

## COVER LETTER

To Whom It May Concern:

My name is Thien Tang and I am the Dentist/Owner of Prestige Dental in the city of Henderson since 2003. I am a graduate of the Loma Linda University and have an excellent reputation due to many patient referrals. I have been a Dentist for 16+ years and I have a clean record until the recent years.

I am writing this letter to you to help bring awareness to how the Nevada Dental State Board operates. The Nevada Dental State Board (NDSB) functions with complete autonomy as it serves as prosecutor, judge and jury in bringing charges and then conducts its own hearings and then rules on those charges, often hitting dentists and dental hygienists with five-figure fines. NDSB relies heavily on its Disciplinary Screening Officer's (DSO) case enforcement and the legal counsel to bring forth any violations and charge fines to Dentists for every individual stipulation that is signed.

First and foremost, I believe the Dental Board is a necessary entity to help protect the public from fraudulent and malpractice / gross negligence cases. Anything that I stated in this letter would not change the outcome of my Board's already signed stipulations but I just wanted to shed some light in the way the case was handled by the DSO and the legal counsel. I hope no other Dentists would endure the stress and the financial hardship that I had to undergo and I truly regret for waiving my rights to a fair hearing and a just dealing.

I am requesting your Organization to help us investigate the Board's representatives to question their ethics and charge them with *improper investigation and prosecutorial misconduct*. I plead to the Board to review and show proof of progress for the below discussion when conducting an investigation:

1) its internal investigative disciplinary methods

2) its DSO's choice in case selection

3) its legal counsel's stipulation exercises that manipulate the Dentist to forfeit their rights "to challenge the Board for bias in deciding whether or not to adopt the Stipulation Agreement" and "waive certain valuable due process rights" contained in the Dental Practice Act.

4) its legal authority/jurisdiction to act on the complaint made. The Board only has the legal authority to investigate cases that indicate that the Dental Practice Act has been violated; The Board should not address the following complaints

- Fee disputes between patient and dentist
- Get money back that patient feel is owed to him/her
- Investigate/discipline practitioners who are not licensed by the Dental Board (dentists licensed in another state, or a person licensed by another state agency)

Sincerely,

Thien Tang, DDS

## PERSONAL STORY

During my encountering with NDSB specifically with Dr. Bradley Strong (DSO) and John Hunt (legal counsel), I was not impressed with their style of execution. My DSO never once asked me to clarify about my 2<sup>nd</sup> board case via telephone or in person while he did contact for a 5-minute telephone interview on the first Board case. He made all of his fact findings through assumptions and passed on his findings to Mr. Hunt to draft up the stipulation. I disagreed with most of the allegations that he charged me with but I was never offer an opportunity to dispute it. Mr. Hunt communicated with my Attorney, Eric Stryker, and my Attorney related the message back to me. Mr. Hunt offered me in my first Board case (2013) to either accept a non-disciplinary stipulation or if proceeding to the informal hearing, then the outcome would be a disciplinary stipulation. I had only one choice which was to either sign a non-disciplinary or sign a disciplinary stipulation. In the second case, Dr. Strong couldn't find any merits in the patient's complaints and alleged me with two violations that had nothing to do with the original complaint. I had to endure the three different modified stipulations because I refused to sign findings that were not true to my violation. This made me question their investigative approach and case selection. They rolled my first case to the second case and threatened to open more cases against me if the stipulation was not signed. These so-called "8" cases were not actual patient's original complaints but the findings of area of improvement at the conclusion of my first board case. How could this be if my license was "restored to good standing?" (see exhibit A). This showed me their desperation in their investigative techniques to get a new stipulation signed at all costs or should I said at my cost. The case should be dismissed if it did not hold any merits.

Having a disciplinary stipulation is worst than a non-disciplinary stipulation because the Dentist is reported to the National Data Bank where major Insurance companies drop your membership in their network due to Dentist's license status not outstanding with the Board. When multiple Insurance companies' Dental Consultants (Dentists) called me at my office to inquire about the case to make the decision whether to terminate my membership with their network or not, they took the time and went through a series of questions of why's and how's with me and reassured me that they would not drop me because the case had no merits. The Dental Consultants did not find any malpractice or wrongdoing on my part after reviewing my documentations requested by the Insurance companies. The first question I had struggled to answer was "Why didn't my DSO do the same?" It would have saved me so much time and money to go through the same process as I did with the Insurance Dental Consultants. It was ironic that the insurance companies cared more about their provider than the Board itself. The Dental Consultants were empathetic, implementing a fair system with simple communication and addressing the matter in an effective manner to protect the industry professional.

My DSO had failed the Board's investigative system because he avoided the communication about the case clarification with his Respondents. He listened to only one side of the story, the patient's testimony. If he truly were impartial, he would have allowed both sides to be heard and concluded his findings with better understanding why the complaint resulted in the first place. Instead, he never addressed the original complaint made by the patients [first case: collections issues from 2011 → services were rendered and payments not collected so account was sent to collections | second case: buyer's remorse → patient prepaid total treatment for SRP's & Arestins and later wanted a refund for services rendered] and pursued the informal hearing route to penalize me for violating NAC 631.210(1)(n) and NAC 631.270(1)(d). In both cases, no clinical harm or ill intent proven.

In the second Board case, patient Bailey Waggoner was seen as a new patient at my office on May 8th, 2014. My hygienist, Erin Wilson, pre-probed him prior to me seeing him first. Based upon my hygienist's probing measurements (see attached exhibit IV), I diagnosed SRP treatment for Bailey. My hygienist also recommended placement of Arestin

on sites that fit all the criteria of arestin placement of 5mm pockets or above. The benefits of Arestin was explained to Bailey and he was made aware that Arestin was a conjunctive treatment with his deep cleaning and would not be covered by his insurance. Bailey consented to his treatment and signed for commencing his deep cleaning with placement of 26 sites of Arestin. A few days later, I was informed that Bailey's Mother called to request refund for the Arestin placement as she felt it was unnecessary for her son and cancelled the rest of his appointments for the other side's SRP (see attached exhibit V – Erin Wilson's RDH response provided to the Board regarding Bailey's case).

Upon receiving attention of Bailey's complaint, I spoke to my hygienist about her probing measurements and she confidently stood by her measurements stating they were completely accurate. Erin Wilson had been employed for 18+ months and I have always considered her as a conservative and ethical hygienist with only the best interest of the patient care at heart. Nevertheless, to assure that "buyer's remorse" from Arestin scenario didn't occur again at my office, I immediately implemented my own corrective measures and got laser-certified, purchased a Biolase laser to provide a more cost-effective alternative to Arestin. I also put a strict 5-site limitation on Arestin placement on all future perio patients. I want to make it clear that my office had never had any quota for SRP treatment or Arestin for our clinicians.

I signed the disciplinary stipulation agreement to avoid the stress of going through any formal hearing or incur additional legal expenses. However, I feel I have not done anything wrong as a clinician other than violating the NAC 631.210(1)(n). My hygienist & I reached out to the NVDHA (Nevada Dental Hygienists Association) to request for the NAC 631.210 to be changed in the NV rules & regulations. President of NVDHA, Annette Lincicome, wrote to the Board that "Our hygienists are excellent resources to collect data for a dental examination. It seems logical and practical that dental hygienists be allowed to perform the delegable duties listed in NAC 631.210(1) (a)-(n) prior to the dentist's examination in order to provide valuable data for the dentist to utilize in his comprehensive exam. Exclusion of the parameters in question would contribute to the most efficient operation of the dental practice and be advantageous to all parties concerned."

On Friday May 22nd, 2015, the Board voted to accept the NVDHA recommendations to amend NAC 631.210 (see Exhibit VI) and once the language is drafted legally, they will send to the LCB (Legislative Counsel Bureau) in Carson City to approve the rule for it to take place effectively in 2016. This was great news for every dentist & hygienists in Nevada, but unfortunately for me, I am still considered in violation of NAC 631.210(1)(n).

