

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 AND AGENDA OF COMBINED BOARD MEETING AND CONTINUANCE OF FORMAL HEARING ANTONINA CAPURRO, DMD (DAY 15)

Meeting Date & Time

Tuesday November 16, 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#: **986 8646 0153**

Zoom Webinar/Meeting Passcode: **806749**

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, November 15, 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 **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. Kimberly Petrilla (Ms. Petrilla) — Present
Ms. Jana McIntyre (Ms. McIntyre) — Present	

6
7 **Others Present:** Phil Su, Board General Counsel and Interim Executive Director; Jason Dworin, Board General
8 Counsel; Rosalie Bordelove, Deputy Attorney General; Ogonna Brown, Counsel for the Nevada State Board
9 of Dental Examiners; Antonina Capurro, DMD; David Barney, Counsel for Antonina Capurro, DMD; Nadia
10 Ahmed, Counsel for Antonina Capurro, DMD; Crane Pomerantz, Counsel for Antonina Capurro, DMD;
11 Jennifer Hess; Kim Farkas, Court Reporter with Oasis Court Reporting

12
13 **Public Attendees:** Antonio; Caryn Solie; Henry Lichtenberger; Kelly Taylor; Spencer Carlile; Mary Bobbett;
14 Jessica Woods; Michele Reeder; Ayesha Durrani

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

21
22 Members of the public may submit public comment via email to nsbde@dental.nv.gov, or by mailing/faxing messages to the
23 Board office. Written submissions received by the Board on or before **Monday, November 15, 2021 by 4:00 p.m.** may be entered
24 into the record during the meeting. Any other written public comment submissions received prior to the adjournment of the
25 meeting will be included in the permanent record.

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

32
Note: 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 or entertain public comment as to that matter. See NRS 233B.126.

33
34 There was no public comment.

35
36 ***3. President's Report:** (For Possible Action)

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

39
40 Dr. Moore requested that agenda item 5(e) and agenda item 6 be taken first.

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

43
44 Dr. Park made a motion to approve the agenda as written, with the adjustment that agenda item 5(e) and
45 agenda item 6 be taken first. Dr. West seconded the motion. All were in favor. Motion passed.

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1 ***4. Secretary – Treasurer’s Report:** (For Possible Action)

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

- 5 (1) **Continuation of Formal Hearing – NSBDE v. Dr. Antonina Capurro (Day 13) – 09/29/21**
6 (2) **Continuation of Formal Hearing – NSBDE v. Dr. Antonina Capurro (Cancelled Day 14) –**
7 **09/30/2021**
8 (3) **The Anesthesia Committee Meeting – 10/13/2021**
9 (4) **Board Meeting – 10/19/2021**

10
11 Dr. Lee introduced the foregoing minutes for approval or rejection.

12 Dr. Thompson made a motion to approve the minutes as set forth above. Dr. West seconded the motion. All
13 were in favor. Motion passed.

14
15 ***5. General Counsel’s Report:** (For Possible Action)

16
17 ***a. Legal Actions/Litigation Update**

18
19 There were no legal actions or litigation updates.

20
21 ***b. Regulatory Update** (For Informational Purposes Only)

22
23 There were no regulatory updates.

24
25 ***c. Review Panel – NRS 631.3635**

- 26
27 (1) **Discussion and consideration of proposed findings and recommendations for matters that**
28 **have been recommended for remand by the Review Panel, and possible**
29 **approval/rejection of same by the Board- NRS 631.3635** (For Possible Action)

30
31 Mr. Dworin briefly outlined the confidential proposed remands. Dr. Moore made a motion to accept the
32 remands. Dr. Lee seconded the motion. All were in favor. Dr. West and Ms. Arias recused themselves. Motion
33 passed.

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

- 36
37 (1) **Dr. Y – The Board received information alleging Dr. Y may have breached the standard**
38 **of care, thereby potentially violating NRS 631.3475** (For Possible Action)

39
40 Mr. Dworin summarized the alleged issue to open an authorized investigation. A brief discussion followed
41 among Dr. West, Dr. Moore, Dr. Lee, Dr. Thompson, Dr. Park, and Ms. Arias as to whether the situation
42 warranted an investigation. Dr. West made a motion to reject the opening of an investigation. Ms. Arias
43 seconded the motion. All were in favor. Motion passed.

