

Nevada State Board of Dental Examiners  
Disciplinary Matrix (effective November 12, 2025)

I. Considerations for Disciplinary Review:

A. Use of this matrix by a Preliminary Screening Consultant (PSC) should be for review and confirmation of violations only. PSCs should not be recommending any specific discipline, but they should consider adding the NRS or NAC citation to their violation findings to better inform the Review Panel (RP) and Board of which infraction they intended to cite.

B. A RP and/or the Board cannot consider a Licensee's prior disciplinary history as evidence of a prior bad act more likely than not to prove the existence of a current bad act. In other words, a person is not guilty of an act now just because they previously committed a same or similar act; to that end, prior disciplinary history should not be considered in deciding factually whether the Respondent breached the standard of care or not.

C. However, a Licensee's prior disciplinary history can be considered after a finding is made that the standard of care was breached; specifically, it can be considered as a potentially aggravating factor to a presumptive penalty when recommending or deciding discipline. Factors used to determine whether prior disciplinary history should be considered an aggravating factor include:

- The number of prior disciplinary events;
- The nature and seriousness of the prior event(s);
- Similarities between prior and current acts of misconduct showing a pattern; and
- Any disciplinary history demonstrating an inability or unwillingness to conform to the Board's expectations for continued licensure.

Further, a new act of misconduct that is the same as a prior act of misconduct may result in an increase in the disciplinary penalty for the current violation through the application of progressive discipline.

D. A mitigating factor (or mitigator) is a circumstance which, if proved by a preponderance of evidence (that it more likely than not occurred), presents a reason why a presumptive discipline should be decreased. Examples of mitigating factors include:

- Complainant's cooperation with treatment despite complaints;
- Prior statements of patient satisfaction with the provider's treatments;
- Length of time practicing (e.g., newer graduates may be more likely to make certain errors than seasoned practitioners);
- Preemptive attempts by the practitioner to correct deficiencies (e.g., provided a refund without being required to do so, fixed the issue without charging the patient for extra times, etc.)

E. An aggravating factor (or aggravator) is a circumstance which, if proved by a preponderance of evidence (that it more likely than not occurred), presents a reason why a presumptive discipline should be increased. Examples of aggravating factors include:

- Repeat behaviors or a pattern of breaching the same standard of care;
- Act was willful or premeditated as opposed to negligent or grossly negligent;
- Conduct results in criminal charges or summary suspension under the NRS or NAC;
- The patient was severely or permanently injured by the practitioner's action(s);
- The act was motivated by or contained elements of bias or prejudice based on the patient's membership in a protected class (e.g., race, gender, ethnicity, religion, sexual orientation/identity, etc.)
- The practitioner's response to the patient's complaints was dismissive, abusive, or obscene; and
- The patient's need for outside and additional medical or dental treatments as a result of the alleged breach of standard of care.

F. A presumptive penalty is the prescribed penalty for a certain Licensee action where the RP or the Board do not find that any particular mitigator or aggravator applies by at least a preponderance of evidence.

G. A practitioner can be proven to have committed multiple instances of misconduct which either or both span several different misconduct types (meaning they will have infractions located in different chart subsections) or which contemplate multiple headers in given misconduct type (meaning they will have more than one infraction located within a single chart subsection). If this occurs, several of the penalties could overlap. A RP or the Board can choose whether to make a punitive requirement run concurrently or consecutively.

#### **Example 1 – All infractions within the same chart:**

(For the purposes this matrix, a "practitioner" is defined as a dentist, specialty dentist, dental hygienist, dental therapist, or expanded function dental assistant.)

Practitioner placed a patient under moderate sedation and then left the patient for about 10 minutes to check on another patient. They left the patient in the care of the receptionist, who does not know CPR. They did not monitor the patient with a pulse oximeter while sedated.

The presumptive penalty for each is 8 hours of anesthesia related CE. The PSC, RP, or the Board could choose to impose the 8 + 8 + 8 hours of anesthesia CE (or 24 hours) and run them all concurrently, such that only 8 hours of anesthesia CE would ultimately be required. Alternatively, if aggravators are present, the PSC, RP, or the Board can consecutively run all hours, resulting in all 24 hours (8+8+8) of anesthesia CE being required.

### **Example 2 –Infractions located within different charts:**

Practitioner met with a new patient referred to him by a dentist friend. The receptionist at the dentist friend's practice told Practitioner's assistant that the patient needed an extraction of tooth #3. Practitioner did not perform their own x-rays, nor review any historical clinical records. Since the patient presented complaining of right-sided mouth pain, Practitioner performed the extraction of tooth #3. The patient returned in two weeks with complaints that the pain had not subsided. This time, radiographs were performed, and it was revealed the patient had a crack in tooth #31. A call to the dentist friend's practice revealed that there had been a breakdown in communication or a typographical error somewhere, as the tooth meant to be extracted was tooth #30. Further, a fragment of tooth #3 was also shown as remaining on the radiographs. Believing that these errors were likely to result in some kind of patient legal action, the dentist altered patient records to say that cracks had been found in both tooth #3 and tooth #30, and that the treatment plan was to remove tooth #3 first and tooth #30 later. Meanwhile, the dentist did not disclose the remaining fragment of tooth #3 to the patient during their exam. When the patient realized the error of the wrong tooth being extracted, he sought copies of his records from Practitioner's clinic. To stall the patient until the malpractice statute of limitations could run, Practitioner's office consistently refused to provide the patient copies of their dental records. These are all first offenses for this Practitioner.

Practitioner committed violations in each of the following matrices: Professional Competence Error/Malpractice; Patient Communication Actions or Issues; and Clerical/Record Keeping/Documentation and Errors or Actions.

For violating NRS 631.3475(2) (misdiagnosis/treatment of wrong condition), the presumptive penalty is 6-12 hours of diagnosing CE + 4-6 hours of treatment planning CE. Because this was a first offense but fairly egregious, the reviewer recommended 12 hours of diagnosing CE and 6 hours of treatment planning CE for pulling the wrong tooth, 6 hours of diagnosing CE and 6 hours of radiographic CE for not obtaining imaging before pulling the tooth, and 6 hours of diagnosing CE and 6 hours of treatment planning CE for relying on historical documents alone

without performing an exam. The reviewer could have chosen to run this all consecutively, but because they are in the same matrix chart and there were no aggravators found, the reviewer chose to run them concurrently, such that the respondent had to complete 12 hours of diagnosis CE (the two 6 hour requirements were subsumed into the 12), 6 hours of treatment planning CE, and 6 hours of radiographic CE.

