

ASSEMBLY BILL NO. 324—ASSEMBLYWOMAN CARLTON

MARCH 18, 2013

Referred to Committee on Commerce and Labor

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

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

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

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

Legislative Counsel's Digest:

- 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 registration and regulation of dental assistants and
- 4 certified dental assistants by the Board. **Section 4** of this bill provides that a dental
- 5 assistant or certified 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 holds a certificate of
- 9 registration as a dental assistant. **Section 5** also sets forth the requirements for the



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10 issuance by the Board of a certificate of registration as a dental assistant, and
11 provides that a certificate of registration as a dental assistant expires 2 years after
12 the date of issuance and may be renewed biennially. **Section 6** of this bill prohibits
13 a person from acting as a certified dental assistant in this State unless the person
14 holds a certificate of registration as a certified dental assistant. **Section 6** also sets
15 forth the requirements for the issuance by the Board of a certificate of registration
16 as a certified dental assistant, and provides that a certificate of registration as
17 a certified dental assistant expires 2 years after the date of issuance and may be
18 renewed biennially. **Section 7** of this bill sets forth the continuing education
19 requirements for renewal of a certificate of registration as a dental assistant or as a
20 certified dental assistant. **Section 8** of this bill requires the Board to adopt
21 regulations necessary to carry out the provisions of this bill, and **section 14** of this
22 bill requires the Board to adopt rules or regulations specifying the intraoral tasks
23 and dental procedures which a dental assistant or certified dental assistant may
24 perform. **Section 15.5** of this bill specifies the initial application fee for the
25 issuance of a certificate of registration as a dental assistant or certified dental
26 assistant.

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 1.5 to 9, inclusive, of this
3 act.

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

9 **Sec. 2.** *“Dental assistant” means a person who assists a*
10 *dentist or dental hygienist in the performance of dental procedures*
11 *and to whom the Board has issued a certificate of registration as a*
12 *dental assistant pursuant to section 5 of this act.*

13 **Sec. 3.** (Deleted by amendment.)

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

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

25 **2.** *The Board may issue a certificate of registration as a*
26 *dental assistant to an applicant who pays the application fee*



1 *prescribed by NRS 631.345 and submits an application which*
2 *provides proof satisfactory to the Board that the applicant:*

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

4 *(b) Is 16 years of age or older;*

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

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

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

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

14 *(g) Meets any other requirements for the issuance of a*
15 *certificate of registration as a dental assistant established by the*
16 *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, 2015, performed any*
24 *act as a dental assistant in this State without a certificate of*
25 *registration as a dental assistant issued by the Board;*

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

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

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

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

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

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

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



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

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

6 (f) Meets any other requirements for the issuance of a
7 certificate of registration as a certified dental assistant established
8 by the Board by regulation.

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

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

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

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

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

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

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

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

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

43 **Sec. 8.** The Board shall adopt such regulations as it
44 determines necessary to carry out the provisions of sections 1.5 to
45 9, inclusive, of this act.



1 **Sec. 9.** *A dental assistant or certified dental assistant shall*
2 *not violate any provision of this chapter or any regulation adopted*
3 *pursuant thereto.*

4 **Sec. 10.** NRS 631.005 is hereby amended to read as follows:
5 631.005 As used in this chapter, unless the context otherwise
6 requires, the words and terms defined in NRS 631.015 to 631.105,
7 inclusive, *and sections 1.5 and 2 of this act* have the meanings
8 ascribed to them in those sections.

9 **Sec. 11.** 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, ~~or~~ dental hygienist *or dental assistant* of the
15 United States Army, Navy, Air Force, Public Health Service, Coast
16 Guard or Department of Veterans Affairs in the discharge of his or
17 her official duties, including, without limitation, providing medical
18 care in a hospital in accordance with an agreement entered into
19 pursuant to NRS 449.2455.

20 **Sec. 12.** NRS 631.225 is hereby amended to read as follows:
21 631.225 1. In addition to any other requirements set forth in
22 this chapter:

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

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

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

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

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

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



1 (a) Fails to submit the statement required pursuant to subsection
2 1; or

3 (b) Indicates on the statement submitted pursuant to subsection
4 1 that the applicant is subject to a court order for the support of a
5 child and is not in compliance with the order or a plan approved by
6 the district attorney or other public agency enforcing the order for
7 the repayment of the amount owed pursuant to the order.

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

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

17 631.313 1. A licensed dentist may assign to a person in his or
18 her employ who is a dental hygienist, *certified* dental assistant ,
19 *dental assistant* or other person directly or indirectly involved in the
20 provision of dental care only such intraoral tasks as may be
21 permitted by a regulation of the Board or by the provisions of this
22 chapter.

