Nevada State Board of Dental Examiners



2651 N. Green Valley Pkwy, Ste. 104 • Henderson, NV 89014 • (702) 486-7044 • (800) DDS-EXAM • Fax (702) 486-7046

PUBLIC MEETING NOTICE & BOARD MEETING AGENDA

Meeting Date & Time

Tuesday, July 12, 2022 6:00 P.M.

** This meeting will be held via <u>remote technology system</u> and **
 ** will be accessible to the public via ZOOM VIDEO WEBINAR/TELECONFERENCE ONLY **
 ** There will be <u>no physical location</u> 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#: 890 9340 5967 Zoom Webinar/Meeting Passcode: 652823

MINUTES

PUBLIC NOTICE:

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

<u>Public Comment by pre-submitted email/written form, only,</u> is available after roll call (beginning of meeting); <u>Live Public Comment by</u> <u>teleconference</u> 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, 2651 N. Green Valley Pkwy, Ste. 104, Henderson, NV 89014; FAX number (702) 486-7046; e-mail address <u>nsbde@dental.nv.gov.</u> Written submissions received by the Board on or before <u>Monday</u>, July 11, 2022 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 2651 N. Green Valley Pkwy, Ste. 104, Henderson, NV 89014.

<u>Note</u>: Asterisks (*) "<u>For Possible Action</u>" denotes items on which the Board may take action. <u>Note:</u> Action by the Board on an item may be to approve, deny, amend, or tabled.

1. Call to Order

- Roll call/Quorum-

Ms. Sull conducted roll call.

Dr. Tejpaul Johl (Dr. Johl) — 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
Mr. Michael Pontoni (Mr. Pontoni) — Not 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	

Others Present: Hardeep Sull, Board Executive Director; Eva G. Romero, Board General Counsel

Others Present: Kimber Cobb, RDH, BS; Mark Christensen, DDS; William Pappas, DDS; Antonio; Ben Wall; Caryn Solie; Jill; Kelly Taylor; CRTDS, Inc.; Alexandria Cannito; Mary Bobbett; Michael Cottam; Paul; RDH; Tommy; Dr Patrick Silvaroli; Terri; Jessica Woods; Angela Martin, RDH

2. <u>Public Comment (By pre-submitted email/written form only)</u>: The public comment period is limited to matters <u>specifically</u> 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.

Members of the public may submit public comment via email to <u>nsbde@dental.nv.gov</u>, or by mailing/faxing messages to the Board office. Written submissions received by the Board on or before<u>Monday</u>, July 11, 2022 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.

Ms. Romero read aloud four public comments received from Patti Sanford, RDH, MA, Lori McDonald, RDH, MA, Kerry Kuster, RDH, MS, and Kristin Temme, BSDH, M.Ed, respectively, concerning agenda item 6(b). Ms. Romero noted that a comment had been submitted after the cutoff on July 11, 2022, and that it would not be read aloud but would be made available to view on the Board website after the meeting.

*3. <u>President's Report</u>: (For Possible Action)

*a. <u>Request to remove agenda item(s)</u> (For Possible Action)

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

*b. <u>Approve Agenda</u> (For Possible Action)

Ms. McIntyre made a motion to approve the agenda. Dr. West seconded the motion. All were in favor. Motion passed.

*4. Secretary - Treasurer's Report: (For Possible Action)

*a. <u>Approval/Rejection of Minutes</u> (For Possible Action)

- (1) Board Meeting 05/13/2022
- (2) Regulation Workshop 06/01/2022
- (3) Regulation Workshop 06/21/2022
- (4) Board Meeting 06/21/2022

Ms. McIntyre provided a brief overview of the draft minutes and requested any corrections if necessary. Dr. Thompson made a motion to approve the minutes as set forth above. Dr. York seconded the motion. All were in favor. Motion passed.

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

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a. <u>Legal Actions/Litigation Update</u> (For Informational Purposes Only)

There were no legal actions or litigation updates.

b. <u>Regulatory Update</u> (For Informational Purposes Only)

Ms. Sull noted that LCB had received drafts of the dental therapy regulations, the anesthesia regulations, and the regulations discussed in the recent workshop. She noted that LCB was preparing drafts and that she had not received an update as of the previous week. Dr. Lee requested that the Board office notify the Board of any updates as they occur.

