

Amendment No. 143

Assembly Amendment to Assembly Bill No. 277	(BDR 54-788)
Proposed by: Assembly Committee on Commerce and Labor	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION		Initial and Date		SENATE ACTION		Initial and Date			
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) green bold italic underlining is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) green bold underlining is newly added transitory language.

JMM/MSN



Date: 4/9/2013

A.B. No. 277—Revises provisions governing dental hygienists. (BDR 54-788)



ASSEMBLY BILL NO. 277—ASSEMBLYWOMEN
 BENITEZ-THOMPSON; AND CARLTON

MARCH 15, 2013

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing dental hygienists. (BDR 54-788)

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

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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 hygienists; ~~imposing certain responsibilities and duties on~~ **exempting** certain ~~dental hygienists who own or operate~~ programs that provide public health dental hygiene ~~and~~ **from requirements relating to supervision by a licensed dentist;** authorizing dental hygienists who are authorized to practice public health dental hygiene to perform ~~certain~~ procedures without the **authorization or** supervision ~~for approval~~ of a licensed dentist ~~and~~ **as specified by regulations adopted by the Board of Dental Examiners of Nevada;** and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes a dental hygienist to obtain from the Board of Dental Examiners of Nevada a special endorsement of the dental hygienist’s license that authorizes the dental hygienist to practice public health dental hygiene. A dental hygienist with such a special endorsement may perform such services for the promotion of public health dental hygiene as deemed appropriate by the State Dental Health Officer. (NRS 631.287) ~~Sections 2-4 of this bill authorize a dental hygienist with a special endorsement to practice public health dental hygiene to perform a variety of services without the approval or supervision of a licensed dentist.~~ **Existing law further provides that an entity which owns or operates certain dental offices or clinics must designate an actively licensed dentist as the dental director to supervise the dental office or clinic. (NRS 631.3452)**

Section 1 of this bill ~~imposes certain responsibilities and duties on a dental hygienist who has a special endorsement of his or her license to practice public health dental hygiene and who owns or operates~~ **exempts** a program that provides public health dental hygiene ~~and~~ **from the provisions requiring the designation of a licensed dentist as the dental director if: (1) the program is owned or operated by a dental hygienist who holds a special endorsement of his or her license to practice public health dental hygiene; and (2) each dental hygienist employed to provide public health dental hygiene pursuant to the program holds a special endorsement of his or her license to practice public health dental hygiene. Section 3 of this bill provides for the biennial renewal of such a special endorsement and authorizes a dental hygienist who holds such a special endorsement to provide services without the authorization or supervision of a dentist as specified by regulations adopted by the Board.**

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 thereto a new
2 section to read as follows:

3 ~~[Any]~~ The provisions of NRS 631.3452 requiring the designation of an
4 actively licensed dentist as a dental director do not apply to a program for the
5 provision of public health dental hygiene if:

6 1. The program is owned or operated by a dental hygienist who holds a
7 special endorsement of his or her license following him or her} to practice public
8 health dental hygiene pursuant to NRS 631.287 and who owns or operates a
9 program that provides public health dental hygiene:

10 1. Is responsible for the clinical practice of public health dental hygiene
11 provided pursuant to the program, including, without limitation:

12 ~~(a) The overall quality of patient care that is rendered or performed pursuant to~~
13 ~~the program;~~

14 ~~(b) Supervising dental hygienists, dental assistants and other personnel~~
15 ~~involved in direct patient care and authorizing procedures performed by the~~
16 ~~dental hygienists, dental assistants and other personnel in accordance with the~~
17 ~~standards of supervision established by regulations adopted by the Board;~~

18 ~~(c) Providing to a patient receiving services pursuant to the program a~~
19 ~~referral for any treatment or service which is appropriate for the patient and~~
20 ~~which a dental hygienist with a special endorsement of his or her license is not~~
21 ~~authorized to perform pursuant to subsection 2 of NRS 631.287;~~

22 ~~(d) Retaining patient dental records as required by regulations adopted by~~
23 ~~the Board;~~

24 ~~2. Shall maintain current records of the names of dental hygienists who~~
25 ~~hold special endorsements of their licenses to practice public health dental~~
26 ~~hygiene pursuant to NRS 631.287 and who supervise the clinical activities of~~
27 ~~dental hygienists, dental assistants and other personnel involved in direct patient~~
28 ~~care provided pursuant to the program. The records must be available to the~~
29 ~~Board upon written request.}; and~~

30 2. Each dental hygienist employed to provide public health dental hygiene
31 pursuant to the program holds a special endorsement of his or her license to
32 practice public health dental hygiene pursuant to NRS 631.287.

