

**REVISED ADOPTED REGULATION OF THE BOARD OF  
DENTAL EXAMINERS OF NEVADA**

**LCB File No. R169-01**

Effective April 5, 2002

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

AUTHORITY: §§1-17, NRS 631.190.

**Section 1.** Chapter 631 of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation:

**Sec. 2.** *“Executive director” means the executive director of the board.*

**Sec. 3.** *“Secretary-treasurer” means the secretary-treasurer of the board.*

**Sec. 4.** *A person who wishes to apply for a permanent license to practice dentistry after holding a temporary license to practice dentistry for a minimum of 2 years pursuant to subsection 2 of NRS 631.272 must submit to the board proof that he actively practiced dentistry in this state during the 2 years in which he held the temporary license.*

**Sec. 5.** NAC 631.0005 is hereby amended to read as follows:

631.0005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 631.001 to 631.007, inclusive, *and sections 2 and 3 of this regulation* have the meanings ascribed to them in those sections.

**Sec. 6.** NAC 631.020 is hereby amended to read as follows:

631.020 1. The secretary-treasurer shall attend all meetings and hearings of the board and ensure that minutes of the proceedings are taken.

2. ~~{He}~~ *The secretary-treasurer* shall:

- (a) Examine all applications for ~~{licenses}~~ *licensure* and require that the approved forms are properly executed;
- (b) Ensure that the provisions of this chapter which relate to ~~{licenses}~~ *licensure* are observed by applicants and licensees; and
- (c) Perform such other duties as the board may direct.

3. The secretary-treasurer must have a bond executed in the amount of \$1,000 to indemnify the board for any loss of its ~~{funds}~~ *money* which is caused by his actions. The premium for the bond must be paid from the ~~{funds}~~ *money* of the board.

**Sec. 7.** NAC 631.023 is hereby amended to read as follows:

631.023 1. The executive director shall attend all meetings and hearings of the board and take minutes of the proceedings.

2. ~~{He}~~ *The executive director* shall keep in his office:

- (a) The minutes of matters considered by the board;
- (b) The records of the board's finances;
- (c) The applications submitted to the board; and
- (d) The records of cases in which the board has denied an application, suspended or revoked a license or certificate, or taken any other disciplinary action.

3. ~~{He}~~ *The executive director* shall:

- (a) Account for all money received by the board;
- (b) Examine all applications for ~~{licenses}~~ *licensure* and require that the approved forms are properly executed;
- (c) Ensure that the provisions of this chapter which relate to ~~{licenses}~~ *licensure* are observed by applicants and licensees;

(d) Act as custodian of the board's official seal;

(e) Affix the seal to any document to be executed on behalf of the board or to be certified as emanating from the board; and

(f) Perform such other duties as the board may direct.

4. The executive director must have a bond executed in the amount of \$250,000 to indemnify the board for any loss of its money which is caused by his actions. The premium for the bond must be paid from the money of the board.

**Sec. 8.** NAC 631.028 is hereby amended to read as follows:

631.028 1. An application for ~~[a license to practice dentistry, any of its special branches or dental hygiene]~~ *licensure* must be filed with the executive director on a form furnished by the board. The application must be sworn to before a notary public or other officer authorized to administer oaths and accompanied by the fee required pursuant to NRS 631.345.

2. All such fees must be paid with an instrument which is immediately negotiable.

**Sec. 9.** NAC 631.030 is hereby amended to read as follows:

631.030 1. An applicant for ~~[a license must state]~~ *licensure must provide the following information and documentation* in his application:

(a) The date and place of his birth;

(b) ~~[The places where he has resided during the 5 years immediately preceding the date of his application and the names and addresses of two references from each place;~~

~~—(c) The name and mailing address of each person by whom he has been employed since he became 18 years of age;~~

~~—(d) Whether he has ever been self-employed, and if so, when, where and in what kind of business;~~

