

NEVADA STATE BOARD of DENTAL EXAMINERS



BOARD MEETING

NOVEMBER 9, 2018

9:00 A.M.

PUBLIC BOOK

PLEASE DO NOT REMOVE BOOK FROM OFFICE

DRAFT MINUTES



NEVADA STATE BOARD OF DENTAL EXAMINERS
6010 S. Rainbow Boulevard, Suite A1
Las Vegas, NV 89118
Friday, July 13, 2018
1:00 p.m.



Notice of Formal Hearing Agenda

Nevada State Board of Dental Examiners v. Erika J. Smith, DDS

Draft Minutes

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. R. Michael Sanders ("Dr. Sanders") ----- PRESENT
Dr. Byron Blasco ("Dr. Blasco") ----- PRESENT
Dr. Jason Champagne ("Dr. Champagne") -- EXCUSED
Dr. Ali Shahrestani ("Dr. Shahrestani") ----- PRESENT
Dr. Gregory Pisani ("Dr. Pisani") ----- PRESENT
Dr. Brendan Johnson ("Dr. Johnson") ----- PRESENT
Ms. M Sharon Gabriel ("Ms. Gabriel") ----- PRESENT
Ms. Yvonne Bethea ("Ms. Bethea") ----- PRESENT
Ms. Betty Pate ("Ms. Pate") ----- EXCUSED
Ms. Nikki Harris ("Ms. Harris") ----- PRESENT

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

Public Attendees: Erika J. Smith, DDS and Lawrence Semenza, Esquire, Legal counsel for Dr Smith

- 2). **The purpose of this hearing is to consider the allegations regarding/related to the verified complaints received 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(a), the board may, by motion, enter into closed session)**

Melanie Bernstein Chapman, Esquire General Counsel for the Board made an opening statement and went over the allegations contained in the formal complaint. The following patients testified before the Board Members regarding the verified complaint each filed with the Board; Sharon Linthieum, Geraldine Marchand, Michelle Pedro, Joseph Pedro, and Brittany Smith. In addition, Bradley Roberts, DDS, Disciplinary Screening Officer testified before the Board Members regarding his investigation into each of the verified complaints assigned to him for investigation.

This matter was continued to Saturday July 14, 2018 at 9:00 a.m.

**Transcription of the hearing is available upon request.

Minutes approved at the November 9, 2018 Board Meeting
Respectfully Submitted by:

Debra Shaffer-Kugel, Executive Director



NEVADA STATE BOARD OF DENTAL EXAMINERS
6010 S. Rainbow Boulevard, Suite A1
Las Vegas, NV 89118
Saturday, July 14, 2018
9:00 a.m.



Notice of Formal Hearing Agenda
CONTINUED

Nevada State Board of Dental Examiners v. Erika J. Smith, DDS

Draft Minutes

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. R. Michael Sanders ("Dr. Sanders") ----- PRESENT
Dr. Byron Blasco ("Dr. Blasco") ----- PRESENT
Dr. Jason Champagne ("Dr. Champagne") -- EXCUSED
Dr. Ali Shahrestani ("Dr. Shahrestani") ----- PRESENT
Dr. Gregory Pisani ("Dr. Pisani") ----- PRESENT
Dr. Brendan Johnson ("Dr. Johnson") ----- PRESENT
Ms. M Sharon Gabriel ("Ms. Gabriel") ----- PRESENT
Ms. Yvonne Bethea ("Ms. Bethea") ----- PRESENT
Ms. Betty Pate ("Ms. Pate") ----- EXCUSED
Ms. Nikki Harris ("Ms. Harris") ----- PRESENT

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

Public Attendees: Erika J. Smith, DDS, Lawrence Semenza, Esquire, Legal counsel for Dr Smith and Daniel Bauer

2). The purpose of this hearing is to consider the allegations regarding/related to the verified complaints received 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(a), the board may, by motion, enter into closed session) (For Possible Action)

The matter commenced on the morning of Saturday July 14, 2018. The hearing continued with testimony from Bradley Roberts, DDS Disciplinary Screening Officer regarding his investigation of Dr Smith. Dr Smith provided testimony before the Board Members. Closing statements were given by both Ms. Bernstein Chapman and Lawrence Semenza, legal counsel to Dr Smith.

At the conclusion of the hearing, the Board Members (without the presence of Gregory Pisani, DDS) deliberated on the allegations contained in the formal complaint and went over the recommendations of Dr Roberts.

Dr Blasco made a motion to adopt the recommendations of Dr Roberts with the revocation period changed to five years and the removal of a fine. Seconded by Dr. Sanders.

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***3). Adjournment:** (For Possible Action)

Motion to adjourn: Dr. Pinther
Seconded by Dr. Sanders

**Transcription of the hearing is available upon request.

Minutes approved at the November 9, 2018 Board Meeting
Respectfully Submitted by:

Debra Shaffer-Kugel, Executive Director



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, September 14, 2018
9:24 a.m.**

Board Meeting DRAFT Minutes

Please Note: 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 is available after roll call (beginning of meeting) and prior to adjournment (end of meeting). Public Comment is limited to three (3) minutes for each individual. You may provide the Board with written comment to be added to the 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") -----EXCUSED
Dr. Brendan Johnson ("Dr. Johnson") -----PRESENT
Dr. R. Michael Sanders ("Dr. Sanders") -----PRESENT
Dr. Ali Shahrestani ("Dr. Shahrestani") -----PRESENT
Ms. M Sharon Gabriel ("Ms. Gabriel") -----PRESENT
Ms. Betty Pate ("Ms. Pate") -----PRESENT
Ms. Yvonne Bethea ("Ms. Bethea") -----PRESENT
Ms. Nikki Harris ("Ms. Harris") -----PRESENT

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

Public Attendees: Robert Talley, NDA; Felipe M. Paleracio, LVDA; Nam Phan, DMD; Geralyn Glassbrook, Anthem Pediatric Dentistry ("APD"); Veronica Castro, APD; Deborah Staten, DMD; John Staten; Deborah Osborn, RDH, Keeping the Smiles; Rick Dragon, NDA; Jason Doucette, NDA/NNDS; Ken Vaughn, DDS; Andrea Vaughn; Kellie McGinley, DDS; Lancette VanGuilder, NDHA; Daniel Bouer, Cameraman for LVDA.

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

Dr. Kenneth Vaughn commented on a notice of complaint he received that was filed by Tina Tsou, Secretary of the Las Vegas Dental Association ("LVDA"). Dr. Vaughn stated that Ms. Tsou filed her complaint based off a telephone call that she had with a staff member of his office and that her complaint was based off a lie and

that her illegal use of the phone " ... for solicitation to induce coercion and false imperatives," and that she appeared to be in violation of NRS 598 regarding Deceptive Trade Practice – which is written to protect people from phone scammers. Dr. Vaughn demanded that the Board notify the Secretary of State and the Governor's office to investigate Ms. Tsou, her business license, and her illegal use of phone solicitation for financial gain. Dr. Vaughn also demanded for additional information regarding the other 59 complaints that Ms. Tsou alluded to in her complaint against him. Dr. Vaughn added that he believed that the Secretary of State and the Governor's office should investigate the Las Vegas Dental Association ("LVDA"). He stated that in a statement submitted for the record of the Board's January 2017 meeting minutes, the LVDA states their reason for their creation. Dr. Vaughn noted that the very set of principles the LVDA accuses the Board of, are the exact principles that Ms. Tsou, on behalf of the LVDA, is committing. Dr. Vaughn expressed his disappointment in seeing licensees being forced into the ongoing battle between the LVDA and the Dental Board.