33 **Sec. 2.** ~~[NRS 631.215 is hereby amended to read as follows:~~

34 ~~631.215 1. Any person shall be deemed to be practicing dentistry who:~~

35 ~~(a) Uses words or any letters or title in connection with his or her name which~~
36 ~~in any way represents the person as engaged in the practice of dentistry, or any~~
37 ~~branch thereof;~~

38 ~~(b) Advertises or permits to be advertised by any medium that the person can~~
39 ~~or will attempt to perform dental operations of any kind;~~

40 ~~(c) Diagnoses, professes to diagnose or treats or professes to treat any of the~~
41 ~~diseases or lesions of the oral cavity, teeth, gingiva or the supporting structures~~
42 ~~thereof;~~

43 ~~(d) Extracts teeth;~~

44 ~~(e) Corrects malpositions of the teeth or jaws;~~

45 ~~(f) [Takes] Except as otherwise provided in NRS 631.287, takes impressions~~
46 ~~of the teeth, mouth or gums, unless the person is authorized by the regulations of~~
47 ~~the Board to engage in such activities without being a licensed dentist;~~

48 ~~(g) Examines a person for, or supplies artificial teeth as substitutes for natural~~
49 ~~teeth;~~

1 ~~— (h) Places in the mouth and adjusts or alters artificial teeth;~~
2 ~~— (i) Does any practice included in the clinical dental curricula of accredited~~
3 ~~dental colleges or a residency program for those colleges;~~
4 ~~— (j) Administers or prescribes such remedies, medicinal or otherwise, as are~~
5 ~~needed in the treatment of dental or oral diseases;~~
6 ~~— (k) [Uses] **Except as otherwise provided in NRS 631.287, uses X ray radiation**~~
7 ~~or laser radiation for dental treatment or dental diagnostic purposes, unless the~~
8 ~~person is authorized by the regulations of the Board to engage in such activities~~
9 ~~without being a licensed dentist;~~
10 ~~— (l) Determines:~~
11 ~~(1) Whether a particular treatment is necessary or advisable; or~~
12 ~~(2) Which particular treatment is necessary or advisable; or~~
13 ~~— (m) Dispenses tooth whitening agents or undertakes to whiten or bleach teeth~~
14 ~~by any means or method, unless the person is:~~
15 ~~(1) Dispensing or using a product that may be purchased over the counter~~
16 ~~for a person's own use; or~~
17 ~~(2) Authorized by the regulations of the Board to engage in such activities~~
18 ~~without being a licensed dentist.~~
19 ~~2. Nothing in this section:~~
20 ~~— (a) Prevents a dental assistant, dental hygienist or qualified technician from~~
21 ~~making radiograms or X ray exposures or using X ray radiation or laser radiation~~
22 ~~for dental treatment or dental diagnostic purposes upon the direction of a licensed~~
23 ~~dentist.~~
24 ~~— (b) Prohibits the performance of mechanical work, on inanimate objects only,~~
25 ~~by any person employed in or operating a dental laboratory upon the written work~~
26 ~~authorization of a licensed dentist.~~
27 ~~— (c) Prevents students from performing dental procedures that are part of the~~
28 ~~curricula of an accredited dental school or college or an accredited school of dental~~
29 ~~hygiene or an accredited school of dental assisting.~~
30 ~~— (d) Prevents a licensed dentist or dental hygienist from another state or country~~
31 ~~from appearing as a clinician for demonstrating certain methods of technical~~
32 ~~procedures before a dental society or organization, convention or dental college or~~
33 ~~an accredited school of dental hygiene or an accredited school of dental assisting.~~
34 ~~— (e) Prohibits the manufacturing of artificial teeth upon receipt of a written~~
35 ~~authorization from a licensed dentist if the manufacturing does not require direct~~
36 ~~contact with the patient.~~
37 ~~— (f) Prohibits the following entities from owning or operating a dental office or~~
38 ~~clinic if the entity complies with the provisions of NRS 631.2452:~~
39 ~~(1) A nonprofit corporation organized pursuant to the provisions of chapter~~
40 ~~82 of NRS to provide dental services to rural areas and medically underserved~~
41 ~~populations of migrant or homeless persons or persons in rural communities~~
42 ~~pursuant to the provisions of 42 U.S.C. § 254b or 254e.~~
43 ~~(2) A federally qualified health center as defined in 42 U.S.C. §~~
44 ~~1396d(1)(2)(D) operating in compliance with other applicable state and federal law.~~
45 ~~(3) A nonprofit charitable corporation as described in section 501(c)(3) of~~
46 ~~the Internal Revenue Code and determined by the Board to be providing dental~~
47 ~~services by volunteer licensed dentists at no charge or at a substantially reduced~~
48 ~~charge to populations with limited access to dental care.~~
49 ~~— (g) Prevents a person who is actively licensed as a dentist in another~~
50 ~~jurisdiction from treating a patient if:~~
51 ~~(1) The patient has previously been treated by the dentist in the jurisdiction~~
52 ~~in which the dentist is licensed;~~

