NEVADA STATE BOARD OF DENTAL EXAMINERS

Meeting Location:
Nevada State Board of Dental Examiners
6010 S. Rainbow Blvd, Suite A-1
Las Vegas, NV 89118

Video Conferencing not Available for this meeting / Teleconferencing available
Meeting Call-In Number: (669) 900 6833
Meeting ID#: 921 6370 3975
Zoom Video (via app) Meeting Password: 561217

Meeting Date & Time
Thursday, April 30, 2020
9:30 a.m.

MINUTES
PUBLIC NOTICE OF BOARD MEETING

PUBLIC NOTICE:
The Nevada State Board of Dental Examiners may hold board meetings via video conference or telephone conference call. **Due to the Governor’s Executive Order in response to the COVID-19 pandemic, the Board office will not be open to the general public for this meeting. The general public is encouraged to participate via teleconference**

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.

Persons wishing to comment may appear at the scheduled meeting/hearing or may address their comments, data, views, arguments in written form to: Nevada State Board of Dental Examiners, 6010 S. Rainbow Blvd, A-1, Las Vegas, Nevada 89118; FAX number (702) 486-7046; e-mail address mbde@nsbde.nv.gov. Written submissions should be received by the Board on or before Tuesday, April 28, 2020 by 5:00 p.m. 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.

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.

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 the Board, at (702) 486-7044, 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 the Board office at (702) 486-7044, 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 http://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.

Note: Asterisks (*) “For Possible Action” denotes items on which the Board may take action.

Note: Action by the Board on an Item may be to approve, deny, amend, or tabled.

1. Call to Order
   - Roll call/Quorum

   Board Member Moore apologized for the delay in the state of the meeting and called the meeting to order at approximately 10:35 a.m. Ms. Candice Stratton conducted the following roll call:

   Dr. D. Kevin Moore (President)  ---  PRESENT
   Dr. David Lee (Secretary-Treasurer)  ---  PRESENT
   Dr. Elizabeth Park  ---  PRESENT
   Ms. Betty Pate  ---  PRESENT
   Mrs. Jana McIntyre  ---  PRESENT
   W. Todd Thompson  ---  PRESENT
   Dr. Ronald Lemon  ---  PRESENT
   Dr. Ronald West  ---  PRESENT
   Ms. Joan Shadler  ---  PRESENT
   Ms. Gabrielle Cioffi  ---  PRESENT
Public Attendees: Phil Su, Esquire; Samantha Sturges RDH; Stacy (last name inaudible); Richard Dragon DMD; Michael Kimmel, Esq., SM; Jessica Woods RDH, Adam Welmerink DDS, Emily Goodrich RDH, David Trylovich DDS, Lisa Collier DDS, Charles Buchanan, Jade Miller DDS, Lori Blunno RDH, Antonio Ventura RDH, Meagan Struby DDS, David White DDS, Franson-David Tom DMD, Daniel Shaley DDS, Emily Browner DMD, Melinda Kuhn DMD, Frances Pierce RDH, Brendan Johnson DDS, Blaine Hansen DMD, Emily Caser RDH, Tyree Davis DDS, Lillian Briner RDH, Cody Hughes DMD, Brandy Dupont DMD, Karl Garcia RDH, Jessica Wilson RDH, Joshua Ignatowicz DMD, Mark Edington DDS, Chelsie Todd DMD, Joseph Shawa DMD, Julia (no last name given) RDH, Robin Lobato DDS, Rita (no last name given) RDH, Brandi Montonini RDH.

Technical difficulties for board office location: callers could not hear Board members from approximately 4 minutes 12 seconds into recording until approximately 7 minutes 9 seconds into recording.

2. Public Comment: The public comment period is limited to matters specifically noticed on the agenda. No action may be taken upon the matter raised during public comment unless the matter itself has been specifically included on the agenda as an action item. Comments by the public may be limited to three minutes as a reasonable time, place and manner restriction, but may not be limited based upon viewpoint. The Chairperson may allow additional time at his/her discretion.

