



NEVADA STATE BOARD OF DENTAL EXAMINERS
 6010 S. Rainbow Boulevard, Suite A1
 Las Vegas, NV 89118



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

PUBLIC MEETING

Friday, May 12, 2017
 9:12 a.m.

Board Meeting Agenda

Please Note: The Nevada State Board of Dental Examiners may hold board meetings via video conference or telephone conference call. The public is welcomed to attend the meeting at the Board office located at 6010 S. Rainbow Blvd, Suite A1; Las Vegas, Nevada 89118; or in the Conference room of the Nevada State Board of Medical Examiners office located at 1105 Terminal Way, Suite #301; Reno, NV 89502 (when applicable).

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

Dr. Timothy Pinther ("Dr. Pinther") -----EXCUSED	Dr. R. Michael Sanders ("Dr. Sanders") ----PRESENT
Dr. Byron Blasco ("Dr. Blasco") -----PRESENT	Ms. Theresa Guillen ("Ms. Guillen") -----PRESENT
Dr. Jason Champagne ("Dr. Champagne") --PRESENT	Ms. M Sharon Gabriel ("Ms. Gabriel") -----PRESENT
Dr. Gregory Pisani ("Dr. Pisani") -----PRESENT	Ms. Mary Teresa Chandler ("Ms. Chandler") ---PRESENT
Dr. Brendan Johnson ("Dr. Johnson") -----PRESENT	
Dr. Ali Shahrestani ("Dr. Shahrestani") -----PRESENT	

Others Present: John Kelleher General Counsel; Asheesh Bahlla, Deputy Attorney General/Board Co-Counsel; Debra Shaffer-Kugel, Executive Director.

Public Attendees: Candace Herling, Esquire, Alverson Taylor Mortensen & Sanders – Counsel for Dr. Martinez; Arman Lan, LVDA; Alan Lan; Gloria Lan; Tina Tsou, LVDA; Michael Navaratil, Esquire, John Cotton & Associates; Diane Nohr, Keeping the Smiles; Deb Osborn, Keeping the Smiles; Rick Dragon, NDA.

Pledge of Allegiance

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Dr. Blasco welcomed Ms. Terri Chandler and Mr. John Kelleher to the Board.

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

A public attendee by the name of Gloria Lam read a statement into the record, which provided in writing for the record.

A public attendee by the name of Adam Lam read a statement into the record, which provided in writing for the record.

A public attendee by the name of Tina Tsou, Secretary for the LVDA, read a statement into the record, which provided in writing for the record.

A public attendee by the name of Dr. Adrian Ruiz, President of the LVDA, read a statement into the record, which provided in writing for the record.

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

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

- (1) Board Meeting – 03/24/2017
- (2) Board Meeting – 04/05/2017

Mrs. Shafer-Kugel inquired if the Board had an opportunity to review the minutes of the Board Meetings held March 24, 2017 and April 5, 2017. With an affirmative response, she asked if there were any changes or corrections to be noted. None were offered. A motion was called for by Dr. Blasco:

MOTION: Dr. Sanders moved that the Board approve minutes as written, and was seconded by Dr. Johnson. Without discussion, the motion was unanimously approved by the members of the Board.

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 March 31, 2017 (For Informational Purposes)

Dr. Blasco directed the Board's attention to Mrs. Stacie Hummel. Mrs. Hummel briefly discussed the balance sheet and statement of revenues, expenses, and balances with the Board and noted areas of significance. Particularly the sections regarding the formatting of the statements, which she noted changed. She addressed other areas but noted that there were no significant changes. No further discussion or comments.

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

- (1) Dr Z-NRS 631.3475(3)(8)

Dr. Blasco directed the Board's attention to Mrs. Shaffer-Kugel. Mrs. Shaffer-Kugel noted that the subsection was subsection (8) and not (3). Mrs. Shaffer-Kugel went over the alleged violations of Dr. Z and read into the record the regulation noted above. A motion was called for:

MOTION: Ms. Guillen moved that the Board authorize an investigation against Dr. Z, seconded by Dr. Shahrestani. Without discussion, the motion was unanimously approved by the members of the Board.

