

NEVADA STATE BOARD OF DENTAL EXAMINERS 6010 S. Rainbow Boulevard, Suite A1 Las Vegas, NV 89118



Video Conferencing was available for this meeting at the Nevada State Board of Medical Examiners Office Conference Room located at: 9600 Gateway Drive; Reno, NV 89521

PUBLIC MEETING

Friday, November 9, 2018 9:11 a.m.

Board Meeting Minutes

<u>Please Note</u>: The Nevada State Board of Dental Examiners may hold board meetings via video conference or telephone conference call. The public was welcomed to attend the meeting at the Board office located at 6010 S. Rainbow Blvd, Suite A1; Las Vegas, Nevada 89118; or in the Conference room of the Nevada State Board of Medical Examiners office located at 9600 Gateway; Reno, NV 89521 (when applicable).

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.

Public Comment time was available after roll call (beginning of meeting) and prior to adjournment (end of meeting). Public Comment was limited to three (3) minutes for each individual. You may provide the Board with written comment to be added to the public record.

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. Timothy Pinther ("Dr. Pinther")	PRESENT
Dr. Byron Blasco ("Dr. Blasco")	PRESENT
Dr. Jason Champagne ("Dr. Champagne")	PRESENT
Dr. Gregory Pisani ("Dr. Pisani")	PRESENT
Dr. R. Michael Sanders ("Dr. Sanders")	PRESENT
Dr. D. Kevin Moore ("Dr. Moore")	PRESENT
Dr. David Lee ("Dr. Lee")	PRESENT
Ms. Betty Pate ("Ms. Pate")	PRESENT
Mrs. Yvonne Bethea ("Ms. Bethea")	PRESENT
Ms. Jennifer Reeder ("Ms. Reeder")	EXCUSED
Ms. Gabrielle Cioffi ("Ms. Cioffi")	PRESENT

Others Present: Melanie Bernstein Chapman, Board General Counsel; Sophia Long, Esquire, Deputy Attorney General/Board Co-Counsel; Debra Shaffer-Kugel, Executive Director.

Pledge of allegiance.

Dr. Blasco introduced and welcomed three of four newly appointed board members that were present.

Dr. Lee stated that he had been practicing dentistry in Las Vegas for many years, and that he looked forward to working with board.

Ms. Cioffi stated that she was currently a nurse in Las Vegas and works for Dignity Health.

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Dr. Moore stated that he was a longtime resident of Las Vegas and has practiced for over 20+ years in private practice. He stated that he was happy to be at the Board.

Thank the former board members that sat on the board and for their work.

Public Attendees: Sharon Gabriel, RDH; Linda Ly, on behalf of Adrian Ruiz, DDS of the LVDA; Lisa Joner, Campbell Jones Cohen CPA; Kay See, Campbell Jones Cohen CPA; Daniel Bouer, Cameraman for the LVDA.

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

Ms. Linda Ly stepped forward to read a statement for the record on behalf of Dr. Adrian Ruiz of the LVDA.

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

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)

MOTION: Dr. Sanders moved that the Board take the agenda out of order to agenda item (3) (b) (2). Motion seconded by Dr. Pinther. All were in favor of the motion.

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

- *b. Financials NRS 631.180/NRS 631.190 (For Possible Action)
 - (2) Approval of Annual Audit Report for FY 2018 (For Possible Action)

Dr. Blasco drew the Board's attention to Ms. Joner and Ms. See of Campbell Jones and Cohen, CPA's. Both Ms. Joner and Ms. See stepped up to go over their audit with the Board. Ms. Joner noted that overall the Board's finances were balancing fairly. She noted a couple of differences in comparison to the audit from the year prior, which she briefly discussed with the Board.

MOTION: Dr. Pisani moved that the Board approve the annual audit as presented by Campbell, Jones and Cohen, CPA. Motion seconded by Dr. Pinther. With no further discussion, the motion was unanimously approved.

Ms. Joner and Ms. See stated that they would submit the audit to the state.

MOTION: Dr. Sanders moved that the Board return to agenda order. Motion seconded by Dr. Pinther. All were in favor of the motion.

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

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

- (1) 07/13/2018 Formal Hearing
- (2) 07/14/2018 Formal Hearing
- (3) 09/14/2018 Board Meeting
- (4) 10/05/2018 Formal Hearing

Dr. Blasco drew the Board's attention to Mrs. Shaffer-Kugel. Mrs. Shaffer-Kugel stated that every Board member present should have had the opportunity to review the proposed draft minutes and inquired if there were any amendments to be made. With no amendments offered, Dr. Blasco called for a motion.

