

NEVADA STATE BOARD OF DENTAL EXAMINERS
6010 S. Rainbow Boulevard, Suite A-1
Las Vegas, Nevada 89118
Thursday, September 20, 2012 at 6:00 pm

MINUTES
Board Meeting Agenda

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

Dr. Jade Miller-----PRESENT
Dr. M Masih Soltani-----PRESENT
Dr. Byron Blasco-----PRESENT
Dr. J Gordon Kinard-----PRESENT
Dr. Timothy Pinther-----PRESENT
Dr. Jason Champagne-----PRESENT

Dr. J. Stephen Sill-----PRESENT
Mrs. Theresa Guillen-----PRESENT
Mrs. Leslea Villigan-----PRESENT
Mr. James "Tuko" McKernan-----PRESENT
Mrs. Lisa Wark-----PRESENT

Ms. Kelly request clarification from Dr Miller as a procedural item as to whether he was going to entertain public comment during the two workshops as well. Dr Miller confirmed the invitation of public comment will be accepted during the workshops.

Other attendees: John Hunt, Esq, Board Legal Counsel, Debra Shaffer, Deputy Executive Director, Shari Peterson, RDH, CSN & NDHA, Ted Twesme, DDS Anesthesia Evaluator, Michon Villanueva, Director of Accreditation Service, Military Health Care, Bob Talley, NDA, Martin. Thorsteinsson, Esq. Alverson Taylor Mortensen & Sanders, Andrew Ingel, UNLV School of Dental Medicine, Bob Anderson, Ex. Director SNDS, Kelly Taylor, RDH, Peggy Chesser, SNDHA Heather Rogers, RDH, President of NDHA, Laura Lord, RDH, Co-Chair President SNDHA, Silvia Carpenter for Cody Mugelston, DMD, Tom Miller, DDS. No Public Attendees in Northern Nevada.

Pledge of Allegiance

2. 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)

***3. Notice of Workshop and Request for Comments Regarding Temporary Regulation Changes to Nevada Administrative Code 631.173 Continuing Education: Required Hours; Types of Courses and Activities; Approval of Provider or Instructor and Nevada Administrative Code 631.175 Continuing Education: Approved Subjects, Maximum Credit for Certain Types of Courses and Activities (For Possible Action)**

DISCUSSION: Dr Miller introduced Dr Sill as the Chair of the CE Resource Group to address the Board about entertaining a change to the regulations pertaining to the amount of continuing education obtained by licensees through on-line method. Dr Sill stated currently the Board requires 70% to be live lecture based courses and 30% may be obtained through on-line methods. Dr Sill entertained public discussion or comment. Mrs. Rogers, President of the Nevada Dental Hygiene Association had no problem with the current regulation as is. Ms. Rogers feels licensees receive the most through live lecture courses. Dr Sill stated most Boards are going to more on-line courses due to accessibility and demand. Dr Sill thinks this would provide more flexibility. Dr Sill stated he would entertain expanding to journal study, study clubs, and self study. Dr. Sill does not believe there is a problem with licensees achieving

the requirement for CE's, he believes for the licensees who want to attend live CE's they may do so, for the licensees who wants to take on-line courses they should be allowed. Mr. McKernan stated the way the movement is more courses are being offered on-line. Mr. McKernan believes the direction things are going on-line courses are coming more popular and sees this trend increasing. Dr Miller stated he is the Chair of the continuing education recognition process for the ADA, the ADA just had a meeting to review applications for potential providers. Dr miller stated it is a vigorous process as can be verified by Dr Talley with the Nevada Dental Association. Dr Sill recommended 50% live lecture and 50% for on-line. Dr Miller did request defining other methods of electronic media for CE. NAC 631.175(5) was read into the record by Ms. Kelly. Dr Guillen made comment regarding courses and hours related to CPR. Ms. Kelly made comment regarding the restriction of three (3) hours with regards to study clubs and asked if the Board would entertain increasing the number of hours permitted. Dr Miller requested the Board look into what other states are doing.

