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

Zoom Video and Teleconferencing was available for this meeting
Meeting Call-In Number: (669) 900 6833
Meeting ID#: 945 8003 0423
Zoom Video (via app) Password: 909215

Meeting Date & Time
Tuesday, July 21, 2020
5:30 p.m.

MINUTES
NOTICE OF AGENDA & TELECONFERENCE MEETING FOR THE EMPLOYMENT COMMITTEE

(David Lee, DMD, (Chair); Ronald West, DMD; D. Kevin Moore, DDS; Jana McIntyre, RDH)

PUBLIC NOTICE:
The Nevada State Board of Dental Examiners may hold board meetings via videoconference 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 nsbde@nsbde.nv.gov. Written submissions should be received by the Board on or before Monday, July 20, 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 233.182.

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

Committee Member Lee called the meeting to order at approximately 5:38 p.m. and Mr. Frank DiMaggio, Executive Director, conducted the following roll call:

<table>
<thead>
<tr>
<th>Name</th>
<th>Status</th>
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<tbody>
<tr>
<td>Dr. Ronald West</td>
<td>PRESENT</td>
</tr>
<tr>
<td>Dr. David Lee</td>
<td>PRESENT (Chair)</td>
</tr>
<tr>
<td>Dr. D. Kevin Moore</td>
<td>PRESENT</td>
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<tr>
<td>Mrs. Jana McIntyre</td>
<td>PRESENT</td>
</tr>
</tbody>
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Others Present: Phil Su, Esquire, Board General Counsel; Frank DiMaggio, Executive Director; Rosalie Bordelove, DAG, Board Co-Counsel.
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.

There was no public comment made.

*3. **President Chairman’s Report**: [For Possible Action]
   
   a. Request to remove agenda item(s) [For Possible Action]
   
   b. Approve Agenda [For Possible Action]

Committee Member Lee had no request to remove items from the agenda and called for a motion to approve the agenda.

MOTION: Committee Member Moore moved to approve the agenda. Motion seconded by Committee Member West. All were in favor; motion passed.

*4. **Discussion and recommendation of the creation of a dental reviewer position to be presented to Board for approval**: [For Possible Action]

Committee Member Lee called for discussion. He stated what the current position was and the noted the task assigned to possibly change the position and process of how complaints are investigated. Committee Member Moore stated that the old position they had was a dental investigator who had various parts to their job, which included securing records that were relevant to the complaint, contacting the patient, the dentist or the hygienist named in the complaint; they would write reviews, and there was freedom for them to discuss possible solutions with the complainant. He further stated that the investigator would make recommendations sometimes for the Board to look at, but that it should go to the review panel. Further, that in order to make the process more formal, and have a more directed way of running the complaint process, they would change it so that there would be certain in-house duties that the staff would have. He noted that later in the agenda there would be discussion regarding having a legal secretary that would do the record securing and to make sure that all of the information related to the complaint is put together. Further, that the dental reviewer would essentially review all the material gathered and would write a specific report. When the review panel looks at the issue, the review panel will have all the records to look at and they would have an independent person that has reviewed the complaint, the records, and has written a report. He stated that the position would be a trained position with duties that the Board would outline and define that would allow better oversight by the Board. He stated that the members of the review panel would rotate reviewing a complaint, which would not preclude them from having a panel. Committee Member West inquired if this would create a sort of second review panel to help offset the load of complaints to be reviewed.

Committee Member Moore explained that this position would review the entire case to help distill the investigative material to present to the review panel to hopefully expedite their review process. Mr. Su described in detail what the position would entail and how it would be beneficial to obtain someone with an investigation background and not limit it to someone with just dental experience. There was some discussion regarding what the dental reviewer position would entail. Committee Member Moore clarified that the position would be a person that did more than just render an opinion based on knowledge, it would be a person that knows how to not only conduct an investigation, but who also has the knowledge of dentistry.

Committee Member Moore stated that it would be good to have non-board members and specialists reviewing certain matters. There was discussion of rotating members of the review panel and/or board to conduct the reviews, and not jeopardize a quorum of board members when they hold a board meeting. Additional discussion ensued regarding Board formal hearings and how very few they hold. Committee Member Lee stated that it would best serve the board to utilize their board members to review the complaints and when they run into a quorum issue, it was beneficial to know that they could appoint someone outside of the board to fill in at a formal
hearing so that the Board could obtain a quorum. Committee Member Moore stated that by
having a pool of dental reviewers, they could have one of them fill in at a Board formal hearing in
the event that the Board cannot obtain a quorum of the Governor appointed Board members
due to Board member being used to review complaints. There was discussion of granting
the Executive Director the authority to appoint someone to fill in for a recused Board member at a
formal hearing, which the Board would vote on at a future meeting. Committee Member West
liked the idea of having a pool of individuals that the Executive Director could select from to
temporarily appoint to the Board so that a quorum could be obtained during such occurrences.
Committee Member Lee inquired if that could be applied to the committee when they are short
members for a quorum or if it could only be applied when the Board is short a quorum for a
meeting. Mr. DiMaggio clarified that they could only do so for Board Formal Hearing and not
Committee or Board meetings. Committee Member McIntyre suggested that when complaints
that are reviewed are found to not fall under the Board’s jurisdiction, that the review panel member
or dental reviewer should be able to tell the review panel that the Board did not have jurisdiction
over those cases, and to send a letter stating so. She noted that the key to the review panel was
training. Committee Member Moore stated that when a complaint is first received they believe
that the General Counsel and the Executive Director should be reviewing them for jurisdiction.
Committee Member Lee stated that the initial Dental Reviewers would be Board members.
Committee Member Moore stated that the Employment Committee was suggesting having Board
Members be the dental reviewers, but ultimately it would be for the Board to decide. Committee
Member Lee stated that he was in favor of using the Board Members to act as dental reviewers
initially.

