



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#: 941 5158 3881
Zoom Video (via app) Passcode: 792525

Meeting Date & Time

Tuesday, August 11, 2020
5:30 p.m.

MINUTES

NOTICE OF AGENDA & TELECONFERENCE MEETING FOR THE DISCIPLINARY COMMITTEE

(Dr. Ron West (Chair); Dr. Todd Thompson; Dr. Ron Lemon; and Ms. Gabrielle Cioffi)

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, August 10, 2020 by 4:00 pm** 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 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

Chairman West called the meeting to order at approximately 5:32 p.m. and Mr. DiMaggio conducted the following roll call:

Dr. Ronald West (Chair) ----- Present
Dr. Ron Lemon ----- Present
Dr. Todd Thompson ----- Present
Ms. Gabrielle Cioffi ----- Present

Executive Staff Present: Phil Su, Esq., General Counsel; Frank DiMaggio, Executive Director; Angelica Bejar, Public Information – Travel Administrator.

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

72 There was no public comment made, with the Exception that Ms. Katherine Gordon, Counsel for Dr. Davis
73 noted her presence.
74

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

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

79 There was no request to remove an agenda item.
80

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

83 MOTION: Committee Member Lemon moved that the Committee approve the agenda. Committee
84 Member Cioffi seconded the motion. All were in favor, motion passed.
85

86 ***4. Review, discussion, and possible recommendations for approval/rejection/modification of stipulation**
87 **agreement** (For Possible Action)
88

89 ***a. Kerry Davis DDS** (For Possible Action)
90

91 General Counsel, Mr. Phil Su, stated that this was a review of a stipulation that was entered into by the
92 licensee which was based upon the review panel's findings and recommendations and the previous
93 board counsel. He noted, however, that the stipulation agreement was never approved. Mr. Su briefly
94 discussed the findings that led to the reasoning of the proposed stipulation agreement and the alleged
95 violations committed by Dr. Davis and discussed the proposed provisions. Mr. Su clarified that the
96 proposed stipulation agreement was non-disciplinary. Committee Member Thompson inquired how the
97 Board was notified of Dr. Davis' failure to comply with the requirements of AB474. Mr. Su noted that the
98 Pharmacy Board notified the Executive Director of a potential violation, and with that an authorized
99 investigation was approved by the Board to look into the matter. Ms. Gordon discussed the events that
100 transpired that lead the Pharmacy Board to notify the Dental Board of a potential violation by Dr. Davis.
101 Further, that during the Board's investigation it was noticed the transgressions by Dr. Davis. It was clarified
102 that Dr. Davis had already signed and agreed to the provisions of the proposed stipulation, however, that
103 there were several reasons for delay given the transitions that the Board experienced. Ms. Gordon
104 expressed Dr. Davis' concern regarding the ability to complete the required CE's in person due to the
105 COVID-19 restrictions, and therefore, inquired if the Committee would consider permitting Dr. Davis to
106 complete the additional 12 CE credits online. Members of the Committee were amenable to the request
107 for Dr. Davis to complete his CE's remotely. Mr. Su stated that he could amend the stipulation agreement
108 to reflect that due to COVID-19, the CE credits may be completed remotely so long as the course is live
109 and interactive.
110

111 MOTION: Committee Member Thompson moved that the committee make the recommendation
112 to adopt the proposed stipulation agreement with the modification that the twelve (12)
113 additional CE credits may be completed remotely on-line or by webinar, due to
114 COVID-19 restrictions, so long as the courses are accredited through
115 AGD/PACE/ADA/CERP. Committee Member Lemon seconded the motion. All were in
116 favor, motion passed.
117

118 Committee Member West asked that Mr. Su make the modifications to the proposed stipulation
119 agreement, and asked Mr. DiMaggio to add it to the next scheduled Board meeting agenda for
120 recommended adoption.
121

122 Committee Member Lemon inquired if Dr. Davis had any pending complaints. Mr. Su responded that
123 there were none to his knowledge. There was light discussion clarifying that should there have been any
124 other complaints related to Dr. Davis that it should be known. Mr. Su stated noted that any pending
125 investigations by the Board are deemed confidential. However, he was not aware of any additional
126 complaints against Dr. Davis for the reasons described in the proposed stipulation agreement. Mr.

DiMaggio inquired if Committee Member Lemon wanted to amend the motion that the Committee recommend the adoption of the proposed stipulation agreement provided that there were no additional complaints regarding violations of the PMP. Committee Member Lemon stated that he was not looking to amend the motion, but rather inquired for informational purposes only and to see if there was a pattern.

5. 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.

No public comment was made.

6. Announcements


No announcements were made.

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

Chairman West called for adjournment.

MOTION: Committee Member Lemon motioned to adjourn the meeting at approximately 5:51 p.m. Committee Member Thompson seconded the motion. All were in favor, motion passed.

Respectfully submitted:



Frank DiMaggio, Executive Director