

JOE LOMBARDO
Governor

DR. KRISTOPHER SANCHEZ
Director, Dept. of B & I

STATE OF NEVADA



PERRY FAIGIN
NIKKI HAAG
MARCEL F. SCHAERER
Deputy Directors, Dept. of B & I

A.L. HIGGINBOTHAM
Executive Director, NSBDE

DEPARTMENT OF BUSINESS AND INDUSTRY
OFFICE OF NEVADA BOARDS, COMMISSIONS AND COUNCILS STANDARDS

NEVADA STATE BOARD OF DENTAL EXAMINERS

**NOTICE OF INTENT TO ACT UPON A REGULATION:
PUBLIC HEARING NOTICE FOR THE ADOPTION OF
PROPOSED PERMANENT REGULATIONS BY THE NEVADA STATE
BOARD OF DENTAL EXAMINERS**

The Nevada State Board of Dental Examiners will hold a public hearing for the purpose of adopting a regulation on Wednesday, July 29, 2026, at 6:00 pm (to be held contemporaneously to the Board's regularly scheduled monthly Board meeting) at the Board Office, 2651 N. Green Valley Pkwy, Henderson, NV 89014. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulations that pertain to chapter 631 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need for and the purpose of the proposed regulation or amendment.

The purpose of this regulation suite is to modify NAC 631.1785, NAC 631.178, and NAC 631.179 to better establish initial infection control inspection requirements before opening or assuming a practice; to establish reinspection and due process steps after a failure; to clarify tools for urgent situations; and to connect random inspections to the same processes for notices, reinspection, hearings, and emergency actions.

2. If the proposed regulation is a temporary regulation, the terms or the substance of the proposed regulation to be adopted, amended or repealed, or a description of the subjects and issues involved.

Not applicable; this is not a temporary regulation.

3. If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation.

The proposed regulation is available on the website of the Nevada State Board of Dental Examiners; it is also available at the office of the Nevada State Board of Dental Examiners located at 2651 N. Green Valley Parkway, Suite 104, Henderson, Nevada 89014. It will also be sent to the State Library, Archives and Public Records, 100 Stewart Street, Carson City, Nevada, 89701.

4. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include: (a) both adverse and beneficial effects; and (b) both immediate and long-term effects.

LCB File No. R051-26 would act as amendments to the Nevada Administrative Code. A survey was sent to all licensees requesting their input regarding impacts, positive or negative, to their small business should the regulations pass.

(a) The survey results revealed this new regulation would not significantly adversely affect small businesses as defined by NRS 233B. While some survey participants felt they would be delayed in making money if they had to wait for an infection control inspection before opening, such sentiments failed to take into account patient safety versus whatever very short delay in opening might occur.

(b) No immediate effects were expressed *en masse* because most current licensees have already passed an initial infection control inspection. No long-term economic effects were noted; at most, a few survey responses felt it was unfair for a failed inspection to inhibit making a living.

5. The methods used by the agency in determining the impact on a small business.

As part of NSBDE's due diligence, a small business impact survey was emailed directly to all active licensed dental professionals in Nevada. Further, the Nevada State Board of Dental Examiners solicited written and oral comments, objections, and suggestions from various stakeholders at a March 17, 2026, workshop.

6. The estimated cost to the agency for enforcement of the proposed regulation.

There is no cost to the Board in effectuating this change, other than if licensees fail their inspection, there may be administrative time costs for staff associated with holding due process hearings.

7. A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

There is no federal agency with dental profession licensing oversight, and thus no federal and state conflicts of law exist. Additionally, as the Board is the only dental profession licensing agency in the State of Nevada, there is unlikely to be any conflicting regulatory goals amongst state agencies.

8. If the regulation is required pursuant to federal law, a citation and description of the federal law.

This regulation is not required by federal law.

9. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

Not applicable; federal law does not govern state professional occupational licensing.

10. Whether the proposed regulation establishes a new fee or increases an existing fee.

This regulation does not change or create any new fees payable to the Board.

11. If the proposed regulation is a temporary regulation, each address at which the text of the regulation may be inspected and copied.)

Not applicable; this is not a temporary regulation.

Persons wishing to comment upon the action of the Nevada State Board of Dental Examiners may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to Nevada State Board of Dental Examiners, 2651 N. Green Valley Parkway, Suite 104, Henderson, Nevada 89014. Written submissions must be received by the Nevada State Board of Dental Examiners on or before close of business on July 27, 2026. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada State Board of Dental Examiners may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be Adopted will be on file at the State Library, Archives and Public Records, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be Adopted will be available at the Nevada State Board of Dental Examiners website and for inspection and copying by members of the public during business hours at the Board's physical office. This notice and the text of the proposed regulation will also be available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us/>. Additional copies of the notice and the regulation to be adopted will be available at the main public library for all counties in which an office of the Board is not maintained. Copies of this notice and the proposed regulation will also be mailed to members of the public at no charge upon request.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This Notice of Intent to Act and Public Hearing has been sent to/posted at the following locations:

1) Nevada State Board of Dental Examiners, 2651 N. Green Valley Parkway, Henderson, Nevada 89014 - www.dental.nv.gov

2) Nevada State Board of Dental Examiner's website - www.dental.nv.gov

2) Legislative Counsel Bureau - www.leg.state.nv.us

- 3) State Library and Archives - www.nsla.nv.gov
- 4) Carson City Main Library, 900 N Roop St, Carson City, NV 89701
- 5) Churchill County Main Library, 553 S Maine St, Fallon, NV 89406
- 6) Douglas County Main Library, 1625 Library Ln, Minden, NV 89423
- 7) Elko County Main Library, 720 Court St, Elko, NV 89801
- 8) Esmerelda County Main Library, PO Box 430, Goldfield, NV 89013
- 9) Eureka County Main Library, 80 Monroe St, Eureka, NV 89316
- 10) Humboldt County Main Library, 85 E 5th St, Winnemucca, NV 89445
- 11) Lander County Main Library, 625 S Broad St, Battle Mountain, NV 89820
- 12) Lincoln County Main Library, 63 Main Street, PO Box 330, Pioche, NV 89043
- 13) Lyon County Main Library, 20 Nevin Way, Yerington, NV 89447
- 14) Mineral County Main Library, 110 1st Street, Hawthorne, NV 89415
- 15) Nye County Main Library, 701 East Street, Pahrump, NV 89048
- 16) Pershing County Main Library, 1125 Central Ave, Lovelock, NV 89419
- 17) Storey County Main Library, 175 Carson St 2nd Floor, Virginia City, NV 89440
- 18) Washoe County Main Library, 301 South Center Street, Reno, NV 89501
- 19) White Pine County Main Library, 950 Campton St, Ely, NV 89301