For violating NRS 631.3475(13) (failure to actively involve a patient in decisions concerning their treatment), the presumptive penalty is 3 hours of ethics CE and 3 hours of treatment planning CE. For violating NRS 631.3485(1)(d) (failure to make the health care records of a patient available for inspection and copying to the patient or their authorized representative), the presumptive penalty is 3 hours of ethics CE and 3 hours of HIPAA CE. Since these are in the same matrix chart, the reviewer again could have run the requirements consecutively but chose to run them concurrently, such that the respondent had to complete 3 hours of ethics CE, 3 hours of treatment planning CE, and 3 hours of HIPAA CE.

For violating NAC 631.230(1)(a) (intentional falsification of records), the reviewer chose the presumptive penalty because they found no aggravators. Thus, 8 hours of ethics CE, 8 hours of recordkeeping CE, and the dental jurisprudence exam were recommended.

Given violations exist in three of the matrix charts, the reviewer could have recommended consecutive punishment of 12 hours of diagnosing CE, 6 hours of treatment planning CE, 6 hours of radiographic CE, 3 hours of ethics CE, 3 more hours of treatment planning CE, 3 hours of HIPAA CE, another 8 hours of ethics CE, 8 hours of recordkeeping CE, and the dental jurisprudence exam. Instead, the reviewer opted for concurrent punishments, such that the final requirements were 12 hours of diagnosing CE, 6 hours of treatment planning CE, 6 hours of radiographic CE, 3 hours of HIPAA CE, 8 hours of ethics CE, 8 hours of recordkeeping CE, and the dental jurisprudence exam.

H. The Board has reviewed and approved the presumptive, mitigated, and aggravated penalties contained herein, thus finding them to be appropriate ranges for the infractions detailed. To that end, a RP or the Board should strive to strictly utilize these ranges to ensure that disciplinary decisions are made consistently, objectively, and based upon clearly understood criteria. However, in the event a RP or Board find the facts of a case warrant more, less, or different disciplinary requirements, a representative from the reviewing entity can consult with the Executive Director and General Counsel and seek an exception to use of the matrix. Any exception, through signed off by the Executive Director as within the best interests of the NSBDE and signed off by the General Counsel as legally justifiable/defensible, must ultimately be approved by the Board.

I. Note that all matters where the Review Panel and Board ultimately find a violation of law and/or a performance deficiency must be reported to the National Practitioner's Data Bank (NPDB), and Review Panels are not allowed to negotiate away disclosure to the NPDB.

However, even though federal law requires NPDB disclosure, no regulation or statute requires the Board to publish the identity of a disciplined practitioner on its board website. Thus, Review Panels can elect to offer as a settlement term “non-publication on the Board’s website.” (Individual Board’s may, and this Board has elected to, post on its website a list of disciplined Respondents. This settlement term will not keep the discipline from being reported to the NPDB but will at least keep the practitioner’s name from being published on the Board’s website.) The below matrix does not prescribe when a case should be considered for non-publication, but generally, where there are mitigators present, where presumptive penalties apply but for a first offense, or where the practitioner is a more recent graduate/licensee as opposed to a more seasoned practitioner, the reviewer(s) could justifiably choose to offer non-publication. That said, choosing non-publication is ultimately at the discretion of the RP and/or Board, who should make the ultimate decision based on whether the infraction is a threat to public safety such that the public’s right to know of the discipline trumps the practitioner’s privacy interests.

J. Where the facts of a case being reviewed reveal no violations of actual law, and/or there is not quite a preponderance of evidence supporting a performance deficiency occurred, but the Review Panel believes best practices might not have been followed or some other action may have helped avoid the Complaint, the Review Panel can decide the case should be resolved by a “remand for dismissal with a Letter of Concern. A Letter of Concern does not constitute a disciplinary action, and there is no ramification to the Respondent’s license status as a result of the letter. Instead, the Letter of Concern acquaints the Respondent with best practice tips or other suggestions to avoid future or repeat complaints. To validly issue a Letter of Concern without offending statutory prohibitions against private reprimands, a Letter of Concern cannot contain any inference of probation; this means the Letter of Concern cannot require or demand a Respondent to complete any sort of requirement (including making them pay administrative fees or reimbursing the patient) as a condition of dismissal. If this option is selected, the case is ultimately dismissed.

## II. Types of Misconduct and Established Disciplinary Results

(see each type in chart from below)

[rest of page intentionally blank]

A. Professional Competence Errors/Malpractice/Misconduct

| <b>MISCONDUCT</b>                                                                                                                                                                                                           | <b>PRESUMPTIVE<br/>PENALTY</b>                                                  | <b>PENALTY WITH<br/>AGGRIVATORS</b>                                                                          | <b>PENALTY WITH<br/>MITIGATORS</b>                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| Demonstrating professional incompetence (NRS 631.3475)(1) or (2))                                                                                                                                                           | (see below for infraction type)                                                 | (see below for infraction type)                                                                              | (see below for infraction type)                                                |
| <ul style="list-style-type: none"> <li>Misdiagnosis/treatment of wrong condition (radiology is not proved to be an issue)</li> </ul>                                                                                        | 6-12 hours of diagnosing CE + 4-6 hours of treatment planning CE                | 8-24 hours of diagnosing CE + dental jurisprudence exam + 4-12 hours of treatment planning CE                | 2-4 hours of diagnosing CE + 2-3 hours of treatment planning CE                |
| <ul style="list-style-type: none"> <li>Misdiagnosis/treatment of wrong condition based on inaccurate reading of imaging/radiographs or not taking any current imaging/radiographs</li> </ul>                                | 6-12 hours of diagnosing CE + 4-6 hours of radiograph/imaging interpretation CE | 8-24 hours of diagnosing CE + dental jurisprudence exam + 4-12 hours of radiograph/imaging interpretation CE | 2-4 hours of diagnosing CE + 2-3 hours of radiograph/imaging interpretation CE |
| <ul style="list-style-type: none"> <li>Failure to evaluate a patient, rendering a diagnosis only on historical records with no new exam/imaging (*This includes failing to properly evaluate a patient's medical</li> </ul> | 6-12 hours of diagnosing CE + 4-6 hours of treatment planning CE                | 8-24 hours of diagnosing CE + dental jurisprudence exam + 4-12 hours of treatment planning CE                | 2-4 hours of diagnosing CE + 2-3 hours of treatment planning CE                |

