

ASSEMBLY BILL NO. 314—ASSEMBLYMEN WOODBURY, HARDY, OCEGUERA, OHRENSCHALL; AIZLEY, ATKINSON, BOBZIEN, BUCKLEY, CARPENTER, CHRISTENSEN, COBB, CONKLIN, GANSERT, GOEDHART, GOICOECHEA, GRADY, GUSTAVSON, HAMBRICK, KIHUEN, KIRKPATRICK, MANENDO, MASTROLUCA, MCARTHUR, MUNFORD, PARNELL, SETTELMAYER, SPIEGEL AND STEWART

MARCH 12, 2009

JOINT SPONSORS: SENATORS WIENER, CARLTON;
COPENING, HARDY AND PARKS

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes to provisions governing the practice of dentistry. (BDR 54-878)

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

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

AN ACT relating to dentistry; authorizing the Board of Dental Examiners of Nevada to issue a limited license to supervise certain courses of continuing education involving live patients; authorizing students to participate in such courses of continuing education under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 **Section 1** of this bill allows a person who has received a degree in dentistry
2 from an accredited program to receive a limited license to supervise certain courses
3 of continuing education involving live patients. A limited license issued under
4 **section 1** expires 1 year after being issued and may be renewed annually. **Section 1**
5 also: (1) authorizes the Board of Dental Examiners of Nevada to charge a fee for
6 the issuance or renewal of the limited license; (2) authorizes the Board to suspend
7 or revoke the limited license under certain circumstances; and (3) imposes a duty
8 upon the holder of the limited license to report certain events to the Board.



Section 2 of this bill provides that NRS 631.215 does not prevent a dentist who is licensed in another state or country from participating in a course of postgraduate continuing education in dentistry supervised by the holder of a limited license issued pursuant to **section 1** under certain circumstances.

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

Section 1. Chapter 631 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board shall, without a clinical examination required by NRS 631.240 or 631.300, issue a limited license to a person to supervise courses of continuing education involving live patients at an institute or organization with a permanent facility registered with the Board for the sole purpose of providing postgraduate continuing education in dentistry if the person 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.

2. A limited license issued pursuant to this section expires 1 year after the date of its issuance and may be renewed annually upon submission of proof acceptable to the Board of compliance with subsection 1 and payment of any fee required pursuant to subsection 3.

3. The Board may impose a fee of not more than \$100 for the issuance and each renewal of a limited license issued pursuant to this section.

4. A limited license issued pursuant to this section may be suspended or revoked by the Board if the holder of the limited license:

(a) Has had his license to practice dentistry suspended, revoked or placed on probation in another state, territory or possession of the United States, the District of Columbia or a foreign country;

(b) Has been convicted of a felony or misdemeanor involving moral turpitude; or

(c) Has a documented history of substance abuse.

5. A holder of a limited license issued pursuant to this section shall notify the Board in writing by certified mail not later than 30 days after:

(a) The death of a patient being treated by a dentist under the supervision of the holder of a limited license;

(b) Any incident which:



(1) Results in the hospitalization of or a permanent physical or mental injury to a patient being treated by a dentist under the supervision of the holder of a limited license; and

(2) Occurs while the dentist is treating the patient under the supervision of the holder of a limited license; or

(c) Any event or circumstance described in subsection 4.

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, 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; 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:



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(a) Prevents a dental assistant, dental hygienist or 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.

(f) Prevents a person who is actively licensed as a dentist in another jurisdiction from treating a patient if:

(1) The patient has previously been treated by the dentist in the jurisdiction in which the dentist is licensed;

(2) The dentist treats the patient only during a course of continuing education involving live patients which:

(I) Is conducted at an institute or organization with a permanent facility registered with the Board for the sole purpose of providing postgraduate continuing education in dentistry; and

(II) Meets all applicable requirements for approval as a course of continuing education; and

(3) The dentist treats the patient only under the supervision of a person licensed pursuant to section 1 of this act.

Sec. 3. NRS 631.330 is hereby amended to read as follows:

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

2. Except as otherwise provided in NRS 631.271 and 631.275 *and section 1 of this act:*

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

(1) Payment of the required fee;

(2) Submission of proof of completion of the required continuing education; and

(3) Submission of all information required to complete the renewal,



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1 ➔ be granted a renewal certificate which will authorize continuation
2 of the practice for 2 years.

3 (b) A licensee must comply with the provisions of this
4 subsection and subsection 1 on or before June 30. Failure to comply
5 with those provisions by June 30 every 2 years automatically
6 suspends the license, and it may be reinstated only upon payment of
7 the fee for reinstatement and compliance with the requirements of
8 this subsection.

