
ASSEMBLY BILL NO. 269—ASSEMBLYMEN O’NEILL, TITUS;
CONSIDINE, DICKMAN, HANSEN, KASAMA, MCARTHUR,
ROBERTS, THOMAS, TOLLES AND WHEELER

MARCH 15, 2021

JOINT SPONSORS: SENATORS HARDY, DONATE;
KIECKHEFER AND SETTELMAYER

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to providers of dental care. (BDR 54-645)

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 dentistry; providing for the issuance of special endorsements for a dentist, dental hygienist or dental therapist to administer immunizations; imposing certain requirements concerning the administration of immunizations by the holder of such an endorsement; authorizing the imposition of disciplinary action against a dentist, dental hygienist or dental therapist for certain violations; revising the required qualifications of the State Dental Health Officer; authorizing the State Public Health Dental Hygienist to pursue another business or vocation under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law regulates the practices of dentistry, dental hygiene and dental
2 therapy. (Chapter 631 of NRS) Existing law generally authorizes a dental hygienist
3 or dental therapist to perform only the tasks authorized by a licensed dentist. (NRS
4 631.310, 631.3122) **Sections 2 and 3** of this bill require the Board of Dental
5 Examiners of Nevada to issue to a licensed dentist, dental hygienist or dental
6 therapist a special endorsement to administer immunizations generally or to
7 administer immunizations for influenza only if the licensed dentist, dental hygienist
8 or dental therapist completes a course of training in the administration of



9 immunizations that is approved by the Board. **Section 7** of this bill prescribes the
10 continuing education required to maintain such an endorsement. **Sections 2 and 3**
11 authorize a dental hygienist or dental therapist who holds such a special
12 endorsement to administer immunizations only under the authorization of a dentist
13 who also holds such a special endorsement.

14 **Section 4** of this bill requires a dentist who holds a special endorsement to
15 administer immunizations issued pursuant to **section 2 or 3** and who administers
16 immunizations, or under whose authorization a dental hygienist or dental therapist
17 administers immunizations, to: (1) issue or obtain from certain persons a standing
18 order for the administration of the immunizations; and (2) establish certain policies
19 concerning the administration of immunizations. **Section 4** also requires a dentist,
20 dental hygienist or dental therapist who holds such an endorsement to comply with
21 the instructions of the manufacturer of an immunization and certain federal
22 guidelines for administering immunizations. **Section 5** of this bill requires a dentist,
23 dental hygienist or dental therapist to provide certain information to the patient,
24 obtain the informed written consent of the patient and review the medical history of
25 the patient before administering an immunization. **Section 5** additionally requires a
26 dentist, dental hygienist or dental therapist to rely on and act in conformance with
27 the conclusions of a physician, physician assistant or advanced practice registered
28 nurse concerning the advisability of administering an immunization to a patient.
29 **Section 6** of this bill requires a dentist, dental hygienist or dental therapist who
30 holds a special endorsement to administer immunizations to maintain certain
31 records concerning the administration of immunizations. **Section 8** of this bill
32 authorizes the Board to impose disciplinary action against a dentist, dental
33 hygienist or dental therapist who: (1) administers an immunization without the
34 proper special endorsement; or (2) fails to comply with existing requirements to
35 report certain information relating to immunizations. The Board would also be
36 authorized under existing law to impose disciplinary action against a dentist, dental
37 hygienist or dental therapist who willfully or repeatedly violates other provisions of
38 this bill governing the administration of immunizations. (NRS 631.3485)

39 Existing law: (1) provides for the appointment of a State Dental Health Officer
40 and a State Public Health Dental Hygienist; (2) requires those officers to perform
41 certain duties relating to public dental health or public health dental hygiene, as
42 applicable; and (3) prohibits those officers from pursuing any other business or
43 vocation. (NRS 439.272, 439.279) **Section 9** of this bill revises the required
44 qualifications of the State Dental Health Officer to allow a person who is not a
45 licensed dentist in this State to be appointed as the State Dental Health Officer if he
46 or she has a masters or doctorate degree in public health or a related field and is a
47 graduate of an accredited dental college or residency program. **Section 10** of this
48 bill authorizes the State Public Health Dental Hygienist to pursue another business
49 or vocation with the approval of the Division of Public and Behavioral Health of
50 the Department of Health and Human Services.

