

NEVADA STATE BOARD
of
DENTAL EXAMINERS



WORKSHOP / INTENT TO ACT /
HEARING TO ADOPT / BOARD
MEETING

MAY 20, 2016

9:00 A.M.

PUBLIC BOOK

Nevada State Board of Dental Examiners



6010 S. Rainbow Blvd., Bldg. A, Ste.1 • Las Vegas, NV 89118 • (702) 486-7044 • (800) DDS-EXAM • Fax (702) 486-7046

NOTICE OF PUBLIC WORKSHOP AND REQUEST FOR COMMENTS SESSION

Notice of Public Workshop, Request for Comments and Consideration of Recommendations from the Continuing Education Resource Group for proposed regulation changes and/or amendments pertaining to Nevada Administrative Code Chapter 631 the general topics include the following; Use of laser radiation in practice (NAC 631.033); Continuing Education (NAC 631.175); Dental hygienists, authorization to perform certain services (NAC 631.210)

The Nevada State Board of Dental Examiners will hold a **public workshop**, request for comments session on **Friday May 20, 2016 at 9:00 am**. The public workshop will be held at the office of the Nevada State Board of Dental Examiners, 6010 S. Rainbow Blvd, Suite A-1, Las Vegas, Nevada 89118. Videoconferencing will also be available at the office of the Nevada State Board of Medical Examiners, 1105 Terminal Way, Suite 301, Reno, Nevada 89502.

The purpose of the workshop is to receive comments from all interested persons and to consider the review of Nevada Administrative Code Chapter 631 and regulation changes and amendments. The general topics include the following; Use of laser radiation in practice (NAC 631.033); Continuing Education (NAC 631.175); Dental hygienists, authorization to perform certain services (NAC 631.210).

Persons wishing to comment and participate in the workshop of the **NEVADA STATE BOARD OF DENTAL EXAMINERS** may appear at the scheduled workshop or may address their comments, data, views or arguments, 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**. In order for written submissions to be made available to members and the public, they must be received by the **NEVADA STATE BOARD OF DENTAL EXAMINERS** on or before **May 12, 2016**.

A copy of this notice will be on file at the State Library, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the notice will be available at the office of the **Nevada State Board of Dental Examiners, 6010 S. Rainbow Blvd. A-1, Las Vegas, Nevada 89118**; and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours.

This notice is also available on the Board website at: www.dental.nv.gov.

This Notice has been posted at the following locations:

**Legislative Counsel Bureau Building,
401 S Carson Street, Carson City, Nevada
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:**

<http://www.dental.nv.gov>

Southern Nevada Health District, 3305 Valley View Drive, 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 Blvd A-1, Las Vegas, Nevada.

Carson City Library, 900 N. Roop St., Carson City, Nevada.

Churchill County Library, 553 S. Main St., Fallon, Nevada.

Las Vegas Library, 833 Las Vegas Blvd, North, Las Vegas, Nevada.

Douglas County Library, 1625 Library Lane, Minden, Nevada.

Elko County Library, 720 Court St., Elko, Nevada.

Goldfield Public Library, Fourth & Crook St., Goldfield, Nevada.

Eureka Branch Library, 10190 Monroe St., Eureka, Nevada.

Humboldt County Library, 85 East 5th St., Winnemucca, Nevada.

Battle Mountain Branch Library, 625 Broad St., Battle Mountain, Nevada.

Lincoln County Library, 93 Main Street, Pioche, Nevada .

Lyon County Library, 20 Nevin Way, Yerington, Nevada .

Mineral County Library, First & A Street, Hawthorne, Nevada.

Tonopah Public Library, 171 Central St., Tonopah, Nevada.

Pershing County Library, 1125 Central Ave., Lovelock, Nevada.

Storey County Library, 95 South R. St., Virginia City, Nevada.

Washoe County Library, 301 S. Center St., Reno, Nevada.

White Pine County Library, 950 Campton St., Ely, Nevada.

Las Vegas Office of the Nevada Attorney General, 555 E. Washington Ave, Las Vegas, Nevada

Carson City Office of the Nevada Attorney General, 100 N. Carson St., Carson City, Nevada

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 Angelica Bejar, at (702) 486-7044 ext. 36 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. 36 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 www.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, Suite A-1, Las Vegas, Nevada.

PROPOSED REGULATION CHANGES

(NAC 631.033, NAC 631.175, and NAC 631.210)

NAC 631.033 Use of laser radiation, *administration of botulinum, dermal fillers and other facial injectables* in practice: Documentation required with application for renewal of license. (NRS 631.190, 631.330.) Each licensee who uses or wishes to use laser radiation, *administer botulinum, dermal fillers and other facial injectables* in his or her practice of dentistry or dental hygiene must include with the application for renewal of his or her license:

1. A statement certifying that each laser used by the licensee in his or her practice of dentistry or dental hygiene has been cleared by the Food and Drug Administration for use in dentistry; and

2. Proof that he or she has successfully completed a course in laser proficiency that:

(a) Is at least 6 hours in length; and

(b) Is based on the *Curriculum Guidelines and Standards for Dental Laser Education*, adopted by reference pursuant to NAC 631.035.

3. *Proof that he or she has successfully completed a didactic and hands-on continuing education course approved by the Board in the administration of botulinum, dermal fillers and other facial injectables that:*

(a) Is at least 24 credit hours in length; and

(b) The course shall contain 4 hours of didactic and 4 hours of hands-on continuing education in the administration of botulinum, dermal fillers and other facial injectables for each of the following subjects:

(i) TMD and Microfacial Pain

(ii) Botulinum for Esthetics

(iii) Dermal Fillers for Esthetics

NAC 631.175 Continuing education: Approved subjects; minimum requirements for clinical subjects; maximum credit for certain types of courses and activities. (NRS 631.190, 631.342)

1. Approved subjects for continuing education in dentistry and dental hygiene are:

(a) Clinical subjects, including, without limitation:

(1) Dental and medical health;

(2) Preventive services;

(3) Dental diagnosis and treatment planning; and

(4) Dental clinical procedures, including corrective and restorative oral health procedures and basic dental sciences, dental research and new concepts in dentistry; and

(b) Nonclinical subjects, including, without limitation:

(1) Dental practice organization and management;

(2) Patient management skills;

(3) Methods of health care delivery; and

(4) Teaching methodology.

2. In completing the hours of continuing education required pursuant to NAC 631.173, a dentist must annually complete at least 15 hours in clinical subjects approved pursuant to

subsection 1 or biennially complete at least 30 hours in clinical subjects approved pursuant to subsection 1, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the dentist.

3. In completing the hours of continuing education required pursuant to NAC 631.173, a dental hygienist must annually complete at least 12 hours in clinical subjects approved pursuant to subsection 1 or biennially complete at least 24 hours in clinical subjects approved pursuant to subsection 1, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the dental hygienist.

4. In completing the hours of continuing education required pursuant to NAC 631.173, a dentist or dental hygienist must annually complete at least 2 hours in the clinical subject of infection control in accordance with the provisions of the guidelines adopted by reference in NAC 631.178 or biennially complete at least 4 hours in the clinical subject of infection control in accordance with the provisions of the guidelines adopted by reference in NAC 631.178, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the dentist or dental hygienist.

5. Each holder of a license to practice dentistry who is registered to dispense controlled substances pursuant to NRS 453.231 shall complete a minimum of 1 hour of continuing education relating specifically to the misuse and abuse of controlled substances during each licensure renewal period. Any such holder of a license may use such training to satisfy 1 hour of any continuing education requirement established by the Board.

~~5.~~ 6. The Board will credit, as a maximum in any one year of an annual or biennial licensing period, the following number of hours of instruction for the following types of courses or activities:

(a) For approved study by a group, 3 hours.

(b) For attendance at a meeting or convention of a dental or dental hygiene society, 1 hour for each meeting, but not more than 3 hours, exclusive of hours of continuing education offered in conjunction with the meeting.

(c) For courses completed via home study, on-line study, self-study or journal study through correspondence, webinar, compact disc or digital video disc, not more than 50 percent of the number of hours of continuing education required by subsection 1 or 2 of NAC 631.173, as applicable.

(d) For all other courses conducted by an approved instructor, the number of hours completed by the dentist or dental hygienist.

(e) For approved dental or dental hygiene services provided in approved nonprofit settings, 6 hours, except that not more than 3 hours will be allowed for any day of volunteer services provided.

NAC 631.210 Dental hygienists: Authorization to perform certain services; referral of patient to authorizing dentist for certain purposes. (NRS 631.190, 631.310, 631.313, 631.317)

1. A dentist who is licensed in this State may authorize a dental hygienist in his or her employ to:

(a) Remove stains, deposits and accretions, including dental calculus.

(b) Smooth the natural and restored surface of a tooth by using the procedures and instruments commonly used in oral prophylaxis, except that an abrasive stone, disc or bur may be used only to polish a restoration. As used in this paragraph, "oral prophylaxis" means the

preventive dental procedure of scaling and polishing which includes the removal of calculus, soft deposits, plaques and stains and the smoothing of unattached tooth surfaces in order to create an environment in which hard and soft tissues can be maintained in good health by the patient.

(c) Provide dental hygiene care that includes:

(1) Assessment of the oral health of patients through medical and dental histories, radiographs, indices, risk assessments and intraoral and extraoral procedures that analyze and identify the oral health needs and problems of patients.

(2) Development and implementation of a dental hygiene care plan to address the oral health needs and problems of patients described in subparagraph (1).

(3) Evaluation of oral and periodontal health after the implementation of the dental hygiene care plan described in subparagraph (2) in order to identify the subsequent treatment, continued care and referral needs of the patient.

(d) Take the following types of impressions:

(1) Those used for the preparation of diagnostic models;

(2) Those used for the fabrication of temporary crowns or bridges; and

(3) Those used for the fabrication of temporary removable appliances, provided no missing teeth are replaced by those appliances.

(e) Perform subgingival curettage.

(f) Expose radiographs.

(g) Place and remove a periodontal pack.

(h) Remove excess cement from cemented restorations and orthodontic appliances. A dental hygienist may not use a rotary cutting instrument to remove excess cement from restorations or orthodontic appliances.

(i) Train and instruct persons in the techniques of oral hygiene and preventive procedures.

(j) Recement and repair temporary crowns and bridges.

(k) Recement permanent crowns and bridges with nonpermanent material as a palliative treatment.

(l) Place a temporary restoration with nonpermanent material as a palliative treatment.

(m) Administer local intraoral chemotherapeutic agents in any form except aerosol, including, but not limited to:

(1) Antimicrobial agents;

(2) Fluoride preparations;

(3) Topical antibiotics;

(4) Topical anesthetics; and

(5) Topical desensitizing agents.

(n) Apply pit and fissure sealant to the dentition for the prevention of decay.

↪ Before performing any of the services set forth in this subsection, the dental hygienist must obtain authorization from the licensed dentist of the patient on whom the services are to be performed and the patient must have been examined by that dentist not more than 18 months before the services are to be performed. After performing any of the services set forth in this subsection, the dental hygienist shall refer the patient to the authorizing dentist for follow-up care or any necessary additional procedures that the dental hygienist is not authorized to perform.

2. A dentist who is licensed in this State may authorize a dental hygienist in his or her employ and under his or her supervision to:

(a) Remove sutures.

(b) Place and secure orthodontic ligatures.

(c) Fabricate and place temporary crowns and bridges.

(d) Fit orthodontic bands and prepare teeth for orthodontic bands if the bands are cemented or bonded, or both, into the patient's mouth by the dentist who authorized the dental hygienist to perform this procedure.

(e) Perform nonsurgical cytologic testing.

(f) Apply and activate agents for bleaching teeth with a light source.

(g) Use a laser that has been cleared by the Food and Drug Administration to perform intrasulcular periodontal procedures or tooth whitening procedures if:

(1) The use of such a laser for those purposes is within the scope of the ***post-graduation continuing*** education, experience and training of the dental hygienist;

(2) Before operating the laser, the dental hygienist has provided proof to the supervising dentist that the dental hygienist has successfully completed a course in laser proficiency that:

(I) Is at least 6 hours in length; and

(II) Is based on the *Curriculum Guidelines and Standards for Dental Laser Education*, adopted by reference pursuant to NAC 631.035; and

(3) The supervising dentist has successfully completed a course in laser proficiency that:

(I) Is at least 6 hours in length; and

(II) Is based on the *Curriculum Guidelines and Standards for Dental Laser Education*, adopted by reference pursuant to NAC 631.035.

(4) *The administration of botulinum, dermal fillers and other facial injectable is within the scope of the post-graduation continuing education, experience and training of the dental hygienist;*

(I) Before a dental hygienist may administered botulinum, dermal fillers and other facial injectables, the dental hygienist shall provided proof to the supervising dentist that the dental hygienist has successfully completed a didactic and hands-on continuing education course approved by the Board in the administration of botulinum, dermal fillers and other facial injectables and the supervising dentist has also successfully completed a Board approved course that:

(a) Is at least 24 credit hours in length; and

(b) The course shall contain 4 hours of didactic and 4 hours of hands-on continuing education in the administration in the following subject areas:

(i) TMD and Microfacial Pain

(ii) Botulinum for Esthetics

(iii) Dermal Fillers for Esthetics

↳ The dental hygienist must obtain authorization from the licensed dentist of the patient on whom the services authorized pursuant to this subsection are to be performed.

3. If a dentist who is licensed in this State has in his or her employ and under his or her supervision a dental hygienist who has:

(a) Successfully completed a course of continuing education in the administering of local anesthetics or nitrous oxide-oxygen analgesia, or both, which has been approved by the Board; or

(b) Graduated from an accredited program of dental hygiene which includes the administering of local anesthetics or nitrous oxide-oxygen analgesia, or both, in its curriculum,

↳ the dentist may authorize the dental hygienist to administer local anesthetics or nitrous oxide-oxygen analgesia, or both, as appropriate, if the dental hygienist has received from the Board a certificate or permit certifying the hygienist for this level of administration. The dental hygienist

must obtain the authorization from the licensed dentist of the patient on whom the services are to be performed.

4. A dental hygienist in a health care facility may administer local intraoral chemotherapeutic agents and, if he or she has complied with paragraph (a) or (b) of subsection 3, may administer local anesthetics or nitrous oxide-oxygen analgesia, or both, as appropriate, if he or she first:

(a) Obtains written authorization from the licensed dentist of the patient to whom the local anesthetics, nitrous oxide-oxygen analgesia or local intraoral chemotherapeutic agents are to be administered; and

(b) Submits to the Secretary-Treasurer a written confirmation from the director of the health care facility that the facility has licensed medical personnel and necessary emergency supplies and equipment that will be available when the local anesthetics, nitrous oxide-oxygen analgesia or local intraoral chemotherapeutic agents are administered.

5. The Board may authorize a dental hygienist to perform the services set forth in paragraphs (a) to (n), inclusive, of subsection 1 without supervision by a dentist and without authorization from the licensed dentist of the patient on whom the services are to be performed, at a health facility, a school or a place in this State approved by the Board after the Board:

(a) Issues a special endorsement of the dental hygienist's license.

(b) Approves the treatment protocol submitted by the dental hygienist which includes an explanation of the methods that the dental hygienist will use to:

(1) Treat patients; and

(2) Refer patients to a dentist for:

(I) Follow-up care;

(II) Diagnostic services; and

(III) Any service that the dental hygienist is not authorized to perform.

6. The Board may revoke the authorization described in subsection 5 if the:

(a) Dental hygienist fails to renew his or her license or it is cancelled, suspended or revoked;

(b) Board receives a complaint filed against the dental hygienist;

(c) Dental hygienist commits an act which constitutes a cause for disciplinary action; or

(d) Dental hygienist violates any provision of this chapter or chapter 631 of NRS.

↪ Nothing in this subsection prohibits a dental hygienist from reapplying for authorization to perform the services described in subsection 5 if the Board revokes the authorization pursuant to this subsection.

7. As used in this section:

(a) "Health care facility" has the meaning ascribed to it in NRS 162A.740.

(b) "Health facility" has the meaning ascribed to it in subsection 6 of NRS 449.260.

(c) "School" means an elementary, secondary or postsecondary educational facility, public or private, in this State

Debra Shaffer

From: Board of Dental Examiners
Sent: Thursday, April 21, 2016 1:39 PM
To: Debra Shaffer
Cc: Angelica L. Bejar
Subject: FW: CE Regulations NAC 631.003

From: J. Stephen Sill [mailto:jsill@nvdenr.com]
Sent: Thursday, April 21, 2016 11:56 AM
To: Board of Dental Examiners
Subject: CE Regulations NAC 631.003

I would like to comment on the proposed changes to the continuing education rules, NAC 631.003

When implants were first introduced into the practice of dentistry, there were no required hours for CE. Are there any now? Because many dentists were not trained in school to place implants and can place implants without any required CE. There are of course complaints about dentists and their implant placements. But compared to the number of implants the complaints are few. And I doubt there would be fewer complaints if the Board mandated more education.

I think the same approach should be taken for botox and dermal fillers. Let dentists determine the proper level of education and study they need. I would like to trust that we can make these choices on our own and not need to have the Board mandate the required hours.

I recognize drug abuse is an important area of current social awareness. I think that as dentists we should be aware of the problem and the areas of responsibilities we have as dental providers in this problem. However to mandate a requirement that will be essentially a permanent obligation for every dentist as long as they practice is too far reaching. CE should be used to provide new information and changes to existing knowledge. Do we really think there will be that much new information that we have to have a course every renewal period for as long as we are licensed?

We have seen the issues of bio-terrorism and geriatric care as areas where mandated education has been enacted and proposed. The bio-terrorism CE requirement is still with us, even though the threat, and a dentist's role is very small. Geriatric care is still important, but it should not require CE like it was proposed a few years ago. These have been reactions to the "political correct" environment at the time. Let us not repeat this by mandating another area of CE.

Thank you for your consideration of these comments.
J. Stephen Sill, DMD NV #2290

Nevada State Board of Dental Examiners



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NOTICE OF INTENT TO ACT UPON REGULATIONS LCB File No: R119-15

Notice of Hearing for the Adoption of Proposed Permanent Regulations of the Nevada State Board of Dental Examiners

The Nevada State Board of Dental Examiners will hold a Hearing on **Friday May 20, 2016 at 9:00 a.m.** during a regularly scheduled meeting of the Board at the offices of the Nevada State Board of Dental Examiners, 6010 S. Rainbow Blvd, Suite A-1, Las Vegas, Nevada 89118. Videoconferencing will also be available at the offices of the Nevada State Board of Medical Examiners, 1105 Terminal Way, Suite 301, Reno, NV 89502.

The purpose of the Hearing is to receive comments from all interested persons regarding the adoption of the following proposed regulations that pertain to Chapter 631 of the Nevada Administrative Code. The revisions are regarding the following:

Pursuant to the requirements of NRS 233B.0603, the following information is provided:

1. Purpose and Need of the Proposed Regulation:

The proposed regulations are necessary to establish Board of Dental Examiners policy and to clarify existing Board of Dental Examiners policy.

