



NEVADA STATE BOARD OF DENTAL EXAMINERS

Meeting Location:

Nevada State Board of Dental Examiners
6010 S Rainbow Blvd, Suite A1
Las Vegas, Nevada 89118



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

PUBLIC MEETING

Friday, February 22, 2019
10:00 a.m.**

Board Meeting Minutes

Please Note: **Due to inclement weather, the Governor issued an order to delay the opening of State offices until 10:00 a.m. on February 22, 2019.

Please Note: The Nevada State Board of Dental Examiners may hold board meetings via video conference or telephone conference call. The public is 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 1105 Terminal Way, Suite #301; Reno, NV 89502 (when applicable).

Persons wishing to comment may appear at the scheduled workshop/hearing or may address their comments, data, views, arguments or small business impact in written form to: Nevada State Board of Dental Examiners, 6010 S. Rainbow Blvd, A-1, Las Vegas, Nevada 89118, Attn: Debra Shaffer-Kugel, Executive Director; FAX number (702) 486-7046; e-mail address nsbde@nsbde.nv.gov. Written submissions must be received by the NEVADA STATE BOARD OF DENTAL EXAMINERS on or before March 20, 2019 in order to make copies available to members and the public.

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 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. Byron Blasco ("Dr. Blasco") ----- PRESENT (President)
Dr. Jason Champagne ("Dr. Champagne") ---- PRESENT (Secretary-Treasurer)
Dr. R. Michael Sanders ("Dr. Sanders") ----- PRESENT
Dr. Timothy Pinther ("Dr. Pinther") ----- EXCUSED
Dr. Gregory Pisani ("Dr. Pisani") ----- PRESENT
Dr. D. Kevin Moore ("Dr. Moore") ----- EXCUSED
Dr. David Lee ("Dr. Lee") ----- PRESENT
Mrs. Yvonne Bethea ("Mrs. Bethea") ----- PRESENT
Ms. Betty Pate ("Ms. Pate") ----- PRESENT
Ms. Joan Shadler ("Ms. Shadler") ----- PRESENT
Ms. Gabrielle Cioffi ("Ms. Cioffi") ----- PRESENT

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

Others Present: Lori Benvin, NNDS; Rick Dragon, NDA; Robert Talley, NDA; Ray Gates, Esquire, Lauria Tokunaga Gates – Counsel for Dr. Leslie Kotler; Terri Chandler, RDH, Future Smiles; Samantha Sturges, RDH; Jessie Becker; Kelly Taylor, RDH; Christine Borz, NPCC; Leslie Kotler, DMD; James Kwon, Esquire, Counsel for Dr. Minyong Pak; Young Dill, DMD; Tina Tsou, LVDA; Daniel Bouer, Cameraman for LVDA.

Pledge of allegiance.

Board Member Blasco introduced and welcomed the newest member appointed to the Board, RDH Shadler.

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

Dr. Young Dill read statement into the record claiming coercion by General Counsel and DSO Roberts regarding the stipulation agreement noticed on the agenda. Executive Director requested clarification as to whether Dr. Dill was requesting this agenda item be withdrawn. Dr. Dill confirmed she would like to withdraw the stipulation agreement from the agenda. The Board staff was provided a copy of the written statement.

Ms. Tina Tsou (Ruiz), Secretary for the Las Vegas Dental Association ("LVDA") read a statement into the record her statement was regarding agenda item (6)(e), and questioned why there was not an agenda item for discussion regarding Dr. Pisani and Dr. Champagne investigation by the Ethics Commission. Additionally, Ms. Tsou questioned why there was not a discussion on the agenda regarding the audit by the Governor's office. The Board was provided a copy of the written statement.

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. Election of Officers - NRS 631.160 (For Possible Action)**

(a) President (For Possible Action)

Board Member Blasco noted that traditionally for the first meeting of the year, all board members meet in person. Board Member Blasco called for nominations for Board President.

Board Member Lee nominated Public Member Cioffi for Board President.
Board Member Pisani nominated Board Member Bethea for Board President.
No other nominations were made. A roll call vote was called:

<u>Vote for:</u>		<u>Vote for:</u>	
Dr. Byron Blasco -----	Bethea	Dr. David Lee -----	Cioffi
Dr. Gregory Pisani -----	Bethea	Ms. Betty Pate -----	Bethea
Dr. R. Michael Sanders -----	Bethea	Mrs. Yvonne Bethea -----	Bethea
Dr. Timothy Pinther -----	Excused	Ms. Joan Shadler -----	Bethea
Dr. Jason Champagne -----	Bethea	Ms. Gabrielle Cioffi -----	Cioffi
Dr. D. Kevin Moore -----	Excused		

MOTION: majority vote was in favor of nomination for Board Member Bethea; Board Member Bethea was elected as Board President.

(b) Secretary Treasurer (For Possible Action)

Board Member Blasco called for nominations for Secretary-Treasurer.

