

**NSBDE
PUBLIC
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**6/14/2012
Board Meeting**

**JOHN'S SUBMITTED DOCUMENTS TO
BOARD RE: TADRISSI**



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STATE OF NEVADA
BEFORE THE BOARD OF DENTAL EXAMINERS

NEVADA STATE BOARD OF DENTAL
EXAMINERS,

Complainant,

vs.

MARK TADRISSI, DDS

Respondent.

Case No. 10-01949

STIPULATION AGREEMENT

IT IS HEREBY STIPULATED AND AGREED by and between MARK TADRISSI, DDS hereafter ("Respondent"), by and through his legal counsel KIMBERLY JOHNSON, ESQ. and the NEVADA STATE BOARD OF DENTAL EXAMINERS (hereafter "Board"), by and through DONNA HELLWINKEL, DDS, Disciplinary Screening Officer, and the Board's legal counsel, JOHN A. HUNT, ESQ., of the law firm of FOX ROTHSCHILD, LLP as follows:

1. On September 24, 2009 the Board notified Respondent of an authorized investigative complaint approved by the Board at a properly noticed meeting. On October 7, 2009, the Board received an answer to the investigative complaint from Respondent.

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4 2. Based upon the limited investigation conducted to date, Disciplinary Screening Officer,
5 Donna Hellwinkel, DDS, applying the administrative burden of proof of substantial evidence
6 as set forth in *Stat, Emp, Security v. Hilton Hotels*, 102 Nev. 606, 608, 729 P.2d 497, 498
7 (1986); and see *Minton v. Board of Medical Examiners*, 110 Nev. 1060, 881 P. 2d 1339
8 (1994), see also NRS 233B.135(3)(e) & NRS 631.350(1), but not for any other purpose,
9 including any other subsequent civil action, finds there is substantial evidence that Respondent
10 allowed a Nevada licensed anesthesiologist to administer general anesthesia to patient MJ
11 without Respondent holding valid site permits as required in NAC 631.2236.

12 3. Applying the administrative burden of proof of substantial evidence as set forth in *Stat,*
13 *Emp, Security v. Hilton Hotels*, 102 Nev. 606, 608, 729 P.2d 497, 498 (1986); and see *Minton*
14 *v. Board of Medical Examiners*, 110 Nev. 1060, 881 P. 2d 1339 (1994), see also NRS
15 233B.135(3)(e) & NRS 631.350(1), Respondent admits, but not for any other purpose,
16 including any subsequent civil action, that Respondent's failure to obtain the proper site
17 permits for the administering of conscious sedation, deep sedation or general anesthesia is in
18 violation of NAC 631.230 and NAC 631.2236.

19 4. Based upon the limited investigation conducted to date, the preliminary findings of the
20 Disciplinary Screening Officer, Donna Hellwinkel, DDS, and the admission contained in
21 Paragraph 3 the parties have agreed to resolve the pending disciplinary action pursuant to the
22 following terms and conditions:

23
24 a. While Respondent holds an active license to practice dentistry in the State of Nevada
25

1 should the Board's Executive Director receives substantial evidence that Respondent
2 has administered or allowed the administration of conscious sedation, deep sedation or
3 general anesthesia without obtaining the proper permits Respondent agrees the
4 Executive Director shall, without any further action by the Board, issue an Order
5 suspending Respondent's license to practice dentistry in the State of Nevada.
6 Thereafter, Respondent may request in writing a hearing before the Board. Respondent
7 agrees to waive any right to seek injunctive relief from either the Nevada Federal
8 District Court or the Nevada State District Court to reinstate his privileges to practice
9 dentistry in the State of Nevada pending final Board hearing.

10 b. Pursuant to NRS 622.400 Respondent agrees to reimburse the "Board" for the
11 cost of the use of legal counsel in the monitoring of this Stipulation Agreement in the
12 amount of Two Thousand Seven Hundred and Fifty dollars (\$2,750.00) within thirty
13 (30) days of the execution of this Stipulation Agreement.

14 c. In the event Respondent defaults on the payment set forth in Paragraph 4(b),
15 Respondent agrees his license to practice dentistry in the State of Nevada shall
16 automatically be suspended without any further action of the Board other than issuance
17 of an Order of Suspension by the Executive Director. Commencing on the date of the
18 Order of Suspension Respondent agrees to pay a liquidated damage amount of Twenty
19 Five Dollars (\$25.00) for each day Respondent is in default on the payment(s) for any
20 of the amounts set forth in either paragraph 4(b). Upon curing the default of the
21 applicable defaulted paragraph, Respondent's license to practice dentistry in the State
22 of Nevada shall automatically be reinstated by the Executive Director of the Board,
23 assuming there are no other violations of any of the provisions contained in this
24 Stipulation. Respondent shall also be responsible for any costs or attorney's fees
25

27
28
The Respondent
2000 Nevada State District
Court
Las Vegas, Nevada 89101

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VGI 93772 v1 03/31/10

1 incurred in the event the Board has to seek injunctive relief to prevent Respondent from
2 practicing dentistry during the period in which his license is suspended. Respondent
3 agrees to waive any right to seek injunctive relief from either the Nevada Federal
4 District Court or the Nevada State District Court to reinstate his license prior to curing
5 any default on the amounts due and owing.

6 d Pursuant to NRS 631.350(k), in addition to completing the required
7 continuing education, Respondent shall be required obtain eight (8) additional hours of
8 supplemental education. Four (4) hours must be in the area of ethics and
9 four (4) hours must be in the area of record keeping. The eight (8) hours of supplemental
10 education set forth in this paragraph shall be completed within six (6) months of the
11 adoption of the Stipulated Agreement by the Board. The supplemental education shall be
12 submitted in writing to the Executive Director of the Board for approval prior to
13 attendance. Upon receipt of a written request to attend supplemental education the
14 Executive Director of the Board shall notify Respondent in writing whether the
15 requested supplemental education is approved for attendance. Respondent shall
16 complete seventy (70%) percent of the supplemental education through attendance
17 at live lecture courses. The remaining thirty (30%) percent of the supplemental education
18 may be completed through online/home study courses. The cost associated with
19 this supplemental education shall be paid by Respondent. If after the adoption
20 of the Stipulated Agreement by the Board, Respondent fails to complete the
21 supplemental education within six (6) months, Respondent's licenses to practice dentistry
22 the State of Nevada shall be automatically suspended without any further action of the
23 Board other than the issuance of an Order of Suspension by the Executive Director.
24 Upon Respondent submitting written proof of the completion of the supplemental
25 education, Respondent's licenses to practice dentistry in the State of Nevada

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shall be automatically reinstated, assuming all other provisions of this Stipulation Agreement are in compliance.

e. Pursuant to NRS 631.350(1)(j), Respondent shall take the jurisprudence examination as required by NRS 631.240(2) on the contents and interpretation of NRS and NAC Chapter 631. Respondent shall have ninety (90) days upon the Board's adoption of the Stipulation, to complete the examination. The jurisprudence examination is administered on the first Monday of each month at 10:00 a.m. and 2:00 p.m. at the Board's office. Respondent shall contact the Board's office to schedule a time to submit to the examination. In the event Respondent fails to successfully complete the examination within ninety (90) days of the Board's adoption of this Stipulation, Respondent agrees his licenses to practice dentistry in the State of Nevada shall be automatically suspended without any action of the Board other than the issuance of an Order of Suspension by the Executive Director. Upon successful completion of the examination, Respondent's licenses to practice dentistry in the State of Nevada will be automatically reinstated, assuming all other provisions of the Stipulation Agreement are in compliance, including the payment of the applicable reinstatement fees. Respondent agrees to waive any right to seek injunctive relief from any United States District Court, District Court, for the State of Nevada, or any other court or tribunal with jurisdiction (if any) to prevent the automatic suspension of Respondent's license to practice dentistry in the State of Nevada due to Respondent's failure to comply with any provisions of this Paragraph 4g. Respondent shall also be responsible for any costs or attorney's fees incurred in the event the Board has to seek injunctive relief to prevent Respondent from practicing dentistry during any period Respondent's licenses is automatically suspended.

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For Nicholas LLP
2400 Howard Hughes Parkway
Suite 300
Las Vegas, Nevada 89119

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f. While Respondent holds an active license to practice dentistry in the State of Nevada should the Board's Executive Director receive substantial evidence that Respondent has administered or allowed the administration of conscious sedation, deep sedation or general anesthesia without obtaining the proper permits Respondent agrees such conduct shall be deemed a willful violation pursuant N.R.S. § 631.3485(1) in any subsequent disciplinary proceedings initiated against Respondent.

g. In the event Respondent fails to cure any defaults in payment within forty-five (45) days of the default, Respondent agrees the amount may be reduced to judgment.

h. Respondent waives any right to have the amount owed pursuant to Paragraph 4(b), discharged in bankruptcy.

CONSENT

5. Respondent has read all of the provisions contained in this Stipulation Agreement and agrees with them in their entirety.

6. Respondent is aware by entering into this Stipulation Agreement he is waiving certain valuable due process rights contained in, but not limited to, NRS 631, NAC 631, NRS 233B and NAC 233B.

7. Respondent expressly waives any right to challenge the Board for bias in deciding whether or not to adopt this Stipulation Agreement in the event this matter was to proceed to a full Board hearing.

The Rockwell LLP
1000 Howard Hughes Parkway
Suite 200
Las Vegas, Nevada 89149

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- 1 8. Respondent and the Board agree any statements and/or documentation made or
2 considered by the Board during any properly noticed open meeting to determine whether
3 to adopt or reject this Stipulation Agreement are privileged settlement negotiations and
4 therefore such statements or documentation may not be used in any subsequent Board
5 hearing or judicial review, whether or not judicial review is sought in either the State or
6 Federal District Court.
- 7
- 8 9. Respondent has reviewed this Stipulation with his attorney Kimberly Johnson Esq. who
9 has explained each and every provision contained in this Stipulation
- 10
- 11 10. Respondent acknowledges he is consenting to this Stipulation Agreement voluntarily,
12 without coercion or duress and in the exercise of his own free will.
- 13
- 14 11. Respondent acknowledges no other promises in reference to the provisions contained in
15 this Stipulation Agreement have been made by any agent, employee, counsel or any
16 person affiliated with the Nevada State Board of Dental Examiners.
- 17
- 18 12. Respondent acknowledges the provisions in this Stipulation Agreement contain the entire
19 agreement between Respondent and the Board and the provisions of this Stipulation can
20 only be modified, in writing, with Board approval.
- 21
- 22 13. Respondent agrees in the event the Board adopts this Stipulation Agreement he hereby
23 waives any and all rights to seek judicial review or otherwise to challenge or contest the
24 validity of the provisions contained in the Stipulation.
- 25
- 26 14. Respondent and the Board agree none of the parties shall be deemed the drafter of this
27 Stipulation Agreement. In the event this Stipulation Agreement is construed by a court of

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For REFERENCE ONLY
1800 Nevada Highway
Suite 200
Las Vegas, Nevada 89169

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law or equity, such court shall not construe this Stipulation Agreement or any provision therefore against any party as the drafter of the Stipulation Agreement. The parties hereby acknowledge all parties have contributed substantially and materially to the preparation of this Stipulation Agreement.

15. Respondent specifically acknowledges by his signature herein and by his initials at the bottom of each page of this Stipulation Agreement, he has read and understands its terms and acknowledges he has signed and initialed of his own free will and without undue influence, coercion, duress, or intimidation.

16. Respondent acknowledges in consideration of execution of this adopted Stipulation Agreement, Respondent hereby releases, remises, and forever discharges the State of Nevada, the Board, and each of their members, agents, counsel and employees in their individual and representative capacities, from any and all manner of actions, causes of action, suits, debts, judgments, executions, claims, and demands whatsoever, known and unknown, in law or equity, that Respondent ever had, now has, may have, or claim to have against any or all of the persons or entities named in this section, arising out of the authorized investigative complaint.

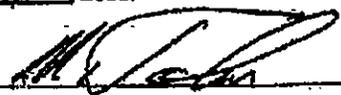
17. Respondent acknowledges in the event the Board adopts this Stipulation Agreement, this Stipulation may be considered in any future Board proceeding(s) or judicial review, whether such judicial review is performed by either the State or Federal District Court(s).

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1 18. This Stipulation Agreement will be considered by the Board in an open meeting. It is
2 understood and stipulated the Board is free to accept or reject the Stipulation Agreement
3 and, if the Stipulation Agreement is rejected by the Board, further disciplinary action may
4 be implemented. This Stipulation Agreement will only become effective when the Board
5 has approved the same in an open meeting. Should the Board adopt this Stipulation
6 Agreement, such adoption shall be considered a final disposition of a contested case and
7 will become a public record.

8 DATED this 31 day of March, 2010.

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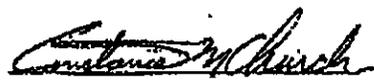
11 MARK TADRISSE, DDS
12 Respondent



13
14 STATE OF NEVADA)
15) ss.
16 COUNTY OF CLARK)

17
18 On this 31st day of March, 2010, before me the undersigned Notary Public
19 in and for said County and State, personally appeared Mark Tadrissi, DDS, who is known to me
20 (or satisfactorily proven) to be the person described in and who executed the foregoing
21 instrument, and who acknowledged to me that he did so freely and voluntarily and for the uses
22 and purposes herein mentioned.

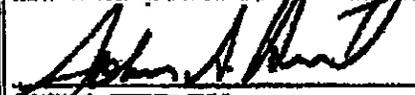
23
24 WITNESS my hand and official seal.

25 

26 NOTARY PUBLIC
County of Clark, State of Nevada

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1 APPROVED TO FORM AND CONTENT

2 

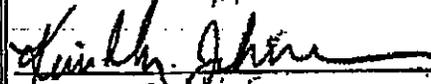
3 JOHN A. HUNT, ESQ.
4 Fox Rothschild, LLP
5 Board Counsel

6 APPROVED TO FORM AND CONTENT

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8 DONNA HELLWINKEL, DDS
9 Disciplinary Screening Officer

10
11 APPROVED TO FORM AND CONTENT

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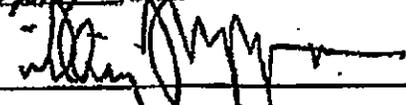
13 KIMBERLY JOHNSON, ESQ.

14
15
16 This foregoing Stipulation Agreement was:

17 Approved Disapproved

18
19 by a vote of the Nevada State Board of Dental Examiners at a properly noticed meeting.

20
21 DATED this 30th day of April, 2010.

22 

23 WILLIAM G. PAPPAS, DDS, PRESIDENT
24 NEVADA STATE BOARD OF DENTAL EXAMINERS

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John Hunt

From: John Hunt
Sent: Tuesday, March 13, 2012 2:26 PM
To: 'Bobby White'
Co: Kimberly Johnson; Debra Shaffer dshaffer@nsbde.nv.gov
Subject: Dr. Tadriss
Attachments: AR-M257_20120313_142120.pdf

Bobby: Attach is a letter from your Board denying Dr. Tadriss's application for credentials based upon prior discipline by the Nevada Board. As I informed this morning no discipline was taken by the Nevada Board. Dr. Tadriss's stipulation was a corrective action stipulation not reportable to the National Practitioners Data Bank. Thank you

John A. Hunt, Esq.
RALEIGH & HUNT, P.C.
500 S. Rancho Dr., Ste 17
Las Vegas, NV 89106
e-mail: john@lvattorneys.net
Phone: (702) 436-3835
Fax: (702) 436-3836

NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS

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GEOFFREY M. SADIEN, D.D.S., Secretary-Treasurer
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CARLA J. STACK, R.D.S.

MURRY D. WHITE, Chief Operations Officer

February 28, 2012

Dr. Mark Keyan Tadrisi
13771 NW 21st Street
Pembroke Pines, FL 33028

Dear Dr. Tadrisi:

The North Carolina Board of Dental Examiners has received your application for licensure by credentials in our state. After carefully reviewing the information provided, it has been determined that since you were disciplined by the state of Nevada, you do not qualify for licensure by credentials. North Carolina General Statute 90-36 (c)(2) states:

The applicant must meet all of the following conditions: Has not been the subject of final or pending disciplinary action in the military, in any state or territory in which the applicant is or has ever been licensed to practice dentistry, or in any state or territory in which the applicant has held any other professional license.

Please note that if you are still interested in becoming licensed in North Carolina, you may apply for a regular dental license which requires the completion of a licensure examination. This examination will be administered by the Council of Interstate Testing Agencies (CITA). For further information please refer to the CITA website at www.citadexam.com. You may then apply for a license by examination.

I am returning your entire application and fee. Should you have any questions regarding the Board's decision, please do not hesitate to contact our office.

Very truly yours,

Mary B. McCullough
Licensing Coordinator

Enclosures

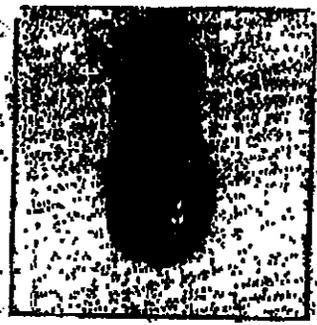


NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS

APPLICATION

DENTAL LICENSES BY CREDENTIALS

PLEASE TYPE OR PRINT LEGIBLY



Each question must be answered fully, truthfully and accurately. All supporting data requested must accompany this application. If the space for any answer is insufficient, you must complete your answer on a rider signed by you, specifying the number of the question to which it relates and enclosing it with the application. DO NOT REPEAT THIS FORM AND DO NOT STATE ENCLOSURE TO THIS APPLICATION!

It is the responsibility of each applicant to review applicable statutes and rules to determine eligibility for licensure prior to applying for a North Carolina Dental or Provisional license. Statutes and rules are available on the board's website or by calling (919) 778-3123.

1. Mark Karen (Last Name in Full) Karen (Middle/Initials) Karen (Last Name in Full)

(Present Street Address) 10000 (City) Charlotte (State) NC (Zip) 28226 (County)

(Permanent Street Address) 10000 (City) Charlotte (State) NC (Zip) 28226 (County)

2. Preferred mailing address for A.D.E. information: Present Permanent
 Telephone number (city): 704 393-1111 Email address: lauria@ncdental.com

3. Age: 34 Date of Birth: 03/15/78 Place of Birth: Charlotte, NC

4. Social Security Number: 123-45-6789

5. Have you ever been known by another name? Yes No

6. If yes, give in full every other name by which you have been known: (If change was made by a Court order, enclose a certified copy of such order)

7. Are you a citizen of the United States of America? Yes No

8. Are you (check one): Single Married Divorced

9. Please list all recent addresses for the past 10 years (Attach a separate sheet if necessary):

| CITY | STATE | DATE RELOCATED |
|------------|------------|----------------|
| [REDACTED] | [REDACTED] | [REDACTED] |

10. Who are the individuals who will always know your address?
 Name: [REDACTED]
 Address: [REDACTED]
 Last: [REDACTED]
 Phone: [REDACTED]
 Have you ever filed for bankruptcy? [REDACTED] (Attach a separate sheet if necessary):

11. Please list any current and past drivers licenses you have maintained:
 (DLA) (State) [REDACTED] (Date Expiration) [REDACTED]
 (DLM) (State) [REDACTED] (Date Expiration) [REDACTED]
 13. a) Have you previously applied for the dental examination given in North Carolina? Yes No
 If yes, give date(s): [REDACTED]
 b) Have you previously applied for any dental permit in North Carolina? Yes No
 If yes, please provide date and type of dental permit: [REDACTED]
 c) Have you filed an examination given by North Carolina or another Board? Yes No
 If yes, please give Board(s) and date(s): [REDACTED]
 d) Have you ever been refused any examination given by North Carolina or another Board? [REDACTED]
 If yes, give Board(s) and date(s): [REDACTED]
 e) Have you taken the Dental National Board Examination? Yes No Pending
 If yes or pending, please list date(s): [REDACTED]
 f) Have you ever failed the Dental National Board Examination? [REDACTED]
 If yes, please list date(s): [REDACTED]
 g) Have you ever taken a Regional Board Examination? [REDACTED]
 If yes, please list exam(s) and date(s): [REDACTED]

14. Please list all jobs held within the past 10 years, other than during, and if terminated or asked to leave from that position, please explain. (Attach a separate sheet if necessary)

| OCCUPATION | EMPLOYER | DATE OF EMPLOYMENT | REASON FOR LEAVING |
|------------|----------|--------------------|--------------------|
| N/A | | | |
| | | | |
| | | | |
| | | | |

15. Have you ever moved to the listed place of the United States or any other country? Yes No

a) Have you been separated from such service? N/A

b) State nature of separation? N/A

c) If other than honorable, furnish a written statement, specifying type discharge, and circumstances surrounding your release.

d) State inclusive dates of service. N/A

e) In the armed services, have any charges or complaints, formal or informal, been made or filed against you, or have any proceedings ever been instituted against you, or have you ever been a defendant in any court martial? If yes, please attach on a separate sheet of paper date an explanation of each incident.

f) Have you registered under the Selective Service Act of 1948? Yes No

16. Have you ever:

a) been summoned to court or before a magistrate for the violation of any law or ordinance or for the commission of any felony or misdemeanor?

b) been arrested for the violation of any law or ordinance or for the commission of any felony or misdemeanor?

c) been taken into custody for the violation of any law or ordinance or for the commission of any felony or misdemeanor?

d) been indicted for the violation of any law or ordinance or for the commission of any felony or misdemeanor?

e) been convicted or tried for the violation of any law or ordinance or for the commission of any felony or misdemeanor?

f) been charged with the violation of any law or ordinance or for the commission of any felony or misdemeanor?

g) pleaded guilty to the violation of any law or ordinance or for the commission of any felony or misdemeanor?

If your answer is yes, to any of the foregoing questions, attach a statement describing fully the nature of any such matter, with complete name, disposition of the matter, and the name and address of the authority to

2. A violation of the record thereof. Only written violations pertained to alcohol or drugs may be excluded from this answer.

17. Within the last ten (10) years have you been added to or received treatment for drugs, alcoholism or alcohol with a serious commitment offense? If your answer is yes, give full details of your treatment on a separate sheet.

18. Within the last ten (10) years, have you been declared a ward of any court, or adjudged an incompetent or have any proceedings been brought to have you declared a ward of any court, or adjudged an incompetent or have you been committed to any institution? If your answer is yes, give full details of the judgment or a separate sheet.

19. Have you undertaken any post graduate training or refresher course other than continuing education course above receiving your dental degree?

If yes, give place, date, and courses. Have you been in military, post graduate education or other training at the Federal Bureau of Investigation (FBI) or any other agency?

20. Have you been dropped, suspended, expelled, or disciplined by any school or college for any cause whatsoever? If yes, please list on a separate sheet of paper the date, school and nature of cause.

21. Have you ever been denied admission to any college or school for cause that reflects unfavorably on your character?

POST-DENTAL EDUCATION

| NAME AND LOCATION OF SCHOOL ATTENDED | TERMS OF ATTENDANCE (i.e., start, stop to year, 1999) |
|--------------------------------------|-------------------------------------------------------|
| [REDACTED] | [REDACTED] |

I received the degree of [REDACTED] from [REDACTED] (College or University) on the [REDACTED] day of [REDACTED] (Month/Year) [REDACTED] (Date)

DENTAL EDUCATION

| NAME AND LOCATION OF SCHOOL ATTENDED | TERMS OF ATTENDANCE (i.e., start, stop to year, 1999) |
|--------------------------------------|-------------------------------------------------------|
| [REDACTED] | [REDACTED] |

I received the degree of [REDACTED] from [REDACTED] (College or University) on the [REDACTED] day of [REDACTED] (Month/Year) [REDACTED] (Date)

22. I am currently or have been licensed to practice dentistry in the following jurisdictions:

| Jurisdiction (State/Province/Territory) | How Licensed (Exam/Reciprocity) | License/Permit Number | Date of Issuance | Years of Practice |
|-----------------------------------------|---------------------------------|-----------------------|-------------------------|-------------------|
| California | Exam | 3008 | JANUARY 1997 | 13 |
| Nevada | Exam | 3008 | JANUARY 1997 | 13 |
| | | | | |

23. Have you ever been a member of a state dental society? Yes No

If yes, please list status and dates of membership ODA 1998-current NOA 1997-2010

24. As a dentist, a member of any professional or other organization, or as a holder of any public office:
- a) Have you been suspended or otherwise disqualified or have a pending appeal of a determination of suspension or disqualification? NO
 - b) Have you been reprimanded, censured or otherwise disciplined, or have a pending appeal of a reprimand, censure or other disciplinary action? NO
 - c) Have any charges or complaints, formal or informal, been made or filed against you, or have any proceedings been instituted against you? NO
 - d) Have you ever been reported to the National Practitioner Data Bank or the HICPA (Health Care Integrity and Protection) Data Bank? NO

If your answer is yes to any of the foregoing questions, please furnish for each occurrence, a written statement giving the complete facts and state as to each case the date, nature of the charge, disposition of the matter, and name and address of the authority in possession of the records.

25. Are you a Diplomat, board-eligible or declared specialist in any branch of dentistry? Yes No
If yes, give specialty and how qualified (I will receive my certificate in endodontics 8/22/2012)

26. If you have been admitted to practice in any jurisdiction, provide the following certification and make a complete statement of all your practice since graduation to date. Include temporary or part-time work. Indicate:

- 1) The dates during which you were employed as a dentist or engaged in practice.
- 2) The addresses of the offices or places at which you were so employed or engaged, and the names and addresses of all employers, partners, associates, or persons sharing office space, if any (Attach sheet if necessary)
- 3) The nature of your practice. (General Dentistry or Specialty)
- 4) The reason for the termination of each employment or period of private practice.

| FROM | TO | NAME AND ADDRESS OF EMPLOYER/ASSOCIATES | NATURE OF PRACTICE | REASON FOR LEAVING |
|-----------------|-----------------|-----------------------------------------|------------------------------|-----------------------|
| 1997 | 2010 | DR. [REDACTED] | General Dentistry | Retirement |
| 1997 | 2010 | DR. [REDACTED] | General Dentistry | Retirement |
| 1997 | 2010 | DR. [REDACTED] | General Dentistry | Retirement |

27. Do you now, or have you ever held any other health care license (examples: medical, dental, nursing, physical therapy, etc.) If yes, give type of license, state, and dates held.

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28. Have your hospital privileges (for any license) ever been revoked or suspended? If yes, give dates, locations and reasons.

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29. Have you ever held a DEA license? If yes, give dates, locations and reasons.

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30. In addition to the foregoing, I add the following:

a) I solemnly declare upon my honor that I granted a license to practice dentistry in North Carolina, I shall responsibly comply with all laws regarding the practice of dentistry in this state, and will do my best to uphold and maintain the ethics of the profession.

b) I hereby give notification to the North Carolina State Board of Dental Examiners to secure additional information concerning me or any information in this application from any person or any source the Board may desire. I further agree to submit to questions by the Board or any member or employee thereof, and to substantiate my statements if desired by the Board.

c) I have attached the required fees for licensure by credential. (DO NOT SEND CASH) You must submit a certified check or money order. I understand that the fees are non-refundable and non-transferable.

d) I understand that, if licensed by credentials in North Carolina, I am required by statute, passed by the North Carolina Legislature, to establish a practice location and actively practice dentistry in North Carolina within one year from the date I am licensed; by so doing, I give notice to North Carolina with the understanding that my license shall be void upon a finding by the Board that I have not listed my practice in North Carolina or that I am no longer actively practicing dentistry in North Carolina.

e) I understand that I do not take and accept any written examinations within 90-days of receiving the study material, my application and all material submitted will become null and void and I will be required to re-submit a license by credentially application, the license by credentially fees and all required materials.

f) I understand that my application will NOT be accepted if all materials are not received as a complete package. Further, I understand that the application, all materials and the fee will be returned to the applicant in the event of a deficiency. All materials and the fee will be returned to the applicant in the event of a deficiency. I understand that the application and the fee will be returned to the applicant in the event of a deficiency.

g) I understand that the application process takes at least 90 days upon receipt by the North Carolina State Board of Dental Examiners office.

