

ASSEMBLY BILL NO. 324—ASSEMBLYWOMAN CARLTON

MARCH 18, 2013

Referred to Committee on Commerce and Labor

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

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

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

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

Legislative Counsel's Digest:

- 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 practical dental assistants
- 4 and certified Nevada dental assistants by the Board. **Section 4** of this bill provides
- 5 that a practical dental assistant or certified Nevada dental assistant may perform
- 6 only the intraoral tasks and dental procedures authorized by the Board and only
- 7 under the direct supervision of a licensed dentist or dental hygienist. **Section 5** of
- 8 this bill prohibits a person from acting as a practical dental assistant in this State



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9 unless the person holds a certificate of registration as a practical dental assistant.
10 **Section 5** also sets forth the requirements for the issuance by the Board of a
11 certificate of registration as a practical dental assistant, and provides that a
12 certificate of registration as a practical dental assistant expires 2 years after the date
13 of issuance and may be renewed biennially. **Section 6** of this bill prohibits a person
14 from acting as a certified Nevada dental assistant in this State unless the person
15 holds a certificate of registration as a certified Nevada dental assistant. **Section 6**
16 also sets forth the requirements for the issuance by the Board of a certificate of
17 registration as a certified Nevada dental assistant, and provides that a certificate
18 of registration as a certified Nevada dental assistant expires 2 years after the date of
19 issuance and may be renewed biennially. **Section 7** of this bill sets forth the
20 continuing education requirements for renewal of a certificate of registration as a
21 practical dental assistant or as a certified Nevada dental assistant. **Section 8** of this
22 bill requires the Board to adopt regulations necessary to carry out the provisions of
23 this bill, and **section 14** of this bill requires the Board to adopt rules or regulations
24 specifying the intraoral tasks and dental procedures which a practical dental
25 assistant or certified Nevada dental assistant may perform. **Section 14.5** of this bill
26 specifies the initial application fee for the issuance of a certificate of registration as
27 a practical dental assistant or certified Nevada dental assistant and fees for the
28 biennial renewal or reinstatement of such certificates of registration.

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

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

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

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

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

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



1 *issuance of a certificate of registration as a practical dental*
2 *assistant by submitting an application to the Board.*

3 *2. The Board may issue a certificate of registration as a*
4 *practical dental assistant to an applicant who pays the application*
5 *fee prescribed by NRS 631.345 and submits an application which*
6 *provides proof satisfactory to the Board that the applicant:*

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

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

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

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

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

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

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

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

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

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

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

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

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

42 *2. The Board may issue a certificate of registration as a*
43 *certified Nevada dental assistant to an applicant who pays the*
44 *application fee prescribed by NRS 631.345 and submits an*



1 application which provides proof satisfactory to the Board that the
2 applicant:

3 (a) Is of good moral character;

4 (b) Is 18 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) Holds a current certification issued by the Dental Assisting
8 National Board, Inc., or its successor organization;

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

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

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

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

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

25 (b) The applicant's license or registration as a dental assistant
26 or certified dental assistant in another state has been suspended or
27 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 or certified dental assistant in another state.

31 **Sec. 7. 1.** Any person wishing to renew a certificate of
32 registration as a practical dental assistant or a certificate of
33 registration as a certified Nevada dental assistant must present
34 proof satisfactory to the Board that during the 2 years immediately
35 preceding the date of renewal, the practical dental assistant or
36 certified Nevada dental assistant has successfully 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 practical dental
44 assistant or a certificate of registration as a certified Nevada
45 dental assistant must be registered as practical dental assistants or



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

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

9 **Sec. 9.** *A practical dental assistant or certified Nevada dental*
10 *assistant shall not violate any provision of this chapter or any*
11 *regulation adopted pursuant 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 1.5 and 2 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, ~~or~~ 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 *practical dental assistant or certified Nevada dental assistant* shall
34 include the social security number of the applicant in the application
35 submitted to the Board.

