



NEVADA STATE BOARD OF DENTAL EXAMINERS



MINUTES BOARD OF DENTAL EXAMINERS PUBLIC MEETING & AGENDA

Meeting Location:

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

Video Conferencing was not Available

Meeting Date & Time

Friday, January 17, 2020
3:05 p.m.

And was continued on
Saturday, January 18, 2020
9:18 a.m.

PUBLIC NOTICE:

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 of Dental Examiners office located at 6010 S. Rainbow Blvd, Suite A1 Las Vegas, Nevada 89118).

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.

Persons wishing to comment may appear at the scheduled meeting/hearing or may address their comments, data, views, arguments in written form to: Nevada State Board of Dental Examiners, 6010 S. Rainbow Blvd, A-1, Las Vegas, Nevada 89118, Attn: Angelica Bejar; FAX number (702) 486-7046; e-mail address nsbde@nsbde.nv.gov. Written submissions should be received by the Board on or before January 16, 2020 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.

Persons/facilities who want to be on the mailing list must submit a written request every six (6) months to the Nevada State Board of Dental Examiners at the address listed in the previous paragraph. With regard to any board meeting or telephone conference, it is possible that an amended agenda will be published adding new items to the original agenda. Amended Nevada notices will be posted in compliance with the Open Meeting Law.

We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify Angelica Bejar, at (702) 486-7044 ext. 65847 no later than 48 hours prior to the meeting. Requests for special arrangements made after this time frame cannot be guaranteed.

Pursuant to NRS 241.020(2) you may contact Angelica Bejar at (702) 486-7044 ext. 65847 to request supporting materials for the public body or you may download the supporting materials for the public body from the Board's website at <http://dental.nv.gov> In addition, the supporting materials for the public body are available at the Board's office located at 6010 S Rainbow Blvd, Ste. A-1, Las Vegas, Nevada.

Note: Asterisks (*) "For Possible Action" denotes items on which the Board may take action.

Note: Action by the Board on an item may be to approve, deny, amend, or tabled.

1. Call to Order

Roll call/ Quorum

Rosalie called the meeting to order and conducted the following roll call:

Dr. W. Todd Thompson ----	PRESENT	Dr. David Lee -----	PRESENT (Secretary-Treasurer)
Dr. James Allman -----	PRESENT	Ms. Betty Pate -----	EXCUSED
Dr. Ronald West -----	PRESENT	Ms. Joan Shadler -----	PRESENT
Dr. Ronald Lemon -----	PRESENT	Mrs. Jana McIntyre -----	PRESENT
Dr. Elizabeth Park -----	PRESENT	Ms. Gabrielle Cioffi -----	PRESENT
Dr. D. Kevin Moore -----	PRESENT (President)		

Others Present on Friday, January 17th: Melanie Bernstein Chapman, Board General Counsel; Rosalie Bordelove/Justin Taruc, Esquire, Deputy Attorney General/Board Co-Counsel; Debra Shaffer-Kugel, Executive Director.

Public Attendees on Friday, January 17th: Robert Talley, NDA; Brad Slighting, Esquire, Fabian Vancott; Antonina Capurro, DPBH, OHP; Terri Chandler, Future Smiles; Sara Mercier, NDHA; Antonio Ventura, SNHDA; William Pappas, ADEX/Self; Robin Lobato, SNDS; Kotika Polena, Self; cameraman for LVDA; Media for the LVRJ; Jeff German, LVRJ; Natalia Hill, RDH; Joseph Wineman.

Others Present on Saturday, January 18th: Brad Slighting, Esquire, Interim General Counsel; Justin Taruc, Esquire, Deputy Attorney General; Candice Stratton, Interim Executive Director; Sandra Spillsbury, Site Inspection-IC Coordinator; Angelica Bejar, Public Information-Travel Administrator.

Public Attendees on Saturday, January 18th : Bridget Kelly, Esq., Counsel for Dr. Devore; Lisa Hogan; Kim Kemmerly; Damian Betancourt; Antonina Capurro, DPBH/OHP; Erwin Washington, ADMA; Halcoom Abdullah, MD, ADMA; Cory Pickens, MD, ADMA; Kostika Polena; William Pappas, ADEX; Sara Mercier, NDHA; Samantha Sturges, RDH; Antonio Ventura; Daniel Bouer, Cameraman for LVDA.

2. Public Comment: The public comment period is limited to matters specifically noticed on the agenda. No action may be taken upon the matter raised during public comment unless the matter itself has been specifically included on the agenda as an action item. Comments by the public may be limited to three minutes as a reasonable time, place and manner restriction, but may not be limited based upon viewpoint. The Chairperson may allow additional time at his/her discretion.

Public Comment made on Friday, January 17th:

Dr. Bob Talley read his written comment, which was submitted for the record.

Sara Mercier, on behalf of NDHA, read testimony from Jessica Woods and herself that was previously submitted for Public comment. Ms. Mercier noted that they were changing their recommendation to have Samantha Sturges appointed instead of Lancette VanGuilder to the Committee on Public Health.

Antonio Ventura, current President of the SNDHA, read a written statement submitted by Caryn Solie in support of appointed Samantha Sturges to sit on the Committee of Public Health. Mr. Ventura, on behalf of himself and the SNDHA also support the appointment of Ms. Sturges to the committee.

Robin Lobato spoke on behalf of Nevada dentists and the SNDS, by congratulating all the Board members for their appointments. He stated that as an advocate for access to care for all Nevadans he looked forward to working with the Board.

Dr. Bill Pappas stated that he submitted an article from web regarding Dr. Craig Morris that he would like the Board to take into consideration when considering reinstating Dr. Morris' license.

Joseph Wineman commented that he was happy to see the board had been reconstituted and can return to its full functionality of protecting the citizens of the silver state, in addition to granting licenses to those professionals who wish to begin their dental careers in Nevada. He implored the board to consider the safety of their citizens when they deliberate the soon-to-be writing regulations for dental therapists. He expressed concerns of public safety should the board fail to fully address the supervision over a dental therapist and the administration of local anesthesia.

Mrs. Bernstein Chapman read a statement into the record.

