

1 NEVADA STATE BOARD OF DENTAL EXAMINERS  
2 6010 S. Rainbow Boulevard, Suite A-1  
3 Las Vegas, Nevada 89118  
4 Wednesday, July 18, 2012 at 7:00 pm  
5

6 **Board Meeting**  
7

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

10  
11 **Please Note:** The Nevada State Board of Dental Examiners may 1) address agenda items out of sequence to accommodate  
12 persons appearing before the Board or to aid the efficiency or effectiveness of the meeting; 2) combine items for consideration  
13 by the public body; 3) pull or remove items from the agenda at any time. The Board may convene in closed session to consider  
14 the character, alleged misconduct, professional competence or physical or mental health of a person. *See* NRS 241.030. Prior to  
15 the commencement and conclusion of a contested case or a quasi judicial proceeding that may affect the due process rights of an  
16 individual the board may refuse to consider public comment. *See* NRS 233B.126.  
17

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

25 **Call to Order**

26  
27 **1. Roll call and Establish a Quorum:**  
28

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

30 Dr. Jade Miller-----PRESENT  
31 Dr. M Masih Soltani-----EXCUSED  
32 Dr. Byron Blasco-----PRESENT  
33 Dr. J Gordon Kinard-----PRESENT  
34 Dr. Timothy Pinther-----PRESENT  
35 Dr. Jason Champagne-----PRESENT  
36 Dr. J. Stephen Sill-----PRESENT  
37 Mrs. Theresa Guillen-----PRESENT  
38 Mrs. Leslea Villigan-----PRESENT  
39 Mr. James "Tuko" McKernan-----PRESENT  
40 Mrs. Lisa Wark-----PRESENT  
41

42 Others Present: John Hunt, Board Legal Counsel; Kathleen Kelly, Executive Director; Debra Shaffer, Deputy  
43 Executive Director.  
44

45 Public Attendees: Lancette VanGuilder, RDH, ADHA; Betty McGuire, RDH, Infection Control; Michael E Fischer,  
46 DDS; Meredith Fischer; Steven Saxe, NSSOMS President; Mary Bognos; Heather Rogers, RDH, NDHA; Steve  
47 Fleming; DDS Cody Muggleston, DMD; William Pappas, DDS; Deborah Staten, DMD; Kristopher Rath, Counsel for  
48 Dr. Sam Thomas; Vincent Colosimo, DMD; Kelly Taylor, RDH; Sylvia Carpenter; Ray Gates, Counsel for Dr. Cha;  
49 Tony Guillen, DDS.  
50

51 All present voluntarily stood for the Pledge of Allegiance.  
52

53 **2. Public Comment:** Dr. Pappas inquired if he may defer his public comment to the agenda item that he would  
54 like to speak to, as it would be more germane to the discussion. Dr. Miller answered affirmatively and inquired

55 on the agenda item he would like to comment on. Dr. Pappas indicated that it was regarding the Legal and  
56 Disciplinary Action committee.  
57

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

60  
61 **\*3. Executive Director's Report: (For Possible Action)**  
62

63 **\*a. Approval of FY13 Draft Budget**  
64

65 Ms. Kelly indicated that she has provided to the Board members the unaudited current status of the Board's  
66 FY12, profit and loss, and further indicated that she itemized them by budget for the time period and the  
67 FY13 draft. She added that the accountant was still working on closing FY12 through May due to pending  
68 expenses not yet received. She commented that the itemized categories will increase once they have been  
69 received by the Board and the FY12 can be officially closed once the accounts have been reconciled upon  
70 the Board receiving the accrued expenses of June. Dr. Miller reminded Board members that should any  
71 Board members ever have any questions, or should they desire a more detailed itemized budget to contact  
72 Ms. Kelly at any time. Ms. Kelly indicated that the finalized closing budget for FY12 will be available at  
73 the September Board meeting.  
74

75 MOTION: Dr. Pinther made the motion to approve the draft budget. Second by Dr. Champagne. No  
76 public comment. All in favor.  
77

78 **\*b. Approval for Board Member and Staff Travel to San Francisco, CA for AADB Annual**  
79 **Meeting October 17-18, 2012 (For Possible Action)**  
80

- 81 (1) Jade A Miller, DDS
- 82 (2) Timothy T Pinther, DDS
- 83 (3) Byron Blasco, DMD
- 84 (4) Jason Champagne, DDS
- 85 (5) Leslea R Villigan, RDH
- 86 (6) Theresa Guillen, RDH
- 87 (7) Lisa M Wark, Public Member
- 88 (8) Kathleen J Kelly
- 89 (9) Debra Shaffer
  
