

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



Video Conferencing was available for this meeting at the Nevada State Board of Medical Examiners

Office Conference Room located at: 9600 Gateway Drive; Reno, NV 89521

#### **PUBLIC MEETING**

Friday, May 11, 2018 9:04 a.m.

## **MINUTES**

## 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 9600 Gateway; Reno, NV 89521 (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 public 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") PRESENT	Dr. R. Michael Sanders ("Dr. Sanders") PRESENT
Dr. Byron Blasco ("Dr. Blasco") PRESENT	Ms. M Sharon Gabriel ("Ms. Gabriel") EXCUSED
Dr. Jason Champagne ("Dr. Champagne") - PRESENT	Ms. Betty Pate ("Ms. Pate") PRESENT
Dr. Gregory Pisani ("Dr. Pisani") PRESENT	Ms. Yvonne Bethea ("Ms. Bethea") PRESENT
Dr. Brendan Johnson ("Dr. Johnson") PRESENT	Ms. Nikki Harris ("Ms. Harris") PRESENT
Dr. Ali Shahrestani ("Dr. Shahrestani") EXCUSED	

Others Present: Melanie Bernstein Chapman, Board General Counsel; Debra Shaffer-Kugel, Executive Director; Rosalie Bordelove, Deputy Attorney General/Board Co-Counsel.

Public Attendees: Mike Mosley, Advanced Dental CE; Barry Frank, Advanced Dental CE; Gerald Tan; Mary Bobbett, RDH; Michael McDonald; Rick Thiriot, UNLV; Present but did not sign-in - Danny Bouer, Cameraman for LVDA.

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

Board President Blasco opened the floor for public comment.

 Dr. Sean Su stated that he was representing himself and wanted to give comment regarding the Continuing Medical Education course regarding Botox that was on the agenda for discussion and consideration, and voiced his opposition of the approval of Advanced Dental CE's petition for review on their course. He stated his reason for opposition was that there was a pending legal matter regarding their course and that the course being presented was100% his intellectual property, and that Advanced Dental CE was trying to use the course that he created and designed. He noted that he had also submitted a request for approval of the same course.

Dr. Barry Frank commented on behalf of Advanced Dental CE, and stated that while Dr. Su's opposition to Advanced Dental CE's course approval request was apparent, he assured the Board that the course noted that the course they were seeking approval of in no way utilizes the course material that Dr. Su claims to be his.

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) 03/19/2018 Board Meeting Telephone Conference
    - (2) 03/23/2018 Board Meeting, Workshop and Hearing
    - (3) 04/03/2018 Board Meeting Telephone Conference

Dr. Blasco drew the Board's attention to Mrs. Shaffer-Kugel. Mrs. Shaffer-Kugel stated that every Board member present should have had the opportunity to review the proposed draft minutes and inquired if there were any amendments to be made. No changes were offered or noted. Dr. Blasco called for a motion.

MOTION: Dr. Pinther moved that the Board adopt the draft minutes of March 19, 2018; March 23, 2018; and April 3, 2018. Motion was seconded by Dr. Johnson. With no further discussion, the motion was unanimously approved.

- \*b. Financials NRS 631.180/NRS 631.190 (For Possible Action)
  - (1) Review Balance Sheet and Statement of Revenues, Expenses and Balances for period July 1, 2017 to March 31, 2018 (Informational Purposes only)

Dr. Blasco drew the Board's attention to Ms. Hummel to go over the review of the financial statements. Mrs. Hummel stepped forward to review the financials with the Board. Mrs. Hummel reviewed some new areas as they related to the CE course the board was hosting and the new licensing system. She added that they were going to be going into their budgeting period for FY2019. There was brief discussion regarding the decrease in licensure applications which was most likely due to difficult housing market and the increase to cost of living, which deters new applicants from being able to make the transition to Nevada.

- \*c. Authorized Investigative Complaints NRS 631.360 (For Possible Action)
  - (1) Dr. V NRS 631.349 and NAC 631.230(1)(a)

Dr. Blasco drew the Board's attention to Mrs. Shaffer-Kugel. Mrs. Shaffer-Kugel went over the alleged violations of Dr. V and recommended that the Board authorize an investigation against Dr. V.

MOTION: Dr. Pisani moved that the Board authorize the investigation against Dr. V. Motion was seconded by Dr. Pinther. With no further discussion, the motion was unanimously approved.

