

Nevada State Board of Dental Examiners

Tony Guillen, D.D.S.
President



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

6010 S. Rainbow Blvd., Bldg. A, Ste. • Las Vegas, NV 89118 • (702) 486-7044 • (800) DDS-EXAM • Fax (702) 486-7046

February 8, 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 January 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 Action Date</u>
4191	Silva Battaglin, DMD	November 15, 2005
0826	Michael Stafford, DDS	November 15, 2005
52-22	Jay K Selzsnick, DMD, MD	December 15, 2005
2337	Gerald P Rampton, DMD	December 22, 2005

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 black ink, appearing to read "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

STATE OF NEVADA

BEFORE THE BOARD OF DENTAL EXAMINERS OF NEVADA

NEVADA STATE BOARD
OF DENTAL EXAMINERS,

CASE NO.: 05-1213

Complainant,

STIPULATION

vs.

SILVA BATTAGLIN, D.D.S.,

Respondent

IT IS HEREBY STIPULATED AND AGREED by and between SILVA BATTAGLIN, D.D.S. (hereinafter "Respondent"), by and through her counsel DANIEL E. CURRIDEN, ESQ., and THE NEVADA STATE BOARD OF DENTAL EXAMINERS (hereinafter "Board"), by and through Disciplinary Screening Officer, BRADLEY ROBERTS, D.D.S., and the Board's counsel, JOHN A. HUNT, ESQ., of the law firm of RALEIGH, HUNT & McGARRY, P.C. as follows

On January 21, 2005, the Board notified Respondent of a verified complaint received from Ms. Barbara Zucker. On April 8, 2005, Respondent filed an answer to the complaint with the Board.

2 On June 2, 2005, the Board notified Respondent of a verified complaint received from Mr. Adam Lieberman. On July 5, 2005, Respondent filed an answer to the complaint with the Board. On September 21, 2005, the Board's counsel notified Respondent of supplemental information received from Ronald R. Levandoski, D.M.D. On September 26, 2005, the Board notified Respondent of supplemental information received from Adam Lieberman.

3 Based upon the limited investigation conducted to date, Disciplinary Screening Officer, Bradley Roberts, 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


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Law Office:
RALEIGH, HUNT & McGARRY, P.C.
112 GARCES AVENUE
SUITE 300
LAS VEGAS, NEVADA 89101
(702) 366-4942

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also NRS 233B.135(3)(e) and NRS 631.350(1), but not for any other purpose, finds there is substantial evidence that Respondent rendered treatment below the standard of care to Barbara Zucker in violation of NRS 631.3475(1).

4 4 Based upon the limited investigation conducted to date, Disciplinary Screening Officer, Bradley Roberts, 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 that Respondent rendered treatment below the standard of care to Adam Lieberman in violation of NRS 631.3475(1)

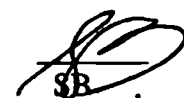
11 5 Applying the administrative burden of proof of substantial evidence as set forth in *State, Emp. Security v. Hilton Hotels*, 102 Nev. 606, 608, 729 P.2d 497, 498 (1986);, and see *Minton v. Board of Medical Examiners*, 110 Nev. 1060, 881 P.2d 1339 (1994), see also NRS 233B.135(3)(e) and NRS 631.350(1), but not for any other purpose, Respondent admits the treatment rendered to Barbara Zucker was below the standard of care in violation of NRS 631.3475(1).

16 6 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, Respondent admits the treatment rendered to Adam Lieberman was below the standard of care in violation of NRS 631.3475(1).

21 7 Based upon the limited investigation conducted to date, the findings of Disciplinary Screening Officer, Bradley Roberts, D.D.S., and the admission contained in paragraphs five (5) and six (6) the parties have agreed to resolve the pending disciplinary action pursuant to the following terms and conditions:

- 25 a. Pursuant to NRS 631.350(k), in addition to completing the required continuing education, Respondent shall obtain a total of Twenty-Four (24) additional hours in supplemental education. Twelve(12) hours of the supplemental education must be received in the area of fixed prosthetics and the remaining Twelve (12) hours of the supplemental education must be

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1 received in the area of removable prosthetics. All supplemental education
2 must be completed within twelve (12) months of the approval of this
3 Stipulation by the Board. The supplemental education must be submitted in
4 writing to the Executive Director of the Board for approval prior to
5 attendance. Upon receipt of a written request to attend supplemental
6 education the Executive Director of the Board shall notify Respondent in
7 writing whether the requested supplemental education is approved for
8 attendance. All costs associated with this supplemental education shall be
9 paid by Respondent. In the event Respondent fails to complete all of the
10 supplemental education within twelve (12) months, Respondent agrees her
11 license to practice dentistry in the State of Nevada shall automatically be
12 suspended without any further action of the Board other than the issuance of
13 an Order by the Executive Director. Upon submitting written proof of
14 completion of the supplemental education, Respondent's license to practice
15 dentistry in the State of Nevada shall be automatically reinstated.
16 Respondent agrees to waive any right to seek injunctive relief from any
17 Federal or State of Nevada District Court to prevent the automatic suspension
18 of Respondent's license to practice dentistry in the State of Nevada due to
19 Respondent failure to comply with Paragraph 7(a). Respondent shall also be
20 responsible for any costs or attorney's fees incurred in the event the Board
21 has to seek injunctive relief to prevent Respondent from practicing dentistry
22 during the period Respondent's license is automatically suspended.

23 **b** Respondent agrees to reimburse the Board for costs of the investigation and
24 to monitor this Stipulation in the amount of Five Thousand Dollars
25 (\$5,000.00), pursuant to the following payment schedule:

26 Within seven (7) days after Respondent has executed this Stipulation,
27 Respondent shall deliver to the Board's office (located at 6010 S.
28 Rainbow Blvd. Bldg. A, Suite 1, Las Vegas, Nevada) a check made
payable to the Board in the initial amount of One Thousand Dollars
(\$1,000.00). If the Board does not adopt this Stipulation the One
Thousand Dollars (\$1,000.00) will be returned in full to Respondent.

11 The remaining balance of Four Thousand Dollars (\$4,000.00) will
made in two (2) payments to the Board. **Payment one (1):** Thirty
(30) days from adoption of this Stipulation, Respondent shall deliver
to the Board's office a check made payable to the Board in the
amount of One Thousand Dollars (\$1,000.00). **Payment two (2):**
Sixty (60) days from adoption of this Stipulation, Respondent shall
deliver to the Board's office a check made payable to the Board in the
amount of One Thousand Dollars (\$1,000.00). **Payment three (3):**
Ninety (90) days from adoption of this Stipulation, Respondent shall
deliver to the Board's office a check made payable to the Board in the
amount of One Thousand Dollars (\$1,000.00). **Payment four (4):**
One hundred and twenty (120) days from adoption of this Stipulation,
Respondent shall deliver to the Board's office a check made payable
to the Board in the amount of One Thousand Dollars (\$1,000.00).