MOTION: Ms. Pate moved that the Board adopt the draft minutes of July 13, 2018; July 14, 2018; September 14, 2018; and October 5, 2018. Motion seconded by Dr. Pinther. Discussion: Mrs. Bernstein Chapman wanted it clarified for the record that in some of the minutes being approved, Ms. Pate and Dr. Pisani recused themselves from voting because they sit on the review panel. Ms. Pate noted that in one of the the meeting minutes; one board member is excused from attendance, which is why the Board Member is not listed as abstaining. With no further discussion, the motion was unanimously approved.

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

(1) Review Balance Sheet and Statement of Revenues, Expenses and Balances for period July 1, 2018 to September 30, 2018 (Informational Purposes only)

Dr. Blasco drew the Board's attention to Ms. Hummel, the Board's accountant, to go over the review of the financial statements. Mrs. Hummel stepped forward to review the financials with the Board. There was brief discussion on a few areas of the budget. She added that currently there were 2,049 Active dentists licensed; and 1,419 active dental hygienists licensed. Furthermore, that in total, there was a total of 3,163 dentists currently licensed in Nevada, and a total of 2,603 dental hygienists licensed in Nevada. It was noted that the total represented any licensee with an active, inactive, retired, or disabled license status.

(3) Request to reimburse Disciplinary Screening Officer his cost for legal counsel to represent him in his capacity as an agent of the Board due to actual or potential conflict regarding current litigation naming him as a defendant (For Possible Action)

(a) Bradley Strong, DDS

Dr. Blasco drew the Board's attention to Mrs. Shaffer-Kugel. Mrs. Shaffer-Kugel stated that Dr. Strong is a DSO, and for the new board members, the DSO's are licensed dentists/dental hygienists that are appointed by the board to investigate matters on behalf of the Board. There was discussion of an individual's right to hire their own counsel to be represented in matters regarding the Board when serving in the capacity as an agent of the Board. The Board members and counsel held a discussion regarding the matter.

MOTION: Dr. Sanders moved that the Board approve Dr. Strong's request to be reimbursed for the legal costs incurred for defending himself in a case for serving in the capacity of a DSO for the Board. Motion seconded by Ms. Pate. With no further discussion, the motion was unanimously approved.

(4) Approve to Amend budget to increase Disciplinary Screening Officer Expense Account by \$15,000.00 for legal costs associated with litigation in District Court (For Possible action)

Dr. Blasco drew the Board's attention to Mrs. Shaffer-Kugel. Mrs. Shaffer-Kugel stated that this would be to help prepare the Board for potential additional costs that weren't originally budgeted for in DSO expenses and that this would be for the FY19 budget, only.

MOTION: Dr. Pinther moved that the Board approve to amend the budget to increase the DSO expense account by \$15,000. Motion was seconded by Dr. Pisani. With no further discussion, the motion was unanimously approved.

*c. Contract: (For Possible Action)

(1) Amend contract for legal services with Lee Drizin, Esquire to increase the amount of contract by \$80,000.00 to the maximum amount of \$150,000.00 for the term of the contract all other provisions are in full force and effect (For Possible Action)

Dr. Blasco drew the Board's attention to Mrs. Shaffer-Kugel. Mrs. Shaffer-Kugel stated that with Mr. Drizin currently working on two (2) court cases for the Board, the legal fees were approaching the contracted amount, and therefore asked for the Board's approval to amend the contract to increase the legal fees.

TON: Dr. Pinther moved that the Board approve to amend the contract to the maximum amount of \$150,000. Motion seconded by Dr. Pisani. There was additional discussion held regarding in-house counsel, outside counsel, and the Attorney General's ability to represent the Board in certain cases. With no further discussion, the motion was unanimously approved; Dr. Moore abstained.

(2) Approve to Amend budget to increase legal services expense account by \$80,000 for legal costs associated with contract for litigation in District Court (For Possible action)

MOTION:

Dr. Pisani moved that the Board approve to amend the budget to increase legal services expense account by \$80,000. Motion seconded by Dr. Sanders. With no further discussion, the motion was unanimously approved; Dr. Moore abstained.

*d. Policy: (For Possible Action)

(1) Request for the Board to adopt policy regarding reimbursement to agents of the Board for legal costs who are named in civil action in their capacity as an agent of the Board for actual or potential conflicts (For Possible Action)

Dr. Blasco drew the Board's attention to Mrs. Bernstein Chapman. Mrs. Bernstein Chapman discussed establishing a policy regarding the reimbursement to agents of the Board for legal cost who are named in civil action in their capacity as an agent of the board for potential conflicts. There was discussion of the policy they would like to establish. Mrs. Shaffer-Kugel stated that by establishing a policy they can have something in place should this ever arise again.

