

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 September 21, 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

To access by video webinar, visit www.zoom.com or use the Zoom app

Zoom Webinar/Meeting ID#: **818 3317 9572**

Zoom Webinar/Meeting Passcode: **655340**

MINUTES

PUBLIC NOTICE:

**** This meeting will be held via VIDEO WEBINAR and TELE-CONFERENCE only ****

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 submit 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**. Written submissions received by the Board on or before **Monday September 20, 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 **1. Call to Order**

2 - Roll call/Quorum

3
4 Mr. Su conducted roll call.

Dr. Kevin Moore (Dr. Moore)—Present	Dr. Todd Thompson (Dr. Thompson)— Present
Dr. Ronald West (Dr. West)— Present	Dr. Elizabeth Park (Dr. Park) — Present
Dr. Adam York (Dr. York)— Present	Ms. Yamilka Arias (Ms. Arias)— Present
Ms. Gabrielle Cioffi (Ms. Cioffi)— Present	Dr. Ronald Lemon (Dr. Lemon)— Present
Dr. David Lee (Dr. Lee)— Present	Ms. Caryn Solie (Ms. Solie)— Present
Ms. Jana McIntyre (Ms. McIntyre)— Present	

6
7 **Others Present:** Frank DiMaggio, Executive Director; Phil Su, Board General Counsel; Jason Dworin, Board
8 General Counsel; Sandra Spilsbury, Site Inspection - Continuing Education Coordinator

9
10
11 **2. Public Comment (By pre-submitted email/written form only):** The public comment period is limited to matters
12 specifically noticed on the agenda. No action may be taken upon the matter raised during public comment unless the
13 matter itself has been specifically included on the agenda as an action item. Comments by the public may be limited to
14 three (3) minutes as a reasonable time, place and manner restriction, but may not be limited based upon viewpoint. The
15 Chairperson may allow additional time at his/her discretion.

16
17 Members of the public may submit public comment via email to nsbde@dental.nv.gov, or by mailing/faxing messages to the
18 Board office. Written submissions received by the Board on or before **Monday, September 20, 2021 by 4:00 p.m.** may be entered
19 into the record during the meeting. Any other written public comment submissions received prior to the adjournment of the
20 meeting will be included in the permanent record.

21
22 In accordance with Attorney General Opinion No. 00-047, as restated in the Attorney General's Open Meeting Law Manual,
23 the Chair may prohibit comment if the content of that comment is a topic that is not relevant to, or within the authority of,
24 the Nevada State Board of Dental Examiners, or if the content is willfully disruptive of the meeting by being irrelevant,
25 repetitious, slanderous, offensive, inflammatory, irrational, or amounting to personal attacks or interfering with the rights of
26 other speakers.

27
28 There was one written public comment submitted by Lancette VanGuilder, RDH, BS, Legislative Chair of the
29 Nevada Dental Hygienists Association. The comment was read for the record by Mr. Su.

30
31 ***3. President's Report:** (For Possible Action)

32
33 ***a. Request to remove agenda item(s)** (For Possible Action)

34
35 There was no request to remove agenda item(s).

36
37 ***b. Approve Agenda** (For Possible Action)

38
39 Dr. Thompson made a motion to reorder the agenda items to be discussed in the following order: item 4, item
40 7, item 6, and item 5 and to approve the agenda. Dr. Lemon seconded the motion. All were in favor. Motion
41 passed.

42
43 ***4. Secretary – Treasurer's Report:** (For Possible Action)

44
45 ***a. Approval/Rejection of Minutes** (For Possible Action)

- 46 (1) Continuation of Formal Hearing – NSBDE v. Dr. Antonina Capurro (Cancelled Day 6) – 07/16/21
- 47 (2) Continuation of Formal Hearing – NSBDE v. Dr. Antonina Capurro (Cancelled Day 10) –
- 48 08/12/2021
- 49 (3) Continuing Education Committee Meeting – 08/16/2021
- 50 (4) Budget and Finance Committee Meeting – 08/17/2021
- 51 (5) The Anesthesia Committee and Sub-Committee Meeting – 08/26/2021
- 52 (6) The Legislative, Legal, and Dental Practice Committee Meeting – 08/31/2021

1 Dr. Park made a motion to approve the minutes. Dr. Lemon seconded the motion. All were in favor. Motion
2 passed.

3
4 ***5. General Counsel's Report:** (For Possible Action)

5
6 ***a Legal Actions/Litigation Update**

7
8 There were no legal actions or litigation updates to report.