2. How to obtain the Revised Text of the Proposed Regulations:

A copy of this notice will be on file at the State Library, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the notice and the regulations to be adopted and repealed will be available at the office of the **Nevada State Board of Dental Examiners, 6010 S. Rainbow Blvd. A-1, Las Vegas, Nevada 89118;** and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice is also available on the Board's website at: **dental.nv.gov**. This notice and the text of the proposed regulations are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0633, and on the Internet at www.leg.state.nv.us. Copies of this notice and the proposed regulations will also be mailed to members of the public upon request.

3. Estimated Economic effect of the Proposed Permanent Regulations on the Business, which it is to regulate and the Public:

NAC 631.029 Schedule of Fees:

a). Adverse and Beneficial Effect:

This proposed regulation change would establish a certain fees regarding initial infection control inspection (NAC 631.1785) to offset the cost associated with conducting these types of infection control inspections. The beneficial effect would be to ensure the Board has the monetary resources to continue to conduct the required inspections needed to ensure the public's safety, health and welfare.

b). Immediate and Long Tem Effect:

The immediate effect would be the fee to cover the costs associated with the inspection to a dentist who either purchases an existing dental practice or opens a new dental practice. The Board does not foresee any long term effects.

c). Method utilized to Determine Economic Effect:

Upon holding a Public Workshop (09/18/2015) where licensees, members of local associations and societies and public persons attended, the attendees did not object to establishing a fee in order to implement the policies of the Board. This included, a review of the Board's budget showing the amount of money it is costing the Board to conduct the inspections The Board determined establishing a fee as set forth in NRS 631.345 was needed to continue the inspections for infection control to ensure the public's health, safety and welfare.

d). The estimated cost to the agency for enforcement of the proposed regulation.

There should be a minimal cost for enforcement of the proposed regulation to the agency to conduct the inspections. The immediate cost would include informing the licensed professionals of the State of Nevada of the change in regulation.

NAC 631.150-Filing of addresses of licensee; notice of change; display of license-

a). Adverse and Beneficial Effect:

This proposed regulation change would include without limitation any electronic mailing address for that practice. The beneficial effect would provide the Board the ability to notify licensees of immediate information that may have an effect on their practice.

b). Immediate and Long Tem Effect:

There should be no adverse effect of the change in the regulation on the dental or dental hygiene profession.

c). Method utilized to Determine Economic Effect:

There should be no economic effect of the change in the regulations on the dental or dental hygiene profession.

d). The estimated cost to the agency for enforcement of the proposed regulation.

There should be no additional cost for enforcement of the proposed regulation to the agency. The immediate cost would include developing the e-mail group query to inform the licensed professionals of the State of Nevada by electronic mailing.

NAC 631.1785-Initial inspection of office or facility:

a). Adverse and Beneficial Effect:

This proposed regulation change would provide consistent due process to the licensees and ensure consistency when conducting inspections for infection control compliance pursuant to NAC 631.1785 and NAC 631.179.

b). Immediate and Long Tem Effect:

There should be no adverse effect of the change in the regulations on the dental or dental hygiene profession.

c). Method utilized to Determine Economic Effect:

There should be no economic effect of the change in the regulations on the dental or dental hygiene profession.

d). The estimated cost to the agency for enforcement of the proposed regulation.

There should be no additional cost for enforcement of the proposed regulation to the agency. The immediate cost would include informing the licensed professionals of the State of Nevada of the change in regulation.

NAC 631.210-Dental hygienists: Authorization to perform certain services; referral of patient to authorizing dentist for certain purposes:

a). Adverse and Beneficial Effect:

This proposed regulation change would allow for dental hygienists to performing certain acts prior to the patient being examined by the authorizing dentist. The change also includes amending certain acts a dental hygienist may perform under the authorization and employment of the dentist. The beneficial effect would provide the dentist with valuable data prior to his examination of the patient.

b). Immediate and Long Tem Effect:

There should be no adverse effect of the changes in the regulations on the dental or dental hygiene profession.

c). Method utilized to Determine Economic Effect:

There should be no economic effect of the changes in the regulations on the dental or dental hygiene profession.

d). The estimated cost to the agency for enforcement of the proposed regulation.

There should be no additional cost for enforcement of the proposed regulation to the agency. The immediate cost would include informing the licensed professionals of the State of Nevada of the change in regulation.

NAC 631.220-Dental assistants: Authorization to perform certain services; supervision by dental hygienist for certain purposes.

a). Adverse and Beneficial Effect:

This proposed regulation change provides the dentist the ability to authorize a dental assistant in his or her employ and under his supervision to perform certain acts before the patient is examined by the dentist.

b). Immediate and Long Tem Effect:

There should be no adverse effect of the changes in the regulations on the dental or dental hygiene profession.

c). Method utilized to Determine Economic Effect:

There should be no economic effect of the changes in the regulations on the dental or dental hygiene profession.

d). The estimated cost to the agency for enforcement of the proposed regulation.

There should be no additional cost for enforcement of the proposed regulation to the agency. The immediate cost would include informing the licensed professionals of the State of Nevada of the change in regulation.

4. A description of any duplication or overlapping of other local, state, or federal agencies.

To our knowledge, there are no other government entities regulating the licensure of dentists and/or dental hygienists in the State of Nevada. Therefore, there is no duplication or overlap of regulation of another agency.

5. If the regulation is required pursuant to federal law, a citation and description of the federal law.

This regulation is not required pursuant to federal law.

6. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

There are no federal regulations addressing state dental and/or dental hygiene.

Persons wishing to comment may appear at the scheduled hearing or may address their comments, data, views or arguments, 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 May 12, 2016 in order to make copies available to members and the public.

Pursuant to NRS 233B.064(2), *“upon adoption of any regulation, the Board, if requested to do so by an interested person, either before adoption or within thirty (30) days thereafter, shall issue a concise statement of the principal reason for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.”*

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
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Las Vegas Library, 833 Las Vegas Blvd, North, Las Vegas, Nevada.

Douglas County Library, 1625 Library Lane, Minden, Nevada.

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White Pine County Library, 950 Campton St., Ely, Nevada.

Las Vegas Office of the Nevada Attorney General, 555 E. Washington Ave, Las Vegas, Nevada

Carson City Office of the Nevada Attorney General, 100 N. Carson St., Carson City, Nevada

**PROPOSED REGULATION OF THE
BOARD OF DENTAL EXAMINERS OF NEVADA**

LCB File No. R119-15

October 28, 2015

EXPLANATION – Matter in *italics* is new; matter in brackets [~~omitted material~~] is material to be omitted.

AUTHORITY: §1, NRS 631.190 and 631.345, as amended by section 27 of Assembly Bill No. 89, chapter 546, Statutes of Nevada 2015, at page 3877; §2, NRS 631.190 and 631.350; §3 NRS 631.190 and 631.363; §4, NRS 631.190, 631.310, 631.313 and 631.317; §5, NRS 631.190, 631.313 and 631.317.

A REGULATION relating to dentistry; requiring the Board of Dental Examiners of Nevada to charge and collect a fee for conducting certain inspections; revising provisions relating to the inspection of certain offices or facilities where dental treatments are to be performed; allowing a dentist who is licensed in this State to authorize a dental hygienist or dental assistant to perform certain procedures before the patient is examined by the dentist; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Dental Examiners of Nevada to adopt regulations governing the licensing and practice of dentists and dental hygienists, including the collection and application of fees. (NRS 631.190) Existing law also requires the Board to charge a fee, not to exceed a certain amount, for the inspection of a facility required by the Board to ensure compliance with the infection control guidelines adopted by reference in NAC 631.178. (NRS 631.345, as amended by section 27 of Assembly Bill No. 89, chapter 546, Statutes of Nevada 2015, at page 3877) **Section 1** of this regulation adds to the fee schedule a fee for the inspection of a facility required by the Board to ensure compliance with those inspection control guidelines.

Existing regulations provide for the inspection of an office or facility to ensure compliance with the infection control guidelines adopted by reference in NAC 631.178. Existing regulations also set forth the procedure that the Board is required to follow if the Board finds that the office or facility in this State where dental treatments are to be performed, other than certain medical facilities, that is inspected is not in compliance with those guidelines. (NAC 631.1785) **Section 3** of this regulation sets forth provisions relating to inspections by the Board when the Board receives evidence that an office or facility in this State where dental treatments are

performed may not be in compliance with the infection control guidelines adopted by reference in NAC 631.178.

Existing regulations provide that a dental hygienist and a dental assistant may be authorized by a dentist to perform certain procedures: (NAC 631.210, 631.220) Sections 4 and 5 of this regulation add provisions that allow a dentist to authorize a dental hygienist or dental assistant to perform certain procedures, including exposure of radiographs and taking of impressions, before the patient is examined by the dentist.

Section 1. NAC 631.029 is hereby amended to read as follows:

631.029 The Board will charge and collect the following fees:

Application fee for an initial license to practice dentistry if the applicant has successfully passed a clinical examination administered by the Western Regional Examining Board or a clinical examination approved by the Board and the American Board of Dental Examiners and administered by a regional examination organization other than the Board.....	\$1,200
Application fee for an initial license to practice dental hygiene.....	600
Application fee for a specialty license by credential.....	1,200
Application fee for a temporary restricted geographical license to practice dentistry.....	600
Application fee for a temporary restricted geographical license to practice dental hygiene.....	150
Application fee for a specialist's license to practice dentistry.....	125

Application fee for a limited license or restricted license to practice dentistry or dental hygiene	125
Application and examination fee for a permit to administer general anesthesia, conscious sedation or deep sedation	750
Application and examination fee for a site permit to administer general anesthesia, conscious sedation or deep sedation	500
Fee for any reinspection required by the Board to maintain a permit to administer general anesthesia, conscious sedation or deep sedation.....	500
<i>Fee for the inspection of a facility required by the Board to ensure compliance with infection control guidelines.....</i>	250
Biennial renewal fee for a permit to administer general anesthesia, conscious sedation or deep sedation.....	200
Fee for the inspection of a facility required by the Board to renew a permit to administer general anesthesia, conscious sedation or deep sedation.....	350
Biennial license renewal fee for a general license or specialist's license to practice dentistry	600
Biennial license renewal fee for a restricted geographical license to practice dentistry	600
Biennial license renewal fee for a restricted geographical license to practice dental hygiene.....	300
Biennial license renewal fee for a general license to practice dental hygiene	300

Annual license renewal fee for a limited license to practice dentistry or dental hygiene	200
Annual license renewal fee for a restricted license to practice dentistry	100
Biennial license renewal fee for an inactive dentist	200
Biennial license renewal fee for an inactive dental hygienist	50
Reinstatement fee for a suspended license to practice dentistry or dental hygiene	300
Reinstatement fee for a revoked license to practice dentistry or dental hygiene	500
Reinstatement fee to return an inactive or retired dentist or dental hygienist or a dentist or dental hygienist with a disability to active status	300
Fee for the certification of a license	25
Fee for the certification of a license to administer nitrous oxide or local anesthesia	25
Fee for a duplicate wall certificate	25
Fee for a duplicate pocket card receipt	25
Application fee for converting a temporary license to a permanent license	125
Fee for an application packet for an examination	25
Fee for an application packet for licensure by credentials	25

Sec. 2. NAC 631.150 is hereby amended to read as follows:

631.150 1. Each licensee shall file with the Board the addresses of his or her permanent residence and the office or offices where he or she conducts his or her practice ~~[]~~, **including, without limitation, any electronic mailing address for that practice.**

2. Within 30 days after any change occurs in any of these addresses, the licensee shall give the Board a written notice of the change. The Board will impose a fine of \$50 if a licensee does not report such a change within 30 days after it occurs.

3. The licensee shall display his or her license and any permit issued by the Board, or a copy thereof, at each place where he or she practices.

Sec. 3. NAC 631.1785 is hereby amended to read as follows:

631.1785 1. Not later than 30 days after a licensed dentist becomes the owner of an office or facility in this State where dental treatments are to be performed, other than a medical facility as defined in NRS 449.0151, the licensed dentist must request in writing that the Board conduct an initial inspection of the office or facility to ensure compliance with the guidelines adopted by reference in NAC 631.178.

2. Not later than 90 days after receiving a written request pursuant to subsection 1:

(a) The Executive Director shall assign agents of the Board to conduct the inspection; and

(b) The agents shall conduct the inspection.

3. Not later than 30 days after agents of the Board have completed the initial inspection of an office or facility ~~[to ensure compliance with the guidelines adopted by reference in NAC 631.178.]~~ **pursuant to subsection 2**, the agents shall issue a report to the Executive Director indicating whether the office or facility is equipped in compliance with the guidelines adopted by reference in NAC 631.178. If the report indicates that the office or facility

(a) Is equipped in compliance with the guidelines adopted by reference in NAC 631.178, the Executive Director shall, without any further action by the Board, issue a written notice of the agents' findings to the licensed dentist who owns the office or facility.

(b) Is not equipped in compliance with the guidelines adopted by reference in NAC 631.178, the Executive Director shall, without any further action by the Board, issue a written notice which identifies critical deficiencies to the licensed dentist who owns the office or facility.

4. Not later than 72 hours after issuing a written notice of deficiencies pursuant to paragraph (b) of subsection 3:

(a) The Executive Director shall assign agents of the Board to conduct a reinspection of the office or facility to determine if the licensed dentist and the personnel supervised by the dentist have taken corrective measures; and

(b) The agents assigned pursuant to paragraph (a) shall conduct the reinspection and issue a report to the Executive Director indicating whether the licensed dentist and the personnel supervised by the dentist are in compliance with the guidelines adopted by reference in NAC 631.178. If the report indicates that the licensed dentist and the personnel supervised by the dentist:

(1) Are in compliance with the guidelines adopted by reference in NAC 631.178, the Executive Director shall, without any further action by the Board, issue a written notice of the agents' findings to the licensed dentist who owns the office or facility.

(2) Are not in compliance with the guidelines adopted by reference in NAC 631.178, the Executive Director may, without any further action by the Board, issue an order to the licensed dentist who owns the office or facility and all other licensees employed at the office or facility

that any or all of those licensees or personnel must immediately cease and desist from performing dental treatments and that some or all dental treatments must cease to be performed at the office or facility until a hearing is held before the Board. The hearing before the Board must be convened not later than 30 days after the Executive Director issues the order to cease and desist.

5. Not later than 72 hours after receiving material evidencing critical deficiencies by a licensed dentist who owns an office or facility in this State where dental treatments are to be performed, other than a medical facility as defined in NRS 449.0151, the Executive Director may assign agents of the Board to conduct an inspection of an office or facility to ensure that the licensed dentist and the personnel supervised by the dentist are in compliance with the guidelines adopted by reference in NAC 631.178. An inspection conducted pursuant to this subsection may be conducted during normal business hours with notice to the licensed dentist who owns the office or facility.

6. Not later than 3 days after a dentist receives a written notice pursuant to subsection 5:

(a) The Executive Director shall assign agents of the Board to conduct the inspection; and

(b) The agents shall conduct the inspection.

7. Not later than 72 hours after agents of the Board have completed the inspection of an office or facility pursuant to subsection 6, the agents shall issue a report to the Executive Director indicating whether the office or facility is equipped in compliance with the guidelines adopted by reference in NAC 631.178. If the report indicates that the office or facility:

(a) Is equipped in compliance with the guidelines adopted by reference in NAC 631.178, the Executive Director shall, without any further action by the Board, issue a written notice of the agents' findings to the licensed dentist who owns the office or facility.

(b) Is not equipped in compliance with the guidelines adopted by reference in NAC 631.178, the Executive Director shall, without any further action by the Board, issue a written notice which identifies all critical deficiencies to the licensed dentist who owns the office or facility.

8. Not later than 72 hours after issuing a written notice of deficiencies pursuant to paragraph (b) of subsection 7:

(a) The Executive Director shall assign agents of the Board to conduct a reinspection of the office or facility to determine if the licensed dentist and the personnel supervised by the dentist have taken corrective measures; and

(b) The agents assigned pursuant to paragraph (a) shall conduct the reinspection and issue a report to the Executive Director indicating whether the licensed dentist and the personnel supervised by the dentist are in compliance with the guidelines adopted by reference in NAC 631.178. If the report indicates that the licensed dentist and the personnel supervised by the dentist:

(1) Are in compliance with the guidelines adopted by reference in NAC 631.178, the Executive Director shall, without any further action by the Board, issue a written notice of the agents' findings to the licensed dentist who owns the office or facility.

(2) Are not in compliance with the guidelines adopted by reference in NAC 631.178, the Executive Director may, without any further action by the Board, issue an order to the

licensed dentist who owns the office or facility and all other licensees employed at the office or facility that any or all of those licensees or personnel must immediately cease and desist from performing dental treatments and that some or all dental treatments must cease to be performed at the office or facility until a hearing is held before the Board. The hearing before the Board must be convened not later than 30 days after the Executive Director issues the order to cease and desist.

9. Pursuant to subsection 3 of NRS 233B.127, if an initial inspection of an office or facility conducted pursuant to this section indicates that the public health, safety or welfare imperatively requires emergency action, the President of the Board may, without any further action by the Board, issue an order of summary suspension of the license of the licensed dentist who owns the office or facility and the licenses of any or all of the other licensees employed at the office or facility pending proceedings for revocation or other action. An order of summary suspension issued by the President of the Board must contain findings of the exigent circumstances which warrant the issuance of the order of summary suspension. The President of the Board shall not participate in any further proceedings relating to the order.

Sec. 4. NAC 631.210 is hereby amended to read as follows:

631.210. 1. *A dentist who is licensed in this State may authorize a dental hygienist in his or her employ to perform the following acts before a patient is examined by the dentist:*

- (a) Expose radiographs;*
- (b) Conduct an assessment of the oral health of the patient through medical and dental histories, radiographs, indices, risk assessments and intraoral and extraoral procedures that analyze and identify the oral health needs and problems of the patient;*

(c) After conducting an assessment pursuant to paragraph (b), develop a dental hygiene care plan to address the oral health needs and problems of the patient; and

(d) Take impressions for the preparation of diagnostic models.

↳ The dental hygienist must obtain authorization from the licensed dentist of the patient on whom the services authorized pursuant to this subsection are to be performed.

2. A dentist who is licensed in this State may authorize a dental hygienist in his or her employ to:

(a) Remove stains, deposits and accretions, including dental calculus.

(b) Smooth the natural and restored surface of a tooth by using the procedures and instruments commonly used in oral prophylaxis, except that an abrasive stone, disc or bur may be used only to polish a restoration. As used in this paragraph, "oral prophylaxis" means the preventive dental procedure of scaling and polishing which includes the removal of calculus, soft deposits, plaques and stains and the smoothing of unattached tooth surfaces in order to create an environment in which hard and soft tissues can be maintained in good health by the patient.