**PROPOSED REGULATION OF
THE BOARD OF DENTAL EXAMINERS OF NEVADA**

LCB File No. R051-26

May 28, 2026

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

AUTHORITY: §§ 1-4, 6-7 and 9, NRS 631.190; § 5, NRS 631.190, 631.342 and 631.344; § 8, NRS 631.190 and 631.363; § 10, NRS 631.190 and 631.2715; § 11, NRS 631.190, 631.346 and 631.350.

A REGULATION relating to oral health; revising provisions relating to inspections of certain offices or facilities where dental treatments are to be performed; adopting by reference a publication concerning infection prevention practices; authorizing licensees to perform certain dental treatments in the home of a patient under certain circumstances; revising provisions relating to unprofessional conduct; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Board of Dental Examiners of Nevada to adopt rules and regulations necessary to carry out the provisions governing dentistry, dental hygiene, dental therapy and expanded function dental assistance. (NRS 631.190) Under existing regulations, the Board has adopted by reference certain publications adopted by the Centers for Disease Control and Prevention relating to infection control and disinfection and sterilization in certain settings with which licensees regulated by the Board are required to comply. (NAC 631.178) In **section 6** of this regulation, the Board adopts by reference an additional publication adopted by the Centers for Disease Control and Prevention relating to infection prevention practices in dental settings. **Sections 4, 5 and 9** of this regulation make conforming changes as a result of the adoption by reference of the additional publication.

To ensure compliance with those publications, existing regulations provide for: (1) an initial inspection of an office or facility where dental treatments are to be performed; (2) a reinspection if the office or facility is found to be noncompliant after the initial inspection; (3) an inspection if the Board receives evidence of noncompliance; and (4) random inspections. (NAC 631.1785, 631.179) **Section 2** of this regulation requires that such inspections also verify, in an office or facility, or portion thereof, the presence of: (1) at least one standard 16-unit first-aid kit which meets certain requirements; and (2) an emergency medical kit which must contain certain items. **Section 2** also requires that such an inspection verify, at a minimum, that a Class 5 integrator is used with each sterilization load conducted during the inspection.

Existing regulations require that the initial inspection of an office or facility in this State where dental treatments are to be performed occur within a certain period after a licensed dentist

becomes the owner of the office or facility. Existing regulations prescribe procedures and timelines for such an initial inspection and, if necessary because of noncompliance, a reinspection and a hearing before the Board. (NAC 631.1785) **Section 7** of this regulation revises these procedures and timelines. First, with certain exceptions, **section 7** requires that before any owner or renter of an office or facility in this State, or any portion thereof, where dental treatments are to be performed may open the office or facility, or portion thereof, as a new dental practice or as an existing dental practice under new ownership, the owner or renter must: (1) request in writing that the Board conduct an initial inspection of the office or facility, or portion thereof, to ensure that it is in compliance with the publications adopted by reference in **section 6** and is equipped in compliance with **section 2** of this regulation; and (2) have been issued either a written notice or order of the findings of the inspection indicating that the office or facility, or portion thereof, is in such compliance or an order exempting such compliance. As an exception, **section 7** authorizes an owner or renter of an office or facility, or portion thereof, where dental treatments are to be performed as a new dental practice or as an existing dental practice under new ownership and which is to be operated in a historically underserved community or as a certain federally-qualified health center, a nonprofit clinic or a program for public health dental hygiene to open the office or facility, or portion thereof, pending the scheduling and completion of the initial inspection and to operate the office or facility, or portion thereof, uninterrupted unless a written notice or order is issued indicating that the office or facility, or portion thereof, is not in such compliance.

Unless an extension is requested by the owner or renter, **section 7** requires the assigned agent or agents of the Board to conduct the initial inspection of the office or facility, or portion thereof, not later than 30 days after: (1) the Board receives a written request from the owner or renter; or (2) if the exception applies, the owner or renter opens the office or facility, or portion thereof. **Section 7** additionally requires the assigned agent or agents, not later than 3 business days after completing the initial inspection, to issue a report to the Executive Director. If the report indicates that the office or facility, or portion thereof, is in compliance with the requirements, **section 7** requires the Executive Director to issue written notice of the agents' findings to the owner or renter. If the office or facility, or portion thereof, is not in compliance with the requirements, the Executive Director is required to issue a written notice which identifies critical deficiencies to the owner or renter.

Section 7 authorizes the owner or renter of the office or facility, or portion thereof, not later than 7 business days after receiving such a written notice of deficiencies, to request that the Board conduct a reinspection. **Section 7** requires the agent or agents, not later than 3 business days after completing the reinspection of the office or facility, or portion thereof, to issue a report to the Executive Director indicating whether the office or facility, or portion thereof, has taken corrective measures to cure the deficiencies identified in the written notice of deficiencies issued after the initial inspection. If report indicates that the office or facility, or portion thereof, is in compliance with the requirements, **section 7** requires the Executive Director of the Board to issue written notice of the agents' findings to the owner or renter. If the report indicates that the office or facility, or portion thereof, remains in noncompliance with the requirements, **section 7** requires: (1) the Executive Director to issue a written notice that the owner or renter failed to cure the deficiencies; and (2) the Board to schedule an administrative hearing before a panel of not less than three members of the Board.

