

SENATE BILL NO. 310—SENATORS GOICOECHEA,
HANSEN; AND STONE

MARCH 20, 2023

Referred to Committee on Commerce and Labor

SUMMARY—Establishes provisions relating to dentistry.
(BDR 54-601)

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 dentistry; providing for the licensure and regulation of expanded function dental assistants; creating a special endorsement for dental hygienists to practice restorative dental hygiene; providing for the regulation of the administration of local anesthesia and laser radiation by a dental hygienist or dental therapist; authorizing a dental hygienist who possesses certain qualifications to prescribe and dispense certain drugs; authorizing a public health dental hygienist to authorize an expanded function dental assistant or dental assistant to perform certain tasks under certain circumstances; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of dentists, dental hygienists and dental therapists by the Board of Dental Examiners of Nevada. (Chapter 631 of NRS) Existing law authorizes a licensed dentist to assign certain tasks to a dental assistant, who is not required to have a license. (NRS 631.313, 631.317)

Sections 4-8 of this bill provide for the licensure and regulation of expanded function dental assistants. **Sections 2, 3 and 3.5** of this bill define the terms “expanded function dental assistance,” “expanded function dental assistant” and “restorative dental hygiene,” respectively. **Section 10** of this bill makes a conforming change to indicate the proper placement of **sections 2, 3 and 3.5** in the Nevada Revised Statutes.

Section 4 requires a person to be a citizen of the United States or lawfully entitled to remain and work in the United States and over 18 years of age to be eligible to apply for a license to practice expanded function dental assistance.



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Section 5 of this bill requires an applicant for such a license to: (1) possess certain education and experience; (2) hold a current certification in the techniques of administering cardiopulmonary resuscitation; and (3) pass a written clinical examination and a written jurisprudence examination administered by the Board.

Section 6 of this bill authorizes a person who is licensed in another state and possesses certain other qualifications to apply for a license by endorsement as an expanded function dental assistant. **Section 6** authorizes the Board to require such an applicant to complete such additional training as is necessary for the applicant to be able to practice expanded function dental assistance with the same degree of competence as a person licensed pursuant to **section 5**. **Section 6.5** of this bill requires the Board to issue a special endorsement to practice restorative dental hygiene to a dental hygienist who has an active license in good standing to practice dental hygiene in this State and has successfully completed a course on restorative dental hygiene. **Section 7** of this bill requires an expanded function dental assistant or a dental hygienist with a special endorsement to practice restorative dental hygiene to work under the authorization of a dentist and prescribes certain requirements governing the supervision of an expanded function dental assistant. **Section 8** of this bill prescribes the services and procedures an expanded function dental assistant or dental hygienist with a special endorsement to practice restorative dental hygiene is authorized to perform. **Section 22** of this bill requires the Board to adopt regulations governing the practice of: (1) expanded function dental assistants; and (2) dental hygienists who hold a special endorsement to practice restorative dental hygiene. **Section 25** of this bill requires the Board to adopt regulations governing continuing education in expanded function dental assistance. **Section 26** of this bill prescribes certain fees relating to licensure as an expanded function dental assistant, which are equal to similar fees that apply to dental hygienists.

Section 36 of this bill prescribes certain activities that constitute the illegal practice of expanded function dental assistance, and **section 39** of this bill makes it a crime to practice expanded function dental assistance without a license. It is also a crime to practice restorative dental hygiene without the proper special endorsement. (NRS 631.400)

Sections 11-20, 21, 23, 24, 27-35, 37-40, 42-45, 47 and 48 of this bill make revisions to certain existing provisions so that expanded function dental assistants are treated in the same manner as similar providers of oral health care in various respects.

Existing law: (1) provides for the issuance of a special endorsement as a public health dental hygienist to a dental hygienist who possesses certain qualifications; and (2) authorizes the holder of such an endorsement to provide services without the authorization or supervision of a dentist under certain circumstances. (NRS 631.287) **Sections 20.5 and 42** of this bill authorize a public health dental hygienist to authorize an expanded function dental assistant or a dental assistant to perform certain tasks as part of an approved program of public health dental hygiene.

Existing law authorizes a dental hygienist to perform only those services which are authorized by a dentist, unless otherwise provided by a regulation adopted by the Board. (NRS 631.310) **Sections 9, 41 and 46** of this bill authorize a dental hygienist who possesses certain qualifications to prescribe and dispense certain drugs that are not controlled substances and are used for preventative treatment and items used for such treatment. **Section 9** requires the Board to adopt regulations prescribing continuing education for a dental hygienist who prescribes such drugs. **Section 9.5** of this bill requires the Board to adopt regulations authorizing a dental hygienist or dental therapist to administer local anesthesia and laser radiation if authorized by the supervising dentist of the dental hygienist or dental therapist.



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 to 9.5, inclusive, of this act:

Sec. 2. *“Expanded function dental assistance” means the performance of educational, preventative, therapeutic, palliative and restorative treatment of intraoral or extraoral procedures under the supervision of a dentist or as otherwise authorized pursuant to this chapter by a person licensed pursuant to section 5 or 6 of this act.*

Sec. 3. *“Expanded function dental assistant” means any person who practices the profession of expanded function dental assistance and is licensed pursuant to this chapter.*

Sec. 3.5. *“Restorative dental hygiene” means the performance of educational, preventative, therapeutic, palliative and restorative treatment of intraoral or extraoral procedures under the supervision of a dentist or as otherwise authorized pursuant to this chapter by a dental hygienist who holds a special endorsement issued pursuant to section 6.5 of this act.*

Sec. 4. *Any person is eligible to apply for a license to practice expanded function dental assistance in this State who:*

1. Is a citizen of the United States or lawfully entitled to remain and work in the United States; and

2. Is over 18 years of age.

Sec. 5. *Except as otherwise provided in section 6 of this act, an applicant for a license as an expanded function dental assistant must include in his or her application proof that he or she:*

1. Possesses the following qualifications:

(a) Graduation from an accredited program for dental assisting with expanded functions; or

(b) Successful completion of a course of training for expanded function dental assistants and:

(1) Graduation from an accredited program for dental assisting without expanded functions; or

(2) Employment as a dental assistant working full-time for at least 2 years or part-time for at least 4 years and a passing score on the examination for Certified Dental Assistants administered by the Dental Assisting National Board, or its successor organization;

2. Holds a current certification in the techniques of administering cardiopulmonary resuscitation;



3. *Has passed a written clinical examination given by the Board upon such subjects as the Board deems necessary for the practice of expanded function dental assistance; and*

4. *Has passed a written examination given by the Board concerning laws and regulations governing the practice of expanded function dental assistance in this State.*

Sec. 6. 1. *An applicant for a license by endorsement as an expanded function dental assistant must include in his or her application proof that he or she:*

(a) *Is currently licensed as an expanded function dental assistant in another state or territory of the United States, or the District of Columbia;*

(b) *Possesses the following qualifications:*

(1) *Graduation from an accredited program for dental assisting with expanded functions; or*

(2) *Employment as a dental assistant or an expanded function dental assistant working full-time for at least 2 years or part-time for at least 4 years; and*

(c) *Has passed a written examination given by the Board concerning laws and regulations governing the practice of expanded function dental assistance in this State.*

2. *The Board may require an applicant for licensure by endorsement as an expanded function dental assistant to complete any training that the Board deems necessary for the applicant to be able to practice expanded function dental assistance with the same degree of competence as a person who possesses the qualifications described in section 5 of this act.*

Sec. 6.5. 1. *The Board shall, upon application by a dental hygienist who has the qualifications prescribed by subsection 2, issue a special endorsement of the license allowing the dental hygienist to practice restorative dental hygiene. The special endorsement may be renewed biennially upon renewal of the license of the dental hygienist.*

2. *An applicant for a special endorsement allowing a dental hygienist to practice restorative dental hygiene must include in his or her application proof that he or she:*

(a) *Holds an active license in good standing as a dental hygienist in this State; and*

(b) *Has successfully completed a course on restorative dental hygiene.*

Sec. 7. 1. *An expanded function dental assistant or dental hygienist with a special endorsement of his or her license issued pursuant to section 6.5 of this act may only practice expanded function dental assistance or restorative dental hygiene, as applicable, under the authorization of a dentist who is licensed in*



1 *this State, unless otherwise authorized by NRS 631.287 or a*
2 *regulation adopted by the Board.*

3 2. *Except as specifically authorized by NRS 631.287 or a*
4 *regulation adopted by the Board, an expanded function dental*
5 *assistant shall not practice expanded function dental assistance to*
6 *a person unless that person is a patient of the authorizing dentist*
7 *of the expanded function dental assistant.*

8 3. *Except as specifically required by a regulation adopted by*
9 *the Board, the authorizing dentist of an expanded function dental*
10 *assistant is not required to be present during the provision of*
11 *services by the expanded function dental assistant.*

12 4. *If the expanded function dental assistance required or*
13 *requested by a patient exceeds the scope of practice or the skill and*
14 *training of an expanded function dental assistant, the expanded*
15 *function dental assistant shall refer the patient to the authorizing*
16 *dentist of the expanded function dental assistant.*

17 **Sec. 8.** *An expanded function dental assistant or dental*
18 *hygienist with a special endorsement to practice restorative dental*
19 *hygiene may perform the following acts under the conditions*
20 *prescribed by section 7 of this act:*

21 1. *Any service that a dental assistant or dental hygienist, as*
22 *applicable, is authorized to perform pursuant to this chapter or*
23 *any regulation adopted pursuant thereto.*

24 2. *Placing, condensing, contouring, adjusting, curing and*
25 *finishing restorations that are made of a direct restorative*
26 *material, including, without limitation, amalgam, resin-based*
27 *composite and glass ionomer.*

28 3. *Placing and removing matrices and interproximal wedge*
29 *devices.*

30 4. *Placing desensitizers, liners and bases.*

31 5. *Taking final impressions for:*

32 (a) *Indirect restorations, including, without limitation, crowns,*
33 *bridges and veneers; and*