|                                                                                                                                                                                  |                                                                                                      |                                                                                                                            |                                                                                                                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| history of systemic condition before or concurrent to treatment planning.                                                                                                        |                                                                                                      |                                                                                                                            |                                                                                                                          |
| <ul style="list-style-type: none"> <li>Improper treatment/triaging dental emergency</li> </ul>                                                                                   | 4-12 hours live hands-on CE re: treatment and management of dental emergencies                       | 10-40 hours live hands-on CE re: treatment and management of dental emergencies                                            | 2-4 hours live hands-on CE re: treatment and management of dental emergencies                                            |
| <ul style="list-style-type: none"> <li>Improperly spaced/placed/seated/ made crowns</li> </ul>                                                                                   | 4-12 hours live hands-on CE re: fixed crown prep and design incl. post and core techniques           | 10-40 hours live hands-on CE re: fixed crown prep and design incl. post and core techniques                                | 2-3 hours live hands-on CE re: fixed crown prep and design incl. post and core techniques                                |
| <ul style="list-style-type: none"> <li>Improperly spaced, placed, made, or seated bridges and/or dentures (causing short margins, malocclusions, poor fit, etc.)</li> </ul>      | 4-12 hours live hands-on CE re: prosthodontics                                                       | 10-40 hours live hands-on CE re: prosthodontics                                                                            | 2-3 hours live hands-on CE re: prosthodontics                                                                            |
| <ul style="list-style-type: none"> <li>Improperly extracting teeth (e.g. leaving root or fragment, not stopping unexpectedly complex extraction to offer more patient</li> </ul> | 4-12 hours live hands-on CE re: (type of [molar, canine, incisor, wisdom, etc.] extractions, half of | 10-40 hours live hands-on CE re: (type of [molar, canine, incisor, wisdom, etc.] extractions, half of which must have live | 2-3 hours live hands-on CE re: (type of [molar, canine, incisor, wisdom, etc.] extractions, half of which must have live |

|                                                                                                                                                                                     |                                                                                                              |                                                                                                                                                      |                                                                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| advice/specialist referral, not packing or closing correctly, etc.)                                                                                                                 | which must have live component + 4-5 hours oral surgery CE                                                   | component + 6-8 hours oral surgery CE                                                                                                                | component + 2-3 hours oral surgery CE                                                                       |
| <ul style="list-style-type: none"> <li>Improperly completing root canal; improper recognition and treatment of canals (e.g. middle mesial, mesiobuccal and mesiolingual)</li> </ul> | 4-12 hours live hands-on CE re: endodontics                                                                  | 10-40 hours live hands-on CE re: endodontics                                                                                                         | 2-3 hours live hands-on CE re: endodontics                                                                  |
| <ul style="list-style-type: none"> <li>Improperly completing fillings/improper bonding</li> </ul>                                                                                   | 4-12 hours live hands-on CE re: filling techniques and materials and/or composite restorations               | 10-40 hours live hands-on CE re: filling techniques and materials and/or composite restorations                                                      | 2-3 hours live hands-on CE re: filling techniques and materials and/or composite restorations               |
| <ul style="list-style-type: none"> <li>Improperly completing implants</li> </ul>                                                                                                    | 4-12 hours of in-person, hands-on CE re: implant procedures, techniques, and materials and/or prosthodontics | 10-40 hours of in-person, hands-on CE re: implants, techniques, and materials - up to 300 hour maxicourse if very egregious/repetitive implant probs | 2-3 hours of in-person, hands-on CE re: implant procedures, techniques, and materials and/or prosthodontics |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                              |                                               |                                             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|-----------------------------------------------|---------------------------------------------|
| <ul style="list-style-type: none"> <li>• Improper treatment of gums/flawed osseous surgery/other flawed periodontic procedures/ other periodontic deficiencies</li> </ul>                                                                                                                                                                                                                                                                                              | 4-12 hours live hands-on CE re: periodontics | 10-40 hours live hands-on CE re: periodontics | 2-3 hours live hands-on CE re: periodontics |
| <ul style="list-style-type: none"> <li>• Improper placement or adjustment of braces/improper repositioning of teeth/jaws/other orthodontic deficiencies (Note, that failure to review diagnostic digital or conventional radiographs for orthodontia before diagnosing or correcting mal-positioned teeth or fashioning/ordering dental appliances is a separate violation of NRS 631.3475(19); the reviewer can site both potential NRS infractions in the</li> </ul> | 4-12 hours live hands-on CE re: orthodontic  | 10-40 hours live hands-on CE re: orthodontic  | 2-3 hours live hands-on CE re: orthodontic  |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                 |                                                                                                                                                                |                                                                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
| <p>violation report, but need should only set forth one set of disciplinary requirements as they are essentially the same infraction.</p> <ul style="list-style-type: none"> <li>Failing to use equipment or procedures that increase patient safety (such as a rubber dam, lead vests, etc.)</li> <li>Intentionally discloses patient records or personal health information in violation of HIPAA (42 U.S.C. § 1320d-6)</li> </ul> <p>* Note that the ranges above are for negligent clinical performance; if the reviewer finds the poor clinical performance was intentional and/or resulted in a meritorious civil malpractice case or criminal charges, this would be</p> | <p>4-12 hours live hands-on CE re: risk management and patient safety</p> <p>3-6 hours of ethics CE + 3-6 hours of HIPAA CE</p> | <p>10-40 hours live hands-on CE re: risk management and patient safety</p> <p>4-10 hours of ethics CE + 4-10 hours of HIPAA CE + dental jurisprudence exam</p> | <p>2-3 hours live hands-on CE re: risk management and patient safety</p> <p>3 hours of HIPAA CE</p> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  |  |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|
| <p>a significant aggravator likely to change the range of punishment to include suspension.</p> <p>* Note that the ranges above are for standard complaints; if any of the above performance issues results in death or serious bodily harm, this would be a significant aggravator likely to change the range of punishment to the middle column. Further, if death or serious bodily harm results, the reviewer can recommend temporary to permanent suspension of license.</p> <p>* Note that if a reviewer finds any of the performance issues to be particularly egregious or so far outside of the standard of care that a typical dental professional would be offended by such conduct, the reviewer can recommend practice monitoring as an additional requirement from 3 months up to 2-3 years.</p> |  |  |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  |  |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|
| <p>* Note that if the reviewer finds occlusion was not considered or performance issues created malocclusion, the reviewer can add 2-4 hours of CE specific to occlusions.</p> <p>* Note that a reviewer can choose to add a live drilling instruction component to any live, hands-on CE requirement, if applicable and warranted.</p> <p>* Note that if the reviewer finds a performance issue occurred on a geriatric patient, and geriatric patients are in need of specialized or advanced care for that particular issue, the reviewer can add 2-4 hours of CE specific to dental treatment and communication for geriatric patients.</p> <p>* Note that if the reviewer finds a performance issue occurred on a pediatric patient, and pediatric patients are in</p> |  |  |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  |  |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|
| <p>need of specialized or advanced care for that particular issue, the reviewer can add 2-4 hours of CE specific to dental treatment and communication for pediatric patients.</p> <p>* Note that if the reviewer finds a performance issue occurred on a patient who is physically or mentally disabled, and physically or mentally disabled patients are in need of specialized or advanced care for that particular issue, the reviewer can add 2-4 hours of CE specific to dental treatment and communication of physically or mentally disabled patients.</p> <p>* Where a practitioner exhibits a pattern of committing more than one similar act of substandard care as outlined above (usually demonstrated by three or more prior cases resulting in discipline), this is/can be a potential</p> |  |  |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|