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 6, inclusive, of this
3 act.

4 **Sec. 2. 1. *The Board shall, upon application by a dentist,***
5 ***dental hygienist or dental therapist licensed pursuant to this***
6 ***chapter who has completed a course of training in the***



1 *administration of immunizations that is approved by the Board,*
2 *issue a special endorsement of the license allowing the dentist,*
3 *dental hygienist or dental therapist to administer immunizations.*

4 2. *The Board may approve a course of training in the*
5 *administration of immunizations if the course:*

6 (a) *Provides participants with practical training and written*
7 *instructional materials concerning the administration of*
8 *immunizations;*

9 (b) *Includes an evaluation of the technique of participants in*
10 *the administration of immunizations; and*

11 (c) *Includes instruction consistent with the guidelines*
12 *prescribed by the Centers for Disease Control and Prevention of*
13 *the United States Department of Health and Human Services*
14 *concerning:*

15 (1) *Practices for administering immunizations to children,*
16 *adolescents and adults;*

17 (2) *Basic immunology and the mechanism by which*
18 *immunizations induce protection from disease;*

19 (3) *Diseases that are preventable through immunizations;*

20 (4) *Storage and management of immunizations;*

21 (5) *Recommended schedules for immunization;*

22 (6) *Informed consent to immunization;*

23 (7) *Physiology and techniques for administering*
24 *immunizations;*

25 (8) *Assessment and counseling before and after*
26 *administering an immunization;*

27 (9) *Maintenance of records relating to immunizations; and*

28 (10) *Identifying, responding to and reporting adverse*
29 *events resulting from immunizations.*

30 3. *A dentist who holds a special endorsement issued pursuant*
31 *to subsection 1 may administer immunizations by an intranasal,*
32 *intramuscular or subcutaneous injection.*

33 4. *A dental hygienist or dental therapist who holds a special*
34 *endorsement issued pursuant to subsection 1 may administer*
35 *immunizations by an intranasal, intramuscular or subcutaneous*
36 *injection only under authorization from a dentist who also holds*
37 *such a special endorsement.*

38 **Sec. 3. 1.** *The Board shall, upon application by a dentist,*
39 *dental hygienist or dental therapist licensed pursuant to this*
40 *chapter who has completed a course of training in the*
41 *administration of immunizations for influenza that is approved by*
42 *the Board, issue a special endorsement of the license allowing the*
43 *dentist, dental hygienist or dental therapist to administer*
44 *immunizations for influenza only.*



1 2. The Board may approve a course of training in the
2 administration of immunizations for influenza if the course:

3 (a) Provides participants with practical training and written
4 instructional materials concerning the administration of
5 immunizations for influenza;

6 (b) Includes an evaluation of the technique of participants in
7 the administration of such immunizations; and

8 (c) Includes instruction consistent with the guidelines
9 prescribed by the Centers for Disease Control and Prevention of
10 the United States Department of Health and Human Services
11 concerning:

12 (1) The epidemiology, pathophysiology, clinical
13 presentation, diagnosis, prevention and treatment of influenza;

14 (2) The administration, storage and handling of
15 immunizations for influenza; and

16 (3) Counseling persons who will receive an immunization
17 for influenza.

18 3. A dentist who holds a special endorsement issued pursuant
19 to subsection 1 may administer immunizations for influenza by an
20 intranasal, intramuscular or subcutaneous injection.

21 4. A dental hygienist or dental therapist who holds a special
22 endorsement issued pursuant to subsection 1 may administer
23 immunizations for influenza by an intranasal, intramuscular or
24 subcutaneous injection only under authorization from a dentist
25 who also holds a special endorsement issued pursuant to
26 subsection 1 or section 2 of this act.