12 **c.** Pursuant to NRS 631.350(1), Respondent agrees to reimburse Ms. Barbara
13 Zucker, the amount of Sixteen Thousand Dollars (\$16,000.00) pursuant to
14 the following payment schedule:

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1 Within seven (7) days after Respondent has executed this Stipulation,
2 Respondent shall deliver to the Board's office (located at 6010 S.
3 Rainbow Blvd. Bldg. A, Suite 1, Las Vegas, Nevada) a check made
4 payable to Ms. Barbara Zucker in the initial amount of Two Thousand
Dollars (\$2,000.00). If the Board does not adopt this Stipulation the
Two Thousand Dollar (\$2,000.00) check made payable to Ms.
Barbara Zucker will be returned in to Respondent.

- 5 ii. The remaining balance of Fourteen Thousand Dollars (\$14,000.00)
6 will be made pursuant to following four (4) payments: **Payment one**
7 **(1):** Thirty (30) days from adoption of this Stipulation by the Board,
8 Respondent shall deliver to the Board a check made payable to Ms.
9 Barbara Zucker in the amount of Two Thousand Dollars (\$2,000.00).
10 **Payment two (2):** Sixty (60) days from adoption of this Stipulation
11 by the Board, Respondent shall deliver to the Board a check made
12 payable to Ms. Barbara Zucker in the amount of Three Thousand
13 Dollars (\$3,000.00). **Payment three (3):** Ninety (90) days from
14 adoption of this Stipulation by the Board, Respondent shall deliver to
the Board a check made payable to Ms. Barbara Zucker in the amount
of Four Thousand Dollars (\$4,000.00). **Payment four (4):** One
Hundred Twenty (120) days from adoption of this Stipulation by the
Board, Respondent shall deliver to the Board a check made payable
to Ms. Barbara Zucker in the amount of Four Thousand Dollars
(\$4,000.00). **Payment five (5):** One Hundred Fifty (150) days from
adoption of this Stipulation by the Board, Respondent shall deliver to
the Board a check made payable to Ms. Barbara Zucker in the amount
of One Thousand Dollars (\$1,000.00).

- 15 d Pursuant to NRS 631.350(1), Respondent agrees to reimburse Mr. Adam
16 Lieberman, the amount of Five Thousand Dollars (\$5,000.00) pursuant to the
following payment schedule:

17 Within seven (7) days after Respondent has executed this Stipulation,
18 Respondent shall deliver to the Board's office (located at 6010 S.
19 Rainbow Blvd. Bldg. A, Suite 1, Las Vegas, Nevada) a check made
20 payable to Mr. Adam Lieberman in the initial amount of Two
Thousand Dollars (\$2,000.00). If the Board does not adopt this
Stipulation the Two Thousand Dollar (\$2,000.00) check made
payable to Mr. Adam Lieberman will be returned in to Respondent.

- 21 ii. The remaining balance of Three Thousand Dollars (\$3,000.00) will
22 be made pursuant to following two (2) payments: **Payment one (1):**
23 Thirty days (30) from adoption of this Stipulation by the Board,
24 Respondent shall deliver to the Board a check made payable to Mr.
Adam Lieberman in the amount of Two Thousand Dollars
(\$2,000.00). **Payment two (2):** Sixty days (60) from adoption of this
25 Stipulation by the Board, Respondent shall deliver to the Board a
check made payable to Mr. Adam Lieberman in the amount of One
26 Thousand Dollars (\$1,000.00).

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1 e. In the event Respondent fails to make payments pursuant to paragraphs 7(b)
2 or 7(c) or 7(d), Respondent agrees his license to practice dentistry in the State
3 of Nevada shall be automatically suspended without any further action of the
4 Board other than the issuance of an order by the Board's Executive Director
5 suspending Respondent's license. Respondent agrees to the payment of
6 Twenty-Five Dollars (\$25.00) for each day Respondent is in default on the
7 payments required by Paragraphs 7(b) or 7(c) or 7(d). Respondent may cure
8 any default regarding the payments set forth in Paragraphs 7(b) or 7(c) or 7(d)
9 by delivering to the Board's Executive Director the total amount in default,
10 plus the Twenty-Five Dollar (\$25.00) per day assessment. Upon receipt of
11 payment in full of any amount in default, plus the Twenty-Five Dollar
12 (\$25.00) per day assessment, the Executive Director shall issue an Order
13 reinstating Respondent's license to practice dentistry in the State of Nevada
14 without any further action necessary by the Board. Respondent agrees to
15 waive any right to seek injunctive relief from any Federal or State of Nevada
16 District Court to prevent the automatic suspension of Respondent's license
17 to practice dentistry in the State of Nevada due to Respondent failure to
18 comply with Paragraphs 7(b) or 7(c) or 7(d). Respondent shall also be
19 responsible for any costs or attorney's fees incurred in the event the Board
20 has to seek injunctive relief to prevent Respondent from practicing dentistry
21 during the period Respondent's license is automatically suspended.

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

15 f. Respondent waives any right to have the amounts owed pursuant Paragraphs
16 7(a) and 7(b) and 7(d) discharged in bankruptcy.

17 CONSENT

18 8 Respondent has read all of the provisions contained in this Stipulation and agrees with
19 them in their entirety.

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

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

25 1 Respondent has reviewed the Stipulation with her attorney, Daniel E. Curriden,
26 Esquire, who has explained each and every provision contained in this Stipulation to the Respondent

27 12. Respondent acknowledges she is consenting to this Stipulation voluntarily, without

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1 coercion or duress and in the exercise of his own free will

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

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

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

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

17 DATED this 30 day of September, 2005.

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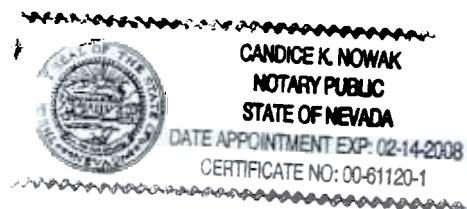

SILVA BATTAGLIN, D.D.S.
Respondent

21 SUBSCRIBED and SWORN to before me
22 this 30 day of September, 2005.

23

24


NOTARY PUBLIC




25 APPROVED AS TO FORM & CONTENT

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27

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DANIEL E. CURRIDEN, ESQ.
Respondent's Counsel


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FROM :

11/17/2005 11:27 FAX 702 388 5990

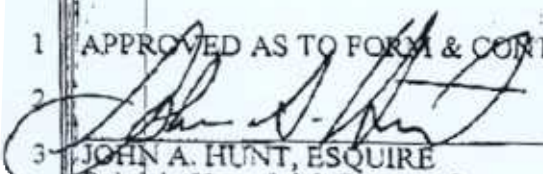
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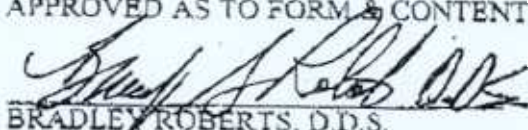
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2008

1 APPROVED AS TO FORM & CONTENT

2 
3 JOHN A. HUNT, ESQUIRE
4 Raleigh, Hunt & McGarry, P.C.
5 Board Counsel

APPROVED AS TO FORM & CONTENT


BRADLEY ROBERTS, D.D.S.
Disciplinary Screening Officer/Informal
Hearing Officer

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

7 DATED this 17 day of November 2005.

8 NEVADA STATE BOARD OF DENTAL EXAMINERS

9 
10 TONY GUVEN, D.D.S.
11 President

12 S:\Electr.Hiwp5\DENTAL\BATTAGLIN\INFORMAL\IRG\Stipulation.wpd

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STATE OF NEVADA
BEFORE THE BOARD OF DENTAL EXAMINERS OF NEVADA

NEVADA STATE BOARD
OF DENTAL EXAMINERS,)
Complainant,) CASE NO.: 05-1203
vs.) STIPULATION
MICHAEL J. STAFFORD, D.D.S.,)
Respondent.)