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

43 2. The Board shall include the statement required pursuant to
44 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 practical dental assistant or certified*
7 *Nevada dental assistant* may not be issued or renewed by the Board
8 if the applicant:

9 (a) Fails to submit the statement required pursuant to subsection
10 1; or

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

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

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

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

31 2. The performance of these tasks must be:

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

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

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

41 3. No such assignment is permitted that requires:

42 (a) The diagnosis, treatment planning, prescribing of drugs or
43 medicaments, or authorizing the use of restorative, prosthodontic or
44 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*
26 *practical dental assistant or certified Nevada dental assistant in*
27 *his or her employ.*

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

31 **Sec. 14.5.** NRS 631.345 is hereby amended to read as follows:

32 631.345 1. Except as otherwise provided in NRS 631.2715,
33 the Board shall by regulation establish fees for the performance
34 of the duties imposed upon it by this chapter which must not exceed
35 the following amounts:
36

| | | |
|----|---|---------|
| 37 | Application fee for an initial license to practice | |
| 38 | dentistry..... | \$1,500 |
| 39 | Application fee for an initial license to practice dental | |
| 40 | hygiene..... | 750 |
| 41 | Application fee for a specialist's license to practice | |
| 42 | dentistry..... | 300 |
| 43 | Application fee for a limited license or restricted | |
| 44 | license to practice dentistry or dental hygiene | 300 |



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



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1 *Reinstatement fee for a suspended certificate of*
2 *registration as a practical dental assistant \$100*
3 *Reinstatement fee for a revoked certificate of*
4 *registration as a practical dental assistant 100*
5 *Reinstatement fee for a suspended certificate of*
6 *registration as a certified Nevada dental assistant..... 150*
7 *Reinstatement fee for a revoked certificate of*
8 *registration as a certified Nevada dental assistant..... 150*
9 Reinstatement fee to return a dentist or dental hygienist
10 who is inactive, retired or has a disability to active
11 status..... 500
12 Fee for the certification of a license 50
13

14 2. Except as otherwise provided in this subsection, the Board
15 shall charge a fee to review a course of continuing education for
16 accreditation. The fee must not exceed \$150 per credit hour of the
17 proposed course. The Board shall not charge a nonprofit
18 organization or an agency of the State or of a political subdivision of
19 the State a fee to review a course of continuing education.

20 3. All fees prescribed in this section are payable in advance and
21 not be refunded.

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

23 631.3487 1. If the Board receives a copy of a court order
24 issued pursuant to NRS 425.540 that provides for the suspension of
25 all professional, occupational and recreational licenses, certificates
26 and permits issued to a person who is the holder of a license to
27 practice dentistry or dental hygiene ~~H~~ *or a certificate of*
28 *registration as a practical dental assistant or certified Nevada*
29 *dental assistant*, the Board shall deem the license *or certificate of*
30 *registration* issued to that person to be suspended at the end of the
31 30th day after the date on which the court order was issued unless
32 the Board receives a letter issued to the holder of the license *or*
33 *certificate of registration* by the district attorney or other public
34 agency pursuant to NRS 425.550 stating that the holder of the
35 license *or certificate of registration* has complied with the subpoena
36 or warrant or has satisfied the arrearage pursuant to NRS 425.560.

37 2. The Board shall reinstate a license to practice dentistry or
38 dental hygiene *or a certificate of registration as a practical dental*
39 *assistant or certified Nevada dental assistant* that has been
40 suspended by a district court pursuant to NRS 425.540 if:

41 (a) The Board receives a letter issued by the district attorney or
42 other public agency pursuant to NRS 425.550 to the person whose
43 license *or certificate of registration* was suspended stating that the
44 person whose license *or certificate of registration* was suspended



1 has complied with the subpoena or warrant or has satisfied the
2 arrearage pursuant to NRS 425.560; and

3 (b) The person whose license *or certificate of registration* was
4 suspended pays ~~the~~ *any applicable* fee imposed pursuant to NRS
5 631.345 for the reinstatement of a suspended license ~~+~~ *or*
6 *certificate of registration*.

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

- 8 1. Upon passage and approval for the purpose of adopting
9 regulations and performing any other preparatory administrative
10 tasks that are necessary to carry out the provisions of this act; and
- 11 2. On July 1, 2015, for all other purposes.