27 **Sec. 4. 1.** A dentist who holds a special endorsement issued
28 pursuant to section 2 or 3 of this act and who administers
29 immunizations or under whose authorization a dental hygienist or
30 dental therapist who holds such an endorsement administers
31 immunizations must:

32 (a) Issue or obtain from a dentist, physician, physician
33 assistant or advanced practice registered nurse a standing order
34 for the administration of the immunizations that is approved by
35 the Division of Public and Behavioral Health of the Department of
36 Health and Human Services;

37 (b) Establish written policies and procedures for the handling
38 and disposal of used or contaminated equipment; and

39 (c) Establish a written plan for addressing emergencies and
40 ensure that the dentist, dental hygienist or dental therapist
41 administering immunizations has immediate access to equipment
42 that may be needed in an emergency, including, without
43 limitation, equipment for administering oxygen and epinephrine
44 and other equipment necessary to respond to an allergic reaction.



1 2. A dentist who holds a special endorsement pursuant to
2 section 2 or 3 of this act and who administers an immunization or
3 under whose authorization a dental hygienist or dental therapist
4 who holds such an endorsement administers an immunization
5 shall report any severe reaction to the immunization as required
6 by regulations adopted by the State Board of Health pursuant to
7 NRS 441A.120.

8 3. A dentist, dental hygienist or dental therapist who holds a
9 special endorsement issued pursuant to section 2 or 3 of this act
10 shall comply with:

11 (a) The instructions for storing and handling an immunization
12 prescribed by the manufacturer; and

13 (b) To the extent that such guidelines do not conflict with the
14 instructions of the manufacturer, any applicable guidelines issued
15 by the Advisory Committee on Immunization Practices of the
16 Centers for Disease Control and Prevention of the United States
17 Department of Health and Human Services, including, without
18 limitation, guidelines for storing, handling and administering
19 immunizations, guidelines for documenting the administration of
20 an immunization and contraindications and precautions for
21 immunizations.

22 **Sec. 5. 1.** Before administering an immunization, a dentist,
23 dental hygienist or dental therapist who holds a special
24 endorsement issued pursuant to section 2 or 3 of this act shall:

25 (a) Provide to the patient or, if the patient is an unemancipated
26 minor, his or her parent or guardian, the most current Vaccine
27 Information Statement prescribed for the immunization by the
28 Centers for Disease Control and Prevention of the United States
29 Department of Health and Human Services, require him or her to
30 read the Vaccine Information Statement and answer any questions
31 that he or she has concerning the information in the Vaccine
32 Information Statement;

33 (b) Obtain the informed written consent of the patient, or, if
34 the patient is an unemancipated minor, from the parent or
35 guardian of the patient; and

36 (c) Review the medical history of the patient, including,
37 without limitation, asking the patient or, if the patient is an
38 unemancipated minor, the parent or guardian of the patient, to
39 describe any medications or other treatments that the patient is
40 currently receiving, allergies to drugs, medical conditions that the
41 patient is currently experiencing, surgeries that the patient has
42 had or plans to have, past pregnancy or plans to become pregnant
43 and any previous adverse reactions to immunizations.

44 2. If a dentist, dental hygienist or dental therapist who holds
45 a special endorsement issued pursuant to section 2 or 3 of this act



1 *requests a physician, physician assistant or advanced practice*
2 *registered nurse to conduct an examination and evaluation of a*
3 *patient to determine whether the patient has a medical condition*
4 *that would make it inadvisable to administer an immunization, the*
5 *dentist, dental hygienist or dental therapist must rely on and act in*
6 *conformance with the conclusions of the physician, physician*
7 *assistant or advanced practice registered nurse.*

8 **Sec. 6. 1.** *A dentist, dental hygienist or dental therapist who*
9 *holds a special endorsement issued pursuant to section 2 or 3 of*
10 *this act shall include in the record of each patient to whom he or*
11 *she administers an immunization:*

12 (a) *The date on which the immunization was administered;*

13 (b) *The site at which the immunization was administered;*

14 (c) *The brand name of the immunization, the National Drug*
15 *Code number assigned to the immunization by the United States*
16 *Food and Drug Administration or the code number assigned to the*
17 *immunization under another nationally recognized system of*
18 *coding for immunizations;*

