

NEVADA STATE BOARD
of
DENTAL EXAMINERS

BOARD MEETING

APRIL 6, 2012

10:00 a.m.

PUBLIC COPY

56 Ms. Shaffer explained and clarified the meaning of certain complaints. Dr. Hellwinkel indicated that there is
57 approximately one complaint that gets verified a day. She added that Board staff was currently working on a
58 Disciplinary Screening Officer (DSO) manual.

59
60 Ms. Shaffer commented to the Board that the Medical Board sends their investigators to an entity to train, and
61 suggested perhaps looking into some training for the DSO's. Dr. Hellwinkel indicated that the committee was
62 interested in pursuing more information and returning with information to discuss. Mr. Hunt indicated that they
63 could send a DSO to a course/entity for training, and upon their return, have them train the other DSO's. Ms. Shaffer
64 suggested perhaps dividing them into groups to be trained in different areas. For example, having some trained in
65 Medicaid fraud, others in infection control, and prescription fraud, etc. Ms. Kelly suggested maybe looking into
66 having an instructor come teach the DSO's and have them gathered for a meeting. Mr. Drizin indicated that he could
67 speak with the DSO's regarding dental practice management. They discussed the different methods they could
68 provide training and the different areas that would be beneficial for DSO's to be educated in so that they may be able
69 identify potential issues that they would otherwise not be familiar without some background information. Mr. Hunt
70 clarified for the Board members that the DSO's do not have any authority; they can only make recommendations to
71 the Board and the Board decides to accept the recommendations, revise/alter them, or reject them. It was agreed to
72 look into more information on training classes and discuss the topic further at a later time.

73
74 **b. Report regarding number of DSO's and monitoring process – Rick Thiriot, DDS**

75
76 Ms. Shaffer indicated that there are 28 DSO's currently. Dr. Hellwinkel inquired if that was a sufficient amount of
77 DSO's. Ms. Shaffer indicated that she could always use more general DSO's to handle the number of investigations
78 and complaints; she added, that a licensee may always inquire on the qualifications to become a DSO or they can be
79 recommended. Mr. Hunt indicated that a lot of the DSO's are community-minded and conduct the investigations at a
80 fraction of the cost, or that some DSO's do not bill the Board for their services. He suggested perhaps reaching out
81 to the NDA and NDHA to seek community-minded dentists and dental hygienists. Dr. Hellwinkel inquired on the
82 number of monitoring dentists the Board has. Ms. Kelly indicated that Dr. Rick Thiriot monitors, Dr. Donna
83 Hellwinkel, Dr. Sam Pick, and Dr. Michael Lloyd, who will no longer be available regularly to monitor after the New
84 Year.

85
86 **c. Report regarding recent changes in complaint process (letters of concern, non-discipline
87 stipulations) – Kathleen Kelly**

88
89 **d. Legal Counsel Report from: Hunt and/or Drizin**

90
91 **e. Discussion of the complaint/authorized investigation/discipline process in general as
92 initiated through NAC 631.240, NAC 631.250, NRS 631.190**

93
94 Ms. Kelly indicated that there is currently a part-time investigator for the Board, located in Northern Nevada, and
95 briefly described his experience and background. She explained the current issues with the Private Investigators
96 Board and the background companies that the Board works with for licensure. She indicated that he has helped Ms.
97 Shaffer and herself with the workload of retrieving background information on applicants and with investigations for
98 complaints.

99 Mr. Hunt indicated that the Board's job is to be remedial in nature; however, the slightest reprimand can
100 become quite an issue for a licensee with their provider contracts, privileges, and similar things. Mr. Hunt initially
101 did an evaluation to determine what would have to be reported to the National Practitioners Data Bank (NPDB). The
102 NPDB says reports have to be made of: fines, restrictions of practice, suspension, revocation, and probation. He
103 indicated that for licensees who have committed their first offenses and have cooperated with the Board to be
104 remediated, they enter into a corrective action stipulation; which the licensee is monitored versus being placed on
105 probation, they are usually not fined and reimburse the patient the cost of the treatment. In addition, they may be
106 required to take supplemental education. He commented that such requirements were tested with the NPDB and they
107 contacted Ms. Shaffer to verify that the Board was reporting all disciplinary action, which Ms. Shaffer explained the
108 "corrective action" (as termed by the NPDB) stipulation, which is still public record but is not reported to the NPDB;
109 therefore, sometimes help the licensee be able to maintain their provider contracts. Mr. Hunt went on to discuss the
110 remanded complaints. He indicated that usually in a remand the licensee, in good faith, chooses to reimburse the

111 patient, and is told that should the Board receive any future complaints, the Board may reconsider the complaint that
112 was remanded. He added that remands, however, are not public record. Mr. Hunt indicated that it was brought up
113 for discussion on whether or not the body of the remand letter should list any areas of concern. He commented that
114 they tested this option, where areas of concern were listed, which only caused the patient to be upset and question
115 why the Board would remand the case if there were areas of concern. Reminded the Board that in the complaint
116 process any information submitted to the Board by the complainant and/or the licensee gets distributed to the
117 licensee, the complainant, the Board, and attorneys. After Mr. Drizin, Ms. Shaffer, and he discussed this issues it
118 was decided that in the final remand, the DSO will provide a memo indicating that based upon the limited
119 investigation mention their areas of concerns. Should there be any future complaints regarding the same licensee,
120 past areas of concern will be in the licensee's file.