Public Comment made on Saturday, January 18th:

Lisa Hogan commented that she was on the agenda for consideration and asked if the Board would consider going out of order to discuss her matter.

Natalie Hill, RDH expressed interest in being considered to be appointed to the Dental Hygiene Review Panel as a non-board member dental hygienist.

Cory Pickens with ADMA stated he and his COO were present to answer any questions the board may have.

Board Member Shadler read a statement for the record and clarified that the contracts for Debra Shaffer-Kugel and Melanie Bernstein Chapman original terminations were not effective.

***3. Election of Officers:** (For Possible Action)

This item was considered on Friday, January 17, 2020

There was an introduction of the new board members.

(1) President (For Possible Action)

This item was considered on Friday, January 17, 2020

Board member Thompson nominated Board Member Moore. Motion was seconded by Board Member Park. All in favor; in opposition Board Members Shadler and Allman.

(2) Secretary Treasurer (For Possible Action)

This item was considered on Friday, January 17, 2020

Board member Park nominated Board Member Lee as Secretary-Treasurer. Nomination seconded by Board Member McIntyre.

Board Member Shadler nominated Board Member Pate. Nomination seconded by Board member Allman.

Roll Call vote:

ROLL CALL VOTE	Vote:		Vote:
Dr. W. Todd Thompson-----	LEE	Dr. David Lee -----	LEE
Dr. James Allman -----	PATE	Ms. Betty Pate -----	Excused
Dr. Ronald West -----	LEE	Ms. Joan Shadler -----	PATE
Dr. Ronald Lemon -----	LEE	Mrs. Jana McIntyre -----	LEE
Dr. Elizabeth Park -----	LEE	Ms. Gabrielle Cioffi -----	LEE
Dr. D. Kevin Moore -----	LEE		

Motion passed in favor of Board Member Lee as Secretary-Treasurer.

***4. Consideration and possible action regarding Employment Contracts and employment status, including potential approval of separation Agreements – NRS 631.190** (For Possible Action)

(May go into closed session pursuant to NRS 241.030)

This item was considered on Friday, January 17, 2020

(a) Debra Shaffer-Kugel, Executive Director

Mrs. Shaffer-Kugel waived her OML notice.

MOTION: Board Member Lee motioned to terminate the contract of Mrs. Shaffer-Kugel without cause. Motion seconded by Board Member Park. Discussion: Mrs. Bordelove indicated to Board member Allman that the motion was for termination of the contract of Mrs. Shaffer-Kugel without cause, thus clarifying that the Board was not making any allegations of wrong doing. All were in favor; Opposed: Board Member Shadler. Motion passed.

DAG Bordelove stated that should the Board approve the separation agreement, they should choose a date in which Mrs. Shaffer-Kugel should cease reporting for work.

MOTION: Board Member Lee moved to approve the separation agreement and that Mrs. Shaffer-Kugel cease reporting to work effective immediately. Motion Seconded by Board Member Shadler. Discussion: brief discussion regarding personal belongings and the transitional period. No further discussion. All were in favor of the motion.

(b) Melanie B. Chapman, Esq., General Counsel
This item was considered on Friday, January 17, 2020

Board Member Moore inquired if Mrs. Bernstein Chapman wanted to move into closed session, to which Mrs. Bernstein Chapman indicated that assuming there will not be any discussion she was not requesting to go into closed session.

MOTION: Board Member Allman moved to terminate the contract of Mrs. Bernstein Chapman without cause. Motion seconded by Board Member Shadler. All were in favor.

MOTION: Board Member Shadler motioned to approve that Mrs. Bernstein Chapman ceases reporting to work effective immediately. Motion seconded by Board Member Allman. All were in favor, motion passed.

AMENDED MOTION: Board Member Shadler amended her motion to indicate that she approve the separation agreement and that Mrs. Bernstein Chapman cease reporting for work effective immediately. Board Member Allman seconded the motion. All were in favor, motion passed.

***5. Selection and Appointment of Interim Executive Director from existing Board staff. Individuals to be considered:** (For Possible Action) *This item was considered on Saturday, January 18, 2020*

- (a) Candice Stratton
- (b) Rigoberto Morales
- (c) Angelica Bejar
- (d) Sandra Spilsbury

Board Member Moore suggested perhaps splitting the duties amongst multiple staff members. There was discussion regarding the Executive Director position and the options the Board may have. DAG Taruc stated that NAC 631.023 delineates the duties of the Executive Director. Ms. Spilsbury wanted to make the board aware that there is pursuant to NAC 631.2236, it clearly requires the Executive Director "shall" issue a certificate of site approval. She noted that if the Board were to postpone appointing an Executive Director the office staff would be unable to issue site permits.

MOTION: Board Member Allman motioned to approve Ms. Candice Stratton as the Interim Executive Director until they find a permanent replacement. Motion seconded by Board Member Shadler. Discussion: Board Member Cioffi expressed the Board's need to appoint an interim Executive Director to help move the board along. After brief additional discussion, all were in favor of the motion, motion passed.

***6. Discussion and possible action regarding the salary and duties for the Interim Executive Director position.** (For Possible Action) *This item was considered on Saturday, January 18, 2020*

Board Member Thompson stated that the duties for the Executive Director are outlined. There was discussion regarding potential pay and what a fair amount would be.

MOTION: Board Member West motioned to approve the annual rate of \$70,000 pay rate with stipulation that she will return to her previous salary rate upon fulfillment of the permanent position. Motion seconded by Board Member Park. Discussion: Board Member Cioffi stated that she found \$70,000 rather low. Board Member West amended his motion to change the salary rate to \$75,000. Board Member Park amended her second to the motion. All were in favor, motion passed.

***7. Discussion and possible action regarding whether to hire a temporary Interim General Counsel, including but not limited to the duties and rate of pay for the position** (For Possible Action)

This item was considered on Friday, January 17, 2020

DAG Bordelove stated that currently board does not have a General Counsel, and therefore the Board can define what duties the interim general counsel will have until the board can fill the general counsel position.

