NEVADA STATE BOARD OF DENTAL EXAMINERS

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<u>Video Conferencing for this meeting is available at the Nevada State Board of Medical Examiners located at 1105 Terminal Way, Suite 301, Reno, Nevada 89502</u>

Minutes

Friday July 31, 2015 9:03 a.m.

Board Meeting

Please Note: 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.

At the discretion of the Chair, public comment is welcomed by the Board, but will be heard only when that item is reached and will be limited to five minutes per person. A public comment time will also be available as the last item on the agenda. The Chair may allow additional time to be given a speaker as time allows and in his/her sole discretion. Once all items on the agenda are completed the meeting will adjourn.

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. Pinther called the meeting to order and Mrs. Shaffer-Kugel conducted the following roll call:

Dr. J Gordon KinardPRESENT	Dr. Jason ChampagnePRESENT
Dr. J Stephen SillPRESENT	Mrs. Leslea VilliganPRESENT
Dr. Timothy PintherPRESENT	Mrs. Theresa GuillenPRESENT
Dr. Jade MillerPRESENT	Ms. Caryn SoliePRESENT
Dr. Gregory PisaniPRESENT	Mrs. Lisa WarkPRESENT
Dr. Byron BlascoPRESENT	

Others Present: John Hunt, Board Legal Counsel; Debra Shaffer-Kugel, Executive Director.

Public Attendees: Stacie Hummel, Board Accountant; Annette Lincicome, NDHA; Jesse Falk, Canyon OFS; Matt Krieger, Canyon OFS; Kelly Taylor, RDH, NDHA; Erin Wilson, RDH; Scott Brooksby, Las Vegas Dental Association; Richard Dragon, NDA; Bill Rohel, PPSS.

2. <u>Public Comment:</u> (Public Comment is limited to five (5) minutes for each individual) Dr. Scott Brooksby attempted to lodge a formal verbal complaint against Mr. Hunt. Mr. Hunt immediately attempted to stop Dr. Brooksby's comments and advised Dr. Brooksby that he must go through the appropriate entities to file a formal complaint. Dr. Pinther, reiterated to Dr. Brooksby that his comments were inappropriate and that he must file a complaint through the correct and appropriate entities.

 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) Budget & Finance Committee Meeting-06/16/2015
 - (2) Board Meeting-06/19/2015

MOTION: Ms. Guillen made the motion to accept the minutes. Motion seconded by Mrs. Villigan. All were in favor of the motion.

- *b. Financials-NRS 631.180 (For Possible Action)
 - (1) Review Balance Sheet and Statement of Revenues, Expenses and Balances for fiscal period July 1, 2014 through May 31, 2015 (For Possible Action)

Mrs. Shaffer-Kugel indicated that Mrs. Hummel was present to answer any questions. Mrs. Hummel went over the Boards' financials. Mrs. Hummel indicated that the Board was receiving more WREB applications than ADEX applications. Mrs. Shaffer elaborated that many of the dental students were electing to take the WREB exam due to an issue with the ADEX exam where one candidate failed a portion and wasn't given his opportunity to retake the exam the same university, which incurred fees for the student to travel out of state. Therefore, more students at UNLV School of Dental Medicine have elected to take WREB. It was noted that the Board does 100% of the background checks and they have absorbed the costs in doing so.

(2) Approval of Proposed FY2016 Budget as Recommended by the Budget & Finance Committee (For Possible Action)

Mrs. Shaffer-Kugel indicated that. Mrs. Hummel went over the proposed budget for FY2016. Mrs. Hummel gave a report of how the proposed budget was developed. She explained how the percentages of average increases, and uses years to predict future expenses, etc. She explained that there are fixed expenses and variable expenses. She added that dental renewals fees saw a significant increase. She went over the expenses and increases that the Board will see in the upcoming FY. She indicated that she moved some items, especially some DSO expenses; Investigations and complaints budgets. Dr. Sill commented that the board needs to see that they adopt a regulation change to require that licensees submit an email address to the Board. Mrs. Shaffer-Kugel commented to the Board that anyone that renews in paper form with the Medical board incurs a fee in addition to the renewal fees. Board discussed potentially requiring licensees to provide an email address to the Board. Mrs. Shaffer-Kugel indicated that she can post as part of a the dental hygiene and dental assistants workshop a regulation change to require email addresses.

