

Nevada State Board of Dental Examiners



6010 S. Rainbow Blvd., Bldg. A, Ste.1 • Las Vegas, NV 89118 • (702) 486-7044 • (800) DDS-EXAM • Fax (702) 486-7046

PUBLIC MEETING NOTICE & BOARD MEETING AMENDED AGENDA

Meeting Date & Time

Tuesday, September 15, 2020
6:00 p.m.

**This meeting was held exclusively through teleconference means,
in accordance with Emergency Directives issued by Governor Sisolak**

MINUTES

PUBLIC NOTICE:

***** This meeting will be held via TELECONFERENCE ONLY, pursuant to Section 1 of the DECLARATION OF EMERGENCY DIRECTIVE 006 ("DIRECTIVE 006") issued by the State of Nevada Executive Department and as extended by Directives 016, 018, 021, 026, and 029. There will be no physical location for this meeting*****

Public Comment by pre-submitted email/written form, only, is available after roll call (beginning of meeting); **Live Public Comment by teleconference** is available prior to adjournment (end of meeting). Live Public Comment is limited to three (3) minutes for each individual.

Pursuant to Section 2 of Directive 006, members of the public may participate in the meeting by submitting public comment 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 received by the Board on or before **Monday, September 14, 2020 by 4:00 p.m.** may be entered into the record during the meeting. Any other written public comment submissions received prior to the adjournment of the meeting will be included in the permanent record.

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.

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55 **1. Call to Order**

56 - Roll call/Quorum

57
58 Board Member Moore called the meeting to order at approximately 6:08 p.m. and Mr.
59 DiMaggio conducted the following roll call:
60

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		

61
62 Executive Staff Present: Phil Su, General Counsel; Frank DiMaggio, Executive Director.
63
64

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

71 Pursuant to Section 2 of Directive 006, and extended by Directives 016, 018, 021, 026, and 029, members of the public
72 may participate in the meeting without being physically present by submitting public comment via email to
73 nsbde@nsbde.nv.gov, or by mailing/faxing messages to the Board office. Written submissions received by the Board on
74 or before **Monday, September 14, 2020 by 4:00 p.m.** may be entered into the record during the meeting. Any other
75 written public comment submissions received prior to the adjournment of the meeting will be included in the
76 permanent record.
77

78 In accordance with Attorney General Opinion No. 00-047, as restated in the Attorney General's Open Meeting Law
79 Manual, the Chair may prohibit comment if the content of that comment is a topic that is not relevant to, or within the
80 authority of, the Nevada State Board of Dental Examiners, or if the content is willfully disruptive of the meeting by being
81 irrelevant, repetitious, slanderous, offensive, inflammatory, irrational, or amounting to personal attacks or interfering with
82 the rights of other speakers.
83

84 Mr. DiMaggio read public comment that was received prior to the Board meeting, into the record.
85
86

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

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

89
90 No items were requested to be removed.
91
92

93 **(b) Approve Agenda** (For Possible Action)

94
95 MOTION: Board Member West moved to approve the agenda. Board Member Lemon seconded
96 the motion. All were in favor, motion passed.
97
98

99 ***4. Secretary-Treasurer's Report:** (For Possible Action)

100 ***a. Minutes** (For Possible Action)

- 101 (1) Board Meeting – 07/14/2020
102 (2) Employment Committee Meeting – 7/21/2020
103 (3) Board Meeting – 7/21/2020
104 (4) Employment Committee Meeting – 7/28/2020
105 (5) Board Meeting – 7/28/2020
106 (6) Anesthesia Committee & Anesthesia Sub-Committee Meeting – 7/29/2020
107
108

- (7) Employment Committee Meeting – 8/4/2020
(8) Board Meeting – 08/04/2020
(9) Disciplinary Committee Meeting – 8/11/2020
(10) Legislative, Legal, and Dental Practice Committee Meeting – 8/13/2020

Board Member Lee stated that all board members should have had the opportunity to review the draft minutes and inquired if there were any amendments or changes to be made.

MOTION: Board Member Thompson moved to approve the minutes. Board Member Lemon seconded the motion. All were in favor, motion passed.

