.—Whenever]~~

42 5. *If* a person has engaged or is about to engage in any acts or practices which  
43 constitute or will constitute an offense against this chapter, the district court of any  
44 county, on application of the Board, may issue an injunction or other appropriate  
45 order restraining the conduct. Proceedings under this subsection are governed by  
46 Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking  
47 is required in any action commenced by the Board.