

# 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

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## **Notice of Public Meeting and Agenda for The Legislative, Legal, & Dental Practice Committee**

### **MEETING MINUTES**

#### **Meeting Date & Time**

Tuesday, February 27, 2024  
6:00 p.m.

#### **Meeting Location:**

Nevada State Board of Dental Examiners  
2651 N. Green Valley Pkwy., Suite 104  
Henderson, NV 89014

#### **Video Conferencing / Teleconferencing Available**

**To access by phone**, call Zoom teleconference Phone Number: (669) 900 6833

**To access by video webinar**, visit [www.zoom.com](http://www.zoom.com) or use the Zoom app

Zoom Webinar/Meeting ID#: **862 5760 0279**

Zoom Webinar/Meeting Passcode: **093789**

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### **PUBLIC NOTICE:**

**Public Comment by pre-submitted email/written form, live public comment, and by teleconference** is available after roll call (beginning of meeting and 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 [nsbde@dental.nv.gov](mailto:nsbde@dental.nv.gov)**. Written submissions received by the Board on or before **Monday, February 26th, 2024, 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.

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**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

Dr. West called the meeting to order at 6 p.m. Mr. Parker conducted roll call. Quorum was met.

Dr. Tejpaul Johl – Present

Dr. David Lee – Present

Dr. Ronald West – Present

Dr. Joshua Branco – Present

Ms. Jana McIntyre – Present

Mr. Michael Pontoni – Absent

**Others Present:** Mr. Mark Karris, General Counsel; Mr. Blair Parker, General Counsel;

## 2. Public Comment (Live public comment, by teleconference, and 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@dental.nv.gov](mailto:nsbde@dental.nv.gov), or by mailing messages to the Board office. Written submissions received by the Board on or before **Monday, February 26th, 2024, 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.

There were two previously submitted written public comments that can be found in the Public Book. Mr. Parker referenced both comments & where they could be viewed.

Ms. Grimley introduced the live zoom participants that requested to make public comment.

Dr. Amy Abbottan, the secretary of the Nevada Dental Association and a practicing general dentist in Reno, thanks for the group for considering the regulatory language proposed by AB 147. Dr. Abbottan highlighted her significant involvement in drafting both the bill and its regulations, emphasizing that the language was crafted with public safety as the priority. She stated that the goal is to ensure that patients receive the same high standard of care as they would in a dental office. Dr. Abbottan stressed that the bona fide relationship and emergent care requirements were designed with this intent in mind and should be preserved.

Mr. Richard Dragon, DMD introduced himself & made a public comment towards the AB147 bill. Mr. Dragon expressed concern with "clinical judgement" being part of the bill. Mr. Dragon believes that verbiage is unnecessary & defeats the purpose & effort towards bonafide relationship. Mr. Dragon believes clinical judgement potentially brings patients back to an at-risk situation.

Adam Bronmeyer, associate general counsel at the American Association of Orthodontists, expressed support for the regulations implementing AB 147 and agreed with previous speakers, particularly Dr. Dragon. He emphasized that there are no ambiguities in AB 147 and that the legislature was clear in its intent. Mr. Bronmeyer highlighted that, according to Nevada's administrative rulemaking guide and the state Supreme Court, any regulations must align with the statute they are implementing. He asserted that the proposed regulations from the dentists fulfill the statute's intent, while the amendments suggested by the opposing company would undermine the patient health and safety goals of AB 147.

Mr. Eddie Ableser, a representative from Tri Strategies, a lobbying firm working with the Nevada Dental Association, thanked the committee for considering the regulations and the draft documents submitted for AB 147. Mr. Ableser explained that the drafts were intended to guide and expedite the regulatory process for submission to the Legislative Commission. Regarding confusion around the "bona-fide relationship", they note that during extensive testimony, it was almost unanimously agreed that such a relationship must begin with an in-person visit, particularly in the context of orthodontics. Tele-dentistry should only be used as a tool for follow-up or when in-person visits are difficult. He emphasized that the

stakeholder meetings, including input from Small Direct representatives, concluded that the intent of the bill is to require an in-person review, especially for orthodontic care, under specific circumstances. He urged the committee to ensure the regulations align with the legislature's intent and offered to stay available for any technical questions.

