

1 NEVADA STATE BOARD OF DENTAL EXAMINERS
2 6010 South Rainbow Boulevard, Ste A-1
3 Las Vegas, Nevada 89118
4

5 Videoconferencing was available at the Board office, 6010 S Rainbow Boulevard, Suite A-1, in Las Vegas
6 and at the Nevada State Board of Medical Examiners located at 1105 Terminal Way, Suite 301, Reno, NV
7 89502
8

9 **NOTICE OF PUBLIC WORKSHOP**
10 **Friday, December 13, 2013**
11 **1:04 PM**
12

13 **Legislative and Dental Practice Act Resource Group**
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15 The Nevada State Board of Dental Examiners held a public workshop and request for comment session on
16 Friday December 13, 2013 at 1:00 pm, a scheduled meeting of the Legislative and Dental Practice
17 Resource Group at the offices of the Nevada State Board of Dental Examiners, 6010 S. Rainbow Blvd, Suite
18 A-1, Las Vegas, Nevada 89118. Videoconferencing was also be available at the offices of the Nevada
19 State Board of Medical Examiners, 1105 Terminal Way, Suite 301, Reno, NV 89502.
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21 The purpose of the workshop was to receive comments from all interested persons regarding the review
22 of Nevada Administrative Code Chapter 631 and regulation changes/amendments/repeal. The general
23 topics included the following; Schedule of Fees (NAC 631.029); Claim of Malpractice Pending Disposition
24 (NAC 631.031); Application for Permanent License by Holder of Temporary License (NAC 631.039);
25 Renewal of License (NAC 631.045); Reapplication (NAC 631.060); Examination, Authorization required
26 (NAC 631.080); Examination; Procedure for practical portion (NAC 631.120); Examination; Requirements
27 for successful completion (NAC 631.130); Expiration and renewal of special endorsement of license to
28 practice public health dental hygiene (NAC 631.145); Request for Initial Inspection of office or facility
29 (NAC 631.1785); Employment as an instructor (NAC 631.180); Application for limited license to supervise
30 courses of continuing education (NAC 631.2207).
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33 **Please Note:** The Nevada State Board of Dental Examiners may 1) address agenda items out of sequence to
34 accommodate persons appearing before the Board or to aid the efficiency or effectiveness of the meeting; 2)
35 combine items for consideration by the public body; 3) pull or remove items from the agenda at any time. The
36 Board may convene in closed session to consider the character, alleged misconduct, professional competence or
37 physical or mental health of a person. See NRS 241.030. Prior to the commencement and conclusion of a
38 contested case or a quasi judicial proceeding that may affect the due process rights of an individual the board may
39 refuse to consider public comment. See NRS 233B.126.
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41 At the discretion of the Chair, public comment is welcomed by the Board, but will be heard only when that item is
42 reached and will be limited to five minutes per person. A public comment time will also be available as the last item
43 on the agenda. The Chair may allow additional time to be given a speaker as time allows and in his/her sole
44 discretion. Once all items on the agenda are completed the meeting will adjourn.
45

46 ***Asterisks (*) denote items on which the Board may take action.***
47 ***Action by the Board on an item may be to approve, deny, amend, or table.***
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49 ***1. Call to Order, roll call and establish quorum** (For Possible Action)

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Dr. Pinther called the meeting to order and Ms. Shaffer conducted the following roll call:

- Dr. Pinther-----PRESENT
- Dr. Champagne-----PRESENT
- Dr. Blasco-----PRESENT
- Dr. Kinard-----PRESENT
- Mrs. Guillen-----PRESENT
- Mrs. Wark-----PRESENT

Other attendees: John Hunt, Board Legal Counsel; Debra Shaffer-Kugel, Executive Director.

Public attendees: Robert Talley, DDS, NDA; Annette Linicicome, NDHA; Shari Peterson, RDH, CSN; Brent Gibson, attorney Lionel Sawyer & Collins; Alex Tanchek, in for Neena Laxalt. NDHA; Rick Thriot, UNLV SDM; Michael Sanders, UNLV SDM.

