

Legislative Committee on Health Care
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Attention: Megan Comlossy

We hope you can stop the unethical procedures used by John Hunt (Legal Counsel for the Nevada Dental Board), Debra Shaffer-Kugel (Executive Director of the Nevada Dental Board), and the DSOs (Disciplinary Screening Officers) from continuing to use their positions to extort monies from Health Care Providers.

We have seen corruption during John Hunt's **22 year involvement** in the Nevada Dental Board. John Hunt has written Administrative Codes that have set himself up a perfect golden goose in the form of unethical extortion of monies from Health Care Providers. His accomplices have been the Nevada Dental Board's directors who are thrown golden eggs now and then in the form of \$10,000 bonuses, exuberant salaries, and lavish trips. No one person should have the ability to stay in a government position for 22 years that allows them this kind of power.

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.

John Hunt uses a systematic and routine system in the form of civil extortion, duress, violation of due process, abuse of power, and fraud that is against the law.

CIVIL EXTORTION

John Hunt and Debra Shaffer use fear induced by 1) threat of taking away the Health Care Provider's license to practice and 2) defend before the Dental Board that would cost an exponentially higher fee of **\$40,000 - \$100,000 PER DAY**. The Health Care Provider is so scared, his/her only option is to sign the stipulation and pay John Hunt's "investigative" fees that they otherwise would not have done. John Hunt is known to state that nobody leaves the informal hearing without a signed stipulation.

VIOLATION OF DUE PROCESS

A stipulation admitting guilt and charges is sent to the Health Care Provider **PRIOR** to the informal hearing. The Health Care Provider is never given the opportunity to defend him/herself and he/she is already determined guilty. In all known cases, the Health Care Provider has disagreed with the false allegations that are charged. This is clearly out of sequence. The stipulation should be if deemed necessary be offered **AFTER** the informal process so the Health Care Provider can have ample time to defend himself/herself. If the case has no merit, the case should be dismissed.

EXHIBIT D-2 – Health Care Document consists of 4 pages. Entire Exhibit provided. Meeting Date: 11-16-15

John Hunt and Debra Shaffer opens an investigation to **ANYTHING** they desire in which a formal complaint was never filed by a patient. There are cases where a Health Care Provider has never even touched the patient.

John Hunt uses previous cases that are restored to good standing against a new case. If prior cases are restored to good standing how are they allowing those cases to be reopened just to get new stipulations signed.

John Hunt and Debra Shaffer gives notice of only one item in the original complaint, and waits until the day of the informal hearing to present 5 or 6 additional complaints that they have "found". These additional complaints have nothing to do with the original complaint. NRS 631.360(2) states that "before initiating disciplinary action, at least 10 days before the date set for the hearing, notify the accused person in writing of any charges made." This leaves no option to prepare for a proper defense.

John Hunt offers to settle everything and make all the allegations "go away" if you just sign his stipulation (written by him). His stipulation prevents you from pursuing justice in the matter, imposes fines and penalties, and includes paying his investigative charges. How is it that John Hunt can serve as the prosecutor, judge and jury in bringing charges and then conducts his own hearings and then rules on those charges, often hitting Health Care Providers with five-figure fines. John Hunt functions with complete autonomy. This makes it impossible for a fair hearing.

You are told that if you sign the stipulation it will be kept confidential. That is not the case. It is published as a permanent public record and none of it is confidential as John Hunt had assured. It is reported to the National Data Bank where insurances will drop you and malpractice insurances will increase 400% causing higher healthcare costs for patients.

In pending a case, a DSO has released details of the case to the surrounding dental community including the name of the Health Care Provider. That is defamation and breaching the confidentiality of a case that is not even closed yet. A DSO or anyone on the Board should not be releasing names and details of open cases or any case for that matter. It is a violation of confidentiality to circulate details of the case that are not even lawfully pursuable.

ABUSE OF POWER

Your only contact with the Board is with the Board's attorney, John Hunt. He controls every decision made by the Board. He pressures the DSOs (Disciplinary Screening Officers) and Board members. In case 1, a DSO told the Health Care Provider after she reviewed the case, she found nothing wrong but John Hunt is pressuring her that a stipulation must be signed. In case 2, supporting documentations sent to the Board for the DSO is held back and never delivered to the DSO for review. In case 3, a DSO that actually makes a recommendation is overridden by John Hunt and he raised the ante all around.

If John Hunt is in complete control of the Board, how come he did not know the former Director was embezzling \$602,000 from the Board.

Source: Las Vegas Review Journal "\$602,000 MISSING: Five theft charges filed" 06/18/2002.

Source: Las Vegas Review Journal "AG candidate Hunt wins endorsement of AFL-CIO" 06/19/2002.

