



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 & Combined Teleconference Meeting of (1) The Anesthesia Committee and (2) The Anesthesia Sub-Committee**

### **Meeting Date & Time**

Thursday, August 26, 2021  
6:00 p.m.

**\*\* This meeting will be held via remote technology system and \*\***  
**\*\* will be accessible to the public via ZOOM VIDEO WEBINAR/TELECONFERENCE ONLY \*\***  
**\*\* There will be no physical location for the meeting \*\***  
**\*\* pursuant to NRS 241.015, as amended by AB 253 (2021) \*\***

**To access by phone**, call Zoom teleconference Phone Number: (669) 900 6833  
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Zoom Webinar/Meeting ID#: 824 1876 7237  
Zoom Webinar/Meeting Passcode: 972532

## **MINUTES**

### **PUBLIC NOTICE:**

**\*\* This meeting will be held via VIDEO CONFERENCE \*\***

**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.

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@dental.nv.gov](mailto:nsbde@dental.nv.gov)**. Written submissions received by the Board on or before **Wednesday August 25, 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.



1  
2  
3 **1. Call to Order**

- 4  
5 - Roll call/Quorum

6  
7 Mr. DiMaggio conducted roll call.

8

Anesthesia Committee	
Dr. Moore (Chair)—Present	Dr. West—Present
Dr. Thompson—Present	

9

Anesthesia Sub-Committee	
Dr. Johnson—Present	Dr. Okundaye—Present
Dr. Gray—Present	Dr. Miller—Present
Dr. Saxe—Present	Dr. Twesme—Not Present

10  
11 **Others Present:** Frank DiMaggio, Executive Director; Phil Su, Board General Counsel; Jason Dworin, Board  
12 General Counsel; Sandra Spilsbury, Site Inspection - Continuing Education Coordinator

13 **Public Attendees:** Joe Simms

- 14  
15 **2. Public Comment (By pre-submitted email/written form):** The public comment period is limited to matters  
16 specifically noticed on the agenda. No action may be taken upon the matter raised during public comment unless the  
17 matter itself has been specifically included on the agenda as an action item. Comments by the public may be limited to  
18 three (3) minutes as a reasonable time, place and manner restriction, but may not be limited based upon viewpoint. The  
19 Chairperson may allow additional time at his/her discretion.

20  
21 Members of the public may submit public comment via email to [nsbde@dental.nv.gov](mailto:nsbde@dental.nv.gov), or by mailing/faxing messages  
22 to the Board office. Written submissions received by the Board on or before **Wednesday August 25, 2021 by 4:00 p.m.** may  
23 be entered into the record during the meeting. Any other written public comment submissions received prior to the  
24 adjournment of the meeting will be included in the permanent record.

25  
26 In accordance with Attorney General Opinion No. 00-047, as restated in the Attorney General's Open Meeting Law  
27 Manual, the Chair may prohibit comment if the content of that comment is a topic that is not relevant to, or within the  
28 authority of, the Nevada State Board of Dental Examiners, or if the content is willfully disruptive of the meeting by being  
29 irrelevant, repetitious, slanderous, offensive, inflammatory, irrational, or amounting to personal attacks or interfering with  
30 the rights of other speakers.

31  
32 There was no written public comment.

- 33  
34 **\*3. Chairman's Report:** D. Kevin Moore, DDS (For Possible Action)

35  
36 There was no Chairman's Report from Dr. Moore.

- 37  
38 **(a) Request to remove agenda item(s)** (For Possible Action)

39  
40 There was no request to remove agenda item(s).

- 41  
42 **(b) Approve Agenda** (For Possible Action)

43  
44 Dr. Thompson made a motion to approve the agenda as written. Dr. Gray seconded the motion. All were  
45 in favor. Motion passed.

46  
47 Dr. Moore made a statement reminding all attendees that the Sub-Committee does not vote on matters  
48 and thanked them for their participation.

49  
50 **New Business:** (For Possible Action)

- 51  
52 **\*4. Discussion and consideration by the [Anesthesia Sub-Committee and Anesthesia Committee]**  
53 **regarding the Anesthesia Evaluators Recommendations for Failure of the Evaluation on the**  
54 **Administration of Moderate Sedation to Pediatric Patients Pursuant to NAC 631.2235** (For Possible Action)  
55  
56



1  
2 **\*(a) Consideration, Discussion and recommendations by the [Anesthesia Committee] to the**  
3 **Full Board whether to Approve or reject the Anesthesia Evaluators Recommendations**  
4 **for Failure of the Evaluation on the Administration of Moderate Sedation to Pediatric**  
5 **Patients Pursuant to NAC 631.2235** (For Possible Action)

6 (1) Dr. X

7 Dr. Moore stated that he wanted to put this before the Committee and Sub-Committee for their thoughts  
8 on accepting the examiner's evaluation and, after that, to hear what recommendations the Committee  
9 and Sub-Committee would like to put forward.