~~—(e) The schools he has attended and the dates he attended them, and whether he is a graduate of any of them;~~

~~—(f) Certification of graduation from an accredited dental school or college or from an accredited school or college of dental hygiene, whichever is applicable;~~

(c) Whether he has applied for ~~[a similar license]~~ *similar licensure* in another state or a territory of the United States ~~[,]~~ *or the District of Columbia*, and if so, the name of the state or territory ~~[,]~~ *of the United States or the District of Columbia*, the date and the result of his application;

~~[(g)] (d)~~ If he has ~~[been licensed]~~ *practiced dentistry or dental hygiene* in another state or a territory ~~[, whether:~~

~~—(1) There has been any proceeding instituted against him regarding that license; or~~

~~—(2) At the time of filing his application,]~~ *of the United States or the District of Columbia, certification from the licensing authority of each state or territory of the United States or the District of Columbia in which he has practiced or is practicing that he is in good standing and that there are not* any disciplinary proceedings ~~[are pending or contemplated]~~ *affecting his standing pending* against him in the other state or territory ~~[;~~

~~—(h)]~~ *of the United States or the District of Columbia;*

(e) Whether he has terminated or attempted to terminate ~~[such a license,]~~ *a license from another state or territory of the United States or the District of Columbia*, and if so, his reasons for doing so;

~~[(i) Whether he is a naturalized citizen of the United States, and if so, the date and place of his naturalization;~~

~~—(j) If he has applied to become a naturalized citizen but has not yet been naturalized, the date and place of that application;~~

~~—(k)]~~ *(f) If he is not a citizen of the United States, a copy of his certificate of naturalization or other document attesting that he is legally eligible to reside and work in the United States;*

*(g) All scores obtained on the examination in which he was granted a certificate by the [National Board of Dental Examiners] Joint Commission on National Dental Examinations and the date it was issued;*

~~[(h)]~~ *(h) Whether he has ever been convicted of a crime involving moral turpitude or has entered a plea of nolo contendere to a charge of such a crime, and if so, the date and place of his conviction or plea and the sentence, if any, which was imposed;*

~~[(m)] The date and address of his last physical examination and the name of the physician who performed that examination;~~

~~—(n) If he has been out of active practice for more than 1 year, how he has maintained his clinical skills; and~~

~~—(o)]~~ *(i) Whether he has had any misdemeanor or felony convictions, and if so, attach any documents relevant to any misdemeanor or felony convictions;*

*(j) Whether any malpractice judgment has been entered against him, and if so, attach any documents relevant to the malpractice judgment;*

*(k) Whether he has a history of substance abuse, and if so, attach any documents relevant to the substance abuse;*

*(l) Whether he has been refused permission to take an examination for licensure by any other state or territory of the United States or the District of Columbia, and if so, attach any documents relevant to the refusal;*

*(m) Whether he has been denied licensure by any other state or territory of the United States or the District of Columbia, and if so, attach any documents relevant to the denial;*

*(n) Whether he has had his license to practice dentistry or dental hygiene suspended, revoked or placed on probation in this state, another state or territory of the United States or the District of Columbia, and if so, attach any documents relevant to the suspension, revocation or probation;*

*(o) Whether his practice of dentistry or dental hygiene has been subject to mandatory supervision in this state, another state or territory of the United States or the District of Columbia, and if so, attach any documents relevant to the mandatory supervision;*

*(p) Whether he has received a public reprimand or is currently involved in any disciplinary action concerning his license to practice dentistry or dental hygiene in this state, another state or territory of the United States or the District of Columbia, and if so, attach any documents relevant to the reprimand or disciplinary action;*

*(q) Two sets of certified fingerprint cards and an authorization form allowing the board to submit the fingerprint forms to law enforcement agencies for verification of background information; and*

*(r) Any other information requested by the board.*

2. ~~[The]~~ *An applicant for licensure with examination* must ~~[also include with his application:~~