Dr. Tania Altalib, Nevada director to the Pacific Coast Society of Orthodontists and a faculty member at UNLV's School of Dental Medicine, reflected on why she and others became dentists. Dr. Altalib highlighted the desire to provide comprehensive exams, close patient relationships, accurate pathology diagnoses, and proper treatment planning, which she believes dentistry offers beyond what traditional medicine provides. She expressed concern that adding new language to AB 147 could alter its original intent, and she urged the group to avoid making changes or adding unapproved language to the bill.

Dr. John Griffiths, a practicing orthodontist in Las Vegas and a member of the subcommittee responsible for drafting regulations for AB 147, emphasized the care and effort put into ensuring the language and regulations align with the intent of the statute. Dr. Griffiths expressed concern that recommendations made by the group "Byte" would undermine and violate the intent of AB 147. He urged the committee to support the regulations proposed by the dental association's committee, which aim to uphold and strengthen the original statute.

Dr. Megan Struby, president of the Nevada State Orthodontic Society, spoke on behalf of the society, emphasizing the importance of maintaining the original intent of the proposed statute. She stressed the need for a bona fide patient relationship, which includes taking radiographs, as they often reveal pathology that is critical for proper treatment planning and patient education. For the safety of patients in Nevada, she urged adherence to the statute's original intent, prioritizing patient safety over convenience.

Dr. Mark Candleman, a practicing orthodontist in Reno, recalls attending a stakeholder meeting for the bill in Chairwoman Marzola's office, where it was clear that patient safety was the top priority. Dr. Candlman emphasizes that many pathologies cannot be detected through clinical photographs alone, reinforcing the importance of proper diagnostics. He agreed that the language proposed by the group "Byte" undermines the original intent of the bill and contradicts Chairwoman Marzola's focus on patient safety.

**\*3. Chairman's Report:** Ronald West, DMD (For Possible Action)

**\*a. Request to Remove Agenda Item(s)** (For Possible Action)

**\*b. Approve Agenda** (For Possible Action)

Ms. McIntyre made a motion to approve the agenda, with Dr. Johl seconding the motion. The motion passed.

**\*4. New Business – NRS 631.190:** (For Possible Action)

**\*a. Review, Discuss and Consider proposed amendments, additions, and/or revisions to regulations in Nevada Administrative Code Chapter 631 (NAC 631) as it relates to teledentistry in conformance with AB 147.**

**\*b. Make potential recommendations to the Board regarding proposed amendments, additions, and/or revisions to Nevada Administrative Code Chapter 631 (NAC631).**

Dr. Lee and Dr. West discussed the application of teledentistry for dental hygienists and dental therapists, with Dr. Amy Abbottan explaining the potential uses, such as education and initial assessments. Dr. Lee raised concerns about the application of fluoride through teledentistry, and Mr. Mark Karris clarified that the bill does not specify this but emphasizes the importance of maintaining standards of care. Dr. West and Dr. Lee discussed the need for malpractice insurance and HIPAA compliance for teledentistry, with Eddie Abelser and Dr. Abbottan explaining the existing platforms and requirements. The committee agreed to recommend the proposed amendments and regulations to the full Board, with a focus on maintaining the intent of AB 147 and ensuring patient safety. Dr. West made the motion, Dr. Johl seconded the motion, and the motion passed.

**5. Public Comment (Live public comment and 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 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 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.

Dr. Abbottan thanked the committee for the attention to detail and their commitment to public safety in going through each and every one of their concerns.

## **6. Announcements**

There were no announcements.

## **\*7. Adjournment** (For Possible Action)

Dr. Johl made a motion to adjourn. Ms. McIntyre seconded the motion and the motion passed. The meeting adjourned.

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### **PUBLIC NOTICE POSTING LOCATIONS**

Office of the N.S.B.D.E., 2651 N. Green Valley Pkwy, Ste. 104, Henderson, NV 89014  
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)