November 13, 2006

Legislative Counsel Bureau
Marilyn White
Assistant to the Director
401 S. Carson Street
Carson City, NV 89701-9800

Dear Director of the Legislative Counsel:

Pursuant to Nevada Revised Statute (NRS) 622.100, enclosed is our disciplinary report for the Nevada State Board of Dental Examiners. This report is for the quarter ending October 20, 2006. I have listed the disciplinary action against the following licensees below. Enclosed for your convenience are copies of the stipulation agreements.

<table>
<thead>
<tr>
<th>License #</th>
<th>Name</th>
<th>Disciplinary Date</th>
</tr>
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<tbody>
<tr>
<td>2386</td>
<td>James Carter, DDS</td>
<td>September 8, 2006</td>
</tr>
</tbody>
</table>

If you have any questions regarding this matter, please feel free to contact me at (702) 486-7044, ext. 23.

Sincerely

Debra Shaffer, Deputy Executive Director
Nevada State Board of Dental Examiners

Cc: John A. Hunt, Esq., Board Legal Counsel
    Department of Health & Human Services
    File
BEFORE THE NEVADA STATE BOARD OF DENTAL EXAMINERS

NEVADA STATE BOARD OF DENTAL EXAMINERS,

Complainant,

vs

JAMES CARTER, D.D.S.,

Respondent

Case No.: 06-1330

STIPULATION

IT IS HEREBY STIPULATED AND AGREED by and between JAMES CARTER, D.D.S. (hereinafter “Respondent”), by and through his attorneys, DOMINIC P. GENTILE, ESQ. and KATHLEEN JANSSEN, ESQ., both of the law firm of GENTILE DePALMA, LTD., and THE NEVADA STATE BOARD OF DENTAL EXAMINERS (hereinafter “Board”) by and through Disciplinary Screening Officer, DONNA HELLWINKEL, D.D.S., and the Board’s counsel, JOHN A. HUNT, ESQ., of the law firm of RAILEIGH, HUNT & McGARRY, P.C. as follows:

On August 7, 2006, the Board received a copy of a July 26, 2006 Order to Cease X-Ray machine Operation issued by the State of Nevada, Department of Health and Human Services, Health Division, Bureau of Health Protection Services (hereinafter “Department of Health”. The Order required that all operation of the x-ray machine(s) at Respondent’s dental offices which are located at 307 West Winnie Lane, #2, Carson City, Nevada 89703, be immediately stopped. See Exhibit #1

2. On or about August 7, 2006, Donna Hellwinkel, D.D.S. as an agent of the Board reviewed certain records for dental patients who had received treatment at Respondent’s dental practice located at 307 West Winnie Lane, #2, Carson City, Nevada 89703 Said review revealed that subsequent to Order being issued by the Department of Health, x-rays of patients were still being taken at Respondent’s dental practice located at N.S.B.D.E.
307 West Winnie Lane, #2, Carson City, Nevada 89703.

3. NRS 631.349 states: The acts described in NRS 631.346 to 631.3485, inclusive, must not be construed as a complete list of dishonorable or unprofessional conduct, or as authorizing or permitting the performance of other and similar acts, or as limiting or restricting the Board from holding that other or similar acts constitute unprofessional or dishonorable conduct.

4. Based upon the limited investigation conducted to date, Disciplinary Screening Officer, Donna Hellwinkel, D.D.S., applying the administrative burden of proof of substantial evidence as set forth in State, Emp. Security v. Hilton Hotels, 102 Nev. 606, 608, 729 P.2d 497, 498 (1986); and see Minton v. Board of Medical Examiners, 110 Nev. 1060, 881 P.2d 1339 (1994), see also NRS 233B.135(3)(e), and NRS 631.350(1), but not for any other purpose, finds there is substantial evidence Respondent violated NRS 631.349 and committed unprofessional conduct when Respondent failed to comply with the Order to Cease X-Ray machine Operation issued by the Dept. of Health which required that all operation of the x-ray machine(s) at Respondent’s dental practice at the 307 West Winnie Lane, #2, Carson City, Nevada 89703, be immediately stopped.

5. Applying the administrative burden of proof of substantial evidence as set forth in State, Emp. Security v. Hilton Hotels, 102 Nev. 606, 608, 729 P.2d 497, 498 (1986); see also NRS 233B.135, and see Minton v. Board of Medical Examiners, 110 Nev. 1060, 881 P.2d 1339 (1994), see also NRS 233B.135(3)(e), and NRS 631.350(1), but not for any other purpose, Respondent admits that x-rays of patients were taken at his dental practice located at 307 West Winnie Lane, #2, Carson City, Nevada 89703, after the Order to Cease X-Ray machine Operation was issued by the Department of Health in violation of NRS 631.349.

6. On August 25, 2006, at 9:30 a.m., at a properly noticed meeting, pursuant to Agenda Item #4(d) the Board issued an Order summarily suspending Respondent from practicing dentistry at 307 West Winnie Lane, #2, Carson City, Nevada, 89703 as authorized by N.R.S. § 233B.127(3).
7. On August 29, 2006, the Board’s Deputy Executive Director, Debra Shaffer, received correspondence from the Department of Health indicating the Department of Health had lifted its cease operation Order issued on July 26, 2006 (see Exhibit 2).