Source: Las Vegas Review Journal "RACE FOR ATTORNEY GENERAL: Candidate state cases 07/15/2002.

Former Executive Director, Valonne Harmon, of Dental Examiners charged with embezzling about \$602,000 from the Board. Sandoval charged that Hunt "failed to properly advise the Board" and "it doesn't reflect well on his ability to provide proper legal advice to an important state Board".

The DSO Disciplinary Screening Officer is the individual that investigates the complaint and makes the findings and recommendations. The DSO should be fair and impartial. That is not the case. There are incidents where the DSO has never contacted the Health Care Provider he/she is investigating and drew all facts and findings through assumptions and passed on his/her findings to John Hunt to draft up a stipulation. In addition, it is a violation of the Health Care Provider's rights to have the DSO and the Board adjudicate a case in which the DSO and the Board are direct competitors of the accused.

John Hunt violates NRS 281A.430/53 by utilizing his position for the Board to create a substantial income stream for himself through alleged Board related inquiries. The current system is set up so that the attorney that is paid by the Board to represent the Board is allowed to independently charge for his investigative costs that are then paid to him and or his firm. This is violation of NRS281A.400(2) which prohibits a representative of a governing body to utilize his position to enrich himself or his company.

John Hunt violates NRS 281A.020(1) by failing to hold public office as a public trust, failing to avoid conflicts between public and private interests. The private interest being the enrichment of John Hunt through his "investigative costs" which are never detailed or justified. He is paid \$14,500 per month to represent the Nevada Board of Dental Examiners. While acting as the Board's legal representative he charges additional "investigative" costs.

When all Boards are cutting back, the Nevada Dental Board is giving their Directors \$10,000 bonuses and a 30% salary increase.

Source: www.8newsnow.com "Dental Board Spends Thousands in Travel" 11/30/12. Lavish trips to Hawaii, staying at the Ritz Carlton, spending \$121,000 on travel the year before all on the public's dime. "I have some concerns because everyone seems to be cutting back," said State Senator Maggie Carlton, (D) Clark Count.

Source: Review Journal "Panel targets dropping 35 state boards, commissions -11/17/11.

Source: Las Vegas Business Press "License or Nonsense?" 11/22/10

Source: Las Vegas Review Journal "Critics see few licensing panels needed in Nevada" 11/26/10.

Former Governor of Nevada, Jim Gibbons directed 36 Boards and Commissions to complete questionnaires intended to get them to justify their existence and the balances in their bank accounts. Nevada's financial conditions make it mandatory for us to look very carefully at every Board and Commission as well as the entire budget. We believe that the Boards should be in place to protect the public but are stunned to learn some Boards approved salary increases for staff while the state was under tight fiscal controls. Most occupational licensing Boards cover their administrative expenses by collecting fees from the professionals they regulate. Financial resources of the Boards also should be reviewed.

FRAUD

Fraud exists because John Hunt arbitrary assigns a monetary investigative cost and conceals billing invoices and accounting to justify the fees imposed. A fee breakdown has been requested and has never been provided.

ACTION

The only way to stop this blatant corruption is to remove John Hunt and have the Attorney General office take over. NRS 631.190(2) Notwithstanding the provisions of this subsection, the Attorney General in his or her sole discretion may, but is not required to, serve as legal counsel for the Board at any time and in any and all matters.

The professional climate has reached such a distressing level that we have banded together in order to take action. A group of Health Care Providers came together to form the Las Vegas Dental Association 4 years ago. As Health Care Providers our best interest is in our patients. We completed 8-10 years of additional education after high school and came to Nevada to provide patients with good oral health and confidence with a beautiful smile. We believe the Dental Board is a necessary entity to help protect the public. However, John Hunt's unethical tactics have backfired in causing Health Care Providers with excellent reputations, Health Care Providers that have won Best Dentist of the Year Awards, to endure traumatic stress, economic hardship, leave Nevada to a friendlier state, and loss of interest in practicing Dentistry they once loved. This environment not only affects the rise of healthcare costs but most importantly the **QUALITY OF CARE** for patients in Nevada. Nevada cannot afford to lose good Health Care Providers and a rise in health care costs in this strapped economy.

Please help us change the unfairness and unethical treatments Health Care Providers are facing from John Hunt. We are asking to remove John Hunt and change the regulations he has created to extort monies and violate Health Care Provider's rights to due process. If nothing is done, the distrust of the public and the industry professionals will begin to emerge. The integrity of the Board is in the legislative's hands.

We appreciate your help.

Thank you,
Las Vegas Dental Association
Scott Brooksby, President (702) 274-6700
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