IT IS HEREBY STIPULATED AND AGREED by and between MICHAEL J. STAFFORD, D.D.S. (hereinafter "Respondent"), by and through his counsel CHARLES E. KELLY, ESQ., and THE NEVADA STATE BOARD OF DENTAL EXAMINERS (hereinafter "Board"), by and through Disciplinary Screening Officer, SAMUEL E. PICK, D.M.D., D.S.O., and the Board's counsel, JOHN A. HUNT, ESQ., of the law firm of RALEIGH, HUNT & MCGARRY, P.C. as follows:

1. On November 4, 2004, the Board notified Respondent of a verified complaint received from Ms. Sandra Course. On November 24, 2005, Respondent filed an answer to the complaint with the Board.

2. Based upon the limited investigation conducted to date, Disciplinary Screening Officer, Samuel Pick, 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 that Respondent rendered treatment below the standard of care to Sandra Course in violation of NRS 631.3475(1).

3. Applying the administrative burden of proof of substantial evidence as set forth in


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1 *State, Emp. Security v. Hilton Hotels*, 102 Nev. 606, 608, 729 P.2d 497, 498 (1986);, and see *Minton*
2 *v. Board of Medical Examiners*, 110 Nev. 1060, 881 P.2d 1339 (1994), see also NRS 233B.135(3)(e)
3 and NRS 631.350(1), but not for any other purpose, Respondent admits the treatment rendered to
4 Sandra Course was below the standard of care in violation of NRS 631.3475(1).

5 4. Based upon the limited investigation conducted to date, the findings of Disciplinary
6 Screening Officer, Samuel Pick, D.D.S., D.S.O., and the admission contained in paragraph three (3)
7 the parties have agreed to resolve the pending disciplinary action pursuant to the following terms and
8 conditions:

- 9 a. Respondent agrees to reimburse the Board for costs of the investigation and
10 to monitor this Stipulation in the amount of One Thousand Five Hundred
11 Dollars (\$1,500), pursuant to the following payment schedule:

12
13 Within fourteen (14) days after Respondent has executed this
14 Stipulation, Respondent shall deliver to the Board's office (located
15 at 6010 S. Rainbow Blvd. Bldg. A, Suite 1, Las Vegas, Nevada) a
16 check made payable to the Board in the initial amount of Five
Hundred Dollars (\$500.00). If the Board does not adopt this
Stipulation the Five Hundred Dollars (\$500.00) will be returned in
full to Respondent.

- 17
18 ii. The remaining balance of One Thousand Dollars (\$1,000.00) will
19 made in two (2) payments to the Board. **Payment one (1):** Ninety
20 (90) days from adoption of this Stipulation, Respondent shall deliver
21 to the Board's office a check made payable to the Board in the
amount of Five Hundred Dollars (\$500.00). **Payment two (2):** One
hundred and eighty (180) days from adoption of this Stipulation,
Respondent shall deliver to the Board's office a check made payable
to the Board in the amount of Five Hundred Dollars (\$500.00).

- 22 b. Pursuant to NRS 631.350(1), Respondent agrees to reimburse Ms. Sandra
23 Course, the amount of Five Thousand One Hundred and Ninety-Six Dollars
24 (\$5,196.00) pursuant to the following payment schedule

- 25 i. Within fourteen (14) days after Respondent has executed this
26 Stipulation, Respondent shall deliver to the Board's office (located at
27 6010 S. Rainbow Blvd. Bldg. A, Suite 1, Las Vegas, Nevada) a check
made payable to Ms. Sandra Course in the initial amount of One
Thousand Dollars (\$1,000.00). If the Board does not adopt this

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Stipulation the One Thousand Dollar (\$1,000.00) check made payable to Ms. Sandra Course will be returned in to Respondent.

- ii. The remaining balance of Four Thousand One Hundred and Ninety-Six Dollars (\$4,196.00) will be made pursuant to following four (4) payments: **Payment one (1):** Ninety (90) days from adoption of this Stipulation by the Board, Respondent shall deliver to the Board a check made payable to Ms. Sandra Course in the amount of One Thousand Forty-Nine Dollars (\$1,049.00.00). **Payment two (2):** One hundred and eighty (180) days from adoption of this Stipulation by the Board, Respondent shall deliver to the Board a check made payable to Ms. Sandra Course in the amount of One Thousand Forty-Nine Dollars (\$1,049.00.00). **Payment three (3):** Two hundred and seventy (270) days from adoption of this Stipulation by the Board, Respondent shall deliver to the Board a check made payable to Ms. Sandra Course in the amount of One Thousand Forty-Nine Dollars (\$1,049.00.00). **Payment four (4):** Three hundred and sixty (360) days from adoption of this Stipulation by the Board, Respondent shall deliver to the Board a check made payable to Ms. Sandra Course in the amount of One Thousand Forty-Nine Dollars (\$1,049.00.00).

- c. In the event Respondent fails to deliver any of the payments required pursuant to Paragraph(s) 4(a) or 4 (b), Respondent agrees his license to practice dentistry in the State of Nevada shall automatically be suspended without any further action of the Board other than issuance of an order by the Executive Director. Failure to deliver payment would include any checks returned for insufficient funds. Respondent agrees to the payment of twenty-five dollars (\$25.00) for each day Respondent fails to deliver any of the payments required by Paragraph(s) 4(a) or 4(b). Respondent may cure any default regarding the payments set forth in Paragraph(s) 4(a) or 4(b), by delivering to the Board's Executive Director the total amount in default, plus the twenty-five dollar (\$25.00) per day assessment. Upon receipt of payment in full of any amount in default, plus the twenty-five dollar (\$25.00) per day assessment, the Executive Director shall without any further action of the Board reinstated Respondent's license to practice dentistry in the State of Nevada, assuming there are no other violations of any of the provisions contained in this


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1 Stipulation. Respondent agrees to waive any right to seek injunctive relief
2 from either the Nevada Federal District Court or the Nevada State District
3 Court to reinstate his license prior to curing any default on the amounts due
4 and owing.

