

NEVADA STATE BOARD of DENTAL EXAMINERS



Post-Meeting Documents Public Comment

November 29, 2018
.....
Board Meeting

Misappropriation of \$140,000 by Board members Pisani, Pinther, Champagne and Blasco for their own personal or improper purpose

Governor Sandoval, Attorney General Laxalt and Madam Secretary: Good Morning. My name is Malcolm LaVergne. I am one of the Las Vegas Dental Association attorneys that would like to read this statement to you today. You were kind enough to listen to us at your last meeting and we appreciate that Governor Sandoval has since appointed four new Dental Board members. There is documented evidence of the misappropriation of \$140,000 by Board members Pisani, Champagne, Pinther and Blasco for their own personal or improper purpose. Quoted directly from the Dental Board minutes, Board counsel, John Hunt said "that the licensees that stipulate chose to voluntarily make donations to different public health programs in lieu of some discipline or charges". (*Exhibit 1*) What he did not mention was that these licensees, donated \$70,000 to Pisani, Pinther and Champagne's organization in lieu of discipline or charges. Board member Pisani is the President of this organization NNDHP, Champagne and Pinther are directly involved and Kathy Champagne is one of the directors. First these donations were ruled illegal by the Legislative Auditors, second these Board members did not disclose to the auditors that the money went to their organizations and third these Board members knew that their organizations were not public entities but private. As a note we are only bringing forth matters that are relevant and under the jurisdiction of this committee.

Board counsel Hunt stated that all Board members are selected from the Nevada Dental Association. When you connect the dots NNDHP's Adopt-a-Vet program is encompassed under the NNDS which is a component of the Nevada Dental Association.

(Evidence of the involvement and control of NNDHP by Pisani, Pinther and Champagne is attached as Exhibits 2, 3 and 4).

Two dentists called the Executive Director of the Board to report an unlicensed hygienist who was working at their practices. Rather than thanking these dentists for reporting the hygienist, these Board members selected from the Nevada Dental Association charged the two dentists for unknowingly hiring an unlicensed hygienist. As punishment, these two dentists had to sign stipulations to pay donations of \$100,000 of which \$50,000 went to Board member Pisani, Champagne and Pinther's organizations. It is improper to force a dentist to pay private organization money in lieu of discipline or charges. It is even more improper when there is a conflict of interest because these Dental board members are part of and control the organization receiving the donations. This type of self-dealing using the state board powers to extract donations is, at the very least unethical. Pisani, Champagne Pinther and Blasco had full knowledge that this money was going directly to this organization because they voted to approve the stipulations against these two dentists which said they had to pay the money to Adopt-a-Vet.

(Attached Please see exhibits 5, 6, 7 and 8 signed stipulations with donations).

What makes this more reprehensible is that the only legal way to charge this money was through fines, which failing to deposit this money into the State General Fund, would be a violation of NRS 631.350(4). However, this was impossible because the two dentists also had to pay attorney and investigation fees to the board in the amount of \$6,250.00. It is an undisputed material fact that there are no statutory provisions that exist that would have allowed these Board members to use this money for their own personal endeavors. It is worth repeating, that to date none of these Board members or the Executive Director Shaffer has returned the \$140,000 to these licensees.

The Executive Director Shaffer, oversaw Pisani, Champagne, Blasco and Pinther vote for a third investigated dentist to send money to Adopt-A-Vet organization while they simultaneously voted to reward Shaffer with a \$10,000 bonus because of her diligence in creating so much income from disciplining dentists. (See Board meeting minutes, Exhibit 9). The state Dental Board disciplinary process has turned into a profit making center to incentivize bonuses and pay increases for Board staff. Secretary of State records, Board minutes and the Legislative Audit Report clearly show that these Board members and the Executive Director shared in the profits from either overcharging or improperly charging investigated licensees.

Debra Shaffer is the very same Executive Director that the Legislative Auditors caught over charging 50% of the investigated licensees for the costs of their investigations *(See Legislative Audit Report Exhibit 10)*.

This would explain why Board members Pisani, Champagne and Pinther continue to retaliate against anyone who questions their flawed disciplinary process. We believe the investigated dentists have not asked for their money to be returned for fear of retaliation.

It is respectfully submitted that board members Pisani, Pinther, Champagne and Blasco be removed from the board due to their blatant incompetence or dishonorable conduct.

Governor Sandoval you are the only official in this State that has the statutory mandate to remove Board members from this Dental Board for incompetence or dishonorable conduct under the provisions of NRS 631.150. Please consider all of the facts brought forward today and if necessary, call my law office if you require any additional information.

