

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON COMMERCE AND LABOR**

**Seventy-Fifth Session
March 20, 2009**

The Committee on Commerce and Labor was called to order by Chairman Marcus Conklin at 12:37 p.m. on Friday, March 20, 2009, in Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/75th2009/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman Marcus Conklin, Chairman
Assemblyman Kelvin Atkinson, Vice Chairman
Assemblyman Bernie Anderson
Assemblywoman Barbara E. Buckley
Assemblywoman Heidi S. Gansert
Assemblyman Ed A. Goedhart
Assemblyman William C. Horne
Assemblywoman Marilyn K. Kirkpatrick
Assemblyman Mark A. Manendo
Assemblywoman Kathy McClain
Assemblyman John Ocegüera
Assemblyman James A. Settlemeyer

COMMITTEE MEMBERS ABSENT:

Assemblyman Morse Arberry Jr. (excused)
Assemblyman Chad Christensen (excused)

GUEST LEGISLATORS PRESENT:

Assemblywoman Melissa Woodbury, Clark County Assembly
District No. 23

STAFF MEMBERS PRESENT:

Dave Ziegler, Committee Policy Analyst
Earlene Miller, Committee Secretary
Andrew Diss, Committee Manager
Sally Stoner, Committee Assistant

OTHERS PRESENT:

Robert L. Crowell, representing Las Vegas Institute for Advanced Dental
Studies, Carson City, Nevada
James "Cal" Evans, D.D.S., representing Las Vegas Institute for
Advanced Dental Studies, Las Vegas, Nevada
Norman R. Thomas, D.D.S., Director of Neuromuscular Research, Las
Vegas Institute for Advanced Dental Studies, Las Vegas, Nevada
William G. Dickerson, D.D.S., Founder and CEO, Las Vegas Institute for
Advanced Dental Studies, Las Vegas, Nevada
Fred L. Hillerby, representing Nevada State Board of Dental Examiners,
Reno, Nevada
Kathleen Kelly, Executive Director, Nevada State Board of Dental
Examiners, Las Vegas, Nevada
William G. Pappas, D.D.S., President, Nevada State Board of Dental
Examiners, Las Vegas, Nevada
William Uffelman, President and C.E.O., Nevada Bankers Association,
Las Vegas, Nevada

Chairman Conklin:

[Roll called. Meeting opened as a Subcommittee.]

We will open the hearing on Assembly Bill 314.

Assembly Bill 314: Makes various changes to provisions governing the practice
of dentistry. (BDR 54-878)

Assemblywoman Melissa Woodbury, Clark County Assembly District No. 23:

I appreciate the opportunity to appear before you today and I stand in support
of A.B. 314. This bill will allow a person who is licensed to practice dentistry in
another jurisdiction to receive a limited permit for treating specified patients at a

facility where a supervised course of dental education is conducted. I had the opportunity to tour the Las Vegas Institute for Advanced Dental Studies, also known as LVI Global. Its campus is in the Summerlin area of Las Vegas. I was very impressed with what I saw. The technology is state of the art as are the facilities. I was pleased to learn that nearly 9,000 dental professionals from around the world further their education at LVI Global each year. The dental professionals, their patients and families contribute approximately \$7.4 million in non-gaming income to our economy each year.

[There is a quorum.]

Robert L. Crowell, representing Las Vegas Institute for Advanced Dental Studies, Carson City, Nevada:

I would like to thank Assemblywoman Woodbury for having this bill drafted.

[Spoke from prepared testimony ([Exhibit C](#)).]

Chairman Conklin:

We will allow further testimony in support of the bill.

James "Cal" Evans, D.D.S., representing Las Vegas Institute for Advanced Dental Studies, Las Vegas, Nevada:

I started practicing dentistry in Nevada in 1969. I have been chairman of the ethics committee, chairman of the peer review committee, President of the Clark County Dental Society, President of the State of Nevada Dental Society, and on the Nevada State Board of Dental Examiners (NSBDE).