Dr. Jason Doucette stated that he represented the NDA. He proposed that due to the dramatic increase of costs to the Board, and the increase in caseloads to the DSO's, that possibly the NDA could add to a future agenda discussion to revisit the new process of dental complaints. Dr. Doucette suggested that, perhaps, the complaints received could be sent to the local peer review committees for review and resolution, and added that the peer reviews have a 90-plus resolution rate. He added that should a complaint need to be reviewed beyond the peer review committee that they could then forward the complaints to the Dental Board for further review. Dr. Doucette stated that this could be a possible avenue for the Board to save on investigation costs, time, and help the board become more regulatory than disciplinary, unless necessary.

Dr. Rick Dragon, President of the NDA, commented that he seconded the comments made by Dr. Doucette. He stated that if this proposal was feasible for the Board and they would like to obtain more information, the Board could possibly place the matter on a future agenda. Dr. Dragon welcomed the Board to reach out to him or Dr. Robert Talley, the Executive Director of the NDA with any questions.

Deborah Osborn, the administrator for "Keeping the Smiles" stated that she was present to answer questions about her request to amend her program to allow dental hygienists with a public health endorsement that participate in her program, to visit patients in their private homes.

Dr. Felipe Paleracio, President of the LVDA, stated that he was submitting a letter requesting the Board to consider terminating the Executive Director, Debra Shaffer-Kugel.

Dr. Nam Phan stated to the Board that he is an independent contractor that travels, and noted that he has gone onto further pursue a career in anesthesia. He stated that mediation is very important when dealing with complaints submitted to the Board regarding licensees, and suggested when the Board should mediate during the complaint process. He added that it would be ideal for the Board and dentists at the center of a complaint to work together to resolve the cases. He stated that he has issues and is only in Nevada one day a month, and has experienced a lot of hardship that required him to move to New York.

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. Notice of Public Workshop:** (For Possible Action)

Notice of Public Workshop, Request for Comments and review of Nevada Administrative Code Chapter 631 related to the practice of dentistry and proposed regulation changes and/or amendments pertaining to the following;

NAC 631.2227 Inspections and evaluations: Physical facilities and equipment and

NAC 631.2231 Inspections and evaluations: Emergency drugs

Dr. Blasco directed the Board's attention to Dr. Brendan Johnson. Dr. Johnson stated that there were some issues with Anesthesia regulations that were drafted and approved. He stated that there were some issues pointed out that he believes can be rectified that will help them keep the main task at hand, which was to ensure the safety of the public as it pertained to administration of sedation with anesthesia. Dr. Johnson stated that the Board, perhaps, discuss the next agenda item to allow for Dr. Amanda Okundaye to call-in to the meeting to participate in the discussion of the proposed changes to the regulations.

MOTION: Ms. Pate moved that the Board move on to agenda item (4)(a)(1). Motion seconded by Dr. Champagne. Motion unanimously approved.

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

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

- 131 (1) 07/13/2018 – Board Meeting
132 (2) 08/24/2018 – Budget & Finance Committee
133 (3) 10/24/2017 – Board Telephone Conference
134

135 Dr. Blasco drew the Board's attention to Mrs. Shaffer-Kugel. Mrs. Shaffer-Kugel stated that every Board member
136 present should have had the opportunity to review the proposed draft minutes and inquired if there were any
137 amendments to be made. Ms. Pate noted a typographical error on page 8 of the July 13th draft minutes, as
138 well as on line 203 of the August 24-2018 draft minutes. Dr. Blasco, also, noted that on the August 24th draft
139 minutes, his name was misspelled. With no further amendments or discussion, Dr. Blasco called for a motion.
140

141 **MOTION:** Dr. Sanders moved that the Board adopt the draft minutes of July 13, 2018 with the noted
142 amendments; August 24, 2018 with the noted amendments; and the October 24, 2017.
143 Motion was seconded by Dr. Johnson. With no further discussion, the motion was
144 unanimously approved.
145

146 **MOTION:** Dr. Champagne moved that the Board return to agenda item (3). Motion seconded by Ms.
147 Pate. Board unanimously approved the motion.
148

149 ***3. Notice of Public Workshop:** (For Possible Action)

150
151 Notice of Public Workshop, Request for Comments and review of Nevada Administrative Code Chapter
152 631 related to the practice of dentistry and proposed regulation changes and/or amendments pertaining
153 to the following:
154

155 *NAC 631.2227 Inspections and evaluations: Physical facilities and equipment and*
156 *NAC 631.2231 Inspections and evaluations: Emergency drugs*
157

158 Mrs. Shaffer-Kugel stated that she suggested the Board review the regulations for consideration one section at a
159 time. She stated that she would be reviewing the document titled "Current Regulations" for the discussion.
160

161 **• NAC 631.2227:**

162 Mrs. Shaffer-Kugel stated that they were suggesting amending the regulation to be less restrictive since the size
163 of certain appliances may vary from patient-to-patient. The following amendment(s) were proposed:

- 164 - Change section (8)(a) "a pediatric sized ambo bag" to state "appropriate sized ambo bag"
165 - Change section (8)(b) "pediatric blood pressure cup" to state "appropriate sized blood pressure cup"
166 - Change section (8)(c) to state "adequate selection of blades for the use of a patient 12 years of age or
167 younger"
168 - Change section (8)(f) to state "pediatric pads" to state "appropriate sized pads for use..."
169 - Change section (8)(g) to state "appropriate sized oral and nasal"
170-

171 **• NAC 621.2229:**

172 Mrs. Shaffer-Kugel stated that there was a suggested change to add a new section. Dr. Okundaye, whom was
173 present via teleconference, suggested the following changes:
174

- 175 - Add a new section, either before or after subsection (1), a section that states "Monitoring consistent with
176 AAPB guidelines"
177

178 Mrs. Shaffer-Kugel inquired if this suggested new section was patients 12 years-of-age or younger, or if it was
179 regardless of age. Dr. Okundaye stated that it was regardless of age, but coincides with "having appropriate
180 sized equipment" for moderate sedation providers of 12 years-of-age or younger. She added that this regulation
181 would pertain to those with a pediatric moderate sedation permit, or those with an anesthesia residency. Mrs.
182 Shaffer-Kugel noted to Dr. Okundaye that hence going forward, yes, it would apply to those as stated by her,
183 however, that some dentists that held conscious sedation permits – who were allowed, under that permit, to
184 administer to patients 12 years of age or younger - were grandfathered in. Dr. Okundaye stated that those
185 grandfathered in would, also, have to follow the AAPB guidelines.
186

187 Mrs. Shaffer-Kugel reiterated the language for the proposed new section to read as:
188

- 189 - "A dentist who administers moderate sedation into a patient 12 years-of-age or younger, monitoring
190 must be consistent with the AAPB guidelines."

191 • **NAC 631.2231:**

192 Mrs. Shaffer-Kugel stated that this regulation was regarding the emergency drugs for offices that are inspected
193 for general anesthesia or moderate sedation. She noted that the issue arose when subsection (2) required a
194 specified list of emergency drugs to have in the office; unlike in subsection (1) where it lists drug categories, only;
195 thus making subsection (2) inconsistent with subsection (1). She added that in being so specific with the drugs,
196 permit holders were having issues with some drugs being on back order, jeopardizing a licensee to be found to
197 be not in compliance with the regulation as written, currently. The following change was recommended:

- 198
- Eliminate the entire section and change subsection (3) to (2). This way it will state "except as provided in subsection (1), a dental office inspected for moderate sedation..."