**Presented at Public Board of Examiners Meeting by Malcolm LaVergne , Esq
Nov 13, 2018**

January 11th -

Exhibit 1

- 158 *f. Specialty (For Possible Action)
159 (Chair: Dr. Pisani; Dr. Miller; Dr. Pinther)
160

161 No report.
162

- 163
164 *g. Anesthesia (For Possible Action)
165 (Chair: Dr. Miller; Dr. Pinther; Dr. Champagne, Dr. Kinard)
166

- 167 *(1). Discussion and Approval/Rejection of Revised Sedation Scenarios (For Possible Action)
168

169 Mr. Hunt indicated that the changes were administrative and confidential, which did not require a motion.
170

171 MOTION: Dr. Sill made the motion to go into closed session. Motion seconded by Mrs. Wark. All were in favor of
172 the vote.
173

174 Returned from Closed Session.
175

- 176
177 *h. Infection Control (For Possible Action)
178 (Chair: Mrs. Villigan; Dr. Blasco; Dr. Champagne; Dr. Pisani; Ms. Solie; Mrs. Wark)
179

180 Mrs. Villigan reported that there have been 61 initial IC inspections since July 1, 2014. Dr. Blasco noted that there
181 will be an initial inspection fee in the future. Mrs. Villigan indicated that they will have to hold a calibration for all
182 IC inspectors, to which Mrs. Shaffer-Kugel indicated that the Board had already budgeted in FY2016 to hold a
183 calibration.
184

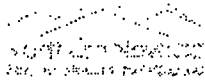
- 185
186 *i. Budget and Finance Committee (For Possible Action)
187 (Chair: Dr. Sill, Dr. Pinther, Mrs. Wark, Mrs. Guillen)
188

189 Dr. Blasco indicated that they held a committee meeting a few days prior and that the draft minutes will be
190 provided to the Board members for the next Board meeting in July. Mrs. Shaffer-Kugel indicated that they were
191 sent the proposed budget with the increases noted.
192

193 10. Public Comment: (Public Comment is limited to Five (5) minutes for each individual) 194

195 Mrs. Garvey gave an update on the meeting that was held for the AC4OH. During the meeting, they focused on
196 their annual report where they gave recommendations to the State Administrator and the Governor on how to
197 improve access to oral health for the citizens of Nevada. She indicated that some of the discussion held regarding
198 the new Public Health Officer and the new Public Health Dental Hygienist and the funding of those positions be
199 funded by the Radiology Inspection fees, which their task is to find stable funding for both positions. She added
200 that there was discussion of seeking to have the positions paid by the licensing fees from the Dental Board. She
201 noted that it was the committee's recommendation to engage in discussions with the Dental Board about the
202 possibility. She spoke of another discussion held regarding a recommendation to introduce one medical
203 professional to the Dental Board and to add one dental professional to the Medical and Nursing Boards. She added
204 further, that another recommendation was that should there be a legislative or regulation change requiring
205 mandatory continuing education requirements for dental licensure and medical licensure to include a class
206 regarding public health. She noted that there hope was to have dental, medical, and nursing professionals have a
207 better understanding of each profession and how it relates to the need for oral health. She mentioned the
208 discussion the committee had to search for funding for programs that provide direct services for public health and
209 the underserved, which lost funding during the recession, and that they are now looking to having conversations
210 with the Board to discuss a possible formal process. She added that the committee was aware of the history of the
211 Board to distribute money to public health programs. Board Counsel clarified to Ms. Garvey that the Board does
212 not use fines to distribute money to the public. He indicated that the licensees that stipulate choose to voluntary
213 make donations to different public health programs in lieu of some discipline or charges. He further clarified that
214 fines must go to the general fund of the state. Ms. Garvey added that, perhaps, the discussion to have some of the
215
216

Exhibit 2



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Northern Nevada Dental Health Programs

Providing no-cost to low-cost dental care for at risk children and veterans

Our Story

NNDHP at a Glance



NNDHP is the largest organization in Nevada providing dental care to uninsured, at-risk children. And we're the largest organization providing dental care to low-income veterans who don't qualify at the VA. See how

we grew from a modest group of concerned doctors to becoming a model for other communities.

1985

The Pediatric Dental Care Program was started by a group of dentists including Dr. Norm Beesley, Dr. Larry Champagne, Dr. Dennis Arch and Ms. Kathy (Champagne) Peak. They collaborated with the Northern Nevada Dental Society (NNDS) to provide dental care to at-risk youths in the Reno area.

