

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 AGENDA

Meeting Date & Time

Tuesday, January 5, 2021
6:00 p.m.

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

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, January 4, 2021 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 6:02 p.m. Mr. Frank 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		

Others Present: Phil Su, Board General Counsel; Frank DiMaggio, Executive Director; Christopher Gellner, Deputy General Counsel.

- 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.

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 messages to the Board office. Written submissions received by the Board on or before **Monday, January 4, 2021 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.

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 regarding public comment into the record. Mr. DiMaggio stated that there were several written public comments, which he then read into the record.

***3. Election of Officers:** (For Possible Action)

(a) President (For Possible Action)

Board Member Moore explained that at the beginning of the year the Board elects a President and asked if there were any nominations.

MOTION: Board Member Lee motioned to nominate Board Member Moore to serve as Board President. Board Member Thompson seconded the motion. All were in favor, motion passed.

(b) Secretary Treasurer (For Possible Action)

MOTION: Board Member McIntyre motioned to nominate Board Member Lee to serve as Board Secretary Treasurer. Board Member Thompson seconded the motion. All were in favor, motion passed.

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

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

Board Member Moore requested to remove agenda items (6) and (7)(a).

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(b) Approve Agenda (For Possible Action)

MOTION: Board Member McIntyre moved to approve the agenda and to remove agenda items (6) and (7)(a). Board Member Cioffi seconded the motion. All were in favor, motion passed.

***5. Secretary – Treasurer's Report:** (For Possible Action)

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

- (1) Employment Committee Teleconference Meeting – 10/28/2020
- (2) Committee on Dental Hygiene & Dental Therapy Teleconference Meeting – 11/04/2020
- (3) Board Teleconference Meeting – 11/10/2020
- (4) Infection Control Committee Meeting – 12/02/2020

Board Member Lee inquired if anyone had any questions or corrections regarding the minutes for approval. Mr. DiMaggio clarified that the 10/28 and 11/10/20 meetings have both open and closed session minutes. It was noted that closed session minutes were not public record.

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

***6. Executive Director's Report:** (For Possible Action)

This agenda item was removed.

***7. 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 matters by Review Panel** (For Possible Action)

This agenda item was removed.

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

- (1) Review, discussion, and possible determination to delegate authority to the Employment Committee to seek and interview outside legal counsel to represent the Board in future litigation and make recommendations to the Board regarding the same** (For Possible Action)

Mr. Phil Su asked the Board to consider delegating authority to the Employment Committee to seek and interview outside legal counsel should the Board ever need it. He noted further that currently the Board did not have outside legal counsel representation.

MOTION: Board Member Moore motioned to delegate the authority to the Employment Committee to seek and interview outside legal counsel in the event that the Board is in need of outside legal counsel. Board Member West seconded the motion. All were in favor, motion passed.

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***8. Old Business:** (For Possible Action)

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186 ***a. Discussion, consideration, and possible determination of Board Meeting dates for the**
187 **calendar year of 2021** (For Possible Action)
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Tuesdays at 6:00 p.m.	
February 02, 2021	August 17, 2021
March 16, 2021	September 21, 2021
April 06, 2021	October 05, 2021
May 18, 2021	November 16, 2021
June 15, 2021	December 07, 2021
July 20, 2021	

198 Mr. DiMaggio stated that they had sent out some proposed dates for 2021 Board meetings. Mr.
199 DiMaggio noted that things can arise and dates can change. Mr. DiMaggio thanked the Board
200 Members for responding. He stated that the dates proposed are dates that all Board Members have
201 indicated they were available to attend.
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203 MOTION: Board Member Moore motioned to approve the proposed Board Meeting dates for the
204 2021 calendar year. Board Member Cioffi seconded the motion. All were in favor,
205 motion passed.
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208 ***9. New Business:** (For Possible Action)
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210 ***a. Discussion, consideration and possible approval/rejection of CDC Update – NRS NAC 631.178**
211 (For Possible Action)
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213 (1) December 4, 2020 CDC Update
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215 Mr. Su read NAC 631.178 regarding the CDC guidelines into the record. He noted that the board has 30
216 days to adopt or not adopt any updated CDC guidelines. Mr. Su reminded the Board of the previous
217 guidelines that were adopted by the Board in October, and noted that they were adopted with the
218 modification of N95 masks or equivalent. Mr. Su went over any new changes made in the proposed
219 December guidelines. There was some discussion regarding the use of N95 masks and the use of
220 equivalent levels of protection that the Board would deem as acceptable.
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222 MOTION: Board Member Lee motioned to approve and adopt the December 4, 2020 CDC
223 guidelines with the modification that all listed CDC recommendations for the use of an
224 N95 mask be modified to allow for a level three mask or face shield. Board Member
225 McIntyre seconded the motion. All were in favor, motion passed.
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228 ***b. Discussion, consideration and possible approval/rejection of the Committee on Dental**
229 **Hygiene and Dental Therapy's recommendation to appoint members to the Public Health**
230 **Dental Hygiene and Dental Therapy Subcommittee** (For Possible Action)
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- 232 (1) Steven Saxe, DMD
233 (2) Michael Moore, DDS
234 (3) Adam Gatan, DMD
235 (4) Kelly Taylor, RDH
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237 Board Member Moore stated that if there was no opposition, he would call for a motion to approve the
238 recommendation to appoint the new subcommittee members.
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242 MOTION: Board Member Park motioned to approve the recommendation from the Committee