Regarding violation 631.270(1)(D) stating my website advertised for sleep sedation dentistry, I had never performed or ever been licensed for IV sedation and had no intention to mislead the public in doing so. It was an error by the website company who set up my online profile and I never approved that service description. The "sleep sedation" was removed immediately on my website after I was made aware of such findings from the Board.

I would also like to point out that even though I signed on stipulation agreement stating "bone loss is primary factor in determining whether the patient has periodontal disease," I disagreed that bone loss IS NOT only the main criteria for diagnosing SRP treatment. Radiographic bone loss is usually seen in moderate and advanced periodontal disease and we need to prevent our patients from reaching that stage. Perio-probing is the only true indication of a patient's current periodontal status. Based on my diagnosis of Bailey's pocket measurements, SRP was the correct treatment required for his condition.

I truly question the DSO & legal counsel's motives when they presented me with the above findings when it strayed away from the patient's main complaints. Was "making more money" the motive? Obviously I was required to pay for John Hunt's time to revise the 3 stipulations because of my DSO did not want to talk to me. Had the DSO take the time to speak and allow my side to be heard, may be there would not be multiple revisions of my stipulations. Mr. Hunt's legal system was broken in my case because he prematurely handed out stipulation without providing a fair hearing between the DSO and myself. Doing so would allow him to stay in control of the

situation, managing the billing for his service without logging properly how much time he actually spent on the case. Keep in mind the Board doesn't receive funding from the State and John Hunt's legal services are almost always paid by the Dentists. Is that system fair for me? Was this the system John Hunt design to benefit for himself? John Hunt's informal hearing should be called "stipulation hearing" where stipulations are offered to Dentists prior to Dentists being heard when in fact to have a true impartial hearing it should have been the other way around. Stipulation agreements should be if deemed necessary be offered after the informal process so the Dentists can have ample time to defend himself/herself. To point out even further how the signing stipulation are their true motives, my Hygienist, Erin Wilson, who had the same complaint but no Attorney representation received her stipulation to be signed sent to her by certified mail.

I even challenged the DSO on how he alleged me with altering the chart by making a circle around the Oral Cancer portion when he requested the original chart along with the 8 other audited charts for review. I did not alter the chart. Why should I??? Why would I?? Keep in mind the chart was in their possession, I found it coincidental that an allegation of that degree would arise during my 3rd informal hearing just to get me to accept their stipulation or else they would charge me with the violation of altering chart during the investigative period.

In my heart, I don't believe NDSB understands the severity that its reputation had been tainted by its representatives' incompetency in executing the case investigation. By far, they lack professionalism and communication skills. They ignore the Dentist's rights to a fair hearing and usurp the power vested in them to execute *improper investigation and prosecutorial misconduct*. If the case has no merit, the case should be dismiss. If you believe there is flaw in the system, you need to change it. It is never too late to fix it before the distrust in the public and in the industry professionals begin to emerge. The integrity of the Board's will depend on your investigation.

- 1) Board Case #1 Response from Dr. Tang
- 2) Letter "Restore to Good Standing"
- 3) Board Case #2 Response from Dr. Tang
- 4) Board Case #2 Response from RDH Erin Wilson
- 5) Board Case #2 \_3 revised stipulations
- 6) Board Case #2 Alleged Alteration of chart

August 3, 2015

To Whom It May Concern:

My name is Erin Nicole Wilson. I am a registered dental hygienist here in the state of Nevada. I graduated from the College of Southern Nevada Dental Hygiene program with a bachelor of science in dental hygiene. I have been practicing dental hygiene here in Nevada since 2010.

I am writing to you in regards to the Nevada State Board of Dental Examiners attorney Mr. John Hunt and the Executive Director Debra Shaffer-Kugel. I am currently undergoing a case against the Board based on a patient complaint. The complaint was not directly in regards to me. My doctor, Dr. Thien Tang, received notice of complaint from the Board and they took action against him. I was drawn into the case upon "investigation" of the Board via my doctor's case. I was served with two pieces of information from the board (1) a notice of investigative complaint & request for records on February 12, 2015 followed by a (2) proposed stipulation on May 27, 2015. No one reached out to me via phone call on this matter as usually done in the past per my doctor. I first called the Board office. I took it upon myself to reach out to my Disciplinary Screening Officer (DSO) Joyce Herceg. My phone call was handed over to Debra Shaffer-Kugel. The entire conversation Mrs. Schaffer literally screamed and yelled at me while making accusations towards me. I was almost in tears. I even had to stop her and ask her why she was screaming at me. I was getting the impression she was not a dental professional by some of the things she was saying. I then proceeded to ask Mrs. Schaffer that my DSO contact me since she was extremely unprofessional in handling my initial concerns. I spoke with my DSO in days to follow and she seemed very impartial to my case stating that she would see what she could do based on our conversation of what happened. I didn't hear back from her rather I received a proposed stipulation. I was given the opportunity to sign it and be done with it or continue on to an informal hearing which is clearly out of sequence. How can I be served a proposed stipulation via mail without even having the chance to be heard on the record? I called my DSO again to tell her that I am not going to sign the stipulation because it is not true. Oddly enough a couple days after that phone call and a couple days prior to the original informal hearing date June 10, 2015, I was called from Hunt's law firm that the informal hearing was canceled until further notice. I now have received a new informal hearing date for August 12, 2015. I have learned by discussing my case with others, mostly dentists, that the tactics by Mr. Hunt on the Board are ruthless and I am finding that to be very true in my own case. I have been directly and indirectly affected by the tactics of John Hunt via my doctor's case. I disagree with the accusations in my proposed stipulation and reasoning behind them and I have been pressured by my DSO via John Hunt to sign the stipulation but I should not have to sign anything I do not agree with.

According to the paperwork from Mr. Hunt's law firm, it states "if you plan on attending the informal hearing and you have additional documents, written statements or supplemental responses you would like the Disciplinary Screening Officers to consider, please forward such information and/or documentation to the Board at least five (5) days prior to the informal hearing date." So far everything they have requested of me I have sent them and I have gotten a confirmation receipt that they received my items. The only two things that I sent in on my own

express mail requiring signature was my order form for the most recently printed NAC (Nevada Administrative Codes)/NRS (Nevada Revised Statutes) booklets and a letter of testimony that my doctor wrote on my behalf alongside his three stipulations. I was told they did not receive it. How ironic that the two things I submitted out of everything that is evidence to my case and booklets to help guide me through the laws of this process, they mysteriously did not receive it. I had to actually go down to the Board office and have them date, stamp, and make copies so that I knew they had my information. I requested the booklets the second week of June 2015 and gave them a full 6 weeks to process my order. I called after 6 weeks to check on the order and I was told "it must have got lost." On June 11, 2015, I used UPS overnight service, requiring signature and in c/o Joyce Hecceg my DSO, to send in the letter of testimony from my doctor and his three versions of his stipulations. I received email confirmation that Cathy at the Board office signed for my documents on June 12, 2015. I never heard anything from the Board office in the weeks to follow. On July 31, 2015 I went to the Board office requesting confirmation of the Board receiving the testimony and stipulations. By August 3, 2015 I still had not heard from anyone. On August 4, 2015, I hand delivered the exact same documents so that I could absolutely get confirmation on the spot that they were in receipt of my documents to my DSO. I requested from the receptionist to stamp/date each page as received and that I wanted a copy to prove all items were received. The receptionist asked me to hold on while she made the copies. After 5-10 minutes Debra Schaffer-Kugel walked up to the front desk and asked "what are your intentions and purpose by sending these stipulations?" She said "these have nothing to do with your case." I said "absolutely they do and I don't feel like I have to answer anything to you regarding my case." She said "you are trying to taint your DSO!" I said "I am asking that you put ALL of these documents in the hands of my DSO." She said "I can make a copy of this first page but nothing else." I said "these documents were mailed to you several weeks ago." She said "we never received it." I said "that's funny, I have confirmation it was signed for." She just stared at me. She said "well we never received it." I said "well now you have and want this in the hands of my DSO." Finally she said "okay, I will make sure your DSO gets it." What is even more outrageous is that my doctor on June 15, 2015 received paperwork of his transcript during his stipulation agreement meeting stating that he admitted he understood fully what he signed etc. in response to my documents I mailed UPS. So that means Mrs. Schaffer intentionally lied to me about receiving my documents. They responded to my doctor which he had no clue as to why they sent him the transcript yet told me "they never received it." They chose to intentionally keep information from my DSO but only until I hand delivered it to the Board office. And the reality is how will I ever really know my DSO received the information I sent to her based on my experience so far? I called my DSO that night to make sure she receives everything I sent in regarding my case. I asked my DSO to call and confirm that she received my documents. As of August 5, 2015 my DSO has not called me. You can clearly see that they are trying to hide information from my DSO. They are trying to hide the tactics of having three completely different stipulations which were each created under different terms of coercion with my Doctor. Ultimately he signed a stipulation that directly affected the pursuance of my case. Now they are saying well your doctor said you did it, when in fact he did not but out of frustration, stress, fear of losing his license, and the cost incurred at that point, he just signed it to be done with it. Now that puts me in a hard place because now I have to fight a case against his stipulation.