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. General Discussion, Review, Consideration and Possible Action Regarding Proposed Amendment(s), Change(s) or Repeal(s) to Nevada Administrative Code Chapter 631** (For Possible Action)

Dr. Pinther indicated that the Committee is to review NAC regulations. Board Counsel indicated that the Board is required to review its regulations to amend, repeal, and or change them if necessary. He noted that the committee can vote on each item to then be taken to the Board for consideration. Further, that upon Board approval, recommendations are then sent to LCB. (A copy of the regulations for consideration is available in Public Materials Book via the Board website).

(1) Schedule of Fees (NAC 631.029)

Ms. Shaffer indicated there were some fees that are no longer required to be listed. She gave an example, such as the examination fees; the Board no longer administers a clinical exam, therefore, the list of such fees is no longer applicable. She went over the reasons for the increase in fees for the general anesthesia (GA) and conscious sedation (CS) application, five year evaluation fees. She explained the costs that the board currently pays out of pocket for the evaluations and inspections, and how the fee for the application does not cover all the costs for such expenses. Therefore, the Board would like to impose the maximum fee amounts for the examination/inspection fee.

She commented to the Board that the evaluators have asked that they be paid as the Disciplinary Screening Officers are paid. She noted to the Board that the fee increase would allow the Board to be able to afford the costs to conduct inspections. The request is to raise the reinstatement fee from \$200 to \$300, though the max is \$500. Board Counsel commented that this fee increase would have an effect on those who have a stipulation agreement and those who seek to have their license reinstated upon them complying with the provisions set forth in their stipulation agreements, and that it will also affect those who fail to renew their license on time and want to reinstate. Dr. Kinard commented that in going over the budget the past 12 months, the time the staff takes to go over all the application, inspection arrangements, appointment, and travel, it entails there are more costs affiliated with GA/CS permits than there is with reinstatements.

Public comment: No comments.

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106 MOTION: Mrs. Wark made the motion to recommend to the Board the recommended changes for the
107 Schedule of Fees. The motion was seconded by Mrs. Guillen. All were in favor.
108

109 **(2) Claim of Malpractice Pending Disposition (NAC 631.031)**
110

111 Board Counsel recommended repealing this regulation. Mrs. Shaffer-Kugel explained that the Board
112 already has a process in place for these issues, which is currently the review process by the
113 Secretary/Treasurer, which is during the review process of the applications.
114

115 Public comment: No comments.
116

117 MOTION: Dr. Blasco made the motion to recommend that the Board consider repealing NAC 631.031.
118 The motion was seconded by Mrs. Wark. All were in favor of the motion.
119

120 **(3) Application for Permanent License by Holder of Temporary License (NAC 631.039)**
121

122 Ms. Shaffer indicated to the committee that this regulation was related to licensure by credential, which
123 sunset on June 30, 2006 by the LCB. Therefore, the regulation is no longer applicable.
124

125 Public comment: No comments.
126

127 MOTION: Dr. Blasco made the motion to recommend that the Board NAC 631.039. The motion was
128 seconded by Mrs. Guillen. All were in favor of the motion.
129

130 **(4) Renewal of License (NAC 631.045)**
131

132 Board Counsel indicated that this regulation would add a requirement that all dentists be required to
133 conduct at least two annual prescriptions self-queries through the Nevada State Board of Pharmacy Task
134 Force, per licensure period. Further, that there will be a statement added to the renewal for them to attest
135 that they have abided by this requirement.
136

137 Public comment: Dr. Michael Sanders indicated that there are dentists that do not have DEA licenses.
138 Board Counsel indicated that it will not be a problem, that those individuals who do not have a DEA
139 license will simply need to indicate that they do not hold a DEA license. Mrs. Shaffer-Kugel read how the
140 recommended language will read for the regulation. (A copy of the suggested language is attached for the
141 record.)