121 Mr. Drizin added that the intention was to incorporate this discussion in the DSO manual and at calibration
122 speak with the DSO's about the different types of remands, when it's appropriate and when it is not. Ms. Kelly
123 commented about letters of concern, in relation to a remand, that there are other states that do issue letters of concern,
124 letters of warning, and letters of admonishment to licensees when there has essentially been a violation but there is an
125 intent to give the licensee an ability to correct their mistake that they made. If the DSO's want to put in a memo to
126 memorialize what the concern was versus putting it in an actual letter that is going to back to the licensee and to the
127 complainant it would like raise questions. She said that in some cases there needs to be remediation, as people can
128 make mistakes. She indicated that her point is that if there is intention by the licensee to make amends and correct
129 the problem and to go forward from there not making the mistake again, good; when there is a patient involved who
130 was possibly harmed, work was done poorly, or has created other complications, and if compensation considered for
131 the patient --- reimbursement--then that's one of the powers of the Board. Ms. Kelly commented further that the
132 DSO manual would be more like a procedures manual. Ms. Shaffer suggested that, perhaps, the committee under the
133 disciplinary powers may want to add a letter of concern. She commented that she sent a copy of letters from North
134 Carolina where one dentist entered into a stipulation agreement and another was issued a letter of concern, which the
135 letter of concern is considered a public document, which she downloaded from their website. She indicated that her
136 concern was whether or not the remand letter with concern is in a sense a private reprimand. Ms. Kelly indicated that
137 in North Carolina the letters of concern may be public, but the letters of concern, for example by the Medical Board,
138 are not public; reason being, that there was not substantial evidence to completely prove wrong doing but that there
139 was evidence that leads one to believe that there may be wrong doing and, therefore, notice the licensee with a
140 warning of the investigator's concerns. Mr. Hunt commented that the idea of having more information in the file
141 would be beneficial should there be any filings in the future, and for the remand letter, where appropriate, does work.
142 Dr. Hellwinkel indicated to proceed with the remand letters and to include areas of concern in the form of a memo,
143 which this information is to be added to the DSO manual. Mr. Hunt added that the memo will be attached the file
144 when returned to Ms. Shaffer after completion of an investigation. Ms. Kelly commented that this information that is
145 to be provided is to make sure that the DSO's are well aware of what the process is, of the continuity of all the tools,
146 how they are used, under what circumstances, and the same applies with their investigations; such as, how to
147 proceed, when and when not to expand the scope. Mr. Hunt advised to be sure that there are clear guidelines and
148 procedures and flexibility in the information provided so that it cannot be interpreted in a way that can be demeaning
149 and used against them.

150
151 Mr. Drizin indicated that there were now some revisions to the Nevada Revised Statutes and that there was also a new
152 regulation regarding dental practice management. He commented that Ms. Kelly created a registration form for
153 practice management companies, and that the form also required for the management companies to submit copies of
154 their practice management contracts. He indicated that there have been some issues with management companies not
155 cooperating and providing the required the documentation. He added that should a company refuse to provide the
156 Board with the required documentation, the Board now had the authority to go to the Secretary of State and request
157 that their licenses be suspended.

158 Dr. Hellwinkel asked that another committee meeting be scheduled, which Ms. Kelly indicated that it would
159 be best to schedule for sometime after the beginning of the year. Dr. Hellwinkel concurred and stated that a
160 committee meeting is to be scheduled around the first Board meeting of the year.

161
162 ***4. Possible recommendations to the Board based on Committee's review** (Public comment prior to any
163 action taken is limited to 5 minutes for each person/entity/organization represented to make comment)

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165 No recommendations to be made.

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***5. Comments from the Public** (Public comment prior to any action taken is limited to 5 minutes for each person/entity/organization represented to make comment)

Dr. Talley requested that he, please, be provided with more information on the qualifications and application information to apply to be a DSO; as well as, a job description. Ms. Chandler inquired on the complaints received by the Board and of the names of the persons complained against. Mr. Hunt indicated that only stipulation agreements, also known as Board actions, are public record; and that complaints are not public record.

6. Announcements : No announcements.

***7. Adjournment:** Dr. Soltani made the motion to adjourn. Second by Dr. Kinard. No public comment. All in favor.

Meeting Adjourned at 10:15 am.

Respectfully submitted by:

Kathleen J. Kelly

1 NEVADA STATE BOARD OF DENTAL EXAMINERS
2 6010 S. Rainbow Boulevard, Suite A-1
3 Las Vegas, Nevada 89118
4 Friday, October 21, 2011 at 10:33 am

5
6 Board Meeting
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8 Videoconferencing was available at the Board office, 6010 S Rainbow Boulevard, Suite A-1, in Las Vegas and
9 at the Nevada State Board of Medical Examiners, 1105 Terminal Way, Suite 301, Reno, Nevada 89502.

10
11 DRAFT MINUTES
12

13 Call to Order
14

15 1. Roll call and Establish a Quorum:
16

17 Dr. Pappas called the meeting to order and Ms. Kelly conducted the following roll call:
18

- 19 Dr. William Pappas -----PRESENT
- 20 Dr. M Masih Soltani-----PRESENT
- 21 Dr. Donna Hellwinkel-----PRESENT
- 22 Dr. J Gordon Kinard-----PRESENT
- 23 Dr. Timothy Pinther-----PRESENT
- 24 Dr. Jade Miller-----PRESENT
- 25 Dr. J. Stephen Sill-----EXCUSED
- 26 Mrs. Rosanne "Missy" Matthews-----PRESENT
- 27 Mrs. Leslea Villigan-----PRESENT
- 28 Mr. James "Tuko" McKernan-----PRESENT
- 29 Mrs. Lisa Wark-----EXCUSED

30
31 Others Present: John Hunt, Board Legal Counsel; Kathleen Kelly, Executive Director; Debra Shaffer, Deputy
32 Executive Director.
33

34 Public Attendees: L. Annette Lincicome, Huntridge Teen Clinic; Stephanie Redwine, Future Smiles; Terri Chandler,
35 Future Smiles; Chris Garvey; Heather Rogers, NDHA; Michelle Fasbinder, Dental Hygiene Student; Mary Bobbett,
36 RDH; Lancette VanGuilder, RDH, NDHA; Robert Talley, DDS, NDA; Shannon Wittenberger, Counsel for Dr.
37 Leonid Banchik; Joseph Mir, DDS.
38

