

PROPOSED REGULATION OF THE
NEVADA STATE BOARD OF DENTAL EXAMINERS

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Proposed Regulations Regarding SB 256 (Review Panel)

NAC 631. _____. Review Panel Scope and Duties. (NRS 631. ____ (currently SB256), 631.255, 631.363) Before the Board takes any action or makes any disposition relating to a complaint investigated pursuant to NRS 631.360(1) the Review Panel appointed pursuant to Section 1(1) of [SB 256] shall review the preliminary findings and recommendations submitted by the investigator appointed pursuant to NRS 631.363(1) as follows:

- 1. If, based upon its review of the preliminary investigation conducted by the investigator, the Review Panel finds that a preponderance of the evidence exists to support the investigator's preliminary findings and recommendations, the matter shall be returned to the investigator for further proceedings, including but not limited to, an informal hearing pursuant to NRS 631.363 and/or negotiation of a consent or settlement agreement governed by the provisions of NRS Chapter 622.*
- 2. If, based upon its review of the preliminary investigation conducted by the investigator, the Review Panel finds that a preponderance of the evidence does not exist to support the investigator's preliminary findings, the matter shall be remanded without action. A remand of a complaint pursuant to this paragraph does not operate as a limitation on or a detriment to any subsequent investigation or other action by the Board.*
- 3. If, based upon its review of the preliminary investigation conducted by the investigator, the Review Panel finds that a preponderance of the evidence exists to support the investigator's preliminary findings, but the Review Panel does not find that the investigator's recommendations are appropriate based upon those findings, the Review Panel shall submit its proposed recommendations to the investigator for review and consideration prior to the investigator initiating further proceedings, including but not limited to an informal hearing pursuant to NRS 631.363 and/or*

negotiation of a consent or settlement agreement governed by the provisions of NRS Chapter 622.

- 4. Any consent or settlement agreement entered into pursuant to NRS Chapter 622 following the procedures outlined in paragraphs (1) or (3) of this section, shall proceed directly to the Board for approval or disapproval pursuant to NRS 631.363(5), without the necessity for further Review Panel input.*

- 5. If, following an informal hearing undertaken following the review pursuant to this section, the investigator prepares findings of facts and conclusions pursuant to NRS 631.363(3), the Review Panel shall conduct a subsequent review of the full investigation, including the informal hearing, as follows.*
 - a. If the Review Panel agrees with the investigator's findings and recommendations, the Review Panel shall adopt the investigator's report and submit them to the Board.*

 - b. If the Review Panel does not agree with the investigator's findings and/or recommendations, the Review Panel shall present its alternate findings and recommendations to the Board for review and consideration together with the findings and conclusions of the investigator. At any subsequent hearing conducted by the Board, the Board may consider the investigator's report and/or the Review Panel's report, but is not bound by either.*

- 6. As used in this section, the "investigator's preliminary investigation" may include, but is not limited to, the investigator's (1) review of the complaint, (2) review of the licensee's response, if any; (4) review of pertinent dental and/or medical records; (5) discussion with the licensee; (6) discussion with and/or evaluation of the complainant or patient by the investigator.*

Changes to NAC 631.395

NAC 631.395 Participation by investigator or members of the Review Panel. (NRS 631.190, 631.363, NRS 631.____ (currently SB256)) An investigator appointed pursuant to NRS 631.363 and/or a member of the Review Panel appointed pursuant to NRS 631.____ (currently SB 256), may provide testimony regarding the investigator's and/or Review Panel's findings and conclusions about a matter at a hearing before the Board, but may not participate in the decision rendered by the Board in that matter.