34 (b) *Removable prostheses, including, without limitation,*
35 *dentures.*

36 6. *Adjusting a removable prostheses extraorally.*

37 7. *Cementation of permanent restorations, including, without*
38 *limitation, crowns, bridges and veneers, if the authorizing dentist:*

39 (a) *Evaluates and approves each permanent restoration before*
40 *the cementation is final; and*

41 (b) *Inspects each permanent restoration before the patient*
42 *leaves the premises where the cementation occurred.*

43 8. *Placing topical fluoride.*

44 9. *Administering a hemostatic agent.*

45 10. *Applying agents for bleaching teeth.*



11. *Using an ultrasonic scaling unit only for the removal of bonding agents. This subsection does not authorize an expanded function dental assistant or dental hygienist with a special endorsement to practice restorative dental hygiene to use an ultrasonic scaling unit on any natural tooth.*

Sec. 9. 1. *A dental hygienist who meets the requirements prescribed by regulation of the Board pursuant to subsection 4 may prescribe and dispense a:*

(a) *Topical or systemic prescription drug, other than a controlled substance, for preventative care;*

(b) *Fluoride preparation for which a prescription is not required;*

(c) *Topical antimicrobial oral rinse; or*

(d) *Medicament tray or mouthguard.*

2. *A dental hygienist shall not prescribe or dispense a controlled substance or any drug or item not listed in subsection 1.*

3. *A dental hygienist may prescribe and dispense a drug or item pursuant to subsection 1:*

(a) *In compliance with any applicable regulations adopted by the Board; and*

(b) *In compliance with any applicable law governing the handling, prescribing and dispensing of a drug.*

4. *The Board shall adopt regulations prescribing the:*

(a) *Education and training that a dental hygienist must complete before prescribing and dispensing a drug or item pursuant to subsection 1; and*

(b) *Continuing education that a dental hygienist must complete to be authorized to continue prescribing and dispensing drugs or items pursuant to subsection 1.*

Sec. 9.5. 1. *The Board shall adopt regulations authorizing a dental hygienist or dental therapist to administer local anesthesia or use X-ray or laser radiation for dental treatment or dental diagnostic purposes.*

2. *The regulations adopted pursuant to this section must require:*

(a) *The supervising dentist of a dental hygienist or dental therapist to authorize any activity described in subsection 1; and*

(b) *Any location at which a dental hygienist or dental therapist administers local anesthesia to have licensed medical personnel and necessary emergency supplies and equipment available when the local anesthesia is administered.*

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,



1 inclusive, *and sections 2, 3 and 3.5 of this act* have the meanings
2 ascribed to them in those sections.

3 **Sec. 11.** NRS 631.070 is hereby amended to read as follows:

4 631.070 "License" means a certificate issued by the Board to
5 any applicant upon completion of requirements for admission to
6 practice *expanded function dental assistance*, dental hygiene,
7 dental therapy or dentistry, or any of the special branches of
8 dentistry, as provided by the license.

9 **Sec. 12.** NRS 631.115 is hereby amended to read as follows:

10 631.115 Except as otherwise provided in subsection ~~(2)~~ 3 of
11 NRS 631.317, this chapter does not apply to:

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

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

21 **Sec. 13.** NRS 631.130 is hereby amended to read as follows:

22 631.130 The Governor shall appoint:

23 1. Six members who are graduates of accredited dental schools
24 or colleges, are residents of Nevada and have ethically engaged in
25 the practice of dentistry in Nevada for a period of at least 5 years.

26 2. One member who has resided in Nevada for at least 5 years
27 and who represents the interests of persons or agencies that
28 regularly provide health care to patients who are indigent, uninsured
29 or unable to afford health care. This member may be licensed under
30 the provisions of this chapter.

31 3. Three members who:

32 (a) Are graduates of accredited schools or colleges of dental
33 hygiene or dental therapy;

34 (b) Are residents of Nevada; and

35 (c) Have been actively engaged in the practice of dental hygiene
36 or dental therapy in Nevada for a period of at least 5 years before
37 their appointment to the Board.

38 4. One member who is a representative of the general public.
39 This member must not be:

40 (a) A dentist, dental hygienist , ~~(or)~~ dental therapist ~~(:) or~~
41 *expanded function dental assistant*; or

42 (b) The spouse or the parent or child, by blood, marriage or
43 adoption, of a dentist, dental hygienist , ~~(or)~~ dental therapist ~~(:) or~~
44 *expanded function dental assistant*.



Sec. 14. NRS 631.190 is hereby amended to read as follows:

631.190 In addition to the powers and duties provided in this chapter, the Board shall:

1. Adopt rules and regulations necessary to carry out the provisions of this chapter.

2. Appoint such committees, review panels, examiners, officers, employees, agents, attorneys, investigators and other professional consultants and define their duties and incur such expense as it may deem proper or necessary to carry out the provisions of this chapter, the expense to be paid as provided in this chapter.

3. Fix the time and place for and conduct examinations for the granting of licenses to practice dentistry, dental hygiene , ~~and~~ dental therapy ~~and~~ *and expanded function dental assistance*.

4. Examine applicants for licenses to practice dentistry, dental hygiene , ~~and~~ dental therapy ~~and~~ *and expanded function dental assistance*.

5. Collect and apply fees as provided in this chapter.

6. Keep a register of all dentists, dental hygienists , ~~and~~ dental therapists *and expanded function dental assistants* licensed in this State, together with their addresses, license numbers and renewal certificate numbers.

7. Have and use a common seal.

8. Keep such records as may be necessary to report the acts and proceedings of the Board. Except as otherwise provided in NRS 631.368, the records must be open to public inspection.

9. Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

10. Have discretion to examine work authorizations in dental offices or dental laboratories.

Sec. 15. 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 or her name which in any way represents the person as engaged in the practice of dentistry, or any branch thereof;

(b) Advertises or permits to be advertised by any medium that the person can or will attempt to perform dental operations of any kind;

(c) Evaluates or diagnoses, professes to evaluate or diagnose or treats or professes to treat, surgically or nonsurgically, any of the diseases, disorders, conditions or lesions of the oral cavity, maxillofacial area or the adjacent and associated structures and their impact on the human body;

(d) Extracts teeth;



- 1 (e) Corrects malpositions of the teeth or jaws;
2 (f) Takes impressions of the teeth, mouth or gums, unless the
3 person is authorized by the regulations of the Board to engage in
4 such activities without being a licensed dentist;
5 (g) Examines a person for, or supplies artificial teeth as
6 substitutes for natural teeth;
7 (h) Places in the mouth and adjusts or alters artificial teeth;
8 (i) Does any practice included in the clinical dental curricula of
9 accredited dental colleges or a residency program for those colleges;
10 (j) Administers or prescribes such remedies, medicinal or
11 otherwise, as are needed in the treatment of dental or oral diseases;
12 (k) Uses X-ray radiation or laser radiation for dental treatment
13 or dental diagnostic purposes, unless the person is authorized by the
14 regulations of the Board to engage in such activities without being a
15 licensed dentist;
16 (l) Determines:
17 (1) Whether a particular treatment is necessary or advisable;
18 or
19 (2) Which particular treatment is necessary or advisable; or
20 (m) Dispenses tooth whitening agents or undertakes to whiten or
21 bleach teeth by any means or method, unless the person is:
22 (1) Dispensing or using a product that may be purchased
23 over the counter for a person's own use; or
24 (2) Authorized by the regulations of the Board to engage in
25 such activities without being a licensed dentist.
26 2. Nothing in this section:
27 (a) Prevents a dental assistant, dental hygienist, dental therapist ,
28 *expanded function dental assistant* or qualified technician from
29 making radiograms or X-ray exposures for dental treatment or
30 dental diagnostic purposes upon the direction of a licensed dentist.
31 (b) Prevents a dental hygienist or dental therapist from
32 administering local anesthesia for pain management during
33 treatment or using X-ray radiation or laser radiation for dental
34 treatment or dental diagnostic purposes, upon authorization of a
35 licensed dentist ~~and~~ *and, where applicable, in accordance with the*
36 *regulations adopted pursuant to section 9.5 of this act.*
37 (c) Prohibits the performance of mechanical work, on inanimate
38 objects only, by any person employed in or operating a dental
39 laboratory upon the written work authorization of a licensed dentist.
40 (d) Prevents students from performing dental procedures that are
41 part of the curricula of an accredited dental school or college or an
42 accredited school of dental hygiene or an accredited school of dental
43 therapy or an accredited school of dental assisting.
44 (e) Prevents a licensed dentist , ~~for~~ dental hygienist *or*
45 *expanded function dental assistant* from another state or country



1 from appearing as a clinician for demonstrating certain methods of
2 technical procedures before a dental society or organization,
3 convention or dental college or an accredited school of dental
4 hygiene or an accredited school of dental assisting.

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

8 (g) Prohibits the following entities from owning or operating a
9 dental office or clinic if the entity complies with the provisions of
10 NRS 631.3452:

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

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

19 (3) A nonprofit charitable corporation as described in section
20 501(c)(3) of the Internal Revenue Code and determined by the
21 Board to be providing dental services by volunteer licensed dentists
22 at no charge or at a substantially reduced charge to populations with
23 limited access to dental care.

24 (h) Prevents a person who is actively licensed as a dentist in
25 another jurisdiction from treating a patient if:

26 (1) The patient has previously been treated by the dentist in
27 the jurisdiction in which the dentist is licensed;

28 (2) The dentist treats the patient only during a course of
29 continuing education involving live patients which:

30 (I) Is conducted at an institute or organization with a
31 permanent facility registered with the Board for the sole purpose of
32 providing postgraduate continuing education in dentistry; and

33 (II) Meets all applicable requirements for approval as a
34 course of continuing education; and

35 (3) The dentist treats the patient only under the supervision
36 of a person licensed pursuant to NRS 631.2715.