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6 d. Pursuant to N.R.S. 631.350(1)(f), Respondent, upon adoption of this
7 Stipulation **shall not** provide fixed prosthetic treatment(s) to patients until
8 Respondent has completed the supplemental education as set forth in
9 paragraph 4(e) of this Stipulation. Upon completion of the supplemental
10 education set forth in paragraph 4(e), Respondent may request in writing to the
11 Executive Director of the Board permission to resume treatment of patients
12 requiring fixed prosthetics. Upon receiving written permission from the
13 Executive Director, Respondent may commence treating patients requiring
14 fixed prosthetics pursuant to all the terms and conditions set forth in this
15 Stipulation. Respondent shall allow either the Executive Director of the
16 Board and/or the agent appointed by the Executive Director of the Board to
17 monitor Respondent's dental practice without notice during normal business
18 hours to insure Respondent does not perform any fixed prosthetic treatment(s)
19 until Respondent has completed the supplemental education as set forth in
20 paragraph 4(e). In the event the Executive Director receives substantial
21 evidence Respondent has performed fixed prosthetic treatment(s) prior to
22 completing the supplemental education required pursuant to paragraph 4(e),
23 Respondent agrees his license to practice dentistry in the state of Nevada shall
24 automatically be suspended without any further action of the Board other than
25 the issuance of an Order by the Executive Director. Respondent agrees to
26 waive any right to seek injunctive relief from any Federal or State of Nevada
27 District Court to prevent the automatic suspension of Respondent's license to
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1 practice dentistry in the State of Nevada due to Respondent rendering fixed
2 prosthetic treatments prior to completing the supplemental education required
3 pursuant to paragraph 4(e). Thereafter Respondent may request a full Board
4 hearing to reinstate his license to practice dentistry in the State of Nevada.
5 Respondent shall also be responsible for any costs or attorney's fees incurred
6 in the event the Board has to seek injunctive relief to prevent Respondent from
7 practicing dentistry during the period Respondent's license is automatically
8 suspended.

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- 10 e. Pursuant to NRS 631.350(1)(k), in addition to completing the required
11 continuing education, Respondent shall obtain a total of twelve (12) additional
12 hours of supplemental education in the following regarding fixed prosthetics
13 requiring hands-on clinical demonstration. All supplemental education must
14 be completed within twelve (12) months of the approval of this Stipulation by
15 the Board. The supplemental education must be submitted in writing to the
16 Executive Director of the Board for approval prior to attendance. Upon
17 receipt of a written request to attend supplemental education, the Executive
18 Director of the Board shall notify Respondent in writing whether the requested
19 supplemental education is approved for attendance. All costs associated with
20 this supplemental education shall be paid by Respondent. Upon completion
21 of the supplemental education required for fixed prosthetics, Respondent may
22 request permission from the Executive Director to reinstate her privileges to
23 treat patients requiring fixed prosthetics as set forth in paragraph 4(d) and 4(e).
24 In the event Respondent fails to complete all of the supplemental education
25 within twelve (12) months of adoption of this Stipulation, Respondent agrees
26 his license to practice dentistry in the state of Nevada shall automatically be
27 suspended without any further action of the Board other than the issuance of

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1 an Order by the Executive Director. Upon submitting written proof of
2 completion of all the supplemental education, Respondent's license to practice
3 dentistry in the State of Nevada will be automatically reinstated pursuant to
4 the terms and conditions of this Stipulation. Respondent agrees to waive any
5 right to seek injunctive relief from any Federal or State of Nevada District
6 Court to prevent the automatic suspension of Respondent's license to practice
7 dentistry in the State of Nevada due to Respondent failure to comply with
8 Paragraph 4(e) Respondent shall also be responsible for any costs or
9 attorney's fees incurred in the event the Board has to seek injunctive relief to
10 prevent Respondent from practicing dentistry during the period Respondent's
11 license is automatically suspended.

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

15 g. Respondent waives any right to have the amounts owed pursuant Paragraph
16 4(a) or 4(b) discharged in bankruptcy

17 CONSENT

18 5 Respondent has read all of the provisions contained in this Stipulation and agrees with
19 them in their entirety

20 6 Respondent is aware by entering into this Stipulation he is waiving certain valuable
21 due process rights contained in, but not limited to, NRS 631, NAC 63 NRS 233B and NAC 233B

22 7 Respondent expressly waives any right to challenge the Board for bias in deciding
23 whether or not to adopt this Stipulation in the event this matter was to proceed to a full Board hearing.

24 8 Respondent has reviewed the Stipulation with his attorney, Charles E. Kelly, Esquire,
25 who has explained each and every provision contained in this Stipulation to the Respondent

26 9 Respondent acknowledges he is consenting to this Stipulation voluntarily, without
27 coercion or duress and in the exercise of his own free will

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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.

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.

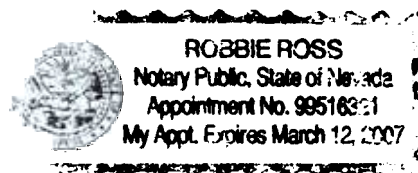
13 This Stipulation will be considered by the Board in an open meeting. It is understood and stipulated the Board is free to accept or reject the Stipulation and, if the Stipulation is rejected by the Board, further disciplinary action may be implemented. This Stipulation will only become effective when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

DATED this 28 day of July, 2005

Michael J. Stafford
MICHAEL J. STAFFORD, D.D.S.
Respondent

SUBSCRIBED and SWORN to before me
this 23 day of APR, 2005.

NOTARY PUBLIC



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FROM :

FAX NO. :

11/17/2005 11:07 FAX 762 386 8990

RALEIGH HUNT MCGARRY DRI

Aug. 16 2004 07:10PM P3
000/000

1 APPROVED AS TO FORM & CONTENT

2
3 CHARLES E. KELLY, ESQ.
4 Respondent's Counsel

5
6 APPROVED AS TO FORM & CONTENT

7
8 JOHN A. HUNT, ESQUIRE
9 Raleigh, Hunt & McGarry, P.C.
Board Counsel

APPROVED AS TO FORM & CONTENT

10
11 SAMUEL PICK, D.D.S., D.S.O.
Disciplinary Screening Officer/Informal
Hearing Officer

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

14 DATED this 17 day of November 2005.

15 NEVADA STATE BOARD OF DENTAL EXAMINERS

16 TONY GUZZEN, D.D.S.
17 President

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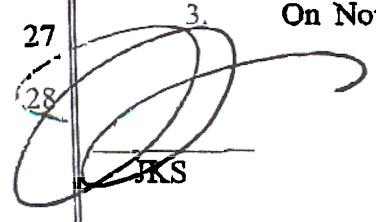
STATE OF NEVADA
BEFORE THE BOARD OF DENTAL EXAMINERS OF NEVADA

NEVADA STATE BOARD OF DENTAL EXAMINERS,)	Case No. 05-1069
)	
Complainant,)	
)	<u>STIPULATION</u>
vs.		
JAY K. SELZNICK, DMD, MD)	
)	
Respondent.)	
_____)	

IT IS HEREBY STIPULATED AND AGREED by and between JAY K. SELZNICK, D.M.D., M.D. (Hereinafter "Respondent"), by and through his counsel, DAVID J. MORTENSEN, ESQ., and THE NEVADA STATE BOARD OF DENTAL EXAMINERS (hereinafter "Board") by and through Disciplinary Screening Officer, LARRY DERMODY, D.D.S., and Board's counsel, JOHN A. HUNT, ESQ., of the law firm of RALEIGH, HUNT & McGARRY, P.C. as follows:

PROCEDURAL HISTORY

- 1 On December 4, 2003, the Board notified Respondent of a verified complaint received from Ms. Karyn Hopkins. On December 9, 2003, Respondent filed an answer to the complaint.
- 2 On September 15, 2004, the Board notified Respondent of a verified complaint received from Ms. Bettie Nelson. On September 27, 2004, Respondent filed an answer to the complaint.
- 3 On November 8, 2004, the Board notified Respondent of a verified complaint


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1 received from Ms. Cherlyn Harris. On November 22, 2004, Respondent filed an answer to the
2 complaint.

