



NEVADA STATE BOARD OF DENTAL EXAMINERS



Meeting Location:

Nevada State Board of Dental Examiners
6010 S Rainbow Blvd, Suite A-1
Las Vegas, NV 89118

Zoom Video and Teleconferencing was available for this meeting

Meeting Call-In Number: (669) 900 6833
Meeting ID#: 993 5352 3571
Zoom Video (via app) Password: 806869

Meeting Date & Time

Tuesday, July 21, 2020
6:00 p.m.

MINUTES

BOARD OF DENTAL EXAMINERS NOTICE OF AGENDA & TELECONFERENCE MEETING

PUBLIC NOTICE:

The Nevada State Board of Dental Examiners may hold board meetings via video conference or telephone conference call. ****Due to the Governor's Executive Order in response to the COVID-19 pandemic, the Board office will not be open to the general public for this meeting. The general public is encouraged to participate via Zoom****

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 **Monday, July 20, 2020 by 5:00 p.m.** 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 the Board, at (702) 486-7044, 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 the Board office at (702) 486-7044 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

Board Member Moore called the meeting to order at approximately 6:24 p.m. and Mr. Frank DiMaggio conducted the following roll call:

Dr. D. Kevin Moore (President)-----	PRESENT	Dr. Ronald Lemon -----	PRESENT
Dr. David Lee (Secretary-Treasurer) ----	PRESENT	Dr. Ronald West -----	PRESENT
Dr. Elizabeth Park -----	PRESENT	Ms. Caryn Solie -----	PRESENT
W. Todd Thompson -----	EXCUSED	Ms. Gabrielle Cioffi -----	PRESENT
Mrs. Jana McIntyre -----	PRESENT		

Others present: Phil Su, Esquire, Board General Counsel; Frank DiMaggio, Executive Director.

- 67 2. **Public Comment:** The public comment period is limited to matters specifically noticed on the agenda. No action may
68 be taken upon the matter raised during public comment unless the matter itself has been specifically included on the
69 agenda as an action item. Comments by the public may be limited to three minutes as a reasonable time, place and
70 manner restriction, but may not be limited based upon viewpoint. The Chairperson may allow additional time at his/her
71 discretion.
72

73 There was no public comment made.
74

75 ***3. President's Report:** (For Possible Action)
76

- 77 *a. Request to remove agenda item(s) (For Possible Action)
78

79 There were no requests to remove any agenda items.
80

- 81 *b. Approve Agenda (For Possible Action)
82

83 MOTION: Board Member Lee moved to approve the agenda. Motion seconded by Board Member
84 West. All were in favor; motion passed.
85

86 Board Member Solie stated that she would like to recuse herself from the ratification of the draft
87 minutes.
88

89 ***4. Secretary – Treasurer's Report:** (For Possible Action)
90

- 91 *a. **Minutes** (For Possible Action)
92

- 93 (1) Infection Control Committee Meeting – 02/28/2020
94 (2) Employment Committee Meeting – 03/03/2020
95 (3) Board Meeting – 03/05/2020
96 (4) Employment Committee Meeting – 03/07/2020
97 (5) Anesthesia Committee Meeting – 03/12/2020
98 (6) Board Meeting – 03/12/2020
99 (7) Emergency Board Meeting – 03/16/2020
100 (8) Employment Committee Meeting – 04/07/2020
101 (9) Disciplinary Committee Meeting – 04/16/2020
102 (10) Board Meeting – 04/18/2020
103 (11) Continuing Education Committee Meeting – 04/24/2020
104 (12) Employment Committee Meeting – 04/24/2020
105 (13) Board Meeting – 04/30/2020
106

107 Board Member Lee stated that all board members should have had the opportunity to review the draft
108 minutes and inquired if there were any amendments or changes to be made. He noted a discrepancy
109 on the March 12th Board meeting minutes and stated that for agenda item (6)(d) regarding Catherine
110 Buckley should have been excluded from the approval of the inspectors, and therefore noted that the
111 minutes would need to be changed to reflect the exclusion of Ms. Buckley.
112

113 Mr. DiMaggio noted that for the April 24th Employment Committee meeting minutes, there was yellow
114 highlight that needed to be removed.
115

116 MOTION: Board Member West motioned to approve the draft minutes with the noted changes to
117 be made. Motion seconded by Board Member McIntyre. All were in favor; motion
118 passed.
119

120
121 ***5. General Counsel's Report:** (For Possible Action)
122

- 123 *a. **Review Panel Report**
124

125 General Counsel for the Board, Mr. Phil Su, stated that the Review Panel had had three (3) meeting
126 sessions thus far and had reviewed a total of 32 cases of which they were recommending that 21 cases
127 be remanded; 7 cases were referred back for further investigation; 3 cases were regarding dental
128 hygienists and would be forwarded to the Dental Hygiene Review Panel for review; and 1 proposed