(c) Provide dental hygiene care that includes:

(1) Assessment of the oral health of patients through medical and dental histories, radiographs, indices, risk assessments and intraoral and extraoral procedures that analyze and identify the oral health needs and problems of patients.

(2) ~~Development and implementation~~ **Implementation** of a dental hygiene care plan to address the oral health needs and problems of patients described in subparagraph (1).

(3) Evaluation of oral and periodontal health after the implementation of the dental hygiene care plan described in subparagraph (2) in order to identify the subsequent treatment, continued care and referral needs of the patient.

(d) Take the following types of impressions:

(1) Those used for the preparation of diagnostic models;

(2) Those used for the fabrication of temporary crowns or bridges; and

(3) Those used for the fabrication of temporary removable appliances, provided no missing teeth are replaced by those appliances.

(e) Perform subgingival curettage.

(f) ~~Expose radiographs.~~ **Remove sutures.**

(g) Place and remove a periodontal pack.

(h) Remove excess cement from cemented restorations and orthodontic appliances. A dental hygienist may not use a rotary cutting instrument to remove excess cement from restorations or orthodontic appliances.

(i) Train and instruct persons in the techniques of oral hygiene and preventive procedures.

(j) Recement and repair temporary crowns and bridges.

(k) Recement permanent crowns and bridges with nonpermanent material as a palliative treatment.

(l) Place a temporary restoration with nonpermanent material as a palliative treatment.

(m) Administer local intraoral chemotherapeutic agents in any form except aerosol, including, but not limited to:

(1) Antimicrobial agents;

- (2) Fluoride preparations;
- (3) Topical antibiotics;
- (4) Topical anesthetics; and
- (5) Topical desensitizing agents.

(n) Apply pit and fissure sealant to the dentition for the prevention of decay.

↪ Before performing any of the services set forth in this subsection, the dental hygienist must obtain authorization from the licensed dentist of the patient on whom the services are to be performed and the patient must have been examined by that dentist not more than 18 months before the services are to be performed. After performing any of the services set forth in this subsection, the dental hygienist shall refer the patient to the authorizing dentist for follow-up care or any necessary additional procedures that the dental hygienist is not authorized to perform.

~~2.3.~~ A dentist who is licensed in this State may authorize a dental hygienist in his or her employ and under his or her supervision to:

- ~~(a)~~ ~~Remove sutures.~~
- ~~(b)~~ Place and secure orthodontic ligatures.
- ~~(c)~~ ~~(b)~~ Fabricate and place temporary crowns and bridges.
- ~~(d)~~ ~~(c)~~ Fit orthodontic bands and prepare teeth for orthodontic bands if the bands are cemented or bonded, or both, into the patient's mouth by the dentist who authorized the dental hygienist to perform this procedure.
- ~~(e)~~ ~~(d)~~ Perform nonsurgical cytologic testing.
- ~~(f)~~ ~~(e)~~ Apply and activate agents for bleaching teeth with a light source.

~~{(g)}~~ (f) Use a laser that has been cleared by the Food and Drug Administration to perform intrasulcular periodontal procedures or tooth whitening procedures if:

(1) The use of such a laser for those purposes is within the scope of the education, experience and training of the dental hygienist;

(2) Before operating the laser, the dental hygienist has provided proof to the supervising dentist that the dental hygienist has successfully completed a course in laser proficiency that:

(I) Is at least 6 hours in length; and

(II) Is based on the *Curriculum Guidelines and Standards for Dental Laser Education*, adopted by reference pursuant to NAC 631.035; and

(3) The supervising dentist has successfully completed a course in laser proficiency that:

(I) Is at least 6 hours in length; and

(II) Is based on the *Curriculum Guidelines and Standards for Dental Laser Education*, adopted by reference pursuant to NAC 631.035.

↪ The dental hygienist must obtain authorization from the licensed dentist of the patient on whom the services authorized pursuant to this subsection are to be performed.

~~{3-}~~ 4. If a dentist who is licensed in this State has in his or her employ and under his or her supervision a dental hygienist who has:

(a) Successfully completed a course of continuing education in the administering of local anesthetics or nitrous oxide-oxygen analgesia, or both, which has been approved by the Board; or

(b) Graduated from an accredited program of dental hygiene which includes the administering of local anesthetics or nitrous oxide-oxygen analgesia, or both, in its curriculum,

↪ the dentist may authorize the dental hygienist to administer local anesthetics or nitrous oxide-oxygen analgesia, or both, as appropriate, if the dental hygienist has received from the Board a certificate or permit certifying the hygienist for this level of administration. The dental hygienist must obtain the authorization from the licensed dentist of the patient on whom the services are to be performed.

~~{4.}~~ 5. A dental hygienist in a health care facility may administer local intraoral chemotherapeutic agents and, if he or she has complied with paragraph (a) or (b) of subsection ~~{3.}~~ 4, may administer local anesthetics or nitrous oxide-oxygen analgesia, or both, as appropriate, if he or she first:

(a) Obtains written authorization from the licensed dentist of the patient to whom the local anesthetics, nitrous oxide-oxygen analgesia or local intraoral chemotherapeutic agents are to be administered; and

(b) Submits to the Secretary-Treasurer a written confirmation from the director of the health care facility that the facility has licensed medical personnel and necessary emergency supplies and equipment that will be available when the local anesthetics, nitrous oxide-oxygen analgesia or local intraoral chemotherapeutic agents are administered.

~~{5.}~~ 6. The Board may authorize a dental hygienist to perform the services set forth in *subsection 1 and* paragraphs (a) to (n), inclusive, of subsection ~~{1.}~~ 2 without supervision by a dentist and without authorization from the licensed dentist of the patient on whom the services are to be performed, at a health facility, a school or a place in this State approved by the Board after the Board:

(a) Issues a special endorsement of the dental hygienist's license.

(b) Approves the treatment protocol submitted by the dental hygienist which includes an explanation of the methods that the dental hygienist will use to:

(1) Treat patients; and

(2) Refer patients to a dentist for:

(I) Follow-up care;

(II) Diagnostic services; and

(III) Any service that the dental hygienist is not authorized to perform.

~~{6.}~~ 7. The Board may revoke the authorization described in subsection ~~{5}~~ 6 if the:

(a) Dental hygienist fails to renew his or her license or it is cancelled, suspended or revoked;

(b) Board receives a complaint filed against the dental hygienist;

(c) Dental hygienist commits an act which constitutes a cause for disciplinary action; or

(d) Dental hygienist violates any provision of this chapter or chapter 631 of NRS.

Nothing in this subsection prohibits a dental hygienist from reapplying for authorization to perform the services described in subsection ~~{5}~~ 6 if the Board revokes the authorization pursuant to this subsection.

~~{7.}~~ 8. As used in this section:

(a) "Health care facility" has the meaning ascribed to it in NRS 162A.740.

(b) "Health facility" has the meaning ascribed to it in subsection 6 of NRS 449.260.

(c) "School" means an elementary, secondary or postsecondary educational facility, public or private, in this State.

Sec. 5. NAC 631.220 is hereby amended to read as follows:

631:220 1. ~~A dentist who is licensed in the State of Nevada may authorize a dental assistant in his or her employ and under his or her supervision to perform the following procedures before the patient is examined by the dentist:~~

~~(a) Expose radiographs; and~~

~~(b) Take impressions for the preparation of diagnostic models.~~

2. A dentist who is licensed in the State of Nevada may authorize a dental assistant in his or her employ and under his or her supervision only to do one or more of the following ~~procedures after the patient has been examined by the dentist:~~

~~(a) Expose radiographs.~~

~~(b) Retract a patient's cheek, tongue or other tissue during a dental operation.~~

~~(c) Remove the debris that normally accumulates during or after a cleaning or operation by the dentist by using mouthwash, water, compressed air or suction.~~

~~(d) Place or remove a rubber dam and accessories used for its placement.~~

~~(e) Place and secure an orthodontic ligature.~~

~~(f) Remove sutures.~~

~~(g) Place and remove a periodontal pack.~~

~~(h) Remove excess cement from cemented restorations and orthodontic appliances. A dental assistant may not use a rotary cutting instrument to remove excess cement from restorations or orthodontic appliances.~~

~~(i) Administer a topical anesthetic in any form except aerosol.~~

~~(j) Train and instruct persons in the techniques of oral hygiene and preventive procedures.~~

~~[(k)]~~ (j) Take the following types of impressions:

(1) ~~[(These used for the preparation of diagnostic models;~~

~~—(2)]~~ Those used for the preparation of counter or opposing models;

~~[(3)]~~ (2) Those used for the fabrication of temporary crowns or bridges; and

~~[(4)]~~ (3) Those used for the fabrication of temporary removable appliances, provided no missing teeth are replaced by those appliances.

~~[(4)]~~ (k) Fabricate and place temporary crowns and bridges. This procedure must be checked and approved by the supervising dentist before dismissal of the patient from the office of the dentist.

~~[(m)]~~ (l) Retract gingival tissue if the retraction cord contains no medicaments that have potential systemic side effects.

~~[(n)]~~ (m) Remove soft plaque and stain from exposed tooth surfaces, utilizing an appropriate rotary instrument with a rubber cup or brush and a suitable polishing agent. A licensed dentist or dental hygienist shall determine that the teeth to be polished are free of calculus or other extraneous material.

~~[(o)]~~ (n) Administer a topical fluoride.

~~[(p)]~~ (o) Apply pit and fissure sealant to the dentition for the prevention of decay. This procedure must be checked and approved by the supervising dentist before dismissal of the patient from the office of the dentist.

~~[(q)]~~ (p) Fit orthodontic bands and prepare teeth for orthodontic bands if the bands are cemented or bonded, or both, into the patient's mouth by the dentist who authorized the dental assistant to perform this procedure.

~~{2.}~~ 3. A dentist who is licensed in the State of Nevada may authorize a dental hygienist to supervise a dental assistant in the assistance of the hygienist's performance of one or more of the following:

(a) ~~{Expose radiographs.}~~

~~{(b)}~~ Retract a patient's cheek, tongue or other tissue during a dental operation.

~~{(e)}~~ (b) Remove the debris that normally accumulates during or after a cleaning or operation by the dental hygienist by using mouthwash, water, compressed air or suction.

~~{(d)}~~ (c) Train and instruct persons in the techniques of oral hygiene and preventive procedures.

~~{(e)}~~ (d) Remove soft plaque and stain from exposed tooth surfaces, utilizing an appropriate rotary instrument with a rubber cup or brush and a suitable polishing agent. A licensed dentist or dental hygienist shall determine that the teeth to be polished are free of calculus or other extraneous material.

~~{(f)}~~ (e) Administer a topical fluoride.

~~{3.}~~ 4. A dental hygienist, who is authorized by the Board to perform the services described in subsection ~~{5}~~ 6 of NAC 631.210, may authorize a dental assistant under his or her supervision to assist the hygienist in the performance of the services described in paragraphs (a) to ~~{(f)}~~ (e), inclusive, of subsection ~~{2.}~~ 3.



NEVADA STATE BOARD OF DENTAL EXAMINERS
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Video Conferencing available for this meeting at the Nevada State Board of Medical Examiners located at 1105 Terminal Way, Suite 301, Reno, NV 89502

DRAFT MINUTES

Friday, March 11, 2016
 1:36 p.m.

CONTINUING EDUCATION COMMITTEE

(Byron Blasco, DMD (Chair); Gregory Pisani, DDS; Ali Shahrestani, DMD; Leslea Villigan, RDH; and Maria Gabriel, RDH)

Meeting Agenda

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

- Dr. Byron Blasco -----PRESENT
- Dr. Gregory Pisani -----PRESENT
- Dr. Ali Shahrestani -----PRESENT
- Mrs. Leslea Villigan -----PRESENT
- Ms. Maria "Sharon" Gabriel -----EXCUSED

Others Present: Burt Wuester, on behalf of John Hunt, Board Legal Counsel; Debra Shaffer-Kugel, Executive Director.

Public Attendees: Robert Talley, DDS, NDA; Brad Wilbur, DDS, NDA; Chris Garvey, Oral Health NV; Shari Peterson, CSN, NDHA; Caryn Solie, RDH, NDHA; Syd McKenzie, NDHA, OHN.

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

Mrs. Solie read a statement into the record on behalf of the Nevada Dental Hygienists' Association. She spoke in favor of the language that was originally proposed for recommended changes.

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)

57
58
59
60 *3. Review, Discussion and Recommendations of Proposed Regulation Changes/Amendments– NRS 631.190
61 (For Possible Action)

62
63 *(1) Discuss and Recommend to change/amend NAC 631.033 –Use of Laser Radiation; documentation
64 required for renewal (For Possible Action)

65
66 (a) Add the administration of botulinum, dermal fillers and other facial injectables for both dental and
67 dental hygiene
68

69 Mrs. Shaffer-Kugel commented to the committee that the Board issued an advisory opinion that dentists can
70 administer botulinum, dermal fillers, and other facial injectables. She stated that they would need to set up the
71 parameters and language on the requirements to be similar to the requirements for laser use requirements.
72 (Proposed regulations part of the record).
73

74 Mrs. Shaffer-Kugel commented that a regulation change would be required to amend the current language to
75 expand the duties of dental hygienists' to be able to administer facial injectables. Dr. Talley asked that the
76 language indicate that in order for this to be a duty delegable to a dental hygienist, the dentist will need to have the
77 equivalent type of training as the hygienist before the dental hygienist can administer.
78

79 Dr. Pisani and Dr. Blasco discussed the number of hours they would recommend requiring for acceptable courses.
80 He added that he researched a great deal of courses, and determined that a course 24 hours in length would be a
81 sufficient and adequate course acceptable to require. It was decided that so many hours of the 24 hours would be
82 required in lecture, didactic, and clinical. Dr. Pisani suggested that the Board require for licensees to submit proof
83 of a course prior to being permitted to use facial injectables. Mrs. Villigan inquired if the courses
84

85 MOTION: Dr. Pisani made the motion that licensees be required to submit proof of a course that is 24 hours in
86 length (8 hours lecture, 8 hours' didactic and 8 hours clinical). Motion was seconded by Dr. Shahrestani. Dr.
87 Pisani amended his motion to change the language to read '24 credit hours'. Dr. Shahrestani agreed to the
88 amendment. All were in favor of the motion.
89
90

91 *(2) Discuss and Recommend or Deny to change/amend NAC 631.175-Continuing Education; Approved
92 subjects (For Possible Action)

93
94 (a) Amend NAC 631.175 to add continuing education hours for each holder of a license to practice dentistry
95 who is registered to dispense controlled substances shall complete a minimum of one (1) hour of education
96 (For Possible Action)
97

98 Mrs. Shaffer-Kugel indicated that Senate Bill 459 ('SB459') was adopted and was now adding it to the language to
99 make sure that it gets added to the regulations for compliance.
100

101 MOTION: Dr. Pisani made the motion to amend the regulations to adopt the language from SB459. Motion was
102 seconded by Mrs. Villigan. All were in favor of the motion.
103

104 *(3) Discuss and Recommend or Deny to change/amend NAC 631.210-Dental hygienists- authorization to
105 perform certain duties (For Possible Action)

106
107 (a) Amend NAC 631.210 to add the administration of botulinum, dermal fillers and other facial injectables to
108 the scope of practice for dental hygienists under the authorization and supervision of a licensed dentist
109

110 Dr. Blasco read the proposed regulation changes that were submitted for the record.
111

112 MOTION: Dr. Pisani made the motion to add the language as proposed for regulation changes to NAC 631.210.
113 Motion was seconded by Mrs. Villigan. Discussion: Mr. Wuester suggested that they change the language to read
114 'post-secondary' in NAC 631.210(2)(g)(1). AMENDED MOTION: Dr. Pisani made the motion to change the

115 language to read 'post-secondary.' Motion amended and agreed to by Mrs. Villigan. Discussion: Mrs. Peterson
116 asked that the committee amend the language to state 'post-graduation'. Dr. Pisani agreed to amend the motion to
117 read 'post-graduation'. Mrs. Villigan agreed to the amendment. All were in favor of the motion.
118

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

120 Mrs. Peterson stated that the language would need to be more clearly defined, reason being that if a regulations
121 reads 'post-graduate' that he school(s) would be required to change their curriculum to meet the regulation
122 requirements. It was suggested to add the term 'education' to the recommended language.
123

124 **MOTION:** Dr. Pisani made the motion to amend his previous motion to change the recommended language to
125 'post-graduation education' as the term previously suggested would become problematic with school curriculum.
126 Mrs. Villigan agreed to the amended motion. All were in favor.
127

128
129

Note: No vote may be taken upon a matter raised under this item of the agenda until the matter itself has been 130 specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)

131
132 **5. Announcements:** Mrs. Shaffer-Kugel stated that she would have the proposed changes for recommendation
133 available and posted on that following Monday.
134

135 ***6. Adjournment** (For Possible Action)

136
137 **MOTION:** Dr. Pisani made the motion to adjourn. Motion was seconded by Mrs. Villigan. All were in favor.
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146 Meeting Adjourned at 2:29 pm.

147 Respectfully submitted by:

148
149
150 _____
151 Debra Shaffer-Kugel, Executive Director



NEVADA STATE BOARD OF DENTAL EXAMINERS
 6010 S Rainbow Boulevard, Suite A-1
 Las Vegas, Nevada 89118
 (702) 486-7044



Public Meeting

Friday March 11, 2016
 3:33 p.m.

ANESTHESIA SUBCOMMITTEE

(Brendan Johnson, DDS (Chair); Jade Miller, DDS; A Ted Twesme, DDS; D Kevin Moore, DDS; Amanda Okundaye, DDS; Edward Gray DDS; and Joshua Saxe, DDS)

DRAFT MINUTES

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

Dr. Brendan Johnson -----PRESENT	Dr. Amanda Okundaye-----PRESENT
Dr. Jade Miller -----PRESENT	Dr. Edward Gray -----PRESENT
Dr. A Ted Twesme -----PRESENT	Dr. Joshua Saxe -----PRESENT
Dr. D Kevin Moore -----EXCUSED	

Others Present: Burt Wuester, on behalf of John Hunt, Board Legal Counsel; Debra Shaffer-Kugel, Executive Director.

Other Attendees: Richard Dragon, NDA; Brad Wilbur, NDA; Bob Talley, NDA.

Dr. Johnson introduced himself to the subcommittee. He stated to the members of the subcommittee that he wanted this meeting to be the preface to future meetings to be held.

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

Dr. Dragon commented that he had submitted a letter with his comments regarding the NDA's opinion of some of the regulations being considered.

