

Amendment No. 769

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

Proposed by: Senate Committee on Commerce, Labor and Energy**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. 324 R1 (§§ 5, 6, 14.5).

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: 5/19/2013

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; providing for issuance by the Board of Dental Examiners of Nevada of a certificate of registration as a practical dental assistant and a certificate of registration as a certified Nevada dental assistant; prohibiting a person from acting as a practical dental assistant or certified Nevada dental assistant unless the person holds the appropriate certificate issued by the Board; providing that a practical dental assistant or certified Nevada 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 practical dental assistant or a certificate of registration as a certified Nevada 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 practical dental assistants and certified Nevada dental assistants by the Board. **Section 4** of this bill provides that a practical dental assistant or certified Nevada 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 practical dental assistant in this State unless the person holds a certificate of registration as a practical dental assistant. **Section 5** also sets forth the requirements for the issuance by the Board of a certificate of registration as a practical dental assistant, and provides that a certificate of registration as a practical 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 certified Nevada dental assistant in this State unless the person holds a certificate of registration as a certified Nevada dental assistant. **Section 6** also sets forth the requirements for the issuance by the Board of a certificate of registration as a certified Nevada dental assistant, and provides that a certificate of registration as a certified Nevada 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 practical dental assistant or as a certified Nevada 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 practical dental assistant or certified Nevada dental assistant may perform. **Section 14.5** of this bill specifies the initial application fee for the issuance of a certificate of registration as a practical dental assistant or certified Nevada dental assistant ~~+~~ **and fees for the biennial renewal or reinstatement of such certificates of registration.**

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 Nevada 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 Nevada dental assistant pursuant to section 6 of this act.*

Sec. 2. ~~“Dental”~~ *“Practical 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 practical dental assistant pursuant to section 5 of this act.*

Sec. 3. (Deleted by amendment.)

Sec. 4. *A practical dental assistant or certified Nevada 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 practical dental assistant in this State unless the person holds a current certificate of registration as a practical 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 practical dental assistant by submitting an application to the Board.*

2. *The Board may issue a certificate of registration as a practical 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 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;

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

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

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

3. *A certificate of registration as a practical 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:*

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

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

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

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

13 2. The Board may issue a certificate of registration as a certified Nevada
14 dental assistant to an applicant who pays the application fee prescribed by NRS
15 631.345 and submits an application which provides proof satisfactory to the
16 Board that the applicant:

17 (a) Is of good moral character;

18 (b) Is 18 years of age or older;

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

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

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

25 (f) Meets any other requirements for the issuance of a certificate of
26 registration as a certified Nevada dental assistant established by the Board by
27 regulation.

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

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

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

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

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

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

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

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

50 2. All persons who have satisfied the requirements for the issuance of a
51 certificate of registration as a practical dental assistant or a certificate of
52 registration as a certified Nevada dental assistant must be registered as practical
53 dental assistants or certified Nevada dental assistants, as applicable, on the board

1 *register, as provided in this chapter, and are entitled to receive a certificate of*
2 *registration as a practical dental assistant or a certificate of registration as a*
3 *certified Nevada dental assistant, as applicable, signed by all members of the*
4 *Board.*

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

7 **Sec. 9.** *A practical dental assistant or certified Nevada dental assistant*
8 *shall not violate any provision of this chapter or any regulation adopted pursuant*
9 *thereto.*

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

11 631.005 As used in this chapter, unless the context otherwise requires, the
12 words and terms defined in NRS 631.015 to 631.105, inclusive, *and sections 1.5*
13 *and 2 of this act* have the meanings ascribed to them in those sections.

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

15 631.115 Except as otherwise provided in subsection ~~1~~ 3 of NRS 631.317,
16 this chapter does not apply to:

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

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

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

25 631.225 1. In addition to any other requirements set forth in this chapter:

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

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

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

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

39 (b) A separate form prescribed by the Board.

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

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

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

49 4. If an applicant indicates on the statement submitted pursuant to subsection
50 1 that the applicant is subject to a court order for the support of a child and is not in
51 compliance with the order or a plan approved by the district attorney or other public
52 agency enforcing the order for the repayment of the amount owed pursuant to the
53 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, *certified Nevada dental assistant*, *practical 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 certified Nevada 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 certified Nevada 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 practical dental assistant or certified Nevada dental assistant in his or her employ.*

3. Governing the practice of dentists, ~~and~~ dental hygienists, *certified Nevada dental assistants and practical 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:

1	Application fee for an initial license to practice dentistry.....	\$1,500
2	Application fee for an initial license to practice dental	
3	hygiene.....	750
4	Application fee for a specialist's license to practice dentistry	300
5	Application fee for a limited license or restricted license to	
6	practice dentistry or dental hygiene	300
7	<i>Application fee for an initial certificate of registration as a</i>	
8	<i> practical dental assistant</i>	100 150
9	<i>Application fee for an initial certificate of registration as a</i>	
10	<i> certified Nevada dental assistant.....</i>	200 250
11	Fee for administering a clinical examination in dentistry	2,500
12	Fee for administering a clinical examination in dental	
13	hygiene	1,500
14	Application and examination fee for a permit to administer	
15	general anesthesia, conscious sedation or deep sedation	\$750
16	Fee for any reinspection required by the Board to maintain a	
17	permit to administer general anesthesia, conscious	
18	sedation or deep sedation.....	500
19	Biennial renewal fee for a permit to administer general	
20	anesthesia, conscious sedation or deep sedation.....	600
21	Fee for the inspection of a facility required by the Board to	
22	renew a permit to administer general anesthesia,	
23	conscious sedation or deep sedation	350
24	Biennial license renewal fee for a general license, specialist's	
25	license, temporary license or restricted geographical	
26	license to practice dentistry	1,000
27	Annual license renewal fee for a limited license or restricted	
28	license to practice dentistry	300
29	Biennial license renewal fee for a general license, temporary	
30	license or restricted geographical license to practice	
31	dental hygiene.....	600
32	Annual license renewal fee for a limited license to practice	
33	dental hygiene.....	300
34	<i><u>Biennial renewal fee for a certificate of registration as a</u></i>	
35	<i><u> practical dental assistant</u></i>	<i><u>120</u></i>
36	<i><u>Biennial renewal fee for a certificate of registration as a</u></i>	
37	<i><u> certified Nevada dental assistant.....</u></i>	<i><u>200</u></i>
38	Biennial license renewal fee for an inactive dentist	400
39	Biennial license renewal fee for a dentist who is retired or has	
40	a disability	100
41	Biennial license renewal fee for an inactive dental hygienist.....	200
42	Biennial license renewal fee for a dental hygienist who is	
43	retired or has a disability	100
44	Reinstatement fee for a suspended license to practice	
45	dentistry or dental hygiene.....	500
46	Reinstatement fee for a revoked license to practice dentistry	
47	or dental hygiene	500
48	<i><u>Reinstatement fee for a suspended certificate of registration</u></i>	
49	<i><u> as a practical dental assistant.....</u></i>	<i><u>100</u></i>
50	<i><u>Reinstatement fee for a revoked certificate of registration as</u></i>	
51	<i><u> a practical dental assistant.....</u></i>	<i><u>100</u></i>
52	<i><u>Reinstatement fee for a suspended certificate of registration</u></i>	
53	<i><u> as a certified Nevada dental assistant.....</u></i>	<i><u>150</u></i>

**Reinstatement fee for a revoked certificate of registration
as a certified Nevada dental assistant..... 150**

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 ~~or a certificate of registration as a practical dental assistant or certified Nevada 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 practical dental assistant or certified Nevada 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 ~~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, 2015, for all other purposes.