129 stipulation agreement that he was currently negotiating with the licensees counsel. Board Member
130 Moore clarified that there was no action required for this item as it was for informational purposes only.
131 Board Member Lee inquired if the Board would need to approve the remands. Mr. Su stated that that
132 was an excellent point and noted that at some point he would be preparing a full report for the board
133 regarding the matters that will be presented before them for the recommended remands, which he will
134 need to redact the names of the files since pursuant to statute the complaints are to remain confidential.
135
136

137 ***6. New Business:** (For Possible Action)
138

139 Board Member Moore noted that the Employment Committee met prior to the Board meeting. He stated
140 that the Board currently has a part-time investigator position that was overtasked with not just trying to
141 figure out what transpired with the complaint but also with trying to obtain records and trying to distill
142 some of the information from the complaints. He noted that some of the complaint files are hundreds of
143 pages thick with information, among other things. He noted that the most recent audit requested that
144 the Board have more oversight. He indicated that the Employment Committee was recommending to
145 the Board that they create a Dental Examiner position that separates the basic gathering of the
146 information and the investigatory process that involves talking to the patient, talking to the dentist, and
147 gathering as much information as possible but not really looking at it from a medical or dental standpoint.
148 He explained that the Dental Examiner would distill the information obtained into a synopsis for the
149 Review Panel, which may alleviate the review panel from having to review all documents obtained
150 during the investigation, and that it would give the review panel an extra pair of eyes. He stated that the
151 position has not been specifically defined as to the duties, however, the discussion held by the
152 Employment Committee had was to define the duties, the wage, etc. but have a very specific checklist
153 they would want to have from the Dental Examiner before presenting the complaint case to the Review
154 Panel. He stated that this position would eliminate the position of agenda item (6)(b), which is the part-
155 time Board Investigator, which lumped the duties all into one person, whereas the Employment
156 Committee is recommending separating the tasks amongst the proposed Dental Reviewer position which
157 would be one section of what the previous investigator position was doing. Board Member Moore stated
158 that the gathering of materials and requesting records would be tasked to the proposed position of
159 agenda item (6)(c), the proposed temporary full-time Legal Secretary position, to assist in the backlog of
160 the complaints.
161

162 Board Member Park inquired about the number of complaints that are backlogged. Mr. Su stated that
163 there were approximately 120 to 150 case matters that are awaiting review by the dental review panel.
164 He discussed further the current status of a number of complaints that had either been reviewed or were
165 received since his employment. Board Member Park inquired if the position would be just until they are
166 caught up on the backlog of complaints or if they anticipated keeping the position. Board Member
167 Moore inquired if she was referring to the proposed Dental Reviewer position or the proposed Legal
168 Secretary position. Board Member Park clarified that she was referring to the Legal Secretary position.
169 Board Member Moore stated that they were only recommending it be a temporary position and for it to
170 be determined since the position would be used to help the Board with the backlog of complaints.
171 Board Member Lee stated that the reason that the position was a temporary position was due to the
172 hiring freeze, but that they hoped it would eventually transition into a permanent position to assist with
173 managing the complaint cases. He noted that the Legal Secretary, in the future, could be tasked with
174 document gathering for the complaints. Board Member Park stated that it would be helpful to have the
175 Legal Secretary available once the backlog of the complaints is caught up so that she could utilize that
176 person to help if there are any issues with Infection Control as there may be some documentation that
177 they might need to catch up with. Board Member's Lee and Moore both stated, yes, they could utilize
178 the Legal Secretary to assist wherever they may be needed.
179
180

181 ***a. Discussion and recommendation of the creation of a dental reviewer position to be presented**
182 **to Board for approval** (For Possible Action)
183

184 Board Member Moore called for a motion to accept the recommendation from the Employment
185 Committee to create a dental reviewer position. He noted that should the Board approve the position,
186 the Employment Committee would then meet at a future date to vet all the details to present to the

Board for final approval.

MOTION: Board Member West moved to recommend the approval of the Dental Examiner position with future specifics of the exact duties and pay to be tasked to the Employment Committee for discussion for future approval by the Board. Motion seconded by Board Member Lee. Discussion: Board Member Solie stated that the title of 'examiner' was a misnomer and that the agenda calls them a reviewer. She added that calling them an 'examiner' would mean that they would be an examiner for licensure, similar to being a WREB or CDCA examiner. She recommended that the Board select a different word for the position. Board Member Moore stated that the committee did discuss the name and referenced NRS 631.190. There was discussion of why the committee elected not to use the term 'reviewer' which was followed by proposed term ideas for the position. Mr. Su suggested that perhaps they could task the Employment Committee with determining an alternate title for the position when discussing the duties of the position. Board Member West amended his motion to include that the future duties, the future pay scale, and the exact title of the position be determined by the Employment committee for discussion and review for the final board. Board Member Lee seconded the amended motion. Board Member Cioffi added that the Employment Committee also determine if the position would be a part-time or full-time position, and suggested the title "Complaint Analyst." Board Member Lee inquired if the position would be dental board members. Board Member Moore stated that though it was discussed by the Employment Committee it was not listed on the agenda and clarified to the Board that the Employment Committee in their discussions of the position suggested rotating Board Members to conduct the investigations, but it was mentioned that it was important to have a panel of specialists and general dentists, similar to the pool of inspectors and evaluators, to select from for the initial complaint process before it reaches the review panel. All were in favor; motion passed.