39 All present voluntarily stood for the Pledge of Allegiance.
40

41 Ms. Kelly noted to the public that for anyone who makes comments in regards to the Notice of Workshop, in addition
42 to signing in with their name and affiliation, please include their telephone number, because public comments are
43 reported to the Legislative Commission and they would like to be able to contact them regarding their comments, if
44 any questions.
45

46 *2. Notice Of Workshop And Request For Comments For The Nevada State Board of Dental
47 Examiners For Proposed Permanent Regulations of Temporary Regulations of the Nevada
48 State Board of Dental Examiner (Public comment prior to any action taken is limited to 5 minutes for each
49 person/entity/organization represented to make comment)
50

- 51 *(a) NAC 631.150 Filing of addresses of licensee; notice of change; display of license and
52 permits(s). (NRS 631.190, 631.350)
- 53 *(b) NAC 631.029 Schedule of Fees (NRS 631.190, 631.345) as it applies to ADEX and ADHLEX.
- 54 *(c) NAC 631.210 Dental Hygienists: Authorization to perform certain services; referral of patient
55 to authorizing dentist for certain purposes . (NAC 631.190, 631.310, 631.313, 631.317)

56
57 Ms. Kelly read LCB document R066-11 regarding temporary regulations currently in place. (Attached for the record)
58 Ms. Kelly briefly went over the changes and amendments. She asked that if the Board was intending to adopt the
59 temporary regulations permanently that they move forward to post for adoption.
60

61 MOTION: Dr. Miller made the motion to adopt the temporary regulations permanently and move forward to post the
62 Notice of Workshop for permanent adoption. Second by Dr. Pinther. Discussion: Dr. Pappas accessed the LCB
63 website and read the regulation regarding healthcare facilities. Ms. Kelly clarified that it related to NAC 631.210(7).
64 Ms. Rogers asked that in light of the economy, she requested that the fee for the ADEX Dental exam not be raised, as
65 it creates a hardship for the students. Dr. Pappas indicated that the fees reflect what is nationally being charged
66 across the nation. Ms. Kelly noted to Ms. Rogers, that the fee in the temporary regulation is the same amount that
67 students paid for the most recent exam given; the temporary regulation in question is simply amending the obsolete
68 regulation to reflect the current fee. No objections were voiced by parties, in fact support was offered, to AB55 to
69 raise these fees. All in favor.
70

71 **3. Public Comment: For Agenda Items 7c-o public comment will be taken at this time and each**
72 **person/entity/organization represented will be allotted 5 minutes to make comment.**
73

74 No public comment.
75

76 ***4. Executive Director's Report:** (Public comment prior to any action taken is limited to 5 minutes for each
77 person/entity/organization represented to make comment)
78

79 ***a. FY12 Budget Review and Approval**
80

81 Ms. Kelly went over the budget and balance sheet for the full year. She indicated that the figures were current
82 through September 30th, 2011. Dr. Miller commented that the categories were condensed, which could be broken
83 down into more categories. Ms. Kelly indicated that the categories shown are the categories for the budget, and that
84 the actual ledger of accounts is more detailed. Dr. Hellwinkel inquired if the more detailed ledgers could be available
85 at the request of a Board member. Ms. Kelly indicated board accounts and ledgers are available to a Board member
86 who desired to see them. She commented that, basically, all transaction information was functioning in the income
87 and expense categories. Dr. Hellwinkel explained that her reason for her previous comment was that in the past such
88 information was provided to them. Ms. Kelly responded affirmatively that there were previous occasions when a
89 general ledger statement was provided. Ms. Kelly indicated that the audit was currently in process for fiscal year
90 2011, and that the sunset audit will be done when asked by the legislature, which would be paid for by the Board.
91

92 MOTION: Dr. Miller made the motion to approve the budget for fiscal year 2012 as presented. Second by Dr.
93 Pinther. No public comment. All in favor.
94

95 ***b. Minutes: 12/10/10 Board Meeting**
96 **12/10/10 Closed Session**
97 **5/6/2011 Board Meeting**
98 **6/3/11 Anesthesia & IC Committee**
99 **6/3/11 Board Meeting**
100 **6/3/11 Closed Session**
101 **6/30/11 Teleconference Board Meeting (not provided) -----Tabled**
102 **7/15/11 Board Meeting (not provided) -----Tabled**
103 **7/15/11 Closed Session (not provided) -----Tabled**
104 **8/12/11 Anesthesia and Infection Control Committee (not provided) ----- Tabled**
105 **8/12/11 Board Meeting (not provided) -----Tabled**
106

107 Dr. Miller indicated that for the 12/10/10 Board meeting on page one the amount of \$150 should say \$600, the
108 difference for cost of the exam. He also added that for the 6/3/11 Anesthesia & IC Committee minutes on page one,
109 Hepatitis C Vaccination should be changed to Hepatitis B. It was noted that draft minutes for 6/30/11
110 Teleconference, 7/15/11 Board meeting, 7/15/11 Closed Session, 8/12/11 Anesthesia and Infection Control

111 Committee, and 8/12/11 Board meeting were not provided to the Board for review,
112

113 MOTION: Mrs. Villigan made the motion to table omitted draft minutes as stated above. Second by Dr. Miller. No
114 public comment. All in favor.
115

116 MOTION: Dr. Soltani made the motion to adopt 12/10/10 Board meeting, 12/10 Closed session, 5/6/11 Board
117 meeting, 6/3/11 Anesthesia & IC Committee meeting with revisions, 6/3/11 Board meeting, 6/3/11 Anesthesia & IC
118 Meeting with revisions, and 6/3/11 Closed session. Second by Mr. McKernan. No public comment. All in favor.
119

120

121 ***5. Board Counsel's Report**

122

123 ***a. Legal Actions/Lawsuit(s) Update** (Public comment prior to any action taken is limited to 5 minutes for
124 each person/entity/organization represented to make comment)
125

126 Mr. Hunt indicated that there were no current or pending lawsuits against the Board.
127

128 ***b. Consideration of Stipulation Agreement** (Public comment prior to any action taken is limited to 5
129 minutes for each person/entity/organization represented to make comment)
130