90

91 MOTION: Dr. Pinther made the motion to approve. Second by Mrs. Wark. No public comments. All in  
92 favor.  
93

94 **\*c. Approval for Board Member and Staff Travel to Reno, NV for Board Meeting/**  
95 **Administration Session August 17-19, 2012 (For Possible Action)**  
96

- |   |                        |
|---|------------------------|
| (1) Byron Blasco, DMD----- <i>will not be</i> | (6) Kathleen J Kelly   |
| <i>present for retreat</i>                    | (7) Debra Shaffer      |
| (2) J Gordon Kinard, DDS                      | (8) Candice Stratton   |
| (3) J. Stephen Sill, DMD                      | (9) Angela Bejar       |
| (4) Leslea R Villigan, RDH                    | (10) Rigoberto Morales |
| (5) Lisa M Wark, Public Member                | (11) Sandra Spilsbury  |

MOTION: Mr. McKernan made the motion to approve. Discussion: Dr. Blasco commented that he will be  
unavailable to attend the retreat due to a prior CE engagement. AMENDED MOTION: Mr. McKernan  
made the motion to approve (2) –(11). Second by Ms. Guillen. No public comment. All in favor.

**\*d. Authorized Investigative Complaints (For Possible Action)**

(1) Dr. X - NRS 631.3475(1); NAC 631.230(1)(c)

Ms. Kelly went over the alledged violations.

MOTION: Dr. Pinther made the motion to authorize the investigation. Second by Dr. Blasco. No public comment. All in favor.

(2) Dr. Y – NRS 631.3475(4); NAC 631.2237; NAC 631.230(1)(c) & (1)(k)

Ms. Kelly went over the alleged violations.

MOTION: Mr. McKernan made the motion to authorize the investigation. Second by Dr. Pinther. No public comment. All in favor.

**\*4. Board Counsel's Report (For Possible Action)**

**\*a. Consideration of Stipulation Agreements (For Possible Action)**

Mr. Hunt commented that he has prepared a draft for the Supreme Court case with LVI and was it was sent to the LCB so that they may complete an amicus brief. He indicated that the Board members should have received a copy of the letter submitted to the attorney general. He noted to the Board that Dr. Tadrissi was granted licensure in the state of North Carolina based on the advisory opinion given by the Board at a previous meeting.

(1) Jennifer S Cha, DMD

Mr. Hunt went over the provisions of the proposed stipulation agreement and recommended approval. He noted that counsel, Mr. Gates, for Dr. Cha was present and asked them to step forward.

MOTION: Dr. Sill made the motion to adopt the stipulation agreement. Second by Dr. Blasco. No public comment. All in favor.

(2) Georgene B Chase, DDS

Mr. Hunt indicated that he previously executed to Dr. Chase a copy of the proposed stipulation agreement but due to a typographical error the Board needed to execute an amended proposed stipulation agreement; however, have been unable to do so since Dr. Chase has not been available. He added that Counsel for Dr. Chase and he agreed that if proper notice of the informal hearing was unable to be fully executed that this agenda item is to be tabled. Dr. Miller inquired that though there is a corrected proposed stipulation agreement, the Board was unable to execute the amended proposed stipulation to Dr. Chase, and therefore, must table the item. He added that he advised counsel for Dr. Chase that should he not be able to get the stipulation agreement executed to Dr. Chase in a timely matter that the Board would move for an informal hearing.

MOTION: Dr. Pinther made the motion to table this item. Second by Mr. McKernan. No public comment. All in favor.

(3) Saeid Mohtashami, DDS

Mr. Hunt indicated that this was a corrective action stipulation and went over the provisions of the proposed stipulation agreement. Mr. McKernan inquired about the amount for reimbursements for one of the patients, which Mr. Hunt indicated that that patient did not have any out-of-pocket expenses.

MOTION: Mr. McKernan made the motion to adopt the corrective action stipulation agreement. Second by Dr.

Pinther. No public comment. All in favor.

(4) Samuel P Thomas, DDS

Mr. Hunt indicated that counsel, Mr. Rath, for Dr. Thomas was present. He added that the proposed stipulation agreement is adverse action and shall be reported to the NPDB. He went over the provisions of the proposed stipulation agreement. Mr. McKernan inquired on page 3, regarding the root canal having to be treated by a specialist and inquired why the monitoring did not include endodontic treatment. Mr. Hunt indicated that the investigator on the case did not feel that endodontic treatment was an area of concern to have it included in the monitoring. Dr. Pinther indicated that on page 1, the respondent was to have his practice monitored for one year, and was only required to take supplemental education but is required to do so now.

