

Nevada State Board of Dental Examiners

Stephen C. Vaughn, D.D.S.
President



Rick B. Thriot, D.D.S.
Secretary-Treasurer

2295-B Renaissance Drive • Las Vegas, NV 89119 • (702) 486-7044 • (800) DDS-EXAM • Fax (702) 486-7046

January 16, 2004

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

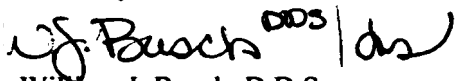
Dear Director of the Legislative Counsel:

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 January 20, 2004. I have listed the disciplinary action against the following licensee below. Enclosed for your convenience is a copy of the stipulation agreement.

<u>License #</u>	<u>Name</u>	<u>Disciplinary Action Date</u>
2035	Nathan L. Lewis, D.D.S.	October 28, 2003

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

Sincerely,

Handwritten signature of William J. Busch, D.D.S., with initials "WJ Busch" and "ds" written in cursive.

William J. Busch, D.D.S.
Executive Director

WJB/ds

Cc: John A. Hunt, Esq., Board Legal Counsel
File

STATE OF NEVADA

BEFORE THE BOARD OF DENTAL EXAMINERS OF NEVADA

NEVADA STATE BOARD)
OF DENTAL EXAMINERS,)
Complainant,)
vs.)
NATHAN L. LEWIS, D.D.S.,)
Respondent.)

Case No. 03-00940

STIPULATION

IT IS HEREBY STIPULATED AND AGREED by and between NATHAN L. LEWIS, D.D.S. (hereinafter "Respondent"), in Proper Person and THE NEVADA STATE BOARD OF DENTAL EXAMINERS (hereinafter "Board"), by and through its counsel JOHN A. HUNT, ESQ., of the law firm of RALEIGH, HUNT & McGARRY, P.C., as follows:

1. On March 11, 2003, the Board notified Respondent of a verified complaint received from Ms. Linda Sue Day.

2. On March 28, 2003, Respondent filed an answer to Ms. Day's complaint.

Based upon the limited investigation conducted to date, Disciplinary Screening Officer, Larry Frugoli, finds there is substantial evidence Respondent violated NRS 631.3475(1) regarding the treatment rendered to Ms. Linda Sue Day.

4. Based upon the limited investigation and the findings of the Disciplinary Screening Officer, Larry S. Frugoli, the parties have agreed, in order to avoid the additional cost of a full Board



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hearing, to resolve the pending disciplinary investigation pursuant to the following terms set forth below.

a. Respondent admits the treatment of Ms. Linda Sue Day was in violation of NRS 631.3475(1).

b. Pursuant to NRS 631.350(1)(d)(h), Respondent's practice shall be monitored for a period of one (1) year from adoption of this Stipulation by the Board. During the one (1) year probationary period, Respondent shall allow either the Executive Director of the Board and/or an agent appointed by the Executive Director of the Board to inspect Respondent's records, during normal business hours, to ensure compliance of this Stipulation and Respondent's extraction technique.

c. Pursuant to NRS 631.350(1)(k), in addition to completing the required continuing education, Respondent shall obtain eight (8) additional hours of supplemental education relating to oral surgery specifically in the topic of extractions. The supplemental education must be completed within one (1) year of the approval of this Stipulation by the Board. The supplemental education must be submitted in writing to obtain prior written approval from the Executive Director of the Board. Upon receipt of a request to attend supplemental education, the Executive Director of the Board shall notify Respondent, in writing, of approval of such attendance. All



costs associated with this supplemental education shall be paid by Respondent.

d. Respondent agrees to reimburse Medicaid in the amount of \$2454.00 for treatment rendered to Linda Sue Day payable upon adoption of this stipulation.

e. Respondent agrees to reimburse the Board the sum of One Thousand (\$1,000.00) dollars for the costs of this investigation within thirty (30) days of the Board's adoption of this Stipulation. This amount shall not be considered a fine and therefore is not reportable to the National Practitioners Data Bank. Said reimbursement to the Board shall be paid as follows:

(i) \$1,000.00 payable upon adoption of this Stipulation by the Board.

f. In the event Respondent fails to deliver to the Board the payment as required by Paragraph 4(e)(i), 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 the issuance of an order by the Board's Executive Director suspending Respondent's license. Respondent agrees to the payment of fifty-dollars (\$50.00) for each day Respondent fails to deliver payment required by Paragraph 4(e)(i). Respondent may cure any default regarding the payment set forth in Paragraph 4(d)(i) by



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delivering to the Board's Executive Director the total amount in default, plus the fifty-dollar (\$50.00) per day assessment. Upon receipt of payment in full of any amount in default, plus the fifty-dollar (\$50.00) per day assessment, the Executive Director shall issue an order reinstating Respondent's license to practice dentistry in the State of Nevada without any further action necessary by the Board. If Respondent is in default of any payment as required by Paragraph 4(e)(i) for more than thirty (30) days, said default(s) shall be reduced to judgment.

g. 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 license to practice dentistry in the State of Nevada due to Respondent failure to comply with Paragraph 4(e)(i). Respondent shall also be responsible for any costs or attorney's fees incurred in the event the Board has to seek injunctive relief to prevent Respondent from practicing dentistry during the period Respondent's license is automatically suspended.

h. 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.