|                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| aggravator. The reviewer may choose to examine the totality of all cases, and if found to show a pattern, it could be found as an aggravating factor and could result in the middle column including license suspension as a possible outcome. |                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                             |
| Having an alcohol or other substance use disorder to such an extent as to render the person unsafe or unreliable as a practitioner (NRS 631.3475)(7))                                                                                          | Cease and desist practice pending successful completion of a short-term (30-60 days) substance abuse treatment program<br>+ Drug tests every 6 months for 2 years - if passes, license remains in good standing; if fails, relinquish license to practice for 6 mos. To 1 yr. and complete substance abuse rehabilitation | Cease and desist practice pending successful completion of a long-term (60-180 days) substance abuse treatment program<br>+ Random drug tests for 2 years (up to 5 tests per year) - if passes, license remains in good standing; if fails, relinquish license to practice for 1 to 5 years and complete substance abuse rehabilitation | One drug test - if passes, license remains in good standing; if fails, relinquish license to practice for 30 days to six months and complete substance abuse rehabilitation |
| Having an impaired mental capacity that results in the                                                                                                                                                                                         | Cease and desist practice pending the successful passage                                                                                                                                                                                                                                                                  | Cease and desist practice pending the successful passage of a                                                                                                                                                                                                                                                                           | Cease and desist practice pending the successful passage of                                                                                                                 |

|                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| inability to safely and skillfully practice (NRS 631.095)                                                                                                                                                                    | of a mental competency exam <ul style="list-style-type: none"> <li>• If passes, immediate reinstatement after 3 months with proof of ongoing treatment</li> <li>• If fails, suspension continues indefinitely unless or until a physician verified proof of competence</li> </ul> | mental competency exam <ul style="list-style-type: none"> <li>• If passes, reinstatement after 6 months with proof of ongoing treatment</li> <li>• If fails, suspension continues indefinitely unless or until a physician verified proof of competence</li> </ul> | a mental competency exam <ul style="list-style-type: none"> <li>• If passes, immediate reinstatement</li> <li>• If fails, suspension continues indefinitely unless or until a physician verified proof of competence</li> </ul> |
| Committing an act deemed “grossly immoral” that tends to bring reproach upon the dental profession (NRS 631.3475)(7))<br><br>(1) If conviction of same would result in a felony (ask General Counsel for guidance if unsure) | (see below for infraction type)<br><br>Relinquish/suspend practice license for the duration of probation or                                                                                                                                                                       | (see below for infraction type)<br><br>Relinquish/suspend practice license for the duration of probation or imprisonment if                                                                                                                                        | (see below for infraction type)<br><br>Relinquish/suspend practice license for the duration of probation or                                                                                                                     |

|                                                                                                                                                                                                                                                                                            |                                                                                                                                       |                                                                                                                            |                                                                                         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                            | imprisonment if convicted; for 1-2 years if not convicted.                                                                            | convicted; for 4-5 years if not convicted.                                                                                 | imprisonment if convicted; for 3 months to 1 year if not convicted.                     |
| (2) If conviction of same would result in a misdemeanor (ask General Counsel for guidance if unsure)                                                                                                                                                                                       | Relinquish/suspend practice license for the duration for 3 to 9 months.                                                               | Relinquish/suspend practice license for the duration for 1 to 2 years.                                                     | Relinquish/suspend practice license for the duration for 30 days.                       |
| (3) When not a criminal act, but instead an intentional lie or falsification made to the Board                                                                                                                                                                                             | Relinquish/suspend practice license for the duration for 30-90 days + pass jurisprudence exam or do ethics assessment and remediation | Relinquish/suspend practice license for the duration for 6 mos. to 2 years + pass jurisprudent exam prior to reinstatement | Take jurisprudence exam or do ethics assessment and remediation + 24 hours of ethics CE |
| <p>* Note that, due to the subjective nature of what is considered grossly immoral, for purposes of this matrix, the term will be limited to only those acts otherwise considered criminal under Nevada criminal laws and/or an intentional lie/falsification made by the practitioner</p> |                                                                                                                                       |                                                                                                                            |                                                                                         |

|                                                                                                                                                                                                                                                             |                                                                                   |                                                                                   |                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| directly to the Board (including Board staff related to licensure and/or discipline)                                                                                                                                                                        |                                                                                   |                                                                                   |                                                                                   |
| Being convicted of a felony or misdemeanor involving moral turpitude or which relates to the practice of dentistry (NRS 631.3475)(8))                                                                                                                       | (see below for infraction type)                                                   | (see below for infraction type)                                                   | (see below for infraction type)                                                   |
| (1) If felony                                                                                                                                                                                                                                               | Relinquish/suspend practice license for the duration of probation or imprisonment | Relinquish/suspend practice license for the duration of probation or imprisonment | Relinquish/suspend practice license for the duration of probation or imprisonment |
| (2) If misdemeanor                                                                                                                                                                                                                                          | Relinquish/suspend practice license for 3 to 9 months.                            | Relinquish/suspend practice license for 1 to 2 years.                             | Relinquish/suspend practice license for 30 days.                                  |
| * Note that, to avoid ambiguity about what constitutes a crime involving moral turpitude, for purposes of this matrix, the Board will use the definition of “crime involving moral turpitude” consistent with the definition of same found at NAC 388C.100. |                                                                                   |                                                                                   |                                                                                   |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                       |                                                  |                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|--------------------------------------------------|-------------------------------------------------------------|
| <p>(offenses of a sexual nature; offenses involving involuntary servitude or trafficking; violent offenses; unlawful possession of firearm or other dangerous weapon; terrorism; abuse, neglect, or abandonment of a child, older person, or vulnerable person; arson; burglary or receipt of stolen property; kidnapping or false imprisonment, aiding and abetting felony, identity theft; offense committed under color of authority; bribery, extortion, or coercion; manufacturing or distributing controlled substance; or cruelty to animals.)</p> <p>* Note – if dentist takes money but does not render the services, this would violate NRS 598.0915(9) as a deceptive trade practice, which would invoke this penalty.</p> |                                                       |                                                  |                                                             |
| Performing or supervising a pelvic exam before, during, or after dental treatment at a                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Relinquish/suspend practice license for 1 to 2 years. | Relinquish/suspend practice license permanently. | Relinquish/suspend practice license for 30 days to 6 months |

|                                                                                                                                                                                                                                                                                                                                                   |                                                                                                          |                                                                                                               |                                                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| <p>dental facility (NRS 631.3475(16))</p> <p>(Presuming no medical basis for this, which there will likely never be, but potentially mitigated by an emergency, medical order, etc. Further, these disciplinary requirements need only be imposed if the practitioner is not also being charged or convicted of sexual assault or civil tort.</p> |                                                                                                          |                                                                                                               |                                                          |
| <p>A practitioner administering an immunization if not specially endorsed to do so (NRS 631.3475(17))</p>                                                                                                                                                                                                                                         | <p>Suspension of license for 6 months or until immunization endorsement obtained, whichever is least</p> | <p>Suspension of license for 1-2 years and will be permanently ineligible for an immunization endorsement</p> | <p>Must seek immunization endorsement within 90 days</p> |