MOTION: Board Member Lee motioned to approve to hire a temporary interim counsel with same duties as previous general counsel. Motion seconded by Board Member Park. Discussion: Board Member West inquired on the length of time the Interim General Counsel will work. Board Member Moore indicated that they will need to post a job description to fill that vacancy. It was noted that the interim general counsel would be an at will position. No further discussion. All were in favor, motion passed.

***8. Potential selection of Bradley Slighting, Esq. for the Interim General Counsel position** (For Possible Action)

This item was considered on Friday, January 17, 2020

DAG Bordelove stated that the Board could discuss the pay for the interim General Counsel position. Mr. Slighting stepped forward and introduced himself. He disclosed that he was retained by Board members Moore and Lee in their individual capacities as board members, which has since been severed. There was discussion on his ability to assist the Board during this transitional time and the difficult times the board is facing.

MOTION: Board Member Allman motioned to refer to a committee to discuss and determine the details of the position, the pay, and the minimum hours per week and any other arrangements necessary. Motion seconded by Dr. West. Discussion: there was discussion regarding whether or not this temporary employment would be on a contractual basis or as an at-will. DAG Bordelove explained that when there is a contract the DAG has to review and sign off on the contract before going before the BOE for consideration and approval. There was additional discussion regarding the possibility of a contract and the possibility of hiring the interim General Counsel as a part-time employee. DAG Bordelove stated that the Board can approve him as a part-time employee and establish a guideline for a number of hours to be worked a week. After some discussion, the motion was withdrawn.

MOTION: Board Member Allman motioned to approve hiring Mr. Slighting as a part-time employee to serve as the interim general counsel at current hourly rate of \$56.18, until such time that a full time general counsel is hired. Motion seconded by Board Member Park. All were in favor, motion passed.

MOTION: Board Member Allman motioned to have Mr. Slighting's employment start date to be effective immediately. Motion seconded by Board Member West. All were in favor, motion passed.

Board Member Moore suggested that the Board look at the calendar of events for proposed for Board meeting dates for 2020. Dr. West asked that he would like to have board meetings where the Board is face-to-face.

***9. President's Report:** (For Possible Action)

***a. Request to remove agenda item(s)** (For Possible Action)

***b. Approve Agenda** (For Possible Action)

These items were considered on Saturday, January 18, 2020

Board Member Moore asked to table agenda items 11(a) and 11(b), so that new counsel, Mr. Slighting, to have an opportunity to review the information. Board Member stated that he was uncomfortable with leaving the persons listed under 11(b) in limbo, and unless the Board is planning to alter the items, he would like the Board to move forward with considering approval of the items.

MOTION: Board Member Thompson motioned to remove agenda items 11(a) and 11(b) and to approve the remainder of the agenda. Motion seconded by Board Member McIntyre. All were in favor, motion passed.

***c. Calendar of Events** (For Possible Action)

This item were considered on Saturday, January 18, 2020

(1) Approve Board Meeting dates for Calendar Year 2020 (For Possible Action)

Board Member Moore inquired of Board Member Thompson of the application the Board may want to consider subscribing to, Doodlepole. DAG Taruc indicated that discussion of different apps available to

the board was not listed for discussion; therefore, the board may only consider whether or not to approve the list of dates provided to them. Board Member Park asked that the board select at least one date to move forward with and send out some new dates for the board to consider. Board Member Allman inquired if the Board would consider approving the February 28th date to hold the next board meeting. There was discussion of potentially holding meetings on Saturday. There was additional discussion of potential other dates for February. Board Member Moore asked that staff send out a few dates to potentially hold the next Board meetings.

This agenda item was tabled.

***10. Secretary Treasurer's Report:** (For Possible Action)

This item was considered on Saturday, January 18, 2020

***a. Financials** – NRS 631.180/NRS 631.190 (For Possible Action)

(1) Approval of FY 2019 Annual Audit (For Possible Action)

The CPA's that conducted the audit were not present.

MOTION: Board Member Thompson motioned to accept the financial audit report as presented. Motion seconded by Board Member West. All were in favor, motion passed.

(2) Review Balance Sheet and Statement of Revenues, Expenses and Balances for period July 1, 2019 to October 31, 2019 (Informational Purposes only)

There was no discussion.

***b. Approve/Reject door station security camera and intercom system to replace existing one**

(For Possible Action) *This item was considered on Saturday, January 18, 2020*

There was discussion on whether or not to consider the replacement of the security feature since the board may be considering moving office locations. Board Member Allman stated that for safety's sake, have the security door feature replaced.

MOTION: Board Member Allman motioned to approve the immediate replacement of intercom and approve the proposal submitted. Motion seconded by Board Member Shadler. All were in favor, motion passed.

***c. Minutes** – (For Possible Action)

This item was considered on Saturday, January 18, 2020

- (1) Budget & Finance Committee Meeting – 09/13/2019
- (2) Anesthesia Sub Committee Meeting – 09/20/2019
- (3) Legislative & Dental Practice Committee – 09/20/2019
- (4) Board Meeting – 09/23/2019

MOTION: Board Member Thompson motioned to approve the minutes as presented. Motion seconded by Board Member West. All in favor, Dr. Allman opposed due to lack of knowledge of the meetings the minutes were drafted for. Motion passed.

***d. Staff** – NRS 631.190 (For Possible Action)

This item was considered on Saturday, January 18, 2020

- (1) Approve Rigoberto Morales as the Infection Control Inspector for the Board, InLumon liaison and invoice data entry or consider independent contractors (For Possible Action)

The board agreed to table this agenda item since they did not have a resume and the employee was not present.

