



NEVADA STATE BOARD OF DENTAL EXAMINERS
 6010 S Rainbow Boulevard, Suite A-1
 Las Vegas, Nevada 89118
 (702) 486-7044



Telephone Conferencing site for this meeting was at the Nevada State Board of Dental Examiners Office
 Conference Room: 6010 S Rainbow Blvd, Suite A1, Las Vegas, Nevada 89118

Telephone Conference

PUBLIC MEETING

Thursday, June 20, 2019

7:31 PM

Board Meeting Agenda
Minutes

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 **June 18, 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

Mrs. Bethea called the meeting to order and Mrs. Shaffer-Kugel conducted the following roll call:

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

53 **Public Attendees:** Daniel Bouer, Cameraman for LVDA.
54

55 **2. Public Comment:** (Public Comment is limited to three (3) minutes for each individual)
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57 There was no public comment.
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59 **Note: No vote may be taken upon a matter raised under this item of the agenda until the matter itself**
60 **has been specifically included on an agenda as an item upon which action may be taken. (NRS**
61 **241.020)**

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63 ***3. New Business:** (For Possible Action)
64

- 65 (a) Board to determine and approve the reasonable investigation costs and attorney fees
66 regarding the Formal Hearing(s) for George B. Miller, DMD – NRS 622.400 (For Possible Action)
67

68 Executive Director stated to the Board Members should have received a copy of the fees and costs
69 associated with the investigation and informal hearings. Executive Director stated that during
70 deliberation at the Formal Hearing, DAG Long explained that there was a change that now required
71 regulatory bodies must determine whether the costs are reasonable. She added that a breakdown of all
72 costs, as well as the invoices associated with the costs, was also provided to them for consideration at this
73 meeting. Executive Director stated what the total costs were, but noted that the invoice that was yet to be
74 received was the court reporters' costs from hearing that had taken place the week prior; however, the
75 court reporter cost included in the breakdown was a smaller amount than what was actually projected by
76 the court reporter and what has been charged by the court reporter in comparison to other formal hearings.
77 It was noted that the travel costs for Board Member Pate and Board Member Pisani, were not included in
78 the costs, as they sit on the review panel. There was discussion between Board Member Moore and Board
79 General Counsel regarding the number of hours spent on the case during the three (3) years that the
80 matter was ongoing.

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82 MOTION: Board Member Sanders motioned that the Board reviewed the fees and costs; they
83 found them reasonable, necessary and actually incurred and approve the fees as
84 presented. Motion seconded by Board Member Pinther. Board Member Pate and
85 Board Member Pisani abstained from the vote. No further discussion, motion passes.
86

- 87 (b) Approve an installment plan for George B. Miller, DMD for the reimbursement of
88 investigation costs and attorney fees pursuant to NRS 622.400 (For Possible Action)
89

90 Executive Director stated that upon the conclusion of the hearing, she contacted Mr. Sean Kelly, Counsel for
91 Dr. Miller, and notified him of the result of the deliberations. During the discussion with Mr. Kelly, it was noted
92 that Dr. Miller would need an installment plan. Executive Director added that, if approved, the Board would
93 need to amend the order to include an installment plan for the reimbursement of fees. Executive Director
94 stated that they could include an installment plan of, for example, 11 payments that would take effect 30
95 days from the date of the order. If such a plan were approved, it could be broken into installments as
96 follows: 10 payments in the amount of one thousand nine hundred nineteen dollars and fifty cents
97 (\$1,919.50), and a final (11th) payment in the amount of three thousand eight hundred and thirty-nine dollars.
98

99 MOTION: Board Member Blasco motioned that Board approve the installment plan as outlined.
00 Motion seconded by Board Member Sanders. Board Member Pate and Board Member
01 Pisani abstained from the vote. No further discussion, motion passes.
02

- 03 (c) Amend the supervised provision of the Decision approved by the Board on June 14, 2019
04 regarding George B. Miller, DMD (For Possible Action)
05