[rest of page intentionally blank]

B. Patient Communication Actions or Issues

| <b>MISCONDUCT</b>                                                                                                                                                             | <b>PRESUMPTIVE<br/>PENALTY</b>                                                        | <b>PENALTY WITH<br/>AGGRIVATORS</b>                                                     | <b>PENALTY WITH<br/>MITIGATORS</b>                                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
| Failure to actively involve a patient in decisions concerning their treatment, which includes abandoning a patient (NRS 631.3475(13))                                         | 3 hours of ethics CE & 3 hours of treatment planning CE                               | 4-8 hours of ethics CE & 3 hours of treatment planning CE                               | 3 hours of treatment planning CE                                                 |
| Willfully engaging in actions that prohibit or stymie a patient from submitting a complaint to the Board (NRS 631.3475(14))                                                   | 6 hours of ethics CE + 4 hours of CE in risk management/civil tort liability          | 8-10 hours of ethics CE + 6-10 hours of CE in risk management/civil tort liability      | 2-4 hours of ethics CE + 2-3 hours of CE in risk management/civil tort liability |
| Failure to make the health care records of a patient available for inspection and copying to the patient or their authorized representative (NRS 631.3485(1)(d); NRS 629.061) | 3 hours of ethics CE + 3 hours of HIPAA CE                                            | 4-8 hours of ethics CE + 3 hours of HIPAA CE                                            | 3 hours of HIPAA CE                                                              |
| Failing to provide a practitioner's identifying information (outlined in NRS 631.34583(3)) to telehealth patients (NRS 631.3475(20))                                          | Certify review and understanding of NRS telehealth regulations & 3 hours of ethics CE | Certify review and understanding of NRS telehealth regulations & 4-8 hours of ethics CE | Certify review and understanding of NRS telehealth regulations                   |
| Failing to provide patient with an itemized bill (NRS 629.071)                                                                                                                | 3 hours of record keeping CE                                                          | 3 hours of ethics CE & 3 hours of record keeping CE                                     | Signed attestation of review of NRS 629.071                                      |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                      |                                                                                                             |                               |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|-------------------------------|
| <p>Publishing statements or advertisements that are false or misleading, including (1) claims that an incurable disease is curable; (2) false claims of skill or the value of their treatment; (3) guarantees of painlessness; (4) any statement which is known to be false, or through the exercise of reasonable care should be known to be false, deceptive, misleading or harmful, in order to induce any person to purchase, use or acquire any professional services or to enter into any obligation or transaction relating to those services; (5) extravagant claims or aggrandizements of abilities; (6) false, deceptive or misleading in regard to the price or terms of credit for services performed or to be performed; (7) uses a fictitious name unless the name of each dentist is included in the advertisement; or (8) implies that a dentist specializes in an area of specialization for which they do not hold a specialty license. (NRS 631.348(2); NAC 631.270)</p> | <p>4-8 hours of ethics CE + 3-6 mos. practice supervision to monitor advertising</p> | <p>9-16 hours of ethics CE + jurisprudence exam + 1-2 years practice supervision to monitor advertising</p> | <p>2-3 hours of ethics CE</p> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|-------------------------------|

[rest of page intentionally blank]

C. Practice- Related Errors or Actions

| <b>MISCONDUCT</b>                                                                                                                                                                                              | <b>PRESUMPTIVE<br/>PENALTY</b>                                                                                                | <b>PENALTY WITH<br/>AGGRIVATORS</b>                                                                                           | <b>PENALTY WITH<br/>MITIGATORS</b>                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| Employing someone to work by or near radiography equipment without meeting NAC 631.260 requirements (NAC 631.230(1)(e))                                                                                        | Immediately come into compliance with NAC 631.260 requirements + 1-2 hours of practice management CE + 2-6 hours of ethics CE | Immediately come into compliance with NAC 631.260 requirements + 4-8 hours of practice management CE + 4-8 hours of ethics CE | Immediately come into compliance with NAC 631.260 requirements + 1-2 hours of ethics CE |
| Failure of a dental practice owner to allow or provide an employed practitioner access to patient records where the employed provider has a potential disciplinary action before the Board (NAC 631.230(1)(o)) | 6 hours of ethics CE + 4 hours of CE in risk management/civil tort liability                                                  | 8-10 hours of ethics CE + 6-10 hours of CE in risk management/civil tort liability                                            | 2-4 hours of ethics CE + 2-3 hours of CE in risk management/civil tort liability        |
| Failure of a dental practice owner to verify the valid and current license status of a practitioner offered employment (except where the owner is lied to by the applicant) (NAC 631.230(1)(p))                | If unlicensed person is still employed, immediately terminate employment + 1-2 hours of practice management CE                | If unlicensed person is still employed, immediately terminate employment + 4-8 hours of practice management CE                | If unlicensed person is still employed, immediately terminate employment                |

|                                                                                                                                                                                                                                                                                                 |                                                                                                                                         |                                                                                                                                         |                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| A dental practice owner employing any unlicensed or license-suspended student or practitioner to provide dental services; aiding and abetting said employment; or aiding and abetting a non-licensee to perform dental services without a license (NRS 631.346(1); 631.346(3); NRS 631.3465(2)) | If unlicensed person is still employed, immediately terminate employment + 1-2 hours of practice management CE + 2-6 hours of ethics CE | If unlicensed person is still employed, immediately terminate employment + 4-8 hours of practice management CE + 4-8 hours of ethics CE | If unlicensed person is still employed, immediately terminate employment + 1-2 hours of ethics CE |
| Where the owner of a practice requires a patient to select a single dentist from a specific group as their treating provider, not allowing the patient the ability to change their election of treating provider at least once per year (NAC 631.230(2))                                        | Submit declaration of review and understanding of NAC 631.230(2) + 2-4 hours of CE re: patient communication                            | Submit declaration of review and understanding of NAC 631.230(2) + 2-4 hours of CE re: patient communication + 1-3 hours of ethics CE   | Submit declaration of review and understanding of NAC 631.230(2)                                  |
| A dental hygienist or dental therapist practicing in an unlicensed facility (NRS 631.346 (4))                                                                                                                                                                                                   | Relinquish/suspend license until alternative employment at licensed facility secured                                                    | Relinquish/suspend license until alternative employment at licensed facility secured + 3 hours of ethics CE                             | Cease work at unlicensed facility                                                                 |
| Submitting a substantiated false or fraudulent claim for payment to an insurer for dental services rendered (NRS 631.348(6))                                                                                                                                                                    | 4-8 hours of ethics CE + 4-8 hours of insurance CE                                                                                      | 9-16 hours of ethics CE + 9-16 hours of insurance CE + jurisprudence exam                                                               | 2-3 hours of ethics CE + 2-3 hours of insurance CE                                                |