131 **(1) Leonid Banchik, DMD**

132

133 Mr. Hunt indicated that there were some issues, but resolved the issues the day prior. He indicated that Dr. Banchik
134 has had no prior Board actions and that the proposed stipulation agreement was more of a corrective action
135 stipulation. Mr. Hunt went over the reasons for the stipulation agreement and the provisions. He noted that Dr.
136 Banchik's counsel was present for any questions and that Dr. Banchik agreed to enter into the proposed stipulation
137 agreement.
138

139 MOTION: Dr. Miller made the motion to adopt the stipulation agreement. Second by Dr. Kinard. No public
140 comment. All in favor.
141

142 **(2) Jong Jin Kim, DDS**

143

144 Mr. Hunt indicated that the corrections in the proposed stipulation were identified and corrected; which, Dr. Kim
145 signed the revised proposed stipulation agreement. Dr. Pappas inquired on Dr. Kim's practice address. Mr. Hunt
146 replied that Dr. Kim was currently in Korea, but that the time was not tolled and Dr. Kim knows that there is a time
147 frame to abide by the stipulation agreement; and that failure to comply with the provisions will result in automatic
148 surrender of licensure. Ms. Shaffer, in response to Dr. Miller's inquiry, indicated that until the Board adopts the
149 stipulation agreement, Dr. Kim is not required to submit reimbursements to the Board.
150

151 MOTION: Dr. Hellwinkel made the motion to adopt the stipulation agreement. Second by Dr. Pinther. No public
152 comment. All in favor.
153

154 **(3) Nahid Mohammadi, DDS**

155

156 Mr. Hunt indicated that there were some corrections made and went over the stipulation agreement. Dr. Hellwinkel
157 inquired that this was Dr. Mohammadi's second stipulation agreement, but is considered to be a corrective action
158 stipulation? Mr. Hunt indicated that the first stipulation agreement entered into was not regarding a standard of care
159 issue. Mr. Hunt explained corrective action stipulation agreements are not considered disciplinary action and what
160 items are considered reportable to the National Practitioners Data Bank (NPDB).

161 He indicated that the NPDB requires that the Board report any disciplinary action that involves revocations,
162 suspensions, probation, restricted practice, and fines. Dr. Pappas indicated that the Board has to be cautious because
163 of the seriousness that leads to a stipulation. Meaning that before a licensee enters into a stipulation there is quite a
164 process which should not be taken lightly. Dr. Soltani inquired of Mr. Hunt to explain the meaning of NAC
165 631.231(c). Mr. Hunt indicated that the Board can charge someone with malpractice (NRS 631.3475), or with NAC

166 631.231 (c), which means that the licensee acknowledges wrong doing of care but not to a level that would be
167 considered malpractice; meaning that malpractice would be reported to the NPDB because it would be something
168 more egregious.

169 Dr. Hellwinkel indicated that the Board's purpose is to be more remedial rather than punitive, and believes
170 that the proposed stipulation agreement is in the direction of remediation. Dr. Pappas explained that his comments
171 were not to disregard the work the DSO's do in their investigations, but only wants to be sure that a stipulation
172 agreement is a Board action and is something that goes through a big process and takes something egregious, such as
173 someone committing willful acts, not just specifically to the stipulation in question but rather speaking generally;
174 and, therefore, wants to be sure that the Board is being fair to the public.

175
176 MOTION: Dr. Hellwinkel made the motion to adopt the stipulation agreement. Second by Dr. Pinther. No public
177 comment. All in favor.

178
179 *c. **Consideration of Amended Stipulation Agreement** (Public comment prior to any action taken is
180 limited to 5 minutes for each person/entity/organization represented to make comment)

181
182 (1) **Brian Nguyen, DMD**

183
184 Mr. Hunt went over the amendment to add monitoring specifications so that it is unambiguous of what the
185 monitoring entails. Mrs. Villigan inquired if the root planning logs were only to be for the ones done by Dr. Nguyen.
186 Ms. Shaffer indicated that a log is to be kept for all root planning done in the office.

187
188 MOTION: Dr. Kinard made the motion to adopt the amended stipulation agreement. Second by Mr. McKernan. No
189 public comment. All in favor.

190
191 *6. **Old Business** (Public comment prior to any action taken is limited to 5 minutes for each
192 person/entity/organization represented to make comment)

193
194 *a. **Request by Joseph Mir, DDS to amend his Stipulation Agreement Adopted**
195 **October 1, 2010 to grant additional time for completion of required**
196 **supplemental education.**

197
198 Dr. Mir was present and stepped forward. Mr. Hunt indicated that Dr. Mir petitioned to come before the Board for
199 additional time to complete his required continuing education (CE) in occlusion. Ms. Kelly commented that at the
200 present time, Dr. Mir completed 17 hours of CE's in occlusion and that another 15.5 hours in composite restoration.
201 Dr. Mir indicated to the Board that he has had a difficult time finding courses in prosthodontics and periodontal
202 diagnosis. Dr. Hellwinkel inquired of Dr. Mir if he attended the recent ADA meeting, which offered an abundance of
203 courses. Dr. Mir answered affirmatively and indicated that there were some courses that he was able to attend, other
204 course schedules conflicted with other courses he was taking. He also indicated that there were a couple of classes
205 that concluded after the allotted time for that class, which caused him to be late to some classes, and consequently,
206 was not allowed to enter the other courses because they had already commenced. Dr. Hellwinkel inquired on how
207 much additional time he would be requesting. Dr. Mir indicated that he was unsure since he cannot seem to
208 find any courses in the subjects he needs to complete. Dr. Mir answered affirmatively in response to Dr.
209 Hellwinkel's inquiry, that he plans to return to service and would like to complete the CE's before
210 returning because if and when he does return to service he would be serving for at least four years. Dr.
211 Pappas commented to Dr. Mir that he may not want to only limit himself to AGD providers. He added that
212 he needs to submit the course information to Ms. Kelly, who will review the course curriculum and notify
213 Dr. Mir if the course is acceptable for him to complete. Dr. Mir asked that the Board extend his due date to
214 December 15th. Dr. Kinard commented that he did not think December 15th was enough time for him to
215 complete the CE's and indicated that he'd be willing to grant him six months to complete his CE
216 requirement.

