

**NSBDE  
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**11/01/2012**

**6:00 pm**

**Board Meeting**

# Nevada State Board of Dental Examiners

Jade A. Miller, D.D.S.  
*President*



J. Stephen Sill, D.M.D.  
*Secretary-Treasurer*

6010 S. Rainbow Blvd., Bldg. A, Ste. 1 • Las Vegas, NV 89118 • (702) 486-7044 • (800) DDS-EXAM • Fax (702) 486-7046

## MEMORANDUM

TO: NSBDE Board Members

FROM: Kathleen Kelly, Executive Director

DATE: October 29, 2012

RE: Consideration of Appointment of an Independent Evaluator of Recent Investigations of Cases Involving Anesthesia Deaths in Nevada and Related Review of Regulations Pertaining to Use of Sedation/Anesthesia in Dental Offices

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In the last approximately 14 months, the board office has received information and notice concerning injury, hospitalization, or even death occurring during dental treatment and involving use of sedation/general anesthesia. In light of the severity of these occurrences and the investigation process of the board currently, I brought the matter to Dr. Miller's attention and he concurred that board members should consider appointing an independent, qualified evaluator to review, assess, and evaluate our investigatory processes and regulation application to these cases involving the administration of sedation and/or general anesthesia. The board is currently aware through settlement of one such case and will consider the need by the board to thoroughly review all cases and the process of investigation related to cases involving injury or death with board statutes and regulations. Dr. Miller has also requested a comprehensive review of the sedation/general anesthesia permit process.

In consultation with Dr. Miller about a reviewer, I approached Dr. Guy Champaine, about whether he would be available and willing to conduct this review and evaluation and provide the board any recommendations resulting from his independent review. This consideration was placed before the board on October 12, 2012. Following a limited discussion of the purpose for this request, board members asked about the cost of Dr. Champaine's fees to conduct a review and evaluation of cases involving anesthesia administration and provide any necessary recommendations for improvement or regulatory consideration. Having discussed more of the details about what was being sought from Dr. Champaine concerning the board's request for cost information, he has indicated he would be available to provide a review and evaluation as described or he is willing to provide names of others qualified to provide this kind of review. As noted in Dr. Champaine's curriculum vitae (see attached) he has the breadth, experience, and credentials as a qualified evaluator for the kind of assistance we are seeking. He has indicated that initially, he feels a review of the existing cases, records, and interview with our investigators would take approximately 40 hours and would be

about \$1500 but not more than \$2500. He does qualify that should his review and evaluation take longer than this, he will advise the board as costs approach the ceiling of \$2500.

Guy S. Shampaine, DDS

**CURRICULUM VITAE**

I. Personal Data

Date of Birth: March 2, 1952

Place of Birth: St. Louis, Missouri

Address: 2795 SE 14d' St., Pompano Beach, FL 33062  
209 Burgundy Lane., Annapolis, MD. 21401

Ph: 954-531-0130

Ph: 410-571-0757

II. Education

Degree	Institution	Date of Degree	Major	Minor
B.A.	Northwestern University Evanston, IL	1974	Psychology	Biology
D.D.S.	University of Missouri- Kansas City, Mo.	1978	D.D.S.	

Specialty Residency	Institution	Academic Rank	Specialty
	Washington Hospital Center Washington, DC 1978-1981	Chief Resident	Dept. of Oral & Maxillofacial Surgery
	Armed Forces Institute of Oral Pathology	Fellowship	

III. Board Certified

Diplomat of the American Board of Oral and Maxillofacial Surgery, 1986

IV. Private Practice

Oral and Maxillofacial Surgery

July 1981 through Sept. 1999

Consultant

Shampaine Consulting, LLC: Medical-Legal Consulting

Maryland State Board of Dental Examiners: Consultant Dental Compliance Officer. 7-00 to 12-00

Interim Executive Director, Maryland State Board of Dental Examiners  
9-05 -12-05