In order to determine my suitability for a license to practice dentistry in North Carolina, I understand that the North Carolina State Board of Dental Examiners must make a thorough investigation of my personal records and employment history. It is in the public's best interest that any and all relevant information concerning my personal and employment history be disclosed to the North Carolina State Board of Dental Examiners. Therefore, I do hereby request and authorize any former and present employer, educational institution, doctor or other health care professionals including mental health, alcohol treatment centers, hospitals or other repositories of medical records, government agencies, criminal and civil courts, including any private law firms and or evaluation/assessing boards or commissions, any other individual agency or firm to produce and provide me copies of any and all information and documents, including but not limited to privileged or confidential documents in the board regarding myself.

I hereby expressly waive all provisions of law forbidding any physician or other person who has attended or visited me, or who may investigate or examine me, from disclosing any knowledge or information which he/she may acquire, and I hereby consent that he may disclose such knowledge or information to the North Carolina State Board of Dental Examiners.

Moreover, I hereby waive the Board from any civil or criminal liability whatsoever for seeking such requested information and for evaluating such information as it relates to my application and potential license. I hereby release the issuing agency and the agency, both individually and collectively from any and all liability for damages of whatever kind, which may at any time result because of compliance with this request.

I further waive all rights to inspect or review any and all information compiled in reference to my investigation or application for license. I do further hereby authorize the Board, its agents and employees, to release any copies of any and all information in my agency or entity regarding the licensing authority of the application and/or investigation program has been completed. A true copy of this document is considered valid, just as the original.

I hereby acknowledge that this application is a continuing application and that I must provide full and correct answers to the questions herein. I will notify the Board of any changes relating to any matter inquired about herein.

I understand that the failure to provide full and correct answers and/or failure to update my responses will be grounds for denial of my application or revocation of my license.

I have read and fully understand the above statements.

(Signature)

 Mark Jackson
 (Print Name)

NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS

AFFIDAVIT

DENTAL LICENSURE BY CREDENTIALS

The form must be completed, signed, notarized and returned with the application packet. Failure to return this form will result in your application being returned.

For the five years immediately preceding my application for licensure by credentials, I have practiced at the following locations:

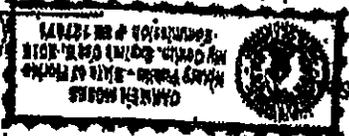
| Location | Period of Employment |
|----------------------------------------------|------------------------|
| 7720 W. Sahara Ave. #107 Las Vegas, NV 89117 | March 1999 to May 2010 |
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| | |

I have been in continuous active clinical practice with at least 2000 hours in clinical direct patient care dentistry during the five years immediately preceding my application for licensure by credentials, not including post graduate training, residency programs or Internship.

Signature: [Handwritten Signature] Date: 2/23/12

Agreed to and subscribed before me this

8th day of February, 2012



My commission expires 10/5/2015 Notary Public

John Hunt

From: John Hunt
Sent: Wednesday, March 14, 2012 12:33 PM
To: Kimberly Johnson; Debra Shaffer dshaffer@nsbde.nv.gov
Subject: FW: Dr. Tadrissi

FYI Deb please write letter on Board stationery to Bobby White of the North Carolina Board that Dr. Tadrissi's stipulation was a corrective action stipulation and was not a disciplinary stipulation. Provide copy to Kim. Further the corrective action of the Board was not reported to the National Practitioners Data Bank. Thanks

John A. Hunt, Esq.
RALEIGH & HUNT, P.C.
500 S. Rancho Dr., Ste 17
Las Vegas, NV 89106
e-mail: john@lvattorneys.net
Phone: (702) 436-3835
Fax: (702) 436-3836

From: Bobby White [<mailto:bwhite@ncdentalboard.org>]
Sent: Wednesday, March 14, 2012 5:39 AM
To: John Hunt
Cc: 'Mary'; 'Terry Friddle'
Subject: RE: Dr. Tadrissi

John:

I did additional review and he's in our correspondence file, but not our applicant file. He's not in our applicant file because we simply sent his entire application back (saving him the \$2000 application fee). At the time we believed him to have been disciplined by the NV Board and, therefore, ineligible for licensure by credentials under NC law. If he wants the application to go through, I would suggest his packet include a letter from you or the NV Board indicating that the corrective stipulation he received is not considered discipline in NV.

Hope this helps.

Bobby

From: John Hunt [<mailto:john@lvattorneys.net>]
Sent: Tuesday, March 13, 2012 5:26 PM
To: Bobby White
Cc: Kimberly Johnson; Debra Shaffer dshaffer@nsbde.nv.gov
Subject: Dr. Tadrissi

Bobby: Attach is a Letter from your Board denying Dr. Tadrissi's application for credentials based upon prior discipline by the Nevada Board. As I informed this morning no discipline was taken by the Nevada Board. Dr. Tadrissi's stipulation was a corrective action stipulation not reportable to the National Practitioners Data Bank. Thank you

John A. Hunt, Esq.
RALEIGH & HUNT, P.C.
500 S. Rancho Dr., Ste 17
Las Vegas, NV 89106

e-mail: john@lyattorneys.net
Phone: (702) 436-3835
Fax: (702) 436-3836

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2012.0.1913 / Virus Database: 2114/4870 - Release Date: 03/14/12

Tadrissi, DDS

Nevada State Board of Dental Examiners


William G. Pappas, D.D.S.
President

Donna J. Hellwinkel, D.D.S.
Secretary-Treasurer

6010 S. Rainbow Boulevard, Building A, Suite 1 • Las Vegas, Nevada 89118 • (702) 486-7044 • (800) DDS-EXAM • Fax (702) 486-7046

March 14, 2012

Bobby White, Esq., Chief Operations Officer
North Carolina Board of Dental Examiners
507 Airport Boulevard, Suite 105
Morrisville, NC 27560

Re: Mark Tadrissi, DDS

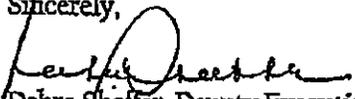
Dear Mr. White:

At the request of Mr. John Hunt, Esq., Board Legal Counsel for the Nevada State Board of Dental Examiners. This letter is being provided to clarify the Stipulation Agreement Mark Tadrissi, DDS entered into with the Nevada State Board of Dental Examiners on April 30, 2010.

Please be advised, this was corrective action and the provisions of the stipulation agreement are not reportable to the National Practitioners Data Bank as required with Adverse Action. The provisions set forth in the stipulation agreement have been fulfilled.

Should you have additional questions, I direct your questions to Mr. Hunt. You may reach him at (702) 436-3835.

Sincerely,


Debra Shaffer, Deputy Executive Director
Nevada State Board of Dental Examiners

Cc: John Hunt, Esq., Board Legal Counsel
File

John Hunt

From: John Hunt
Sent: Tuesday, May 15, 2012 3:35 PM
To: 'Kathleen Kelly'
Cc: 'Debra Shaffer'; Donna Helwinkel (donna@helwinkel.com); Lee Drizin
Subject: FW: Tadressi & National Practitioners Data Reporting Requirements.
Attachments: Executed Stipulation Agreement.pdf; Compliance Inquiry Feb 2 2011.pdf; Response to Compliance inquiry Mar 3 2011.pdf; NPDB ltr Confirming NSBDE Compliant 080111.pdf

Sorry I did not finish the last sentence.

John A. Hunt, Esq.
RALEIGH & HUNT, P.C.
500 S. Rancho Dr., Ste 17
Las Vegas, NV 89106
e-mail: john@lvattorneys.net
Phone: (702) 436-3835
Fax: (702) 436-3836

From: John Hunt
Sent: Tuesday, May 15, 2012 3:32 PM
To: 'Kathleen Kelly'
Cc: 'Debra Shaffer'; Donna Helwinkel (donna@helwinkel.com)
Subject: Tadressi & National Practitioners Data Reporting Requirements.

Kathleen: Regarding the inquiries surrounding with Dr. Tadressi's stipulation as to whether or not it was discipline or a corrective action Stipulation I have attached the Stipulation. I have also attached a copies of the Compliance Inquiry from Cynthia Grubbs, R.N., JD, Director, Division of Practitioner Data Bank; our response to the inquiry and the closing letter from Cynthia Grubbs, R.N., JD, Director, Division of Practitioner Data Bank stating that NSBDE was in compliance based upon our reply. Based upon the attached information it is clear Dr. Tadressi's Stipulation was not discipline. I have thought about making inquiry to the National Practitioners Data Bank but have decided not since too challenge an opinion that was in our favor makes no sense. Such an inquiry could only exposed the Board to unnecessary exposure to further scrutiny. Having corrective action Stipulations is an invaluable tool in protecting the citizens of the State of Nevada. My legal opinion is confirmed by Cynthia Grubbs, R.N., JD, Director, Division of Practitioner Data Bank correspondence. If I remember correctly you initially wanted Dr. Tadressi to receive a remand. That is why I am a little perplexed that you now want to take the position it should now be considered discipline.

John A. Hunt, Esq.
RALEIGH & HUNT, P.C.
500 S. Rancho Dr., Ste 17
Las Vegas, NV 89106
e-mail: john@lvattorneys.net
Phone: (702) 436-3835
Fax: (702) 436-3836



FEB 02 2011

Kathleen Kelly
Executive Director
Nevada State Board of Dental Examiners
6010 South Rainbow Boulevard
Suite A-1
Las Vegas, Nevada 89118

FEB 04 2011
N.S.B.D.E.

RE: Dentists

Dear Ms. Kelly:

The Health Resources and Services Administration, Division of Practitioner Data Banks (DPDB) is committed to partnering with State licensing and certification boards to encourage the comprehensive review of the professional credentials of health care professionals, and to address patient safety, fraud and abuse in the health care delivery system. To this end the DPDB has undertaken a comprehensive review of the adverse actions that State licensing and certification boards submit to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank (Data Banks).

The DPDB review encompassed a multistep process, which included reviewing adverse actions publicly posted on licensing and certification board websites, assessing adverse actions provided to the DPDB by these entities, and comparing these data against the actions reported to the Data Banks.

Having completed our comparison of the data available through your organization with the reports that have been submitted to the Data Banks for the years 2006-2009, our objective is to collaborate with licensing and certification boards to ensure that the information in the Data Banks is complete and accurate. Thank you for the assistance you have provided us to date. We welcome your continued cooperation.

From our review, it appears that there are actions/individuals that have not been reported to the Data Banks as required. We have attached a spreadsheet that contains the details of our analysis.

In order to finalize our analysis, we request that you immediately review the outstanding actions listed on the attached spreadsheet. Within 30 calendar days the following next steps are required to ensure that your organization meets Data Banks reporting requirements.

- a) Report the actions as required and provide notice to DPDB that you have done so;
- b) Supply a written explanation stating the reason that the actions do not meet the reporting requirements; or
- c) Provide a Corrective Action Plan (CAP) detailing how your Board will meet Data Banks reporting requirements. The CAP must include provisions for the State licensing or certification board to begin submitting missing data within 15 days of submission of the CAP, an estimate of when all missing data will be reported and the steps that will be taken to ensure that future actions are reported as required.

FEB 04 2011
N.S.B.D.E.

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| 1300 | 000 - Debit | | 01/27/2011 | | | |

RALEIGH & HUNT, P.C.

Attorneys at Law

500 South Rancho Drive, Suite 17
Las Vegas, Nevada 89106
702.486.8835
702.486.8886 facsimile

March 3, 2011

Cynthia Grubbs, R.N., J.D., Director
c/o Margarita Morales, Compliance Coordinator
Division of Practitioner Data Banks
5600 Fishers Lane, Room 8-103
Rockville, MD 20857

Re: Correspondence dated February 2, 2011

Coordinator Morales:

Our firm represents the legal interests of the Nevada State Board of Dental Examiners. Please be advised that I am in receipt of Director Grubbs correspondence dated February 2, 2011.

I have reviewed the reference Stipulations identified in the enclosure listing the stipulations that were entered into with the Board. I have also had the opportunity to review the correspondence and the list with Debra Shaffer, the Deputy Executive Director of the Nevada State Board of Dental Examiners. As a result of our review the following response is offered.

As to the stipulations entered into with following:

1. Ilya Benjamin, (Action Date: 06/21/2007)
2. Gregory Bowman, (Action Date: 03/13/2008)
3. Sebastian Glaze, (Action Date: 01/17/2008)
4. Frank Nguyen, (Action Date: (Action Date: 03/18/2008)
5. Bradley Rowe, (Action Date: 06/21/2007)
6. Adrian Ruiz, (Action Date: 10/30/2008)
7. Mohammad Soltani, (Action Date: 01/17/2008)
8. Samuel Thomas, (Action Date: 11/01/2007)
9. Liem Vu, (Action Date: 01/24/2006)
10. Sufia Wali, (Action Date: 06/27/2008)
11. Daniel Paik, (Action Date: 05/02/2008)

Cynthia Grubbs, R.N., J.D., Director
Margarita Morales, Compliance Coordinator
Division of Practitioner Data Banks
March 3, 2011
Page 2

In determining whether or not to report those actions as adverse actions, Chapter E Report of the NPDB guidebook E-24 dated September 2001 was considered which is attached for your reference.

None of the stipulations identified above (1-11) resulted in either a fine, revocation, suspension, censure, reprimand, probation nor was there a surrender of licensure pending disciplinary action. In addition, none of the settlements identified above in any way restricted the dentist practice. Therefore it is our understanding the Stipulations (1-11) identified above were not adverse actions, but were corrective actions not require reporting. Please advise as to whether our understanding is correct.

Also be advised the HRSA guidelines issued on February 25, 2010, effective March 1, 2010 have been taken into consideration for any actions taken after March 1, 2010. I note that none of the stipulations identified in the correspondence involved stipulations that were entered into the Board subsequent to March 1, 2010.

As to the actions listed below (1-5) according to the Board's Deputy Executive Director it is her recollection during the applicable time frames she submitted temporary adverse action reports with the understanding these temporary adverse action reports would automatically be converted to permanent adverse reports. After review your correspondence it appears the following actions below were not converted into permanent adverse action reports. The Deputy Executive Director now knows it is her responsibility to convert temporary adverse action reports to permanent adverse action reports. Therefore the Board's Corrective Action Plan will be to submit adverse actions reports on the dentist listed below within fifteen days of submission of this correspondence.

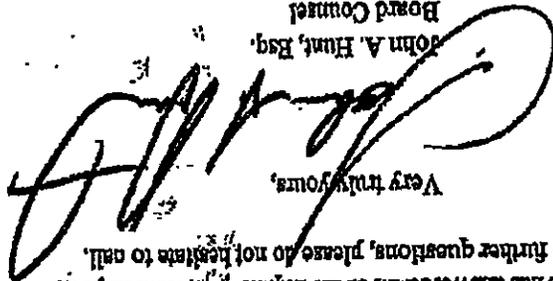
1. Duff Kaster, (Action Date: 01/24/2006)
2. Todd Krampel, (Action Date: 10/30/2008)
3. Arin Lousing-Nont, (Action Date: 06/21/2007)
4. Tri Nguyen, (Action Date: 01/24/2006)
5. John Vennoch, (Action Date: 06/27/2008)
6. Gerald Rampton, (Action Date: 11/09/2006)

Cynthia Grubbs, R.N., J.D., Director
Margaretta Morales, Compliance Coordinator
Division of Practitioner Data Banks
March 3, 2011
Page 3

Lastly as it relates to Todd Kempel (Action Date: 04/01/2008) according to the Board records an adverse action was filed with the National Practitioners Data Bank on April 18, 2008, DCN #5500000050588173.

I hope this correspondence has answered all of the inquiries set forth in your correspondence. If you have any further questions, please do not hesitate to call.

Very truly yours,

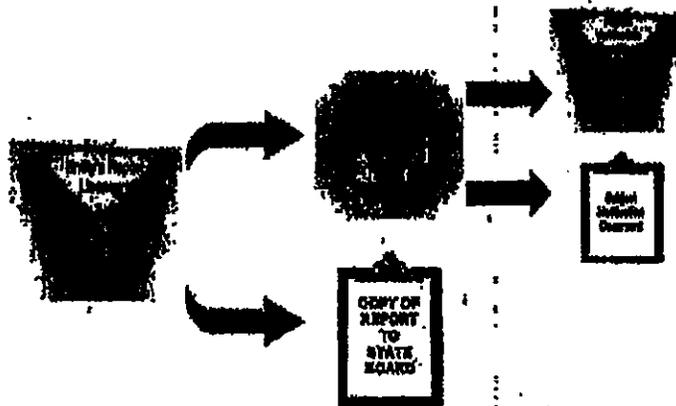


John A. Hunt, Esq.
Board Counsel

JAH:po
Enclosures as Stated

cc: Kathleen Kelly, Executive Director
Debra Shafter, Deputy Executive Director

REPORTING ADVERSE LICENSURE ACTIONS



Reporting Adverse Licensure Actions

State medical and dental licensing boards must report adverse actions against physicians and dentists to the NPDB within 30 days from the date an adverse licensure action was taken.

State medical and dental boards must report to the NPDB certain disciplinary actions related to professional competence or professional conduct taken against the licenses of physicians or dentists. Such licensure actions include revocation, suspension, censure, reprimand, probation, and surrender. State medical and dental boards must also report revisions to adverse licensure actions, such as reinstatement of a license.

Effective Date of Action

An Adverse Action Report must be submitted within 30 days of the date of the formal approval of the licensure action by the State medical or dental board or its authorized official. Significant delays may

occur between the formal approval of the action and the drafting of the order for publication; however, the trigger date for reporting the adverse action is based on the board's formal approval of the action.

Examples of Reportable Actions

The following adverse licensure actions, when related to the professional competence or professional conduct of a physician or dentist, must be reported to the NPDB:

- Denial of an application for license renewal.
- Withdrawal of an application for license renewal (should be reported as a voluntary surrender).
- Licensure disciplinary action taken by a State board against one of its licensees/applicants for licensure renewal based upon a licensure disciplinary action, related to the practitioner's professional competence or professional conduct, taken by another State board.

- * License disciplinary action taken by a State board based upon the practitioner's failure to report a license disciplinary action taken by another State board, when a report of such action is requested on a license renewal application.
- Fine and other monetary sanctions accompanied by other license action, such as revocation, suspension, or censure, reprimand, probation, or surrender.
- Examples of Non-Reportable Actions
 - The following adverse license actions should not be reported to the NPDG:
 - Fines and other monetary sanctions unaccompanied by other license action, such as revocation, suspension, or censure, reprimand, probation, or surrender.
 - Denial of an initial application for license.
- A license disciplinary action which is imposed with a "stay" pending completion of specific program or action. However, if a "stay" or a disciplinary action is accompanied by probation, the probation is reportable.
- Voluntary relinquishment of a physician's license for personal reasons not related to his or her professional competence or professional conduct (for example, retirement).
- License actions taken against non-physicians, non-dentist, health care practitioners.

X

*



What is Reportable to the NPDB with Section 1921?

Non-Reportable Actions:

- **Monitoring, Continuing Education, completion of other obligations (unless it constitutes a restriction, a reprimand, etc...)**
 - **Stayed actions**
 - **Voluntary relinquishment of license for personal reasons (e.g., retirement or change to inactive status)**
- 



DEPARTMENT OF HEALTH & HUMAN SERVICES

Health Resources and Services Administration

Rockville, MD 20857

MAY 25 2011

MAY 27 2011
N.S.B.D.E.

Ms. Kathleen Kelly
Executive Director
Nevada State Board of Dental Examiners
6010 S. Rainbow Boulevard, Suite A-1
Las Vegas, Nevada 89118

Dear Ms. Kelly:

On behalf of the Health Resources and Services Administration (HRSA), Bureau of Health Professions, Division of Professions Data Banks (DPDB), I would like to thank you and your organization for the report and assistance you provided during our recent Adverse Licensure Action Comparison Project. The project provided for a comprehensive review of publicly available records of adverse actions against the reports in the National Professions Data Bank (NPDB) and Health Integrity Protection Data Bank (HIPDB), collectively known as the "Data Bank".

During the past year, we requested that your organization review and reconcile certain adverse actions for the years 2006-2009. Our review revealed that the actions in question had either not been reported, or were inaccurately reported to the Data Bank. As a direct result of your participation in this reconciliation process, you have furthered our ongoing efforts to ensure that the information in the Data Bank is accurate, complete, and available.

We commend your organization for the success of this effort. By meeting the Data Bank reporting requirements, your organization has attained "Compliant" status. The results of April 1, 2011, Adverse Licensure Action Comparison Project, along with updates on other compliance efforts are posted on Data Bank website at: <http://www.npdbh-hipdb.hhs.gov/new/reports/comp.html>.

Should you require additional assistance on Data Bank reporting requirements, please visit our website at: <http://www.npdbh-hipdb.hhs.gov/index.jsp>. The website contains the status and regulations that pertain to reporting requirements, as well as fact sheets and responses to frequently asked questions that may guide your efforts. You may also contact the Customer Service Center at (800) 767-6732 or help@npdbh-hipdb.hhs.gov, or contact our office directly at (301) 443-2300 to request assistance.

The Department of Health and Human Services is dedicated to patient safety for all citizens. We appreciate your ongoing efforts to keep your Board's reporting current with the Data Bank. We look forward to working with you again in the future, and we thank you for your full commitment to patient safety and health care excellence.

Sincerely,

Cynthia Grubb
Cynthia Grubb, R.N., J.D.
Director

Division of Professions Data Banks

Nevada State Board of Dental Examiners

William G. Pappas, D.D.S.
President



Donna J. Heffinkel, D.D.S.
Secretary-Treasurer

6010 S. Rainbow Boulevard, Building A, Suite 1 • Las Vegas, Nevada 89118 • (702) 486-7044 • (800) DDS-EXAM • Fax (702) 486-7048

May 10, 2012

Bobby White, Esq.
Chief Operations Officer
North Carolina State Board of Dental Examiners
507 Airport Blvd, #105
Morrisville, NC 27560

Re: Stipulation Agreement with Mark Tadrisel, DDS

Dear Mr. White:

In follow-up to your request, and the request from Ms. Terry Fridde, Deputy Operations Officer, for clarification regarding the Stipulation Agreement with Mark Tadrisel, DDS adopted by the Nevada State Board of Dental Examiners at a publicly noticed meeting of the board on April 30, 2010, I provide the following information:

Pursuant to NRS 622.100(1)(a) a quarterly report ending June 30, 2010 was submitted by the Nevada State Board of Dental Examiners to the Nevada Legislative Counsel Bureau for disciplinary actions taken by the board in the preceding quarter including the Stipulation Agreement with Mark Tadrisel, DDS. For your convenience, the statute cited states the following:

NRS 622.100 Quarterly reports of disciplinary actions and regulatory activities; duties of Director of Legislative Counsel Bureau.

1. Each regulatory body shall, on or before the 25th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director:

(A) A summary of each disciplinary action taken by the regulatory body during the immediately preceding calendar quarter against any licensee of the regulatory body; and

(B) A report that includes:

(1) The number of licenses issued by the regulatory body during the immediately preceding calendar quarter; and

(2) Any other information that is requested by the Director or which the regulatory body determines would be helpful to the Legislature in evaluating whether the continued existence of the regulatory body is necessary.

2. The Director shall:

(a) Provide any information received pursuant to subsection 1 to a member of the public upon request;

(b) Cause a notice of the availability of such information to be posted on the public website of the Nevada Legislature on the Internet; and

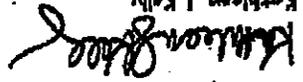
(c) Transmit a compilation of the information received pursuant to subsection 1 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

3. The Director, on or before the first day of each regular session of the Legislature and at such other times as directed, shall compile the reports received pursuant to paragraph (b) of subsection 1 and distribute copies of the compilation to the Senate Standing Committee on Commerce and Labor and the Assembly Standing Committee on Commerce and Labor, each of which shall review the compilation to determine whether the continued existence of each regulatory body is necessary.

(Added to NRS by 2001 947; A 2001 1185 341E; 2007 283E; 2008 2040 2841)

If you have any further questions concerning this reporting of the matter you inquired about, please do not hesitate to contact me at (702) 456-7044.

Sincerely,



Kathleen J. Kelly

Executive Director

KJK

~~John Thomas, Esq., County Legal Counsel~~

File of Mark Taddese, DDS

Terry Fiddie, Deputy Operations Officer

John Hunt

From: Donna Hellwinkel [donna@hellwinkel.com]
Sent: Wednesday, May 16, 2012 8:04 AM
To: 'Kathleen Kelly'; John Hunt
Co: 'Debra Shaffer'; 'Lee Drizin'
Subject: Tadresa! stipulation

Dear Kathleen and John,

In light of recent e-mails, I want to state that my intent as a DSO on the Tadresa! stipulation was to be remedial. The stip was designed to have the doctor re-take the jurisprudence exam so to re-familiarize himself with conscious sedation rules and to take classes on record keeping and ethics. I thought these corrective actions would prevent this type of incident from happening again. I do not believe I had any further intent than that. I certainly did not want it reported to the NPDB.

Donna Hellwinkel DDS DSO

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John Hunt

From: John Hunt
Sent: Wednesday, May 23, 2012 4:04 PM
To: Kathleen Kelly
Cc: Donna Hellwinkel (donna@hellwinkel.com); Debra Shaffer
Subject: RE: Tadrissi

Kathleen: Spoke to opposing counsel. She said she would be writing a demand letter and would copy me. I told her at this point there is nothing we can do until the Board hears the matter. Her response was her client was incurring monetary damages each day since the North Carolina's denial which she believes is based upon your correspondence of May 10, 2012. To the best of my knowledge your letter of May 10, 2012 states your response is in response to a request by the North Carolina Board. To the best of my knowledge you did not share that request with me and nor did not seek my counsel before writing your letter of May 10, 2012. Please advise whether you sought legal counsel before writing your letter of May 10, 2012 to the North Carolina Board. Particularly in light of the prior discussions, emails and attachments between yourself, myself, DSO Hellwinkel and Deb. Please be advised NRS 622.100 requires the reporting of disciplinary actions and regulatory activities. Corrective action Stipulations have been a policy of the Board since 2003 and the Board has always been aware that such stipulations are not discipline and not reportable to the National Practitioners Data Bank. As confirmed by the National Practitioners Data and our own web site which states any action taken by the Board is listed as "Board Action" to include regulatory activities or disciplinary action. The Board does not use the word disciplinary action. Therefore it is my legal opinion that corrective action stipulations fall under the category of "regulatory activities" (see previous my previous emails and attachments) and are not discipline as I previously explained. Therefore had you contacted me prior to writing your letter of May 10, 2012, I would have explained to you that Dr. Tadrissi's Stipulation was a "regulatory activity and not discipline pursuant to NRS 622.100. At the very least instead of issuing your letter you should have told Dr. Tadrissi to seek an advisory opinion pursuant to NAC 631.279 and have him request the North Carolina Board table his application until the Board issued its advisory opinion. Now Dr. Tadrissi is possibly subjected to a denial of licensure and a adverse action report to the National Practitioners Data Bank as a result of your legal opinion.