142 Dr. Thiriot indicated to the committee that UNLV SDM is not an individual, therefore, they would
143 have to do a inquiry within their school.
144

145 Mrs. Peterson asked the committee for clarification on the language regarding the meaning of
146 "biennially". Mrs. Shaffer-Kugel read the suggested language to clarify that dentists are to run a report
147 each year of every biennial period (language attached for the record).
148

149 MOTION: Dr. Blasco made the motion to recommend the changes to the Board. The motion was
150 seconded by Dr. Kinard. All were in favor of the motion.
151

152 **(5) Reapplication (NAC 631.060)**
153

154 Board Counsel recommended that this regulation be repealed. He indicated that this regulation required
155 that if an applicant is denied a license, the applicant would have to request permission and be granted
156 permission before applying for licensure; therefore, requiring for applicants to go through an additional
157 step which is simply unnecessary.
158

159 Public comment: No comments.

160 MOTION: Mrs. Wark made the motion to make the recommendation to the Board to repeal this regulation.
161 The motion was seconded by Mrs. Guillen. All were in favor of the motion.

162
163 **(6) Examination, Authorization required (NAC 631.080)**

164
165 Mrs. Shaffer-Kugel indicated that this regulation is regarding the clinical exam; however, the Board
166 currently does not administer a clinical exam.

167
168 Public comment: No comments.

169
170 MOTION: Mrs. Guillen made the motion to recommend that the Board repeal this regulation. The motion
171 was seconded by Mrs. Wark. All were in favor of the motion.

172
173 **(7) Examination; Procedure for practical portion (NAC 631.120)**

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175 NAC 631.100:

176 Ms. Shaffer indicated that regulation NAC 631.100 is regarding examinations; however, the Board no
177 longer administers an exam. Therefore, this regulation is no longer applicable.

178
179 MOTION: Dr. Blasco made the motion to make the recommend to the Board that they repeal this
180 regulation. The motion was seconded by Mrs. Wark. All were in favor of the motion.

181
182 NAC 361.120

183 Ms. Shaffer-Kugel indicated that regulation NAC 631.100 is regarding examinations; however, the Board
184 no longer administers an exam, and therefore, this regulation is no longer applicable.

185
186 Public comment: No comments.

187
188 MOTION: Dr. Kinard made the motion to recommend that the Board repeal this regulation. The motion
189 was seconded by Mrs. War. All were in favor of the motion.

190
191 **(8) Examination; Requirements for successful completion (NAC 631.130)**

192
193 Mrs. Shaffer-Kugel indicated that this was a moot regulation.

194
195 Public comment: No comments.

196
197 MOTION: Dr. Blasco made the motion to recommend that the Board repeal this regulation. The motion
198 was seconded by Mrs. Guillen. All were in favor of the motion.

199
200 **(9) Expiration and renewal of special endorsement of license to practice public health dental**
201 **hygiene (NAC 631.145)**

202
203 Mrs. Shaffer-Kugel indicated that licensees are required biennially; therefore, the language needs to be
204 updated (language attached for the record).

205
206 Public comment: No comments.

207
208 MOTION: Mrs. Guillen made the motion to recommend the correction of language. The motion was
209 seconded by Dr. Kinard. All were in favor of the motion.

210
211 **(10) Request for Initial Inspection of office or facility (NAC 631.1785);**

212
213 Board Counsel indicated that in the random infection control inspections, the Board can summarily
214 suspend a license and has the authority to summary suspend. Board Counsel requests the Board included

215 the same language found in NAC 631.179. Mrs. Shaffer-Kugel read the proposed language to be changed
216 (language attached for the record).

217
218 Public Comment: No comments.

219
220 MOTION: Mrs. Wark made the motion to recommend that the Board amend the regulation to add the
221 language as section (5). The motion was seconded by Mrs. Guillen. All were in favor of the motion.
222

223 **(11) Employment as an instructor (NAC 631.180)**

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225 Mrs. Shaffer-Kugel indicated that this regulation allowed instructors to come in for one year and then apply
226 for a license. However, now the instructors are requires to obtain a limited license pursuant to NRS
227 631.271 to be able to instruct at a school. Therefore, the statute requires a license, which the statute
228 supersedes the regulation. She recommended that this regulation be repealed.
229

230 Public comment: no comments.

231
232 MOTION: Dr. Blasco made the motion to recommend the Board repeal the regulation. The motion was
233 seconded by Dr. Champagne. All were in favor of the motion.
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235 **(12) Application for limited license to supervise courses of continuing education (NAC**
236 **631.2207)**