When you get out of a professional school, you know the basics, but that is all. Continuing education is the key to the development of dentists. That has been my passion all my life. LVI Global is the most unique program in the United States and maybe the world. There is nothing that can compare to it. The common way to obtain continuing education is to go to a hotel and see a slide show. There is nothing wrong with that, but if you really want to go to another level, it is hands-on. I firmly believe that you cannot learn something from watching a slide presentation. You need a mentor, someone to guide you, and someone to teach you all of the nuances of the technique. That is where LVI Global excels. It has the finest facilities and instructors who come from all over the United States and Canada. The enthusiasm is unbelievable. It is good for the patient because the program has superior dentists, and it is good for the economy in Las Vegas.

When I was on the NSBDE, we were happy to have LVI Global. State boards change, and maybe that is what is happening now. You should know what a wonderful institution LVI Global is.

Norman R. Thomas, D.D.S., Director of Neuromuscular Research, Las Vegas Institute for Advanced Dental Studies, Las Vegas, Nevada:

I am professor emeritus from Canadian University which is accredited by the American Dental Association (ADA). We abide by the rules of the ADA with respect to continuing education. I have degrees in dentistry from the University of Virginia, the Medical College of Virginia, the University of Alberta, and with honors from the University of Bristol in the United Kingdom. I am very familiar with education around the world, particularly in terms of continuing education.

I was professor emeritus at the University of Alberta when I found that there was an institute in Las Vegas, under the direction of Dr. William Dickerson, which was a remarkable and unique feature of continuing education. It contained not only the applicable parts of dentistry, but also was founded upon sound science, the neuromuscular process, which was developed by Sir Charles Sherrington who received a Nobel Prize for his work. There is no institute comparable with the Las Vegas Institute. Even though I worked as a professor for practically 50 years, have a doctorate and a fellowship from the Royal College, am certified as a specialist in oral pathology and oral medicine, I was thrilled to have the opportunity to come to Las Vegas and be part of the faculty of LVI Global. I am now the Director of Neuromuscular Research which is being instituted into dental schools, but not with the same level of expertise as found at LVI Global.

I am pleased to be here to support this bill. I think it is a tremendous opportunity for dentistry. Canada is responsible for 20 percent of the students attending LVI Global. I am now an ambassador for evidence based dentistry of the ADA.

Chairman Conklin:

Are there any questions from the Committee? On page 2, line 15, is the program designed so if a dentist comes from a different jurisdiction, he brings his own patient?

Robert L. Crowell:

Yes, that is a specific requirement.

Chairman Conklin:

Is that a usual practice?

Robert L. Crowell:

I would like to ask Dr. Dickerson to respond to that.

William G. Dickerson, D.D.S., Founder and CEO, Las Vegas Institute for Advanced Dental Studies, Las Vegas, Nevada:

It varies from other live patient treatment programs. It is not a typical program. From the beginning it has been a requirement that the patient be a patient of record of the dentist who treats him because there is follow-up that is required. We do not work on Nevada patients unless by a Nevada doctor.

Chairman Conklin:

I would assume that if it is a Nevada doctor, he is licensed in Nevada.

William G. Dickerson, D.D.S.:

Yes.

Chairman Conklin:

Are there any other questions from the Committee? There are none. Is there anyone else to testify in favor of A.B. 314? Is there anyone to testify in opposition?

Fred L. Hillerby, representing Nevada State Board of Dental Examiners, Reno, Nevada:

We are here in opposition to the bill. We are not opposed to the concept of getting the people who are coming to our state permitted, but there are some issues with the process that is outlined in this bill. We are willing to work with the proponents to work out some of the issues.

Chairman Conklin:

Have you met with the bill sponsor?

Fred L. Hillerby:

I met with Mr. Crowell, but I have not met with the principals from LVI Global.

Kathleen Kelly, Executive Director, Nevada State Board of Dental Examiners, Las Vegas:

The Board has looked into this issue and is willing to develop some language which would be acceptable. The Board has had concerns that individuals practicing dentistry in our state must meet some statutory requirements including that they are graduates of ADA accredited dental programs. Accredited programs have curriculums that are reviewed and approved by the Commission on Dental Accreditation which is recognized by the United States Department of Education for awarding such accreditation. None of our licensing

statute provisions enable the Board to issue a license to a person who has not met that educational requirement. A foreign trained dentist would not be able to obtain a dental license in our state unless he has completed the education program or has gone back to an international program which is usually two years, that affords him the equivalent of a Doctor of Dental Surgery or Doctor of Dental Medicine degree or a specialty degree.