It was requested that Mrs. Bernstein Chapman draft a policy to place to be presented on the next agenda.

(2) Discussion for the Board to consider adopting indwelling catheters as the standard of care when administering moderate sedation or general anesthesia to patients (For Possible Action)

Dr. Blasco drew the Board's attention to Mrs. Shaffer-Kugel. Mrs. Shaffer-Kugel stated that some inspectors noticed that there were some dentists using a butterfly catheter and Dr. Johnson and Okundaye were concerned because the butterfly catheter is not secure. Therefore, Dr. Johnson and Dr. Okundaye were asking for a change to state whether or not the use of a butterfly catheter would be considered adequate. There was some discussion regarding the subject and whether it should be considered appropriate to use. It was requested that this matter be referred to the Anesthesia Subcommittee for further discussion.

*e. <u>Calendar:</u> (For Possible Action)

(1) Approval of Board Meeting Calendar of Events for 2019 (For Possible Action)

Dr. Blasco drew the Board's attention to Mrs. Shaffer-Kugel. Mrs. Shaffer-Kugel stated that the dates listed were the proposed Board meeting dates for the year 2019. She stated that should any Board member be unavailable for a particular date to please notify office staff. There was discussion of what the AADB meetings consisted of. Mrs. Shaffer-Kugel stated that due scheduling conflicts with the AADB meeting, they would review the calendar to what other dates the conference room would be available in March.

MOTION: Dr. Pisani moved that the Board approve the proposed Board Meeting Calendar of Events for 2019, with the exception that they change the March 8, 2018 date. Motion seconded by Ms. Pate. With no further discussion, the motion was unanimously approved.

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

*a. <u>Legal Actions/Lawsuit(s) Update</u> (Informational Purposes)

Dr. Blasco drew the Board's attention to Mrs. Bernstein Chapman. Mrs. Bernstein Chapman indicated to the Board that there were two (2) pending matters. She gave a brief synopsis of the two cases and their current status.

*b. Approve/Reject Stipulation Agreements (For Possible Action)

(1) Kevin Deuk, DMD

Dr. Blasco directed the attention to the Board's general counsel, Melanie Bernstein Chapman. Mrs. Bernstein Chapman went over the provisions of the proposed corrective action plan stipulation agreement. She stated that the proposed corrective action plan stipulation agreement was agreed to by the review panel, and recommended approval by the Board. Mrs. Bernstein Chapman explained to the new board members the difference between a corrective action non-disciplinary stipulation agreement and a disciplinary action stipulation agreement. There was discussion regarding the complaint process, stipulation agreements, informal hearings, and formal hearings.

MOTION: Dr. Pinther moved that the corrective action plan stipulation agreement between the Nevada State Board of Dental Examiners and Dr. Kevin Deuk, DMD be adopted. Motion seconded by Dr. Sanders. Motion was unanimously approved by the Board members present at this meeting; with an abstention by Ms. Pate and Dr. Pisani. Discussion: Dr. Moore discussed some areas of the stipulation agreement since he was confused on some of the process. Motion was unanimously approved by the Board, with abstentions from Ms. Pate and Dr. Pisani.

(2) Thomas Matteucci, DDS

Dr. Blasco directed the attention to the Board's general counsel, Melanie Bernstein Chapman. Mrs. Bernstein Chapman went over the provisions of the proposed corrective action plan stipulation agreement. She stated that the proposed corrective action plan stipulation agreement was agreed to by the review panel, and recommended approval by the Board.

MOTION: Dr. Pinther moved that the corrective action plan stipulation agreement between the Nevada State Board of Dental Examiners and Dr. Thomas Matteucci, DDS be adopted. Motion seconded by Dr. Sanders. Motion was unanimously approved by the Board members present at this meeting; with abstentions by Ms. Pate and Dr. Pisani.

*5. Old Business (For Possible Action)

- *a. <u>Approval/Rejection of Moderate Sedation Training Program NAC 631.2213</u>

 (For Possible Action)
 - (1) DOCS Education in Collaboration with Oregon Health & Science University School of Dentistry IV Sedation for Dentistry (For Possible Action)

Dr. Blasco requested that they table this agenda item since former board member, Brendan Johnson, would have been the one to review the materials, but the information had yet to be reviewed.

*6. New Business (For Possible Action)

- *a. Approval of Two Board Members to the Review Panel for period January 1, 2019 to December 31, 2019 NRS 631 (For Possible Action)
 - (1) R. Michael Sanders, DMD
 - (2) Yvonne Bethea, RDH

Dr. Blasco drew the Board's attention to Mrs. Shaffer-Kugel. Mrs. Shaffer-Kugel stated that the review panel must consist of one dental board member and one dental hygiene board member. Dr. Moore inquired on what the Review Panel entailed, which Mrs. Bernstein Chapman explained the duties of the review panel.

