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**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 is to designate a records custodian at each type of dental practice responsible for retention under Nevada's records retention framework in NRS 629.051. It also specifies who carries the responsibility of records retention in the event a dental practice is sold or closed.

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regulation is a temporary regulation, the terms or the substance of the proposed regulation to be adopted, amended or repealed, or a description of the subjects and issues involved.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. R055-26 would act as a new addition 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 noted a minor impact due to storage expenses, these expenses would be required anyway and are a necessity for patient record retention.

(b) No immediate effects or long-term economic effects were expressed, as most survey participants do not anticipate closing or selling their practice in the near future such that this impact was likely to affect them.

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.

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. Indeed, this regulation brings our dentists into better compliance with applicable NRS 629 records retention laws.

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

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

LCB File No. R055-26

June 2, 2026

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

AUTHORITY: §§ 1-3, NRS 631.190 and 631.3452.

A REGULATION relating to dentistry; requiring certain persons to serve as the custodian of health care records for certain dental practices; establishing requirements relating to the retention and maintenance of certain records under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Board of Dental Examiners of Nevada to regulate the practice of dentistry in this State. (NRS 631.190) Existing law defines the terms “health care records” and “custodian of health care records” and requires, in general, a custodian of health care records to retain the health care records of patients for 5 years after the receipt or production of the records, among other requirements. (NRS 629.016, 629.021, 629.051-629.069) Subject to certain exceptions, existing law requires, in general, any person who owns or controls a dental practice to be licensed by the Board. (NRS 631.395) Under existing law, exceptions from that requirement are provided for the surviving member of a dentist’s family for a certain period after his or her death and for certain entities under certain circumstances. (NRS 631.215, 631.295) Existing law requires certain entities that own or operate a dental office or clinic to designate an actively licensed dentist as the dental director of the office or clinic who, among other responsibilities, is responsible for retaining patient dental records as required by existing law and regulations. (NRS 631.215, 631.3452) Existing law exempts a program for the provision of public health dental hygiene or dental therapy from the requirement to designate a dental director if the program meets certain other requirements. (NRS 631.3453)

Section 2 of this regulation requires the dental director of a dental office or clinic and a person who operates a program for the provision of public health dental hygiene or dental therapy to serve as the custodian of health care records for the dental office or clinic or program, as applicable, and to comply with all applicable requirements imposed on a custodian of health care records with respect to the records maintained by the dental office or clinic or program, as applicable. For any other type of dental practice, office or clinic, **section 2** requires the licensed dentist or surviving family member who owns the practice, office or clinic or a designated member of the staff to serve as the custodian of health care records and to comply with all applicable requirements imposed on a custodian of health care records with respect to the records maintained by the practice, office or clinic.

Section 3 of this regulation defines “dental practice” for the purpose of **section 3** to mean: (1) a dental office or clinic for which a dental director is required to be designated; (2) a program for the provision of public health dental hygiene or dental therapy; or (3) any other dental practice, office or clinic. **Section 3** also defines the term “applicable records” to mean: (1) certain records of patients and health care records, including records relating to insurance and any warranty offered to the patient; (2) records which relate to inspections for or compliance with infection control guidelines; or (3) records which relate to inspections for or compliance with the requirements to hold a general anesthesia permit or moderate sedation permit. Except as otherwise required by federal law or regulation, **section 3** requires the custodian of health care records for a dental practice to retain: (1) for 3 years after the receipt or production of such records, applicable records which relate to infection control guidelines or general anesthesia permits or moderate sedation permits; and (2) in accordance with existing law, for 5 years after the later of the date of receipt or production of such records or the date on which the patient attains the age of 23 years, applicable records which are records of patients or other health care records.

Section 3 establishes requirements relating to the retention and maintenance of applicable records if the owner of a dental practice closes, sells or otherwise transfers ownership of the practice.