19 (d) *The dose, manufacturer, lot number and expiration date of*
20 *the immunization;*

21 (e) *The name or initials of the dentist, dental hygienist or*
22 *dental therapist;*

23 (f) *Except as otherwise provided in subsection 2, the address of*
24 *the location where the immunization was administered;*

25 (g) *The date on which the Vaccine Information Statement was*
26 *provided to the patient pursuant to section 5 of this act and the*
27 *date on which the Vaccine Information Statement was published;*
28 *and*

29 (h) *A copy of the questions asked by the dentist, dental*
30 *hygienist or dental therapist and the information provided by the*
31 *patient or his or her parent or guardian, as applicable, as part of*
32 *the review of the medical history of the patient conducted pursuant*
33 *to section 5 of this act, which must be signed by the patient or, if*
34 *the patient is an unemancipated minor, his or her parent or*
35 *guardian.*

36 2. *A dentist, dental hygienist or dental therapist is not*
37 *required to include the information described in paragraph (f) of*
38 *subsection 1 if that information is automatically included in a*
39 *report made pursuant to NRS 439.265.*

40 3. *Records described in subsection 1 must be maintained in*
41 *accordance with all applicable federal and state laws and*
42 *regulations, including, without limitation:*

43 (a) *The Health Insurance Portability and Accountability Act of*
44 *1996, Public Law 104-191, and any applicable regulations adopted*
45 *pursuant thereto; and*



1 *(b) NRS 629.051 to 629.069, inclusive, and any regulations*
2 *adopted pursuant thereto.*

3 **Sec. 7.** NRS 631.342 is hereby amended to read as follows:

4 631.342 1. The Board shall adopt regulations concerning
5 continuing education in dentistry, dental hygiene and dental therapy.
6 The regulations must include:

7 (a) Except as provided in NRS 631.3425, the number of hours of
8 credit required annually;

9 (b) The criteria used to accredit each course; and

10 (c) The requirements for submission of proof of attendance at
11 courses.

12 2. Except as otherwise provided in subsection 3, as part of
13 continuing education, each licensee must complete a course of
14 instruction, within 2 years after initial licensure, relating to the
15 medical consequences of an act of terrorism that involves the use of
16 a weapon of mass destruction. The course must provide at least 4
17 hours of instruction that includes instruction in the following
18 subjects:

19 (a) An overview of acts of terrorism and weapons of mass
20 destruction;

21 (b) Personal protective equipment required for acts of terrorism;

22 (c) Common symptoms and methods of treatment associated
23 with exposure to, or injuries caused by, chemical, biological,
24 radioactive and nuclear agents;

25 (d) Syndromic surveillance and reporting procedures for acts of
26 terrorism that involve biological agents; and

27 (e) An overview of the information available on, and the use of,
28 the Health Alert Network.

29 3. Instead of the course described in subsection 2, a licensee
30 may complete:

31 (a) A course in Basic Disaster Life Support or a course in Core
32 Disaster Life Support if the course is offered by a provider of
33 continuing education accredited by the National Disaster Life
34 Support Foundation; or

35 (b) Any other course that the Board determines to be the
36 equivalent of a course specified in paragraph (a).

37 4. Notwithstanding the provisions of subsections 2 and 3, the
38 Board may determine whether to include in a program of continuing
39 education additional courses of instruction relating to the medical
40 consequences of an act of terrorism that involves the use of a
41 weapon of mass destruction.

42 5. *In addition to any other continuing education required*
43 *pursuant to this section, a licensee who holds a special*
44 *endorsement issued pursuant to section 2 or 3 of this act must*
45 *biennially complete:*



1 (a) *At least 2 hours of continuing education concerning the*
2 *life cycle of diseases, drugs and the administration of*
3 *immunizations;*

4 (b) *A course offered by the Centers for Disease Control and*
5 *Prevention of the United States Department of Health and Human*
6 *Services concerning the epidemiology and prevention of diseases*
7 *that are preventable by immunization;*