1998

As the program grew it was renamed to the Northern Nevada Dental Health Program (NNDHP).

[Translate »](#)

2003

NNDHP joins resources with Saint Mary's Mission Services to serve more of Northern Nevada's at-risk children.

2012

NNDHP merged with Community Health Alliance (CHA) [formerly HAWC] who provides administrative support for our two dental programs. Thus providing even more program growth and long-term sustainability.

2013

Adopt a Vet Dental Program (AAVD) merges with NNDHP. Together, we can serve more low-income veterans in need.

2015

NNDHP becomes Northern Nevada Health Programs. And serves as the overarching administrator for the children's and veterans' programs. The children's program is renamed to Healthy Smile Healthy Child.

Honored NNDHP Supporters

Each year, NNDHP/Joel F. Glover DDS Charity Golf Tournament generously donates tournament proceeds to support NNDHP. Thanks to their loyal support, and donations from other individual donors, NNDHP continues to grow each year.

Because of your kindness, we can help more at-risk children and low-income veterans regain healthier smiles and healthier lives. Thank you!

[MAKE A DONATION](#)

Veterans

Adopt a Vet Dental Program – AAVD

In 2009, Linda Haigh volunteered at the Carville Park Apartments, a subsidized housing unit in Reno. During her visit, she found 60 veterans living with life-threatening oral decay. Knowing they had no family or other support, Linda and her husband Wayne tirelessly recruited local dentists to provide pro bono dental care to these veterans.

As they uncovered our community's huge need, the Haighs founded AAVD in 2010. It began as the veterans' outreach program of South Reno Baptist Church, where they attend. Soon after, AAVD became an independent nonprofit in order to serve more low-income veterans and to raise funds for their lab costs and emergency dental procedures.



**Join Other Area
Dentists in Serving
our Vets***

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Since the program began in 2010

\$3.4 million in donated services

- 110 volunteer dentists
- 13 dental labs provide free or discounted services
- 900 local veterans have received care

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The waitlist for care grows daily. Currently, veterans must wait up to 2 years before their first visit. Please join other dentists and specialists in volunteering your greatly-needed skills.

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Thank you!

Become a dental volunteer today.

[CONTACT US](#)

**Volunteer time qualifies for CEU credits.*

Children

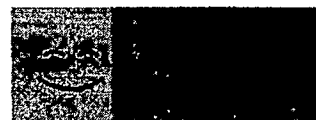
Healthy Smile Healthy Child – HSHC

This program began in 1982 as the Pediatric Dental Care Program. It began when Dr. Norm Beesley and several of his colleagues wanted to provide Reno's low-income children greater access to dental care.

As the program grew, it joined forces with other local organizations providing dental or medical care. By sharing resources and collaborating efforts, we served thousands more children. As our program grew, our name changed and our services grew. Our current name, Healthy Smile Healthy Child, reflects who we serve. And the greater impact of why we do it.

Healthy Smile Healthy Child

- Donated nearly \$3 million in dental services since 2008
- 115 dental volunteers
- 3,297 children have received care



**HEALTHY SMILE
HEALTHY CHILD**

Join Other Area Dentists in Helping Our Children*

Currently, children wait up to 4 months before their first dental visit. And our waitlist continues growing weekly. Please join other local dentists by volunteering your services. Thank you!

Become a dental volunteer today.

[CONTACT US](#)

**Volunteer time qualifies for CEU credits.*

NNDHP

Advisory Board of Directors

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Gregory J. Plerson, DDS – President

Joel T. Glover, DDS – Vice President

Bob Salome – Treasurer

Gilbert A. Trujillo, DDS – Secretary

Arnie Pitts, DDS

Thomas Myatt, DDS

David Russell, Esq.