We have a licensing statute that provides the Board permissive language in our specialty statute before issuing a license to an individual. Our concern is that in this bill, there is not specific recognition for an individual who may not be in compliance with his state's licensing board or who have had discipline issues which would be a reason for the Board not to issue a permit. The length of time for issuing this type of permit or license for education would be a concern. It says five years in the bill and our licensees renew every two years. There would be time for someone to have a change in his status of licensure during the five year period. The Board wants the ability to review that status.

The other concern is about patient care and the mentioned stipulations. There are two stipulation agreements with Dr. Dickerson. One is specific to LVI Global and required for patient care procedures to be followed pursuant to the ADA continuing education recognized provider standards. They are very specific about patient care, follow-up care, and treatment options for failure of a treatment. That was very important to the Board. When you are providing care that is extensive in its restorative techniques and are dealing with people who are learning techniques and are returning to their home states, they have to be able to provide appropriate follow-up if there is a failure of the initial treatment. Having the ADA patient guideline and standard is important to the Board. They are concerned about patients whether they are Nevada citizens or not, because the care was provided in our state. The Board feels they are charged to be responsible to ensure proper patient care.

Chairman Conklin:

Are there any questions from the Committee?

Assemblyman Ocegura:

Is there a stipulation agreement?

Kathleen Kelly:

When the Board initiated its resolution of the dispute, it was because there was a complaint that initiated the Board's review. The Board agreed through stipulation that LVI Global could continue if it met certain requirements.

Assemblyman Ocegüera:

Are those terms similar to what is proposed in this bill or would you say this bill is an expansion of those terms?

Kathleen Kelly:

There are some expansions in the bill. The majority of the terms are delineated in the stipulation. There would be concern, however, over foreign trained individuals who are not licensed in the United States. License verification is currently required to be obtained for these participants.

Chairman Conklin:

If a dentist treats a person from his own jurisdiction, and if that jurisdiction chooses a different standard than ours, why are we concerned?

Kathleen Kelly:

While they may be licensed in another jurisdiction, we have interaction with other state licensing boards. They rely on the NSBDE to review and process complaints related to patient treatment that occurred in our state. Those dentists come into our state, and if they are practicing on a patient and there is a violation or a problem with the treatment provided, those states expect the NSBDE to handle the situation because the services were provided here.

Assemblywoman Kirkpatrick:

Do they give you copies of their licenses and their certifications before they do any treatments?

Kathleen Kelly:

It is a very different process because LVI Global is the only entity that operates this way in our state. They are under stipulation and monitoring by our Board. A disciplinary screening officer, a disciplinary screening officer coordinator, my deputy or I make periodic visits to LVI Global to ensure compliance. The collection of the license verification, proof of malpractice insurance, and other requirements pursuant to the stipulation are reviewed at that time.

Assemblywoman Kirkpatrick:

Would they still be subject to the periodic visits?

Kathleen Kelly:

No, the monitoring and the stipulation exist until statute provides other remedies for the licensing of these participants. The stipulation remains in force until there is a change in statute of regulation recognizing the participants. We would no longer be monitoring unless LVI Global agreed to ongoing monitoring.

Assemblywoman Kirkpatrick:

Are there other checks that apply to this type of facility?

Kathleen Kelly:

Chapter 631 of the *Nevada Revised Statutes* (NRS) authorizes the Board to investigate a licensee if we have a complaint, or if under investigation, it is authorized by the Board. That has to precipitate the Board's going into a dental practice.

The Las Vegas Institute is not a dental practice. It is Dr. Dickerson who is under stipulation, and by virtue of his license, we monitor the location at which these courses are being offered. We can investigate any of the licensees of our state by statute authority, and we can enter a dental practice to give notice of our investigation. With this proposed change in statute, we expect other provisions of statute would still give us the ability to investigate if there were a complaint or an authorized investigation by the Board. We do not just arrive at a dental office unless we have a verified complaint under statute or by motion of the Board to authorize an investigation.

Assemblywoman Kirkpatrick:

It does not appear that someone would risk losing his school and reputation by not allowing proper authorities to come in. I thought there were other statutes that allowed you to do these things. I assumed that the dental licensing fell under that. Is his license at risk if anything goes wrong?

