

SENATE BILL NO. 456—COMMITTEE ON FINANCE

MAY 24, 2021

Referred to Committee on Finance

SUMMARY—Revises provisions relating to the State Dental Health Officer. (BDR 40-1159)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Executive Budget.

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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 public health; transferring the State Dental Health Officer from the Division of Public and Behavioral Health of the Department of Health and Human Services to the Division of Health Care Financing and Policy of the Department; revising provisions governing the supervision of persons who hold a restricted license to practice dentistry at certain facilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Division of Public and Behavioral Health of the Department of Health and Human Services to appoint, with the consent of the Director of the Department, a State Dental Health Officer and prescribes the duties of the State Dental Health Officer. (NRS 439.272) **Section 1** of this bill transfers the duty to appoint the State Dental Health Officer from the Division of Public and Behavioral Health to the Division of Health Care Financing and Policy of the Department. **Section 1** also removes a redundant provision from existing law authorizing the Division of Public and Behavioral Health to accept gifts and grants related to dental and oral health. (NRS 439.272, 439.2794)

Existing law requires the Board of Dental Examiners of Nevada to issue a restricted license to practice dentistry to a person who: (1) has a valid license to practice dentistry issued by another state or the District of Columbia; (2) has received a degree from an accredited dental school or college; (3) has entered into a contract with a facility approved by the Division of Public and Behavioral Health to provide publicly funded dental services exclusively to persons of low income for the duration of the restricted license; and (4) otherwise satisfies certain eligibility requirements of an applicant to practice dentistry. Such a licensee may provide dental services to persons of low income only under the general supervision of the State Dental Health Officer or the supervision of a licensed dentist in this State who is appointed by the Division to supervise dental care that is provided in a facility



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which has entered into a contract with the holder of the restricted license. (NRS 631.275) **Section 2** of this bill removes the option that such dental services be performed under the general supervision of the State Dental Health Officer, thereby requiring the holder of the restricted license to perform such dental services under the remaining option of supervision by a licensed dentist.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 439.272 is hereby amended to read as follows:
439.272 1. The Division *of Health Care Financing and Policy of the Department* shall appoint, with the consent of the Director, a State Dental Health Officer, who may serve in the unclassified service of the State or as a contractor for the Division. The State Dental Health Officer must:

(a) Be a resident of this State;
(b) Hold a current license to practice dentistry issued pursuant to chapter 631 of NRS; and

(c) Be appointed on the basis of his or her education, training and experience and his or her interest in public dental health and related programs.

2. The State Dental Health Officer shall:

(a) Determine the needs of the residents of this State for public dental health;

(b) Provide the Advisory Committee, ~~and~~ the Division *of Health Care Financing and Policy and the Division of Public and Behavioral Health* with advice regarding public dental health;

(c) Make recommendations to the Advisory Committee, the Division *of Health Care Financing and Policy, the Division of Public and Behavioral Health* and the Legislature regarding programs in this State for public dental health;

(d) Work collaboratively with the State Public Health Dental Hygienist; and

(e) Seek such information and advice from the Advisory Committee or from any dental education program in this State, including any such programs of the Nevada System of Higher Education, as necessary to carry out his or her duties.

3. The State Dental Health Officer shall devote all of his or her time to the business of his or her office and shall not pursue any other business or vocation or hold any other office of profit.

4. ~~[Pursuant to NRS 439.2794, the Division may solicit and accept gifts and grants to pay the costs associated with oral health programs.]~~ *As used in this section, "Advisory Committee" means the Advisory Committee on the State Program for Oral Health created by NRS 439.2792.*



Sec. 2. NRS 631.275 is hereby amended to read as follows:

631.275 1. Except as otherwise provided in subsection 2, the Board shall, without examination, issue a restricted license to practice dentistry to a person who:

(a) Has a valid license to practice dentistry issued pursuant to the laws of another state or the District of Columbia;

(b) 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 organization;

(c) Has entered into a contract with a facility approved by the Division of Public and Behavioral Health of the Department of Health and Human Services to provide publicly funded dental services exclusively to persons of low income for the duration of the restricted license; and

(d) Satisfies the requirements of NRS 631.230.

2. The Board shall not issue a restricted license to a person:

(a) Who has failed to pass the examination of the Board;

(b) Who has been refused a license in this State, another state or territory of the United States, or the District of Columbia; or

(c) Whose license to practice dentistry has been revoked in this State, another state or territory of the United States, or the District of Columbia.

3. A person to whom a restricted license is issued pursuant to subsection 1:

(a) May perform dental services only:

(1) Under the ~~[general]~~ supervision of ~~[the State Dental Health Officer or the supervision of]~~ a dentist who is licensed to practice dentistry in this State and appointed by the Division of Public and Behavioral Health of the Department of Health and Human Services to supervise dental care that is provided in a facility which has entered into a contract with the person to whom a restricted license is issued and which is approved by the Division; and

(2) In accordance with the contract required pursuant to paragraph (c) of that subsection.

(b) Shall not, for the duration of the restricted license, engage in the private practice of dentistry, which includes, without limitation, providing dental services to a person who pays for the services.

4. A restricted license expires 1 year after its date of issuance and may be renewed on or before the date of its expiration, unless the holder no longer satisfies the requirements for the restricted license. The holder of a restricted license may, upon compliance with the applicable requirements set forth in NRS 631.330 and the completion of a review conducted at the discretion of the Board, be



1 granted a renewal certificate that authorizes the continuation of
2 practice pursuant to the restricted license for 1 year.

3 5. A person who receives a restricted license must pass
4 the examination of the Board within 3 years after receiving the
5 restricted license. If the person fails to pass that examination, the
6 Board shall revoke the restricted license.

7 6. The Board may revoke a restricted license at any time if the
8 Board finds, by a preponderance of the evidence, that the holder of
9 the license violated any provision of this chapter or the regulations
10 of the Board.

11 **Sec. 3.** 1. Any administrative regulations adopted by an
12 officer or an agency whose name has been changed or whose
13 responsibilities have been transferred pursuant to the provisions of
14 this act to another officer or agency remain in force until amended
15 by the officer or agency to which the responsibility for the adoption
16 of the regulations has been transferred.

17 2. Any contracts or other agreements entered into by an officer
18 or agency whose name has been changed or whose responsibilities
19 have been transferred pursuant to the provisions of this act to
20 another officer or agency are binding upon the officer or agency to
21 which the responsibility for the administration of the provisions of
22 the contract or other agreement has been transferred. Such contracts
23 and other agreements may be enforced by the officer or agency to
24 which the responsibility for the enforcement of the provisions of the
25 contract or other agreement has been transferred.

26 3. Any action taken by an officer or agency whose name has
27 been changed or whose responsibilities have been transferred
28 pursuant to the provisions of this act to another officer or agency
29 remains in effect as if taken by the officer or agency to which the
30 responsibility for the enforcement of such actions has been
31 transferred.

32 **Sec. 4.** The Legislative Counsel shall, in preparing
33 supplements to the Nevada Administrative Code, appropriately
34 change any references to an officer, agency or other entity whose
35 name has been changed or whose responsibilities are transferred
36 pursuant to the provisions of this act to refer to the appropriate
37 officer, agency or other entity.

38 **Sec. 5.** This act becomes effective on July 1, 2021.