202 Mrs. Bernstein Chapman suggested that the Board separate the requirements for general anesthesia from the
203 moderate sedation requirements, to avoid ambiguity. Therefore recommending the following:

- 204
- Remove "moderate sedation" from subsection (1) so that it only refers to general anesthesia
 - In subsection (2), state "Except as otherwise provided in this section, a dentist's office inspected or evaluated for the issuance or renewal of a *moderate sedation* permit or certificate of site approval must maintain the emergency drugs listed in subsection (1) except the following:
 - (d) Muscle relaxant;
 - (e) Intravenous medication for the treatment of cardiopulmonary arrest;
 - (i) Antiarrhythmic;
 - (k) Anti-hypertensive"

214 Mrs. Shaffer-Kugel noted that there is oral moderate sedation and IV moderate sedation. Mrs. Bernstein
215 Chapman stated that, currently, subsection (2) did not differentiate from oral moderate sedation and IV
216 moderate sedation. Dr. Johnson explained that whether the sedation is administered orally or intravenously, it
217 ultimately depended on the level of sedation that is administered to the patient. Dr. Okundaye recommended
218 listing moderate sedation prior to listing general anesthesia. She added that they should list the categories
219 needed for moderate sedation, then list the categories needed for general anesthesia under the section for
220 general anesthesia, separately, instead of listing the exempted sections for moderate sedation. Mrs. Bernstein
221 Chapman stated that so long as the regulations are clear on which categories of emergency drugs are
222 required for general anesthesia and for moderate sedation, she did not foresee any potential issues. Based on
223 further discussion, the board appeared to favor the idea of listing the categories exempt for moderate sedation
224 versus relisting the categories needed under each permit type. Mrs. Shaffer-Kugel stated that she would draft
225 the language in both proposed ways, and that the board could determine which format they preferred. The
226 Board agreed to Mrs. Shaffer-Kugel's suggestion to draft both formats of language.

228 • **NAC 631.2227:**

229 Mrs. Shaffer-Kugel noted a proposed change that came from public comment, suggesting that all offices with a
230 anesthesia sedation permit to carry a defibrillator. Dr. Johnson stated that a defibrillator should absolutely be
231 required for anyone with an anesthesia permit. Mrs. Shaffer-Kugel suggested the following:

- 232
- (j) Capnography monitor; and
 - Add new subsection (k) defibrillator

236 Therefore, a moderate sedation permit holder while exempt from complying with (j), would now be required to
237 comply with subsection (k) to have a defibrillator. Dr. Okundaye and Dr. Johnson were both in agreement with
238 the proposed change.

240 Dr. Johnson stated that Mrs. Shaffer-Kugel could draft the new proposed regulation changes and present the
241 proposed language to the Board for review and approval, at the next scheduled board meeting.

243 **Public Comment:**

244 Kelly McGinley, a pediatric dentist in Reno, commented that in her Pediatrics program, they were trained to use
245 a number of drugs, however, some of the drugs listed in the current regulations they did not receive training on.
246 She added that if the Board required dentists, herself included, to have drugs on hand that they were not
247 trained to utilize, it would place the dentist in a very uncomfortable situation. Dr. McGinley voiced her support in
248 favor of the proposed changes to remove the list of specific drugs and replacing them with drug categories,
249 instead.

251 **MOTION:** Ms. Pate moved that the Board approve the proposed changes to the regulations as
252 discussed, and for Mrs. Shaffer-Kugel to draft the language to be presented at the next board meeting
253 for possible approval. Motion was seconded by Dr. Shahrestani. With no further discussion, the motion
254 was unanimously approved by the Board members present at the meeting.

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

- 256
257 (1) Review Balance Sheet and Statement of Revenues, Expenses and Balances for
258 period July 1, 2017 to June 30, 2018 (Informational Purposes only)
259

260 Dr. Blasco drew the Board's attention to Ms. Hummel, the Board's accountant, to go over the review of the
261 financial statements. Mrs. Hummel stepped forward to review the financials with the Board. She stated that she
262 would have a final statement for FY2017 when the annual audit is completed. She briefly discussed the
263 Revenues, Expenses, and Balances. She noted areas where the Board came under budget. Mrs. Hummel also
264 noted to income derived from the CE courses hosted earlier in the year, which was income not projected or
265 budgeted for. She stated that there were, otherwise, no significant changes to the budget.
266

- 267 *(2) Accept/Reject recommendations from the Budget and Finance Committee to
268 approve the proposed budget for FY 2019 (For Possible Action)
269

270 Dr. Blasco drew the Board's attention to Ms. Hummel to go over the proposed budget for FY 2019. Mrs. Hummel
271 stated the Budget and Finance Committee held a meeting and recommended the approval of the proposed
272 budget for FY 2019. She noted that there were some pretty significant changes being proposed. She
273 specifically noted that they plan to offer free CE courses, which would be covered by the revenue acquired
274 from the CE course they offered earlier in the year regarding AB474. There were some inquiries regarding the
275 types of courses they planned to offer. Mrs. Shaffer-Kugel gave examples of some of the subject matters they
276 were considering to offer to licensees.
277

278 **MOTION:** Dr. Sanders moved that the Board approve the proposed budget for FY 2019. Motion was
279 seconded by Dr. Johnson. With no further discussion, the motion was unanimously approved.
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281
282 ***c. Authorized Investigative Complaints - NRS 631.360** (For Possible Action)
283

284 Mrs. Shaffer-Kugel noted to the Board that she would be requesting to table items (7) and (8) of this section.
285

- 286 (1) Dr. T – NRS 631.348(6); NRS 631.3475(4); NRS 631.215(2)(f)(3); and
287 NAC 631.230(1)(b) (For Possible Action)
288

289 Dr. Blasco drew the Board's attention to Mrs. Shaffer-Kugel. Mrs. Shaffer-Kugel noted that there was a
290 typographical error, and the correct regulation was NRS 631.348(6) not 368. Mrs. Shaffer-Kugel went over the
291 alleged violations of Dr. T and recommended that the Board authorize an investigation against Dr. T.
292

293 **MOTION:** Dr. Pinther moved that the Board authorize the investigation against Dr. T. Motion was
294 seconded by Dr. Sanders. With no further discussion, the motion was unanimously approved.
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- 296 (2) Dr. U – NRS 631.3475(8) and NRS 631.349 (For Possible Action)
297

298 Dr. Blasco drew the Board's attention to Mrs. Shaffer-Kugel. Mrs. Shaffer-Kugel went over the alleged violations
299 of Dr. U and recommended that the Board authorize an investigation against Dr. U.
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301 **MOTION:** Dr. Pinther moved that the Board authorize the investigation against Dr. U. Motion was
302 seconded by Ms. Gabriel. With no further discussion, the motion was unanimously approved.
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- 304 (3) Dr. V – NAC 631.2211; NAC 631.2212; NAC 631.2213 and NAC 631.230(1)(p)
305 (For Possible Action)
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307 Dr. Blasco drew the Board's attention to Mrs. Shaffer-Kugel. Mrs. Shaffer-Kugel went over the alleged violations
308 of Dr. V and recommended that the Board authorize an investigation against Dr. V.
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310 **MOTION:** Dr. Sanders moved that the Board authorize the investigation against Dr. V. Motion was
311 seconded by Dr. Shahrestani. With no further discussion, the motion was unanimously
312 approved.
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- 314 (4) Dr. W – NRS 631.215 (For Possible Action)
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316 Dr. Blasco drew the Board's attention to Mrs. Shaffer-Kugel. Mrs. Shaffer-Kugel went over the alleged violations
317 of Dr. W and recommended that the Board authorize an investigation against Dr. W.
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319 **MOTION:** Ms. Gabriel moved that the Board authorize the investigation against Dr. W. Motion was
320 seconded by Dr. Pinther. With no further discussion, the motion was unanimously approved.
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(5) Dr. X – NRS 631.3485(2); NRS 631.3475(5 and 7); NRS 631.349; NRS 631.364 (For Possible Action)

Dr. Blasco drew the Board's attention to Mrs. Shaffer-Kugel. Mrs. Shaffer-Kugel went over the alleged violations of Dr. X and recommended that the Board authorize an investigation against Dr. X.