Guy S. Shampaine, DDS

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9-05 -12-05

V. Publications, Lectures, and Teaching Appointments

- May, 1980      *Aspiration Pneumonitis, A Review of the Literature.* Henry Kerr Essay
- Dec, 1981      Orthognathic and Maxillofacial Reconstruction- Academy of General Dentistry, Annapolis, Md.
- May, 1982      Adult Reconstruction Surgery- Southern Maryland Dental Society
- Nov, 1982      Maxillofacial Surgery- Maryland Society of Operating Room Nurses
- Oct, 1983      Temperomandibular Joint Surgery - Southern Maryland Dental Society
- Nov, 1983      Pre-Prosthetic Surgery and Implants - Bowie Crofton Dental Study Club
- May, 1985      Emergency Medical Procedures- Bowie Crofton Dental Study Club  
Maxillofacial Surgery
- June, 1985      Orthognathic Surgery- Maryland DC Association of Recovery Room Nurses at Doctors' Community Hospital, Lanham, MD
- Sept, 1985      Implantology- Columbia Study Clubs
- Nov, 1995      Lasers in Oral and Maxillofacial Surgery- Bowie Crofton Dental Study Club
- Mar, 1997      Infection Control and CDC Universal Precautions with Louis DiPaula, - Maryland State Board of Dental Examiners' Investigative Unit
- July, 1999      Treatment of Patients with Medical Conditions and Complications, Patient Assessment and Preventive Measures for Medical Emergencies in the Dental Office. Dental Clinics of North America, July 1999
- Sept, 1998 -      Medical Emergencies in the Dental Office, Prevention, Assessment, and  
Sept, 1999      Treatment. - Risk Management Lectures for Med-Mutual Ins. Co.
- Mar, 2000      CDC Inspection Guidelines Booklet for State Board Investigators
- Aug, 2000      CDC Inspection Training for Board Investigators
- Oct, 2003      The Role of Regulators in the Delivery of General Anesthesia and Sedation USP, NIDCR, ADSA Workshop October 2003
- Mar, 2004      Evidence-Based Expert Testimony, AADE Mid Year 2004
- May, 2004      Regulatory Constructs In Anesthesia, ASDA Annual Meeting 2004
- Mar, 2005      Balancing Efficacy and Safety for the use of Oral Sedation in Dental Outpatients, Ray Dionne, et al, JADA 2006; 137: 514-522

Teaching Appointments

- Jan, 1985      Instructor at Prince George's Community College in Treatment of Facial Trauma for EMT Students
- April 1985      Instructor for the American Heart Association in Cardiopulmonary Resuscitation

Teaching Appointments (cont)

Aug. 1981 - 92      Washington Hospital Center Oral & Maxillofacial Surgery Teaching Staff

VI. Professional Societies and Associations

Diplomat of the American Board of Oral and Maxillofacial Surgery

Fellow of the American Association of Oral & Maxillofacial Surgeons

Member American Dental Association

Fellow of the American College of Dentists

Fellow of the International College of Dentists

Fellow of the Pierre Fauchard Dental Society

Member Maryland State Dental Association

The Southern Maryland Dental Association

The Middle Atlantic Society of Oral Maxillofacial Surgeons

The Greater Washington Society of Oral and Maxillofacial Surgeons

The Maryland Society of Oral and Maxillofacial Surgeons

Bowie Crofton Dental Study Group-Emeritus

Member American Association of Dental Examiners

Member Northeast Regional Board of Dental Examiners

Member Maryland State Board of Dental Examiners July 1993 to March 2000

VII. Professional Licenses

Maryland, #7529 - Missouri, #12935 Washington, DC, #3855 - Iowa, #6518 - Virginia,  
#008532 (all inactive except Maryland)

VIII. Hospital Affiliations:(All appointments resigned Sept. 1999 due  
to permanent hand disability)

Washington Hospital Center, Attending and Teaching Staff Department of Oral and  
Maxillofacial Surgery

Children's National Hospital Center

Doctors Community Hospital of Prince George's County

Bowie Health Center

VIII. Hospital Affiliations (cont.)

Center for Ambulatory Surgery, Washington, DC

Sibley Hospital, Washington, DC

Prince Georges Hospital Center, Cheverly, Md.