Mrs. Shaffer-Kugel indicated that they were looking into other companies that offer similar services to GL Suites, especially since there fees were increasing by 9%. Mrs. Villigan commented to that Board that she noticed that there are two staff members where their salary is actually less, that all other staff members were seeing an increase; one being the Credentialing Coordinator. She inquired if the projected amounts included a bonus and if the budgeted amount did not? Mrs. Hummel stated that the differences were due to the way the salaries are projected now on merit increases. Mrs. Hummel indicated that the Board will be looking at adding another account because there are too many funds sitting in the account currently. Dr. Miller inquired if the Board could look into another account that perhaps will gain a better interest. Mr. Hunt indicated that there are certain limitations on how the Boards and Commissions can invest. Per Dr. Miller's inquiry, Mrs. Hummel indicated that the Board conducts an annual audit.

MOTION: Dr. Blasco made the motion to approve the budget. Motion was seconded by Mrs. Wark. All were in favor of the motion.

- *c. Office Equipment (For Possible Action)
 - (I) Approval to purchase new Video Conference Equipment (For possible Action)

Mrs. Shaffer-Kugel went over the video Conference Equipment proposal and what it entailed. She added that the system being proposed was a better system than what the Board currently has.

MOTION: Dr. Miller made the motion to approve. Motion was seconded by Dr. Pisani. All were in favor of the motion.

- *d. <u>Travel-NRS 631.190</u> (For Possible Action)
 - (1) AADB/AADA Meeting November 1-4, 2015 in Washington DC (For Possible Action)
 - (a) Lisa Wark, Public Member
 - (b) Timothy Pinther, DDS
 - (c) Jason Champagne, DDS
 - (d) Debra Shaffer-Kugel, ED

MOTION: Dr. Sill made the motion to approve. Motion was seconded by Dr. Blasco. All were in favor of the motion.

- * e. Correspondence: (For Possible Action)
 - (1) Request from CDCA to forego the certification of success pass via US Mail to obtaining information through CDCA's on-line portal (For possible action)

Mrs. Shaffer-Kugel explained that historically the Board required that the certifications from exam boards be sent via mail confirming passage of examination. Further, that she confirmed with WREB and CDCA to allow electronic certification. Mrs. Shaffer-Kugel went over the cons of allowing verifications to be done electronically, versus continuing to require that certification be mailed to the office, which would offer the reliability of providing correct and actual records, which would fall on the entity to be solely responsible for providing correct and accurate records.

MOTION: Dr. Sill made the motion to accept online certification. Motion was seconded by Mrs. Wark. Discussion: Ms. Solie inquired if applicants would only be able to submit online certification, or if applicants would have the option to choose via online or hard-copy certification? Dr. Sill indicated that this would give applicants another method of how they are able to provide exam certification. Dr. Miller inquired if it would now be on the board to verify and retrieve the scores. Dr. Kinard inquired on what the access would provide us to ensure that it is a secure level. The Board, after further discussion, decided to go forward with the online certification method so that they can gain access to check the security and accuracy levels before deciding to allow applicants the options to have their scores provided electronically. Dr. Sill withdrew his motion. Mrs. Wark withdrew her second to the motion.

MOTION: Dr. Sill made a new motion to table this item until next meeting to allow for further clarification. Motion was seconded by Dr. Blasco. All were in favor of the motion.

(2) Correspondence from the Nevada State Board of Pharmacy regarding PMP portal

Mrs. Shaffer-Kugel indicated that at the last board meeting she was asked to send a letter to PMP regarding the prescription monitoring programming. She stated that they have been provided the response she received regarding her letter in their board books. She explained what the letter indicated.

New public attendee joined the meeting up north: Bill Rohel.

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

*a. Legal Actions/Lawsuit(s) Update (For Possible Action)

(1) District Court Case(s) Update

Mr. Hunt reminded the Board members that if any individuals attempt to contact them about any matters they must be referred to Mrs. Shaffer-Kugel or him. Mr. Hunt indicated that there was no current or pending litigation. He added that there was one case where the Board issued a temporary restraining order for the illegal practice of dental hygiene.

*b. Consideration of Stipulation Agreements (For Possible Action)

(1) My G Tran, DDS

For the public's edification he explained that the board is here to be remedial in nature. Mr. Hunt went over the proposed stipulation agreement for Dr. Tran. Dr. Tran and/or Legal counsel were not present.

MOTION: Dr. Pisani made the motion to adopt the proposed stipulation agreement. Motion was seconded by Ms. Villigan. All were in favor of the motion.

(2) Larry O. Staples, DDS

Mr. Hunt went over the proposed stipulation agreement for Dr. Staples. Dr. Staples and/or Legal counsel were not present.