MOTION: Dr. Sill made the motion to adopt the stipulation agreement. Second by Dr. Blasco. No public comment. All in favor.

(5) Erika J Smith, DDS

Mr. Hunt indicated that the proposed stipulation agreement was a corrective action stipulation agreement. He went over the provisions of the corrective action stipulation agreement. Dr. Pinther inquired if Mr. Hunt could define 'improper record keeping'. Mr. Hunt indicated that certain information (i.e. health history, form of consent, etc.) regarding the standard of care should be maintained in the records, and anything lacking such information is deemed improper record keeping.

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

**\*5. New Business (For Possible Action)**

**\*a. Approval for Dental Licensure by ADEX – NRS 631.240(1)(b)(1) (For Possible Action)**

- (1) Joseph Gelo III, DDS
- (2) Daehyun Han, DDS
- (3) Pouya Momtaz, DMD
- (4) Richard A Racanelli, DMD
- (5) Jainy D Vakharia, DDS

Dr. Sill indicated that he reviewed all applications, all met criteria, and he recommended approval.

MOTION: Dr. Blasco made the motion to approve. Second by Dr. Pinther. Dr. Sill abstained, all in favor.

MOTION: Dr. Pinther made the motion to go out of order to (5)(q). Second by Mr. McKernan. All in favor.

**\*q. Request for Advisory Opinion Pursuant to NAC 631.279 (For Possible Action)**

- (1) Vincent G Colosimo, DMD – Declaratory Relief (Pursuant to NRS 241.030 Board may, by motion, enter closed session)

Mr. Hunt indicated that pursuant to the stipulation Dr. Colosimo was to surrender his DEA license and his Nevada Dental license, which he complied with. He indicated that under the declaratory relief Dr Colosimo can submit a request to the Board if he may petition to have his DEA license reinstated for the purpose of practicing in the state of Arizona. Dr. Pappas interrupted Mr. Hunt and commented that if Dr. Colosimo no longer holds a license how he can request for an Advisory Opinion. Mr. Hunt indicated that he holds a residual license because he can petition the Board for an advisory opinion. Mr. McKernan inquired that if Dr. Colosimo Voluntarily Surrendered his license, but holds a residual license, how is it he may ask for an Advisory Opinion. Mr. Hunt explained that, though yes, he surrendered his license, he still has a mechanism to request to reinstate license, and therefore, in essence, gives him a residual license. Dr. Sill indicated that regardless, Dr. Colosimo is asking for the Board interpretation of a section in the Board stipulation agreement, and therefore, the status of the license should not matter. Mr. Hunt indicated that Dr. Colosimo is inquiring if by him petitioning to have his DEA license reinstated in the State of Arizona, that he

will not have an effect on his stipulation agreement with the Board.

MOTION: Dr. Blasco made the motion to approve Dr. Colosimo’s request to pursue a DEA license to practice in the state of Arizona, which would not be a violation of the terms and conditions of the current stipulation agreement. Second by Dr. Sill. Public comment: Dr. Pappas commented to Mr. Hunt that where in statute/regulation does it state a ‘residual license’. Mr. Hunt indicated that based upon the fact that at any time the license can petition the Board to reinstate their license, which is a Unites State Supreme Court right. Dr. Pappas indicated that it does not give Dr. Colosimo standing to petition the Board, which is limited to Nevada Dentists and Hygienists. Mr. Hunt indicated that if Dr. Colosimo did not have standing based upon a stipulation agreement how can Dr. Colosimo ever appear before the Board. Dr. Pappas indicated that he cannot appear before the Board in this capacity and he raised the objection. Mr. Hunt stated it was duly noted. Dr. Kinard was not in favor; all other Board members were in favor. Roll call vote:

Dr. Jade Miller-----	no
Dr. Jason Champagne-----	no
Dr. Byron Blasco-----	no
Dr. J Gordon Kinard-----	no
Dr. Timothy Pinther-----	no
Dr. M Masih Soltani-----	yes
Dr. J. Stephen Sill-----	yes
Ms. Theresa Guillen-----	no
Mrs. Leslea Villigan-----	yes
Mr. James “Tuko” McKernan-----	no
Mrs. Lisa Wark-----	yes

Motion not granted. Discussion: Mr. Hunt indicated that the Board did not respond if Dr Colosimo would be in violation of the stipulation agreement should he apply for a DEA license in the State of Arizona. Mr. Hunt indicated that Dr. Colosimo cannot petition if he is under probation, which currently Dr Colosimo is not under federal probation. He noted that the State of Arizona has reinstated his license; therefore, they need to know if Dr. Colosimo can apply for a DEA license without being in violation of the Nevada stipulation agreement. Dr. Sill inquired whether the Board has any right to deny Dr. Colosimo a DEA license since he is not currently on probation and his license in voluntarily surrendered in Nevada, then why would the Board make a decision for a license in another state. Mr. Hunt indicated that Dr. Colosimo is present out of precaution to be sure that if he is granted reinstatement of his DEA license in the State of Arizona, that he would not be in violation of his stipulation agreement.