Kathleen Kelly:

I cannot give you a legal opinion. Chapter 631 of NRS applies to licensed dentists and hygienists that the Board is authorized to regulate. We can inspect their offices when we have the authorization to do so. We also have the ability to summarily suspend a licensee for violations. The facility issue is different because we do not license dental offices. They are separate from the licensee.

Assemblywoman Gansert:

I recall having to do something special for the Nevada Cancer Institute because they have individuals who come to our country to do research. I was also looking at NRS 630.047 for physicians. Physicians who are not required to have a license are ones who legally qualify to practice in the state where they reside and come to our state on a regular basis to obtain medical training and provide medical instruction. There may be some pieces under the law that would help.

Assemblyman Settelmeyer:

Do you have the ability to check out the cleanliness of a dental practice by virtue of their being licensed?

Kathleen Kelly:

There is a provision under regulations that all licensees are required to follow the guidelines for the Centers for Disease Control and Prevention (CDC) in a dental care setting. If the Board were to receive a verified complaint or if the Board authorizes by its own motion an investigation of a licensee, we would notice the licensee, provide him appropriate notice that we would be there to review his infection control procedures, and make sure he is following guidelines.

Assemblyman Settlemeyer:

Cosmetologists get random drop-ins, and I was assuming that is also being done in dentistry. What if a person who gets a temporary license gives you authority to investigate a facility where they will be practicing in Nevada?

Kathleen Kelly:

The Board has not expressed concerns about LVI Global. The concerns are about the individuals coming without a license, patient follow-up care, individuals who would not be eligible for licensure in our state such as foreign trained dentists, and five year licensure. Whether or not we would continue to monitor if given that authority or if Dr. Dickerson were to agree that while his educational facility continues to provide the continuing education courses, the Board would have the ability to monitor the location, practices, courses being offered, and the patient care, we would agree. We do not randomly choose offices to inspect. We inspect offices that apply for anesthesia permits. The Board is concerned with inspection of offices only for the CDC. Otherwise, our Board's legal counsel has advised us that Chapter 631 of NRS gives the Board authority for investigation only when we have a verified complaint or the Board has authorized an investigation. We cannot randomly show up at a dental office. There has to be a mechanism that precipitates our ability to investigate or inspect.

Chairman Conklin:

Are there any questions from the Committee? There are none.

**William G. Pappas, D.D.S., President, Nevada State Board of Dental Examiners,
Las Vegas, Nevada:**

I would like to emphasize that we are not in opposition to this bill and welcome the provisions of permitting these individuals in our state. That is what we need to do. We need to have some checks and balances on these individuals. We offer no other forms of licensure for foreign trained dentists because we have no means to evaluate their training. We are the agency responsible for care provided in our state. We need to protect the public whether they are citizens of the United States or not. I do not think the provision is unreasonable. Our other limited license for instructors within the university system is only one

year. We are asking to limit this license to two years as opposed to the five years in the bill. That is a reasonable compromise. I would ask the Committee to consider that.

Chairman Conklin:

We are going to give you a chance to work on the bill with the proponents. Are there any other questions from the Committee? There are none. I would like to ask Assemblywoman Woodbury to work with the proponents and opponents of the bill to see what you can do.

Assemblywoman Woodbury:

We will do that in any manner you would like.

Chairman Conklin:

Is there anyone else in opposition to A.B. 314? Is there anyone to testify from the neutral position? We will close the hearing on A.B. 314. We will open the hearing on Assembly Bill 258.

[Assembly Bill 258](#): Makes various changes concerning foreclosures and security deposits. (BDR 3-190)

Assemblyman William C. Horne, Assembly District No 34:

This Committee is well aware of the foreclosure crisis that our state has experienced and many of the negative effects, particularly to renters who found themselves living in a foreclosed property with a notice to evacuate the premises. Many of them paid first and last months rents and typical deposits paid when a person rents. When asked by the renters to reimburse the deposits, they were told by the landlords that they did not have the funds. This is not surprising because the landlords went into foreclosure. I believe they should have had that money because they were not funds that had been earned. This bill is an attempt to provide a mechanism to require property owners to place these funds into a trust account. The bill mentions escrow account in both sections 1 and 2. There are fees attached to escrow accounts, but trust accounts would have no fees paid by the person making the deposit. This money would be held in trust. Upon termination of the rental agreement in cases such as a foreclosure, the funds would be there for the renters so they could find new housing.