## (2) Dr. W - NRS 631.3475(5), NRS 631.3485(2) and NAC 631.230(1)(b)

Dr. Blasco drew the Board's attention to Mrs. Shaffer-Kugel. Mrs. Shaffer-Kugel went over the alleged violations of Dr. W and recommended that the Board authorize an investigation against Dr. W.

MOTION: Dr. Sanders moved that the Board authorize the investigation against Dr. W. Motion was seconded by Dr. Johnson. With no further discussion, the motion was unanimously approved.

## (3) Dr. X - NRS 631.3475(5), NRS 631.3485(2) and NAC 631.230(1)(b)

Dr. Blasco drew the Board's attention to Mrs. Shaffer-Kugel. Mrs. Shaffer-Kugel went over the alleged violations of Dr. X and recommended that the Board authorize an investigation against Dr. X.

MOTION: Dr. Pisani moved that the Board authorize the investigation against Dr. X. Motion was seconded by Dr. Johnson. With no further discussion, the motion was unanimously approved.

## (4) Dr. Y - NRS 631.3475(5), NRS 631.3485(2) and NAC 631.230(1)(b)

Dr. Blasco drew the Board's attention to Mrs. Shaffer-Kugel. Mrs. Shaffer-Kugel went over the alleged violations of Dr. Y and recommended that the Board authorize an investigation against Dr. Y.

MOTION: Dr. Sanders moved that the Board authorize the investigation against Dr. Y. Motion was seconded by Dr. Johnson. With no further discussion, the motion was unanimously approved.

## (5) Dr. Z - NRS 631.3475(5), NRS 631.3485(2) and NAC 631.230(1)(b)

Dr. Blasco drew the Board's attention to Mrs. Shaffer-Kugel. Mrs. Shaffer-Kugel went over the alleged violations of Dr. Z and recommended that the Board authorize an investigation against Dr. Z.

MOTION: Dr. Pinther moved that the Board authorize the investigation against Dr. Z. Motion was seconded by Dr. Johnson. With no further discussion, the motion was unanimously approved.

#### \*d. Contracts - NRS 631.190 (For Possible Action)

(1) Approval for the Legislative Representative (For Possible Action)

Mrs. Shaffer-Kugel noted that the contract being offered would begin July 1, 2018 and would be valid for two years – June 30, 2020.

#### (a) William Horne

Dr. Blasco noted that Mr. William Horne's contract was expiring on June 30<sup>th</sup>, and though expressed interest in working with the Board again, was not present at the meeting.

- (b) Michael McDonald
- (c) Richard Perkins
- Dr. Blasco noted that Mr. Perkins was not present.

Dr. Blasco drew the Board's attention to Mr. Michael McDonald. Mr. McDonald was present and stepped forward to address the Board. Mr. McDonald thanked the board for their time and for their consideration, and briefly discussed his experience as a legislative representative, and the services he would be able to offer and afford the Board and their needs. Additionally, he assured the Board that he reviewed all areas that he works in and there were no conflicts that would hinder his ability to best serve the Board. Dr. Pisani expressed his desire for the task to search for a Legislative representative be a task assigned to the Legislative and Dental Practice Act Committee.

MOTION: Dr. Pisani moved that the Legislative and Dental Practice Act committee be tasked

 with searching and selecting legislative representative candidates to propose to the Board. Mrs. Shaffer-Kugel stated that there was a time constraint as bills begin to drop in August, and that without a lobbyist, the Board would not be able to introduce bills to the legislature. Dr. Pisani inquired of Mrs. Bernstein Chapman on the amount of bills that the Board will be proposing. Mrs. Chapman answered affirmatively and noted that there would be a number of changes being proposed in several bills. With no further discussion and no second to the motion, the motion failed.

Dr. Blasco thanked Mr. McDonald for his time and for appearing before the Board.