MOTION: Ms. Pate moved that the Board authorize the investigation against Dr. X. Motion was seconded by Dr. Sanders. With no further discussion, the motion was unanimously approved.

(6) RDH X – NRS 631.3475(8); NAC 631.155 and NAC 631.230(1)(d) (For Possible Action)

Dr. Blasco drew the Board's attention to Mrs. Shaffer-Kugel. Mrs. Shaffer-Kugel went over the alleged violations of RDH X and recommended that the Board authorize an investigation against RDH X.

MOTION: Ms. Gabriel moved that the Board authorize the investigation against RDH X. Motion was seconded by Dr. Pinther. With no further discussion, the motion was unanimously approved.

Mrs. Shaffer-Kugel asked that the Board table agenda items (4)(c)(7) and (4)(c)(8).

MOTION: Dr. Pinther moved that the Board Table agenda items (4)(c)(7) and (4)(c)(8). Motion was seconded by Ms. Gabriel. With no further discussion, the motion was unanimously approved.

(7) Dr. Y – NRS 631.348(6) (For Possible Action)

This agenda item tabled, see Motion above.

(8) Dr. Z – NRS 631.348(6) (For Possible Action)

This agenda item tabled, see Motion above.

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

***a. Legal Actions/Lawsuit(s) Update**

(1) District Court Case(s) Update

Dr. Blasco drew the Board's attention to Mrs. Chapman. Mrs. Chapman indicated to the Board that there were two (2) pending matters. She gave a brief synopsis of the case filed by Dr. Adrian Ruiz that the Board prevailed in, and that she was now seeking the Board's legal fees. She noted that the case was scheduled to be heard later in the month.

Mrs. Chapman indicated that the second lawsuit was regarding a similar case as Dr. Ruiz's – arguing that the Board should not continue with its investigation – and that the hearing was scheduled for later in the day. She added that she would provide them with an update at the next board meeting.

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

(1) Richard Chen, 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.

MOTION: Dr. Sanders moved that the corrective action plan stipulation agreement between the Nevada State Board of Dental Examiners and Dr. Richard Chen, DMD be adopted. Motion seconded by Dr. Shahrestani. Motion was unanimously approved by the Board members present at this meeting; with an abstention by Ms. Pate, who sits on the review panel.

(2) Allyn Goodrich, 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. Champagne moved that the corrective action plan stipulation agreement between the Nevada State Board of Dental Examiners and Dr. Allyn Goodrich, DDS be adopted. Motion

seconded by Ms. Gabriel. Motion was unanimously approved by the Board members present at this meeting; with an abstention by Ms. Pate, who sits on the review panel.

(3) Deborha Staten, DMD

Dr. Blasco directed the attention to the Board 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 correction action plan stipulation agreement between the Nevada State Board of Dental Examiners and Dr. Deborha Staten, DMD be adopted. Motion seconded by Dr. Shahrestani. Motion was unanimously approved by the Board members present at this meeting; with an abstention by Ms. Pate, who sits on the review panel.

***6. New Business** (For Possible Action)

- *a. "Keeping the Smiles" an approved public health dental hygiene program would like the Board to amend the program approval to include patient's private residences – NAC 631.210 (6 and 7)** (For Possible Action)

(1) Deborah Osborn, RDH

Dr. Blasco drew the Board's attention to Mrs. Shaffer-Kugel. Mrs. Shaffer-Kugel stated that Ms. Osborne submitted a request to amend her program. She noted that in NAC 631.210, it states where the Board may authorize a location where a PHE holder may render treatment on patients. Additionally, she noted that Ms. Osborne was seeking the Board's approval to amend her program to include other locations to render services, such as private residences. Ms. Osborne stepped forward to answer any questions the Board may have. Ms. Osborn elaborated that her request to amend her list of locations to include nursing homes, transitional homes, and private residences, and explained that she receives requests from physicians, therapists, and families to bring treatment to patients that are bed ridden at their homes. She stated that it would be similar to treating patients at nursing homes since she is equipped with portable equipment and would be able to ensure infection control measures are in place and are being followed.

MOTION: Dr. Johnson moved that the Board approve the request to amend the program of "Keeping the Smiles" to include patient's private residences. Motion seconded by Dr. Pinther
DISCUSSION: It was inquired if Ms. Osborn verifies, prior to referring a patient to a dentist, if the dentist she is referring is willing to treat patients in their homes, also. Ms. Osborne responded affirmatively and stated that she makes the dentist aware that she has the necessary equipment to assist in rendering dental treatment in a person's home. There was additional discussion regarding the referral of patients and ensuring that patients follow-up with a dentist. With no further discussion, the motion was unanimously approved by the Board members present at the meeting.

- *b. Consideration to approve/reject the "His Heart" dental hygiene public health program pursuant to NAC 631.210 (6 and 7)** (For Possible Action)

(1) Angela M. Cameron, RDH

Dr. Blasco drew the Board's attention to Mrs. Shaffer-Kugel. Ms. Cameron was available via telephone conference. She stated that she would like to start a program that would allow her to serve in the underserved areas using her public health endorsement. Ms. Cameron gave a list of the treatments she would like to provide to the populations that are greatly underserved and to be able to educate on the importance of dental hygiene. Dr. Blasco inquired where Ms. Cameron was proposing to treat patients. Ms. Cameron responded that she spoke to Eddy House in downtown Reno, where they agreed to allow her to use a room in their house with mobile equipment to be able to treat homeless adults, homeless teens, and the elderly there. Ms. Cameron indicated that she had two (2) dentists, Dr. Hanson and Dr. Cercek, who have expressed interest in treating patients seen through her program. Dr. Pinther inquired if both Dr. Hanson and Dr. Cercek were licensed in Nevada. Ms. Cameron responded affirmatively. Dr. Blasco inquired further if both dentists were willing to see the patients in their office; and if they were showing interest or if they were committed? Ms. Cameron responded that both dentists were willing to see patients in their office.

MOTION: Dr. Pinther moved that the Board approve the "His Heart" public health program. Motion seconded by Ms. Gabriel, and unanimously approved by the Board members present at the meeting.

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

(1) Angela M. Cameron, RDH – His Heart

Dr. Blasco drew the Board's attention to Mrs. Shaffer-Kugel. Mrs. Shaffer-Kugel stated that Ms. Cameron submitted her application for a public health endorsement and application appeared to be in order.

MOTION: Ms. Gabriel moved that the Board approve the application of Angela M. Cameron, RDH for a public health endorsement. Motion seconded by Dr. Pinther, and unanimously approved by the Board members present at the meeting.

Ms. Cameron thanked the Board for their approval of both the "His Heart" program and her PHE.