MOTION: Dr. Kinard made the motion to adopt the proposed stipulation agreement. Motion was seconded by Dr. Sill. All were in favor of the motion.

*5. New Business (For Possible Action)

*a. Consideration of Anesthesia Evaluators/Inspectors Recommendations of Failure of the Evaluation/Inspection of Conscious Sedation Permit Holder pursuant to NAC 631.2233 (1 and 2) (For Possible Action)

(1) Dr. X

Mrs. Shaffer-Kugel went over the evaluation inspection and the reasons for the recommendations. Mrs. Shaffer-Kugel indicated that at the time Dr. X had to cease continuing to administer when the site was found to be deficient. She noted that since that time Dr. X had rectified the deficient items.

MOTION: Dr. Miller made the motion to affirm the recommendations. Motion was seconded by Dr. Blasco. All were in favor of the motion.

*b. Consideration to Grant a Re-evaluation of the Conscious Sedation Permit Holder by the Executive Director pursuant to NAC 631.2235 (2 and 3) (For Possible Action)

(1) Dr. X

Mrs. Shaffer-Kugel explained that should Dr. X wish to request a re-evaluation, the Board may authorize her to approve the re-evaluation to avoid a delay between scheduled Board meetings. She reiterated that the situation has since been rectified.

MOTION: Dr. Blasco made the motion to authorize the Executive Director to grant a re-evaluation should Dr. X request one. Motion was seconded by Dr. Sill. All were in favor of the motion.

*c. Establish Interim Fee for the Initial Infection Control Inspection pursuant to AB89 (For Possible Action)

Mrs. Shaffer-Kugel went over the rule change and what the Board's next step was to be. She went back and found that the average costs to conduct an inspection costs the Board \$200-\$250 per inspection.

MOTION: Dr. Miller made the motion to establish an interim fee for initial IC inspection requests to \$250. Motion seconded by Mrs. Solie. Discussion: Dr. Pisani inquired if there is additional staff time required. Dr. Miller inquired that should the Board implement the use of tablets (provided by GL) if it would essentially save some time. Dr. Blasco would like information on how much costs a re-inspection incurs. Mr. Hunt pointed out that the Board must consider the random inspections, so Board should make a regulation change regarding failures and requiring a summary suspension as a mechanism to keep safety in place. He indicated that only when the Board has a substantial amount of evidence that an office is not compliant with IC guidelines, they cannot conduct a random inspection. He added that if there is a complaint regarding the cleanliness of an office it is not considered an initial or a random inspection, and therefore, the Board has no mechanism in place to allow them to summary suspend someone for IC violations. Mrs. Villigan inquired if they could potentially refer cases to the Health Department, which it was indicated that they could. All were in favor.

*d. Approval of Reactivation of Dental License - NAC 631.170(5) (For Possible Action)

(1) William R Rohel, DDS

Dr. Rohel was present in the North. Mr. Hunt indicated that Dr. Rohel was asking for a license with restrictions as he has identified in his letter that he submitted. Should the Board issue Dr. Rohel the license with restrictions he advised them that they would have to report the restrictions to the NPDB. Mr. Hunt explained what the Board is required to report to the NPDB. Dr. Rohel indicated that he understood, but seemed uneasy about the restriction of licensure being reported to the NPDB. Mr. Hunt noted to Dr. Rohel that he could request to table this item so that he may seek legal advice. He was offered to go in to closed session, which he politely declined. Mrs. Shaffer-Kugel indicated that he was requesting to reinstate his license with restrictions as outlined in his letter. She added that they when she reports to the NPDB that she would note to them that Dr. Rohel elected to restrict his license due to medical issues. Dr. Rohel indicated that he wanted to volunteer for the Adopt=A-Vet program to make some dentures and appliances. Dr. Blasco indicated that he has not practiced dentistry since 2006 and that historically the board has required a clinical exam or remediation (skills assessment) in order to reinstate a license. Dr. Rohel commented that with his physical limitations that it would be difficult for him to pass a clinical. It was commented that Dr. Rohels best option would be a skills assessment that would be built around the skills he will be performing. Dr. Miller commented that perhaps they could require a skill assessment built around removable appliances. Mr. Hunt advised that it was to the Board's discretion. Dr. Pisani believed that Dr. Rohel would be a valuable asset, and that he further believed a reasonable alternative would be a skills assessment. Mrs. Shaffer-Kugel noted that a previous dentist with restrictions went to UNLV to have the skills assessment done. Mr. Hunt advised that the Board could say that they could issue a license with a list of restrictions, and that upon an assessment of certain areas, he can add/remove a restriction. Dr. Blasco inquired of Dr. Rohel asked if he had any tactile dysfunction. Dr. Rohel indicated that he would like to simply volunteer or fill in for a friend to watch over the practice. Dr. Sill noted that in the WREB exam they offer a pre-exam review of skills, and added that WREB may be willing to accommodate Dr. Rohel to take that portion only. Dr. Blasco noted that in 2013 a doctor presented himself with similar restrictions and the Board issued the license.