SECOND MOTION: Dr. Johnson moved that the Board approve Michael McDonald as the Board's legislative representative. Motion was seconded by Dr. Sanders. Discussion: Ms. Pate inquired if the Board would discuss the consideration of Mr. Richard Perkins. Dr. Johnson noted that Mr. Perkins was not present at the meeting and that in reviewing his current list of entities he represented there were potential conflicts and, furthermore, that Mr. Perkins listed conflicts he would have if he was elected to be the Board's legislative representative. Roll Call Vote – in favor of approving Mr. McDonald as the Board's legislative representative:

Dr. Pinther yes	Dr. Sanders yes
Dr. Blasco yes	Ms. Gabriel excused
Dr. Champagne yes	Ms. Pate yes
Dr. Pisani abstain	Mrs. Bethea yes
Dr. Johnson yes	Mrs. Harrisyes
Dr. Shahrestani excused	,

Motion passed.

(2) Grant authority to the Board's Secretary/Treasurer to execute and approve contract for legislative services (For Possible Action)

Dr. Blasco drew the Board's attention to Mrs. Shaffer-Kugel. Mrs. Shaffer-Kugel stated that since the next board was not until July 13<sup>th</sup>, the Board could either hold a teleconference to approve the contract, or grant the Secretary-Treasurer the authority to approve and execute the contract.

MOTION: Dr. Sanders moved that the Board authorize the Board's Secretary-Treasurer, Dr. Champagne, to execute and approve a contract for legislative services. Motion was seconded by Dr. Johnson. Discussion: Mrs. Shaffer-Kugel noted that the scope of the contract was the same as was approved 2 years prior with Bill Horne. With no further discussion, the motion was unanimously approved.

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

# \*a. Legal Actions/Lawsuit(s) Update

(1) District Court Case(s) Update

Dr. Blasco drew the Board's attention to Mrs. Chapman. Mrs. Chapman indicated to the Board that there was no report.

- \*b. Consideration of Stipulation Agreements (For Possible Action)
  - (1) Joshua Ignatowicz, DMD

Dr. Blasco directed the attention to the Board general counsel, Melanie Bernstein Chapman. Mrs. Bernstein Chapman went over the provisions of the proposed stipulation agreement.

MOTION: Dr. Pinther moved that the stipulation agreement between the Nevada State Board of Dental Examiners and Joshua Ignatowicz, DDS be adopted. Motion seconded by Dr. Sanders. Dr. Pisani and Ms. Pate abstained. Motion was unanimously approved by the Board present at this meeting.

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

- \*a. Approval/Rejection of the Continuing Education Provider Application for botulinum toxins and dermal fillers NAC 631.173 (For Possible Action)
  - (1) Advanced Dental CE

Dr. Blasco directed the attention to the Board's Executive Director, Debra Shaffer-Kugel. Mrs. Shaffer-Kugel stated that SB101 granted dentists the authority to administer botulinum toxins to patients of records. She went into the CE requirements that dentist would have to complete to be able to administer in their offices on their patients of record. Mr. Mosley and Dr. Barry Frank of Advanced Dental CE were present. Mrs. Shaffer-Kugel noted that most of the instructors for Advanced Dental Ce were Nevada Licensed dentists who would be demonstrating on their own patients of records, on mannequins, or on fruit. Dr. Blasco voiced his concern that while it was the intent for course to be hands-on, it was never the intent for the training to be administered on mannequins or fruit. Mrs. Shaffer-Kugel referenced NRS 631.2715 to Mr. Mosley and Dr. Frank, wherein a post-graduate course must be at a facility approved and registered with the board, and that the instructors and supervisors of students that are not licensed could be granted a limited license for live supervision so that can take the course legally. Mrs. Shaffer-Kugel went over the registration of a permanent facility form and the requirement of a memorandum of understanding if they were to provide the course at the UNLV School of Dental Medicine. She noted that the Board would need them to either provide a letter or memorandum of understanding to work out of the Dental school. There was further discussion regarding the course. Dr. Sanders noted that the curriculum does present the usage of a typodont and fruit to practice administering, and stated that the Board would prefer live patient-on-patient training. Dr. Sanders asked that Advanced Dental CE modify it to state live patient hands-on training. Mrs. Shaffer-Kugel stated that the Board could table this agenda item. Dr. Blasco agreed to table the agenda item due to the concern regarding the intellectual property legality issues presented and does not feel comfortable approving a course

MOTION: Dr. Pisani moved that the continuing education course by Advanced Dental CE be tabled until the legal issues regarding the course are clarified, until they modify the curriculum to live patient hands-on training, only; and until they provide the memorandums of understanding with LVI and the UNLV School of Dental Medicine. Motion seconded by Dr. Sanders. Motion was unanimously by the Board present at this meeting.