MOTION: Board Member Pisani made the motion to nominate Board Member Sanders to serve as the Board Secretary-Treasurer. Seconded by Roll call vote:

Vote:

Vote:

Dr. Byron Blasco -----	Yes	Dr. David Lee -----	Yes
Dr. Gregory Pisani -----	Yes	Ms. Betty Pate -----	Yes
Dr. R. Michael Sanders -----	Yes	Mrs. Yvonne Bethea -----	Yes
Dr. Timothy Pinther -----	Excused	Ms. Joan Shadler -----	Yes
Dr. Jason Champagne -----	Yes	Ms. Gabrielle Cioffi -----	Yes
Dr. D. Kevin Moore -----	Excused		

Motion was unanimously approved.

(c) Approve duties for the President, Secretary-Treasurer, and Executive Director (For Possible Action)

Board Member Blasco directed the Board's attention to the Executive Director. Executive Director stated that the duties were outlined in the regulations. The members were advised should the Board President not be available for a meeting, and then the Secretary-Treasurer would conduct the meeting pursuant to regulation.

Executive Director summarized the duties of the Board President, Secretary Treasurer and the Executive Director. Board Member Lee inquired about the draft minutes and wanted to know why the minutes are not like a transcription of the meeting, verbatim? DAG Long advised Board Member Lee the statute only requires the minutes be a summary of the discussion that contains enough information that a reasonable person could understand the agenda item. General Counsel advised Board Member Lee that a recording of the meeting was available upon request.

MOTION: Board Member Pisani moved that the Board approve the duties of the Board President, Board Secretary-Treasurer and Executive Director as discussed and outlined in Chapter 631. Motion seconded by Board Member Champagne. With no further discussion, the Board Noted unanimously, motion passed.

Board Member Blasco thanked the Executive Director, General Counsel, Accountant and DAG for their help and support, and that Board Member Blasco appreciates their efforts; as well as thanked the Board staff in helping the board function.

Board Member Pisani presented Board Member Blasco with a token of appreciation for his time as Board President.

Board Member Bethea took over the meeting as the President.

***4. Committee Appointments:** NRS 631.190 (For Possible Action)

(a) Appoint board members and agents to the following committees:

(1) Legislative and Dental Practice

Board members appointed:

- Dr. Pinther (Chair)
- Dr. Moore
- Dr. Lee
- Ms. Shadler
- Ms. Cioffi

MOTION: Board Member Pisani moved that the Board appoint the above listed board members to the Legislative and Dental Practice Committee. Motion seconded by Board Member Sanders. No discussion, the vote was unanimous, motion passed.

(2) Legal and Disciplinary

Board members appointed:

- Dr. Blasco (Chair)
- Dr. Pisani
- Dr. Lee
- Ms. Pate
- Ms. Cioffi

MOTION: Board Member Pisani moved that the Board appoint the above listed board members to the Legal and Disciplinary Committee. Motion seconded by Board Member Blasco. With no discussion, the board members voted unanimously, motion passed.

(3) Examination Liaisons (Dental and Dental Hygiene)

(a) ADEX

Board Member Sanders volunteered to be the ADEX Exam Liaison for the Board.

MOTION: Board Member Blasco moved that the Board appoint Board Member Sanders to be the ADEX Exam Liaison. Motion seconded by Board Member Champagne. No discussion, the vote was unanimous, motion passed.

(b) WREB

Board members appointed:

- Dr. Blasco (DERB)
- Ms. Pate (HERB)

MOTION: Board Member Pisani motioned to appoint Board Member Blasco and Board Member Pate as the WREB Exam Liaisons. Motion seconded by Board Member Champagne. No discussion, the vote was unanimous, motion passed.

(4) Continuing Education

Board members appointed:

- Dr. Champagne (Chair)
- Dr. Lee
- Dr. Moore
- Ms. Shadler

MOTION: Board Member Pisani motioned to appoint the Board Members listed above to the Continuing Education Committee. Motion seconded by Board Member Sanders. No discussion, the vote was unanimous, motion passed.

(5) Committee on Dental Hygiene

Board members appointed:

- Ms. Pate (Chair)
- Ms. Shadler
- Mrs. Bethea
- Dr. Pisani

MOTION: Board Member Blasco motioned that the Board appoint the above listed board members to the Committee on Dental Hygiene. Motion seconded by Board Members Sanders. No discussion, the vote was unanimous, motion passed.

(6) Infection Control

Board members appointed:

- Mrs. Bethea (Chair)
- Dr. Champagne
- Dr. Sanders
- Ms. Shadler

MOTION: Board Member Pisani motioned that the Board appoint the above listed board members to the Infection Control Committee. Motion seconded by Board Member Blasco. No further discussion, the vote was unanimous, motion passed.

(7) Anesthesia – Brendan Johnson, DDS GA Admin Permit Holder (agent) **TABLED**

Board members appointed:

- Dr. Moore (Chair)
- Dr. Champagne
- Dr. Sanders

MOTION: Board Member Pisani motioned that the Board appoint the above listed board members to the Anesthesia Committee. Motion seconded by Board Member Champagne. Discussion

held with regards to whether Board Member Moore has a GA permit. Board Member Moore does not hold a GA permit but rather a moderate sedation permit. There was some concern with Board Member Moore reviewing GA permit application. After explanation by the Executive Director that Dr Moore does not need a GA permit to review applications but having a GA Permit holder to assist with reviewing GA programs for certification may be helpful. Thus leading to Board Member Pisani and Board Member Champagne to withdraw their motions.