- 44
45 (2) **Dr. Z – The Board received information alleging Dr. Z may have violated NAC 631.155 by**
46 **potentially failing to notify the Board of open or pending matters during license renewal** (For Possible
47 Action)

48
49 Mr. Dworin summarized the alleged issue to open an authorized investigation. Dr. West made a motion to
50 approve the opening of an investigation. Ms. Arias seconded the motion. All were in favor. Motion passed.

51
52 ***e. Review, Discussion, and Possible Approval/Rejection of a Second Amendment to the Contract**
53 **Between the Board and Outside Legal Counsel – NRS 631.190** (For Possible Action)

- 54
55 (1) **Lewis Roca Rothgerber Christie LLP – Ogonna M Brown, Esq.**

56
57 Mr. Dworin gave an overview of the request for an amendment to the contract between the Board and
58 outside counsel. Due to the relevance of this agenda item to the hearing regarding Antonina Capurro, DMD,

1 Dr. Lee, Ms. McIntyre, and Dr. Lemon recused themselves. Discussion regarding the details of the amendment
 2 ensued among Ms. Cioffi, Dr. West, Dr. Thompson, and Dr. Park with Mr. Dworin and Ms. Brown offering further
 3 information and explanation when requested. Dr. Moore made a motion to accept the amendment to the
 4 contract. Dr. West seconded the motion. All were in favor. Motion passed.

5
 6 ***6. Formal Hearing: Nevada State Board of Dental Examiners v. Antonina Capurro, DMD (For Possible Action)**

7
 8 The purpose of this hearing is to consider the allegations regarding/related to the investigative
 9 complaint(s) and/or formal complaint(s) filed with the Nevada State Board of Dental Examiners for
 10 alleged violations of NRS 631 and NAC 631. The Board may take such action as they deem
 11 appropriate pursuant to NRS 631.350. (Pursuant to NRS 241.030(1)(a), the board may, by motion, enter closed session to
 12 consider the character, alleged misconduct, professional competence or physical or mental health of a person.)

13
 14 Anyone desiring supporting material for the hearing is invited to email nsbde@dental.nv.gov.
 15 Supporting material will also be available for review at the Board's office at 6010 S. Rainbow Blvd., Ste.
 16 A-1, Las Vegas, Nevada, 89118, and will be posted to the Board's website, <https://dental.nv.gov>, not
 17 later than 24 hours after the conclusion of the meeting. (AB 253 (2021)).

18
 19 Mr. Su briefly introduced the hearing for deliberation relating to the award of fees and costs and conducted
 20 roll call for the hearing as follows:

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 (Recused)
Dr. David Lee (Dr. Lee) — Present (Recused)	Ms. Kimberly Petrilla (Ms. Petrilla) — Present
Ms. Jana McIntyre (Ms. McIntyre) — Present (Recused)	

22
 23 Mr. Su noted that a memorandum of fees and costs was filed and the motion for fees and costs had
 24 been fully briefed and opened the floor for discussion by the Board members. Ms. Ahmed made a brief
 25 statement noting that the motion, opposition, and reply had not been posted to the Board website. Mr.
 26 Su stated that the full briefing would be posted shortly after the adjournment of the meeting.
 27 Discussion was held among Dr. Thompson, Ms. Cioffi, Dr. West, Dr. Moore, and Dr. Park regarding their
 28 respective positions on awarding fees and costs. Dr. Park made a motion to require Respondent, Dr. Capurro,
 29 to pay the full amount of the attorneys' fees as well as complete education. A brief discussion was held
 30 among Dr. Park, Ms. Bordelove, and Ms. Cioffi clarifying the scope of the motion. Dr. Park made an amended
 31 motion to require Respondent, Dr. Capurro, to pay the full amount of \$276, 659 in fees and costs as set forth in
 32 the memorandum. Dr. Moore seconded the motion. A vote was then taken as to Count III as follows:

Dr. Kevin Moore (Dr. Moore) — In Favor	Dr. Todd Thompson (Dr. Thompson) — Opposed
Dr. Ronald West (Dr. West) — In Favor	Dr. Elizabeth Park (Dr. Park) — In Favor
Dr. Adam York (Dr. York) — Opposed	Ms. Yamilka Arias (Ms. Arias) — In Favor
Ms. Gabrielle Cioffi (Ms. Cioffi) — In Favor	Ms. Kimberly Petrilla (Ms. Petrilla) — In Favor

34
 35 Motion passed.