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. Review, Discussion of current Anesthesia Regulations NAC 631.2211 - NAC 631.2254 and Draft Proposed Regulations for NAC 631.2211 - NAC 631.2254 pursuant to the new definitions for minimal and moderate sedation enacted through AB89. (For Possible Action)**

Dr. Twesme stated that he wanted to respond to Dr. Gray's letter where he questioned the purpose for changing the language. Dr. Twesme stated that there were some changes made to the definitions, which were not in the current regulations, which now required that the language be changed to include the new definitions. There was some discussion regarding the level of significant changes to be made, and whether or not it could be simpler. Dr. Okundaye explained that the ADA made some changes, and that based on the current regulations, the guidelines had changed tremendously and now needed to be brought current. In addition to adding moderate and minimal sedation, the subcommittee members discussed wanting to add a pediatric portion to the regulations. Dr. Miller added that there have not been great issues with the way the sedation regulations are written, however, that the Board does want to remain current, and wants to continue to ensure that the safety of the public is protected without being too onerous to licensees.

Dr. Saxe commented that sedation on pediatric patients needed to be included in their discussion and suggested language. He added that he did not believe that the current continuing education courses covered the area of pediatrics, but rather adults only. He stated that such training/courses should not be considered adequate training for dentists to administer anesthesia to pediatric patients. Dr. Saxe noted to the subcommittee that currently there are no programs for general practitioners to be trained on sedating pediatric patients on a one-on-one basis. Dr. Twesme noted that at the previous subcommittee meeting, it was discussed and agreed upon to create a permit specifically for the administration of anesthesia to pediatric patients' age twelve (12) and under.

Dr. Okundaye stated that she was actively teaching a course in moderate sedation in the State of Oregon. She noted that the course/program did not allow for students to sedate anyone under the age of sixteen (16). She stated that the State of California has a Pediatric Oral Sedation Permit that states that if they have gone to a pediatric residency, that they have more than enough hours to treat all pediatric patients from eighteen (18) months and older. However, for those who did not complete a pediatric residency, the permit age bracket would be ages twelve (12) and up. She suggested that the Board consider something similar in discussing sedation permits. Dr. Miller sent out some of his ideas and read them into the record. One of the recommendations made by Dr. Miller was to change the requirement of three (3) hours of continuing education ("CE") be amended to sixteen (16) hours of CE's. Dr. Saxe stated that there really are not any courses that have training with hands-on training on moderate sedation. Dr. Okundaye stated that she was not aware of any programs available for training hands on, especially for general practitioners with the exception of pedodontic specialty programs.

Dr. Talley inquired if nitrous oxide, by itself without any oral medication, would be considered separate. The subcommittee and Mrs. Shaffer-Kugel answered affirmatively.

Dr. Twesme clarified for Mrs. Shaffer-Kugel that depending on the level of unconsciousness of a patient determines if a permit is needed. Some patients may sedate more easily than other. There was discussion regarding intra and intra in combination with inhalations and how the ADA guidelines address it. They agreed that it was a gray area. More discussed ensued related to scenarios of unique reactions to different patients and the amount of medication and/or analgesia administered to them. They mentioned the difficulty and importance of creating language and setting standards that were protective of both the public and licensees. Mrs. Shaffer-Kugel read the new definition of minimal. She commented that under the minimal sedation definition, she needs clarification on whether or not a permit is to be required. Dr. Okundaye noted that the ADA guidelines explain more clearly whether a permit is needed, therefore, making the currently adopted regulation less ambiguous. Mrs. Shaffer-Kugel noted that the definition is a statute, and that missing language would have to be added to the statute, thus requiring a statutory change. She stated that they have the option to leave the language as is, and go back to the legislature and request that the definition be more defined; or that the second option would to adopt regulations that are consistent with the statute as it now stands. Mr. Wuester advised the committee that they would have to go back and review the legislative intent, and depending on what is found, they could then more clearly define the intent of the statute in the regulation language. Dr. Miller interjected that when someone is given a single dose, it is considered anxiolysis and a patient would not need to be monitored; however, that if nitrous is administered with a drug then the patient would be in minimal intraoral sedation and they would need to have a pulse oximeter on them.

Dr. Twesme referred the subcommittee to review NAC 631.2211(2) and (3), where it reads "...the administration of the nitrous oxide; and... (3) Oral medication..." he stated that it would be advisable, as suggested by Dr. Gray in previous discussion to amend the term "and" to read "or". Mrs. Shaffer-Kugel agreed that she understood the term 'and' to indicate that a permit is required. Dr. Miller commented that the American Academy of Pediatric Dentistry with joint guidelines with Americana Pediatrics that medication for pediatric patients must be dispensed in the office. It was agreed upon to add the language to the regulation that medication given to pediatric patients must only be dispensed in office. The subcommittee further discussed and agreed to add language to address the level of consciousness a patient must be at in order to be approved to be discharged from the office following treatment. Dr. Okundaye addressed that there is language that was adopted in the State of Oregon where the Dental Board requires that patient files provide responses to the level on consciousness to deem patients eligible to be released. The subcommittee agreed to include language to address that practitioner's note in patient files the level of conscious a patient is in prior to being released from the practice.

Dr. Twesme suggested that they define "adult" and "Pediatric" by age. It was discussed that an 'adult' patient would be anyone age twelve (12) and older. Any patient under the age of twelve (12) would be deemed a 'pediatric' patient.

Mrs. Shaffer-Kugel inquired on site permits and how currently there is a site permit for conscious sedation, with the new definitions however, the definition for conscious sedation is now broken down into moderate sedation and minimal sedation, and inquired if this would now require a site permit for each type or if one site permit would be valid for both types. Dr. Saxe stated that they could, perhaps, keep the site permit as is, and simply define the pediatric sedation permit, and those with a minimal and/or moderate sedation permit. Mrs. Shaffer-Kugel added that they will want to make sure that for those applying for a site permit are aware and understand that a site permit will allow for only those with a minimal or moderate sedation permit to administer at that location, and clarify that those administering to pediatric patients will require a separate permit. Mrs. Shaffer-Kugel gave an example of a licensed dentist that limits their practice to pediatric patients and currently holds a conscious sedation permit, based on the new language he would not be able to administer to pediatric patients. It was stated that they would have to consider grandfathering in those who limit their practice to treat pediatric patients and who currently hold a conscious sedation permit. Dr. Twesme read his recommendation to reword the third proposed language by Dr. Saxe for NAC 631.2213(3): "General anesthesia, deep sedation, or minimal or moderate sedation, may not be given to a patient 12 years or younger years of age, unless (a) the licensee holds a general anesthesia permit, or (b) has completed a post-graduate program in pediatric dentistry [approved by the Commission on Dental Accreditation in addition to the requirements as outlined as above for a permit in the administration of minimal or moderate sedation]." The subcommittee agreed with the recommended language by Dr. Twesme. Dr. Okundaye stated that they could include in their language to define a minor patient as anyone under the age of 12. Dr. Miller mentioned adding that general dentists giving oral sedation medication to be administered only to patients ages 13 and older, as children younger will be given nitrous oxide.

4. **Public Comment:** (Public Comment is limited to three (3) minutes for each individual) No comments were made.

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:** Dr. Johnson indicated that he would like to schedule the next meeting for some time in the upcoming month.

*6. **Adjournment** (For Possible Action) **MOTION:** Dr. Saxe made the motion to adjourn. Motion was seconded by Dr. Miller. All were in favor of the motion.

Meeting Adjourned at 4:57 pm.

Respectfully submitted by:

Debra Shaffer-Kugel, Executive Director



NEVADA STATE BOARD OF DENTAL EXAMINERS
 6010 S Rainbow Boulevard, Suite A-1
 Las Vegas, Nevada 89118
 (702) 486-7044



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

NOTICE OF PUBLIC MEETING

Friday, March 18, 2016
 9:06 a.m.

COMMITTEE ON DENTAL HYGIENE

(Theresa Guillen, RDH (Chair); Leslea Villigan, RDH; Maria Gabriel, RDH; and Ali Shahrestani, DMD)

DRAFT Minutes

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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.

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 Action by the Board on an item may be to approve, deny, amend, or table.*

1. Call to Order, roll call, and establish quorum

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

- Ms. Theresa Guillen -----PRESENT
- Mrs. Leslea Villigan -----PRESENT
- Ms. Sharon Gabriel -----PRESENT
- Dr. Ali Shahrestani -----PRESENT

Other attendees: John Hunt, Board Legal Counsel; Debra Shaffer-Kugel, Executive Director.

Public Attendees: Richard Dragon, NDA; Syd McKenzie, NDHA, CUSP; Lori Benven, NNDS; Mark Funke, NDA; Caryn Solie, RDH, NDHA; David Whit, NDA; Chris Ferrari, NDA; Mark Handelin, DDS; Robert Talley, DDS, NDA; Annette Lincicome, NDHA; Shari Peterson, CSN, NDHA; Brad Wilbur, DDS, NDA; Marc Muncy, DDS, Southern Regional Testing Agency.

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

Dr. Talley asked that the Board seek legal opinion from the Board attorney regarding the legality of dental hygienists' being permitted to conduct the duties that dental hygienists' are requesting to change.

57 Ms. Syd McKenzie spoke in favor of the changes as presented in the meetings' public documents book. She read a
58 statement into the record. Ms. McKenzie commended the committee for their continued efforts to protect the
59 safety of the public.
60

61 **Note: No vote may be taken upon a matter raised under this item of the agenda until the matter itself has**
62 **been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)**

63
64 ***3. Review, Discussion and Recommendations of Proposed Regulation Changes to R119-15 regarding the**
65 **language in NAC 631.210–NRS 631.190 (For Possible Action)**
66

67 *(1) Discussion and Recommendations to add the word and duty of implementation to New subsection 1(d)
68 (For Possible Action)
69

70 Mr. Hunt stated that during the previous board meeting, there was a comment regarding changing the
71 language to include the term “implementation,” however in reviewing the statute, it states that a Dental
72 Hygienist cannot ‘implement’ any treatment prior to a Dentist examining a patient; therefore, in order for the
73 Board to make such a regulatory change would, first, require a statutory change. It was noted that a statutory
74 change, (a policy change) would need to be sought through the associations as the legislature are the ones
75 who have to power to change policies. Mr. Hunt noted further that a regulation does not supersede a statute.
76 Mrs. Shaffer-Kugel read into the record NRS 631.310 and NRS 631.313. Mr. Hunt added that until such time
77 the legislature changes the policy, the Board cannot change, add or amend the regulation with the requested
78 change(s). Mrs. Peterson expressed her concerns in regards to radiographs and dentists’ currently requiring
79 dental hygienists’ to take them prior to patients being seen by the dentist. Mr. Hunt noted that the
80 regulations changes were to make the assessment aspects permissible to for a dental hygienist to do prior to
81 the implementation of treatment. Mrs. Villigan commented that the request stems from the situation
82 occurring in dental practices not complying with the regulations. Ms. Guillen stated her opinion that the
83 Board could not make the change to add the term “implement.” Mr. Hunt commented that the courts would
84 rule that such a change to the regulation change violates the statute. He advised the committee members that
85 they had the option to make no recommendations, recommend making no changes, or that they could approve
86 to recommend the additional language.
87

88 MOTION: Board member Guillen made the motion to not include the terms “and implement” and “the,” and
89 to recommend the language as written to the board. Motion was seconded by Board member Villigan.
90 Discussion: Mrs. Villigan stated that she understood that the Board cannot include language in an attempt to
91 supersede a statute, and that she hoped to see the statute changed in the future. All were in favor of the
92 motion; Dr. Shahrestani abstained.
93

94 *(2) Discussion and Recommendations to change subsection 2 and add local anesthesia and nitrous oxide
95 under authorization without requiring supervision by the dentist (For Possible Action)
96

97 Board member Guillen stated that for section (2) the request was to restore the language to read as it was
98 originally presented to the Board for adoption, she stated that the documents provided in the committee
99 members’ books states it clearly. Mr. Hunt clarified that the language will indicate that a task can be done
100 without requiring supervision, therefore only requiring authorization from a dentist. Mrs. Shaffer-Kugel
101 clarified for the record that dental hygienists’ with a Public Health Endorsement cannot administer local
102 anesthesia or nitrous oxide without the supervision of a dentist; she proceeded to read NAC 631.210.
103

104 Mr. Hunt noted that currently the statutory structure a dentist is supposed to be supervising the
105 administration of nitrous oxide and local anesthetic. Ultimately, that the responsibility lies with the dentist.
106 Mrs. Villigan concurred with Mr. Hunt, that the new language maintains the control with the dentist.
107

108 MOTION: Board member Villigan made the motion to approve the language as proposed. Motion was
109 seconded by Ms. Gabriel. All were in favor the motion; Dr. Shahrestani abstained.
110
111
112
113

114 **4. Public Comment:** (Public Comment is limited to three (3) minutes for each individual)
115

116 Mrs. Shari Peterson stated that regardless if the is in print or not, the reality is that this is already going on in
117 dental practices and Dental Hygienists' do not want to be coerced into going outside their scope in order to
118 continue being employed. She stated further that she did not understand the hypocrisy and ignore the fact that the
119 very things they wanted to see implemented and changed are not coming to fruition and that the illegal practices
120 were going to continuing occurring with or without the language change. She added that dental hygienists' are
121 being told they must do radiographs prior to the dentist examining the patient. She concluded that even if the
122 language stays in the dental practice act, the board would be aiding and abetting the dentist in coercing dental
123 hygienists and dental assistants to go outside their scope in order to remain employed.
124

125 Dr. Dragon commented that the NDA's concerns were that the ability for a dental hygienist to assess and diagnose
126 on their own is risky, as it can lead to misdiagnosis or over-diagnosis. Further that the restorative treatments and
127 plans can only be determined by the dentist. Lastly, that a dentist must see a prior to asses if a restroravtive plan
128 needs to be implemented.
129

130 Mr. David White stated that the NDA was one hundred percent (100%) in alliance with the statute and
131 regulations. He added that if any dentist is in violation of the rules that they would like to work with the dental
132 hygienists to see if they can come to common ground. He completed his comment by stating that under no certain
133 situation do they condone any dentist in violation.
134

135 Ms. Solie commented that it was brought to the attention of the committee that the common practice may not be
136 in compliance of the regulations. She asked that dental hygienists' provide notification to the Board of those in
137 violation and so that dentists' can be held ultimately responsibility. She added that the regulation states "MAY
138 authorize," meaning that the dentist still has the control to decide if they want to implement to allow for their
139 dental hygienists to take radiographs and assess a patient prior to having the dentist exam them.
140

141 Dr. Mark Funke stated that occurrences do arise and that in his office over the years he recalled an occasion where
142 the ambulance was called after a dental hygienist administered local anesthesia and they went running to him, the
143 dentist, to take charge of the emergency situation. He added that if a dental hygienist needs help in administering
144 anesthesia, radiographs, or in removing calculus, they go to the dentist. He emblematically enquired if there was a
145 benefit to the patient with the proposed changes; if with these proposed changes would there be new continuing
146 education requirements; and whether or not these proposed changes would entail insurance companies to change
147 insurance policies.
148

149 Mr. Hunt stated that the comments just given will be heard and will go before the board for consideration. He
150 noted that the paramount duty of the board was to protect the public. He added that the current policies were
151 established to protect the public, not to necessarily benefit the dentist or dental hygienist.
152

153 **Note:** No vote may be taken upon a matter raised under this item of the agenda until the matter itself has been
154 specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)

155 **5. Announcements:** No announcements were made.
156

157 ***6. Adjournment** (For Possible Action)
158

159 MOTION: Board member Villigan made the motion to adjourn. Motion was seconded by Board member
160 Shahrestani. All were in favor of the motion.
161
162

163 Meeting Adjourned at 9:53 am.

164 Respectfully submitted by:
165
166

167 _____
168 Debra Shaffer-Kugel, Executive Director
169



NEVADA STATE BOARD OF DENTAL EXAMINERS
 6010 S Rainbow Boulevard, Suite A-1
 Las Vegas, Nevada 89118
 (702) 486-7044



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

NOTICE OF PUBLIC MEETING

Friday, March 18, 2016
 10:07 a.m.

DRAFT Minutes

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1. Call to Order, roll call, and establish quorum

Dr. Pinter introduced new board members Stephanie Tyler. Ms. Tyler introduced herself and stated that she currently worked in the telecommunication industry. She added that she looked forward to working with everyone.

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

Dr. Timothy Pinther-----PRESENT	Dr. Ali Shahrestani-----PRESENT
Dr. Byron Blasco-----EXCUSED	Mrs. Leslea Villigan -----PRESENT
Dr. J Gordon Kinard-----PRESENT	Ms. Theresa Guillen -----PRESENT
Dr. Brendan Johnson-----PRESENT	Ms. Sharon Gabriel-----PRESENT
Dr. Gregory Pisani -----PRESENT	MS. Stephanie Tyler-----PRESENT
Dr. Jason Champagne-----PRESENT	

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

Public Attendees: Stacie Hummel, Hummel and Associates, Board Accountant; Lori Benvin, NNDS; Mark Funke, NDA; Rick Dragon, NDA; Davis White, NDA; Chris Ferrari, NDA; Mark Handelin, NDA; Caryn Solie, RDH, NDHA; Syd McKenzie, NDHA; Robert Talley, DDS, NDA; Marc Munch, DDS, Sothern Regional Testing Agency (SRTA); Annette Lincicome, NDHA; James Kwon, Counsel for Dr. Christian Pham; Shari Peterson, NDHA, CSN.

Pledge of Allegiance.

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

61
62 Dr. Talley commented on agenda item (6) (e); he stated that the NDA reviewed and offered a statement on their
63 behalf (document submitted for the record).

64
65 Ms. Lydia Wyatt (not listed as a public attendee) commented that she was the past President of the SNDS. She
66 commented further that her concern with the proposed regulations was the liability ultimately lies with the
67 dentist. She commented that such changes, as the changes being proposed forces her to believe that dental
68 hygienists' were seeking independent practice, which she did not support. She affirmed that she was in opposition
69 of the proposed changes.

70
71 Dr. Dragon commented on some of the discussion that took place at the previous Anesthesia Subcommittee
72 regarding the definition for minimal sedation. He went on to discuss his position on the proposed changes to the
73 regulations related to dental hygiene duties. He expressed his concern with the possibility for dental hygienist to
74 overreach, over-diagnose, and over-treat. He commented further and concluded his statement stating that the
75 responsibility lies with a dentist.

76
77 Dr. Mark Funke commented on the proposed changes by stating that issues can arise and that there have been
78 instances where an ambulance has had to be called due to an emergency situation after a dental hygienist has
79 administered local anesthesia. He noted that at the time of the emergency the dental hygienist quickly ran to the
80 dentist to respond to the situation. He gave other examples of times when a dental hygienist has relied on the
81 assistance of a dentist with a duty delegable to a dental hygienist. He commented that the liability is placed under
82 the dentist, which is ultimately at the benefit of a patients' well-being.

83
84 Dr. David White stated that from the NDA's standpoint their dentists were 100% in alignment with statutes. He
85 applauded the Committee on Dental Hygiene and the NDHA for their efforts and added that the NDA would love
86 to work with them in further discussion. He noted that if there are dentists' violating the regulations, that he
87 would encourage them to speak to the Board so that the Board can remind licensees of what the regulations state.