8. Based upon the admissions contained in Paragraph 5, without admitting the findings of the Disciplinary Screening Officer contained in paragraph 4, Respondent agrees to the following terms and conditions:

A. Pursuant to NRS 631.150(d), Respondent’s dental practice shall be placed on probation for a period of one (1) year from the adoption of this Stipulation. During the one (1) year probationary period, Respondent shall allow either the Executive Director of the Board and/or the agent appointed by the Executive Director of the Board to inspect Respondent’s records during normal business hours to insure compliance of this Stipulation.

B. Respondent acknowledges during the probationary period as set forth in Paragraph 8A should Executive Director receive and finds there is substantial evidence of a subsequent violation of an Order to cease x-ray machine operations issued by the Department of Health such a violation shall be considered a willful violation of NRS 631.3485(1), thereafter, the Executive Director shall, without any further hearing or action by the Board, shall issue an Order suspending Respondent’s license to practice dentistry in the State of Nevada. Thereafter, Respondent may request in writing a hearing before the Board to reinstate Respondent’s license. However, prior to the full Board hearing, Respondent waives any right to seek judicial review, including injunctive relief from either the Nevada Federal District Court or the Nevada State District Court to reinstate his privilege to practice dentistry in the State of Nevada pending a final Board hearing.

C. Pursuant to NRS 631.350(1)(e), this Stipulation shall be deemed a public reprimand based upon Respondent’s violation of NRS 631.349.

D. Respondent, pursuant to NRS 631.350(1)(j), shall retake the jurisprudence test as required by NRS 631.240(2) on the contents and interpretation of NRS 631 and the regulations of the Board. Respondent shall have ninety (90) days, commencing upon adoption of this Stipulation, to complete the re-examination. The jurisprudence examination is administered on the first Monday of each month at 10:00 a.m. and 2:00 p.m. at the Board’s office. Respondent shall contact the Board to schedule a time to submit to the re-examination. In the event Respondent fails to successfully complete the re-examination within ninety (90) days of adoption of this Stipulation, Respondent agrees his license to practice dentistry in the State of Nevada shall be automatically suspended without any further action of the Board other than issuance of an Order by the Executive Director. Upon successful completion of the re-examination, Respondent’s...
license to practice dentistry in the State of Nevada will be automatically reinstated, assuming all other provisions of this Stipulation are in compliance. Respondent agrees to waive any right to seek injunctive relief from any Federal or State of Nevada District Court to prevent the automatic suspension of Respondent’s license to practice dentistry in the State of Nevada due to Respondent’s failure to comply with Paragraph 8D. Respondent shall also be responsible for any costs or attorney’s fees incurred in the event the Board seeks injunctive relief to prevent Respondent from practicing dentistry during the period Respondent’s license is automatically suspended.

E. Pursuant to NRS 631.350(1)(c), Respondent shall pay a fine to the Board in the amount of One Hundred Dollars ($100.00). This amount shall be deposited with the Board upon execution of this Stipulation. If the Board does not adopt this Stipulation the amount of One Hundred Dollars will be returned in full to Respondent.

F. Respondent agrees to reimburse the Board for costs of the investigation and to monitor this Stipulation in the amount of One Thousand Five Hundred ($1,500.00) Dollars. This amount shall be deposited with the Board upon execution of this Stipulation. If the Board does not adopt this Stipulation the amount of One Hundred Dollars will be returned in full to Respondent.

G. In the event Respondent fails to cure any default in payment within forty-five (45) days of the default, Respondent agrees the amount may be reduced to judgment.

CONSENT

9. Respondent has read all of the provisions contained in this Stipulation and agrees with them in their entirety.

10. Respondent is aware by entering into this Stipulation he is waiving certain valuable due process rights contained in, but not limited to, NRS 631, NAC 631, NRS 233B and NAC 233B.

Respondent expressly waives any right to challenge the Board for bias in deciding whether or not to adopt this Stipulation in the event this matter was to proceed to a full Board hearing.

12. Respondent and the Board agree any statements and/or documentation made or considered by the Board during any properly notice open meeting to determine whether to adopt or reject this Stipulation are privileged settlement negotiations and therefore such statements or documentation may not be used in any subsequent Board hearing or judicial
13. Respondent has reviewed the Stipulation with his attorneys, Dominic Gentile, Esquire and Kathleen Janssen, Esq., who have explained each and every provision contained in this Stipulation to the Respondent.

14. Respondent acknowledges he is consenting to this Stipulation voluntarily, without coercion or duress and in the exercise of his own free will.

15. Respondent acknowledges no other promises in reference to the provisions contained in this Stipulation have been made by any agent, employee, counsel or any person affiliated with the Nevada State Board of Dental Examiners.

16. Respondent acknowledges the provisions in this Stipulation contain the entire agreement between Respondent and the Board and the provisions of this Stipulation can only be modified, in writing, with Board approval.

