

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

NOTICE OF AGENDA FOR REGULATION WORKSHOP

Meeting Date & Time

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

This meeting will be 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, December 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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1. **Call to Order**
- Roll call/Quorum

Board Member Moore called the meeting to order at approximately 6:00 p.m. Mr. DiMaggio conducted the following roll call:

Dr. D. Kevin Moore (President)-----PRESENT	Dr. Ronald West -----PRESENT
Dr. David Lee (Secretary-Treasurer) ----PRESENT	Ms. Caryn Solie ----- PRESENT
Dr. Elizabeth Park ----- PRESENT	Ms. Gabrielle Cioffi -----PRESENT
Dr. W. Todd Thompson ----- PRESENT	Mrs. Jana McIntyre -----PRESENT
Dr. Ronald Lemon ----- PRESENT	Ms. Yamilka Arias ----- PRESENT
Dr. Adam York ----- PRESENT	

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Others Present: Phil Su, General Counsel; Frank DiMaggio, Executive Director.

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2. **Public Comment (By pre-submitted email/written form):** The public comment period is limited to matters specifically noticed on the agenda. 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 (3) 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.

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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.

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Mr. DiMaggio read a statement into the record regarding public comment. Mr. Su then stated that there were two (2) written public comments submitted. Mr. Su explained that the first public comment submitted by the Nevada Dental Hygienists' Association was a draft revision to the proposed immunization statute and since it was a draft and not a comment it could be viewed on the Board website. Mr. Su stated that the second public comment submitted by the NDHA was a letter to the Board and invited Mr. DiMaggio to read the document. Mr. Su concluded that the letter could also be found on the Board website.

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3. **Presentation and Discussion of Proposed Temporary Regulations:**

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a. Public Workshop and Review of Nevada Administrative Code Chapter 631 related to the practice of dentistry and proposed temporary regulation changes and/or amendments pertaining to the following:

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- **Administration of Vaccinations by Licensed Dental Professionals (NAC 631.2562)**
- **Licensing (NAC 631.028-220), including Regulations regarding Dental Therapy (NAC 631.205)**

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b. Question and Answer Session regarding Proposed Temporary Regulations

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Mr. Su read a prefatory statement into the record regarding workshops. Mr. Su then explained that the public workshop was to discuss temporary regulations. Mr. Su stated that the public workshop was for soliciting public comment and no decisions would be made as to adoptions of regulations. Mr. Su explained the process for adopting temporary regulations and for such regulations to be made permanent. Mr. Su noted that the Committee on Dental Hygiene and Dental Therapy and

117 Subcommittee were supposed to meet prior to the workshop to discuss the temporary regulations
118 but did not due to technical difficulties. Mr. Su stated that despite the Committee and
119 Subcommittee not having met, the Board can still have a productive exchange of ideas and hold
120 a subsequent workshop if needed. Mr. Su then explained the format of the workshop beginning
121 with discussion of the proposed regulations for vaccine administration by dental professionals.
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123 Mr. Su stated that Assemblyman O'Neill had issued a bill draft request duplicative of what the Board
124 of Dental Examiners is trying to accomplish through temporary regulations. Mr. Su stated that he
125 believes it is still productive to pursue the proposed regulations because it is not guaranteed that
126 the proposed bill will pass. Mr. Su then noted that the Nevada Dental Association and the Nevada
127 Dental Hygienists' Association requested postponement of the workshop. Mr. Su asked Board
128 Member Moore if he would like to consider the request for postponement of the workshop. Board
129 Member Moore called for a motion to postpone the workshop. Board Member Thompson inquired
130 about continuing the workshop and scheduling another workshop since the matters being
131 discussed are not being acted on. Mr. Su stated that that is an option and reiterated that the
132 purpose of the workshop is to allow interested parties to discuss regulations.
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134 MOTION: No motion was made. Board Member Moore invited Mr. Su to continue hosting the
135 workshop.
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137 Mr. Su invited Board Members and attendees to discuss the administration of vaccinations by
138 dental professionals. Board Member Arias made a comment stating that she believes it is a great
139 idea to involve dentists and dental hygienists to administer vaccines despite anyone's personal
140 views on the Covid-19 vaccine. Ms. Franco then called on Dr. Mark Funke, President of the Nevada
141 Dental Association. Dr. Funke made a comment thanking the Board for considering the request to
142 postpone the workshop and asked for the Board to take into consideration that dentists are liable
143 for patients receiving the vaccine when adopting the temporary regulation that allows licensed
144 dental professionals to administer vaccines. Dr. Funke also inquired about the purpose of a
145 temporary regulation. Mr. Su replied to Dr. Funke stating that the temporary regulation would end
146 on November 1, 2021 and if the Board wanted to make the regulation permanent the Board could
147 start that process in July 2021 so that the permanent regulation would take effect as soon as the
148 temporary regulation expires. Mr. Su then stated that the purpose of a temporary regulation is to
149 allow the Board to conduct the business necessary to enforce the Nevada Revised Statutes. Mr. Su
150 then noted that in regards to the administration of vaccinations by dental professionals if the Board
151 could not complete the temporary regulation process, the Board could alternatively produce
152 emergency regulations to permit dental professionals to provide vaccinations. Mr. Su stated that an
153 emergency regulation would only last one hundred and twenty (120) days. Board Member Lee
154 asked Mr. Su why the temporary regulation is temporary. Mr. Su explained that regulations passed
155 after August 1 of the preceding year of a legislative session must be temporary. Board Member Park
156 inquired about the availability of supplies for the administration of vaccinations in the event an
157 emergency regulation is passed. Ms. Franco called on Dr. Funke and he replied to Board Member
158 Park's inquiry stating the first shipment of vaccination supplies has arrived in Northern Nevada.
159 Board Member Thompson then shared information he had on the shipment of Pfizer and Moderna
160 to Nevada counties. Ms. Franco then called on Jessica Woods, Interim State Dental Hygienist for the
161 Oral Health Program. Ms. Woods stated that the Oral Health Program is in the process of
162 disseminating a survey to dental professionals and staff about their interest in receiving the Covid-19
163 vaccine.
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165 Mr. Su invited Board Members and attendees to discuss licensing regulations beginning with the
166 section regarding licensure fees. Board Member Thompson made a comment stating that he does
167 not believe that dental therapy and dental hygiene should share the same line item within the
168 proposed draft regulation. Mr. Su stated that he mirrored the Nevada Revised Statutes when
169 drafting the regulations and that is why dental therapy and dental hygiene share the same line
170 item. Ms. Franco then called on Jessica Woods. Ms. Woods made a comment regarding dual
171 licensure and asked the Board to take into consideration the high licensure fees if licensees have to