D. Clerical/Record Keeping/Documentation Errors or Actions

| <b>MISCONDUCT</b>                                                                                                    | <b>PRESUMPTIVE<br/>PENALTY</b>                                                                                                       | <b>PENALTY WITH<br/>AGGRIVATORS</b>                                                                                                       | <b>PENALTY WITH<br/>MITIGATORS</b>                                                                                                 |
|----------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| Intentional Falsification of Records (NAC 631.230(1)(a))                                                             | 8 hours of ethics CE + 8 hours of documentation/record-keeping CE + dental jurisprudence exam                                        | 14-20 hours of ethics CE + 14-20 hours of documentation/record-keeping CE + dental jurisprudence exam + ethics assessment and remediation | 2-6 hours of ethics CE + 2-6 hours of documentation/record-keeping CE + dental jurisprudence exam                                  |
| Failure to record the name of the treating provider who rendered each service in patient records (NAC 631.230(1)(q)) | (if negligent) 6 hours of documentation/record-keeping CE                                                                            | (if willful and knowingly) 8-12 hours of documentation/record-keeping CE + 8-12 hours of ethics CE + dental jurisprudence exam            | (if negligent) 3 hours of documentation/record-keeping CE                                                                          |
| Improper record keeping (only is also possessing anesthesia license) (NAC 631.2229)<br><br>(1) sloppy/illegible      | (see below for infraction type)<br><br>4-6 hours of documentation/record-keeping CE + use/purchase electronic recordkeeping software | (see below for infraction type)<br><br>8-12 hours of documentation/record-keeping CE + use/purchase electronic recordkeeping software     | (see below for infraction type)<br><br>2 hours of documentation/record-keeping CE + use/purchase electronic recordkeeping software |

|                                                                                                   |                                                                                                      |                                                                                                        |                                                                                                      |
|---------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|
| (2) missing treatment planning information                                                        | 4-6 hours of documentation/record-keeping CE + 4-6 hours of treatment planning CE                    | 8-12 hours of documentation/record-keeping CE + 4-12 hours of treatment planning CE                    | 2-3 hours of documentation/record-keeping CE + 2-3 hours of treatment planning CE                    |
| (3) missing diagnoses or evaluation info                                                          | 4-6 hours of documentation/record-keeping CE + 4-6 hours of diagnosing CE                            | 8-12 hours of documentation/record-keeping CE + 4-12 hours of diagnosing CE                            | 2-3 hours of documentation/record-keeping CE + 2-3 hours of diagnosing CE                            |
| (4) not retained for a sufficient period of time (5 years for adults; 5 years post-18 for minors) | 4-6 hours of documentation/record-keeping CE + 4-6 hours of risk management and records retention CE | 8-12 hours of documentation/record-keeping CE + 4-12 hours of risk management and records retention CE | 2-3 hours of documentation/record-keeping CE + 2-3 hours of risk management and records retention CE |
| Unsigned or missing informed consent forms (NRS 41A.110)                                          | 4-6 hours of documentation/record-keeping CE + 4-6 hours of risk management and informed consent CE  | 8-12 hours of documentation/record-keeping CE + 4-12 hours of risk management and informed consent CE  | 2-3 hours of documentation/record-keeping CE + 2-3 hours of risk management and informed consent CE  |

[rest of page intentionally blank]

E. Prescription Errors or Actions

| <b>MISCONDUCT</b>                                                                                                                                                         | <b>PRESUMPTIVE<br/>PENALTY</b>                                                                                                                                                              | <b>PENALTY WITH<br/>AGGRIVATORS</b>                                                                                                                                                                                           | <b>PENALTY WITH<br/>MITIGATORS</b>                                                                                                                                                                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Prescribing controlled substances in excessive amounts (NAC 631.230(1)(b))</p> <p>- If this causes the patient substantial physical or psychological harm</p>          | <p>4-6 hours of CE re: administration of controlled substances and non-narcotic pain management</p> <p>+ 4-6 hours of CE re: risk management and/or drug-related civil tort malpractice</p> | <p>8-12 hours of CE re: administration of controlled substances and non-narcotic pain management and non-narcotic pain management</p> <p>+ 4-6 hours of CE re: risk management and/or drug-related civil tort malpractice</p> | <p>2-3 hours of CE re: administration of controlled substances and non-narcotic pain management and non-narcotic pain management</p> <p>+ 4-6 hours of CE re: risk management and/or drug-related civil tort malpractice</p> |
| <p>Prescribing controlled substances when not proved as clinically needed (NRS 631.3475(5))</p> <p>- If this causes the patient substantial physical or psychological</p> | <p>4-6 hours of CE re: administration of controlled substances and non-narcotic pain management</p> <p>+ 4-6 hours of CE re: risk management and/or drug-related civil tort malpractice</p> | <p>8-12 hours of CE re: administration of controlled substances and non-narcotic pain management</p> <p>+ 4-6 hours of CE re: risk management and/or drug-related civil tort malpractice</p>                                  | <p>2-3 hours of CE re: administration of controlled substances and non-narcotic pain management</p> <p>+ 4-6 hours of CE re: risk management and/or drug-related civil tort malpractice</p>                                  |

|                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Obtaining controlled substances by misrepresentation or fraud (NAC 631.230(1)(c))</p> <ul style="list-style-type: none"> <li>- If the dental professional themselves does this</li> <li>- If the dental professional's actions allow a patient to do so (e.g. giving blank prescription; calling in prescription for known maker/dealer; non-dentist licensee pretending to be authorized dentist; etc.)</li> </ul> | <p>Relinquish license to practice for 6 mos. To 1 yr. and complete substance abuse rehabilitation</p> <p>6-12 hours of ethics CE + 6-12 hours of CE re: administrative on controlled substances + dental jurisprudence exam</p> | <p>Relinquish license to practice for 1-2 years and complete substance abuse rehabilitation</p> <p>14-20 hours of ethics CE + 14-20 hours of CE re: administrative on controlled substances + dental jurisprudence exam + ethics assessment and remediation</p> | <p>Relinquish license to practice for 30-60 days and complete substance abuse rehabilitation</p> <p>2-4 hours of ethics CE + 2-4 hours of CE re: administrative on controlled substances + dental jurisprudence exam</p> |
| <p>Failing to conduct a minimum of one self-query through the Prescription Monitoring Program annually (NAC 631.230(1)(r))</p>                                                                                                                                                                                                                                                                                         | <p>4-6 hours of CE re: administration of controlled substances and PMP requirements</p>                                                                                                                                         | <p>8-12 hours of CE re: administration of controlled substances and PMP requirements</p>                                                                                                                                                                        | <p>2-3 hours of CE re: administration of controlled substances and PMP requirements</p>                                                                                                                                  |
| <p>Prescribing any controlled substance defined as a</p>                                                                                                                                                                                                                                                                                                                                                               | <p>4-6 hours of CE re: administration of</p>                                                                                                                                                                                    | <p>8-12 hours of CE re: administration of</p>                                                                                                                                                                                                                   | <p>2-3 hours of CE re: administration of</p>                                                                                                                                                                             |

