



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#: 945 8003 0423
Zoom Video (via app) Password: 909215

Meeting Date & Time

Tuesday, July 21, 2020
5:30 p.m.

MINUTES

NOTICE OF AGENDA & TELECONFERENCE MEETING FOR THE EMPLOYMENT COMMITTEE

(David Lee, DMD, (Chair); Ronald West, DMD; D. Kevin Moore, DDS; Jana McIntyre, RDH)

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 teleconference****

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; 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

Committee Member Lee called the meeting to order at approximately 5:38 p.m. and Mr. Frank DiMaggio, Executive Director, conducted the following roll call:

Dr. Ronald West -----	PRESENT	Dr. D. Kevin Moore ---	PRESENT
Dr. David Lee -----	PRESENT (Chair)	Mrs. Jana McIntyre -----	PRESENT

Others Present: Phil Su, Esquire, Board General Counsel; Frank DiMaggio, Executive Director; Rosalie Bordelove, DAG, Board Co-Counsel.

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

74
75 There was no public comment made.

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

- 78
79 *a. Request to remove agenda item(s) (For Possible Action)
80 *b. Approve Agenda (For Possible Action)
81

82 Committee Member Lee had no request to remove items from the agenda and called for a motion
83 to approve the agenda.

84
85 MOTION: Committee Member Moore moved to approve the agenda. Motion seconded by
86 Committee Member West. All were in favor; motion passed.
87

88 ***4. Discussion and recommendation of the creation of a dental reviewer position to be presented**
89 **to Board for approval** (For Possible Action)

90
91 Committee Member Lee called for discussion. He stated what the current position was and the
92 noted the task assigned to possibly change the position and process of how complaints are
93 investigated. Committee Member Moore stated that the old position they had was a dental
94 investigator who had various parts to their job, which included securing records that were relevant
95 to the complaint, contacting the patient, the dentist or the hygienist named in the complaint; they
96 would write reviews, and there was freedom for them to discuss possible solutions with the
97 complainant. He further stated that the investigator would make recommendations sometimes for
98 the Board to look at, but that it should go to the review panel. Further, that in order to make the
99 process more formal, and have a more directed way of running the complaint process, they would
100 change it so that there would be certain in-house duties that the staff would have. He noted that
101 later in the agenda there would be discussion regarding having a legal secretary that would do the
102 record securing and to make sure that all of the information related to the complaint is put
103 together. Further, that the dental reviewer would essentially review all the material gathered and
104 would write a specific report. When the review panel looks at the issue, the review panel will have
105 all the records to look at and they would have an independent person that has reviewed the
106 complaint, the records, and has written a report. He stated that the position would be a trained
107 position with duties that the Board would outline and define that would allow better oversight by
108 the Board. He stated that the members of the review panel would rotate reviewing a complaint,
109 which would not preclude them from having a panel. Committee Member West inquired if this
110 would create a sort of second review panel to help offset the load of complaints to be reviewed.
111 Committee Member Moore explained that this position would review the entire case to help distill
112 the investigative material to present to the review panel to hopefully expedite their review process.
113 Mr. Su described in detail what the position would entail and how it would be beneficial to obtain
114 someone with an investigation background and not limit it to someone with just dental experience.
115 There was some discussion regarding what the dental reviewer position would entail. Committee
116 Member Moore clarified that the position would be a person that did more than just render an
117 opinion based on knowledge, it would be a person that knows how to not only conduct an
118 investigation, but who also has the knowledge of dentistry.
119

120 Committee Member Moore stated that it would be good to have non-board members and
121 specialists reviewing certain matters. There was discussion of rotating members of the review panel
122 and/or board to conduct the reviews, and not jeopardize a quorum of board members when they
123 hold a board meeting. Additional discussion ensued regarding Board formal hearings and how
124 very few they hold. Committee Member Lee stated that it would best serve the board to utilize
125 their board members to review the complaints and when they run into a quorum issue, it was
126 beneficial to know that they could appoint someone outside of the board to fill in at a formal

127 hearing so that the Board could obtain a quorum. Committee Member Moore stated that by
128 having a pool of dental reviewers, they could have one of them fill in at a Board formal hearing in
129 the event that the Board cannot obtain a quorum of the Governor appointed Board member
130 positions due to Board member being used to review complaints. There was discussion of granting
131 the Executive Director the authority to appoint someone to fill in for a recused Board member at a
132 formal hearing, which the Board would vote on at a future meeting. Committee Member West
133 liked the idea of having a pool of individuals that the Executive Director could select from to
134 temporarily appoint to the Board so that a quorum could be obtained during such occurrences.
135 Committee Member Lee inquired if that could be applied to the committee when they are short
136 members for a quorum or if it could only be applied when the Board is short a quorum for a
137 meeting. Mr. DiMaggio clarified that they could only do so for Board Formal Hearing and not
138 Committee or Board meetings. Committee Member McIntyre suggested that when complaints
139 that are reviewed are found to not fall under the Board's jurisdiction, that the review panel member
140 or dental reviewer should be able to tell the review panel that the Board did not have jurisdiction
141 over those cases, and to send a letter stating so. She noted that the key to the review panel was
142 training. Committee Member Moore stated that when a complaint is first received they believe
143 that the General Counsel and the Executive Director should be reviewing them for jurisdiction.
144 Committee Member Lee stated that the initial Dental Reviewers would be Board members.
145 Committee Member Moore stated that the Employment Committee was suggesting having Board
146 Members be the dental reviewers, but ultimately it would be for the Board to decide. Committee
147 Member Lee stated that he was in favor of using the Board Members to act as dental reviewers
148 initially.