172 hold both a dental hygiene license and dental therapy license in order to be licensed in other
173 states. Mr. Su and Mr. DiMaggio explained to Ms. Woods that licensure fees have not increased in
174 multiple years and are based in the statutes. Mr. DiMaggio then recommended an article
175 regarding dual licensure of dental therapy and dental hygiene for any individuals who are
176 interested. Ms. Franco then called on Dr. Mark Funke. Dr. Funke stated that he agreed with Board
177 Member Thompson in that dental therapy and dental hygiene should be separated within line
178 items and that he believes the proposed price of dental therapy licensure within the draft
179 regulation is logical. Board Member Thompson then inquired about why a dental therapist would
180 need to also hold a dental hygiene license. Board Member Arias commented in regards to Board
181 Member Thompson's comment stating that she believes it should be the licensee's decision
182 whether or not to hold two (2) licenses. Board Member Solie commented about how the statute
183 states that a dental therapist must complete dental hygiene education before obtaining dental
184 therapy education and stated that she believes the statute was written that way in order to
185 prevent dental hygiene from not being recognized within a dental therapy license. Board Member
186 Thompson then explained how he understands the law regarding dental therapy and stated that
187 he believes licensees would want to hold both a dental therapy license and dental hygiene license
188 because a dental therapy license is geographically restricted and a dental hygiene license is not.
189 Board Member Thompson stated that the Board should discuss dental therapists being able to work
190 in geographically restricted areas as well as non-geographical restricted areas as dental hygienists.
191 Board Member Lee then stated that he understood Ms. Wood's comment differently in that she was
192 saying dental therapy may be classified differently in other states and therefore dental hygiene
193 would not be recognized in a dental therapy license. Board Member West commented stating he
194 agrees with Board Member Thompson that a dental therapy license should carry dental hygiene
195 within it. Board Member Lee mentioned the license renewal fees and Board Member Thompson
196 stated that dental therapists should be charged one hundred (100) dollars more than dental
197 hygienists. Mr. Su stated that in regards to the license renewal fees, the Board cannot charge over
198 three hundred dollars per the statute. Board Member Lemon then made a recommendation to task
199 a committee with discussing licensure fees pertaining to dental therapy. Board Member Solie made
200 a recommendation to task the Committee on Dental Hygiene and Dental Therapy in conjunction
201 with the Public Health Dental Hygiene and Dental Therapy Subcommittee with discussing dental
202 therapy licensure fees. Board Member Moore then requested that the Board Members and
203 attendees stay on topic and continue forward with subsequent agenda items. Mr. Su then clarified
204 that the maximum the Board can charge dental therapists and dental hygienists for renewal is six
205 hundred (600) dollars, therefore the Board can charge dental therapists one hundred dollars more
206 than dental hygienists. Ms. Franco then called on Antonio Ventura. Mr. Ventura made a comment
207 regarding dental therapy licensure in other states and high licensure fees in Nevada.

