

ASSEMBLY BILL NO. 324—ASSEMBLYWOMAN CARLTON

MARCH 18, 2013

Referred to Committee on Commerce and Labor

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

FISCAL NOTE: Effect on Local Government: No. Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to dental assistants; prohibiting a person from acting as a dental assistant except under certain circumstances; providing for issuance by the Board of Dental Examiners of Nevada of a certificate of registration as a dental assistant; providing that a dental assistant or registered dental assistant may perform only certain acts authorized by the Board and under the direct supervision of a licensed dentist or dental hygienist; setting forth certain requirements for the issuance and renewal of a certificate of registration as a dental assistant; requiring the Board to adopt certain regulations; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides for the licensing and regulation of dentists and dental
2 hygienists by the Board of Dental Examiners of Nevada. (Chapter 631 of NRS)
3 This bill provides for the regulation of dental assistants and registered dental
4 assistants by the Board. **Section 4** of this bill provides that a dental assistant or
5 registered dental assistant may perform only the intraoral tasks and dental
6 procedures authorized by the Board and only under the direct supervision of a
7 licensed dentist or dental hygienist. **Section 5** of this bill prohibits a person from
8 acting as a dental assistant in this State unless the person provides to the Board
9 certain information relating to his or her qualifications. **Section 6** of this bill
10 prohibits a person from acting as a registered dental assistant in this State unless the
11 person holds a certificate of registration as a dental assistant. **Section 6** also sets
12 forth the requirements for the issuance by the Board of a certificate of registration
13 as a dental assistant, and provides that a certificate of registration as a dental
14 assistant expires 2 years after the date of issuance and may be renewed biennially.
15 **Section 7** of this bill sets forth the continuing education requirements for renewal
16 of a certificate of registration as a dental assistant. **Section 8** of this bill requires the



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17 Board to adopt regulations necessary to carry out the provisions of this bill, and
18 **section 14** of this bill requires the Board to adopt rules or regulations specifying the
19 intraoral tasks and dental procedures which a dental assistant or registered dental
20 assistant may perform.

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

1 **Section 1.** Chapter 631 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 9, inclusive, of this
3 act.

4 **Sec. 2.** *“Dental assistant” means a person who assists a*
5 *dentist or dental hygienist in the performance of dental*
6 *procedures.*

7 **Sec. 3.** *“Registered dental assistant” means a person to*
8 *whom the Board has issued a certificate of registration as a dental*
9 *assistant pursuant to section 6 of this act.*

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

15 **Sec. 5.** *1. A person shall not act as a dental assistant in this*
16 *State unless the person presents proof satisfactory to the Board*
17 *that the person:*

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

21 *(b) Has successfully completed a course of study in radiation*
22 *safety and techniques that is approved by the Board.*

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

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

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

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



1 2. *The Board shall issue a certificate of registration as a*
2 *dental assistant to an applicant who submits an application which*
3 *provides proof satisfactory to the Board that the applicant:*

4 (a) *Is of good moral character;*

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

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

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

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

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

15 (g) *Meets any other requirements for the issuance of a*
16 *certificate of registration established by the Board by regulation.*

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

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

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

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

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

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

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

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

42 2. *All persons who have satisfied the requirements for the*
43 *issuance of a certificate of registration as a dental assistant must*
44 *be registered as dental assistants on the board register, as provided*
45 *in this chapter, and are entitled to receive a certificate of*



1 *registration as a dental assistant, signed by all members of the*
2 *Board.*

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

6 **Sec. 9.** *The Board may suspend or revoke a certificate of*
7 *registration as a dental assistant or issue a reprimand to a*
8 *registered dental assistant if the board determines that the*
9 *registered dental assistant has violated any provision of sections 2*
10 *to 9, inclusive, of this act or any regulation adopted pursuant*
11 *thereto.*

12 **Sec. 10.** NRS 631.005 is hereby amended to read as follows:
13 631.005 As used in this chapter, unless the context otherwise
14 requires, the words and terms defined in NRS 631.015 to 631.105,
15 inclusive, *and sections 2 and 3 of this act* have the meanings
16 ascribed to them in those sections.

17 **Sec. 11.** NRS 631.115 is hereby amended to read as follows:
18 631.115 Except as otherwise provided in subsection ~~2~~ 3 of
19 NRS 631.317, this chapter does not apply to:

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

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

28 **Sec. 12.** NRS 631.225 is hereby amended to read as follows:
29 631.225 1. In addition to any other requirements set forth in
30 this chapter:

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

35 (b) An applicant for the issuance or renewal of a license to
36 practice dentistry or dental hygiene *or a certificate of registration*
37 *as a dental assistant* shall submit to the Board the statement
38 prescribed by the Division of Welfare and Supportive Services of
39 the Department of Health and Human Services pursuant to NRS
40 425.520. The statement must be completed and signed by the
41 applicant.

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



1 (a) The application or any other forms that must be submitted
2 for the issuance or renewal of the license **H** *or certificate of*
3 *registration*; or

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

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

8 (a) Fails to submit the statement required pursuant to subsection
9 1; or

10 (b) Indicates on the statement submitted pursuant to subsection
11 1 that the applicant is subject to a court order for the support of a
12 child and is not in compliance with the order or a plan approved by
13 the district attorney or other public agency enforcing the order for
14 the repayment of the amount owed pursuant to the order.

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

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

24 631.313 1. A licensed dentist may assign to a person in his or
25 her employ who is a dental hygienist, *registered* dental assistant ,
26 *dental assistant* or other person directly or indirectly involved in the
27 provision of dental care only such intraoral tasks as may be
28 permitted by a regulation of the Board or by the provisions of this
29 chapter.

30 2. The performance of these tasks must be:

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

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

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

40 3. No such assignment is permitted that requires:

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



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

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

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

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

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

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

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

19 631.317 The Board shall adopt rules or regulations:

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

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

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

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

31 631.3487 1. If the Board receives a copy of a court order
32 issued pursuant to NRS 425.540 that provides for the suspension of
33 all professional, occupational and recreational licenses, certificates
34 and permits issued to a person who is the holder of a license to
35 practice dentistry or dental hygiene ~~†~~ *or a certificate of*
36 *registration as a dental assistant*, the Board shall deem the license
37 *or certificate of registration* issued to that person to be suspended at
38 the end of the 30th day after the date on which the court order was
39 issued unless the Board receives a letter issued to the holder of the
40 license *or certificate of registration* by the district attorney or other
41 public agency pursuant to NRS 425.550 stating that the holder of the
42 license *or certificate of registration* has complied with the subpoena
43 or warrant or has satisfied the arrearage pursuant to NRS 425.560.

44 2. The Board shall reinstate a license to practice dentistry or
45 dental hygiene *or a certificate of registration as a dental assistant*



1 that has been suspended by a district court pursuant to NRS 425.540
2 if:

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

9 (b) The person whose license *or certificate of registration* was
10 suspended pays ~~the~~ *any applicable* fee imposed pursuant to NRS
11 631.345 for the reinstatement of a suspended license ~~+~~ *or*
12 *certificate of registration*.

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

- 14 1. Upon passage and approval for the purpose of adopting
15 regulations and performing any other preparatory administrative
16 tasks that are necessary to carry out the provisions of this act; and
17 2. On July 1, 2014, for all other purposes.