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

***a. Discussion and consideration of Disciplinary Committee's recommendation to approve Stipulation Agreements, and possible approval/rejection of said stipulation agreements**

– NRS 622 (For Possible Action)

(1) Kerry Davis, DDS

Mr. Su noted that Dr. Kerry Davis and Ms. Katherine Gordon were both present. Mr. Su gave a brief overview of the stipulation agreement and the proposed provisions. Board Member Park made some inquiries regarding patients and prescriptions prescribed. Mr. Su noted that the CE requirements were as written prior in 2019, which was prior to COVID-19. He added that in lieu of requiring live CE's be completed, that the Board was allowing for the CE's to be completed by live webinar. There was additional discussion regarding concerns that Dr. Davis had with finding live webinar courses regarding record keeping, and inquired if the Board would permit him to complete a home study course. Board Member Moore stated that suggested that because Dr. Davis appeared to not be able to find a course for 4 hours in record keeping, that perhaps the Board could permit for him to complete a home study course.

MOTION: Board Member Thompson moved to adopt the stipulation agreement, with the requirement of eight (8) hours of prescription substance abuse, misuse be live webinar and the four (4) hours in record keeping be completed by home study. Mr. Su noted that only half of the CE hours were required to be live instruction and the other half may be home study. He clarified that the pursuant to regulation, fifty percent of the CE courses were permitted to be completed online via home study and fifty percent were required to be live instruction. There was some discussion between the Mr. Su, the Board and Dr. Davis regarding the same. Board Member Thompson accepted to amend his motion to include allowing that for all four hours of the record keeping course may be done online via home study. Board Member West seconded the amended motion. All were in favor, motion passed.

(2) Phillip Devore, DDS

Mr. Su noted that Dr. Devore and his counsel, Ms. Bridget Kelly were present. Mr. Su gave a brief overview of the stipulation agreement and the provisions set forth. Mr. Su stated that Dr. Devore had already completed four of the nine hours of CE's required, which were approved by the previous Executive Director. He noted that the previous Executive Director had given a verbal approval of an additional course, which Dr. Devore had not yet taken. Ms. Kelly clarified that they were in a situation where Dr. Devore had written approval from the previous Executive Director to

163 take a course that he has not yet taken, and that he had verbal approval to complete another live
164 course, which he has already taken. Ms. Kelly and Dr. Devore were hopeful that the Board would
165 honor verbal approval and the written approval of courses.
166

167 MOTION: Board Member Thompson moved to adopt the stipulation agreement with the
168 approved courses, whether approved written or verbally. Board Member West
169 seconded the motion. Discussion: Board Member Moore noted that the
170 documents provided to the Board in their board books show that Dr. Devore has
171 already completed 8 hours already. Mr. Su noted that Dr. Davis would be
172 completing a total of 12 hours per the stipulation agreement. No further
173 discussion. All were in favor, motion passed.
174

175 ***6. New Business:** (For Possible Action)
176

- 177 ***a. Request for reimbursement to Kevin Moore, DDS, for amounts paid to FabianVanCott,**
178 **attorneys at law, for legal services rendered from December 12, 2019 through January 13,**
179 **2020 (Board Policy regarding Payment of Fees of Personal Counsel – 2/22/19)**
180 (For Possible Action)
181

182 Board Member Moore stated for the record that he would not be voting on this matter. Mr. Su
183 stated that this was a request for the potential reimbursement of legal fees that Board Member
184 Moore incurred from December 12, 2019 through January 13, 2020. Mr. Su gave the history of the
185 transition that the Board went through upon the resignation of many board members and the
186 previous General Counsel and Executive Director tendered their resignations (sic terminated
187 without cause/PS) but they had not been ratified by any board, because there was not a board to
188 ratify them. His understanding was that the assigned DAG was not able to be reached or to be of
189 assistance because she was in the process of negotiating the exits of the two Board executives. He
190 noted that with help from the services of Brad Slighting, who at that time was not yet interim
191 General Counsel, he would not accept that employment until mid-January, after the bills were
192 incurred. Mr. Su went over the bills submitted to the Board. Mr. Su referred to the Board's policy
193 regarding reimbursement of legal fees, and gave the background to the creation of the policy. He
194 read the third paragraph from the policy into the record. Board Member Lee stated that he was
195 present when this all occurred, and that the purpose that Board Member Moore hired the outside
196 counsel was because Mr. Slighting was an Employment Specialist because at the time the
197 Executive Director and Board Counsel were in a termination limbo, therefore, they could not
198 consult with the Board's General Counsel. Board Member Moore stated that the previous
199 Executive Director and General Counsel were terminated at a public Board of Examiners meeting
200 in front of the Governor. Board Member Lee stated that there were questions regarding their
201 termination and therefore they felt it necessary to seek outside counsel since they were not getting
202 any assistance from the DAG's office. Board Member Lee discussed the fees listed on the memo.
203 He stated that Board Member Moore retained outside counsel to assist the Board, and not for
204 personal purposes. Board Member Lee suggested that the Board not reimburse the discounted
205 amount, but rather the full amount paid by Board Member Moore. Board Member Lee stated that
206 Board Member Moore shouldn't have to incur such a cost from his personal account, when it was
207 for purposes of the Board.
208