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

(1) Dustin Kim, DMD

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. Sanders moved that the board approve the request for voluntary surrender of Dr. Dustin Kim's dental licensee. Motion was seconded by Ms. Gabriel. With no further discussion, the motion was unanimously approved.

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

(1) Moderate Sedation – 13 years of age or older (For Possible Action)

a. Chun Man Tsang, DMD

Dr. Blasco drew the Board's attention to Dr. Brendan Johnson. Dr. Johnson stated that while all was in order, his only concern was that the education stated 60 hours of lecture, and therefore recommended approval for a temporary moderate sedation permit, contingent upon Dr. Tsang submitting proof that course was live.

MOTION: Dr. Pinther moved that the board approve the temporary moderate sedation permit for Dr. Tsang pending submission of proof that course completed was a live course. Motion seconded by Dr. Sanders. With no further discussion, the motion was unanimously approved; Dr. Johnson abstained from the motion.

(2) Moderate Sedation (Pediatric Specialty) 21 years of age or younger (For Possible Action)

a. Ruth Alvarez, DDS

b. Kellie J. McGinley, DDS

Dr. Blasco drew the Board's attention to Dr. Brendan Johnson. Dr. Johnson stated that all was in order and recommended the approval of a temporary moderate sedation permit for Dr. Alvarez and Dr. McGinley.

MOTION: Dr. Pinther moved that the board approve the temporary moderate sedation permit for Dr. Alvarez and Dr. McGinley. Motion seconded by Ms. Gabriel. With no further discussion, the motion was unanimously approved; Dr. Johnson abstained from the motion.

***f. 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. Wesley T. Archer, DMD

b. Travis A. Neu, DMD

Dr. Blasco drew the Board's attention to Dr. Brendan Johnson. Dr. Johnson requested approval for an extension to conduct the inspections.

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

(2) General Anesthesia (For Possible Action)

- a. Kristin E. Chino, DMD
- b. Shawn B. Davis, DMD
- c. Michael S. Moody, DMD
- d. Ashley T. Roberts, DMD
- e. Gregory C. Walton, DMD

Dr. Blasco drew the Board's attention to Dr. Johnson. Dr. Johnson requested approval for an extension to conduct the inspections.

MOTION: Ms Gabriel moved that the board approve the request for an extension. Motion seconded by Dr. Pinther. With no further discussion, the motion was unanimously approved; Dr. Johnson abstained from the motion.

***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. Blasco 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. Bethea stated that there was no report.

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

(Timothy Pinther, DDS)

(a) Report from Dr. Pinther regarding the ADEX Annual Meeting

Dr. Pinther stated that he attended the August meeting in Chicago, and noted that there were no major procedural changes; however, that the biggest news was that ADEX may likely be accepted in CA soon. He noted further, that ADEX had a new chair, Dr. William Pappas, and a new Executive Director, Kathleen Kelly.

***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)

Ms. Gabriel stated that there was no report.

***f. Anesthesia** (For Possible Action)

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

Dr. Johnson stated that there was no report.

***g. Infection Control** (For Possible Action)

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

Ms. Gabriel stated that there was no report.

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

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

591
592 Dr. Champagne stated that there was no report.

593
594 **8. Public Comment:** (Public Comment is limited to three (3) minutes for each individual)

595
596 There was no public comment.

597
598 **Note:** No vote may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically
599 included on an agenda as an item upon which action may be taken. (NRS 241.020)

600 **9. Announcements:**

601
602 Mrs. Shaffer-Kugel announced that the proposed 2019 meeting schedule would be presented at the
603 November Board meeting.

604
605 Dr. Pinther stated that the board's goal was not be a disciplinary board, and stated that the board abides by
606 NRS and NAC 631. Furthermore, that the Board is remedial by doing non-disciplinary corrective action plans.

607
608 ***10. Adjournment** (For Possible Action)

609
610 Dr. Blasco called for a motion to adjourn.

611
612 **MOTION:** Dr. Sanders moved that the September 14, 2018 meeting of the Nevada State Board of
613 Dental Examiners be adjourned. Motion seconded by Dr. Champagne, and without
614 discussion, unanimously approved by the Board. Meeting adjourned at 11:07 a.m.

615
616
617
618
619 *Minutes approved at the November 9, 2018 Board Meeting*
620 *Respectfully Submitted by:*

621
622
623
624 _____
625 **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



Formal Hearing to be held at the Nevada State Board of Dental Examiners office & video-conference at the Nevada State Board of Medical Examiner's Office Conference Room located at: 9600 Gateway Drive; Reno, NV 89521

NOTICE OF PUBLIC HEARING

Friday, October 5, 2018

9:00 a.m.

START TIME: 9:08 a.m.

DRAFT

FORMAL HEARING AGENDA

Nevada State Board of Dental Examiners v. George B. Miller, DMD

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. Timothy Pinther ("Dr. Pinther") -----PRESENT
Dr. Byron Blasco ("Dr. Blasco") -----PRESENT
Dr. Jason Champagne ("Dr. Champagne") --PRESENT
Dr. Gregory Pisani ("Dr. Pisani") -----PRESENT
Dr. Brendan Johnson ("Dr. Johnson") -----PRESENT
Dr. Ali Shahrestani ("Dr. Shahrestani") -----PRESENT
Dr. R. Michael Sanders ("Dr. Sanders") -----PRESENT
Ms. M Sharon Gabriel ("Ms. Gabriel") -----PRESENT
Ms. Yvonne Bethea ("Ms. Bethea") -----PRESENT
Ms. Betty Pate ("Ms. Pate") -----PRESENT
Ms. Nikki Harris ("Ms. Harris") -----PRESENT

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

Public Attendees: Sean Kelly, Esquire – attorney for Dr. George B. Miller, DMD.

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

No public comment

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.

*3. Formal Hearing: Nevada State Board of Dental Examiners vs. George B. Miller, DMD (For Possible Action)

The purpose of this hearing is to consider the allegations regarding/related to the verified complaints/formal 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)

Dr. Blasco directed the Board's attention to Melanie Bernstein Chapman, General Counsel for the Board. Ms. Chapman indicated prior to the start of the Formal Hearing the Board received a request filed by Sean Kelly, Esquire attorney for Dr. Miller for a continuance due to the health issues of Dr. Miller. Board Member Sanders was concerned that since Dr. Miller walked out prior to the informal hearing, if the health issues of Dr. Miller were impeding on his ability to practice safely. Ms. Chapman stated she would remain in contact with Mr. Kelly with regards to Dr. Miller's recovery.

Dr Blasco asked if the Board was considering a new formal hearing date. The Board elected not to set a date at this time and wait on the recovery of Dr. Miller.

Dr. Blasco entertained a motion:

MOTION: Dr. Johnson made the motion for the Board to approve the request for a continuance.

SECONDED: by Dr. Sanders; Dr. Pisani and Ms. Pate abstained.

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

No public comment

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.

*5. Adjournment (For Possible Action)

Dr. Blasco called for a motion to adjourn.

MOTION: Dr. Sanders made a motion to adjourn

SECONDED: Dr. Shahrestani, and without discussion, unanimously approved by the Board.

Meeting adjourned at 9:15 a.m.

