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DEPARTMENT OF BUSINESS AND INDUSTRY
OFFICE OF NEVADA BOARDS, COMMISSIONS AND COUNCILS STANDARDS
NEVADA STATE BOARD OF DENTAL EXAMINERS

PUBLIC MEETING NOTICE & BOARD MEETING AGENDA

Infection Control Committee Meeting

MEETING MINUTES

Meeting Date & Time

Monday, July 14, 2025
6:00 p.m.

Meeting Location

Nevada State Board of Dental Examiners
2651 N. Green Valley Parkway, Suite 104
Henderson, NV 89014

Video Conferencing/ Teleconferencing Available

To access by phone, +1(646) 568-7788

To access by video webinar,

<https://us06web.zoom.us/j/86069832703>

Webinar/Meeting ID#: 860 6983 2703

Webinar/Meeting Passcode: 772570

PUBLIC NOTICE:

Public Comment by pre-submitted email/written form and Live Public Comment by teleconference is available after roll call (beginning of meeting and prior to adjournment (end of meeting). Live Public Comment is limited to three (3) minutes for each individual.

Members of the public may submit public comment in written form to: **Nevada State Board of Dental Examiners, 2651 N. Green Valley Pkwy, Ste. 104, Henderson, NV 89014; FAX number (702) 486-7046; e-mail address nsbde@dental.nv.gov.** Written submissions received by the Board on or before **Sunday, July 13, 2025, by 12:00 p.m.** may be entered into the record during the meeting. Any other written public comment submissions received prior to the adjournment of the meeting will be included in the permanent record.

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 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 2651 N. Green Valley Pkwy, Ste. 104, Henderson, NV 89014.

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 table it.

1. Call to Order

a. Roll Call/Quorum

Board Members' Present: Ms. Kim Petrilla (Chair), Dr. Joshua Branco, Dr. Daniel Streifel, Dr. Ashley Hoban.

Board Members' Absent: Dr. Joan Landron

Board Staff Present: Director Higginbotham, General Counsel Barraclough, Dr. Helen Kanian, L. Chagolla, M. Ramirez.

2. Public Comment (Live public comment by teleconference and pre-submitted email/written form):

The public comment period is limited to matters specifically noticed on the agenda. No action may be taken upon the matter raised during the 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 (3) minutes as a reasonable time, place and manner restriction, but may not be limited to based upon viewpoint. The Chairperson may allow additional time at his/her discretion.

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In accordance with Attorney General Opinion No. 00-047, as restated in the Attorney General's Open Meeting Law Manual, the Chair may prohibit comment if the content of that comment is a topic that is not relevant to, or within the authority of, the Nevada State Board of Dental Examiners, or if the content is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational, or amounting to personal attacks or interfering with the rights of other speakers.

No public comment.

3. Chairperson's Report: (For Possible Action)

- a. Request to Remove Agenda Item(s) (For Possible Action)

NA

- b. Approve Agenda (For Possible Action)

A motion to approve the agenda was made by Dr. Streifel, and it was seconded by Dr. Hoban.

No discussion.

All members' voted 'AYE'.

- c. Introduction of Temporary Infection Control Program Developer (For Informational Purposes Only)

Director Higginbotham introduced Dr. Helen Kanian as the Infection Control Program Developer. He communicated the three main deliverables of the program, which include: revising the application, revising the existing checklist to better suit various inspection types and developing various inspection procedures. These deliverables will be presented to the committee for review and approval before being submitted to the full board for implementation.

4. New Business: (For Possible Action)

- a. Review, Discussion, and Possible Approval/Rejection of Advisory Opinion for Recommendation to the Board - NRS 631.190 (For Possible Action)
 - i. Infection Control Compliance for Mobile, Pop-Up, and Other Non-Traditional Dental Services Locations

Ms. Petrilla communicated that the committee aims to develop an advisory opinion to clarify that pop-up, mobile, and non-permanent dental service locations should be considered "facilities" under NAC 631.1785, which requires an inspection within 30 days of facility ownership. She also indicated that the advisory opinion should also clarify that performing

dental services in a facility that has not been properly inspected by the board will be considered both unprofessional conduct and a breach of the standard of care. The goal is to provide clear guidance for licensees operating in non-traditional dental service settings.

Dr. Branco inquired about the Board recognizing mobile, pop-up, or other non-traditional locations as “facilities.”

Ms. Petrilla communicated that the Board aims to clarify that a "facility" includes pop-up sites, ensuring these locations are subject to the same 30-day inspection requirement, so the advisory opinion will explicitly state that pop-up sites are considered facilities and must follow the same inspection guidelines.

Director Higginbotham communicated that current regulations do not define pop-up or mobile dental locations. The Board needs to determine whether these non-traditional sites should be considered "facilities" for the purpose of conducting infection control inspections.

DAG Todd Weiss communicated his suggestion in defining a dental facility as any location where dental services are performed, including non-traditional or temporary sites like pop-up clinics or mobile units. This interpretation provides a rational approach to defining facilities when creating the advisory opinion, ensuring that all dental service locations are subject to potential inspection.

Dr. Hoban inquired about the advisory opinion giving validity to the existence of pop-up or non traditional clinics and inquired about adding regulation for what services can be preformed in these non traditional clinic settings.

Ms. Petrilla communicated that based on the guidance from DAG Todd Weiss the Board is limited on what can be done under the current statutes and regulations.

Director Higginbotham communicated that while the Board is not permitting the existence of pop-up or non traditional clinics, it is aiming to establish that the Board considers a facility anywhere that dental services are being provided.

Dr. Hoban communicated her support for the language being listed in the advisory statement.

Dr. Branco sought clarification confirming the goal of the advisory opinion is to state that any location where dental services are being provided is subject to the rules and regulations of the Board.