***b. Discussion and consideration of recommendation to elimination part-time Board investigator position for board approval (For Possible Action)**

Board Member Moore called for a motion.

MOTION: Board Member Lee motioned to eliminate the part-time Board Investigator position and notify Dr. Steven Hall that his position had been eliminated. Motion seconded by Board Member West. Discussion: Board Member Solie inquired if they would need to state an elimination date since it would take some time before the Employment Committee could meet to finalize the details of the new position and the Board may still need the investigator until such time that they have the new position filled. Board Member Lee stated that the elimination of the position was effective immediately. Mr. DiMaggio stated that Dr. Steven Hall has been on paid administrative leave since approximately mid-May. He noted that the Board has been without the services of any investigator since that time. He stated that the motion by Board Member Lee was to reflect that the elimination was effective immediately. All were in favor; motion passed.

***c. Approval/Rejection of recommendation from Employment Committee to approve a temporary full-time Legal Secretary position (For Possible Action)**

Board Member Moore called for a motion.

MOTION: Board Member Lee moved to approve the position. Motion seconded by Board Member McIntyre. Discussion: Board Member Park inquired of the pay range for the position. Board Member Moore stated that the advertisement for the position was already posted, so the approval was retro-active to them running the advertisement which listed the pay range to be \$15 to \$30 per hour. All were in favor; motion passed.

- 246
247 ***d. Approval by Board to grant Executive Director Authority to interview and hire job applicants for**
248 **staff positions other than General Counsel, Infection Control Inspectors, and Anesthesia**
249 **Evaluators; and dismiss employees, other than General Counsel, Infection Control Inspectors,**
250 **and Anesthesia Evaluators, on behalf of Board, retroactive to April 24, 2020** (For Possible Action)
251

252 Board Member Moore stated that this agenda item would grant the Executive Director the authority to
253 interview and hire for employee positions with the exception of the General Counsel position, Infection
254 Control Inspectors, and the Anesthesia Evaluators; while also authorizing him to dismiss any employees
255 with the exceptions noted previously. He noted that it would be retroactive back to April 24, 2020. Board
256 Member Park noted that she would need to leave the meeting. It was noted that Board Member Park's
257 early departure from the meeting would affect the Board's quorum.
258

259 MOTION: Board Member Lee moved to approve. Motion seconded by Board Member West. All
260 were in favor; motion passed.
261

262 Board Member Park agreed to stay to allow them to adjourn the meeting.
263

- 264
265 ***e. Consideration and approval/rejection to hire part-time Infection Control Employee**
266 (For Possible Action)
267

268 (1) Natalia Y. Hill, RDH
269

270 Due to loss of quorum, this item to be placed on the July 28, 2020 Board meeting agenda.
271

- 272 ***f. Approval of Temporary Anesthesia Permit** (For Possible Action)
273

274 (1) **General Anesthesia** (For Possible Action)
275 (a) Pouya Sohrab Partovi, DDS
276

277 Due to loss of quorum, this item to be placed on the July 28, 2020 Board meeting agenda.
278

- 279 ***g. Approval of Permanent Anesthesia Permit** (For Possible Action)
280

281 (1) **Moderate Sedation (Pediatric Specialty)** (For Possible Action)
282 (a) Robert Bruce Howell, DDS
283

284 Due to loss of quorum, this item to be placed on the July 28, 2020 Board meeting agenda.
285

- 286 ***h. Approval of Voluntary Surrender of License** — NAC 631.160 (For Possible Action)
287

288 (1) Julian Freeman, DMD
289 (2) Benjamin A. Neibaur, DMD
290 (3) Joseph E. Morneau, DDS
291 (4) Michael C. Li, DDS
292 (5) Madelyn S. Blanton, RDH
293

294 Due to loss of quorum, this item to be placed on the July 28, 2020 Board meeting agenda.
295

- 296 ***i. Appointment and proposed changes to Committees** (For Possible Action)
297

298 (1) Anesthesia Committee
299 (2) Budget and Finance Committee
300 (3) Committee on Dental Hygiene and Dental Therapy
301 (4) Continuing Education Committee
302 (5) Disciplinary Committee
303 (6) Employment Committee
304 (7) Examination Liaisons
305 (8) Infection Control Committee
306 (9) Legislative, Legal and Dental Practice Committee

Due to loss of quorum, this item to be placed on the July 28, 2020 Board meeting agenda.

6. **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.

There was no public comment.

7. **Announcements**

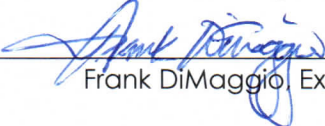
There were no announcements.

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

Board Member Moore called for adjournment.

MOTION: Board Member Lee motioned to adjourn the Board meeting at approximately 6:58 p.m. Motion seconded by Board Member West. All were in favor, motion passed.

Respectfully submitted:



Frank DiMaggio, Executive Director