~~—(a) A properly executed request to release information; and~~

~~—(b) Two sets of certified fingerprint cards.]~~ *deliver to the board, at least 45 days before the examination:*

*(a) The information and documentation listed in subsection 1;*

*(b) A completed and signed application form issued by the board, including a properly executed request to release information;*

*(c) A copy of current certification in administering cardiopulmonary resuscitation; and*

*(d) A copy of his malpractice insurance policy showing the effective dates, which must cover his examination dates, and the limits of liability.*

*3. An applicant for licensure pursuant to NRS 631.272 must deliver to the board, at least 45 days before the meeting of the board to consider the applicant for licensure, the documents listed in paragraphs (a) to (d), inclusive, of subsection 2 and proof that the applicant has actively practiced dentistry for the 5 years immediately preceding the date of submission of the application. If the applicant fails to deliver to the board, at least 45 days before the meeting of the board to consider the applicant for licensure, any of the documents required pursuant to this subsection, the executive director or the secretary-treasurer shall reject the application and inform the applicant that he is not eligible for consideration for licensure pursuant to NRS 631.272 until the next scheduled meeting of the board.*

*4. An applicant for licensure pursuant to NRS 631.255, 631.272 or 631.274 must, at least 45 days before the meeting of the board to consider the applicant for licensure, pass an examination on the contents and interpretation of this chapter and chapter 631 of NRS. The examination will be given on the first Monday of each month. If the first Monday of the month is a legal holiday, the examination will be given on the first Tuesday of the month.*

**Sec. 10.** NAC 631.050 is hereby amended to read as follows:

631.050 1. If the executive director or secretary-treasurer finds that:

(a) An application is:

(1) Deficient;

(2) Not in the proper form; or

(3) ~~Received~~ *Delivered to the board* less than *the* 45 days *required* before the examination ~~is~~ *pursuant to subsection 2 of NAC 631.030 or less than the 45 days required before the meeting of the board to consider the applicant for licensure pursuant to subsection 3 of NAC 631.030;* or

(b) The applicant has:

(1) Provided incorrect information;

(2) Not attained the scores required by chapter 631 of NRS; or

(3) Not submitted the required fee,

FLUSH the executive director or secretary-treasurer ~~will~~ *shall* reject the application and return it to the applicant with the reasons for its rejection.

2. If the executive director or secretary-treasurer finds that an applicant has:

(a) A felony conviction;

(b) ~~One or more misdemeanor convictions;~~

~~(c) Two or more malpractice judgments;~~ *A misdemeanor conviction;*

(c) *A malpractice judgment* against him;

(d) ~~Two or more peer review actions where the recommendation was adverse to the applicant;~~

~~(e)~~ A history of substance abuse;

~~(f) A history of infectious disease;~~

~~(g)~~ (e) Been refused permission to take ~~a licensing~~ *an* examination *for licensure* by any other state ~~;~~ ~~or~~

~~(h)~~ *or territory of the United States or the District of Columbia;*



(f) Been denied ~~[a license]~~ *licensure* by any other state ~~[,]~~ *or territory of the United States or the District of Columbia;*

(g) *Had his license to practice dentistry or dental hygiene suspended, revoked or placed on probation in this state, another state or territory of the United States or the District of Columbia;*

(h) *Had his practice of dentistry or dental hygiene subject to mandatory supervision in this state, another state or territory of the United States or the District of Columbia; or*

(i) *Received a public reprimand or is currently involved in any disciplinary action concerning his license to practice dentistry or dental hygiene in this state, another state or territory of the United States or the District of Columbia,*

FLUSH the executive director or secretary-treasurer may reject the application. If rejected, the application must be returned to the applicant with the reasons for its rejection.

3. If an application is rejected pursuant to subsection 2, the applicant may furnish additional relevant information to the executive director or secretary-treasurer, and request that his application be reconsidered. If an application is rejected following reconsideration by the executive director or secretary-treasurer, the applicant may petition the board for a review of his application at the next regularly scheduled meeting of the board.