217
218 MOTION: Dr. Hellwinkel made the motion to grant Dr. Mir additional time to complete his CE
219 requirement, to April 30th, 2012 and that failure to complete all other terms as set forth in the stipulation are

220 to remain in full force and affect. Dr. Kinard made the second. Discussion: Dr. Kinard inquired of Mr.
221 Hunt if the extension would affect his stipulation. Ms. Kelly indicated that Dr. Mir still had tolling on his
222 monitoring. She explained that either the tolling time would finish or the extension date to complete his
223 CE's would finish first; additionally, should he leave for the military, again, before his tolling time was
224 complete, the time would be tolled again until his return. Ms. Kelly indicated that Dr. Mir has four months
225 left after tolling. Mr. Hunt inquired on Dr. Mir's return from active duty. Dr. Mir indicated that he returned
226 in June and began practicing in July. Ms. Kelly indicated that the Board received information when he
227 departed for active duty, but his official return date has yet to be confirmed, though she has contacted
228 several individuals. Dr. Mir indicated that he could provide proof of his return and can provide his in-
229 processing papers that indicate his return date. Mr. Hunt indicated that he believed it would be safe to grant
230 Dr. Mir until February 1, 2012 and asked Dr. Mir if he will be able to complete his CE's by that time and
231 that the terms of the stipulation agreement will remain in full force and affect, which Dr. Mir answered
232 affirmatively regarding the February due date but did not understand the tolling time. Ms. Kelly explained
233 the tolling time and how, if the Board agrees to grant the additional time, both his tolling and CE's would
234 have to be complete by February 1, 2012. The Board, in response to Dr. Mir's inquiry, indicated that if he
235 finished his CE's before February he would have completed his CE requirements but that monitoring would
236 continue until February 1st. Dr. Mir indicated that he was trying to return to active service in December and
237 plans to be away on active duty for at least four years. Mr. Hunt asked that if that was the reason why he
238 asked to extend his due date to December 15th, 2012. Mr. Hunt indicated to Dr. Mir that if he completed
239 his CE's by December 15th that the entire stipulation agreement will be considered fulfilled and he will
240 have completed the terms of the stipulation agreement. Mr. Hunt explained that if Dr. Mir were to leave
241 before that time, his time would be tolled again for however long he is away on active duty and upon his
242 return the stipulation agreement will continue to be carried out at that time.

243
244 Recess: 11:59 am

Return from Recess: 12:04 pm

245
246 Mr. Hunt indicated that based upon the motion, because the tolling time is set to expire on February 1,
247 2012, the matter currently brought before the Board is requesting for additional time to complete CEs. He
248 reminded the Board and Dr. Mir of a new provision employed that if a licensee does not complete the
249 tolling provision within a certain time frame, which usually is half the time of the probation, the licensee
250 would have another 12 months to complete the monitoring or the license is surrendered with discipline. Dr.
251 Mir replied that he understood this provision. Mr. Hunt indicated that if he were to complete his CE's by
252 the additional time, if granted, then the only part remaining would be the time tolled, however, failure to
253 complete the CE's by the time granted would result in an automatic surrender of licensure with discipline.

254
255 The AMENDED MOTION: Dr. Hellwinkel amended her motion to grant Dr. Mir until December 15, 2011
256 to complete his remaining CE hours while the terms of the stipulation agreement remain in full force and
257 affect. Dr. Kinard amended his second in concurrence with the amended motion. No public comment. All
258 in favor.

259
260 ***7. New Business**

261
262 ***a. Request for Advisory Opinion Pursuant to NAC 631.279** (Public comment prior
263 to any action taken is limited to 5 minutes for each person/entity/organization represented to
264 make comment)

265
266 **(1) Future Smiles - Terri Chandler – Program Manager, Request for**
267 **Consideration Requirements of NRS 631.3452**

268
269 Dr. Pappas commented that Dr. Sill and he had the opportunity to visit the new facility at one of the local high
270 schools. He asked Ms. Chandler to step forward. Ms. Chandler indicated that Future Smiles exists because it is a
271 demonstration project. She added that creating this non-profit organization allowed her to create the infrastructure

272 and the resources so that the dental hygienists could do the work, use equipment, and have the supplies to provide
273 services. She indicated that she does all the grant writing, which is the infrastructure that allows all the public health
274 endorsed dental hygienists to go out and see uninsured children. She commented that there are a lot of requirements
275 involved with the school district and went over some of them. She indicated that the school district has an umbrella
276 policy that Future Smiles must be covered with professional liability and all team members must be covered under it.
277 She indicated that if they were to incorporate a dental director pursuant to the Nevada Revised Statutes (NRS), it
278 would mean that the dental director would be in charge of the screenings, authorizations of services, records, and
279 rendering services. Ms. Redwine indicated that all they can do is provide oral health care services, per restrictions of
280 the MOU. Dr. Pappas clarified that it states that they would have to designate a dental director and the dental
281 director could designate a dental hygienist to do the screenings. Dr. Hellwinkel inquired if they were asking the
282 Board to make an exception for them not to have a dental director. Ms. Redwine answered affirmatively in regards
283 to being able to provide services. Mr. Hunt advised them that the dental director may be responsible but does not
284 have to physically do treatments and could delegate duties the public health endorsed hygienist can do. Ms. Redwine
285 briefly explained how Future Smiles helps children. When asked by Dr. Pappas on seeking out a dental director
286 amongst one of the many dentists they work with, Ms. Redwine indicated that the dental director would not be able
287 to do screenings because she could not afford to cover them under the professional liability and school district would
288 not allow the dentist to bring their own liability coverage. Dr. Pappas suggested that they reach out to one of the
289 dentist they work with and ask if they'd be willing to take on the roll of the dental director, who can delegate the
290 duties to the hygienist. Ms. Garvey of the Clark county school district commented that currently the school district
291 was reviewing all of the MOUs. Mr. Hunt commented that Future Smiles is under NRS 631.215(f); therefore, NRS
292 631.3452 applies to them. He added that the Board has indicated that so long as they have a dental director they can
293 be in compliance and indicated that the Board has given them a resolution to comply with everyone.
294

