

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, October 20, 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, October 19, 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.

///

55 **1. Call to Order**

56 - Roll call/Quorum

57
58 Board Member Moore called the meeting to order at approximately 6:00 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 -----	EXCUSED	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, October 19, 2020 by 4:00 p.m.** may be entered into the record during the meeting. Any other written
75 public comment submissions received prior to the adjournment of the meeting will be included in the permanent
76 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 There was no public comment received prior to the Board meeting, therefore none was read.
85 Board Member Moore invited Dr. York to speak and gave a brief welcoming speech.
86
87

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

89
90 **(a) Request to remove agenda item(s)** (For Possible Action)

91
92 No items were requested to be removed.
93

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

95
96 MOTION: Board Member Lee and Board Member Lemon moved to approve the agenda. Board
97 Member Solie seconded the motion. All were in favor, motion passed.
98
99

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

101
102 ***a. Minutes** (For Possible Action)

103
104 (1) Board Meeting – 09/15/2020
105

106 Board Member Lee stated that all board members should have had the opportunity to review the
107 draft minutes and inquired if there were any amendments or changes to be made.
108

109 Mr. DiMaggio proposed three amendments to the draft minutes.
110

MOTION: Board Member Thompson moved to approve the minutes with the proposed amendments. Board Member West seconded the motion. All were in favor, motion passed.

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

***a. Review Panel** – NRS 631.3635 (For Possible Action)

(1) Discussion and consideration of proposed findings and recommendations for matter by Review Panel (For Possible Action)

Mr. Su gave a brief overview and explanation of the statute NRS 631.3635 regarding appointment of a panel to review an investigation or informal hearing; members; requirements of review; findings and recommendations.

MOTION: Board Member Moore moved to accept the Review Panel's findings and recommendations as to the 21 matters that the Review Panel has recommended for remand. Board Member West and Board Member Lemon seconded the motion. All were in favor, motion passed.

***b. Litigation Update** – NRS 631.190 (For Possible Action)

Mr. Su noted that there was a potential litigation involving the Board. Mr. Su asked that the Board go into closed session so he could advise the Board Members on the matter.

MOTION: Board Member Lee moved to go into closed session. Board Member Solie seconded the motion. All were in favor, motion passed.

Board Member Moore asked that there be a motion to go back into session.

MOTION: Board Member West moved for the Board to go back into open session. Board Member Lemon seconded the motion. All were in favor, motion passed.

Mr. Su stated for the record that the basis for the closed session was under statute NRS 241.015 (3)(b)(2) to receive information from the attorney employed or attained by the public body regarding potential or existing litigation involving a matter over which the public body has supervision, control, jurisdiction or advisory power and to deliberate towards a decision on the matter or both. Mr. Su noted that he advised the Board on the litigation issue regarding a request from the Attorney General's office for documentation. Mr. Su explained the Attorney General's office proposed that the Nevada State Board of Dental Examiners produce such records under a protective order. Mr. Su further explained that such records may contain confidential information and that the Executive Director and General Counsel are concerned about the security of the storage of such records.

MOTION: Board Member Lee moved to request the Attorney General's office to subpoena the records they need. Mr. Su noted that the motion should state that the Board is refusing to provide the records pursuant to the request proposed by the Attorney General's office under the protective order. Board Member Lee added to his motion and moved to request the Attorney General's office to subpoena the records they need and refuse to provide the records under the protective order they proposed. Board Member West seconded the motion. All were in favor, motion passed.

165 ***6. New Business:** (For Possible Action)

- 166
- 167 ***a. Review, discussion, and possible approval/rejection of the Continuing Education**
- 168 **Committee's recommendation to the Board of temporary approval and acceptance of**
- 169 **the Western Regional Examining Board's (WREB's) Objective Structured Clinical**
- 170 **Examination (OSCE) exam for dental hygiene licensure if completed during May 1, 2020**
- 171 **through June 30, 2021** – NRS 631.300 (For Possible Action)
- 172

173 Mr. DiMaggio stated that agenda item (6)(a) had been on a prior Board Meeting on October 8,

174 2020 but that the item was not presented at the October 8, 2020 Board Meeting because when the

175 agenda for the October 8, 2020 Board Meeting was drafted, the Continuing Education Committee

176 had met on October 7, 2020 just before the October 8, 2020 Board Meeting and the Executive

177 Director was left to speculate what would occur. Mr. DiMaggio explained that agenda item (6)(a)

178 had been tabled at a previous Continuing Education Committee and so the Executive Director

179 believed the same would occur at the October 7, 2020 Continuing Education Committee. Mr.

180 DiMaggio admitted he was wrong and that the Continuing Education Committee recommended

181 approval of the WREB on a temporary basis. Mr. DiMaggio stated that that Board issued

182 memorandums regarding the two ADEX and the one WREB dental licensure with the provision that

183 it would be approved as stated in the New Business section (6)(a) with the modification that within

184 ninety days of the governor ending the coronavirus pandemic the student would have to take a

185 live patient based exam for those clinical exams which he believed for dental hygiene would be

186 perio. Mr. DiMaggio noted that agenda item (6)(a) was being revisited because it was left off the

187 October 8, 2020 Board Meeting. Board Member Moore restated that the Continuing Education

188 Committee's recommendation was to accept and approve the WREB OSCE exam for dental

189 hygiene for the dates from May 1 2020 through June 30, 2021 with the same stipulations that the

190 other exams were approved. Board Member Solie inquired about whether the two ADEX and one

191 WREB dental licensure items were under the same provision that within ninety days of the governor

192 lifting the order that the students would have to take live patient based exams. Board Member

193 Moore confirmed that those items were approved under the same provisions as agenda item (6)(a)

194 if live patient based exams are offered. Board Member Moore stated that the Board may have to

195 reconvene live patient based exams are not offered within ninety days of the governor lifting the

196 order.