MOTION: Dr. Pisani moved that the Board approve to appoint Dr. Sanders and Mrs. Bethea to the Review Panel for the year 2019. Motion seconded by Dr. Pinther. With no further discussion, the motion was unanimously approved.

*b. Approval of Two Alternate Board Members to the Review Panel for period January 1, 2019 to December 31, 2019 when potential conflicts arise (For Possible Action)

- (1) Gregory Pisani, DDS
- (2) Betty Pate, RDH

Dr. Blasco drew the Board's attention to Mrs. Shaffer-Kugel. Mrs. Shaffer-Kugel stated that the alternative board members would be use in the event that there is potential conflict.

MOTION:

Dr. Pinther moved that the Board appoint Dr. Pisani and Ms. Pate as alternate Board members to the review panel for the year 2019. Motion seconded by Dr. Sanders. With no further discussion, the motion was unanimously approved.

*c. Approval of Anesthesia Evaluator/Inspector - NRS 631.190 (For Possible Action)

(1) Barry Frank, DDS

Dr. Blasco drew the Board's attention to Mrs. Shaffer-Kugel. Mrs. Shaffer-Kugel explained the process to become an evaluator and what serving in the capacity of an evaluator entailed. Mrs. Shaffer-Kugel stated that Dr. Frank's application was reviewed by former Board member Dr. Brendan Johnson, and approval was recommended.

MOTION:

Dr. Pisani moved that the Board approve the appointment of Dr. Barry Frank as an Anesthesia Evaluator/Inspector for the Board. Motion seconded by Dr. Pinther. With no further discussion, the motion was unanimously approved.

*d. <u>Approval/Rejection of Application for Injection of Neuromodulators, Dermal and Soft</u> Tissue Filler Certification Course (For Possible Action)

- (1) American Academy of Facial Esthetics Dr. Louis Malmacher
 - Botulinum Toxin and Dermal Filler (Live) Patient Training (20 hours)
 - Frontline TMJ & Orofacial Pain (Live) Patient Training (10 hours)
 - Solid Filler PDO Threads (Live) Patient Training (12 hours)

Dr. Blasco drew the Board's attention to Mrs. Shaffer-Kugel. Mrs. Shaffer-Kugel stated that the course was reviewed by Dr. Blasco. She stated that this particular case was a 42 hour course, and met the minimum course requirements of 24 hours.

MOTION: Dr. Sanders moved that the Board approve the course. Motion seconded by Dr. Pisani. With no further discussion, the motion was unanimously approved.

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

(1) Catherine L. Miller, RDH

Dr. Blasco drew the Board's attention to Mrs. Shaffer-Kugel. Mrs. Shaffer-Kugel stated that the licensee listed had no pending matters with the Board and recommended approval of the voluntary surrender. She noted that once approved, the voluntary surrender was absolute and irrevocable.

MOTION: Dr. Pinther moved that the board approve the request for voluntary surrender of Ms. Catherine Miller's dental hygiene licensee. Motion seconded by Dr. Pisani. With no further discussion, the motion was unanimously approved.

*f. Approval for Anesthesia - Permanent Permit - NAC 631.2233 (For Possible Action)

- (1) General Anesthesia (For Possible Action)
 - a. Kristin E. Chino, DMD
 - b. Michael S. Moody, DMD
 - c. Ashley T. Roberts, DMD
 - d. 'Gregory C. Walton, DMD

Dr. Blasco stated that all were reviewed and recommended for approval by former Board member Dr. Brendan Johnson; all was in order and recommended approval.

MOTION: Dr. Pinther moved that the board approve the general anesthesia sedation permits for Dr. Chino, Dr. Moody, Dr. Roberts, and Dr. Walton. Motion seconded by Dr. Sanders. With no further discussion, the motion was unanimously approved.

*g. Approval for Anesthesia - Temporary Permit - NAC 631.2254 (For Possible Action)

- (1) Moderate Sedation 13 years of age or older (For Possible Action)
 - a. Shane L. Ellsworth, DMD

Dr. Blasco stated that the application was reviewed by former board member; Dr. Brendan Johnson, that all was in order and that he recommended the approval of a temporary moderate sedation permit for Dr. Ellsworth.

MOTION: Dr. Pisani moved that the board approve the temporary moderate sedation permit for Dr. Ellsworth: Motion seconded by Dr. Pinther. With no further discussion, the motion was unanimously approved.

