

Assembly Bill No. 489—Committee on
Commerce and Labor

CHAPTER.....

AN ACT relating to dental hygiene; authorizing the issuance of a temporary license to practice dental hygiene; creating the Committee on Dental Hygiene; prescribing the powers and duties of the Committee; expanding the definition of the term “dental hygiene”; and providing other matters properly relating thereto.

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, 3 and 4, inclusive, of this act.

Sec. 2. 1. *The Board shall, without a practical examination required by NRS 631.300, issue a temporary license to practice dental hygiene to a person who:*

(a) Has a license to practice dental hygiene issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(b) Satisfies the requirements of NRS 631.290;

(c) Has practiced dental hygiene pursuant to the laws of another state or territory of the United States, or the District of Columbia, for at least 5 years immediately preceding the date that he applies for a temporary license;

(d) Has not had his license to practice dental hygiene revoked or suspended in this state, another state or territory of the United States, or the District of Columbia;

(e) Has not been denied a license to practice dental hygiene in this state, another state or territory of the United States, or the District of Columbia;

(f) Is not involved in or does not have pending a disciplinary action concerning his license to practice dental hygiene in this state, another state or territory of the United States, or the District of Columbia;

(g) Pays the application, examination and renewal fees in the same manner as a person licensed pursuant to NRS 631.300; and

(h) Submits the statement required by NRS 631.225.

2. *A person to whom a temporary license is issued pursuant to this section may:*

(a) Practice dental hygiene for the duration of the temporary license; and

(b) Apply for a permanent license to practice dental hygiene without a practical examination required by NRS 631.300 if:

(1) The person has held a temporary license to practice dental hygiene issued pursuant to this section for at least 2 years; and

(2) The person has not been involved in any disciplinary action during the time he has held a temporary license issued pursuant to this section.

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

Sec. 3. *1. The Committee on Dental Hygiene is hereby created.*

2. The Committee consists of:

(a) The members of the Board who are dental hygienists; and

(b) One dentist who is a member of the Board and who has supervised a dental hygienist for at least 3 years immediately preceding his appointment to the Committee by the Board.

3. The Committee:

(a) May accept recommendations from dental hygienists, dentists and the general public and may meet to review such recommendations.

(b) May make recommendations to the Board concerning:

(1) The practice of dental hygiene; and

(2) The licensing of dental hygienists, including, without limitation, requirements relating to the education, examination and discipline of dental hygienists.

(c) Shall carry out any duties the Board may assign to the Committee.

Sec. 4. *A dentist who provides a written or oral authorization to a dental hygienist for the provision of services by that dental hygienist is not required to be present when those services are provided.*

Sec. 5. NRS 631.030 is hereby amended to read as follows:

631.030 "Dental hygiene" means the performance of educational, preventive and therapeutic periodontal treatment including scaling, curettage and planing of roots and any related and required *intraoral or* extraoral procedures that a dentist is authorized to assign to a dental hygienist. ~~he employs.~~

Sec. 6. NRS 631.040 is hereby amended to read as follows:

631.040 "Dental hygienist" means any person who practices *the profession of* dental hygiene ~~and~~ *and is licensed pursuant to this chapter.*

Sec. 7. NRS 631.120 is hereby amended to read as follows:

631.120 The Board of Dental Examiners of Nevada, consisting of ~~10~~ *11* members appointed by the Governor, is hereby created.

Sec. 8. NRS 631.130 is hereby amended to read as follows:

631.130 1. The Governor shall appoint:

(a) Seven members who are graduates of accredited dental schools or colleges, are residents of Nevada and have ethically engaged in the practice of dentistry in Nevada for a period of *at least* 5 years.

(b) ~~Two~~ *Three* members who:

(1) Are graduates of accredited schools or colleges of dental hygiene;

(2) Are residents of Nevada; and

(3) Have been actively engaged in the practice of dental hygiene in Nevada for a period of at least 5 years before their appointment to the Board.

(c) One member who is a representative of the general public.

2. The members who are dental hygienists may vote on all matters but may not participate in examinations for the licensing of dentists.

3. The member who is a representative of the general public must not participate in grading any examination required by the Board.

Sec. 9. NRS 631.140 is hereby amended to read as follows:

631.140 1. The seven members of the Board who are dentists and the member who is a representative of the general public must be appointed from areas of the State as follows:

(a) Three of those members must be from Carson City, Douglas County or Washoe County.

(b) Four of those members must be from Clark County.

(c) One of those members may be from any county of the State.

2. ~~One of the two~~ *The three* members of the Board who are dental hygienists must be appointed from ~~Clark County; the other must be appointed from some other county~~ *areas* of the State ~~as follows:~~

(a) One of those members must be from Carson City, Douglas County or Washoe County.

(b) One of those members must be from Clark County.