362
363 ***e. Contracts:** (For Possible Action)

364 *This item was considered on Saturday, January 18, 2020*
365

366 (1) Inlumon Licensing System Support & Maintenance Contract (For Possible Action)
367

368 This item was tabled to allow time for the Interim General Counsel to review the contract.
369
370

371 (2) Consider entering into Memorandum of Understanding Agreement with CSN Dental
372 Faculty Practice to lease operatory for complainant(s) evaluations (For Possible Action)
373

374 The board requested that this item be tabled as they consider possible alternate avenues.
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383

384 ***f. Authorized Investigative Complaint** – NRS 631.360 (For Possible Action)

385 *This item was considered on Saturday, January 18, 2020*
386

387 *(1) The Board pursuant to NAC 631.177 conducted a continuing education audit of RDH X
388 who attested on the renewal form that he/she completed the required hours but has
389 failed to produce certificates of completion for the continuing education and may
390 have willfully made a false statement in a material regard in an affidavit required by this
391 chapter. Therefore, the Executive Director requests the Board approve an authorized
392 investigative complaint to investigate whether RDH X completed the required
393 continuing education for licensure renewal and whether RDH X made a false statement
394 in a material regard in an affidavit required by this chapter pursuant to NRS 631.395(7)
395 (For Possible Action)
396
397

398 *(2) The Board pursuant to NAC 631.177 conducted a continuing education audit of RDH Y
399 who attested on the renewal form that he/she completed the required hours but has
400 failed to produce certificates of completion for the continuing education and may
401 have willfully made a false statement in a material regard in an affidavit required by this
402 chapter. Therefore, the Executive Director requests the Board approve an authorized
403 investigative complaint to investigate whether RDH Y completed the required
404 continuing education for licensure renewal and whether RDH Y made a false statement
405 in a material regard in an affidavit required by this chapter pursuant to NRS 631.395(7)
406 (For Possible Action)
407
408

409 *(3) The Board pursuant to NAC 631.177 conducted a continuing education audit of RDH Z
410 who attested on the renewal form that he/she completed the required hours but has
411 failed to produce certificates of completion for the continuing education and may
412 have willfully made a false statement in a material regard in an affidavit required by
413 this chapter. Therefore, the Executive Director requests the Board approve an
414 authorized investigative complaint to investigate whether RDH Z completed the
415 required continuing education for licensure renewal and whether RDH Z made a false
416 statement in a material regard in an affidavit required by this chapter pursuant to NRS
417 631.395(7) (For Possible Action)
418

419 This section was to be tabled until the new interim General Counsel has time to review the information
420 regarding this section of the agenda. There was lengthy discussion regarding certain board members
421 wanting additional information when considering approving to authorize investigation. Board member
422 Lee stated that they do not have enough information to determine whether or not the board can
423 investigate the matters presented. A few board members were comfortable with authorizing the
424 investigations while other Board members wanted more information with names and licensee information
425 redacted. Board Members Lee and Moore argued that they want proof to show that the licensee has
426 failed the audit. Ms. Spilsbury clarified for the Board that the licensees were selected for a random CE
427 audit, which they were notified of and were given multiple notices to submit their certificates with ample
428 time to submit their CE Certificates to the office. Some Board Members suggested tabling these agenda
429 items until they were furnished with more information.
430

MOTION: Board Member Cioffi motioned that the board authorize the investigations of (1)-(3) based on information by staff. Motion seconded by Board Member Allman. Discussion: Board Member Shadler inquired on what the next step. Board Member Moore stated that as the board President he had the authority to not allow for a motion if he had already stated his desire to table an agenda item, however, that he allowed this motion to transpire as a courtesy. It was explained that the information would be forwarded to the investigator. Board Member West asked Board Member Lee to clarify his concern and hesitancy to authorize the investigations. Board Member Lee explained that they just want supporting documents with redacted names that show there is reason to believe that someone may have potentially violated. Board Member Lemon called for the vote. All in motion, there were several opposed.

Roll call vote: (yes= authorize investigation)

<u>ROLL CALL VOTE</u>	<u>Vote:</u>		<u>Vote:</u>
Dr. W. Todd Thompson-----	No	Dr. David Lee -----	No
Dr. James Allman -----	Yes	Ms. Betty Pate -----	Excused
Dr. Ronald West -----	No	Ms. Joan Shadler -----	Yes
Dr. Ronald Lemon -----	Yes	Mrs. Jana McIntyre -----	No
Dr. Elizabeth Park -----	No	Ms. Gabrielle Cioffi -----	Yes
Dr. D. Kevin Moore -----	No		

Motion failed.

Board Member Thompson recused himself from the remainder of the meeting.

*(4) The Board received information that Dr. W may have violated NAC 631.2241 and NAC 631.230 when a patient under general anesthesia underwent 31 HBO dives prior and during extractions (For Possible Action)

This agenda item was tabled.

***11. Legal Report:** (For Possible Action)

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

By motion of the Board, this agenda item was removed on Saturday, January 18, 2020.

~~*b. Consideration of Stipulation Agreements~~ ~~NRS 622~~ (For Possible Action)

- ~~(1) Kerry Davis, DDS~~
- ~~(2) Phillip Devore, DDS~~
- ~~(3) Ammar Kerio, DMD~~

By motion of the Board, this agenda item was removed on Saturday, January 18, 2020.

***c. Motion to Continue Formal Hearings** (For Possible Action)

This item was considered on Saturday, January 18, 2020

- (1) Lawrence Semenza, Esquire for Nam Phan, DDS

MOTION: Board Member Thompson moved to approve to continue the formal hearing of Nam Phan, DDS. Motion seconded by Board Member Lee. Discussion: there was discussion on why the motion to continue was requested. All in favor, motion passed.

- (2) Young K. Dill, DMD (Proper Person)

MOTION: Board Member Lee moved to approve the continuance of the formal hearing for Dr. Young Dill. Motion seconded by Board Member Thompson. No discussion. All were in favor, motion passed.