No action taken

***4. Notice of Workshop and Request for Comments Regarding Temporary Regulation Changes to Nevada Administrative Code 631.2211-631.2256 Authorizing the Administration of Conscious Sedation, Deep Sedation, and General Anesthesia. The General Topics Include but are Not Limited to: Revisions to Permit Application Process; Suspension Authority for Executive Director; Inspections and Re-Inspections; Evaluations and Re-Evaluations; Training for Emergencies, Use of Emergency Drugs, Consideration to Further Define Definitions of Conscious Sedation (NRS 631.025), Deep Sedation (NRS 631.027) and General Anesthesia (NRS 631.055) (For Possible Action)**

DISCUSSION: Dr Miller stated the Board has been tackling this matter for some time. Dr Miller stated Mr. Drizin, Esq., Special Legal Counsel for the Board has come up with some proposed language. Mr. Drizin requested to make a couple of comments before the Board addresses public comment. Mr. Drizin stated there is some confusion regarding addressing some of the provisions regarding terminology, definitions, and evaluations as this has worked through the Anesthesia Committee. Currently, the Nevada legislation defines conscious sedation, deep sedation and general anesthesia. Mr. Drizin read the definition of conscious sedation into the record (NRS 631.025). The definitions of sedation in NRS are outdated compared to the ADA Guidelines and are not consistent. In October of 2007 these guidelines were adopted by the House of Delegates of the ADA. Mr. Drizin discussed the ADA Guidelines for sedation and any amendments that have taken place. One amendment was as recent as October 2011. The most recent change made by the Board to our regulations was twelve years ago. At the last meeting of the Anesthesia Committee this issue came up with regards to continuum to new techniques and medications. The American Academy of Pediatrics recognizes the continuum with regards to sedation in support of anesthesiology. Mr. Drizin would like to go forward with public comment. Dr Guillen agrees with Mr. Drizin to move forward and adopt the terminology of minimal and moderate and switch over

to be consistent with the ADA Guidelines. Dr Miller agrees as well to adopt the contemporary model. Dr Twesme made comment to let the legislature change the definitions regarding sedation. Dr Miller requested Mr. Drizin get a work group together to move forward.

No action taken

***5. Executive Director's Report: (For Possible Action)**

***a. Minutes: (For Possible Action)**

- (1) Board Meeting 3/22/2012
- (2) Laser Working Group 3/22/2012
- (3) Board Meeting 4/6/2012
- (4) Board Meeting 4/18/2012

DISCUSSION: Ms. Kelly asked if there were any corrections or edits to the minutes. Dr Miller entertained a Motion for approval.

MOTION: Ms. Villigan made a motion to approve Second by Ms. Guillen. Public Comment. All in favor. Motion carries.

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

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

Discussion: Ms. Kelly requested approval for an authorized investigation regarding Dr Y.

MOTION: Dr Sill made a motion to approve the authorized investigation. Second by Ms. Villigan. Public Comment. All in favor. Motion Carries

- (2) Dr. Z - NRS 631.3475(1) and (4)

DISCUSSION: Ms. Kelly requested approval for an authorized investigation regarding Dr Z..

MOTION: Dr Pinther made a motion to approve the authorized investigation. Second by Mr. McKernan. Public Comment. All in favor. Motion Carries

***c. Review and Discuss Fiscal Year 2012 Closing, Financial Statements and Budget (For Possible Action)**

DISCUSSION: Ms. Kelly stated the Board has been provided the FY12 closing financial statements and budget Ms. Hummel the Board's Accountant is available for comment. These documents include ledger of accounts. Ms. Kelly is available for questions or comments to the financials. Ms. Wark has not had a chance to review since it was

not received until late in the day.

MOTION: Ms Wark made a Motion to table this matter. Second by Dr Blasco. Public Comment All in favor Motion Passes Tabled Items C & D.

***d. Review and Discuss Fiscal Year 2013 Budget Review (For Possible Action)**

This item was tabled.

***e. Review and Discuss Independent Contractors and Consultants Requirements with the State Board of Examiners (For Possible Action)**

DISCUSSION: Ms. Kelly stated this item would affect DSO, IC Inspectors, and Anesthesia Evaluators. Due to some legislative changes, these individuals would be deemed independent contractors and may need to have contracts. This is an issue and wanted to make the Board fully aware. Ms. Kelly is working with Risk Management on this item.

No action taken.