- \*b. Approval for HERB representative for the Western Regional Examining Board NRS 631.190 (For Possible Action)
  - (1) Yvonne Bethea, RDH

Dr. Blasco directed the attention to the Board's Executive Director, Debra Shaffer-Kugel. Mrs. Shaffer-Kugel stated that Ms. Bethea has offered to be the representative for the Board.

MOTION: Dr. Sanders moved that the Board approve the appointment of Mrs. Bethea as the HERB representative. Motion seconded by Dr. Johnson. Motion was unanimously by the Board present at this meeting.

- \*c. Appointment of Disciplinary Screening Officers (Investigators) NRS 631.190 (For Possible Action)
  - (1) Joyce Anacker, DDS
  - (2) John C DiGrazia, DDS
  - (3) James Mah, DDS (Orthodontics)
  - (4) Joshua Saxe, DDS (Pediatric Dentistry)

Dr. Blasco drew the Board's attention to Mrs. Shaffer-Kugel. Mrs. Shaffer-Kugel stated that she was requesting that Dr. Joyce Anacker, Dr. John DiGrazia, Dr. James Mah, and Dr. Joshua Saxe be appointed as DSO's (investigators) for the Board.

- MOTION: Dr. Pinther moved that the board approve the appointments of Dr. Anacker, Dr. DiGrazia, Dr. Mah, and Dr. Saxe as DSO's. Motion was seconded by Dr. Sanders. With no further discussion, the motion was unanimously approved.
  - \*d. Approval of Voluntary Surrender of License NAC 631.160 (For Possible Action)
    - (1) Junhyung Park, DDS, MS

Dr. Blasco drew the Board's attention to Mrs. Shaffer-Kugel. Mrs. Shaffer-Kugel stated that Dr. Park had no pending matters with the Board and recommended approval of the voluntary surrender. She noted that once approved, the voluntary surrender is absolute and irrevocable.

- MOTION: Dr. Pinther moved that the board approve the voluntary surrender of Dr. Junhyung Park.

  Motion was seconded by Ms. Pate. With no further discussion, the motion was unanimously approved.
  - \*e. Approval of Public Health Endorsement NRS 631.287 (For Possible Action)
    - (1) Craig A. Alanguilan, RDH Community Health Alliance Program
    - (2) Joana D. Singh, RDH Volunteers in Medicine of Southern Nevada Program

Dr. Blasco directed the attention to Dr. Champagne. Dr. Champagne stated that he reviewed the applications for public health endorsements, noted that the applications met the criteria; and he recommended approval.

- MOTION: Dr. Pisani moved that the Board approve the public health endorsement applications for Craig Alanguilan and Joana Singh. Motion seconded by Dr. Pinther. With no further discussion, the motion was unanimously approved; Dr. Champagne abstained.
  - \*f. Approval for Anesthesia Permanent Permit NAC 631.2233 (For Possible Action)
    - (1) Conscious Sedation (For Possible Action)
      - (a) Aida F. Cappiello, DDS
        - (b) Brian D. Jones, DMD

Dr. Blasco drew the Board's attention to Dr. Johnson. Dr. Johnson stated that all was in order and recommended the approval of a permanent conscious sedation permit for Dr. Cappiello and Dr. Jones.

- MOTION: Dr. Sanders moved that the board approve the permanent conscious sedation permit for Dr. Cappiello and Dr. Jones. Motion was seconded by Dr. Pisani; Dr. Johnson abstained from the motion. With no further discussion, the motion was unanimously approved.
- \*g. Approval for Anesthesia Temporary Permit NAC 631.2254 (For Possible Action)
  - (1) Conscious Sedation (For Possible Action)
    - (a) Kimberly Yang, DMD
    - (b) Andrew J. Vaughn, DMD

Dr. Blasco drew the Board's attention to Dr. Johnson. Dr. Johnson stated that all was in order and recommended the approval of a permanent conscious sedation permit for Dr. Yang and Dr. Vaughn.

MOTION: Dr. Sanders moved that the board approve the permanent conscious sedation permit for Dr. Yang and Dr. Vaughn. Motion was seconded by Ms. Pate; Dr. Johnson abstained from the motion. With no further discussion, the motion was unanimously approved.