295 MOTION: Mr. McKernan made the motion to have Mr. Hunt make an advisory opinion regarding what was
296 discussed. Mr. Hunt indicated that they first need to figure out the motion, which the question was where or not the
297 statute NRS 631.3452 applies to them, which is applicable to them. He added that the only thing he could draft for
298 an advisory opinion would potentially be the discussion of what the duties and responsibilities of a dental director
299 are. He indicated that the statute applies to their situation (NRS 631.3452) and the compliance requirements pursuant
300 to NRS 631.215(f) are applicable to that. He commented to Ms. Chandler and Ms. Redwine that the Board has given
301 them the tools to achieve the objective without being overly intrusive. Ms. Redwine asked the Board for more time,
302 which Mr. Hunt explained that there is no complaint to the Board regarding a dental director for the Future Smiles
303 program. She indicated to the Board that she would investigate finding someone to be the dental director to the
304 Future Smiles program and will continue to accept the funding awards that have been granted to them so that they
305 can continue to provide services; she expressed her appreciation for the clarification of the statutes. (No further
306 action taken)
307

308 **(2) Collagen Induction Therapy (CIT) – Dr. Joseph Willardsen - Request for**
309 **opinion that this treatment is within scope of practice for a general dentist.**

310
311 Dr. Pappas indicated that Dr. Willardsen asked that this item be tabled.
312

313 MOTION: Mr. McKernan made the motion to table. Second by Dr. Hellwinkel. No public comment. All in favor.
314

315 ***b. Approval of Reactivation of Inactive License- NAC 631.170(4)** (Public comment prior to any
316 action taken is limited to 5 minutes for each person/entity/organization represented to make comment)
317

318 **(1) Markus Koster, DDS**
319

320 Dr. Miller inquired about the Data Bank report from 2004 with the Board. Ms. Shaffer indicated that Dr. Koster was
321 on probation and fulfilled all requirements. Additionally, Dr. Koster closed his practice in 2010 and inactivated his
322 license July 1st, 2011; therefore, had not practiced for just over a year. Ms. Kelly explained Dr. Koster's situation.
323

324 MOTION: Mr. McKernan made the motion to approve reactivation. Second by Dr. Soltani. No public comment.
325 All in favor.
326

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***c. Approval for Dental Licensure by WREB-NRS 631.240**

- (1) Monique R Glosman, DDS
- (2) Vi T Nguyen, DDS
- (3) Jon W Silcox, DDS
- (4) Kristin A Simkins, DDS
- (5) Mark F Simkins, DDS
- (6) Simon Yashari, DDS
- (7) Catherine A Legaspi, DDS
- (8) Kyong Hwa Moon, DMD
- (9) Benjamin W Song, DMD

Dr. Hellwinkel indicated that she reviewed the applications and all met criteria.

MOTION: Mr. McKernan made the motion to approve. Second by Dr. Kinard. All in favor; Dr. Hellwinkel abstained.

***d. Specialty Licensure by Application – NRS 631.250**

- (1) Jon W Silcox, DDS - Orthodontics

Dr. Hellwinkel indicated that she reviewed the application and application met criteria.

MOTION: Dr. Pinther made the motion to approve. Second by Mr. McKernan. All in favor; Dr. Hellwinkel abstained.

***e. Approval for Dental Licensure by ADEX-NRS 631.240(1)(b)(1)**

- (1) Mark J Fotovat, DDS
- (2) Terrell M Mitchell, DDS

Dr. Hellwinkel indicated that she reviewed the applications and both met criteria.

MOTION: Mr. McKernan made the motion to approve. Second by Dr. Miller. All in favor; Dr. Hellwinkel abstained.

***f. Specialty Licensure by Credential – NRS 631.255**

- (1) Robert E Brewka, DDS, MS – Orthodontics
- (2) David B Dowling, DDS, MS – Orthodontics
- (3) Philip C Walter, DDS – Pediatric Dentistry

Dr. Hellwinkel indicated that she reviewed the applications and all met criteria.

MOTION: Dr. Miller made the motion to approve. Second by Mr. McKernan. All in favor; Dr. Hellwinkel abstained.

***g. Approval of Limited Licensure – NRS 631.271**

- (1) David L Schwartz, DDS

Dr. Hellwinkel indicated that she reviewed the application and application met criteria.

MOTION: Dr. Pinther made the motion to approve. Second by Mrs. Villigan. All in favor; Dr. Hellwinkel

382 abstained.