37 (i) Prohibits a person from providing goods or services for the
38 support of the business of a dental practice, office or clinic owned or
39 operated by a licensed dentist or any entity not prohibited from
40 owning or operating a dental practice, office or clinic if the person
41 does not:

42 (1) Provide such goods or services in exchange for payments
43 based on a percentage or share of revenues or profits of the dental
44 practice, office or clinic; or



(2) Exercise any authority or control over the clinical practice of dentistry.

(j) Prohibits a dental hygienist, dental therapist or expanded function dental assistant from engaging in any activity authorized by this chapter or the regulations adopted pursuant thereto.

3. The Board shall adopt regulations identifying activities that constitute the exercise of authority or control over the clinical practice of dentistry, including, without limitation, activities which:

(a) Exert authority or control over the clinical judgment of a licensed dentist; or

(b) Relieve a licensed dentist of responsibility for the clinical aspects of the dental practice.

Such regulations must not prohibit or regulate aspects of the business relationship, other than the clinical practice of dentistry, between a licensed dentist or professional entity organized pursuant to the provisions of chapter 89 of NRS and the person or entity providing goods or services for the support of the business of a dental practice, office or clinic owned or operated by the licensed dentist or professional entity.

Sec. 16. NRS 631.220 is hereby amended to read as follows:

631.220 1. Every applicant for a license to practice dental hygiene, dental therapy, *expanded function dental assistance* or dentistry, or any of its special branches, must:

(a) File an application with the Board.

(b) Accompany the application with a recent photograph of the applicant together with the required fee and such other documentation as the Board may require by regulation.

(c) Submit with the application a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(d) If the applicant is required to take an examination pursuant to NRS 631.240, 631.300 or 631.3121 ~~§~~ *or section 5 or 6 of this act*, submit with the application proof satisfactory that the applicant passed the examination.

2. An application must include all information required to complete the application.

3. The Secretary-Treasurer may, in accordance with regulations adopted by the Board and if the Secretary-Treasurer determines that an application is:

(a) Sufficient, advise the Executive Director of the sufficiency of the application. Upon the advice of the Secretary-Treasurer, the Executive Director may issue a license to the applicant without further review by the Board.



(b) Insufficient, reject the application by sending written notice of the rejection to the applicant.

Sec. 17. 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, dental hygiene, ~~for~~ dental therapy *or expanded function dental assistance* 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, dental hygiene, ~~for~~ dental therapy *or expanded function dental assistance* 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

(b) A separate form prescribed by the Board.

3. A license to practice dentistry, dental hygiene, ~~for~~ dental therapy *or expanded function dental assistance* 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. 18. NRS 631.260 is hereby amended to read as follows:

631.260 Except as otherwise provided in subsection 3 of NRS 631.220, as soon as possible after the examination has been given, the Board, under rules and regulations adopted by it, shall determine the qualifications of the applicant and shall issue to each person found by the Board to have the qualifications therefor a license



1 which will entitle the person to practice dental hygiene, dental
2 therapy , *expanded function dental assistance* or dentistry, or any
3 special branch of dentistry, as in such license defined, subject to the
4 provisions of this chapter.

5 **Sec. 19.** NRS 631.271 is hereby amended to read as follows:

6 631.271 1. The Board shall, without a clinical examination
7 required by NRS 631.240, 631.300 or 631.3121, issue a limited
8 license to practice dentistry, dental hygiene , ~~for~~ dental therapy *or*
9 *expanded function dental assistance* to a person who:

10 (a) Is qualified for a license to practice dentistry, dental hygiene
11 , ~~for~~ dental therapy *or expanded function dental assistance* in this
12 State;

13 (b) Pays the required application fee;

14 (c) Has entered into a contract with:

15 (1) The Nevada System of Higher Education to provide
16 services as a dental intern, dental resident or instructor of dentistry,
17 dental hygiene , ~~for~~ dental therapy *or expanded function dental*
18 *assistance* at an educational or outpatient clinic, hospital or other
19 facility of the Nevada System of Higher Education; or

20 (2) An accredited program of dentistry, dental hygiene , ~~for~~
21 dental therapy *or expanded function dental assistance* of an
22 institution which is accredited by a regional educational accrediting
23 organization that is recognized by the United States Department of
24 Education to provide services as a dental intern, dental resident or
25 instructor of dentistry, dental hygiene , ~~for~~ dental therapy *or*
26 *expanded function dental assistance* at an educational or outpatient
27 clinic, hospital or other facility of the institution and accredited by
28 the Commission on Dental Accreditation of the American Dental
29 Association or its successor specialty accrediting organization;

30 (d) Satisfies the requirements of NRS 631.230, 631.290 or
31 631.312, as appropriate; and

32 (e) Satisfies at least one of the following requirements:

33 (1) Has a license to practice dentistry, dental hygiene , ~~for~~
34 dental therapy *or expanded function dental assistance* issued
35 pursuant to the laws of another state or territory of the United States,
36 or the District of Columbia;

37 (2) Presents to the Board a certificate granted by the Western
38 Regional Examining Board which contains a notation that
39 the person has passed, within the 5 years immediately preceding the
40 date of the application, a clinical examination administered by the
41 Western Regional Examining Board;

42 (3) Successfully passes a clinical examination approved by
43 the Board and the American Board of Dental Examiners; or

44 (4) Has the educational or outpatient clinic, hospital or other
45 facility where the person will provide services as a dental intern or



dental resident in an internship or residency program submit to the Board written confirmation that the person has been appointed to a position in the program. If a person qualifies for a limited license pursuant to this subparagraph, the limited license remains valid only while the person is actively providing services as a dental intern or dental resident in the internship or residency program and is in compliance with all other requirements for the limited license.

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

(a) Who has been issued a license to practice dentistry, dental hygiene , ~~for~~ dental therapy *or expanded function dental assistance* if:

(1) The person is involved in a disciplinary action concerning the license; or

(2) The license has been revoked or suspended; or

(b) Who has been refused a license to practice dentistry, dental hygiene , ~~for~~ dental therapy ~~for~~ *or expanded function dental assistance*,

↳ in this State, another state or territory of the United States, or the District of Columbia.

3. Except as otherwise provided in subsection 4, a person to whom a limited license is issued pursuant to subsection 1:

(a) May practice dentistry, dental hygiene , ~~for~~ dental therapy *or expanded function dental assistance* in this State only:

(1) At the educational or outpatient clinic, hospital or other facility where the person is employed; and

(2) In accordance with the contract required by paragraph (c) of subsection 1.

(b) Shall not, for the duration of the limited license, engage in the private practice of dentistry, dental hygiene , ~~for~~ dental therapy *or expanded function dental assistance* in this State or accept compensation for the practice of dentistry, dental hygiene , ~~for~~ dental therapy *or expanded function dental assistance* except such compensation as may be paid to the person by the Nevada System of Higher Education or an accredited program of dentistry, dental hygiene , ~~for~~ dental therapy *or expanded function dental assistance* for services provided as a dental intern, dental resident or instructor of dentistry, dental hygiene , ~~for~~ dental therapy *or expanded function dental assistance* pursuant to paragraph (c) of subsection 1.

4. The Board may issue a permit authorizing a person who holds a limited license to engage in the practice of dentistry, dental hygiene , ~~for~~ dental therapy *or expanded function dental assistance* in this State and to accept compensation for such practice as may be paid to the person by entities other than the Nevada System of Higher Education or an accredited program of dentistry,



dental hygiene , ~~for~~ dental therapy *or expanded function dental assistance* with whom the person is under contract pursuant to paragraph (c) of subsection 1. The Board shall, by regulation, prescribe the standards, conditions and other requirements for the issuance of a permit.

5. A limited 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 limited license. The holder of a limited 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 granted a renewal certificate that authorizes the continuation of practice pursuant to the limited license for 1 year.

6. A permit issued pursuant to subsection 4 expires on the date that the holder's limited license expires and may be renewed when the limited license is renewed, unless the holder no longer satisfies the requirements for the permit.

7. Within 7 days after the termination of a contract required by paragraph (c) of subsection 1, the holder of a limited license shall notify the Board of the termination, in writing, and surrender the limited license and a permit issued pursuant to this section, if any, to the Board.

8. The Board may revoke a limited license and a permit issued pursuant to this section, if any, at any time if the Board finds, by a preponderance of the evidence, that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 20. NRS 631.274 is hereby amended to read as follows:

631.274 1. The Board shall, without a clinical examination required by NRS 631.240, 631.300 or 631.3121 ~~for~~ *or section 5 of this act*, issue a restricted geographical license to practice dentistry, dental hygiene , ~~for~~ dental therapy *or expanded function dental assistance* to a person if the person meets the requirements of subsection 2 and:

(a) A board of county commissioners submits a request that the Board of Dental Examiners of Nevada waive the requirements of NRS 631.240, 631.300 or 631.3121 *or section 5 of this act* for any applicant intending to practice dentistry, dental hygiene , ~~for~~ dental therapy *or expanded function dental assistance* in a rural area of a county in which dental, dental hygiene , ~~for~~ dental therapy *or expanded function dental assistance* needs are underserved , as that term is defined by the officer of rural health of the University of Nevada School of Medicine;

(b) Two or more boards of county commissioners submit a joint request that the Board of Dental Examiners of Nevada waive the



requirements of NRS 631.240, 631.300 or 631.3121 *or section 5 of this act* for any applicant intending to practice dentistry, dental hygiene , ~~{or}~~ dental therapy *or expanded function dental assistance* in one or more rural areas within those counties in which dental, dental hygiene , ~~{or}~~ dental therapy *or expanded function dental assistance* needs are underserved , as that term is defined by the officer of rural health of the University of Nevada School of Medicine; or

(c) The director of a federally qualified health center or a nonprofit clinic submits a request that the Board waive the requirements of NRS 631.240, 631.300 or 631.3121 *or section 5 of this act* for any applicant who has entered into a contract with a federally qualified health center or nonprofit clinic which treats underserved populations in Washoe County or Clark County.