NEW MOTION: Board Member Pisani motioned that the Board appoint the above listed board members to the Anesthesia committee with the exception that the Board appoint to the committee a GA Permit holder as an agent to the Anesthesia Committee. No further discussion, the vote was unanimous, motion passed.

(8) Budget and Finance

Board members appointed:

- Dr. Sanders (Chair) • Mrs. Bethea
- Dr. Moore • Ms. Cioffi

MOTION: Board Member Pisani motioned that the Board approve the above listed board members to the Budget and Finance Committee. Motion seconded by Board Member Pate. No discussion, the vote was unanimous, motion passed.

(b) Appointment of Board Member to serve as the ADEX Dental Exam Member (For Possible Action)

Executive Director advised the Board that every year the board is asked to appoint a board member to serve as the ADEX Dental Exam Member. Board Member Pisani nominated Board Member Sanders.

MOTION: Board Member Pisani moved that the Board approve the appointment of Board Member Sanders as the ADEX Dental Exam member. Motion seconded by Board Member Blasco. With no further discussion, the vote was unanimous, motion passed.

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

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

- (1) Board Meeting – 11/09/2018
- (2) Board Meeting – 11/29/2018

Executive Director directed the Board members to the draft minutes provided in their meeting books and inquired if there were any amendments/corrections. If none, Executive Director requested approval. There were some grammatical and typographical errors noted by General Counsel, Board Member Pate and Public Member Cioffi pertaining to the November 9, 2018 minutes.

Board Member Lee inquired why the minutes did not read more like a transcript, DAG Long explained that the purpose of the minutes is to provide a summary of the meeting that allows an individual in the future to have a general understanding of what was discussed. The minutes are not meant to be a transcript of the meeting held. No additional amendments offered, Board Member Bethea called for a motion.

MOTION: Board Member Pisani motioned that the Board adopt the draft minutes of November 09, 2018 with the noted amendments. Motion seconded Board Members Sanders. No further discussion, the vote was unanimous, motion passed.

Executive Director inquired if there were any amendments to note on the draft minutes from November 29, 2018. Board Member Pisani stated that it was a difficult meeting to hear and participate in. Board Member Pisani recommended the Board should avoid holding meetings by teleconference. Executive Director stated that she could reach out to other boards regarding the use their video-conference room and equipment after hours.

MOTION: Board Member Champagne motioned to adopt the draft minutes of November 29, 2018. Motion

seconded by Board Member Pisani. No further discussion, the vote was unanimous, motion passed.

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

- (1) Review Balance Sheet and Statement of Revenues, Expenses and Balances for period July 1, 2018 to December 31, 2018 (Informational Purposes only)

Ms. Hummel is the Accountant to the Board and was present. Board Member Lee inquired on who Ms. Hummel was. Ms. Hummel stated that she provides accounting services for the Board and reviews all vendor invoices, balances the accounts, prepares the financial statements for the Board. In addition, Ms. Hummel monitors the budget. Discussion included a few areas of the budget. Board Member Lee asked if the Board should consider increasing the renewal fees. Executive Director did not feel at the present time increasing fees would be necessary since the Board has a reserve of approximately \$1,000,000.00.

***c. Authorized Investigative Complaints** - NRS 631.360 (For Possible Action)

- (1) Dr. X – Received correspondence from the State Board of Pharmacy that Dr X has not obtained patient utilization reports prior to prescribing controlled substances to his/her patient(s) as required by NRS 454 and AB 474 (For Possible Action)

Executive Director advised the Board members of the alleged violations of Dr. X and requested the Board authorize an investigation against Dr. X.

MOTION: Board Member Pisani motioned the Board authorize the investigation against Dr. X. Motion was seconded by Board Member Champagne. Board Member Lee inquired if they could see a copy of the correspondence. DAG Long states that all information and documents are deemed confidential until a formal hearing is held by the Board. No further discussion, the vote was unanimous, motion passed.

- (2) Dr. Y – Received notification forwarded to the Board by the OAG alleging Dr. Y may have billed Medicaid for services not rendered which would constitute a violation of NRS 631.348(6) (For Possible Action)

Executive Director advised the Board members of the alleged violations of Dr. Y and requested the Board authorize an investigation against Dr. Y.

MOTION: Board Member Lee motioned that the Board authorize the investigation against Dr. Y. Motion was seconded by Board Member Pisani. No further discussion, the vote was unanimous, motion passed.

- (3) Dr. Z – Received information from a patient's family member that Dr. Z may have violated NAC 631.2213, NAC 631.2213 when he allegedly sedated a patient without a proper permit (For Possible Action)

Executive Director advised the Board members of the alleged violations of Dr. Z and requested the Board authorize an investigation against Dr. Z.