06 This item can be withdrawn – no action on this agenda item, since the installment plan coincided with the
07 one year supervised period.
08

09 (d) Approve independent/private mediator in lieu of a court assigned mediator at the request and
10 cost of plaintiffs in the Abbey Dental Center case (For Possible Action)
11

12 Board General Counsel noted that while the agenda states "arbitrator" the plaintiffs are actually requesting
13 Mediation not Arbitration. It was noted that that plaintiffs requested this mediation and have agreed to
14 cover the costs of the private mediator.
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16 MOTION: Board Member Moore motioned to approve the independent mediation. Board Member
17 amended his motion to include that the Board appoint the Board's Litigation Counsel to
18 make the final determination as to which mediator is agreed upon. Motion seconded by
19 Board Member Sanders. No further discussion motion passes.
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22 (e) Request the Board issue a subpoena duces tecum signed by the Board's Secretary-
23 Treasurer to Dr. X. Dr. X has refused the Board's request for records in connection with a
24 patients verified complaint and in violation of NRS 629.061 (For Possible Action)
25

26 Board General Counsel noted that there were two (2) typographical errors, should say "refused not
27 "regused" and "NRS 629.061" not "NRS 629.016". Board General Counsel noted that Dr. X has a verified
28 complaint against them; however, Dr. X has refused to provide copies of the records requested. Board
29 General Counsel requested that the Board determine whether or not a subpoena for the records should be
30 issued.
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32 MOTION: Board Member Pinther motioned that Board authorize the issuance of a subpoena to be
33 signed by the Secretary-Treasurer. Motion seconded by Board Member Blasco. Discussion:
34 Board General Counsel stated that Dr. X's position is that the Board is not entitled to the
35 records and that the Board does not have jurisdiction over the complaint, and therefore
36 they are refusing to submit the records in response to the Board's request for records in
37 conjunction with the patients verified complaint. No further discussion, motion passes.
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40 (f) Appoint Disciplinary Screening Officers (DSO) NRS 631.190 (For Possible Action)
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- 42 (1) Andrew Stutz, DDS (General)
- 43 (2) James Mah, DDS (Ortho)
- 44 (3) Prashanti Bollu, DMD (Ortho)
45

46 MOTION: Board Member Pinther motioned that Board approve the appointment of the DSO's as
47 listed above. Discussion: Dr. Lee inquired how a licensee becomes a DSO. The Executive
48 Director explained that on the board's website there is an application that a licensee
49 interested in serving as an Infection Control Inspector, an Anesthesia Evaluator – for those
50 who hold an anesthesia permit – or as a DSO, may complete and submit an application to
51 the Board office. Board General Counsel noted that Dr. Mah is affiliated with UNLV SDM
52 and Dr. Bollu is affiliated with Roseman University, and therefore asked that any board
53 member that would like to note any disclosures should state so. Board Member Sanders
54 disclosed that he is retired faculty from UNLV SDM. Board Member Bethea disclosed that
55 her husband is faculty at UNLV, but does not interact with dental faculty. Deputy Attorney
56 General advised that these disclosures do not require abstention by Board Members
57 Bethea or Sanders. Motion seconded by Board Member Pate. No further discussion,
58 motion passes.
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61 **4. Public Comment:** (Public Comment is limited to three (3) minutes for each individual)
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63 There was no public comment.
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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)

5. Announcements: Executive Director announced that the next Board Meeting is July 19, 2019. Executive Director reminded dentists and limited license holders that their license renewals are due by June 30th, and that reminder postcards were sent out.

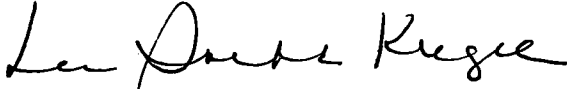
***6. Adjournment** (For Possible Action)

Board Member Bethea called for a motion to adjourn.

MOTION: Board Member Blasco motioned the June 14, 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 7:57 p.m.

Minutes approved at the July 19, 2019 Board Meeting
Respectfully Submitted by:


Debra Shaffer-Kugel, Executive Director