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

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

DISCUSSION: Mr. Hunt updated the Board on the case regarding LVI. Mr. Hunt explained the legal process to the Board. The Writ of Mandamus has not been filed as of yet regarding a different case. In this case, Mr Hunt directed the Board not to discuss this matter with each other or anyone else and direct all inquiries to his office.

No action taken

***(1) Consideration of Stipulation Agreements (For Possible Action)**

(a) Jarom N Luu, DDS

DISCUSSION: Mr Hunt went over the provisions of Dr Luu's stipulation agreement. At the recommendation of Ted Twesme, DDS, Disciplinary Screening Officer assigned to this matter he offers this stipulation agreement for the Board's approval. Ms. Wark asked about the outcome of the patient. Ms. Wark asked the status of the patient. Dr Twesme informed the Board the patient expired. Dr Miller asked for direction from Legal Counsel. Dr Miller asked if it was general anesthesia or conscious sedation. Dr Twesme stated general anesthesia. Mr. Thorsteinsson, Legal Counsel for Dr Luu was present. Dr Twesme stated the patient was on 25 different medications that were not disclosed. Ms. Villigan asked for Mr. Hunt to read the provisions of the stipulation agreement. Dr Blasco asked Dr Twesme if he feels this stipulation agreement is

addressing the issue with regards to patient safety. Mr. Hunt stated this was an authorized investigation. The Board did not receive a complaint.

MOTION: Dr Blasco made a motion to approve the stipulation agreement of Dr Jarom Luu. Second Ms. Wark. Public Comment All in Favor. Motion Carries

- *(2) Todd J Krempel, DDS – Petition Pursuant to the Stipulation Agreement Approved on July 15, 2011 (Paragraph 7(A)(v) to Request the Board to Approve the Reinstatement of his License with the Department of Justice (DEA) and Nevada Controlled Substance Permit Subject to the Approval of DEA and the Nevada Pharmacy Board - Pursuant to NRS 241.030(a), the Board may, by motion, enter into closed session. (For Possible Action)**

DISCUSSION: Mr. Hunt advised the Board of the request of Dr Todd Krempel pursuant to the terms of his stipulation agreement Paragraph 7(A)(v) to request the Board to approve the reinstatement of his license with the Department of Justice (DEA) and Nevada Controlled Substance Permit subject to the approval of DEA and the Pharmacy Board. Further, Mr. Hunt advised the Board Dr Krempel is in compliance with the terms and conditions of his stipulation as confirmed by Ms. Shaffer. Dr Krempel is currently drug tested randomly. Dr Miller requested how many times he has been drug tested, Ms. Shaffer indicated they are random tests and there have been six since July 15, 2011. Mr. McKernan asked if the random testing would continue. Pursuant to the agreement the testing will. Dr Krempel is present and stated he has no comment other than his compliance with the stipulation agreement.

MOTION: Dr Pinther made a motion to approve the reinstatement of Dr Krempel's license with the Department of Justice (DEA) and Nevada Controlled Substance Permit subject to the approval of DEA and the Pharmacy Board. Second by Dr Kinard. Public Comment. All in Favor. Motion Carries.

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

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

- (1) Trevor C Basta, DMD
- (2) Benjamin R Brooks, DDS
- (3) Anne K Hoang, DDS
- (4) Mickel Jourabchi, DDS
- (5) David O Marchant, DDS
- (6) Lindsey M Nelson, DMD
- (7) Benita K Ng, DDS
- (8) Dariece Nye, DMD
- (9) Behnam Salar, DMD
- (10) Jamie A Toop, DDS
- (11) Demian S Woyciehowsky, DMD

DISCUSSION: Dr. Sill has reviewed the applications, found them to be in order and recommends approval of dental licensure by WREB for the following applicants: Dr Sill read each applicants name into the record.

MOTION: Ms. Villigan made motion to approve the applications. Second by Dr Blasco Public Comment. All in Favor. Motion Carries. Dr Sill Abstain

***b. Approval for Dental Licensure by ADEX – NRS 631.240(1)(b)(1) (For Possible Action)**
(1) Timothy C Paventy, DMD

DISCUSSION: Dr. Sill has reviewed the applications, found them to be in order and recommends approval of dental licensure by ADEX for the following applicants: Dr Sill read the applicant's name into the record.