Kathy (Champagne) Peak

Ed Allison, (Emeritus)

Joel F. Glover, DDS (In Memoriam)

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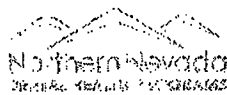
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SOS - NNDHP

NORTHERN NEVADA DENTAL HEALTH PROGRAMS

Business Entity Information			
Status:	Active	File Date:	12/11/1998
Type:	Domestic Non-Profit Corporation	Entity Number:	C28922-1998
Qualifying State:	NV	List of Officers Due:	12/31/2018
Managed By:		Expiration Date:	
NV Business ID:	NV19981402575	Business License Exp:	

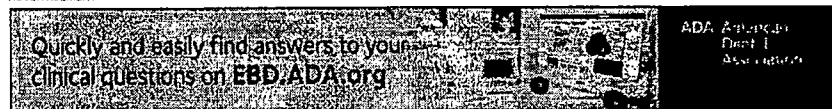
Registered Agent Information			
Name:	NORTHERN NEVADA DENTAL HEALTH PROGRAM c/o president	Address 1:	161 COUNTRY ESTATES CIRCLE
Address 2:	STE B	City:	RENO
State:	NV	Zip Code:	89511
Phone:		Fax:	
Mailing Address 1:	161 COUNTRY ESTATES CIRCLE	Mailing Address 2:	STE B
Mailing City:	RENO	Mailing State:	NV
Mailing Zip Code:	89511		
Agent Type:	Noncommercial Registered Agent		

Financial Information	
No Par Share Count:	0
Capital Amount:	\$ 0
No stock records found for this company	

<input checked="" type="checkbox"/> Officers	<input type="checkbox"/> Include Inactive Officers
Treasurer - ROBERT BARONE	
Address 1:	PO BOX 19427
Address 2:	
City:	RENO
State:	NV
Zip Code:	89521
Country:	USA
Status:	Active
Email:	
President - GREGORY J. PISANI DDS	
Address 1:	548 W. PLUMB LANE #A
Address 2:	
City:	RENO
State:	NV
Zip Code:	89509
Country:	USA
Status:	Active
Email:	
Director - GREGORY J. PISANI DDS	
Address 1:	548 W. PLUMB LANE #A
Address 2:	
City:	RENO
State:	NV
Zip Code:	89509
Country:	USA

Exhibit 4

ADVERTISEMENT


Northern Nevada
DENTAL SOCIETY
 Search


Input, store and update your professional credentials in one centralized location.

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[NNDHP](#)

[Nevada Dental Association](#)

Welcome to the Northern Nevada Dental Society

The Northern Nevada Dental Society is a membership organization of licensed dentists including specialists, who practice in northern Nevada. The NNDS is a component of the Nevada Dental Association and the American Dental Association. Through standards and quality of care our member dentists provide oral health care to our community in their practices and through volunteerism. The Northern Nevada Dental Society provides advocacy, peer review, continuing education, volunteer dental programs to help the underserved, leadership, benefits of the tripartite, and practice resources.

ADVERTISEMENT



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Exhibit 5

233B.135(3)(e), Respondent, without admitting to the opinions of the Disciplinary Screening Officer contained in Paragraphs 5 and 6 above, acknowledges for settlement purposes only, if this matter were to proceed to a full board hearing, substantial evidence exists Respondent employed, directly or indirectly, an unlicensed dental hygienist to perform operations of any kind to treat or correct the teeth or jaw, in violation of NRS 631.346(1) and that Respondent, as a dentist who owns a dental practice, failed to verify if Ms. Bard was a licensed dental hygienist before offering employment or contracting for services, in violation of NAC 631.230(1)(r).

8. Based upon the limited investigation conducted to date, the findings of the Disciplinary Screening Officer, Bradley Roberts, DDS, and Respondent's acknowledgment contained in Paragraph 7 above, the parties have agreed to resolve the pending investigation pursuant to the following corrective terms and conditions:

a. Respondent agrees to retake the jurisprudence test as required by NRS 631.240(2) on the contents and interpretation of NRS 631 and the regulations of the Board. Respondent shall have ninety (90) days, commencing upon the date of adoption of this Stipulation by the Board, to complete the jurisprudence test. Respondent upon adoption of this stipulation shall receive a user/name and password to enable Respondent to access the online Jurisprudence Examination. In the event Respondent fails to successfully complete the jurisprudence test within ninety (90) days of the date of adoption of this Stipulation by the Board, Respondent agrees his license to practice dentistry in the State of Nevada shall be automatically suspended without any further action of the Board other than issuance of an order by the Executive Director. Upon successful completion of the jurisprudence test, Respondent's license to practice dentistry in the State of Nevada will be automatically reinstated, assuming all other provisions of this Stipulation are in compliance. Respondent agrees to waive any right to seek injunctive relief from any Federal or State of Nevada District Court to prevent the automatic suspension of Respondent's license to practice dentistry in the State of Nevada due to Respondent's failure to comply with Paragraph 8.a. Respondent shall also be responsible for any costs or attorney's fees incurred in the event the Board seeks injunctive relief to prevent Respondent from practicing dentistry during the period Respondent's license is automatically suspended.