Backing up just a bit, I would like to mention that my DSO told me that Mr. Hunt told her to “do the right thing” on this case. In the paperwork from Hunts law firm it clearly states “the decision whether to dismiss or recommend the Board take further action rests solely with the Disciplinary Screening Officer, Joyce Herceg, RDH, DSO.” With that being said, Mr. Hunt should not be allowed to persuade her in any aspect of this case. Mr. Hunt is not a dental professional regardless of how many years he has been an attorney for the NSBDE. This is only her second case as a DSO. I as a dental hygienist, Mrs. Herceg’s colleague, I am also expecting her to do what is right, ethical, and just. Mrs. Herceg is definitely being led on this case by Mr. Hunt. I feel like my profession is being governed by an attorney rather than a dental professional. I have had several people review this case and most are extremely surprised that this is even the type of case that is being pursued by the Board. Others that are not surprised tell me that this is the reputation of Mr. Hunt and it is how he gets paid and that he is notorious for being persistent on cases like this. The word extortion is a common word people use when they speak to me of Mr. Hunt. Being involved in this case with the Board myself makes me understand this to be true.

Mrs. Herceg told me that if I choose not sign the stipulation and proceed to full board Mr. Hunt will ask that my license be suspended or revoked, basically persuading me to sign under duress. She told me that it is in my best interest to sign the stipulation and it will not go against me rather you said “it will go into a little file somewhere and as long you don’t do anything else, it will eventually just go away.” Again, in the paperwork from Mr. Hunt’s law firm it clearly states “should the Board adopt this *Corrective Action Non-Disciplinary Stipulation Agreement*, such adoption shall be considered a final disposition of a contested case and will become a public record and is not reportable to the National Practitioner Data Bank.” Therefore, yes it will become public record, forever, not just in a little file somewhere that will just go away eventually. The course and actions of this case has been extremely misrepresented to me in conversation in comparison to the paperwork from the Hunt’s law firm.

Mrs. Herceg told me that signing this stipulation is the best outcome I will be offered in this case and that it would change for the worse if I fight it. I feel like I am being asked to settle by admitting guilt just because it is a *Corrective Action Non-Disciplinary Stipulation Agreement*. I am sorry, but I do not feel like I should have to admit guilt when I absolutely disagree with stipulations accusations. How can my punishment get worse if I disagree and contest to it? Again, coercion tactics.

Mrs. Herceg told me that I was given the same stipulation as my Doctor, Dr. Tang, since he already signed his stipulation. I am curious as to how I would be given the same stipulation considering that I am a dental hygienist and he is a dentist and we each fall under different scopes of practice. Legally I cannot be punished as a dentist and under his scope of practice. It just seems too simple to just give me what he got. My doctor has made me very aware of what happened during his stipulation agreement meetings. I do not feel like Mrs. Herceg was given adequate information from Dr. Strong, my Doctors DSO, and Mr. Hunt. I feel like I am a direct consequence of his case. I have never had any issues or any history with the NSBDE. I sent a letter of testimony from my doctor, Dr. Tang, and his three stipulations, initial, revised, and final. I never received confirmation that the Board received those documents that I sent overnight

mailing with signature confirmation required as I have everything else I have sent in to the Board office. Mrs. Herceg has two dental professionals, myself and Dr. Tang, as well as hard evidence, my clinical notes that prove my case. Dr. Tang says he thought he was signing the revised stipulation but they changed it on him at his final meeting. He says he was unaware they changed back the verbiage. Even at that he still did not agree with the stipulation. Rather he was coerced and intimidated into signing it under duress because Mr. Hunt and Dr. Strong harshly threatened him by bringing up previous board cases he had and using it against him. They told him if he did not sign the stipulation he would lose thousands of more dollars because they will pull his old cases back up to use against him. For fear of losing his license and \$8000.00 later my doctor signed the stipulation even though he still completely does not agree with it. Dr. Tang tells me he signed the stipulation under duress. Dr. Tang and I question due process as each of our cases were handled in different manners. If he broke the law then how are three versions of a stipulation created? How is it that he did not receive a stipulation agreement until showing up to his meeting while never getting the chance to even speak to his DSO and I received mine via mail before I ever even had a chance to be heard? I called the Board and requested to speak with my DSO on my own. No one ever reached out to me from the Board besides an investigative complaint letter followed by a stipulation agreement.

I was completely flabbergasted when my doctor told me that Mr. Hunt ultimately threatened to delicense him because "allegedly" Dr. Tang altered the patient's exam sheet during the investigation. Per my doctor, Mr. Hunt proceeded to say that if he would just sign the final stipulation that they would pretend the altering of charts never happened. And so of course my doctor signed the stipulation. Dr. Tang tells me he did not alter the charts, rather Mr. Hunt took the original documents and patient chart out of his sight and then came back with the allegation of altering the charts during investigation. He says that Mr. Hunt had the opportunity to make a minor change on the chart and use it against him. Dr. Tang is very frustrated with the tactics the Boards legal counsel used against him. And apparently so many others in the state of Nevada are as well. Many are arguing extortion against Mr. Hunt. It appears to my DSO that Dr. Tang is admitting that I did do wrong because he signed the stipulation. The reality is that he was coerced into signing the stipulation which affects me to save his own license. This is to the extreme unethical and very unjust. Mr. Hunt finding that my doctor altered the charts during the investigation, that is a strong violation of the practice act, and the fact that he intentionally dismissed that for Dr. Tang just to get him to sign his stipulation which is causing my case to continue is beyond fathomable and is most definitely a crime. I do not feel that my DSO is being provided accurate adequate information in proceeding with this case against me in regards to what Dr. Tangs case entailed and the tactics used against him during the stipulation agreement process.

As of today my case is still pending. Since February 2015 I have not been able to sleep or maintain my normal daily life. It has changed the way I practice. I am scared to anything out of fear of the Board. The stress of this case has caused problems in my personal life as well. I chose this career path to change the lives of my patients and with my new understanding of how my profession is governed in Nevada, it really has made me wonder if I want to continue this career or just simply practice in another state. At the end of the day, under no circumstance will I sign a



stipulation that makes me admit guilt to false accusations as I should also not be forced or coerced to do based on consequence or cost. It is my constitutional right. Based on how the Board is being ran by Mr. Hunt and Mrs. Shaffer I absolutely feel like I do not stand a chance to a fair case. I ultimately do not know what is going to happen with my case as it goes forward from here but I ask without hesitation for prompt investigation and action against Mr. Hunt, Mrs. Schaffer and anyone involved with their bullying, misuse of power, and unlawful tactics. Thank you for your time in reviewing my story.