There was discussion of defining the duties of the dental reviewer and the requirements, and the
hourly rate of the position. Mr. DiMaggio spoke of the California Medical Board and how they
have training programs that their board sponsors, and offers CME credit to those who complete
their program. He also spoke of the Louisiana Medical Board and a similar position they have and
their requirements to be completed. He noted that the Board would need to determine the
requirements for the position, as well as the hourly rate. He further noted that the Board would
need to determine if the reviewer will be a Board member, an employee, an independent
contractor, or any combination thereof. Committee Member Lee noted that in the statutes a
Board member can definitely investigate or the Board can appoint an investigator. Committee
Member Lee inquired if it were certain that a board member could conduct the investigations. Mr.
DiMaggio stated that he would defer the question to Mr. Su of whether or not a Board member
could be a dental reviewer as opposed to just an investigator. Committee member Lee stated
that the end result is a review of the investigation. He then stated that perhaps they should not use
the term ‘reviewer’ because the review panel would actually be the ones reviewing the complaint.
There was discussion regarding changing the term ‘reviewer’ to avoid confusion between the
position and the review panel. There was discussion of several different possibilities to change the
position title to. General Counsel, Mr. Su, stated that the committee should outline the duties of the
position regardless and then provide several options of position title to help expedite the process for
the Board.

MOTION: Committee Member West motioned to create a Dental Reviewer position for Board
approval and to more closely define the position’s rate and scale of pay, and the
position could include Board Members and others to be determined and potential
specialists. Committee Member Moore inquired whether, for the sake of semantics,
Committee Member West would be inclined to call the position a Dental Consultant
in lieu of ‘Reviewer’ and referenced NRS 631.190. Committee Member Lee stated
that he was uncertain of using the term ‘Reviewer’ as it may be confused with the
review panel. Mr. Su suggested the term ‘Examiner.’ Committee Member West
amended his motion to change the language from ‘Dental Reviewer’ position to
‘Dental Examiner’ position. Motion seconded by Committee Member Moore.
Discussion: Committee Member West clarified that the Board at a future time would
determine if the position would be filled by a board member at the same time when
they discuss the pay rate for the position. Committee Member Moore asked if
Committee Member West could clarify his motion for the record. Committee Member West stated that his motion was to recommend to the Board that they create a Dental Examiner position, and in the future, define specific duties, whether the position could be filled by a board member or an outside person approved by the Board, and how the pay scale would be done, but that the position be approved. Committee Member Moore reaffirmed his second to the motion. All were in favor, motion passed.

5. **Discussion and consideration of recommendation to eliminate part-time Board Investigator position for board approval** *(For Possible Action)*

Committee Member Lee stated that the duties of this position would be taken over partly by the legal secretary and dental reviewer/examiner.

**MOTION:** Committee Member West moved to approve to recommend eliminating the part-time Board Investigator position. Motion seconded by Committee Member McIntyre. All were in favor; motion passed.

6. **Discussion and recommendation of temporary full-time Legal Secretary Position for potential retroactive approval by the Board** *(For Possible Action)*

Committee Member Lee stated that this would be for retroactive approval, but clarified that while the position was posted online, the position had not been filled. There was discussion of the setting the pay range for the position. Mr. DiMaggio stated that they had previously discussed a pay range of $15-$30. Committee Member West noted that in previous discussions with General Counsel, he was overwhelmed with the backlog of work and he felt that the temporary Legal Secretary position was necessary. He added that once General Counsel was caught up, the Legal Secretary could be used to help gather information for the complaints and assisting the Dental Examiner.

**MOTION:** Committee Member Moore moved the recommend the retroactive approval of the position. Motion seconded by Committee Member West. All were in favor; motion passed.

7. **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.

There was no public comment made.

8. **Announcements**

There were no announcements made.

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

Committee Member Lee asked for a motion for adjournment.

**MOTION:** Committee Member Moore made a motion to adjourn the meeting at approximately 6:12 p.m. Motion seconded by Committee Member West. All were in favor; motion passed.

Respectfully submitted:

[Signature]
Frank DiMaggio, Executive Director