*c. <u>Review Panel – NRS 631.3635</u> (For Possible Action)

(1) <u>Discussion and consideration of proposed findings and recommendations for matters that</u> <u>have been recommended for remand by the Review Panel, and possible</u> <u>approval/rejection of same by the Board – NRS 631.3635</u> (For Possible Action)

- (i) Primary Review Panel
- (ii) Alternate Review Panel

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29 Dr. Lee briefly outlined the confidential proposed remands. Dr. Lee and Ms. McIntyre recused
30 themselves from voting on the remands recommended by the Primary Review Panel. There were no
31 questions regarding the recommended remands and all were in favor of approval.

Dr. West and Ms. Arias recused themselves from voting on the remands recommended by the Alternate
 Review Panel. There were no questions regarding the recommended remands and all were in favor of
 approval.

(2) <u>Consideration, review, and possible approval/rejection of Stipulation Agreements – NRS</u> <u>631.3635; NRS 622A.170; NRS 622.330</u> (For Possible Action)

(i) Rahi Shah, DDS

Dr. Lee briefly introduced the non-disciplinary stipulation listed above and confirmed that Dr. Shah was represented by counsel. Ms. Arias disclosed that she has worked at Dr. Shah's office and so recused herself from voting. Ms. McIntyre noted that she had signed the stipulation as a Review Panel member, but it was determined after brief discussion among Dr. West, Dr. Lee, Ms. Sull, and Ms. Romero that it was not necessary for a Review Panel member to recuse at the stipulation level. There were no further questions regarding the stipulation and all were in favor of approval.

*d. <u>Authorized Investigative Complaints - NRS 631.360</u> (For Possible Action)

(1) RDH X – RDH X may have potentially violated NRS 631.395 and/or NRS 631.397

51 52 Dr. Lee introduced the above agenda item and opened for questions and discussion from the Board 53 surrounding procedure. Discussion ensued among Ms. Arias, Dr. Thompson, Ms. Romero, Dr. West, Dr. Lee, and 54 Dr. Park as to what may be discussed and whether an investigation was warranted based upon the 55 materials. Dr. West made a motion to approve the opening of an investigation. Dr. Park seconded the 56 motion. Further discussion ensued among Dr. Park, Dr. Thompson, Ms. Arias, and Dr. West regarding the 57 specific circumstances of the situation. Dr. West amended his previous motion and made a new motion to 58 reject the opening of an investigation for RDH X. Dr. Johl seconded the motion. Additional discussion ensued 59 among Dr. Park, Dr. Lee, Ms. Sull, Ms. Arias, Ms. McIntyre, Dr. West, Dr. Johl and Dr. Thompson as to the general 60 process for the Board opening investigations as opposed to investigations initiated upon a patient complaint.

The motion was confirmed as a rejection of opening an investigation. All were in favor. Motion passed.

(2) Dr. Y – Dr. Y may have potentially violated NRS 631.346 and/or NRS 631.3465

Dr. Lee introduced the above agenda item. Dr. Thompson noted he believed the situation warranted an investigation and made a motion to approve the opening of an investigation for Dr. Y. Dr. York seconded the motion. All were in favor. Motion passed.

(3) Dr. Z – Dr. Z may have potentially violated NRS 631.265 and/or NRS 631.313

Dr. Lee introduced the above agenda item. There was brief discussion among Dr. Thompson, Dr. Lee, Ms. Romero, Ms. Sull, and Dr. Park regarding possible confusion between materials for Dr. Y and Dr. Z, respectively and it was determined that the motion for the previous agenda item would remain. Dr. Thompson made a motion to approve the opening of an investigation for Dr. Z. Dr. Park seconded the motion. All were in favor. Motion passed.

