

Amendment No. 765

Senate Amendment to Assembly Bill No. 314 First Reprint (BDR 54-878)

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

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of A.B. 314 (§§ 1, 3).

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 dashed underlining is newly added transitory language.

CAF/JRS



Date: 5/17/2009

A.B. No. 314—Makes various changes to provisions governing the practice of dentistry. (BDR 54-878)



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; **authorizing the Board to issue a specialist's license to a person who has completed the educational requirements for certification in a specialty under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

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

Existing law authorizes the Board to issue a specialist's license to a person without requiring the person to take the clinical examination required pursuant to NRS 631.240 if the person presents a current certification as a diplomate from a certifying board

approved by the Commission on Dental Accreditation of the American Dental Association and meets certain other qualifications. (NRS 631.255) Section 3 of this bill expands the authorization to include issuing a specialist's license to a person who has completed the educational requirements specified for qualification in a specialty area by a certifying board and who is eligible to be certified, so long as the person submits to the Board his certificate as a diplomate within 6 years after he is issued the specialist's license and maintains the certification while licensed as a specialist in this State.

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:

(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 631.255 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; or

(b) Has completed the educational requirements specified for certification in a specialty area by a certifying board approved by the Commission on Dental Accreditation of the American Dental Association and is recognized by the certifying board as being eligible for that certification. A person who is licensed as a specialist pursuant to the provisions of this paragraph:

(1) Shall submit to the Board his certificate as a diplomate from the certifying board within 6 years after licensure as a specialist; and

(2) Must maintain certification as a diplomate of the certifying board during the period in which the person is licensed as a specialist pursuant to this paragraph.

2. In addition to the requirements set forth in subsection 1, a person applying for a specialist's license:

(a) Must hold 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—~~ , or pursuant to the laws of this State, another state or territory of the United States, or the District of Columbia, if the person is applying pursuant to paragraph (b) of subsection 1;

(b) Must be a specialist as identified by the Board;

~~—(d) Pays—~~

(c) Shall pay the application, examination and renewal fees in the same manner as a person licensed pursuant to NRS 631.240;

~~—(e) Submits—~~

(d) Must submit all information required to complete an application for a license; and

~~—(f) Satisfies—~~

(e) Must satisfy the requirements of NRS 631.230.

~~2.3.~~ 3. 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.

~~2.4.~~ 4. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

~~2.5.~~ 5. A person to whom a specialist's license is issued pursuant to this section shall limit his practice to the specialty.

~~2.6.~~ 6. The Board may revoke a specialist's 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. 3.~~ **Sec. 4.** 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~~ *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,
 be granted a renewal certificate which will authorize continuation of the practice for 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 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. 4.~~ **Sec. 5.** NRS 631.345 is hereby amended to read as follows:
 631.345 1. ~~The~~ *Except as otherwise provided in section 1 of this act, 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:

Application fee for an initial license to practice dentistry	\$1,500
Application fee for an initial license to practice dental hygiene	750
Application fee for a specialist's license to practice dentistry	300
Application fee for a limited license or restricted license to practice dentistry or dental hygiene	300
Application and examination fee for a permit to administer general anesthesia, conscious sedation or deep sedation	750
Fee for any reinspection required by the Board to maintain a permit to administer general anesthesia, conscious sedation or deep sedation	500
Biennial renewal fee for a permit to administer general anesthesia, conscious sedation or deep sedation	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	350
Biennial license renewal fee for a general license, specialist's license, temporary license or restricted geographical license to practice dentistry	1,000
Annual license renewal fee for a limited license or restricted license to practice dentistry	300
Biennial license renewal fee for a general license, temporary license or restricted geographical license to practice dental hygiene	600
Annual license renewal fee for a limited license to practice dental hygiene	300
Biennial license renewal fee for an inactive dentist	400
Biennial license renewal fee for a dentist who is retired or has a disability	100

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

11
12 2. Except as otherwise provided in this subsection, the Board shall charge a
13 fee to review a course of continuing education for accreditation. The fee must not
14 exceed \$150 per credit hour of the proposed course. The Board shall not charge a
15 nonprofit organization or an agency of the State or of a political subdivision of the
16 State a fee to review a course of continuing education.

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

19 ~~[Sec. 5.]~~ **Sec. 6.** NRS 631.350 is hereby amended to read as follows:

20 631.350 1. Except as otherwise provided in NRS 631.271 and 631.347, *and*
21 *section 1 of this act*, the Board may:

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

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

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

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

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

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

- 1 Interim Finance Committee if money is needed to pay attorney's fees or the costs of
- 2 an investigation, or both.
- 3 5. The Board shall not administer a private reprimand.
- 4 6. An order that imposes discipline and the findings of fact and conclusions of
- 5 law supporting that order are public records.