If the closure, sale or transfer of ownership of a dental practice does not transfer the right to care for existing patients and does not transfer control of applicable records, or if the terms of such a closure, sale or transfer do not contemplate the right to care for such existing patients and control of such applicable records, **section 3** requires the owner of the dental practice to: (1) retain and maintain the applicable records in accordance with existing law and the provisions of this regulation; or (2) enter into a contract with and transfer the applicable records to a person who will retain and maintain the applicable records in accordance with existing law and the provisions of this regulation. Under those circumstances, **section 3** prohibits a buyer or transferee of the dental practice from: (1) interfering with the duties of the person who retains and maintains the applicable records; or (2) refusing access to applicable records by a person who is authorized to access such records solely because such records were created by the dental practice before the date on which the sale or transfer was completed.

If the sale or transfer of ownership of a dental practice includes the transfer to the buyer or transferee of the right to care for existing patients of the practice, **section 3** requires the buyer or transferee to serve as the custodian of health care records for the practice unless and until the buyer or transferee designates an applicable person described in **section 2** to serve as the custodian of health care records for the practice.

Section 3 also requires, under certain circumstances, that the seller or transferor of a dental practice be allowed access to the applicable records if the seller or transferor requests such access for the purposes of responding to an investigation or administrative or disciplinary proceeding of the Board.

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. Except as otherwise provided in section 3 of this regulation, the dental director of a dental office or clinic designated pursuant to NRS 631.3452 shall serve as the custodian of health care records for the dental office or clinic and shall comply with all applicable requirements imposed on a custodian of health care records by law or regulation with respect to the records maintained by the dental office or clinic, including, without limitation, the requirements imposed by NRS 629.051 to 629.069, inclusive, any regulations adopted pursuant thereto and section 3 of this regulation.

2. Except as otherwise provided in section 3 of this regulation, the operator of a program for the provision of public health dental hygiene or dental therapy described in NRS 631.3453 shall serve as the custodian of health care records for the program and shall comply with all applicable requirements imposed on a custodian of health care records by law or regulation with respect to the records maintained by the program, including, without limitation, the requirements imposed by NRS 629.051 to 629.069, inclusive, any regulations adopted pursuant thereto and section 3 of this regulation.

3. Except as otherwise provided in section 3 of this regulation, for any dental practice, office or clinic other than a dental practice, office or clinic described in subsection 1 or 2, either the licensed dentist or surviving family member who owns the dental practice, office or clinic or a member of the staff who has been designated by that licensed dentist or surviving family member to serve as the custodian of health care records shall serve as the custodian of health care records for the dental practice, office or clinic and shall comply with all applicable requirements imposed on a custodian of health care records by law or regulation with respect to the records maintained by the dental practice, office or clinic, including, without limitation,

the requirements imposed by NRS 629.051 to 629.069, inclusive, any regulations adopted pursuant thereto and section 3 of this regulation.

4. As used in this section,

(a) “Custodian of health care records” has the meaning ascribed to it in NRS 629.016.

(b) “Surviving family member” means a surviving member of a dentist’s member described in NRS 631.385.

Sec. 3. 1. If the owner of a dental practice closes, sells or otherwise transfers ownership of the dental practice without transferring the right to care for existing patients of the dental practice and without transferring control of applicable records of the dental practice, or if the terms of such a closure, sale or transfer do not contemplate the right to care for such existing patients and the control of such applicable records:

(a) The owner of the dental practice shall:

(1) Retain and maintain the applicable records in accordance with the requirements of this section; or

(2) Enter into a contract with and transfer the applicable records to a person who will retain and maintain the applicable records in accordance with the requirements of this section.

(b) In the case of a sale or other transfer of ownership, the buyer or transferee of the dental practice shall not:

(1) Interfere with the duties of the person who retains and maintains the applicable records pursuant to paragraph (a); or

(2) For a person who is authorized to access applicable records, refuse the person access to such records solely because such applicable records were created by the dental practice before the date on which the sale or transfer was completed.