209 MOTION: Board Member Lee moved to approve to reimburse the full amount rather than the
210 discounted rate. Board Member Park inquired how many billable hours were on the original bill. Mr.
211 Su responded that there were 28.6 hours. Board Member Park stated that the hours reflected on
212 the bill were not reflective of all the hours Mr. Slighting actually worked. She thanked Board
213 Member Moore for stepping up in his leadership and Mr. Slighting for volunteering his time. She
214 concurred with Board Member Lee's motion to reimburse Board Member Moore the full amount.
215 Board Member Park seconded the motion. Discussion: Board Member West stated that when Mr.

216 Slighting was interim counsel, his work blended in from the time before he was hired by the Board
217 and from when he was retained by Board Member Moore. Board Member Thompson agreed that
218 Board Member Moore should be reimbursed, that no board member should have to incur such a
219 personal expense when they were trying to assist the Board. Board Member Cioffi agreed with
220 Board Member Lee that Board Member Moore should be reimbursed, and noted that there were
221 scenarios where the Board had to contract with outside counsel. She stated that this was clearly
222 for the work of the Board that needed to be done and fully supported fully reimbursing Board
223 Member Moore. Board Member Lee he noted that it was his suggestion that Board Member Moore
224 request to be reimbursed since no board member should have to incur such costs. Mr. Su affirmed
225 the comment by Board Member Lee. He noted that Mr. DiMaggio pointed out that Board Member
226 Moore paid \$6,697.50 in legal fees. Board Member Lee reiterated his motion to reimburse Board
227 Member Moore the full amount of \$6, 697.50. Board Member Park seconded to the motion. Board
228 Member Lee called for discussion. Board Member Solie asked if Ms. Bordelove was not responding,
229 did they at least notify the AG's office so that they could retain outside counsel. Board Member
230 Lee stated that the AG's office was notified. Board Member Park stated that she actually went
231 above Ms. Bordelove's and contacted her superior to try and get Ms. Bordelove to respond to the
232 Board. Board Member Moore stated that Ms. Bordelove was approached by Board Member Cioffi
233 and received a response, Board Member Lee then asked the same group of questions and he
234 followed up with the same set of questions to Ms. Bordelove. He noted that it wasn't that Ms.
235 Bordelove did not respond, but rather she would not directly answer the questions that they had.
236 He noted that Mr. Su was privy to those emails, and that he could discuss them privately with Board
237 Members. Board Member Moore stated that they attempted multiple times to contact Ms.
238 Bordelove, at one point he even went to the AG's office and sat for four hours and was finally able
239 to speak to AG Ford. Board Member Lee called for the vote. All were in favor, motion passed;
240 Board Member Moore abstained.

241
242 ***b. Discussion and consideration of possible Board members appointments to perform the**
243 **duties of Preliminary Screening Consultant on an interim basis and the rate of pay for the**
244 **performance of such duties – NRS 631.180 and 631.190** (For Possible Action)
245

246 Mr. DiMaggio stated that this item was to consider appointing Board Members to act as the
247 Preliminary Screening Consultants on an interim basis. He noted that thought the board approved
248 the position, but they have yet to receive any applications since posting the job opportunity notice
249 to the Board's website. Mr. DiMaggio gave a brief outline of what the duties for the position would
250 be and the pay rate.

251
252 MOTION: Board Member Lee motioned to approve that Board Members can perform the
253 duties of the Preliminary Screening Consultants on an interim basis. Board
254 Member West seconded the motion. Discussion: Board Member Lemon stated
255 that he was concerned with the public perception. He clarified that he was
256 concerned with the Board appointing one another for a paid board position, and
257 that this may have a bad perception with the general public. Board Member
258 Lemon suggested posting the position to additional sites aside from the Board's
259 website. Board Member Thompson stated that he had similar concerns as Board
260 Member Lemon, and the perception is his main reason why he hesitates to
261 moving forward with the Board Members temporarily reviewing the complaints.
262 Board Member Lee stated that it was the DSO's that were in question and
263 referred the Board to NRS 631.190(2), which he read into the record. Additional
264 discussion ensued regarding the previous use of DSO's and some of the concerns
265 addressed in the Legislative audit, and that if the board members were to be
266 temporarily assigned this task, they would all be rotated so that they would not be
267 getting preferential treatment or have the appearance of preferential treatment.