MOTION: Board Member Pisani motioned that the Board authorize the investigation against Dr. Z. Motion was seconded by Board Member Sanders. No further discussion, the vote was unanimous, motion passed.

***d. Policies:** (For Possible Action)

- (1) Reapprove policy that the Board does not investigate complaints where the dental treatment in question was rendered 5 years ago or longer from the date of the complaint due to the patient record retention statute NRS 629.051 (For Possible Action)

Executive Director advised the Board of the existing policy that if the Board receives complaints where treatment was rendered 5 years ago and beyond Board office the Board does not investigate those complaints due to the records

retention scheduled set forth in statute.

MOTION: Board Member Pisani motioned that the Board reapprove the established policy. Motion was seconded by Board Member Blasco. No further discussion, the vote was unanimous, motion passed.

- (2) Approve language pertaining to the Board's policy adopted on November 9, 2018 for reimbursement to Board Members, Staff, Investigators and Agents upon request for independent legal counsel to represent him/her in their designated capacity as an agent of the Board due to actual or potential conflict regarding litigation naming him/her as a defendant (For Possible Action)

General Counsel provided a copy of the draft language. She went over the details of the proposed policy and requested approval.

MOTION: Board Member Pisani motioned the Board to approve the policy language as drafted. Motion was seconded by Board Member Champagne. No further discussion, the vote was unanimous, motion passed.

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

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

- (1) Approval/Rejection of the stipulation for dismissal – Adrian Ruiz, DDS
(For Possible Action)

General Counsel provided an update of the pending litigation. General Counsel requested the Board accept the stipulation for dismissal regarding Adrian Ruiz, DDS.

MOTION: Board Members Sanders motioned the Board approve the stipulation for dismissal. Motion seconded by Board Member Pisani. No discussion, the vote was unanimous, motion passed.

General Counsel advised the Board of a motion for Leave to Amend the First Amended Complaint filed by Abbey Dental. General Counsel went over the events that have occurred in the case. No orders have been issued.

General Counsel advised the Board of the 3rd lawsuit filed that came and went quickly. Judge denied their temporary restraining order in the licensees attempt to prevent the board from moving forward with an informal hearing.

Discussion held: Board Member Pisani asked when the AG's office gets sued, who defends AG? DAG Long was not sure right now since there is a new administration and with that comes new policy.

***b. Consideration of Stipulation Agreement** (For Possible Action)

- (1) Young Dill, DMD

Under Public Comment Dr Dill requested the stipulation agreement be withdrawn from the agenda. General Counsel advised the board the matter will be scheduled for an informal hearing.

- (2) Minyong Pak, DDS

General Counsel went over the terms and conditions of the corrective action plan non-disciplinary stipulation agreement with the Board. General Counsel advised the Board that Dr Pak and his legal counsel were cooperative throughout the investigative process. General Counsel requested on behalf of the DSO, the Board approve the stipulation agreement. Dr. Pak's attorney was present, Mr. James Kwon.

MOTION: Board Member Champagne motioned to approve the corrective action plan stipulation agreement. Motion seconded by Board Member Pisani. Discussion: Board Member Blasco asked if Mr. Kwon was present when Dr. Pak executed the stipulation. Mr. Kwon stated yes. No further discussion, the vote was unanimous, motion passed. Abstained from the motion: Board Member Pisani and Board Member Pate (Review Panel)

***c. Contracts – Old Business – Tabled at 11/29/2018 Board Meeting (For Possible Action)**

(1) Robert Eisenberg, Esq. with Lemon Grundy & Eisenberg

General Counsel advised the Board that currently there is not a need for an appellate attorney. However, it would be beneficial for the Board to have in place an appellate attorney since an appellate attorney specializes in that particular area of law. Contracts may take up to 3 months before being approved by the BOE and the Board cannot utilize the service until approval by the BOE. General Counsel clarified no monies will be paid unless there is a need for the appellate attorney.

MOTION: Board Members Sanders motioned the Board approve the contract. Discussion: Board Member Lee inquired if there was liability insurance for lawsuits. Executive Director advised of a general liability policy but that the policy does not cover litigation. The Board maintains a reserve account for litigation. Public Member Coffin: inquired about page 2 of 8 on the contract regarding a fee listed. General Counsel explained the contract fees. Motion seconded by Board Member Pisani. No discussion, the vote was unanimous, motion passed.

***d. Request to consider the stipulation agreement entered into with Board on January 19, 2018 Fulfilled/complete due to Order issued by United States District Court (For Possible Action)**

(1) Leslie Kotler, DDS

General Counsel explained Dr. Kotler was issued a license contingent upon entering into a stipulation agreement that will run concurrent with the terms under the Order issued by the United States District Court. The same court has issued an Order advising Dr. Kotler that all the terms and conditions are complete. In light of this information, Dr. Kotler is requesting the stipulation agreement with the Board be considered complete.