If, at the conclusion of the administrative hearing, the panel determines that the office or facility, or portion thereof, is not in compliance with the requirements, **section 7** requires the

panel to issue an order prohibiting the owner or renter from opening the office or facility, or portion thereof. If the owner or renter of the office or facility, or portion thereof, is issued such an order, **section 7** authorizes the owner or renter to request a new initial inspection not earlier than 1 year after the date on which the panel issued the order and once annually thereafter until the Board finds that the office or facility, or portion thereof, is in compliance with the requirements. **Section 7** also provides for the issuance of a cease and desist order and an order of summary suspension of licenses in certain circumstances if, under the exception, the office or facility, or portion thereof, was authorized to open pending the inspection.

Section 8 of this regulation provides that the same procedures for conducting reinspections and administrative hearings pursuant to **section 7** apply to random inspections conducted under existing regulations. (NAC 631.179)

Existing regulations require an institute or organization to register with the Board a permanent facility for the sole purpose of providing postgraduate continuing education in dentistry by submitting a form which must include certain information. (NAC 631.2205) If such a facility will offer courses involving live patients, **section 10** of this regulation requires an institute or organization to include with the registration form a written notice or order from the Executive Director issued pursuant to **section 7** that the facility is equipped in compliance with **section 2** and is in compliance with the publications adopted by reference by the Board in **section 6**.

Existing regulations list certain acts which constitute unprofessional conduct by licensees. (NAC 631.230) **Section 11** of this regulation adds to this list the opening of an office or facility, or portion thereof, by an owner or renter in a manner that violates the requirements of **section 7**.

Section 3 of this regulation authorizes a licensee to perform certain dental treatments in the home of a patient under certain circumstances.

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

Sec. 2. 1. *An inspection conducted pursuant to NAC 631.1785 or 631.179 must verify, in addition to compliance with the publications adopted by reference pursuant to NAC 631.178:*

(a) The presence in an office or facility, or portion thereof, of:

(1) At least one standard 16-unit first-aid kit which must:

(I) Contain all original units and refills of any units used;

(II) Contain only units whose expiration dates, as printed on the unit, have not passed; and

(III) Be kept in a location reasonably near the areas where patients receive treatment; and

(2) An emergency medical kit which must contain:

(I) Albuterol;

(II) Aspirin;

(III) Benadryl;

(IV) Glucose or a similar substitute;

(V) Injectable epinephrine;

(VI) Nitroglycerin; and

(VII) Oxygen; and

(b) That, at a minimum, a Class 5 integrator is used with each sterilization load conducted during the inspection.

2. As used in this section:

(a) "Class 5 integrator" means a chemical indicator that measures all critical variables of sterilization, including, without limitation, time, temperature and steam pressure, and which provides visual confirmation of the success or failure of sterilization within a sterilization load.

(b) "Sterilization load" means all materials inserted into the sterilization chamber of a sterilizing device, including, without limitation, instruments, wrappings, trays and validation or monitoring items.

Sec. 3. A licensee may only perform dental treatments in the home of a patient who:

1. Is homebound, as defined in 42 C.F.R. § 440.20(b)(4)(iv);

2. Has coverage for dental services under Medicaid or Medicare, or both; and

3. *Requires dental services for:*

(a) *The treatment of an active dental disease, injury or condition, including, without limitation, a fractured or broken tooth or tooth-supporting structure, nerve damage and significant pain; or*

(b) *In patients with moderate or severe periodontal disease, the prevention of tooth decay, including, without limitation, the removal of biofilms and calculus.*

Sec. 4. NAC 631.045 is hereby amended to read as follows:

631.045 A licensed dentist who owns an office or facility where dental treatments are ~~to~~ ~~be~~ performed in this State must, on the application for renewal of his or her license, execute a certified statement that includes:

1. The location of each office or facility owned by the licensed dentist where dental treatments are ~~to be~~ performed;
2. The name and address of each employee, other than a licensed dentist, dental therapist or dental hygienist, who assists at the office or facility in procedures for infection control and the date the employee began to assist in procedures for infection control at the office or facility;
3. A statement that each employee identified in subsection 2:
 - (a) Has received adequate instruction concerning procedures for infection control; and
 - (b) Is qualified to:
 - (1) Operate sterilization equipment and other equipment in compliance with the ~~[guidelines]~~ *publications* adopted by reference in NAC 631.178; and
 - (2) Perform all other applicable activities in compliance with the ~~[guidelines]~~ *publications* adopted by reference in NAC 631.178; and

4. If the licensed dentist is registered to dispense controlled substances with the State Board of Pharmacy pursuant to chapter 453 of NRS, an attestation that the licensed dentist has conducted annually a minimum of one self-query regarding the issuance of controlled substances through the Prescription Monitoring Program of the State Board of Pharmacy.

Sec. 5. NAC 631.175 is hereby amended to read as follows:

631.175 1. Approved subjects for continuing education in dentistry, dental therapy and dental hygiene are:

(a) Clinical subjects, including, without limitation:

(1) Dental and medical health;

(2) Preventive services;

(3) Dental diagnosis and treatment planning; and

(4) Dental clinical procedures, including corrective and restorative oral health procedures and basic dental sciences, dental research and new concepts in dentistry; and

(b) Nonclinical subjects, including, without limitation:

(1) Dental practice organization and management;

(2) Patient management skills;

(3) Methods of health care delivery; and

(4) Teaching methodology.

2. In completing the hours of continuing education required pursuant to NAC 631.173, a dentist or dental therapist must annually complete at least 15 hours in clinical subjects approved pursuant to subsection 1 or biennially complete at least 30 hours in clinical subjects approved pursuant to subsection 1, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the dentist or dental therapist, as applicable.

3. In completing the hours of continuing education required pursuant to NAC 631.173, a dental hygienist must annually complete at least 12 hours in clinical subjects approved pursuant to subsection 1 or biennially complete at least 24 hours in clinical subjects approved pursuant to subsection 1, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the dental hygienist.

4. In completing the hours of continuing education required pursuant to NAC 631.173, a dentist, dental therapist or dental hygienist must annually complete at least 2 hours in the clinical subject of infection control in accordance with the provisions of the ~~[guidelines]~~ *publications* adopted by reference in NAC 631.178 or biennially complete at least 4 hours in the clinical subject of infection control in accordance with the provisions of the ~~[guidelines]~~ *publications* adopted by reference in NAC 631.178, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the dentist, dental therapist or dental hygienist.