2. A person may apply for a restricted geographical license if the person:

(a) Has a license to practice dentistry, dental hygiene , ~~{or}~~ dental therapy *or expanded function dental assistance* issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(b) Is otherwise qualified for a license to practice dentistry, dental hygiene , ~~{or}~~ dental therapy *or expanded function dental assistance* in this State;

(c) Pays the application, examination and renewal fees in the same manner as a person licensed pursuant to NRS 631.240, 631.300 or 631.3121 ~~{or}~~ *or section 5 of this act;*

(d) Submits all information required to complete an application for a license; and

(e) Satisfies the requirements of NRS 631.230, 631.290 or 631.312 ~~{or}~~ *or section 4 of this act*, as appropriate.

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

(a) Whose license to practice dentistry, dental hygiene , ~~{or}~~ dental therapy *or expanded function dental assistance* has been revoked or suspended;

(b) Who has been refused a license to practice dentistry, dental hygiene , ~~{or}~~ dental therapy ~~{or}~~ *or expanded function dental assistance;* or

(c) Who is involved in or has pending a disciplinary action concerning a license to practice dentistry, dental hygiene , ~~{or}~~ dental therapy ~~{or}~~ *or expanded function dental assistance,*

↪ in this State, another state or territory of the United States, or the District of Columbia.



4. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

5. A person to whom a restricted geographical license is issued pursuant to this section:

(a) May practice dentistry, dental hygiene , ~~for~~ dental therapy *or expanded function dental assistance* only in the county or counties which requested the restricted geographical licensure pursuant to paragraph (a) or (b) of subsection 1.

(b) Shall not, for the duration of the restricted geographical license, engage in the private practice of dentistry, dental hygiene , ~~for~~ dental therapy *or expanded function dental assistance* in this State or accept compensation for the practice of dentistry, dental hygiene , ~~for~~ dental therapy *or expanded function dental assistance* except such compensation as may be paid to the person by a federally qualified health center or nonprofit clinic pursuant to paragraph (c) of subsection 1.

6. Within 7 days after the termination of a contract pursuant to paragraph (c) of subsection 1, the holder of a restricted geographical license shall notify the Board of the termination, in writing, and surrender the restricted geographical license.

7. A person to whom a restricted geographical license was issued pursuant to this section may petition the Board for an unrestricted license without a clinical examination required by NRS 631.240, 631.300 or 631.3121 *or section 5 of this act* if the person:

(a) Has not had a license to practice dentistry, dental hygiene , ~~for~~ dental therapy *or expanded function dental assistance* revoked or suspended in this State, another state or territory of the United States, or the District of Columbia;

(b) Has not been refused a license to practice dentistry, dental hygiene , ~~for~~ dental therapy *or expanded function dental assistance* in this State, another state or territory of the United States, or the District of Columbia;

(c) Is not involved in or does not have pending a disciplinary action concerning a license to practice dentistry, dental hygiene , ~~for~~ dental therapy *or expanded function dental assistance* in this State, another state or territory of the United States, or the District of Columbia; and

(d) Has:

(1) Actively practiced dentistry, dental hygiene , ~~for~~ dental therapy *or expanded function dental assistance* for 3 years at a minimum of 30 hours per week in the county or counties which requested the restricted geographical licensure pursuant to paragraph (a) or (b) of subsection 1; or



(2) Been under contract with a federally qualified health center or nonprofit clinic for a minimum of 3 years.

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

Sec. 20.5. NRS 631.287 is hereby amended to read as follows:

631.287 1. The Board shall, upon application by a dental hygienist who is licensed pursuant to this chapter and has such qualifications as the Board specifies by regulation, issue a special endorsement of the license allowing the dental hygienist to practice public health dental hygiene. The special endorsement may be renewed biennially upon the renewal of the license of the dental hygienist.

2. A dental hygienist who holds a special endorsement issued pursuant to subsection 1 may provide services without the authorization or supervision of a dentist only as specified by regulations adopted by the Board.

3. As part of a program for the provision of public health dental hygiene approved by the Board, a dental hygienist with a special endorsement to practice public health dental hygiene may authorize a dental assistant or expanded function dental assistant under his or her direct supervision to:

- (a) Apply dental sealants;*
- (b) Apply topical fluoride;*
- (c) Perform coronal polishing;*
- (d) Take radiographs; and*
- (e) Provide oral health education.*

Sec. 21. NRS 631.313 is hereby amended to read as follows:

631.313 1. Except as otherwise provided in NRS 454.217 and 629.086, a licensed dentist may assign to a person in his or her employ who is a dental hygienist, *a* dental therapist, *a* dental assistant, *an expanded function 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 dental therapist, 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, ~~for~~ dental therapist ~~or~~ *or expanded function dental assistant*, authorized by the licensed dentist of the patient for whom the tasks will be performed, except as otherwise provided in NRS 631.287.



3. No such assignment is permitted that requires:

(a) ~~[The]~~ *Except as otherwise provided in sections 8 and 9 of this act, 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, minimal sedation, moderate 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. 22. 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, dental therapist or dental assistant in his or her employ or that may be performed by a dental hygienist or dental therapist engaged in school health activities or employed by a public health agency.

2. *Specifying the intraoral tasks, in addition to those prescribed by section 8 of this act, that may be assigned by a licensed dentist to an expanded function dental assistant or dental hygienist with a special endorsement to practice restorative dental hygiene in his or her employ or that may be performed by an expanded function dental assistant or dental hygienist with a special endorsement to practice restorative dental hygiene engaged in school health activities or employed by a public health agency.*

3. Governing the practice of dentists, dental hygienists, ~~[and]~~ dental therapists *and expanded function dental assistants* in full-time employment with the State of Nevada.

Sec. 23. NRS 631.330 is hereby amended to read as follows:

631.330 1. Licenses issued pursuant to NRS 631.271, 631.2715 and 631.275 must be renewed annually. All other licenses must be renewed biennially.



2. Except as otherwise provided in NRS 631.271, 631.2715 and 631.275:

(a) Each holder of a license to practice dentistry, dental hygiene , ~~for~~ dental therapy *or expanded function dental assistance* must, upon:

(1) Payment of the required fee;

(2) Submission of proof of completion of the required continuing education; and

(3) Submission of all information required to complete the renewal,

➤ be granted a renewal certificate which will authorize continuation of the practice for 2 years.

(b) A licensee must comply with the provisions of this subsection and subsection 1 on or before June 30. Failure to comply with those provisions by June 30 every 2 years automatically suspends the license, and it may be reinstated only upon payment of the fee for reinstatement and compliance with the requirements of this subsection.

3. If a license suspended pursuant to this section is not reinstated within 12 months after suspension, it is automatically revoked.

Sec. 24. NRS 631.340 is hereby amended to read as follows:

631.340 1. Any person who has obtained from the Board a license certificate to practice dental hygiene, dental therapy , *expanded function dental assistance* or dentistry or any special branch of dentistry in this State, and who fails to obtain a renewal certificate, must, before resuming the practice in which he or she was licensed, make application to the Secretary-Treasurer, under such rules as the Board may prescribe, for the restoration of the license to practice.

2. Upon application being made, the Secretary-Treasurer shall determine whether the applicant possesses the qualifications prescribed for the granting of a license to practice in his or her particular profession, and whether the applicant continues to possess a good moral character and is not otherwise disqualified to practice in this State. If the Secretary-Treasurer so determines, the Secretary-Treasurer shall thereupon issue the license, and thereafter the person may make application annually for a renewal certificate, as provided in this chapter.

Sec. 25. NRS 631.342 is hereby amended to read as follows:

631.342 1. The Board shall adopt regulations concerning continuing education in dentistry, dental hygiene , ~~and~~ dental therapy ~~and~~ *and expanded function dental assistance*. The regulations must include:



(a) Except as provided in NRS 631.3425, the number of hours of credit required annually;

(b) The criteria used to accredit each course; and

(c) The requirements for submission of proof of attendance at courses.

2. Except as otherwise provided in subsection 3, as part of continuing education, each licensee must complete a course of instruction, within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(a) An overview of acts of terrorism and weapons of mass destruction;

(b) Personal protective equipment required for acts of terrorism;

(c) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(d) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(e) An overview of the information available on, and the use of, the Health Alert Network.

3. Instead of the course described in subsection 2, a licensee may complete:

(a) A course in Basic Disaster Life Support or a course in Core Disaster Life Support if the course is offered by a provider of continuing education accredited by the National Disaster Life Support Foundation; or

(b) Any other course that the Board determines to be the equivalent of a course specified in paragraph (a).

4. Notwithstanding the provisions of subsections 2 and 3, the Board may determine whether to include in a program of continuing education additional courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.

5. Each licensee must complete, as part of continuing education, at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder within 2 years after initial licensure.

6. As used in this section:

(a) “Act of terrorism” has the meaning ascribed to it in NRS 202.4415.

(b) “Biological agent” has the meaning ascribed to it in NRS 202.442.



(c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.

(d) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.

(e) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 26. 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 <i>or expanded function dental assistance</i>	750
Application fee for an initial license to practice dental therapy.....	1,000
Application fee for a specialist's license to practice dentistry.....	300
Application fee for a limited license or restricted license to practice dentistry, dental hygiene, for dental therapy <i>or expanded function dental assistance</i>	300
Fee for administering a clinical examination in dentistry.....	2,500
Fee for administering a clinical examination in dental hygiene, for dental therapy <i>or expanded function dental assistance</i>	1,500
Application and examination fee for a permit to administer general anesthesia, minimal sedation, moderate sedation or deep sedation	750
Fee for any reinspection required by the Board to maintain a permit to administer general anesthesia, minimal sedation, moderate sedation or deep sedation.....	500
Biennial renewal fee for a permit to administer general anesthesia, minimal sedation, moderate sedation or deep sedation	600
Fee for the inspection of a facility required by the Board to renew a permit to administer general anesthesia, minimal sedation, moderate sedation or deep sedation.....	350



Fee for the inspection of a facility required by the Board to ensure compliance with infection control guidelines.....	\$500
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 , for dental therapy <i>or expanded function dental assistance</i>	600
Annual license renewal fee for a limited license to practice dental hygiene , for dental therapy <i>or expanded function dental assistance</i>	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 , for dental therapist <i>or expanded function dental assistant</i>	200
Biennial license renewal fee for a dental hygienist , for dental therapist <i>or expanded function dental assistant</i> who is retired or has a disability	100
Reinstatement fee for a suspended license to practice dentistry, dental hygiene , for dental therapy <i>or expanded function dental assistance</i>	500
Reinstatement fee for a revoked license to practice dentistry, dental hygiene , for dental therapy <i>or expanded function dental assistance</i>	500
Reinstatement fee to return a dentist, dental hygienist , for dental therapist <i>or expanded function dental assistant</i> 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. 27. NRS 631.3452 is hereby amended to read as follows:

631.3452 Except as otherwise provided in NRS 631.3453, an entity that owns or operates a dental office or clinic as described in paragraph (g) of subsection 2 of NRS 631.215 must:

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

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

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

(c) Determining:

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

(2) Which particular treatment is necessary or advisable.