*6. <u>Old Business</u>: (For Possible Action)

*a. <u>Review, Discussion, and Possible Approval/Rejection of the Continuing Education Committee's Previous</u> <u>Recommendation to Extend Temporary Approval and Acceptance of the Successful Completion of</u> <u>Western Regional Examining Board's (WREB) Objective Structured Clinical Examination (OSCE) Exam for</u> <u>Dental Hygiene Licensure, for Issuance of a Temporary Unrestricted Dental Hygiene License, from Current</u> <u>June 30, 2022 Deadline to Date to be Determined by the Board – NRS 631.300</u> (For Possible Action)

Dr. Lee introduced the above agenda item. Ms. Arias offered additional information regarding the combination of the CDCA-WREB examination and the OSCE examination for licensure, and noted some confusion during the last Board meeting wherein this item had been discussed. Discussion ensued among Ms. Arias, Dr. Lee, Ms. Sull, Dr. Thompson, and Dr. West concerning the basis for extending any deadline and the origin of the agenda item as worded. Kimber Cobb, RDH, BS, a representative from ADEX, was present and offered additional information regarding the current status of examinations and the merge between WREB and ADEX. After brief additional discussion among Dr. Lee, Dr. Thompson, and Dr. West, it was determined that any extension for an OSCE examination was not necessary as it was not sufficient for licensure alone. Dr. Park made a motion to permanently table the item. Dr. West seconded the motion. All were in favor. Motion passed.

*b. <u>Review, Discussion, and Possible Approval/Rejection of the CDCA-WREB Compodent/Manikin</u> <u>Exam for Restorative and Periodontal Section for Dental and Hygiene Exams – NRS 631.190</u> (For Possible Action)

Dr. Lee introduced the above agenda item and indicated that Mark Christensen, DDS from CDCA-WREB was in attendance and would make a presentation containing information on manikin-based examinations. Dr. Thompson commented that, prior to seeing the information within the presentation but after hearing from dentists throughout Nevada and analyzing information independently, he would lean towards the acceptance of a manikin-based examination. Upon invitation from Dr. Lee, Dr. Christensen began his presentation and expanded upon the history and data surrounding manikin-based exams compared with patient-based exams. After the completion of the presentation, Dr. Lee and Ms. Arias disclosed that they were examiners for CDCA-WREB, but that it would not affect their ability to vote impartially. Discussion ensued among Dr. Johl, Dr. York, Dr. Lee, Ms. Sull, and Dr. Lemon concerning the potential for accepting the CDCA-WREB manikin based exam for licensure in Nevada, including the potential effect on the conversion for current temporary license holders. Dr. Johl made a motion to approve the CDCA-WREB compodont/manikin seconded the motion. All were in favor. Motion passed. William Pappas, DDS from ADEX was present and offered additional information and suggestions for handling the transition for current temporary license holders. Dr. Lee thanked Dr. Christensen, Ms. Cobb, and Dr. Pappas for their participation and assistance.

*c. <u>Review, Discussion, and Possible Approval/Rejection of Continuing Education Courses From all</u> <u>Online Back to in Person Live Course Credits Prior to the Nevada Governor's COVID-19 Pandemic</u> <u>Emergency Declaration</u> (For Possible Action)

59 Dr. Lee introduced the above agenda item and offered a brief explanation regarding the reasoning behind 60 returning to live in-person course credit requirements. Ms. McIntyre noted that the current requirement was 30 credit

hours for registered dental hygienists and 40 credit hours for dentists. Ms. McIntyre also noted the pre-existing requirement of course credit hours for licensure renewal of 50% live, 50% online for both dental and hygiene. Dr. Thompson made a motion to approve the return to requiring live in-person course credit requirements. Ms. Arias seconded the motion. Dr. Lemon inquired whether live webinar courses would count as live, which was confirmed by Dr. Lee. Dr. Thompson and Dr. Johl indicated their agreement as well. All were in favor. Motion passed.

*7. New Business: (For Possible Action)

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*a. Request for an Advisory Opinion Regarding Clarification of NRS 631.250 - NAC 631.279 (For Possible Action)

(1) Michael Cottam, DMD, MS, FAAPD

12 13 Dr. Lee introduced the agenda item for the advisory opinion request and opened discussion for the first part 14 of the inquiry requesting clarification for whether the Board considered the treatment of an adult with special 15 health care needs to be within the scope of practice of a pediatric dentist in Nevada. Discussion ensued 16 among Dr. West, Dr. Johl, Dr. Thompson, Dr. Park, Dr. Lee, and Dr. York concerning the way other states 17 handle similar situations, the possibility of referral situations, the potential limiting of access to care, and the 18 possible consequences of mandating referrals. The general consensus among the Board members was that 19 as long as the continued care of a special needs adult does not include procedures outside of the treating 20 pediatric dentist's scope to begin with, that care should be acceptable.