Minutes approved at the November 9, 2018 Board Meeting

Respectfully Submitted by:

Debra Shaffer-Kugel, Executive Director

Financials

Added 11/05/2018

Nevada State Board of Dental Examiners

Balance Sheet

As of September 30, 2018

	Sep 30, 18
ASSETS	
Current Assets	
Checking/Savings	
10000 · Wells Fargo-Operating	538,346.25
10015 · Wells Fargo - Saving	885,313.65
10010 · Wells Fargo-Reserves	1,200,088.94
Total Checking/Savings	2,623,748.84
Accounts Receivable	
11000 · Accounts Receivable	90,014.33
11001 · Allowance for Bad Debts	-84,477.53
Total Accounts Receivable	5,536.80
Other Current Assets	
11050 · Reimbursements Receivable	59.56
11200 · Prepaid Expenses	19,988.81
11210 · Prepaid Insurance	4,608.47
18000 · Deferred Outflows-Pension	246,396.00
Total Other Current Assets	271,052.84
Total Current Assets	2,900,338.48
TOTAL ASSETS	2,900,338.48
LIABILITIES & FUND BALANCE	
Liabilities	
Current Liabilities	
Accounts Payable	
20000 · Accounts Payable	53,252.94
Total Accounts Payable	53,252.94
Other Current Liabilities	
22125 · DDS Deferred Revenue	
22127-3 · 2019 DDS Retired/Disabled	1,164.10
22127-2 · 2019 DDS Inactive	24,528.12
22127-1 · 2019 - DDS Active	444,203.32
22900 · DDS-Permits	32,936.32
22901 · DDS-Limited License	7,348.63
22902 · DDS-Ltd Lic-Supervised	580.84
Total 22125 · DDS Deferred Revenue	510,761.33
22136 · RDH Deferred Revenue	
22138-7 · 2020 RDH Inactive/Retired	13,126.90
22138-6 · 2020 RDH Active	373,923.47
Total 22136 · RDH Deferred Revenue	387,050.37
20500 · Fines Payable-State of Nevada	650.00
23750 · Accrued Vacation/Sick Leave	83,196.18
23820 · Employee HSA/Ins Payable	5.75
Total Other Current Liabilities	981,663.63
Total Current Liabilities	1,034,916.57

Nevada State Board of Dental Examiners

Balance Sheet

As of September 30, 2018

Added 11/05/2018

	<u>Sep 30, 18</u>
Long Term Liabilities	
20601 · Pension Liability	644,106.00
21001 · Deferred Inflows-Pension	46,114.00
Total Long Term Liabilities	<u>690,220.00</u>
Total Liabilities	<u>1,725,136.57</u>
Fund Balance	<u>1,175,201.91</u>
TOTAL LIABILITIES & FUND BALANCE	<u><u>2,900,338.48</u></u>

Nevada State Board of Dental Examiners
Statement of Revenues, Expenses and Fund Balance

July through September 2018

Added 11/05/2018

	Jul - Sep 18	Budget	\$ Over Budget
Ordinary Income/Expense			
Income			
40000 · Dentist Licenses & Fees			
40100 · DDS Active License Fee	147,030.86	146,625.00	405.86
40102 · DDS Inactive License Fee	8,529.56	8,376.00	153.56
40135 · DDS Activate/Inactive/Suspend	5,500.00	5,490.00	10.00
40136 · DDS Activate Revoked License	1,300.00	1,500.00	(200.00)
40140 · Specialty License App	1,250.00	1,250.00	0.00
40145 · Limited License App	875.00	875.00	0.00
40115 · Limited License Renewal Fee	2,451.37	3,495.00	(1,043.63)
40146 · Limited License-S Application	1,400.00	0.00	1,400.00
40116 · LL-S Renewal Fee	510.83	450.00	60.83
40150 · Restricted License App	0.00	150.00	(150.00)
40180 · Anesthesia Site Permit App	2,250.00	1,750.00	500.00
40182 · CS/GA/Site Permit Renewals	10,902.41	10,260.00	642.41
40183 · GA/CS/DS or Site Permit ReInp	0.00	4,350.00	(4,350.00)
40175 · Conscious Sedation Permit Appl	1,500.00	1,500.00	0.00
40170 · General Anesthesia Permit Appl	4,500.00	4,500.00	0.00
40186 · Pediatric Anesthesia Permit	3,000.00	3,000.00	0.00
40184 · Infection Control Inspection	3,500.00	4,000.00	(500.00)
40212 · DDS ADEX License Application	9,600.00	3,600.00	6,000.00
40205 · DDS Credential Appl Fee-Spcity	4,200.00	4,800.00	(600.00)
40211 · DDS WREB License Application	21,600.00	22,800.00	(1,200.00)
40214 · DDS License by Endorsement	9,000.00	4,800.00	4,200.00
Total 40000 · Dentist Licenses & Fees	238,900.03	233,571.00	5,329.03
50000 · Dental Hygiene Licenses & Fees			
40105 · RDH Active License Fee	52,776.53	52,791.00	(14.47)
40106 · RDH Inactive License Fee	1,873.10	1,875.00	(1.90)
40130 · RDH Activate/Inactive/Suspend	6,675.00	1,100.00	5,575.00
40110 · RDH LA/N2O Permit Fee	2,075.00	2,450.00	(375.00)
40224 · RDH ADEX License Application	1,800.00	0.00	1,800.00
40222 · RDH WREB License Application	17,700.00	10,800.00	6,900.00
40226 · RDH License by Endorsement	2,400.00	2,400.00	0.00
Total 50000 · Dental Hygiene Licenses & Fees	85,299.63	71,416.00	13,883.63
50750 · Other Licenses & Fees			
43650 · Reimbursed Investigation Costs	8,428.49	6,000.00	2,428.49
40220 · License Verification Fee	1,375.00	1,325.00	50.00
40227 · CEU Provider Fee	5,300.00	4,000.00	1,300.00
40225 · Duplicate License Fee	200.00	200.00	0.00
40185 · Lists/Labels Printed	2,345.00	1,750.00	595.00
40600 · Miscellaneous Income	126.00	75.00	51.00
Total 50750 · Other Licenses & Fees	17,774.49	13,350.00	4,424.49
Total Income	341,974.15	318,337.00	23,637.15

Nevada State Board of Dental Examiners
Statement of Revenues, Expenses and Fund Balance
July through September 2018

Added 11/05/2018

	<u>Jul - Sep 18</u>	<u>Budget</u>	<u>\$ Over Budget</u>
Expense			
60500 · Bank Charges	3,077.57	3,630.00	(552.43)
68000 · Conferences & Seminars	7,692.79	11,000.00	(3,307.21)
68001 · CE Class Expenses	1,768.28	0.00	1,768.28
63000 · Dues & Subscriptions	2,382.39	2,375.00	7.39
65100 · Furniture & Equipment	4,568.98	4,580.00	(11.02)
66500 · Insurance	2,679.82	2,679.00	0.82
66520 · Internet/Web/Domain	2,116.18	2,121.00	(4.82)
73500 · Information Technology	90.00	90.00	0.00
66600 · Office Supplies	2,205.07	3,500.00	(1,294.93)
66650 · Office Expense			
68710 · Miscellaneous Expenses	37.78	1,245.00	(1,207.22)
68700 · Repairs & Maintenance	2,242.22	2,151.00	91.22
68725 · Security	832.20	840.00	(7.80)
68715 · Shredding Services	69.00	162.00	(93.00)
68720 · Utilities	1,519.09	1,074.00	445.09
Total 66650 · Office Expense	4,700.29	5,472.00	(771.71)
67000 · Printing	2,125.51	2,100.00	25.51
67500 · Postage & Delivery	3,503.20	3,000.00	503.20
68500 · Rent/Lease Expense			
68500-1 · Equipment Lease	379.39	380.00	(0.61)
68500-2 · Office	18,089.61	18,090.00	(0.39)
68500-4 · Storage Warehouse	566.96	381.00	185.96
Total 68500 · Rent/Lease Expense	19,035.96	18,851.00	184.96
75000 · Telephone	480.95	495.00	(14.05)
75100 · Travel (Staff)	46.00	75.00	(29.00)
73550 · Per Diem (Staff)	29.62	30.00	(0.38)
73600 · Professional Fee			
73600-1 · Accounting/Bookkeeping	5,670.00	5,700.00	(30.00)
73600-2 · Legal-General	26,337.53	27,600.00	(1,262.47)
Total 73600 · Professional Fee	32,007.53	33,300.00	(1,292.47)
73700 · Verification Services	5,736.25	5,780.00	(43.75)
72000 · Employee Wages & Benefits			
72100 · Executive Director	33,370.88	32,538.00	832.88
72300 · Credentialing & Licensing Coord	14,690.69	14,688.00	2.69
72132 · Site Inspection Coordinator	10,216.18	10,302.00	(85.82)
72200 · Technology/Finance Liaison	12,533.70	13,083.00	(549.30)
72130 · Public Info & CE Coordinator	8,347.91	8,235.00	112.91
72160 · Legal Counsel	28,056.70	31,032.00	(2,975.30)
72165 · Legal Assistant	13,557.74	13,056.00	501.74