5. In completing the hours of continuing education required pursuant to NAC 631.173, a dentist who is registered to dispense controlled substances pursuant to NRS 453.231 must complete at least 2 hours of training relating specifically to the misuse and abuse of controlled substances, the prescribing of opioids or addiction during each period of licensure.

6. The Board will credit, as a maximum in any one year of an annual or biennial licensing period, the following number of hours of instruction for the following types of courses or activities:

(a) For approved study by a group, 3 hours.

(b) For attendance at a meeting or convention of a dental, dental therapy or dental hygiene society, 1 hour for each meeting, but not more than 3 hours, exclusive of hours of continuing education offered in conjunction with the meeting.

(c) For courses completed via home study, on-line study, self-study or journal study through correspondence, webinar, compact disc or digital video disc, not more than 50 percent of the number of hours of continuing education required by subsection 1, 2 or 3 of NAC 631.173, as applicable.

(d) For all other courses conducted by an approved instructor, the number of hours completed by the dentist, dental therapist or dental hygienist.

(e) For approved dental, dental therapy or dental hygiene services provided in approved nonprofit settings, 6 hours, except that not more than 3 hours will be allowed for any day of volunteer services provided.

Sec. 6. NAC 631.178 is hereby amended to read as follows:

631.178 1. ~~Each~~ *Unless exempted pursuant to subsection 11 of NAC 631.1785, each* person who is licensed pursuant to the provisions of chapter 631 of NRS shall comply with:

(a) The provisions of the *Guidelines for Infection Control in Dental Health-Care Settings-2003* adopted by the Centers for Disease Control and Prevention which is hereby adopted by reference. The publication is available, free of charge, from the Centers for Disease Control and Prevention at the Internet address

<http://www.cdc.gov/mmwr/preview/mmwrhtml/rr5217a1.htm>; ~~and~~

(b) *The provisions of the Summary of Infection Prevention Practices in Dental Settings: Basic Expectations for Safe Care, 2016 edition, adopted by the Centers for Disease Control and Prevention which is hereby adopted by reference. The publication is available, free of charge, from the Centers for Disease Control and Prevention at the Internet address*

<https://www.cdc.gov/dental-infection-control/hcp/summary/>; and

(c) As applicable to the practice of dentistry, dental therapy and dental hygiene, the provisions of the *Guideline for Disinfection and Sterilization in Healthcare Facilities, 2008*, adopted by the Centers for Disease Control and Prevention which is hereby adopted by reference. The publication is available, free of charge, from the Centers for Disease Control and Prevention at the Internet address

<https://www.cdc.gov/infection-control/media/pdfs/Guideline-Disinfection-H.pdf>.

2. The Board will periodically review the ~~[guidelines]~~ *publications* adopted by reference in this section and determine within 30 days after the review whether any change made to the ~~[guidelines]~~ *publications* is appropriate for application in this State. If the Board does not disapprove a change to the ~~[guidelines]~~ *publications* within 30 days after the review, the change is deemed to be approved by the Board.

Sec. 7. NAC 631.1785 is hereby amended to read as follows:

631.1785 1. ~~[Not later than 30 days after a licensed dentist becomes the owner of]~~ *Except as otherwise provided in subsection 2 or 13, before any owner or renter of* an office or facility in this State *, or any portion thereof,* where dental treatments are to be performed ~~[, other than a medical facility as defined in NRS 449.0151,]~~ *may open the office or facility, or portion thereof, as a new dental practice or as an existing dental practice under new ownership,* the ~~[licensed dentist]~~ *owner or renter* must ~~[request]~~ :

(a) *Request* in writing that the Board conduct an initial inspection of the office or facility *, or portion thereof,* to ensure *the office or facility, or portion thereof, is equipped in compliance with section 2 of this regulation and is in* compliance with the ~~[guidelines]~~ *publications* adopted by reference in NAC 631.178 ~~[]~~ ; *and*

(b) *Have been issued:*

(1) A written notice or order pursuant to this section indicating that the office or facility, or portion thereof, is equipped in compliance with section 2 of this regulation and is in compliance with the publications adopted by reference in NAC 631.178; or

(2) An order exempting such compliance pursuant to subsection 11.

2. Before an owner or renter may open an office or facility in this State, or any portion thereof, where dental treatments are to be performed as a new dental practice or as an existing dental practice under new ownership and which is to be operated in a historically underserved community or as a federally-qualified health center, as defined in 42 U.S.C. § 1396d(1)(2)(B), a nonprofit clinic or a program for public health dental hygiene, the owner or renter of the office or facility, or portion thereof, must request in writing that the Board conduct an initial inspection of the office or facility, or portion thereof, to ensure it is equipped in compliance with section 2 of this regulation and is in compliance with the publications adopted by reference in NAC 631.178. After the submission of such a request to the Board, the owner or renter may open the office or facility, or portion thereof, pending the completion of an inspection pursuant to this section.

3. Not later than ~~90~~ 7 days after receiving a written request for an initial inspection pursuant to subsection 1 ~~1~~ or 2:

(a) The Executive Director shall ~~assign~~ :

(1) Assign one or more agents of the Board to conduct the inspection; and

~~*(b) The agents shall conduct the inspection.*~~

~~*3.*~~ *(2) Schedule the initial inspection with the owner or renter.*

4. The assigned agent or agents shall conduct the initial inspection of the office or facility, or portion thereof:

(a) If the owner or renter requested the initial inspection pursuant to subsection 1, not later than 30 days after the Board receives the written request pursuant to subsection 1, unless an extension is requested by the owner or renter; or

(b) If the owner or renter requested the initial inspection pursuant to subsection 2, not later than 30 days after the owner or renter opens the office or facility, or portion thereof, pursuant to subsection 2.