John A. Hunt, Esq.
RALEIGH & HUNT, P.C.
500 S. Rancho Dr., Ste 17
Las Vegas, NV 89106
e-mail: john@lvattorneys.net
Phone: (702) 436-3835
Fax: (702) 436-3836

From: Kathleen Kelly [mailto:kkelly@nsbde.nv.gov]
Sent: Wednesday, May 23, 2012 2:18 PM
To: John Hunt
Cc: Debra Shaffer
Subject: Tadrissi

John: Dr. Tadrissi called me yesterday and emailed some emails sent to North Carolina Board and comment about what they received from you and Deb previously and the letter I sent after receiving a request from North Carolina Board staff (Fridde and White) to clarify. I responded to him that he may want to ask the board to resolve what appears to be conflicting information. I have asked that he submit his written request by June 1st for the agenda of June 24th.

Today, his counsel Kim Johnson called me and she asked about. She asked if there was a way I could send a letter that this was misunderstanding and I made a mistake. I let her know what emails Dr. Tadrissi sent and my reply that I think it would be best to have the board issue a decision as it was their action. She asked me about the citation in my letter of

• NRS 622 which requires the board to report all disciplinary actions quarterly and what the report is which I explained was the disciplinary actions and licenses added and removed in the previous quarter.

I let her know to please have to me by June 1st and I would be happy to include on the June 14 agenda to resolve for Dr. Tadrisi. She said she had left you a message but had not heard back. FYI

Kathleen J Kelly
Kathleen J Kelly
Executive Director
Nevada State Board of Dental Examiners
6010 S Rainbow Blvd, #A-1
Las Vegas, NV 89118
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**Licensed in California

***Licensed in Nevada

+Licensed in New Mexico

May 29, 2012

SENT VIA FAX - (702) 486-7046
Kathleen Kelly, Executive Director
Nevada State Board of Dental Examiners
6010 South Rainbow Boulevard
Suite A-1
Las Vegas, Nevada 89118

Re: Mark Tadrissi D.D.S.

Dear Ms. Kelly:

This correspondence concerns the prior board action with Dr. Tadrissi and the current issue with Dr. Tadrissi obtaining his North Carolina license.

Dr. Tadrissi agreed to a corrective action with the Nevada State Board of Dental Examiners on April 30, 2010. The stipulation agreed upon was not disciplinary but corrective, as it was not reported to the National Practitioner's Data Bank. Dr. Tadrissi recently applied for licensure in North Carolina by credentialing. He was told by the North Carolina Board that if he was disciplined by the Nevada Board, then he would not be eligible for licensure by credentialing. He contacted our office and requested assistance in determining if his corrective action would prohibit him for licensure by credentialing.

Our office contacted Ms. Debra Shaffer and John Hunt to request clarification on this issue. Ms. Debra Shaffer penned a letter dated March 14, 2012 acknowledging that the stipulation between the board and Dr. Tadrissi was considered a "corrective action" and not "disciplinary." Given this information, Dr. Tadrissi applied for his license by credentials, completed all the necessary requirements. He has taken the exams he was required to and paid all fees. Dr. Tadrissi has been awaiting the decision by the board. He was recently told by the NC Board that your letter caused the denial of his NC license by credentialing.

Kathleen Kelly
May 29, 2012
Mark Tadrissi, D.D.S.
Page 2

Your letter stated that his stipulation must have been disciplinary in nature because of the reporting requirements of NRS 622.100. However, this statute clearly states that Two types of actions are to be reported quarterly "disciplinary actions and regulatory activities." If Dr. Tadrissi's stipulation was reported to the Nevada Legislative Bureau, it was because it was of the second type, a regulatory activity. Further, our office understands that all stipulations are reported to this bureau. If that were the case, then all stipulations would be disciplinary. Use of NRS 622.100 does not demonstrate that the stipulation with Dr. Tadrissi was disciplinary. Ms. Shaffer's letter and the fact that the stipulation was not reported to the National Practitioner's Data Bank are evidence that supports the conclusion that this was not a disciplinary action.

What is also concerning is that when you penned your letter to the NC Board you knew of Ms. Shaffer's letter advising that the stipulation was considered a corrective action. Further, you knew that Ms. Shaffer's letter was sent based on the advice of the Nevada Board of Dental Examiner's counsel Mr. John Hunt. Lastly, no effort was made to contact or advise Dr. Tadrissi of the information that was supplied to the North Carolina Board.

Your action has had a dramatic effect on Dr. Tadrissi's life and has caused him economic and non-economic damages. Dr. Tadrissi worked in Las Vegas as a dentist for approximately 13 years. He never had any issues with his colleagues, the board or his patients. When a particular patient requested he be anaesthetized for a dental procedure, Dr. Tadrissi found reputable anesthesiologists for this patient to choose from. Dr. Tadrissi believed he was doing what was best for his patient and within the rules and regulations of his practice. He did not know that in Las Vegas, which is unlike many other jurisdictions, he needed a site permit to have a licenced anesthesiologist administer anesthesia to a patient. When the board investigated this issue, he acknowledged his mistake. He has always acted appropriately and forthcoming.

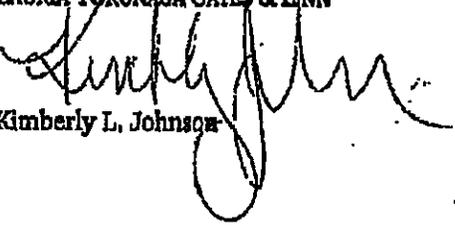
He is about to finish his speciality school in Florida and plans to start practicing in North Carolina. He has a family with two school age children. In the next few months he plans on moving his family to North Carolina, finding a place to settle down and hopefully starting to work as an endodontist to provide for his family. Because of you actions, he will likely not be licensed until the end of 2012 following his passing of the exam. Dr. Tadrissi is a good dentist and a good person. He acted appropriately and responsibly while he was in Las Vegas. He was told that the stipulation he entered into was of a corrective action and was not reported to the National Practitioner's Data Bank. We request that you send a letter to the North Carolina Board stating that you were incorrect, and his board action was not disciplinary in nature.

Kathleen Kelly
May 29, 2012
Board v. Mark Tadrissi, D.D.S.
Page 3

If you are unwilling to send this letter, then pursuant to NAC 631.279, Dr. Tadrissi is hereby requesting a determination or advisory opinion from the Board at the next board meeting.

Very truly yours,

LAURIA TOKUNAGA GATES & LINN


Kimberly L. Johnson

KLJ:das

cc: Jade A. Miller, DDS, President
J. Stephen Sill, DMD, Secretary-Treasurer
J. Gordon Kinard, DDS, Member
Byron M. Blasco, DMD, Member
Timothy T. Pinther, DDS, Member
Jason L. Champagne, DMD, Member
M. Masih Soltani, DDS, Member
Theresa C. Guillen, RDH, Member
James J. "Tuko" McKernan, RDH, Member
Leslea R. Villigan, RDH, Member
Lisa M. Wark, Public Member
Debra Shaffer, Deputy Executive Director
John A. Hunt, Esq.

MEMO

To: Nevada State Board of Dental Examiners
From: John A. Hunt, Esq.
Date: June 14, 2012
Re: Discussion of authority regarding the Board being able to enter into corrective action stipulations with licensees.

1. **Boards have been found to have implied power to settle licensing disputes, since settlement is administratively efficient and furthers the purpose for which Boards were created. Courts have also found there are no limitations on conditions that may be included in a settlement agreement except that such conditions must not violate public policy.**

In Rich Vision Centers, Inc. v. Board of Medical Examiners 144 Cal.App.3d 110 (1993), the California Court of Appeal, Second District, Division 3, held the Board of Medical Examiners has implied power to settle licensing disputes, since settlement is administratively efficient and furthers the purpose for which the Board was created. The court also noted there are no limitations on conditions that may be included in a settlement agreement except that such conditions must not violate public policy. More particularly, the Rich Vision Centers, Inc. court stated:

[A]n agency's powers are not limited to those expressly granted in the legislation; rather, "[i]t is well settled in this state that [administrative] officials may exercise such additional powers as are necessary for the due and efficient administration of powers expressly granted by statute or as may fairly be implied from the statute granting the powers." (Dickey v. Raisin Proration Zone No. 1 (1944) 24 Cal.2d 796, 810, 151 P.2d 505; see also Stackler v. Department of Motor Vehicles (1980) 105 Cal.App.3d 240, 245, 164 Cal.Rptr. 203.)

No statute expressly authorizes the Board even to settle licensing disputes, let alone spells out conditions governing settlement. We must therefore first decide whether the ability to negotiate settlement of disputes may be implied from the overall statutory scheme. In so doing, we look to the purpose of the agency for guidance. (See Dickey v. Raisin Proration Zone No. 1, *supra*, at p. 802, 151 P.2d 505.)

The main purpose of the Board, like other agencies within the Department of Consumer Affairs is to insure that persons engaged in the profession possess and use "the requisite skills and qualifications necessary to provide safe and effective services to the public, ..." (Bus. & Prof.Code, § 101.6.) This broad purpose is effectuated mainly by the issuance, renewal or revocation of a license to practice. (See Bus. & Prof.Code, §§ 2553, 2555.)

Permitting the Board to settle disputes over present or continuing fitness for a license helps to achieve the Legislature's purpose. Settlement negotiations provide the Board greater flexibility. Importantly, settlements provide the means to condition the issuance or renewal of licenses in order best to protect the public. Licensing can be tailored to suit the particular situation. Because conditions are voluntarily accepted by the applicant, enforcement problems are unlikely.

Increased efficiency enures to the busy Board possessed of the authority to settle disputes.

Because settlement is administratively efficient and furthers the purpose for which the Board was created, we hold that the Board has the implied power to settle licensing disputes. (Cf. Hamilton v. Oakland School District (1933) 219 Cal. 322, 327, 26 P.2d 296 (ability to settle claims against district an implied power of school board).) This holding is consistent with the general policy of favoring compromises of contested rights. (See Id., at p. 329, 26 P.2d 296; Fisher v. Superior Court (1980) 103 Cal.App.3d 434, 441, 163 Cal.Rptr. 47.)

That at least part of a settlement must be incorporated into a formal Board decision to be effective does not change our determination that the Board has the ability to formulate the settlement in the first instance. In other areas of the law, parties may try privately to settle problems even though a court must adopt or ratify their agreement. (See e.g. Robinson v. Robinson (1949) 94 Cal.App.2d 802, 805, 211 P.2d 587 (marital property settlement incorporated in interlocutory decree of divorce); Fed.Rules Civ.Proc., Rule 23(e) (requiring court approval of class action settlement).)

Additionally, we see no limitations on the conditions that may be included in a settlement except that such conditions must not violate public policy. A party need not have a legally enforceable right to a concession granted in a compromise agreement. (Hall v. Coyle (1952) 38 Cal.2d 543, 546, 241 P.2d 236; Stub v. Belmont (1942) 20 Cal.2d 208, 217, 124 P.2d 826.) There is little danger that the agency will obtain concessions on extraneous matters, or will overreach the applicant. To be valid, all the terms of a settlement must be voluntarily agreed to by the parties. (See Enslow v. von Guenther (1961) 193 Cal.App.2d 318, 321, 14 Cal.Rptr. 231.) An applicant who believes that a Board is asking for unreasonable concessions or is making unlawful demands always retains the option to refuse a proffered settlement and to proceed to hearing.

The ability to negotiate favorable settlement terms has long been among attorneys most effective tools for promoting their clients best interests. To successfully use

this tool however, an attorney must have flexibility in formulating the terms and conditions of any agreement to maximize benefit to the client. **Settlement negotiations involve give and take, and the final agreement is a compromise. Government attorneys no less than attorneys in the private sector are responsible for promoting their clients best interests.**[footnote omitted.] (See People ex rel. Deukmejian v. Brown (1981) 29 Cal.3d 150, 157, 172 Cal.Rptr. 478, 624 P.2d 1206.) **There is no reason to handicap those members of the Attorney General staff who represent licensing agencies in performing their duty by limiting their ability to propose and include any settlement term beneficial to the public.**

Id., 114-16 (emphasis added). This analysis applies to the Board entering into corrective action stipulation agreements with licensees. Corrective action stipulation agreements cannot be seen to violate public policy. Thus, in keeping with the authority just discussed, the Board is able to enter into corrective action stipulations because there is no limitations on the conditions that may be included in a settlement agreement except that such conditions must not violate public policy. As noted above, should a licensee believe the Board is asking for unreasonable concessions or is making unlawful demands in a proposed corrective action stipulation, the licensee always retains the option to refuse a proffered settlement and to proceed to hearing.

Boards have implied power to enter into settlements of licensing disputes and to incorporate such settlements into formal Board orders. See Franke] v. Board of Dental Examiners, 46 Cal.App.4th 534, 544, 54 Cal.Rptr.2d 128 (1996).

In California Dept. of Insur. v. State Farm Gen. Insur. Co., 2004 WL 2404695 (2004), the California Court of Appeal, Second District, Division 3, stated as follows with citation to Rich Vision Centers, Inc.:

However, an agency's powers are not limited to those expressly granted in the legislation; rather, '[i]t is well settled in this state that [administrative] officials may exercise such additional powers as are necessary for the due and efficient administration of powers expressly granted by statute, or as may fairly be implied from the statute granting the powers.' [Citations.]" (Rich Vision Centers, Inc. v. Board of Medical Examiners (1983) 144 Cal.App.3d 110, 114; italics in original [Rich Vision].)[footnote omitted.]

In Rich Vision, two opticians entered into a settlement agreement with the Board of Medical Examiners to resolve a number of pending disputes and administrative matters. Under the settlement they agreed to pay the Board's attorney's fees, investigative costs and administrative hearing expenses. **The opticians, however, later challenged the settlement agreement, arguing that "the Board did not have the authority" to require them to make such payments. We rejected that contention and held that the authority to settle disputes was well within the authority of the Board.**

"Permitting the Board to settle disputes over present or continuing fitness for a license helps to achieve the Legislature's purpose. Settlement negotiations

provide the Board greater flexibility. Importantly, settlements provide the means to condition the issuance of renewal of licenses in order best to protect the public. Licensing can be tailored to suit the particular situation. Because conditions are voluntarily accepted by the applicant, enforcement problems are unlikely.... [¶] Because settlement is administratively efficient and furthers the purpose for which the Board was created, we hold that the Board has the implied power to settle licensing disputes. [Citation.] This holding is consistent with the general policy of favoring compromises of contested rights. [Citations.] ... [¶] The ability to negotiate favorable settlement terms has long been among attorneys' most effective tools for promoting their clients' best interests. To successfully use this tool however, an attorney must have flexibility in formulating the terms and conditions of any agreement to maximize benefit to the client. Settlement negotiations involve give and take, and the final agreement is a compromise. Government attorneys no less than attorneys in the private sector are responsible for promoting their clients' best interests.' [Citation.] There is no reason to handicap those members of the Attorney General staff who represent licensing agencies in performing their duty by limiting their ability to propose and include any settlement term beneficial to the public." (Rich Vision, *supra*, 144 Cal.App.3d at pp. 115-116.) **We also held that "we [saw] no limitations on the conditions that may be included in a settlement except that such conditions must not violate public policy."** (*Id.* at pp. 115-116.)

Id., at *7 (emphasis added).

2. **Any challenge to a stipulation agreement on public policy grounds would face a high burden as in only the rarest of occasions are contracts invalidated on a base of a violation of public policy.**

The court in California Dept. of Insur. v. State Farm Gen. Insur. Co., *supra* went on to state as follows regarding the steep burden to have a stipulated agreement overturned on public policy grounds:

It has long been the law in California that only in the rarest of circumstances should a contract be invalidated on the basis of a violation of public policy. "It has been well said that public policy is an unruly horse, astride of which you are carried into unknown and uncertain paths.... While contracts opposed to morality or law should not be allowed to show themselves in courts of justice, yet public policy requires and encourages the making of contracts by competent parties upon all valid and lawful considerations, and courts so recognizing have allowed parties the widest latitude in this regard; and, unless it is entirely plain that a contract is violative of sound public policy, a court will never so declare. 'The power of the courts to declare a contract void for being in contravention of sound public policy is a very delicate and undefined power, and, like the power to declare a statute unconstitutional, should be exercised only in cases free from doubt.' [Citation.]

... 'No court ought to refuse its aid to enforce a contract on doubtful and uncertain grounds. The burden is on the defendant to show that its enforcement would be in violation of the settled public policy of this state, or injurious to the morals of its people.' [Citation.]" (Stephens v. Southern Pacific Co. (1895) 109 Cal. 86, 89-90.)

" 'Public policy' as a concept is notoriously resistant to precise definition, and ... courts should venture into this area, if at all, with great care and due deference to the judgment of the legislative branch, 'lest they mistake their own predilections for public policy which deserves recognition at law.' " (Gantt v. Sentry Insurance (1992) 1 Cal.4th 1083, 1095 [overruled on other grounds by Green v. Ralee Engineering Co. (1998) 19 Cal.4th 66]; (see also Moran v. Harris, *supra*, 131 Cal.App.3d at p. 919 ["courts have been cautious in blithely applying public policy reasons to nullify otherwise enforceable contracts" because the phrase "public policy" is so "subjective" and "amorphous"].)

The California Supreme Court thus held that a violation of public policy must be tethered to a constitutional or statutory provision or, at the very least, to a regulation carrying out statutory policy. (See Green v. Ralee Engineering Co., *supra*, 19 Cal.4th 66 at p. 90; see also Moran v. Harris, *supra*, 131 Cal.App.3d at p. 921 [a court may not encroach upon the lawmaking branch of the government in the guise of public policy unless the challenged transaction is contrary to a statute or some well-established rule of law] citing San Bernardino County v. Gate City Creamery Co. (1913) 103 Cal.App.367, 373.)

Id., at *8-9.

3. Stipulation agreements between the Board and a licensee are governed by principals of contract law.

Courts rely on basic contract principles to interpret stipulation agreements. An agreement to settle a legal dispute is a contract and its enforceability is governed by familiar principles of contract law. Miller v. Fairchild Indus., 797 F.2d 727, 733 (9th Cir.1986); Village of Kaktovik v. Watt, 689 F.2d 222, 230 and n. 62 (D.C.Cir.1982). Each party agrees to "extinguish those legal rights it sought to enforce through litigation in exchange for those rights secured by the contract." Village of Kaktovik, 689 F.2d at 230; Protective Closures Co. v. Clover Inds., Inc., 394 F.2d 809, 812 (2d Cir.1968). Since consent decrees and orders have many of the attributes of ordinary contracts, they should be construed basically as contracts. Vertex Distributing, Inc., 689 F.2d at 892 (quoting United States v. ITT Continental Baking Co., 420 U.S. 223, 236-37, 95 S.Ct. 926, 934-35, 43 L.Ed.2d 148 (1975)). Furthermore, enforceability of these compromise agreements is favored in the law.

The authority of a trial court to enter a judgment enforcing a settlement agreement has as its foundation the policy favoring the amicable adjustment of disputes and the concomitant avoidance of costly and time consuming litigation.

In re Springpark Assoc., 623 F.2d 1377, 1380 (9th Cir.) (quoting Dacanay v. Mendoza, 573 F.2d 1075, 1078 (9th Cir.1978)), cert. denied, 449 U.S. 956, 101 S.Ct. 364, 66 L.Ed.2d 221 (1980).

4. **NRS 622.330 provides the Board with authority to enter into stipulation agreements**

CHAPTER 622 - GENERAL PROVISIONS GOVERNING REGULATORY BODIES, provides as follows at NRS 622.330 (Consent and settlement agreements: Procedure for approving; deemed public records; exceptions):

1. **Except as otherwise provided in this section, a regulatory body may not enter into a consent or settlement agreement with a person who has allegedly committed a violation of any provision of this title which the regulatory body has the authority to enforce, any regulation adopted pursuant thereto or any order of the regulatory body, unless the regulatory body discusses and approves the terms of the agreement in a public meeting.**

2. A regulatory body that consists of one natural person may enter into a consent or settlement agreement without complying with the provisions of subsection 1 if:

(a) The regulatory body posts notice in accordance with the requirements for notice for a meeting held pursuant to chapter 241 of NRS and the notice states that:

(1) The regulatory body intends to resolve the alleged violation by entering into a consent or settlement agreement with the person who allegedly committed the violation; and

(2) For the limited time set forth in the notice, any person may request that the regulatory body conduct a public meeting to discuss the terms of the consent or settlement agreement by submitting a written request for such a meeting to the regulatory body within the time prescribed in the notice; and

(b) At the expiration of the time prescribed in the notice, the regulatory body has not received any requests for a public meeting regarding the consent or settlement agreement.

3. **If a regulatory body enters into a consent or settlement agreement that is subject to the provisions of this section, the agreement is a public record.**

4. The provisions of this section do not apply to a consent or settlement agreement between a regulatory body and a licensee that provides for the licensee to enter a diversionary program for the treatment of alcohol, chemical or substance abuse or dependency. (Added to NRS by 2003, 3417) (Bold emphasis added.)

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4 STATE OF NEVADA
5 BEFORE THE BOARD OF DENTAL EXAMINERS

6 NEVADA STATE BOARD OF DENTAL
7 EXAMINERS,

Case No. 10-01949

8 Complainant,

9 vs.

10 MARK TADRISSI, DDS

STIPULATION AGREEMENT

11 Respondent.
12
13
14

15 IT IS HEREBY STIPULATED AND AGREED by and between MARK TADRISSI,
16 DDS hereafter ("Respondent"), by and through his legal counsel KIMBERLY JOHNSON,
17 ESQ. and the NEVADA STATE BOARD OF DENTAL EXAMINERS (hereafter "Board"),
18 by and through DONNA HELLWINKEL, DDS, Disciplinary Screening Officer, and the
19 Board's legal counsel, JOHN A. HUNT, ESQ., of the law firm of FOX ROTHSCHILD, LLP
20 as follows:

21
22 1. On September 24, 2009 the Board notified Respondent of an authorized investigative
23 complaint approved by the Board at a properly noticed meeting. On October 7, 2009, the
24 Board received an answer to the investigative complaint from Respondent.

25 Page 1 of 10

26 MT

27 MT

28
Fox Rothschild LLP
3600 Howard Hughes Parkway
Suite 500
Las Vegas, Nevada 89169

VGI 33772v1 03/31/10

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4 2. Based upon the limited investigation conducted to date, Disciplinary Screening Officer,
5 Donna Hellwinkel, DDS, applying the administrative burden of proof of substantial evidence
6 as set forth in *Stat, Emp, Security v. Hilton Hotels*, 102 Nev. 606, 608, 729 P.2d 497, 498
7 (1986); and see *Minton v. Board of Medical Examiners*, 110 Nev. 1060, 881 P. 2d 1339
8 (1994), see also NRS 233B.135(3)(e) & NRS 631.350(1), but not for any other purpose,
9 including any other subsequent civil action, finds there is substantial evidence that Respondent
10 allowed a Nevada licensed anesthesiologist to administer general anesthesia to patient MJ
11 without Respondent holding valid site permits as required in NAC 631.2236.

12 3. Applying the administrative burden of proof of substantial evidence as set forth in *Stat,*
13 *Emp, Security v. Hilton Hotels*, 102 Nev. 606, 608, 729 P.2d 497, 498 (1986); and see *Minton*
14 *v. Board of Medical Examiners*, 110 Nev. 1060, 881 P. 2d 1339 (1994), see also NRS
15 233B.135(3)(e) & NRS 631.350(1), Respondent admits, but not for any other purpose,
16 including any subsequent civil action, that Respondent's failure to obtain the proper site
17 permits for the administering of conscious sedation, deep sedation or general anesthesia is in
18 violation of NAC 631.230 and NAC 631.2236.

19 4. Based upon the limited investigation conducted to date, the preliminary findings of the
20 Disciplinary Screening Officer, Donna Hellwinkel, DDS, and the admission contained in
21 Paragraph 3 the parties have agreed to resolve the pending disciplinary action pursuant to the
22 following terms and conditions:

23
24 a. While Respondent holds an active license to practice dentistry in the State of Nevada
25

1 should the Board's Executive Director receives substantial evidence that Respondent
2 has administered or allowed the administration of conscious sedation, deep sedation or
3 general anesthesia without obtaining the proper permits Respondent agrees the
4 Executive Director shall, without any further action by the Board, issue an Order
5 suspending Respondent's license to practice dentistry in the State of Nevada.
6 Thereafter, Respondent may request in writing a hearing before the Board. Respondent
7 agrees to waive any right to seek injunctive relief from either the Nevada Federal
8 District Court or the Nevada State District Court to reinstate his privilege to practice
9 dentistry in the State of Nevada pending final Board hearing.

10 b. Pursuant to NRS 622.400, Respondent agrees to reimburse the "Board" for the
11 cost of the investigation and the monitoring of this Stipulation Agreement in the
12 amount of Two Thousand Seven Hundred and Fifty dollars (\$2,750.00) within thirty
13 (30) days of the adoption of this Stipulation Agreement.

14 c In the event Respondent defaults on the payment set forth in Paragraph 4(b),
15 Respondent agrees his license to practice dentistry in the State of Nevada shall
16 automatically be suspended without any further action of the Board other than issuance
17 of an Order of Suspension by the Executive Director. Commencing on the date of the
18 Order of Suspension, Respondent agrees to pay a liquidated damage amount of Twenty
19 Five Dollars (\$25.00) for each day Respondent is in default on the payment(s) for any
20 of the amounts set forth in either paragraph 4(b). Upon curing the default of the
21 applicable defaulted paragraph, Respondent's license to practice dentistry in the State
22 of Nevada will automatically be reinstated by the Executor Director of the Board,
23 assuming there are no other violations of any of the provisions contained in this
24 Stipulation. Respondent shall also be responsible for any costs or attorney's fees
25

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3800 Howard Hughes Parkway
Suite 500
Las Vegas, Nevada 89169

1 incurred in the event the Board has to seek injunctive relief to prevent Respondent from
2 practicing dentistry during the period in which his license is suspended. Respondent
3 agrees to waive any right to seek injunctive relief from either the Nevada Federal
4 District Court or the Nevada State District Court to reinstate his license prior to curing
5 any default on the amounts due and owing.