3
4 4. On December 27, 2004, the Board notified Respondent of a verified complaint
5 received from Ms. Margaret Fraga. On January 6, 2005, the Board received a request for an
6 extension to file an answer from David J. Mortensen, Esq. and authorized an extension until
7 February 8, 2005. On March 4, 2005, Respondent filed an answer to the complaint.

8
9 5. On December 27, 2004, the Board notified Respondent of a verified complaint
10 received from Ms. Tina Cabrales. On January 6, 2005, the Board received a request for an extension
11 to file an answer from David J. Mortensen, Esq. and authorized an extension until February 8, 2005
12 On March 4, 2005, Respondent filed an answer to the complaint.

13
14 6. On December 27, 2004, the Board notified Respondent of a verified complaint
15 received from Ms. Shauna Williams. On January 6, 2005, the Board received a request for an
16 extension to file an answer from David J. Mortensen, Esq. and authorized an extension until
17 February 8, 2005. On March 4, 2005, Respondent filed an answer to the complaint.

18
19 7. On December 27, 2004, the Board notified Respondent of a verified complaint
20 received from Mr. Brian Salafia. On January 6, 2005, the Board received a request for an extension
21 to file an answer from David J. Mortensen, Esq. and authorized an extension until February 8, 2005.
22 On March 4, 2005, Respondent filed an answer to the complaint.

23 **DISCIPLINARY SCREENING OFFICER'S FINDINGS**

24 8. Based upon the limited investigation conducted to date, Disciplinary Screening
25 Officer, Larry Dermody, D.D.S., applying the administrative burden of proof of substantial evidence
26 as set forth in *State, Emp. Security v. Hilton Hotels*, 102 Nev. 606, 608, 729 P.2d 497, 498 (1986);
27 and see *Minton v. Board of Medical Examiners*, 110 Nev. 1060, 881 P.2d 1339 (1994); see also NRS
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1 233B.135(3)(e), but not for any other purpose, finds there is substantial evidence Respondent on
2 more than one occasion failed to obtain an informed consent from patient(s) prior to rendering
3 dental treatments in violation of NRS 631.3475(1) & (4) and NAC 631.230(1)(c).
4

5 9. Based upon the limited investigation conducted to date, Disciplinary Screening
6 Officer, Larry Dermody, D.D.S., applying the administrative burden of proof of substantial evidence
7 as set forth in *State, Emp. Security v. Hilton Hotels*, 102 Nev. 606, 608, 729 P.2d 497, 498 (1986);
8 and see *Minton v. Board of Medical Examiners*, 110 Nev. 1060, 881 P.2d 1339 (1994), see also NRS
9 233B.135(3)(e), but not for any other purpose, finds there is substantial evidence Respondent on
10 more than one occasion rendered treatment which was below the standard of care in violation of
11 NRS 631.3475(1) & (4) and NAC 631.230(1)(c) when Respondent extracted teeth from patients
12 who had not authorized those extraction(s).
13

14 10. Based upon the limited investigation conducted to date, Disciplinary Screening
15 Officer, Larry Dermody, D.D.S., applying the administrative burden of proof of substantial evidence
16 as set forth in *State, Emp. Security v. Hilton Hotels*, 102 Nev. 606, 608, 729 P.2d 497, 498 (1986);
17 and see *Minton v. Board of Medical Examiners*, 110 Nev. 1060, 881 P.2d 1339 (1994), see also NRS
18 233B.135(3)(c), but not for any other purpose, finds there is substantial evidence Respondent failed
19 to notify the Board in writing by certified mail of the service upon him of the filing of malpractice
20 complaints of Karyn Hopkins, Nicholas Pearson, and Brian Salafia in violation of NAC 631.155(5).
21

22 11. Based upon the limited investigation conducted to date, Disciplinary Screening
23 Officer, Larry Dermody, D.D.S., applying the administrative burden of proof of substantial evidence
24 as set forth in *State, Emp. Security v. Hilton Hotels*, 102 Nev. 606, 608, 729 P.2d 497, 498 (1986);
25 and see *Minton v. Board of Medical Examiners*, 110 Nev. 1060, 881 P.2d 1339 (1994), see also NRS
26 233B.135(3)(e), but not for any other purpose, finds there is substantial evidence Respondent failed
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to notify the Board in writing by certified mail that Respondent's dental license in the State of New York had been suspended due to non-payment of fees in violation of NAC 631.155(3).

12. Based upon the limited investigation conducted to date, Disciplinary Screening Officer, Larry Dermody, 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), but not for any other purpose, finds there is substantial evidence Respondent failed to report to the Board he was convicted of one count of felony filing of a False Tax Return in violation of NAC 631.155(4).

13. Based upon the limited investigation conducted to date, Disciplinary Screening Officer, Larry Dermody, 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), but not for any other purpose, finds there is substantial evidence Respondent's advertisements claiming the services provided by Respondent are "Virtually Painless" are in violation of NAC 631.270(1)(c).

14. Based upon the limited investigation conducted to date, Disciplinary Screening Officer, Larry Dermody, 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), but not for any other purpose, finds there is substantial evidence Respondent submitted a falsely witnessed informed consent in violation of NAC 631.230(1)(a)

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1 RESPONDENT JAY K. SELZNICK, DMD, MD'S REPRESENTATIONS

2 AND AGREEMENT

3 15. Without identifying the patients who were falsely billed for dental services rendered
4 and applying the administrative burden of proof of substantial evidence as set forth in *State, Emp.*
5 *Security v. Hilton Hotels*, 102 Nev. 606, 608, 729 P.2d 497, 498 (1986); and see *Minton v. Board*
6 *of Medical Examiners*, 110 Nev. 1060, 881 P.2d 1339 (1994), see also NRS 233B.135(3)(e), but
7 not for any other purpose, Respondent **DENIES** that on more than one occasion, he violated NRS
8 631.3475(1) & (4) and NAC 631.230(1)(c) when Respondent failed to obtain an informed consent
9 from patient(s) prior to rendering dental treatments. According to Respondent, although he admits
10 the informed consent form he was using was inadequate, it is Respondent's contention, contrary to
11 the statements of the patients, that he never performed any procedure without explaining to the
12 patient what was going to be done and why it was being done.

