



**CLIENT MEMORANDUM – Nevada Dental Association  
June 22, 2016**

Last Thursday, June 16, the Sunset Subcommittee of the Legislative Commission (Sunset Subcommittee) received a presentation from state auditors regarding questions and concerns that had been raised about the Nevada State Board of Dental Examiners (NSBDE).

Auditors examined legal and investigative expenditures and related cost recoveries during 2014 and 2015 to determine whether the Board assesses licensees reasonable costs for investigating and resolving complaints and disciplinary cases.

**Auditors presented their findings to the Audit Subcommittee May 24, 2016, which included the following 14 recommendations for NSBDE. They are as follows:**

1. Develop and document a process for tracking actual costs by complainant and licensee for investigations and monitoring activities;
2. Ensure the disciplinary screening officer's (DSO) invoices include sufficient detail to track and assess costs accurately;
3. Refund licensees amounts they were overcharged;
4. Develop policies regarding fees to be assessed to licensees throughout the disciplinary process;
5. Determine, document, and adhere to appropriate travel cost limits;

6. Discontinue the use of charitable contributions as a condition of stipulation agreements;
7. Record recoveries collected from licensees for disciplinary actions and monitoring activities as revenue instead of a reduction to expenses;
8. Prepare contracts that accurately reflect the maximum amount expected to be paid to the contractor;
9. Review at a public meeting the merits of contracting with outside counsel versus hiring General Counsel to meet the majority of the Board's legal needs;
10. Institute an independent review process regarding complaint investigation and resolution;
11. Develop and document guidance for investigations;
12. Develop a standardized filing organization method;
13. Prepare a file checklist that details routine documentation related to the disciplinary process needed to substantiate actions and compliance with statutes; and
14. Ensure all records are obtained and retained by the Board to support disciplinary activities.

The Sunset Subcommittee has the authority to terminate, consolidate or continue the NSBDE and can also recommend changes. The Sunset Subcommittee voted to grant NSBDE continued operation but stated that they must include recommendation #10 from the list above (audit independent review process). This measure would require a statutory/legislative change.

The Sunset Subcommittee also recommended that a letter be sent to NSBDE inquiring why the Board prefers to maintain outside counsel in lieu of that of the

Attorney General's office, and why they refuse to provide refunds to licensees who were overcharged.

Next steps will depend on which course of action the Sunset Subcommittee decides to take. Any further actions beyond the suggested recommendations could require legislative action.

We will keep you apprised of any further actions.