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

(e) Supervising dental hygienists, dental therapists, dental assistants, *expanded function dental assistants* and other personnel involved in direct patient care and authorizing procedures performed by the dental hygienists, dental therapists, dental assistants, *expanded function dental assistants* and other personnel in accordance with the standards of supervision established by law or regulations adopted pursuant thereto.

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

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

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

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

Sec. 28. NRS 631.3455 is hereby amended to read as follows:

631.3455 Nothing in this chapter precludes a person or entity not licensed by the Board from providing goods or services for the support of the business of a dental practice, office or clinic if the person or entity does not manage or control the clinical practice of dentistry. Such goods and services may include, without limitation, transactions involving:

1. Real and personal property, other than the ownership of the clinical records of patients; and



2. Personnel, other than licensed dentists, dental hygienists ,
~~and~~ dental therapists ~~and~~ *and expanded function dental assistants.*

Sec. 29. NRS 631.346 is hereby amended to read as follows:

631.346 The following acts, among others, constitute unprofessional conduct:

1. Employing, directly or indirectly, any student or any suspended or unlicensed dentist, dental hygienist , ~~and~~ dental therapist *or expanded function dental assistant* to perform operations of any kind to treat or correct the teeth or jaws, except as provided in this chapter;

2. Except as otherwise provided in NRS 631.287 or 631.3453, giving a public demonstration of methods of practice any place other than the office where the licensee is known to be regularly engaged in this practice;

3. Employing, procuring, inducing, aiding or abetting a person not licensed or registered as a dentist to engage in the practice of dentistry, but a patient shall not be deemed to be an accomplice, employer, procurer, inducer, aider or abettor;

4. For a dental hygienist or dental therapist, practicing in any place not authorized pursuant to this chapter; or

5. Practicing while a license is suspended or without a renewal certificate.

Sec. 30. NRS 631.3465 is hereby amended to read as follows:

631.3465 The following acts, among others, constitute unprofessional conduct:

1. Dividing fees or agreeing to divide fees received for services with any person for bringing or referring a patient, without the knowledge of the patient or his or her legal representative, but licensed dentists are not prohibited from:

(a) Practicing in a partnership and sharing professional fees;

(b) Employing another licensed dentist, dental hygienist , ~~and~~ dental therapist ~~and~~ *or expanded function dental assistant*; or

(c) Rendering services as a member of a nonprofit professional service corporation.

2. Associating with or lending his or her name to any person engaged in the illegal practice of dentistry or associating with any person, firm or corporation holding himself, herself or itself out in any manner contrary to the provisions of this chapter.

3. Associating with or being employed by a person not licensed pursuant to this chapter if that person exercises control over the services offered by the dentist, owns all or part of the dentist's practice or receives or shares the fees received by the dentist. The provisions of this subsection do not apply to a dentist who associates with or is employed by a person who owns or controls a dental practice pursuant to NRS 631.385.



4. Using the name “clinic,” “institute,” “referral services” or other title or designation that may suggest a public or semipublic activity.

5. Practicing under the name of a dentist who has not been in active practice for more than 1 year.

Sec. 31. NRS 631.3475 is hereby amended to read as follows:

631.3475 The following acts, among others, constitute unprofessional conduct:

1. Malpractice;

2. Professional incompetence;

3. Suspension or revocation of a license to practice dentistry, the imposition of a fine or other disciplinary action by any agency of another state authorized to regulate the practice of dentistry in that state;

4. More than one act by the dentist, dental hygienist , ~~for~~ dental therapist *or expanded function dental assistant* constituting standard care in the practice of dentistry, dental hygiene , ~~for~~ dental therapy ~~for~~ *or expanded function dental assistance, as applicable;*

5. Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS, if it is not required to treat the dentist’s patient;

6. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(c) Is cannabis being used for medical purposes in accordance with chapter 678C of NRS;

7. Having an alcohol or other substance use disorder to such an extent as to render the person unsafe or unreliable as a practitioner, or such gross immorality as tends to bring reproach upon the dental profession;

8. Conviction of a felony or misdemeanor involving moral turpitude or which relates to the practice of dentistry in this State, or conviction of any criminal violation of this chapter;

9. Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;



1 10. Failure to comply with the provisions of NRS 453.163,
2 453.164, 453.226, 639.23507, 639.23535 and 639.2391 to
3 639.23916, inclusive, and any regulations adopted by the State
4 Board of Pharmacy pursuant thereto.

5 11. Fraudulent, illegal, unauthorized or otherwise inappropriate
6 prescribing, administering or dispensing of a controlled substance
7 listed in schedule II, III or IV;

8 12. Failure to comply with the provisions of NRS 454.217 or
9 629.086;

10 13. Failure to obtain any training required by the Board
11 pursuant to NRS 631.344;

12 14. The performance or supervision of the performance of a
13 pelvic examination in violation of NRS 629.085; or

14 15. Operation of a medical facility, as defined in NRS
15 449.0151, at any time during which:

16 (a) The license of the facility is suspended or revoked; or

17 (b) An act or omission occurs which results in the suspension or
18 revocation of the license pursuant to NRS 449.160.

19 ➤ This subsection applies to an owner or other principal responsible
20 for the operation of the facility.

21 **Sec. 32.** NRS 631.3485 is hereby amended to read as follows:

22 631.3485 1. The following acts, among others, constitute
23 unprofessional conduct:

24 (a) Willful or repeated violations of the provisions of this
25 chapter;

26 (b) Willful or repeated violations of the regulations of the State
27 Board of Health, the State Board of Pharmacy or the Board of
28 Dental Examiners of Nevada;

29 (c) Failure to pay the fees for a license; or

30 (d) Failure to make the health care records of a patient available
31 for inspection and copying as provided in NRS 629.061, if the
32 dentist, dental hygienist, ~~for~~ dental therapist *or expanded function*
33 *dental assistant* is the custodian of health care records with respect
34 to those records.

35 2. As used in this section, "custodian of health care records"
36 has the meaning ascribed to it in NRS 629.016.

37 **Sec. 33.** NRS 631.3487 is hereby amended to read as follows:

38 631.3487 1. If the Board receives a copy of a court order
39 issued pursuant to NRS 425.540 that provides for the suspension of
40 all professional, occupational and recreational licenses, certificates
41 and permits issued to a person who is the holder of a license to
42 practice dentistry, dental hygiene, ~~for~~ dental therapy ~~or~~ *or*
43 *expanded function dental assistance* the Board shall deem the
44 license issued to that person to be suspended at the end of the 30th
45 day after the date on which the court order was issued unless the



Board receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license 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, dental hygiene, ~~for~~ dental therapy *or expanded function dental assistance* 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 was suspended stating that the person whose license 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 was suspended pays the fee imposed pursuant to NRS 631.345 for the reinstatement of a suspended license.

Sec. 34. NRS 631.350 is hereby amended to read as follows:

631.350 1. Except as otherwise provided in NRS 631.271, 631.2715 and 631.347, the Board may:

(a) Refuse to issue a license to any person;

(b) Revoke or suspend the license or renewal certificate issued by it to any person;

(c) Fine a person it has licensed;

(d) Place a person on probation for a specified period on any conditions the Board may order;

(e) Issue a public reprimand to a person;

(f) Limit a person's practice to certain branches of dentistry;

(g) Require a person to participate in a program relating to an alcohol or other substance use disorder or any other impairment;

(h) Require that a person's practice be supervised;

(i) Require a person to perform community service without compensation;

(j) Require a person to take a physical or mental examination or an examination of his or her competence;

(k) Require a person to fulfill certain training or educational requirements;

(l) Require a person to reimburse a patient; or

(m) Any combination thereof,

↪ if the Board finds, by a preponderance of the evidence, that the person has engaged in any of the activities listed in subsection 2.

2. The following activities may be punished as provided in subsection 1:

(a) Engaging in the illegal practice of dentistry, dental hygiene, ~~for~~ dental therapy ~~for~~ *or expanded function dental assistance*;

(b) Engaging in unprofessional conduct; or



(c) Violating any regulations adopted by the Board or the provisions of this chapter.

3. The Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines therefor and deposit the money therefrom in banks, credit unions, savings and loan associations or savings banks in this State.

4. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 3 and the Board deposits the money collected from the imposition of fines with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

5. The Board shall not administer a private reprimand.

6. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 35. NRS 631.360 is hereby amended to read as follows:

631.360 1. Except as otherwise provided in NRS 631.364, the Board may, upon its own motion, and shall, upon the verified complaint in writing of any person setting forth facts which, if proven, would constitute grounds for initiating disciplinary action, investigate the actions of any person who practices dentistry, dental hygiene, ~~for~~ dental therapy *or expanded function dental assistance* in this State. A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.

2. The Board shall, before initiating disciplinary action, at least 10 days before the date set for the hearing, notify the accused person in writing of any charges made. The notice may be served by delivery of it personally to the accused person or by mailing it by registered or certified mail to the place of business last specified by the accused person, as registered with the Board.

