

# STATEMENT TO SUBCOMMITTEE TO REVIEW REGULATIONS

(Felipe M. Paleracio, DDS, June 16, 2016)

Good Morning. My name is Doctor Felipe Paleracio. I am a licensed dentist who practices dentistry in the State of Nevada. However, I also have licenses in New Jersey and New York where I have practiced dentistry as well. Until recently, I never had a complaint filed against me in any of these jurisdictions. However, I recently had the unpleasant experience of having to deal with the Nevada State Board of Dental Examiners when a complaint was filed against me.

My case involved a patient with a language barrier who spoke Korean and who did not understand he needed to return for a follow-up office visit because his son, who translated for him, left the office before the initial dental work could be completed. As a result of being unable to finish the dental work, the patient's son demanded that he be reimbursed the amount of money paid for the initial 2 hours of work done, which could not be completed and had to be rescheduled because the patient became too agitated. The amount of money in dispute came to \$300.

I would like emphasize that the complaint filed against me had nothing to do with patient harm or malpractice. Rather, it was a simple dispute over money paid for work that was unable to be completed due to patient lack of cooperation and failure to return for follow-up visit due to a language barrier. Nevertheless, my case was assigned to a Dental Screening Officer, Bradley Roberts. Doctor Roberts called me to discuss the matter. During our phone conversation, Doctor Roberts told me I had committed "fraud." This prejudicial statement was made without this Dental Screening Officer having even reviewed the patient records, which were not requested until after our phone conversation.

Instead of being able to resolve this simple matter quickly, it dragged on for 16 months. Eventually, the Dental Board's private attorney, John Hunt, presented a Settlement Agreement to me and informed me through my attorney that if I chose to exercise my due process right to a Hearing that I could lose my license. By this time, I had already paid over \$5,000 in legal defense costs. In addition, Mr. Hunt's Settlement included \$5,362 for his "fees and costs" as well for a total of over \$10,000 in legal expenses for a simple fee dispute matter. As a result, I chose to sign the Settlement Agreement under coercion and duress in order to put an end to the financial and emotional burden caused by the complaint.

In short, my case was a simple fee dispute matter involving \$300 that could easily have been resolved with mediation or arbitration but this option is not made available to dental licensees, although it is made available to licensed attorneys in NV and for which they pay nothing to participate in the process. Moreover, my Settlement Agreement was obtained by Dental Board's attorney using coercion whereby I was threatened with the loss of my license if I refused to sign his Settlement Agreement and such a tactic is a criminal act in NV as found in NRS 207.190.

Therefore, I would like for this honorable Sunset Subcommittee to take my case under consideration when making recommendations to the Legislative Commission as to what corrective actions need to be taken as a result of the recent LCB Audit of the Nevada State Board of Dental Examiners where 14 problems were identified. At a minimum, I would propose that the Dental Board be required to take immediate corrective action to:

1. Repair damages to licenses who were overcharged for "fees and costs" such as my own case;
2. Terminate its Executive Director and Attorney who are primarily responsible for problems; and
3. Recommend legislation for supervising the complaint process of the Dental Board (and all other medical boards subject to NRS 629 where healthcare practitioners are routinely having their due process rights violated and being charged 10's of 1000's of dollars for matters that could be solved with dispute resolution similar to what Nevada State Bar is doing for its attorneys).

Agenda Item II E - SUNSET  
Meeting Date: 06-16-16

Please take my comments and recommendations under advisement and give them the serious consideration they deserve so that problems being complained of by your constituents might be properly heard and addressed. Thank you!



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