489 ***d. Consideration of Application for Dental Licensure – NRS 631.240 & NAC 631.050** (For Possible Action)
490 (May go into closed session pursuant to NRS 241.030) This item was considered on Saturday, January 18, 2020

492 (1) Kim D. Kemmerley, DMD
493 - DAG
494

495 Dr. Kemmerley was present, and waived his option to go into a closed session. He expressed interest in
496 entering into a stipulation agreement if it meant he could be approved for licensure.
497

498 MOTION: Board Member Lee motioned to approve the application for licensure, pending approval of a
499 stipulation agreement by the Board to be considered at a future Board meeting. Motion seconded by
500 Board Member Shadler. Discussion: There was discussion regarding Dr. Kemmerly's background. It was
501 noted that many of the concerns were addressed and will be considered in the proposed stipulation
502 agreement that Dr. Kemmerly has expressed his willingness to sign. DAG Taruc informed the Board that
503 the most the board is able to consider to approve or deny the application. No further discussion. All
504 were in favor, Dr. Lemon abstained. Motion passed.
505

506 ***e. Report of status of pending investigations** (Information Only)
507 This item was considered on Saturday, January 18, 2020
508

509 Board Member Moore read the Investigative status report into the record.

510 ***12. New Business** (For Possible Action)
511

512 ***a. Request for reactivation of suspended license for non-renewal and review terms and**
513 **conditions of the stipulation agreement approved January 24, 2014** (For Possible Action)
514 This item was considered on Saturday, January 18, 2020
515

516 (1) Craig S. Morris, DDS
517

518 Board Member Moore asked that this item be tabled since Dr. Morris was not present.
519

520 ***b. Request for reinstatement of license that is currently suspended due to the failure to comply**
521 **with Paragraph 23(C) and 23(G) of the Disciplinary Stipulation Agreement** (For Possible Action)
522 This item was considered on Saturday, January 18, 2020
523

524 (1) Georgene Chase, DDS
525

526 Dr. Chase was present via teleconference. There was discussion regarding Dr. Chase's practice and
527 began to discuss the reasons her license was suspended. DAG Taruc stated that the Board can consider
528 sections 23(c) and 23(g). At the suggestion of Board Member Moore, suggested referring the matter to a
529 disciplinary committee. Board Member Lee stated that it appeared Dr. Chase violated some of the terms
530 of her stipulation agreement that came to light during monitoring. Additional discussion was held. Board
531 Member Park voiced her desire for the Board to consider tabling this agenda item.
532

533 Item to be tabled until the next scheduled Board meeting. Dr. Chase: expressed her disappointed that
534 they didn't make a better decision.
535

536 ***c. Petition for a Determination of Criminal History** (For Possible Action)
537 (May go into closed session pursuant to NRS 241.030)
538 This item was considered on Saturday, January 18, 2020
539

540 (1) Joshua M Corcran
541

542 At the request of the petitioner, this item was tabled until the next Board meeting.
543
544

545 ***d. Consider whether to charge a fee up to \$50.00 to cover the administrative cost for the**
546 **petition for a determination of criminal history pursuant to AB 319** (For Possible Action)
547 This item was considered on Saturday, January 18, 2020
548

549 DAG Taruc gave a brief background on AB319 and how it was passed for individuals to be able to
550 petition a board to determine if they would be eligible to apply for a license.
551

552 MOTION: Board Member West motioned to approve a flat fee of \$50 when individuals submit a petition in
553 accordance with AB 319. Motion seconded by Board Member Shadler. All were in favor, motion passed.

554 ***e. Consideration of Application to Reactivate Retired License – NAC 631.170 (For Possible Action)**

555 *This item was considered on Saturday, January 18, 2020*

556 (1) Lisa Hogan, DDS

557 Dr. Hogan was present and stepped forward. She indicated that her license is retired but she's a director
558 for a Dental Assisting program but she is unable to order materials because her license is not active and
559 she has been unable to order supplies for her program. Ms. Stratton stated that the regulation states that
560 anyone who has not practiced for over 2 years, has been required to complete a skills assessment or a
561 clinical exam, historically. Per discussion, it was indicated that the board can limit her license to only
562 allow her to diagnose.

563 MOTION: Board Member Thompson motioned to approve the reactivation of Dr. Hogan's license without
564 an assessment, clinical exam requirement, or limitations on license. Motion seconded by Board Member
565 Park. Discussion: After some discussion, the Board Member Thompson amended his motion to limit Dr.
566 Hogan's license to diagnosing only. Board Member Park amended her second to the motion. All were in
567 favor, motion passed.

571 ***f. Consideration of Application for Dental Licensure – NAC 631.050(2)(h) (For Possible Action)**

572 *This item was considered on Saturday, January 18, 2020*

573 (1) Gabriela Wilson, DMD

574 Dr. Wilson was available via teleconference. Ms. Stratton stated that in the past the applicant has been
575 given the choice to complete a skills assessment or pass a clinical exam.

576 MOTION: Board Member Allman motioned to approve the application for licensure for Dr. Wilson pending
577 successful completion of a skills assessment or clinical exam. Motion seconded by Board Member
578 Shadler. All were in favor, motion passed.

581 ***g. Consideration of Application for Moderate Sedation Administration Permit for patients 13 years**
582 **of age or older – NAC 631.2213 (For Possible Action)**

583 *This item was considered on Saturday, January 18, 2020*

584 (1) Jacob S. Hamblin, DDS

585 Ms. Spilsbury explained to that Dr. Hamblin completed the course at ADMA when it was recognized,
586 however, that the concern was his CE certificate listed a director that was not approved by the board to
587 teach the clinical portion. It was clarified that the instructor listed was incorrectly listed.

588 MOTION: Board Member Park motioned to approve Dr. Hamblin's application. Motion seconded by
589 Board Member West. All were in favor, motion passed.

591 ***h. Consideration of Application for Moderate Sedation Administration Permit for patients 13 years**
592 **of age or older – NAC 631.2213 (For Possible Action)**

593 *This item was considered on Saturday, January 18, 2020*

594 (1) Kostika Polena, DMD

595 Dr. Polena present and stepped forward. Ms. Spilsbury briefly stated that it was the same scenario as Dr.
596 Hamblin's.

597 MOTION: Board Member Thompson motioned to approve Dr. Polena's application. Motion seconded by
598 Board Member West. All were in favor, motion passed.

601 ***i. Consideration by the Board whether to reinstate the prior approval given for the Dental IV**
602 **Sedation Certification Course offered through the Academy of Dental and Medical**
603 **Anesthesia (ADMA) (For Possible Action)**

604 *This item was considered on Saturday, January 18, 2020*

605 Board Member Moore stated that he would like to table this agenda item until it has been reviewed by
606 the Anesthesia committee.