8 (c) *A course of training in the administration of*
9 *immunizations offered by Immunize Nevada or its successor*
10 *organization or, if that organization ceases to exist, another*
11 *organization prescribed by regulation of the Board; or*

12 (d) *Another course of instruction relating to immunizations*
13 *that is approved by:*

14 (1) *The Board;*

15 (2) *The American Dental Association, or its successor*
16 *organization, or the societies which are a part of it;*

17 (3) *The American Dental Hygienists' Association, or its*
18 *successor organization, or the societies which are a part of it;*

19 (4) *The Academy of General Dentistry, or its successor*
20 *organization;*

21 (5) *Any nationally recognized association of dental or*
22 *medical specialists;*

23 (6) *Any university, college or community college located*
24 *inside or outside this State; or*

25 (7) *Any hospital accredited by The Joint Commission.*

26 **6.** As used in this section:

27 (a) "Act of terrorism" has the meaning ascribed to it in
28 NRS 202.4415.

29 (b) "Biological agent" has the meaning ascribed to it in
30 NRS 202.442.

31 (c) "Chemical agent" has the meaning ascribed to it in
32 NRS 202.4425.

33 (d) "Radioactive agent" has the meaning ascribed to it in
34 NRS 202.4437.

35 (e) "Weapon of mass destruction" has the meaning ascribed to it
36 in NRS 202.4445.

37 **Sec. 8.** NRS 631.3475 is hereby amended to read as follows:

38 631.3475 The following acts, among others, constitute
39 unprofessional conduct:

40 1. Malpractice;

41 2. Professional incompetence;

42 3. Suspension or revocation of a license to practice dentistry,
43 the imposition of a fine or other disciplinary action by any agency of
44 another state authorized to regulate the practice of dentistry in that
45 state;



1 4. More than one act by the dentist, dental hygienist or dental
2 therapist constituting substandard care in the practice of dentistry,
3 dental hygiene or dental therapy;

4 5. Administering, dispensing or prescribing any controlled
5 substance or any dangerous drug as defined in chapter 454 of NRS,
6 if it is not required to treat the dentist's patient;

7 6. Knowingly procuring or administering a controlled
8 substance or a dangerous drug as defined in chapter 454 of NRS that
9 is not approved by the United States Food and Drug Administration,
10 unless the unapproved controlled substance or dangerous drug:

11 (a) Was procured through a retail pharmacy licensed pursuant to
12 chapter 639 of NRS;

13 (b) Was procured through a Canadian pharmacy which is
14 licensed pursuant to chapter 639 of NRS and which has been
15 recommended by the State Board of Pharmacy pursuant to
16 subsection 4 of NRS 639.2328; or

17 (c) Is cannabis being used for medical purposes in accordance
18 with chapter 678C of NRS;

19 7. Having an alcohol or other substance use disorder to such an
20 extent as to render the person unsafe or unreliable as a practitioner,
21 or such gross immorality as tends to bring reproach upon the dental
22 profession;

23 8. Conviction of a felony or misdemeanor involving moral
24 turpitude or which relates to the practice of dentistry in this State, or
25 conviction of any criminal violation of this chapter;

26 9. Conviction of violating any of the provisions of NRS
27 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
28 inclusive;

29 10. Failure to comply with the provisions of NRS 453.163,
30 453.164, 453.226, 639.23507, 639.23535 and 639.2391 to
31 639.23916, inclusive, and any regulations adopted by the State
32 Board of Pharmacy pursuant thereto.

33 11. Fraudulent, illegal, unauthorized or otherwise inappropriate
34 prescribing, administering or dispensing of a controlled substance
35 listed in schedule II, III or IV;

36 12. Failure to comply with the provisions of NRS 454.217 or
37 629.086;

38 13. Failure to obtain any training required by the Board
39 pursuant to NRS 631.344; ~~for~~

40 14. *Administering an immunization if the dentist, dental*
41 *hygienist or dental therapist does not hold a special endorsement*
42 *issued pursuant to section 2 or 3 of this act;*

43 15. *Administering an immunization, other than an*
44 *immunization for influenza, if he or she holds a special*
45 *endorsement issued pursuant to section 3 of this act;*



1 **16. Failure to comply with:**

2 **(a) The requirements of NRS 439.265; or**

3 **(b) Any requirement of sections 4, 5 or 6 of this act; or**

4 **17.** Operation of a medical facility, as defined in NRS
5 449.0151, at any time during which:

6 (a) The license of the facility is suspended or revoked; or

7 (b) An act or omission occurs which results in the suspension or
8 revocation of the license pursuant to NRS 449.160.