3. At the time and place fixed in the notice, the Board shall proceed to hear the charges. If the Board receives a report pursuant to subsection 5 of NRS 228.420, a hearing must be held within 30 days after receiving the report.

4. The Board may compel the attendance of witnesses or the production of documents or objects by subpoena. The Board may adopt regulations that set forth a procedure pursuant to which the Executive Director may issue subpoenas on behalf of the Board. Any person who is subpoenaed pursuant to this subsection may



1 request the Board to modify the terms of the subpoena or grant
2 additional time for compliance.

3 5. The Board may obtain a search warrant from a magistrate
4 upon a showing that the warrant is needed for an investigation or
5 hearing being conducted by the Board and that reasonable cause
6 exists to issue the warrant.

7 6. If the Board is not sitting at the time and place fixed in the
8 notice, or at the time and place to which the hearing has been
9 continued, the Board shall continue the hearing for a period not to
10 exceed 30 days.

11 7. The Board shall retain all complaints received by the Board
12 pursuant to this section for at least 10 years, including, without
13 limitation, any complaints not acted upon.

14 **Sec. 36.** NRS 631.395 is hereby amended to read as follows:

15 631.395 A person is guilty of the illegal practice of dentistry,
16 dental hygiene , ~~{or}~~ dental therapy *or expanded function dental*
17 *assistance* who:

18 1. Sells or barter, or offers to sell or barter, any diploma or
19 document conferring or purporting to confer any dental degree, or
20 any certificate or transcript made or purporting to be made pursuant
21 to the laws regulating the licensing and registration of dentists,
22 dental hygienists , ~~{or}~~ dental therapists ~~{}~~ *or expanded function*
23 *dental assistants*;

24 2. Purchases or procures by barter any such diploma, certificate
25 or transcript, with the intent that it be used as evidence of the
26 holder's qualifications to practice dentistry, or in fraud of the laws
27 regulating that practice;

28 3. With fraudulent intent, alters in a material regard any such
29 diploma, certificate or transcript;

30 4. Uses or attempts to use any diploma, certificate or transcript,
31 which has been purchased, fraudulently issued, counterfeited or
32 materially altered, either as a license or color of license to practice
33 dentistry, or in order to procure registration as a dentist, dental
34 hygienist , ~~{or}~~ dental therapist ~~{}~~ *or expanded function dental*
35 *assistant*;

36 5. Practices dentistry under a false or assumed name;

37 6. Assumes the degree of "Doctor of Dental Surgery" or
38 "Doctor of Dental Medicine" or appends the letters "D.D.S." or
39 "D.M.D." or "R.D.H." to his or her name, not having conferred
40 upon him or her, by diploma from an accredited dental or dental
41 hygiene college or school legally empowered to confer the title, the
42 right to assume the title, or assumes any title or appends any letters
43 to his or her name with the intent to represent falsely that he or she
44 has received a dental degree or license;



7. Willfully makes, as an applicant for examination, license or registration under this chapter, a false statement in a material regard in an affidavit required by this chapter;

8. Within 10 days after a demand is made by the Secretary-Treasurer, fails to furnish to the Board the names and addresses of all persons practicing or assisting in the practice of dentistry in the office of the person at any time within 60 days before the notice, together with a sworn statement showing under and by what license or authority the person and his or her employee are and have been practicing dentistry, but the affidavit must not be used as evidence against the person in any proceeding under this chapter;

9. Except as otherwise provided in NRS 629.091, practices dentistry, dental hygiene, ~~for~~ dental therapy *or expanded function dental assistance* in this State without a license;

10. Except as otherwise provided in NRS 631.385, owns or controls a dental practice, shares in the fees received by a dentist or controls or attempts to control the services offered by a dentist if the person is not himself or herself licensed pursuant to this chapter; or

11. Aids or abets another in violating any of the provisions of this chapter.

Sec. 37. NRS 631.396 is hereby amended to read as follows:

631.396 Any member or agent of the Board may enter any premises in this State where a person who holds a license or certificate issued pursuant to the provisions of this chapter practices dentistry, dental hygiene, ~~for~~ dental therapy *or expanded function dental assistance* and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing dentistry, dental hygiene, ~~for~~ dental therapy *or expanded function dental assistance* without the appropriate license or certificate issued pursuant to the provisions of this chapter.

Sec. 38. NRS 631.397 is hereby amended to read as follows:

631.397 Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice dentistry, dental hygiene, ~~for~~ dental therapy *or expanded function dental assistance* without the appropriate license or certificate issued pursuant to the provisions of this chapter.

Sec. 39. NRS 631.400 is hereby amended to read as follows:

631.400 1. A person who engages in the illegal practice of dentistry in this State is guilty of a category D felony and shall be punished as provided in NRS 193.130, unless a greater penalty is provided pursuant to NRS 200.830 or 200.840.



2. Unless a greater penalty is provided pursuant to NRS 200.830 or 200.840, a person who practices or offers to practice dental hygiene, ~~for~~ dental therapy *or expanded function dental assistance* in this State without a license, or who, having a license, practices dental hygiene, ~~for~~ dental therapy *or expanded function dental assistance* in a manner or place not permitted by the provisions of this chapter:

(a) If it is his or her first or second offense, is guilty of a gross misdemeanor.

(b) If it is his or her third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. Unless a greater penalty is provided by specific statute, a person who is licensed to practice dentistry who practices dentistry in a manner or place not permitted by the provisions of this chapter:

(a) If it is his or her first or second offense, is guilty of a gross misdemeanor.

(b) If it is his or her third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

4. The Board may assign a person described in subsection 1, 2 or 3 specific duties as a condition of renewing a license.

5. If a person has engaged or is about to engage in any acts or practices which constitute or will constitute an offense against this chapter, the district court of any county, on application of the Board, may issue an injunction or other appropriate order restraining the conduct. Proceedings under this subsection are governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking is required in any action commenced by the Board.

6. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, 2 or 3, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or certificate or otherwise demonstrates that he or she is no longer in violation of subsection 1, 2 or 3. An order to cease and desist must include a telephone number with which the person may contact the Board.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written



request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than \$5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 40. NRS 632.472 is hereby amended to read as follows:

632.472 1. The following persons shall report in writing to the Executive Director of the Board any conduct of a licensee or holder of a certificate which constitutes a violation of the provisions of this chapter:

(a) Any physician, dentist, dental hygienist, *expanded function dental assistant*, chiropractic physician, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, nursing assistant, medication aide - certified, perfusionist, physician assistant licensed pursuant to chapter 630 or 633 of NRS, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, alcohol or drug counselor, peer recovery support specialist, peer recovery support specialist supervisor, music therapist, holder of a license or limited license issued pursuant to chapter 653 of NRS, driver of an ambulance, paramedic or other person providing medical services licensed or certified to practice in this State.

(b) Any personnel of a medical facility or facility for the dependent engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a medical facility or facility for the dependent upon notification by a member of the staff of the facility.

(c) A coroner.

(d) Any person who maintains or is employed by an agency to provide personal care services in the home.

(e) Any person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(f) Any person who maintains or is employed by an agency to provide nursing in the home.

(g) Any employee of the Department of Health and Human Services.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding



1 the abuse, neglect or exploitation of an older person and refers them
2 to persons and agencies where their requests and needs can be met.

3 (k) Any social worker.

4 (l) Any person who operates or is employed by a community
5 health worker pool or with whom a community health worker pool
6 contracts to provide the services of a community health worker, as
7 defined in NRS 449.0027.

8 2. Every physician who, as a member of the staff of a medical
9 facility or facility for the dependent, has reason to believe that a
10 nursing assistant or medication aide - certified has engaged in
11 conduct which constitutes grounds for the denial, suspension or
12 revocation of a certificate shall notify the superintendent, manager
13 or other person in charge of the facility. The superintendent,
14 manager or other person in charge shall make a report as required in
15 subsection 1.

16 3. A report may be filed by any other person.

17 4. Any person who in good faith reports any violation of the
18 provisions of this chapter to the Executive Director of the Board
19 pursuant to this section is immune from civil liability for reporting
20 the violation.

21 5. As used in this section:

22 (a) "Agency to provide personal care services in the home" has
23 the meaning ascribed to it in NRS 449.0021.

24 (b) "Community health worker pool" has the meaning ascribed
25 to it in NRS 449.0028.

26 (c) "Peer recovery support specialist" has the meaning ascribed
27 to it in NRS 433.627.

28 (d) "Peer recovery support specialist supervisor" has the
29 meaning ascribed to it in NRS 433.629.

30 **Sec. 41.** NRS 639.0125 is hereby amended to read as follows:
31 639.0125 "Practitioner" means:

32 1. A physician, dentist, veterinarian or podiatric physician who
33 holds a license to practice his or her profession in this State;

34 2. A hospital, pharmacy or other institution licensed, registered
35 or otherwise permitted to distribute, dispense, conduct research with
36 respect to or administer drugs in the course of professional practice
37 or research in this State;

38 3. An advanced practice registered nurse who has been
39 authorized to prescribe controlled substances, poisons, dangerous
40 drugs and devices;

41 4. A physician assistant who:

42 (a) Holds a license issued by the Board of Medical Examiners;
43 and

44 (b) Is authorized by the Board to possess, administer, prescribe
45 or dispense controlled substances, poisons, dangerous drugs or



1 devices under the supervision of a physician as required by chapter
2 630 of NRS;

3 5. A physician assistant who:

4 (a) Holds a license issued by the State Board of Osteopathic
5 Medicine; and

6 (b) Is authorized by the Board to possess, administer, prescribe
7 or dispense controlled substances, poisons, dangerous drugs or
8 devices under the supervision of an osteopathic physician as
9 required by chapter 633 of NRS; or

10 6. An optometrist who is certified by the Nevada State Board
11 of Optometry to prescribe and administer pharmaceutical agents
12 pursuant to NRS 636.288, when the optometrist prescribes or
13 administers pharmaceutical agents within the scope of his or her
14 certification.