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209 Mr. Su then invited Board Members and attendees to discuss licensing regulations regarding
210 renewal. Board Member Thompson inquired about a blank space in the regulation line item
211 regarding continuing education for vaccines. Mr. Su explained that he left the blank space in order
212 to facilitate discussion as to when would be the proper time to require renewal for vaccination
213 continuing education. Mr. Su then moved to the next item to discuss renewal for practicing public
214 health dental hygiene. Mr. Su suggested that Public Health Dental Hygiene Endorsement be
215 discussed at a future workshop because the Board has to develop regulations for public health
216 endorsement since regulations have not been completely created for such endorsement. Ms.
217 Franco then called on Nena Laxalt. Ms. Laxalt asked for clarification regarding emergency
218 regulations and temporary regulations. Mr. Su explained that the proposed regulations for
219 vaccinations and licensing are temporary. Ms. Franco then called on Terrie Chandler. Ms. Chandler
220 made a comment regarding malpractice insurance. Ms. Franco then called on Antonio Ventura.
221 Mr. Ventura also made a comment regarding malpractice insurance. Mr. Su then moved to the
222 next item to discuss malpractice complaints. No comments were made regarding malpractice
223 complaints. Mr. Su then moved to the next item to discuss voluntary surrender of licensure. No
224 comments were made regarding voluntary surrender of licensure. Mr. Su then moved to the next
225 item to discuss regarding inactive licensure. Board Member Solie inquired if the phrase inactive
226 included retired licenses. Mr. Su and Ms. Stratton explained that retired is distinct from inactive since

227 there is regulation regarding retired license status. Mr. Su then moved to the next item to discuss
228 continuing education. Mr. Su noted that there is a typographical error written in the statute
229 regarding continuing education completion hours. Mr. Su also noted that the American Association
230 of Dental Hygiene was approved by the Board as a continuing education provider. Ms. Franco
231 then called on Annette Lincicome. Ms. Lincicome made a comment regarding the American
232 Association of Dental Hygiene. Mr. Su then moved to the next item to discuss continuing education
233 for dental therapy. Ms. Stratton made a comment regarding adding dental therapists to volunteer
234 services along with dentists and dental hygienists. Mr. Su noted that current regulations will need to
235 be revised to include dental therapy and dental therapists by replacing the titles of dentist and
236 dental hygienist to dental practitioner. Mr. Su then moved to the next item to discuss failure of
237 continuing education. Ms. Franco then called on Dr. Mark Funke. Dr. Funke inquired about
238 continuing education for vaccinations. Mr. Su explained the continuing education requirements for
239 vaccination in the draft regulation. Mr. Su then moved to the next item to discuss infection control
240 inspection. No comments were made regarding infection control inspection. Mr. Su then moved to
241 the next item to discuss the inspection of dental records. No comments were made regarding the
242 inspection of dental records. Mr. Su then moved to the next item to discuss a new dental specialty.
243 No comments were made regarding the new dental specialty. Mr. Su then moved to the next item
244 to discuss permissible actions. No comments were made regarding permissible actions. Ms. Franco
245 then called Dr. Mark Funke. Dr. Funke made a comment stating a second workshop would be
246 helpful in order for the Nevada Dental Association to gather more information and provide more
247 comment on the regulations. Ms. Franco then called on Terrie Chandler. Ms. Chandler made a
248 comment regarding public health endorsement. Ms. Franco then called on Antonio Ventura. Mr.
249 Ventura made a comment suggesting that another Committee on Dental Hygiene and Dental
250 Therapy in conjunction with the Public Health Dental Hygiene and Dental Therapy Subcommittee
251 meeting be held before a follow up workshop.

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253 Board Member Moore asked for a motion to end the meeting, allow the Committee on Dental
254 Hygiene and Dental Therapy and Public Health Dental Hygiene and Dental Therapy Subcommittee
255 to meet, and then hold a second open forum.

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257 MOTION: Board Member Park moved to end the workshop, allow the Committee on Dental
258 Hygiene and Dental Therapy and Public Health Dental Hygiene and Dental
259 Therapy Subcommittee to reconvene at another meeting, and have the Board
260 host a second workshop. Board Member West seconded the motion.
261 All were in favor, motion passed.

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4. 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 (3) 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.

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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.

Mr. DiMaggio read a statement into the record regarding public comment. Ms. Franco then called on Antonio Ventura. Mr. Ventura made a comment thanking the Board for allowing him to speak during the workshop and stated that the Public Health Dental Hygiene and Dental Therapy Subcommittee looks forward to convening at the next Committee on Dental Hygiene and Dental Therapy meeting.


5. Announcements

No announcements were made.

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

Board Member Moore called for a motion to adjourn.

MOTION: Board Member Thompson motioned to adjourn the workshop. Board Member Lemon seconded the motion. All were in favor, motion passed.

Respectfully submitted by:

Frank DiMaggio, Executive Director