I have learned by listening to hearings on other foreclosure bills particularly Assembly Bill 140, that when there is a transfer of property from one owner to another, those obligations transfer with the property. This provision would supplement other proposed legislations. I will go through the bill, Mr. Chairman, if you like.

Chairman Conklin:

I think the bill is straight forward. Are there any questions from the Committee?

Assemblyman Atkinson:

I will disclose that I am a landlord of two properties. Will there be any grandfathering under this bill for landlords who have collected security deposits?

Assemblyman Horne:

I had not envisioned it either way and I recognize how problematic it could be for existing landlords, however, the landlord should have the money because he has not earned it. It does not have to be retroactive, but going forward, it is definitely appropriate.

Assemblyman Atkinson:

If the money is going to be in a trust account, what happens to the security deposit if there are damages to the property?

Assemblyman Horne:

The language in the drafting of security deposit is a general term for the monies received. I understand that landlords receive last month's rent, security, pet, and cleaning deposits. This is primarily focused on the last month's rent which is additional rent that has not been earned. The trust account is not completely closed to the landlord. As an attorney, I can put a client's money into a trust account, bill from that money by earning it, and get access to the fund without permission of the client. It is the same with the other deposits at the termination of this agreement. The landlord may take the funds to which he is entitled.

Assemblyman Atkinson:

I believe there is a flaw because some landlords think the first and last months' rent are security deposits. The cleaning deposit is separate. There is also a security deposit used for damages, which is also separate. I think it needs to be delineated in the bill to avoid confusion.

Chairman Conklin:

What about a landlord who uses the money to do repairs to his properties. Is it possible that a landlord could bond that money? They would have access to the cash, but the renter would have some protection should he leave and be entitled to the money.

Assemblyman Horne:

If that is a mechanism that this body believes will be better, that would be acceptable. The intent is that the money that is not earned be protected.

Chairman Conklin:

There is another bill which will be introduced on Monday that provides for a certain amount of regulation for renters to post a bond instead of paying the deposits up front. Instead of paying the deposits, they purchase surety bonds.

Assemblyman Horne:

I recognize the bills we have heard and that there will be more coming to address these problems.

Assemblywoman Kirkpatrick:

Does this bill say how the money is reverted back to the tenant? How does the process work?

Assemblyman Horne:

Do you mean how is the money disbursed when a renter leaves?

Assemblywoman Kirkpatrick:

Sometimes people move quickly. It seems the money would not be available to either side.

Assemblywoman McClain:

That is already in statute.

Chairman Conklin:

Are there any additional questions for Mr. Horne? There are none. Is there anyone wishing to get on the record in support of this bill?

**William Uffelman, President and C.E.O., Nevada Bankers Association,
Las Vegas, Nevada:**

We appreciate Mr. Horne presenting this bill. This would remedy the deposits that you have to pay back when you become the foreclosure purchaser. We support the principle, and I would be happy to help work out the details.

Chairman Conklin:

Are there any questions from the Committee? There are none. Is there anyone else wishing to get on the record in support? Is there anyone in opposition? Is there anyone to testify from a neutral position? We will close the hearing on A.B. 258.

I have a Committee introduction.

BDR 54-1102—Revises certain qualifications for the licensure of private investigators. (Later introduced as [Assembly Bill 490](#).)

ASSEMBLYMAN ANDERSON MOVED FOR COMMITTEE
INTRODUCTION OF BDR 54-1102.

ASSEMBLYMAN ATKINSON SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN ARBERRY AND
CHRISTENSEN WERE ABSENT FOR THE VOTE.)

The meeting is adjourned [at 1:34 p.m.]

RESPECTFULLY SUBMITTED:

Earlene Miller
Committee Secretary

APPROVED BY:

Assemblyman Marcus Conklin, Chairman

DATE: _____

EXHIBITS

Committee Name: Committee on Commerce and Labor

Date: March 20, 2009

Time of Meeting: 12:37 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 314	C	Robert L. Crowell	Prepared Testimony