(c) One of those members may be from any county of the State.

Sec. 10. NRS 631.170 is hereby amended to read as follows:

631.170 1. The Board shall meet at least once annually to examine applicants. The dates of the examinations must be fixed by the Board. The Board may conduct examinations outside of this state, and for this purpose may use the facilities of dental colleges, but all examinations must be conducted by members of the Board or examiners appointed by the Board.

2. The Board may also meet at such other times and places and for such other purposes as it may deem proper.

3. A quorum consists of ~~two~~

~~—(a) For matters relating to dental hygiene,~~ five members who are dentists and ~~one member who is a dental hygienist.~~

~~—(b) For all other matters, five members who are dentists.] two members who are dental hygienists.~~

Secs. 11-13. (Deleted by amendment.)

Sec. 14. NRS 631.300 is hereby amended to read as follows:

631.300 1. Any person desiring to obtain a license to practice dental hygiene, after having complied with the regulations of the Board to determine eligibility, must be examined by the Board upon such subjects as the Board deems necessary and, except as otherwise provided in NRS 631.271 and 631.274, *and section 2 of this act* be given a practical examination in dental hygiene, including, but not limited to, the removal of deposits from, and the polishing of, the exposed surface of the teeth.

2. The examination must be:

(a) Written, oral or a combination of both; and

(b) Practical, as in the opinion of the Board is necessary to test the qualifications of the applicant.

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

4. In lieu of the written examination which may be required by subsection 2, the Board shall recognize a certificate from the Joint Commission on National Dental Examinations which contains a notation that the applicant has passed the National Board Dental *Hygiene* Examination with a score of at least 75.

Secs. 15-30. (Deleted by amendment.)

Sec. 31. Section 2 of this act is hereby amended to read as follows:

Sec. 2. 1. The Board shall, without a practical examination required by NRS 631.300, issue a temporary license to practice dental hygiene to a person who:

(a) Has a license to practice dental hygiene issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(b) Satisfies the requirements of NRS 631.290;

(c) Has practiced dental hygiene pursuant to the laws of another state or territory of the United States, or the District of Columbia, for at least 5 years immediately preceding the date that he applies for a temporary license;

(d) Has not had his license to practice dental hygiene revoked or suspended in this state, another state or territory of the United States, or the District of Columbia;

(e) Has not been denied a license to practice dental hygiene in this state, another state or territory of the United States, or the District of Columbia;

(f) Is not involved in or does not have pending a disciplinary action concerning his license to practice dental

hygiene in this state, another state or territory of the United States, or the District of Columbia; *and*

(g) Pays the application, examination and renewal fees in the same manner as a person licensed pursuant to NRS 631.300. ~~}; and~~

~~(h) Submits the statement required by NRS 631.225.]~~

2. A person to whom a temporary license is issued pursuant to this section may:

(a) Practice dental hygiene for the duration of the temporary license; and

(b) Apply for a permanent license to practice dental hygiene without a practical examination required by NRS 631.300 if:

(1) The person has held a temporary license to practice dental hygiene issued pursuant to this section for at least 2 years; and

(2) The person has not been involved in any disciplinary action during the time he has held a temporary license issued pursuant to this section.

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

Sec. 32. Section 14 of this act is hereby amended to read as follows:

Sec. 14. NRS 631.300 is hereby amended to read as follows:

631.300 1. Any person desiring to obtain a license to practice dental hygiene, after having complied with the regulations of the Board to determine eligibility, must be examined by the Board upon such subjects as the Board deems necessary and, except as otherwise provided in NRS 631.271 and 631.274, ~~[and section 2 of this act]~~ be given a practical examination in dental hygiene, including, but not limited to, the removal of deposits from, and the polishing of, the exposed surface of the teeth.

2. The examination must be:

(a) Written, oral or a combination of both; and

(b) Practical, as in the opinion of the Board is necessary to test the qualifications of the applicant.

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

4. In lieu of the written examination which may be required by subsection 2, the Board shall recognize a certificate from the Joint Commission on National Dental Examinations which contains a notation that the applicant has

passed the National Board Dental Hygiene Examination with a score of at least 75.

Sec. 33. As soon as practicable after October 1, 2003, the Governor shall appoint to the Board of Dental Examiners of Nevada pursuant to subsection 2 of NRS 631.140, as amended by this act, one dental hygienist whose term expires on September 30, 2006.

Sec. 34. 1. This section and sections 1 to 30, inclusive, and 33 of this act become effective on October 1, 2003.

2. Section 2 of this act expires by limitation on September 30, 2005, or on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,
are repealed by the Congress of the United States, whichever occurs first.

3. Section 31 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,
are repealed by the Congress of the United States, and expires by limitation on September 30, 2005.

4. Section 32 of this act becomes effective on October 1, 2005.