

SENATE BILL NO. 228—SENATOR CARLTON

MARCH 13, 2009

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing the ownership or operation of a dental office or clinic. (BDR 54-651)

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 ownership or operation of a dental office or clinic by certain nonprofit corporations and other organizations under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the acts which constitute the practice of dentistry and a list of related acts which may be performed by persons not licensed by the Board of Dental Examiners of Nevada. (NRS 631.215) **Section 4** of this bill revises that list to provide that certain nonprofit corporations and health centers may own and operate dental offices or clinics under certain circumstances.

Section 2 of this bill provides that certain nonprofit corporations and health centers owning and operating dental offices or clinics must employ a licensed dentist as dental director and maintain certain records.

Section 3 of this bill provides that the ownership or operation of a dental office or clinic under certain circumstances does not constitute a violation of law or a cause for disciplinary action under chapter 631 of NRS.

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 the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *An entity that owns or operates a dental office or clinic as described in paragraph (f) of subsection 2 of NRS 631.215 must:*



1 1. Designate an actively licensed dentist as the dental director
2 of the dental office or clinic. The dental director shall have
3 responsibility for the clinical practice of dentistry at the dental
4 office or clinic, including, without limitation:

5 (a) Diagnosing or treating any of the diseases or lesions of the
6 oral cavity, teeth, gingiva or the supporting structures thereof.

7 (b) Administering or prescribing such remedies, medicinal or
8 otherwise, as are needed in the treatment of dental or oral
9 diseases.

10 (c) Determining:

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

13 (2) Which particular treatment is necessary or advisable.

14 (d) The overall quality of patient care that is rendered or
15 performed in the clinical practice of dentistry.

16 (e) Supervising dental hygienists, dental assistants and other
17 personnel involved in direct patient care and authorizing
18 procedures performed by the dental hygienists, dental assistants
19 and other personnel in accordance with the standards of
20 supervision established by law or regulations adopted pursuant
21 thereto.

22 (f) Providing any other specific services that are within the
23 scope of clinical dental practice.

24 (g) Retaining patient dental records as required by law and
25 regulations adopted by the Board.

26 (h) Ensuring that each patient receiving services from the
27 dental office or clinic has a dentist of record.

28 2. Maintain current records of the names of licensed dentists
29 who supervise the clinical activities of dental hygienists, dental
30 assistants or other personnel involved in direct patient care. The
31 records must be available to the Board upon written request.

32 **Sec. 3.** 1. It is not a violation of NRS 631.395 or an act of
33 dishonorable or unprofessional conduct under NRS 631.346 to
34 631.349, inclusive, for an entity to own or operate a dental office
35 or clinic as described in and operating in compliance with the
36 provisions of paragraph (f) of subsection 2 of NRS 631.215 and
37 section 2 of this act.

38 2. It is not a violation of NRS 631.346 for a dentist or a
39 professional entity organized by a dentist pursuant to the
40 provisions of chapter 89 of NRS to contract with an entity
41 described in and operating in compliance with the provisions of
42 paragraph (f) of subsection 2 of NRS 631.215 and section 2 of this
43 act.



Sec. 4. 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.



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(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) Prohibits the following entities from owning or operating a dental office or clinic if the entity complies with the provisions of section 2 of this act:

(1) A nonprofit corporation organized pursuant to the provisions of chapter 82 of NRS to provide dental services to rural areas and medically underserved populations of migrant or homeless persons or persons in rural communities pursuant to the provisions of 42 U.S.C. § 254b or 254c.

(2) A federally-qualified health center as defined in 42 U.S.C. § 1396d(l)(2)(B) operating in compliance with other applicable state and federal law.

(3) A nonprofit charitable corporation as described in section 501(c)(3) of the Internal Revenue Code and determined by the Board to be providing dental services by volunteer licensed dentists at no charge or at a substantially reduced charge to populations with limited access to dental care.