Nevada State Board of Dental Examiners
Statement of Revenues, Expenses and Fund Balance
July through September 2018

Added 11/05/2018

	Jul - Sep 18	Budget	\$ Over Budget
72010 · Payroll Service Fees	445.50	450.00	(4.50)
72005 · Payroll Tax Expense	1,920.83	2,241.00	(320.17)
72600 · Retirement Fund Expense (PERS)	32,385.84	32,385.00	0.84
65525 · Health Insurance	18,265.71	18,291.00	(25.29)
Total 72000 · Employee Wages & Benefits	173,791.68	176,301.00	(2,509.32)
72400 · Board of Directors Expense			
72400-1 · Director Stipends	2,850.00	3,300.00	(450.00)
73650-5 · BOD Hearing Stipend	1,350.00	1,650.00	(300.00)
72400-2 · Committee Mtgs-Stipends	320.00	320.00	0.00
72400-3 · Director Travel Expenses	3,092.96	3,000.00	92.96
72400-9 · Refreshments - Board Meetings	783.50	375.00	408.50
Total 72400 · Board of Directors Expense	8,396.46	8,645.00	(248.54)
60001 · Anesthesia Eval Committee			
60001-1 · Evaluator's Fee	300.00	3,000.00	(2,700.00)
60001-4 · Travel/Misc. Expense	27.82	900.00	(872.18)
Total 60001 · Anesthesia Eval Committee	327.82	3,900.00	(3,572.18)
73650 · Investigations/Complaints			
72550 · DSO Coordinator	1,200.00	900.00	300.00
73650-1 · DSO Consulting Fee	6,625.00	11,400.00	(4,775.00)
73650-2 · DSO Travel/Postage Expense	53.66	675.00	(621.34)
73651-1 · DSO Review Panel Fee	1,750.00	3,000.00	(1,250.00)
73651-2 · DSO Review Panel Travel Expense	779.21	870.00	(90.79)
73650-3 · Legal Fees-Investigations	2,654.99	1,245.00	1,409.99
73650-4 · Staff Travel	69.00	0.00	69.00
73650-8 · DSO Calibration Expense	150.00	150.00	0.00
73650-7 · Miscellaneous Investigation Exp	7,064.38	8,400.00	(1,335.62)
Total 73650 · Investigations/Complaints	20,346.24	26,640.00	(6,293.76)
60002 · Infection Control Inspection			
60002-1 · Initial Inspection Expense	1,769.10	2,370.00	(600.90)
60002-2 · Reinspection Expense	291.62	180.00	111.62
60002-3 · Random Inspection Expense	87.50	300.00	(212.50)
60002-4 · Travel/Misc. Expense	474.41	315.00	159.41
Total 60002 · Infection Control Inspection	2,622.63	3,165.00	(542.37)
Total Expense	299,731.22	317,729.00	(17,997.78)
Net Ordinary Income	42,242.93	608.00	41,634.93
Other Income/Expense			
Other Income			
40800 · Interest Income	157.68	156.00	1.68
Total Other Income	157.68	156.00	1.68
Net Other Income	157.68	156.00	1.68
Net Income Over Expenses	42,400.61	764.00	41,636.61

CONTRACT

CONTRACT SUMMARY

(This form must accompany all contracts submitted to the Board of Examiners (BOE) for review and approval)

I. DESCRIPTION OF CONTRACT

1. Agency Name:	Nevada State Board of Dental Examiners	Contractor Name:	LEE DRIZIN, ESQUIRE LEE DRIZIN, CHTD
Agency Code:	B007 105	Address:	2460 PROFESSIONAL COURT, STE 110 Las Vegas, NV 89128
Appropriation Unit:	_____	Contact / Phone:	702-798-4955
Is budget authority available?:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Vendor No.:	_____ CDB# _____
If "No" please explain:	_____		
To what State Fiscal Year(s) will the contract be charged?	FY2019		
What is the source of funds that will be used to pay the contractor? Indicate the percentage of each funding source if the contractor will be paid by multiple funding sources.			
<input type="checkbox"/> General Funds	_____ %	<input checked="" type="checkbox"/> Fees	Licensing 100 %
<input type="checkbox"/> Federal Funds	_____ %	<input type="checkbox"/> Bonds	_____ %
<input type="checkbox"/> Highway Funds	_____ %	<input type="checkbox"/> Other funding:	_____ %

2. Contract start date:

a. Effective upon Board of Examiner's approval? ☒ or b. other effective date **07/01/2018**

Anticipated BOE meeting date **12/2018**

[Contracts with an effective date prior to BOE approval (retroactive) must be accompanied by a memorandum explaining the reason prior BOE approval was not obtained.]

3. Termination date: **JUNE 30, 2019** (original contract)

Contract term: **1 year** (indicate in years the length of the contract and any potential renewals)

4. Type of contract (check one):

a. ☒ New Contract ☐ Cooperative Agreement

☒ Contract Amendment # **1** ☐ Revenue Contract

☐ Interlocal Contract ☐ Other Contract: _____

b. Contract Description (limited to 3 or 4 key words): _____

5. Purpose of contract (Describe Scope of Work or service to be accomplished):

Legal Counsel to Board Members, Board General Counsel and Board Staff for litigation/legal services for case on appeal with the Nevada Supreme Court and litigation on case with Clark County District Court

6. a. NEW CONTRACTS ONLY:

The maximum amount of the contract for the term of the contract is: **\$70,000.00**

Payment for services will be made at the rate of **\$300.00** per **HOUR**

(enter dollar amount) (time interval, i.e., hour, year)

or, if not applicable, specify other basis for payment: _____

b. CONTRACT AMENDMENTS ONLY: Meeting date of BOE approval

Maximum amount of the original contract: (refer to 6 a)	1.	\$70,000.00	
Total amount of any previous contract amendments	2.	0	
Amount of current contract amendment	3.	\$80,000.00	
New maximum contract amount (Add lines 1, 2, and 3 for the total of line 4)	4.	\$150,000.00	

and/or the termination date of the original contract has changed to: _____

and/or explain other changes: _____

II. JUSTIFICATION

7. What conditions mandate that this work be done?

NRS 631.190

8. Explain why State employees in your agency or other State agencies are not able to do this work:

NRS 631.190

9. Were quotes or proposals solicited? ☐ Yes ☒ No
Was the solicitation (RFP) done by the Purchasing Division? ☐ Yes ☒ No If both are No, see 9 b.
a. If yes, list the names of vendors that submitted proposals.

