

## Amendment No. 273

Assembly Amendment to Assembly Bill No. 324 (BDR 54-938)

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

Adoption of this amendment will ADD a 2/3s majority vote requirement for final passage of A.B. 324 (§§ 5, 6, 15.5).

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 underlining* is newly added transitory language.

MSN/TMC



Date: 4/14/2013

A.B. No. 324—Revises provisions relating to dental assistants. (BDR 54-938)



## ASSEMBLY BILL NO. 324—ASSEMBLYWOMAN CARLTON

MARCH 18, 2013

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to dental assistants. (BDR 54-938)

FISCAL NOTE: Effect on Local Government: No.  
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 dental assistants; ~~prohibiting a person from acting as a dental assistant except under certain circumstances;~~ providing for issuance by the Board of Dental Examiners of Nevada of a certificate of registration as a dental assistant ~~and~~ and a certificate of registration as a certified dental assistant; prohibiting a person from acting as a dental assistant or certified dental assistant unless the person holds the appropriate certificate issued by the Board; providing that a dental assistant or ~~registered~~ certified dental assistant may perform only certain acts authorized by the Board and under the direct supervision of a licensed dentist or dental hygienist; setting forth certain requirements for the issuance and renewal of a certificate of registration as a dental assistant ~~or~~ or a certificate of registration as a certified dental assistant; requiring the Board to adopt certain regulations; establishing certain fees; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides for the licensing and regulation of dentists and dental hygienists by the Board of Dental Examiners of Nevada. (Chapter 631 of NRS) This bill provides for the registration and regulation of dental assistants and ~~registered~~ certified dental assistants by the Board. **Section 4** of this bill provides that a dental assistant or ~~registered~~ certified dental assistant may perform only the intraoral tasks and dental procedures authorized by the Board and only under the direct supervision of a licensed dentist or dental hygienist. **Section 5** of this bill prohibits a person from acting as a dental assistant in this State unless the person ~~provides to the Board certain information relating to his or her qualifications;~~ holds a certificate of registration as a dental assistant. Section 6 of this bill prohibits a person from acting as a for the issuance by the Board of a certificate of registration as a dental assistant, and provides that a certificate of registration as a dental assistant expires 2 years after the date of issuance and may be renewed biennially. **Section 6** of this bill prohibits a person from acting as a ~~registered~~ certified dental assistant in this State unless the person holds a certificate of registration as a certified dental assistant. **Section 6** also sets forth the requirements for the issuance by the Board of a certificate of registration as a certified dental assistant, and provides that a certificate of registration as a certified dental assistant expires 2 years after the date of issuance and may be renewed biennially. **Section 7** of this bill sets forth

the continuing education requirements for renewal of a certificate of registration as a dental assistant ~~+~~ or as a certified dental assistant. Section 8 of this bill requires the Board to adopt regulations necessary to carry out the provisions of this bill, and section 14 of this bill requires the Board to adopt rules or regulations specifying the intraoral tasks and dental procedures which a dental assistant or ~~registered~~ certified dental assistant may perform. Section 15.5 of this bill specifies the initial application fee for the issuance of a certificate of registration as a dental assistant or certified dental assistant.

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 ~~+~~ 1.5 to 9, inclusive, of this act.

Sec. 1.5. "Certified dental assistant" means a person who assists a dentist or dental hygienist in the performance of dental procedures and to whom the Board has issued a certificate of registration as a certified dental assistant pursuant to section 6 of this act.

Sec. 2. "Dental assistant" means a person who assists a dentist or dental hygienist in the performance of dental procedures ~~+~~ and to whom the Board has issued a certificate of registration as a dental assistant pursuant to section 5 of this act.

Sec. 3. ~~"Registered dental assistant" means a person to whom the Board has issued a certificate of registration as a dental assistant pursuant to section 6 of this act.~~ (Deleted by amendment.)

Sec. 4. A dental assistant or ~~registered~~ certified dental assistant may perform only those intraoral tasks and dental procedures authorized by the Board pursuant to the rules and regulations adopted pursuant to NRS 631.317 and only under the direct supervision of a licensed dentist or dental hygienist.

Sec. 5. 1. A person shall not act as a dental assistant in this State unless the person ~~presents~~ holds a current certificate of registration as a dental assistant issued by the Board pursuant to this section. A person may apply to the Board for the issuance of a certificate of registration as a dental assistant by submitting an application to the Board.