Respectfully,

Erin N. Wilson RDH, BSDH

Contact info:

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Las Vegas, NV 89118

## Written and signed complaint

I was exposed to the corrupt practices of the Nevada Dental Board and especially Mr. John Hunt on May 8, 2015. On that day I went to Mr. Hunt's Law office to what I thought would be an informal hearing concerning a complaint I received from a patient. I was under the assumption that I would be able to present my treatment records to the Dental Screening Officer which included models, photographs, computer testing, x rays and chart notes. I assumed this from reading the letter I received from Mr. Hunt dated April 23, 2015 which I have included with the complaint. No sooner than I arrived at the law office, I was handed a stipulation agreement to read and sign that would spare me from a possible Full Board action which I was told by my attorney could cost tens of thousands of dollars in fines and possible loss of my license to practice. I was then told of the fine that was to be imposed and the requirement to refund part of the patient's fee. Also to complete extra continuing education was required. There was also contained language to not hold the board or Mr. Hunt liable for any judicial review concerning this matter. To say the least I was shocked!

I felt that I was under duress to sign this agreement because of the fact that Mr. Hunt and the Dental Board of Nevada "hold all the cards" as explained by my attorney. They can control the outcome due to the relationship that the Board maintains with Mr. Hunt. Mr. Hunt has been known to say that "everyone leaves his office by signing a stipulation letter". I went there expecting to have a chance to show that I did nothing to cause harm to my patient. Instead I was presented with accusations about my treatment that I felt were false and unjust. I wanted the opportunity to defend myself but had to cut my losses due to the fact that the board has the ability to fine an unlimited amount against me as well as take away my livelihood. I have learned also that the board is planning on giving bonuses and raises to their employees and well as Debra Schaffer due to the windfall of profits they are making by fining Nevada Dentists unreasonably. I asked to see a breakdown of what my fine was for but was never told by Mr. Hunt. I think it was unfair that only one dentist reviewed and made judgement concerning my case. I question why this dentist was flown in from Reno to review the complaint and how "that" affects the cost of their investigation. I.e. airfare, meals, hotel, rental car. Are there no local dentists who could have reviewed this complaint? Lastly, what about Mr. Hunt's fees? Who decides what he can charge?

I feel based on my experiences that the Nevada Dental Board has established an unfair system in how licensed dentists are to be examined for complaints that arise with patients and must be changed quickly.

Sincerely

A handwritten signature in dark ink, appearing to read "Michael D Bell". The signature is fluid and cursive, with the first name "Michael" being more prominent than the last name "Bell".

Michael D Bell D.D.S.

To Whom it May Concern,

First and foremost, it would be appropriate to explain the environment in which Nevada Dentists face, being that there are many Dentists in this State whom feel that they have been mistreated due to repetitive unwarranted problems attached to repetitive fines from the Nevada State Dental Board.

Many Dentists in Nevada whom are undergoing these problems are not afforded a voice or any due process, as the system is broken and the Board makes it virtually impossible for any Dentist to appeal any actions, being that you are directly challenging the governing body that issues your licensure, which also has unlimited amount of legal resources. In a previous situation, I was charged close to \$47,000 by the Nevada Dental Board investigation fees being that I chose to defend my case, but had to discontinue my fight halfway because I couldn't afford to proceed. The fees are shocking and unjustified, and so many other Dentists are facing this problem in the state of Nevada, many whom have decided to leave the state out of fear. These actions have caused malpractice premiums to surge, Nevada State Board supported malpractice suits to surge, and so many lost insurance provider contracts. The State Board is a governing body that is implemented for the purpose of protecting the public. It should not be designed to be a self funded and self interest governing body in which conducts business with procedures that display a direct conflict of interest, being that the dental screening officers that initiate any investigations and produce the findings regarding all cases are all practicing Dentists whom have offices 1-2 miles from all of the Dentists in which they monitor. This environment not only affects the rise of healthcare costs due to dropped insurances and higher malpractice premiums, but also affects the most important aspect, which is the quality of patient care.

The intrusive actions of the Nevada Dental Board over many miniscule and debatable cases have caused Dentists to refrain from many procedural treatments such as simple bridge work in order to avoid recourse from the Board. Your work and reputation is directly in the hands of one single screening officer monitoring you with no other formal review, regardless if it is with merit or not. Once a screening officer decides to pursue any case, your only contact with the Board from that point is with the Board's attorney, which he will then consistently contact you over the course of several months using every tactic imaginable such as threats of loss of licensure in order for you to sign a stipulation that simply admits fault and is attached with appalling fees and unjustified invasive demands. A formal review of your case by the entire Board in the state of Nevada only occurs if you decide to pursue your case to reach the formal hearing level, and at that point would cost in the six figure range in legal fees, which is why cases seldom reach this level. That is the very reason why all Dentists in Nevada for the last 20 years whom are faced with any action by the Board just end up signing the stipulation out of fear, and the Board has taken great advantage of this leverage over years. The procedure in which the Board conducts its affairs is not only outdated, but it is unjust and needs reform.

With all being stated, the professional climate has reached such a distressing level that many of us have banded together in order to take action and have prepared a campaign to shed light on the professional environment that we face as Dentists, which includes advocacy meetings to our state politicians, initiating an investigation with the Ethics Commission, and media outlets such as television and newspapers in order to raise awareness with the public regarding the situation. Sometimes, we just

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need to make things right, especially in situations that affect the quality of patient care, which is why we are putting in a great deal of effort to do so.

Thank you for your time.

Sincerely,

Dr. Adrian Ruiz

Dr. Brooksby,

I have spoken briefly to you in the past about my abominable treatment by the board. I received complaints where in all cases the patients simply did not follow through with treatment and thus claimed I was at fault.

The dental boards MO is to simply figure out why the patient is right, and the doctor is wrong. Even if it has nothing to do with the alleged complaint.

My most recent encounter with a board complaint required that I take John Hunt and Brad Strong's verbal abuse of my completely successful and above standard of care implant treatment, and finally telling them I would no longer be their cash cow. Take it to a full Board hearing. Mr. Hunt finally capitulated, and I only agreed to pay back the patient his cost on the denture he broke. Which I offered to the patient from the beginning. I refused investigation fees and any other "corrective" action such as punitive CE requirements.

Before this, however, I was quite naive about the process and was strong armed by Mr. Hunt and Brad Strong into signing a stipulation that required I pay \$30,000 back to patients, and \$30,000 to the board and hunt for their "investigation" fees. I do not recall the use of surveillance helicopters and Swat teams. So how it was they came up with \$30,000 in investigation fees is beyond my comprehension.

One patient I was required to pay back \$12,000 to. This patient never paid that money to me. She paid it to her previous dentist who left town, and saddled me with his unfinished work. As great cost and burden to myself, and as a courtesy to the patient and my regret for the situation she was in, I agreed to complete her treatment plan pro bono. What a mistake!

When she became upset over some lab delays outside my control, and decided in the interim to move to Alaska for work, she met a doctor pal of one of the DSOs from the board. They used this as an opportunity to essentially "frame me" as the responsible party for all her dental work, and a smear campaign ensued whereby work I did (which was perfect), and work I didn't do (which was less than perfect), was all lumped on to me as the worst dentistry any poor soul could ever be subjected to.

It was absolutely mind blowing.

Suffice it to say, I just don't take the Boards shit any more. If they have enough of a problem with me, I will leave it up to the discretion of the full board what to do about the terrible threat I pose (hah!) to the community.

Idiots.