It was noted that there was currently a backlog of complaints and that they needed to help the process move forward. Board Member Moore stated that this position was to distill information already gathered, provide a summary and opinion of the information obtained, and that there was no requirement to go to the offices or contact anyone. There was discussion regarding the approximate number of cases that were backlogged, and Board Member Park inquired if any complaints were COVID-19 related. Mr. Su there were some complaints that COVID-19 related. There was additional discussion regarding the Board serving as temporary preliminary screening consultants. Board Member West concurred with Board Member Thompson that the board was working hard to try and appear more correct than their predecessors. Mr. Su stated that NRS 631.180 limits the salary of Board members, and stated that it was something the Board could consider, as far as paying board members a reduced rate. Board Member Lee amended his motion to pay board members the max amount of \$150 per case reviewed. Board Member Park seconded the amended motion. 8 votes were in favor, motion passed. Board Member Lemon opposed.

***c. Discussion, consideration, and possible approval of the Board's delegation of authority to the Executive Director to appoint Board members to perform duties of the Preliminary Screening Consultant on an interim basis – NRS 631.190 (For Possible Action)**

Board Member Moore stated that this would grant the Executive Director the authority to rotate the selection of Board Members to review pending cases.

MOTION: Board Member Lee made the motion to approve to delegate the authority to the Executive Director to appoint Board Members to perform the duties of the Preliminary Screening Consultant on an interim basis. Board Member West seconded the motion. All were in favor, motion passed. Board Member Lemon abstained from the motion.

***d. Contracts – NRS 631.190 (For Possible Action)**

***(1) Discussion, consideration, and possible approval/rejection of Legislative, Legal, and Dental Practice Committee's recommendation of Legislative Representative (For Possible Action)**

(a) Lewis Roca – Alfred Alonso

Board Member Moore stated that Mr. Alonso came with high recommendations, and noted that the firm came with the most connections. He added that Mr. Alonso was vetted through the Legislative, Legal, and Dental Practice Committee. Mr. Alonso was present and presented himself to the Board, and gave a brief introductory speech to the Board and how he hopes to help the make Board make strides in the right direction.

MOTION: Board Member Lee made the motion to approve Lewis Roca – Mr. Alfredo Alonso – as the lobbyist. Board Member West seconded the motion. All were in favor, motion seconded.

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324 ***e. Discussion, consideration, and possible approval of Legislative, Legal, and Dental Practice**
325 **Committee's recommendation to approve granting authority to the Board's**
326 **Secretary/Treasurer to execute and approve contract for legislative services** (For Possible
327 Action)
328

329 Mr. DiMaggio stated that this would grant the Secretary/Treasurer to execute and approve the
330 contract, which would expedite the process in lieu of having to bring the contract back to the full
331 board for review and approval. He noted that the contract does have to be approved by the
332 Board of Examiners and the importance of expediting the process was because the legislative
333 session would be starting soon, and they need to have the legislative representative started
334 immediately. He stated that should the board approve this delegation, then he could draft the
335 contract sooner than later and get the process started.
336

337 MOTION: Board Member Moore moved to accept the recommendation to authorize the
338 Board's Secretary/Treasurer to approve the contract for Legislative services.
339 Board Member West seconded the motion. Discussion: Board Member Thompson
340 asked if the fees were representative to fees paid in previous years. Board
341 Member Lee stated that of the five lobbyists reviewed by the Committee, was
342 one of the lowest. Mr. Su stated that the board was previously paying
343 approximately \$3,600 a month. Board Member Lemon inquired if the method of
344 doing business was vetted by the AG's office. Mr. Su stated that by outsourcing it
345 to an experienced lobbyist, it would avoid them having to consider hiring an
346 employee to do this work when this work is not needed every year, but only when
347 there is a legislative session. Mr. DiMaggio stated that the DAG would have to
348 sign off on the contract further down the process. Mr. Su noted that they did
349 review all candidates being considered to serve as the Board's lobbyist to ensure
350 that they were not representing other entities that would have colliding interests
351 with the Board.
352