MOTION: Board Member Blasco motioned the board approve the request of Dr. Leslie Kotler, to consider the stipulation agreement with the Board complete. Motion seconded by Board Member Pisani. No discussion, the vote was unanimous, motion passed.

***e. Discuss policy to use an affidavit versus court reporter transcription upon the execution of a stipulation agreement in certain circumstances (For Possible Action)**

General Counsel stated that this agenda item was not the subject regarding Ms. Tsou's public comment. General Counsel went on to explain that in certain circumstances an affidavit executed by the licensee instead of a court reporter transcription may be a cost savings to the licensees. This would only be offered in circumstances where the licensee is represented by legal counsel, has not been scheduled for an informal hearing and a written request has been received by the Board to resolve the matter through stipulated agreement. This policy does not change the requirement to have a court reporter present at informal hearings or formal hearings.

****5 minutes Recess****

President Bethea asked that our newest board member introduce herself. RDH Shadler stated she received a text one night from a Tina Tsou and asked her if she would be interested in being a board member. So she applied that night and was happy to be here. Visitors introduced themselves. Terry Chandler with Future Smiles quickly discussed the wonderful program they offered yesterday. Kelly Taylor, RDH introduced herself. Samantha Sturges, RDH introduced herself. Michael McDonald introduced himself – provides legislative services for Board.

Back to Agenda Item 6(e) General Counsel reiterated this has nothing to do with informal hearings/formal hearings. This would be for those licensees who request to resolve the matter through a stipulation agreement prior to an informal hearing. The request comes directly from the licensees and/or their attorneys. This would save licensees the cost of having to pay for a court reporter. Discussion: Board Member Blasco states this comes to those who say yes I'll

sign but then later turn around and say that's not what happened. General Counsel advised there will be an affidavit that the licensee will sign. This would only be provided if no informal hearing has been noticed. Board Member Lee inquired if the process would change. General Counsel stated no the process stays the same this would only be in a situation when a licensee wants to settle before a notice of an informal hearing is issued. Lengthy discussion on the complaint process and how it is defined in statute.

MOTION: Board Member Pisani motioned the Board approve the policy to be used only prior to noticing an informal hearing and at the request of the licensee and/or their attorney. Motion was seconded by Board Members Sanders. Discussion that licensee can request to have a court reporter present. The answer is YES. No further discussion, the vote was unanimous, motion passed.

***7. Old Business** (For Possible Action)

***a. Approval/Rejection of Moderate Sedation Training Program (patients 13 years of age or older)** – NAC 631.2213 (For Possible Action)

(1) DOCS Education – in Collaboration with Oregon Health University School of Dentistry – IV Sedation Course for Dentistry Training Program

(a) John Bitting, Esquire

Executive Director provides a brief outline of the course. The Board's policy is all didactic hours must be completed through live lecture. The regulation requires a minimum of 60 hours. At the time of the application, the course was all live lectures. But now moving forward, some of the didactic hours is completed through home study. Mr. Bitting clarified that DOCS is only are asking that the Board approve the course conducted at Oregon Health Sciences for Diane Benedictson, DMD since at the time Dr. Benedictson attended the course the didactic portion was all live lecture meeting the Board's requirements.

MOTION: Board Member Blasco motioned the Board recognize the DOCS course for the date Dr. Diane Benedictson attending the DOCS course at OHS **ONLY**. Motion seconded by Board Members Sanders. A question was asked as to whether or not Dr. Benedictson has submitted an application. The Board staff confirmed that currently Dr. Benedictson has not filed an application with the Board. No discussion, the vote was unanimous, motion passed.

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

***a. Approval for Travel of Board Members & Staff to the AADA & AADB Mid-Year Meeting in Chicago, IL March 9-10, 2019** (For Possible Action)

- (1) Timothy Pinther, DDS
- (2) Gregory Pisani, DDS
- (3) R. Michael Sanders, DMD
- (4) Debra Shaffer-Kugel, ED
- (5) Melanie Bernstein Chapman, Esquire
- (6) Betty Pate, RDH

Board Member Blasco stated to the Board that these members and staff will be attending the meeting in March, and therefore would like to approve them for travel.

MOTION: Board Member Sanders moved that the Board approve the travel for the Board members listed above. Motion seconded by Board Member Champagne. No discussion, the vote was unanimous, motion passed.

***b. Approval of Alternate Review Panel Member (Non-Board Member)** (For Possible Action)

- (1) Brendan Johnson, DDS

This item was tabled.

***c. Approve Request for Reevaluation of Dr. Y's temporary Moderate Sedation Administrator Permit to administer moderate sedation to patients 13 years of age or older pursuant to NAC 631.2235** (For Possible Action)

- (1) Upon approval, a request to reinstate the temporary moderate sedation permit for the reevaluation **only** (For Possible Action)

Executive Director indicated that Dr. Y held a temporary moderate sedation admin permit, but Dr. Y failed to pass the emergency scenarios portion of the evaluation resulting in the temporary permit being expired. Dr. Y has requested a reevaluation for the emergency scenarios portion only. Further, should the Board grant the reevaluation the Executive Director requests the reinstatement of the temporary moderate sedation admin permit for the reevaluation only.

