

Nevada State Board of Dental Examiners  
6010 S Rainbow Blvd, Suite A-1  
Las Vegas, Nevada 89118  
November 1, 2012 at 6:00 pm  
(No Video Conference Available for this Meeting)

Board Meeting  
MINUTES

Teleconference was available at the Board office, 6010 S Rainbow Boulevard, Suite A-1, in Las Vegas, Nevada.

Please Note: The Nevada State Board of Dental Examiners may 1) address agenda items out of sequence to accommodate persons appearing before the Board or to aid the efficiency or effectiveness of the meeting; 2) combine items for consideration by the public body; 3) pull or remove items from the agenda at any time. The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person. See NRS 241.030. Prior to the commencement and conclusion of a contested case or a quasi judicial proceeding that may affect the due process rights of an individual the board may refuse to consider public comment. See NRS 233B.126.

Public comment is welcomed by the Board, but at the discretion of the Chair, may be limited to five minutes per person. A public comment time will be available before any action items are heard by the public body and then once again prior to adjournment of the meeting. The Chair may allow additional time to be given a speaker as time allows and in his/her sole discretion. Once all items on the agenda are completed the meeting will adjourn. Prior to the commencement and conclusions of a contested case or a quasi judicial proceeding that may affect the due process rights of an individual the board may refuse to consider public comment

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*Asterisks (\*) denote items on which the Board may take action.  
Action by the Board on an item may be to approve, deny, amend, or table.*

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1. Call to Order, roll call and establish quorum

Dr. Miller called the meeting to order and Ms. Kelly conducted the following roll call:

Dr. Jade Miller-----PRESENT  
Dr. M Masih Soltani-----PRESENT  
Dr. Byron Blasco-----PRESENT  
Dr. J Gordon Kinard-----PRESENT  
Dr. Timothy Pinther-----PRESENT  
Dr. Jason Champagne-----PRESENT  
Dr. J. Stephen Sill-----PRESENT  
Mrs. Theresa Guillen-----PRESENT  
Mrs. Leslea Villigan-----PRESENT  
Mr. James "Tuko" McKernan-----EXCUSED  
Mrs. Lisa Wark-----PRESENT

Others Present: Kathleen Kelly, Executive Director, Debra Shaffer, Deputy Executive Director and John Hunt, Esq., Board Legal Counsel

Public Attendees: Steve Saxe, DDS Oral Surgeon and Laura Lord, RDH Co-Chair President of the SNDHA.

2. Public Comment: No Comment

**Note:** No vote may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)

**\*3. Consideration of NAC 631.2235 and Granting Executive Director Authority to Respond Accordingly to Request for Re-Evaluation Pursuant to NAC 631.2235(2)(3).**

\*a. Conscious Sedation (For Possible Action)

(1) Dr. X

Discussion – Dr Miller addressed Ms Kelly to discuss the item, Ms. Kelly stated unfortunately at the last meeting the Board did not deal with providing the Executive Director with the authority to respond to Dr X should he/she request a re-evaluation as set forth in NAC 631.2235(2 & 3). Dr Miller advised the Board he is aware Dr X has submitted his request for a re-evaluation along with the grounds. Dr Miller asked Ms. Kelly to read Dr X's request for a re-evaluation into the record. Dr Miller addressed the notification of failure, notification not to administer conscious sedation, applicable fees, and the provisions to request a re-evaluation. Further, Dr Miller stated the notification sent by Ms. Kelly also included the Board's recommendations for remediation in IV technique. Dr Miller asked Ms. Kelly whether Dr X had in fact provided information as to whether he/she sought remediation. Ms. Kelly indicated in Dr X's request he stated his 2 week anesthesiology rotation through his GPR program and the CE course in anesthesia. Dr Miller asked Mr. Hunt if Dr X chooses not to seek remediation can the Board precede with Dr X's request for a re-evaluation. Mr. Hunt advised the Board of section 3 of NAC 631.2235 which states if the re-evaluation is granted by the Board, it will be conducted by different persons in the manner set forth by NAC 631.2249 to 631.2233 inclusive for an original evaluation. The Board has to determine whether he/she should have a re-evaluation and it is the Board's obligation to make that determination not the Executive Director. If the Board grants the re-evaluation the Board should make sure Dr X is aware should he fail the re-evaluation he/she may not apply for a period of twelve months. Mr. Hunt cautioned the Board should they require remediation for this applicant this may be problematic in the future with other applicants who fail an evaluation and seek remediation through the same measures. Mr. Hunt advised it is the Board's discretion to grant the re-evaluation. Ms. Villigan had a question as to whether Dr X was informed should he fail the re-evaluation he may not apply for a period of twelve months. Ms. Kelly answered Ms. Villigan's question that yes Dr X was advised in the