383

384 ***h. Approval for Dental Hygiene Licensure by WREB- NRS 631.300(1)(b)(2)**

385

386 (1) Heather M Ewing, RDH

387 (2) Princess M Gervacio, RDH

388 (3) Kelci Pulsipher, RDH

389 (4) Kayla K Johnson, RDH

390 (5) Amber L Kelley, RDH

391 (6) Kalena C King, RDH

392 (7) Jodi L Hashagen, RDH

393 (8) Elissa B Hemeyer, RDH

394 (9) Janalyn Reil, RDH

395 (10) Heather Sessions, RDH

396

397 Dr. Hellwinkel indicated that she reviewed the applications and all met criteria.

398

399 MOTION: Dr. Pinther made the motion to approve. Second by Dr. Miller. All in favor; Dr. Hellwinkel abstained.

400

401 ***i. Approval of Dental Hygiene Licensure by ADEX- NRS 631.300(1)(b)(1)**

402

403 (1) Lisa K Duncan, RDH

404 (2) Liza J Green, RDH

405

406 Dr. Hellwinkel indicated that she reviewed the applications and both met criteria.

407

408 MOTION: Dr. Miller made the motion to approve. Second by Dr. Pinther. All in favor; Dr. Hellwinkel abstained.

409

410 ***j. Limited License for Supervision – NRS 631.2715**

411

412 (1) Prabu Raman, DDS – LVI Global

413 (2) Ronald G Ritsco, DMD – UNLV School of Dental Medicine

414

415 Dr. Hellwinkel indicated that she reviewed the applications and both met criteria.

416

417 MOTION: Dr. Miller made the motion to approve. Second by Mr. McKernan. All in favor; Dr. Hellwinkel
418 abstained.

419

420 ***k. Approval of Voluntary Surrender of Dental License – NAC 631.160**

421

422 (1) Jasjit S Gill, DMD

423

424 MOTION: Dr. Miller made the motion to approve the voluntary surrender. Second by Dr. Pinther. All in favor.

425

426 ***l. Approval of Public Health Endorsement – NRS 631.287**

427

428 (1) Marianne Sampson, RDH

429

430 MOTION: Mr. McKernan made the motion to approve. Second by Mrs. Villigan. All in favor.

431

432 ***m. Approval for Anesthesia-Temporary Permit – NAC 631.2254**

433

434 (1) Conscious Sedation

435 a. Gregory P Welch, DDS

436

437 Dr. Miller indicated that all was in order and recommended approval.

438

439 MOTION: Mr. McKernan made the motion to approve. Second by Mrs. Villigan. All in favor; Dr. Miller abstained.

440

441 ***n. Approval for Anesthesia-Permanent Permit – NAC 631.2233**

442

443 (1) **Conscious Sedation**

444

445 a. **Ashley E Hoban, DDS**

446

447 Dr. Miller indicated that all was in order and recommended approval.

448

449 MOTION: Dr. Pinther made the motion to approve. Second by Dr. Soltani. All in favor; Dr. Miller abstained.

450

451 ***o. Approval for Site Permit – NAC 631.2236**

452

453 (1) **General Anesthesia**

454

455 a. **George J McAlpine, DDS**

456

457 (1) **1707 W. Charleston Blvd. #290, Las Vegas, NV 89102**

458

459 b. **Steven DeLisle, DDS**

460

461 (1) **1017 East Basin Avenue, #1, Pahrump, NV 89060**

462

463 c. **Michael A Khanna, DDS**

464

465 (1) **4472 S. Eastern Avenue, Las Vegas, NV 89119**

466

467 d. **David T Ting, DDS**

468

469 (1) **5075 E. Bonanza Road, Las Vegas, NV 89110**

470

471 e. **Carl Stasiewicz, DDS**

472

473 (1) **855 West Seventh Street, Suite 26, Reno, NV 89503**

474

475 f. **Eric S. Skinner, DDS**

476

477 (1) **525 E. Moana Lane, Suite A, Reno, NV**

478

479 (2) **1725 E. Warm Springs Rd., Suite 1, Las Vegas, NV 89119**

480

481 g. **Douglas P Harmer, DDS**

482

483 (1) **340 Falcon Ridge Parkway, Suite 300-C, Mesquite, NV 89027**

484

485 h. **Lance K Robertson, DDS**

486

487 (1) **1170 N. Moapa Valley Blvd., Suite A, Overton, NV 89040**

488

489 Dr. Miler indicated that the site was evaluated, passed inspection, and recommended approval.

490

491 MOTION: Dr. Pinther made the motion to approve. Second by Mr. McKernan. All in favor; Dr. Miller abstained.

492

493 ***p. Accept or Reject Recommendations from the Laser Working Group of the**
494 **Legislative and Dental Practice Resource Group** (Public comment prior to any action
495 taken is limited to 5 minutes for each person/entity/organization represented to make comment)

496

497 (1) **AIM/Scott Benjamin, DDS**

498

499 Dr. Pappas indicated that the Laser Working Group recommended approval with the recommendation that Dr.
500 Benjamin include additional information regarding notifying course participants that the course is taught to a specific
501 laser, if not that he may want to teach to a broader scope.

502

503 MOTION: Dr. Miller made the motion to accept. Second by Dr. Soltani. No public comment. All in favor.

504

505 ***q. Accept or Reject Recommendations from the Dental Hygiene Committee** (Public
506 comment prior to any action taken is limited to 5 minutes for each person/entity/organization
507 represented to make comment)

508

509 (1) **Annette Lincicome's Teen Scene Saturday Program at Huntridge Teen Clinic**

510

492 **Offering Hygiene Services and Whether Requires Public Health Dental Hygiene**
493 **Endorsement pursuant to NRS 631.287.**
494

495 (Information regarding the Teen Scene Saturday Program submitted for the record.) Ms. Lincicome indicated that
496 she holds a public health endorsement (PHE) and inquired if it would be permitted for hygienists who do not hold a
497 PHE to work under hers. She expressed the need for initial hygiene care for many homeless teens but for the
498 hygienists looking to volunteer their time, the PHE application process can potentially delay them from being able to
499 practice because they must go before the Board for approval. Dr. Pappas indicated that currently there was no
500 provision in the statute relating to her request and that it cannot be permitted. He indicated that they would have to
501 find a dentist who can be present or all hygienists looking to volunteer will have to get a PHE. Ms. Lincicome
502 indicated that she will have a dentist present for Teen Scene Saturdays.
503

504 **8. Resource Group Reports**
505

- 506 *a. **Legislative and Dental Practice** (Public comment prior to any action taken is limited to 5
507 minutes for each person/entity/organization represented to make comment)
508 (Chair: Dr. Kinard; Dr. Sill; Dr. Hellwinkel; Dr. Pappas; Mrs. Villigan; Mrs. Matthews; and Mrs. Wark)
509

