



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



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

PUBLIC WORKSHOP

Friday, January 19, 2018
9:00 A.M.

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).

Persons wishing to comment may appear at the scheduled workshop/hearing or may address their comments, data, views, arguments or small business impact in written form to: Nevada State Board of Dental Examiners, 6010 S. Rainbow Blvd, A-1, Las Vegas, Nevada 89118, Attn: Debra Shaffer-Kugel, Executive Director; FAX number (702) 486-7046; e-mail address nsbde@nsbde.nv.gov. Written submissions must be received by the NEVADA STATE BOARD OF DENTAL EXAMINERS on or before January 12, 2018 in order to make copies available to members and the public.

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

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

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. Public Workshop: (For Possible Action)

*Notice of Public Workshop, Request for Comments and Consideration of Recommendations for proposed regulations regarding SB 256 (Review Panel) and change to NAC 631.395 (Participation by investigator) pertaining to Nevada Administrative Code Chapter 631. The general topics include the following:

* 1) New regulation pertaining to the Review Panel (SB256) (For Possible Action)

*2) NAC 631.395; Participation by investigator (For Possible Action)

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

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)

5. Announcements

*6. Adjournment (For Possible Action)

* For Possible Action: Indicates items which may be acted upon by the Board.

Agenda Items may be taken out of order by motion of the Board. The Board may remove an agenda item or delay discussion relating to any item on the agenda at any time. (See NRS 241)

Pursuant to NRS 241.030(a), the board may, by motion, enter into closed session to consider the character, alleged misconduct, professional competence, or physical or mental health of a person.

AGENDA POSTING LOCATIONS

Clark County Government Center, 500 Grand Central Parkway, Las Vegas, Nevada
Elko County Courthouse, Room 106, Elko, Nevada
Washoe County Courthouse, 75 Court Street; Reno, Nevada
Office of the N.S.B.D.E., 6010 S Rainbow Boulevard, #A-1, Las Vegas, Nevada
On the Internet at the Nevada State Board of Dental Examiners website: dental.nv.gov
Nevada Public Posting Website: notice.nv.gov
Carson City Library, 900 N. Roop St., Carson City, Nevada
Churchill County Library, 553 S. Main St., Fallon, Nevada
Clark County Public Library, 1401 E Flamingo Rd., Las Vegas, Nevada
Douglas County Library, P.O. Box 337, Minden, Nevada
Elko County Library, 720 Court St., Elko, Nevada
Esmeralda County -Goldfield Public Library, P.O. Box 430, Goldfield, Nevada
Eureka Branch Library, 10190 Monroe St., Eureka, Nevada
Humboldt County Library, 85 East 5th St., Winnemucca, Nevada
Lander County Library, 625 S. Broad St., Battle Mountain, Nevada
Lincoln County Library, P.O. Box 330, 93 Main Street, Pioche, Nevada
Lyon County Library, 20 Nevin Way, Yerington, Nevada
Mineral County Library, P.O. Box 337, Hawthorne, Nevada
Nye County: Tonopah Public Library, P.O. Box 449, 171 Central St., Tonopah, Nevada
Pershing County Library, P.O. Box 781, 1125 S. R St., Lovelock, Nevada
Storey County Library, Virginia City, Nevada - via email
Washoe County Downtown Reno Library, 301 S. Center St., Reno, Nevada
Washoe County Sparks Branch Library; 1125 12th Street, Sparks, NV
White Pine County Library, 950 Campton St., Ely, Nevada
Las Vegas Office of the State Attorney General, 555 E. Washington Ave, Las Vegas, Nevada
Carson City Office of the State Attorney General, 100 N. Carson St., Carson City, Nevada
Las Vegas Child Support Enforcement; 1900 E Flamingo Rd, Ste. #100; Las Vegas, NV
Southern Nevada Health District; 330 S. Valley View; Las Vegas, NV

Persons/facilities who want to be on the mailing list must submit a written request every six (6) months to the Nevada State Board of Dental Examiners at the address listed in the previous paragraph. With regard to any board meeting or telephone conference, it is possible that an amended agenda will be published adding new items to the original agenda. Amended Nevada notices will be posted in compliance with the Open Meeting Law.