10 Dr. Saxe recused himself due to a conflict of interest.

11 Dr. Gray inquired whether he could ask why Dr. Saxe recused himself.

12 Mr. Su noted that he was aware of the circumstances of the recusal and advised Dr. Saxe not to go into  
13 details.

14 Dr. Gray clarified that he only meant to determine whether he ought to recuse himself because he was  
15 an examiner/evaluator.

16 Mr. Su advised that recusal is up to the individual to decide whether to recuse him- or herself, and that  
17 mere status as an investigator does not necessarily require recusal.

18 Dr. Gray stated that he is in favor of the current system of anesthesia permit evaluations.

19 Dr. Moore asked whether Dr. Gray received the Committee Book and/or the agenda for the meeting. A  
20 second roll call was taken by Mr. DiMaggio to determine which members received the Committee Book  
21 and/or agenda. Dr. Moore, Dr. West, Dr. Thompson, Dr. Okundaye, and Dr. Miller acknowledged receipt  
22 of the materials. Dr. Gray did not have the materials. Mr. Su forwarded the Committee Book to Dr. Gray.

23 Mr. Su confirmed that the Committee and Sub-Committee did have quorum pursuant to NRS 281A.420  
24 due to the recusal of Dr. Saxe.

25 Dr. West noted that his understanding was that the Committee was meeting to discuss and decide  
26 general procedures regarding evaluations, not necessarily deciding on a specific situation and so  
27 participation by all Sub-Committee members would be vital.

28 Dr. Moore agreed with Dr. West and commented on Mr. Su's recommendation to Dr. Saxe regarding  
29 recusal, and noted that he believed the meeting was regarding general principles. He invited Dr.  
30 Okundaye to opine on agenda item 4(a)(1).

31 Dr. Okundaye stated that she read both evaluations and believes that a rubric should be implemented.  
32 Both evaluations listed at least three egregious deficiencies which would lead to failure in her opinion.  
33 After reading the evaluators' comments, which were very thorough, she believes the evaluations stand  
34 as a failure regardless of Dr. X's performance as a pediatric dental practitioner. Aside from the  
35 comments, she believes there needs to be a standardized grading system in order to have a more  
36 objective grade on paper for the evaluator to stand on.

37 Dr. Miller noted that it sounds like the evaluation result was a definite failure and agreed with Dr.  
38 Okundaye that there were some weak links in the grading system. He stated that thought should be  
39 given to a specific, standardized criteria system. He affirmed that in his opinion, Dr. X should not pass.

40 Dr. Moore asked if all members had heard enough to be confident about making a motion.

41 Dr. Thompson made a motion to accept the evaluator's decision to fail the Dr. X. Dr. Moore seconded  
42 the motion. All were in favor. Motion passed.

43 **\*5. Discussion and consideration by the [Anesthesia Sub-Committee and Anesthesia Committee]**  
44 **on Granting a Re-Evaluation upon Satisfying Deficiencies Contained in the Evaluator**  
45 **Recommendations Regarding the Administration of Pediatric Moderate Sedation pursuant to**  
46 **NAC 631.2235 (2 and 3) AND the Possible Reinstatement of the Temporary Pediatric Moderate**  
47 **Sedation Administrator Permit During the Re-Evaluation NAC 631.2235 (4-7)** (For Possible Action)

48 **\*(a) Consideration, Discussion and recommendations by the [Anesthesia Committee] to**  
49 **the Full Board to approve or reject the request for a Re-Evaluation upon Satisfying**  
50 **Deficiencies Contained in the Evaluators' Recommendations Regarding the**



**Administration of Pediatric Moderate Sedation pursuant to NAC 631.2235 (2 and 3)**  
**AND the Possible Reinstatement of the Temporary Pediatric Moderate Sedation**  
**Administrator Permit During the Re-Evaluation NAC 631.2235 (4-7)** (For Possible Action)

(1) Dr. X

Dr. Moore made a statement requesting the Committee and Sub-Committee to consider making a recommendation as to reinstatement or re-evaluation of Dr. X.