MOTION: Ms. Villigan made motion to approve the applications. Second by Ms. Guillen. Public Comment. All in Favor Motion Carries. Dr Sill Abstain

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

(1) Spencer C Fullmer, DDS - Endodontics

DISCUSSION: Dr. Sill has reviewed the applications, found them to be in order and recommends approval of dental licensure by Specialty for the following applicants: Dr Sill read the applicants name into the record.

MOTION: Ms. Villigan made motion to approve the applications. Second by Mr. McKernan. Public Comment. All in Favor Motion Carries. Dr Sill Abstain

***d. Approval for Specialty License by Credential – NRS 631.255(1)(a) (For Possible Action)**
(1) John M Coats, DDS, MS - Endodontics

DISCUSSION: Dr. Sill has reviewed the applications, found them to be in order and recommends approval of dental licensure by Specialty for the following applicants: Dr Sill read the applicants name into the record.

MOTION: Ms. Wark made motion to approve the applications. Second by Ms. Villigan. Public Comment. All in Favor Motion Carries. Dr Sill Abstain

***e. Approval for Limited Dental License – NRS 631.271 (For Possible Action)**
(1) Joffre J Martin, DMD

DISCUSSION: Dr. Sill has reviewed the applications, found them to be in order and recommends approval of limited dental licensure for the following applicants: Dr Sill read the applicants name into the record.

MOTION: Ms. Wark made motion to approve the applications. Second by Ms. Guillen. Public Comment. All in Favor Motion Carries. Dr Sill Abstain

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

- (1) Jamie J Burge, RDH
- (2) Rolanda Chung, RDH
- (3) Elizabeth Gomez, RDH
- (4) Tami R Humphries, RDH
- (5) Holli A Pace, RDH

DISCUSSION: Dr. Sill has reviewed the applications, found them to be in order and recommends approval of dental hygiene licensure by WREB for the following applicants: Dr Sill read each applicants name into the record.

MOTION: Ms. Villigan made motion to approve the applications. Second by Ms. Wark. Public Comment. All in Favor Motion Carries. Dr Sill Abstain

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

- (1) David S Bogenschutz, DDS, MS

DISCUSSION: Ms. Kelly stated Dr Bogenschutz has submitted an application to surrender his orthodontic specialty license in the State of Nevada. Ms. Kelly believes he obtained licensure through the Gateway Program.

MOTION: DMr. McKernan made motion to approve the voluntary surrender. Second by Dr Pinther. Public Comment. All in Favor Motion Carries.

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

- (1) David J Elkins, DDS

DISCUSSION: Ms. Kelly stated Dr Elkins has submitted his reactivation of his dental license. Dr Elkins has been out of practice for over one year his CE's are in order.

MOTION: Ms. Villigan made motion to approve the reactivation of Dr Elkins license. Second by Dr Kinard. Public Comment. All in Favor Motion Carries.

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

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

- a. Steve J Huang, DDS
- b. Daniel F Muff, DDS, MD

DISCUSSION: Dr. Miller has reviewed the applications, found them to be in order and recommends approval for general anesthesia permits for the following applicants: Dr Miller read each applicants name into the record.

MOTION: Mr. McKernan made motion to approve the general anesthesia permits for the above applicants. Second by Ms. Guillen. Public Comment. All in Favor Motion Carries.

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

***(1) Conscious Sedation (For Possible Action)**

- a. Blake K Wilde, DDS

DISCUSSION: Dr. Miller has reviewed the applications, found them to be in order and recommends approval for conscious sedation temporary permits for the following applicant: Dr Miller read each applicants name into the record.

MOTION: Dr Pinther made motion to approve the conscious sedation temporary permit for Dr Wilde. Second by Ms. Wark. Public Comment. All in Favor Motion Carries.

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

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

- (a) Edilberto DeAndrade, DDS
 - 1. 1140 N Town Center Drive, Suite 170, Las Vegas, NV 89144
- (b) Jaren T Jensen, DDS
 - 1. 9500 W Flamingo Road, Suite 200, Las Vegas, NV 89147
- (c) Daniel F Muff, DDS, MD
 - 1. 609 Sierra Rose Drive, Suite 1, Reno, NV 89511
- (d) Douglas D Sandquist, DDS
 - 1. 2650 Lake Sahara Drive, Suite 160, Las Vegas, NV 89117

DISCUSSION: Dr. Miller has reviewed the applications, found them to be in order and

recommends approval for site permits for general anesthesia for the following applicants: Dr Miller read each applicants name into the record.