15 7. *A dental hygienist who:*

16 (a) *Holds a valid license to practice dental hygiene in this*
17 *State; and*

18 (b) *Is authorized to prescribe and dispense certain dangerous*
19 *drugs pursuant to section 9 of this act.*

20 **Sec. 42.** NRS 653.430 is hereby amended to read as follows:

21 653.430 The provisions of this chapter do not apply to:

22 1. A physician or physician assistant licensed pursuant to
23 chapter 630 or 633 of NRS.

24 2. A dentist, dental hygienist , ~~{or}~~ dental therapist *or*
25 *expanded function dental assistant* licensed pursuant to chapter 631
26 of NRS or a dental assistant working within the scope of his or her
27 employment under the direct supervision of ~~{a}~~:

28 (a) *A dentist ~~{}~~; or*

29 (b) *Where authorized by NRS 631.287, a dental hygienist who*
30 *holds a special endorsement to practice public health dental*
31 *hygiene.*

32 3. A chiropractic physician or chiropractic assistant licensed
33 pursuant to chapter 634 of NRS.

34 4. A person training to become a chiropractic assistant or a
35 student practicing in the preceptor program established by the
36 Chiropractic Physicians' Board of Nevada pursuant to
37 NRS 634.1375.

38 5. A podiatric physician or podiatry hygienist licensed pursuant
39 to chapter 635 of NRS, or a person training to be a podiatry
40 hygienist.

41 6. A veterinarian or veterinary technician licensed pursuant to
42 chapter 638 of NRS or any other person performing tasks under the
43 supervision of a veterinarian or veterinary technician as authorized
44 by regulation of the Nevada State Board of Veterinary Medical
45 Examiners.



1 7. The performance of mammography in accordance with NRS
2 457.182 to 457.187, inclusive.

3 **Sec. 43.** NRS 200.471 is hereby amended to read as follows:

4 200.471 1. As used in this section:

5 (a) "Assault" means:

6 (1) Unlawfully attempting to use physical force against
7 another person; or

8 (2) Intentionally placing another person in reasonable
9 apprehension of immediate bodily harm.

10 (b) "Fire-fighting agency" has the meaning ascribed to it in
11 NRS 239B.020.

12 (c) "Officer" means:

13 (1) A person who possesses some or all of the powers of a
14 peace officer;

15 (2) A person employed in a full-time salaried occupation of
16 fire fighting for the benefit or safety of the public;

17 (3) A member of a volunteer fire department;

18 (4) A jailer, guard or other correctional officer of a city or
19 county jail;

20 (5) A prosecuting attorney of an agency or political
21 subdivision of the United States or of this State;

22 (6) A justice of the Supreme Court, judge of the Court of
23 Appeals, district judge, justice of the peace, municipal judge,
24 magistrate, court commissioner, master or referee, including a
25 person acting pro tempore in a capacity listed in this subparagraph;

26 (7) An employee of this State or a political subdivision of
27 this State whose official duties require the employee to make home
28 visits;

29 (8) A civilian employee or a volunteer of a law enforcement
30 agency whose official duties require the employee or volunteer to:

31 (I) Interact with the public;

32 (II) Perform tasks related to law enforcement; and

33 (III) Wear identification, clothing or a uniform that
34 identifies the employee or volunteer as working or volunteering for
35 the law enforcement agency;

36 (9) A civilian employee or a volunteer of a fire-fighting
37 agency whose official duties require the employee or volunteer to:

38 (I) Interact with the public;

39 (II) Perform tasks related to fire fighting or fire
40 prevention; and

41 (III) Wear identification, clothing or a uniform that
42 identifies the employee or volunteer as working or volunteering for
43 the fire-fighting agency; or



(10) A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to code enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.

(d) "Provider of health care" means a physician, a medical student, a perfusionist or a physician assistant licensed pursuant to chapter 630 of NRS, a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, a physician assistant licensed pursuant to chapter 633 of NRS, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractic physician, a chiropractic assistant, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a medication aide - certified, a dentist, a dental student, a dental hygienist, a dental hygienist student, *an expanded function dental assistant, an expanded function dental assistant student*, a pharmacist, a pharmacy student, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist, a marriage and family therapist intern, a clinical professional counselor, a clinical professional counselor intern, a licensed dietitian, the holder of a license or a limited license issued under the provisions of chapter 653 of NRS, an emergency medical technician, an advanced emergency medical technician and a paramedic.

(e) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

(f) "Sporting event" has the meaning ascribed to it in NRS 41.630.

(g) "Sports official" has the meaning ascribed to it in NRS 41.630.

(h) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

(i) "Taxicab driver" means a person who operates a taxicab.

(j) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

2. A person convicted of an assault shall be punished:

(a) If paragraph (c) or (d) does not apply to the circumstances of the crime and the assault is not made with the use of a deadly weapon or the present ability to use a deadly weapon, for a misdemeanor.



(b) If the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

(c) If paragraph (d) does not apply to the circumstances of the crime and if the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event and the person charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a gross misdemeanor, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

(d) If the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event by a probationer, a prisoner who is in lawful custody or confinement or a parolee, and the probationer, prisoner or parolee charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a category D felony as provided in NRS 193.130, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

Sec. 44. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that an older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;



- 1 (2) A police department or sheriff's office; or
2 (3) A toll-free telephone service designated by the Aging and
3 Disability Services Division of the Department of Health and
4 Human Services; and

5 (b) Make such a report as soon as reasonably practicable but not
6 later than 24 hours after the person knows or has reasonable cause to
7 believe that the older person or vulnerable person has been abused,
8 neglected, exploited, isolated or abandoned.

9 2. If a person who is required to make a report pursuant to
10 subsection 1 knows or has reasonable cause to believe that the
11 abuse, neglect, exploitation, isolation or abandonment of the older
12 person or vulnerable person involves an act or omission of the
13 Aging and Disability Services Division, another division of the
14 Department of Health and Human Services or a law enforcement
15 agency, the person shall make the report to an agency other than the
16 one alleged to have committed the act or omission.

17 3. Each agency, after reducing a report to writing, shall forward
18 a copy of the report to the Aging and Disability Services Division of
19 the Department of Health and Human Services and the Unit for the
20 Investigation and Prosecution of Crimes.

21 4. A report must be made pursuant to subsection 1 by the
22 following persons:

23 (a) Every physician, dentist, dental hygienist, *expanded*
24 *function dental assistant*, chiropractic physician, optometrist,
25 podiatric physician, medical examiner, resident, intern, professional
26 or practical nurse, physician assistant licensed pursuant to chapter
27 630 or 633 of NRS, perfusionist, psychiatrist, psychologist,
28 marriage and family therapist, clinical professional counselor,
29 clinical alcohol and drug counselor, alcohol and drug counselor,
30 music therapist, athletic trainer, driver of an ambulance, paramedic,
31 licensed dietitian, holder of a license or a limited license issued
32 under the provisions of chapter 653 of NRS, behavior analyst,
33 assistant behavior analyst, registered behavior technician, peer
34 recovery support specialist, as defined in NRS 433.627, peer
35 recovery support specialist supervisor, as defined in NRS 433.629,
36 or other person providing medical services licensed or certified to
37 practice in this State, who examines, attends or treats an older
38 person or vulnerable person who appears to have been abused,
39 neglected, exploited, isolated or abandoned.

40 (b) Any personnel of a hospital or similar institution engaged in
41 the admission, examination, care or treatment of persons or an
42 administrator, manager or other person in charge of a hospital or
43 similar institution upon notification of the suspected abuse, neglect,
44 exploitation, isolation or abandonment of an older person or
45 vulnerable person by a member of the staff of the hospital.



1 (c) A coroner.

2 (d) Every person who maintains or is employed by an agency to
3 provide personal care services in the home.

4 (e) Every person who maintains or is employed by an agency to
5 provide nursing in the home.

6 (f) Every person who operates, who is employed by or who
7 contracts to provide services for an intermediary service
8 organization as defined in NRS 449.4304.

9 (g) Any employee of the Department of Health and Human
10 Services, except the State Long-Term Care Ombudsman appointed
11 pursuant to NRS 427A.125 and any of his or her advocates or
12 volunteers where prohibited from making such a report pursuant to
13 45 C.F.R. § 1321.11.

14 (h) Any employee of a law enforcement agency or a county's
15 office for protective services or an adult or juvenile probation
16 officer.

17 (i) Any person who maintains or is employed by a facility or
18 establishment that provides care for older persons or vulnerable
19 persons.

20 (j) Any person who maintains, is employed by or serves as a
21 volunteer for an agency or service which advises persons regarding
22 the abuse, neglect, exploitation, isolation or abandonment of an
23 older person or vulnerable person and refers them to persons and
24 agencies where their requests and needs can be met.

25 (k) Every social worker.

26 (l) Any person who owns or is employed by a funeral home or
27 mortuary.

28 (m) Every person who operates or is employed by a community
29 health worker pool, as defined in NRS 449.0028, or with whom a
30 community health worker pool contracts to provide the services of a
31 community health worker, as defined in NRS 449.0027.

32 (n) Every person who is enrolled with the Division of Health
33 Care Financing and Policy of the Department of Health and Human
34 Services to provide doula services to recipients of Medicaid
35 pursuant to NRS 422.27177.

36 5. A report may be made by any other person.

37 6. If a person who is required to make a report pursuant to
38 subsection 1 knows or has reasonable cause to believe that an older
39 person or vulnerable person has died as a result of abuse, neglect,
40 isolation or abandonment, the person shall, as soon as reasonably
41 practicable, report this belief to the appropriate medical examiner or
42 coroner, who shall investigate the cause of death of the older person
43 or vulnerable person and submit to the appropriate local law
44 enforcement agencies, the appropriate prosecuting attorney, the
45 Aging and Disability Services Division of the Department of Health



1 and Human Services and the Unit for the Investigation and
2 Prosecution of Crimes his or her written findings. The written
3 findings must include the information required pursuant to the
4 provisions of NRS 200.5094, when possible.