Persons wishing to comment may appear at the scheduled workshop or may address their comments, data, views, arguments or small business impact in written form to: Nevada State Board of Dental Examiners, 6010 S. Rainbow Blvd, A-1, Las Vegas, Nevada 89118, Attn: Debra Shaffer-Kugel, Executive Director; FAX number (702) 486-7046; e-mail address nsbde@nsbde.nv.gov. Written submissions must be received by the NEVADA STATE BOARD OF DENTAL EXAMINERS on or before January 12, 2018 in order to make copies available to members and the public.

We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify Angelica Bejar, at (702) 486-7044 ext. 65847 no later than 48 hours prior to the meeting. Requests for special arrangements made after this time frame cannot be guaranteed.

Pursuant to NRS 241.020(2) you may contact Angelica Bejar at (702) 486-7044 ext. 65847 to request supporting materials for the public body or you may download the supporting materials for the public body from the Board's website at dental.nv.gov. In addition, the supporting materials for the public body are available at the Board's office located at 6010 S Rainbow Blvd, Ste. A-1, Las Vegas, Nevada.

Proposed Regulations Regarding SB 256 (Review Panel)

NAC 631.____. Review Panel Scope and Duties. (NRS 631.____ (currently SB256), 631.255, 631.363) Before the Board takes any action or makes any disposition relating to a complaint investigated pursuant to NRS 631.360(1) the Review Panel appointed pursuant to Section 1(1) of [SB 256] shall review the preliminary findings and recommendations submitted by the investigator appointed pursuant to NRS 631.363(1) as follows.

- 1. If, based upon its review of the preliminary investigation conducted by the investigator, the Review Panel finds that a preponderance of the evidence exists to support the investigator's preliminary findings and recommendations, the matter shall be returned to the investigator for further proceedings, including but not limited to, an informal hearing pursuant to NRS 631.363 and/or negotiation of a consent or settlement agreement governed by the provisions of NRS Chapter 622.*
- 2. If, based upon its review of the preliminary investigation conducted by the investigator, the Review Panel finds that a preponderance of the evidence does not exist to support the investigator's preliminary findings, the matter shall be remanded without action. A remand of a complaint pursuant to this paragraph does not operate as a limitation on or a detriment to any subsequent investigation or other action by the Board.*
- 3. If, based upon its review of the preliminary investigation conducted by the investigator, the Review Panel finds that a preponderance of the evidence exists to support the investigator's preliminary findings, but the Review Panel does not find that the investigator's recommendations are appropriate based upon those findings, the Review Panel shall submit its proposed recommendations to the investigator for review and consideration prior to the investigator initiating further proceedings, including but not limited to an informal hearing pursuant to NRS 631.363 and/or*

negotiation of a consent or settlement agreement governed by the provisions of NRS Chapter 622.

- 4. Any consent or settlement agreement entered into pursuant to NRS Chapter 622 following the procedures outlined in paragraphs (1) or (3) of this section, shall proceed directly to the Board for approval or disapproval pursuant to NRS 631.363(5), without the necessity for further Review Panel input.*

- 5. If, following an informal hearing undertaken following the review pursuant to this section, the investigator prepares findings of facts and conclusions pursuant to NRS 631.363(3), the Review Panel shall conduct a subsequent review of the full investigation, including the informal hearing, as follows.*
 - a. If the Review Panel agrees with the investigator's findings and recommendations, the Review Panel shall adopt the investigator's report and submit them to the Board.*

 - b. If the Review Panel does not agree with the investigator's findings and/or recommendations, the Review Panel shall present its alternate findings and recommendations to the Board for review and consideration together with the findings and conclusions of the investigator. At any subsequent hearing conducted by the Board, the Board may consider the investigator's report and/or the Review Panel's report, but is not bound by either.*

- 6. As used in this section, the "investigator's preliminary investigation" may include, but is not limited to, the investigator's (1) review of the complaint, (2) review of the licensee's response, if any; (4) review of pertinent dental and/or medical records; (5) discussion with the licensee; (6) discussion with and/or evaluation of the complainant or patient by the investigator.*

Changes to NAC 631.395

*NAC 631.395 Participation by investigator **or members of the Review Panel.** (NRS 631.190, 631.363, NRS 631.____ (currently SB256)) An investigator appointed pursuant to NRS 631.363 **and/or a member of the Review Panel appointed pursuant to NRS 631.____ (currently SB 256),** may provide testimony regarding the investigator's **and/or Review Panel's** findings and conclusions about a matter at a hearing before the Board, but may not participate in the decision rendered by the Board in that matter.*