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238 Board Counsel indicated that as a result of the litigation, the court stated that the Board can only require
239 that applicants for this type of license provide proof they graduated from an accredited program,
240 application and the fee of \$100.00 as set forth in NRS 631.2715. Therefore, this regulation is null and void,
241 but would like LCB to remove it from print.
242

243 Public comment: no comment.

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245 MOTION: Dr. Kinard made the motion to recommend the Board repeal this regulation. The motion was
246 seconded by Dr. Pinther. All were in favor of the motion.
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248 **NAC 631.230:**

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250 Board Counsel recommended that the committee recommend to the Board amend NAC 631.230 to
251 include item (u) [language attached for the record].
252

253 MOTION: Dr. Blasco made the motion to recommend that the Board add item (u) to NAC 631.230. The
254 motion was seconded by Mrs. Wark. All were in favor of the motion.
255
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257 **4. Public Comment:** (Proposed consideration for NAC 631.260) Mrs. Shaffer-Kugel indicated to the
258 committee that the NDA submitted a proposal for consideration to recommend to the Board. (Proposal is
259 attached for the record). Dr. Talley stepped forward and read his proposal regarding dental assistants. The
260 proposal suggested that dental assistants be required to take the Jurisprudence exam, to be required to
261 have CPR, thus making it the dentists' responsibility to ensure that their dental assistants are aware of
262 what the duties delegable are. Mrs. Shaffer-Kugel read the language as it currently is stated in the
263 regulation. Mrs. Shaffer-Kugel indicated that to require an unlicensed person to take an exam may not be
264 something the Board can legally require. Her suggestion is that they require that the dentists' certify that
265 they have provided their dental assistants with a copy of the duties delegable. Dr. Talley was in
266 agreement with Mrs. Shaffer-Kugel's suggestion.
267 Dr. Thiriot suggested that Nevada follow what California does, and impose that a dentist be required to
268 take the Jurisprudence exam every two years.

269 Mrs. Peterson commented to the committee that on behalf of the NDHA, the proposed and

270 suggested changes are appropriate. Dr. Kinard commented that he would like to have the
271 recommendations implemented and would like to bring them before the Board for consideration. Mrs.
272 Shaffer-Kugel read over the suggested language to implement the discussed proposals and suggested
273 changes (language attached for the record).
274

275 MOTION: Dr. Blasco made the motion o approve the changes and additions as outlined. The motion was
276 seconded by Mrs. Wark. Discussion: Mr. Hunt commented that the efforts of the NDA & NDHA were
277 critical to the Board in drafting the language. All were in favor of the language.
278

279 Dr. Kinard commented that there are infection control classes and OSHA classes that over-lapping. He
280 suggested that the Board, perhaps, consider that if the Jurisprudence exam is being offered online, maybe
281 consider offering an infection control class online. Further, that it would be a good mechanism to generate
282 revenue for the Board. He suggested that they recommend that the Board look into the possibility of
283 offering such a class online. Dr. Sanders indicated that UNLV SDM offers infection control courses
284 annually and that the information changes annually. Therefore, it was his suggestion that if the Board can
285 control the exam then they could control the information that is provided for a course. Mrs. Peterson
286 expressed her support for the idea of, perhaps, having licensees retake the Jurisprudence exam at
287 renewal time.
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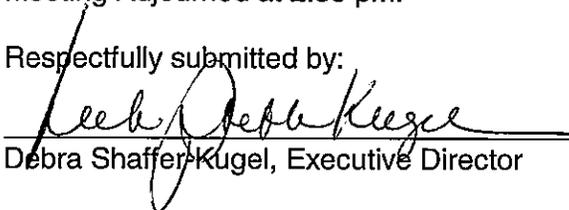
290 **Note: No vote may be taken upon a matter raised under this item of the agenda until the matter**
291 **itself has been specifically included on an agenda as an item upon which action may be taken.**
292 **(NRS 241.020)**

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295 5. **Announcements:** Happy Holidays to everyone!
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298 *6. **Adjournment** (For Possible Action)
299 Dr. Kinard made the motion to adjourn. Dr. Blasco seconded the motion. All were in favor of the motion.
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305 Meeting Adjourned at 2:38 pm.
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307 Respectfully submitted by:

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309 _____
310 Debra Shaffer-Kugel, Executive Director
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