149
150 There was discussion of defining the duties of the dental reviewer and the requirements, and the
151 hourly rate of the position. Mr. DiMaggio spoke of the California Medical Board and how they
152 have training programs that their board sponsors, and offers CME credit to those who complete
153 their program. He also spoke of the Louisiana Medical Board and a similar position they have and
154 their requirements to be completed. He noted that the Board would need to determine the
155 requirements for the position, as well as the hourly rate. He further noted that the Board would
156 need to determine if the reviewer will be a Board member, an employee, an independent
157 contractor, or any combination thereof. Committee Member Lee noted that in the statutes a
158 Board member can definitely investigate or the Board can appoint an investigator. Committee
159 Member Lee inquired if it were certain that a board member could conduct the investigations. Mr.
160 DiMaggio stated that he would defer the question to Mr. Su of whether or not a Board member
161 could be a dental reviewer as opposed to just an investigator. Committee member Lee stated
162 that the end result is a review of the investigation. He then stated that perhaps they should not use
163 the term 'reviewer' because the review panel would actually be the ones reviewing the complaint.
164 There was discussion regarding changing the term 'reviewer' to avoid confusion between the
165 position and the review panel. There was discussion of several different possibilities to change the
166 position title to. General Counsel, Mr. Su, stated that the committee should outline the duties of the
167 position regardless and then provide several options of position title to help expedite the process for
168 the Board.

169
170 MOTION: Committee Member West motioned to create a Dental Reviewer position for Board
171 approval and to more closely define the position's rate and scale of pay, and the
172 position could include Board Members and others to be determined and potential
173 specialists. Committee Member Moore inquired whether, for the sake of semantics,
174 Committee Member West would be inclined to call the position a Dental Consultant
175 in lieu of 'Reviewer' and referenced NRS 631.190. Committee Member Lee stated
176 that he was uncertain of using the term 'Reviewer' as it may be confused with the
177 review panel. Mr. Su suggested the term 'Examiner.' Committee Member West
178 amended his motion to change the language from 'Dental Reviewer' position to
179 'Dental Examiner' position. Motion seconded by Committee Member Moore.
180 Discussion: Committee Member West clarified that the Board at a future time would
181 determine if the position would be filled by a board member at the same time when
182 they discuss the pay rate for the position. Committee Member Moore asked if

Committee Member West could clarify his motion for the record. Committee Member West stated that his motion was to recommend to the Board that they create a Dental Examiner position, and in the future, define specific duties, whether the position could be filled by a board member or an outside person approved by the Board, and how the pay scale would be done, but that the position be approved. Committee Member Moore reaffirmed his second to the motion. All were in favor, motion passed.

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

Committee Member Lee stated that the duties of this position would be taken over partly by the legal secretary and dental reviewer/examiner.

MOTION: Committee Member West moved to approve to recommend eliminating the part-time Board Investigator position. Motion seconded by Committee Member McIntyre. All were in favor; motion passed.

***6. Discussion and recommendation of temporary full-time Legal Secretary Position for potential retroactive approval by the Board** (For Possible Action)

Committee Member Lee stated that this would be for retroactive approval, but clarified that while the position was posted online, the position had not been filled. There was discussion of the setting the pay range for the position. Mr. DiMaggio stated that they had previously discussed a pay range of \$15-\$30. Committee Member West noted that in previous discussions with General Counsel, he was overwhelmed with the backlog of work and he felt that the temporary Legal Secretary position was necessary. He added that once General Counsel was caught up, the Legal Secretary could be used to help gather information for the complaints and assisting the Dental Examiner.

MOTION: Committee Member Moore moved to recommend the retroactive approval of the position. Motion seconded by Committee Member West. All were in favor; motion passed.

7. 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 made.

8. Announcements

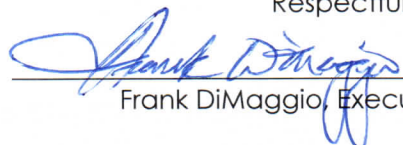
There were no announcements made.

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

Committee Member Lee asked for a motion for adjournment.

MOTION: Committee Member Moore made a motion to adjourn the meeting at approximately 6:12 p.m. Motion seconded by Committee Member West. All were in favor; motion passed.

Respectfully submitted:


Frank DiMaggio, Executive Director