MOTION: Dr. Sill made the motion that if Dr. Colosimo was applying for and was granted a license in Nevada, hypothetically, there would be no cause of action that the Board would deny him a DEA license in the State of Nevada. Second by Dr. Blasco. Mr. McKernan indicated that the stipulation agreement indicated that he would have to be under probation, which current Dr. Colosimo is not. Dr. Kinard made inquiry, Ms. Shaffer explained to the Board that the reason for Dr. Colosimo coming forward is that Arizona does not want to issue Dr. Colosimo a DEA license if the current stipulation with the Board would prohibit it. Dr. Miller noted that the Board has no say in the choices of the Arizona State Board, and therefore, suggested stating for clarification that the intent of the stipulation agreement was to protect the public in the State of Nevada by prohibiting Dr. Colosimo from prescribing drugs in the state of Nevada without a license. Dr. Sill suggested perhaps stating that Dr. Colosimo is in compliance with his stipulation agreement and is eligible for a DEA license in Arizona. Dr. Sill withdrew his motion. Dr. Blasco withdrew his second to the motion.

MOTION: Dr. Sill made the motion that Dr. Colosimo is in compliance with his Nevada stipulation agreement and is eligible for a DEA license in Arizona. Second by Dr. Blasco. Discussion: Dr. Pinther inquired of how the Board is certain that Dr. Colosimo is eligible for a DEA license in the State of Arizona. Mr. Hunt indicated that the eligibility is determined by the DEA. Dr. Blasco indicated that the intent is that Dr. Colosimo has complied with the terms of his stipulation agreement. Further, that in his quest to create income and practice in the state of Arizona he has presented himself to the Board wanting to know in an advisory capacity if he would violate any aspects of the stipulation agreement should he be granted a DEA license in Arizona, which he would not be in violation since he

will only be licensed by DEA to prescribe in the state of Arizona. No public comment. Roll call vote:

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

Motion is agreed to; Dr. Colosimo would not be in violation of the stipulation agreement if the DEA should grant him a DEA license to prescribe in the State of Arizona.

MOTION: Mrs. Villigan made the motion to go out of order to (5)(j). Second by Mrs. Wark. All in favor.

**\*j. Approval of Reactivation of Inactive License – NAC 631.170(4) (For Possible Action)**  
 (1) Michael E Fischer, DDS

Dr. Fischer was present and was asked to step forward. Mrs. Villigan indicated that on the Data Bank report a payment made to a patient for improper periodontics treatment and asked if Dr. Fischer could better explain. Dr. Fischer indicated that in the 31 years that he practiced he did have one adverse complaint that was related to a failure to maintain proper records. He indicated that it was a mistake of omission, due to the ever-changing ways of maintaining records from the time he began practice and as the years progressed. He indicated that he usually refers any patients with periodontal disease to a licensed periodontist. Mrs. Villigan further inquired if he was required to complete any CE’s regarding periodontics. Dr. Fischer responded affirmatively. Dr. Miller inquired of Ms. Kelly the historical decisions on determining an assessment requirement. Ms. Kelly indicated that historically most skills assessments have been required of dental hygienists, and indicated that it is the Board’s discretion to require a skills assessment or a clinical exam. Dr. Miller requested that Dr. Fischer share his plans with the Board should his license be reinstated. Dr. Fischer indicated that he would like to return to practice in a private practice. Dr. Miller fully disclosed that he has a close relationship with Dr. Fischer and indicated that he will recuse himself from any and all Board decisions regarding Dr. Fischer’s license. Dr. Blasco inquired of Dr. Fischer that should he decide to open a small family dental practice if he would refer any patients needing periodontal treatment to a licensed periodontist. Dr. Fischer responded that the incident regarding his previous stipulation agreement changed his life, and indicated that, yes; he would refer any patients needing periodontics treatment to a licensed periodontist.