letter sent from the Board of subsection 4 of NAC 631.2235. Ms. Guillen asked if the measures were a suggestion or recommendation by the Board with regards to mediation. Ms. Kelly stated these were recommendations. Dr Blasco requested clarification as well. Dr Miller stated an applicant can have a bad day, since Dr X has some post-graduate education and seems to meet the requirements. Dr Miller requested a motion.

Motion: Dr Soltani made a motion to have Dr X have another chance and grant the re-evaluation. Seconded by Dr Sill. Dr Miller asked to amend the Motion to include a strong recommendation to receive remediation. Dr Sill agreed to the amendment to include the language. Dr Soltani is okay with the amendment as well. No Public Comment Motion Made. All in favor? Ms. Guillen voted no. Motion Carries.

**\*4. Appointment of Special Investigator to Review and Assess Cases Related to Anesthesia Administration and Report Recommendations to the Board**  
a. Guy Champaine, DDS

Discussion-Dr Miller stated Dr Champaine was noticed on a previous Agenda and there were questions with regards to time-frame, as well as cost, Dr Miller stated the information has been obtained and provided, Dr Miller asked the Board Members whether they had any questions. Mrs. Wark asked if there were any other candidates or whether Dr Champaine was the only candidate vetted at this time. Dr Miller indicated perhaps Ms. Kelly may offer other information. Dr Miller stated Dr Champaine is the only candidate approached at this time. Dr Miller stated Dr Champaine has an existing relationship with the Board already through ADEX. Further, Dr Miller stated Dr Champaine was the Chair of the ADA Anesthesia Committee to develop the current guidelines to include the teaching guidelines. Dr Champaine brings his expertise in this area. Dr Miller stated the Board could vet other candidates. In addition, Mrs. Wark asked if Dr Champaine was currently practicing. Dr Miller stated no he believes Dr Champaine is on a permanent disability and his not a practicing dentist at this time and deferred the question to Ms. Kelly for more information. Ms. Kelly stated Dr Miller is correct.

Dr Blasco asked if Dr Champaine was licensed in Nevada. Dr Miller stated No, Dr Champaine does not hold a license to practice dentistry in the State of Nevada. Dr Miller thought Dr Champaine would be able to assist in the work group to participate in the development of possible changes to the Board's regulation pertaining to anesthesia. Dr Blasco commented that Dr Champaine has quite the CV. Dr Blasco further stated he believed there many talented Nevada licensed dentist who may be just as skilled as Dr Champaine who are licensed in Nevada to assist the Board in the same capacity in protecting the citizen of the State of Nevada. Dr Blasco believes the Board should also seek candidates within our State. Dr Miller states the Board already has licensees who assist the Board in the State of Nevada in this area, such as Dr Twesme and Dr Saxe. Dr Miller thinks bringing a different perspective to the Board to give the Board insight. Dr Soltani commented the current DSO's in their work with investigations and Dr Soltani would like to see workshops before bringing matters before the Board as to whether to accept or reject the matter. Dr Miller stated Dr Champaine's scope will not be as a DSO he will not be investigating matters. This is for the permitting process only. Mr. Hunt asked if Dr Champaine was on the call. Mr. Hunt addressed the language in the posting of the item on the agenda and feels that may be causing some confusion since the notice indicates the Board is approving Dr Champaine as a "special investigator". Mr. Hunt