Respondent waives any right to have the amounts owed pursuant Paragraph 4(e)(i) discharged in bankruptcy.


N.T.I.

CONSENT

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

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

7. 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.

8. Respondent acknowledges he has read the Stipulation. Respondent acknowledges he has been advised he has the right to have this matter reviewed by independent counsel and he has had ample opportunity to seek independent counsel. Respondent has been specifically informed he should seek independent counsel and advice of independent counsel would be in Respondent's best interest. Having been advised of her right to independent counsel, as well as had the opportunity to seek independent counsel, Respondent hereby acknowledge, by his own free will, he is consenting to the Stipulation without independent counsel.

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

10. 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.

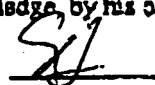

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CONSENT

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

6. Respondent is aware by entering into this Stipulation she is waiving certain valuable due process rights contained in, but not limited to, NRS 631, NAC 531, NRS 233B and NAC 233B.

7. 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.

8. Respondent acknowledges he has read the Stipulation. Respondent acknowledges he has been advised he has the right to have this matter reviewed by independent counsel and he has had ample opportunity to seek independent counsel. Respondent has been specifically informed he should seek independent counsel and advice of independent counsel would be in Respondent's best interest. Having been advised of her right to independent counsel, as well as had the opportunity to seek independent counsel, Respondent hereby acknowledge, by his own free will, he is consenting to the Stipulation without independent counsel. 

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10. 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.


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11 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.

12. Respondent agrees in the event the Board adopts this Stipulation he 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.

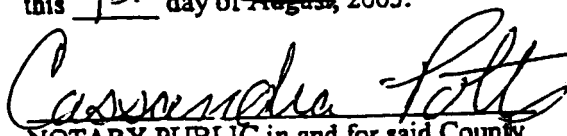
13. This Stipulation will be considered by the Board in an open meeting. It is understood and stipulated the Board is free to accept or reject the Stipulation and, if the Stipulation is rejected by the Board, further disciplinary action may be implemented. This Stipulation will only become effective 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 public record.

DATED this 1 day of ^{Oct}~~August~~, 2003.

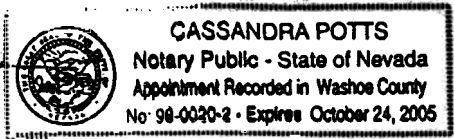


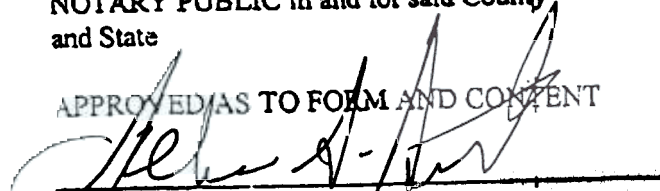
NATHAN L. LEWIS, D.D.S.
Respondent

SUBSCRIBED and SWORN to before me
this 1st day of ^{Oct}~~August~~, 2003.

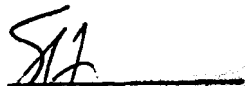


NOTARY PUBLIC in and for said County
and State



APPROVED AS TO FORM AND CONTENT


JOHN A. HUNT, ESQUIRE
Attorney for Complainant

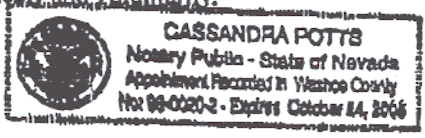


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ACKNOWLEDGMENT

STATE OF)
) ss
COUNTY OF)

On this 1st day of Oct 2003, personally appeared before me, a Notary Public in and for said County and State, **NATHAN L. LEWIS, D.D.S.**, known to me to be the person described in and who executed the foregoing instrument who acknowledged to me that she executed the same freely and voluntarily.



Cassandra Potts
NOTARY PUBLIC in and for said County and State

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

DATED this 28th day of October, 2003.

NEVADA STATEBOARD OF DENTAL EXAMINERS
Stephen C. Vaughn
STEPHEN C. VAUGHN, D.D.S.
President

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