MOTION: Board Member Pisani moved that the board approve the request for re-evaluate of Dr. Y and to reinstate their temporary administration permit. Motion seconded by Board Member Blasco. No discussion, the vote was unanimous, motion passed.

***d. Consideration for Approval of Laser Certification Course** – NAC 631.035 (For Possible Action)

- (1) PDS University – Lasers in Dentistry Course

After some confusion with another course reviewed, Board Member Blasco indicated he reviewed the application and the application was in order and recommended approval.

MOTION: Board Member Sanders moved that the board approve the laser certification course by PDS University. Motion seconded by Board Member Champagne. No discussion, the vote was unanimous, motion passed.

***e. Approval/Rejection of Continuing Education Provider Course Application** (For Possible Action)

- (1) National Provider Compliance Corporation – New Local Dental Insurance Coverage, Changes, and Updates Course

Executive Director indicated a representative for National Providers Compliance Corp is present and Ms. Borz stepped forward to give a history of her background and what her course entails. Board Members Sanders inquired what the intention of the course. Ms. Borz stated the course is to help physicians/dentists stay out of trouble and how to bill dental as medical. They do have a book. She stated that the topic is practice management.

MOTION: Board Member Pisani motioned the board approve the application for continuing education provider for the National Provider Compliance Corporation. Motion seconded by Board Member Champagne. Discussed: Pisani this could be a benefit to a dentist who practices in corporate based offices. the vote was unanimous, motion passed.

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

- (1) Alicia M. DiGiacomo, RDH – Nevada Health Centers
- (2) Samantha A. Stuges, RDH – Volunteers in Medicine of Southern Nevada

Board Member Champagne recommended these two applicants for a public health endorsement and that the applications are in order.

MOTION: Board Member Sanders motioned the Board approve the application of Alicia M. DiGiacomo, RDH and Samantha A. Stuges, RDH for a public health endorsement. Motion seconded by Board Member Blasco, No discussion, the vote was unanimous, motion passed.

***g. Approval for Public Health Dental Hygiene Program** – NAC 631.210

- (1) Healthy Smile Healthy Child – Sealant Program

Executive Director stated the Board member should have received the additional documents and advised the Board Healthy Smile Health Child has taken possession of the equipment from Future Smiles in Northern Nevada. Healthy Smile Healthy Child would like their program approved to continue the sealant programs at the school through public health dental hygienists.

MOTION: Board Member Champagne motioned the Board approve the "Healthy Smile Healthy Child" public health dental hygiene program. Motion seconded by Board Member Sanders Discussion: located in the Northern Nevada region. the vote was unanimous, motion passed Dr Pisani abstained.

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

- (1) Elena Maddern, RDH
- (2) Joseph Danesh, DDS

Executive Director advised the Board these two licensees wished to surrender their licenses in the state of Nevada. The surrender is absolute and irrevocable, There is no pending matters and recommends approval of the voluntary surrender.

MOTION: Board Member Pisani moved that the board approve the request for voluntary surrender of Ms. Elena Maddern's dental hygiene license, and Dr. Joseph Danesh's dental license. Motion was seconded by Board Member Champagne. No discussion, the vote was unanimous, motion passed.

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

(1) General Anesthesia (For Possible Action)

- (a) Christopher J. Galea, DDS
- (b) Matthew T. Popp, DDS

Executive Director stated the applications were reviewed and stated that both licensees passed their evaluation and recommends the approval of a permanent general anesthesia permit for Dr. Galea and Dr. Popp.

MOTION: Board Member Pisani moved that the board approve the permanent general anesthesia permit for Dr. Galea and Dr. Popp. Motion seconded by Board Member Champagne. No discussion, the vote was unanimous, motion passed.

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

- (a) Shane L. Ellsworth, DMD

Board Member Champagne stated that Board Member Moore reviewed the application and evaluation passed. Board Member Champagne recommended approval of the permanent moderate sedation permit (13 years of age or older) for Dr. Ellsworth.

MOTION: Board Member Sanders motioned the board approve the permanent moderate sedation permit (13 years of age or older) for Dr. Ellsworth. Motion seconded by Board Member Pisani No discussion, the vote was unanimous, motion passed.

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

- (a) Ruth Alvarez, DDS
- (b) Wesley T. Archer, DMD
- (c) Kellie J. McGinley, DDS
- (d) Travis A. Neu, DMD

Board Member Champagne states that Board Member Moore reviewed the applications and states that they are in order and recommends the approval of the permanent moderate sedation (Pediatric Specialty) 21 years of age or younger permits for Dr. Alvarez ; Dr. Archer, Dr. McGinley, and Dr. Neu.

MOTION: Board Member Pisani motioned the board approve the permanent moderate sedation (Pediatric Specialty)-21 years of age or younger permits for Dr. Alvarez , Dr. Archer, Dr. McGinley, and Dr. Neu. Motion seconded by Board Member Sanders. No discussion, the vote was unanimous, motion passed.