Adam Lousignont, DMD

Dr. Brooksby,

I was forwarded your letter regarding coercion and the Board's counsel, John Hunt, via Dr. Amanda Okundaye (we are wrapping up a case right now). Your words brought back some awful feelings from nearly a decade ago where I experienced the exact same tactics, coercion, relinquishment of legal rights, and "witch hunt" investigation with a subsequent Stipulation to make it all go away, for the bargain price of \$1,200.00 in legal fees for the "Board's investigative costs". All this was due to two non-dentist people erroneously included on an LLC entity as "owners" of a practice I once owned in Henderson; neither ever entered the site, let alone practiced dentistry, nor had any equity stake or received any remuneration of any kind during my ownership there, with another dentist partner. It was a simple clerical error, nothing more.

Rather than a simple courtesy phone call to correct an oversight (which was easily remedied by a simple change with the Secretary of State that took 1 day), let alone ask me as a human that makes mistakes if I was even aware that an LLC could be interpreted by the Board as a violation of its Statutes, I was served with a lawsuit in my Summerlin practice that, ultimately, resulted in one of these infamous Stipulations. Hindsight being what it is, I regret ever having signed it and succumbing to his scare tactics, notably as I come from a family of litigating attorneys in CA. This Stipulation, signed in 2006, still remains on the Board's website, and I wince whenever I am reminded of it and its inherent unfairness and the Board's approach to something so benign.

I applaud your actions and taking a stand against something so outrageous, notably over a *simple filling* on a seemingly troublesome patient; it is moments like these that make you wonder about the daily stress we endure as quality dental professionals, and that we, for some unknown reason, have a policing agency breathing down our necks, never our advocate but always seeming to jump at the slightest infraction. And some of the dentistry I've seen here in the past 14 years myself leaves one to wonder why more time is not spent by the Board in investigations to minimize the negligence and damage being done by these offenders.

I empathize with you more than you know and wish you the best in your outcome, and agree with all of your proposals; I will be penning your suggested letters to our higher-up lawmakers soon. And as the son of a prosecutor that has sued other attorneys for ethical violations, malpractice, etc. (and this is *not* his private practice's specialty, he litigates product defects and wrongful death suits), it gives you pause as what to do next.

I trust you'll keep this email in confidence and wish you a great day.

Regards,

Matt

**Matt Welebir, DDS**

Associate Fellow, American Academy of Implant Dentistry  
Fellow, International Congress of Oral Implantologists

**Owner**

Desert Dental Associates, Limited-Liability Companies  
[702.953.2239](tel:7029532239)

AXIOM Implant & Specialty Dentistry + Las Vegas, NV  
Summerlin Dental + Las Vegas, NV  
Perfect Smile Dental + Las Vegas, NV  
Maddison Ave. Dental + N. Las Vegas, NV  
Galleria Pediatric Dentistry + Henderson, NV  
Whitney Ranch Dental + Henderson, NV

To whom it may concern

I was asked to write something about my experience with Mr. Hunt, the attorney for the Nevada Dental Board. First let me say that I felt bullied and pressured into agreeing with a stipulation I didn't agree with. There were threats and potential consequences if I didn't. And yet after finding I did nothing wrong on work I did on particular patients, they "found" that my record keeping was deficient, which they could find on 90% of dentists practicing. In an effort to move on with my life after the months of trauma inflicted by the board and legal costs to me, I agreed to his demands. It's now a permanent record that anyone can read and sheds a bad light on me for no real legitimate reason.

Dr. A.

First stipulation over nothing . Mr hunt used erroneous cases that we were not aware of with threats to get stipulation. I want to clear my record . I am willing to testify against John Hunt. I was recognized by consumer Research council of America among top Dentists in the U.S. For five years and John Hunt Destroyed my life to the point of Bankruptcy and loss of my license just to fill up his pockets with the help of a Board member Endodontist who was my competition and was not getting referrals from me . Mr Anspach told my patient that she should not have received root canal without checking patient records to check the facts. He also told the patient complain and I will Support you John Hunt knew Mr Anspach his office was up stairs from me however he allowed him to be also the decision maker on the case . This was unethical and unjust with conflict of interest. After I went to root canal class the instructor approved by the Board told me my diagnosis and treatment was correct and patient had no longer pain. Instructor told me he does not know why they gave me stipulation that I over treated the patient . When I tried to reverse the stipulation and clear my record my competitor instigated more erroneous cases to deplete our funds so we would not be able to pay attorneys to defend the Case and clear my record. John hunt helped Dr Anspach avoid a Defamation law suit john hunt was not interested in the truth about my case .  
Mohammad Hadi Soltani



Scott

That's exactly what happened to me. I thought I was going to get a chance to tell my side of the story about my treatment and show my records including photos, models and letters from other dentists about my treatment. It was either sign the stipulation or face having to pay for a full board investigation. A total screw job. It seems to me John Hunt uses his position to fatten his wallet. Who determines how much he can charge for his services. Is this inline with other State's attorney salaries? Seems a conflict of interest. They said my investigation was over \$5000. I never saw an itemized list of what that consisted of ? And why do I have to sign away my rights to sue the board or John Hunt for false prosecution ?  
Michael Bell, DDS

#2  
copy  
(modified)

Saturday, April 06, 2002

Dr. A. Ted Twesme  
Secretary-Treasurer  
Nevada State Board of Dental Examiners  
2295-B Renaissance Drive  
Las Vegas, Nevada 89119

Dear Dr. Twesme,

As current residents, homeowners, taxpayers and citizens of the State of Nevada, we are writing to you in response to the decision procedure and due process that we have experienced as applicants for Licensure by Credentials by the Nevada State Board of Dental Examiners.

The Citizens and Taxpayers of the State of Nevada should question on all levels of Government especially when there is a known documented shortage of Dental Health Professionals in the State of Nevada, "Why would the Nevada State Board of Dental Examiners have the mandate to issue four (4) types of dental licenses which are by default designed to be linked to the income and needs of the general public?"

The Citizens and Taxpayers of the State of Nevada should continuously ask what is the "Standard of Care" that the Nevada State Board of Dental Examiners is promoting or should we say not maintaining for it's General Public. Why do citizens of Nevada of low income status and means who may present at Government Dental Clinics, University or College Dental Clinics, Hospital Dental Clinics and Rural Dental Clinics have to accept Dentists that are licensed by the Nevada State Board of Dental Examiners with no practical dental work experience, only to have possessed a dental license in the United States or District of Columbia? Why do Union Members, who make up the largest work force in Nevada, have to settle for dentists who are not required to have any practical work experience? Why do Nevada Citizens of rural areas who are in the desperate need for quality oral health care have to settle for dentists with no practical work experience?

#### What is the "Standard of Care" for the General Public in Nevada?

Which members of the general public are entitled to which different levels of experienced Licensed Dentists? The Citizens and Taxpayers of the State of Nevada should be informed how the Nevada State Board of Dental Examiners defines the "Standard of Care" for their people.

The Citizens and Taxpayers of the State of Nevada have to question where there is a known documented shortage of Dental Health Professionals, why would the Nevada State Board of Dental Examiners not desire to have issued licenses to two extremely qualified American trained and American Licensed Dentists practice in the State. This would only benefit the general public of Nevada, the people that the Nevada State Board of Dental Examiners is mandated to protect. It would only add to the dental services and treatments available in the community. It would contribute to the Nevada Tax Base, and most of all providing the highest level of Oral Care to the general public. Is it not the mandate of the Nevada State Board of Dental Examiners to regard the General Public of Nevada, as it's first priority?

