

NEVADA STATE BOARD OF DENTAL EXAMINERS
6010 S Rainbow Boulevard, Suite A-1
Las Vegas, Nevada 89118
(702) 486-7044

Video Conferencing available for this meeting at the Nevada State Board of Medical Examiners located at
1105 Terminal Way, Suite 301, Reno, NV 89502

PUBLIC MEETING

Friday, November 4, 2016

9:00 a.m.

Board Meeting Minutes

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 time is available after roll call (beginning of meeting) and prior to adjournment (end of meeting). Public Comment is limited to three (3) minutes for each individual. You may provide the Board with written comment to be added to the record.

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

1. Call to Order, roll call, and establish quorum

Dr. Pinther called the meeting to order and Mrs. Shaffer-Kugel conducted the following roll call:

Dr. Timothy Pinther ("Dr. Pinther") -----PRESENT	Dr. R. Michael Sanders ("Dr. Sanders") ---PRESENT
Dr. Byron Blasco ("Dr. Blasco") -----PRESENT	Mrs. Leslea Villigan ("Mrs. Villigan") -----EXCUSED
Dr. Jason Champagne ("Dr. Champagne") --PRESENT	Ms. Theresa Guillen ("Ms. Guillen") -----PRESENT
Dr. Gregory Pisani ("Dr. Pisani") -----PRESENT	Ms. M Sharon Gabriel ("Ms. Gabriel") ---PRESENT
Dr. Brendan Johnson ("Dr. Johnson") -----PRESENT	Ms. Stephanie Tyler ("Ms. Tyler") -----PRESENT
Dr. Ali Shahrestani ("Dr. Shahrestani") -----PRESENT	

Others Present: Bert Wuester, Board Legal Co-Counsel; Debra Shaffer-Kugel, Executive Director.

Public Attendees: Andrew Ingel, UNLV Continuing Education; Lisa Jones, Campbell Jones Cohen CPA; Kay See, Campbell Jones Cohen CPA; Brett Kandt, Chief Deputy Attorney General; Stacie Campbell (Board Accountant), Hummel and Associates.

Pledge of Allegiance

Dr. Pinther welcomed and introduced Sanders to the Board. Dr. Sanders gave a brief autobiography of himself.

2. Public Comment: (Public Comment is limited to three (3) minutes for each individual)

Mrs. Shaffer-Kugel read a statement into the record that was submitted for public record from a Dr. Gregory Greenwood.

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

***a. Minutes** - NRS 631.190 (For Possible Action)

- *(1)** September 23, 2016 – Anesthesia Committee Meeting Minutes
- *(2)** September 23, 2016 – Notice of Intent to Act Hearing and Board Meeting Minutes

Mrs. Shaffer-Kugel stated that if there were no changes and amendments needed, recommended the minutes for approval.

MOTION: Dr. Pisani made the motion to approve the minutes as presented. Motion was seconded by Dr. Blasco. All were in favor of the motion.

***b. Financials** - NRS 631.180/NRS 631.190

- (1)** Review Balance Sheet and Statement of Revenues, Expenses and Balances for period July 1, 2016 through August 31, 2016

Ms. Hummel reviewed the Balance Sheet and Statement of Revenues, Expenses and Balances with the Board.

- *(2)** Review and Approve FY 16 Annual Audit Report to State of Nevada (For Possible Action)

Mrs. Shaffer-Kugel stated that Lisa Kay and Kay See with Campbell and Jones were present to go over the audit that was performed. Ms. Kay and Ms. See stepped forward and briefly reviewed that audit report. They explained in some detail the liability of pensions and how they are now required to list the liability of pensions on the budget reports.

MOTION: Ms. Tyler made the motion to approve the audit report. Motion was seconded by Dr. Champagne. All were in favor of the motion.

- *(3)** Approval of Contract for Initial Licensing Software System (For Possible Action)

(a) inLumon

Mrs. Shaffer-Kugel stated that she was presenting the contract for the Boards review and approval. She noted that this would be the initial contract to develop the program, which would consist of nine (9) months. Dr. Blasco inquired if the development included the transfer of data.

MOTION: Dr. Blasco made the motion to approve the contract. Motion was seconded by Dr. Pisani. All were in favor of the motion.