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

(1) General Anesthesia (For Possible Action)

- (a) Paul Bohman, DDS
- (b) Thomas P. Myatt, DDS
- (c) Tate L. Viehweg, DMD

Board Member Champagne states that Board Member Moore reviewed the applications and states that they are in order and recommends the approval of the temporary general anesthesia permits for Dr. Bohman, Mr. Myatt, and Dr. Viehweg.

MOTION: Board Member Pisani motioned the board approve the temporary general anesthesia permit for Dr. Bohman, Mr. Myatt, and Dr. Viehweg. Motion seconded by Board Member Pate. Discussion: regarding Dr Myatt receiving a temporary permit. It was explained Dr Myatt expired his permits over a year ago. Board Member Pisani withdrew his motion due to Dr. Myatt's affiliation with a program he is involved with. Board Member Pate made the motion as stated. Motion seconded by Board Member Sanders. The vote was unanimous, motion passed. Abstained from the motion, Board Member Pisani.

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

- (a) Jordan C. Richert, DMD

Board Member Champagne states that Board Member Moore reviewed the applications and recommends the approval of the temporary moderate sedation permit for Dr. Richert.

MOTION: Board Member Pisani motioned the board approve the temporary moderate sedation permit (13 years of age or older) for Dr. Richert. Motion seconded by Board member Pate. No discussion, the vote was unanimous, motion passed.

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

- (a) Samira Farokh, DMD
- (b) Sena E. Hiradate, DDS
- (c) Alice H. Trieu, DDS

Board Member Champagne states that Board Member Moore reviewed the applications and recommends the approval of the temporary moderate sedation (Pediatric Specialty) permit (21 years of age or younger) for Drs. Farokh, Hiradate, and Trieu.

MOTION: Board Member Sanders motioned the board approve the temporary moderate sedation permits (21 years of age or younger) for Drs. Farokh, Hiradate, and Trieu. Motion seconded by Board Member Pisani. No discussion, the vote was unanimous, motion passed.

***k 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) Larry S. Hon, DMD

Board Member Champagne requested approval for the 90 day extension in order to conduct the evaluation.

MOTION: Board Member Blasco motioned the board approve the request for an extension. Motion seconded by Board Member Pate. No discussion, the vote was unanimous, motion passed.

***l. Appointment of Infection Control Inspectors -NRS 631.190 (For Possible Action)**

- | | | | |
|------------------------------|------------------------------|-------------------------------|------------------------------|
| (1) Mary M Bosnos, RDH | (7) Linda L Fairley, RDH | (13) John C DiGrazia, DDS | (19) Donna J Hellwinkel, DDS |
| (2) Kathryn M Spargo, RDH | (8) Joyce A Herceg, RDH | (14) Bradley A Ditsworth, DMD | (20) Nelson D Lasiter, DMD |
| (3) Catherine B Buckley, RDH | (9) Betty L McGuire, RDH | (15) Rickey L Grant, DMD | (21) Gordon J Murray, DDS |
| (4) Karen K Clark, RDH | (10) Samantha A Sturges, RDH | (16) Steven W Hall, DDS | (22) Brett A Noorda, DMD |
| (5) Dena M Copeland, RDH | (11) Elvera L Kajans, RDH | (17) Christine L Haskin, DDS | |
| (6) George F Rosenbaum, DDS | (12) Bradley A Wilbur, DDS | (18) Pamela J Patten, DDS | |

Executive Director recommended these individuals to be approved as agent of the Board to conduct infection control inspections on behalf of the Board. All but two applicants currently conduct inspections.

MOTION: Board Member Champagne motioned the board approve the appointments of the Infection Control inspectors 1-22. Motion seconded by Board Members Sanders. No discussion, the vote was unanimous, motion passed – Note: Board Member Pisani away from room – for the motion.

***m. Appointment of Disciplinary Screening Officers -NRS 631.190 (For Possible Action)**

- | | | | |
|-----------------------------------|-----------------------------|----------------------------|-------------------------|
| (1) Rick Thiriot, DDS Coordinator | (8) Jason Ferguson, DDS | (15) Kenneth Lang, DDS | (22) Thomas Myatt, DDS |
| (2) Michael Squitieri, DDS | (9) J Gordon Kinard, DDS | (16) Allison Andresen, DDS | (23) Edward Gray, DMD |
| (3) James E Jones, DDS | (10) J Stephen Sill, DMD | (17) Dawn McClellan, DDS | (24) Mark Degen, DDS,MD |
| (4) Bradley Roberts, DDS | (11) Edward Herschaft, DDS | (18) Sharon Peterson, RDH | (25) Gary Geracci, DDS |
| (5) Bradley Strong, DDS | (12) Michael Webberson, DDS | (19) Joyce Herceg, RDH | |
| (6) Tina Brandon-Abbatangelo, DDS | (13) Larry Frugoli, DMD | (20) Melissa Hartner, RDH | |
| (7) Joshua Saxe, DDS | (14) John DiGrazia, DDS | (21) A Ted Twesme, DDS | |