The Citizens and Taxpayers of the State of Nevada should question on all levels of Government why the Nevada State Board of Dental Examiners would deny Licensure by Credentials to a Husband and Wife Dental Team who are 1990 graduates of Boston University's prestigious Goldman's School of Dentistry, who under the auspices and Licenses of Boston University's Goldman School of Dentistry PRACTICED DENTISTRY (August 1986 to July 1990: for Four (4) years), who have successfully passed the American National Dental Boards (Parts 1 & 2), who successfully passed the North East Regional Board Exams (holders of this Certificate can apply for a Dental License in 35 United States) have maintained active Massachusetts Dental Licenses, had practiced for one year (August 1990 to August 1991) in the state of New York with a New York State Dental Licenses (totally Five (5) years of Practiced Dentistry) who have

This was not a immediate overnight decision for our family. It involved moving to the west coast with 2 young children, to a totally new area to start a new life. We could have been practicing Dentistry anywhere in the North East Regional Board area. This was a well-researched project, with written correspondence from all parties involved over a 7 month time period. If the Nevada State Board of Dental Examiners knew 7 months ago that even though we received the revised definition from its' Legal Counsel, then why did it's agents encourage us to complete the application process pay \$1200.00 in fees to the Board, \$1100.00 in fees to the Professional Background Information Services, paid several thousand dollars in other expenses and fees if they already had pre-determined that we were not eligible for Licensure by Credentials. This can be interpreted as a misuse of absolute power and is not morally right to have a family make serious life changing decisions that cannot be easily changed and possibly has to be interpreted with "promissory law".

We decided to visit the offices of Nevada State Board of Dental Examiners on January 2, 2002 only with the intention to introduce ourselves to Executive Director Harmon and the other staff members of the board. When we did present at the office we were informed that our application checklist was 100% completed and all the Board was waiting on was the verification of our Background checks by the Third Party (P.B.I.S. of Arizona) Investigators. We were strongly encouraged to take the Jurisprudence Exam (Prior to the February 26, 2002 Revisions). We were given the Rules and Regulations as well as the Dentistry & Dental Hygiene booklets to prepare for the exam, which we successfully passed with a grade of 96% on Monday January 7, 2002 at 2PM.

We were tested on the Jurisprudence Exam material before any changes were made on February 26, 2002 and our applications were marked 100% complete in the 120-Day Period earmarked and signed by Governor Guinn.

How can our applications be benchmarked against revisions and jurisprudence material that was unknown to us? This can be interrupted as misleading and unprofessional conduct toward applicants!

After passing this exam on January 7, 2002 we had a short meeting with the Executive Director Harmon, who exhibited a high level of confidence by informing us that as long as our credentials were verified by the Third Party Investigator (P.B.I.S. of Arizona) we would have our Dental Licenses by the February 15, 2002 Board Meeting. She also informed us that if the background material arrived earlier we may have made the January 2002 Board Meeting. Upon speaking with Alice Simpson at P.B.I.S. it was evident we would complete this process on February 15, 2002.

Due to this specific information we proceeded to purchase a home in Las Vegas, register our 3 & 5 year olds in the school system, sold our home back east, and started the relocation process to Las Vegas Nevada, since we now acknowledged the fact we would not have to return to Las Vegas take any further exams.

We were notified in writing on January 28, 2002 (copy enclosed Letter # 7) from Executive Director Harmon that as long as our background packets were received by the latest February 13, 2002, that we would be on the Agenda and that she did not anticipate any problems with our applications. Informed by the Professional Background Information Services agent (Alice Simpson) that our background packets were sent by overnight mail services on Friday February 8, 2002 and were received by the Nevada State Board of Dental Examiners on Monday February 11, 2002. Ms. Simpson has informed us that she communicated with Director Harmon visa via the telephone and that everything had arrived on time.

For reasons unknown to us, we were informed on Wednesday February 13, 2002 by the Board, that our packets did not arrive at the Board's office to be considered for the February 15, 2002 Board meeting. This is also the time period that Executive Director Harmon abruptly resigned her position. We were also informed that we would NOW have to wait until the March 26, 2002 board meeting, which would NOW be after the February 26, 2002 revisions. **Were changes made during this time period that negatively affected our applications?** We have since been informed that other Dentists whose packets were sent out on the February 8 date were given Licenses on that February 15<sup>th</sup> Board Meeting. This information could not be verified but if it is true, then the question has to be asked: **"What is going on at Nevada State Board of Dental Examiners and who decided and has the legal right to withhold our applications until the March 26, 2002 Board Meeting?"** + why?

*Which was then done by...*

*Even though our  
applications were  
received 2/11/02*

At this time there was NO Correspondence received from the Board that any of the laws or revisions had been changed or were going to change and we were still being benchmarked on the jurisprudence material that were tested on as well as Mr. Hunt's legal opinion in regards to our applications.

At the "11<sup>th</sup> Hour" the Nevada State Board of Dental Examiners on March 26, 2002 denied our applications (*copy enclosed Letters #8 & #9*) for Licensure by Credentials based solely are the reason that an American Citizen and his Canadian Spouse (soon to be an American) have "Practiced Dentistry" in Toronto, Canada and not in the United States or District of Columbia for a period of 5 years prior to applying for this License. This is now is benchmarked with the new February 26, 2002 revisions and applications procedures, not the emergency regulations and revisions that we were presented with and tested on.

According to information received from the American Dental Association, that since 1956 the American Dental Association (A.D.A.'s Commission on Dental Accreditation) and the Commission on Dental Accreditation of Canada (C.D.A.C.) have had a reciprocal agreement whereby each Commission recognizes the dental education programs accredited by the other agency. Under this arrangement, the two Commissions agree that the educational programs accredited by the other agency are equivalent to their own and no further education is required for eligibility for licensure. Additionally, the Commissions regularly attend each other's meetings and participate annually in at least one accreditation site visit conducted by the other agency. Both of these highly respected Organizations recognize that the "Standard of Care" is similar in both countries which should lead to a logical conclusion that working on either side of the border constitutes "Practiced Dentistry".

The Citizens and Taxpayers of the State of Nevada have to question the Nevada State Board of Dental Examiners if North American Dental Suppliers, Dental Vendors, Dental Consultants, Dental Lecturers, Dental Software Companies, and most important Dental Insurance Carriers, recognize that the "Standard of Care" is the same on both sides of the United States and Canadian Border, then why would the Board not recognize this?

Why do Prestigious Institutes of Dental Education and Learning have as their Faculties members of the Dental Professionals from both sides of the border? Why do Dental Insurance Carriers pay insurance (non-emergency) claims to subscribers with no indifference to if they live in the United States or Canada? Why does one of the most Prestigious private Dental Continuing Educations Centers (based in Las Vegas, Nevada) accept fees and clients from Dentists from both sides of the border? Why do major Dental Organizations such as the Academy of General Dentists (A.G.D), the American Academy of Orthodontists, the American Academy of Oral and Maxiofacial Surgeons have had their annual meetings held in major cities on both sides of the border?

The answer is simple. There is no difference to the "Standard of Care" that is presented and delivered to dental patients in the United States and Canada!

#### **What is going on at the Nevada State Board of Dental Examiners?**

I am an American Citizen from Long Island New York, I attended Tulane University in New Orleans, my 3 & 5 year-olds children are Americans, and wife, Dr. Silva Battaglin, will soon be proud to call herself an American. We are both trained Dental Health Professionals from an American Accredited Dental School; we both have current Massachusetts's dental licenses, and for family reasons had to be in Toronto, Canada. Toronto is only 1 hour north of the United States, a city that is listed each and every year as one of the top ten cities to live in the Western World. A city that has some of the top Medical and Dental Health Professionals living and practicing their skills, a city that is no different that any other major city in North America. We did not come to Las Vegas to not be able to work as qualified Dentists. We did not move across North America because we "thought" we were going to get a Dental License. We were never discouraged again after receiving the revised definition of "Practiced Dentistry".

superior oral health care? Why do 3 of the four type of Licenses require only the possession of a valid Dental License and the fourth requires something different?