b. Respondent agrees to contribute the sum of twenty-five-thousand (\$25,000.00) Dollars to the Community Health Alliance, "Adopt a Vet Program" a non-profit dental program which serves the dental needs of disadvantaged veterans in Northern Nevada and the sum of twenty-five-thousand (\$25,000.00) Dollars to the Huntridge Teen Clinic a non-profit clinic which serves the under privileged in Las Vegas, Nevada. The sums due

Exhibit 6

233B.135(3)(e), Respondent, without admitting to the opinions of the Disciplinary Screening Officer contained in Paragraphs 5 and 6 above, acknowledges for settlement purposes only, if this matter were to proceed to a full board hearing, substantial evidence exists Respondent employed, directly or indirectly, an unlicensed dental hygienist to perform operations of any kind to treat or correct the teeth or jaw, in violation of NRS 631.346(1) and that Respondent, as a dentist who owns a dental practice, failed to verify if Ms. Bard was a licensed dental hygienist before offering employment or contracting for services, in violation of NAC 631.230(1)(r).

8. Based upon the limited investigation conducted to date, the findings of the Disciplinary Screening Officer, Bradley Roberts, DDS, and Respondent's acknowledgment contained in Paragraph 7 above, the parties have agreed to resolve the pending investigation pursuant to the following corrective terms and conditions:

a. Respondent agrees to retake the jurisprudence test as required by NRS 631.240(2) on the contents and interpretation of NRS 631 and the regulations of the Board. Respondent shall have ninety (90) days, commencing upon the date of adoption of this Stipulation by the Board, to complete the jurisprudence test. Respondent upon adoption of this stipulation shall receive a user/name and password to enable Respondent to access the online Jurisprudence Examination. In the event Respondent fails to successfully complete the jurisprudence test within ninety (90) days of the date of adoption of this Stipulation by the Board, Respondent agrees his license to practice dentistry in the State of Nevada shall be automatically suspended without any further action of the Board other than issuance of an order by the Executive Director. Upon successful completion of the jurisprudence test, Respondent's license to practice dentistry in the State of Nevada will be automatically reinstated, assuming all other provisions of this Stipulation are in compliance. Respondent agrees to waive any right to seek injunctive relief from any Federal or State of Nevada District Court to prevent the automatic suspension of Respondent's license to practice dentistry in the State of Nevada due to Respondent's failure to comply with Paragraph 8.a. Respondent shall also be responsible for any costs or attorney's fees incurred in the event the Board seeks injunctive relief to prevent Respondent from practicing dentistry during the period Respondent's license is automatically suspended.

b. Respondent agrees to contribute the sum of twenty-five-thousand (\$25,000.00) Dollars to the Community Health Alliance, "Adopt a Vet Program" a non-profit dental program which serves the dental needs of disadvantaged veterans in Northern Nevada and the sum of twenty-five-thousand (\$25,000.00) Dollars to the Huntridge Teen Clinic a non-profit clinic which serves the under privileged in Las Vegas, Nevada. The sums due

Exhibit 7

1 and paying the reinstatement fee, Respondent's license to practice dentistry in the State of
 2 Nevada will automatically be reinstated by the Board's Executive Director, assuming
 3 Respondent is in compliance with all other provisions of this Stipulation Agreement.
 4 Respondent agrees to waive any right to seek injunctive relief from any court of
 5 competent jurisdiction, including a Federal or State of Nevada District Court to prevent
 6 the automatic suspension of Respondent's license to practice dentistry in the State of
 7 Nevada due to Respondent's failure to comply with Paragraph 5.D. Respondent shall
 8 also be responsible for any costs or attorney's fees incurred in the event the Board has to
 9 seek injunctive relief to prevent Respondent from practicing dentistry during the period
 10 Respondent's license is automatically suspended.