88
89 Syd McKenzie, on behalf of the NDHA spoke in favor of the proposed changes as presented in the meetings and
90 public books. She stated that the dental hygienists' strive to get the changes made to reflect the long time actions
91 being carried out in the office, such as implementation of treatment. She added that dental hygienists' have
92 administered for a long time and that to her knowledge no complaints have been filed regarding the administration
93 of local anesthesia and/or nitrous oxide.

94
95 Mr. Hunt commented that the LCB had not made any comments or considered the language being proposed at the
96 meeting. He added that they had not weighed in whether there lies a conflict in the language being proposed.
97 Furthermore, that the original language approved on September 18 by the Board was not and had not been
98 considered by the LCB.

99
100 Dr. Mark Hamblin commented that he opposed the changes being proposed.

101
102 Ms. Solie stated she was a registered Dental Hygienist and that the dental hygienists brought to the attention of
103 Committee on Dental Hygiene members that dental practices were running offices in a manner that conflicted
104 with the regulations as currently written. She continued on that they came forward with the information so that
105 the Board could bring the regulations in alignment with the protocol taking place in dental offices.

106
107 **Note:** No vote may be taken upon a matter raised under this item of the agenda until the matter itself has been
108 specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)

109
110 *3. Executive Director's Report (For Possible Action)

111
112 *a. Minutes-NRS 631.190 (For Possible Action)

113
114 (1) January 22, 2016 – Board Meeting

115
116 MOTION: Ms. Guillen made the motion to approve the minutes. Motion was seconded by Dr. Champagne. All
117 were in favor of the motion.

118

119 *b. Financials-NRS 631.180/NRS 631.190 (For Possible Action)

- 120
121 (1) Review Balance Sheet and Statement of Revenues, Expenses and Balances for fiscal period
122 July 1, 2015 through January 2016
123

124 Mrs. Shaffer-Kugel noted that the emphasis on the financials were the legal expenses; she stated that the general
125 fund was higher since they had to respond to various complaints.
126

127 *(2) Approval of Contract between NSDBE and Hummel & Associates (For Possible Action)

128
129 Mrs. Shaffer-Kugel stated to the Board that the current contract for Mrs. Hummel expired June 30. She added that
130 should the Board approve the contract, it would need to go through state to be approved by the Board of
131 Examiners. She noted one change to the contract, which was changing "not to exceed \$72,000" to "not to exceed
132 \$75,000."
133

134 MOTION: Dr. Kinard made the motion to approve the contract. Motion was seconded by Dr. Johnson. All were in
135 favor of the motion.
136

137 *(3) Approval for Contract between NSBDE and Hillerby & Associates (For Possible Action)

138
139 Mrs. Shaffer-Kugel stated to the Board that she had not received the contract, and therefore, requested that the
140 Board table this item.
141

142 MOTION: Mrs. Villigan made the motion to table this agenda item. Motion was seconded by Dr. Kinard. All were
143 in favor of the motion.
144

145 c. Licenses Granted: Dental and Dental Hygiene

146
147 January 2016

148 DENTAL LICENSEES:

Name	Lic No	Lic Date
Samer B Albadawi	6736	01/20/2016
Steven Do	6732	01/13/2016
Charles L Hatley Jr	S5-44C	01/27/2016
Scarlett R Hernandez	LL-408-15	01/20/2016
Shad L Morris	6720	01/20/2016
Michelle K Nguyen	6734	01/20/2016
Michael J Purcell	6738	01/20/2016
Gabriel Smith	6725	01/13/2016

DENTAL HYGIENE LICENSEES:

Name	Lic No	Lic Date
Mary C I Lyons	102143	01/06/2016
Lyra T Mendoza	102131	01/27/2016
Kelly M Muehlhausen	102146	01/27/2016
Paulo U Patam	102118	01/11/2016

150
151 February 2016

DENTAL LICENSEES:

Name	Lic No	Lic Date
Parminder S Atwal	6740	02/17/2016
Nelly N Hashem	6737	02/10/2016
Gregory C Skinner	6731	02/17/2016

DENTAL HYGIENE LICENSEES:

Name	Lic No	Lic Date
Alissa Maree Arciaga	102136	02/24/2016
Tyler Kara Bland	102145	02/10/2016
Traci Lee Sanbongi	102132	02/17/2016
Rebecca Ann Wimmer	102144	02/17/2016

152
153 Mrs. Shaffer-Kugel informed the board that the lists reflected the most recent licensees.

1 *d. Authorized Investigative Complaint-NRS 631.360 (For Possible Action)

- 2
3 (1) Dr Z-NRS 631.3475(7) and NAC 631.230(1)(c) (For Possible Action)

4
5 Mrs. Shaffer-Kugel went over the alleged violations.
6

7 MOTION: Dr. Pisani made the motion to authorize the investigation. Motion was seconded by Dr. Kinard. All were in
8 favor of the motion.
9
10
11

12 *e. Correspondence: (For Possible Action)

- 13
14 (1) ADEA letter to the Board regarding acceptance of all clinical examinations

15
16 Mrs. Shaffer-Kugel stated to the Board that they are encouraging state boards to accept all clinical examinations. She
17 noted that though the Board does not make policy, but rather implements it, that they could seek a regulatory change.
18 Dr. Pinther stated that this change would require a legislative change.

- 19
20 (2) Letter from Olson, Cannon, Gormley, Angulo & Stroberski regarding
21 John Hunt, Esq., Board Legal Counsel

22
23 Mrs. Shaffer-Kugel stated to the Board that a Mr. Cannon, who has been an opposing counsel in complaint matters,
24 thought it would be important for the Board members to hear his opinions from someone from the opposite side of the
25 complaint process. Dr. Pisani indicated that prior to being appointed to the Board, he was a DSO for the Board, and can
26 say that the accusations against Mr. Hunt were unfounded; and that he never deemed Mr. Hunt to be an individual out
27 to demean others.

28
29 *f. Request for Approval for State phone system additional expense – NRS 631.190 (For Possible Action)

- 30
31 (1) \$8,000.00 switch to be equally divided between the Medical Board and Dental Board

32
33 Mrs. Shaffer-Kugel stated to the Board that in September 2015 they considered upgrading the phone systems. She added
34 that the Medical Board approached the Board to consider switching over to the State phone system. She added that
35 they received an email regarding an invoice of \$8000 for switch costs; and that the switch costs were left out in error on
36 the original invoice received prior to the September approval. She stated that she was now approaching them to see if
37 they would be inclined to proceed. Mrs. Shaffer-Kugel indicated that there would be a long term savings by making the
38 switch should the Board make the approval to proceed; furthermore, that this would be a one-time cost to the Board.

39
40 MOTION: Dr. Pisani made the motion to approve the request. Motion was seconded by Ms. Guillen. All were in favor
41 of the motion; Ms. Tyler abstained.

42
43
44 *4. Board Counsel's Report (For Possible Action)

45
46 *a. Legal Actions/Lawsuit(s) Update (For Possible Action)

- 47
48 (1) District Court Case(s) Update

49
50 Mr. Hunt commented on the complaints that were submitted to the Attorney Generals (AG) office regarding budget
51 issues and violations of the open meeting laws. He noted that the AG disagreed with the budget issues complaint and
52 that they found the Board did not and had not violated the open meeting law. He added that there was an ethics
53 complaint that was currently in the process. Mr. Hunt stated that there were no pending district court cases.

54
55 *b. Consideration of Stipulation Agreements (For Possible Action)

56
57 Mr. Hunt explained the complaint process the newer Board members, the circumstances that lead to an informal
58 hearing, and then to a formal hearing. He added that other states were implementing the Board's complaint process,
59 such as the corrective action, which is a remedial measure but still public so that the public is aware.

- 60
61 (1) Maurice Vargas, DDS

62
63 Mr. Hunt went over the provisions of the proposed stipulation agreement.

64
65 MOTION: Dr. Pisani made the motion to adopt the stipulation agreement of Dr. Maurice Vargas. Motion was
66 seconded by Dr. Champagne. All were in favor of the motion.

- 67
68 (2) Christian Pham, DMD

69
70 Mr. Hunt went over the provisions of the proposed stipulation agreement. Counsel for Dr. Pham was present.

71
72 MOTION: Ms. Guillen made the motion to adopt the stipulation agreement of Dr. Christian Pham. Motion was
73 seconded by Dr. Pisani. All were in favor of the motion.

74 (3) Stuart Drange, DDS
75

76 Mr. Hunt went over the provisions of the proposed stipulation agreement.
77

78 MOTION: Dr. Champagne made the motion to adopt the stipulation agreement of Dr. Stuart Drange. Motion was
79 seconded by Dr. Pisani. All were in favor of the motion.
80

81 (4) Un Chong Tam, DDS
82

83 Mr. Hunt went over the provisions of the amendment to a previously approved stipulation agreement.
84

85 MOTION: Dr. Pisani made the motion to adopt the stipulation agreement of Dr. Un Chong Tam. Motion was seconded
86 by Ms. Guillen. All were in favor of the motion.
87

88 (5) Richard Blanchard, DDS
89

90 Mr. Hunt went over the provisions of the proposed stipulation agreement. He added that Dr. Blanchard was 83 years
91 old, and in that though Nevada management agreements were legal, this was a case where managers of a management
92 company left and took the patient records from Dr. Blanchard's office. He stated that legally Dr. Blanchard was
93 ultimately responsible.
94

95 MOTION: Dr. Kinard made the motion to adopt the stipulation agreement of Dr. Richard Blanchard. Motion was
96 seconded by Dr. Johnson. All were in favor of the motion.
97
98

99 ***5. New Business** (For Possible Action)
100

101 ***a. Presentation by SRTA dental and dental hygiene clinical examination-NRS 631.240-631.300**
102 (For Possible Action)
103
104

105 Mark Munsee, representative of SRTA, disseminated booklets regarding SRTA's exams. He gave a brief autobiography.
106 He stated that the acronym SRTA stood for Southern Regional Testing Agency. He added that the Board of Directors
107 was comprised of one active member from each state they serve. He noted that it would be quite an ordeal for the Board
108 to change their regulation to add and accept SRTA, nevertheless hoped that it would be done. He noted further that
109 they discontinued their computer component, and that they have periodontal portion in their exam. Dr. Pinther
110 commented that he appreciated his enthusiasm. Mr. Hunt noted to the Board that in order for them to accept any other
111 board exam in addition to WREB or ADEX, it would require a legislative change.
112
113

114 ***b. Approval of Infection Control Inspectors-NRS 631.190** (For Possible Action)
115

116 (1) Joyce Herceg, RDH
117

118 Mrs. Shaffer-Kugel stated to the Board that was accidentally left off list from January.
119

120 MOTION: Ms. Guillen made the motion to approve. Motion was seconded by Ms. Gabriel. All were in favor of the
121 motion.
122
123

124 ***c. Approval for Western Regional Examining Board-HERB Representative-NRS 631.190**
125 (For Possible Action)
126

127 (1) Maria S B Gabriel, RDH
128

129 Mrs. Shaffer-Kugel stated to the Board that Ms. Gabriel accepted the appointment as the representative for the Board at
130 the HERB meetings, but that it had to be approved.
131

132 MOTION: Mrs. Villigan made the motion to approve. Motion was seconded by Ms. Guillen. All were in favor of the
133 motion.
134
135
136
137

138 *d. Approval of Public Health Endorsement – NRS 631.287 (For Possible Action)

- 139 (1) Heather M Felkins, RDH – Seal Nevada South Program

140 Mrs. Shaffer-Kugel stated that Dr. Blasco reviewed the application, that it met the criteria, and recommended approval.

141
142 MOTION: Mrs. Villigan made the motion to approve the endorsement. Motion was seconded by Ms. Guillen. All were
143 in favor of the motion.

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

- 145 (1) Marilyn L Henry, RDH

146
147 Mrs. Shaffer-Kugel stated to the Board that Ms. Henry did not have any pending matters with the Board and that she
148 recommended approval. She gave the history of retired licensees in lieu of renewing their retired licenses' they have the
149 option to Voluntary Surrender their license, which was not disciplinary.

150
151 MOTION: Ms. Gabriel made the motion to approve the voluntary surrender. Motion was seconded by Ms. Guillen.
152 Discussion: Dr. Shahrestani inquired of Mr. Hunt of what occur should the Board not approve a request to voluntary
153 surrender. Hr. Hunt stated the Board if the person didn't have a pending litigation or investigation, that the board,
154 though it has the ability to reject a request, they could be seen as being arbitrary and capricious. Therefore, as long as
155 there are no pending complaints, investigations, and/or litigation, they historically approve requests. All were in favor
156 of the motion.

157 *f. Approval of Board Member to the Budget and Finance Committee-NRS 631.190 (For Possible Action)

- 158 (1) Stephanie Tyler, Public Member

159 Mrs. Shaffer-Kugel stated to the Board that historically public member sits on finance committee

160 MOTION: Ms. Guillen made the motion to approve the appointment of Ms. Tyler. Motion was seconded by Dr. Pisani.
161 All were in favor of the motion.

162 *g. Approval for Anesthesia-Permanent Permit – NAC 631.2233 (For Possible Action)

- 163 (1) Conscious Sedation (For Possible Action)

- 164 (a) Chrishelle W Hemphill, DDS

165 Mrs. Shaffer-Kugel stated to that Dr. Hemphill passed the evaluation, and recommended approval.

166 MOTION: Ms. Guillen made the motion to approve the permanent permit. Motion was seconded by Ms. Gabriel. All
167 were in favor of the motion.

- 168 (2) General Anesthesia (For Possible Action)

- 169 (a) Nathan G Adams, DMD, MD

- 170 (b) Michael A Gladwell, DMD, MD

171 Mrs. Shaffer-Kugel stated that Dr. Adams and Dr. Gladwell passed the evaluation, and recommended approval.

172 MOTION: Dr. Pisani made the motion to approve the permanent permits. Motion was seconded by Dr. Champagne.
173 All were in favor of the motion.

174 *h. Approval for Anesthesia-Temporary Permit – NAC 631.2254 (For Possible Action)

- 175 (1) Conscious Sedation (For Possible Action)

- 176 (a) Demitri Villarreal, DDS

177 Mrs. Shaffer-Kugel stated to that Dr. Blasco reviewed the application; the application met the criteria, and
178 recommended approval.

179 MOTION: Dr. Pisani made the motion to approve the temporary permit. Motion was seconded by Ms. Guillen. All
180 were in favor of the motion.

204 *6. Resource Group Reports

205
206 *a. Legislative and Dental Practice (For Possible Action)

207 (Chair: Dr. Pinther; Dr. Champagne; Dr. Blasco; Dr. Kinard; Ms. Guillen)

208
209 Dr. Pinther indicated that there was no report.

210
211 *b. Legal and Disciplinary Action (For Possible Action)

212 (Chair: Dr. Kinard; Dr. Pisani; Dr. Blasco; Dr. Shahrestani, Mrs. Villigan)

213
214 Dr. Kinard indicated that while there was no report, he would like to review the legal fees once the LCB audit is
215 completed. Furthermore, that he would like to see the final report provided. Dr. Pinther inquired on what the costs
216 incurred will be, Mrs. Shaffer-Kugel replied that she was unsure of what the costs will be.

217
218
219 *c. Examinations Liaisons (For Possible Action)

220
221 *(1) WREB Representatives (For Possible Action)

222 (Dr. Blasco)

223
224 Dr. Blasco indicated that there was no report.

225
226 *(2) ADEX Representatives (For Possible Action)

227 (Dr. Kinard)

228
229 Dr. Kinard indicated that there was no report.

230
231
232 *d. Continuing Education (For Possible Action)

233 (Dr. Blasco, Chair; Dr. Shahrestani, Dr. Pisani; Mrs. Villigan; Ms. Gabriel)

234
235 (1) Recommendations to Approve or Reject possible proposed changes to Regulation pertaining to
236 NAC 631.033; NAC 631.175; NAC 631.210

237
238 Dr. Pisani informed the board that the committee met on March 11 and noted that the main concern was regarding how
239 to change the regulation to include Botulinum and other facial injectables. He stated that they wanted the parameters
240 to run similarly to the requirements for Laser education. He briefly went over the language they agreed to move forward
241 with to present to the Board members for consideration, which they are seeking to require that licensees wishing to
242 administer to submit proof of a course that is 24 credit hours in length; 8 hours lecture, 8 hours didactic and 8 hours
243 clinical. He noted that the language would be expanded to allow for dental hygienists to be allowed to administer
244 botulinum and other facial injectable under the supervision of a dentist.

245
246 MOTION: Ms. Guillen made the motion to accept the recommended changes as presented Motion was seconded by Dr.
247 Pisani. Roll call vote: (Yes = approve)

248
249 Dr. Timothy Pinther-----yes

Dr. Ali Shahrestani-----yes

250 Dr. Byron Blasco-----excused

Mrs. Leslea Villigan -----yes

251 Dr. J Gordon Kinard-----yes

Ms. Theresa Guillen -----yes

252 Dr. Brendan Johnson-----no

Ms. M Sharon Gabriel----yes

253 Dr. Gregory Pisani -----yes

Ms. Stephanie Tyler-----yes

254 Dr. Jason Champagne-----yes

255
256 Motion is agreed to; Motion passes. Mrs. Shaffer-Kugel stated that the next step would be to hold a public workshop
257 to develop language.

