



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#: 980 2881 6137
Zoom Video (via app) Password: 650963

Meeting Date & Time

Tuesday, July 28, 2020
6:00 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 by Zoom Meeting****

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 27, 2020 by 3:00 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 6:04 p.m., and Mr. Frank DiMaggio conducted the following roll call:

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

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

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

73 No public comment was made.
74

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

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

79 No items were requested for removal.
80

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

83 MOTION: Committee Member Moore moved to approve the agenda. Committee Member
84 McIntyre seconded the motion. All were in favor, motion passed.
85

86 ***4. Discussion of position title change, proposed compensation, and job duties for Dental Examiner**
87 **position, with recommendations to be made to the Board for approval** (For Possible Action)
88

89 Committee Member Lee stated that he would like to address the change of position title first.
90 Committee Member McIntyre inquired if the position would be tasked with gathering information for
91 the investigation and making a recommendation to the review panel. Committee Member Lee
92 responded affirmatively, and clarified that they would be examining all the documents received for
93 the investigation and making a recommendation to the review panel based on their findings.
94 Committee Member West stated that he favored the term preliminary because he would like to see
95 the dentist and complainant to potentially come to an agreement since many times complaints
96 derive from lack of communication. There were several suggestions for the title of the position, such
97 as: Preliminary Review Officer, Preliminary Review Evaluator; Dental Examiner; Preliminary Dental
98 Examiner, Preliminary Complaint Examiner; Dental Complaint Examiner; Initial Complaint Analyst; and
99 Initial Complaint Examiner. Committee Member West suggested gathering the three (3) top names to
100 present to the Board. Mr. DiMaggio read the suggested names submitted by Board Member Caryn
101 Solie, which were: Dental Complaint Researcher; Dental Complaint Interviewer; Dental Complaint
102 Agent; Dental Complaint Intelligence Gatherer; Dental Complaint Analyzer; and Dental Complaint
103 Evaluator. There was additional discussion regarding possible titles. There appeared to be a
104 consensus of the initial terms "Preliminary Screening" for the title. There was discussion regarding any
105 legal parameters that delineated the terms the Board may use for the title of a position. Upon
106 additional discussion regarding the title they noted any concerns addressed in the most recent LCB
107 audit related to the position and title. Mr. Su read NRS 631.190(2) into the record. Committee Member
108 Moore suggested the title "Preliminary Screening Consultant." Committee Members West and
109 McIntyre were in favor of the suggestion by Committee Member Moore. Committee Member West
110 suggested that they keep the initial terms "Preliminary Screening" and offered options for the third
111 word of the title, such as: (1) Analyst, (2) Consultant, and (3) Evaluator. The consensus was in favor of
112 the title "Preliminary Screening Consultant" and agreed to move on to discuss the recommended
113 proposed compensation.
114

115 Committee Member West asked Mr. DiMaggio to provide his experience from his previous
116 employment of a similar position and the compensation for said position; which he acquiesced.
117 Committee Member Moore suggested considering a flat rate per case. There was discussion on the
118 sizes of the cases and the idea of proposing a flat rate per case reviewed and prepared. Committee
119 Member McIntyre noted that some case files could be as little as 40 pages long, while other cases
120 could be larger than 500 pages long. Committee Member Lee stated that the position should not be
121 seen as an employee position, but rather as a gratuity based service to the Board and dental
122 community. There was discussion regarding the length of time it may take to review a particular case.
123 Mr. Su stated that there have been times that the Review Panel will return a case for further

124 investigation, and thus inquired if that would be something they would need to take into account
125 when discussing the compensation. He asked if the Review Panel determines that they want
126 additional information or if they request for a specialist to review the matter how would they approach
127 compensation at that point. Committee Member Lee stated that they would still be compensated a
128 flat rate per case. Committee Member West inquired if Committee Member Moore could discuss how
129 Peer Review handled compensation. Committee Member Moore stated that when he was on peer
130 review it was not a paid position; however, in peer review they would discuss of how to arbitrate both
131 sides. He suggested that they clarify the duties of the position before determining the flat fee rate. He
132 stated that the position should gather the documents, and based on what they review create a
133 summary to provide to the review panel. There was discussion of setting the flat fee at a couple
134 hundred dollars. Committee Member West suggested that on average a case could take 2 hours to
135 review, and at \$100 an hour, he proposed setting the flat rate at \$200 per case. The committee
136 members found that to be a reasonable rate.

137
138 There was discussion of keeping the job description fairly simple and what it entailed. Committee
139 Member Moore stated that at the previous Employment Committee meeting they had discussed
140 having the Legal Secretary, whenever one is hired, be the one to request the records for the
141 complaints. Further, that duty of the consultant would be to review the records gathered and to
142 provide a summary of the findings of information that has been gathered by staff. Furthermore, the
143 summary created by the consultant would then be provided to the Review Panel. Mr. DiMaggio read
144 into the record the proposed minimum requirements for the position, the duties of the position, and the
145 qualities. Committee Member Lee suggested that under 'possible duties' where it states "Reviews
146 dental records and facts independently and partially, the records be redacted to ensure that the
147 consultant remains impartial. There was discussion on the practicality of redacting names from the
148 complaints, especially when there are cases with responses and information from multiple
149 practitioners. It was suggested possibly having someone from Northern Nevada review cases from
150 Southern Nevada and vice versa. There was discussion regarding the integrity of knowing when to
151 notify the office if they have any affiliation with a licensee in question and whether it would affect their
152 ability to remain impartial during their review of the matter. It was suggested that there perhaps be a
153 conflicts check that every consultant would need to complete upon receiving a case, as well as have
154 a set of parameters to help determine if their affiliation would disqualify them from reviewing a
155 particular matter. Committee Member Moore stated that they perhaps discuss the duties and
156 minimum requirements due to lack of time. He suggested making a recommendation regarding the
157 title for the position, as well as the recommended compensation. Committee Member Lee suggested
158 that they approve the proposed list of duties and suggested the only change be that they include
159 'dental therapy' to the list of duties.

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161 MOTION: Committee Member West moved to recommend to the Board the position title of
162 'Preliminary Screening Consultant,' to set the compensation at a flat rate of \$200, and
163 approve the proposed list of duties as presented but to add 'dental therapists' to the
164 areas where dentists and dental hygienists are listed. Committee Member McIntyre
165 seconded the motion. All were in favor, motion passed.
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167

- 168 5. **Public Comment:** This public comment period is for any matter that is within the jurisdiction of the public body. No
169 action may be taken upon the matter raised during public comment unless the matter itself has been specifically
170 included on the agenda as an action item. The Chairperson of the Board will impose a time limit of three (3) minutes.
171 The Chairperson may allow additional time at his/her discretion.
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173 There was no public comment made.
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176 6. **Announcements**

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178 There were no announcements made.
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180 *7. **Adjournment** (For Possible Action)
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182 Committee Member Lee called for a motion to adjourn the meeting.
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184 MOTION: Committee Member West moved to adjourn the meeting at approximately 6:52 p.m.
185 Committee Member McIntyre seconded the motion. All were in favor; motion passed.
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188 Respectfully submitted:
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191 _____
192 Frank DiMaggio, Executive Director
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