5. Not later than ~~[30]~~ *3 business* days after *the agent or* agents of the Board have completed the initial inspection of an office or facility *, or portion thereof*, pursuant to subsection ~~[2,]~~ *4*, the *agent or* agents shall issue a report to the Executive Director indicating whether the office or facility *, or portion thereof*, is equipped in compliance with *section 2 of this regulation and is in compliance with* the ~~[guidelines]~~ *publications* adopted by reference in NAC 631.178. If the report indicates that the office or facility ~~[,]~~ *, or portion thereof*:

(a) Is equipped in compliance with *section 2 of this regulation and is in compliance with* the ~~[guidelines]~~ *publications* adopted by reference in NAC 631.178, the Executive Director shall, without any further action by the Board ~~[,]~~ *and before the end of the next business day after receiving the report*, issue a written notice ~~[of the agents' findings]~~ to the ~~[licensed dentist who owns the office or facility.]~~ *owner or renter which states the agents' findings and authorizes the owner or renter to open the office or facility, or portion thereof.*

(b) Is not equipped in compliance with *section 2 of this regulation or is not in compliance with* the ~~[guidelines]~~ *publications* adopted by reference in NAC 631.178, the Executive Director shall, without any further action by the Board ~~[,]~~ *and before the end of the next business day after receiving the report*, issue ~~[a]~~ *:*

(1) A written notice which identifies critical deficiencies to the ~~licensed dentist who owns~~ *owner or renter of* the office or facility ~~;~~

~~—4.~~ *, or portion thereof; and*

(2) *If the written notice of deficiencies is issued to the owner or renter of an office or facility, or portion thereof, described in subsection 2, an order to the owner or renter and all other licensees employed by the office or facility, or portion thereof, that any or all of those licensees or personnel must immediately cease and desist from performing any dental treatments in the office or facility, or portion thereof.*

6. Not later than ~~[72 hours after issuing]~~ *7 business days after receiving* a written notice of deficiencies *issued* pursuant to paragraph (b) of subsection ~~3:~~

~~—(a) The~~ *5, the owner or renter of the office or facility, or portion thereof, may request, in writing, that the Board conduct a reinspection. If the owner or renter requests a reinspection:*

(a) *Except as otherwise provided in this paragraph, the* Executive Director shall assign *one or more* agents of the Board *who did not conduct the initial inspection* to conduct a reinspection of the office or facility *, or portion thereof,* to determine if the ~~licensed dentist and the personnel supervised by the dentist have~~ *owner or renter has* taken corrective measures ~~;~~ *and* *to cure the deficiencies identified in the written notice of deficiencies issued pursuant to paragraph (b) of subsection 5. If the Executive Director is unable to schedule a different agent to conduct the reinspection, the Executive Director may assign the agent or agents of the Board who conducted the initial inspection to conduct a reinspection of the office or facility, or portion thereof.*

(b) *The agent or agents of the Board shall conduct the reinspection:*

(1) If the owner or renter submits the request for reinspection within 7 business days after receiving the written notice of deficiencies issued pursuant to paragraph (b) of subsection 5:

(I) Except as otherwise provided in sub-subparagraph (II), not later than 21 days after the day on which the Board receives the request for reinspection.

(II) Not later than 45 days after the day on which the Board receives the request for reinspection if the request for reinspection was submitted for an office or facility, or portion thereof, described in subsection 2.

(2) If the owner or renter submits the request for reinspection later than 7 business days after receiving the written notice of deficiencies issued pursuant to paragraph (b) of subsection 5, not later than 180 days after the day on which the Board receives the request for reinspection.

(c) Not later than 3 business days after conducting the reinspection, the agent or agents assigned pursuant to paragraph (a) shall ~~conduct the reinspection and~~ issue a report to the Executive Director indicating whether the ~~licensed dentist and the personnel supervised by the dentist are in compliance with the guidelines adopted by reference in NAC 631.178.~~ owner or renter has taken corrective measures to cure the deficiencies identified in the written notice of deficiencies issued pursuant to paragraph (b) of subsection 5. If the report indicates that the ~~licensed dentist and the personnel supervised by the dentist:~~ office or facility, or portion thereof:

(1) ~~Are~~ Is equipped in compliance with section 2 of this regulation and is in compliance with the ~~guidelines~~ publications adopted by reference in NAC 631.178, the Executive Director shall, without any further action by the Board, and before the end of the next

business day after receiving the report, issue a written notice ~~[of the agents' findings]~~ to the ~~[licensed dentist who owns]~~ *owner or renter of the office or facility [.] , or portion thereof, which states the agents' findings and authorizes the owner or renter to open the office or facility, or portion thereof; or*

(2) ~~[Are]~~ *Is* not *equipped* in compliance with ~~[the guidelines]~~ *section 2 of this regulation or is not in compliance with the publications* adopted by reference in NAC 631.178, the Executive Director ~~[may,]~~ *shall*, without any further action by the Board ~~[,]~~ *and before the end of the next business day after receiving the report*, issue ~~[an order]~~ *a written notice* to the ~~[licensed dentist who owns]~~ *owner or renter of* the office or facility ~~[and all other licensees employed at the office or facility that any or all of those licensees or personnel must immediately cease and desist from performing dental treatments and that some or all dental treatments must cease to be performed at the office or facility until a hearing is held before the Board. The hearing before the Board must be convened not later than 30 days after the Executive Director issues the order to cease and desist.~~

~~—5.— Not later than 72 hours after receiving material evidencing critical deficiencies by a licensed dentist who owns an office or facility in this State where dental treatments are to be performed, other than a medical facility as defined in NRS 449.0151, the Executive Director may assign agents of the Board to conduct an inspection of an office or facility to ensure that the licensed dentist and the personnel supervised by the dentist are in compliance with the guidelines adopted by reference in NAC 631.178. An inspection conducted pursuant to this subsection may be conducted during normal business hours with notice to the licensed dentist who owns the office or facility.~~

~~—6.— Not later than 3 days after a dentist receives a written notice pursuant to subsection 5:~~

~~—(a) The Executive Director shall assign agents of the Board to conduct the inspection; and~~