23 2. The performance of these tasks must be:

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

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

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

33 3. No such assignment is permitted that requires:

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

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

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

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



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

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

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

10 **Sec. 14.** NRS 631.317 is hereby amended to read as follows:
11 631.317 The Board shall adopt rules or regulations:

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

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

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

22 **Sec. 14.5.** NRS 631.345 is hereby amended to read as follows:
23 631.345 1. Except as otherwise provided in NRS 631.2715,

24 the Board shall by regulation establish fees for the performance
25 of the duties imposed upon it by this chapter which must not exceed
26 the following amounts:

27	
28	Application fee for an initial license to practice
29	dentistry..... \$1,500
30	Application fee for an initial license to practice dental
31	hygiene..... 750
32	Application fee for a specialist’s license to practice
33	dentistry..... 300
34	Application fee for a limited license or restricted
35	license to practice dentistry or dental hygiene 300
36	<i>Application fee for an initial certificate of registration</i>
37	<i>as a dental assistant 100</i>
38	<i>Application fee for an initial certificate of registration</i>
39	<i>as a certified dental assistant 200</i>
40	Fee for administering a clinical examination in
41	dentistry..... 2,500
42	Fee for administering a clinical examination in dental
43	hygiene..... 1,500



1	Application and examination fee for a permit to	
2	administer general anesthesia, conscious sedation or	
3	deep sedation.....	\$750
4	Fee for any reinspection required by the Board to	
5	maintain a permit to administer general anesthesia,	
6	conscious sedation or deep sedation.....	500
7	Biennial renewal fee for a permit to administer general	
8	anesthesia, conscious sedation or deep sedation	600
9	Fee for the inspection of a facility required by the	
10	Board to renew a permit to administer general	
11	anesthesia, conscious sedation or deep sedation	350
12	Biennial license renewal fee for a general license,	
13	specialist's license, temporary license or restricted	
14	geographical license to practice dentistry	1,000
15	Annual license renewal fee for a limited license or	
16	restricted license to practice dentistry	300
17	Biennial license renewal fee for a general license,	
18	temporary license or restricted geographical license	
19	to practice dental hygiene.....	600
20	Annual license renewal fee for a limited license to	
21	practice dental hygiene.....	300
22	Biennial license renewal fee for an inactive dentist	400
23	Biennial license renewal fee for a dentist who is retired	
24	or has a disability	100
25	Biennial license renewal fee for an inactive dental	
26	hygienist.....	200
27	Biennial license renewal fee for a dental hygienist who	
28	is retired or has a disability	100
29	Reinstatement fee for a suspended license to practice	
30	dentistry or dental hygiene	500
31	Reinstatement fee for a revoked license to practice	
32	dentistry or dental hygiene.....	500
33	Reinstatement fee to return a dentist or dental hygienist	
34	who is inactive, retired or has a disability to active	
35	status.....	500
36	Fee for the certification of a license	50

37
38 2. Except as otherwise provided in this subsection, the Board
39 shall charge a fee to review a course of continuing education for
40 accreditation. The fee must not exceed \$150 per credit hour of the
41 proposed course. The Board shall not charge a nonprofit
42 organization or an agency of the State or of a political subdivision of
43 the State a fee to review a course of continuing education.

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



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

2 631.3487 1. If the Board receives a copy of a court order
3 issued pursuant to NRS 425.540 that provides for the suspension of
4 all professional, occupational and recreational licenses, certificates
5 and permits issued to a person who is the holder of a license to
6 practice dentistry or dental hygiene ~~†~~ *or a certificate of*
7 *registration as a dental assistant or certified dental assistant*, the
8 Board shall deem the license *or certificate of registration* issued to
9 that person to be suspended at the end of the 30th day after the date
10 on which the court order was issued unless the Board receives a
11 letter issued to the holder of the license *or certificate of registration*
12 by the district attorney or other public agency pursuant to NRS
13 425.550 stating that the holder of the license *or certificate of*
14 *registration* has complied with the subpoena or warrant or has
15 satisfied the arrearage pursuant to NRS 425.560.

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

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

26 (b) The person whose license *or certificate of registration* was
27 suspended pays ~~the~~ *any applicable* fee imposed pursuant to NRS
28 631.345 for the reinstatement of a suspended license ~~†~~ *or*
29 *certificate of registration*.

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

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

34 2. On July 1, 2015, for all other purposes.