**Who has the privilege of holding the different licenses and which patients are entitled to what degree of experience?**

Shouldn't the basic requirements be the same? No agent or representative of the board has been able to explain the difference between the requirements. Is the Nevada State Board of Dental Examiners belief that citizens and patients of different income and geographic areas are not entitled to the same "Standard of Care"?

The Legal Counsel to the Nevada State Board of Dental Examiners, Mr. John Hunt, Esquire in concert with the research department of his law firm (*Raleigh, Hunt, McGarry and Drizen of Las Vegas*) defines in writing prior to February 26, 2002 (*letters enclosed # 3 & #4*) that the term "Practiced Dentistry" means that an applicant must have held a license in the United States or District of Columbia, for a minimum of Five Years. This appears to be extremely logical since 3 of the 4 types of licenses only require this basic concern.

The question to be asked to all parties involved is what does the terms "Practiced Dentistry" really mean and why does the definition keep changing? Does it mean in "private practice" or under the "auspices of an accredited Dental School" or "in a non-profit or military dental clinic" or what? It does not specially state what does the term "practiced dentistry" define as and this is the reason we asked in writing prior to applying for Licensure by Credentials for a clear and direct clarification from Mr. John Hunt, following the "Letter of the Law".

**Any person with intelligence should recognize that we asked for the definition, we received a definition and then moved forward with 100% support of the agents and representatives of the Nevada State Board of Dental Examiners during the first 120-day period of this process. If we were informed differently at this time or any time we would not have endured this 7-month expensive and emotional application process.**

According to the information presented by the Nevada State Board of Dental Examiners, there appears to be a definite separation of "Standard of Care" for the general public of the State of Nevada. Depending on a person's income status, the area they live in and the type of dentistry they can afford, determines the "Standard of Care" one can receive. **What is going on at the Nevada State Board of Dental Examiners?**

As applicants for Licensure by Credentials, we are quite confused by this specific issue. We met and exceeded the "Letter of the Law" set out by the Nevada State Board of Dental Examiners. We have presented documented practical work experience statements exceeding the 5000 hours (*by almost double the amount*) mandated by the application process (*copies of affidavit instructions enclosed*), and still the members of the Nevada State Board of Dental Examiners feel that we are not qualified to treat the general public of Las Vegas, but they will issue Dental Licenses to any Dentist who has a valid dental license from any State or District of Columbia. *Maybe the People should be Asked?*

How does the general public know what a dentist who only presents a valid dental license without signed notarized affidavits from fellow Health Professionals attesting to a minimum of 5000 hour of practical work experience, has been doing for the years prior to applying for Licensure.

Would a Mother appreciate the fact that the dentist performing a root canal procedure has never done this or has not done this procedure in many years? What kind of confidence is being promoted to the Citizens of Nevada in regard to the skill level of its Dentists? What if they have no practical work experience and the Nevada State Board of Dental Examiners is going to permit them to practice dentistry on the low income and needy citizens of Nevada? **Is this a logical process?**

**What is going on at the Nevada State Board of Dental Examiners?**

What is the "Standard of Care" that the Nevada State Board of Dental Examiners is maintaining for the Citizens of Nevada According to the Dentistry and Dental Hygiene Nevada Revised Statutes Chapter 631, 2001 Revised Edition (post the February 26, 2002 revisions) states that there are 4 (four) different Dental Licenses that the Nevada State Board of Dental Examiners can issue without the demonstration of clinical skills by the applicant, but the Citizens of Nevada have to know that they differ by the level of the "Standard of Care":

**NRS 631.271 Issue of a Limited Dental License:**

- 1) The Dentist is required to **ONLY** Possess a valid Dental License in the United States or District of Columbia
- 2) The Dentist must pay all fees and complete the applications
- 3) The Dentist can **ONLY** practice Dentistry in the Nevada University and Community College System.

**NRS 631.274 Issue of a Restricted Geographic Dental License:**

- 1) The Dentist is required to **ONLY** Possess a Valid Dental License in the United States or District of Columbia
- 2) The Dentist must pay all fees and complete the applications
- 3) The Dentist can **ONLY** practice Dentistry in a rural area of a county in which dental needs are underserved as the term is defined by the officer of Rural Health of the University of Nevada School of Medicine or the Director of a federally qualified health center or a dental non-profit clinic

**NRS 631.275 Issue of a Restricted License to a Person Licensed In Another State to Provide Dental Services of Persons of Low Income:**

- 1) The Dentist is required to **ONLY** Possess a Valid Dental License in the United States or District of Columbia
- 2) The Dentist can **ONLY** practice Dentistry once entered into a contract with a facility approved by the health division of the department of human resources to provide publicly funded dental services exclusively to persons of low income for the duration of the restricted license. .

Summarizing the above (3 Licenses) the Nevada State Board of Dental Examiners can issue Dental Licenses without a demonstrating of Clinical Skills based on the dentist **ONLY** possessing a Valid Dental License in the United States or District of Columbia.

**What is the "Standard of Care" of Dentistry in the State of Nevada?**

The fourth license states:

**NRS 631.272 Issue of a Temporary Dental License:**

- 1) The Dentist must Possess a Valid Dental License in the United States or District of Columbia
- 2) All Fees must be paid and applications completed.
- 3) The Dentist must have "**PRACTICED DENTISTRY**" in the United States or District of Columbia for a period of 5 years prior to applying  
(this is a direct benchmark against the new February 26, 2002 revisions and jurisprudence material and not the "Letter of the Law " that we were presented with)
- 4) The Dentist can practice anywhere in the State of Nevada

The Citizens and Taxpayers of the State of Nevada have to question the Nevada State Board of Dental Examiners to who are the chosen ones who are permitted to set the definition of the term "**Practiced Dentistry**". Who are privileged Citizens of Nevada who are entitled to experienced Dentists? Why does a citizen of low income or who lives in a rural area have to settle for a dentist with no work experience where a citizen who lives in a metropolitan area is entitled to

active Ontario Canada Royal College of Dental Surgeons Dental Licenses, have owned and operated a successful Family and Cosmetic Dental Practice for over 11 years (with over 2500 active patients), treating patients of all ages and income, followed and exceeded the "letter of the law" in regards to the application process (prior to the revisions and changes of February 26, 2002 and in strict accordance with the regulations endorsed by the Governor of Nevada which were in place of October 1, 2001 for a period of 120 days) of the Nevada State Board of Dental Examiners.

As requested sent in notarized (*in Ontario, Canada, a Notary has to be a Licensed Attorney*) affidavits from 5 Health Professionals attesting to our work experience, have Letters of Recommendations from colleagues stating the high standard of care as well as the high level of morals, who have had no complaints on the U.S. National Data Bank of Health Professionals. Successfully passing all professional, personal and criminal background checks required by the Nevada State Board of Dental Examiner, performed by an outside third party, the Professional Background Information Services of Phoenix Arizona.

Prior to submitting any fees and beginning the application process we corresponded with Mr. John Hunt (*Raleigh, Hunt, McGarry and Drizen of Las Vegas*) the Legal Counsel to the Nevada State Board of Dental Examiners requesting in writing a clarification of the term "Practiced Dentistry" (copies of the letters are enclosed). Mr. Hunt first stated we would not be eligible for Licensure by Credentials only to reverse his opinion within a 15 day time period and forwarded this revised clarification to the Executive Director Harmon of the Nevada State Board of Dental Examiners who then forwarded two applications to us to be completed. These applications, together with the fee of \$600.00 each were sent back by overnight mail courier. The Nevada State Board of Dental Examiners received the two (2) applications during the month of December 2001, which means they should be "grand fathered" in with "Letter of the Law" that was presented to us upon receiving the applications for Licensure by Credentials. Executive Director Harmon visa vie written correspondence encouraged the application process to move forward.