MOTION: Dr. Pinther made the motion to approve reactivation. Second by Ms. Guillen. No public comment. All in favor; Dr. Miller abstained. Roll call vote:

Dr. Jade Miller-----abstain  
 Dr. Jason Champagne-----yes  
 Dr. Byron Blasco-----yes  
 Dr. J Gordon Kinard-----no  
 Dr. Timothy Pinther-----yes  
 Dr. M Masih Soltani-----excused  
 Dr. J. Stephen Sill-----no  
 Ms. Theresa Guillen-----yes  
 Mrs. Leslea Villigan-----no

Mr. James "Tuko" McKernan----- yes  
Mrs. Lisa Wark-----yes

Motion is agreed to; reactivation is approved.

MOTION: Dr. Pinther made the motion to return to agenda order (5)(b). Second by Mr. McKernan. All in favor.

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

- |                            |                               |
|----------------------------|-------------------------------|
| (1) Arash Bakhaj, DDS      | (12) Tyson S Lebedoff, DMD    |
| (2) Casey T Chow, DMD      | (13) Matthew G K Masaki, DDS  |
| (3) Cyril C Canga, DMD     | (14) Kyle R O'Donnell, DDS    |
| (4) Chelsea M B Dean, DMD  | (15) Luke A Simonis, DDS      |
| (5) Tara E Erson, DMD      | (16) Casey D Sutherland, DMD  |
| (6) Spencer C Fullmer, DDS | (17) Levi J Sorensen, DMD     |
| (7) Staci J Garner, DMD    | (18) Deborha L Staten, DMD    |
| (8) Jay K Joshi, DDS       | (19) Gwendolyn A Traylor, DDS |
| (9) Sarah E Kitchen, DMD   | (20) Vikram R Tikku, DDS      |
| (10) Tyler R Klein, DDS    | (21) Michael J Wills, DMD     |
| (11) Adrian D Lee, DMD     | (22) Kristina Yekta, DMD      |

Dr. Sill indicated that all applications were reviewed, met criteria, and recommended approval.

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

**\*c. Approval for Specialty License by Application – NRS 631.250 (For Possible Action)**

- (1) William O Dahlke, DMD – Pediatric Dentistry
- (2) Steve J Huang, DDS – Oral & Maxillofacial Surgery
- (3) Kashif Ismail, DMD – Orthodontics
- (4) Scott M Redlinger, DMD – Oral & Maxillofacial Surgery
- (5) Aaron V Swapp, DMD, MS – Orthodontics
- (6) Alan D Welmerink, DDS – Orthodontics
- (7) Beth K Yamashiro, DDS – Orthodontics

Dr. Sill indicated that all applications were reviewed, met criteria, and recommended approval. Ms. Kelly commented for the record that Dr. Welmerink's first name was misspelled and should say "Adam".

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

**\*d. Approval for Limited Dental/Dental Hygiene License – NRS 631.271 (For Possible Action)**

- (1) Civon L Gewelber, DDS
- (2) Judy C Hou, DDS
- (3) Shiva Mostowfi, DMD
- (4) Michele R Rahmig, RDH

Dr. Sill indicated that all applications were reviewed, met criteria, and recommended approval.

MOTION: Mr. McKernan made the motion to approve. Second by Mrs. Guillen. No public comment. All in favor; Dr. Sill abstained.

**\*e. Approval for Geographical Restricted Dental License – NRS 631.274 (For Possible Action)**

(1) Shannon Widmier, DDS – Elko County

Dr. Sill indicated that he reviewed the application; it met the criteria, and recommended approval.

MOTION: Mr. McKernan made the motion to approve. Second by Mrs. Villigan. Discussion: Dr. Miller asked Ms. Kelly to describe for the newer Board members what the ‘Geographical Restricted license’ is. She indicated that the Geographical license restricts the licensee to practice in that particular county. Further, the applicant obtains a letter from the underserved county’s commissioner’s office requesting for them to be allowed to practice in that county. She added that they may also apply to practice in multiple underserved counties, or may utilize this license type to work under a contract to work in a particular non-profit setting. No public comment. All in favor; Dr. Sill abstained.

**\*f. Approval for Dental Hygiene Licensure by ADEX – NRS 631.300(1)(b)(1) (For Possible Action)**

(1) Sharlena M Polk, RDH

Dr. Sill indicated that he reviewed the application; it met the criteria, and recommended approval.

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

**\*g. Approval for Dental Hygiene Licensure by WREB- NRS 631.300(1)(b)(3) (For Possible Action)**

- (1) Bailey N Brady, RDH
- (2) Melissa R Hackler, RDH
- (3) Michelle L Quinones, RDH
- (4) Janice Ann P Raviz, RDH
- (5) Andrea M Schweppe, RDH

Dr. Sill indicated that all applications were reviewed, met the criteria, and recommended approval.