13 16. Without identifying the patients or the specific incidents of treatment and applying
14 the administrative burden of proof of substantial evidence as set forth in *State, Emp. Security v.*
15 *Hilton Hotels*, 102 Nev. 606, 608, 729 P.2d 497, 498 (1986); see also NRS 233B.135, and see
16 *Minton v. Board of Medical Examiners*, 110 Nev. 1060, 881 P.2d 1339 (1994), see also NRS
17 233B.135(3)(e), but not for any other purpose, Respondent **DENIES** that on any occasion, he
18 violated NRS 631.3475(1) & (4) and NAC 631.230(1)(c) when Respondent extracted teeth that were
19 not authorized by the patient(s) for extraction. According to Respondent, although he admits the
20 informed consent form he was using was inadequate, it is Respondent's contention, contrary to the
21 statements of the patients, that he never performed any procedure without explaining to the patient
22 what was going to be done and why it was being done.

23 17. Applying the administrative burden of proof of substantial evidence as set forth in
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1 *State, Emp. Security v. Hilton Hotels*, 102 Nev. 606, 608, 729 P.2d 497, 498 (1986); *see also* NRS
2 233B.135, and *see Minton v. Board of Medical Examiners*, 110 Nev. 1060, 881 P.2d 1339 (1994),
3 *see also* NRS 233B.135(3)(e), but not for any other purpose, Respondent admits to violating NAC
4 631.155(5) when Respondent failed to notify the Board in a timely manner in writing by certified
5 mail of the service upon him of the filing of malpractice complaints of Karyn Hopkins, Nicholas
6 Pearson, and Brian Salafia. **However**, it is acknowledged that Respondent did report the malpractice
7 claims of Karyn Hopkins, Nicholas Pearson and Brian Salafia on Respondent's annual license
8 renewals.
9

10
11 18. Applying the administrative burden of proof of substantial evidence as set forth in
12 *State, Emp. Security v. Hilton Hotels*, 102 Nev. 606, 608, 729 P.2d 497, 498 (1986); *see also* NRS
13 233B.135, and *see Minton v. Board of Medical Examiners*, 110 Nev. 1060, 881 P.2d 1339 (1994),
14 *see also* NRS 233B.135(3)(e), but not for any other purpose, Respondent admits to violating NAC
15 631.155(3) when Respondent failed to notify the Board in writing by certified mail that
16 Respondent's dental license in the State of New York had been suspended due to non-payment of
17 fees.
18

19 19. Applying the administrative burden of proof of substantial evidence as set forth in
20 *State, Emp. Security v. Hilton Hotels*, 102 Nev. 606, 608, 729 P.2d 497, 498 (1986); and *see Minton*
21 *v. Board of Medical Examiners* 110 Nev. 1060, 881 P.2d 1339 (1994), *see also* NRS 233B.135(3)(e),
22 but not for any other purpose, Respondent admits he failed to notify the Board in writing by certified
23 mail of his conviction for filing a False Tax Return, a felony, in violation of NAC 631.155(4).
24 **However**, according to Respondent, he could not report the felony for filing a false tax return
25 because a Federal Judge had sealed the case. Once the seal was lifted, Respondent reported his
26 felony for filing a false tax return on his 2004 license renewal.
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1 20. Applying the administrative burden of proof of substantial evidence as set forth in
2 *State, Emp. Security v. Hilton Hotels*, 102 Nev. 606, 608, 729 P.2d 497, 498 (1986); and see *Minton*
3 *v. Board of Medical Examiners*, 110 Nev. 1060, 881 P.2d 1339 (1994), see also NRS 233B.135(3)(e),
4 but not for any other purpose, Respondent admits his advertisements for "virtually painless" tooth
5 removal were not in strict compliance with NAC 631.270(1)(c). However, Respondent believes
6 if this matter were to proceed to a full Board hearing, "Virtually Painless" tooth removal may be
7 interpreted as not being in violation of NAC 631.270(1)(c). Respondent, in the interest of his
8 patients, upon being presented with the information at the informal hearing regarding the possible
9 violation of NAC 631.270(1)(c), immediately withdrew those advertisements containing the words
10 "Virtually Painless".
11

12
13 21. Applying the administrative burden of proof of substantial evidence as set forth in
14 *State, Emp. Security v. Hilton Hotels*, 102 Nev. 606, 608, 729 P.2d 497, 498 (1986); and see *Minton*
15 *v. Board of Medical Examiners*, 110 Nev. 1060, 881 P.2d 1339 (1994), see also NRS
16 233B.135(3)(e), but not for any other purpose, Respondent admits that unbeknownst to him an
17 employee made a late entry to the informed consent form of Shauna Williams. Subsequent to the
18 late entry to the informed consent form and prior to this document being submitted to the Board by
19 Respondent, Respondent was aware that the informed consent form had been altered with the late
20 entry. By submitting the altered informed consent form Respondent admits he is responsible for a
21 violation of NAC 631.230(1)(a)
22

23 **STIPULATED AGREEMENT**
24

25 22. Based upon the admissions contained in paragraphs 15 16, 17, 18, 19, 20 and 21,
26 Respondent agrees to the following:

27 a. Pursuant to NRS 631.350(d), Respondent agrees to probation for a period of
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1 three (3) years commencing upon adoption of this Stipulation. In the event
2 Respondent successfully completes the probationary period of three (3) years,
3 Respondent's license to practice dentistry in the State of Nevada shall be
4 reinstated to good standing. The probationary period shall be based on the
5 following conditions:
6

- 7 i. Upon adoption of this Stipulation by the Board, Respondent agrees
8 to use an informed consent form provided by the Disciplinary
9 Screening Officer. The provided informed consent form must be
10 signed and maintained for every patient of record subsequent to the
11 adoption of this Stipulation. During the probationary period,
12 Respondent shall, with or without prior notice, grant access during
13 normal business hours to the assigned Disciplinary Screening Officer
14 and/or any agent appointed by the Executive Director to inspect
15 patient charts and records to determine whether Respondent has
16 obtained an executed informed consent form prescribed by the
17 Disciplinary Screening Officer. Respondent, at the time of
18 inspection, shall provide at Respondent's expense copies of any of
19 the patient records, charts, or billings requested by an agent of the
20 Board. Respondent's failure to allow an inspection during normal
21 business hours or failure to provide requested items shall be deemed
22 to be unprofessional conduct causing Respondent's license to practice
23 dentistry in the State of Nevada to be automatically suspended
24 without any further action of the Board other than the issuance of an
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1 Order by the Executive Director. Further, in the event the
2 Disciplinary Screening Officer or agent assigned by the Executive
3 Director finds the reviewed records do not contain a signed informed
4 consent form prescribed by the Disciplinary Screening Officer, such
5 conduct shall be deemed to be unprofessional conduct causing
6 Respondent's license to practice dentistry in the State of Nevada to
7 be automatically suspended without any further action of the Board
8 other than the issuance of an Order by the Executive Director.
9 Respondent agrees any automatic suspension will remain in effect
10 until such time as a full Board hearing is convened to determine
11 whether Respondent was justified in refusing to allow the
12 inspection(s) of Respondent's dental practice during normal business
13 hours or in failing to provide copies of requested items or to
14 determine if there is any justification for the informed consent form
15 prescribed by the Disciplinary Screening Officer not being signed by
16 the patient(s). Respondent waives any right to seek injunctive relief
17 from either the Nevada Federal District Court or the Nevada State
18 District Court to reinstate his automatically suspended license
19 pending a final decision by the Board.
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- 24 b. Respondent agrees he shall submit to the Board any and all documentation
25 regarding the terms of his probation entered into the Federal Court Case No.
26 CR-S-03-277-KJD(RJJ).