6
7 d Pursuant to NRS 631.350(k), in addition to completing the required
8 continuing education, Respondent shall be required obtain eight (8) additional hours of
9 supplemental education. Four (4) hours must be in the a area of ethics and
10 four (4) hours must be in the area of record keeping. The eight (8) hours of supplemental
11 education set forth in this paragraph shall be completed within six (6) months of the
12 adoption of the Stipulated Agreement by the Board. The supplemental education shall be
13 submitted in writing to the Executive Director of the Board for approval prior to
14 attendance. Upon receipt of a written request to attend supplemental education the
15 Executive Director of the Board shall notify Respondent in writing whether the
16 requested supplemental education is approved for attendance. Respondent shall
17 complete seventy (70%) percent of the supplemental education through attendance
18 at live lecture courses. The remaining thirty (30%) percent of the supplemental education
19 may be completed through online/home study courses. The cost associated with
20 this supplemental education shall be paid by Respondent. If after the adoption
21 of the Stipulated Agreement by the Board, Respondent fails to complete the
22 supplemental education within six (6) months, Respondent's licenses to practice dentistry
23 the State of Nevada shall be automatically suspended without any further action of the
24 Board other than the issuance of an Order of Suspension by the Executive Director.
25 Upon Respondent submitting written proof of the completion of the supplemental
26 education, Respondent's licenses to practice dentistry in the State of Nevada

26 -
27 Page 4 of 10

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1800 Howard Regier Parkway
Suite 500
Las Vegas, Nevada 89169

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VG1 33772v1 03/31/10

1 shall be automatically reinstated, assuming all other provisions of this Stipulation
2 Agreement are in compliance.

3
4 e. Pursuant to NRS 631.350(1)(f), Respondent shall take the jurisprudence
5 examination as required by NRS 631.240(2) on the contents and interpretation of
6 NRS and NAC Chapter 631. Respondent shall have ninety (90) days upon the
7 Board's adoption of the Stipulation, to complete the examination. The
8 jurisprudence examination is administered on the first Monday of each month at
9 10:00 a.m. and 2:00 p.m. at the Board's office. Respondent shall contact the Board's
10 office to schedule a time to submit to the examination. In the event Respondent
11 fails to successfully complete the examination within ninety (90) days of the Board's
12 adoption of this Stipulation, Respondent agrees his licenses to practice dentistry in the
13 State of Nevada shall be automatically suspended without any action of the Board
14 other than the issuance of an Order of Suspension by the Executive Director. Upon
15 successful completion of the examination, Respondent's licenses to practice dentistry
16 in the State of Nevada will be Automatically reinstated, assuming all other provisions
17 of the Stipulation Agreement are in compliance, including the payment of the
18 applicable reinstatement fees. Respondent agrees to waive any right to seek injunctive
19 relief from any United States District Court, District Court for the State of Nevada, or
20 any other court or tribunal with jurisdiction (if any) to prevent the automatic
21 suspension of Respondent's license to practice dentistry in the State of Nevada
22 due to Respondent's failure to comply with any provisions of this Paragraph 4g.
23 Respondent shall also be responsible for any costs or attorney's fees incurred in the
24 event the Board has to seek injunctive relief to prevent Respondent from practicing
25 dentistry during any period Respondent's licenses is automatically suspended.

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1 f. While Respondent holds an active license to practice dentistry in the State of
2 Nevada should the Board's Executive Director receive substantial evidence that
3 Respondent has administered or allowed the administration of conscious sedation,
4 deep sedation or general anesthesia without obtaining the proper permits Respondent
5 agrees such conduct shall be deemed a willful violation pursuant N.R.S. § 631.3485(1)
6 in any subsequent disciplinary proceedings initiated against Respondent.

7
8 g. In the event Respondent fails to cure any defaults in payment within forty-five
9 (45) days of the default, Respondent agrees the amount may be reduced to judgment.

10 h. Respondent waives any right to have the amount owed pursuant to Paragraph
11 4(b), discharged in bankruptcy.

12
13 CONSENT

14
15 5. Respondent has read all of the provisions contained in this Stipulation Agreement and
16 agrees with them in their entirety.

17
18 6. Respondent is aware by entering into this Stipulation Agreement he is waiving certain
19 valuable due process rights contained in, but not limited to, NRS 631, NAC 631, NRS
20 233B and NAC 233B.

21 7. Respondent expressly waives any right to challenge the Board for bias in deciding
22 whether or not to adopt this Stipulation Agreement in the event this matter was to
23 proceed to a full Board hearing.
24

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2800 Howard Hughes Parkway
Suite 500
Las Vegas, Nevada 89169

- 1 8. Respondent and the Board agree any statements and/or documentation made or
2 considered by the Board during any properly noticed open meeting to determine whether
3 to adopt or reject this Stipulation Agreement are privileged settlement negotiations and
4 therefore such statements or documentation may not be used in any subsequent Board
5 hearing or judicial review, whether or not judicial review is sought in either the State or
6 Federal District Court.
- 7
- 8 9. Respondent has reviewed this Stipulation with his attorney Kimberly Johnson Esq. who
9 has explained each and every provision contained in this Stipulation
- 10 10. Respondent acknowledges he is consenting to this Stipulation Agreement voluntarily,
11 without coercion or duress and in the exercise of his own free will.
- 12
- 13 11. Respondent acknowledges no other promises in reference to the provisions contained in
14 this Stipulation Agreement have been made by any agent, employee, counsel or any
15 person affiliated with the Nevada State Board of Dental Examiners.
- 16
- 17 12. Respondent acknowledges the provisions in this Stipulation Agreement contain the entire
18 agreement between Respondent and the Board and the provisions of this Stipulation can
19 only be modified, in writing, with Board approval.
- 20 13. Respondent agrees in the event the Board adopts this Stipulation Agreement he hereby
21 waives any and all rights to seek judicial review or otherwise to challenge or contest the
22 validity of the provisions contained in the Stipulation.
- 23
- 24 14. Respondent and the Board agree none of the parties shall be deemed the drafter of this
25 Stipulation Agreement. In the event this Stipulation Agreement is construed by a court of
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Suite 500
Las Vegas, Nevada 89169

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law or equity, such court shall not construe this Stipulation Agreement or any provision therefore against any party as the drafter of the Stipulation Agreement. The parties hereby acknowledge all parties have contributed substantially and materially to the preparation of this Stipulation Agreement.

15. Respondent specifically acknowledges by his signature herein and by his initials at the bottom of each page of this Stipulation Agreement, he has read and understands its terms and acknowledges he has signed and initialed of his own free will and without undue influence, coercion, duress, or intimidation.

16. Respondent acknowledges in consideration of execution of this adopted Stipulation Agreement, Respondent hereby releases, remises, and forever discharges the State of Nevada, the Board, and each of their members, agents, counsel and employees in their individual and representative capacities, from any and all manner of actions, causes of action, suits, debts, judgments, executions, claims, and demands whatsoever, known and unknown, in law or equity, that Respondent ever had, now has, may have, or claim to have against any or all of the persons or entities named in this section, arising out the authorized investigative complaint.

17. Respondent acknowledges in the event the Board adopts this Stipulation Agreement, this Stipulation may be considered in any future Board proceeding(s) or judicial review, whether such judicial review is performed by either the State or Federal District Court(s).

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1 18. This Stipulation Agreement will be considered by the Board in an open meeting. It is
2 understood and stipulated the Board is free to accept or reject the Stipulation Agreement
3 and, if the Stipulation Agreement is rejected by the Board, further disciplinary action may
4 be implemented. This Stipulation Agreement will only become effective when the Board
5 has approved the same in an open meeting. Should the Board adopt this Stipulation
6 Agreement, such adoption shall be considered a final disposition of a contested case and
7 will become a public record.

8 DATED this 31 day of March, 2010.

9
10 
11 MARK TADRISSE, DDS
12 Respondent



13
14 STATE OF NEVADA)
15) ss.
16 COUNTY OF CLARK)
17

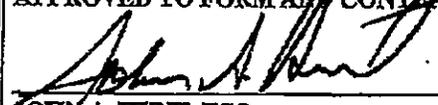
18 On this 31st day of March, 2010, before me, the undersigned Notary Public
19 in and for said County and State, personally appeared Mark Tadrissi, DDS, who is known to me
20 (or satisfactorily proven) to be the person described in and who executed the foregoing
21 instrument, and who acknowledged to me that he did so freely and voluntarily and for the uses
22 and purposes herein mentioned.

23
24 WITNESS my hand and official seal.

25 
26 NOTARY PUBLIC
County of Clark, State of Nevada

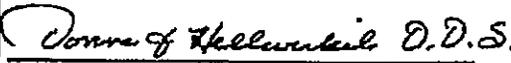
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1 APPROVED TO FORM AND CONTENT

2 

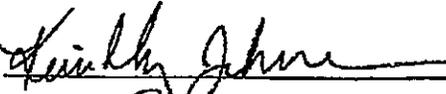
3 JOHN A. HUNT, ESQ.
4 Fox Rothschild, LLP
5 Board Counsel

6 APPROVED TO FORM AND CONTENT

7 

8 DONNA HELLWINKEL, DDS
9 Disciplinary Screening Officer

11 APPROVED TO FORM AND CONTENT

12 

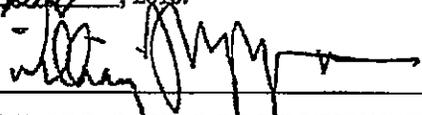
14 KIMBERLY JOHNSON, ESQ.

16 This foregoing Stipulation Agreement was:

17 Approved Disapproved

19 by a vote of the Nevada State Board of Dental Examiners at a properly noticed meeting.

21 DATED this, 30th day of April, 2010.

23 
24 WILLIAM G. PAPPAS, DDS, PRESIDENT
25 NEVADA STATE BOARD OF DENTAL EXAMINERS

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NEVADA STATE BOARD OF DENTAL EXAMINERS
6010 S. Rainbow Boulevard, Suite A-1
Las Vegas, Nevada 89118
Thursday, October 6, 2011 at 6:00 p.m.

DRAFT Minutes
LEGISLATIVE AND DENTAL PRACTICE RESOURCE GROUP COMMITTEE MEETING
(Chair: Dr. Kinard; Dr. Pappas; Dr. Hellwinkel; Dr. Sill; Mrs. Villigan; Mrs. Matthews; Mrs. Wark)

Call to Order

1. Roll call and Establish a Quorum:

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

| | |
|-------------------------------------|---------|
| Dr. J Gordon Kinard----- | PRESENT |
| Dr. William Pappas----- | PRESENT |
| Dr. Donna Hellwinkel----- | EXCUSED |
| Dr. J Stephen Sill----- | PRESENT |
| Mrs. Leslea Villigan----- | PRESENT |
| Mrs. Roseanne "Missy" Matthews----- | EXCUSED |
| Mrs. Lisa Wark----- | PRESENT |

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

Public Attendees: Kelly Taylor, RDH; Heather Rogers, NDHA. Robert Talley, NDA.

2. Public Comment: For Agenda Items public comment will be taken at this time and each person/entity/organization represented will be allotted 5 minutes to make comment.

No public comments made.

***3. New Business -**

***a. Discussion of License Renewal pursuant to NRS 631.330; 631.225; 631.342; NAC 631.030; 631.033; 631.173 – 177; 631.028; 631.260; (new reg for IC listing Assts) Including Process, CE Submissions, Online Renewal Option, and Rulemaking that may Be Considered. (Public comment prior to any action taken is limited to 5 minutes for each person/entity/organization represented to make comment)**

Dr. Kinard indicated that he asked the Board staff for input on renewals. He commented that he noticed every time he visited the Board office in the evenings during renewal period, Board staff would be working until late at night to try and get the renewals processed and were trying to get everything done afterhours. He indicated that he did get a letter from Candice (Licensing Specialist for the Board) with regards to renewals. (Memo attached for the record). Dr. Talley asked for a brief synopsis of what the intentions are with doing online license renewal, and if renewing online will be the only way to renew. Dr. Kinard indicated that the intention is to offer online renewal and the committee has gathered to give their opinions and make a recommendation to be presented to the Board at the next scheduled Board meeting.

55 **b. Review of Renewal Process by NSBDE Staff Employee – Candice Stratton**

56
57 Dr. Pappas indicated that (3a) is to discuss the actual process such as the fees and how the Board is going to handle
58 pertinent renewal items online. He suggested having Mr. Hunt discuss the process. Mr. Hunt indicated that he
59 confirmed with other state boards' that a regulation was not needed to allow for online license renewal;
60 furthermore, that it would not be in violation of the Governor's regulation freeze. He commented that when the
61 Board sends out renewal notices they are to notify licensees that any information given is under penalty of perjury.
62 He indicated that if anyone enters any information that requires reporting, a pop-up will appear indicating that they
63 are not eligible to renew online and must download the renewal form and submit by mail. In regards to continuing
64 education (CE), licensees are to attest to completing the required hours of CE's; and are to be given notice that they
65 are under penalty of perjury for any falsification and this would call for discipline; which, he indicated, the Board
66 could revoke a license obtained through false means. Dr. Sill inquired whether or not the statute required licensees
67 to submit the CE certificates with their renewal or upon request. Mr. Hunt indicated that the statute can be
68 interpreted that they are required to submit upon the request of the Board or upon an audit. Mrs. Villigan indicated
69 that the Veterinary Board has their licensees list the CE courses online, and inquired if listing them rather than
70 submitting CE's would suffice. Mr. Hunt indicated that some boards allow for licensees to update information
71 online, which then automatically updates the information in the licensing system. He added that some boards do
72 not allow licensees to renew online if they are changing their status from active to inactive, and such Board's
73 noticed a fifty percent (50%) cut in staff time. He inquired if limited licensees should be able to renew online,
74 reason being that they have to submit a letter proving they are continuing another year of residency. Ms. Kelly
75 indicated that usually the acceptance letter confirming their continued residency is received prior to the renewal,
76 however, that there are some anomalies for limited license holders and restricted license holders as there is
77 information that needs to be submitted to either prove their continued residency acceptance, and/or confirmation of
78 their eligibility to reside and work in the U.S. Additionally, though such anomalies can prove to be difficult if
79 allowed to renew online, nevertheless, it is the decision of the committee to recommend whether to allow such
80 licenses to renew online. Dr. Pappas asked for clarification of the licenses that would create an issue to allow
81 online renewal. Ms. Kelly indicated that the limited license holders need to submit a letter from the Dean
82 confirming if an individual is going to continue under contract; there are restricted license holders that need their
83 visas/citizenship checked, which could be any license type, which the Board would need confirmation that they
84 have obtained approval from Homeland Security to reside and work in the U.S. She indicated that with respect to
85 Board certification for specialty license holders, some licenses are contingent upon their Board
86 diplomacy/eligibility, and the Board must look for Board certification or the license does not get renewed. She
87 indicated there are some geographically-restricted licenses that are contract termed based and if the contract
88 expires, the license cannot be renewed.

89 Mr. Hunt commented on the regulation regarding CE's and indicated that while the statute states they
90 "must submit," it does not specify when they have to submit the CE's; which therefore, can be interpreted that they
91 must be submitted upon the Boards' request. Ms. Kelly inquired about the regulation that indicates that license
92 renewals must be notarized. Mr. Hunt indicated that when they submit information online they are doing so under
93 penalty of perjury, which is sufficient for notarization. Dr. Pappas indicated that with CPR it may be a bit more
94 difficult for the Board to prove that the CPR being provided is not an on-line course, an annotation can be added so
95 that the licensee is aware that on-line recertification will not be acceptable. Ms. Kelly commented that the
96 bioterrorism course is a separate requirement and licensees attempting to renew, who have not yet fulfilled the
97 requirement should not be allowed to renew. Dr. Kinard commented that the purpose of allowing online license
98 renewal is to decrease the amount of paperwork and, therefore, suggested adding a box that would require licensees
99 to indicate whether or not they have completed the course. Per Mrs. Villigans' inquiry, Ms. Kelly indicated that
00 CPR was under a separate regulation, and has not been included under the CE for audit. Ms. Kelly confirmed with
01 Mr. Hunt that false attestations are grounds for deeper discipline than failure of an audit. Mr. Hunt answered
02 affirmatively. Dr. Kinard inquired of Mr. Hunt if CPR could be audited with the CE's; Mr. Hunt answered
03 affirmatively. Mr. Hunt, in response to Ms. Kelly's inquiry regarding late renewals and applicable reinstatement
04 fees, indicated that licensees can renew late online. Ms. Kelly stated, however, that the reinstatement fee will have
05 to be appended to the total amount due. Mr. Hunt commented to Ms. Kelly to provide GL Suites with an outline of
06 what information is to be viewed and applied to the online renewal. Dr. Kinard suggested trying to maintain a
07 similar design as the previous renewal forms, so that there is some familiarity for licensees.

08 Dr. Pappas suggested sending out renewals notices to the licensees instead of huge license packages. Mrs.

.09 Villigan suggested placing a notice in the annual newsletter regarding online license renewals as the first notice and
.10 to send a second notice in the form of a postcard. Ms. Kelly inquired if the Board could give the option to have
.11 licensees download the renewal form instead of mailing out a renewal packet, which would be more cost effective.
.12 Dr. Pappas commented that the Board should still provide the option to have a renewal packet sent to a licensee
.13 upon request. In regards to license renewal fees, Ms. Kelly indicated that the Board has to offer one more
.14 discounted renewal fee for the hygienists in the upcoming year that way both the dentists and hygienists will have
.15 received two renewal cycles with discounts for renewing early. Mrs. Rogers commented that it was a great idea to
.16 have the renewals online.

.17 Ms. Kelly commented that it would be helpful to require an email address for licensees so that notices
.18 could be sent electronically. Dr. Sill suggested requiring an email address upon renewing so that their pocket cards
.19 can be emailed. There was discussion of a potential regulation change to require that a licensee provide the Board
.20 with an email address; however, at the advisement of Mr. Hunt, it was indicated the Board could not require that
.21 they be provided with an email address as some individuals may not have an email address, and that the law only
.22 requires that they provide the Board with a physical address. He added, however, that an email address could be
.23 required for online renewal.

.24
.25 ***c. Recommendation for Potentially Allowing Online License Renewal Commencing**

.26 **July 1, 2012 Renewal Period.** (Public comment prior to any action taken is limited to 5 minutes for
.27 each person/entity/organization represented to make comment)
.28

.29 Dr. Kinard indicated that the committee could only make recommendations to the Board to be considered at the
.30 October 21, 2011 meeting. Dr. Sill suggested making a summary of the committee's recommendations. Such as:
.31 licensees will only provide a list of CE courses completed rather than submitting certificates of completion; staff is
.32 to research credit card merchants; and an announcement in the newsletter is to serve as the first notice and a second
.33 reminder in the form of a postcard is to go out before the beginning of renewals.
.34

.35 MOTION: Dr. Sill made the motion to recommend allowing online license renewal beginning with dental hygiene
.36 the following year; process is to include announcements in the newsletter and a license renewal notice by postcard
.37 that directs licensees to the website or the option to request a paper renewal be mailed to them. Second by Dr.
.38 Pappas. Discussion: Dr. Pappas inquired if the Board decided how to handle CE's and CPR. Ms. Kelly indicated
.39 that the committee had decided to not request submission of certificates of completion, that licensees would do an
.40 attestation that they have completed CE's and CPR, that CPR was not re-certified online, and that they are aware
.41 that CE's and CPR are subject to audit. No public comments. All in favor.
.42

.43 **5. Comments from the Public:** The public attendees thanked the committee for recommendation of online
.44 renewal.
.45

.46 **6. Announcements:** No announcements.
.47

.48 ***7. Adjournment** (Public comment prior to any action taken is limited to 5 minutes for each
.49 person/entity/organization represented to make comment)
.50

.51 MOTION: Mrs. Villigan made the motion to adjourn. Second by Dr. Pappas. All in favor.
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.56 Meeting Adjourned at 7:20 pm.
.57

.58 Respectfully submitted by:
.59
.60

.61 _____
Kathleen J. Kelly
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NEVADA STATE BOARD OF DENTAL EXAMINERS
6010 S. Rainbow Boulevard, Suite A-1
Las Vegas, Nevada 89118
Friday, December 9, 2011 at 8:41 am

DRAFT Minutes

Board Meeting

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

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.

Call to Order

1. Roll call and Establish a Quorum:

Dr. Pappas called the meeting to order and Ms. Kelly conducted the following role call:

| | |
|-------------------------------|--------------|
| Dr. William Pappas | -----PRESENT |
| Dr. M Masih Soltani | -----EXCUSED |
| Dr. Donna Hellwinkel | -----PRESENT |
| Dr. J Gordon Kinard | -----PRESENT |
| Dr. Timothy Pinther | -----PRESENT |
| Dr. Jade Miller | -----PRESENT |
| Dr. J. Stephen Sill | -----PRESENT |
| Mrs. Rosanne "Missy" Matthews | -----PRESENT |
| Mrs. Leslea Villigan | -----PRESENT |
| Mr. James "Tuko" McKernan | -----EXCUSED |
| Mrs. Lisa Wark | -----EXCUSED |

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

Public Attendees: Ali Shahrestani, DDS, Shadow Mtn. Dental Group; Jennifer Bryant, Pacific Dental Services, Inc.; Jai H Park, DDS; Joe Willardsen, DDS; Karen Shuman; Lisa Barbour; Robert Talley, DDS, NDA; Christina Demopoulos, DDS, UNLV/Future Smiles; Annette Lincicome, RDH, Huntridge Teen Clinic; Stephanie Redwine, RDH, Future Smiles; Heather Rogers, NDHA; Alex Tanchek, Neena Laxalt-NDHA; Deborah Osborn, RDH, NNDHA.

56 All present voluntarily stood for the Pledge of Allegiance.

57
58 2. **Public Comment:** No comments made by the public.
59

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

62
63 ***3. Notice Of Public Hearing And Adoption For Regulations Of The Nevada State Board of Dental**
64 **Examiners (For Possible Action)**

65
66 *(a) NAC 631.150 Filing of addresses of licensee; notice of change; display of license *and*
67 *permits(s)*.(NRS 631.190, 631.350)

68 *(b) NAC 631.029 Schedule of Fees (NRS 631.190, 631.345) as it applies to ADEX Dental and Dental
69 Hygiene Exams.

70 *(c) NAC 631.210 Dental Hygienists: Authorization to perform certain services as it applies to issuance of a
71 certificate or permit for anesthesia administration.

72 . (NAC 631.190, 631.310, 631.313, 631.317)
73

74 Ms. Kelly went over the temporary regulations.

75
76 MOTION: Dr. Kinard made the motion to adopt the regulations. Second by Mrs. Villigan. No public comment.
77

78 *Videoconference connection was lost- Recess: 8:45 a.m.

Returned from recess: 8:49 a.m.

79
80 Revote on Motion: Dr. Kinard made the motion to adopt the regulations.

81 *Recess due to technical difficulties: 8:49 a.m. Returned from Recess: 8:52 a.m.
82

83 Revote-Motion: Dr. Kinard made the motion to adopt the regulations. Second by Mrs. Villigan. No public comment.
84 All in favor.
85

86 ***4. Executive Director's Report: (For Possible Action)**
87

88 *a. **Minutes:** 6/30/11 Teleconference Board Meeting
89 7/15/11 Board Meeting
90 7/15/11 Closed Session
91 8/12/11 Anesthesia and Infection Control Committee
92 8/12/11 Board Meeting
93 8/12/11 Laser Working Group/Legislative and Dental Practice
94 8/12/11 Committee on Dental Hygiene
95

96 Mrs. Villigan commented that on the 7/15/11 Board minutes, (I)(1) needed to be changed to indicate Ms. Elsner's
97 name. Dr. Miller noted that on the 8/12/11 Anesthesia and IC meeting he was the chair and he called the meeting to
98 order not Dr. Hellwinkel.
99

.00 MOTION: Mrs. Villigan made the motion to table 8/12/11 Laser Working Group/Legislative and Dental Practice,
.01 8/12/11 Committee on Dental Hygiene minutes; and adopt all other minutes. Second by Dr. Sill. No public
.02 comment. All in favor.
.03

.04 ***b. Authorized Investigative Complaints (For Possible Action)**
.05

.06 (1) RDH T – NRS 631.342(1)(d)

.07 (2) RDH U – NRS 631.342(1)(d)

.08 (3) RDH V – NRS 631.342(1)(d)

.09 (4) Dr W - NRS 631.342(1)(d)
.10

11 Ms. Kelly went over the alleged violations.

12 MOTION: Dr. Kinard made the motion to authorize. Second by Dr. Sill. No public comment. All in favor.

13
14 (5) Dr X - NRS 631.395 (10)(11); NRS 631.3465 (2)(3)

15 (6) Dr Y - NRS 631.395 (10)(11); NRS 631.3465 (2)(3)

16
17 Ms. Kelly went over the alleged violations.

18
19 MOTION: Dr. Pinther made the motion to authorize. Second by Dr. Miller. No public comment. All in favor.

20
21 (7) Dr Z – NRS 631.395(10)(11); NRS 631.3465(2)(3); NAC 631.2236

22
23 Ms. Kelly went over the alleged violations.

24
25 MOTION: Dr. Sill made the motion to authorize. Second by Dr. Pinther. No public comment. All in favor.

26
27 (8) Dr U – NRS 631.395(10)(11); NRS 631.3465(2)(3)

28 (9) Dr V - NRS 631.395(10)(11); NRS 631.3465(2)(3)

29
30 Ms. Kelly went over the alleged violations.

31
32 MOTION: Dr. Miller made the motion to authorize. Second by Dr. Sill. No public comment. All in favor.

33
34 ***5. Board Counsel's Report (For Possible Action)**

35
36 ***a. Legal Actions/Lawsuit(s) Update (For Possible Action)**

37 (1) Board Response to Petition for Writ of Mandamus with LVI Limited License Applicants

38
39 Mr. Hunt indicated that he sent the Board members an email regarding litigation with LVI, he disseminated copies of
40 a proposed stipulation agreement. He advised the Board to limit their comments as they can be used in the litigation.
41 In regards to the limited licenses for supervision LVI believes the statute does not require such applicants to submit
42 certain documents and background reports and that they should not be subject to the same requirements as other
43 license applicants. He indicated that though the limited license is for live CE courses, these licensees will actually be
44 working on patients, and believes it would be in the best interest of the public for these applicants to comply with
45 similar requirements as other applicants. He indicated that the Board has had complaints regarding treatment at LVI.
46 [Video connection lost]

47
48 Recess: 9:03 Return from recess: 9:10 a.m.