This Executive Director Ms. Valonne Harmon (who abruptly became absence prior the to February 15, 2002 Board Meeting) was charged with the full responsibility of knowing and understanding the statues of the application process never discouraged us from continuing the progression during her tenure of this entire 7-month ordeal. Once the Legal Counsel, Mr. Hunt, revised his opinion, notified the Executive Director Harmon of his revision, we were confident since no agent or representative of the Board was ever concerned again with the issue of "Practiced Dentistry" in regards to our applications. From the very beginning we had informed the board of our credentials and where we were currently living and practicing Dentistry in Toronto Canada.

We never mis-represented our situation and Credentials to any agent or representative of the Board and would have expected the Nevada State Board of Dental Examiners to not mis-represent anything to us, especially when NAC 631.230 clearly defines professional misconduct, misleading statements and fraudulent actions are not to be tolerated.

As a matter of fact the information presented to us at the onset of this 7-month process seems to be different from the information that is now presented to applicants for Licensure by Credentials after the February 26, 2002 revisions. We were never informed of any changes or revisions to the material presented to us in regards to our applications, which would be unfair, and unjust to any applicant involved in this process. We constantly were in contact with agents and representatives of the Nevada State Board of Dental Examiners and were never told that anything has changed.

All we desired was to have Nevada Dental Licenses issued on the basis of our exemplary (*see letter from Senator William Raggio*) Professional credentials and documented practical work experience.

**Why was the Board content to accept all of our fees and applications knowing they were not going to issue 2 dental licenses and when did this reversal of opinion occur?**

We have completed the relocation process to Las Vegas, and are tremendously ready to contribute to the Dental Community of Las Vegas, to our new neighborhoods of Las Vegas, to our Children's School and to the education systems of Nevada, to provide dental services and treatments to patients of all ages, to enjoy life in one of the best cities in the world!

We never expected to be denied the right to use our years of University, Graduate School and training as well as the 11 years of life experiences on the ever changing "topsy-turvy" interpretation of the term "Practiced Dentistry", nor to be given misleading and contracting in regards to application information!

It is still not comprehensible to us the emotional, financial and health repercussions our young children and we have suffered or have yet to suffer from this application "roller-coaster" process. We strongly feel that no person and family should have to endure the 7-month process we have just completed. We followed the "Letter of the Law", we were encouraged by the former Executive Director of the Nevada State Board of Dental Examiners, we received clarification of the term "Practiced Dentistry" from the Legal Counsel to the Board, we started to establish family and financial roots in the community of Las Vegas, we presented by the highest type of Official Documents in regards to our professional credentials, and still can not be issued a License to Practice Dentistry in the State of Nevada.

Since we are now citizens and taxpayers of the City of Las Vegas and the State of Nevada and have established family roots here, we feel it is now our right (First Amendment of the United States) and obligation to inform and educate the General Public and Dental Community of Nevada by means of mail, television, radio and all systems of public access to the events and occurrences of the Nevada State Board of Dental Examiners and how people's life's are affected by rapidly changing policies.

**If changes were made after February 26, 2002, affecting any applications then it is the duty and responsibility to the Citizens of this State for the Nevada State Board of Dental Examiners to have informed us and any other applicants of revisions. Our applications were received and accepted in 2001 following the "Letter of the Law" that was presented to us in written correspondence.**

We continue to be 100% confident that we presented to the Nevada State Board of Dental Examiners our Professional Credentials, Applications, Fees, Background Checks and all Information requested and defined by the initial applications and correspondence of the agents and representatives of the Board. We continue to look forward to receiving our Nevada Dental License by the process of Licensure by Credentials and will do what ever it takes to complete this process.

Yours truly,

**Dr. Adam Persky**  
On behalf of my spouse: **Dr. Silva Battaglin**

Contact Information:  
**Dr. Adam Persky & Dr. Silva Battaglin**  
9712 Camden Hills  
Las Vegas, Nevada 89145  
Tel (702) 562-1533

**Letters Enclosed Showing Time Line of Application Process:**

- #1 October 31, 2001 First Request to the Board for Information
- #2 November 1, 2001 First Response from Board
- #3 November 5, 2001 First Response from Mr. John Hunt, Legal Counsel
- #4 November 4, 2001 Second Statement from Mr. John Hunt, Legal Counsel  
Defining the term "Practiced Dentistry"
- #5 November 28, 2001 Letter from Senator William Raggio
- #6 November 26, 2001 Letter from Senator Ray Shaffer
- #7 January 28, 2001 Statement from Board in regards to status of application in concert with the upcoming February 15, 2002 Board Meeting
- #8 & #9 March 28, 2001 Letters of Denial from the Board contradicting all of the information we had received and reviewed during the 7 month application process.
- #10 & #11 December 6, 2001 Instructions for Practical Work Affidavits



The Citizens and Taxpayers of the State of Nevada have to question the Nevada State Board of Dental Examiners on the specific reasons on why did the Executive Director of the Board abruptly resign during days prior to the scheduled February 15, 2002 Board Meeting? What motivated the changes during this time period? Why did the Professional Background Information Services inform us that our background packets were received in time? Were there or are there any improprieties occurring at the Board's Office? Who are the chosen few possibility making decisions on withholding applications for upcoming board meetings? Are public Funds being misappropriated?

**We followed the "Letter of the Law" given to us by the Nevada State Board of Dental Examiners but what "Letter of the Law" are the agents, representatives and board members following? Who is in charge at the Nevada State Board of Dental Examiners? Should a formal investigation be started on the day-to-day operations of the Nevada State Board of Dental Examiners?**

The General Public and the Dental Community of Nevada have a right to know what the appointed members of the Nevada State Board of Dental Examiners are doing with the responsibilities and funds set aside by the Government of the State of Nevada. There is the right of the people to know how their Oral Health Care is being protected!

Over the past year we have made several trips to Las Vegas, Nevada. On a daily basis as well as the time we have been living here, we constantly speak to many locals and neighbors who ALL express the urgent need for qualified experienced American trained and Licensed Dental Health Professionals. We have met Nevada citizens of all ages and income who have avoided visits to the dentist simply because there are not enough Dentists in Las Vegas and it could take up to 3 months for a dental appointment. We have met citizens who commute to near by border States to visit Dentists, for the sole reason there is not enough Dental Health Professionals here.

In just the past several weeks we have been given over fifty names and numbers of citizens who desire to visit a dentist, more specifically our "practice". They all ask the same question. "Where is your office and when are you going to open... and ....will I have to see a different dentist each time I come to your office?" It seems that utilizing the services of a dentist in Nevada is a privilege and luxury moreover not a common occurrence. It does not seem logical to have a state that is growing in leaps and bounds in concert with a process that discourages the arrival of extremely qualified health professionals.

According to the American Dental Association, in the United States the approximate national average is 1-Dentist to about 1500 patients, where in Las Vegas the approximate average is 1-Dentist to about 4500 patients. **Is this not a sign that Nevada needs qualified experienced American Trained and Licensed Dentists presenting with documented practical work experience?**

We have met several dentists who are reaching the age of retirement and can no longer provide full time Dentistry to their patients. Theses dentists would like to sell their practices to younger professionals who are still willing to work full time and provide high quality dentistry to the general public, but there are no qualified Dentists who can afford to purchase an established dental practice. What will eventually happen is that the aging dentist will work less and provide less dental services to the general public creating more of a need of professionals and these practices will cease to exist, causing a larger shortage of Dental Professionals.

**We ask the General Public and members of the Board "What more could the Nevada State Board of Dental Examiners ask for from us except the fact that we did not actually live in the United States or District of Columbia for 5 years prior to applying that they do not ask for applicants for the first 3 Dental Licenses?**

**We met every other requirement! We actually practiced Dentistry for 4 years at Dental School and one year after in New York State. We spend 7 months preparing and making decisions based on the information given to us by the Nevada State Board of Dental Examiners prior to February 26, 2002, only be completed surprised at the end.**