- 27 c. Respondent acknowledges he has completed a twelve month probationary
28

1 period and paid restitution in the amount of two hundred and forty-six
2 thousand dollars (\$246,000.00) for his one count felony conviction for filing
3 a false tax return. Respondent further agrees, in the event any other
4 probationary terms are levied, Respondent shall, in writing, within seventy-
5 two (72) hours of any probation violations. Upon notification of a
6 probation violation, the Executive Director, without any further hearing or
7 action by the Board, shall issue an order suspending Respondent's license to
8 practice dentistry in the State of Nevada. Thereafter, when Respondent is in
9 full compliance with the terms of Respondent's federal probation,
10 Respondent may request a hearing before the Board to reinstate his license.
11 However, during the pendency of the hearing before the Board, Respondent
12 waives any right to seek judicial review (State or Federal) to reinstate his
13 privilege to practice dentistry in the State of Nevada pending a decision of the
14 Board.

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20 d. Respondent, pursuant to NRS 631.350(1)(j), shall retake the jurisprudence
21 test as required by NRS 631.240(2) on the contents and interpretation of NRS
22 631 and the regulations of the Board. Respondent shall have ninety (90)
23 days, commencing upon adoption of this Stipulation, to complete the re-
24 examination. The jurisprudence examination is administered on the first
25 Monday of each month at 10:00 a.m. and 2:00 p.m. at the Board's office.
26 Respondent shall contact the Board to schedule a time to submit to the re-
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1 examination. In the event Respondent fails to successfully complete the re-
2 examination within ninety (90) days of adoption of this Stipulation,
3 Respondent agrees his license to practice dentistry in the State of Nevada
4 shall be automatically suspended without any further action of the Board
5 other than issuance of an order by the Executive Director. Upon successful
6 completion of the re-examination, Respondent's license to practice dentistry
7 in the State of Nevada will be automatically reinstated, assuming all other
8 provisions of this Stipulation are in compliance. Respondent agrees to waive
9 any right to seek injunctive relief from any Federal or State of Nevada
10 District Court to prevent the automatic suspension of Respondent's license
11 to practice dentistry in the State of Nevada due to Respondent's failure to
12 comply with Paragraph 22(d). Respondent shall also be responsible for any
13 costs or attorney's fees incurred in the event the Board seeks injunctive relief
14 to prevent Respondent from practicing dentistry during the period
15 Respondent's license is automatically suspended.

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19 e. Respondent, pursuant to NRS 631.350(c), agrees to pay a fine in the amount
20 of One Thousand Five Hundred (\$1,500.00) Dollars. This amount shall be
21 payable within (90) days of adoption of this Stipulation by the Board.

22
23 f. Respondent will reimburse the Board for the cost of the investigation and to
24 monitor Respondent's practice in Nevada during the three (3) year
25 probationary period in the amount of Fifty-Six Thousand Dollars
26 (\$56,000.00) pursuant to the following payment schedule:

27 i. \$9,333.33 payable to the Board commencing six (6)

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months after to the adoption of this Stipulation and every six months thereafter until the remaining balance is paid in full. Respondent may pre-pay any amounts in part or in full.

- g. Pursuant to NRS 631.3501(1), upon adoption of this Stipulation, Respondent shall reimburse Karyn Hopkins the sum of \$712.00. Respondent shall deliver to the Board's office (located at 6010 S. Rainbow Blvd. Bldg. A, Suite 1, Las Vegas, Nevada) a check made payable to Karyn Hopkins in the amount of \$712.00. Respondent agrees any outstanding balances due (if any) from Karyn Hopkins for alleged services rendered are hereby waived. Respondent agrees Karyn Hopkins is hereby relieved of any such obligation. Lastly, Respondent will not seek or initiate any action to collect any outstanding balances (if any) due from Karyn Hopkins.
- h. Pursuant to NRS 631.3501(1), upon adoption this Stipulation, Respondent agrees any outstanding balances due (if any) from Bettie Nelson for alleged services rendered are hereby waived. Respondent agrees Bettie Nelson is hereby relieved of any such obligation. Lastly, Respondent will not seek or initiate any action to collect any outstanding balances (if any) due from Bettie Nelson. It is acknowledged by the Board that Respondent did not receive any compensation from Bettie Nelson or any third party for the alleged services rendered by Respondent.
- i. Pursuant to NRS 631.3501(1), upon adoption this Stipulation, Respondent shall reimburse Cheryl Harris the sum of \$872.99. Respondent shall deliver to the Board's office (located at 6010 S. Rainbow Blvd. Bldg. A, Suite 1, Las

1 Vegas, Nevada) a check made payable to Cherlyn Harris in the amount of
2 \$872.99. Respondent agrees any outstanding balances due (if any) from
3 Cherlyn Harris for alleged services rendered are hereby waived. Respondent
4 agrees Cherlyn Harris is hereby relieved of any such obligation. Lastly,
5 Respondent will not seek or initiate any action to collect any outstanding
6 balances (if any) due from Cherlyn Harris.
7

8 j. Pursuant to NRS 631.3501(l), upon adoption of this Stipulation, Respondent
9 shall reimburse Margaret Fraga the sum of \$687.00. Respondent shall
10 deliver to the Board's office (located at 6010 S. Rainbow Blvd. Bldg. A,
11 Suite 1, Las Vegas, Nevada) a check made payable to Margaret Fraga in the
12 amount of \$687.00. Respondent agrees any outstanding balances due (if any)
13 from Margaret Fraga for alleged services rendered are hereby waived.
14 Respondent agrees Margaret Fraga is hereby relieved of any such obligation.
15 Lastly, Respondent will not seek or initiate any action to collect any
16 outstanding balances (if any) due from Margaret Fraga.
17

18 k. Pursuant to NRS 631.3501(l), upon adoption of this Stipulation, Respondent
19 shall reimburse Tina Cabrales the sum of \$1,362.00. Respondent shall
20 deliver to the Board's office (located at 6010 S. Rainbow Blvd. Bldg. A,
21 Suite 1, Las Vegas, Nevada) a check made payable to Tina Cabrales in the
22 amount of \$1,362.00. Respondent agrees any outstanding balances due (if
23 any) from Tina Cabrales for alleged services rendered are hereby waived.
24 Respondent agrees Tina Cabrales is hereby relieved of any such obligation.
25 Lastly, Respondent will not seek or initiate any action to collect any
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outstanding balances (if any) due from Tina Cabrales.