266 *e. Committee of Dental Hygiene (For Possible Action)
267 (Chair: Ms. Guillen; Mrs. Villigan; Ms. Gabriel, Dr. Shahrestani)
268

269 (1) Recommendations to Approve or Reject possible changes to R119-15 Proposed Regulation
270 pertaining to NAC 631.210 (For Possible Action)
271

272 Ms. Guillen informed the board that the committee met prior to the Board meeting. She commented that the
273 Committee was requesting that the language presented be approved. She noted that they were seeking to add the terms
274 “duty and implementation” to the language. She stated that though they would like to establish parameters to allow
275 dental hygienists to practice within their skills set; that Dentists’ would still be able to set their office policies to their
276 discretion.
277

278 MOTION: Dr. Pinther made a motion to approve the recommended changes. Mr. Hunt stated that they had heard all
279 the public comment, and that he noted that the word “Implement” may be in conflict with something that is prohibited
280 by the statute. He noted that policy changes must be done through the legislature; furthermore, that if the Board
281 adopted and implemented the language, they would be trying to circumvent the statute, which a regulation cannot
282 supersede a statute. He followed his comment with an example where in the past the board changed a regulation to
283 circumvent the statute and the district court reversed the board’s regulation. Mr. Hunt notified the Board of their
284 options to approve or reject the language. Mrs. Shaffer-Kugel read a statement on behalf of Dr. Blasco. Dr. Pinther
285 withdrew his motion.
286

287 MOTION: Mrs. Villigan made the motion to accept the changes as presented. Motion was seconded by Ms. Guillen.
288 Roll call vote: (Yes=approve)
289

290 Dr. Timothy Pinther-----no	Dr. Ali Shahrestani-----abstain
291 Dr. Byron Blasco-----excused	Mrs. Leslea Villigan -----yes
292 Dr. J Gordon Kinard-----no	Ms. Theresa Guillen -----yes
293 Dr. Brendan Johnson-----no	Ms. M Sharon Gabriel----yes
294 Dr. Gregory Pisani -----no	Ms. Stephanie Tyler-----no
295 Dr. Jason Champagne-----no	

297 Motion was not agreed to; Motion failed.
298

299 MOTION: Ms. Guillen made the motion to move forward with the language in R119-15. Motion was seconded by Mrs.
300 Villigan. Roll call vote: (Yes=approve)
301

302 Dr. Timothy Pinther-----yes	Dr. Ali Shahrestani----- yes
303 Dr. Byron Blasco-----excused	Mrs. Leslea Villigan -----yes
304 Dr. J Gordon Kinard----- yes	Ms. Theresa Guillen -----yes
305 Dr. Brendan Johnson----- yes	Ms. M Sharon Gabriel----yes
306 Dr. Gregory Pisani ----- yes	Ms. Stephanie Tyler----- yes
307 Dr. Jason Champagne----- yes	

309 Motion was agreed to; Motion passes.
310

311 *f. Specialty (For Possible Action)
312 (Chair: Dr. Pisani; Dr Johnson; Dr. Pinther)
313

314 Dr. Pisani indicated that there was no report.
315

316 *g. Anesthesia (For Possible Action)
317 (Chair: Dr. Johnson; Dr. Pinther; Dr. Champagne; Dr. Kinard)
318 (For Possible Action)
319

320 (1) Recommendations to Approve proposed changes to NAC 631. 2211-2254 Proposed Regulation
321 pertaining to Anesthesia (For Possible Action)
322

323 Dr. Johnson requested that the Board table this item.
324

325 MOTION: Mrs. Villigan made the motion to table this item. A second was made. All were in favor of the motion.

326 *h. Infection Control (For Possible Action)
327 (Chair: Mrs. Villigan; Dr. Blasco; Dr. Champagne; Dr. Pisani; Ms. Gabriel)
328

329 Mrs. Villigan indicated that there was no report.
330

331 *i. Budget and Finance Committee (For Possible Action)
332 (Chair: Dr. Blasco, Dr. Pinther, Ms. Guillen)
333

334 Dr. Pinther indicated that there was no report.
335
336

337 9. Public Comment: (Public Comment is limited to three (3) minutes for each individual)
338

339 Mrs. Peterson thanked the Board for addressing half of the issue that dental hygienists' brought to their attention. She
340 added that they were trying to get the language changes to address the issue that dentists are requiring that dental
341 hygienists' do things that are in violation of the regulations.
342

343 Ms. McKenzie commented that she was glad that the Board considered the issues, but would have liked them to
344 consider realistic parameters. She stated that they should change the legislation so that dentists' will compliant with
345 regulations.
346

347 Note: No vote may be taken upon a matter raised under this item of the agenda until the matter itself has been
348 specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)

349 10. Announcements:
350

351 Mrs. Shaffer-Kugel announced that post cards were sent out to remind dental hygienists' of License Renewal. She
352 stated that the renewal portal was officially open, and that dental hygienists' could begin renewing.
353

354 She noted that there will be a Full Board hearing on April 22 and that the travel arrangements had been made.
355

356 Mrs. Shaffer-Kugel welcomed Ms. Tyler to the Board and thanked Mrs. Wark for her long time service.
357

358 *11. Adjournment (For Possible Action)
359

360 MOTION: Dr. Pisani made the motion to adjourn. Motion was seconded by Ms. Guillen. All were in favor of the
361 motion.
362
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371 Meeting Adjourned at 12:24 p.m.
372

373 Respectfully submitted by:
374
375

376 _____
Debra Shaffer-Kugel, Executive Director



NEVADA STATE BOARD OF DENTAL EXAMINERS
 6010 S Rainbow Boulevard, Suite A-1
 Las Vegas, Nevada 89118
 (702) 486-7044



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

NOTICE OF PUBLIC MEETING

Friday, April 22, 2016
 10:09 a.m.

DRAFT
Formal Hearing Agenda

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. Timothy Pinther-----PRESENT	Dr. Ali Shahrestani-----PRESENT
Dr. Byron Blasco-----PRESENT	Mrs. Leslea Villigan -----PRESENT
Dr. J Gordon Kinard-----PRESENT	Ms. Theresa Guillen -----PRESENT
Dr. Brendan Johnson-----PRESENT	Ms. Sharon Gabriel-----PRESENT
Dr. Gregory Pisani -----PRESENT	MS. Stephanie Tyler-----PRESENT
Dr. Jason Champagne-----PRESENT	

Others Present: John Hunt, Board Legal Counsel; Sophia Long, DAG, Debra Shaffer-Kugel, Executive Director, Gary Braun, DDS, Disciplinary Screening Officer and L. Scott Brooksby, DDS.

Public Attendees: Bradley Roberts, DDS.

2. Public Comment: (Public Comment is limited to five (5) minutes for each individual)

Note: 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

No Public Comment

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* 3. Formal Hearing: Nevada State Board of Dental Examiners vs. L. Scott Brooksby, DDS
(For Possible Action)

The purpose of this hearing is to consider the allegations regarding/related to the the verified complaints/complaint by the Nevada State Board of Dental Examiners for the violations of NRS 631 and NAC 631 and take such action the Board deems appropriate, pursuant to NRS 631.350. (Pursuant to NRS 241.030(1)(a), the board may, by motion, enter into closed session)

Board Counsel addressed the Board to offer exhibits. However, Dr Brooksby would not agree to enter in the exhibits into the record at the same time, Board Counsel stated the exhibits will be introduced one by one. Dr. Brooksby did appear in proper person before the Board at the office located in Las Vegas. Board Counsel addressed the Board with his opening statement. Dr Brooksby provided his open statement. Upon completion of his opening statement, Dr Brooksby stated he was fine with any action the Board took against his license and advised the Board he would not be participating in the Formal Hearing that he was leaving to help his wife pack because they were leaving the State of Nevada. Dr Brooksby left the office. Board Counsel presented the case and exhibits. He further discussed the violations and allegations outlined in the Formal Complaint. The case was referred to Sophia Long, DAG and the Board for deliberation. The Board issued an Order

4. Public Comment: (Public Comment is limited to five (5) minutes for each individual)

Note: 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

No Public Comment

*5. Adjournment (For Possible Action)

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

Meeting ended approximately at 2:50 pm
Respectfully submitted by:

Debra Shaffer-Kugel, Executive Director

Nevada State Board of Dental Examiners
Balance Sheet
As of March 31, 2016

Mar 31, 16

ASSETS

Current Assets

Checking/Savings

10000 · Wells Fargo-Operating	311,189.58
10015 · Wells Fargo - Saving	530,444.36
10010 · Wells Fargo-Reserves	1,053,287.34
Total Checking/Savings	<u>1,894,921.28</u>

Accounts Receivable

11000 · Accounts Receivable	75,449.48
Total Accounts Receivable	<u>75,449.48</u>

Other Current Assets

11050 · Reimbursements Receivable	1,178.72
11200 · Prepaid Expenses	28,850.29
11210 · Prepaid Insurance	4,728.00
18000 · Deferred Outflows-Pension	66,562.00
Total Other Current Assets	<u>101,319.01</u>

Total Current Assets	<u>2,071,689.77</u>
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TOTAL ASSETS	<u><u>2,071,689.77</u></u>
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LIABILITIES & FUND BALANCE

Liabilities

Current Liabilities

Accounts Payable

20000 · Accounts Payable	46,826.89
Total Accounts Payable	<u>46,826.89</u>

Other Current Liabilities

22125 · DDS Deferred Revenue	
22126-7 · 2017 DDS Retired/Disabled	2,725.92
22126-6 · 2017 DDS Inactive	38,503.48
22126-5 · 2017 DDS Active Licenses	653,180.22
22900 · DDS-Permits	46,770.25
22901 · DDS-Limited License	3,808.46
22902 · DDS-Ltd Lic-Supervised	1,963.64
Total 22125 · DDS Deferred Revenue	<u>746,951.97</u>

22136 · RDH Deferred Revenue	
22138-5 · 2018 RDH Inactive/Retired	50.00
22138-4 · 2018 RDH Active	300.00
22138-1 · 2016 RDH Active	53,761.40
22138-2 · 2016 RDH Inactive/Retired	1,776.20
Total 22136 · RDH Deferred Revenue	<u>55,887.60</u>

20500 · Fines Payable-State of Nevada	3,700.00
23750 · Accrued Vacation/Sick Leave	34,714.56

Total Other Current Liabilities	<u>841,254.13</u>
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Total Current Liabilities	888,081.02
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Long Term Liabilities

20601 · Pension Liability	429,013.00
21001 · Deferred Inflows-Pension	110,641.00

Total Long Term Liabilities	<u>539,654.00</u>
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Total Liabilities	1,427,735.02
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Fund Balance	643,954.75
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TOTAL LIABILITIES & FUND BALANCE	<u><u>2,071,689.77</u></u>
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Nevada State Board of Dental Examiners
Statement of Revenues, Expenses and Fund Balance
July 2015 through March 2016

	<u>Jul '15 - Mar 16</u>	<u>Budget</u>	<u>\$ Over Budget</u>
Ordinary Income/Expense			
Income			
40000 · Dentist Licenses & Fees			
40100 · DDS Active License Fee	386,382.28	416,578.00	(30,195.72)
40102 · DDS Inactive License Fee	25,170.60	23,820.00	1,350.60
40135 · DDS Activate/Inactive/Suspend	14,725.00	7,843.50	6,881.50
40136 · DDS Activate Revoked License	1,000.00	500.00	500.00
40140 · Specialty License App	1,500.00	875.00	625.00
40145 · Limited License App	625.00	625.00	0.00
40115 · Limited License Renewal Fee	9,491.54	8,929.00	562.54
40116 · LL-S Renewal Fee	2,086.36	2,575.00	(488.64)
40150 · Restricted License App	0.00	1,875.01	(1,875.01)
40180 · Anesthesia Site Permit App	15,500.00	11,500.00	4,000.00
40182 · CS/GA/Site Permit Renewals	26,229.75	25,162.00	1,067.75
40183 · GA/CS/DS or Site Permit Relnp	14,450.00	16,301.25	(1,851.25)
40175 · Conscious Sedation Permit Appl	7,500.00	9,630.00	(2,130.00)
40170 · General Anesthesia Permit Appl	4,850.00	2,725.00	2,125.00
40155 · General Anesthesia Permit Relnp	850.00	0.00	850.00
40184 · Infection Control Inspection	15,000.00	11,500.00	3,500.00
40212 · DDS ADEX License Application	13,325.00	16,800.00	(3,475.00)
40205 · DDS Credential Appl Fee-Spclty	15,600.00	20,400.00	(4,800.00)
40211 · DDS WREB License Application	61,200.00	49,200.00	12,000.00
Total 40000 · Dentist Licenses & Fees	615,485.53	626,838.76	(11,353.23)
50000 · Dental Hygiene Licenses & Fees			
40105 · RDH Active License Fee	158,173.55	155,890.00	2,283.55
40106 · RDH Inactive License Fee	5,328.63	5,470.00	(141.37)
40130 · RDH Activate/Inactive/Suspend	1,475.00	5,225.00	(3,750.00)
40126 · RDH Reinstate Revoked License	500.00	200.00	300.00
40110 · RDH LAN2O Permit Fee	3,225.00	3,100.00	125.00
40224 · RDH ADEX License Application	300.00	1,800.00	(1,500.00)
40222 · RDH WREB License Application	23,100.00	13,800.00	9,300.00
Total 50000 · Dental Hygiene Licenses & Fees	192,102.18	185,485.00	6,617.18
50750 · Other Licenses & Fees			
40220 · License Verification Fee	4,550.00	4,050.00	500.00
40227 · CEU Provider Fee	4,350.00	7,124.00	(2,774.00)
40225 · Duplicate License Fee	1,150.00	900.00	250.00
40185 · Lists/Labels Printed	6,657.00	7,650.00	(993.00)
40600 · Miscellaneous Income	340.00	284.00	56.00
Total 50750 · Other Licenses & Fees	17,047.00	20,008.00	(2,961.00)
Total Income	824,634.71	832,331.76	(7,697.05)

Nevada State Board of Dental Examiners
Statement of Revenues, Expenses and Fund Balance
July 2015 through March 2016

Expense	Jul '15 - Mar 16	Budget	\$ Over Budget
60500 · Bank Charges			
60500-1 · Bank Service Fees	175.46	40.00	135.46
60500-2 · Merchant Fees	7,166.55	4,500.00	2,666.55
Total 60500 · Bank Charges	7,342.01	4,540.00	2,802.01
68000 · Conferences & Seminars	5,334.85	11,100.00	(5,765.15)
63000 · Dues & Subscriptions	4,052.41	3,676.00	376.41
65100 · Furniture & Equipment	20,525.42	15,600.00	4,925.42
65500 · Finance Charges	367.45	100.00	267.45
66500 · Insurance			
66500-1 · Liability	4,856.35	4,920.57	(64.22)
66500-2 · Workers Compensation	1,542.07	787.50	754.57
Total 66500 · Insurance	6,398.42	5,708.07	690.35
66520 · Internet/Web/Domain			
66520-1 · GL Suites	29,393.28	29,628.00	(234.72)
66520-2 · E-mail, Website Services	2,125.62	1,561.00	564.62
66520-3 · Internet Services	1,302.96	1,189.00	113.96
66520-4 · Jurisprudence Exam Website	198.00	198.00	0.00
Total 66520 · Internet/Web/Domain	33,019.86	32,576.00	443.86
73500 · Information Technology			
73500-1 · Computer Repair/Upgrade	660.00	526.00	134.00
Total 73500 · Information Technology	660.00	526.00	134.00
66600 · Office Supplies	4,811.74	5,701.00	(889.26)
66650 · Office Expense			
68710 · Miscellaneous Expenses	599.88	1,876.00	(1,276.12)
68700 · Repairs & Maintenance			
68700-1 · Janitorial	4,500.00	4,500.00	0.00
68700-2 · Copier Maintenance (7545P)	3,351.47	2,800.00	551.47
68700-3 · Copier Maintenance (7435P)	1,814.27	1,743.75	70.52
Total 68700 · Repairs & Maintenance	9,665.74	9,043.75	621.99
68725 · Security	749.60	630.00	119.60
68715 · Shredding Services	349.00	675.00	(326.00)
68720 · Utilities	3,397.41	3,581.00	(183.59)
Total 66650 · Office Expense	14,761.63	15,805.75	(1,044.12)
67000 · Printing	5,411.51	4,475.58	935.93
67500 · Postage & Delivery	11,502.20	10,876.00	626.20
68500 · Rent/Lease Expense			
68500-1 · Equipment Lease	1,136.31	1,136.25	0.06
68500-2 · Office	50,733.53	50,006.25	727.28
68500-4 · Storage Warehouse	1,112.43	2,288.00	(1,175.57)
Total 68500 · Rent/Lease Expense	52,982.27	53,430.50	(448.23)

Nevada State Board of Dental Examiners
Statement of Revenues, Expenses and Fund Balance
July 2015 through March 2016

	<u>Jul '15 - Mar 16</u>	<u>Budget</u>	<u>\$ Over Budget</u>
75000 · Telephone			
75000-1 · Telephone-Office	1,871.88	1,912.50	(40.62)
75000-2 · Board Teleconference	93.81	300.00	(206.19)
Total 75000 · Telephone	<u>1,965.69</u>	<u>2,212.50</u>	<u>(246.81)</u>
75100 · Travel (Staff)	1,069.34	1,600.00	(530.66)
73550 · Per Diem (Staff)	355.00	30.00	325.00
73600 · Professional Fee			
73600-1 · Accounting/Bookkeeping	17,077.50	21,000.00	(3,922.50)
73600-4 · Legislative Services	14,016.13	13,500.00	516.13
73600-2 · Legal-General	47,214.47	23,080.00	24,134.47
Total 73600 · Professional Fee	<u>78,308.10</u>	<u>57,580.00</u>	<u>20,728.10</u>
73700 · Verification Services	8,914.53	7,520.00	1,394.53
72000 · Employee Wages & Benefits			
72100 · Executive Director	97,963.21	94,565.02	3,398.19
72300 · Credentialing & Licensing Coord	41,251.82	40,802.76	449.06
72132 · Site Inspection Coordinator	29,943.33	29,564.01	379.32
72200 · Technology/Finance Liaison	35,696.12	38,023.25	(2,327.13)
72130 · Public Info & CE Coordinator	24,401.41	23,690.02	711.39
72140 · Administrative Assistant (P/T)	12,324.77	11,970.50	354.27
72010 · Payroll Service Fees	1,290.50	1,256.75	33.75
72005 · Payroll Tax Expense	4,444.58	4,406.26	38.32
72600 · Retirement Fund Expense (PERS)	61,180.56	57,075.02	4,105.54
65525 · Health Insurance	37,174.05	36,243.76	930.29
Total 72000 · Employee Wages & Benefits	<u>345,670.35</u>	<u>337,597.35</u>	<u>8,073.00</u>
72400 · Board of Directors Expense			
72400-1 · Director Stipends	6,580.00	4,950.00	1,630.00
72400-2 · Committee Mtgs-Stipends	1,000.00	700.00	300.00
72400-3 · Director Travel Expenses	4,445.51	4,084.00	361.51
72400-9 · Refreshments - Board Meetings	1,308.87	1,700.00	(391.13)
Total 72400 · Board of Directors Expense	<u>13,334.38</u>	<u>11,434.00</u>	<u>1,900.38</u>
60001 · Anesthesia Eval Committee			
60001-1 · Evaluator's Fee	10,786.00	9,751.00	1,035.00
60001-4 · Travel Expense	3,677.52	4,387.50	(709.98)
60001-5 · Calibration Expense	0.00	3,000.00	(3,000.00)
Total 60001 · Anesthesia Eval Committee	<u>14,463.52</u>	<u>17,138.50</u>	<u>(2,674.98)</u>
73650 · Investigations/Complaints			
72550 · DSO Coordinator	2,700.00	3,150.00	(450.00)
73650-1 · DSO Consulting Fee	30,600.00	31,211.27	(611.27)
73650-2 · DSO Travel Expense	3,116.16	4,781.25	(1,665.09)
73650-3 · Legal Fees-Investigations	177,270.59	221,250.01	(43,979.42)
73650-5 · BOD Hearing Stip	0.00	1,540.00	(1,540.00)
73650-4 · Staff Travel & Per Diem	101.92	2,250.00	(2,148.08)

Nevada State Board of Dental Examiners
Statement of Revenues, Expenses and Fund Balance
July 2015 through March 2016

	<u>Jul '15 - Mar 16</u>	<u>Budget</u>	<u>\$ Over Budget</u>
73650-8 · DSO Calibration Expense	0.00	3,000.00	(3,000.00)
73650-7 · Miscellaneous Investigation Exp	11,318.40	1,500.02	9,818.38
73650-6 · Reimb Investigation Expenses	(123,003.55)	(168,750.00)	45,746.45
Total 73650 · Investigations/Complaints	<u>102,103.52</u>	<u>99,932.55</u>	<u>2,170.97</u>
60002 · Infection Control Inspection			
60002-1 · Initial Inspection Expense	7,761.05	6,262.51	1,498.54
60002-2 · Reinspection Expense	870.77	618.75	252.02
60002-3 · Random Inspection Expense	437.50	618.75	(181.25)
60002-4 · Travel Expense	1,606.38	2,362.50	(756.12)
Total 60002 · Infection Control Inspection	<u>10,675.70</u>	<u>9,862.51</u>	<u>813.19</u>
Total Expense	<u>744,029.90</u>	<u>709,022.31</u>	<u>35,007.59</u>
Net Ordinary Income	80,604.81	123,309.45	(42,704.64)
Other Income/Expense			
Other Income			
40800 · Interest Income	678.93	412.51	266.42
Total Other Income	<u>678.93</u>	<u>412.51</u>	<u>266.42</u>
Net Other Income	<u>678.93</u>	<u>412.51</u>	<u>266.42</u>
Net Income Over Expenses	<u><u>81,283.74</u></u>	<u><u>123,721.96</u></u>	<u><u>(42,438.22)</u></u>



COPY

STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL

100 North Carson Street
Carson City, Nevada 89701-4717

March 10, 2016

ADAM PAUL LAXALT
Attorney General

WESLEY K. DUNCAN
First Assistant Attorney General

NICHOLAS A. TRUTANICH
First Assistant Attorney General

Timothy T. Pinther, D.D.S., President
Nevada State Board of Dental Examiners
6010 S. Rainbow Blvd., Suite #A-1
Las Vegas, NV 89118

RE: Joint Representation of Nevada State Board of Dental Examiners

Dear President Pinther:

The Office of the Attorney General (OAG) is designated as legal counsel for the Executive Branch of State Government pursuant to NRS 228.110. Various other statutes require the OAG to perform specific legal functions for the various components of the Executive Branch, including Title 54 Boards. Since the Nevada State Board of Dental Examiners also engages John Hunt as outside counsel pursuant to NRS 631.190, this correspondence will clarify the scope of the Board's joint representation by both outside counsel and the OAG.