on Dental Hygiene and Dental Therapy to appoint all four individuals to the Public Dental Hygiene and Dental Therapy Subcommittee. Board Member Lee seconded the motion. Discussion: Board Member Moore disclosed for the record that Dr. Michael Moore is his brother. All were in favor, motion passed.

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

- (1) Sudheer J Surpure, DDS, MD – General Anesthesia
- (2) David M Raper, DDS – General Anesthesia

Board Member Moore stated that he and Board Member Lee reviewed both licensees' applications, that they met the criteria and recommended approval.

MOTION: Board Member McIntyre motioned to approve the temporary permits. Board Member West seconded the motion. All were in favor, motion passed.

***d. Approval of Permanent Anesthesia Permits – NAC 631.2235** (For Possible Action)

- (1) Christine A Lemon, DDS – General Anesthesia

Board Member Moore stated that he and Board Member Lee reviewed both licensees' applications, that they passed their evaluations and recommended approval.

MOTION: Board Member West motioned to grant the permanent permit to Dr. Lemon. Board Member McIntyre seconded the motion. All were in favor, motion passed.

***e. Approval of Review Panel Members beginning January 1, 2021 to December 31, 2021 – NRS 631.190** (For Possible Action)

- (1) Dental Panel: (One (1) Board Member Dentist, One (1) Board Member Hygienist, and One (1) Non-Board Member Dentist)
- (2) Dental Hygiene Panel: (One (1) Board Member Dentist, One (1) Board Member Hygienist, and One (1) Non-Board Member Hygienist)

Board Member Moore stated that if there is no objection, he would like to take agenda items (e) – (g) as a group. Board Member Moore suggested maintaining the committee appointments as is. Board Member Moore stated that it was open for discussion and that he was open to any recommended changes. Board Member Thompson stated that many of the current Board members have only been on the board for one year and he would like to maintain status quo. There was additional comment in support of Board Member Moore's suggestion to maintain the Committee appointments.

Board Member Arias stated that she agreed with maintaining the same committees, she suggested one change, and that was to appoint a Dental Hygienist to sit as the Chair of the Committee on Dental Hygiene and Dental Therapy. She nominated Board Member Solie to Chair the committee. Board Member Moore stated that they would bring it up for discussion under agenda item (g).

MOTION: Board Member Lee motioned to re-appoint the Review Panel members. [Dental Panel: Board Member Lee, Dr. Tejpaal Johl, and Board Member McIntyre; Dental Hygiene Review Panel: Board Member Park, Board Member Solie, and Ms. Nichelle Venable.] Board Member McIntyre seconded the motion. No discussion. All were in favor, motion passed.

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***f. Approval of Alternate Dental and Dental Hygiene Review Panel Members beginning**

Board Member Moore noted that there were some vacancies that had yet to be filled on the Alternate Dental and Dental Hygiene Review Panels. Mr. Su noted that the Board could approve that list as is, if they wished to.

MOTION: Board Member Lee motioned to approve the re-appointment of Board West to the Alternate Dental Review Panel, and the re-appointment of Board Member Arias and Ms. Samantha Sturges to the Alternate Dental Hygiene Review Panel. Board Member Moore seconded the motion. No discussion All were in favor, motion passed.

***g. Appoint Board Members to Board Committees** (For Possible Action)

(1) Appointment of Members to existing Committees (For Possible Action)

Board Member Moore asked if there were any other comments besides the Committee on Dental Hygiene and Dental Therapy. Board Member Park asked that if there is ever an interest to switch committee's would a Board Member have to wait until next year. Board Member Moore stated that a Board Member could request to change committees at any time; however, he hoped that anyone appointed to a particular committee would partake in that committee for the year. Board Member Park shared her thoughts on the importance of Dentists to be a part of the Committee on Dental Hygiene and Dental Therapy. Board Member Park commented that she found it politically challenging to chair the Committee on Dental Hygiene and Dental Therapy. She spoke regarding her concerns to ensure public safety when reviewing regulations. She spoke in favor of continuing to Chair the Committee on Dental Hygiene and Dental Therapy and added that she would be open to co-chairing the Committee.