9
10 ***b. Regulatory Update** (For Informational Purposes Only)

11
12 Mr. Dworin noted that a Legislative, Legal, & Dental Practice Committee meeting needed to be scheduled
13 to discuss proposed regulatory changes.

14
15 ***c. Review Panel – NRS 631.3635**

16
17 **(1) Discussion and consideration of proposed findings and recommendations for matters that**
18 **have been recommended for remand by the Review Panel, and possible**
19 **approval/rejection of same by the Board- NRS 631.3635** (For Possible Action)

20
21 Mr. Dworin briefly outlined the confidential proposed remands. Dr. York made a motion to accept the
22 remands. Dr. Thompson seconded the motion. All were in favor. Dr. Lee and Ms. McIntyre recused
23 themselves. Motion passed.

24
25 **(2) Consideration, review, and possible approval/rejection of Stipulation Agreements – NRS**
26 **631.3635; NRS 622A.170; NRS 622.330** (For Possible Action)

27
28 (i) Julianne Doty, DMD*

29
30 Mr. Dworin introduced and briefly noted the content of the stipulation. Dr. Thompson made a motion to
31 accept the stipulation. Dr. York seconded the motion. All were in favor. Dr. Lee and Ms. McIntyre recused
32 themselves. Motion passed.

33
34 ***d. Authorized Investigative Complaints – NRS 631.360** (For Possible Action)

35
36 **(1) Dr. U – The Board received information regarding the settlement of a civil malpractice**
37 **lawsuit, leading to the belief that Dr. U may have breached the standard of care,**
38 **thereby potentially violating NRS 631.3475** (For Possible Action)

39
40 Mr. Dworin summarized the alleged issue to open an authorized investigation. Dr. Park made a motion to
41 approve the opening of an investigation. Ms. Arias seconded the motion. All were in favor. Motion passed.

42
43 **(2) Dr. V – The Board received information regarding a settlement, leading to the belief that**
44 **Dr. V may have failed to report a pending civil malpractice lawsuit thereby potentially**
45 **violating NRS 631.395** (For Possible Action)

46
47 Mr. Dworin summarized the alleged issue to open an authorized investigation. Dr. Park made a motion to
48 approve the opening of an investigation. Dr. York seconded the motion. Dr. Lee inquired as to application of
49 statute and Mr. Dworin noted the requirement of NAC 631.155. All were in favor. Motion passed.

50
51 **(3) Dr. W – The Board received information alleging Dr. W may have breached the standard**
52 **of care, thereby potentially violating NRS 631.3475** (For Possible Action)

53
54 Mr. Dworin summarized the alleged issue to open an authorized investigation. Dr. Park made a motion to
55 approve the opening of an investigation. Dr. York seconded the motion. All were in favor. Motion passed.

56
57 **(4) Dr. Y – The Board received information alleging Dr. Y may have violated NRS 631.270**
58 **through false or misleading advertising regarding specialization** (For Possible Action)

1
2 Mr. Dworin summarized the alleged issue to open an authorized investigation. Dr. Park made a motion to
3 approve the opening of an investigation. Dr. York seconded the motion. All were in favor. Motion passed.
4

5 **(5) Dr. Z – The Board received information alleging Dr. Z may have violated NRS 631.270**
6 **through false or misleading advertising regarding specialization (For Possible Action)**
7

8 Mr. Dworin summarized the alleged issue to open an authorized investigation. Dr. Moore made a motion to
9 approve the opening of an investigation. Ms. Arias seconded the motion. All were in favor. Motion passed.
10

11 ***6. Old Business:** (For Possible Action)