49
50 *Meeting returned without video connection, teleconference enabled. *

51
52 Mr. Hunt advised the Board, again, to limit their comments. He discussed briefly the history of LVI and how,
53 previously, instructors may not have been licensed. He indicated that the Oklahoma Attorney Generals' office
54 notified the Board that an Oklahoma resident sought dental treatment at LVI and upon returning to Oklahoma the
55 patient died from the treatment. Such complaints became a jurisdiction issue for the Board, since unlicensed dentists
56 were practicing out at LVI without a Nevada license and the instructors were aiding and abetting. He indicated that
57 as a result of these efforts, the Board entered into a stipulation agreement regarding how LVI would operate until
58 there was a legislative solution. He briefly discussed some of the provisions of the stipulation agreement. He
59 indicated that the legislative solution resulted in NRS 631.2715, and the regulations were accepted in 2009 and
60 officially approved by the Nevada legislature in 2010 and are in full force and effect. He indicated that one of the
61 complaints from LVI is the length of time it has taken to obtain the limited licenses for the instructors; which the
62 Board believes the delay was caused on their behalf. In order to resolve the issue, the stipulation that was discussed
63 is that LVI would dismiss their lawsuit with prejudice that they would acknowledge that the statutes and the
64 regulations adopted by the Board are being administered correctly, and that the statute and regulation is not in
65 violation of any of the provisions of NRS 631 or NAC 631. Mr. Hunt discussed other provisions listed in the

.66 proposed stipulation agreement regarding the maintenance of the license. He commented that the negotiations have
.67 been withdrawn; however, the Board can reconsider entering into the stipulation agreement at the next court date. He
.68 requested that the Board should decide to enter into the stipulation and if LVI would like any other conditions he
.69 would, at that time; ask for a continuance until both sides can reach a meaningful negotiation. He commented that he
.70 believes it is important for the Executive Director and at least a Board member be present at the upcoming court date.
.71 Dr. Hellwinkel inquired of Mr. Hunt if the stipulation agreement discussed or resolved the renewal of the limited
.72 licenses. Mr. Hunt indicated that it did not, which was the cause for negotiations to cease. He commented to the
.73 Board that whether LVI agrees to the stipulation agreement, or not, it does not mean that there will be no litigation.
.74 Dr. Pappas recommended that the Board not make a motion on the matter at the present time until after Monday's
.75 court date. Dr. Sill inquired if the stipulation does not address the way the new applicants will be screened. Mr.
.76 Hunt indicated that it does address it; what the stipulation acknowledges is that for those who do not have an
.77 education disclaimer form (EDF) or a current National Practitioners Data Bank (NPDB) form, they would still be
.78 placed on the next agenda for approval. Additionally, all future applicants would have to comply with the current
.79 requirements in place. Dr. Sill further inquired about the informational purpose of the form, which Mr. Hunt
.80 explained the purpose of the form and the information it is set to provide. He indicated that he felt the EDF form is a
.81 very simple requirement. Mr. Hunt indicated that if those applicants who have not provided the current NPDB report
.82 and/or the EDF form are approved, any subsequent information received that indicated any disciplinary issues,
.83 revocation, etc, would be grounds for revocation of that license. He added that any future applicants would have to
.84 comply with the current requirements for licensure. Dr. Sill indicated that his concern was that LVI is not a CODA
.85 approved institution and are not subject to inspections and site visits. His concern is that an EDF form may disclose
.86 information that on any other applications would disqualify an individual from being licensed. Ms. Kelly clarified if
.87 NRS 631.350 would still be applicable to the applicants upon licensure, should any applicable information arise
.88 subsequently to receiving licensure. Mr. Hunt answered affirmatively.
.89

.90 MOTION: Dr. Kinard made the motion to adopt the stipulation as is, if LVI agrees to the terms as provided. Second
.91 by Dr. Hellwinkel. All in favor. Mr. Hunt commented that most likely LVI would not sign; if so, the Board will
.92 proceed in the civil suit and present its arguments that LVI would have to comply with every provision as set forth in
.93 NRS 631 and NAC 631 regarding obtaining a license because anyone obtaining a licensed in Nevada should not be
.94 exempt from any other provisions that are set forth. Mr. Hunt indicated that he will report to the Board immediately
.95 after the court date on Monday regarding the outcome.
.96

.97 ***6. Old Business (For Possible Action)**
.98

.99 ***a. Request For Advisory Opinion Pursuant to NAC 631.279 (For Possible Action)**
:00

:01 (1) Collagen Induction Therapy (CIT) -- Dr. Joseph Willardsen - Request for opinion that this treatment
:02 is within scope of practice for a general dentist.
:03

:04 Dr. Willardsen was present and stepped forward. Dr. Willardsen indicated that he sought the Board's opinion if he
:05 could perform treatments using CIT. He explained that CIT is not Botox or a filler. He presented to mechanical
:06 devices and explained how they worked. (Documents and images with explanation of how CIT works attached for
:07 the record). Per Dr. Miller's inquiry, Dr. Willardsen explained that instead of creating scarring the treatment would
:08 actually be helping the tissue heal itself. Dr. Miller inquired on the types of patients Dr. Willardsen would be
:09 applying the treatment to. Dr. Willardsen explained that he would use it on patients with smokers' lines. Dr.
:10 Hellwinkel questioned if the Board approving such treatment would open the door for other dentists to use collagen.
:11 Mr. Hunt indicated that the Board had given an advisory opinion on the use of Botox. Mr. Hunt commented that the
:12 area that would be treated is outside of the oral cavity, therefore, for consistency of the Boards' past opinions on
:13 Botox and similar treatments may only be administered by Oral and Maxillofacial Surgeons (OMS). He indicated to
:14 the Board that if CIT is analogous to that, then the Board could potentially see it being used for other areas of the
:15 face by dentists; additionally, that the Board has only authorized Oral and Maxillofacial surgeons to perform similar
:16 treatments. Dr. Willardsen inquired if he would then need to obtain an esthetician license to be able to perform this
:17 treatment in his office. Mr. Hunt advised him that when treating patients as an esthetician he would have to be sure
:18 that any informed consent signed by the patients will need to be under the clear understanding that the procedure
:19 will done under an estheticians license. Ms. Kelly apologized to the Board members for not having information for
:20 them from the Cosmetology board, as she was unaware of there being an esthetician working in a dental office. Mr.

!21 Hunt indicated that given the Boards' perspective, historically, any extra-oral activity, including Botox, which
!22 opinion is already on the record, the Board has said that those would not be within the definition of NRS 631.215,
!23 therefore, it can be concluded that Dr. Willardsen would not be able to perform those procedures. He commented to
!24 Dr. Willardsen that it would be upon his will to seek an esthetician's license. Ms. Kelly commented to the Board that
!25 she sent the information to Dr. Ted Twesme, (a former Board member, a current specialist in Oral Maxillofacial
!26 surgery, and a Board-approved disciplinary Screening officer (DSO) and Hearing officer), so that he may share his
!27 comments concerning his review on CIT, which she read aloud. Dr. Twesme's personal opinion was that any
!28 practitioner performing these treatments would need to have the knowledge and skills to treat any and all possible
!29 complications, and therefore, seems that OMS would be the specialty that provides such training and experience to
!30 manage those complications.

!31
!32 MOTION: Dr. Sill made the motion that it is the opinion of the Board that Collagen Injection Therapy outside the
!33 oral cavity is beyond the scope of dentistry and not authorized for general dentists. Second by Dr. Miller. No public
!34 comment was forthcoming. All in favor.

!35
!36 ***b. Approval Of Reactivation Of Inactive License- NAC 631.170(5) (For Possible Action)**

- !37
!38 (1) Robert C Schaller, DDS

!39 Dr. Pappas indicated that Dr. Sill had requested that Dr. Schaller appear before the Board, but Dr. Schaller submitted
!40 a letter indicating that he did not wish to appear before the Board. Dr. Sill answered affirmatively, when asked if the
!41 additional information submitted by Dr. Schaller answered his previous concerns. Dr. Pappas inquired about the
!42 clarification of employment. Ms. Shaffer indicated that in speaking with Dr. Schaller previously regarding Dr. Sill's
!43 concerns of employment, Dr. Schaller indicated that he misunderstood the question on the reactivation application
!44 and submitted information clarifying that he has been employed while holding an inactive license in Nevada.

!45
!46 MOTION: Dr. Sill made the motion to approve the reactivation. Second by Dr. Kinard. No public
!47 comment. All in favor.

- !48
!49 (2) Connie L Elsner, RDH

!50
!51 Ms. Kelly commented that she spoke with Ms. Elsner and that at the July meeting she was unaware that the Board
!52 had some concerns with Ms. Elsner not practicing in three years, however, Ms. Elsner has practiced for over twenty
!53 years prior to that. Ms. Kelly indicated that in the past the Board has required a skills assessment for anyone who has
!54 not practiced hygiene for approximately five years. Ms. Kelly indicated that Ms. Elsner's concern was that when she
!55 came before the Board, she felt that she got the same consideration as someone who, also, had not practiced hygiene
!56 in over two years but that individual had never practiced hygiene; and therefore, felt that her twenty-plus years were
!57 not considered. Ms. Elsner also indicated that her current location in Elko makes it somewhat difficult for her to find
!58 a location for a skills assessment. Dr. Hellwinkel commented that based on the minutes from the July 16th meeting,
!59 the Board gave Ms. Elsner the option to take either a skills assessment or a clinical exam, therefore, inquired if Ms.
!60 Elsner was appealing those options. Dr. Pappas indicated that essentially she was. He added that the Board needed
!61 to decide whether or not they want to be consistent with what they have done historically. Dr. Miller commented that
!62 traditionally, the Board has required a skills assessment for anyone who has been out of practice for five years, which
!63 in this case Ms. Elsner has been out of practice for only two-to-three years. Ms. Kelly answered affirmatively and
!64 commented that in the past seven years that she has been with the Board, the Board has required pursuant to the
!65 regulation NAC 631.170(4) that a skills assessment and/or a clinical examination would be required for those who
!66 have been out of practice for five years or more. She indicated that there have been three individuals that the Board
!67 has required it for being out of practice for two years or more because they had no practice experience, they were not
!68 hygienists, they were students who were never licensed anywhere, and therefore, had no history behind them for
!69 hygiene practice. She recalled a few hygienists that had been out of practice for well over five years and the Board at
!70 that time had required a skills assessment with remediation and/or a clinical examination. She did not recall anyone
!71 who had been out of practice for just three years be required to take a skills assessment and/or clinical examination;
!72 especially for someone who practiced hygiene prior to that for over twenty years. She also indicated that the skills
!73 assessment programs established were based on a five year break in practice. Dr. Miller agreed that the requirements
!74 for Ms. Elsner could have been a bit arduous for only being out of practice for just over two years. Ms. Kelly

i30 October. Ms. Kelly indicated that the stipulation agreement was entered into in September and he had the options of
i31 taking the exam in October or November. Dr. Hellwinkel inquired on the next available test date. Ms. Kelly
i32 indicated that Monday, January 3rd. Dr. Hellwinkel inquired if by extending it thirty days it would allow him to take
i33 the January 3rd exam. Ms. Kelly answered affirmatively. No public comment. All in favor.
i34

i35 **b. Request For Consideration of the Program Protocol for Annette Lincicome's Teen Scene**
i36 **Saturday Program at Huntridge Teen Clinic (For Possible Action)**
i37

i38 Ms. Lincicome was present and stepped forward. No questions.
i39

i40 MOTION: Mrs. Villigan made the motion to approve the Teen Scene Saturday protocol upon receipt of a letter
i41 indicating that they have a dental director. Second by Dr. Kinard. No public comment. All in favor.
i42

i43 ***c. Approval for Dental Licensure by WREB-NRS 631.240(1)(b)(2) (For Possible Action)**
i44

- i45 (1) Patricio N Andres Jr., DDS
- i46 (2) Tenny Balabegian, DDS
- i47 (3) Bradley G Simister, DDS
- i48 (4) Jennifer E McClanahan, DMD
i49

i50 Dr. Pappas announced that Dr. Hellwinkel will be abstaining from all votes regarding approval of licensure.
i51

i52 Dr. Hellwinkel indicated that she reviewed the applications; all met criteria and recommended approval.
i53

i54 MOTION: Dr. Pinther made the motion to approve. Second by Mrs. Villigan. No public comment. All in favor.
i55

i56 ***d. Specialty Licensure by Application – NRS 631.250 (For Possible Action)**
i57

- i58 (1) Patricio N Andres Jr., DDS – Pediatric Dentistry
- i59 (2) Bradley G Simister, DDS – Orthodontics
- i60 (3) Jimmy C Wang, DDS - Periodontics
i61

i62 Dr. Hellwinkel indicated that she reviewed the applications; all met criteria and recommended approval.
i63

i64 MOTION: Mrs. Villigan made the motion to approve. Second by Dr. Sill. No public comment. All in favor.
i65

i66 ***e. Approval for Dental Licensure by ADEX-NRS 631.240(1)(b)(1) (For Possible Action)**
i67

- i68 (1) Marc A Nelson, DMD
i69

i70 Dr. Hellwinkel indicated that she reviewed the application; applicant met the criteria and recommended approval.
i71

i72 MOTION: Dr. Pinther made the motion to approve. Second by Dr. Sill. No public comment. All in favor.
i73

i74 ***f. Specialty Licensure by Credential – NRS 631.255(1)(b) (For Possible Action)**
i75

- i76 (1) Katayoon Dorosti, DMD – Pediatric Dentistry
i77

i78 Dr. Hellwinkel indicated that she reviewed the application; applicant met the criteria and recommended approval.
i79

i80 MOTION: Dr. Sill made the motion to approve. Second by Mrs. Villigan. No public comment. All in favor.
i81

i82 ***g. Approval for Dental Hygiene Licensure by WREB- NRS 631.300(1)(b)(2) (For Possible Action)**
i83

- i84 (1) Kali D Christensen, RDH

- (2) Tammy M Comfort, RDH
- (3) Sarah M Mallory, RDH
- (4) Natalie N Ruppert, RDH

Dr. Hellwinkel indicated that she reviewed the applications; all met the criteria, and recommended approval.

MOTION: Dr. Pinther made the motion to approve. Second by Mrs. Villigan. No public comment. All in favor.

***h. Approval of Dental Hygiene Licensure by ADEX- NRS 631.300(1)(b)(1) (For Possible Action)**

- (1) Lilia S Montero, RDH

Dr. Hellwinkel indicated that she reviewed the application; applicant met the criteria and recommended approval.

MOTION: Mrs. Villigan made the motion to approve. Second by Dr. Sill. No public comment. All in favor.

***i. Approval for Anesthesia-Temporary Permit – NAC 631.2254 (For Possible Action)**

- (1) **Conscious Sedation**
 - a. Philip C Walter, DDS

Dr. Pappas indicated that Dr. Miller will be abstaining from all votes regarding permits.

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

MOTION: Dr. Pinther made the motion to approve. Second by Mrs. Villigan. No public comment. All in favor.

***j. Approval for Anesthesia-Permanent Permit – NAC 631.2233 (For Possible Action)**

- (1) **General Anesthesia**
 - a. Thomas R Flynn, DMD
- (2) **Conscious Sedation**
 - a. Owen K Sanders, DMD

Dr. Miller indicated that all was in order; both were successful in the exams and recommended approval.

MOTION: Dr. Pinther made the motion to approve. Second by Dr. Sill. No public comment. All in favor.

***k. Approval for Site Permit – NAC 631.2236 (For Possible Action)**

- (1) **General Anesthesia**
 - a. George O Henderson, DDS
 - (1) 1241 S. Taylor Street, Fallon, NV 89406
 - b. *Anthony Q Phan, DDS*-----**TABLE**
 - (1) 445 W. Craig Rd., Suite 121, N. Las Vegas, NV 89032
 - c. Ali Shahrestani, DMD
 - (1) 7171 W. Craig Rd., Suite 101, Las Vegas, NV 89129

Dr. Miler asked that (b) be tabled; he indicated that the other sites were inspected, passed inspection, and recommended approval.

MOTION: Dr. Sill made the motion to approve. Second by Mrs. Villigan. No public comment. All in favor.

- (2) **Conscious Sedation**
 - a. Richard T Adams, DMD

140 (1) 6360 Mae Anne Avenue, Reno, NV 89523

141
142 Dr. Miller indicated that the site was inspected, passed inspection, and recommended approval.

143 MOTION: Dr. Pinther made the motion to approve. Second by Dr. Sill. No public comment. All in favor.

144
145 ***l. Approval For 90-Day Extension Of Anesthesia Permit – NAC 631.2254(2) (For Possible Action)**

146
147 **(1) General Anesthesia**

- 148 a. Blaine D Austin, DDS
149 b. Matthew K Mizukawa, DDS
150

151 Dr. Miller asked that, due to scheduling issues, the Board grant additional time to allow for evaluations to be done.

152
153 MOTION: Dr. Sill made the motion to approve. Second by Dr. Kinard. No public comment. All in favor.

154
155 ***m. Consideration of Recommendations Pursuant To NAC 631.2233(2) (For Possible Action)**

156
157 **(1) Conscious Sedation**

- 158 a. Dr. X
159

160 Dr. Pappas indicated that the Board is to reaffirm the failure of an inspection and grant the authority to Executive
161 Director to issue an Order of Suspension of the conscious sedation permit in question until further notice.

162
163 MOTION: Dr. Hellwinkel made the motion to accept the recommendations of both evaluators. Second by Dr.
164 Kinard. Discussion: Dr. Miller commented that the evaluators noted two critical errors, safe injection practices and
165 emergency safety management. He added that currently the Nevada Health Division has an online training module
166 for safe infection practices, though the Board may not be able to require that the licensee take a CE course, perhaps,
167 they could at least recommend the course to the licensee and also encourage them to take an emergency safety
168 management course. Dr. Pappas concurred that it would be an excellent suggestion to make Dr. X. complete such.
169 Mr. Hunt commented that it may be better to serve Dr. X the Order of Suspension in person rather than mailing the
170 order. Dr. Sill inquired of Mr. Hunt if the Board could require the dentist to take the safe injection practices course.
171 Mr. Hunt responded that he would have to review if the statutes and regulations would permit the Board to do so. Dr.
172 Miller added that anesthesia and sedation permit holders are required to complete at least three hours of CE's in
173 anesthesia/sedation each renewal period, and therefore, would like to see if Dr. X indeed complied with such CE
174 requirements. Ms. Kelly commented to Dr. Miller most all anesthesia/sedation holders use their PALS and/or ACLS
175 credit hours to fulfill said requirement for renewal period. Dr. Miller indicated that if the Board could require Dr. X
176 to take the safe injection course it would be advantageous, but if not, would like to at least encourage Dr. X to take
177 the course. Dr. Pappas inquired on the verbiage to use in the letter. Mr. Hunt indicated that they could include, there
178 or thereabouts 'in order to assist you, we believe it would be in your best interest and the public's best interest that
179 you attend the following courses....' Ms. Kelly commented that Dr. X was given CDC infection control information.
180 She added that he also has the information on the areas of safe injection practices and use of multi-dose vials.

181
182 AMENDED MOTION: Dr. Hellwinkel amended her motion to accept the recommendations of both evaluators and to
183 include the recommendation of courses as discussed, as well as the recommendation to serve Dr. X with the Order of
184 Suspension. Dr. Kinard amended his second to the vote in concurrence with Dr. Hellwinkel's amended motion. No
185 public comment. All in favor.

186
187 ***n. Approval of Public Health Endorsement – NRS 631.287 (For Possible Action)**

- 188
189 (1) Laura M Lord, RDH
190 (2) Marianne Sampson, RDH
191 (3) Arlene O Silberman, RDH
192

193 MOTION: Dr. Pinther made the motion to approve. Second by Dr. Kinard. Discussion: Mrs. Villigan indicated that
194 she did not see a copy of the CPR card for Ms. Lord. Ms. Kelly indicated that a copy of the CPR was perhaps an

oversight and a copy can be provided to her if she'd like. Mrs. Villigan indicated it would not be necessary. Ms. Kelly noted to Mrs. Villigan that Ms. Lord was currently licensed and had current CPR on file.

8. Resource Group Reports

*a. Legislative and Dental Practice (For Possible Action)

(Chair: Dr. Kinard; Dr. Sill; Dr. Hellwinkel; Dr. Pappas; Mrs. Villigan; Mrs. Matthews; and Mrs. Wark)

No report.

*b. Legal and Disciplinary Action (For Possible Action)

(Chair: Dr. Hellwinkel; Mrs. Wark; Mrs. Villigan; Mr. McKernan; Dr. Kinard; and Dr. Soltani)

No report.

*c. Examinations

(1) Dental (For Possible Action)

(Dr. Pappas; Dr. Kinard and Mrs. Matthews)

Dr. Pappas indicated that the retake examination for the series was given by the Board on December 3rd and that the next exam series would be in February 2012.

(2) Dental Hygiene (For Possible Action)

(Chair: Mrs. Matthews; Mrs. Villigan; Mr. McKernan; Dr. Pinther)

No report.

*d. Continuing Education (For Possible Action)

(Chair: Dr. Hellwinkel and Dr. Sill)

Dr. Sill indicated that they continue to approve courses. Dr. Miller commented to Dr. Pappas that Mr. McKernan had made a request to perhaps, explore the idea of increasing the number of CE's that can be taken online and wanted to remind the Board of Mr. McKernan's request so that the Board may move forward with the consideration. Dr. Pappas indicated that they could place it on the agenda at the next meeting. Ms. Kelly inquired on how they would like it listed. Dr. Pappas inquired if they should perhaps have the resource group review the subject. Mr. Hunt indicated that the committee could meet and then make a recommendation to the Board. Ms. Kelly noted that they were still under a moratorium. Dr. Pappas acknowledged that it would be in light of the moratorium.

*e. Dental Hygiene (For Possible Action)

(Chair: Mr. McKernan; Mrs. Matthews; Mrs. Villigan; and Dr. Sill)

No report.

*f. Specialty (For Possible Action)

(Chair: Dr. Miller; and Dr. Pinther)

No report.

*g. Anesthesia/Infection Control (For Possible Action)

(Chair: Dr. Miller; Dr. Pappas; Dr. Hellwinkel; Mr. McKernan and Mrs. Villigan)

Dr. Miller asked if Ms. Kelly could update the Board on the letters that were sent out and on the number of offices still pending inspections. Ms. Kelly indicated that there were still approximately twenty to twenty-five offices needing inspection. She indicated that she has spoken to almost all of the individuals who have accepted the

i51 infection control inspector appointments and indicated to them that she would be back in touch with them at the end
i52 of the year about setting up a meeting with the Anesthesia/Infection Control committee. She added that at the
i53 meeting to have the calibration disks that Dr. Christine Haskins was filming again later that day. She indicated that
i54 she is hopeful that the calibration disk will be done by the end of the year. She will be giving the disks to the
i55 inspectors that can join the committee at the calibration meeting and also want to provide the disks to those
i56 inspectors that cannot participate in the meeting because they live in rural and urban areas all over the state.
i57 Additionally, three inspectors have requested that they be able to ride along with another group of inspectors before
i58 they go out and conduct inspections on their own. She said there were about six or seven that she has not spoken
i59 with either accepting or rejection the IC appointment. Dr. Miller inquired on, perhaps, having the calibration video
i60 linked under 'resources' on the website for licensees to view. Ms. Kelly indicated they could but the disks were
i61 specifically intended for the inspectors; the disks direct them how to conduct the inspections. Dr. Miller commented
i62 that he recalls indicating that they would provide to the Nevada Dental Hygiene Association and the Nevada Dental
i63 Association a brief overview of the goal of the inspection program and its intention. Furthermore, they asked if one
i64 of the members of the team could attend one of their meetings to give a brief synopsis of the intention of the infection
i65 control inspections. Ms. Kelly indicated that the Board could send a letter to the associations or, perhaps, the Board
i66 can be recipients of a letter from the association's requesting that an infection control inspector to attend and give a
i67 presentation at a meeting; or perhaps, receive a list of meeting dates and the Board could then send out a letter of
i68 acceptance for a particular meeting date. Dr. Miller thanked Ms. Kelly for her hard work on the infection control
i69 inspection matters.

i70
i71 *9. **Public Comment:** Dr. Demopolous commented to the Board that she accepted the position of Dental Director
i72 on a volunteer basis with Future Smiles. She indicated that they have prepared a letter that will be mailed to the
i73 Board that highlights her services with Future Smiles, as well as what the Public Health endorsed Dental Hygienists
i74 will be doing.

i75 Ms. Rogers acknowledged that it may be short notice, but inquired if a speaker may be able to attend their
i76 January 18, 2012 meeting. She indicated that she would be teaching two hours of infection control for the Southern
i77 Nevada Dental Hygienists association and would like if the speaker could give a brief overview of what the
i78 inspectors will be looking for. Dr. Pappas inquired where the meeting will be taking place. Ms. Rogers indicated
i79 that it will be in Las Vegas at the Main Street Station. She indicated that in teaching the infection control classes she
i80 gets many timorous dentists and feels that having a speaker from the committee would be beneficial to them. Ms.
i81 Kelly indicated that she will send a notice out to the team and see if anyone is available to attend the January meeting
i82 if not she would see if anyone is available to attend their February meeting.
i83

i84 **Note: No vote may be taken upon a matter raised under this item of the agenda until the matter itself has**
i85 **been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)**

i86
i87 **10. Announcements: Happy Holidays!**

i88
i89 *11. **Adjournment (For Possible Action)**

i90
i91 MOTION: Dr. Kinard made the motion to adjourn. Second by Mrs. Villigan. All in favor.
i92
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i96 Meeting Adjourned at 11:17 am.

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i98 Respectfully submitted by:
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i01 _____
i02 Kathleen J. Kelly

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NEVADA STATE BOARD OF DENTAL EXAMINERS
6010 S. Rainbow Boulevard, Suite A-1
Las Vegas, Nevada 89118
Thursday, January 26, 2012 at 6:26 pm

Board Meeting

DRAFT Minutes

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

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.

Call to Order

1. Roll call and Establish a Quorum:

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

Dr. William Pappas -----PRESENT
Dr. M Masih Soltani-----PRESENT
Dr. Donna Hellwinkel-----PRESENT
Dr. J Gordon Kinard-----PRESENT
Dr. Timothy Pinther-----PRESENT
Dr. Jade Miller-----PRESENT (via Teleconference)
Dr. J. Stephen Sill-----PRESENT
Mrs. Rosanne "Missy" Matthews-----PRESENT
Mrs. Leslea Villigan-----PRESENT
Mr. James "Tuko" McKernan-----PRESENT
Mrs. Lisa Wark-----PRESENT

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

Public Attendees: Lori Fagundes; Leora Worth; Heather Rogers, NDHA; Jimmy Wang; Tucker DiEdwardo, LVI Global; Annette Lincicome, Huntridge Teen Clinic; Alec M. Fillmore; Andy Kachurak; Yolanda Soto, Dr. Gamboa; Linda Gamboa, Dr. Gamboa; Rosa Williams, Dr. Gamboa; Deborah Osborn, NDHA.

Pledge of Allegiance: All present voluntarily stood, followed by a moment of silence for the Raleigh family.