IX. Honors

Fellow of the American College of Dentists

Fellow of the Pierre Fauchard Honorary Dental Society

Fellow of the International College of Dentists

X. Offices Held and Committee Membership

- 1 Chairman of Division of Oral and Maxillofacial Surgery Doctor's Community Hospital, 07-01-88 - 06-30-99
- 2 President of the Maryland State Board of Dental Examiners, 1995-1996
- 3 Chairman of Council of Boards and Commissions of the State of Maryland, 9-96 to 10-98
- 4 Secretary-Treasurer of the Maryland State Board of Dental Examiners 10-97 to 10-98
- 5 Member Maryland State Board of Dental Examiners July 1993 to Feb. 1999
- 6 Liaison to the Maryland State Board of Dental Examiners from the Maryland State Dental Association, Sept. 1987 - June 1993.
- 7 Liaison to Maryland State Board of Dental Examiners from the Maryland Society of Oral and Maxillofacial Surgeons, 1990 - June 1993.
- 8 President Southern Maryland Dental Society, 1991 - 1992



X. Offices Held (cont.)

- 9 Member Ethics Council - Southern Maryland Dental Society
- 10 Member Southern Maryland Dental Society Peer Review Committee, 1983 - 1990
- 11 Chairman Ethics Committee of the Maryland Society of Oral and Maxillofacial Surgeons, 1989, 1990
- 12 Member and Provider for Maryland Foundation for Dentistry for Handicapped, 1990, 1991, 1992, 1993, 1994, 1995
- 13 American Association of Oral and Maxillofacial Surgeons Maryland Representative to Council on Health Care Reform, 1992
- 14 American Association of Oral and Maxillofacial Surgeons Maryland Representative to Medicare from Maryland to Council on Health Care Reform, 1993
- 15 American Association of Oral and Maxillofacial Surgeons Representative to the National Coalition on Oral Health Care, 1993
- 16 Member American Association of Oral and Maxillofacial Surgeons (AAOMS) Medicare Advisement Committee, 1994, 1995
- 17 Member American Association of Oral and Maxillofacial Surgeons Council of Physicians Reimbursement, 1995-2000
- 18 Maryland State Dental Association, Legislative Committee, 1983-1991; 2000 to present
- 19 Southern Maryland Dental Society, Legislative Chair, 1983-1994
- 20 Insurance Reviewer for American Postal Workers Union 1985-1986
- 21 Southern Maryland Dental Society, Secretary, 1988-1989
- 22 Southern Maryland Dental Society, Treasurer, 1989-1990

X. Offices Held (cont.)

- 23 Southern Maryland Dental Society, Vice-President, 1990-1991
- 24 Judge - Student Clinician Table Clinic, 1997 American Dental Association Annual Session
- 25 Member, Governors Committee to Implement the Recommendations of the Task Force on Health Professional-Client Sexual Exploitation, 12-1997 to 5-98
- 26 Maryland State Board of Dental Examiners, Legislative Chairman, 1998
- 27 Maryland State Board of Dental Examiners, Anesthesia Committee and Evaluators Chair 1993-99
- 28 Northeast Regional Board Examiner, (NERB), 1993 to present
- 29 Chairman of American Association of Oral and Maxillofacial Surgeons, Committee on RBRVS policy 1999-2000
- 30 Chief Examiner of Northeast Regional Board, (NERB) May 2000 to present
- 31 Member NERB Development Committee 2000 to present
- 32 Member NERB Public Advocacy Committee presently
- 33 Member NERB Long Range Planning Committee 2002
- 34 Member American Dental Association Council on Dental Education and Licensure, October 2003 - October 2007
- 35 Member American Association of Dental Examiners Committee on Access to Care
- 36 Moderator American Association of Dental Examiners 2003 Annual Scientific Session on *Enteral Sedation*
- 37 Member-at-large NERB Executive Committee 2003,2004, 2005
- 38 Member NERB Emergency Protocol Committee
- 39 Member Consultant NERB Credentials Committee
- 40 Member AADE Database Committee
- 41 Chair AADE Non-Dues Revenue Committee

## X, Offices Held

- 42 Chair AADE Database Committee
- 43 Chair American Board of Dental Examiners, Inc. (ADEX) Structure, Organization, and Implementation Committee
- 44 Chair ADEX Communications Committee
- 45 Member, ADEX Content Committee
- 46 Member, American Board of Dental Examiners Board of Directors
- 47 Chairman, Committee H Anesthesia Subcommittee ADA's Council on Dental Education and Licensure 2005-2007
- 48 Maryland Representative to ADEX House of Representative 2005/6
- 49 Chair, AADE Sexual Boundaries Guideline Committee