619 *j. Discuss, Review and Consider changes to the American Board of Dental Examiners
620 Dental and Dental Hygiene Clinical Examinations – NRS 631.240 (For Possible Action)
621 *This item was considered on Saturday, January 18, 2020*
622

623 Dr. Pappas was present and stepped forward. Dr. Pappas addressed some of the changes that were
624 made by ADEX. Discussion on the changes was held. Ms. Stratton advised the Board that anytime there
625 are changes to the exams – whether WREB or ADEX – the Board must consider the changes and vote to
626 accept changes or not accept them. The board noted that they will need to change and update the
627 ADEX representatives and will consider it at a future board meeting.
628

629 MOTION: Board Member Thompson motioned to accept the changes made to the ADEX exam. Motion
630 seconded by Board Member Park. All in favor, motion passed.
631
632

633 *k. Approval of Review Panel Members beginning January 1, 2020 to December 31, 2020
634 – NRS 631.190 (For Possible Action) *This item was considered on Saturday, January 18, 2020*
635

636 • Dental Panel (Two Board Member Dentists and One Non-Board Member Dentist):
637

638 It was noted that the panel consists of One board member dentist, one board member hygienist, and
639 one non-Board member dentist. There was discussion of using an in-house investigator. There was
640 lengthy discussion regarding the complaint process. In attempting to explain the current complaint
641 process, however, Board Member Moore stated that the audit called for the Board to change the
642 process and believes the auditors can basically clarify how they want the Board to change the
643 complaint process. There was some discussion on the role of the in-house investigator.
644

645 MOTION: Board Member Park motioned to approve to appoint Board Members Lee and McIntyre to sit
646 on the Dental Review Panel. Motion seconded by Board Member West. Discussion: Dr. Allman thinks that
647 Board Member Lee may be quite busy in his current role and noted his interest in sitting on the review
648 panel. Board Member Shadler believes the Board may want to consider using a northern board member
649 sit on the review panel. All were in favor of the motion, with the following opposed: Board Members
650 Shadler and Allman. There was discussion to clarify how they want to appoint a non-Board member
651 dentist. Board Member Moore suggested that they could place an ad for a non-Board member dentist
652 to sit on the panel. Board Member Shadler suggested reaching out to the previous members that sat on
653 the panel and see if they would be interested in sitting on the panel. Board Members agreed to contact
654 the previous non-board member dentists to see if they would be interested in sitting on the review panel.
655 Roll Call Vote:
656

ROLL CALL VOTE	Vote:		Vote:
Dr. W. Todd Thompson-----	YES	Dr. David Lee -----	YES
Dr. James Allman -----	NO	Ms. Betty Pate -----	Excused
Dr. Ronald West -----	YES	Ms. Joan Shadler -----	NO
Dr. Ronald Lemon -----	YES	Mrs. Jana McIntyre -----	YES
Dr. Elizabeth Park -----	YES	Ms. Gabrielle Cioffi -----	YES
Dr. D. Kevin Moore -----	YES		

657
658 Motion passed.
659
660

661 • Dental Hygiene Panel (One Board Member Dentist, One Board Member Hygienist, and
662 One Non-Board Member Hygienist): *This item was considered on Saturday, January 18, 2020*
663
664

665 Board Member Shadler volunteered to sit on the dental hygiene review panel as the dental hygiene
666 board member. Board Member Park volunteered to sit on the dental hygiene review panel as the dentist
667 position. Natalie Hill, RDH was present and expressed interest in serving on the dental hygiene review
668 panel. There was discussion of her experience. Board Member Moore asked that Ms. Hill submit her
669 resume. He indicated that they will also advertise for the non-board member position.
670

671 MOTION: Board Member Thompson motioned to approve to appoint Board Members Shadler and Park to
672 sit on the dental hygiene review panel. Motion seconded by Board Member Lee. All were in favor,
673 motion passed.
674

675 ***i. Approval of Alternate Dental & Dental Hygiene Review Panel Members beginning January 1,**
676 **2020 to December 31, 2020** – NRS 631.190 (For Possible Action)

677 *This item was considered on Saturday, January 18, 2020*
678

679 There was discussion where the board recommended appointing Board Member West to sit on the
680 alternate dental panel, and appointing Board Members Pate and Allman to sit on the alternate dental
681 hygiene review panel.
682

683 MOTION: Board Member Thompson motioned that the board appoint Board Member West to the
684 alternate dental review panel, and Board Members Pate and Allman to sit on the Alternate dental
685 hygiene review panel. Motion seconded by Board Member Shadler. All were in favor, motion passed.
686
687

688 ***m. Approve use of dental experts and determine an hourly rate** (For Possible Action)

689 *This item was considered on Saturday, January 18, 2020*
690

691 Board Member Moore stated if a complaint needs a specialists' review then the Board would need to
692 approve using dental experts and determine an hourly rate. There was discussion regarding the use of
693 independent contractors and the concerns expressed by Nevada dentists. Board Member West
694 suggested placing an ad for dental specialists that may be interested in reviewing case, and further
695 recommended having a northern licensee review a complaint of a dentist in the south to avoid potential
696 compete conflict.
697

698 MOTION: Board Member Allman motioned to approve the use of dental experts at hourly rate of \$125 per
699 hour. Motion seconded by Board Member Lemon. Discussion: there was lengthy discussion regarding the
700 recommended hourly rate and the requirement of an independent contractor having to obtain
701 insurance to serve in the capacity of a dental expert for the board. Board Member Allman amended his
702 motion to change the rate to \$75 per hour. Board Member Lemon amended his second. All were in
703 favor, motion passed.
704

705 ***n. Submission of Two Board Members Names to observe the CODA Site Visit at UNLV School of**
706 **Dental Medicine on March 31, 2020 to April 2, 2020 - Board Members will be compensated by**
707 **the Board at a maximum daily rate of \$150.00 per day plus per diem** (For Possible Action)

708 *This item was considered on Saturday, January 18, 2020*
709

710 Board Member West volunteered to participate in the CODA site visit. Board Member Park volunteered,
711 too.
712

713 MOTION: Board Member Thompson motioned to approve to appoint Board Members West and Park as
714 representatives to attend the CODA site visit. Motion seconded by Board Member Shadler. All in favor,
715 motion passed.
716