11 E. Respondent agrees to retake the jurisprudence test as required by NRS 631.240(2)
 12 on the contents and interpretation of NRS 631 and the regulations of the Board.
 13 Respondent shall have ninety (90) days, commencing upon the date of adoption of this
 14 Stipulation by the Board, to complete the jurisprudence test. Respondent upon adoption
 15 of this stipulation shall receive a user/name and password to enable Respondent to access
 16 the online Jurisprudence Examination. In the event Respondent fails to successfully
 17 complete the jurisprudence test within ninety (90) days of the date of adoption of this
 18 Stipulation by the Board, Respondent agrees his license to practice dentistry in the State
 19 of Nevada shall be automatically suspended without any further action of the Board other
 20 than issuance of an order by the Executive Director. Upon successful completion of the
 21 jurisprudence test, Respondent's license to practice dentistry in the State of Nevada will
 22 be automatically reinstated, assuming all other provisions of this Stipulation are in
 23 compliance. Respondent agrees to waive any right to seek injunctive relief from any
 24 Federal or State of Nevada District Court to prevent the automatic suspension of
 25 Respondent's license to practice dentistry in the State of Nevada due to Respondent's
 26 failure to comply with Paragraph 5.E. Respondent shall also be responsible for any
 27 costs or attorney's fees incurred in the event the Board seeks injunctive relief to prevent
 28 Respondent from practicing dentistry during the period Respondent's license is
 automatically suspended.

F. Respondent agrees to contribute the sum of Nineteen-thousand (\$19,000.00)
 Dollars to the Community Health Alliance, "Adopt a Vet Program" a non-profit dental
 program which serves the dental needs of disadvantage veterans in Northern Nevada and
 the sum of Nineteen-thousand (\$19,000.00) Dollars to the Future Smiles a Nevada State
 Board of Dental Examiners approved public health program which serves the publicly
 enrolled students of Clark County, Nevada. The sums due shall be delivered to the Board
 made payable to the respective charity within sixty (60) days of the Board's adoption of
 this Stipulation.

G. Respondent agrees to reimburse the Board for the cost of the investigation in the
 amount of Six-thousand Eight Hundred and Fifty xx/100 Dollars (\$6,850.00) within

{LV152960;1}

Page 5 of 10

Respondent's initials

Respondent's attorney's initials

1
2 E. Respondent agrees to reimburse the Board for the cost of the investigation related
3 to this Stipulation Agreement in the amount of Four Thousand Nine Hundred and Fifty
4 Dollars (\$4,950.00). Payment shall be due within thirty (30) days of the Board adopting
5 this Stipulation. Payment shall be made payable to the Nevada State Board of Dental
6 Examiners and mailed directly to 6010 S. Rainbow Blvd., Suite A1, Las Vegas, Nevada
7 89118.

8 F. Respondent agrees to contribute the sum of One Thousand Two Hundred Twenty-
9 Five and xx/100 Dollars (\$1,225.00) to the Community Health Alliance "Adopt a Vet
10 Program", a non-profit dental program which serves the dental needs of disadvantaged
11 veterans in Northern Nevada and the sum of One Thousand Two Hundred Twenty-Five
12 and xx/100 Dollars (\$1,225.00) to the Huntridge Teen Clinic, a non-profit clinic which
13 serves the under privileged in Las Vegas, Nevada. The sums due shall be delivered to the
14 Board made payable to the respective charity within thirty (30) days of the Board's
15 adoption of this Stipulation.

16 G. Respondent agrees within fourteen (14) day of receiving a verified complaint from
17 any patient and/or insurance provider regarding treatment received by Ms. Paz referenced
18 above in Paragraph 2, Respondent shall deliver to the Board a check made payable to
19 the complaining party in an amount equal to any services billed by Ms. Paz for services
20 referenced above in Paragraph 2.

21 H. In the event Respondent defaults on any of the payments set forth in Paragraphs
22 4.E., 4.F. and/or 4.G. Respondent agrees his license to practice dentistry in the State of
23 Nevada may be automatically be suspended without any further action of the Board other
24 than issuance of an Order of Suspension by the Board's Executive Director. Subsequent
25 to the issuance of the Order of Suspension, Respondent agrees to pay a liquidated damage
26 amount of Twenty Five and xx/100 Dollars (\$25.00) for each day Respondent is in
27 default on the payment(s) of any of the amounts set forth in Paragraphs 4.E., 4.F.,
28 and/or 4.G. Upon curing the default of the applicable defaulted in Paragraphs 4.E., 4.F.,
and/or 4.G. and paying the reinstatement fee, Respondent's license to practice dentistry
in the State of Nevada will automatically be reinstated by the Board's Executive Director,
assuming there are no other violations by Respondent of any of the provisions contained
in this Stipulation Agreement. Respondent shall also be responsible for any costs or
attorney's fees incurred in the event the Board has to seek injunctive relief to prevent
Respondent from practicing dentistry during the period in which his license is suspended.
Respondent agrees to waive any right to seek injunctive relief from any court of
competent jurisdiction, including a Nevada Federal District Court or a Nevada State
District Court to reinstate his license prior to curing any default on the amounts due and
owing as addressed above.