~~—(b) The agents shall conduct the inspection.~~

~~—7. Not later than 72 hours after agents of the Board have completed the inspection of an office or facility pursuant to subsection 6, the agents shall issue a report to the Executive Director indicating whether the office or facility is equipped in compliance with the guidelines adopted by reference in NAC 631.178. If the report indicates that the office or facility:~~

~~—(a) Is equipped in compliance with the guidelines adopted by reference in NAC 631.178, the Executive Director shall, without any further action by the Board, issue a written notice of the agents' findings to the licensed dentist who owns the office or facility.~~

~~—(b) Is not equipped in compliance with the guidelines adopted by reference in NAC 631.178, the Executive Director shall, without any further action by the Board, issue a written notice which identifies all critical deficiencies to the licensed dentist who owns the office or facility.~~

~~—8. Not later than 72 hours after issuing a written notice of deficiencies pursuant to paragraph (b) of subsection 7:~~

~~—(a) The Executive Director shall assign agents of the Board to conduct a reinspection of the office or facility to determine if the licensed dentist and the personnel supervised by the dentist have taken corrective measures; and~~

~~—(b) The agents assigned pursuant to paragraph (a) shall conduct the reinspection and issue a report to the Executive Director indicating whether the licensed dentist and the personnel supervised by the dentist are in compliance with the guidelines adopted by reference in NAC 631.178. If the report indicates that the licensed dentist and the personnel supervised by the dentist:~~

~~——(1) Are in compliance with the guidelines adopted by reference in NAC 631.178, the Executive Director shall, without any further action by the Board, issue a written notice of the agents' findings to the licensed dentist who owns the office or facility.~~

~~——(2) Are not in compliance with the guidelines adopted by reference in NAC 631.178, the Executive Director may, without any further action by the Board, issue an order to the licensed dentist who owns the office or facility and all other licensees employed at the office or facility that any or all of those licensees or personnel must immediately cease and desist from performing dental treatments and that some or all dental treatments must cease to be performed at the office or facility until a hearing is held before the Board. The hearing before the Board must be convened not later than 30 days after the Executive Director issues the order to cease and desist.~~

~~—9.] , or portion thereof, specifying each deficiency identified in the written notice of deficiencies issued pursuant to paragraph (b) of subsection 5 that the owner or renter failed to cure.~~

7. Pursuant to subsection 3 of NRS 233B.127, if an initial inspection *conducted pursuant to this section* of an office or facility ~~[conducted pursuant to this section]~~, *or portion thereof, described in subsection 2* indicates that the public health, safety or welfare imperatively requires emergency action, the President of the Board may, without any further action by the Board, issue an order of summary suspension of the license of the ~~[licensed dentist who owns]~~ *owner or renter of* the office or facility , *or portion thereof*, and the licenses of any or all of the other licensees employed at the office or facility , *or portion thereof*, pending proceedings for revocation or other action. An order of summary suspension issued by the President of the Board must contain findings of the exigent circumstances which warrant the issuance of the order of

summary suspension. The President of the Board shall not participate in any further proceedings relating to the order. *If the license of any licensee is suspended under this subsection, his or her license will be automatically reinstated effective as of the date of the issuance of a letter from the Executive Director to the licensee confirming:*

(a) The licensee is no longer affiliated with the office or facility, or portion thereof, whose initial inspection indicated that the public health, safety or welfare imperatively required emergency action; or

(b) The office or facility, or portion thereof, has subsequently cured the deficiencies identified in the initial inspection which indicated that the public health, safety or welfare imperatively required emergency action.

8. If an owner or renter receives a notice of failure to cure deficiencies from the Executive Director pursuant to subsection 6, the President of the Board shall, not later than 7 business days after the Executive Director issued the notice of failure to cure deficiencies, schedule an administrative hearing to be conducted not later than 60 days after the issuance of the notice of failure to cure deficiencies.

9. The administrative hearing scheduled pursuant to subsection 8 must be conducted by a panel of not less than three members of the Board.

10. Not later than 7 business days before the date scheduled for the administrative hearing, the owner or renter of the office or facility, or portion thereof, must submit to the Board:

(a) Any evidence of subsequent cures to the deficiencies identified in the notice of failure to cure deficiencies issued pursuant to subsection 6; and

(b) Any defenses to explain deficiencies identified in the notice of failure to cure deficiencies issued pursuant to subsection 6.

11. If, at the conclusion of the administrative hearing, the panel determines that:

(a) The owner or renter cured all the deficiencies and that the office or facility, or portion thereof, is equipped in compliance with section 2 of this regulation and is in compliance with the publications adopted by reference in NAC 631.178, or that the defenses asserted by the owner or renter are sufficient to warrant an exemption from such compliance, the panel shall issue an order authorizing the owner or renter to open the office or facility, or portion thereof.

(b) The office or facility, or portion thereof, is not equipped in compliance with section 2 of this regulation or is not in compliance with the publications adopted by reference in NAC 631.178, or that the defenses asserted by the owner or renter are not sufficient to warrant an exemption from such compliance, the panel shall issue an order prohibiting the owner or renter from opening the office or facility, or portion thereof.

12. If the owner or renter of the office or facility, or portion thereof, is issued an order pursuant to paragraph (b) of subsection 11, the owner or renter may request a new initial inspection pursuant to this section not earlier than 1 year after the date on which the panel issued the order and once annually thereafter until the office or facility, or portion thereof, is found pursuant to this section to be equipped in compliance with section 2 of this regulation and in compliance with the publications adopted by reference in NAC 631.178.

13. The provisions of this section:

(a) Apply to a registered facility, as defined in NAC 631.2203 that offers courses of continuing education involving live patients.

(b) Do not apply to:

(1) A medical facility, as defined in NRS 449.0151.

(2) Any space within the home of a patient.

14. As used in this section:

(a) “Historically underserved community” means:

(1) A census tract:

(I) Designated as a qualified census tract by the Secretary of Housing and Urban Development pursuant to 26 U.S.C. § 42(d)(5)(B)(ii); or

(II) In which, in the immediately preceding census, at least 20 percent of households were not proficient in the English language; or

(2) Qualified tribal land, as defined in NRS 370.0325.