MOTION: Dr. Pisani made the motion to approve the reactivation of Dr. Rohel's dental license with restrictions to diagnosis and treatment planning, and that should he want to add to his restrictions he would have to complete a skills assessment for that specified skill. Motion seconded by Dr. Kinard. Both agreed to Mr. Hunts added language, that the skills assessment would be to add to his skills that he may conduct. All were in favor. AMENDED MOTION: Dr. Pisani amended his motion to include prescription writing so long as Dr. Rohel holds a license with the Nevada Pharmacy Board. Dr. Kinard amended his second to include Dr. Pisani's amended language. All were in favor.

July 31, 2015 Board Meeting Agenda

*e. Approval of Voluntary Surrender of License - NAC 631.160 (For Possible Action)

245

 (For Possible Action)

(1) Conscious Sedation (For Possible Action)
(a) Gregg C Hendrickson, DDS

MOTION: Dr. Sill made the motion to approve. Motion seconded by Dr. Pisani. All were in favor of the motion; Drs. Miller and Blasco abstained.

(2) General Anesthesia (For Possible Action)

(a) Ryan R Falke, DDS

Dr. Miller indicated that he reviewed the application and recommended approval.

MOTION: Dr. Pisani made the motion to approve. Motion seconded by Mrs. Solie. All were in favor of the motion; Drs. Miller and Blasco abstained.

*6. Resource Group Reports

*a. <u>Legislative and Dental Practice</u> (For Possible Action) (Chair: Dr. Pinther; Dr. Champagne; Dr. Blasco; Dr. Kinard; Mrs. Guillen, Mrs. Wark)

(1) Report from Michael Hillerby regarding 2015 Legislative Session

Dr. Pinther read the latest report from Mr. Hillerby regarding the 2015 Legislative Session. Dr. Miller inquired of Mrs. Shaffer-Kugel on her ability to communicate with Mr. Hillerby. She stated that she had better access to communication, but that she would like his reports to be more streamlined just to those pertinent to the Board. Dr. Kinard stated that for the last two years Mrs. Shaffer-Kugel has had to pull teeth to get any information from the lobbyists and that he would like the Board to consider changing lobbyists. Mrs. Shaffer-Kugel indicated that communication improved some in comparison to previous years. Dr. Kinard was not impressed with the services provided by Mr. Hillerby. Dr. Miller stated that he has felt that they have not had the access that they needed. Dr. Pisani inquired what the options would be to seek other representation. Dr. Kinard expressed that it would be prudent to send a letter asking for specific expectations and information to be provided. Mrs. Shaffer-Kugel commented that the Board could offer to amend the contract where so that they can specify their expectations in being a lobbyist for the Board. Mr. Hunt stated that their options were to thank them for their services and notify them that they will be considering other options for representation for the next legislative session. Mrs. Shaffer-Kugel clarified that she is to send notification to Mr. Hillerby that the Board will be finishing their services with them, to which the Board members answered affirmatively.

MOTION: Dr. Pinther made the motion to end the contract. Motion was seconded by Dr. Pisani. All were in favor of the motion.

*b. Legal and Disciplinary Committee (For Possible Action)

(Chair: Dr. Kinard: Dr. Pisani: Dr. Sill: Dr. Plasco: Mrs. Villiage

(Chair: Dr. Kinard; Dr. Pisani; Dr. Sill; Dr. Blasco; Mrs. Villigan; Mrs. Wark)

(1) Investigations/Disciplinary Report for July 2014-June 2015

Dr. Kinard gave the disciplinary report for the period of July 2014 through June 30, 2015. The report was as follows:

Number of Complaints received: 337

Number of Complaints investigated: 199

Number of Pending Complaints: 71

Number of Authorized Investigative Complaints: 4

Number of Board Actions: 27

Number of Unlicensed Person Investigations: 7

*c. Examinations Liaisons (For Possible Action)

*(1) <u>WREB Representatives</u> (For Possible Action) (Dr. Blasco and Mrs. Solie)