- 510 (1) Accept or reject recommendations regarding 2012 license renewal, online renewal option, and
511 notice of these changes.
512

513 Dr. Kinard indicated that at the October 6th committee meeting they discussed the details for the online renewal
514 options. Ms. Kelly indicated that she could read the motion from the committee meeting to the Board members as a
515 recap of what was discussed and agreed upon among the committee members. She indicated that the committee
516 recommended to the Board that for the dental hygiene renewal to include an announcement in the winter newsletter
517 the launching of online renewal beginning in 2012 and what the terms will be. Additionally, a second notice by
518 postcard will go out in February announcing that renewals will be available online for them to download. She added
519 that CE's will not have to be submitted, but that they will have to check off that they have completed the required
520 number of CE's. She indicated that she was unclear of how they were recommending accepting CPR information
521 and whether or not they were going to attach it to the audit, if permissible by the regulation regarding audits. She
522 further added that she was also unclear on whether or not they were going to continue to require that a copy of the
523 Bioterrorism certificate be submitted. Ms. Kelly indicated that the online renewal option would not be applicable to
524 those with any changes or any reporting requirements. Mr. Hunt indicated that if a person attempts to renew online
525 and reports a change a window will pop-up notifying the licensee that they are not eligible to renew online. Dr.
526 Kinard commented that online renewal would assist the Board financially by cutting the mailing costs significantly;
527 however, that the fees to process credit card payments online does incur a bit of a high cost but in the long run will be
528 cost-effective for the Board; as well as for the man power hours dedicated to processing renewals. Per Ms. Shaffers'
529 inquiry, Ms. Kelly indicated that they were still looking into whether or not the system would generate a printable
530 pocket card that will be emailed to the email address provided by the licensee or if there will be a mechanism that
531 will notify the system to have the Board office print one. Dr. Pappas indicated that if the online renewal does not
532 create a more efficient way to renew, then the Board may have to consider having licensees renew on their birthdays;
533 which Ms. Kelly noted would require a statute change.
534

535 MOTION: Dr. Miller made the motion to approve the recommendations of the committee. Second by Dr. Pinther.
536 No public comment. All in favor.
537

- 538 *b. **Legal and Disciplinary Action** (Public comment prior to any action taken is limited to 5
539 minutes for each person/entity/organization represented to make comment)
540 (Chair: Dr. Hellwinkel; Mrs. Wark; Mrs. Villigan; Mr. McKernan; Dr. Kinard; and
541 Dr. Soltani)
542

543 Dr. Hellwinkel indicated that they committee held a meeting earlier that morning and the next meeting is to be
544 scheduled the following year.
545

- 546 *c. **Examinations**
547

548 (1) **Dental** (Public comment prior to any action taken is limited to 5 minutes for each
549 person/entity/organization represented to make comment)
550 (Dr. Pappas; Dr. Kinard and Mrs. Matthews)
551

552 No report.
553

554 (2) **Dental Hygiene** (Public comment prior to any action taken is limited to 5 minutes for each
555 person/entity/organization represented to make comment)
556 (Chair: Mrs. Matthews; Mrs. Villigan; Mr. McKernan; Dr. Pinther)
557

558 No report
559

560 *d. **Continuing Education** (Public comment prior to any action taken is limited to 5 minutes for
561 each person/entity/organization represented to make comment)
562 (Chair: Dr. Hellwinkel and Dr. Sill)
563

564 No report
565

566 *e. **Dental Hygiene** (Public comment prior to any action taken is limited to 5 minutes for each
567 person/entity/organization represented to make comment)
568 (Chair: Mr. McKernan; Mrs. Matthews; Mrs. Villigan; and Dr. Sill)
569

570 Mr. McKernan indicated that the committee held a meeting earlier that morning and that the NDHA would
571 like to meet more frequently with them.
572

573 *f. **Specialty** (Public comment prior to any action taken is limited to 5 minutes for each
574 person/entity/organization represented to make comment)
575 (Chair: Dr. Miller; and Dr. Pinther)
576

577 No report
578

579 *g. **Anesthesia/Infection Control** (Public comment prior to any action taken is limited to 5
580 minutes for each person/entity/organization represented to make comment)
581 (Chair: Dr. Miller; Dr. Pappas; Dr. Hellwinkel; Mr. McKernan and Mrs. Villigan)
582

583 Ms. Kelly indicated that she sent out letter to potential team members and thus far approximately 30
584 individuals have agreed to join. She also noted that the checklist will be posted on the Board website. Lastly, that
585 the DVD on calibration was in the making.
586

587 *9. **Comments from the Public** Public comment prior to any action taken is limited to 5 minutes for each
588 person/entity/organization represented to make comment)
589

590 No comments were made.
591

592 10. **Announcements:** No announcements.
593

594 *11. **Adjournment** (Public comment prior to any action taken is limited to 5 minutes for each
595 person/entity/organization represented to make comment)
596

597 MOTION: Dr. Hellwinkel made the motion to adjourn. Second by Dr. Kinard. All in favor.
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605 Meeting Adjourned at 1:49 pm.

606

607 Respectfully submitted by:

608

609

610 _____
Kathleen J. Kelly

611

Las Vegas, NV 89103
4825 S. Rainbow Blvd., #201
702-871-1000
Dr. Greg Po



Thank you for your time,

I was wondering if I can get an advisory opinion regarding a dentist's use of Groupon in relation to the statutes and regulations for fee splitting. I have not used Groupon, and have not called the company to fully inquire about their services, but from what I understand - they send out an offer to people (for example - an exam, cleaning, xrays for \$39) and people that want to participate in that offer pay Groupon so they can then print up the voucher to use at the office. Groupon then pays the dentist 1/3 of the offer. Would this be a violation of NRS 631.3465 - or since the person is paying Groupon, is it not a violation as they are already paying a third party so it would be known to them that at least some of the fees are going to who they paid originally (Groupon).

To Nevada State Board of Dental Examiners,

3-29-12