197

198 MOTION: Board Member Solie moved to accept the OSCE exam for dental hygiene with

199 the same criteria the Board adopted for the ADEX exam. Board Member Moore

200 seconded the motion. All were in favor, motion passed.

201

202

- 203 ***b. Select, approve, and confirm interested Board members and staff to attend the AADB**
- 204 **virtual meeting on February 27-28, 2021** (For Possible Action)
- 205

- 206 (1) David Lee, DMD
- 207 (2) D. Kevin Moore, DDS
- 208 (3) Frank DiMaggio, Executive Director
- 209 (4) Phil Su, Esq., General Counsel
- 210 (5) Ronald Lemon, DMD
- 211 (6) Caryn Solie, RDH
- 212

213 Board Member Moore noted that traditionally there is a fee involved with attending meetings and

214 though the Board does not know what that fee will be, the Board must approve a meeting before

215 paying to attend it. Board Member Moore suggested that he wants to provide the funds for any

216 Board Member that wishes to attend a meeting. Board Member Moore explained how he and

217 Board Member Lee went to a meeting last year and found it beneficial. Board Member Moore

encouraged any Board Member who wants to attend the AADB meeting to submit their names. Board Member West submitted that he would like to potentially attend the meeting. Board Member Thompson submitted that he would like to attend the meeting. Board Member Cioffi submitted that she would like to attend the meeting. Board Member Moore then added Board Member McIntyre, Dr. York, and Board Member Park to the list of attendees.

MOTION: Board Member Lee moved to approve all Board Members, the Executive Director and the General Counsel to attend the AADB virtual meeting on February 27-28, 2021. Board Member Moore seconded the motion. All were in favor, motion passed.

***c. Approval of Voluntary Surrender of License – NAC 631.160 (For Possible Action)**

(1) Nancy Dockery, RDH

MOTION: Board Member Moore moved to accept the Voluntary Surrender of License – Nancy Dockery, RDH. Board Member West seconded the motion. Board Member Lee inquired about the previous agenda item regarding open meeting laws. Then there was no further discussion. All were in favor, motion passed.

***d. Approval of Temporary Anesthesia Permits – NAC 631.2254 (For Possible Action)**

(1) General Anesthesia (For Possible Action)

(a) David S. Stoker, DDS

Board Member Moore asked for a motion to approve the Temporary Anesthesia Permit for David S. Stoker, DDS.

MOTION: Board Member Thompson moved to approve the Temporary Anesthesia Permit – General Anesthesia – for David S. Stoker, DDS. Board Member West and Board Member McIntyre seconded the motion. All were in favor, motion passed.

***e. Appointment to the Legislative, Legal, and Dental Practice Committee (For Possible Action)**

(1) Ronald D. West, DMD

Board Member Lee explained that Dr. West showed interest in the Legislative, Legal, and Dental Practice Committee because of his geographical location to Carson City, NV. Board Member Lee stated that Dr. West could give the Board an insider view of what is occurring in northern Nevada.

MOTION: Board Member Moore moved to accept Ronald D. West, DMD into the Legislative, Legal, and Dental Practice Committee. Board Member Lemon seconded the motion. All were in favor, motion passed.

///

///

///

///

275 **8. Public Comment (live public comment by teleconference):** This public comment period is for any
276 matter that is within the jurisdiction of the public body. No action may be taken upon the matter raised during public comment unless
277 the matter itself has been specifically included on the agenda as an action item. Comments by the public may be limited to three
278 minutes as a reasonable time, place and manner restriction, but may not be limited based upon viewpoint. The Chairperson may allow
279 additional time at his/her discretion.

280
281 Pursuant to Section 2 of Directive 006, and extended by Directives 016, 018, 021, 026, and 029, members of the public may participate in
282 the meeting without being physically present by submitting public comment via email to nsbde@nsbde.nv.gov, or by mailing/faxing
283 written messages to the Board office. Written submissions should be received by the Board on or before **Monday, October 19, 2020 by**
284 **4:00 p.m.** in order to make copies available to members and the public.

285
286 In accordance with Attorney General Opinion No. 00-047, as restated in the Attorney General's Open Meeting Law Manual, the Chair
287 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
288 Board of Dental Examiners, or if the content is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive,
289 inflammatory, irrational, or amounting to personal attacks or interfering with the rights of other speakers.

290
291 No public comment was made.

292
293
294 **9. Announcements**

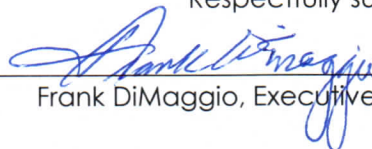
295
296 There were no announcements.

297
298
299 ***10. Adjournment** (For Possible Action)

300
301 Board Member Moore called for a motion to adjourn.

302
303 MOTION: Board Member Thompson moved to adjourn the meeting. Board Member West and
304 Board Member Lemon seconded the motion. All were in favor, motion passed.

305
306
307 Respectfully submitted:

308 
309 _____
310 Frank DiMaggio, Executive Director