**Sec. 11.** NAC 631.060 is hereby amended to read as follows:

631.060 An applicant who is denied ~~[a license]~~ *licensure* for a reason other than his failure to pass an examination may not reapply until he requests and receives the ~~[board's]~~ *permission of the board* to do so.

**Sec. 12.** NAC 631.070 is hereby amended to read as follows:

631.070 1. If an applicant requests that the board postpone its action on his application for ~~[a license,]~~ *licensure*, he may later request the board to reconsider his application. The request for reconsideration must be made on a form furnished by the board.

2. If an applicant requests the board to reconsider his application within 1 year after filing his original application for ~~[a license,]~~ *licensure*, the board will not require the applicant to submit another application for ~~[a license]~~ *licensure* unless the information contained in the original application has changed. The applicant must update the information ~~[on]~~ *in* the original application by furnishing the board with a supplement when subsequent changes have taken place.

**Sec. 13.** NAC 631.080 is hereby amended to read as follows:

631.080 1. An applicant must have obtained the board's written authorization before he may take the examination. He must take the examination at the times and places set forth in the authorization.

2. An applicant shall not use or possess any note or cheating aid during any part of the examination. Any use or possession of a test aid will result in a score of zero and is sufficient evidence of the applicant's unfitness to receive ~~[a license,]~~ *licensure*.

**Sec. 14.** NAC 631.090 is hereby amended to read as follows:

631.090 In fulfillment of the statutory requirements of *paragraph (b) of* subsection ~~[2]~~ *1* of NRS 631.240, the applicant must:

1. Demonstrate proficiency in the fabrication of dentures by performing procedures authorized by the board;

2. Restore a tooth, using silver alloy (a class II restoration);

3. Restore a tooth, using a partial veneer crown which covers the entire occlusal surface while maintaining sound enamel on the buccal or lingual surfaces, or both;

4. Make such other restorations as the board requires; and

5. Perform such other procedures as the board requires.

**Sec. 15.** NAC 631.140 is hereby amended to read as follows:

631.140 1. An applicant who does not pass the examination may apply for a reexamination. The application must be made on a form furnished by the board.

2. If, within 1 year after filing his application for ~~[a license,]~~ *licensure*, an applicant files an application for reexamination, the applicant must revise the information on the original application by furnishing the board with a supplement when subsequent changes have taken place.

3. An applicant who does not pass an examination may not take another examination without completing such additional professional training as is required by the board.

4. An applicant who does not pass the examination solely because he fails one of the clinical demonstrations required pursuant to subsections 1, 2 and 3 of NAC 631.090 may, at the next scheduled examination, complete the remaining demonstration without being required to retake any other part of the examination. If he does not successfully complete the remaining demonstration at the next scheduled examination, he must retake the entire examination.

5. For the purposes of NRS 631.280, an applicant who attempts to complete successfully a demonstration pursuant to subsection 4 shall not be deemed to have failed the examination twice if he fails to complete that demonstration successfully.

**Sec. 16.** NAC 631.180 is hereby amended to read as follows:

631.180 1. Except as otherwise provided in subsection 2, a dentist or dental hygienist who currently holds an active license from another jurisdiction in the United States may be employed in this state in an accredited educational institution to instruct the students of the institution.

2. The dentist or dental hygienist must apply for and successfully complete the appropriate ~~[licensing]~~ examination *for licensure* administered by the board within 1 year after the date of his employment to retain the right to be so employed.

