



# 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#: 961 7781 8482  
Zoom Video (via app): 198247

## Meeting Date & Time

Tuesday, August 4, 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](mailto:nsbde@nsbde.nv.gov)**. Written submissions should be received by the Board on or before **Monday, August 3, 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

Board Member Moore called the meeting to order at approximately 6:11 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 -----	PRESENT	Ms. Gabrielle Cioffi -----	PRESENT
Mrs. Jana McIntyre -----	PRESENT		

Executive Staff: Phil Su, Board General Counsel; Frank DiMaggio, Executive Director; Angelica Bejar, Public Information-Travel Administrator.

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

71  
72 No public comment was made.

73  
74 **\*3. President's Report:** (For Possible Action)

- 75  
76 \*a. Request to remove agenda item(s) (For Possible Action)

77  
78 Board Member Moore requested to table agenda item (4)(a) Phillip Devore, DDS

- 79  
80 \*b. Approve Agenda (For Possible Action)

81  
82 MOTION: Board Member Lee moved to approve the agenda with agenda item (4)(a) tabled. Board  
83 Member Park seconded the motion. All were in favor, motion passed.

84  
85 **\*4. Consideration and approval/rejection of the recommendation of the Disciplinary Committee to**  
86 **approve Stipulation Agreements** – NRS 622 (For Possible Action)

- 87  
88 \*a. ~~Phillip Devore, DDS~~ -- Tabled

- 89  
90 \*b. Ammar Kerio, DMD

91 General Counsel, Mr. Su, stated that he had spoken with counsel for Dr. Ammar Kerio, Alexander  
92 McTarian, Esquire. He noted that the proposed Stipulation Agreement was defined by the previous  
93 review panel that had convened in 2019 regarding this matter. He added that the Stipulation agreement  
94 was previously negotiated with previous General Counsel for the Board and Mr. McTarian. He indicated  
95 that all parties had signed the proposed stipulation agreement; however, it was pending board  
96 approval. Mr. Su briefly discussed the grounds for the stipulation agreement and the negotiated terms of  
97 same.

98  
99 MOTION: Board Member Lee moved to adopt the proposed stipulation agreement for Dr. Ammar  
100 Kerio. Board Member Lemon seconded the motion. Discussion: Board Member Lee asked  
101 what determines if a stipulation agreement is disciplinary or a non-disciplinary stipulation  
102 agreement. Mr. Su stated that it was not clear in the review panel notes how they  
103 determine if a recommendation for a proposed stipulation agreement should be  
104 disciplinary or non-disciplinary. Board Member West inquired if the refund fee to the  
105 patient reflected a part of the treatment fee or the entire treatment fee? Mr. Su stated  
106 that the patient was refunded the entire treatment fee, which was paid out-of-pocket by  
107 the patient. There was discussion of whether or not the patient was assisted in having  
108 the treatment redone elsewhere. Board Member Moore stated that generally that  
109 information is not included in the stipulation agreements. Mr. Su confirmed that there  
110 was nothing in the notes from the review panel of same. Board Member Solie inquired  
111 that if the treatment was not completed, was the patient then compensated so that they  
112 may go elsewhere to have the work redone. Mr. Su stated that any case that comes  
113 before the Board is reviewed strictly on the standard of care and did not necessarily deal  
114 with damages, pain and suffering, or economic damages as that would be more in-line  
115 with a malpractice lawsuit, and would be beyond the Board's purview. With no further  
116 discussion, all were in favor of the motion; motion passed.

117  
118 **\*5. Consideration of Applicant's petition for review of Application for Dental Licensure – NRS 631.240 &**  
119 **NAC 631.050** (For Possible Action) (May go into closed session pursuant to NRS 241.030)

- 120  
121 \*a. Joshua M Corcran DMD

122  
123 General Counsel, Mr. Su, stated that Dr. Corcran would like closed session.

124  
125 MOTION: Board Member Moore made the motion to go into closed session. Board Member West  
126 seconded the motion. All were in favor, motion passed.

MOTION: Board Member Solie made the motion to return to open session. Board Member West seconded the motion. All were in favor of the motion, motion passed.

Mr. Su noted to Dr. Corcran that he had the option to withdraw his application if he so wished. Mr. Corcran inquired that if the board voted to continue the matter, would he be permitted to withdraw at that time. Mr. Su responded affirmatively. Mr. Corcran stated that he did not wish to withdraw. Board Member Thompson made the motion to grant Dr. Corcran to apply for a dental license; which was then seconded by Board Member Lemon. Mr. Su clarified that they were voting to approve/reject Dr. Corcran's application for a dental license.

MOTION: Board Member Thompson made the motion to approve the license application for Dr. Joshua Corcran. Board Member Lemon seconded the motion. Board Member Lee opposed; all others were in favor of the motion. Motion passed.

**\*6. Approval of Public Health Endorsement – NRS 631.287 (For Possible Action)**

\*a. Michelle R. Scheitzach, RDH – Nevada Health Centers Program

Board Member Moore stated that all paperwork was in order, and recommended approval.

MOTION: Board Member Lee moved to approve the Public Health Endorsement for Michelle Scheitzach, RDH. Board Member West seconded the motion. All were in favor, motion passed.