36
 37 As the hearing was concluded, Ms. Bordelove noted that her office would prepare the final order. An
 38 additional public comment section was added for public comment regarding the hearing. Mr. Su read
 39 aloud the written comments that had been received prior to and during the hearing up to three
 40 minutes and noted that the entirety of all the written public comments would be posted on the Board
 41 website. Time for live public comment session was also included, however, there were no live public
 42 comments.

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

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3 ***a. Consideration, discussion, and approval by Board on appointment(s) to committee(s) for new**
4 **Board member Kimberly L Petrilla RDH – NRS 631.190** (For Possible Action)

5
6 Mr. Su introduced this item, noting that he had spoken to Ms. Petrilla regarding her potential
7 appointment to open committee positions within the Infection Control Committee and the Committee
8 on Dental Hygiene and Dental Therapy which had belonged to former member Caryn Solie. Ms. Petrilla
9 indicated that she was happy to help. Dr. Thompson made a motion to appoint Ms. Petrilla to the
10 aforementioned committees. Dr. Lee seconded the motion. All were in favor. Motion passed.

11
12 ***b. Consideration, discussion, and possible approval/rejection to ratify approval of laser proficiency**
13 **program to include additional instructor – NAC 631.0135** (For Possible Action)

14
15 **(1) Provider: Dedicated Dental Hygiene – Program: Introduction to Lasers**

- 16
17 (i) Maira A Velasco RDH

18
19 Mr. Su briefly introduced the agenda item for Ms. Velasco to be added as an instructor to an existing
20 approved course. Dr. Moore made a motion to approve Ms. Velasco as an instructor. Dr. Lemon seconded
21 the motion. All were in favor. Motion passed.

22
23 ***c. Approval/Rejection of 90-Day Extension of Temporary Anesthesia Permit – NAC 631.2254(2)** (For
24 Possible Action)

25
26 **(1) Aaron G Radmall DMD – Moderate Sedation (patients 13 years of age & older)**

27
28 Dr. Moore and Mr. Su briefly introduced the agenda item regarding a temporary anesthesia permit
29 extension to allow for an evaluation to be completed. Dr. Thompson made a motion to accept the 90-
30 day extension of the permit. Dr. West seconded the motion. All were in favor. Motion passed.

31
32 **8. Public Comment (Live public comment by teleconference):** This public comment period is for any matter that is
33 within the jurisdiction of the public body. No action may be taken upon the matter raised during public comment unless the matter
34 itself has been specifically included on the agenda as an action item. Comments by the public may be limited to three (3) minutes as
35 a reasonable time, place and manner restriction, but may not be limited based upon viewpoint. The Chairperson may allow
36 additional time at his/her discretion.

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38 Members of the public may submit public comment via email to nsbde@dental.nv.gov, or by mailing/faxing messages to the Board
39 office. Written submissions received by the Board on or before **Monday, November 15, 2021 by 4:00 p.m.** may be entered into the
40 record during the meeting. Any other written public comment submissions received prior to the adjournment of the meeting will be
41 included in the permanent record.

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43 In accordance with Attorney General Opinion No. 00-047, as restated in the Attorney General's Open Meeting Law Manual, the
44 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
45 State Board of Dental Examiners, or if the content is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous,
46 offensive, inflammatory, irrational, or amounting to personal attacks or interfering with the rights of other speakers.

47
48 **Note: Prior to the commencement and conclusion of a contested case or a quasi-judicial**
49 **proceeding that may affect the due process rights of an individual, the Board may refuse to**
50 **consider or entertain public comment as to that matter. See NRS 233B.126.**

51
52 There was no public comment.

53 **9. Announcements**

54 Dr. Moore welcomed Ms. Petrilla as the new member of two committees in addition to being a new member
55 of the Board.

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

Dr. Thompson made a motion to adjourn. Ms. Arias seconded the motion. All were in favor. Motion passed.

PUBLIC NOTICE POSTING LOCATIONS

Office of the N.S.B.D.E., 6010 S Rainbow Boulevard, #A-1, Las Vegas, NV 89118
State Board of Dental Examiners website: www.dental.nv.gov
Nevada Public Posting Website: www.notice.nv.gov

X 

Phil Su
General Counsel/Interim Executive Director