Dr. Lee continued by introducing the second part of the inquiry of whether a Nevada pediatric dentist associated with a multi-specialty practice, school, or hospital may participate in call rotations or urgent care/emergency situations in which the pediatric dentist may be asked to consult on, care for, or advise adult patients. Discussion continued among Dr. Thompson, Dr. Lemon, and Dr. Lee concerning the existence of pediatric dentists working or advising at the UNLV School of Dental Medicine in both emergency situations and regular clinics. The general consensus among the Board members was that pediatric dentists should not be in a situation where they would consult on, care for, or advise adult patients.

- Dr. Lee introduced the third portion of the inquiry which requested clarification as to whether a Nevada pediatric dentist associated with a multi-specialty practice, school, or hospital may participate in public health endeavors or with interdisciplinary medical teams, as part of which the pediatric dentist may be asked to consult on or advise patients. Discussion ensued among Dr. Thompson, Dr. Lee, Dr. Lemon, Dr. Johl, and Dr. Park regarding this inquiry as it related to the previous decisions, the nuances of a team of practitioners
- treating a variety of patients, which may include pediatric patients who would fall under a pediatric dentist's
 scope. Dr. Cottam was in attendance and answered questions from Dr. Park as to the basis for his inquiry and
- 35 his background in other states and hospitals, as well as his current employment situation in Nevada.
- 36 Discussion continued among Dr. Lee, Dr. Park, and Dr. Johl. The general consensus among the Board 37 members was that a pediatric dentist may, as part of a team, participate in public health endeavors where 38 they would consult on, care for, or advise adult patients as long as the pediatric dentist did not practice 39 outside of his scope as defined by the American Dental Association and the American Academy of Pediatric 40 Dentistry.

41 Ms. Arias noted that a pediatric dentist is not authorized to supervise a registered dental hygienist

administering anesthesia to an adult patient. Dr. Lee clarified that the foregoing is correct, unless that adult
happens to be a special needs adult or otherwise within the scope defined by the American Dental
Association and the American Academy of Pediatric Dentistry.

*b. <u>Discussion, Consideration, and Possible Approval or Rejection Regarding Contract for Regulatory</u> <u>Platform Thentia and for Possible Delegation of Board Authority to the Board's Secretary-Treasurer and the</u> <u>Executive Director to Sign a Contract for Said Services – NRS 631.160; NRS 631.190</u> (For Possible Action)

(1) Amanda Prescia - Thentia

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52 Dr. Lee introduced the above agenda item and requested to table the item. Ms. Sull noted that the
53 representative from Thentia, Amanda Prescia, was unavailable due to illness. Dr. Park made a motion to table
54 the agenda item until the next Board meeting. Dr. Thompson seconded the motion. All were in favor. Motion
55 passed.

*c. <u>Discussion, Consideration, and Possible Approval or Rejection Regarding Bids for A/C Condenser Self</u> <u>Units and Electrical Work for the Board's Computer Server Room Located at the Board's Office at 2651 N</u> <u>Green Valley Pkwy, Ste 104, Henderson, NV 89014, and for Possible Delegation of Board Authority to the</u>

(1) Bulldog Air Conditioning and Heating, LLC

Board's Secretary-Treasurer and the Executive Director to Sign a Contract for Said Contractor Services –

(2) Amo Electric, LLC

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- (3) Sun Country Heating & Cooling
- (4) C&L Refrigeration Nevada, LLC

NRS 631.160; NRS 631.190 (For Possible Action)

- (5) Air Done Right Air Conditioning & Heating
- (6) Liberty Heating, Air Conditioning & Refrigeration
- (7) King Cooling & Heating