Directory Higginbotham confirmed that if they are providing dental services, they will be considered a facility and they are required to follow NRS 631 and NAC 631.

General Counsel Barraclough communicated that the advisory opinion is a temporary solution to address a legislative gap. Currently, Nevada lacks specific legislation for pop-up and mobile clinics. By defining these locations as "facilities," the Board can establish a mechanism for inspection, prevent these clinics from remaining completely unregulated, and create a stopgap measure until proper legislation can be developed. The primary goal is to gain the ability to inspect these non-traditional dental service locations, which would be impossible if they are not classified as facilities.

Ms. Petrilla emphasized that the advisory opinion should clarify that providing any sort of dental services in a facility that hasn't been properly inspected would be considered unprofessional conduct and a breach of standard of care.

Dr. Branco inquired about the infection control regulations for brick-and-mortar locations and how the Board would inspect clinic locations that are only operational for one day.

DAG Todd Weiss communication that statutes require infection control to be requested by a facility owner, but many licensees working these events are not owners of the scheduling entity, mobile service or the host site. To address this loophole and maintain accountability, the Board is considering placing the responsibility on the licensee to notify the Board prior to operating at such events. This would allow for inspection and enforcement of safety standards, as current laws have not evolved to reflect modern mobile dental service models.

General Counsel Barraclough communicated that issuing an advisory opinion can strengthen enforcement by removing the defense of ignorance. If a complaint arises against a licensee involved in a pop-up dental operation, the advisory opinion can serve as clear notice that such conduct may be a disciplinary offense. This allows the Board to hold individual practitioners accountable, even if the broader operation or host entity is difficult to regulate directly.

Dr. Branco inquired about why the Board cannot declare this type of clinic is not permitted.

General Counsel Barraclough communicated that is a legislative function and cannot be done through administrative regulation or guidance. While advisory opinions can help clarify expectations and reduce defenses like ignorance, they have limited enforcement power.

DAG Todd Weiss communicated the limitations of the Boards authority, emphasizing that it cannot create new laws or regulations through advisory opinions, only the legislature has that power. While the Board can engage in the formal regulatory process, which involves public comment and legislative review, the only immediate tool available is an advisory opinion. This opinion would serve to clarify ambiguous areas of existing law through reasonable interpretation but does not carry the force of law. The advisory opinion is intended as a short-term measure to address regulatory gaps concerning mobile and pop-up dental operations until legislative changes can be made.

Dr. Hoban inquired about language on the infection control inspection application listing a reasonable window of time for an inspection to be completed for mobile, pop-up, and non traditional clinics.

Director Higginbotham communicated that language can be added into the application and presented to the committee for review.

Dr. Branco inquired about the Board's authority to stop something that is deemed potentially dangerous to the public.

DAG Todd Weiss reiterated the Board is limited authority to regulate third-party entities that organize mobile or pop-up dental services, especially when those entities are owned out-of-state and not subject to Nevada jurisdiction. Enforcement can only be directed at licensees, and only in cases of clear violations such as failure to uphold infection control or safety standards. Summary suspension is reserved for situations posing immediate danger to the public and cannot be applied broadly. The advisory opinion under discussion is viewed as a reasonable interpretation of existing regulations and the best available short-term tool to address the current regulatory gap, though its enforceability may ultimately be tested in court.

Dr. Branco inquired about ownership requirements of dental practices.

DAG Todd Weiss clarified that non-dentists are legally allowed to own dental practices in Nevada, provided they do not interfere with the clinical decision-making or patient-provider relationship. The board has limited authority over third-party entities organizing pop-up dental events, as current regulations do not prohibit such ownership or event coordination by non-dentists.

Dr. Hoban inquired about how many other states currently have legislation regulating pop-up clinics.

General Counsel Barraclough communicated that other states, have more advanced legislation addressing mobile and pop-up dental operations. Nevada, by comparison, has yet to adopt similar statutory frameworks, highlighting the need for future legislative action.

A motion to approve and draft the advisory opinion was made by Ms. Petrilla, and it was seconded by Dr. Branco.

No discussion.

All members' voted 'AYE'.

- 5. Public Comment (Live public comment by teleconference):** 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. Comments by the public may be limited to three (3) 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.

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Terri Chandler, founder of Future Smiles, a school-based dental sealant program, addressed the board. She expressed support for establishing clear definitions and guidelines for mobile, portable, and pop-up dental programs. Ms. Chandler inquired whether Future Smiles should request a new infection control inspection, noting that the last known inspection

occurred in 2010 and documentation is lacking. She also raised concerns about proper sterilization procedures, especially for programs transporting contaminated instruments off-site, and emphasized the need for clear standards. She noted that each school-based program operates differently and would benefit from formalized guidance.

Director Higginbotham clarified that no new infection control inspection is required at this time for Future Smiles. The board is in the process of drafting an advisory opinion and will determine next steps based on that. Future Smiles was commended for its consistent communication and transparency, including monthly reporting of service locations, which aligns with the standards the board aims to implement statewide.

Dr. Keith Benson, Nevada State Dental Officer, expressed support for Terri Chandler's comments and raised a concern about distinguishing school-based sealant programs from pop-up dental clinics in the forthcoming advisory opinion. He asked whether the opinion would address how an initial inspection could apply to multiple school locations and emphasized the value of programs like Future Smiles that maintain regular communication with the board. He encouraged the board to consider outlining such practices in the advisory opinion for consistency across similar programs.

6. Announcements:

NA

7. Adjournment: (For Possible Action)

A motion to adjourn was made by Dr. Hoban, and it was seconded by Dr. Streifel.

No discussion.

All members' voted 'AYE'.