5 7. A division, office or department which receives a report
6 pursuant to this section shall cause the investigation of the report to
7 commence within 3 working days. A copy of the final report of the
8 investigation conducted by a division, office or department, other
9 than the Aging and Disability Services Division of the Department
10 of Health and Human Services, must be forwarded within 30 days
11 after the completion of the report to the:

12 (a) Aging and Disability Services Division;

13 (b) Repository for Information Concerning Crimes Against
14 Older Persons or Vulnerable Persons created by NRS 179A.450;
15 and

16 (c) Unit for the Investigation and Prosecution of Crimes.

17 8. If the investigation of a report results in the belief that an
18 older person or vulnerable person is abused, neglected, exploited,
19 isolated or abandoned, the Aging and Disability Services Division
20 of the Department of Health and Human Services or the county's
21 office for protective services may provide protective services to the
22 older person or vulnerable person if the older person or vulnerable
23 person is able and willing to accept them.

24 9. A person who knowingly and willfully violates any of the
25 provisions of this section is guilty of a misdemeanor.

26 10. As used in this section, "Unit for the Investigation and
27 Prosecution of Crimes" means the Unit for the Investigation and
28 Prosecution of Crimes Against Older Persons or Vulnerable Persons
29 in the Office of the Attorney General created pursuant to
30 NRS 228.265.

31 **Sec. 45.** NRS 439.2713 is hereby amended to read as follows:

32 439.2713 "Provider of oral health care" means a dentist, ~~for~~
33 dental hygienist *or expanded function dental assistant* licensed
34 pursuant to the provisions of chapter 631 of NRS.

35 **Sec. 46.** NRS 454.00958 is hereby amended to read as
36 follows:

37 454.00958 "Practitioner" means:

38 1. A physician, dentist, veterinarian or podiatric physician who
39 holds a valid license to practice his or her profession in this State.

40 2. A pharmacy, hospital or other institution licensed or
41 registered to distribute, dispense, conduct research with respect to or
42 to administer a dangerous drug in the course of professional practice
43 in this State.

44 3. When relating to the prescription of poisons, dangerous
45 drugs and devices:



(a) An advanced practice registered nurse who holds a certificate from the State Board of Pharmacy permitting him or her so to prescribe; or

(b) A physician assistant who holds a license from the Board of Medical Examiners and a certificate from the State Board of Pharmacy permitting him or her so to prescribe.

4. An optometrist who is certified to prescribe and administer pharmaceutical agents pursuant to NRS 636.288 when the optometrist prescribes or administers dangerous drugs which are within the scope of his or her certification.

5. A dental hygienist who holds a valid license to practice dental hygiene in this State and is authorized to prescribe and dispense certain dangerous drugs pursuant to section 9 of this act.

Sec. 47. NRS 454.213 is hereby amended to read as follows:

454.213 1. Except as otherwise provided in NRS 454.217, a drug or medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and administered by:

(a) A practitioner.

(b) A physician assistant licensed pursuant to chapter 630 or 633 of NRS, at the direction of his or her supervising physician or a licensed dental hygienist *or expanded function dental assistant* acting in the office of and under the supervision of a dentist.

(c) Except as otherwise provided in paragraph (d), a registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a prescribing physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician or advanced practice registered nurse, or pursuant to a chart order, for administration to a patient at another location.

(d) In accordance with applicable regulations of the Board, a registered nurse licensed to practice professional nursing or licensed practical nurse who is:

(1) Employed by a health care agency or health care facility that is authorized to provide emergency care, or to respond to the immediate needs of a patient, in the residence of the patient; and

(2) Acting under the direction of the medical director of that agency or facility who works in this State.

(e) A medication aide - certified at a designated facility under the supervision of an advanced practice registered nurse or registered nurse and in accordance with standard protocols developed by the State Board of Nursing. As used in this paragraph, “designated facility” has the meaning ascribed to it in NRS 632.0145.

(f) Except as otherwise provided in paragraph (g), an advanced emergency medical technician or a paramedic, as authorized by



1 regulation of the State Board of Pharmacy and in accordance with
2 any applicable regulations of:

3 (1) The State Board of Health in a county whose population
4 is less than 100,000;

5 (2) A county board of health in a county whose population is
6 100,000 or more; or

7 (3) A district board of health created pursuant to NRS
8 439.362 or 439.370 in any county.

9 (g) An advanced emergency medical technician or a paramedic
10 who holds an endorsement issued pursuant to NRS 450B.1975,
11 under the direct supervision of a local health officer or a designee of
12 the local health officer pursuant to that section.

13 (h) A respiratory therapist employed in a health care facility.
14 The therapist may possess and administer respiratory products only
15 at the direction of a physician.

16 (i) A dialysis technician, under the direction or supervision of a
17 physician or registered nurse only if the drug or medicine is used for
18 the process of renal dialysis.

19 (j) A medical student or student nurse in the course of his or her
20 studies at an accredited college of medicine or approved school of
21 professional or practical nursing, at the direction of a physician and:

22 (1) In the presence of a physician or a registered nurse; or

23 (2) Under the supervision of a physician or a registered nurse
24 if the student is authorized by the college or school to administer the
25 drug or medicine outside the presence of a physician or nurse.

26 ➡ A medical student or student nurse may administer a dangerous
27 drug in the presence or under the supervision of a registered nurse
28 alone only if the circumstances are such that the registered nurse
29 would be authorized to administer it personally.

30 (k) Any person designated by the head of a correctional
31 institution.

32 (l) An ultimate user or any person designated by the ultimate
33 user pursuant to a written agreement.

34 (m) A holder of a license to engage in radiation therapy and
35 radiologic imaging issued pursuant to chapter 653 of NRS, at the
36 direction of a physician and in accordance with any conditions
37 established by regulation of the Board.

38 (n) A chiropractic physician, but only if the drug or medicine is
39 a topical drug used for cooling and stretching external tissue during
40 therapeutic treatments.

41 (o) A physical therapist, but only if the drug or medicine is a
42 topical drug which is:

43 (1) Used for cooling and stretching external tissue during
44 therapeutic treatments; and

45 (2) Prescribed by a licensed physician for:



1 (I) Iontophoresis; or
2 (II) The transmission of drugs through the skin using
3 ultrasound.

4 (p) In accordance with applicable regulations of the State Board
5 of Health, an employee of a residential facility for groups, as
6 defined in NRS 449.017, pursuant to a written agreement entered
7 into by the ultimate user.

8 (q) A veterinary technician or a veterinary assistant at the
9 direction of his or her supervising veterinarian.

10 (r) In accordance with applicable regulations of the Board, a
11 registered pharmacist who:

12 (1) Is trained in and certified to carry out standards and
13 practices for immunization programs;

14 (2) Is authorized to administer immunizations pursuant to
15 written protocols from a physician; and

16 (3) Administers immunizations in compliance with the
17 “Standards for Immunization Practices” recommended and
18 approved by the Advisory Committee on Immunization Practices of
19 the Centers for Disease Control and Prevention.

20 (s) A registered pharmacist pursuant to written guidelines and
21 protocols developed pursuant to NRS 639.2629 or a collaborative
22 practice agreement, as defined in NRS 639.0052.

23 (t) A person who is enrolled in a training program to become a
24 physician assistant licensed pursuant to chapter 630 or 633 of NRS,
25 dental hygienist, advanced emergency medical technician,
26 paramedic, respiratory therapist, dialysis technician, physical
27 therapist or veterinary technician or to obtain a license to engage in
28 radiation therapy and radiologic imaging pursuant to chapter 653 of
29 NRS if the person possesses and administers the drug or medicine in
30 the same manner and under the same conditions that apply,
31 respectively, to a physician assistant licensed pursuant to chapter
32 630 or 633 of NRS, dental hygienist, advanced emergency medical
33 technician, paramedic, respiratory therapist, dialysis technician,
34 physical therapist, veterinary technician or person licensed to
35 engage in radiation therapy and radiologic imaging who may
36 possess and administer the drug or medicine, and under the direct
37 supervision of a person licensed or registered to perform the
38 respective medical art or a supervisor of such a person.

39 (u) A medical assistant, in accordance with applicable
40 regulations of the:

41 (1) Board of Medical Examiners, at the direction of the
42 prescribing physician and under the supervision of a physician or
43 physician assistant.



(2) State Board of Osteopathic Medicine, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

2. As used in this section, “accredited college of medicine” has the meaning ascribed to it in NRS 453.375.

Sec. 48. NRS 695D.040 is hereby amended to read as follows:

695D.040 “Dentist” includes a dental hygienist ~~and~~ *and an expanded function dental assistant.*

Sec. 49. 1. Not later than January 1, 2025, the Board of Dental Examiners of Nevada shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Legislature that includes, without limitation:

(a) The number of persons that applied for licensure as an expanded function dental assistant pursuant to sections 5 and 6 of this act during the 2024 calendar year and the number of such licenses issued during the 2024 calendar year;

(b) The number of persons that applied for a special endorsement to practice restorative dental hygiene pursuant to section 6.5 of this act during the 2024 calendar year and the number of such special endorsements issued during the 2024 calendar year;

(c) The number of dental hygienists currently authorized to prescribe and dispense drugs pursuant to section 9 of this act; and

(d) A description of the impact of authorizing the practice of expanded function dental assistance and restorative dental hygiene and the prescription and dispensing of drugs by dental hygienists on the quality and availability of dental services in this State.

2. As used in this section:

(a) “Dental hygienist” has the meaning ascribed to it in NRS 631.040.

(b) “Expanded function dental assistance” has the meaning ascribed to it in section 2 of this act.

(c) “Expanded function dental assistant” has the meaning ascribed to it in section 3 of this act.

(d) “Restorative dental hygiene” has the meaning ascribed to it in section 3.5 of this act.

Sec. 50. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 49, inclusive, of this act become effective:

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

(b) On January 1, 2024, for all other purposes.