|                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| dangerous drug and not FDA approved (NRS 631.3475)(6))                                                                                                                                                                                                                                                                    | controlled substances and non-narcotic pain management                                                                                                                                                                                                                           | controlled substances and non-narcotic pain management                                                                                                                                                                                                                            | controlled substances and non-narcotic pain management                                                                                                                                                                                                                           |
| Prescribing a medication to a patient without having physically examined them within the prior 6 months and/or if the practitioner knows or reasonably believes the prescription will be filled by an illegal internet or foreign pharmacy (453.3643(1)(a))                                                               | <p>(Please note, this could also trigger a criminal conviction for a Category B felony with a sentence of 3-15 years. Thus, it could also trigger the “grossly immoral act” discipline above.</p> <p>Where no criminal charges result, 4-6 hours of CE re: prescribing drugs</p> | <p>(Please note, this could also trigger a criminal conviction for a Category B felony with a sentence of 3-15 years. Thus, it could also trigger the “grossly immoral act” discipline above.</p> <p>Where no criminal charges result, 8-12 hours of CE re: prescribing drugs</p> | <p>(Please note, this could also trigger a criminal conviction for a Category B felony with a sentence of 3-15 years. Thus, it could also trigger the “grossly immoral act” discipline above.</p> <p>Where no criminal charges result, 2-3 hours of CE re: prescribing drugs</p> |
| Prescribing a patient the wrong antibiotic for their condition (e.g., prescribing an eye drop only antibiotic for an oral condition, distinguished from prescribing a potentially viable but ultimately less effective antibiotic than an antibiotic that would have been more effective as revealed by later testing) or | 3-4 hours of CE re: antibiotic drugs + 3-4 hours of CE re: infection control                                                                                                                                                                                                     | 5-8 hours of CE re: antibiotic drugs + 5-8 hours of CE re: infection control                                                                                                                                                                                                      | 1-2 hours of CE re: antibiotic drugs + 1-2 hours of CE re: infection control                                                                                                                                                                                                     |

|                                                                                                                                      |  |  |  |
|--------------------------------------------------------------------------------------------------------------------------------------|--|--|--|
| failing to prescribe a patient<br>any antibiotic post-procedure<br>when doing so is generally<br>accepted as the standard of<br>care |  |  |  |
|--------------------------------------------------------------------------------------------------------------------------------------|--|--|--|

[rest of page intentionally blank]

F. Licensure or Board Relationship Errors or Actions

| <b>MISCONDUCT</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>PRESUMPTIVE<br/>PENALTY</b>                                                                 | <b>PENALTY WITH<br/>AGGRIVATORS</b>                                                                                                 | <b>PENALTY WITH<br/>MITIGATORS</b>                                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| <p>Failure to report to the following to the Board within 30 days of occurrence and of the following:</p> <p>1 – death of a patient during dental treatment;</p> <p>2 – incident during treatment that results in a patient’s permanent injury of hospitalization;</p> <p>3 – suspension of dental license in another state;</p> <p>4 – a practitioner’s criminal conviction;</p> <p>5 – a practitioner’s known violation of any law in NRS chapter 631; and</p> <p>6 – a finding of civil liability in a case against the practitioner in this or any other state relating to their practice of dentistry (NAC 631.230(1)(d); NAC 631.155)</p> | <p>4-6 hours of CE re: risk management and/or civil litigation + dental jurisprudence exam</p> | <p>8-12 hours of CE re: risk management and/or civil litigation + dental jurisprudence exam + ethics assessment and remediation</p> | <p>2-3 hours of CE re: risk management and/or civil litigation</p> |
| <p>Failing to provide a Board investigator with records when requested in relation to potential disciplinary proceeding before the Board (NAC 631.230(1)(s))</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p>3 hours of ethics CE + 3 hours of HIPAA CE</p>                                              | <p>4-8 hours of ethics CE + 3 hours of HIPAA CE</p>                                                                                 | <p>3 hours of HIPAA CE</p>                                         |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                               |                                                                                                                                                                                                                             |                                                                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
| <p>Practitioner fails to obtain or file proof of completion of the CE credit hours compliance three or more times (NAC 631.177(3))</p> <p>* If a license applicant has falsified completion of CE credit hours and same is discovered in a CE audit, see “grossly immoral act” subsection of Section A (Professional Competence Errors/Malpractice/Misconduct). The penalties here can be run concurrent or consecutive to the penalties there.</p> | <p>Pay triple the annual fee for certification of a license (currently \$25 x 3 = \$75)</p>   | <p>Pay quadruple the annual fee for certification of a license (currently \$25 x 4 = \$100)</p>                                                                                                                             | <p>Pay double the annual fee for certification of a license (currently \$25 x 2 = \$50)</p>              |
| <p>Practicing with no or a suspended or revoked license (NRS 631.346(5))</p>                                                                                                                                                                                                                                                                                                                                                                        | <p>Immediate cease and desist from practice; ineligible to apply or re-apply for one year</p> | <p>Immediate cease and desist from practice; ineligible to apply or re-apply for 2-5 year (or indefinitely if practitioner causes serious bodily harm) + referral to AG’S office/DA’s Office/police for Class D felony)</p> | <p>Immediate cease and desist from practice; ineligible to apply or re-apply for 1 month to 6 months</p> |

[rest of page intentionally blank]