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

**\*h. Voluntary Surrender of License – NAC 631.160 (For Possible Action)**

(1) Mindy K Evans, RDH

Dr. Miller indicated that Mrs. Evans’ spouse is in the military and was stationed in Fallon, Nevada. However, they are now being stationed elsewhere, and therefore, would like to relinquish her license since she will not be returning to Nevada.

MOTION: Mr. McKernan made the motion to approve. Second by Mrs. Wark. No public comment. All in favor.

**\*i. Approval of Reactivation of Inactive License – NAC 631.170(3) (For Possible Action)**

(1) John M Libke, DDS

Dr. Miller indicated that he placed his license on inactive status in July 2011. He commented that in the regulations it states that they can only have a maximum of 6 hours of home study. He questioned if one of the courses taken was an online course or if it was live. Ms. Kelly indicated that it is unclear, based on the information provided, if the course was taken live or online. Dr. Miller commented that he believes that they need more information on the course, because should it be an online course, he will have exceeded the number of home correspondence hours accepted. The Board discussed the consideration of the tabling this agenda item until further clarification is received on whether or not the INR course was a live course or an online course. The second option discussed was approving the reactivation contingent upon verification if the course was live or online.

MOTION: Dr. Blasco made the motion to approve the reactivation, contingent upon validation of the courses

submitted to be in compliance with the regulations. Second by Mrs. Wark. No public comment. All in favor.

(2) Denise H Grzywacz, RDH

Dr. Miller indicated that Ms. Grzywacz has held an inactive license since July 2010 and has not maintained active practice in any other state.

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

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

**\*(1) General Anesthesia (For Possible Action)**

a. Troy D Savant, DDS

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

**\*(2) Conscious Sedation (For Possible Action)**

a. Katayoon Dorosti, DMD

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

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

**\*(1) General Anesthesia (For Possible Action)**

a. Steve J Huang, DDS

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

**\*(2) Conscious Sedation (For Possible Action)**

a. Min S Kim, DMD

b. William O Dahlke, Jr., DMD

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

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

**(1) General Anesthesia**

a. David J Trylovich, DDS

(1) 3811 W Charleston Blvd., Suite 201, Las Vegas, NV 89102

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

**(2) Conscious Sedation**

a. Maryam Sina, DDS

(1) 700 E Silverado Ranch, Suite 110, Las Vegas, NV 89183

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

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

**(1) Conscious Sedation**

- a. Philip C Walter, DDS

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

**\*o. Approval Of Public Health Endorsement – NRS 631.287 (For Possible Action)**

- (1) Vanessa Acevedo, RDH – Huntridge Teen Clinic/Teen Scene Saturdays

Dr. Sill indicated that he reviewed the application, all was in order, and recommended approval.

MOTION: Mrs. Wark made the motion to approve. Second by Dr. Blasco. Discussion: Mrs. Villigan indicated that she did not receive this item in her email. Dr. Sill reassured the Board that he reviewed the application and that all was in order. No public comment. All in favor; Dr. Sill abstained.

**\*p. Appointments for Evaluators/Inspectors to the Anesthesia Committee (For Possible Action)**

- (1) Jon P Galea, DDS

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

**6. Resource Group Reports**

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

(Chair: Dr. Pinther; Dr. Champagne; Dr. Blasco; Dr. Kinard; Mrs. Guillen, Mr. McKernan; Mrs. Wark)

No Report.

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

(Chair: Dr. Kinard; Dr. Soltani; Dr. Sill; Dr. Blasco; Mrs. Villigan; Mr. McKernan; Mrs. Wark)

- \*(1) Consideration of Adoption of Legal and Disciplinary Action Resource Group's Recommendations approved on June 28, 2012. (For Possible Action)