Exhibit 9

2. Public Comment: No comments were made.

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

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

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

(1) 10/03/2014-Board Meeting

MOTION: Mrs. Villigan made the motion to adopt. Motion seconded by Mrs. Wark. All were in favor

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

(1) Review Balance Sheet and Statement of Revenues, Expenses and Balances for period August and September 2014 (For Possible Action)

Dr. Kinard inquired what the expense listed under Miscellaneous was for. Mrs. Hummel reminded him that it was for the door replacement for a DSO that was approved at a previous Board meeting. Dr. Sill commented that during the Budget & Finance Committee meeting they discussed adding such an expense to the DSO expenses in the future.

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

MOTION: Dr. Sill made the motion to go out of order to (6)(s). Motion seconded by Mrs. Villigan. All were in favor.

*6. New Business (For Possible Action)

*s. Approval for Bonus/Increase for Staff Members-NRS 631.190 (For Possible Action)

Dr. Sill indicated that the Budget & Finance committee was recommending a \$5,000 bonus for the Executive Director and for staff a bonus of 3% of their salaries. He noted to the Board that bonuses were not budgeted for, however, recognizes the need to budget for it in the future. He added that there was a freeze on salaries that was lifted as of July 1, 2014. Mrs. Hummel indicated that there are funds available, and that she projects a surplus this fiscal year and that reserves would be used to cover the recommended bonus. She indicated that the Board has had a significant turn-around financially thanks to the staffs' diligence and the way the disciplinary process has been set up. She projected that they will have a more significant income than what they had budgeted for.

Mrs. Hummel noted to the Board that it had been over 5 years since the State implemented a freeze and that the increases the staff received 18 months prior was due to the restructure of duties, but that it was a rather nominal increase. Dr. Kinard inquired of Mrs. Hummel that if they were to double the recommendation would there be a problem. Mrs. Hummel responded that she saw no problem in doubling the recommendation, and commented that they had the ability to allocate the budget around. Dr. Kinard commented that in working with staff they have done a tremendous job and that staff had not had a cost of living increase in four-to-five (4-5) years. He noted that a bonus would be a lot less expensive than giving a cost-of-living increase. He commented that he would appropriate if the Budget & Finance committee would begin to budget for bonuses/ pay increases in the future.

MOTION: Dr. Kinard made the motion to double the recommendation of the Budget and Finance Committee (\$10,000 bonus for the Executive Director and 6% bonus to other staff). Motion was seconded by Dr. Sill. Discussion: Mrs. Villigan inquired if they will they ever discuss cost-of-living increases. Dr. Kinard stated that they would start budgeting for it and that they should hold a meeting to discuss. Dr. Sill commented that due to the freeze that was given by the Governor they had not been able to address previously, however, that now with lift of freeze they could compare the positions and compensate fairly. Dr. Blasco stated that the Board could take a look at other state agencies and how see how the employees of similar positions are compensated and align staff accordingly. All were in favor.

Audit Highlights



Highlights of performance audit report on the Nevada State Board of Dental Examiners issued on May 24, 2016. Legislative Auditor report # LA16-14.

Background

Assembly Bill 6 of the 1951 Session, known as the Nevada Dental Practice Act established the current system of regulation related to dentistry. The Board consists of 11 members appointed by the Governor who are to 1) develop and maintain programs to ensure only qualified professionals are licensed to practice dentistry and dental hygiene and 2) ensure violators of the laws regulating dental practitioners are sanctioned. The Board's register showed 1,809 and 1,393 actively licensed dentists and hygienists as of April 1, 2016.

The Board's office is located in Las Vegas and staffed with six people including the Executive Director. For fiscal year 2015, the Board had revenues of \$1.3 million and expenses of \$1.1 million.

The Board receives complaints from the public and licensed practitioners regarding services provided. The Board received 374 complaints from July 1, 2013, to December 31, 2015. About 64% of complaints were remanded, 32% resulted in some form of additional Board action, and 4% were not yet resolved.

Purpose of Audit

The purpose of this audit was to determine whether the Board has assessed reasonable costs to licensees for investigating and resolving complaints and disciplinary matters.

The scope of our audit focused on a review of the Board's disciplinary process and costs assessed for investigations resulting from approved Board actions during calendar years 2014 and 2015. Certain information included data from prior years to provide additional context or complete our analysis.