9 ➔ This subsection applies to an owner or other principal responsible
10 for the operation of the facility.

11 **Sec. 9.** NRS 439.272 is hereby amended to read as follows:

12 439.272 1. The Division shall appoint, with the consent of
13 the Director, a State Dental Health Officer, who may serve in the
14 unclassified service of the State or as a contractor for the Division.
15 The State Dental Health Officer must:

16 (a) Be a resident of this State;

17 (b) Hold ~~fa~~:

18 (1) *A current license to practice dentistry issued pursuant to*
19 *chapter 631 of NRS; or*

20 (2) *A masters or doctorate degree in public health or a*
21 *related field and be a graduate of a dental college or residency*
22 *program accredited by the Commission on Dental Accreditation of*
23 *the American Dental Association, or its successor organization;*
24 *and*

25 (c) Be appointed on the basis of his or her education, training
26 and experience and his or her interest in public dental health and
27 related programs.

28 2. The State Dental Health Officer shall:

29 (a) Determine the needs of the residents of this State for public
30 dental health;

31 (b) Provide the Advisory Committee and the Division with
32 advice regarding public dental health;

33 (c) Make recommendations to the Advisory Committee, the
34 Division and the Legislature regarding programs in this State for
35 public dental health;

36 (d) Work collaboratively with the State Public Health Dental
37 Hygienist; and

38 (e) Seek such information and advice from the Advisory
39 Committee or from any dental education program in this State,
40 including any such programs of the Nevada System of Higher
41 Education, as necessary to carry out his or her duties.

42 3. The State Dental Health Officer shall devote all of his or her
43 time to the business of his or her office and shall not pursue any
44 other business or vocation or hold any other office of profit.



1 4. Pursuant to NRS 439.2794, the Division may solicit and
2 accept gifts and grants to pay the costs associated with oral health
3 programs.

4 **Sec. 10.** NRS 439.279 is hereby amended to read as follows:

5 439.279 1. The Division shall appoint, with the consent of
6 the Director, a State Public Health Dental Hygienist, who may serve
7 in the unclassified service of the State or as a contractor for the
8 Division. The State Public Health Dental Hygienist must:

9 (a) Be a resident of this State;

10 (b) Hold a current license to practice dental hygiene issued
11 pursuant to chapter 631 of NRS with a special endorsement issued
12 pursuant to NRS 631.287; and

13 (c) Be appointed on the basis of his or her education, training
14 and experience and his or her interest in public health dental hygiene
15 and related programs.

16 2. The State Public Health Dental Hygienist:

17 (a) Shall work collaboratively with the State Dental Health
18 Officer in carrying out his or her duties; and

19 (b) May:

20 (1) Provide advice and make recommendations to the
21 Advisory Committee and the Division regarding programs in this
22 State for public health dental hygiene; and

23 (2) Perform any acts authorized pursuant to NRS 631.287.

24 3. The State Public Health Dental Hygienist ~~shall devote all of~~
25 ~~his or her time to the business of his or her office and shall not~~
26 ~~pursue any other business or vocation or hold any other office of~~
27 ~~profit.] may pursue another business or vocation with the approval~~
28 ~~of the Division.~~

29 4. The Division may solicit and accept gifts and grants to pay
30 the costs associated with the position of State Public Health Dental
31 Hygienist.

32 **Sec. 11.** 1. This section becomes effective upon passage and
33 approval.

34 2. Sections 1 to 10, inclusive, of this act become effective:

35 (a) Upon passage and approval for the purpose of adopting
36 regulations and performing any preparatory administrative tasks;
37 and

38 (b) On October 1, 2021, for all other purposes.