Dr. Kinard indicated that the committee group met on June 28<sup>th</sup>. He indicated that the committee has two recommendations for the Board: First recommendation to have the Deputy Executive Director oversee discipline, authorize investigations, and assign DSO's. Second recommendation, create a BDR, for this coming Legislative Session, on giving corrective active statutes to legitimize how the Board must report and how they have been reporting actions to the National Practitioners Data Bank. Ms. Kelly commented to the first recommendation and indicated that at the meeting the discussion and comments made during the recommendation strayed from the agenda item, in her opinion, and that she was not noticed of that topic of the conversation for the information presented, which was inaccurate, and misrepresenting some facts about employees being hired at the Board and she submits for the record the Board minutes from October 10, 2002 regarding the hiring of Ms. Shaffer. Furthermore, she submits Board minutes from the meeting on January 17, 2004 regarding the hiring of herself; Board minutes from April 29, 2004 addressing her compensation and duties (no list of affirmed duties provided on Agenda or reflected in the minutes) as the Executive Director and the minutes from the Board meeting on December 4, 2009 reaffirming the delegation of certain duties to herself as the Executive Director. (Said minutes are attached for the record). Dr. Miller asked that any action on the first recommendation be tabled at this time so to allow the Board to do some administrative work with the help of outside resources to see if any changes are to be made within the Board structure.

MOTION: Mr. McKernan made the motion to table this item until the Board meeting in August. Second by Mrs. Guillen. PUBLIC COMMENT: Dr. Pappas made the comment that he felt compelled to correct inaccuracies. He indicated his understanding from what Mr. Hunt presented at the last Legal and Disciplinary Action committee meeting was that Ms. Shaffer was hired with the full intent of handling the discipline process and would not be reportable to the Executive Director. He stated that it could be further from the truth. He indicated that Ms. Shaffer was hired by Dr. Busch prior to his appointment to the Board, however he spoke with Dr. Busch and he strongly urged the Board speak with Dr. Busch. The idea that an employee that is hired to not have to report to the Executive Director, which is fiction. He indicated that the Executive Director is hired by the Board stating that an employee cannot be dismissed by the Executive Director is establishing a dangerous precedent. He indicated that only the Executive Director can provide information to the Board regarding disciplinary issues presented to the Board; not the Deputy Executive Director and Board legal counsel. Further, only the Executive Director can correct the many inaccuracies that he saw throughout his time on the Board. He urged that the Board be very careful on how they proceed with this recommendation. Mr. Hunt commented that the committee unanimously voted on presenting this recommendation to the Board and, therefore, has a right to be voted on. Secondly, with all due respect to Dr. Pappas, he has been Board legal counsel since before Dr. Busch was the Executive Director. He commented that he will not say hearsay because he does believe that Dr. Pappas can speak for every President, and neither can he. He stated that for a fact that when Ms. Shaffer was hired in 2002 she was hired specifically to oversee the complaints and the disciplinary process. Furthermore, on August 29, 2011 the list of duties that were being performed were specifically outlined and was approved by the Board at the meeting at said meeting. The only duty that was assigned to the Executive Director was the approval and verification of continuing education as it pertained to stipulation agreements. Under NAC 631.023, the Executive Director's duties, as set forth in NAC, specifically and proceeded to read the regulation. Dr. Miller requested these discussions during public comments be kept professional and civil, and should anything become unruly he will cease comments. Mr. Hunt indicated as a point-of-order the Board has already accepted the public comment and they have already established that the public comments have already been submitted. Further, the committee voted unanimously to approve the recommendations. Dr. Pappas indicted that in a properly noticed meeting on December 4, 2009 the Executive Director was reaffirmed as head of the agency, reaffirmed the President and Secretary/Treasurer, established the salaries and terms for the Executive Director, and indicated that Executive Director's duties were much more complex than Mr. Hunt referred to. He added that in her duties, in parenthesis, is listed disciplinary matters. Ms. Kelly commented that referring to agenda item she asked that the minutes be submitted for the record and in the October 10, 2002 meeting minutes where Dr. Busch is asked to discuss Ms. Shaffer's qualifications and the Board's need to hire an additional assistant. She added that she was hired as the Deputy in the January 17, 2004 meeting minutes and was to be made Executive Director effective May 1, 2004, which the Board has added to her duties from what is already listed in statute; additionally, her duties were reaffirmed in December 2009. She indicated that she, too, spoke with Dr. Busch, whom is willing to come before the Board, and also has a transcript of the June 28<sup>th</sup> meeting of the comments made. She added that the duties roster being referred to from August is the roster that she made and she was the one to hire/promote Ms. Shaffer as the Deputy Executive Director. She commented that the exam session does not recall the Board being able to 'accept' a duties roster, but she will go back to the minutes. Ms. Shaffer commented that in going back to October 2002 meeting she was hired as an office staff member. She stated that upon her being hired there was not disciplinary process internally in the office; the Board office was months behind on complaints due to the fact that VaLonne, at one point, did handle the complaints in the office. She was the one who reviewed all the complaints, and Dr. Busch was the one who resumed her responsibilities. However, due to the workload increasing with the licensure by credential being implemented and other issues, Dr. Busch was unable to handle overseeing discipline while assuming the other duties. She stated that she was the one who created the excel spreadsheet to list all of the licensees and the disciplinary actions. She added that she established appropriate forms and letters, and she worked closely with Mr. Hunt to develop the disciplinary system that exists today. She indicated that the duties that she provides today to the Board as the Deputy Executive Director are the same duties she provided to the Board ten years ago. She indicated that her primary duties in overseeing discipline have not changed in the past ten years; as well as her duty has been to report to the LCB, the reporting the NPDB, and the logging of malpractice. She is the one who notices the complaints, and creates the DSO files. She continued that she is the one who handles the disciplinary process on a daily basis. Dr. Guillen commented that Ms. Kelly is the check-and-balance. He indicated that everyone has someone to report to and there has to be someone who oversees it all. He concurred with Dr. Pappas's comment that Ms. Kelly is the one that helps keep the Board informed. Ms. Shaffer commented that the epicenter of the Board has