~~(2) The dentist treats the patient only during a course of continuing education involving live patients which:~~

~~(I) Is conducted at an institute or organization with a permanent facility registered with the Board for the sole purpose of providing postgraduate continuing education in dentistry; and~~

~~(II) Meets all applicable requirements for approval as a course of continuing education; and~~

~~(3) The dentist treats the patient only under the supervision of a person licensed pursuant to NRS 621.2715.~~

~~(h) Prohibits a person from providing goods or services for the support of the business of a dental practice, office or clinic owned or operated by a licensed dentist or any entity not prohibited from owning or operating a dental practice, office or clinic if the person does not:~~

~~(1) Provide such goods or services in exchange for payments based on a percentage or share of revenues or profits of the dental practice, office or clinic; or~~

~~(2) Exercise any authority or control over the clinical practice of dentistry.~~

~~3. The Board shall adopt regulations identifying activities that constitute the exercise of authority or control over the clinical practice of dentistry, including, without limitation, activities which:~~

~~(a) Exert authority or control over the clinical judgment of a licensed dentist; or~~

~~(b) Relieve a licensed dentist of responsibility for the clinical aspects of the dental practice.~~

~~Such regulations must not prohibit or regulate aspects of the business relationship, other than the clinical practice of dentistry, between a licensed dentist or professional entity organized pursuant to the provisions of chapter 89 of NRS and the person or entity providing goods or services for the support of the business of a dental practice, office or clinic owned or operated by the licensed dentist or professional entity.] **(Deleted by amendment.)**~~

Sec. 3. NRS 631.287 is hereby amended to read as follows:

631.287 1. The Board shall, upon application by a dental hygienist who is licensed pursuant to this chapter and has such qualifications as the Board specifies by regulation, issue a special endorsement of the license allowing the dental hygienist to practice public health dental hygiene . ~~[pursuant to subsection 2.]~~ **A special endorsement is valid for as long as the person is licensed as a dental hygienist in this State. It may be renewed biennially upon the renewal of the license of the dental hygienist.**

2. ~~[The State Dental Health Officer may authorize a person]~~ **A dental hygienist** who holds a special endorsement issued pursuant to subsection 1 ~~to provide or cause to be provided such services for the promotion of public health dental hygiene as the State Dental Health Officer deems appropriate. Such services:]~~ **may**

~~(a) Remove stains, deposits and accretions, including dental calculus.~~

~~(b) Smooth the natural and restored surface of a tooth by using the procedures and instruments commonly used in oral prophylaxis, except that an abrasive stone, disc or bur may be used only to polish a restoration. As used in this paragraph, "oral prophylaxis" means the preventive dental procedure of sealing and polishing which includes the removal of calculus, soft deposits, plaques and stains and the smoothing of unattached tooth surfaces to create an environment in which hard and soft tissues can be maintained in good health by the patient.~~

~~(c) Provide dental hygiene care that includes:~~

~~(1) Assessment of the oral health of patients through medical and dental histories, radiographs, indices, risk assessments and intraoral and extraoral procedures that analyze and identify the oral health needs and problems of patients.~~

~~(2) Development and implementation of a dental hygiene care plan to address the oral health needs and problems of patients.~~

~~(3) Evaluation of oral and periodontal health after the implementation of the dental hygiene care plan to identify the subsequent treatment, continued care and referral needs of the patient.~~

~~(d) Take the following types of impressions:~~

~~(1) Those used for the preparation of diagnostic models;~~

~~(2) Those used for the fabrication of temporary crowns or bridges; and~~

~~(3) Those used for the fabrication of temporary removable appliances, provided no missing teeth are replaced by those appliances.~~