b. Solicitation Waiver ☐ # _____ Professional Service ☐ Exempt ☒

c. Why was this contractor chosen in preference to others?

d. Last bid date: _____ Anticipated re-bid date: _____

10. Does the contract contain any IT components? ☐ Yes ☒ No
If yes, per NRS 242.151 DoIT approval is required.

DoIT Director or designee approval

Date

III. OTHER INFORMATION:

11. a. Is the contractor a consultant that is providing an opinion or advice as defined in S.A.M. Chapter 300?
(S.A.M. states "a consultant is a person that provides information, an opinion or advice for a fee")

☒ Yes ☐ No

- b. Is the contractor a current employee the State of Nevada?
☐ Yes ☒ No If "Yes," is the contractor planning to render services while on annual leave, compensatory time, sick leave, or on his own time? (Please explain)

- c. Was the contractor formerly employed by the State of Nevada within the past one (1) year?

☐ Yes ☒ No If "Yes," please provide employment termination date.

- d. Is the contractor employed by any of Nevada's political subdivisions or by any other government?

☐ Yes ☒ No If "Yes," please explain

12. Has the contractor ever been engaged under contract by any State agency?

☐ Yes ☒ No If "Yes," specify when and for which agency and indicate if the quality of service provided to the identified agency has been verified as satisfactory:

13. Contracts over \$25,000 per fiscal year: Is the contractor currently involved in litigation with the State of Nevada?

☐ Yes ☒ No If "Yes," please provide details of the litigation and facts supporting approval of the contract.

14. Agency Field Contract Monitor:

Printed Name

Title

Phone No.

15. Certified Contract Manager Approval:

Printed Name

Signature

Phone No.

16. Agency Head Approval:

Signature

17. Date Contract Summary was Prepared:

11/09/2018

Date

AMENDMENT # 1

TO CONTRACT FOR SERVICES OF INDEPENDENT CONTRACTOR

Between the State of Nevada

Acting by and Through Its

Nevada State Board of Dental Examiners

6010 S Rainbow Blvd., Suite A1

Las Vegas, Nevada 89118

Contact: Debra Shaffer-Kugel, Ex. Director

Phone: 702-486-7044 Fax: 702-486-7046

Email: dashaffer@nsbde.nv.gov

and

Lee Drizin, Chtd.

2460 Professional Court, Suite 110

Las Vegas, Nevada 89128

Contact: Lee Drizin, Esquire

Phone: 702-798-4955 Fax:

Email: lee@leedrizin.com

1. **AMENDMENTS.** For and in consideration of mutual promises and/or their valuable considerations, all provisions of the original contract resulting from Request for Proposal #32 and dated October 9, 2018, attached hereto as Exhibit A, remain in full force and effect with the exception of the following:

A. **Give a brief explanation of reason for contract amendment.**

Mr. Drizin is providing legal services for litigation regarding two cases. One is in appeal with the Nevada Supreme Court and the other is still be litigated in District Court. The cases were filed against the Board Members, General Counsel for the Board and the Ex. Director in both cases. The request to amend is due the cost incurred by the board to address all the various motions and to provide legal services for the case on appeal.

Current Contract Language:

The maximum amount for this contract from July 1, 2018 to June 30, 2019 is \$70,000.00.

Amended Contract Language:

The maximum amount for this contract from July 1, 2018 to June 30, 2019 is \$150,000.00

2. **INCORPORATED DOCUMENTS.** Exhibit A (Original Contract) is attached hereto, incorporated by reference herein and made a part of this amended contract.
3. **REQUIRED APPROVAL.** This amendment to the original contract shall not become effective until and unless approved by the Nevada State Board of Examiners.

IN WITNESS WHEREOF, the parties hereto have caused this amendment to the original contract to be signed and intend to be legally bound thereby.

Independent Contractor's Signature

Date

Independent Contractor's Title

Signature

Date

Title

APPROVED BY BOARD OF EXAMINERS

Signature – Board of Examiners

On:

Date

Approved as to form by:

On:

Deputy Attorney General for Attorney General

Date

CALENDAR of EVENTS 2019

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

TENTATIVE

Calendar of Events for 2019

Proposed Board Meetings Dates.

Friday January 11, 2019

Friday March 8, 2019

Friday May 10, 2019

Friday July 19, 2019

Friday September 13, 2019

Friday November 8, 2019

American Association of Dental Board Meetings:

Mid-Year Meeting – AADB- Chicago, IL – April 2019

Annual Meeting- AADB- TBA

OLD BUSINESS:
DOCS Education

By Email to dashaffer@nsbde.nv.gov

Debra Shaffer-Kugel, Executive Director
Nevada State Board of Dental Examiners
6010 S. Rainbow Blvd., Bldg A, Suite 1
Las Vegas, NV 89118

Dear Ms. Shaffer-Kugel

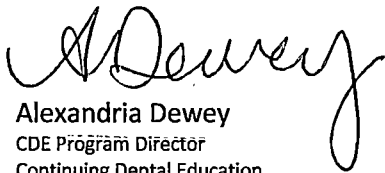
This office is in receipt of your September 12th letter requesting confirmation from Oregon Health & Science University School of Dentistry that DOCS Education and OHSU have a formal affiliation/memorandum of understanding re the Moderate Sedation course.

This letter serves to confirm exactly that. OHSU and DOCS do have such a formal affiliation/MOU re the Moderate Sedation course. In fact, Sean Benson, DDS, an associate dean of the OHSU SOD, initially approached DOCS in 2014 about partnering to teach this course, and now the OHSU Moderate Sedation course has come to fruition.

If you or Dr. Johnson have any further questions, please do not hesitate to ask. OHSU looks forward to gaining approval of its Moderate Sedation course by the Nevada State Board of Dental Examiners.

Thank you for your time and consideration.

Best regards,



Alexandria Dewey
CDE Program Director
Continuing Dental Education
OHSU School of Dentistry
2730 SW Moody Ave
Portland, OR. 97201
(503)494-8857
www.ohsu.edu/cde



VOLUNTARY SURRENDER of LICENSE



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 Washoe

I, Catherine Leeta Miller, hereby surrender my Nevada
Dental /Dental Hygiene (circle one) license number 102252 on 17 day of
September, 2018.

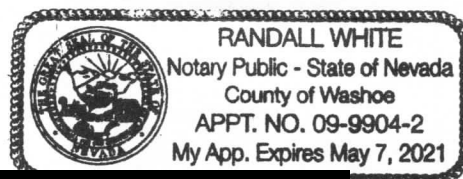
By signing this document, I understand, pursuant to Nevada Administrative Code (NAC)
631.160, the surrender of this license is absolute and irrevocable. Additionally, I
understand that the voluntary surrender of this license does not preclude the Board from
hearing a complaint for disciplinary action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

Catherine Leeta Miller
Licensee Signature

9/17/18
Date

[Signature]
Notary Signature

State of Nevada
County of Washoe
This instrument was acknowledged
before me on September 17th, 2018
by Catherine Leeta Miller ^{Notary Public}



Licensee Current Mailing Address: _____

Email address: _____

Home Phone N/A

Cell Phone: _____