Dr. Blasco indicated that he attended DERB meeting in Salt Lake City, Utah and stated that Nevada was doing rather well in comparison to many other states. He reported that California adopted the portfolio exam; Texas almost agreed to pass a change to allow Dental Hygienists to administer anesthesia, but added that they will eventually pass the change, but they would required dental hygienists to pass WREB's Anesthesia exam. He commented that the Wyoming Board is fundamentally bankrupt and thus have nothing pending. He reported further, that they are instituting that if anyone is taking the WREB exam and fail, for an additional fee, they will be able to immediately retake that exam portion they failed on the same date. He added that this was year they implemented the option for the dental hygiene exam, and hope to implement it in 2017 for the dental exam.

Mrs. Solie attended the HERB (hygiene) meeting. She stated that in the past year they have had 2,570 dental exam applications, and 3,258 dental hygiene exam applications. She went on to provide the pass rates for each the dental and the dental hygiene exams.

*(2) <u>ADEX Representatives</u> (For Possible Action) (Dr. Kinard)

Dr. Kinard reminded the board members about the annual meeting in Chicago that he will be attending, and stated that significant changes were made.

*d. <u>Continuing Education</u> (For Possible Action)
(Chair: Dr. Sill; Dr. Blasco; Dr. Pisani; Mrs. Villigan; Ms. Solie)

Dr. Sill stated that several courses were approved.

*e. <u>Committee of Dental Hygiene</u> (For Possible Action) (Chair: Ms. Guillen; Mrs. Villigan, Ms. Solie; Dr. Sill)

Ms. Guillen noted that in September they will be holding a workshop for regulation changes.

*f. <u>Specialty</u> (For Possible Action) (Chair: Dr. Pisani; Dr. Miller; Dr. Pinther)

No report.

*g. <u>Anesthesia</u> (For Possible Action) (Chair: Dr. Miller; Dr. Pinther; Dr. Champagne, Dr. Kinard)

Dr. Miller stated that a workshop will be held in September for regulation changes. He added that he asked Mr. Drizin and Mr. Hillerby to provide information. Mrs. Shaffer-Kugel briefly went over some of the changes made as a result of AB89 and the Conscious Sedation changes being made regarding minimal and moderate levels. She indicated that there is a draft ready to go for the workshop.

^{*}h. Infection Control (For Possible Action)

169	(Chair: Mrs. Villigan; Dr. Blasco; Dr. Champagne; Dr. Pisani; Ms. Solie; Mrs. Wark)
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171 172	No report.
173	*i. Budget and Finance Committee (For Possible Action)
174	(Chair: Dr. Blasco, Dr. Pinther, Mrs. Wark, Mrs. Guillen)
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176	No report.
177 178	7 Dublic Comments Nove
179	7. Public Comment: None.
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181	Note: No vote may be taken upon a matter raised under this item of the agenda until the matter itself has been
182	specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)
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184	8. Announcements: Mrs. Shaffer-Kugel indicated that the two public workshops will be held with Board meeting
185	on September 18. The first workshop will cover anesthesia, the second workshop will review the Dental Hygiene.
186	dental assistant proposed changes, which will also be used to discuss changes to the IC inspection fees, and
187 188	licensee emails.
189	Mrs. Shaffer-Kugel stated that for the first time ever in 13 years the Orders of Suspension were sent out on time on
190	July 1 st . She stated that this was possible thanks to many of the licensees using the online portal to renew. She
191	stated further, that the Business license(s) information and military service information was submitted to the
192	entities that required this information be collected by the Board.
193 194	Chaindiantal that the Danday CE and taken land and the land the land and the land and the land and the land and the land a
195	She indicated that the Random CE audit have been generated, and that the notification letters are to be sent out the following week.
196	the following week.
197	Mrs. Shaffer-Kugel noted that because the licensees are no longer placed on the agenda for approval, they will be
198	listing new licenses on the Board website and noted on the agenda.
199 200	Dw Dinchon columns and conflict an existing to the state of the state
201	Dr. Pinther acknowledged staff for assisting in making the meetings run smoothly.
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203	*9. Adjournment (For Possible Action)
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205 206	MOTION: Dr. Blasco made the motion to adjourn the meeting. Motion seconded by Ms. Solie. All were in favor of
200	the motion.
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213	Meeting Adjourned at 11:15 am.
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217 218	Dahra Chaffar Vival Francisco Division
<i>-</i> 10	Debra Shaffer-Kugel, Executive Director