The following people gave public comment regarding agenda item 11: Samantha Sturges RDH; Stacy (last name unknown); Richard Dragon DMD; Michael Kimmel, Esq.; Person with initials SM (stated name was inaudible); Jessica Woods RDH, current President of NDHA; Adam Welmerink DDS; Emily Goodrich RDH; David Trylovich DDS; Lisa Collier, DDS, Chief Dental Officer at Community Health Alliance; Charles Buchanan, fourth-year dental student; Jade Miller DDS; Lori Blunno RDH; Antonio Ventura RDH, President SNDHA (read letter from Ms. Lanceotte VanGuilder); Meagan Struby DDS; David White DDS with the Nevada Dental Association; Franson David Tom DMD; Daniel Shaley DDS; Emily Browner DMD; Melinda Kuhn DMD; Frances Pierce RDH; Brendan Johnson DDS; Blaine Hansen DMD, President of the Nevada State Orthodontic Society (referenced letter submitted for public comment in addition to giving public comment); Emily Caser RDH; Tyree Davis DDS Chief Dental Officer Nevada Health Centers; Lillian Briner RDH President Southern Nevada Dental Hygienists Association; Cody Hughes DMD; Brandy Dupont DMD; Karl Garcia RDH; Jessica Wilson RDH; Joshua Ignatowicz DMD; Mark Edington DDS; Chelsie Todd DMD; Joseph Shawa DMD; Julia (no last name given) RDH; Robin Lobato DDS; Rita (no last name given) RDH; Brandi Montonini RDH.

3. President’s Report: (For Possible Action)

(a) Request to remove agenda item(s) (For Possible Action)

There were no agenda items requested for removal.

(b) Approve Agenda (For Possible Action)

MOTION: Board Member Lee motioned to approve the agenda. Motion was seconded by Board Member Thompson. All were in favor, motion passed.

4. Consideration and approval/rejection of the recommendation from the Employment Committee to hire the applicant listed for the unclassified General Counsel Position and determine beginning salary (For Possible Action)

   a. Phil Su, Esq.

   Board Member Lee gave a brief explanation of the process through which the Employment Committee chose the recommended candidate.

   MOTION: Board Member West motioned to approve Phil Su, Esq., as General Counsel. Motion was seconded by Board Member Park. All were in favor, motion passed.

   Discussion was held to determine the beginning salary for Mr. Su. Board Member Moore indicated the salary of $115,000 is consistent with previous General Counsel and which Mr. Su has agreed to accept.
MOTION: Board Member Park motioned to approve Mr. Su’s beginning salary at $115,000 per year. Motion was seconded by Board Member McIntyre. All were in favor, motion passed.

Brief recess was taken at approximately 12:14 p.m. until approximately 12:48 p.m. at which time Board Member Moore called the meeting back to order. Ms. Candice Stratton conducted the following roll call:

- Dr. D. Kevin Moore (President) ------ PRESENT
- Dr. David Lee (Secretary-Treasurer) -- PRESENT
- Dr. Elizabeth Park -------------- PRESENT
- Ms. Betty Pate ----------------- PRESENT
- Mrs. Jana McIntyre ------------- PRESENT
- W. Todd Thompson ----- PRESENT
- Dr. Ronald Lemon ----- PRESENT
- Dr. Ronald West ----- PRESENT
- Ms. Joan Shadler ----- PRESENT
- Ms. Gabrielle Cioffi ----- PRESENT

*5. Consideration and approval/rejection of the recommendation from the Continuing Education Committee to approve the applications for Injection of Neuromodulators, Dermal and Soft Tissue Filler Programs – NAC 631.257 (For Possible Action)

- Pacific Training Institute for Facial Aesthetics – Levels 1, Level 2 & Level 4 Program (72 units)
- DentaSpa Seminars Course – Botulinum Toxin & Dermal Filler Dental Training Program (24 units)
- University of Alberta and UNLV SODM – Neuromodulators Level 2 & Level 3 Program (36 units)
- Academy Of Dental & Medical Anesthesia (ADMA) - ADMA Dental Botox & Filler Training – Cosmetic & Therapeutic (24 units)

Board Member Lemon gave a brief explanation of the Continuing Education Committee’s meeting to consider the above listed applicants’ courses. Board Member Lemon indicated all applications were found to be in compliance with NAC 631.257 and the Committee recommends approval of all four programs. After brief discussion between Board Members Moore and Lemon, Board Member Moore asked to consider items 5(a) through 5(c) as a group. Board Member Moore requested a motion to table item 5(d). DAG Justin Taruc stated they do not need a motion to table an item for a future discussion.

MOTION: Board Member Lee then made a motion to approve 5(a) through 5(c) only. Board Member Moore seconded the motion. All were in favor, motion passed.