2. If the owner of a dental practice sells or otherwise transfers ownership of the dental practice and the sale or transfer includes the transfer to the buyer or transferee of the right to care for existing patients of the dental practice and of control of applicable records of the dental practice, on the date on which the sale or transfer is complete:

(a) The person who was serving as the custodian of health care records for the dental practice before the sale or transfer is divested of his or her powers and duties as the custodian of health care records for the dental practice.

(b) For the sale or transfer of a dental practice described in subparagraph (1) of paragraph (c) of subsection 5 to an entity described in paragraph (g) of subsection 2 of NRS 631.215 or the sale or transfer of a dental practice described in subparagraph (2) of paragraph (c) of subsection 5 to a licensed dental therapist or dental hygienist described in subsection 1 of NRS 631.3453, unless and until the buyer or transferee designates a person described in subsection 1 or 2 of section 2 of this regulation, as applicable, to serve as the custodian of health care records for the dental practice, the buyer or transferee shall serve as the custodian of health care records for the dental practice and shall comply with all applicable requirements imposed upon on a custodian of health care records with respect to the applicable records maintained by the dental practice, including, without limitation, the requirements set forth in this section, NRS 629.051 to 629.069, inclusive, and any regulations adopted pursuant thereto. On the date on which a person described in subsection 1 or 2 of section 2 of this regulation, as applicable, is designated:

(1) The buyer or transferee is divested of his or her powers and duties as the custodian of health care records for the dental practice; and

(2) The designated person shall serve as the custodian of health care records for the dental practice in accordance with section 2 of this regulation.

(c) For the sale or transfer of a dental practice other than as described in paragraph (b), the licensed dentist or surviving family member who is the buyer or transferee of the dental practice shall serve as the custodian of health care records for the dental practice in accordance with section 2 of this regulation unless and until he or she designates a member of the staff of the dental practice to serve as the custodian of health care records for the dental practice. On the date on which a member of the staff is so designated:

(1) The licensed dentist or surviving family member is divested of his or her powers and duties as the custodian of health care records for the dental practice; and

(2) The member of the staff who has been designated shall serve as the custodian of health care records for the dental practice in accordance with section 2 of this regulation.

3. For at least 5 years after a sale or transfer of ownership of a dental practice described in subsection 2, the custodian of health care records for the dental practice:

(a) Shall allow the seller or transferor to access applicable records created during the period in which he or she owned the dental practice if he or she requests access to such records for the purposes of responding to an investigation or administrative or disciplinary proceeding of the Board; and

(b) May require a seller or transferor who requests access to applicable records pursuant to paragraph (a) to inspect and copy the requested applicable records during regular business hours and at his or her own expense.

4. Except as otherwise required by federal law or regulation, each custodian of health care records for a dental practice shall retain and maintain:

(a) The applicable records described in subparagraph (2) of paragraph (a) of subsection 5 for 3 years after the receipt or production of such records.

(b) In accordance with the requirements of NRS 629.051, the applicable records described in subparagraph (1) of paragraph (a) of subsection 5 for not less than 5 years after the later of:

(1) The date of receipt or production of such records; or

(2) The date on which the person to whom the records pertain attains the age of 23 years.

(c) All applicable records of the dental practice in accordance with all other applicable federal and state law and regulations, including, without limitation, NRS 629.051 to 629.069, inclusive, and any regulations adopted pursuant thereto.

5. As used in this section:

(a) “Applicable records” means:

(1) Records of patients, including, without limitation, any records relating to insurance, any warranty offered to a patient and any other health care records as defined in NRS 629.061; or

(2) Records which relate to inspections for or compliance with:

(I) Infection control guidelines; or

(II) The requirements to hold a general anesthesia permit or moderate sedation permit.

(b) “Custodian of health care records” has the meaning ascribed to it in NRS 629.016.

(c) “Dental practice” means:

(1) A dental office or clinic described in paragraph (g) of subsection 2 of NRS 631.215;

(2) A program for the provision of public health dental hygiene or dental therapy described in NRS 631.3453; or

(3) A dental practice, office or clinic not described in subparagraph (1) or (2).

(d) “Surviving family member” has the meaning ascribed to it in section 2 of this regulation.