(b) “Office or facility” includes:

(1) Except as otherwise provided in subparagraph (II), the entire physical space of ownership, including, without limitation, operatories, cleaning facilities, sterile areas, sterilization areas, common areas for patients, restrooms, administrative offices and spaces and any other space containing dental equipment or patient records; and

(2) For an renter who rents a physical space from another dentist, the physical space where the renter is entitled to practice dentistry pursuant to the rental agreement, which may include, without limitation, an assigned operatory or chair space, any equipment in the immediate area of access and control of the renter and any communal equipment for sterilization of any instruments the renter will use in the practice of dentistry or for the provision of anesthesia or sedation.

Sec. 8. NAC 631.179 is hereby amended to read as follows:

631.179 1. The Executive Director may assign *one or more* agents of the Board to conduct a random inspection of an office or facility ~~[in this State where dental treatments are to be performed]~~, *or portion thereof, that had been inspected previously pursuant to NAC 631.1785 and found to be equipped in compliance with section 2 of this regulation and in compliance with the publications adopted by reference in NAC 631.178 or exempted from such compliance pursuant to NAC 631.1785* to ensure that the ~~[licensed dentist and the personnel supervised by the dentist are in]~~ *owner or renter of the office or facility, or portion thereof, maintains such* compliance *or exemption.* ~~[with the guidelines adopted by reference in NAC 631.178.]~~

2. Random inspections ~~[conducted]~~ pursuant to this ~~[subsection]~~ *section* may be conducted during normal business hours without notice to the ~~[licensed dentist who owns]~~ *owner or renter of the office or facility , or portion thereof,* to be inspected.

~~[2. Not later than 30 days after agents of the Board have completed a random inspection of an office or facility in this State where dental treatments are to be performed to ensure compliance with the guidelines adopted by reference in NAC 631.178, the agents shall issue a report to the Executive Director indicating whether the licensed dentist and the personnel supervised by the dentist are in compliance with the guidelines adopted by reference in NAC 631.178. If the report indicates that the licensed dentist and the personnel supervised by the dentist:~~

~~—(a) Are in compliance with the guidelines adopted by reference in NAC 631.178, the Executive Director shall, without any further action by the Board, issue a written notice of the agents' findings to the licensed dentist who owns the office or facility.~~

~~—(b) Are not in compliance with the guidelines adopted by reference in NAC 631.178, the Executive Director shall, without any further action by the Board, issue a written notice which identifies deficiencies to the licensed dentist who owns the office or facility.~~

~~—3. Not later than 72 hours after a licensed dentist receives a written notice of deficiencies issued pursuant to paragraph (b) of subsection 2:~~

~~—(a) The Executive Director shall assign agents of the Board to conduct a reinspection of the office or facility to determine if the licensed dentist and the personnel supervised by the dentist have taken corrective measures; and~~

~~—(b) The agents assigned pursuant to paragraph (a) shall conduct the reinspection and issue a report to the Executive Director indicating whether the licensed dentist and the personnel supervised by the dentist are in compliance with the guidelines adopted by reference in NAC 631.178. If the report indicates that the licensed dentist and the personnel supervised by the dentist:~~

~~——(1) Are in compliance with the guidelines adopted by reference in NAC 631.178, the Executive Director shall, without any further action by the Board, issue a written notice of the agents' findings to the licensed dentist who owns the office or facility.~~

~~——(2) Are not in compliance with the guidelines adopted by reference in NAC 631.178, the Executive Director may, without any further action by the Board, issue an order to the licensed dentist who owns the office or facility and all other licensees employed at the office or facility that any or all of those licensees or personnel must immediately cease and desist from performing dental treatments and that some or all dental treatments must cease to be performed at the office or facility until a hearing is held before the Board. The hearing before the Board~~

~~must be convened not later than 30 days after the Executive Director issues the order to cease and desist.~~

~~—4.— Pursuant to subsection 3 of NRS 233B.127, if a random inspection of an office or facility conducted pursuant to this section indicates that the public health, safety or welfare imperatively requires emergency action, the President of the Board may, without any further action by the Board, issue an order of summary suspension of the license of the licensed dentist who owns the office or facility and the licenses of any or all of the other licensees employed at the office or facility pending proceedings for revocation or other action. An order for summary suspension issued by the President of the Board must contain findings of the exigent circumstances which warrant the issuance of the order for summary suspension. The President of the Board shall not participate in any further proceedings relating to the order.]~~

3. Upon entering an office or facility, or portion thereof, to conduct a random inspection, each agent of the Board assigned to conduct the random inspection pursuant to subsection 1 shall identify himself or herself as an agent of the Board to the owner or renter of or the personnel employed at the office or facility, or portion thereof.

4. If the owner or renter of or the personnel employed at the office or facility, or portion thereof, deny or delay entry, or attempt to deny or delay entry, to the office or facility, or portion thereof, to the agent or agents of the Board assigned to conduct the random inspection, the report of the random inspection submitted by the agent or agents must find that the office or facility, or portion thereof, is not equipped in compliance with section 2 of this regulation and is not in compliance with the publications adopted by reference in NAC 631.178.

5. The procedures, deadlines and administrative remedies set forth in subsections 5 to 11, inclusive, of NAC 631.1785 apply in the same manner to the completion of a random inspection pursuant to this section, except that an order to cease and desist or an order of summary suspension may be issued to the owner or renter of any office or facility, or portion thereof, for which a random inspection is conducted pursuant to this section.

Sec. 9. NAC 631.1795 is hereby amended to read as follows:

631.1795 Nothing in NAC 631.1785 and 631.179 prevents the Board from initiating disciplinary proceedings or additional disciplinary proceedings against ~~[a licensed dentist who owns]~~ *an owner or renter of* an office or facility , *or portion thereof*, in this State where dental treatments are ~~[to be]~~ performed or against other licensees or personnel of the office or facility , *or portion thereof*, for *failure to equip the office or facility, or portion thereof, in compliance with section 2 of this regulation or* failure to comply with the ~~[guidelines]~~ *publications* adopted by reference in NAC 631.178.

