

SENATE BILL NO. 295—SENATOR CARLTON

MARCH 16, 2009

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to dentistry.
(BDR 54-913)

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; providing certain exceptions from the list of persons deemed to be practicing dentistry; providing that certain acts are not precluded pursuant to the statutes governing dentistry; 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 5** of this bill revises that list to provide that a person may provide goods or services to a dental practice, office or clinic owned or operated by a licensed dentist or certain entities, with certain limitations.

Section 2 of this bill sets forth a list of certain acts which are not precluded by the provisions of chapter 631 of NRS, including certain management services and the ownership of certain assets used in a dental practice, office or clinic.

Section 3 of this bill provides that the contracting for, provision of and payment for goods or services to a dental practice, office or clinic under certain circumstances do not constitute violations of law or cause for disciplinary action under chapter 631 of NRS.

Section 4 of this bill requires a person who provides management services to a dental practice, office or clinic to register certain information with the Board.



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, 3 and 4 of this act.

Sec. 2. *Nothing in this chapter precludes a person or entity not licensed by the Board from:*

1. Owning or leasing any tangible or intangible assets used in a dental practice, office or clinic. These assets include, without limitation, real property, furnishings, equipment and inventory. These assets do not include patients' dental records as they relate to clinical care.

2. Employing or contracting for the services of personnel other than licensed dentists and hygienists.

3. Managing the business of a dental practice, office or clinic but not the clinical practice of dentistry.

Sec. 3. *1. It is not a violation of NRS 631.395, or an act of dishonorable or unprofessional conduct under NRS 631.346 to 631.349, inclusive, for a person described in paragraph (f) of subsection 2 of NRS 631.215 to provide, or receive payment for providing, goods or services in accordance with the conditions set forth in paragraph (f) of subsection 2 of NRS 631.215.*

2. It is not a violation of NRS 631.346 for a dentist or a professional entity organized by a dentist pursuant to the provisions of chapter 89 of NRS to contract with a person described in and operating in accordance with the conditions set forth in paragraph (f) of subsection 2 of NRS 631.215.

Sec. 4. *A person who manages the business of a dental practice, office or clinic shall register with the Board:*

1. The name and business address of the person;

2. The address of the dental practice, office or clinic of the business which the person manages; and

3. The names of the licensed dentist or other entity not prohibited from owning or operating a dental practice, office or clinic whose business the person manages.

Sec. 5. 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;



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- 1 (c) Diagnoses, professes to diagnose or treats or professes to
2 treat any of the diseases or lesions of the oral cavity, teeth, gingiva
3 or the supporting structures thereof;
- 4 (d) Extracts teeth;
- 5 (e) Corrects malpositions of the teeth or jaws;
- 6 (f) Takes impressions of the teeth, mouth or gums, unless the
7 person is authorized by the regulations of the Board to engage in
8 such activities without being a licensed dentist;
- 9 (g) Examines a person for, or supplies artificial teeth as
10 substitutes for natural teeth;
- 11 (h) Places in the mouth and adjusts or alters artificial teeth;
- 12 (i) Does any practice included in the clinical dental curricula of
13 accredited dental colleges or a residency program for those colleges;
- 14 (j) Administers or prescribes such remedies, medicinal or
15 otherwise, as are needed in the treatment of dental or oral diseases;
- 16 (k) Uses X-ray radiation or laser radiation for dental treatment
17 or dental diagnostic purposes, unless the person is authorized by the
18 regulations of the Board to engage in such activities without being a
19 licensed dentist;
- 20 (l) Determines:
 - 21 (1) Whether a particular treatment is necessary or advisable;
 - 22 or
 - 23 (2) Which particular treatment is necessary or advisable; or
- 24 (m) Dispenses tooth whitening agents or undertakes to whiten or
25 bleach teeth by any means or method, unless the person is:
 - 26 (1) Dispensing or using a product that may be purchased
27 over the counter for a person's own use; or
 - 28 (2) Authorized by the regulations of the Board to engage in
29 such activities without being a licensed dentist.
- 30 2. Nothing in this section:
 - 31 (a) Prevents a dental assistant, dental hygienist or qualified
32 technician from making radiograms or X-ray exposures or using
33 X-ray radiation or laser radiation for dental treatment or dental
34 diagnostic purposes upon the direction of a licensed dentist.
 - 35 (b) Prohibits the performance of mechanical work, on inanimate
36 objects only, by any person employed in or operating a dental
37 laboratory upon the written work authorization of a licensed dentist.
 - 38 (c) Prevents students from performing dental procedures that are
39 part of the curricula of an accredited dental school or college or an
40 accredited school of dental hygiene or an accredited school of dental
41 assisting.
 - 42 (d) Prevents a licensed dentist or dental hygienist from another
43 state or country from appearing as a clinician for demonstrating
44 certain methods of technical procedures before a dental society or



1 organization, convention or dental college or an accredited school of
2 dental hygiene or an accredited school of dental assisting.

3 (e) Prohibits the manufacturing of artificial teeth upon receipt of
4 a written authorization from a licensed dentist if the manufacturing
5 does not require direct contact with the patient.

6 (f) *Prohibits a person from providing goods or services to a*
7 *dental practice, office or clinic owned or operated by a licensed*
8 *dentist or any entity not prohibited from owning or operating a*
9 *dental practice, office or clinic if the person does not:*

10 (1) *Provide such goods or services in exchange for*
11 *payments based on a percentage or share of revenues of the dental*
12 *practice, office or clinic; or*

13 (2) *Exercise any authority or control over:*

14 (I) *The clinical judgment of a licensed dentist or relieve*
15 *a licensed dentist of responsibility for oversight of all clinical*
16 *aspects of the dental practice.*

17 (II) *The formation or approval of any contract for the*
18 *provision of dental services to a patient by a licensed dentist.*

19 (III) *The hiring or firing of licensed dentists or*
20 *hygienists or the material clinical terms of the relationship*
21 *between a licensed dentist and other licensed dentists or*
22 *hygienists.*

23 (IV) *The referrals by a licensed dentist to another*
24 *licensed dentist or place any restriction or limitation on referral of*
25 *patients to a specialist or any other practitioner a licensed dentist*
26 *determines is necessary.*

27 (V) *A licensed dentist's use of any type of procedure on*
28 *a patient or establishment of a treatment plan for a patient.*

29 (VI) *Patient records to the exclusion of the applicable*
30 *licensed dentist or the applicable patient.*

31 (VII) *A licensed dentist's schedule, including time spent*
32 *with any patient, or place conditions on the number of patients a*
33 *licensed dentist may see in a period of time.*