17. Respondent agrees in the event the Board adopts this Stipulation hereby waives any and all rights to seek judicial review or otherwise to challenge or contest the validity of the provisions contained in the Stipulation.

18. Respondent and the Board agree that neither party shall be deemed the drafter of this Stipulation and, in the event this Stipulation is construed by a court of law or equity, such court shall not construe this Stipulation or any provision hereof against either party as the drafter of the Stipulation. The parties hereby acknowledge that both parties have contributed substantially and materially to the preparation of this Stipulation. The parties acknowledge and agree this Stipulation is the joint effort of each of the parties and in the event of any dispute regarding the construction of any terms herein, it shall not be construed strictly in favor or against either party.

19. Respondent specifically acknowledges by his signature herein and his initials at the bottom of each page of this Stipulation, he has read and understands its terms and acknowledges that he has signed and initialed of his own free will and without undue influence, coercion, duress, or intimidation.

N.S.B.D.E.
OCT 05 2006

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20. Respondent acknowledges in the event the Board adopts this Stipulation, this

Stipulation may be considered in any future Board proceeding(s) or judicial review, whether
such judicial review is performed by either the State or Federal District Court(s).

21. This Stipulation will be considered by the Board in an open meeting. It is

understood and stipulated the Board is free to accept or reject the Stipulation and, if the
Stipulation is rejected by the Board, further disciplinary action may be implemented. This
Stipulation will only become effective when the Board has approved the same in an open
meeting. Should the Board adopt this Stipulation, such adoption shall be considered a final
disposition of a contested case and will become a public record and shall be reported to the
National Practitioners Data Bank.

DATED this 8th day of September, 2006.

Respondent

JAMES R. CARTER, D.D.S.

SUBSCRIBED and SWORN to before me
this 8th day of September, 2006.

DAWN A. RALSTON
NOTARY PUBLIC

APPROVED AS TO FORM & CONTENT

KATHLEEN UJANSEN
Respondent’s counsel

APPROVED AS TO FORM & CONTENT

JOHN A. HUNT, ESQUIRE
Raleigh, Hunt & McGarry, P.C.
Board Counsel

APPROVED AS TO FORM &

DONNA HELLWINKEL, D.D.S.
Disciplinary Screening Officer/Informal
Hearing Officer

N.S.B.D.N.
OCT 05 2006
The foregoing Stipulation was approved/disapproved by a vote of the Nevada State Board of Dental Examiners at a properly noticed meeting.

DATED this 8 day of September, 2006.

NEVADA STATE BOARD OF DENTAL EXAMINERS

[Signature]

TONY GUILLIAN, D.D.S.
President
ORDER TO CEASE X-RAY MACHINE OPERATION

Dear Ms. Kamara:

Nevada Administrative Code 459.154 requires that any X-ray machine must be registered with this office within 30 days after installation. USE OF AN UNREGISTERED MACHINE IS A MISDEMEANOR.

Reviews of our records indicate you have failed to respond to our violation letter dated February 13, 2006, for violations noted during our inspection on February 2, 2006.

You are hereby instructed to stop all operation of the unregistered machine(s) in the State of Nevada. Any use of these machines by you in Nevada is a violation of Nevada Administrative Code.

NAC 459.166 requires you notify this office of any disposition of this machine in writing within 15 days of that disposition. You must provide the name and address of the individual that received the machine. You may provide this notification by fax to (775) 687-5751.

To register the machine(s), complete an application for each machine and submit them with your check in the amount of $800.00 made payable to the Nevada State Health Division. We must receive the applications and fee payment by August 31, 2006. Our address is:

Radiological Health Section
1179 Fairview Dr., Ste. 102
Carson City, NV 89701-5405

July 26, 2006
If you have any questions, please feel free to contact my Administrative Assistant, Louis Ellis, at (775) 687-5394 extension 280.

Sincerely,

Karen K. Beckley, M.P.A., M.S.
Supervisor, Radiological Health Section
Bureau of Health Protection Services

KKB/le

Enclosures

cc: Attorney General
cc: Dental Board
cc: Debbie Calvert

xra\MasterXrayCeaseform
August 29, 2006

Debbie Calvert
Regional Manager
Carson City Family Dentistry
307 W. Winnie Lane, #2
Carson City, Nevada 89703

Re: Nevada X-ray Machine Registration Nos. 01-02-2655-xx

Dear Ms. Calvert:

Your letter dated August 29, 2006, is acknowledged. The letter describes the actions that have been taken to correct the violations documented during our February 2, 2006, Inspection.

The corrective actions will be reviewed during our next inspection to determine their effectiveness.

If you have any questions, please call me at (775) 687-5394, Ext. 278.

Sincerely,

Morgan K. Tyler
Radiological Control Specialist II
Radiological Health Section
Bureau of Health Protection Services

xray@CarsonCityFamilyDent 8-29-06 ack ltr

N.S.B.D.E
OCT 05 2006

Public Health: Working for a Safer and Healthier Nevada