**\*7. Consideration and approval/rejection of the Employment Committees recommendation concerning the Dental Reviewer/Preliminary Screening Consultant position, compensation, job duties, and minimum job qualifications/requirements (For Possible Action)**

Board Member Lee gave a brief synopsis of the discussions held at the Committee meeting that was held prior to the Board meeting. He quickly reviewed the list of requirements that the Employment Committee was recommending. Board Member Thompson inquired if the 'Current Nevada Dental license...' meant that a retired licensee that held an active license could apply for the position. Committee Member Lee answered affirmatively. Board Member Moore inquired if it would help to clarify that requirement by adding the term 'active' to the requirement so that it read 'Current Active Nevada Dental/Dental Hygiene/Dental Therapy License.' The board members were in agreement to add the term 'active' to the proposed language. There was discussion of possibly further clarifying if the license type would have to be an unrestricted license. It was suggested that perhaps they list the requirement to be 'Current Active non-restricted Nevada Dental/Dental Hygiene/Dental Therapy license.' There was discussion related to Limited License holders and whether their license would permit them to be considered as a consultant. The limitations for that license were briefly discussed. Mr. DiMaggio clarified for the record that the Employment Committee was recommending the job requirements be the following: Must be a Current Active Nevada Licensed Dentist/Dental Hygienist/Dental Therapist in good standing, with a minimum of five (5) years of practice. Mr. DiMaggio further went on to indicate that the Employment Committee was recommending the requirement that they have no prior reportable disciplinary history to the NPDB; and must be willing and available to testify at administrative hearings. It was noted that for dental specialists, they had a requirement that they must have at least five (5) years of experience in the specialty area. At the request of Board Member Moore, Mr. DiMaggio listed that the requirements to be as follows:

- Current Active non-restricted Nevada Dental/Dental Hygiene/Dental Therapy License in good standing with a minimum of five (5) years of practice
- No prior reportable NPDB disciplinary history
- If a holder of a specialist's license authorizing a dentist licensed in this State to practice in this State as a specialist in a special area of dentistry for which there is a certifying board approved by the Commission on Dental Accreditation of the American Dental Association, must have current Nevada specialist's license and a minimum of five (5) years of practice in the specialty area
- Must be willing and available to testify at administrative hearings

Board Member Solie requested for clarification on the proposed title for the position being discussed.

Board Member Lee stated that at a previous meetings held two weeks prior, the Employment Committee discussed several ideas for names and duties, the Committee voted to recommend the title "Preliminary Screening Consultant." Further, that they were recommending a compensation flat rate of two hundred dollars (\$200) per case. Additionally, the Committee was recommending the duties as follows:

- Reviews dental records and facts independently and impartially
- Provides clinical expertise and testimony regarding complaints about the practice of dentistry/dental hygiene/ dental therapy
- Establishes whether or not a departure from the standard of care occurred
- Assists investigators, Board counsel, and Board members in understanding the dental/dental hygiene/dental therapy aspects of a case
- Simplifies complexity and clearly articulates findings and the basis for opinions throughout the disciplinary process
- Complies with Board requirements when performing reviews or evaluations
- Able to complete and submit a written report and professional opinion within 30 days of receipt of case materials

Board Member Lee clarified that the Board was to vote on the proposed position title, requirements, duties, and compensation.

MOTION: Board Member West motioned to approve the recommendations from the Employment Committee as discussed and outlined by Mr. DiMaggio and Board Member Lee. Board Member Lemon seconded the motion. Discussion: Board Member Moore clarified that those filling the position would be employees of the board. All were in favor, motion passed.

- 8. 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.

Dr. Joseph Wineman commented that he was a dentist in Henderson and the current Secretary for the NDA. He inquired why there was a delay in the application process for license applications for students graduating. He stated that the NDA had been told by applicants, that they have not been given a reason as to why there applications are being delayed when they call the Board to inquire. He noted that perhaps it was the recent reconstitution of the Board may be the reason for the delay, or perhaps license decisions are just slow due to COVID-19. He added that students were anxious to practice since they are fresh out of school and piling bills. On behalf of the NDA, he urges the Board to do whatever necessary to help expedite the process for those applicants that have completed the application process and are awaiting approval for licensure. Committee Member Moore inquired if Dr. Wineman was speaking in regards to UNLV SDM graduates or students from other schools. Dr. Wineman stated that the only information he had was that there have been graduates, most likely from UNLV, that are concerned that their applications have either been lost or possibly delayed. At the request of Board Member Moore regarding UNLV graduating students, Board Member Lemon stated that while he was not the most knowledgeable one to respond to this inquiry, he noted that he was not aware of any complaints regarding the licensure process from UNLV students. Committee Member Lee stated that all licenses pending review were current, with the exception of the stack of files to be reviewed that he had before him of applications that completed the process that past week and now needed his review.

**9. Announcements**

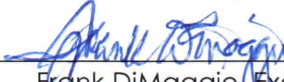
No announcements were made.

244 **\*10. Adjournment** (For Possible Action)

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246 Board Member Moore called for adjournment.

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248 MOTION: Board Member Lee motioned to adjourn the Board meeting at approximately 8:00 p.m. Board  
249 Member Thompson seconded the motion. All were in favor, motion passed.

250  
251 Respectfully submitted:

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254 \_\_\_\_\_  
255 Frank DiMaggio, Executive Director