12 Dr. Lee introduced the foregoing agenda item and noted he had received a referral for King Cooling & 13 Heating and helped obtain a bid and indicated that he had no pecuniary interest in the company. Brief 14 discussion ensued among Dr. Thompson and Dr. Lee. Ms. Sull and Ms. Romero recounted information 15 received from the potential contractors, namely, that electrical services would need to be subcontracted. 16 Ms. Romero noted that Bulldog Air Conditioning and Heating, LLC would work together with Amo Electric, LLC 17 who would provide the electrical work. Discussion continued among Dr. West, Ms. Sull, and Ms. Romero as to 18 the potential involvement of the building owner and/or landlord. Dr. Thompson made a motion to select 19 Bulldog Air Conditioning and Heating, LLC. Dr. Park seconded the motion. All were in favor. Motion passed. 20 Ms. Romero confirmed that the motion included Amo Electric, LLC as working in tandem with Bulldog Air 21 Conditioning and Heating, LLC, which Dr. Thompson agreed with and amended his motion to include both. 22 All were in favor. Motion passed.

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

- (1) Lindsey E Evans, RDH
- (2) Lisa A Soltani, RDH
- (3) Cheryl K Etcheto, RDH
- (4) Karen S Ludwig, RDH

Dr. Lee introduced the agenda item regarding voluntary surrenders and Ms. Sull confirmed that the
 submissions were in order. Ms. McIntyre made a motion to approve the voluntary surrenders for all four
 individuals listed above. Dr. West seconded the motion. All were in favor. Motion passed.

*e. <u>Approval/Rejection of Permanent Anesthesia Permit – NAC 631.2254</u> (For Possible Action)

(1) William J Plumb, DDS – Moderate Sedation (patients 13 years of age & older)

39 Dr. Thompson introduced the agenda item regarding the permanent anesthesia permit. Dr. West made a 40 motion to approve a permanent anesthesia permit for the individual listed above. Dr. Johl seconded the 41 motion. All were in favor. Motion passed. 42

*f. <u>Approval/Rejection of 90-day Extension of Temporary Permit – NAC 631.2254(2)</u> (For Possible Action)

- (1) Daniel William Schlieder, DDS General Anesthesia
- (2) Jillian Rozanski, DDS General Anesthesia

Dr. Thompson introduced the agenda item regarding the extension of temporary anesthesia permits and
 made a motion to approve extensions for the two individuals listed above. All were in favor. Motion passed.

*g. Immediate Closure of Office Due to Personnel and Public Safety Issue Due to Noxious Odor and Authority to Allow Board Staff to Work Remotely Until the Safety Issue is Resolved (For Possible Action)

54 Dr. Lee introduced this emergency addendum to the agenda and provided additional information regarding 55 the source of the odor and plan for cleanup. Dr. Lee made a motion to close the office and allow Board staff 56 to work remotely until the safety issue is resolved. Dr. Johl seconded the motion. All were in favor. Motion 57 passed. 58

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- 8. <u>Public Comment (Live public comment by teleconference)</u>: 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.
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- 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
 NevadaState 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
- 3 slanderous, offensive, inflammatory, irrational, or amounting to personal attacks or interfering with the rights of other speakers.

There was one public comment from Angela Martin, RDH who inquired as to what precise language could
be used and disseminated to licensees and students regarding the decision made on agenda item 6(b). Dr.
Lee noted that a memorandum would be prepared and posted to the Board website following the meeting
which would also be sent to all licensees.

Dr. Thompson noted he believed that the decision on agenda item 6(b) would result in many happy people,
and noted that if there was a public sentiment against the approval, he believed there would have been
significant comments to that effect.

9. <u>Announcements</u>

Ms. Sull shared information regarding the renewal period for registered dental hygienists in Nevada and noted that the Board office had processed active renewals for 1,440 hygienists. Dr. Lee and Ms. Sull acknowledged and thanked the Board staff for their work during the renewal period.

*10. Adjournment (For Possible Action)

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

PUBLIC NOTICE POSTING LOCATIONS

Office of the N.S.B.D.E., 2651 N. Green Valley Pkwy, Ste. 104, Henderson, NV 89014 State Board of Dental Examiners website: <u>www.dental.nv.gov</u> Nevada Public Posting Website: <u>www.notice.nv.gov</u>

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Hardeep Sull Executive Director