MOTION: Dr Pinther made motion to approve the site permits for general anesthesia. Applicants were read into the record. Second by Ms. Wark. Public Comment. All in Favor Motion Carries.

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

- (a) Jeffrey A Cox, DDS
 - 1. 4245 E Charleston Blvd, Las Vegas, NV 89104
- (b) Cody C Hughes, DMD
 - 1. 3310 N Moapa Valley Blvd., Logandale, NV 89021
- (c) J Justin Wilkerson, DDS
 - 1. 10455 Double R Blvd., Reno, NV 89521

DISCUSSION: Dr. Miller has reviewed the applications, found them to be in order and recommends approval for site permits for conscious sedation for the following applicants: Dr Miller read each applicants name into the record.

MOTION: Dr Pinther made motion to approve the site permits for conscious sedation. Applicants were read into the record. Second by Ms. Guillen . Public Comment. All in Favor Motion Carries.

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

(1) General Anesthesia (For Possible Action)

- a. Gary J Geracci, DDS
- b. Scott M Redlinger, DMD

DISCUSSION: Dr. Miller has reviewed the applications, found them to be in order and recommends approval for 90 day extension of anesthesia permits for the following applicants: Dr Miller read each applicants name into the record.

MOTION: Mr McKernan made motion to approve the 90 day extension of anesthesia permits. Applicant names were read into the record. Second by Ms. Wark Public Comment. All in Favor Motion Carries.

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

- (1) Margaret L Chesser, RDH – To market, demonstrate, and apply the use of Perioscopy Technology in dental offices under the supervision of a dentist.

DISCUSSION: The Board entertained Ms. Chesser's request for an Advisory Opinion. Discussion was held.

MOTION: Dr Blasco made a motion that the use of a perioscope by a dental hygienist under supervision of the dentist is permissible. Second by Mr. McKernan (Please see the attached Advisory Opinion.)

***n. Review and Discussion, Including Collections and Costs, of the Nevada State Board of Dental Examiners Administration of the ADEX Clinical Examinations in Dentistry and Dental Hygiene Pursuant to NRS 631.170; NRS 631.190; NRS 631.240; NAC 631.090; NAC 631.100; NAC 631.120; NAC 631.130 (For Possible Action)**

DISCUSSION: Dr Sill requested to review and discuss the administration of the ADEX Dental and Dental Hygiene Examination by the Nevada State Board of Dental Examiners. Dr Sill stated the Board was an independent board and is now associated with the North East Regional Examining Board. Dr Sill feels there is a financial cost to the Board and the burden on staff. Dr Sill requests that at the end of this examination cycle the Board discontinue the administration of the ADEX Examination for Dental and Dental Hygiene. Dr Sill went over the application fees comparison between WREB and ADEX and feels that applicants taken ADEX may have a financial incentive to choose one over the other since the cost of licensure is included in the cost of the ADEX exam. Ms. Kelly went over the cost associated with administering the ADEX examination for Dental and Dental Hygiene. Ms. Kelly's breakdown is using last year's figures. Ms. Kelly informed the Board at the end of the examination cycle the Board has made a profit of \$1,500.00. Ms. Kelly math error the Board has a positive revenue of \$2200.00. Dr Miller stated the fiscal impact is the Board is not losing money. Dr Miller went onto to state whether the Board feels the best avenue is assess a candidates abilities the clinical examination is something you may want to be a part of. Dr Miller would like to continue with the Board administering the examination. Dr Sill stated the Board would have the revenue if the applicants apply for licensure and the board would have received those fees. Ms. Kelly commented the 10 of the traditional applicants were not seeking licensure and therefore the Board received the fees of \$15,000.00. Ms. Kelly read NRS 631.190 into the record. Dr Sill stated the Board can have NERB administer the ADEX examination and Board Members. Ms. Kelly went through the candidate numbers.