***c. Correspondence** - NRS 631.190 (For Possible Action)

- *(1)** Review and Discuss Joint Representation Letter from Office of Attorney General (For Possible Action)

(a) Brett Kandt, Chief Deputy Attorney General

Mrs. Shaffer-Kugel stated that they received a letter from the Attorney General's office regarding the use of their office as support counsel for joint representation for all legal matters, including complaints. Mr. Kandt stepped forward and stated that the Board exercises their right to use outside legal counsel; nevertheless, he noted that the Attorney General has a statutory responsibility to the Board to provide services as needed. He stated that the letter was sent out as a reminder to all Boards and Commissions that the Attorney General's office was a resource available for use. He noted further that any time they are served with a legal complaint or notice, their office is to be notified by the Board to ensure the Attorney General's office received proper service as well. Mrs. Shaffer-Kugel noted that the Medical Board has the Attorney General's office send a representative to sit as their Board Counsel at all meetings, though they have in-house counsel, whom also sits in to discuss legal matters and actions being taken by their board. Dr. Blasco inquired if the Attorney General's office would assign a designated representative. Mr. Kandt responded that representatives could rotate.

MOTION: Ms. Tyler made the motion to use the Attorney General's office to sit in as Board Counsel for Board meetings. Motion was seconded by Dr. Blasco. Discussion: Mrs. Shaffer-Kugel explained that Mr. Hunt would continue to represent Board staff and would continue to go over stipulation agreements. Dr. Pisani inquired if there were any costs associated with using the attorney general's office. Mrs. Shaffer-Kugel explained that the Board already pays a monthly rate to the Attorney General's office for services. All were in favor of the motion.

*** (2) Approval of Two Board Representatives for the CODA Site Visit for the University of Nevada Las Vegas School of Dental Medicine April 11, 2017 (For Possible Action)**

Mrs. Shaffer-Kugel indicated that CODA would be conducting a site visit at the UNLV School of Dental Medicine and was inviting a Board member to join them. Dr. Pinther inquired if any Board member would be interested in attending the site visit. Dr. Pinther volunteered. Dr. Blasco volunteered.

MOTION: Ms. Guillen made the motion to approve Dr. Pinther and Dr. Blasco as representatives to attend the site visit. Motion was seconded by Dr. Sanders. All were in favor of the motion.

*** (3) Correspondence from the American Association of Orthodontists requesting the Board's position on treatment and new business model (For Possible Action)**

Dr. Pinther stated that the letter from the American Association of Orthodontists ("AAO") was regarding telemedicine. The Board discussed what they believed the intent of the letter was. Mrs. Shaffer-Kugel explained how the treatment model works. Ms. Tyler stated that the letter appeared to be asking if the treatment model met Nevada State dental requirements. There was discussion if the letter could be addressed as an advisory opinion, or whether the Board could legally respond. It was suggested that the letter be referred to the Attorney General's office for assistance.

MOTION: Dr. Pisani made the motion to refer the letter to the Attorney General's office. After some discussion, the Motion was withdrawn.

MOTION: Dr. Pisani made the motion to table this agenda item. Motion was seconded by Dr. Blasco. All were in favor of the motion.

***d. Authorized Investigative Complaints-NRS 631.360 (For Possible Action)**

*** (1) Dr. Y-NRS 631.3475(4) and NAC 631.230(1)(c) (For Possible Action)**

Mrs. Shaffer-Kugel went over the alleged violations of Dr. Y.

MOTION: Ms. Tyler made the motion to authorize the investigation. Motion was seconded by Dr. Sanders. All were in favor of the motion.

*** (2) Dr. Z-NRS 631.348(6) and NRS 631.349 (For Possible Action)**

Mrs. Shaffer-Kugel went over the alleged violations of Dr. Z.

MOTION: Dr. Blasco made the motion to authorize the investigation. Motion was seconded by Ms. Gabriel. All were in favor of the motion.

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

a. Legal Actions/Lawsuit(s) Update

(1) District Court Case(s) Update

Mr. Wuester stated that in early 2004 a permanent injunction was granted for the illegal practice of dentistry, however information was received that the same individual was found to have possibly violated the injunction. He stated that the individual was served and a court date was pending.