2. The Board may issue a certificate of registration as a dental assistant to an applicant who pays the application fee prescribed by NRS 631.345 and submits an application which provides proof satisfactory to the Board that the ~~person~~ applicant:

(a) Is of good moral character;

(b) Is 16 years of age or older;

(c) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(d) Has passed a written examination given by the Board on the contents and interpretation of this chapter and the regulations adopted pursuant thereto; ~~and~~

~~— (b) (e) Has successfully completed a course of study in radiation safety and techniques that is approved by the Board.~~

~~2. Not less frequently than every 2 years, a dental assistant shall provide proof satisfactory to the Board that the dental assistant has completed:~~

~~— (a) A course in cardiopulmonary resuscitation according to the guidelines of the American National Red Cross or American Heart Association; and~~

~~— (b) Four hours of continuing education relating to:~~

(f) Has successfully completed a course of study in infection control ~~procedures~~ that is approved by the Board; and

(g) Meets any other requirements for the issuance of a certificate of registration as a dental assistant established by the Board by regulation.

3. A certificate of registration as a dental assistant issued by the Board pursuant to this section expires 2 years after the date on which it is issued and may be renewed biennially as provided in section 7 of this act.

4. In determining whether an applicant is of good moral character, the Board may consider whether:

(a) The applicant has, on or after July 1, 2015, performed any act as a dental assistant in this State without a certificate of registration as a dental assistant issued by the Board;

(b) The applicant's license or registration as a dental assistant in another state has been suspended or revoked; and

(c) The applicant is currently involved in any disciplinary action concerning his or her license or registration as a dental assistant in another state.

Sec. 6. 1. A person shall not act as a ~~registered~~ certified dental assistant in this State unless the person holds a current certificate of registration as a certified dental assistant issued by the Board pursuant to this section. A person may apply to the Board for the issuance of a certificate of registration as a certified dental assistant by submitting an application to the Board.

2. The Board ~~shall~~ may issue a certificate of registration as a certified dental assistant to an applicant who pays the application fee prescribed by NRS 631.345 and submits an application which provides proof satisfactory to the Board that the applicant:

(a) Is of good moral character;

(b) Is 18 years of age or older;

(c) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(d) Holds a current certification issued by the Dental Assisting National Board, Inc., or its successor organization;

(e) Has passed a written examination given by the Board on the contents and interpretation of this chapter and the regulations adopted pursuant thereto; and

~~(f) Has successfully completed a course of study in radiation safety and techniques that is approved by the Board; and~~

~~(g)~~ Meets any other requirements for the issuance of a certificate of registration as a certified dental assistant established by the Board by regulation.

3. A certificate of registration as a certified dental assistant issued by the Board pursuant to this section expires 2 years after the date on which it is issued and may be renewed biennially as provided in section 7 of this act.

4. In determining whether an applicant is of good moral character, the Board may consider whether:

(a) The applicant has, on or after July 1, ~~2014~~ 2015, performed any act as a ~~registered~~ certified dental assistant in this State without a certificate of registration as a ~~registered~~ certified dental assistant issued by the Board;

(b) The applicant's license or registration as a dental assistant or certified dental assistant in another state has been suspended or revoked; and

(c) The applicant is currently involved in any disciplinary action concerning his or her license or registration as a dental assistant or certified dental assistant in another state.

Sec. 7. 1. Any person wishing to renew a certificate of registration as a dental assistant or a certificate of registration as a certified dental assistant must present proof satisfactory to the Board that during the 2 years immediately preceding the date of renewal, the ~~registered~~ certified dental assistant or certified dental assistant has successfully completed:

(a) A course in cardiopulmonary resuscitation according to the guidelines of the American National Red Cross or American Heart Association; and

(b) Four hours of continuing education relating to infection control procedures.

2. All persons who have satisfied the requirements for the issuance of a certificate of registration as a dental assistant or a certificate of registration as a certified dental assistant must be registered as dental assistants or certified dental assistants, as applicable, on the board register, as provided in this chapter, and are entitled to receive a certificate of registration as a dental assistant ~~or~~ or a certificate of registration as a certified dental assistant, as applicable, signed by all members of the Board.

Sec. 8. The Board shall adopt such regulations as it determines necessary to carry out the provisions of sections ~~2 to 9, inclusive,~~ 1.5 to 9, inclusive, of this act.

Sec. 9. ~~The Board may suspend or revoke a certificate of registration as a dental assistant for issue a reprimand to a registered dental assistant if the board determines that the registered or certified dental assistant has violated~~ shall not violate any provision of sections 2 to 9, inclusive, of this act; this chapter or any regulation adopted pursuant thereto.

Sec. 10. NRS 631.005 is hereby amended to read as follows:

631.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 631.015 to 631.105, inclusive, and sections 1.5 and 2 and 3 of this act have the meanings ascribed to them in those sections.

Sec. 11. NRS 631.115 is hereby amended to read as follows:

631.115 Except as otherwise provided in subsection ~~1 to 3~~ of NRS 631.317, this chapter does not apply to:

1. A legally qualified physician or surgeon unless he or she practices dentistry as a specialty.

2. A dentist, ~~or~~ dental hygienist or dental assistant of the United States Army, Navy, Air Force, Public Health Service, Coast Guard or Department of Veterans Affairs in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

Sec. 12. NRS 631.225 is hereby amended to read as follows:

631.225 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license to practice dentistry or dental hygiene or a certificate of registration as a dental assistant or certified dental assistant shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license to practice dentistry or dental hygiene or a certificate of registration as a dental assistant or certified dental assistant shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license ~~or~~ or certificate of registration; or

(b) A separate form prescribed by the Board.