always been the Board's Legal Counsel. Further, in the past the Board Members have been advised should they have questions or concerns regarding certain agenda items to speak with Board Counsel because there is attorney-client privilege, and therefore, there is some protection. Unlike any conversations regarding certain items being discussed with any staff at the office. Roll call vote:

- Dr. Jade Miller-----yes
- Dr. Jason Champagne-----yes
- Dr. Byron Blasco-----no
- Dr. J Gordon Kinard-----no
- Dr. Timothy Pinther-----yes
- Dr. M Masih Soltani-----excused
- Dr. J. Stephen Sill-----yes
- Ms. Theresa Guillen-----yes
- Mrs. Leslea Villigan-----yes
- Mr. James "Tuko" McKernan----- (inaudible)
- Mrs. Lisa Wark-----no

Motion is agreed to; recommendation by committee to be tabled until the August meeting.

**\*c. Examinations**

- (1) **Dental** (For Possible Action)  
(Dr. Miller; Dr. Kinard and Mrs. Guillen)

No report.

- (2) **Dental Hygiene** (For Possible Action)  
(Chair: Mr. McKernan; Mrs. Guillen; Mrs. Villigan; Dr. Pinther)

No report.

- \*d. Continuing Education** (For Possible Action)  
(Chair: Dr. Sill; Dr. Blasco; Dr. Soltani; Mrs. Villigan)

No report. Dr. Miller asked that Dr. Sill's committee be sure to review all CE's for webcasts and, perhaps, webcasts would be considered live instruction. Dr. Sill asked that they be able to schedule a Continuing Education committee meeting be scheduled to review the CE guidelines regarding allowing webcasts.

- \*e. Dental Hygiene** (For Possible Action)  
(Chair: Mr. McKernan; Mrs. Guillen; Mrs. Villigan; and Dr. Sill)

No report.

- \*f. Specialty** (For Possible Action)  
(Chair: Dr. Soltani; Dr. Miller; Dr. Pinther)

No report.

- \*g. Anesthesia** (For Possible Action)  
(Chair: Dr. Miller; Dr. Pinther; Dr. Champagne, Dr. Kinard)

- \*(1) Consideration of Adoption of Anesthesia Committee Group's Recommendations approved on July 18, 2012. (For Possible Action)

Dr. Miller indicated that resource group met earlier and that any report would be delivered at their office

meeting.

**\*h. Infection Control (For Possible Action)**

(Chair: Mrs. Villigan; Dr. Blasco; Dr. Champagne; Dr. Soltani; Mr. McKernan; Mrs. Wark)

\*1) Consideration of Adoption of Infection Control Committee Group's Recommendations approved on July 18, 2012. (For Possible Action)

Ms. Villigan reminded Board Members a meeting was held earlier and would like to table their recommendation to the Board as they will be acquiring for more information from Dr. Haskin.

7. **Public Comment:** No public comment.

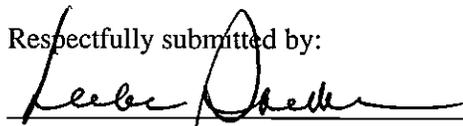
**Note: No vote may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)**

8. **Announcements:** Dr. Miller asked that the Board members be sure to check their emails and respond to the email from Sandra. He provided information relating to the annual retreat in August in Reno.

\*9. **Adjournment** (For Possible Action): Dr. Pinther made the motion to adjourn was made. Second by Mr. McKernan. All in favor.

Meeting Adjourned at 9:04 pm.

Respectfully submitted by:

  
\_\_\_\_\_  
Debra Shaffer, Interim Executive Director