717 ***o. Appoint Members/Agents to the Committee on Public Health** – NRS 631.190 (For Possible Action)

718 *This item was considered on Saturday, January 18, 2020*
719

- 720 (1) Betty Pate, RDH (Chair)
721 (2) David Lee, DMD
722 (3) Antonina Capurro, DMD, State Dental Health officer
723 (4) Robert Talley, DDS, Executive Director, NDA
724 (5) Jessica Woods, RDH, President of the NDHA
725 (6) State Dental Hygiene Officer (TBD)
726

727 This agenda was tabled to allow Mr. Slighting additional time to look into the Committee on Dental
728 Hygiene and Dental Therapy requirements.
729

730 ***p. Approval for Public Health Dental Hygiene Program** – NAC 631.210 (For Possible Action)

731 *This item was considered on Saturday, January 18, 2020*
732

- 733 (1) Community Dental Connections
734

735 Agenda item was tabled until the next scheduled board meeting.
736
737

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

This item was considered on Saturday, January 18, 2020

- (1) Lancelte Barney-VanGuilder, RDH – His Heart
- (2) Elizabeth Gonzales, RDH – Community Health Alliance Program
- (3) Alicia M. Arraiz, RDH – NNDHP/Healthy Smile Healthy Child Program

MOTION: Board Member West motioned to approve (1) – (3). Motion seconded by Board Member Shadler. All were in favor, motion passed.

***r. Consideration of Application to be a Board approved certification course for Injection of Neuromodulators, Dermal and Soft Tissue Fillers (For Possible Action)**

This item was considered on Saturday, January 18, 2020

- (1) Pacific Training Institute for Facial Aesthetics
 - Level 1 Advanced Anatomy Review & Intro to Botulinum Toxin (16 units) + Level 2 Basic Botulinum Toxin: Cosmetic Upper Face & Pain (20 units) + Level 4 Basic Facial Dermal Fill (32 units) – 68 unit Certification Course

Ms. Sandra Spilsbury went over NAC 631.257 and the required minimum number of hours. She discussed the course presented and indicated that they are requesting retro-active approval. Board Member Moore stated that he would like to send the course information to the CE committee for review.

This agenda item was referred to the CE Committee for review, and was tabled until further notice.

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

This item was considered on Saturday, January 18, 2020

- (1) Hamid R. Abedi, DDS
- (2) Ronald Heinen, DDS
- (3) Gregory Koontz, DMD
- (4) Paula Kay St. James, RDH
- (5) Mark Cannon, DDS

Ms. Candice Stratton stated that there were no pending matters for any licensee listed.

MOTION: Board Member Thompson motioned to approve the voluntary surrenders of (1) – (5). Motion seconded by Board Member Park. All were in favor, motion passed.

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

This item was considered on Saturday, January 18, 2020

(1) Moderate Sedation (Patients 13 years of age & older) (For Possible Action)

- (a) Damian Betancourt, DDS
- (b) Lloyd Herman, DDS

Board Member Moore asked Ms. Spilsbury to give an review of each applicant. Dr. Betancourt was present. Ms. Spilsbury gave an overview of each applicant.

MOTION: Board Member Thompson motioned to approve the permanent moderate sedation (patients 13 years of age & older) permits. Motion seconded by Board Member West. All were in favor, motion passed.

(2) Moderate Sedation (pediatric specialty) (For Possible Action)

- (a) Leilani D. M. Friesen, DDS
- (b) Rasika Patel, DDS

At the request of Board Member Moore, Ms. Spilsbury gave an overview of each applicant.

MOTION: Board Member Thompson motioned to approve the permanent moderate sedation (pediatric specialty) permits. Motion seconded by Board Member West. All were in favor, motion passed.

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

This item was considered on Saturday, January 18, 2020

(1) General Anesthesia (For Possible Action)

(a) Kimberly Bentjen, DDS

Ms. Spilsbury gave an overview of each applicant, and stated the application of Dr. Bentjen was reviewed and approved.

MOTION: Board Member Thompson motioned to approve the temporary general anesthesia permit. Motion seconded by Board Member West. All were in favor, motion passed.

(2) Moderate Sedation (Pediatric Specialty) (For Possible Action)

(a) Robert Bruce Howell, DDS

Ms. Spilsbury gave an overview of each applicant, and stated the application was reviewed by Board Member Moore and it met criteria.

MOTION: Board Member Thompson motioned to approve the temporary Moderate Sedation (Pediatric Specialty) permit. Motion seconded by Board Member West. All were in favor, motion passed.

***v. Re-Instatements of 90-Day Temporary Permit Holder (For Possible Action)**

This item was considered on Saturday, January 18, 2020

(1) General Anesthesia (For Possible Action)

(a) Shawn B. Davis, DMD

Ms. Spilsbury stated that Dr. Davis has requested that their permit application be put on hold, but has since met the requirements and asked to unfreeze his application.

MOTION: Board Member Thompson motioned to approve the reinstatement of the 90-day general anesthesia temporary permit. Motion seconded by Board Member Shadler. All in favor, motion passed.

(2) Moderate Sedation (patients 13 years of age & older) (For Possible Action)

(a) Jong M. Um, DDS

(b) Owen V. Trinh, DMD

Ms. Spilsbury stated Dr. Um had moved out of state but his plans were changed, and asked to reinstate his temporary permit. She added that Dr. Trinh was pending approval at the November meeting but was cancelled at the request of the Governor. Dr. Trinh is now in need of approval to reinstate his temporary permit.

MOTION: Board Member Thompson motioned to approve the reinstatement of the moderate sedation (patients 13 years of age & older) temporary permit. Motion seconded by Board Member West. All were in favor, motion passed.

***w. Appoint Steven Hall, DDS, Investigator, to oversee deceased dentist' dental practice to ensure compliance with statutes & regulations pursuant to NRS 631.385 & NAC 631.278 (For Possible Action)**

This item was considered on Saturday, January 18, 2020

(1) Scott W. Brown, DDS

Ms. Stratton went over the statute that states a surviving member can run a deceased dentists' practice for two years.