353 ***f. Approval/Rejection of Anesthesia-Temporary Permit – NAC 631.2254** (For Possible Action)
354

355 **(1) General Anesthesia** (For Possible Action)
356

- 357 (a) Jordan M Swarbrick, DDS
358 (b) Kevin M Nowins, DMD
359 (c) Christopher Chan, DDS, MD
360

361 Board Member Moore stated that he had reviewed the application, all met the criteria for a permit,
362 and that he recommended approval.
363

364 MOTION: Board Member Thompson made the motion to approve. Board Member West
365 seconded the motion. All were in favor, motion passed.
366

367 **(2) Moderate Sedation (pediatric specialty)** (For Possible Action)
368

- 369 (a) Audrey H Nghiem, DDS
370 (b) Weston J. Milne, DMD
371 (c) Jacqueline A. Alford, DMD
372

373 Board Member noted that there is a site evaluation done, but in order to do that, the applicant
374 being evaluated must have a permit to administer, which is why the Board issues a temporary
375 permit.
376

377 MOTION: Board Member Lemon made the motion to approve. Board Member Park
378 seconded the motion. All were in favor, motion passed.
379

380 ***g. Approval/Rejection of Anesthesia – Permanent Permit – NAC 631.2235(2) (For Possible Action)**

381 **(1) General Anesthesia (For Possible Action)**

382 (a) Gary H Wilcox Jr., DMD

383 Board Member Moore stated that the site evaluations had been completed and recommended
384 approval of a permanent permit for Dr. Wilcox.

385 MOTION: Board Member Thompson made the motion to approve the permanent permit for
386 Dr. Wilcox. Board Member West seconded the motion. All were in favor, motion
387 passed.

388 **(2) Moderate Sedation (patients 13years of age & older) (For Possible Action)**

389 (a) Jong M Um, DDS

390 (b) Kostika Polena, DMD

391 Board Member Moore stated that the site evaluations had been completed and recommended
392 approval of a permanent permit for Dr. Um and Dr. Polena.

393 MOTION: Board Member Thompson made the motion to approve the permanent permit for
394 Dr. Um and Dr. Polena. Board Member Lemon seconded the motion. All were in
395 favor, motion passed.

396 ***h. Discussion, consideration, and possible approval/rejection, of the Continuing Education**
397 **Committee's recommendation to deny the retroactive approval requested by the Pacific**
398 **Training Institute for Facial Aesthetics for their Level 1, 2, & 4 (total 72-unit program)**
399 **approved by the Board on April 30, 2020 (For Possible Action)**

400 Board Member Lemon stated that the issue was broader than just this one course, as it was
401 regarding a request for retro-active approval in general. He stated that this would set a precedent
402 for retro-active approval for course credits if they approved this one course. He noted that the
403 Board did approve the course, but they did not approve the candidates that completed the
404 course prior to the approval date. He questions if the Board wanted to set a precedent for other
405 courses if they did approve the course retro-active approval. Board Member Moore explained to
406 the Board that the situation was that the company requested for approval of their course, which
407 was approved by the board; however, he stated that PTIFA was now asking for retroactive
408 approval for anyone that took the course well before the course was approved by the board.
409 Board Member West commented that if someone spent the time and money to take a course that
410 was not approved by Nevada, then he would agree with Board Member Lemon to not set a
411 precedent. Board Member Solie stated that she agreed that the course may not have been the
412 same parameters that they were teaching prior to their approval, and agreed that the Board
413 should not set a precedent.

414 MOTION: Board Member Lee made the motion to deny the request for retroactive
415 approval. Board Member West seconded the motion. All were in favor, motion
416 passed.

417 ///

418 ///

- 434 *1. Discussion and consideration of the Continuing Education Committee's recommendation
435 for approval of the temporary approval and acceptance of the use of manikins by
436 American Board of Dental Examiners' (ADEX) for the Dental Periodontal Scaling Exercise
437 portion of the ADEX dental exam for dental licensure and for the ADEX dental hygiene
438 clinical examination for dental hygiene licensure if completed during the period of May 1,
439 2020 through December 31, 2020, and possible approval/rejection of temporary approval
440 and acceptance of such – NRS 631.240 and NRS 631.300 (For Possible Action)
441