56 2. **Public Comment:** No public comment.
57
58

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

61
62 *3. **Election of 2012 Board Officers** (For Possible Action)
63

64 *a. **President** (For Possible Action)
65

66 MOTION: Dr. Miller nominated Dr. Pappas for President. Second by Mr. McKernan. All in favor. Dr. Pappas
67 confirmed as President.
68

69 *b. **Secretary – Treasurer** (For Possible Action)
70

71 MOTION: Dr. Pinther nominated Dr. Hellwinkel for Secretary-Treasurer. Second by Mr. McKernan. Dr. Hellwinkel
72 confirmed as Secretary/Treasurer.
73

74 *4. **Executive Director's Report:** (For Possible Action)
75

76 *a. **Minutes:** 8/13/2011 - Closed Session
77 8/14/2011 – Closed Session
78 9/8/2011 – Laser Working Group/Legislative and Dental Practice
79

80 MOTION: Dr. Hellwinkel made the motion to adopt the minutes. Second by Mrs. Villigan. No public comment. All
81 in favor.
82

83 *b. **Authorized Investigative Complaints** (For Possible Action)
84

85 (1) Dr. X - NRS 631.342(1)(d)
86

87 Ms. Kelly went over the alleged violations.
88

89 MOTION: Dr. Kinard made the motion to authorize. Second by Dr. Sill. No public comment. All in favor.
90

91 *5. **Board Counsel's Report** (For Possible Action)
92

93 *a. **Appointment for Board Representative to Oversee/Investigate Operation of Dental Practice –**
94 **NAC 631.273** (For Possible Action)
95 (1) Rafael M Gamboa, DDS
96

97 Dr. Pappas asked Mrs. Gamboa to step forward. Mr. Hunt read the pertinent regulation NAC 631.273 regarding
98 ownership or control of a practice by member of family after death of dentist. Mr. Hunt confirmed with Ms. Kelly
99 that the Board was in receipt of a certified copy of the death certificate. He indicated that the Board is to appoint a
00 member/agent/employee to verify compliance of appropriately operating practice. He added that if the Board finds
01 that the office is not being operated in full compliance of the requirements in chapter 631 then the Board may go to
02 district court to seek injunctive relief. Ms. Kelly recommended that the Board appoint Dr. Tony Guillen as he is a
03 conscious sedation permit holder and the practice holds a conscious sedation site permit, which according to
04 information received from Mrs. Gamboa is not being used; however, if a dentist who holds a permit to administer
05 assists the practice then the practice will be monitored.
06

07 MOTION: Mr. McKernan made the motion to appoint Dr. Guillen to monitor the practice. Second by Dr. Pinther.
08 Discussion: Mr. Hunt clarified that the motion should include monitoring and investigating the operation of the
09 dental practice. Mr. McKernan amended his motion to appoint Dr. Guillen to monitor and investigate the operation of
10 the practice. Dr. Pinther amended his second in concurrence with the amended motion.

11 Comments: Mrs. Gamboa indicated that she understood the guidelines and noted to the Board that she has ceased
12 operation of the practice until she is able to work out who the dentists will be that will assist in the operation of the
13 practice. She inquired if she is able to sell her practice to a periodontist as well as a general dentist. Dr. Pappas
14 commented that Dr. Gamboa had a periodontal office; which Mrs. Gamboa affirmed. Dr. Pappas indicated that the
15 question would be better asked of the Board-appointed monitor.
16

17 **b. Legal Actions/Lawsuit(s) Update - (Pursuant to NRS 241.030, the board may, by motion, enter closed**
18 **session.)**

19 (1) Stay/Appeal - LVI v. Nevada State Board of Dental Examiners
20

21 Mr. Hunt indicated that the district court ruled that the validity of certain parts of the regulation. He added that the
22 ruling has now been appealed to the Nevada Supreme Court. He advised the Board to continue the appeal and still
23 attempt to negotiate a resolution by any member of the Board that would like to participate in the negotiations.
24 Furthermore, if a negotiation is reached it would be brought before the Board for any public action. He indicated that
25 the current status is that there is an appeal and the court is set for a settlement conference with a Supreme Court
26 settlement judge. He added that in the District Court there was currently pending motions for costs and fees, also to
27 determine whether the Board has complied with the courts' previous order.
28

29 MOTION: Dr. Miller made the motion to continue with the appeal process and to enter into an attempt for
30 negotiations with LVI regarding further regulations. Second by Dr. Sill. All in favor.
31

32 ***c Decision By Board For Response To Legal Action/Lawsuit(s) In Stay/Appeal – LVI v. Nevada**
33 **State Board of Dental Examiners (For Possible Action)**

34 {Board did not enter into a closed session for item (5)(b), therefore, no action taken on this item}
35

36 ***6. Old Business (For Possible Action)**

37 ***a. Minutes:** 8/12/2011 - Laser Working Group/Legislative and Dental Practice
38 8/12/2011 – Committee on Dental Hygiene
39
40

41 Dr. Pappas indicated that for both meetings, only correction is Mr. McKernan called the meeting to order not Dr.
42 Pappas.
43

44 MOTION: Dr. Miller made the motion to approve the minutes with noted amendments. Second by Dr. Sill. All in
45 favor.
46

47 ***7. New Business (For Possible Action)**

48 ***a. Limited License for Supervision – NRS 631.2715**
49
50
51

- | | |
|------------------------------|------------------------------|
| (1) Joseph M Barton, DMD | (15) John M Highsmith, DDS |
| (2) Robert W Beebe, DDS | (16) Stephen B Hill, DDS |
| (3) Mark J Birnbach, DMD | (17) Dennis D Ikuta, DDS |
| (4) Robert W Bryce, DDS | (18) Kent M Johnson, DDS |
| (5) Stephen D Buck, DDS | (19) Randolph A Jones, DMD |
| (6) Michael Bufo Jr., DMD | (20) Lisa E Kalfas, DDS |
| (7) Stephen E Burch, DDS | (21) Lori A Kemmet, DDS |
| (8) Matthew J Bynum, DDS | (22) John A Krasowski, DDS |
| (9) James H Clarke Jr., DDS | (23) Gregory D Larson, DDS |
| (10) Lawrence P Evola, DDS | (24) Chong W Lee, DDS |
| (11) Brian R Faber, DDS | (25) Jess N Legg III, DDS |
| (12) James J Harding, DDS | (26) Christopher G Lota, DMD |
| (13) Joseph J Henry Jr., DDS | (27) Kelly J Lytle, DDS |
| (14) James O Hey Jr., DDS | (28) Hamada R Makarita, DDS |

- (29) Leo J Malin, DDS
- (30) John M Marque, DDS
- (31) James W W McCreight, DDS
- (32) Francis J Ohmes, DDS
- (33) Manisha R Patel, DDS
- (34) John E Pawlowicz, DMD
- (35) Michael K Reece, DDS
- (36) Joseph M Serra, DDS
- (37) Joel L Smith, DDS
- (38) Steven B Taylor, DDS
- (39) Mark P Tompkins, DDS
- (40) William A Vitalie, DMD
- (41) Kevin L Winters, DDS

.52 Dr. Hellwinkel indicated that applications have been reviewed.

.53
 .54 MOTION: Dr. Sill made the motion to approve. Second by Mrs. Wark. All in favor, Dr. Hellwinkel abstained.

- .55
 .56 ***b. Approval for Dental Licensure by WREB-NRS 631.240(1)(b)(2) (For Possible Action)**
 .57 (1) Sarika Anand, DMD
 .58 (2) Yang Lin, DDS

.59
 .60 Dr. Hellwinkel indicated that all met criteria and recommended approval. Dr. Hellwinkel abstained from the vote.

.61
 .62 MOTION: Dr. Sill made the motion to approve. Second by Mrs. Wark. All in favor.

- .63
 .64 ***c. Specialty Licensure by Application – NRS 631.250 (For Possible Action)**
 .65 (1) Jared A Acosta, DMD – Pediatric Dentistry
 .66 (2) Sumit Chawla, DMD – Orthodontics
 .67 (3) Jay E Davis, DMD - Orthodontics

.68
 .69 Dr. Hellwinkel indicated that all met criteria and recommended approval.

.70
 .71 MOTION: Dr. Pinther made the motion to approve. Second by Mrs. Wark. All in favor, Dr. Hellwinkel abstained.

- .72
 .73 ***d. Specialty Licensure by Credential – NRS 631.255(1)(b) (For Possible Action)**
 .74 (1) Stephen A Yamodis, DMD

.75
 .76 Dr. Hellwinkel indicated that criteria was met and recommended approval.

.77
 .78 MOTION: Mrs. Wark made the motion to approve. Second by Mrs. Villigan. All in favor, Dr. Hellwinkel abstained.

- .79
 .80 ***e. Specialty Licensure by Credential – NRS 631.255(1)(a) (For Possible Action)**
 .81 (1) Patricia A Diaz, DDS

.82
 .83 Dr. Hellwinkel indicated that criteria was met and recommended approval.

.84
 .85 MOTION: Mrs. Wark made the motion to approve. Second by Dr. Sill. Discussion: Dr. Miller inquired on the area of
 .86 specialty Dr. Diaz applied for. Dr. Hellwinkel indicated it was in Periodontia. All in favor, Dr. Hellwinkel
 .87 abstained.

- .88
 .89 ***f. Approval for Dental Hygiene Licensure by WREB- NRS 631.300(1)(b)(2) (For Possible Action)**
 .90 (1) Carissa M Anderson, RDH
 .91 (2) Marleny E Delgado, RDH
 .92 (3) Jaime M Wojciechowski, RDH

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Dr. Hellwinkel indicated that all met criteria and recommended approval.

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

***g. Approval for Dental Limited Licensure – NRS 631.271 (For Possible Action)**
(1) Heather C Green, DDS

Dr. Hellwinkel indicated that criteria was met and recommended approval.

MOTION: Dr. Soltani made the motion to approve. Second by Mrs. Wark. All in favor, Dr. Hellwinkel abstained.

***h. Reactivation of Inactive License – NAC 631.170(3) (For Possible Action)**
(1) Lori A Fagundes, RDH

Dr. Miller inquired if webinars are considered to be live instruction. Dr. Pappas answered affirmatively. Ms. Fagundes stepped forward. Dr. Pinther inquired about Ms. Fagundes last place of employment; which she indicated was at a diagnostic company owned by Quest Diagnostics.

MOTION: Mr. McKernan made the motion to approve the reactivation. Second by Mrs. Wark. Discussion: Dr. Hellwinkel asked for clarification of the regulations for revocation. Ms. Kelly indicated that the reason the application had to come before the Board for approval was that Ms. Fagundes had not practiced dental hygiene for over a year-and-a-half. She indicated that Ms. Fagundes let her license lapse and, therefore, her license was revoked which was an administrative revocation for non-renewal. She added that she has paid the fees due and has reinstated her license. All in favor.

***i. Reactivation of Inactive License – NAC 631.170(4) (For Possible Action)**
(1) Leora A Worth, RDH

Mrs. Worth stepped forward. Mr. McKernan inquired for clarification if the last dental hygiene job was in 2008. Mrs. Worth answered affirmatively. Mr. McKernan suggested that she perhaps take a skills assessment and possible remediation. Dr. Pappas mentioned that at the last meeting, though there is no precedence and the Board may do as they wish at their discretion, that typically a skills assessment with remediation has been required for those who have not practiced in four years or greater. Ms. Kelly indicated that the statute indicates two years; however the Board historically has required a skills assessment or an exam for those who have not practiced in over four years. Nonetheless, the Board may, at their discretion, decide what to require before reinstating a license for someone that has not practiced in over two years.

MOTION: Mr. McKernan made the motion to require a skills assessment. Second by Mrs. Villigan. Discussion: Mr. Hunt noted for the record that the applicant has the right to choose to take and pass a clinical examination in lieu of the skills assessment. All in favor.

Mrs. Worth inquired if she will be receiving a letter that lists what she will be required to complete, furthermore, if she will have to return before the Board upon completion of those requirements. Ms. Kelly indicated to Mrs. Worth that the skills assessment can be completed at any ADA accredited dental hygiene program. Locally in Las Vegas she could contact the College of Southern Nevada (CSN) and inquire when they will be offering the skills assessment, or she may contact an alternate location with a dental hygiene program. If an alternate location is sought, Ms. Kelly offered to provide her with a skills assessment outline that would be provided to the program that accepts her for a skills assessment that will list the areas to be assessed. Upon completion of the skills assessment and any remediation that they would ask you to complete, action could then be taken by the Executive Director to reactivate the license. She added that Mrs. Worth also had the option to take a clinical exam. Ms. Kelly explained to Mrs. Worth what the skills assessment entails and the option of clinical exams that are accepted by the Board, the WREB or ADEX exam.

!48 ***j. Approval of Inactivation of Specialty License – NAC 631.170 (For Possible Action)**

!49 (1) Jimmy C Wang, DDS

!50
!51 Dr. Wang stepped forward. Dr. Pappas inquired if Dr. Wang currently held a specialty license in periodontics. Dr.
!52 Wang answered affirmatively and indicated that he applied for a specialty license by credential at the last Board
!53 meeting. Per Dr. Pappas' inquiry, Dr. Wang indicated that the he took the WREB clinical exam. He indicated that
!54 he was licensed as a general dentist and upon completing a specialty program applied for a specialty license;
!55 however, has been unable to obtain employment as a specialist and, therefore, would like to inactivate his specialty
!56 license and reactivate his general dental license. Ms. Kelly went over Dr. Wang's license history.

!57
!58 MOTION: Dr. Sill made the motion to approve the inactivation of Dr. Wang's specialty license and reactivate his
!59 general dental license. Second by Dr. Kinard. Discussion: Dr. Pappas clarified that there were no additional
!60 requirements for Dr. Wang to fulfill. Ms. Kelly confirmed Dr. Pappas' clarification and indicated that Dr. Wang
!61 cannot advertise himself as a specialist, but may limit his practice if he chooses. Dr. Pappas reminded Dr. Wang that
!62 he may limit his practice to periodontia but will have to indicate that periodontal services are being provided by a
!63 general dentist and cannot bill as a specialist. Dr. Wang understood. All in favor.

!64
!65 ***k. Consideration of Application by WREB – NRS 631.240 (Pursuant to NAC 631.050) (For**
!66 **Possible Action)**

!67 (1) Alec M Fillmore, DDS - (Pursuant to NRS 241.030, the board may, by motion, enter closed session.)

!68
!69 Mr. Hunt asked Dr. Fillmore if he would like to enter into a closed session. Dr. Fillmore declined. Mr. Hunt asked if
!70 he understood that this was not a hearing, which Dr. Fillmore responded affirmatively. Mr. Hunt indicated to Dr.
!71 Fillmore if he understood that if the Board were to reject the application it is reportable to the National Practitioners
!72 Data Bank. Dr. Fillmore responded that he understood and indicated that he was uncertain if he would be able to
!73 reapply. Mr. Hunt indicated that he could reapply, however, may also choose to withdraw his application or may
!74 proceed, however, reminded him that it was his right to have an attorney present. Dr. Fillmore indicated that he
!75 understood and chose to proceed. Dr. Hellwinkel indicated that she rejected the application because she wanted to
!76 bring this matter to the full Board's attention, as it deals with concern for the public. She indicated that Dr. Fillmore
!77 has been forthcoming about his past issues and has been sober and clean for over nine years. Dr. Pinther inquired if
!78 he was practicing in California. Dr. Fillmore indicated he was not and only received his California license a few
!79 months prior. Mr. McKernan indicated that the treatment center tested him on a monthly basis but some results are
!80 missing. Dr. Fillmore indicated that he provided all that was provided to him. He added that he has not been able to
!81 contact the person that was in charge tracking his drug testing, Joyce. He indicated that his counselor Jane provided
!82 him the records. He offered to sign a release to allow the Board to obtain a copy of his records. Dr. Pinther
!83 commended him for turning his life around. Dr. Pappas inquired if it would be appropriate for the Board to require a
!84 stipulation agreement in order to be licensed. Mr. Hunt indicated that the Board has full discretion and can ask for
!85 monitoring, random drug and alcohol testing, which Dr. Fillmore would have to agree to. He further advised that the
!86 Board could approve the application for licensure, they could deny the approval for licensure, and then require that
!87 approval be based on agreeing and entering into a stipulation agreement. Dr. Pappas inquired of Dr. Fillmore if
!88 while at Loma Linda he participated in certification for conscious sedation, general anesthesia or anything of similar
!89 nature. Dr. Fillmore indicated that he did not; he only participated in nitrous oxide.

!90
!91 MOTION: Mrs. Matthews made the motion to approve the application. Second by Dr. Pinther. Discussion: Dr.
!92 Miller indicated that it seemed that Dr. Fillmore has been involved with Dr. Jackson at the concerned dentists
!93 committee and asked for more details regarding his involvement. Dr. Fillmore indicated that he met with the
!94 Concerned Dentists' Committee the previous summer and was offered support that he would need should the Board
!95 decide to require monitoring and they offered to help him coordinate the monitoring. He indicated that he speaks
!96 with Dr. Jackson regularly and is active in Alcoholics Anonymous. He added that the Concerned Dentists'
!97 Committee offered to help him in any way that he may need. Dr. Pappas inquired about how many meetings he
!98 attends a week. Dr. Fillmore indicated that he attends meetings two-to-three times a week and tries to make the
!99 Committee meetings as often as possible but goes at least twice a month. All in favor; Dr. Hellwinkel abstained.

i03
i04 ***l. Consideration of Application for ADEX Dental Hygiene Clinical Exam**
i05 (1) Nicole L Recca
i06

i07 Ms. Kelly indicated that Ms. Recca contacted CSN about taking an assessment program to prepare for the ADEX
i08 dental hygiene exam, and Shari Peterson referred her to the Board. Ms. Kelly noted to the Board that Ms. Recca had
i09 not practiced dental hygiene for nine years and is not a licensed hygienist, which, usually the Board requires an
i10 assessment for licensees who have not practiced. She indicated that CSN will be having an assessment March 9th, if
i11 an instructor can be found. She indicated that CSN will offer an assessment at the Boards' request for her to
i12 complete the assessment. Dr. Miller inquired if the Board were to grant authorization for Ms. Recca to take an
i13 assessment would it then qualify her to take the ADEX dental hygiene exam or the WREB exam. Ms. Kelly
i14 indicated that, yes, she assumes it would qualify Ms. Recca.
i15

i16 MOTION: Dr. Kinard made the motion to grant authorization to take remediation, and upon successful completion
i17 may take the exam. Second by Mrs. Villigan. All in favor.
i18

i19 ***m. Approval for Anesthesia-Temporary Permit – NAC 631.2254 (For Possible Action)**
i20

- i21 (1) **Conscious Sedation**
i22 a. Katayoon Dorosti, DMD
i23 b. Amy L Goodwin, DMD
i24

i25 Dr. Miller indicated that all was in order and recommended approval.
i26

i27 MOTION: Mrs. Wark made the motion to approve. Second by Dr. Soltani. All in favor, Dr. Miller abstained.
i28

i29 ***n. Approval for Site Permit – NAC 631.2236 (For Possible Action)**
i30

- i31 (1) **General Anesthesia**
i32 a. Timothy A Wilson, DDS
i33 (1) 4040 N Martin Luther King Blvd., Suite B, N. Las Vegas, NV 89032
i34 b. Anthony Q Phan, DMD
i35 (1) 445 W Craig Rd., Suite 121, N. Las Vegas, NV 89032
i36

i37 Dr. Miller indicated that both passed inspection and recommended approval.
i38

i39 MOTION: Mr. McKernan made the motion to approve. Second by Mrs. Wark. All in favor; Dr. Miller abstained.
i40

- i41 (2) **Conscious Sedation**
i42 a. Ashley Hoban, DMD
i43 (1) 653 N Town Center Drive, Suite 104, Las Vegas, NV 89144
i44 b. Ilya Benjamin, DMD
i45 (1) 7260 W Lake Mead Blvd., Suite #5, Las Vegas, NV 89128
i46 c. R Michael Sanders, DMD
i47 (1) 1001 Shadow Lane, MS 7410, Las Vegas, NV 89106
i48 d. Brett Noorda, DMD
i49 (1) 66 N Pecos Rd., Suite A, Henderson, NV 89074
i50

i51 Dr. Miller indicated that all passed inspection and recommended approval.
i52

i53 MOTION: Mrs. Wark made the motion to approve. Second by Dr. Sill. All in favor; Dr. Miller abstained.
i54

i55 ***o. Approval for 90-Day Extension Of Anesthesia Permit – NAC 631.2254(2) (For Possible Action)**
i56

- i57 (1) **General Anesthesia**

- ...
:58 a. Blaine D Austin, DDS
:59 b. Matthew K Mizukawa, DDS
:60

:61 Dr. Miller indicated that more time was needed to schedule inspections.
:62

:63 MOTION: Dr. Kinard the made the motion to approve. Second by Dr. Sill. All in favor; Dr. Miller abstained.
:64

:65 **(2) Conscious Sedation**

- :66 a. Bradley Welch, DDS
:67 b. Todd J Baggaley, DMD
:68 c. Philip C Walter, DDS
:69

:70 Dr. Miller indicated that (2) (a) is to be tabled.
:71

:72 MOTION: Dr. Pinther made the motion to table (2) (a). Second by Mr. McKernan.
:73

:74 Dr. Miller indicated that more time was need to schedule inspection for (2)(b-c).
:75

:76 MOTION: Dr. Sill made the motion to approve (2) (b-c). Second by Mrs. Wark. All in favor.
:77

:78 ***p. Approval of Public Health Endorsement – NRS 631.287 (For Possible Action)**
:79

- :80 (1) Janet M VonHolten, RDH
:81

:82 MOTION: Mrs. Villigan made the motion to approve. Second by Dr. Soltani. All in favor.
:83

:84 ***q. NSBDE Correspondence to ADA Resolution on the Portfolio RFP (For Possible Action)**
:85

:86 Dr. Pappas indicated that there is a letter from the State of Oregon against the resolution passed by the ADA House
:87 of Delegates. He indicated that the ADA House of Delegates passed a resolution calling for an RFP for a national
:88 portfolio style of exam. He discussed what the resolution entailed. Dr. Hellwinkel asked for a copy of the resolution.
:89 Dr. Miller commented that perhaps, it would be a good idea to have the Board members read the resolution before
:90 deciding how to correspond. Dr. Pappas indicated that a copy of the letter from the State of Oregon regarding the
:91 resolution and the resolution passed by the ADA House of Delegates will be provided to the Board members. He
:92 indicated this was raised at the previous AADB meeting.
:93

:94 **8. Resource Group Reports**
:95

:96 ***a. Legislative and Dental Practice (For Possible Action)**

:97 (Chair: Dr. Kinard; Dr. Sill; Dr. Hellwinkel; Dr. Pappas; Mrs. Villigan; Mrs. Matthews; and Mrs. Wark)
:98

:99 No report.
:100

:101 ***b. Legal and Disciplinary Action (For Possible Action)**

:102 (Chair: Dr. Hellwinkel; Mrs. Wark; Mrs. Villigan; Mr. McKernan; Dr. Kinard; and Dr. Soltani)
:103

:104 No report.
:105

:106 ***c. Examinations**
:107

:108 **(1) Dental (For Possible Action)**

:109 (Dr. Pappas; Dr. Kinard and Mrs. Matthews)
:110

:111 Dr. Pappas indicated that there is an exam in February.
:112

113 (2) **Dental Hygiene** (For Possible Action)

114 (Chair: Mrs. Matthews; Mrs. Villigan; Mr. McKernan; Dr. Pinther)

115 No report.

116 *d. **Continuing Education** (For Possible Action)

117 (Chair: Dr. Hellwinkel and Dr. Sill)

118
119 No report.

120
121 *e. **Dental Hygiene** (For Possible Action)

122 (Chair: Mr. McKernan; Mrs. Matthews; Mrs. Villigan; and Dr. Sill)

123
124 No report.

125
126 *f. **Specialty** (For Possible Action)

127 (Chair: Dr. Miller; and Dr. Pinther)

128
129 No report.

130
131 *g. **Anesthesia/Infection Control** (For Possible Action)

132 (Chair: Dr. Miller; Dr. Pappas; Dr. Hellwinkel; Mr. McKernan and Mrs. Villigan)

133
134 Dr. Miller indicated that approximately 36 have accepted the invitations to join the IC committee. He commented
135 that currently a calibration video is in progress. He thanked Dr. Christine Haskins and Ms. Kelly for their hard work
136 and thanked Dr. Pappas for allowing the IC team to utilize his office as the production location. He noted that his
137 expectation is that the video on IC will be ready in February. Dr. Kinard inquired if the video would be available
138 online. Ms. Kelly indicated that the video is for inspectors and is a calibration for inspectors. Dr. Kinard rephrased
139 his questions to ask if the video would be made available online for inspectors, and suggested perhaps creating a
140 private link that inspectors could access at any time. Ms. Kelly indicated that it would be looked into.

141
142 9. **Public Comment:** Ms. Rogers inquired if the checklist for IC inspections is available to dentist and dental
143 hygienists? Ms. Kelly indicated that it should be online, but would make sure that it is posted online and will email
144 her a copy.

145
146 **Note: No vote may be taken upon a matter raised under this item of the agenda until the matter itself has**
147 **been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)**

148
149 10. **Announcements:** Ms. Kelly indicated that there is a hearing on February 3rd. She added that on the 10th and
150 11th of February there will be exams for the CIF series. She reminded the Board that the traditional exams will be
151 held at the end of April.

152
153 *11. **Adjournment** (For Possible Action): Mr. McKernan made the motion to adjourn. Second by Mrs. Villigan. All
154 in favor.

155
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157
158 Meeting Adjourned at 7:50 pm.

159
160 Respectfully submitted by:

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162
163 _____
164 Kathleen J. Kelly

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NEVADA STATE BOARD OF DENTAL EXAMINERS
6010 S. Rainbow Boulevard, Suite A-1
Las Vegas, Nevada 89118
Friday, February 3, 2012 at 8:55 am

Board Meeting Agenda

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.

Call to Order

1. Roll call and Establish a Quorum:

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

| | |
|-------------------------------|--------------|
| Dr. William Pappas | -----PRESENT |
| Dr. M Masih Soltani | -----PRESENT |
| Dr. Donna Hellwinkel | -----PRESENT |
| Dr. J Gordon Kinard | -----EXCUSED |
| Dr. Timothy Pinther | -----PRESENT |
| Dr. Jade Miller | -----PRESENT |
| Dr. J. Stephen Sill | -----PRESENT |
| Mrs. Rosanne "Missy" Matthews | -----EXCUSED |
| Mrs. Leslea Villigan | -----PRESENT |
| Mr. James "Tuko" McKernan | -----PRESENT |
| Mrs. Lisa Wark | -----PRESENT |

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

Public Attendees: Annetter Lincicome, Huntridge Teen Clinic; Tiana Elliot, Dr. Rick Thiriot, DDS; Lori Roguege with Nevada State Bar Mentoring Program (present with Mr. Hunt).

All present voluntarily stood for the Pledge of Allegiance.

2. Public Comment: No public comments made.

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)

55
56 ***3. Old Business (For Possible Action)**
57

58 ***a. Approval For 90-Day Extension Of Anesthesia Permit – NAC 631.2254(2) (For Possible Action)**

59 **(1) Conscious Sedation**

60 a. Gregory P Welch, DDS

61
62 Dr. Miller recommended approval.