MOTION: Board Member Allman motioned to approve to appoint Dr. Hall to oversee the practice of the late Dr. Brown. Motion seconded by Board Member West. All were in favor, motion passed.

***x. Appoint Board Members to Resource Committees (For Possible Action)**

This item was considered on Saturday, January 18, 2020

(1) Appointment of Members to Existing Committees (For Possible Action)

Board Member Moore disseminated a list of suggested committee groups and board member appointments for each group.

MOTION: Board Member Lee motioned to approve the agenda item based on the list presented. Motion seconded by Board Member Park. Discussion: board members asked for a moment to review the list of committees and suggested appointments. Ms. Cioffi inquired how the Board knows what the committees are responsible for. Board Member Moore stated that when drafting a suggested list of appointments to committees he used information based on the websites of each board member to see where he felt a particular board member may best serve on a particular committee. Board Member Allman asked that the board be furnished with a scope of duties that each committee is responsible for. He asked further, that at the next board meeting that the chairperson of each committees provide a list of duties the responsive committee is responsible for.

MOTION: Board Member Lee amended his motion to remove last 3 committees listed and add himself, the Secretary-Treasurer, to be the chair of the Budget and Finance committee meeting. Amended motion seconded by Board Member Park. Discussion: Board Member Allman stated that he was uncomfortable with the way the list was presented, and therefore, asked that the committees' duties be defined first then entertaining appointing board members to the committees. DAG Taruc noted that the agenda item specifically addresses approve appointments and that any discussion of duties for each committee would require to be placed on a future agenda for discussion. Board Member Shadler stated that in the past Budget and Finance Committee was always chaired by the Secretary-Treasurer and the Committee on Dental Hygiene was always chaired by a Dental Hygienist and not a dentist. No further discussion. All were in favor, motion passed.

(2) Creation of Employment Committee from current Board members to perform some or all of the following tasks: (For Possible Action)

- Develop and post position announcements for the Executive Director and General Counsel positions
- Review and draft job descriptions for the Executive Director and General Counsel positions to be presented to and approved by the full Board
- Review applications and conduct interviews as necessary to make recommendations to the full Board regarding hiring of on Executive Director and General Counsel
- Review staff requirements and make recommendations to the full Board regarding position descriptions, staff organization, and staffing needs

Board Member Shadler suggested having board members from the north and south sit on the employment committee. Board member West stated he would like to volunteer to be added to the committee. Furthermore, that he believed it would be beneficial to come and sit with office staff to become more familiar and better understand the roles and duties of each staff member, and possibly address any needs staff may have, as it appears to be a small office with very little staff. Board Member Allman stated he would like to be added to the committee. Board Member Lemon stated that he would like for an annual formal evaluation of staff to be added as a task of the committee.

MOTION: Board Member Allman moved to create an employment committee and to appoint Board Members Lee, Moore, West, Allman, and McIntyre to the committee. Motion seconded by Board Member Shadler. All were in favor, motion passed.

MOTION: Board Member Allman motioned to that the committee further define any additional tasks – as needed – they will oversee, which are to be presented at a future board meeting for board approval. Motion seconded by Board Member West. All were in favor, motion passed.

***y. Discussion and possible action regarding Board office space needs and lease contract**
(For Possible Action)

Board Member Moore stated that he would like the board to consider having Mr. Slighting to contact the current landlord regarding the lease, and granting him authorization to start negotiations on behalf of the Board.

MOTION: Board Member West motion to grant Mr. Slighting authority to negotiate extending the Board's current lease for up to a year. Motion seconded by Board Member Park. Discussion: Board Member

Cioffi suggested considering leasing the space next to the Board when it becomes vacant. Board Member Moore stated to Mr. Slighting that they may also want to consider other office locations, so extending the lease would allow the Board time to review all their options. All were in favor, motion passed.

13. Public Comment: This public comment period is for any matter that is within the jurisdiction of the public body. No action may be taken upon the matter raised during public comment unless the matter itself has been specifically included on the agenda as an action item. The Chairperson of the Board will impose a time limit of three (3) minutes. The Chairperson may allow additional time at his/her discretion.

Public Comment made on Friday, January 17th:

Dr. William Pappas commented that it was great that Mr. Slighting was helping out the Board, but strongly suggested that when the Board considers hiring a permanent attorney that they hire an attorney that has administrative law experience.

Public Comment made on Saturday, January 18th:

Cody Pickens gave comment to address some improvements they made to their training program. Mr. Pickens described the details of how they are working to improve their clerical procedures. He further explained how they are working to ensure they comply with the requirements of each state, which can differ greatly, but ensured they were working diligently to satisfy every states different requirements. Mr. Washington invited Board Members Moore and Thompson to visit their facility.

Samantha Sturges, RDH stated that she holds a PHE and that she has been selected by the NDHA to represent the dental hygienists in Public Health. She noted that she has also been an IC inspector for board and is greatly enjoyed doing so, however, her concern was that if she were to be an independent contractor she would be responsible to obtain malpractice insurance and assume liability. Further, that she would be interested in serving on Dental Hygiene Review Panel.

Dr. Georgene Chase apologized for her emotional content today and gave her testimony regarding the areas of concern that were the subject for suspension of her license. She requested the information of the DAG present at the meeting.

14. Announcements

No announcements.

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

Adjournment made on Friday, January 17th:

Board Member Moore called for a motion to adjourn.

ADJOURNMENT: Board Member Lee motioned to adjourn the Board Meeting on Friday, January 17, 2020 at 4:47p.m. Motion seconded by Board Member Shadler. All were in favor, motion passed.

Adjournment made on Saturday, January 18th:

Board Member Moore called for a motion to adjourn.

ADJOURNMENT: Board Member Park motioned to adjourn the Board Meeting on Saturday, January 18, 2020 at 4:14 p.m. Motion seconded by Board Member Shadler. All were in favor, motion passed.

Respectfully submitted by:



Candice Stratton, Interim Executive Director