Executive Director explained the role of a DSO. Board Member Lee inquired if perhaps hiring an in-office investigator versus DSO's. It was explained that the investigator would have to have a "dental" education in order to make findings. There was discussion regarding how the findings are made. General Counsel explained the Medical Board's process vs our Board's process. Public Member Cioffi asked about the allegations of bias made from some of the licensees. General Counsel informed Public Member Cioffi that investigations are conducted by DSO's, then the DSO will submit their findings and recommendations to the Review Panel upon review of the investigative file the Review Panel issues their own findings and recommendations. The Review Panels findings and recommendations are then forwarded to the licensee, if applicable, their legal counsel. General Counsel explained to the Board that the DSO's and the Review Panel have no authority to take action against a licensee. The DSO and the Review Panel only make recommendations and that the Board is not bound by those recommendations. Board Member Lee asked doesn't the statute state that a board member can review a complaint. General Counsel states there is one statute (NRS 631.363) that references a board member "and" the investigator. However, when you look at the statutes as a whole, you realize the legislative intent is "or" should be used instead of "and" because pursuant to all other statutes the Board Members cannot be advised of an investigation until a formal complaint is filed. Since complaints/investigations are deemed confidential from the Board Members, the legal opinion is the word "and" should be interpreted as "or". Board Member Lee argued that the initial collection of information should be shared with the Board and would like it looked at it prior to approving stipulation agreements. Dr. Lee's request was noted and will be placed as an agenda item on the next meeting.

MOTION: Board Member Sanders motioned the board approve the appointment of the Disciplinary Screening Officers. Motion seconded by Board Member Pisani. No further discussion, the vote was unanimous, motion passed.

***n. Appointment of Anesthesia Evaluators/Inspectors-NRS 631.190 (For Possible Action)**

GENERAL ANESTHESIA ADVISORS

- | | |
|-------------------------------|-----------------------------|
| (1) Blaine D Austin, DDS | (7) Brendan G Johnson, DDS |
| (2) Michel J Daccache, DDS | (8) Patrick O'Connor, DDS |
| (3) Barry H Frank, DDS | (9) Amanda Jo Okundaye, DDS |
| (4) Gary J Geracci, DDS | (10) Troy D Savant, DDS |
| (5) Edward J Gray, DMD | (11) Steven A Saxe, DMD |
| (6) Gregory J Hunter, DMD, MD | (12) Albert T Twesme, DDS |

MODERATE SEDATION ADVISORS

- | | |
|----------------------------|------------------------------|
| (1) Michael G Almaraz, DDS | (9) Brian P Mantor, DMD |
| (2) Joshua M Branco, DMD | (10) Jade A Miller, DDS |
| (3) Jason E Ferguson, DDS | (11) Daniel K Moore, DDS |
| (4) Perry T Francis, DDS | (12) Joshua L Saxe, DDS |
| (5) Jon P Galea, DDS | (13) Gilbert A Trujillo, DDS |
| (6) Ryan S Gifford, DDS | (14) David J Trylovich, DDS |
| (7) William Guillen, DDS | (15) Dawn McClellan |
| (8) Tomas D Kutansky, DDS | |

Executive Director recommended these individuals to be approved as agent of the Board to conduct anesthesia evaluations/inspections on behalf of the Board.

MOTION: Board Member Pisani motioned the board approve the appointment of the Anesthesia Evaluators/Inspectors. Motion seconded by Board Member Champagne. No discussion, the vote was unanimous, motion passed.

o. Discussion and review of the public comment(s) submitted by the attorney on behalf of members of the LVDA (Information only)

General Counsel indicates this item was placed on the agenda at the request of Malcolm LaVergne, Esquire attorney for the Las Vegas Dental Association. However, Mr. LaVergne is not present. Board tabled the matter and advised the Executive Director to send a letter to Mr. LaVergne advising him the matter is tabled and will be noticed on the next agenda with or without his participation.

TABLED

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

Richard Dragon, DDS and Robert Talley, DDS wanted their presences noted.

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)

10. Announcements

Executive Director advised the Board of an audit requested by the former Governor on or about October 17, 2018 to be conducted by the Division of Internal Audits. All requested materials have been provided. In addition, the Board office is finalizing the on-line renewal portal to include, Botox certification questions and the 2 hour continuing education hours for the misuse and abuse of controlled substances required for those licensees who hold a permit to prescribe controlled substances.

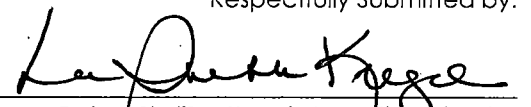
***11. Adjournment** (For Possible Action)

Board Member Bethea called for a motion to adjourn.

MOTION: Board Member Pisani motioned the February 22, 2019 meeting of the Nevada State Board of Dental Examiners be adjourned. Motion seconded by Board Member Sanders, and without discussion, the vote was unanimous, motion passed.

Meeting adjourned at 1:56 p.m.

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


Debra Shaffer-Kugel, Executive Director