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

a. Legal Actions/Lawsuit(s) Update

114 (1) District Court Case(s) Update

115 Dr. Blasco directed the Board's attention to Mr. John Kelleher. Mr. Kelleher updated the Board on the legal actions
116 and lawsuits regarding a Mr. Casco. He informed the members that the court issued a civil contempt of court -
117 and that the status check hearing would be in the upcoming weeks.
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121 ***b. Stipulation Agreements: Approval/Rejection by the Board** (For Possible Action)

122 (1) Michelle Martinez-Pham, DMD

123 Counsel for Dr. Martinez-Pham, Candace Herling, Esquire was present and approached the Board. Mr. Kelleher
124 introduced a stipulation before the Board for consideration regarding Michelle Martinez-Pham, D.M.D. He explained
125 the events leading to an authorized investigation which resulted in the terms contained in the stipulation. Ms.
126 Herling noted for the record that there was not an informal hearing, as stated by Mr. Kelleher. After a brief
127 question and answer period, the following motion was made:
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131 MOTION: Dr. Pisani moved that the stipulation between the Nevada State Board of Dental Examiners and Michelle
132 Martinez-Pham, D.M.D. be approved. Motion was seconded by Dr. Sanders and unanimously approved by
133 the members of the Board present at this meeting. Discussion: Dr. Pisani stated that as a former DSO -
134 noted that all the DSO's appointed by the Board are calibrated to abide by the Chapter 631 complaint
135 process - and that the DSO's are experienced in their capacity of an investigator for the board. Dr.
136 Shahrestani abstained from the motion.
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138 (2) Lisa Hoang, DDS

139 Mr. Kelleher introduced a stipulation before the Board for consideration regarding Lisa Hoang, D.D.S. He explained
140 the events leading to an authorized investigation which resulted in the terms contained in the stipulation. After a
141 brief question and answer period, the following motion was made:
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144 MOTION: Ms. Guillen moved that the stipulation between the Nevada State Board of Dental Examiners and Lisa
145 Hoang, D.D.S. be approved. Motion was seconded by Dr. Champagne and unanimously approved by the
146 members of the Board present at this meeting.
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148 ***5. Old Business:**

149 ***a. Approval for Moderate Sedation Training Program (NAC 631.2213)** (For Possible Action)

150 (1) Conscious Sedation Consulting with Memorandum of Understanding
151 with St. Barnabas Hospital [Randy Pigg] (For Possible Action)

152 Dr. Blasco directed the Board's attention to Dr. Johnson. Dr. Johnson stated that at the previous meeting, they
153 spoke with Mr. Pigg regarding the CODA approved program - however, that certain information was unclear and,
154 thus required additional information, which was received. Dr. Johnson stated that upon his review he recommended
155 approval of the course, only if taken at St. Barnabas hospital. He clarified that no other facilities or locations be
156 approved. A motion was called for:
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161 MOTION: Dr. Pisani moved that the Board approve the course be accepted if taken at St. Barnabas, only; motion
162 seconded by Dr. Sanders. Without discussion, the motion was unanimously approved by the members of
163 the Board.
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166 ***6. New Business** (For Possible Action)

167 ***a. Request for Board to consider CE auditing entities to house CE certificates for Nevada**
168 **licensees - NRS 631.190** (For Possible Action)

169 (1) CE Zoom

170 (2) The Dental Exchange
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Dr. Blasco directed the Board's attention to Mrs. Shaffer-Kugel. She refreshed the Board that at the January board meeting CE Zoom presented its services, which included an auditing component. She stated that currently the audits are conducted in accordance with NAC 631.177. She read the regulation into the record. She explained the process for the random audit and how the process of review is completed. Dr. Blasco noted that at the initial review at the January meeting, it appeared unnecessary to have the licensees upload their CE's to one of these entities. There was a brief question and answer period. Mrs. Shaffer-Kugel argued that there would be no documentation on file with the Board if they were to utilize one of the entities listed. There was extensive discussion of the housing of CE's and the regulated requirement of licensees maintaining the certificates for a period of three (3) years.