442
443 Board Member Lemon gave a brief synopsis of the recommendation being made by the
444 committee regarding the ADEX exam. He noted that the CompeDont tooth that had been
445 developed for manikin testing was one of the better examples of teeth that can test the student's
446 ability. He noted that should the board move to patient-less exams, then the companies would
447 switch their focus to improving the manikins. There was discussion that companies would strive to
448 improve a product if they saw the demand increase to meet the needs by state boards. The
449 companies he referred to were both the CDCA (ADEX) and the WREB. There was discussion
450 regarding the push towards manikin based exams during COVID-19, the restriction of the use of live
451 patients, and how UNLV was now seeing patients during this time. Board Member Lee inquired why
452 then could they not administer patient based exams if the school of dental medicine was currently
453 seeing patients while abiding by extra measure to help mitigate the spread of COVID-19. Lengthy
454 discussion ensued regarding the clinical exams being patient based and manikin based, and
455 concerns that board members have with students completing a manikin based exam. Board
456 Member Lemon challenged the Board to be bold and change direction and move towards a
457 patient-less exam. He advocated for the students and the money they spend just to complete their
458 degree and become licensed. Board Member Park stated that the Board does not represent the
459 dental students; they represent the State of Nevada. She added that she had no problem passing
460 this in the interim.
461

462 MOTION: Board Member Lee motioned to approve item (i) the temporary approval of the
463 ADEX exam to grant applicants with a temporary license, and upon the state of
464 emergency being lifted, they will need to complete the live patient portion of the
465 clinical exam in order to receive a full unrestricted license. Board Member
466 Lemon strongly disagreed with the issuance of a temporary license based on the
467 fees alone, and questioned if Board Member Lee knew what the fees and costs
468 were to take the exam. He added the burden this would add to the students
469 already dealing with debt. Board Member Lee stated that it was not his problem.
470 Board Member Lemon stated that he could see that Board Member Lee did not
471 care, but that the students were their constituents. Board Member Lee stated
472 that he was only requiring that they complete the clinical portion. He
473 commented that the purpose of the Board was to safety of the public not for
474 dental students. Board Member West commented that while Board Member
475 Lemon was an amazing advocate, the dental students chose to take on the debt
476 when they signed up for dental school, and they chose the path they are on.
477 Board Member West stated that he was in agreement with Board Member Lee,
478 where they give the students a temporary license but they will have to go back to
479 complete the clinical portion of the exam that is live patient based. Board
480 Member Lee stated that the fees for completing the manikin based exams should
481 be less than what they pay for the live patient based exam portion. Board
482 Member West seconded the motion. Dr. Moore asked Mr. Su if there was a
483 motion on the table. Board Member Lee reiterated his motion for temporary
484 approval, through December 31, 2020, for acceptance of non-patient based
485 ADEX exam for a temporary license until the virus goes away or ADEX can give a
486 patient-based clinical exam portion. Dr. Moore inquired if ADEX were able to

bring their Compedont examination up to the level of non-patient based exam as referred by Dr. Lemon, is there a time frame that the temporary license would be good for, or would the board need to reevaluate that. Mr. Su stated that they would have to reopen up the agenda item to change the December date. Mr. Su also noted that Dr. Lee's motion did not specify how long the temporary license would be in force. Mr. DiMaggio noted that the prior temporary license authorized by the Board would be effective through 90 days after the Governor declares an end to the pandemic. Board Member Lee so amended his motion. Board Member West seconded the amended motion. Ms. Solie requested that motion on table be repeated. Mr. Su stated that the motion was to temporarily approve and accept the use of manikins by ADEX for the dental hygiene and dental periodontal scaling portion of ADEX if completed from May 1, 2020 through December 31, 2020, with a temporary license until the Governor declares an end to COVID-19 pandemic, or otherwise lift restrictions that are currently in place. Upon that occurring, licensees will have to complete a patient based clinical examination. All were in favor, motion passed.

- *j. Discussion and consideration of the Continuing Education Committee's recommendation for approval of the temporary approval and acceptance of the restorative procedures in the American Board of Dental Examiners' (ADEX) exam for dental licensure to be completed on either a live patient or the CompeDont tooth during the period of May 1, 2020 through December 31, 2020, and possible approval/rejection of temporary approval and acceptance of such – NRS 631.240 (For Possible Action)

MOTION: Board Member Park made the motion as set forth in the prior agenda item (6)(i) to temporarily approve and accept the ADEX restorative procedures in the ADEX exam for dental licensure to be completed on the CompeDont tooth if taken May 1, 2020 through December 31, 2020, which will grant applicants with a temporary license until 90 days after the Governor declares an end to COVID-19 pandemic, or otherwise lift restrictions that are currently in place. Upon that occurring, licensees will have to complete a patient based clinical examination. Board Member West seconded the motion. All were in favor, motion passed.

