

# Nevada State Board of Dental Examiners

Tony Guillen, D.D.S.  
*President*



Rick B. Thiriot, D.D.S.  
*Secretary-Treasurer*

6010 S. Rainbow Boulevard, Suite A-1 • Las Vegas, Nevada 89118 • (702) 486-7044 • (800) DDS-EXAM • Fax (702) 486-7046

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.

<u>License #</u>	<u>Name</u>	<u>Disciplinary Date</u>
2386	James Carter, DDS	September 8, 2006

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

Sincerely

A handwritten signature in cursive script, reading "Debra Shaffer".

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

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**BEFORE THE NEVADA STATE BOARD OF DENTAL EXAMINERS**

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NEVADA STATE BOARD OF  
DENTAL EXAMINERS,

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Complainant,

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vs

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JAMES R. CARTER, D.D.S.,

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Respondent

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Case No.: 06-1330

**STIPULATION**

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**IT IS HEREBY STIPULATED AND AGREED** by and between JAMES R.

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CARTER, D.D.S. (hereinafter "Respondent"), by and through his attorneys, DOMINIC P.

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GENTILE, ESQ. and KATHLEEN JANSSEN, ESQ., both of the law firm of GENTILE

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DePALMA, LTD., and THE NEVADA STATE BOARD OF DENTAL EXAMINERS

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(hereinafter "Board") by and through Disciplinary Screening Officer, DONNA

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HELLWINKEL, D.D.S., and the Board's counsel, JOHN A. HUNT, ESQ., of the law firm

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of RALEIGH, HUNT & McGARRY, P.C. as follows:

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On August , 2006, the Board received a copy of a July 26, 2006 *Order to*

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*Cease X-Ray machine Operation* issued by the State of Nevada, Department of Health and

19

Human Services, Health Division, Bureau of Health Protection Services (hereinafter

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"Department of Health". The Order required that all operation of the x-ray machine(s) at

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Respondent's dental offices which are located at 307 West Winnie Lane, #2, Carson City,

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Nevada 89703, be immediately stopped. See Exhibit #1

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2. On or about August 7, 2006, Donna Hellwinkel, D.D.S. as an agent of the

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Board reviewed certain records for dental patients who had received treatment at

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Respondent's dental practice located at 307 West Winnie Lane, #2, Carson City, Nevada

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89703 Said review revealed that subsequent to Order being issued by the Department of

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Health, x-rays of patients were still being taken at Respondent's dental practice located at

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1 307 West Winnie Lane, #2, Carson City, Nevada 89703.

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

7 4. Based upon the limited investigation conducted to date, Disciplinary Screening  
8 Officer, Donna Hellwinkel, D.D.S., applying the administrative burden of proof of  
9 substantial evidence as set forth in *State, Emp. Security v. Hilton Hotels*, 102 Nev. 606, 608,  
10 729 P.2d 497, 498 (1986); and see *Minton v. Board of Medical Examiners*, 110 Nev. 1060,  
1 881 P.2d 1339 (1994), see also NRS 233B.135(3)(e), and NRS 631.350(1), but not for any  
12 other purpose, finds there is substantial evidence Respondent violated NRS 631.349 and  
3 committed unprofessional conduct when Respondent failed to comply with the Order to  
14 Cease X-Ray machine Operation issued by the Dept. of Health which required that all  
15 operation of the x-ray machine(s) at Respondent's dental practice at the 307 West Winnie  
16 Lane, #2, Carson City, Nevada 89703, be immediately stopped.

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

24 6. On August 25, 2006, at 9:30 a.m., at a properly noticed meeting, pursuant to  
25 Agenda Item #4(d) the Board issued an Order summarily suspending Respondent from  
26 practicing dentistry at 307 West Winnie Lane, #2, Carson City, Nevada, 89703 as authorized  
27 by N.R.S. § 233B.127(3).

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1           7.       On August 29, 2006, the Board's Deputy Executive Director, Debra Shaffer  
2 received correspondence from the Department of Health indicating the Department of Health  
3 had lifted the its cease operation Order issued on July 26, 2006 (see Exhibit 2).

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

7           A.       Pursuant to NRS 631.150(d) Respondent's dental practice shall be  
8 placed on probation for a period of one (1) year from the adoption of  
9 this Stipulation. During the one (1) year probationary period,  
10 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.

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

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

17           D.       Respondent, pursuant to NRS 631.350(1)(j), shall retake the  
18 jurisprudence test as required by NRS 631.240(2) on the contents and  
19 interpretation of NRS 631 and the regulations of the Board.  
20 Respondent shall have ninety (90) days, commencing upon adoption of  
21 this Stipulation, to complete the re-examination. The jurisprudence  
22 examination is administered on the first Monday of each month at  
23 10:00 a.m. and 2:00 p.m. at the Board's office. Respondent shall  
24 contact the Board to schedule a time to submit to the re-examination.  
25 In the event Respondent fails to successfully complete the re-  
26 examination within ninety (90) days of adoption of this Stipulation,  
27 Respondent agrees his license to practice dentistry in the State of  
28 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

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1 license to practice dentistry in the State of Nevada will be automatically  
2 reinstated, assuming all other provisions of this Stipulation are in  
3 compliance. Respondent agrees to waive any right to seek injunctive  
4 relief from any Federal or State of Nevada District Court to prevent the  
5 automatic suspension of Respondent's license to practice dentistry in  
6 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.