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

12 **Sec. 4.** NRS 631.345 is hereby amended to read as follows:

13 631.345 1. ~~{The}~~ *Except as otherwise provided in section 1*
14 *of this act, the* Board shall by regulation establish fees for the
15 performance of the duties imposed upon it by this chapter which
16 must not exceed the following amounts:

17		
18	Application fee for an initial license to practice	
19	dentistry.....	\$1,500
20	Application fee for an initial license to practice	
21	dental hygiene	750
22	Application fee for a specialist's license to practice	
23	dentistry.....	300
24	Application fee for a limited license or restricted	
25	license to practice dentistry or dental hygiene.....	300
26	Application and examination fee for a permit to	
27	administer general anesthesia, conscious sedation	
28	or deep sedation.	750
29	Fee for any reinspection required by the Board to	
30	maintain a permit to administer general	
31	anesthesia, conscious sedation or deep sedation.....	500
32	Biennial renewal fee for a permit to administer	
33	general anesthesia, conscious sedation or deep	
34	sedation	600
35	Fee for the inspection of a facility required by the	
36	Board to renew a permit to administer general	
37	anesthesia, conscious sedation or deep sedation.....	350
38	Biennial license renewal fee for a general license,	
39	specialist's license, temporary license or restricted	
40	geographical license to practice dentistry	1,000
41	Annual license renewal fee for a limited license or	
42	restricted license to practice dentistry.....	300
43	Biennial license renewal fee for a general license,	
44	temporary license or restricted geographical	
45	license to practice dental hygiene	600



1	Annual license renewal fee for a limited license to	
2	practice dental hygiene	\$300
3	Biennial license renewal fee for an inactive dentist.....	400
4	Biennial license renewal fee for a dentist who is	
5	retired or has a disability.....	100
6	Biennial license renewal fee for an inactive dental	
7	hygienist.....	200
8	Biennial license renewal fee for a dental hygienist	
9	who is retired or has a disability	100
10	Reinstatement fee for a suspended license to practice	
11	dentistry or dental hygiene.....	500
12	Reinstatement fee for a revoked license to practice	
13	dentistry or dental hygiene.....	500
14	Reinstatement fee to return a dentist or dental	
15	hygienist who is inactive, retired or has a	
16	disability to active status.....	500
17	Fee for the certification of a license	50

18
19 2. Except as otherwise provided in this subsection, the Board
20 shall charge a fee to review a course of continuing education for
21 accreditation. The fee must not exceed \$150 per credit hour of the
22 proposed course. The Board shall not charge a nonprofit
23 organization or an agency of the State or of a political subdivision of
24 the State a fee to review a course of continuing education.

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

27 **Sec. 5.** NRS 631.350 is hereby amended to read as follows:

28 631.350 1. Except as otherwise provided in NRS 631.271
29 and 631.347, *and section 1 of this act*, the Board may:

- 30 (a) Refuse to issue a license to any person;
31 (b) Revoke or suspend the license or renewal certificate issued
32 by it to any person;
33 (c) Fine a person it has licensed;
34 (d) Place a person on probation for a specified period on any
35 conditions the Board may order;
36 (e) Issue a public reprimand to a person;
37 (f) Limit a person's practice to certain branches of dentistry;
38 (g) Require a person to participate in a program to correct
39 alcohol or drug abuse or any other impairment;
40 (h) Require that a person's practice be supervised;
41 (i) Require a person to perform community service without
42 compensation;
43 (j) Require a person to take a physical or mental examination or
44 an examination of his competence;



1 (k) Require a person to fulfill certain training or educational
2 requirements;

3 (l) Require a person to reimburse a patient; or

4 (m) Any combination thereof,

5 upon submission of substantial evidence to the Board that the
6 person has engaged in any of the activities listed in subsection 2.

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

9 (a) Engaging in the illegal practice of dentistry or dental
10 hygiene;

11 (b) Engaging in unprofessional conduct; or

12 (c) Violating any regulations adopted by the Board or the
13 provisions of this chapter.

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

18 4. If a hearing officer or panel is not authorized to take
19 disciplinary action pursuant to subsection 3 and the Board deposits
20 the money collected from the imposition of fines with the State
21 Treasurer for credit to the State General Fund, it may present a
22 claim to the State Board of Examiners for recommendation to the
23 Interim Finance Committee if money is needed to pay attorney's
24 fees or the costs of an investigation, or both.

25 5. The Board shall not administer a private reprimand.

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