63
64 MOTION: Dr. Pinther made the motion to approve. Second by Mrs. Wark. All in favor, Dr. Miller abstained.
65

66 ***4. New Business (For Possible Action)**
67

68 ***a. Request by Michelle L Tatton, RDH to amend her Stipulation Agreement Adopted**
69 **August 12, 2011 to grant Executive Director discretion approving required supplemental**
70 **education hours and deadline for completion of required supplemental education**
71 **(For Possible Action)**
72

73 Dr. Pappas inquired of Ms. Kelly if Ms. Tatton was requesting for more time. Ms. Kelly responded that her request
74 was related to the requirements for the ethics course. The stipulation agreement is written such that there is no
75 latitude for the Executive Director to give her an ability to amend. She noted to the Board that Ms. Tatton since
76 entering into the stipulation agreement has had difficulty finding a live ethics course; she commented that some
77 courses are more readily available at different times during the year. She mentioned that she contacted Patty at
78 TMCC and she is willing to allow Ms. Tatton to take their ethics course thru TMCC, which is an on-line course;
79 however, there are threads where she can communicate with the instructor and can also communicate with other class
80 participants regarding class assignments for ethics cases. Ms. Kelly indicated that Ms. Tatton is asking that this be
81 the course she can take to fulfill the requirement. Ms. Kelly asked for the latitude such that should Ms. Tatton
82 change her mind before February 12th and finds a different course that should be appropriate to the requirements she
83 would have some ability to approve the course for her given the preliminary approval pending the Boards' decision
84 that this is actually a course she can take on-line. She noted that the six months will fall on February 12th. She
85 further noted that the course started February 1st, but TMCC is willing to run an abbreviated session for Ms. Tatton,
86 to end February 12th. Dr. Pappas inquired if Ms. Tatton, with the exception of this course issue, was otherwise was
87 compliant with her stipulation agreement. Ms. Kelly answered affirmatively. Dr. Soltani inquired how long it would
88 take Ms. Tatton to get her certificate after completing the class. Ms. Kelly indicated that it may take a few days since
89 it is a credit course and therefore, more hours will be completed; which any additional hours earned may be used
90 towards her license renewal. Dr. Soltani inquired if a 30 day extension would be enough time for her to receive
91 certificate after completing the class. Ms. Kelly indicated that it should only be a few days, but that Patty from
92 TMCC will have a notice to the Board upon Ms. Tatton completing the course.
93

94 MOTION: Mr. McKernan made the motion to approve the course. Mr. Hunt indicated that in addition to the motion
95 also grant an additional 90 days to comply with the requirements of paragraph (5) (a) of the stipulation agreement
96 and to grant the Executive Director the discretion to also this course and all other provisions will remain in full force
97 and effect. Mr. McKernan added to his motion the additional comments by Mr. Hunt. Second by Dr. Soltani. All in
98 favor, Mrs. Villigan abstained.
99

00 ***5. Resource Group Reports**
01

02 ***a. Legislative and Dental Practice (For Possible Action)**

03 (Chair: Dr. Kinard; Dr. Sil; Dr. Hellwinkel; Dr. Pappas; Mrs. Villigan; Mrs. Matthews; and Mrs. Wark)

04 No report.
05

06
07 ***b. Legal and Disciplinary Action (For Possible Action)**

08 (Chair: Dr. Hellwinkel; Mrs. Wark; Mrs. Villigan; Mr. McKernan; Dr. Kinard; and Dr. Soltani)

09 No report.
10

.11
.12 *c. Examinations
.13

.14 (1) Dental (For Possible Action)
.15 (Dr. Pappas; Dr. Kinard and Mrs. Matthews)
.16

.17 No report.
.18

.19 (2) Dental Hygiene (For Possible Action)
.20 (Chair: Mrs. Matthews; Mrs. Villigan; Mr. McKernan; Dr. Pinther)
.21

.22 No report.
.23

.24 *d. Continuing Education (For Possible Action)
.25 (Chair: Dr. Hellwinkel and Dr. Sill)
.26

.27 No report.
.28

.29 *e. Dental Hygiene (For Possible Action)
.30 (Chair: Mr. McKernan; Mrs. Matthews; Mrs. Villigan; and Dr. Sill)
.31

.32 No report.
.33

.34 *f. Specialty (For Possible Action)
.35 (Chair: Dr. Miller; and Dr. Pinther)
.36

.37 No report.
.38

.39 *g. Anesthesia/Infection Control (For Possible Action)
.40 (Chair: Dr. Miller; Dr. Pappas; Dr. Hellwinkel; Mr. McKernan and Mrs. Villigan)
.41

.42 No report.
.43

.44 6. Public Comment: No public comments made.
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| <p>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)</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

7. Announcements: No announcements made.

*8. Adjournment (For Possible Action) : Mr. McKernan made the motion to adjourn. Second by Dr. Sill. All in favor.

Meeting Adjourned at 9:03 am.

Respectfully submitted by:

Kathleen J. Kelly

1 Nevada State Board of Dental Examiners
2 6010 S Rainbow Blvd, Suite A-1
3 Las Vegas, Nevada 89118
4 Wednesday, May 16, 2012 at 6:48 pm
5

6 **Amended**
7 **Board Meeting Agenda**
8 **(Item 4)**
9

10 **Videoconferencing is available at the Board office, 6010 S Rainbow Boulevard, Suite A-1, in Las Vegas and at**
11 **the Nevada State Board of Nursing, 5011 Meadowood Mall Way, Suite 300, Reno, Nevada 89502.**
12

13 **Please Note:** The Nevada State Board of Dental Examiners may 1) address agenda items out of sequence to
14 accommodate persons appearing before the Board or to aid the efficiency or effectiveness of the meeting; 2)
15 combine items for consideration by the public body; 3) pull or remove items from the agenda at any time. The
16 Board may convene in closed session to consider the character, alleged misconduct, professional competence or
17 physical or mental health of a person. *See* NRS 241.030. Prior to the commencement and conclusion of a
18 contested case or a quasi judicial proceeding that may affect the due process rights of an individual the board
19 may refuse to consider public comment. *See* NRS 233B.126.
20

21 Public comment is welcomed by the Board, but at the discretion of the Chair, may be limited to five minutes per
22 person. A public comment time will be available before any action items are heard by the public body and then
23 once again prior to adjournment of the meeting. The Chair may allow additional time to be given a speaker as
24 time allows and in his/her sole discretion. Once all items on the agenda are completed the meeting will adjourn.
25 Prior to the commencement and conclusions of a contested case or a quasi judicial proceeding that may affect
26 the due process rights of an individual the board may refuse to consider public comment
27

28 *Asterisks (*) denote items on which the Board may take action.*
29 *Action by the Board on an item may be to approve, deny, amend, or table.*
30

31
32
33 **1. Call to Order, roll call and establish quorum**

34
35 Dr. Sill called the meeting to order and Ms. Kelly conducted the following roll call:
36

37 Dr. Jade Miller -----PRESENT
38 Dr. J. Stephen Sill -----PRESENT
39 Dr. M Masih Soltani -----PRESENT
40 Dr. Timothy Pinther -----PRESENT (via teleconference)
41 Dr. J Gordon Kinard -----PRESENT
42 Dr. Byron Blasco -----PRESENT
43 Dr. Jason Champagne -----PRESENT
44 Mr. James "Tuko" McKernan -----PRESENT (via teleconference)
45 Mrs. Leslea Villigan -----PRESENT
46 Ms. Theresa Guillen -----PRESENT
47 Mrs. Lisa Wark -----PRESENT
48

49 Others Present: John A Hunt, Board Legal Counsel; Kathleen Kelly, Executive Director; Debra Shaffer, Deputy
50 Executive Director.
51

52 Public attendees: Alex Tanchek, representing Neena Laxalt for NDHA.
53

54 Mr. Hunt advised that the board would need to elect a temporary presiding officer.
55

56 MOTION: Mrs. Villigan made the motion to elect Dr. Sill to be the temporary chair. Second by Dr. Kinard. All in
57 favor.
58

59 All present voluntarily stood for the Pledge of Allegiance.
60

61 2. **Public Comment:** No public comment.
62

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

65
66 *3. **Election of 2012 Board Officers/Resource Group Assignments** (For Possible Action)
67

68 Nomination for President:
69

70 MOTION: Mr. McKernan made the motion to nominate Dr. Jade Miller for President. Second by Mrs. Wark. All in
71 favor.
72

73 Dr. Sill transferred the conduction of the meeting to Dr. Miller.
74

75 Nomination for Secretary/Treasurer:
76

77 MOTION: Mr. McKernan made the motion to nominate Dr. Stephen Sill for Secretary/Treasurer. Second by Mrs.
78 Wark. All in favor.
79

80 *4. **New Business** (For Possible Action)
81

82 *a. **Approval for Limited License – NRS 631.271** (For Possible Action)
83 (1) Robin E Reinke, DDS
84

85 Ms. Kelly indicated application complete and asks for the Board consideration of approval.
86

87 MOTION: Mrs. Villigan made the motion to approve. Second by Dr. Sill. All in favor.
88

89 5. **Public Comment** : No public comment.
90

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

93
94 6. **Announcements:** On the agenda, there was notice for resource group assignments if he wanted to make
95 assignments or defer assignments until the next Board meeting. Dr. Miller asked that they defer the assignments until
96 next Board meeting. Ms. Kelly confirmed with Dr. Miller that she is to leave open the vacancies where the former
97 Board members were, Dr. Miller answered affirmatively. She reminded the Board that the next scheduled Board
98 meeting is June 21st and that she has sent some items to the Board members that will be on the agenda in June for
99 them to discuss. Dr. Miller inquired if they are items that need immediate response or if the timeline currently set to
00 discuss and respond will be fine. Ms. Kelly indicated that she has notified the Governor's office that they have
01 placed the one item concerning Executive Order on the June 21st Board meeting agenda and they have until June 30th
02 to respond.
03

04 Mr. Hunt welcomed the new Board members. He noted that there have been some recent discussions regarding
05 infection control and feels it needs to go on the next agenda. He commented that this subject is not for action and
06 only for discussion. He indicated that licensees are requesting information about what happened. He indicated that it

.07 was suggested, for example, when the Health department visits they provide issues in triplicates so that the
.08 deficiencies are known; which will keep from having to return to the Board office and send a letter stating what the
.09 issues were. Therefore, if the Board were to use triplicates, the triplicates will indicate that they have 72 hours to
.10 correct the issues/deficiencies.
.11

.12 Dr. Kinard inquired if there have been any issues with hygiene renewals. Ms. Kelly noted that there have been a few
.13 online issues with the renewals that are being worked on. He further inquired if the online renewal is working as
.14 efficiently as hoped. Ms. Kelly indicated that in some regards renewals online were going well, however, only one-
.15 third of hygienists have renewed and nearly nine-hundred that have not renewed. She indicated that the only notices
.16 sent out were in the newsletter the year prior and the postcard at the end of February, she was hoping to have another
.17 sent out, especially since there are only six weeks left to renew and nine-hundred licensees have yet to renew. Mr.
.18 Hunt suggested having the associations announce renewals. Mrs. Villigan indicated that at the meetings the
.19 associations had all the information regarding dental hygiene renewal. Dr. Miller indicated that they just had an
.20 infection control CE course and some may have been waiting to complete the course to submit their renewals. Dr.
.21 Kinard indicated that he just wanted to check the status as he knows that typically June is the month that the office
.22 staff experiences work overload with renewals. Ms. Kelly indicated that all was going well there have been a few
.23 credit card payments issues online that are currently being worked on.
.24

.25 Dr. Miller indicated that he would be in touch with Ms. Kelly regarding moving the June Board meeting to another
.26 date since he would not be able to attend the meeting on June 21st.
.27

.28 Dr. Miller welcomed Dr. Blasco, Dr. Champagne, and Ms. Guillen to the Board. He acknowledged Dr. William
.29 Pappas, Dr. Donna Hellwinkel, and Mrs. Roseanne Matthews for all their years of dedication to the Board and for
.30 their hard work. He added that they set an example that they can all be proud of. He added that he will do his best as
.31 the representative for the Board.
.32

.33 *7. Adjournment (For Possible Action): Dr. Pinther made the motion to adjourn. Second by Dr. Kinard. All in
.34 favor.
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.39 Meeting Adjourned at 7:06 pm.
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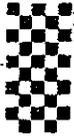
.41 Respectfully submitted by:
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.43 _____
.44 Kathleen J. Kelly
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JOHN'S SUBMITTED DOCUMENTS TO

BOARD RE: LVI



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DISTRICT COURT
CLARK COUNTY, NEVADA

LVI GLOBAL, LLC, a Nevada
limited liability company,

Plaintiffs,

v.

NEVADA STATE BOARD OF
DENTAL EXAMINERS; DOES I
through X; and ROE BUSINESS
ENTITIES I through X, inclusive,

Defendants

CASE NO: A651316
DEPT NO: XXX

FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER FOR WRIT
OF MANDAMUS

INTRODUCTION

The above-referenced matter came on for hearing on Monday, December 12, 2011, on
Petitioner's Petition for Writ of Mandamus. Both parties were represented by counsel.

Petitioner, LVI GLOBAL, LLC (hereinafter LVI), seeks an Order requiring the
Respondent, the Nevada State Board of Dental Examiners (hereinafter the Board), to issue
"limited licenses to supervise," pursuant to NRS 631.2715. There are a number of
individuals who have apparently submitted information to the Board, requesting limited
licenses as supervisors, pursuant to NRS 631.2715. The Board has apparently not issued the
requested licenses, and consequently, the Petitioners filed this Petition for Writ of
Mandamus.

FINDINGS OF FACT.

NRS 34.160 provides the District Court with authority to issue a writ, as follows:

NRS 34.160 Writ may be issued by Supreme Court and district courts; when
writ may issue. The writ may be issued by the Supreme Court, a district court or a
judge of the district court, to compel the performance of an act which the law

1 Board in writing by certified mail not later than 30 days after:

- 2 (a) The death of a patient being treated by a dentist under the supervision of
the holder of a limited license;
- 3 (b) Any incident which:
- 4 (1) Results in the hospitalization of or a permanent physical or
5 mental injury to a patient being treated by a dentist under the
6 supervision of the holder of a limited license; and
- 7 (2) Occurs while the dentist is treating the patient under the
supervision of the holder of a limited license; or
- 8 (c) Any event or circumstance described in subsection 4.

(NRS 631.2715).

9 As cited by the Board, "Where the language of a statute is plain and unambiguous,
10 and its meaning clear and unmistakable, there is no room for construction, and the courts are
11 not permitted to search for its meaning beyond the statute itself." *State v. Jepsen*, 46 Nev.
12 193, 196, 209 P.501, 502 (1922); quoted in *Erwin v. State of Nevada*, 111 Nev. 1535, 1538-
13 39, 908 P.2d 1367, 1369 (1995); *Charlie Brown Constr. Co. v. Boulder City*, 106 Nev. 497,
14 503, 797 P.2d 946, 949 (1990). The Nevada Supreme Court has indicated that "When a
15 statute is clear and unambiguous, this court gives effect to the plain and ordinary meaning of
16 the words and does not resort to the rules of construction." *Public Agency Compensation*
17 *Trust v. Blake*, 127 Nev. Adv. Op. 77, 2011 WL 5878138 (2011), citing *Seput v. Lacayo*, 122
18 Nev. 449, 502, 134 P.3d 733, 735 (2006). This Court finds that the language of NRS
19 631.2715 is clear and unambiguous, and consequently, this Court must give the statute its
20 plain meaning. The Board argues that NRS 631.2715 "clearly and unambiguously
21 references and incorporates NRS 631.240, less its examination requirement." (See
22 Opposition, pg. 6). This Court disagrees, and finds that although NRS 631.2715 does
23 reference NRS 631.240, it clearly does not incorporate any part of it.

24 This Court finds that the clear and unambiguous language of NRS 631.2715 indicates
25 that the Board "shall . . . issue a limited license to a person to supervise courses of
26 continuing education involving live patients . . . if the person has received a degree from a
27 dental school or college accredited by the Commission on Dental Accreditation of the
28 American Dental Association or its successor." Consequently, if an individual proves that

- 1 9. Whether any malpractice judgment has been entered against the applicant and, if
2 so, any documents relevant to the malpractice judgment;
- 3 10. Whether the applicant has a history of substance abuse and, if so, any documents
4 relevant to the substance abuse;
- 5 11. Whether the applicant has been refused permission to take an examination for
6 licensure by any other state or territory of the United States or the District of
7 Columbia and, if so, any documents relevant to the refusal;
- 8 12. Whether the applicant has been denied licensure by this State, any other state or
9 territory of the United States, or the District of Columbia, and, if so, any documents
10 relevant to the denial;
- 11 13. Whether the applicant has had his or her license to practice dentistry or dental
12 hygiene suspended, revoked or placed on probation in this State, another state or
13 territory of the United States, or the District of Columbia, and, if so, any documents
14 relevant to the suspension, revocation or probation;
- 15 14. Whether the applicant's practice of dentistry or dental hygiene has been subject to
16 mandatory supervision in this State, another state or territory of the United States, or
17 the District of Columbia, and, if so, any documents relevant to the mandatory
18 supervision;
- 19 15. Whether the applicant has received a public reprimand or is currently involved in
20 any disciplinary action concerning his or her license to practice dentistry or dental
21 hygiene in this State, another state or territory of the United States, or the District of
22 Columbia and, if so, any documents relevant to the reprimand or disciplinary action;
23 and
- 24 16. Two sets of certified fingerprint cards and an authorization form allowing the
25 Board to submit the fingerprint forms to law enforcement agencies for verification of
26 background information.

27 (Adopted Regulation R200-09, emphasis added.)

28
Because there is a Statute as well as a Regulation, which both deal with the subject
applicants for limited licenses to supervise courses of continuing education involving live
patients, this Court cannot consider one without taking into consideration the other.
Consequently, this Court must consider both the Statute as well as the Regulation, and
determine if they are conflicting or whether they can be read in conjunction with each other.
There was some discussion at the time of the oral argument of this matter, that the Plaintiff's
Complaint did not seek "declaratory relief," and consequently, this Court was somehow
precluded from issuing a decision which dealt with the Regulation, R200-09. Even without
a separate claim for "declaratory relief," this Court finds it necessary to consider the validity
of the Regulation, R200-09, in relation to the Petitioner's request for Mandamus relief. This

1 only requirements for an individual to obtain a limited license to supervise certain courses of
2 continuing education, were a fee of not more than \$100, and evidence that the person
3 received a degree from an accredited dental school or college. (NRS 631.2715(1)). The
4 Legislature did not ignore the possibility that such an individual might have prior
5 suspensions or revocations, or other problems in his/her history. In fact, the Legislature
6 specifically indicated in section (4) of the statute that the limited license could be "suspended
7 or revoked" by the board for certain things, including a suspension or revocation in another
8 jurisdiction, a felony or misdemeanor involving moral turpitude, or a documented history of
9 substance abuse. The statute does not indicate, however, that the Board can withhold the
10 issuance of a license for any of those things.

11 The Application for Nevada Dental Licensure, apparently used by the Board, for
12 applicants pursuant to NRS 631.2715, requests much more information than the statute
13 requires. The form application (which was attached as Exhibit B to the Petition for Writ of
14 Mandamus), has 13 separate sections, and even goes beyond the information requested by
15 Section 6 of the Regulation (R200-09). The Petitioner has provided documentation that the
16 Board has delayed issuance of licenses for outstanding "Education Disclaimer Forms,"
17 "CCBS background reports," and "self-query reports from the National Practitioners Data
18 Bank," which documents and information are not required by NRS 631.2715. While such
19 requests may be appropriate under the Regulation (R200-09), they are inconsistent with the
20 plain and unambiguous requirements of NRS 631.2715.

21 Based upon the foregoing, this Court finds that the Board's requirement that
22 applicants comply with and provide the information and documentation set forth in the
23 Regulation (R200-09), or other documentation or information, not specifically set forth in
24 NRS 631.2715, is inconsistent with the clear and unambiguous language of NRS 631.2715.
25 This Court finds that the Regulation (R200-09) is inconsistent with the clear and
26 unambiguous language of NRS 631.2715, and is therefore invalid. Finally, this Court finds
27 that a Writ of Mandamus is necessary to compel the performance of an act that the law
28

1 *Attorney for Injured Workers v. Nevada Self-Insurers Assn.*, 126 Nev. Adv. Op. 7, 225 P.3d
2 1265 (2010). In the *Blake* case, the Nevada Supreme Court determined that NRS
3 616C.490(9) was plain and unambiguous. The Court noted, however, that the appeals
4 officer and the district court had relied upon the corresponding provision in the Nevada
5 Administrative Code, NAC 616C.490. The issue before the Supreme Court was whether
6 NAC 616C.490(4) conflicted with its governing statute, NRS 616C.490(9). The Court noted
7 the following, which equally applies to the present case:

8 To determine the meaning of an administrative regulation, we will generally defer to
9 the "agency's interpretation of a statute that the agency is charged with enforcing."
10 However, we will not defer to the agency's interpretation if, for instance, a regulation
11 "conflicts with existing statutory provisions or exceeds the statutory authority of the
agency."

12 *Blake, Id.*, citing to *State, Div. of Insurance v. State Farm*, 116 Nev. 290, 293, 995 P.2d 482,
13 485 (2000); *Jerry's Nugget v. Keith*, 111 (Nev. 49, 54, 888 P.2d 921, 924 (1995).

14 ("Administrative regulations cannot contradict the statute they are designed to implement");
15 See also *Nevada Attorney for Injured Workers v. Nevada Self-Insurers Association*, 126 Nev.
16 Adv. Op. 7, 225 P.3d 1265 (2010).

17 The Supreme Court in *Blake* concluded that NRS 616C.490(9) required one thing,
18 and NAC 616C.490(4) was in direct conflict with the governing statute. Therefore, the
19 Court gave no deference to the agency's interpretation, and the Court concluded that NAC
20 616C.490(4) was invalid. Similarly in the present case, this Court concludes that the
21 Regulation, R200-09, directly conflicts with NRS 631.2715, and requires an applicant to
22 provide different information, than is required by NRS 631.2715, and consequently, the
23 Regulation, R200-09, is invalid, as it applies to the facts of the present case. It is well settled
24 in Nevada that "Administrative regulations cannot contradict or conflict with the statute they
25 are intended to implement." *Clark County Social Service Dept. v. Newkirk*, 106 Nev. 177,
26 789 P.2d 227 (1990), citing to *Roberts v. State*, 104 Nev. 33, 752 P.2d 221 (1988).

27 This Court finds the case of *Hager v. Nevada Medical Legal Screening Panel*, 105
28 Nev. 1, 767 P.2d 1346, to be most applicable to the facts of the present case. In *Hager*, the

1 Court has reviewed similar statutory provisions. The Nevada Supreme Court has indicated
2 that it interprets "statutes within a statutory scheme harmoniously with one another to avoid
3 an unreasonable or absurd result," and the Court presumes "that the Legislature enacted the
4 statute 'with full knowledge of existing statutes relating to the same subject.'" *Nevada*
5 *Attorney for Injured Workers v. Nevada Self-Insurers Assn.*, 126 Nev. Adv. Op. 7, 225 P.3d
6 1265 (2010), citing to *Allstate Insurance Co. v. Fackett*, 206 P.3d 572, 576 (2009), and *State*
7 *Div. of Insurance v. State Farm*, 116 Nev. 290, 295, 995 P.2d 482 (2000).

8 Although the language of the Statute is clear and unambiguous, this Court was
9 concerned by the lack of a requirement to submit any type of application to the Board, as a
10 requisite to obtaining the subject limited supervisory license. Consequently, this Court
11 considered other statutes in Chapter 631, to determine if the Legislature ordinarily left the
12 "application process" for determination by the Board. NRS 631.220, which deals with
13 individuals who are applying for a "license to practice dental hygiene or dentistry," requires
14 the applicants to "file an application with the Board." The statute further indicates that the
15 application must be accompanied with "a recent photograph," the required fee, "and such
16 other documentation as the Board may require by regulation." Further, that statute requires
17 the applicant to submit with the application a set of fingerprints, and written authorization to
18 allow a criminal background check. (NRS 631.220). Similarly, NRS 631.230 indicates
19 eligibility for individuals to apply for a license to practice dentistry. There is an age
20 requirement, a citizenship requirement, the applicant must be a graduate from an accredited
21 dental school or college, and must be of good moral character. The statute indicates that to
22 determine good moral character; the Board may consider whether his or her license in
23 another state, had been suspended or revoked, or whether the person is currently involved in
24 any disciplinary action concerning his or her license in another state. (NRS 631.230).

25 In NRS 631.2715, the Nevada Legislature did not indicate that before a license would
26 be issued, an "application process" was required, or that "good moral character" was
27 required. The Legislature did not indicate that fingerprints must be provided so that a
28 background check could be completed. The Legislature clearly indicated that the only

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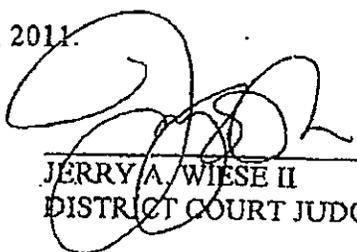
after hearing oral argument, and other good cause appearing,

IT IS HEREBY ORDERED ADJUDGED AND DECREED that Petitioner's
Petition for Writ of Mandamus is hereby **GRANTED**.

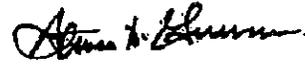
IT IS FURTHER ORDERED that Petitioner shall prepare a Writ of Mandamus
consistent with this Order, and submit it to the Court for signature. Pursuant to NRS 34.160
the Writ of Mandamus shall be made returnable before the district court.

IT IS FURTHER ORDERED that if each applicant has provided to the Board proof
that the individual has received a degree from an accredited dental school or college, and the
applicable fee has been paid, then the Board of Dental Examiners must issue the requested
licenses, without waiting for additional information or documentation. In regards to the
specific 47 individuals who are part of this case, the Board has 30 days from receipt of the
Writ of Mandamus to issue the limited licenses for the purpose of supervision.

DATED this 15 day of December, 2011.



JERRY A. WIESE II
DISTRICT COURT JUDGE



CLERK OF THE COURT

1 WRIT
2 JAMES E. SMYTH II
3 Nevada Bar No. 6506
4 LISA J. ZASTROW
5 Nevada Bar No. 9727
6 KAEMPFER CROWELL RENSHAW
7 GRONAUER & FIORENTINO
8 8345 West Sunset Road, Suite 250
9 Las Vegas, Nevada 89113
10 Telephone: (702) 792-7000
11 Fax: (702) 796-7181
12 jsmyth@kcnvlaw.com
13 lzastrow@kcnvlaw.com

14 *Attorneys for Plaintiff/Petitioner*

15 DISTRICT COURT

16 CLARK COUNTY, NEVADA

17 LVI GLOBAL, LLC, a Nevada limited liability
18 company,

Case No. A-11-651316-W
Dept. No. XXX

19 Plaintiff,

20 vs.

**ORDER AND
WRIT OF MANDAMUS**

21 NEVADA STATE BOARD OF DENTAL
22 EXAMINERS; DOES I through X; and ROE
23 BUSINESS ENTITIES I through X, inclusive,

24 Defendants.

25 Plaintiff/Petitioner LVI GLOBAL, LLC's Petition For Writ Of Mandamus On Order
26 Shortening Time having come on for hearing on December 12, 2011, the Plaintiff/Petitioner LVI
27 GLOBAL, LLC (hereinafter "LVI") being represented by Lisa J. Zastrow, Esq. and James E.
28 Smyth II, Esq. of Kaempfer Crowell Renshaw Gronauer & Fiorentino and the
29 Defendant/Respondent NEVADA STATE BOARD OF DENTAL EXAMINERS (hereinafter the
30 "BOARD") being represented by John A. Hunt, Esq. of Raleigh & Hunt, P.C., the Court having
31 reviewed the pleadings and papers on file, heard the argument of counsel, the Court having

KAEMPFER CROWELL RENSHAW
GRONAUER & FIORENTINO
8345 West Sunset Road
Suite 250
Las Vegas, Nevada 89113

1 Accreditation of the American Dental Association or its successor, and the applicant's fee has
2 been paid, then the Board of Dental Examiners shall issue the requested license, without waiting
3 for additional information or documentation.

4 **IT IS HEREBY ORDERED** that for the specific 47 individuals who are part of the
5 above-captioned case, the Board has 30 days from receipt of the Order and Writ of Mandamus to
6 issue the limited licenses for the purpose of supervision as set forth in NRS 631.2715.