MOTION: Dr. Pisani moved that the Board not change their system and that the Board not move forward with any company, nor change the current regulations, seconded by Dr. Johnson. Without discussion, the motion was unanimously approved by the members of the Board.

***b. Approval of Public Health Endorsement – NRS 631.287 (For Possible Action)**

- (1) Diane S. Nohr, RDH – Keeping the Smiles Program

Dr. Blasco directed the Board's attention to Dr. Jason Champagne. Dr. Champagne stated that the application was in order for a public health endorsement according to NRS 631.287. A motion was called for.

MOTION: Ms. Guillen moved that the Board approve the public health endorsements for the licensee listed above; seconded by Dr. Pisani. Without discussion, the motion was unanimously approved by the members of the Board; Dr. Champagne abstained.

- (2) Edeltrout M. Sitton, RDH – Keeping the Smiles Program

Dr. Blasco directed the Board's attention to Dr. Jason Champagne. Dr. Champagne stated that the application was in order for a public health endorsement according to NRS 631.287. A motion was called for.

MOTION: Ms. Gabriel moved that the Board approve the public health endorsement for the licensee listed above; seconded by Ms. Guillen. Ms. Deb Osborne thanked the Board for their approval and continued support for such programs. Without further discussion, the motion was unanimously approved by the members of the Board. Dr. Champagne abstained.

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

- (1) Mehra Pouyan, DDS
- (2) Michael R. McGraw, DDS
- (3) Anas Najm, DDS

Dr. Blasco directed the Board's attention to Mrs. Shaffer-Kugel. Mrs. Shaffer-Kugel stated that the licensees had no pending actions or matters with the Board, and noted that once approved they are absolute and irrevocable. A motion was called for.

MOTION: Dr. Pisani moved that the Board to accept the voluntary surrenders, seconded by Ms. Guillen. Without discussion, the motion was unanimously approved by the members of the Board; Dr. Shahrestani abstained.

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

- (1) General Anesthesia (For Possible Action)

- (a) James S. Sunwoo, DDS

Dr. Blasco directed the Board's attention to Dr. Brendan Johnson. Dr. Johnson stated that he reviewed the application for Dr. James Sunwoo and that the application was in order and that he recommended approval. A motion was called for.

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MOTION: Dr. Sanders moved that the Board approve Dr. Sunwoo for a temporary general anesthesia permit; seconded by Dr. Champagne. Without discussion, the motion was unanimously approved by the members of the Board; Dr. Johnson abstained.

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

(1) General Anesthesia (For Possible Action)

(a) James Yong Kim, DDS

Dr. Blasco directed the Board’s attention to Dr. Brendan Johnson. Dr. Johnson stated that he reviewed the application for Dr. James Yong Kim and that the application was in order and recommended approval. A motion was called for.

MOTION: Dr. Pisani moved that the Board approve Dr. Kim for a temporary general anesthesia permit; seconded by Dr. Sanders. Without discussion, the motion was unanimously approved by the members of the Board; Dr. Johnson abstained from the motion.

(2) Conscious Sedation (For Possible Action)

- (a) John Dilibero, DDS
- (b) Lawrence A. Drake, DDS
- (c) Mark A. Ferrari, DDS
- (d) Douglas K. Kern, DMD
- (e) John E. Stephenson, DDS
- (f) Leila Zokaei, DDS

Dr. Blasco directed the Board’s attention to Dr. Brendan Johnson. Dr. Johnson stated that he reviewed the applications for the licensees listed above and that the applications were in order and recommended approval. A motion was called for.

MOTION: Dr. Sanders moved that the Board approve the licensees listed for temporary conscious sedation permits; seconded by Dr. Shahrestani. Without discussion, the motion was unanimously approved by the members of the Board; Dr. Johnson abstained from the motion.

***f. Appointment of Mary Teresa Chandler, RDH to the following Resource Groups – NRS 631.190 (For Possible Action)**

- (1) Committee on Dental Hygiene
- (2) Legal and Disciplinary Action
- (3) Continuing Education
- (4) Infection Control

Dr. Blasco noted to the Board that Ms. Chandler would be replacing Mrs. Leslea Villigan, a former Board member.