*6. Consideration and approval/rejection of the recommendation from the Continuing Education Committee to accept certification from current Board-approved Neuromodulator, Dermal and Soft Tissue Filler Programs if offered/completed in other states outside the Nevada approved locations, provided the program content remains consistent with the original approval by the Board – NAC 631.257 (For Possible Action)

Board Member Park gave a brief explanation of the discussion held during the CE Committee’s meeting regarding this item. Ms. Sandra Spilsbury explained the 2 courses that currently hold Board approval (American Academy of Facial Esthetics & Advanced Dental CE’s) and the reason for which this item is now being considered for courses completed outside the state of Nevada.

MOTION: Board Member Park motioned to approve acceptance of certification from the 2 courses (American Academy of Facial Esthetics & Advanced Dental CE’s) that currently hold Board approval if the courses are completed in other states. Motion was seconded by Board Member Thompson. All were in favor, motion passed.

*7. Consideration and approval/rejection of the revisions to the Continuing Education Provider Application form as recommended by the Continuing Education Committee (For Possible Action)

Per Board Member Moore’s request, Sandra Spilsbury gave a brief explanation of this item. Board Member Moore asked for a motion to accept the new form.

MOTION: Board Member Thompson motioned to approve changes to CE provider application. Motion was seconded by Board Member Pate. All were in favor, motion passed.

*8. Consideration and approval/rejection of the recommendation from the Continuing Education Committee to follow the CPR extension recommendations of the American Heart Association and other certifying agencies (For Possible Action)
Board Member Moore asked Board Member Lemon for an explanation of the Committee's recommendation. Board Member Lemon provided an explanation of the Committee's discussion and stated the Committee decided to extend the certifications through a specific date, to be determined by the Board. Ms. Stratton and Board Member Park voiced their recollection of the discussion of the Committee stating it was decided to accept the AHA's extensions and the Committee recommended the Board mirror the AHA's extensions as they are issued. Board Member Moore asked for a motion.

MOTION: Board Member Park motioned to approve the CPR extension recommendations following the AHA (American Heart Association) and other certifying agencies should they stipulate an extension to their certification renewal. Motion was seconded by Board Member Shade. Discussion ensued. Board Member Park amended her motion to specify applicability to cards that expired March 1, 2020 forward. Board Member Lee seconded Dr. Park's amended motion. All were in favor, motion passed.

9. Approval of Public Health Endorsement – NRS 631.287 (for Possible Action)
   a. Susan A Davis RDH – Nevada Health Centers
   b. Carla J Eigenauer RDH – Healthy Smile/Healthy Child
   c. Traci L Sanbongi RDH – Healthy Smile/Healthy Child

Pursuant to Board Member Moore's request, Sandra Spilsbury gave a brief explanation of this agenda item and reason for placement. Board Member Moore requested a motion to approve the applications listed as a group.

MOTION: Board Member Lee motioned to approve the PHE applications a through c. Motion was seconded by Board Member West. Board Member Park asked the question whether this was a public service position. To which Board Member Moore stated no. Board Member Park recused herself from voting; all others were in favor, motion passed.

10. Consideration and approval/rejection to hire additional part-time Infection Control Employee(s) (for Possible Action)
   a. Truvella Reese DMD
   b. Mary Bobbett RDH

Board Member Moore stated Dr. Park has reviewed the applications. Dr. Park explained the backlog of evaluations has been eliminated. She further stated the additional employees will help keep the Board on top of future evaluations. Board Member Moore requested a motion to approve the 2 new employees.

MOTION: Board Member Thompson motioned to approve the part-time infection control employees listed. Motion was seconded by Board Member West. All were in favor, motion passed.

11. Address and take possible action related to the COVID-19 Outbreak and provide directive and/or recommendations of action to ensure safety of licensees, dental practices and the general public (for Possible Action)

Mr. Phil Su, newly appointed General Counsel, spoke regarding some concerns brought up regarding potential conflict between the Department of Health and Human Services' (DHHS) memo with certain CDC guidelines, specific to emergency/urgent treatment/services. Discussion ensued regarding the Board’s ability/responsibility to adopt changes in CDC guidelines. Board Member Moore asked the Board Members if they had legal questions for Counsel. Board Member Park asked Dr. Antonina Capurro what legal capacity she has to speak on behalf of the Governor. Dr. Capurro stated she does not speak on behalf of the Governor and briefly outlined her role as the State Dental Health Officer. Discussion continued as Board Member Moore asked each Board Member individually if they had questions for Counsel. Questions were asked of Dr. Capurro, for which she provided answers.