***b. Consideration of Stipulation Agreements (For Possible Action)**

*** (1) Leslie Kotler, DDS**

Mr. Wuester asked that the Board table this item.

MOTION: Dr. Pisani made the motion to table Dr. Kotler's stipulation agreement. Motion was seconded by Ms. Gabriel. All were in favor of the motion.

* (2) Troy Trobough, DDS

Mr. Wuester went over the provisions of the stipulation agreement.

MOTION: Dr. Blasco made the motion to adopt the stipulation agreement. Motion was seconded by Ms. Gabriel. All were in favor of the motion.

***c. Request to reinstate suspended license for non-compliance of the Stipulation Agreement entered into on September 18, 2015- (For Possible Action)**

(1) Erika Smith, DDS

Mrs. Shaffer-Kugel stated that she requested for Dr. Erika Smith asked to come before the Board regarding her letter, however, Dr. Smith was not present. Mrs. Shaffer-Kugel stated that Dr. Smith's stipulation agreement was amended previously to allow for a payment plan. She stated that in July Dr. Smith's license was suspended in July for non-compliance of the payment plan pursuant to the payment plan. She noted that Dr. Smith was granted an extension to make her June payment. Mrs. Shaffer-Kugel noted further that pursuant to the regulations, whenever a license is suspended a three hundred dollar (\$300) reinstatement fee is to be charged to reinstate the license.

MOTION: Dr. Pisani made the motion to deny Dr. Smith's request until he total amount owed, including the reinstatement fee, and only then will her license be reinstated. Motion was seconded by Roll call vote:

Dr. Timothy Pinther-----no	Dr. Ali Shahrestani-----yes
Dr. Byron Blasco-----yes	Mrs. Leslea Villigan -----excused
Dr. Jason Champagne----yes	Ms. Theresa Guillen -----no
Dr. Brendan Johnson----yes	Ms. M Sharon Gabriel----yes
Dr. Gregory Pisani -----yes	Ms. Stephanie Tyler-----no
Dr. R. Michael Sanders---yes	

Motion passes; request is denied – license to remain suspended until all fees due are paid.

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

***a. Approval of Reactivation of Dental Hygiene License – NAC 631.170(4) (For Possible Action)**

(1) Patricia Easterling, RDH

Mrs. Shaffer-Kugel stated that this was for the reactivation of a dental hygiene license and not a dental license as the agenda suggests. Ms. Easterling was present. Mrs. Shaffer-Kugel stated that pursuant to the regulations, any licensee seeking to reactivate their license but has not practiced since in over two (2) years must come before the Board for approval. The Board discussed requiring that Ms. Easterling complete a skills assessment or a clinical exam.

MOTION: Dr. Blasco made the motion to approve the reactivation contingent upon Ms. Easterling successfully completing a clinical exam or a skills assessment. Motion was seconded by Ms. Guillen. All were in favor of the motion.

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

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

(a) Doribeth Ruiz, DMD

Dr. Blasco stated that he recommended approval.

MOTION: Ms. Guillen made the motion to approve. Motion was seconded by Dr. Pisani. All were in favor of the motion; Dr. Blasco abstained.

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

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

(a) Kenneth L. Reed, DMD

Dr. Blasco stated that he recommended approval.

MOTION: Ms. Guillen made the motion to approve. Motion was seconded by Dr. Sanders. All were in favor of the motion; Dr. Blasco abstained.

***d. Approval for a 90-Day Extension of Anesthesia Permit – NAC 631.2254(2) (For Possible Action)**

- (1) **Conscious Sedation** (For Possible Action)
 - (a) Shahriar H. Agahi, DMD
 - (b) Brittany N. Rich, DMD
 - (c) Keaton M. Tomlin, DMD
 - (d) Arshid Torkaman, DDS
 - (e) Nam M. Phan, DMD

Dr. Blasco stated that he recommended approval.

MOTION: Dr. Pisani made the motion to approve. Motion was seconded by Ms. Guillen. All were in favor of the motion; Dr. Blasco abstained.