MOTION: Dr. Pisani moved that the Board approve the appointment of Ms. Chandler to the resource groups listed, seconded by Ms. Guillen. Without discussion, the motion was unanimously approved by the members of the Board.

***7. Resource Group Reports (For Possible Action)**

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

Dr. Champagne stated that there was no report.

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

Dr. Pisani stated that there was no report.

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

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41 a. Report from Ms. Gabriel regarding HERB meeting
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43 Dr. Blasco stated that there was no report.
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45 Ms. Gabriel noted that the report from her meetings were provided in their board books and to the public in
46 the public documents posted for the record.

47 ***(2) ADEX Representatives** (For Possible Action)
48 (Timothy Pinther, DDS)
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50 Dr. Pinther was excused for this meeting - there was no report.
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52 ***d. Continuing Education** (For Possible Action)
53 (Chair: Dr. Blasco; Dr. Shahrestani, Dr. Pisani; Ms. Gabriel)
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55 Dr. Blasco stated that there was no report.
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57 ***e. Committee of Dental Hygiene** (For Possible Action)
58 (Chair: Ms. Guillen; Ms. Gabriel; Dr. Shahrestani)
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60 Ms. Guillen stated that there was no report.
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62 ***f. Specialty** (For Possible Action)
63 (Chair: Dr. Pisani; Dr Johnson; Dr. Pinther)
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65 Dr. Pisani stated that there was no report.
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67 ***g. Anesthesia** (For Possible Action)
68 (Chair: Dr. Johnson; Dr. Pinther; Dr. Champagne; Dr Sanders)
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70 Dr. Johnson stated that there was no report.
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72 ***h. Infection Control** (For Possible Action)
73 (Chair: Ms. Gabriel; Dr. Blasco; Dr. Champagne; Dr. Pisani)
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75 Ms. Gabriel stated that there was no report.
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77 ***i. Budget and Finance Committee** (For Possible Action)
78 (Chair: Dr. Champagne, Dr. Pinther, Ms. Tyler, Ms. Guillen)
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80 Dr. Champagne stated that there was no report.
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83 **8. Public Comment:** (Public Comment is limited to three (3) minutes for each individual)
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85 There were no public comments made.
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88 **Note:** No vote may be taken upon a matter raised under this item of the agenda until the matter itself has
89 been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)

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91 **9. Announcements** Mrs. Shaffer-Kugel made an announcement that a secondary postcard would be mailed in
92 the upcoming weeks to remind dentist' to renew their dental licenses, and that the newsletter was available
93 on the Board website.
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95 Mrs. Shaffer-Kugel announced to the Board that there was a Senate Bill being proposed, SB 256, regarding
96 the consideration of the Board having a Review Panel. She noted that the board was never opposed to the
97 panel, but legally could not comply with the recommendation because establishing a review panel required a
98 statutory change. She noted that the bill being presented, which their lobbyist presented himself to explain
99 the concerns, that the language presented required that the panel be composed of a certain number of
100 dentists and dental hygienist' but in doing so would make it impossible for the board to obtain a quorum
101 should a complaint or investigation proceed to a full board hearing.

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Mrs. Shaffer-Kugel went on to discuss SB101, regarding botulinum toxins and the administration thereof, and noted that the bill would only allow for a Nevada licensed Dentist to administer. She noted that a dentist hygienist, a dental assistant, nor a medical assistant would be permitted to administer the toxin or other facial injectables.

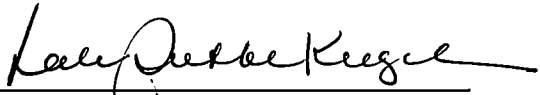
***10. Adjournment** (For Possible Action)

Dr. Blasco called for a motion to adjourn.

MOTION: Dr. Sanders moved that the May 12, 2017 meeting of the Nevada State Board of Dental Examiners be adjourned. Motion was seconded by Dr. Champagne, and without discussion, unanimously approved by the Board.

Meeting adjourned at 10:10 a.m.

Respectfully Submitted by:



Debra Shaffer-Kugel, Executive Director