Audit Recommendations

This audit report contains 14 recommendations to improve the cost assessment and investigation processes. These recommendations address cost tracking, developing Board approved policies regarding cost assessment, a review of DSO investigations, and ensuring records are sufficient, accurate, and retained.

The Board accepted 11 recommendations and rejected 3 recommendations.

Recommendation Status

The Board's 60-day plan for corrective action is due on August 18, 2016. In addition, the six-month report on the status of audit recommendations is due on February 20, 2017.

Nevada State Board of Dental Examiners

Summary

The Board did not always assess reasonable costs to licensees for investigating and resolving complaints and disciplinary matters. Due to the Board's inadequate tracking of costs, many licensees were overcharged for the cost of investigations. Although the amounts overcharged were not significant to the Board overall, some amounts that individual licensees were overcharged were substantial. In addition, four licensees made charitable contributions totaling over \$140,000 as required by stipulation agreements; however, charitable contributions are not allowed under NRS 631.350. Board management has started making changes to correct problems found during the audit.

The Board's reporting and monitoring of legal expenses was not adequate. First, the manner in which legal expenses are reported reflects a lower amount than is actually spent. Second, the Board can reduce its legal expenses by hiring its own General Counsel. Since the Board is funded by fees, it is responsible for monitoring expenses to ensure resources are spent efficiently to minimize the burden on licensees.

The Board needs to provide greater oversight of complaint investigations performed by Disciplinary Screening Officers (DSOs). Investigation results are not reviewed and sufficient guidance has not been developed to provide additional assurance that DSO conclusions and recommendations are based on sufficient evidence. Without a review process, variations in DSO decisions are more likely to occur. In addition, we found the Board's investigation files were incomplete.

Key Findings

The Board overcharged licensees for investigative costs in almost half of the investigations in the last 2 years, including several over \$1,000. Overcharges were likely due to the Board lacking an effective process for accurately determining the amount of investigative costs for individuals. At the same time the Board overcharged some licensees, other licensees were charged less than actual investigation costs after negotiations between the parties. (page 8)

As part of the provisions imposed in Board approved stipulation agreements, four licensees agreed to donate over \$140,000 to organizations that provide health-related services. However, charitable contributions are not allowable under NRS 631.350. Furthermore, these amounts were not recorded in accounting records since the checks were made payable to the charitable organizations. (page 11)

The Board paid about \$200,000 more, on average, in legal expenses in fiscal years 2014 and 2015 than shown in its financial statements. Actual legal expenses were almost three times the reported amounts and exceeded the annual contract maximum for one firm. This occurred because the actual amount paid for legal expenses was reduced by the cost recoveries and assessments related to disciplinary matters. Recording expenses in this manner reduces transparency and, therefore, may impact decisions made by policy makers and others. (page 13)

The practice of reducing actual legal expenses also affected the Board's contract with outside counsel. Specifically, the contract approved in October 2013 stated payments will not exceed \$175,000 per year. However, payments exceeded \$300,000 in both calendar years 2014 and 2015, the first two full years under the new contract terms. Additionally, the overall contract maximum of \$700,000 has almost been reached with over a year left in the 4-year contract. (page 14)

The Board could save approximately \$100,000 per year by hiring a General Counsel while still utilizing the services of outside counsel when necessary. This estimate assumes the Board would still use outside counsel about 20% of the time. Boards have a fiduciary duty to be an effective steward of public resources, which in this case is fees collected from licensees. (page 15)

Investigation results and conclusions of DSOs are not reviewed by supervisory personnel or an independent review committee. A review process would help verify conclusions and recommendations are based on clear and sufficient evidence. Without a review process, there is an increased risk that investigations could result in licensees being treated too harshly or lightly. Although disciplinary actions are approved at Board meetings, Board members are not reviewing documentation specifically related to investigations and negotiations. Other state's dental boards and Nevada medical boards we contacted have review processes in place for investigations, including review committees. (page 16)

The Board's office does not have critical documentation related to the disciplinary process. In addition, when documentation was located it was often not in the disciplinary file as anticipated. The Board does not have certain documentation related to disciplinary proceedings because it is generated by, or submitted directly to, the Board's outside counsel. Furthermore, the Board does not have an organized filing method with checklists to ensure standard documentation related to disciplinary actions is onsite and retained. Without adequate documentation, the Board cannot fully support disciplinary actions or ensure compliance with statutes. (page 19)

Audit Division
Legislative Counsel Bureau