G. Anesthesia Errors or Actions

| <b>MISCONDUCT</b>                                                                                                                                                                                 | <b>PRESUMPTIVE<br/>PENALTY</b>                                                                                                                                                | <b>PENALTY WITH<br/>AGGRIVATORS</b>                                                                                                           | <b>PENALTY WITH<br/>MITIGATORS</b>                                                                                                                                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| When administering or supervising the administration of anesthesia or sedation during a dental procedure, failing to remain present in the room with the patient at all times (NAC 631.230(1)(f)) | Relinquish anesthesia permit for 1 year or the duration of the time it takes to complete 48 hours of anesthesia CE and take the dental jurisprudence exam, whichever is least | Relinquish anesthesia permit 6 mos. To 2 yrs., complete 24 hours of anesthesia CE and take the dental jurisprudence exam before reinstatement | Relinquish anesthesia permit for the duration of the time it takes to complete 24 hours of anesthesia CE and take the dental jurisprudence exam, reinstate after completion |
| Administering moderate sedation to more than one patient at a time with individual direct supervision of each patient (NAC 631.230(1)(g))                                                         | 6-10 hours of anesthesia CE                                                                                                                                                   | 8-16 hours of anesthesia CE                                                                                                                   | 2-4 hours of anesthesia CE                                                                                                                                                  |
| Administering deep sedation or general anesthesia to more than one patient at a time (NAC 631.230(1)(h))                                                                                          | Relinquish anesthesia permit for 1 year or the duration of the time it takes to complete 48 hours of anesthesia CE and take the dental jurisprudence exam, whichever is least | Relinquish anesthesia permit 6 mos. To 2 yrs., complete 24 hours of anesthesia CE and take the dental jurisprudence exam before reinstatement | Relinquish anesthesia permit for the duration of the time it takes to complete 24 hours of anesthesia CE and take the dental jurisprudence exam, reinstate after completion |

|                                                                                                                                             |                                                                                                                        |                                                                                                        |                                                                                                                              |
|---------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|
| Failure to monitor anesthesia or sedation patient with pulse oximeter or similar during a procedure (NAC 631.230(1)(i))                     | 6-10 hours of anesthesia CE                                                                                            | 8-16 hours of anesthesia CE                                                                            | 2-4 hours of anesthesia CE                                                                                                   |
| Allowing a person not certified in CPR to care for an anesthetized or sedated patient (NAC 631.230(1)(j))                                   | 6-10 hours of anesthesia CE                                                                                            | 8-16 hours of anesthesia CE                                                                            | 2-4 hours of anesthesia CE                                                                                                   |
| Failure to obtain informed patient consent prior to administering anesthesia or sedation (NAC 631.230(1)(k))                                | 4-6 hours of documentation/record-keeping CE + 4-6 hours of risk management and informed consent CE                    | 8-12 hours of documentation/record-keeping CE + 4-12 hours of risk management and informed consent CE  | 2-3 hours of documentation/record-keeping CE + 2-3 hours of risk management and informed consent CE                          |
| Failure to keep and maintain patient anesthesia records (NAC 631.230(1)(l))                                                                 | 4-6 hours of documentation/record-keeping CE + 4-6 hours of risk management and records retention CE                   | 8-12 hours of documentation/record-keeping CE + 4-12 hours of risk management and records retention CE | 2-3 hours of documentation/record-keeping CE + 2-3 hours of risk management and records retention CE                         |
| Failure to report to the Board an anesthetized or sedated patient's death or hospitalization within 30 days of incident (NAC 631.230(1)(m)) | Relinquish anesthesia permit for 1 year or the duration of the time it takes to complete 48 hours of anesthesia CE and | Relinquish anesthesia permit 6 mos. To 2 yrs., complete 24 hours of anesthesia CE and take the dental  | Relinquish anesthesia permit for the duration of the time it takes to complete 24 hours of anesthesia CE and take the dental |

|                                                                                                                                                                                  |                                                                                                                                                                               |                                                                                                                                               |                                                                                                                                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                  | take the dental jurisprudence exam, whichever is least                                                                                                                        | jurisprudence exam before reinstatement                                                                                                       | jurisprudence exam, reinstate after completion                                                                                                                              |
| Allowing a person unpermitted to do so to administer anesthesia or sedation (NAC 631.230(1)(n))                                                                                  | Relinquish anesthesia permit for 1 year or the duration of the time it takes to complete 48 hours of anesthesia CE and take the dental jurisprudence exam, whichever is least | Relinquish anesthesia permit 6 mos. To 2 yrs., complete 24 hours of anesthesia CE and take the dental jurisprudence exam before reinstatement | Relinquish anesthesia permit for the duration of the time it takes to complete 24 hours of anesthesia CE and take the dental jurisprudence exam, reinstate after completion |
| Anesthesia provision caused oversedation or undersedation resulting in serious physical or psychological harm (a form of professional misconduct under NRS 631.3475)(1) and (2)) | Relinquish anesthesia permit for 1 to 2 yrs., complete 24 hours of anesthesia CE and take the dental jurisprudence exam before reinstatement                                  | Relinquish anesthesia permit permanently                                                                                                      | Relinquish anesthesia permit for the duration of the time it takes to complete 24 hours of anesthesia CE and take the dental jurisprudence exam, reinstate after completion |

[rest of page intentionally blank]

H. Infection Control-Related Actions or Issues

| <b>MISCONDUCT</b>                                                                                                                                                                                                                                | <b>PRESUMPTIVE<br/>PENALTY</b>                                                                                                | <b>PENALTY WITH<br/>AGGRIVATORS</b>                                                                                           | <b>PENALTY WITH<br/>MITIGATORS</b>                                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| Giving a public demonstration of methods of practice in any place other than the office where the Licensee regularly practices (NRS 631.346(2))                                                                                                  | 4-8 hours of CE re: infection control and signed declaration of reviewing/understanding NRS 631.346(2)                        | 6-12 hours CE re: infection control and signed declaration of reviewing/understanding NRS 631.346(2)                          | 2-3 hours of CE re: infection control and signed declaration of reviewing/understanding NRS 631.346(2)                          |
| Licensee did not use infection control measures while practicing                                                                                                                                                                                 | 4-8 hours of ethics CE + 4-8 hours of CE re: infection control                                                                | 6-12 hours of ethics CE + 6-12 hours CE re: infection control                                                                 | 2-3 hours of CE re: infection control                                                                                           |
| Owner of a practice does not implement required infection control measures at the facility and/or fails infection control inspection at the facility but does not cure inspection deficiencies (NAC 631.178(1); NAC 631.1785(9); NAC 631.179(4)) | (see below for infraction type)<br><br>Summary suspension of practice license; to obtain reinstatement., complete 40 hours of | (see below for infraction type)<br><br>Summary suspension of practice license; to obtain reinstatement., complete 80 hours of | (see below for infraction type)<br><br>Summary suspension of practice license; to obtain reinstatement., complete 8-16 hours of |

|                                                                                               |                                                                                                                                                              |                                                                                                                                                              |                                                                                                    |
|-----------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|
| (1) Rising to the level of negatively impacting public health, safety, and welfare of patient | infection control CE, take the dental jurisprudence exam before reinstatement, and allow for and pass a re-opening inspection prior to recommencing practice | infection control CE, take the dental jurisprudence exam before reinstatement, and allow for and pass a re-opening inspection prior to recommencing practice | infection control CE and allow for and pass a re-opening inspection prior to recommencing practice |
|-----------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|