Board Member Moore went over the current list of Committees and stated that he would had no problem with re-appointing the same Board members.

MOTION: Board Member Thompson motioned to approve the reappointment of Board Members to the all Committees as currently listed, with the exception of Committee on Dental Hygiene and Dental Therapy. Board Member Moore seconded the motion. All were in favor, motion passed.

There was discussion regarding the possibility of have co-chairs for the Committee on Dental Hygiene and Dental Therapy. Board Member Arias commented that it was important to clarify that dental hygienists were asking for a dental hygienist to Chair the Committee on Dental Hygiene and Dental Therapy so that they would feel that they are being represented and were not against working with dentists on the Committee. There were recommendations to appoint Board Member Arias or Board Member Solie to co-chair the committee. Board Member Arias declined the recommendation as she felt Board Member Solie was better suited for the position. Board Member Solie welcomed the opportunity to co-chair.

Board Member Solie made comments to help the Board understand where some of the feedback and comments licensed dental hygienists were making to the Board stemmed from. It was noted that politics should be kept out of the rule-making process and that they should all work together with public safety in mind. Board Member Thompson suggested, perhaps, having a Vice Chair rather than a Co-Chair on the Committee on Dental Hygiene and Dental Therapy.

MOTION: Board Member Thompson motioned to re-appoint the same Board Members to the Committee on Dental Hygiene and Dental Therapy, with the modification that Board Member Solie be appointed as the Vice Chair. Board Member West seconded the motion. Discussion: Board Member McIntyre stated they had a discussion a year ago when the Board voted to appoint Board Member Park, where comments were made stating that the previous board always appointed a Dental Hygienist to Chair the Committee on Dental Hygiene; however, she stated that there was a reason that there was a new Board, and that as the new Board they were there to conduct things differently. She added that she felt that it has gotten pretty political and expressed her

appreciation for all that Board Member Park has done and how she has carried herself. Board Member McIntyre commented that as a Dental Hygienist, she feels she's fully represented and would like to have a dentist to chair the committee. All in favor, motion passed.

Board Member Moore asked that if any Board members would like to serve on another committee to let him know.

10. 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.

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, January 4, 2021 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.

Mr. DiMaggio read a statement into the record.

Dr. Bob Talley commented that he commended the Board for appointing Ms. Solie as Vice Chair of the Committee on Dental Hygiene and Dental Therapy. He suggested that the Public Health Dental Hygiene and Dental Therapy Subcommittee should meet one (1) to two (2) times before any regulations on Dental Therapy are made. He commented that he did not see how the Board can have a regulation workshop to address Dental Therapy regulations, especially with the appointment of four (4) new subcommittee members. Dr. Talley asked the Board to consider taking Dental Therapy off of the workshop agenda that is being held on January 7.

Ms. Annette Lincicome, RDH thanked the Board for allowing public comment. She commented on her disappointment that the Board did not address her issues with the Infection Control Committee minutes; especially she believed the minutes to be confusing.

Jessica Woods, RDH commented that as a subcommittee member of the Public Health Dental Hygiene and Dental Therapy Subcommittee, she stated that she would like to echo Dr. Talley's comments regarding the timeline of the Subcommittee. Furthermore, that she, too, would like to request the postponement any regulation making regarding Dental Therapy. She stated that the Committee on Dental Hygiene and Dental Therapy and the Public Health Dental Hygiene and Dental Therapy Subcommittee has to meet to comb through the Dental Therapy language. Ms. Woods asked if the subcommittee members could be furnished with information on their role and when they will be permitted to speak when partaking in a meeting.

Minette Galura-Boquiren, President of the Nevada Dental Hygienists' Association, thanked the Board for hosting a meeting. She noted that there was a lot of discussion regarding the Committee on Dental Hygiene and Dental Therapy. She clarified for the record that the dental hygienists simply want to make sure that they are being represented and that their voices are heard. Furthermore, that they did not have any issues with Board Member Park, they simply would like a dental hygienist as the chair of the committee. There was comment regarding dental therapists in Minnesota and whether or not they are licensed.

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Dr. Scott Futch commented on the CDC update adopted by the Board and stated that by specifying the

level three masks raises the concern that level 3 PPE have been unavailable and are scarce. He clarified that by specifying level 3 it may present an issue if dental professionals are unable to attain them, and therefore believes it to be something for the Board to consider.

11. Announcements


No announcements were made.

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

Board Member Moore called for adjournment.

MOTION: Board Member Lee motioned to adjourn the meeting at approximately 7:11 p.m. Board Member McIntyre seconded the motion. All were in favor, motion passed.

Respectfully submitted:


Frank DiMaggio, Executive Director