Board Member Moore wanted it clarified that if applicants were to take the live patient exam initially, that they would be granted a full unrestricted license. Mr. Su responded affirmatively.

- *k Review, discussion, and consideration of updates to CDC Guidance for Dental Settings, and possible approval/rejection of the same – NAC 631.178 (For Possible Action)

- (1) August 4, 2020 CDC Update
- (2) August 28, 2020 CDC Update

Board Member Moore stated that he would like a motion to forward this item to the IC Committee.

MOTION: Board Member Lee made the motion to have the IC committee review the August CDC guidelines for further guidance. Board Member McIntyre seconded the motion. All were in favor, motion passed.

Board Member Park commented to those listening to the meeting, that if they have questions regarding these updates that the CDC authors' have an email address where they are welcome to use to ask for clarification, which is a direct resource for licensees. Board Member Moore asked Mr. DiMaggio to post to the Board's website the email that Board Member Park was referring to by the next morning. Board Member called for the motion again. All were in favor, motion passed.

- 7. Public Comment (live public comment by teleconference):** 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. Comments by the public may be limited to three minutes as a reasonable time, place and manner restriction, but may not be limited based upon viewpoint. The Chairperson may allow additional time at his/her discretion.

Pursuant to Section 2 of Directive 006, and extended by Directives 016, 018, 021, 026, and 029, members of the public may participate in the meeting without being physically present by submitting public comment via email to nsbde@nsbde.nv.gov, or by mailing/faxing written messages to the Board office. Written submissions should be received by the Board on or before **Monday, September 14, 2020 by 4:00 p.m.** in order to make copies available to members and the public.

In accordance with Attorney General Opinion No. 00-047, as restated in the Attorney General's Open Meeting Law Manual, the Chair may prohibit comment if the content of that comment is a topic that is not relevant to, or within the authority of, the Nevada State Board of Dental Examiners, or if the content is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational, or amounting to personal attacks or interfering with the rights of other speakers.

Natalia Hill was called upon to submit her comment, but no comment was given.

Dr. Bill Pappas commented that while he appreciated the Board approving the ADEX exam on a temporary basis, he agreed with the sentiments of Board Member Lemon. He stated that the ADEX CompeDont exam is administered in exactly the same way the patient exam is administered, and that the examinees would have to pay for an entirely new examination when they take the patient based exam because the costs incurred by the testing agencies are the same. Dr. Pappas opined that the board might have done something they had not intended to do and asked the Board to give the decision serious consideration. He noted that the Compedont was not created due to COVID-19, but had been in development for over three years at an expense of over \$600,000. Their simulated patient examination committee had just met and made new improvements, and they were committed to the CompeDont exam. He noted that they were not forcing any state to utilize the new examination, but that there is a wave of approvals for the exam. For example, Connecticut has already outlawed patient-based exams for 2021. He again asked for reconsideration of the decision as it did not appear to be something the board intended to do. He went onto to discuss the patient based exam and the CompeDont variances and similarities. He thanked the Board for their time and hoped that the Board would revisit the matter. Board Member Moore stated to Dr. Pappas that he was going to have Mr. DiMaggio send him a link for the CDCA's review.

Telephone number ending in 6077 was called upon to comment, but no comment was made.

Mark Christensen with WREB commented that while WREB was not part of the discussion, he noted that the exams are a work in progress and they continue to be developed and improved. He agreed with the sentiments of Board Member Lemon. He added that in 2021 they will be introducing manikin based simulations for dental hygiene, as well as variable components for scaling and root planing. He offered to give a presentation, if the Board would like them to. He stated that WREB would be very supportive in providing information that may be helpful.

Telephone number ending in 6077 was called upon again to comment, but no comment was made.

597 **8. Announcements**

598 There were no announcements.

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

602 Board Member Moore called for a motion to adjourn.

604 MOTION: Board Member Lee made the motion to adjourn the meeting at approximately 8:26 p.m.
606 Motion seconded by Board Member Thompson. All were in favor of the motion, motion passed.

608 Respectfully submitted:

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610 _____
611 Frank DiMaggio, Executive Director
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