In the course of joint representation, please be mindful of the following:

- 1) The Board may request written opinions on questions of Nevada law from the OAG pursuant to NRS 228.150. When relying on an Attorney General Opinion in good faith, the Board is protected from liability for damages against the governmental body it serves if the Opinion is later found to be incorrect. See *Cannon v. Taylor*, 88 Nev. 89, 91, 493 P.2d 1313 (1972).
- 2) The Board should immediately notify the OAG whenever served with a complaint in federal or state court, or a petition for judicial review, or if the Board is otherwise presented with legal documents, since service must be effected in strict compliance with FRCP 4(j)(2), NRS 41.031(2) or NRS 233B.130(2), which includes service upon the OAG.
- 3) Due process considerations together with Nevada Rule of Professional Conduct 1.7 (prohibiting attorneys from conflicts of interest in legal representation) prohibit the same attorney from acting as both prosecutor and Board counsel whenever the Board adjudicates the legal rights of a licensee. See *Laman v. Nevada Real Estate Advisory Comm'n*, 95 Nev. 50, 56, 589 P.2d 166, 170 (1979). The OAG can provide attorneys to serve the Board in either role whenever necessary to avoid any conflict.

To: Timothy T. Pinther, D.D.S, President
Date: March 10, 2016
Page: 2 of 2

- 4) NRS 333.700(6) requires any contract for services, including but not limited to contracts for outside counsel, to be reviewed and approved as to form and compliance with law by the OAG. NRS 331.110(2) similarly requires any office lease to be reviewed and approved as to form and compliance with law by the OAG.

In order to confirm the Board's understanding of the scope of joint representation, the OAG recommends discussion of this correspondence as an agenda action item at a future Board meeting. I will attend that Board meeting to answer any questions that the Board may have.

The OAG appreciates the extraordinary efforts of the Board to protect the public by enforcing the provisions of NRS Chapter 631 regarding the practice of dentistry and dental hygiene. The OAG encourages the Board to be proactive in seeking legal advice, and wants to emphasize that all the resources of our office are available to the Board to assist in this effort, including training and briefings on recent legal developments and critical issues facing licensing boards.

If you have any questions, please do not hesitate to contact me at 775-684-1201 or bkandt@ag.nv.gov.

Sincerely,

ADAM PAUL LAXALT
Attorney General

By: 

Brett Kandt
Chief Deputy Attorney General

WBK/klr
cc: John Hunt, Esq.

EMPLOYMENT AGREEMENT

This Employment Agreement (this "Agreement") pursuant to the following terms and conditions between the Nevada State Board of Dental Examiners ("Employer" or "Board") and Debra Shaffer ("Executive Director") shall only become effective upon the Board approving this Agreement at a properly noticed public meeting.

1. Employment. Employer hereby employs Executive Director, and Executive Director hereby accepts employment by the Board, as the Board's Executive Director, and agrees to perform such executive, managerial and administrative duties, as set forth in NRS 631 and NAC 631 and perform other such duties which may be changed at the sole discretion of the Board without approval of the Executive Director as authorized by NAC 631.023(1)(f) during the Term, extension periods or "At Will" periods of this employment Agreement. With the exception of the provisions contained in this Agreement the Executive Director has also agreed to be bound by all of the terms and conditions set forth in the Nevada State Board of Examiners, Employee Handbook (hereinafter referred to as the "Employee Handbook") which is attached as Exhibit #1 to this Agreement. In the event there is a conflict between this Agreement and the Employee Handbook this Agreement shall be the controlling authority.

2. Effective Date; Term. This Agreement shall be effective as of June 30, 2016 ("Effective Date"). Subject to earlier termination as provided herein, the Board shall retain the Executive Director, and Executive Director shall serve in the employ of the Employer for a period of one (1) year commencing at the Effective Date. If either party to this Agreement chooses not to renew the terms and conditions set forth herein by exercising their rights under this paragraph then Executive Director's employment with Employer may continue on an At-Will basis. During the "At Will" period of employment all of the provisions on this agreement will remain in full forces and effect. Notwithstanding the foregoing, the parties after an annual review of the Executive Director by the Board and by motion of the Board the Board if agreeable by the Executive Director the Board may extend this agreement for subsequent one (1) year periods. In the event the Term is extended for an additional one (1) year term or the employment becomes At-Will all of the provisions of this Agreement, including the provisions of the Employee Handbook shall remain in full force and effect.

3. Compensation.
 - a. Base Salary. During the Specified Term, in consideration of the performance by the Executive Director of the Executive Director's obligations hereunder to Employer, Employer shall pay Executive an annual base salary (the "Base Salary") of **One Hundred Twenty Thousand Dollars** (\$ 120,000.00). The Base Salary shall be payable in accordance with the payroll practices of Employer as set forth in the Employee Handbook. (See Exhibit #1) The Base Salary shall be reviewed annually, exclusively by the Board, and any increase thereto shall be at the Board's sole discretion. Any increase will only be effective upon a vote by the Board at a properly notice public meeting.

- b. Bonus Compensation.The Executive Director may be entitled to an annual discretionary bonus which will be at the sole discretion of the Board. Any discretionary bonus granted by the Board will only be effective upon a vote by the Board at a properly notice public meeting.
 - c. Benefit Programs.During Term and any extended Terms the Executive Director shall be entitled to participate in Employer's entire benefit plan for its Employees as set forth in the Nevada State Board of Dental Examiners, Employee Handbook. The benefits are subject to Employer's right to amend, terminate or take other similar actions with respect to such plans. (See Exhibit #1)
 - d. Holidays, Vacation, Sick Leave. As of the Effective Date, Executive Director shall be entitled to holidays, vacation sick leave as set forth in the Nevada State Board of Dental Examiners, Employee Handbook. (See Exhibit #1)
 - e. Alcohol & Drug Use. As of the Effective Date, Executive Director shall be bound by the alcohol and drug use provisions as set forth in the Nevada State Board of Dental Examiners, Employee Handbook. (See Exhibit #1)
4. Extent of Services. The Executive Director agrees the duties and services to be performed by the Executive Director shall be performed exclusively for Employer. The Executive Director further agrees to perform such duties in an efficient, trustworthy, lawful, and businesslike manner. The Executive Director agrees not to render to others any service of any kind whether or not for compensation, or to engage in any other activities whether or not for compensation, that is similar to or conflicts with the performance of the Executive Director's duties under this Agreement, without the prior written approval of the Board.
5. Restrictive Covenants.
- a. Confidential & Propriety Information. The Executive Director acknowledges during the course of executing the Executive Director's responsibilities hereunder, she will have access to sensitive private information about licensees, patients and Board Members and Board Employees which must be protected from public disclosure. In addition the Executive Director shall become acquainted with certain confidential and proprietary information as further described herein.Executive further acknowledges that such information must remain confidential unless disclosure is otherwise permitted by Nevada law. Disclosure of such confidential information would be grounds for the immediate termination of the Executive Director. Further upon termination of the Executive Director, acknowledges she has an obligation to continue to maintain the confidential of information the Executive Director has become acquainted during her employment. Regarding confidential and proprietary information the Executive Director also agrees to the terms and conditions set forth in the Employee Handbook. (See Exhibit #1)

- b. Confidentiality. The Executive Director covenants and agrees the Executive Director shall not at any time during the Term or thereafter, without Employer's prior written consent make known to any person or outside entity any confidential information, in any form which is not a public record. The Executive Director covenants and agrees that she shall not at any time during the Term or thereafter, without the Employer's prior written consent, utilize proprietary or confidential information in any way other than in connection with the Executive Director executing her duties and obligations.
 - c. Third Party Information. The Executive Director acknowledges in the execution of her duties and obligations the Board has and will receive from third parties confidential or proprietary information which the Executive Director has to a duty to maintain the confidentiality of such information and to use it only for certain limited purposes as permitted by NRS 631, NAC 631, NRS 233B and NAC 233B. The Executive Director will hold all such confidential or proprietary information in the strictest confidence and will not disclose it to any person or entity or use it except as necessary in carrying out Executive Director's duties hereunder consistent with NRS 631, NAC 631, NRS 233B and NAC 233B.
 - d. Employer's Property. The Executive Director hereby confirms the proprietary or confidential information and all information concerning the services the Board provides to the public through the Board facilities and operation are the Board's sole and exclusive property. The Executive Director agrees that upon termination of employment the Executive Director shall promptly return to Employer all documents, papers, notes, notebooks, memoranda, computer disks, and any other similar repositories of information containing or relating in any way to the proprietary or confidential information related to the operation of the Board. Such repositories of information also include but are not limited to any so-called personal files or other personal data compilations in any form, which in any manner contain any proprietary or confidential information of the Board.
 - e. Notice to Employer. The Executive Director agrees to notify Employer immediately of any employers for whom Executive Director works or provides services (whether or not for remuneration) during Term or which would be in conflict with the provisions paragraph 5.a above.
6. Representations. The Executive Director hereby represents, warrants and agrees with Employer that:
- a. The covenants and agreement contained in paragraphs 5 are reasonable, appropriate and suitable in their scope, duration and content; Employer's agreement to employ the Executive Director and a portion of the compensation and consideration to be paid to Executive Director hereunder is separate and partial consideration for such covenants and agreements; Executive shall not, directly or indirectly, raise any issue of the reasonableness, appropriateness and suitability of the scope, duration or content of such covenants and agreements in

any proceeding to enforce such covenants and agreements; and such covenants and agreements shall survive the termination of this Agreement, in accordance with their terms;

- b. The enforcement of any remedy under this Agreement will not prevent Executive Director from earning a livelihood, because Executive Director's past work history and abilities are such the Executive Director can reasonably expect to find work in other areas and lines of business;
- c. The covenants and agreements stated in Paragraph 5 above are essential for the Board to protect the citizens of Nevada for the potential release of confidential and proprietary information by the Executive Director;
- d. The Board has reasonably relied on these covenants and agreements by the Executive Director;
- e. The Executive Director has the full right to enter into this Agreement, and entering into and performance of this Agreement will not violate or conflict with any arrangements or agreements the Executive Director may have or agreed to have with any other person or entity; and
- f. The Executive Director acknowledges and warrants receipt of sufficient separate consideration for the Executive Director's obligation and duties set forth in paragraph 5 above.

The Executive Director agrees that in the event the Executive Director breaches or threatened to breach of any covenants and agreements set forth in paragraphs 5 and/or 8, Employer may seek to enforce such covenants and agreements in court through any equitable remedy, including specific performance or injunction, without waiving any claim for damages. In any such event the Executive Director waives any claim that the Employer has an adequate remedy at law or for the posting of a bond. In the event the Board has to seek injunctive relief the Executive Director agrees to be responsible for any fees and cost, including attorney's fees

7. Termination for Death or Disability. The Executive Director's employment hereunder shall terminate upon Executive Board death and may be terminated by the Board for "Disability" (as defined below). In the event of a termination of Executive Director's employment as a result of death or Disability the Executive Director (or Executive's estate) shall have no right to receive any compensation or benefit hereunder or otherwise from Employer on and after the effective date of termination of employment other than: (1) unpaid Base Salary earned to the date of termination of employment (which shall be paid on Employer's next scheduled payroll date); (2) unpaid business expense reimbursement; (3) unpaid benefits as provided for in the Employee Handbook (See Exhibit #1); (4) a lump sum amount equal to sixty (60) days Base Salary (which shall be paid within thirty (30) days following Executive Director termination); (5) six (6)

months, if applicable of COBRA payments for Executive Director (if such termination is due to Disability) and Executive Director's then-insured dependents at the For purposes hereof, "Disability" shall be defined as the inability of Executive to perform Executive's material duties hereunder due to a physical or mental injury, infirmity or incapacity for one hundred eighty (180) days (including weekends and holidays) in any three hundred, sixty-five (365)day period as determined by the Board in its reasonable discretion and the findings of a physician mutually selected by Employer and Executive Director (or Executive's representative).

8. Termination by Employer

- a. For Cause. Employer may terminate Executive Director's employment hereunder for Cause (as defined below) at any time. If Employer terminates Executive Director employment for Cause, Executive Director shall have **no** right to receive any compensation or benefits hereunder or otherwise from Employer on and after the effective date of termination of employment other than: (1)unpaid Base Salary earned to the date of termination of employment (which shall be paid on Employer's next scheduled payroll date); (2) unreimbursed business expenses. For purposes of this paragraph 8, "Cause" is defined as Executive Director's: (i) failure to abide by Employer's policies and procedures; (ii) misconduct, gross negligence, insubordination, or inattention to Employer's business; (iii) failure to perform the duties required of Executive Director as set forth in NRS 631 and NAC 631 and perform such other duties assigned by the Board pursuant NAC 631.023(1)(f) or other material breach of this Agreement. The Employer agrees to provide written notice to Executive Director of the specific items identified as Cause and afford Executive a period of thirty (30) business days from receipt of the written notice to remedy the deficiencies to Employer's satisfaction. If, at the conclusion of the cure period, Employer determines Executive Director has not satisfactorily remedied the deficiency, Employer shall notify Executive Director, who shall be immediately terminated. Nothing in this paragraph8 precludes Employer from immediately terminating Executive Director's employment if Executive Director is convicted of felonious criminal conduct; physically aggressive conduct toward any co-worker or citizen or illegal drug use; or the Executive Director conduct poses an immediate threat to the general health, safety of welfare of the public.

- b. Without Cause. Employer may terminate Executive at any time during the Term or any extension thereafter, upon thirty (30) days' written notice, or, in the Board's sole discretion, pay to the Executive Director the equivalent of thirty (30) days' Base Salary in lieu of notice. In addition to any amount due in lieu of notice, should Employer terminate Executive's employment without Cause, then Executive shall have no right to receive any compensation or benefits hereunder or otherwise from Employer on or after the effective date of termination of employment other than: (1) unpaid Base Salary earned to the date of termination of employment (which shall be paid on Employer's next scheduled payroll date); (2) a lump sum amount equal to an additional six (6) months' Base Salary (which

shall be paid within sixty (60) days following Executive Director termination); provided that to the extent that the payment of such amount constitutes "nonqualified deferred compensation" for purposes of "Code Section 409A" (as defined in paragraph 27), such payment shall not be paid until the sixtieth (60th) day following such termination; (3) unreimbursed business expenses; (4) benefits provided for in the Employee Handbook; and (5) Employer paid COBRA benefits if applicable for a period of six (6) months following termination.

9. Release; Full Satisfaction. Notwithstanding anything to the contrary, no payments or benefits shall be provided pursuant to paragraph 7 and 8 unless and until Executive Director executes and delivers a standard form of general release of claims, and such release has become irrevocable within sixty (60) days following termination; provided, however, that Executive Director shall not be required to release any indemnification rights or continuing rights to benefits under Employer's benefit plans, in accordance with the terms and conditions of such plans. (See Exhibit #1)
10. Cooperation Following Termination. Following termination of Executive Director's employment hereunder for any reason, Executive agrees to cooperate with Employer upon the reasonable request of the Employer and to be reasonably available to Employer with respect to matters arising out of Executive Director's services. Employer shall reimburse, or at Executive Director's request, advance the Executive Director for expenses reasonably incurred in connection with such matters.
11. Interpretation; Each Party the Drafter. Each of the parties was represented by or had the opportunity to consult with counsel who either participated in the formulation and documentation of, or was afforded the opportunity to review and provide comments on, this Agreement. Accordingly, this Agreement and the provisions contained in it shall not be construed or interpreted for or against any party to this agreement because that party drafted or caused that party's legal representative to draft any of its provisions.
12. Severability. If any provision hereof is unenforceable, illegal or invalid for any reason whatsoever, such fact shall not affect the remaining provisions hereof, except in the event a law or court decision, whether on application for declaration, or preliminary injunction or upon formal judgment, declares one or more of the provisions of this Agreement that impose restrictions on Executive unenforceable or invalid because of the geographic scope or time duration of such restriction. In such event, Employer shall have the option:
 - a. To deem the invalidated restrictions retroactively modified to provide for the maximum geographic scope and time duration that would make such provisions enforceable and valid; or
 - b. To terminate this Agreement pursuant to paragraph 8(a) or 8(b), whichever is applicable.

Exercise of any of these options shall not affect Employer's right to seek damages or such additional relief as may be allowed by law with respect to any breach by Executive of the enforceable provisions of this Agreement.

