

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 BOARD MEETING

Meeting Date & Time

Wednesday, January 20, 2021
6:00 p.m.

**This meeting will be 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 **Tuesday, January 19, 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.

- 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 **Tuesday, January 19, 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 was no public comment that was relevant to any agenda item.

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

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

There were no requests made.

(b) Approve Agenda (For Possible Action)

MOTION: Board Member Lee motioned to approve the agenda. Board Member Thompson seconded the motion. All were in favor, motion seconded.

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

(a) Authorized Investigation Complaints – NRS 631.360 (For Possible Action)

(1) Dr. Z – Received information that Dr. Z may have failed to meet the requirements for licensure pursuant to NRS 631.271 (For Possible Action)

Mr. Su went over the alleged violations regarding Dr. Z. He stated that Mr. DiMaggio received info that Dr. Z may have failed to meet the requirements for a limited license.

MOTION: Board Member McIntyre motioned to authorize the investigation. Board Member West seconded the motion. All were in favor, motion seconded.

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***5. Review, discussion, and possible approval/rejection of the Employment Committee's**

recommendation to the full Board regarding hiring outside legal counsel to represent the Board in future litigation – NRS 631.190 (For Possible Action)

(a) Lewis Roca Rothgerber Christie LLP – Ms. Ogonna M Brown, Esq.

Board Member Lee stated that the previous outside legal counsel's contract expired, therefore the Board does not have a contract for outside legal counsel. He stated that the Employment Committee met prior to the Board meeting and interviewed Ms. Ogonna Brown. Ms. Brown was present and addressed the Board. She gave a brief biography and thanked the Board for the potential opportunity to work together. She noted that she was offering a discounted rate for the Board should they contract with her. Board Member Park asked Ms. Brown a question regarding her experience with working with regulatory bodies, which Ms. Brown replied with an example of her experience.

Board Member Lemon asked a question regarding fees, and if there is multiple fees charged at one time should there be multiple persons working on the case simultaneously. Ms. Brown addressed that she is conscious of duplicating fees and ensured that only one person, whether it be her, a paralegal, or associate counsel, would be working on the case at any given time, thus removing the fear of there be a duplicating efforts that would result in higher fees or a duplication of charges.

Board Member Cioffi stated that for the sake of transparency she wanted to ensure that there are no conflicts in using this particular firm; additionally, asked if there was a contracted state rate that the Board would be expected to abide by when seeking outside counsel that may be set for the Board. Mr. Su addressed Board Member Cioffi's questions regarding potential conflicts of interest and if there were any legal concerns regarding contracts for lobbying services and for legal matters with the same firm. Ms. Brown also addressed Board Member Cioffi's concerns and how they conduct a multiple conflicts check.

Board Member Arias asked how long the contract would be. Mr. DiMaggio replied that it would be a one-year contract with a maximum fee amount for that one year.

Board Member Lee called for a motion to approve the Employment Committee's recommendation to hire Ms. Ogonna M Brown, Esq. as the Board's outside legal counsel.

MOTION: Board Member Moore motioned to approve the Employment Committee's recommendation to hire Ms. Brown as the Board's outside legal counsel. Board Member West seconded the motion. All were in favor, motion passed.

***6. Discussion, consideration, and possible approval/rejection of the Board's delegation of authority to the Board's Secretary Treasurer to approve and execute a contract for outside legal counsel – NRS 631.190** (For Possible Action)

Mr. DiMaggio stated that since the Board has approved the hiring of Ms. Brown, the contract must be approved by the Board of Examiners. He stated that contract would be for one (1) year and will have a maximum contract amount of \$45,450, which would be the maximum rate billed at 115 hours. He stated that the hourly contract could then be signed and executed by the Secretary-Treasurer without needing to be approved by the Board at a future meeting.

MOTION: Board Member West motioned to approve delegating authority to the Board's Secretary – Treasurer to approve and execute a contract for outside legal counsel services. Board Member McIntyre seconded the motion. All were in favor, motion seconded.

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7. 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

179 matter itself has been specifically included on the agenda as an action item. Comments by the public may be limited to three
180 (3) minutes as a reasonable time, place and manner restriction, but may not be limited based upon viewpoint. The Chairperson
181 may allow additional time at his/her discretion.

182
183 Pursuant to Section 2 of Directive 006, and extended by Directives 016, 018, 021, 026, and 029, members of the public may
184 participate in the meeting without being physically present by submitting public comment via email to nsbde@nsbde.nv.gov,
185 or by mailing/faxing written messages to the Board office. Written submissions should be received by the Board on or before
186 **Tuesday, January 19, 2021 by 4:00 p.m.** in order to make copies available to members and the public.

187
188 In accordance with Attorney General Opinion No. 00-047, as restated in the Attorney General's Open Meeting Law Manual,
189 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
190 Nevada State Board of Dental Examiners, or if the content is willfully disruptive of the meeting by being irrelevant, repetitious,
191 slanderous, offensive, inflammatory, irrational, or amounting to personal attacks or interfering with the rights of other speakers.
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193 Mr. DiMaggio read a statement in to the record. He noted that there was one (1) written public
194 comment, which he read into the record. Board Member Moore asked Mr. Su to reply to Mr. Hunter
195 regarding his public comment.
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197 Dr. Joseph Wineman stated that there were three questions he would like to ask the Board. He noted that
198 he listened in on the Employment Committee Meeting that was held at 5:30 p.m. and was surprised to
199 find that there was only one proposal given to the Board for consideration for outside counsel. He asked if
200 there were any other firms that were requested to submit proposals, or was there only one willing player
201 to join the game. Secondly, he asked who actually controls the dental professional who wishes to
202 volunteer for the COVID-19 vaccination program; is it Serv NV, the State Board of Pharmacy, or Clark
203 County. He stated further those practitioners that would like to assist with the administration of
204 vaccinations efforts are experiencing issues with multiple jurisdictions asking for approval. Lastly, he asked
205 if the Board has considered offering approved continuing education for those dental professionals who
206 volunteer their time in support of the State's efforts to deliver the vaccine to all citizens. Board Member
207 Moore encouraged Dr. Wineman to submit his questions in writing so that the Mr. DiMaggio could provide
208 responses.
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210 **8. Announcements**

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212 No announcements were made.
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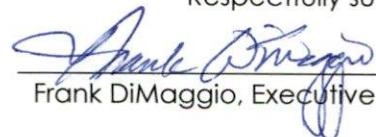
214 ***9. Adjournment** (For Possible Action)

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216 Board Member Moore called for a motion to adjourn.
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218 Board Member Solie confirmed that she was present.
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220 MOTION: Board Member Solie motioned to adjourn the meeting at approximately 6:32 p.m.
221 Board Member Arias seconded the motion. All were in favor, motion passed.
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Respectfully submitted:


Frank DiMaggio, Executive Director