

**NEVADA STATE BOARD
of
DENTAL EXAMINERS**



Post-Meeting Documents

November 9, 2018

Board Meeting

Public Comment read by Linda Ly on behalf
of Dr. Adrian Ruiz

STATEMENT TO NV STATE BOARD OF DENTAL EXAMINERS
(Adrian Ruiz, DDS, November 9, 2018)

My name is Doctor Adrian Ruiz. I am a licensed dentist in the State of Nevada and member of the Las Vegas Dental Association.

I am also a citizen of Nevada who is very concerned about the ongoing misconduct of the Nevada State Board of Dental Examiner's Executive Director, Deborah Shafer-Kugel, and the Dental Board Members who are continuing to aid and abet Shafer' misconduct. Shafer's misconduct was clearly outlined in the 2016 Legislative Council Bureau's audit of the Dental Board where Shafer was either directly or indirectly involved with each and every violation identified by the Legislative Auditor, Rocky Cooper, a licensed Certified Public Accountant. Such violations included such gross errors as:

1. Failing to provide accurate and fair presentations of accounting information and financial statements;
2. Failing to adequately report legal fees in financial statements in violation of NRS 204.030; and
3. Stating during Legislative Audit that Shafer "has no...knowledge of accounting standards" in direct violation of her performance duties for which she is receiving a salary of \$160,000 per year.

Shafer also supervises the Dental Board's so-called "Disciplinary Screening Officers. Today, this Board will vote on Agenda Item 3, Subsection b3:

"Request to reimburse Disciplinary Screening Officer his cost for legal counsel to represent him in his capacity as an agent of the Board due to actual or potential conflict regarding current litigation naming him as a defendant [Dr. Bradley Strong, DDS]"

Strong's attorney already made a Motion to Recover Attorney Fees in District Court before Judge Elizabeth Gonzalez. His Motion to Recover Attorney Fees was denied. It should be noted that the reason Strong was in court in the first place is because he had a conflict of interest in a complaint case and refused to recuse himself when asked to do so. If Strong had simply deferred my case to another DSO, which would have been the right thing to do, there would be no need for legal action to litigate the conflict of interest issue. Instead, Strong chose to incur attorney fees because of his own ego, legal ignorance, and personal choice—not upon advice or as directed from the Board.

The Legislative Audit concerning this Dental Board was very clear about Board Members duties wherein the audit stated, "Boards have a fiduciary duty to be an effective steward of the public resources." Thus, Strong's request for reimbursement of his attorney fees in Agenda Item 3, Subsection b3, should be denied as public resources should not be used for Board Members or its agents who act outside the scope of their authority. In the case of Strong, he was required to defend himself legally as the direct result of his own reckless behavior.

Furthermore, the Dental Board has in-house counsel to defend the Board and its "agents." If Strong wanted the Board to pay for his legal expenses then perhaps he should have requested the Board appoint its in-house counsel, Melanie Chapman, to represent him. Strong didn't do this because he is, in fact, an independent contractor who by definition must pay for his own expenses, which includes paying for a private attorney whom he hired without Board approval for his own personal benefit.

Therefore, it also stands to reason that the Board's policy to be discussed in Agenda Item 3, Subsection d1, as to whether legal expenses should be paid for DSO's who refuse to recuse themselves for conflict of interest, is relatively simple: WHEN YOU HAVE A CONFLICT RECUSE YOURSELF! This is because the Board allegedly has 24 DSOs to choose from. To do otherwise would be an ineffective use of public resources. The other alternative is to eliminate DSO's altogether as it is the Board Members who are the ones appointed by the Governor to statutorily "investigate" complaints pursuant to NRS 631.360, Subsection 1, and delegating such Board duties to "employees" and "agents" is another ineffective use of public resources for which the Board has a fiduciary duty to protect.

Report from WREB/HERB Meeting
Ms. Betty Pate

**Western Regional Examining Board
Hygiene Exam Review Board Meeting
Tempe, Arizona
November 2, 2018**

Executive Summary

Present:

Brenda Chavez, RDH

Beth Cole

Christy Jo Fogarty, RDH

Heather Hardy, RDH

Kathleen Harris, RDH

Kathy Heiar, RDH

Janet Ingrao, RDH

Paula Jenkins, RDH

Michael Johnston, RDH

Lorie Jones, RDH

Mary Kelly, RDH

Diane Klemann, RDH

Jennifer Lamb, RDH

Jackie Leakey, RDH

Meg Long, RDH

Norm Magnuson, DDS

Beverly Marsh, RDH

Yadira Martinez, RDH

Sharon Osborn Popp, PhD

Betty Pate, RDH

Deb Polc, RDH

Kelly Reich, RDH

Melinda Reich, RDH

Laura Richoux, RDH, BSDH

Marianne Timmerman, RDH

Gail Walden, RDH

Patti Weber, RDH

Robin Yeager

Committee Reports

- Kelly Reich and Janet Ingrao, Co-Directors of Dental Hygiene Exam Development provided an overview of the Local Anesthesia, Restorative and Dental Hygiene committees work over the past year as well exam updates, where applicable.

Role of HERB/DERB

- Beth Cole, WREB CEO, clarified the role of ERB members which include providing two way communication and input related to clinical licensure exams, advocating for WREB in the examining community and sharing information they hear regarding WREB, both positive and negative.
- HERB/DERB will meet once a year, tentatively each fall.

Psychometric Review

- Sharon Osborn Popp, PhD, provided an update regarding year to date pass rates for Candidates and a comprehensive statistical analysis of both Candidate and Examiner performance.
- She also provided an overview of the dental hygiene practice analysis that was completed in collaboration with CRDTS with data gained utilizing the ADHA's email list.

- Sharon enlightened the members with a brief Dental exam update on the 2018 exam changes and their success in 2018. Year to date WREB needed 42% fewer patient procedures to come to the same determinations regarding candidate competence in the operative section of the exam.

State Board Updates

- Each HERB member briefly reported on behalf of their respective state boards or dental hygiene committee. Noting any proposed, pending or future legislation and whether their state is considering or has accepted other testing agencies for licensure.
- Brenda Chavez, the educator member of the board, reported that educators are appreciative of the student and educator webinars, love that there will be no fee for onsite retakes for dental hygiene in 2019 and that schools remain very interested in purchasing the calibration typodonts.

WREB Update

- Beth Cole provided a review of the successful changes to both dental and dental hygiene exams.
- She discussed internal and external factors that contribute to WREBs success as well as the challenges that WREB faces.
- Walked the attendees through an overview of the Examiner pool and the addition of new exam sites and schools.