12
13 ***a. Consideration, discussion, and possible approval/rejection of the recommendations by the**
14 **Anesthesia Committee to the Full Board to Approve the Anesthesia Evaluators'**
15 **Recommendations for Failure of the Evaluation on the Administration of Moderate Sedation to**
16 **Pediatric Patients Pursuant to NAC 631.2235 (For Possible Action)**
17

18 (1) Dr. X
19

20 Dr. Moore introduced the Anesthesia Committee's recommendation for failure of the evaluation on the
21 administration of moderate sedation to pediatric patients pursuant to NAC 631.2235. Dr. Lee made a
22 motion to approve the Anesthesia Committee's recommendation. Dr. West seconded the motion. All
23 were in favor. Motion passed.
24

25 ***b. Consideration, discussion, and possible approval/rejection of the recommendations by the**
26 **Anesthesia Committee to the Full Board to approve the request for a Re-Evaluation upon**
27 **Satisfying Deficiencies Contained in the Evaluators' Recommendations Regarding the**
28 **Administration of Pediatric Moderate Sedation pursuant to NAC 631.2235 (2 and 3) by**
29 **Completing a Minimum of 15 Hours Didactic Instruction Concentrating on Pediatric Sedation**
30 **That Includes a Hands-On Simulation Component and Reinstatement of the Temporary Pediatric**
31 **Moderate Sedation Administrator Permit on the Day of the Required Re-Evaluation Pursuant to**
32 **NAC 631.2235 (4-7) (For Possible Action)**
33

34 (1) Dr. X
35

36 Dr. Moore introduced the Anesthesia Committee's recommendation for Dr. X to complete a minimum of 15
37 hours didactic instruction concentrating on pediatric sedation that includes a hands-on simulation
38 component and allow Dr. X to apply for reinstatement of the temporary pediatric moderate sedation
39 administrator permit on the day of the required re-evaluation pursuant to NAC 631.2235 (4-7). Ms. Spilsbury
40 briefly described the process for re-evaluation. Dr. Lee made a motion to approve the Anesthesia
41 Committee's recommendation. Dr. Moore seconded the motion. All were in favor. Motion passed.
42

43 ***7. New Business:** (For Possible Action)

44
45 ***a. Review, consideration, and approval/rejection of possible changes to the calibration training of**
46 **the Board's Infection Control Inspectors as considered by the Infection Control Committee. NRS**
47 **631.190 and NAC 631.2221 (For Possible Action)**
48

49 (1) Two Proposals by Marie T. Fluent, DDS, regarding research, review and revision of the Board's
50 Infection Control Inspection Survey Form and Addendum Infection Control Survey Form-
51 During Pandemic; create, present, and record a 2-hour webinar: Calibration of Infection
52 Control Inspections for Dental Facilities in Nevada; and create, present, and record a 2-hour
53 webinar: Review of CDC Interim Guidance for Infection Control in the Dental Setting During
54 the COVID-19 Pandemic.
55

56 Dr. Park introduced the proposals presented by Dr. Fluent and noted that the Infection Control Committee
57 had met to discuss and consider Dr. Fluent's proposals. Mr. DiMaggio outlined the two proposals submitted by
58 Dr. Fluent and described the subject matter and content of each. He also noted the differences between

1 the proposals as well as their respective price points. Dr. Park, Dr. Moore, Dr. Lee, Ms. Solie, and Dr. Thompson
2 discussed the included webinar for use in the calibration for Infection Control Inspectors and the reasoning
3 for updating the calibration system. Dr. Lee made a motion to approve the proposal by Dr. Fluent that did
4 not include OSHA material. Dr. Park seconded the motion. Dr. Lemon made a statement regarding the
5 existing forms used by the survey form and that the proposals included revision to these forms. All were in
6 favor. Motion passed.