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- 50 Chair, AADE 5 Year Strategic Plan Review Committee
- 51 Vice President, American Board of Dental Examiner's, Inc. (ADEX)
- 52 Member, ADEX Examination Committee
- 53 Chair, ADEX Examination Sub-Committee on Clinic Floor Examiners
- 54 AADE Citizen of the Year Recipient 2007
- 55 Vice-Chairman, North East Regional Board of Dental Examiners, Inc.
- 56 ADA Special Committee on Ethics in Dental Education, Consultant
- 57 AADE Committee on Pharmacology Guidelines, Member
- 58 ACD Maryland Chapter Chair 2008-9
- 59 ACD Professional Ethics Initiative, Member
- 60 AADB Committee on Medical Records Guidelines
- 61 ADEX, President 2010
- 62 Chairman, North East Regional Board of Dental Examiners, 2011 to present
- 63 AADE Representative to FDA RAMS Opiate Task Force, 2011
- 64 ADA Spokesperson on Anesthesia and Sedation, 2010 to present
- 65 ADA Anesthesia Emergency Course RFP Committee, Member 2010

- 66 AADB Guideline on Ethics Committee, member
- 67 ADEX Quality Assurance Committee, 2010 to present
- 68 ADEX Examination Committee, 2005 to present
- 69 ADEX District 7 Board of Directors, 2006 to present
- 70 CHAIR AADB ASP Program
- 71 Chairman-Elect Joint Commission on National Board Examinations

To Whom It May Concern:

My name is Dr. X. I am writing this letter to request for a re-evaluation for the conscious sedation permit. I have completed 2 weeks of Anesthesiology rotation during my GPR residency at Tufts. In addition, earlier this year I have completed 4 weeks of conscious sedation course that is approved by the California Dental Board. I had some unusual situation where I failed to locate the vein during the evaluation.

Please consider my application and give me one more chance for a re-evaluation.

Thanks for your consideration,



**PAID**  
241/250-

# Nevada State Board of Dental Examiners

Jade A. Miller, D.D.S.  
President



J. Stephen Sill, D.M.D.  
Secretary-Treasurer

6010 S. Rainbow Blvd., Bldg. A, Ste. 1 • Las Vegas, NV 89118 • (702) 486-7044 • (800) DDS-EXAM • Fax (702) 486-7046

October 12, 2012

Re: Evaluation and Inspection

Dear Dr.

Pursuant to NAC 631.2219, your conscious sedation evaluation was conducted by appointed members of the Anesthesia Evaluation Committee of the Nevada State Board of Dental Examiners at your office located at \_\_\_\_\_ on September 28, 2012. The Board has been notified that the site passed inspection.

The Board has also been notified that you **did not** successfully pass the required demonstration during evaluation for conscious sedation administration. As such, pursuant to NAC 631.2235, which states:

1. A dentist whose office the Board determines has failed the inspection or evaluation is not entitled to have a general anesthesia permit or conscious sedation permit issued or renewed.
2. A dentist who has received a notice of failure from the Board may, within 15 days after receiving the notice, request the Board in writing for a reevaluation. The request for a reevaluation must state specific grounds supporting it.
3. If the reevaluation is granted by the Board, it will be conducted by different persons in the manner set forth by NAC 631.2219 to 631.2233, inclusive, for an original evaluation.
4. No dentist who has received a notice of failing an inspection or evaluation from the Board may request more than one re-evaluation within any period of 12 months.

The evaluators have noted the following deficiencies which resulted in recommendations of failure.

- Failed to demonstrate IV competency - Evaluation could not proceed in the interest of patient safety.

RE

Date: October 12, 2012

Page: 2

You may not administer any conscious sedation anesthesia (oral or intravenous) at your office or any other office permitted in Nevada until such time that the Board notifies you that you have successfully passed an administration skills evaluation. If you are requesting a re-evaluation, please submit your request in writing stating the specific grounds supporting re-evaluation along with the appropriate fee of \$250.

In addition, the Board has recommended that you may benefit from completion of additional remedial instruction in intravenous access technique.

Should you have questions regarding this matter, please contact me at (702) 486-7044.

Sincerely,

  
Kathleen J. Kelly  
Executive Director

kjk/SS

cc: Lee A Drizin, Esq. Special Board Counsel  
File of