13. Notice. For purposes of this Agreement, notices and all other communications provided for in this Agreement shall be in writing and shall be deemed to have been duly given: (i) when personally delivered; (ii) when delivered by facsimile upon receipt of confirmation that the transmission was successful; (iii) the business day following the day when deposited with a reputable and established overnight express courier (charges prepaid); or (iv) five (5) days following mailing by certified or registered mail, postage prepaid and return receipt requested. Unless another address is specified, notices shall be sent to the addresses indicated below:


To Employer:

Nevada State Board Dental
Examiners
6010 S. Rainbow Boulevard
Building A, Suite #1
Las Vegas, Nevada 89118
Facsimile #: (702) 486-7044

With a copy to its:

John A. Hunt
Morris Polich & Purdy
3800 Howard Hughes Parkway #500
Las Vegas, Nevada 89169
Facsimile #: (702) 862-8400

To Executive:

Debra Shaffer-Kugel


or to such other address as either party shall have furnished to the other in writing in accordance herewith.

14. Tax Withholding. Notwithstanding any other provision of this Agreement, Employer may withhold from any amounts payable under this Agreement, or any other benefits received pursuant hereto, such federal, state, local and other taxes as shall be required to be withheld under any applicable law or regulation.
15. Dispute Resolution.
- a. Any dispute, claim or controversy arising from or related in any way to this Agreement or the interpretation, application, breach, termination or validity thereof, including any claim of inducement of this Agreement by fraud, or arising from or related in any way to Executive's employment with Employer will be submitted for final resolution by private arbitration before a single arbitrator and in accordance with the National Rules for the Resolution of Employment Disputes

and practices then in effect of the American Arbitration Association or any successors thereto ("AAA"), except where those rules conflict with these provisions, in which case these provisions control; provided, however, that Employer shall have the right to seek in court equitable relief, including a temporary restraining order, preliminary or permanent injunction or an injunction in aid of arbitration, to enforce its rights set forth in paragraph 8. The arbitration will be held in Las Vegas, Nevada.

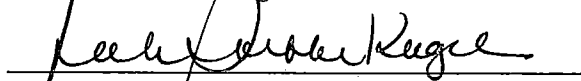
- b. Giving recognition to the understanding of the parties hereto that they contemplate reasonable discovery, including document demands and depositions, the arbitrator shall provide for discovery in accordance with the Nevada Rules of Civil Procedure as reasonably applicable to this private arbitration.
 - c. To the extent possible, the arbitration hearings and award will be maintained in confidence, except as may be required by law or for the purpose of enforcement of an arbitration award.
 - d. Each party shall bear its own costs and expenses incurred in connection with arbitration proceedings pursuant to this Agreement to arbitrate. To the extent permitted by law, the costs and expenses of the arbitrator(s) and related expenses shall be shared equally between Employer and Executive Director.
 - e. Each party hereto waives, to the fullest extent permitted by law, any claim to punitive, exemplary, liquidated, or multiplied damages from the other.
16. No Waiver of Breach or Remedies. No failure or delay on the part of Employer or Executive Director in exercising any right, power or remedy hereunder shall operate as a waiver thereof nor shall any single or partial exercise of any such right, power or remedy preclude any other or further exercise thereof or the exercise of any other right, power or remedy hereunder. The remedies herein provided are cumulative and not exclusive of any remedies provided by law.
17. Amendment or Modification. No amendment, modification, termination or waiver of any provision of this Agreement shall be effective unless the same shall be in writing and signed and approved by the Board and Executive, nor consent to any departure by the Executive Director from any of the terms of this Agreement shall be effective unless the same is approved by the Board and signed by the President of the Board. Any such waiver or consent shall be effective only in the specific instance and for the specific purpose for which given.
18. Governing Law; Venue. The laws of the State of Nevada shall govern the validity, construction, and interpretation of this Agreement, without regard to conflict of law principles. Each party irrevocably submits to the exclusive jurisdiction of the courts of the State of Nevada in any action, suit or proceeding of any kind arising out of or relating to this Agreement (including arbitration) or any matters contemplated hereby, and agrees

that any such action, suit or proceeding shall be brought only in such court.

- 19. Headings. The headings in this Agreement have been included solely for convenience of reference and shall not be considered in the interpretation or construction of this Agreement.
- 20. Assignment. This Agreement is personal to Executive and may not be assigned by Executive. This Agreement may be assigned by Employer to its successors and shall be binding upon the successors and assigns of Employer.
- 21. Prior Agreements. At the Effective Date, this Agreement shall supersede and replace any and all other prior discussions and negotiations as well as any and all agreements and arrangements that may have been entered into by and between Employer or any predecessor thereof, on the one hand, and Executive Director, on the other hand, prior to the Effective Date relating to the subject matter hereof. The Executive Director acknowledges that all rights under such prior agreements and arrangements shall be extinguished.

WHEREAS, this Agreement shall only become effective when this Agreement is approved by the Board at a properly notice public meeting.

Debra Shaffer-Kugel



Signature

Date:

4/8/16

This foregoing Employment Agreement was:

Approved _____ Disapproved _____

by a vote of the Nevada State Board of Dental Examiners at a properly noticed meeting.

DATED this ____ day of _____, 2016.

TIMOTHY PINTHER, DDS, PRESIDENT
NEVADA STATE BOARD OF DENTAL EXAMINERS



Nevada Board of Dental Examiners
 6010 S. Rainbow Blvd., Bldg. A, Ste. 1 • Las Vegas, NV 89118
 (702) 486-7044 • (800) DDS-EXAM • Fax (702) 486-7046

Received
 APR 20 2016
 NSBDE

PETITION FOR ADVISORY OPINION

Applicant/Licensee: Mary Bobbett, BA, RDH Date: 4-18-16
 Address: [Redacted] Suite No.: _____
 City: [Redacted] State: NV Zip Code: [Redacted]
 Telephone: [Redacted] Fax: _____ Email: [Redacted]

In the matter of the petition for an advisory opinion of NRS & NAC Chapter 631:

This request is for clarification of the following statute, regulation, or order:
 (Identify the particular aspect thereof to which the request is made.)

Note: If you require additional space you may attach separate pages to the petition form.

NAC 631.173 . 3 Continuing Education

The last sentence: "..... must be taught by a certified instructor."

631.173.8 credit may be allowed via home study, on-line study, etc -

The substance and nature of this request is as follows:

(State clearly and concisely petitioner's question.)

Note: If you require additional space you may attach separate pages to the petition form.

When I was checking the internet for a CPR course, many sites offered "online" courses. It seems that "online" is becoming a way of life. I checked the NAC .173 and it was not clear about CPR certification "in person" or on-line study. I called the Board & they said "in person." If the course has to be in person, please add that language to 631.173. (Please submit any additional supporting documentation with the petition form) Thank you.

Wherefore, applicant/licensee requests that the Nevada State Board of Dental Examiners grant this petition and issue an advisory opinion in this matter.

P.S.

Mary Bobbett
 Applicant/Licensee Signature

Many other courses are just as important as CPR, but we can complete them "on-line". I would like to see this CPR "in person" changed.



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PETITION FOR ADVISORY OPINION

Applicant/Licensee: Juan Carlos Garcia-Perez Date: 05/04/2016
 Address: [REDACTED] Suite No.: _____
 City: [REDACTED] State: [REDACTED] Zip Code: [REDACTED]
 Telephone: [REDACTED] Fax: _____ Email: [REDACTED]

In the matter of the petition for an advisory opinion of NRS & NAC Chapter 631:

This request is for clarification of the following statute, regulation, or order:
 (Identify the particular aspect thereof to which the request is made.)

Note: If you require additional space you may attach separate pages to the petition form.

Request for the Advisory Opinion regarding Applicant's Eligibility for Dental Hygienist Licensure pursuant to NRS 631.290.

The substance and nature of this request is as follows:
 (State clearly and concisely petitioner's question.)

Note: If you require additional space you may attach separate pages to the petition form.

I ask to the Nevada State Board of Dental Examiners to consider my more than twenty years of experience in the field of dentistry when making your decision.

I left my homeland to escape of communism. I always be grateful to the United States (my homeland for adoption) for receiving me with my family and for giving us the opportunity to fight for a better future.

(continued in the attache page)

(Please submit any additional supporting documentation with the petition form)

Wherefore, applicant/licensee requests that the Nevada State Board of Dental Examiners grant this petition and issue an advisory opinion in this matter.

 Applicant/Licensee Signature

Received
 MAY 05 2016
 NSBDE

Salud Dental / Dr. Edgar Betancourt DDS

April 27, 2016

6520 East lake Mead Blvd., Suite 105

Las Vegas, NV 89156

Phone: [REDACTED] Fax: 702.960.0777

Attn: Nevada State Board of Dental Examiners

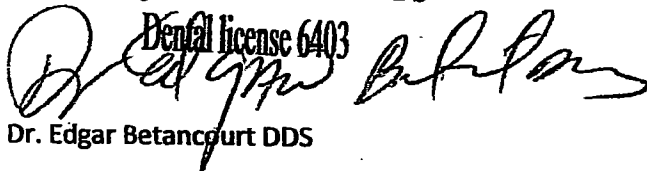
6010 South Rainbow Blvd., Suite A-1

Las Vegas, NV 89118

I am writing this letter in regards to Juan Carlos Garcia-Perez. He has been working as a volunteer Dental Assistant in our facility from October 2014 until present. He has proven to have a great deal of knowledge and professionalism that is required in dentistry. His outstanding skills would make him a great asset to any dental facility.

Should you require any further information do not hesitate to contact me.

Dr. Edgar Betancourt-Preval DDS

Dental license 6403

Dr. Edgar Betancourt DDS

Received
MAY 05 2016
NSBDE



Nevada Board of Dental Examiners
 6010 S. Rainbow Blvd., Bldg. A, Ste. 1 • Las Vegas, NV 89118
 (702) 486-7044 • (800) DDS-EXAM • Fax (702) 486-7046

PETITION FOR ADVISORY OPINION

Applicant/Licensee: Esther Rodriguez-Fernandez Date: 05/04/2016
 Address: [REDACTED] Suite No.: _____
 City: [REDACTED] State: [REDACTED] Zip Code: [REDACTED]
 Telephone: [REDACTED] Fax: _____ Email: [REDACTED]

In the matter of the petition for an advisory opinion of NRS & NAC Chapter 631:

This request is for clarification of the following statute, regulation, or order:
 (Identify the particular aspect thereof to which the request is made.)

Note: If you require additional space you may attach separate pages to the petition form.

Request for the Advisory Opinion regarding Applicant's Eligibility for Dental Hygienist Licensure pursuant to NRS 631.290.

The substance and nature of this request is as follows:

(State clearly and concisely petitioner's question.)

Note: If you require additional space you may attach separate pages to the petition form.

I understand that everyone must follow the law and no one is above the law, but I am asking to the Nevada State Board of Dental Examiners to consider my more than twenty years of experience in the field of dentistry when making your decision.

I had to leave my homeland to escape the nightmare of communism. I am and will always be grateful to the United States (my homeland for adoption) for receiving me and my family and for giving us the chance to fight for a better future. (continued in the attache page)

(Please submit any additional supporting documentation with the petition form)

Wherefore, applicant/licensee requests that the Nevada State Board of Dental Examiners grant this petition and issue an advisory opinion in this matter.

Applicant/Licensee Signature

Received
 MAY 05 2016
 NSBDE

I have done everything in my power to keep updated in the field, and I have followed step by step the requirements established by the ADA to become a Dental Hygienist in this great country.

Recently I pass the National Board Dental Hygiene Examination on the first attempt, and I have learned how dental offices operate here.

I recognize the excellence of American dental care system, but I HUMBLY ask that you not dismiss my knowledge and skills accumulated over many years only for being a foreign-trained dentist. Please do not close the door that leads to achieving my dream of putting my knowledge and skills to service in the community that welcomed me, and where I established my home.

I am just asking for a chance to prove myself in the field.

PLEASE!

- Let me complete the Nevada State Clinical Examination

or

- Could you issue a letter on my behalf to apply to WREB Clinical Examination?

Thank you so much for your time and consideration,

GOD BLESS AMERICA!

Received
MAY 05 2018
NSBDE

Salud Dental / Dr. Edgar Betancourt DDS

April 27, 2016

6520 East lake Mead Blvd., Suite 105

Las Vegas, NV 89156

Phone: [REDACTED] Fax: 702.960.0777

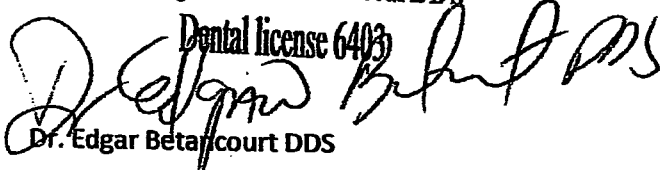
Attn: Nevada State Board of Dental Examiners

6010 South Rainbow Blvd., Suite A-1

Las Vegas, NV 89118

This letter is in regards to Esther Rodriguez-Fernandez. She has been working as a volunteer Dental Assistant in our facility from October 2014 until present. She has shown impressive ethical skills and her knowledge of dentistry as well as her eagerness working in a real time environment is impeccable.

Should you require any further information do not hesitate to contact me.

Dr. Edgar Betancourt-Preval DDS
Dental license 6403

Dr. Edgar Betancourt DDS

Received
MAY 05 2016
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Nevada State Board of Dental Examiners

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VOLUNTARY SURRENDER OF LICENSE

STATE OF Nevada

COUNTY OF Clark

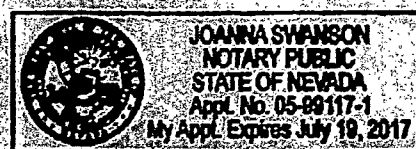
I, Lyle Scott Brooksby, hereby surrender my Nevada
Dental Dental Hygiene (circle one) license number 55-09 on 31 day of
May, 2016.

By signing this document, I understand, pursuant to Nevada Administrative Code (NAC) 631.160, the surrender of this license is absolute and irrevocable. Additionally, I understand that the voluntary surrender of this license does not preclude the Board from hearing a complaint for disciplinary action filed against this licensee.

[Handwritten Signature]
Licensee Signature

5-9-16
Date

[Handwritten Signature]
Notary Signature



Notary Seal

Licensee Current Mailing Address:



Home Phone _____

Cell Phone: _____



Nevada State Board of Dental Examiners

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VOLUNTARY SURRENDER OF LICENSE

STATE OF NEVADA

COUNTY OF LYON

I, NANCY OXSEN, hereby surrender my Nevada
Dental Dental Hygiene (circle one) license number 759 on 30th day of
JUNE, 20 16

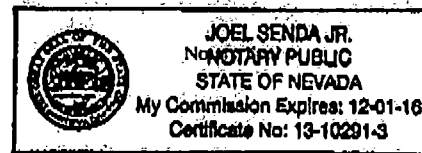
By signing this document, I understand, pursuant to Nevada Administrative Code (NAC) 631.160, the surrender of this license is absolute and irrevocable. Additionally, I understand that the voluntary surrender of this license does not preclude the Board from hearing a complaint for disciplinary action filed against this licensee.

Received
MAY 09 2016
NSBDE

Nancy Oxsen
Licensee Signature

05/09/2016
Date

Joel Senda Jr.
Notary Signature



Licensee Current Mailing Address: _____

Home Phone _____ Cell Phone: _____



Nevada State Board of Dental Examiners

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VOLUNTARY SURRENDER OF LICENSE

STATE OF NEVADA

COUNTY OF Clark

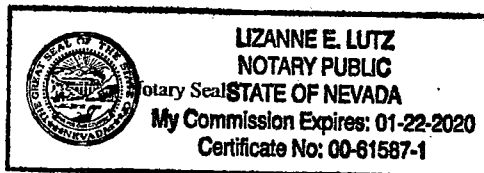
I, Mary Ellen Shields, hereby surrender my Nevada
Dental (Dental Hygiene) (circle one) license number 2023 on 6th day of
April, 2016.

By signing this document, I understand, pursuant to Nevada Administrative Code (NAC) 631.160, the surrender of this license is absolute and irrevocable. Additionally, I understand that the voluntary surrender of this license does not preclude the Board from hearing a complaint for disciplinary action filed against this licensee.

Mary Ellen Shields
Licensee Signature

4-6-2016
Date

[Signature]
Notary Signature



~~Licensee Current Mailing Address:~~ [Redacted]
~~Home Phone:~~ [Redacted] ~~Cell Phone:~~ [Redacted]

Received
APR 18 2016
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VOLUNTARY SURRENDER OF LICENSE

STATE OF Nevada

COUNTY OF Washoe

I, Lyn Karen Vehorn, hereby surrender my Nevada
Dental Dental Hygiene (circle one) license number 995 on 22nd day of
March, 2016.

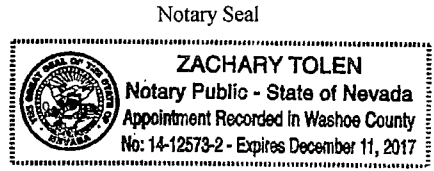
By signing this document, I understand, pursuant to Nevada Administrative Code (NAC) 631.160, the surrender of this license is absolute and irrevocable. Additionally, I understand that the voluntary surrender of this license does not preclude the Board from hearing a complaint for disciplinary action filed against this licensee.

Lyn Vehorn
Licensee Signature

State of Nevada
County of Washoe
Signed and Sworn to before me on
this 3/22/16 by LYN K. VEHORN

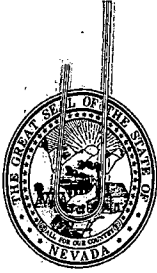
3-22-2016
Date

Zachary Tolen
Notary Signature



~~Licensee Current Mailing Address:~~ [Redacted]
~~Home Phone:~~ [Redacted] ~~Cell Phone:~~ [Redacted]

Received
MAR 24 2016
NSBDE



Nevada State Board of Dental Examiners

6010 S. Rainbow Blvd., Bldg. A, Ste. 1
Las Vegas, NV 89118
(702) 486-7044 • (800) DDS-EXAM • Fax (702) 486-7046

VOLUNTARY SURRENDER OF LICENSE

STATE OF Nevada

COUNTY OF Clark

I, Doreen S. Craig, hereby surrender my Nevada
Dental /Dental Hygiene (circle one) license number 3232 on 7th day of
March, 2016.

By signing this document, I understand, pursuant to Nevada Administrative Code (NAC) 631.160, the surrender of this license is absolute and irrevocable. Additionally, I understand that the voluntary surrender of this license does not preclude the Board from hearing a complaint for disciplinary action filed against this licensee.

Doreen S Craig
Licensee Signature

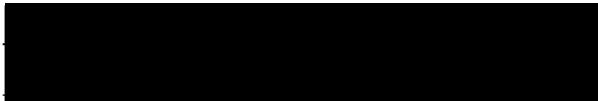
3/7/16
Date

[Signature]
Notary Signature

Notary Seal

RACHEL COTRONEO
WASHINGTON COUNTY
NOTARY PUBLIC -- ARKANSAS
My Commission Expires October 2, 2023
Commission No. 12396231

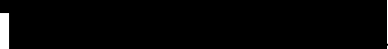
Licensee Current Mailing Address:



Home Phone



Cell Phone:



Received
MAR 15 2016
NSBDE