believes the use of the word "special investigator" gives a special tone. Ms. Villigan asked if Dr Shampaine was going to be working with the DSO's on current investigations. Dr Miller stated no, he may be utilized to obtain information through the DSO's but he would not be investigating matters for the Board. The cost outlined would be about 40 hours for a cost projection of \$1500.00 to \$2500.00. Ms. Kelly indicated Dr Shampaine did not seek this out. Ms. Kelly stated Dr Shampaine would come back to the Board if he exceeds the \$2500.00. DR. Miller would like to see another person's perspective a national perspective. Dr Pinther states Dr Shampaine is only going to provide an opinion (recommendation) and submit a report. Dr Miller said Dr Pinther is correct. Dr Blasco asked Dr Miller if it is his opinion that there is no Nevada licensed who have the expertise. Dr Miller stated Nevada does have licensees but is looking for an outside perspective. Dr Kinard stated he has concerns regarding an open ended contract. Dr Kinard requests the Board seek to have Mr. Hunt draft up the contract between the Board and Dr Shampaine to address his duties and cost.

Motion: Dr Kinard made this as his motion. Dr Kinard motioned to have Mr. Hunt draft up the contract to outline the terms to include duties and cost to the Board that is acceptable to both parties the motion was seconded by Dr Sill. Dr Soltani asked if the Board could approve Dr Shampaine pending the contract. Mrs. Wark commented she would like to see some candidates from Nevada as well being considered for this contractual position. Further, Mrs. Wark stated she did not understand the urgency. Dr Miller stated he has some urgency due to the previous stipulation with regards to an anesthetic death. Dr Miller stated there is an urgency to protect the public. Dr Miller thinks the Board needs creditability at a national level to protect patient safety. Dr Blasco agrees with what other Board Members stated the Board should know what the contract should say. Dr Blasco called for the question. All in favor to end discussion say I. Motion Passes.

Dr Saxe commended he agrees with Dr Miller the Board needs to have an outside evaluation of the practices in the State of Nevada. Dr Saxe believes the Board is getting a wealth of knowledge from Dr Shampaine. Dr Saxe feels this is a smart approach by the Board to get the academia from Dr Shampaine. Dr Miller asked Dr Kinard to reiterate the Motion. Dr Blasco clarifies of Dr Shampaine's course of scope and the cost. Dr Miller request the Board not be too restrictive. Ms. Villigan asked for clarification as to whether the contract would be drafted before or after the approval of Dr Shampaine. The contract would be drafted before the approval of Dr Shampaine. All in favor say I. Motion Passes. Dr Miller request Dr Kinard assists Mr. Hunt with the contract. Mr. Hunt stated he could draft the contract within four days. Mr. Hunt asked for Point of Order anything discussed or rendered into a document have to be amenable to Dr Shampaine. Mr. Hunt requested Dr Shampaine receive a copy of the memo. All in favor say I. Motion Passed.

5. Public Comment: No comment

## 6. Announcements:

Mrs. Wark reminded the Board of a few tabled items and wants these items addressed on the November 30<sup>th</sup> meeting. Mrs. Wark requests the budget and financials be noticed. She

asked if she obtains information from Kathleen or the Board's Accountant. Ms. Kelly stated to put the request to Ms. Kelly and if she is unable to provide the information the Accountant will provide information. Also, Mrs. Wark requested the Legal and Disciplinary Committee's recommendations be placed on the November 30<sup>th</sup> agenda as well. Lastly, she requests the recommendations of the Consultant the Board hired to review the duty assignments of employees for the Board. Mrs. Wark would like to see these matters resolved before the New Year.

\*7. Adjournment: Motion: Dr Pinther Seconded by Mrs. Wark

Respectfully Submitted

A handwritten signature in cursive script, appearing to read "Debra Shaffer", written over a horizontal line.

Debra Shaffer, Interim Executive Director