Dr. Okundaye asked for clarification as to whether the Committee was to look at the statute and make a decision on 2 through 7 by changing them in some way. Dr. Moore clarified that the Committee was looking at the specific scenario laid out in this agenda item. He noted that agenda item 4(a)(1) was for the Committee to discuss and decide the evaluator's decision to fail Dr. X, and that agenda item 5(a)(1) is to concentrate on suggestions and recommendations of further handling in this specific scenario.

Ms. Spilsbury noted that traditionally, when a failure situation arises, the permit holder is notified by the Executive Director that, for the protection of the public, they cannot continue administering anesthesia until the Board has addressed the evaluation. If the permit holder requests re-evaluation, the Board needs to approve re-evaluation. Taking into account the recommendations of the original evaluator, the Board decides whether a re-evaluation can be granted once the requirements of the recommendation are completed. If re-evaluation is granted by the Board, a temporary permit is reinstated only for the day the re-evaluation is to take place. If the individual passes the re-evaluation, the temporary permit can be maintained until a full permit can be approved by the Board. If the individual fails the re-evaluation, the temporary permit is revoked and the individual cannot re-apply for the permit for another year.

Dr. Okundaye stated that she read the e-mail from Ms. Spilsbury regarding the CEs that Dr. X had already attempted and noted she has no issue with Dr. X completing a CE and subsequently undergoing re-evaluation.

Dr. Moore noted that Dr. X had already taken the CE mentioned in the email before the original evaluation.

Dr. Okundaye clarified that she would recommend Dr. X take an additional CE, pursuant to whatever is deemed necessary by the Board, and then retake the evaluation. She noted that any course taken before the original evaluation should not be utilized in fulfilling CE requirements after the evaluation.

Dr. Moore noted that the Board would appreciate recommendations for an appropriate pediatric sedation CE course and asked if any Committee or Sub-Committee members could chime in.

Dr. Miller recommended the course that was taken already, offered by the American Academy of Pediatric Dentistry (AAPD), and noted that Dr. X would need to complete the AAPD sedation course including a pediatric hands-on simulation component.

Dr. Moore asked Dr. Saxe if he had any comments.

Mr. DiMaggio noted that the evaluator made a supplemental CE recommendation to the original evaluation report, included in the Committee book on page 20.

Mr. Su stated that it was up to Dr. Saxe to determine if he'd like to contribute, due to his recusal.

Dr. Saxe said that he looked over the Committee book and was comfortable with the alternative CE recommendations on page 20.

Dr. Moore asked if all Committee members had heard enough to be confident about making a motion.

Dr. West noted that the matter was serious and doesn't appear to happen often, and that he had concerns that Dr. X took a CE course just prior to failing the evaluation. He also offered the suggestion of Dr. X doing a mock examination of some sort ahead of time.

Dr. Thompson added that all practitioners have been to CEs, they attend without fully participating, come back, and fail an exam. He was not opposed to Dr. X retaking the same CE, but Dr. X just needs to take the matter seriously and participate in the CE. Dr. Thompson noted that he believes that Dr. X will take the CE more seriously after having failed the evaluation. He made a motion that Dr. X take any of the CE courses recommended before re-applying for the permit.



1 Dr. Johnson agreed and noted that if Dr. X still is unable to pass an evaluation after completing the  
2 required CE, Dr. X should not be given any leeway and must understand exactly how serious the situation  
3 is for the protection of the patients.

4 Dr. Moore inquired how the members would suggest moving forward.

5 Dr. Johnson recommended Dr. X go take an adequate CE course with a hands-on component and if Dr.  
6 X fails another evaluation after attending the CE, the permit would need to be revoked.

7 Dr. Moore asked if any members had experience with the CE in question, specifically whether it had any  
8 exam built in or any accountability.

9 Dr. Miller stated that the AAPD course has no exam in either the lecture or the hands-on portion. The  
10 instructors work with the providers to ensure understanding but there is no official competency "sign-off"  
11 included.

12 Dr. West noted that he would be more comfortable with re-evaluation being more thorough or rigorous  
13 than the initial evaluation after a failure, in addition to the existing recommendations being discussed  
14 currently.

15 Dr. Moore stated that discussion regarding more rigorous evaluations could be brought up another time,  
16 but he wished to move forward with recommendations on the instant situation. He asked Dr. Saxe if he  
17 had any first-hand experience with the recommended CE.