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

12 F. Respondent agrees to reimburse the Board for costs of the investigation  
13 and to monitor this Stipulation in the amount of One Thousand Five  
14 Hundred (\$1,500.00) Dollars. This amount shall be deposited with the  
15 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.

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

#### 19 CONSENT

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

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

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

28 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

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1 review, whether or judicial review is sought in either the State or Federal District Court(s).

2 13. Respondent has reviewed the Stipulation with his attorneys, Dominic Gentile,  
3 Esquire and Kathleen Janssen, Esq., who have explained each and every provision contained  
4 in this Stipulation to the Respondent.

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

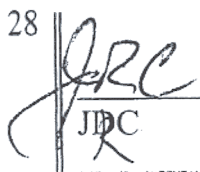
7 15. Respondent acknowledges no other promises in reference to the provisions  
8 contained in this Stipulation have been made by any agent, employee, counsel or any person  
9 affiliated with the Nevada State Board of Dental Examiners.

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

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

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

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

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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.

  
JAMES R. CARTER, D.D.S.  
Respondent

Dawn A Ralston  
NOTARY PUBLIC



~~KATHLEEN T JANSSEN~~  
~~Respondent's counsel~~

**APPROVED AS TO FORM &**

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

OCT 05 2006

1 The foregoing Stipulation was approved/disapproved by a vote of the Nevada State  
2 Board of Dental Examiners at a properly noticed meeting.


3 DATED this 8 day of SEPTEMBER 2006.

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NEVADA STATE BOARD OF DENTAL EXAMINERS

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TONY GUILLEN, D.D.S.  
President

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OCT 05 2006

  
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KENNY C. GUINN  
Governor

MICHAEL J. WILLDEN  
Director



STATE OF NEVADA  
DEPARTMENT OF HEALTH AND HUMAN SERVICES  
HEALTH DIVISION  
BUREAU OF HEALTH PROTECTION SERVICES

JOHN HUNT 002/003  
*John Hunt*  
ALEX HAARTZ, MPH  
Administrator  
BRADFORD LEE, M.D.  
State Health Officer

- ☐ Bureau Administration  
1179 Fairview Drive, Ste. 201  
Carson City, NV 89701-5405  
(775) 687-6353  
Fax (775) 687-5197
- ☐ Public Health Rating and  
Survey Officer  
475 W. Haskell Street, Ste. 52  
Winnemucca, NV 89445  
(702) 623-6591  
Fax (702) 623-6592
- ☒ Radiological Health  
1179 Fairview Drive, Ste. 102  
Carson City, NV 89701-5405  
(775) 687-6394  
Fax (775) 687-6751
- ☐ Environmental Health  
1179 Fairview Drive, Ste. 104  
Carson City, NV 89701-5405  
(775) 687-4750  
Fax (775) 687-6751
- ☐ Health Protection Services  
620 Belrose Street, Ste. 101  
Las Vegas, NV 89107  
Engineering and Food  
(702) 486-6068  
Radiological Health  
(702) 486-5280  
Fax (702) 486-5024
- ☐ Health Protection Services  
850 Elm Street  
Elko, NV 89801-3349  
(775) 753-1138/1140
- ☐ Health Protection Services  
475 W. Haskell Street, Ste. 38  
Winnemucca, NV 89445  
(775) 623-6588  
Fax (775) 623-6528
- ☐ Health Protection Services  
485 B Street, Ste. 103  
Fallon, NV 89406  
(775) 423-2281  
Fax (775) 423-3885
- ☐ Health Protection Services  
P.O. Box 151210  
Ely, NV 89315  
(775) 289-3325
- ☐ Health Protection Services  
P.O. Box 667  
Tonopah, NV 89048-0667  
(775) 482-3997

July 26, 2006

Albina Kamara  
Premier Dental  
401-A S Asuza  
LaPuente CA 91744

CERTIFIED MAIL  
7003 2260 0003 2819 2311

**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

**N.S.B.D.E.**

AUG 01 2006

**N.S.B.D.E.**

OCT 05 2006

Public Health: Working for a Safer and Healthier Nevada



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

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AUG 01 2006

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OCT 05 2006

KENNY C. GUINN  
Governor

MICHAEL J. WILLEN  
Director



ALEX HAARTZ, MPH  
Administrator

BRADFORD LEE, M.D.  
State Health Officer

STATE OF NEVADA  
DEPARTMENT OF HEALTH AND HUMAN SERVICES  
**HEALTH DIVISION**  
BUREAU OF HEALTH PROTECTION SERVICES

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

- ☐ Bureau Administration  
1179 Fairview Drive, Ste. 201  
Carson City, NV 89701-5408  
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- ☐ Public Health Rating and  
Survey Officer  
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(702) 923-8581  
Fax (702) 623-6592
- ☒ Radiological Health  
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(775) 687-5394  
Fax (775) 687-6761
- ☐ Environmental Health  
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Fax (775) 687-5751
- ☐ Health Protection Services  
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Fax (702) 486-5024
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Fax (775) 623-6528
- ☐ Health Protection Services  
165 N. Taylor Street, Ste. 157  
Fallon, NV 89406-3324  
(775) 423-2281  
Fax (775) 423-3866
- ☐ Health Protection Services  
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