#### (2) General Anesthesia (For Possible Action)

#### (a) Howard J. Garel, DDS

Dr. Blasco drew the Board's attention to Dr. Johnson. Dr. Johnson stated that all was in order and recommended the approval of a permanent general anesthesia permit for Dr. Garel.

MOTION: Dr. Champagne moved that the board approve the permanent general anesthesia permit for Dr. Garel. Motion was seconded by Dr. Pisani; Dr. Johnson abstained from the motion. With no further discussion, the motion was unanimously approved.

- \*h. Approval for a 90-Day Extension of Anesthesia Permit NAC 631.2254(2) (For Possible Action)
  - (1) Conscious Sedation (For Possible Action)
    (a) Treagan N. White, DDS
- Dr. Blasco directed the Board's attention to Dr. Brendan Johnson. Dr. Johnson requested that a 90-day extension be approved to grant additional time to schedule an evaluation. A motion was called for.

MOTION: Dr. Sanders moved that the Board approve a 90-day extension for the anesthesia permit for Dr. White. Motion was seconded by Ms. Pate; Dr. Johnson abstained from the motion. With no further discussion, the motion was unanimously approved.

- \*6. Resource Group Reports (For Possible Action)
  - \*a. Legislative and Dental Practice (For Possible Action)
    (Chair: Dr. Pinther; Dr. Champagne; Dr. Blasco; Dr Sanders; Ms. Harris)

Dr. Pinther stated that there was no report, but commented that open communication between him and the board was smooth and that in the future would like to task the committee with search and selecting a new legislative representative. Mrs. Shaffer-Kugel stated that they could schedule a legislative committee meeting to review the items for discussion and have Mr. McDonald present a report to the board. The committee members were agreeable to such a meeting.

- \*b. Legal and Disciplinary Action (For Possible Action)
  (Chair: Dr. Pisani; Dr. Blasco; Dr. Shahrestani; Dr. Sanders; Ms. Harris)
- Dr. Pisani stated that there was no report.
  - \*c. Examinations Liaisons (For Possible Action)
    - \*(1) WREB/HERB Representatives (For Possible Action)
      (Dr. Blasco; Ms. BETHEA)
- Dr. Blasco stated that there was no report.
  - \*(2) ADEX Representatives (For Possible Action)
    (Timothy Pinther; DDS)
- Dr. Pinther stated that there was no report, but that he would be attending the meeting in August.
  - \*d. <u>Continuing Education</u> (For Possible Action)
    (Chair: Dr. Blasco; Dr. Shahrestani, Dr. Pisani; Ms. Gabriel)
- Dr. Blasco stated that there was no report.

\*e. Committee of Dental Hygiene (For Possible Action)
(Chair: Ms. Gabriel; Ms. Pate; Mrs. Bethea; Dr. Shahrestani)

Ms. Pate stated that there was no report.

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

Dr. Pisani stated that there was no report.

\*g. Anesthesia (For Possible Action)

(Chair: Dr. Johnson; Dr. Pinther; Dr. Champagne; Dr. Sanders)

Dr. Johnson stated that there was no report.

\*h. Infection Control (For Possible Action)

(Chair: Ms. Gabriel; Dr. Blasco; Dr. Champagne; Dr. Pisani; Mrs. Bethea)

Dr. Blasco stated that there was no report.

\*i. Budget and Finance Committee (For Possible Action)
(Chair: Dr. Champagne; Dr. Pinther; Dr. Blasco; Ms. Pate)

Dr. Champagne stated that there was no report.

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

No public comment was 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 announced that the Budget and finance committee would be hosting a meeting in July to discuss FY19. She further announced that the second license renewal notices would be going out to Dental Hygienists and Limited License holders. She added that the draft newsletter would be send for review prior to sending them to licensees. Lastly, she announced the she would be going before LCB regarding the regulations for Anesthesia and the administration of Botulinum toxins and dermal fillers. She added that the regulations are enacted once they have been sent to the Board of Examiners for approval.

\*9. Adjournment (For Possible Action)

MOTION: Dr. Sanders moved that the May 11, 2018 meeting of the Nevada State Board of Dental Examiners be adjourned. Motion seconded by Dr. Pinther, and without discussion, unanimously approved by the Board. Meeting adjourned at 10:09 a.m.

Minutes approved at the July 13, 2018 Board Meeting Respectfully Submitted by:

Debra Shaffer-Kugel, Executive Director

en John Kugel