Sec. 10. NAC 631.2205 is hereby amended to read as follows:

631.2205 1. A form for registration of a permanent facility for the sole purpose of providing postgraduate continuing education in dentistry will be prescribed and furnished by the Board.

2. The *completed* form ~~[will]~~ *must* include, without limitation:

(a) The name of each individual or entity who owns or operates the institute or organization that is registering the facility;

(b) The type of facility;

(c) The location of the facility; ~~[and]~~

(d) *If the facility will offer courses of continuing education involving live patients, a copy of the written notice or order issued pursuant to NAC 631.1785 indicating that the facility is equipped in compliance with section 2 of this regulation and is in compliance with the publications adopted by reference in NAC 631.178; and*

(e) A notarized statement, executed by an owner or other person authorized on behalf of the institute or organization, that:

(1) The facility is a permanent facility for the sole purpose of providing postgraduate continuing education in dentistry;

(2) All courses of continuing education involving live patients will be supervised by dentists licensed in this State;

(3) Any person who is actively licensed as a dentist in another jurisdiction and who is treating a patient during a course of continuing education at the facility:

(I) Has previously treated the patient in the jurisdiction in which the person performing the treatment is licensed;

(II) Is treating the patient only during a course of continuing education at the facility;
and

(III) Is treating the patient under the supervision of a person licensed under NRS 631.2715; and

(4) The institute or organization is in full compliance with:

(I) All applicable regulations of the State Board of Health;

(II) All applicable guidelines issued by the Centers for Disease Control and Prevention;

(III) All applicable provisions of this chapter and chapter 631 of NRS, as they relate to the administration of moderate sedation, deep sedation and general anesthesia; and

(IV) All applicable provisions of this chapter and chapter 631 of NRS, as they relate to the operation of radiographic equipment.

Sec. 11. NAC 631.230 is hereby amended to read as follows:

631.230 1. In addition to those specified by statute and subsection 3 of NAC 631.177, the following acts constitute unprofessional conduct:

- (a) The falsification of records of health care or medical records.
- (b) Writing prescriptions for controlled substances in such excessive amounts as to constitute a departure from prevailing standards of acceptable dental practice.
- (c) The acquisition of any controlled substances from any pharmacy or other source by misrepresentation, fraud, deception or subterfuge.
- (d) The failure to report to the Board as required in NAC 631.155.
- (e) Employing any person in violation of NAC 631.260 or failing to make the attestation required by that section.
- (f) The failure of a dentist who is administering or directly supervising the administration of general anesthesia, deep sedation or moderate sedation to be physically present while a patient is under general anesthesia, deep sedation or moderate sedation.
- (g) Administering moderate sedation to more than one patient at a time, unless each patient is directly supervised by a person authorized by the Board to administer moderate sedation.
- (h) Administering general anesthesia or deep sedation to more than one patient at a time.
- (i) The failure to have any patient who is undergoing general anesthesia, deep sedation or moderate sedation monitored with a pulse oximeter or similar equipment required by the Board.
- (j) Allowing a person who is not certified in basic cardiopulmonary resuscitation to care for any patient who is undergoing general anesthesia, deep sedation or moderate sedation.

(k) The failure to obtain a patient's written, informed consent before administering general anesthesia, deep sedation or moderate sedation to the patient or, if the patient is a minor, the failure to obtain his or her parent's or guardian's consent unless the dentist determines that an emergency situation exists in which delaying the procedure to obtain the consent would likely cause permanent injury to the patient.

(l) The failure to maintain a record of all written, informed consents given for the administration of general anesthesia, deep sedation or moderate sedation.

(m) The failure to report to the Board, in writing, the death or emergency hospitalization of any patient to whom general anesthesia, deep sedation or moderate sedation was administered. The report must be made within 30 days after the event.

(n) Allowing a person to administer general anesthesia, deep sedation or moderate sedation to a patient if the person does not hold a permit to administer such anesthesia or sedation unless the anesthesia or sedation is administered in a facility for which a permit is held as required by NRS 449.442.

(o) The failure of a dentist who owns a dental practice to provide copies of the records of a patient to a dentist, dental therapist, dental hygienist or expanded function dental assistant who provided the services as an employee or independent contractor of the dentist when the records are the basis of a complaint before the Board. Nothing in this paragraph relieves the treating dentist, dental therapist, dental hygienist or expanded function dental assistant from the obligation to provide records of the patient to the Board.

(p) The failure of a dentist who owns a dental practice to verify the license of a dentist, dental therapist, dental hygienist or expanded function dental assistant before offering employment or contracting for services with the dentist, dental therapist, dental hygienist or expanded function

dental assistant as an independent contractor. This paragraph must not be construed to provide that it is unprofessional conduct for a dentist who owns a dental practice to offer employment to, or enter into a contract for services with, a dentist, dental therapist, dental hygienist or expanded function dental assistant who fraudulently misrepresents that he or she is appropriately licensed.

(q) The failure to record the name of the dentist, dental therapist, dental hygienist or expanded function dental assistant who provided the services in the records of a patient each time the services are rendered.

(r) The failure of a dentist who is registered to dispense controlled substances with the State Board of Pharmacy pursuant to chapter 453 of NRS to conduct annually a minimum of one self-query regarding the issuance of controlled substances through the Prescription Monitoring Program of the State Board of Pharmacy.

(s) The failure to provide records of a patient to an investigator when required by NAC 631.250.

(t) Except for an office or facility, or portion thereof, described in subsection 2 of NAC 631.1785, the opening by an owner or renter of an office or facility, or portion thereof, that is required to be inspected pursuant to NAC 631.1785 and has not been issued:

(1) A written notice or order pursuant to NAC 631.1785 indicating that the office or facility, or portion thereof, is equipped in compliance with section 2 of this regulation and is in compliance with the publications adopted by reference in NAC 631.178; or

(2) An order exempting such compliance pursuant to subsection 11 of NAC 631.1785.

2. Conduct relating solely to a dispute over finances does not constitute unprofessional conduct.