- (2) **General Anesthesia** (For Possible Action)
 - (a) Christina J. Baek, DDS

Dr. Blasco stated that he recommended approval.

MOTION: Ms. Tyler made the motion to approve. Motion was seconded by Ms. Guillen. All were in favor of the motion; Dr. Blasco abstained.

***e. Appointment of R. Michael Sanders, DMD to the following Resource Groups-NRS 631.190**
(For Possible Action)

- (1) Legislative and Dental Practice
- (2) Legal and Disciplinary Action
- (3) Anesthesia

MOTION: Dr. Blasco made the motion to approve. Motion was seconded by Dr. Pisani. All were in favor of the motion.

***f. Appointment of Timothy Pinther, DDS to the following Resource Group-NRS 631.190**
(For Possible Action)

- (1) Examination Liaison-ADEX Representative

MOTION: Dr. Blasco made the motion to approve. Motion was seconded by Dr. Sanders. All were in favor of the motion.

***g. Appointment of Gregory Pisani, DDS as Chair of the following Resource Group – NRS 631.190**
(For Possible Action)

- (1) Legal and Disciplinary Action

MOTION: Ms. Tyler made the motion to approve. Motion was seconded by Ms. Gabriel. All were in favor of the motion.

***6. Resource Group Reports**

***a. Legislative and Dental Practice** (For Possible Action)
(Chair: Dr. Pinther; Dr. Champagne; Dr. Blasco; Ms. Guillen)

No report.

***b. Legal and Disciplinary Action** (For Possible Action)
(Chair: Dr. Pisani; Dr. Blasco; Dr. Shahrestani; Mrs. Villigan)

No report.

***c. Examinations Liaisons** (For Possible Action)

***(1) WREB/HERB Representatives** (For Possible Action)
(Dr. Blasco; Ms. Gabriel)

No report.

***(2) ADEX Representatives** (For Possible Action)
(TBD)

No report.

- *d. Continuing Education (For Possible Action)
(Chair: Dr. Blasco; Dr. Shahrestani, Dr. Pisani; Mrs. Villigan; Ms. Gabriel)

No report.

- *e. Committee of Dental Hygiene (For Possible Action)
(Chair: Ms. Guillen; Mrs. Villigan; Ms. Gabriel; Dr. Shahrestani)

No report.

- *f. Specialty (For Possible Action)
(Chair: Dr. Pisani; Dr. Johnson; Dr. Pinther)

No report.

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

Mrs. Shaffer-Kugel stated that the committee will be holding the first public workshop on January 20, 2017.

- *h. Infection Control (For Possible Action)
(Chair: Mrs. Villigan; Dr. Blasco; Dr. Champagne; Dr. Pisani; Ms. Gabriel)

No report.

- *i. Budget and Finance Committee (For Possible Action)
(Chair: Dr. Blasco, Dr. Pinther, Ms. Tyler, Ms. Guillen)

No report.

7. Public Comment: (Public Comment is limited to three (3) minutes for each individual)

No public comment made.

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

8. Announcements: Mrs. Shaffer-Kugel stated that she submitted the amended contract to increase the limits for Morris, Polich and Purdy. She added that she met with the Attorney General's office to go over the complaint process. Mr. Kandt stated that he and other representatives of the Attorney General's office met and discussed the decision to potentially pursue in-house counsel, and recommended placing it on the January 20, 2017 agenda. He noted that while the Attorney General has the discretion to completely take over the complaints and legal representation of the Board, they supported the decision to create a job description for in-house counsel for board approval at a later meeting.

Dr. Pinther thanked Dr. James Gordon Kinard for his nine (9) years of service to the Board.

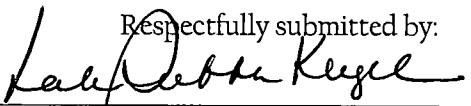
Mrs. Shaffer-Kugel announced that postcards were sent out that the newsletter would be available for viewing on the board's website the following week.

- *9. Adjournment (For Possible Action)

Dr. Blasco made the motion to adjourn. Motion was seconded by Ms. Tyler. All were in favor of the motion.

Meeting Adjourned at 10:41 a.m.

Respectfully submitted by:


Debra Shaffer-Kugel, Executive Director