- (2) Moderate Sedation (Pediatric Specialty) 21 years of age or younger (For Possible Action)
 - a. Larry S. Hon, DMD

Dr. Blasco stated that the application was reviewed by former board member; Dr. Brendan Johnson, that all was in order and that he recommended the approval of a temporary moderate sedation (pediatric specialty) permit for Dr. Hon.

MOTION: Dr. Pinther moved that the board approve the temporary moderate sedation (pediatric specialty) permit for Dr. Hon. Motion seconded by Dr. Sanders. With no further discussion, the motion was unanimously approved.

- (3) General Anesthesia (For Possible Action)
 - a. Christopher J. Galea, DDS
 - b. Matthew T. Popp, DDS

Dr. Blasco stated that the application was reviewed by former board member; Dr. Brendan Johnson, that all was in order and that he recommended the approval of a temporary general anesthesia sedation permit for Dr. Galea and Dr. Popp.

MOTION: Dr. Pisani moved that the board approve the temporary general anesthesia sedation permit for Dr. Galea and Dr. Popp. Motion seconded by Dr. Pinther. With no further discussion, the motion was unanimously approved.

- *h. Approval for a 90-Day Extension of Anesthesia Permit NAC 631.2254(2) (For Possible Action)
 - (1) Moderate Sedation (Pediatric Specialty) 21 years of age or younger (For Possible Action)
 - a. Ruth Alvarez, DDS
 - b. Kellie J. McGinley, DDS

Dr. Blasco requested approval for an extension to conduct the inspections for Dr. Alvarez and Dr. McGinley.

MOTION: Dr. Pinther moved that the board approve the request for an extension. Motion seconded by Dr. Sanders. With no further discussion, the motion was unanimously approved.

*7. Resource Group Reports (For Possible Action)

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

(Chair: Dr. Pinther: Dr. Champagne; Dr. Blasco; Dr Sanders; Ms. Harris)

Dr. Pinther stated that there was no report.

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

(Chair: Dr. Pisani; Dr. Blasco; Dr. Shahrestani; Dr. Sanders; Ms. Harris)

Dr. Pisani stated that there was no report.

*c. Examinations Liaisons (For Possible Action)

*(1) WREB/HERB Representatives (For Possible Action)

(Dr. Blasco; Ms. Bethea)

Dr. Blasco stated that there was no report.

Mrs. Pate stated attended the meeting and has provided a report for the record that will be forwarded to them as well.

Mrs. Shaffer-Kugel stated that she attended the Executive Director's meeting in October and noted that they will be including Executive Director's to the DERB and HERB meetings.

*(2) ADEX Representatives (For Possible Action)

(Timothy Pinther, DDS)

Dr. Pinther stated that there was no report.

*d. Continuing Education (For Possible Action)

(Chair: Dr. Blasco; Dr. Shahrestani; Dr. Pisani; Ms. Gabriel)

Dr. Blasco stated that there was no report.

*e. Committee of Dental Hygiene (For Possible Action)

(Chair: Ms. Gabriel; Ms. Pate; Mrs. Bethea; Dr. Shahrestani)

Board Member Pate states that while there was no report, Pate, RDH notes the future rescheduling of a the Committee on Dental Hygiene meeting.

*f. Anesthesia (For Possible Action)

(Chair: Dr. Johnson; Dr. Pinther; Dr. Champagne; Dr. Sanders)

Dr. Pinther stated that there was no report.

*g. Infection Control (For Possible Action)

(Chair: Ms. Gabriel; Dr. Blasco; Dr. Champagne; Dr. Pisani; Mrs. Bethea)

Dr. Blasco stated that there was no report.

*h. Budget and Finance Committee (For Possible Action)

(Chair: Dr. Champagne; Dr. Pinther; Dr. Blasco; Ms. Pate)

Dr. Champagne stated that there was no report.

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

Ms. Sharon Gabriel stated that she enjoyed her time on the board and thanked the Board.

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

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)

9. <u>Announcements</u>: Dr. Pinther encouraged the new board members to meet with Mrs. Bernstein Chapman and Mrs. Shaffer-Kugel to answer any questions they may have.

*10. <u>Adjournment</u> (For Possible Action)

Dr. Blasco called for a motion to adjourn.

MOTION: Dr. Sandérs moved that the November 9, 2018 meeting of the Nevada State Board of Dental Examiners be adjourned. Motion seconded by Dr. Pinther, and without discussion, unanimously approved by the Board. Meeting adjourned at 10:58 a.m.

Minutes approved at the February 22, 2019 Board Meeting Respectfully Submitted by:

Debra Shaffer-Kugel, Executive Director