~~(e) Perform subgingival curettage.~~

~~(f) Expose radiographs.~~

~~(g) Place and remove a periodontal pack.~~

~~(h) Remove excess cement from cemented restorations and orthodontic appliances. A dental hygienist may not use a rotary cutting instrument to remove excess cement from restorations or orthodontic appliances.~~

~~(i) Train and instruct persons in the techniques of oral hygiene and preventive procedures.~~

~~(j) Recement and repair temporary crowns and bridges.~~

~~(k) Recement permanent crowns and bridges with nonpermanent material as a palliative treatment.~~

~~(l) Place a temporary restoration with nonpermanent material as a palliative treatment.~~

~~(m) Administer local intraoral chemotherapeutic agents in any form except aerosol, including, but not limited to:~~

~~(1) Antimicrobial agents;~~

~~(2) Fluoride preparations;~~

~~(3) Topical antibiotics;~~

~~(4) Topical anesthetics; and~~

~~(5) Topical desensitizing agents.~~

~~(n) Apply pit and fissure sealant to the dentition for the prevention of decay.~~

~~3. The services authorized by subsection 2:~~

~~(a) May be provided without supervision or approval by a licensed dentist at [schools, community centers, hospitals, nursing homes and such other locations] [any].~~

~~(1) School.~~

~~(2) Community center.~~

~~(3) Hospital.~~

~~(4) Nursing home.~~

~~(5) Other location as the [State Dental Health Officer] [Board] deems appropriate.~~

~~(b) May not be provided at a dental office that is not operated by a public or nonprofit entity. provide services without the authorization or supervision of a dentist only as specified by regulations adopted by the Board.~~

Sec. 4. [NRS 631.210 is hereby amended to read as follows:

~~631.210 1. Except as otherwise provided in NRS 631.271 and 631.287, the holder of a license or renewal certificate to practice dental hygiene may practice dental hygiene in this State in the following places:~~

~~(a) In the office of any licensed dentist.~~

~~(b) In a clinic or in clinics in the public schools of this State as an employee of the Health Division of the Department of Health and Human Services.~~

~~(c) In a clinic or in clinics in a state institution as an employee of the institution.~~

~~(d) In a clinic established by a hospital approved by the Board as an employee of the hospital where service is rendered only to patients of the hospital, and upon the authorization of a member of the dental staff.~~

~~(e) In an accredited school of dental hygiene.~~

~~(f) In other places if specified in a regulation adopted by the Board.~~

~~2. [A] Except as otherwise provided in NRS 631.287, a dental hygienist may perform only the services which are authorized by a dentist licensed in the State of Nevada, unless otherwise provided in a regulation adopted by the Board.~~

~~3. Except as otherwise provided in NRS 631.287 or specifically authorized by a regulation adopted by the Board, a dental hygienist shall not provide services to a person unless that person is a patient of the dentist who authorized the performance of those services. (Deleted by amendment.)~~

Sec. 4.5. NRS 631.3452 is hereby amended to read as follows:

631.3452 ~~[A]~~ Except as otherwise provided in section 1 of this act, an entity that owns or operates a dental office or clinic as described in paragraph (f) of subsection 2 of NRS 631.215 must:

1. Designate an actively licensed dentist as the dental director of the dental office or clinic. The dental director shall have responsibility for the clinical practice of dentistry at the dental office or clinic, including, without limitation:

(a) Diagnosing or treating any of the diseases or lesions of the oral cavity, teeth, gingiva or the supporting structures thereof.

(b) Administering or prescribing such remedies, medicinal or otherwise, as are needed in the treatment of dental or oral diseases.

(c) Determining:

(1) Whether a particular treatment is necessary or advisable; or

(2) Which particular treatment is necessary or advisable.

(d) The overall quality of patient care that is rendered or performed in the clinical practice of dentistry.

(e) Supervising dental hygienists, dental assistants and other personnel involved in direct patient care and authorizing procedures performed by the dental hygienists, dental assistants and other personnel in accordance with the standards of supervision established by law or regulations adopted pursuant thereto.

(f) Providing any other specific services that are within the scope of clinical dental practice.

(g) Retaining patient dental records as required by law and regulations adopted by the Board.

(h) Ensuring that each patient receiving services from the dental office or clinic has a dentist of record.

2. Maintain current records of the names of licensed dentists who supervise the clinical activities of dental hygienists, dental assistants or other personnel involved in direct patient care. The records must be available to the Board upon written request.

Sec. 5. This act becomes effective on July 1, 2013.