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BEFORE THE NEVADA STATE BOARD OF DENTAL EXAMINERS

IN REGARDS TO THE MATTER OF:

Request for Advisory Opinion regarding NRS
631.255 and NRS 631.250 as requested by
licensee, Michael Gardner, DDS, Board Certified
Orthodontist, through the "Gateway Program"

AO-08-0508

On May 8, 2008, pursuant to agenda item 4b at a properly noticed public meeting held at the Board's offices in Las Vegas the Nevada State Board of Dental Examiners (the "Board") issued the following advisory opinion.

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|-------------------------------|----------------|
| Dr. Tony Guillen | Present |
| Dr. William O'Gara | Present |
| Dr. Donna Hellwinkel | Present |
| Dr. Michael Lloyd | Present (late) |
| Dr. Willaim Pappas | Present |
| Dr. Joel T. Glover | Present |
| Dr. J. Stephen Sill | Present |
| Mrs. Rosanne "Missy" Matthews | Present |
| Mrs. Sharon Peterson | Excused |
| Mrs. Bonnie Bryan | Present |
| Mr. James "Tuko" McKernan | Present |

ADVISORY OPINION

I.
BACKGROUND

1. As set forth in NAC 631.279¹ through authority of NRS 631.190 and NRS 233B.120, the

¹ NAC 631.279 Proceedings to determine applicability and construction of statutes and regulations.
1. Any applicant or licensed dentist or dental hygienist may obtain a determination or advisory opinion from the Board as to the applicability of any provision of chapter 631 of NRS or any regulation adopted pursuant thereto by bringing an action for a declaratory judgment before the Board.
2. The Board will construe any statute or regulation reviewed pursuant to this section in a manner consistent with the declared policy of the State of Nevada.

1 Board is authorized to provide advisory opinions.

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3 2. Nevada licensee, Michael Gardner, DDS, requested, pursuant to NAC 631.279, the Board
4 issue an advisory opinion regarding NRS 631.255 and NRS 631.250.

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6 3. Public notice of the above-referenced request for an advisory opinion was provided in
7 accordance with state law.

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9 **II.**
10 **DISCUSSION**

11 Dr. Michael Gardner inquired whether or not he would have to re-certify through the
12 "Gateway Program" to retain certification in his dental specialty. Dr. O'Gara indicated that he
13 would not actually be recertifying he would just be completing a two (2) year program to become
14 Board certified as an Orthodontist; additionally he recommended that Dr. Gardner complete his
15 six (6) cases so that he is prepared just in case.

16 Ms. Kelly indicated to Dr. Gardner that when he became licensed in Nevada it was
17 pursuant to NRS 631.255 where he had to be a diplomat in order to obtain a specialty license—
18 which is to have board certification from the certifying board of the specialty recognized by the
19 Commission on Dental Accreditation of the American Dental Association---and retaining said
20 license was contingent upon maintaining such board certification.

21 The Board indicated that he had time to become licensed through credentialing for a
22 general dental license; however due to changes by the Nevada Legislature he no longer has that
23 option and now must complete the necessary requirements to be a Board certified diplomat of his
24 specialty.

25 **III.**
26 **CONCLUSION**

27 After considering and discussing public comment pursuant to the authority set forth in
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1 NAC 631.279, NRS 631.190 and NRS 233B.120, motion was made indicating that Dr. Gardner
2 had ample time to become licensed through credentialing if not specialty licensure, however due
3 to laws changes, he no longer has that option, and thus he must meet necessary requirements to
4 be a Board certified diplomat of his specialty to retain specialty licensure. The motion was
5 seconded and after opportunity to discuss the motion a vote was taken wherein the motion passed
6 unanimously.
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10 Kathleen Kelly
11 Executive Director
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