18 Dr. Saxe responded that he had taken both courses and that there were no testing components in either,  
19 but that there were hands-on and round table elements for practitioners to engage in. He noted that  
20 both courses are excellent and said that the AAPD course is one of the best as far as pediatric sedation.

21 Dr. Moore asked Dr. Thompson to make an amendment to his previous motion.

22 Dr. Thompson proposed a motion that the CE must be at least fifteen hours in length, include a hands-on  
23 component, and be specific to pediatric sedation.

24 Dr. Miller added that he'd recommend the motion be amended to include a requirement for a  
25 simulation course.

26 Dr. Thompson and Dr. Moore agreed.

27 Dr. Moore made a motion to approve the recommendation. Dr. West seconded the motion. All were in  
28 favor. Motion passed.

29 Ms. Spilsbury asked what information regarding possible reinstatement she should pass on to Dr. X.

30 Dr. Moore responded that she would not be giving recommendations to Dr. X, only notifying Dr. X that the  
31 permit would not be reinstated until the course and the re-evaluation are completed.

32 Dr. Thompson seconded Dr. Moore's statement. All were in favor.

33 Dr. Moore asked Ms. Spilsbury if she had all she needed.

34 Ms. Spilsbury noted that the temporary permit needed to be reinstated for only the day of the evaluation  
35 in order to complete the evaluation and requested that the Committee confirm their agreement.

36 Mr. Su noted that the permit would not be reinstated until the course and the re-evaluation are  
37 completed, and that the temporary permit is required in order to be re-evaluated.

38 Dr. Moore clarified that it was a one day temporary permit.

39 Mr. DiMaggio asked if Dr. Thompson's final motion tracked with the recommendations on page 20 of the  
40 Committee book.

41 Dr. Moore clarified the amended motion as requiring Dr. X to complete a minimum of 15 hours didactic  
42 instruction concentrating on pediatric sedation that includes a hands-on simulation component and a re-  
43 evaluation.

44 Dr. Moore thanked the Sub-Committee for their participation and asked if there were any comments or  
45 questions, of which there were none.

46 **6. Public Comment (Live public comment by teleconference):** This public comment period is for any  
47 matter that is within the jurisdiction of the public body. No action may be taken upon the matter raised during public  
48 comment unless the matter itself has been specifically included on the agenda as an action item. Comments by the



1 public may be limited to three (3) minutes as a reasonable time, place and manner restriction, but may not be limited  
2 based upon viewpoint. The Chairperson may allow additional time at his/her discretion.

3  
4 Pursuant to Section 2 of Directive 006, and extended by Directives 016, 018, 021, 026, and 029, members of the public  
5 may participate in the meeting without being physically present by submitting public comment via email to  
6 [nsbde@nsbde.nv.gov](mailto:nsbde@nsbde.nv.gov), or by mailing/faxing written messages to the Board office. Written submissions should be received  
7 by the Board on or before **Wednesday, August 25, 2021 by 4:00 p.m.** in order to make copies available to members and  
8 the public.

9  
10 In accordance with Attorney General Opinion No. 00-047, as restated in the Attorney General's Open Meeting Law  
11 Manual, the Chair may prohibit comment if the content of that comment is a topic that is not relevant to, or within the  
12 authority of, the Nevada State Board of Dental Examiners, or if the content is willfully disruptive of the meeting by being  
13 irrelevant, repetitious, slanderous, offensive, inflammatory, irrational, or amounting to personal attacks or interfering with  
14 the rights of other speakers.

15  
16 There was no public comment.

17  
18 **7. Announcements**

19  
20 There were no announcements.

21  
22 **\*8. Adjournment** (For Possible Action)

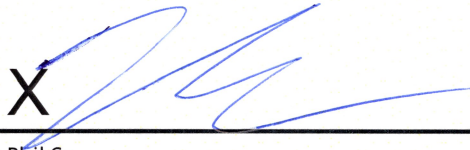
23  
24  
25 Dr. Thompson made a motion to adjourn. Dr. West seconded the motion. All were in favor. Motion  
26 passed.

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**PUBLIC NOTICE POSTING LOCATIONS**

Office of the N.S.B.D.E., 6010 S Rainbow Boulevard, #A-1, LV, NV 89118  
Nevada State Board of Dental Examiners website: [www.dental.nv.gov](http://www.dental.nv.gov)  
Nevada Public Posting Website: [www.notice.nv.gov](http://www.notice.nv.gov)

  
X  
Phil Su  
General Counsel/Interim Executive Director