PUBLIC COMMENT: Dr Guillen commented the Board is cutting it down to money. Nevada is not a huge state and the Board shows good PR with legislators and the dental students it should not be about money. Just because you are an examiner and enter the pool you may not get to examine in Nevada. Dr Guillen thinks the Board is taking the wrong approach. Dr Guillen believes we should continue administering the ADEX exam. Dr Pappas by means of disclosure is the Secretary Treasurer for ADEX Executive Council but he is here today as a past Board Member. Dr Pappas stated for National Recognition Nevada is the only state that administers the ADEX Examination.

This is a unique role nationally and the Board would be forfeiting this ability and if the Board gives this up we are just like any other states. Discontinuing this would be a shame for our state on the national level. Ms. Peterson concurs with Dr Pappas agrees with continuing the administration of this examination. Ms. Peterson thinks this is a big opportunity for the Board nationally. Dr Kinard asked Ms. Kelly about loss revenue if we do not administer the examination. Dr Kinard asked the number of examinations the Board gives. Ms. Kelly stated 4 per year. Ms. Wark requests a breakdown of all expenses and costs before making a decision. Ms. Kelly stated she can prepare an excel spreadsheet based on last year numbers and breakdown the costs. Ms. Kelly stated it is difficult to provide this information based on Nevada Board Examiners versus NERB Examiners. Dr Miller stated money aside the Board needs to look at the bigger picture and can the board be a leader in this movement.

No action taken

8. 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)

DISCUSSION: 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)**

MOTION: Dr Kinard made a motion to table this item. Second by Dr Blasco, Public Comment All in favor Motion Passes

***c. Examinations**

(1) Dental (For Possible Action)

(Dr. Miller; Dr. Kinard and Mrs. Guillen)

DISCUSSION: Ms. Kelly provided the number of candidates taking the Endo-Pros portion of the ADEX CIF Format.

(2) Dental Hygiene (For Possible Action)

DISCUSSION:_ No report

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

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

DISCUSSION: No report

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

DISCUSSION: Mr McKernan stated at the last meeting the Dental Hygiene Association brought items forward for consideration. The Board will conduct a meeting on November 30th to take up these items.

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

DISCUSSION: No report

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

DISCUSSION: The Anesthesia Committee is working on the regulations.

- *h. Infection Control (For Possible Action)**
(Chair: Mrs. Villigan; Dr. Blasco; Dr. Champagne; Dr. Soltani; Mr. McKernan; Mrs. Wark)

DISCUSSION: No report

9. Public Comment : Ms. Peterson stated licensees who are requesting from inactive to active status with regards to requiring skills assessments these licensees should be required to comply whether a dentist or dental hygienist. Ms. Kelly went through the process outlined in NAC 631.170. Ms Kelly asked Mr. Hunt if he had anything to add. Mr. Hunt stated the regulation speaks for itself. He stated Ms. Peterson is raising the issue that all licensees the Board is consistent. Dr Miller stated that perspective is important. Ms. Rogers asked of Ms. Villigan when the Infection Control Form would be available of the website. Ms. Kelly will check on that for Ms. Rogers.

<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>
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10. Announcements

No comment

- *11. Adjournment (For Possible Action)**

MOTION: Dr Blasco motion to adjourn Second by Ms. Wark . All in Favor Motion Carries.

Respectfully Submitted by

Debra Shaffer, Executive Director

BEFORE THE NEVADA STATE BOARD OF DENTAL EXAMINERS

IN REGARDS TO THE MATTER OF:

Request for the Advisory Opinion regarding clarification to market, demonstrate, and apply the use of Perioscopy technology in dental offices under the supervision of a dentist.

AO-12-0920

On September 20, 2012, pursuant to agenda item 7m at a properly noticed meeting held at the Board office located at 6010 South Rainbow Boulevard, Suite A-1, Las Vegas, Nevada 89118 the Nevada State Board of Dental Examiners (the "Board") issued the following advisory opinion.