3. A license to practice dentistry or dental hygiene or a certificate of registration as a dental assistant or certified dental assistant may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

**Sec. 13.** NRS 631.313 is hereby amended to read as follows:

631.313 1. A licensed dentist may assign to a person in his or her employ who is a dental hygienist, ~~registered~~ *certified* dental assistant, *dental assistant* or other person directly or indirectly involved in the provision of dental care only such intraoral tasks as may be permitted by a regulation of the Board or by the provisions of this chapter.

2. The performance of these tasks must be:

(a) If performed by a dental assistant or a person, other than a dental hygienist ~~or registered~~ *certified dental assistant*, who is directly or indirectly involved in the provision of dental care, under the supervision of the licensed dentist who made the assignment.

(b) If performed by a dental hygienist, authorized by the licensed dentist of the patient for whom the tasks will be performed, except as otherwise provided in NRS 631.287.

*(c) If performed by a ~~registered~~ certified dental assistant, under the direct supervision of a licensed dentist or dental hygienist.*

3. No such assignment is permitted that requires:

(a) The diagnosis, treatment planning, prescribing of drugs or medicaments, or authorizing the use of restorative, prosthodontic or orthodontic appliances.

(b) Surgery on hard or soft tissues within the oral cavity or any other intraoral procedure that may contribute to or result in an irremediable alteration of the oral anatomy.

(c) The administration of general anesthesia, conscious sedation or deep sedation except as otherwise authorized by regulations adopted by the Board.

(d) The performance of a task outside the authorized scope of practice of the employee who is being assigned the task.

4. A dental hygienist may, pursuant to regulations adopted by the Board, administer local anesthesia or nitrous oxide in a health care facility, as defined in NRS 162A.740, if:

(a) The dental hygienist is so authorized by the licensed dentist of the patient to whom the local anesthesia or nitrous oxide is administered; and

(b) The health care facility has licensed medical personnel and necessary emergency supplies and equipment available when the local anesthesia or nitrous oxide is administered.

**Sec. 14.** NRS 631.317 is hereby amended to read as follows:

631.317 The Board shall adopt rules or regulations:

1. Specifying the intraoral tasks that may be assigned by a licensed dentist to a dental hygienist ~~for dental assistant~~ in his or her employ or that may be performed by a dental hygienist engaged in school health activities or employed by a public health agency.

2. *Specifying the intraoral tasks and dental procedures that may be assigned by a licensed dentist to and performed by a dental assistant or ~~registered~~ certified dental assistant in his or her employ.*

3. Governing the practice of dentists, ~~and~~ dental hygienists, ~~registered~~ *certified dental assistants and dental assistants* in full-time employment with the State of Nevada.

**Sec. 14.5. NRS 631.345 is hereby amended to read as follows:**

631.345 1. Except as otherwise provided in NRS 631.2715, 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
<i><u>Application fee for an initial certificate of registration as a dental assistant .....</u></i>	<i><u>100</u></i>
<i><u>Application fee for an initial certificate of registration as a certified dental assistant .....</u></i>	<i><u>200</u></i>
Fee for administering a clinical examination in dentistry .....	2,500
Fee for administering a clinical examination in dental hygiene .....	1,500
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
Biennial license renewal fee for an inactive dental hygienist.....	200
Biennial license renewal fee for a dental hygienist who is retired or has a disability .....	100
Reinstatement fee for a suspended license to practice dentistry or dental hygiene.....	500

Reinstatement fee for a revoked license to practice dentistry or dental hygiene .....	500
Reinstatement fee to return a dentist or dental hygienist who is inactive, retired or has a disability to active status .....	500
Fee for the certification of a license .....	50

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

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

**Sec. 15.** NRS 631.3487 is hereby amended to read as follows:

631.3487 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license to practice dentistry or dental hygiene ~~H~~ *or a certificate of registration as a dental assistant ~~H~~ or certified dental assistant*, the Board shall deem the license *or certificate of registration* issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the license *or certificate of registration* by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license *or certificate of registration* has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license to practice dentistry or dental hygiene *or a certificate of registration as a dental assistant or certified dental assistant* that has been suspended by a district court pursuant to NRS 425.540 if:

(a) The Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license *or certificate of registration* was suspended stating that the person whose license *or certificate of registration* was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560; and

(b) The person whose license *or certificate of registration* was suspended pays ~~the~~ *any applicable* fee imposed pursuant to NRS 631.345 for the reinstatement of a suspended license ~~H~~ *or certificate of registration*.

**Sec. 16.** This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On July 1, ~~2014~~ *2015*, for all other purposes.