7
8 ***b. Discussion, consideration, and possible action regarding the potential selection of Phil Su, Esq.
9 for the Interim Executive Director position and the salary for said position- NRS 631.160 and
10 631.190** (For Possible Action)
11

12 Dr. Park inquired as to the scope of the interim position. Discussion ensued regarding the limits to the
13 position. Dr. Lee made a motion to approve the selection of Mr. Su for the Interim Executive Director position
14 with no adjustment to salary. Ms. Cioffi seconded the motion. All were in favor. Motion passed.
15

16 ***c. Discussion, consideration, and possible action regarding the proposed draft of proposed dental
17 therapy regulations, pursuant to recommendations from the Dental Hygiene/Dental Therapy
18 Committee. NRS 631.190; NRS 631.312 to 631.3128** (For Possible Action)
19

20 Mr. Su discussed the draft of the proposed dental therapy regulations, pursuant to recommendations from
21 the Dental Hygiene/Dental Therapy Committee, and outlined the content of the proposed draft including
22 the comments and bullet points included therein. A brief discussion was held among Dr. Moore, Ms. Solie,
23 Dr. Park, and Mr. Su to ensure that the draft correctly reflects the decisions and comments of the Dental
24 Hygiene/Dental Therapy Committee and to determine the required further steps. Dr. Moore made a motion
25 to send the draft to the Legislative Counsel Bureau and to set up a concurrent public workshop. Dr. Park
26 seconded the motion. All were in favor. Motion passed.
27

28 ***d. Approval/Rejection of Temporary Anesthesia Permit – NAC 631.2254** (For Possible Action)
29

30 (1) Nathan Y Lo, DDS – Moderate Sedation (Pediatric Specialty)
31

32 Ms. Spilsbury outlined the status of the application submitted by Dr. Lo. Dr. Thompson made a motion to
33 approve the application for the temporary anesthesia permit. Dr. West seconded the motion. All were in
34 favor. Motion passed.
35

36 ***e. Approval/Rejection of Permanent Anesthesia Permit – NAC 631.2235** (For Possible Action)
37

38 (1) Tate W Guild, DMD – Moderate Sedation (Pediatric Specialty)
39 (2) Kelly A Harris, DDS – Moderate Sedation (Pediatric Specialty)
40

41 Ms. Spilsbury outlined the status of the respective applications submitted by Dr. Guild and Dr. Harris. Dr. Park
42 made a motion to approve the applications for the moderate sedation permits for the individuals listed. Ms.
43 Arias seconded the motion. All were in favor. Motion passed.
44

45 ***f. Approval/Rejection of Voluntary Surrender of License – NAC 631.160** (For Possible Action)
46

47 (3) Linde Melder, RDH
48

49 Ms. Arias made a motion to approve the voluntary surrender. Ms. McIntyre seconded the motion. All were in
50 favor. Motion passed.
51

52 **8. Public Comment (Live public comment by teleconference):** This public comment period is for any matter that
53 is within the jurisdiction of the public body. No action may be taken upon the matter raised during public comment unless the matter
54 itself has been specifically included on the agenda as an action item. Comments by the public may be limited to three (3) minutes as
55 a reasonable time, place and manner restriction, but may not be limited based upon viewpoint. The Chairperson may allow
56 additional time at his/her discretion.

57 Members of the public may submit public comment via email to nsbde@dental.nv.gov, or by mailing/faxing messages to the
58 Board office. Written submissions received by the Board on or before **Monday, September 20, 2021 by 4:00 p.m.** may be entered into
59 the record during the meeting. Any other written public comment submissions received prior to the adjournment of the meeting

1 will be included in the permanent record.

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

6
7 There was no public comment.

8
9 **9. Announcements**

10
11 Dr. Moore noted that Mr. Su had sent out requests regarding additional dates for the continued hearing
12 regarding Antonina Capurro, DMD and thanked all the members for their patience and time put into the
13 hearing.

14
15 ***10. Adjournment** (For Possible Action)

16
17 Dr. Park made a motion to adjourn. Dr. West seconded the motion. All were in favor. Motion passed.

18
19 **PUBLIC NOTICE POSTING LOCATIONS**

20 Office of the N.S.B.D.E., 6010 S Rainbow Boulevard, #A-1, Las Vegas, NV 89118

21 State Board of Dental Examiners website: www.dental.nv.gov

22 Nevada Public Posting Website: www.notice.nv.gov

X 

Phil Su
General Counsel/Interim Executive Director