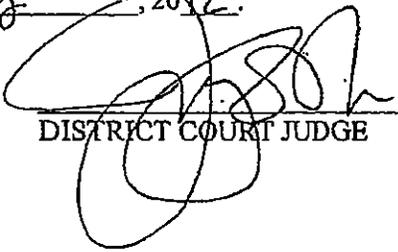
7 **IT IS HEREBY ORDERED** that pursuant to NRS 34.190, should the Board not comply
8 with this Writ it must appear before this Court on Feb. 10, 2012, at 9:00 a.m. to
9 show cause as to why it has not complied.

10 **THE COURT FURTHER ORDERS** that pursuant to NRS 34.160 the Order and Writ
11 of Mandamus is returnable to the District Court.

12 **ORDER**

13 **IT IS SO ORDERED.**

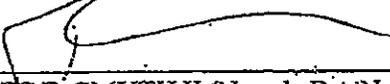
14 Dated this 3rd day of January, 2012.

15
16 
DISTRICT COURT JUDGE *AS*

17 SUBMITTED BY:

18 KAEMPFER CROWELL RENSHAW
19 GRONAUER & FIORENTINO

20 By:


21 JAMES E. SMYTH II (Nevada Bar No. 6506)
LISA W. ZASTROW (Nevada Bar No. 9727)
22 KAEMPFER CROWELL RENSHAW
GRONAUER & FIORENTINO
23 8345 West Sunset Road, Suite 250
Las Vegas, Nevada 89113
24 *Attorneys for Plaintiff/Petitioner*

KAEMPFER CROWELL RENSHAW
GRONAUER & FIORENTINO
8345 West Sunset Road
Suite 250
Las Vegas, Nevada 89113

Page 2

RE: [REDACTED]
March 27, 2012

Code (NAC) Chapters 631 information from our website (www.nvdentalboard.nv.gov) under the 'Governing Laws' section. As a courtesy, a copy of the following items are enclosed for quick reference:

- NRS 631.2713 = Licensing requirements for Limited License for Live Continuing Education Supervision;
- Adopted regulation R200-09 = Pertaining to registered facilities for purposes of providing live patient continuing education courses;

~~_____~~
~~_____~~
~~_____~~

If you have any questions, please contact the Board office at (702) 486-7044.

Sincerely,

C. Stratton
Candice Stratton
Licensing Specialist

/cs

Enclosures

Cc: File

Consistent with the 2006 stipulation, LVI asked that legislation be processed during the 2009 legislative session to clarify the obligations of LVI in conducting its business. As a result of that effort, AB 314 was passed by the 75th Session of the Nevada Legislature. That legislation is now codified in NRS 631.2715. That statute, in pertinent part, reads as follows:

1. The Board shall, without a clinical examination required by NRS 631.240 or 631.300, issue a limited license to a person to supervise courses of continuing education involving live patients at an institute or organization with a permanent facility registered with the Board for the sole purpose of providing postgraduate continuing education in dentistry if the person has received a degree from a dental school or college accredited by the Commission on Dental Accreditation of the American Dental Association or its successor.

3. The Board may impose a fee of not more than \$100 for the issuance and each renewal of a limited license issued pursuant to this section.

The law is clear and unambiguous. It requires that the Board issue a limited license to a person to supervise live patient training if the person has received a degree from a dental school or college accredited by the Commission on Dental Accreditation of the ADA and paid a fee of \$100.00. There is no other requirement.

During the Board's rulemaking process implementing the provisions of AB 314, representatives of LVI advised the Board that its application requirements for supervisors seeking a limited license under AB 314 were neither required nor authorized by the law. Those protestations were to no avail.

After nearly fifty supervisors applied with the Board for a limited application pursuant to NRS 631.2715, the Board created and demanded the completion of an application by each supervisor which were well beyond the scope of NRS 631.2715.

For example, the application included questions regarding employment history, history of impairment, a moral character questionnaire and an oath that states "I hereby pledge myself to the highest standards and ethics in the Practice of Dentistry and further pledge to abide by the laws and regulations pertaining to the practice of dentistry." (*See Application attached hereto as Exhibit B.*) Again, *these* Applicants were not seeking a license to *practice dentistry*; rather, they were seeking a very narrow limited license to continue to provide limited clinical continuing education at LVI. Essentially the Board utilized the same process for dentists in Nevada seeking a license to *practice dentistry*.

Additionally, as part of the application process, the Board insisted that LVI's supervisors undergo a background check. (*See Id.*) A background report/check is well beyond the scope of NRS 631.2715 – logically as these Supervisors are already licensed and practicing in another jurisdiction, have undergone exams and a background check, and *are merely in Nevada on*

IT IS ORDERED that upon an applicant providing to the Board proof that the applicant has received a degree from a dental school or college accredited by the Commission on Dental Accreditation of the American Dental Association or its successor, and the applicant's fee has been paid, then the Board of Dental Examiners shall issue the requested license, without waiting for additional information or documentation.

IT IS HEREBY ORDERED that for the specific 47 individuals who are part of the above-captioned case, the Board has 30 days from receipt of the Order and Writ of Mandamus to issue the limited licenses for the purpose of supervision as set forth in NRS 631.2715.

(See Writ Attached hereto as Exhibit H.)

In February of this year, the Board issued nearly all of the limited licenses pending at the time. At the same time, the Board appealed Judge Wiese's Order and applied for a stay of the Order. While the Appeal is pending, the Court declined to grant a stay. It is the conduct of the Board after the issuance of the Writ which has created the necessity of this communication with you.

In spite of the clear language of the statute, echoed by the Writ, the Board continues to make unreasonable demands upon LVI and its instructors. For example, the statute states the license is good for one year, yet the Board issued the licenses in February, to expire in June 2012 - less than 5 months later. The Board relentlessly corresponds with LVI's instructors, intimidating them and demanding information outside the scope of the Writ and NRS 631.2715. In a recent example, LVI supervisor Dennis Nagata was advised by the Board that he must complete a bio-terrorism program and 20 hours of continuing education courses annually. *(See Nagata correspondence from the Board attached hereto as Exhibit E.)* Such requirements are in no way contemplated by the statute or the Writ, or even logical given the limited scope for the license.

More recently, on April 4, 2012, Executive Director for the Board, Kathleen Kelly, sent correspondence notifying LVI that:

As a courtesy, you are notified that individuals at LVI Global that are visiting faculty, full-time faculty, and "clinical instructors," are required to be licensed pursuant to NRS 631.2715...It appears from your website that individuals listed as faculty and instructors may be conducting live patient course instruction without appropriate licensure as defined within NRS 631. Such activity would be deemed the illegal practice of dentistry pursuant to NRS 631.395 and subject to the penalties of law described in NRS 631.400.

John Hunt

From: John Hunt
Sent: Tuesday, May 29, 2012 6:21:PM
To: 'Kathleen Kelly'
Cc: [REDACTED]
G [REDACTED]
M [REDACTED]
Subject: RE: LVI letter
Attachments: LVI Global correspondence to AG.pdf

Madam Attorney General & Deputy Rasul:

Attached is correspondence from LVI Global requesting an inquiry into the Board's actions regarding a Writ of Mandamus which is currently on Appeal to the Nevada Supreme Court. Please be advised a response from the Board to the attached correspondence will be coming forthwith. However by way on this email, I am requesting this matter be placed on the Board's June 14th agenda for input by the Board prior to the Board's response. Thereafter the Board response will be submitted. Therefore the Board respectfully request your office hold in abeyance any response to LVI until the Board's response is submitted. Even prior to receiving the Board's response you should know it is the Board's position that any actions taken by the Board pursuant to the regulation in question were done to protect the citizens of Nevada. Lastly the regulation in question was approved by bi-partisan Legislators who review all proposed Regulations and was approved by Legislative Counsel Bureau which indicated there was no conflict between the regulation in question and the controlling statute. Should you have any questions, please do not hesitate to call.

John A. Hunt, Esq.
RALEIGH & HUNT, P.C.
500 S. Rancho Dr., Ste 17
Las Vegas, NV 89106
e-mail: john@lvattorneys.net
Phone: (702) 436-3835
Fax: (702)436-3836

From: Kathleen Kelly [<mailto:kjkelly@nsbde.nv.gov>]
Sent: Tuesday, May 29, 2012 3:09 PM
To: John Hunt
Subject: FW: LVI letter

John: I am still waiting for a response from you on the LVI letter I sent to you that they sent to AG. Can you call or reply back about status...thank you.

Kathleen J Kelly
Kathleen J Kelly
Executive Director
Nevada State Board of Dental Examiners
6010 S Rainbow Blvd, #A-1
Las Vegas, NV 89118
(702) 486-7044 (800) 337-3926 Fax: (702) 486-7046

Nevada State Board of Dental Examiners

William G. Pappas, D.D.S.
President



Donna J. Hellwinkel, D.D.S.
Secretary-Treasurer

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_____, 2012

_____ DDS

DRAFT

Dear Dr. :

Congratulations on successfully completing the process for licensure in the State of Nevada. Your application was approved at a Board Meeting of the Nevada State Board of Dental Examiners on March 22, 2012 and you have been issued Limited Dentist Supervision license number ~~0327~~. Your license is Active and you are eligible to supervise live continuing education courses in the State of Nevada at _____, pursuant to NRS 631.2715. Your pocket card and wall certificate will be mailed under separate cover within 4-6 weeks.

Pursuant to your application and NRS 631.2715, you are restricted to supervising live continuing education courses within the approved curriculum at the _____ facility. You are not authorized for the unrestricted practice of dentistry. To be sure your most current address information is on file with the Board.

Please be advised currently the Nevada State Board of Dental Examiners has initiated an appeal to the Nevada Supreme Court Case #60090 to determine whether other provisions of Chapters NRS 631 and NAC 631 are applicable to limited licenses issued pursuant to NRS 631.2715. Therefore until such time as the Nevada Supreme Court issues an opinion the only requirement for renewal shall be the payment of \$100.00 one year after the date of issuance of the limited license.

Although you were not required, as part of the license application process, to complete the jurisprudence examination, you are required, as a licensee, to be compliant with the Nevada Dental Practice Act. You may download the Nevada Revised Statute (NRS) and Nevada Administrative

NRS 631.2715 Limited license to supervise certain courses of continuing education.

1. The Board shall, without a clinical examination required by NRS 631.240 or 631.300, issue a limited license to a person to supervise courses of continuing education involving live patients at an institute or organization with a permanent facility registered with the Board for the sole purpose of providing postgraduate continuing education in dentistry if the person has received a degree from a dental school or college accredited by the Commission on Dental Accreditation of the American Dental Association or its successor.

2. A limited license issued pursuant to this section expires 1 year after the date of its issuance and may be renewed annually upon submission of proof acceptable to the Board of compliance with subsection 1 and payment of any fee required pursuant to subsection 3.

3. The Board may impose a fee of not more than \$100 for the issuance and each renewal of a limited license issued pursuant to this section.

4. A limited license issued pursuant to this section may be suspended or revoked by the Board if the holder of the limited license:

(a) Has had a license to practice dentistry suspended, revoked or placed on probation in another state, territory or possession of the United States, the District of Columbia or a foreign country;

(b) Has been convicted of a felony or misdemeanor involving moral turpitude; or

(c) Has a documented history of substance abuse.

5. A holder of a limited license issued pursuant to this section shall notify the Board in writing by certified mail not later than 30 days after:

(a) The death of a patient being treated by a dentist under the supervision of the holder of a limited license;

(b) Any incident which:

(1) Results in the hospitalization of or a permanent physical or mental injury to a patient being treated by a dentist under the supervision of the holder of a limited license; and

(2) Occurs while the dentist is treating the patient under the supervision of the holder of a limited license; or

(c) Any event or circumstance described in subsection 4.

(Added to NRS by 2009, 1525)



Executive Order 2012-11

**PROVIDING RECIPROCITY FOR MILITARY SPOUSES SEEKING
LICENSURE IN THIS STATE**

WHEREAS, military spouses move from state to state far more often than the general population as they accompany their service member spouse on assignment to military bases around the country and overseas;

WHEREAS, as a result of these frequent moves associated with military life and because professional licenses from one state do not always easily transfer to another state, spouses serving in professions that require state licenses bear disproportionately high financial and administrative burdens;

WHEREAS, Nevada state government is comprised of a number of professional licensing boards and commissions that have a direct impact on the lives of these military spouses;

WHEREAS, the men and women of the United States Armed Forces and their families give selflessly of themselves in the service of this nation, it is therefore incumbent upon the State of Nevada to do all that it can to support these individuals; and

WHEREAS, Article 5, Section 1 of the Nevada Constitution provides that, "The Supreme Executive Power of this State shall be vested in a Chief Magistrate who shall be Governor of the State of Nevada."

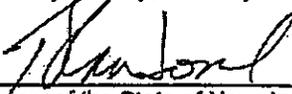
NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and laws of the State of Nevada, I hereby direct and order every professional licensing board organized pursuant to the Nevada Revised Statutes as follows:

1. Facilitate endorsement of a current license from another state as long as the requirements for licensure in that jurisdiction are substantially equivalent to the requirements in Nevada; and
2. Where possible, provide for a temporary or provisional license allowing a military spouse to practice while fulfilling requirements needed to qualify for endorsement in this state, or while awaiting verification of documentation supporting such an endorsement; and
3. Expedite application procedures for a military spouse, including where possible the approval of a license based on an affidavit from the applicant that the information provided on the application is true and that verifying documentation has been requested.

I hereby further direct and order that, where statutory requirements prohibit any of the actions outlined above, the executive director or chairman of a professional licensing board shall inform my office in writing of the suggested statutory changes to make reciprocity for military spouse licensure an efficient and practical reality. This written notice must be received by my office no later than June 30, 2012, in order to allow my office ample time to prepare legislation for the 77th Regular Session of the Nevada Legislature.

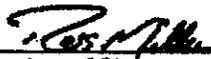


IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol in Carson City, this 4th day of May, in the year two thousand twelve.

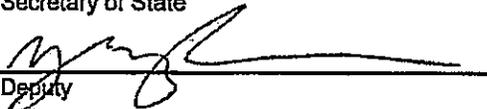


Governor of the State of Nevada

By the Governor:



Secretary of State



Deputy

Nevada State Board of Dental Examiners

William G. Pappas, D.D.S.
President



Donna J. Hellwinkel, D.D.S.
Secretary-Treasurer

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| | | |
|----------------------------------------------------------------------------------|-----------------------------------------------|---------------------------------------------------------------------------------------------------------------|
| Infection Control Inspection/Survey Form: | | Revised 8-12-2011 |
| Dental Office Name/Address: | | |
| Licensee Name: | | Owner Dentist Name: |
| First Inspection <input type="checkbox"/> | Follow Up Inspection <input type="checkbox"/> | Date: |
| Inspectors: | | |
| | | |
| Compliance level 1-4 <i>Has a written infection control program.</i> | | |
| 3 | Yes No | Includes a written system of sterilization process monitoring |
| 3 | Yes No | Includes a written process for managing semicritical and critical items |
| 3 | Yes No | Includes a written process for managing failed chemical, heat or biological monitoring |
| 3 | Yes No | Includes written policies for use of Personal Protective Equipment (PPE) |
| 3 | Yes No | Includes documentation of vaccinations offered to HCW with infectious exposure |
| risk (Hepatitis B, influenza per CDC) | | |
| 3 | Yes No | Includes documentation that vaccinations declined by health care workers |
| 3 | Yes No | Includes vaccination records for all employees with exposure risks |
| 3 | Yes No | Includes written policies and procedures for handling and management of sharps |
| 3 | Yes No | Includes a Sharps Injury Log exist |
| 3 | Yes No | Includes a written post exposure medical evaluation plan and 24/7 contact # |
| 3 | Yes No | Includes documentation of post exposure follow-up for all sharps injuries involving contaminated instruments. |
| 3 | Yes No | Includes written policies and procedures for medical waste management |
| 3 | Yes No | Licensed waste hauler used for regulated waste--Name and/or Telephone Number: |



Nevada State Board of Dental Examiners

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| | | | |
|---|-----|----|------------------------------------------------------------------------------------------------------------------|
| 3 | Yes | No | Includes written policies and procedures for aseptic management during patient care |
| 3 | Yes | No | Includes written policies and procedures for surface disinfection and environmental barrier protection |
| 3 | Yes | No | Includes written policies and procedures for laboratory procedures |
| 3 | Yes | No | Includes written policy and procedure for patients known to have communicable disease on arrival (TB, influenza) |
| 3 | Yes | No | Comprehensive medical history form in use to evaluate patients |
| 2 | Yes | No | Ensures patient information routinely reviewed and updated. |

| <i>Record Keeping</i> | | | <i>Each Practice Must...</i> |
|-----------------------|-----|----|----------------------------------------------------------------------------------------------------------------|
| 3 | Yes | No | Reviews the written infection control plan at least annually to ensure compliance with best practices |
| 3 | Yes | No | Documentation of Bloodborne Pathogen training at date of hire and annually thereafter |
| 3 | Yes | No | Documentation of training of health-care employees in selection and use of PPE |
| 3 | Yes | No | Documents corrective actions for all deviations from written policy |
| 3 | Yes | No | Up-to-date confidential employee health records |
| 3 | Yes | No | Employee health records kept for 30+ years <input type="text"/> since opening <input type="text"/> Date: |
| 3 | Yes | No | Injury/incident records |
| 3 | Yes | No | Qualified designated health care provider identified. (Use CDC: needle stick/sharps injury /exposure protocol) |
| 3 | Yes | No | Emergency telephone numbers posted |
| 3 | Yes | No | Training records kept for 3+ years |
| 3 | Yes | No | Informed refusal declination records of indicated immunizations/vaccination |
| 4 | Yes | No | Equipment repair and maintenance records |
| 1 | Yes | No | Biological weekly monitoring logs |
| 3 | Yes | No | Post exposure evaluation and follow-up records |

Nevada State Board of Dental Examiners

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| | | | |
|---|-----|----|----------------------------------------------------------------------------------------------------------------------------|
| 4 | Yes | No | Maintenance log for sterilization equipment is up-to-date |
| 3 | Yes | No | Weekly biological testing logs maintained for 2+ years <input type="text"/> since opening <input type="text"/> Date: _____ |

Has an employee training and monitoring program

| | | | |
|---|-----|----|----------------------------------------------------------------------------------------------------------------------|
| 2 | Yes | No | Provides and documents appropriate training for all staff assigned to process semi-critical and critical instruments |
| 3 | Yes | No | a) provides hand-on training |
| 2 | Yes | No | Monitors and documents compliance with use of PPE |
| 2 | Yes | No | Provides and documents training in hand hygiene |
| 2 | Yes | No | Provides annual Infection Control training |

Communicable Disease Control Procedures

| | | | |
|---|-----|----|---------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Yes | No | Single use or sterilization for critical items |
| | Yes | No | Multi-dose vials used |
| 1 | Yes | No | a) If yes, vials are only entered with new, sterile syringe with a new, sterile needle |
| 2 | Yes | No | b) Cap of multi-dose vial cleaned with alcohol based wipe before being accessed |
| 2 | Yes | No | c) Are multi-use vials discarded when expired or 28 days after initial access (as applicable)- Must have date when 1 st accessed |
| 2 | Yes | No | d) Is initial access dated on the multi-use vials? |
| | Yes | No | Fluid infusion and administration sets (IV bags, tubing and connectors) used? |
| 1 | Yes | No | a) If yes, used only on one patient |
| 1 | Yes | No | b) Disposed of after single use ? |
| 1 | Yes | No | c) Single IV bag is <u>not</u> used to mix medications for more than one patient |

Nevada State Board of Dental Examiners

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| | | | |
|-------------------------------------------------------------------------------------|-----|----|---------------------------------------------------------------------------------------------------------|
| 1 | Yes | No | d) Single dose medication/infusions are used for only one patient and discarded after use |
| 2 | Yes | No | Personnel wear utility gloves when processing contaminated instruments- Not latex type for patient care |
| 2 | Yes | No | Supplies for hand hygiene are accessible to employees at point of need |
| 2 | Yes | No | Soap and water easily accessible |
| 2 | Yes | No | Alcohol based rubs easily accessible-if used |
| 1 | Yes | No | Team members display appropriate hand hygiene techniques |
| <i>Appropriate PPE supplies accessible for employees with exposure risks</i> | | | |
| 1 | Yes | No | Gloves (Latex and latex free or just latex free) |
| 1 | Yes | No | Masks |
| 1 | Yes | No | NA Sterile Surgical Gloves---for surgical procedures (Examples:) |
| 1 | Yes | No | Safety glasses with side shield or full face shields |
| 1 | Yes | No | Disposable gowns/laundered gowns offered |
| 2 | Yes | No | Health care workers display appropriate use of PPE barriers |
| 3 | Yes | No | Running water eye wash station accessible |
| 2 | Yes | No | Appropriate barrier products available (dental dams, protective eyewear, other) |
| 4 | Yes | No | Basic first aid products and equipment available |
| 2 | Yes | No | Dental unit water lines flushed between patients for a minimum of 20 seconds |
| 4 | Yes | No | Dental unit water lines are treated to remove biofilm. |
| 4 | Yes | No | Dental unit water lines are tested to meet the potable water standard of EPA (≤ 500 CFU/mL) |
| 4 | Yes | No | Dental unit water lines not meeting the potable water standard of EPA are treated and retested. |

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| <i>Cleaning, Disinfection and Sterilization of patient care devices, instruments</i> | | | |
|---------------------------------------------------------------------------------------------|------------|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2 | Yes | No | Biofilm and organic matter are removed from critical and semi-critical instruments using detergents or enzymatic cleaners prior to sterilization. |
| 1 | Yes | No | Sterilization equipment available and fully functional |
| | Yes | No | Number of working autoclaves: _____ |
| | Yes | No | Number of working chemiclaves: _____ |
| | Yes | No | Number of working dry heat sterilizers: _____ |
| | Yes | No | Number of working Flash steam sterilizers (Statim): _____ |
| | Yes | No | Number of working ultrasonic cleaners: _____ |
| 1 | Yes | No | Endodontic files/instrumentation sterilized or disposed |
| 1 | Yes | No | Is Biological testing of sterilizer completed weekly |
| | Yes | No | If independent biological testing service, name: _____ |
| 2 | Yes | No | If in-office biological testing, is control processed? |
| 2 | Yes | No | Sterilization cycles are verified with chemical/heat indicator. Both interior and external indicators |
| 1 | Yes | No | Critical items (any instrument that penetrates soft tissue or bone) instruments are sterilized after each use. |
| 2 | Yes | No | Proper sterilization loading technique, not overloading |
| 1 | Yes | No | Heat Tolerant Handpieces are sterilized after each use. |
| 2 | Yes | No | Sterile packs are inspected for integrity, compromised packs are reprocessed |
| 2 | Yes | No | Event-related monitoring is used to monitor package integrity and packages are appropriately stored. (Must not be used for surgical items) |
| 2 | Yes | No | Time related monitoring is used to monitor package integrity and all packages have unexpired dates. (Dates not to exceed 3 months interval) (Not required process unless surgical items) |

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| | | | |
|----------------------------|-----|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Yes | No | Single use instruments or devices are not processed and reused. |
| 1 | Yes | No | Semi-critical items are sterilized after each use if not heat sensitive. |
| 1 | Yes | No | Heat sensitive semi-critical items are high level disinfected after each use. |
| 2 | Yes | No | Practice is using an FDA approved chemical <i>sterilant</i> . |
| 2 | Yes | No | All applicable label instruction are followed on EPA-registered chemical sterilant (dilution, shelf life, storage, safe use, disposal and material compatibility) |
| 2 | Yes | No | Practice is using an FDA approved high level <i>disinfectant</i> . |
| 2 | Yes | No | Chemicals used for high level disinfection are prepared according to manufacturer's instructions (dilution, shelf life, storage, safe use, disposal and material compatibility) |
| 2 | Yes | No | Chemical used for high level disinfection are dated with expiration dates and discarded before expiration dates |
| Aseptic Techniques: | | | |
| 4 | Yes | No | NA Splash shields and equipment guards used on dental laboratory lathes |
| 2 | Yes | No | NA Fresh pumice and a sterilized, or new rag wheel used for each patient. |
| 2 | Yes | No | NA Are devices used to polish, trim or adjust contaminated intraoral devices being disinfected or sterilized |
| 2 | Yes | No | NA Intraoral items such as impressions, bite registrations, prostheses and orthodontic appliances are cleaned and disinfected with an intermediate-level disinfectant before manipulation in the laboratory and before placement in the patient's mouth |
| 2 | Yes | No | Dental radiology aseptic techniques is followed -single use film or barriers on electronic sensors |

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| Environmental Infection Control | | | |
|----------------------------------------|-----|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2 | Yes | No | Semi-critical environmental surfaces (frequently touched surfaces that could potentially allow secondary transmission to HCW or patients) are decontaminated between patients using a high level surface disinfectant. |
| 2 | Yes | No | Noncritical environmental surfaces are decontaminated between patients |
| 2 | Yes | No | Objects and environmental surfaces are disinfected with an EPA registered tuberculocidal disinfectant at beginning of day, |
| 2 | Yes | No | Objects and environmental surfaces are disinfected with an EPA registered tuberculocidal disinfectant between patients. |
| 2 | Yes | No | Objects and environmental surfaces are disinfected with an EPA registered tuberculocidal disinfectant at the end of the day |
| 2 | Yes | No | EPA registered tuberculocidal disinfectants are used at the dilution specified by the manufacturer. |
| 2 | Yes | No | All clinical contact surfaces are protected with barriers (optional) |
| 2 | Yes | No | Clinical contact barriers are changed between patients. |
| 2 | Yes | No | Decontamination and clean areas separated in the instrument processing area |
| 3 | Yes | No | Biohazardous waste is disposed of properly |

| Sharps | | | |
|---------------|-----|----|--------------------------------------------------------------------|
| 2 | Yes | No | Approved sharps containers utilized and accessible |
| 2 | Yes | No | Sharps containers taken out of service and processed appropriately |
| 2 | Yes | No | Safe recapping techniques/ devices used |
| 1 | Yes | No | Sharps (needles, blades ...) are single use |

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| | | |
|----------------------------------|--------|----------------------------------------------------------------------------|
| 2 | Yes No | Employee use engineering controls (e.g., forceps) to retrieve contaminated |
| sharps from trays or containers. | | |

COMPLIANCE LEVEL CRITERIA LEVEL # 1-4

#1-CRITICAL –MUST BE MET. COULD RESULT IN IMMEDIATE TERMINATION OF PATIENT CARE AND EXTENDED OFFICE INABILITY TO TREAT PATIENTS

#2 –IMMEDIATE ACTION REQUIRED- REQUIRES CORRECTIVE COMPLIANCE WITHIN 7 DAYS

#3-ACTION REQUIRED-REQUIRES CORRECTIVE COMPLIANCE WITHIN 30 DAYS

#4-ACTION RECOMMENDED- NOT REQUIRED FOR COMPLIANCE AT THIS TIME –COMPLIANCE REQUIREMENTS SUBJECT TO CHANGE AS CENTER FOR DISEASE CONTROL (CDC) REQUIREMENTS MAY CHANGE.