Dr. Jade A Miller	Present
Dr. M. Masih Soltani	Present
Dr. Jason Champagne	Present
Dr. Timothy Pinther	Present
Dr. James G Kinard	Present
Dr. J. Stephen Sill	Present
Dr. Byron Blasco	Present
Mr. James McKernan	Present
Mrs. Leslea Villigan	Present
Mrs. Theresa Guillen	Present
Mrs. Lisa Wark	Present

ADVISORY OPINION

I.
BACKGROUND

1. As set forth in NAC 631.279 through authority of NRS 631.190 and NRS 233B.120 the Board is authorized to provide advisory opinions.
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NAC 631.279 Proceedings to determine applicability and construction of statutes and regulations. (NRS 631.190)

1. Any applicant or licensed dentist or dental hygienist may obtain a determination or advisory opinion from the Board as to the applicability of any provision of chapter 631 of NRS or any regulation adopted pursuant thereto by bringing an action for a declaratory judgment before the Board.

2. The Board will construe any statute or regulation reviewed pursuant to this section in a manner consistent with the declared policy of the State of Nevada.

2. Nevada licensee, Margaret Chesser, RDH, requested an advisory opinion for clarification to market, demonstrate, and apply the use of Perioscopy technology in dental offices under the supervision of a dentist.

2. Public notice of the above-referenced request for an advisory opinion was provided in accordance with state law.

II.
DISCUSSION

Mr. Hunt addressed Ms. Chesser regarding the request for an advisory opinion, attached letter and advertisement regarding the use of the perioscope. Ms. Chesser advised Mr. Hunt her request was not with regards to the perioscope. Ms. Chesser explained the perioscope goes below the gum-line and is a camera that magnifies up to forty eight times and is used in dental offices for root surfaces of the teeth allowing her to see much better when root planning and scaling as opposed to the blind eye. Ms. Chesser stated she was requesting the advisory opinion due to the concerns by dentist in the community that contacted the Board when Ms. Chesser began going to dental offices to offer this perioscope service. Ms. Chesser came to the Board office and spoke with Ms. Debra Shaffer to see what she needed to do to ensure compliance. Ms. Shaffer suggested Ms. Chesser request an advisory opinion.

Mr. Hunt stated as long the Board has no objection to the use of the device as to the other items Ms. Chesser understands she is still required to be under the supervision of a dentist and this cannot be a fee splitting arrangement. Based

upon the letter, Ms. Chesser is not asking for an advisory opinion on those items since Ms. Chesser is already aware of what is required by statute and regulation. The question that is presented is Ms. Chesser is asking for an advisory opinion of the use of the perioscope in the execution of her duties as a dental hygienist.

Ms. Chesser explained she will not be diagnosing that will be the dentist. Ms. Chesser is there to help assist the dentist in his/her diagnoses, Ms. Chesser will not be fee splitting with the dentist she is now aware this is not permissible and will not be fee splitting and she has taken care of these items referenced in her letter.

Mr. Hunt stated the Board may entertain a motion to give an advisory opinion that the perioscope is within the duties of dental hygiene under the supervision of a dentist.

Dr. Miller acknowledged Ms. Chesser for being proactive with new technology.

III. CONCLUSION

After considering and discussing public comment pursuant to the authority set forth in NAC 631.279, NRS 631.190 and NRS 233B.120, a motion was made by Dr. Blasco to approve the request for the opinion that the use of the perioscope by a dental hygienist is permissible under supervision of a dentist.

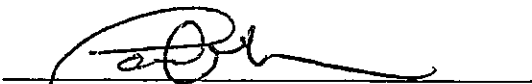
Ms. Villigan had questions for Ms. Chesser related to infection control. Ms. Chesser indicated every patient receives a new sheath to cover the fiber. Ms. Chesser stated she has multiples of everything including the perioscope she has two. Instruments are left at the practice where treatment is rendered for sterilization and normal protocols are followed.

Dr. Miller called for the motion, motion by Dr Blasco seconded by Mr. McKernan.

Dr. Jade A Miller	yes
Dr. M. Masih Soltani	yes
Dr. Jason Champagne	yes
Dr. Timothy Pinther	yes
Dr. James G Kinard	yes
Dr. J. Stephen Sill	yes
Dr. Byron Blasco	yes

Mr. James McKernan yes
Mrs. Leslea Villigan yes
Mrs. Theresa Guillen yes
Mrs. Lisa Wark yes

The motion was passed unanimously the use of a perioscope by a dental hygienist under supervision of the dentist is permissible.



JADE A. MILLER, DDS, PRESIDENT
Nevada State Board of Dental Examiners