MOTION: Following a long discussion with Dr. Capurro, Board Member Lee made motion to disapprove the CDC Dental Guidelines for COVID-19 dated April 8, 2020 and April 27, 2020, disapprove the DHHS memo dated April 28, 2020, approve only those sections pertaining to opening of the dental offices (sections B, C, D and F) and change the effective date of opening to immediate. There was some question as to whether the Board could adopt sections. DAG Justin Taric stated he was stepping away from the conversation to ask his superiors a question and would return shortly. Board Member Moore
stated the Board would take a short recess (at 3:39:30 of the recording). The meeting reconvened (at 3:53:45 of the recording) and Ms. Stratton conducted the following role call:

Dr. D. Kevin Moore (President) ———- PRESENT  
Dr. David Lee (Secretary-Treasurer) ———- PRESENT  
Dr. Elizabeth Park ———- PRESENT  
Ms. Betty Pate ———- PRESENT  
Mrs. Jana McIntyre ———- PRESENT  
W. Todd Thompson ———- PRESENT  
Dr. Ronald Lemon ———- PRESENT  
Dr. Ronald West ———- PRESENT  
Ms. Joan Shadler ———- PRESENT  
Ms. Gabrielle Cioff ———- PRESENT

Upon reconvening, DAG Justin Taruc questioned whether the Board would consider redacting the sections it does not want to adopt instead of approving specific sections. He cautioned the board about allowing to open sooner than the Governor allows, but ok with being more restrictive. Board Member Lee again clarified his motion to disapprove the CDC Dental Guidelines for COVID-19 dated April 8, 2020 and April 27, 2020, approve DHHS memo without sections A, B(3)(c), second section C item 4 and section E, and keep the reopening effective immediately. Thompson pointed out that doing as motioned would make it less restrictive, which is not allowable. Further discussion ensued regarding what constitutes more restrictive and less restrictive. Justin Taruc was asked to clarify whether the items that were just reiterated by Board Member Lee were allowable for removal, to which he stated that removing them would be in direct opposition to the memo. Board Member Lee asked about the removal of the second section C, item 4, to which Justin Taruc stated he felt that item could be removed. Board Member Lee asked about the date to which Justin Taruc cautioned against reopening immediately.

MOTION: After lengthy discussion, Board Member Moore clarified Board Member Lee’s motion to disapprove the CDC Dental Guidelines for COVID-19 dated April 8, 2020 and April 27, 2020, accept DHHS’ Memo minus section A, item 1(i), minus second section C, item 4 and minus section E. West seconded the motion. 1 Nay (Board Member Pate), no abstentions; the remainder were in favor; motioned passed.

12. Public Comment: This public comment period is for any matter that is within the jurisdiction of the public body. No action may be taken upon the matter raised during public comment unless the matter itself has been specifically included on the agenda as an action item. The Chairperson of the Board will impose a time limit of three (3) minutes. The Chairperson may allow additional time at his/her discretion.

Public comment began at 4:09:53

The following people gave public comment regarding agenda item 11: SM gave additional comment regarding the Board’s approval today regarding DHHS memo stating NDHA is in opposition to the memo; Ashley Crossland RDH stated her support of the NDHA’s position; Sheryl Scott RDH; Lori Fagundes RDH stated her support of the NDHA’s position; David White DDS; Antonio Ventura RDH, President SNDHA; Brittany Henriott RDH; Camille Gallagher RDH stated her support of the NDHA’s position; Ramona Snyder RDH; Thomas Kintonis DDS; Robiri Lobato DDS; Ngoc Kelsch RDH; Elyana Smith RDH stated her support of the NDHA’s position; Valessa O’Brien RDH voiced her support of the NDHA’s position.

Jessica Woods RDH, NDHA President, spoke referenced her letter from March 25, 2020 inquiring about the composition/selection of the COVID-19 Dental Advisor Team and the means with which they may operate without public notices or meetings surrounding their activities. She requested future consideration and response to that letter.

Charles Buchanan voiced concern stating disappointment that the dental students have been left out of the conversation regarding licensing opportunities.

13. Announcements

There were no announcements.

*14. Adjournment (For Possible Action)

Board Member Moore requested a motion to adjourn the meeting.

MOTION: Board Member West motioned for adjournment. Board Member Park seconded the motion.

All were in favor, motion passed.