**Sec. 17.** NAC 631.032 is hereby repealed.

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### TEXT OF REPEALED SECTION

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**631.032 Application for license: Applicant licensed in another state or territory.** If an applicant for a license has practiced dentistry in another state or a territory of the United States, he must include with his application:

1. A certification by the licensing authority of each state and territory where he has practiced that he practiced or is practicing in good standing and that no proceedings affecting his standing are pending;

2. A letter from the dental association of the city or county where he last practiced, or if there is no local association, from the state dental association, certifying to his good moral character;

3. Such other evidence of his good moral character and fitness as may be required by the board;

4. A statement of any claims of professional malpractice, unprofessional conduct or professional incompetence, or any administrative disciplinary charges brought against him, including the complete details of the disposition of each claim; and

5. A statement listing any appearances before a peer review committee, together with the results thereof.

**NOTICE OF ADOPTION OF PROPOSED REGULATION  
LCB File No. R169-01**

The Board of Dental Examiners of Nevada adopted regulations assigned LCB File No. R169-01 which pertain to licensure of dentists (chapter 631 of the Nevada Administrative Code) on December 8, 2001.

**Notice date: 11/8/2001**  
**Hearing date: 12/8/2001**

**Date of adoption by agency: 12/8/2001**  
**Filing date: 4/5/2002**

**INFORMATIONAL STATEMENT**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 631:

1. Public comment was solicited by statutory posting of the proposal to adopt at least thirty days prior to the hearing. In addition to the list of required postings, copies of the proposals and dates for workshops and the hearing were mailed to a list of approximately 2500 individuals and organizations that have indicated an interest in receiving such information. The Notice of Hearing and the proposed regulations were also posted on the board's web site at [www.nvdentalboard.org](http://www.nvdentalboard.org).

2. There were two (2) letters received from the public in opposition to portions of the proposed regulation. There were a number of letters and e-mails received requesting clarification of the regulation. These were answered by staff members.

The number of persons who attended and testified or submitted comments for each meeting:

Meeting	Date	Attending	Testifying	Submitting Written Comments
Reno Workshop	9/7/01	Approx. 35	Approx. 15	5
Las Vegas Workshop	9/28/01	Approx. 20	5	0
Hearing	12/8/01	9	4	2

3. Comments were solicited from affected individuals and organizations by the notices as outlined in #1, and by direct mail to interested persons subscribing to the Board's mailing list. Every Nevada-licensed dentist and dental hygienist was notified in writing of the workshops and hearing.

Many currently licensed Nevada dentists are opposed to S.B. 133, and this opposition was voiced in Carson City during the 2001 Session. Because the majority of licensees were opposed to the credentialing statute, they were also opposed to any regulations required to implement the new law. It appeared that some dentists misunderstood what the board was trying to do in putting the

new licensure into place, and, in fact, some opponents telephoned to say we should “block the new law.” Obviously, this is not an option after legislation is passed and signed by the governor.

Following the date the law was passed, the board began receiving e-mails and telephone calls from out-of-state dentists requesting applications. After the effective date of the new law, October 1, 2001, staff mailed out approximately 400 applications. To date, applications have been mailed to a total of approximately 500 interested parties.

The above summary is available from the board office by either mail or e-mail.

4. The regulation was adopted without change. Since this regulation was based largely on Emergency Regulations endorsed by the Governor, the regulation was adopted without change. Testimony and written comments received did not provide clear and convincing information to warrant the board’s amending the regulation.
5. The economic impact of S.B. 133 and the subsequent regulations on the current dental population and/or the public cannot be estimated at this time. The economic effect will be dependent on the number of individuals who actually attain licensure under the new law. Projections include no immediate impact on the dental profession, and no beneficial economic effects in the long-term. For the public, there should be no immediate economic impact, and no adverse economic effects in the long-term. There is a potential for beneficial economic effects for the public if treatment costs are decreased through supply-and-demand principles.
6. The increased cost to the board for enforcement of the new law and regulations should be offset for the most part by the application fees paid by the applicants. Again, an estimate is difficult to project since costs for regulation will be dependent on the numbers licensed and the number of complaints arising from patients of the newly licensed dentists.
7. There are no other state or government agency regulations that the proposed amendments duplicate.
8. To our knowledge, the regulation addresses no areas regulated by the Federal Government.
9. This regulation does not involve a new fee.