1. Pursuant to NRS 631.3501(l), upon adoption of this Stipulation, Respondent shall reimburse Shauna Williams the sum of \$651.00. Respondent shall deliver to the Board's office (located at 6010 S. Rainbow Blvd. Bldg. A, Suite 1, Las Vegas, Nevada) a check made payable to Shauna Williams in the amount of \$651.00. Respondent agrees any outstanding balances due (if any) from Shauna Williams for alleged services rendered are hereby waived. Respondent agrees Shauna Williams is hereby relieved of any such obligation. Lastly, Respondent will not seek or initiate any action to collect any outstanding balances (if any) due from Shauna Williams.
- m. Pursuant to NRS 631.3501(l), upon adoption of this Stipulation, Respondent shall reimburse Brian Salafia the sum of \$1,144.00. Respondent shall deliver to the Board's office (located at 6010 S. Rainbow Blvd. Bldg. A, Suite 1, Las Vegas, Nevada) a check made payable to Brian Salafia in the amount of \$1,144.00. Respondent agrees any outstanding balances due (if any) from Brian Salafia for alleged services rendered are hereby waived. Respondent agrees Brian Salafia is hereby relieved of any such obligation. Lastly, Respondent will not seek or initiate any action to collect any outstanding balances (if any) due from Brian Salafia.
- n. Pursuant to NRS 631.3501(l), upon adoption of this Stipulation, Respondent shall reimburse Sophia Harris the sum of \$168.00. Respondent shall deliver to the Board's office (located at 6010 S. Rainbow Blvd. Bldg. A, Suite 1, Las Vegas, Nevada) a check made payable to Sophia Harris in the amount of

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1 \$168.00. Respondent agrees any outstanding balances due (if any) from
2 Sophia Harris for alleged services rendered are hereby waived. Respondent
3 agrees Sophia Harris is hereby relieved of any such obligation. Lastly,
4 Respondent will not seek or initiate any action to collect any outstanding
5 balances (if any) due from Sophia Harris.
6

7 o. Pursuant to NRS 631.3501(1), upon adoption of this Stipulation, Respondent
8 shall reimburse Jerry Anzalone the sum of \$4,550.00. Respondent shall
9 deliver to the Board's office (located at 6010 S. Rainbow Blvd. Bldg. A,
10 Suite 1, Las Vegas, Nevada) a check made payable to Jerry Anzalone in the
11 amount of \$4,550.00. Respondent agrees any outstanding balances due (if
12 any) from Jerry Anzalone for alleged services rendered are hereby waived.
13 Respondent agrees Jerry Anzalone is hereby relieved of any such obligation.
14 Lastly, Respondent will not seek or initiate any action to collect any
15 outstanding balances (if any) due from Jerry Anzalone.
16

17 p. Pursuant to NRS 631.3501(1), upon adoption of this Stipulation, Respondent
18 shall reimburse Travis Black the sum of \$717.00. Respondent shall deliver
19 to the Board's office (located at 6010 S. Rainbow Blvd. Bldg. A, Suite 1, Las
20 Vegas, Nevada) a check made payable to Travis Black in the amount of
21 \$717.00. Respondent agrees any outstanding balances due (if any) from
22 Travis Black for alleged services rendered are hereby waived. Respondent
23 agrees Travis Black is hereby relieved of any such obligation. Lastly,
24 Respondent will not seek or initiate any action to collect any outstanding
25 balances (if any) due from Travis Black.
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- q. Pursuant to NRS 631.3501(1), upon adoption of this Stipulation, Respondent shall reimburse Timothy Hanson the sum of \$1,505.60. Respondent shall deliver to the Board's office (located at 6010 S. Rainbow Blvd. Bldg. A, Suite 1, Las Vegas, Nevada) a check made payable to Timothy Hanson in the amount of \$1,505.60. Respondent agrees any outstanding balances due (if any) from Timothy Hanson for alleged services rendered are hereby waived. Respondent agrees Timothy Hanson is hereby relieved of any such obligation. Lastly, Respondent will not seek or initiate any action to collect any outstanding balances (if any) due from Timothy Hanson.
- r. In the event Respondent defaults on any of the payments set forth in either paragraph 22(e), or 22(f), or 22(g), or 22(h), or 22(i), or 22(j), or 22(k), or 22(l), or 22(m), or 22(n), or 22(o), or 22(p), or 22(q), Respondent agrees his license to practice dentistry in the State of Nevada shall automatically be suspended without any further action of the Board other than issuance of an order by the Executive Director. Respondent agrees to pay a liquidated damage amount of Twenty Five Dollars (\$25.00) for each day Respondent is in default on the payment of any of the amounts set forth in either paragraph 22(e), or 22(f), or 22(g), or 22(h), or 22(i), or 22(j), or 22(k), or 22(l), or 22(m), or 22(n), or 22(o), or 22(p), or 22(q). Upon curing the default of the applicable defaulted paragraph, Respondent's license to practice dentistry in the State of Nevada will automatically be reinstated by the Executive Director of the Board, assuming there are no other violations of any of the provisions contained in this Stipulation. Respondent shall also be responsible for any

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3 which his license is suspended. Respondent agrees to waive any right to seek
4 injunctive relief from either the Nevada Federal District Court or the Nevada
5 State District Court to reinstate his license prior to curing any default on the
6 amounts due and owing.

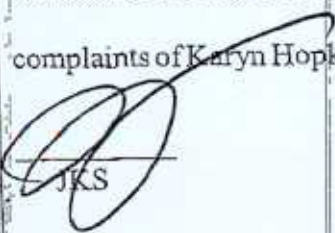
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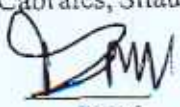
9 am either paragraph 22(e), or 22(f), or 22(g), or 22(h), or
10 22(i), or 22(j), or 22(k), or 22(l), or 22(m), or 22(n), or 22(o), or 22(p), or
11 22(q) within forty-five (45) days of the default, Respondent agrees the
12 amount may be reduced to judgment by any Federal or State District Court
13 in Nevada. Respondent waives any right to have the amounts
14 owed
15 22(i), or 22(k), or 22(l), or 22(m), or 22(n), or 22(o), or 22(p), or 22(q)
16 discharged in bankruptcy.

17
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19 t. Pursuant to 631.350(k), in addition to completing the required
20 continuing education, Respondent shall obtain twenty (20) additional hours
21 in supplemental education relating to diagnosing for extraction of teeth and/or
22 in Nevada. Twenty (20) hours of the supplemental education must be
23 completed within two (2) years of the adoption of this Stipulation by the
24 Board. A request to attend the supplemental education must be submitted in
25 writing to obtain prior written approval from the Executive Director of the
26 Board. Upon receipt of a request to attend supplemental education, the
27
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1 Executive Director of the Board shall notify Respondent, in writing, of
2 approval of such attendance. All costs associated with this supplemental
3 education shall be paid by Respondent. In the event Respondent fails to
4 complete twenty (20) additional hours of supplemental education related to
5 tooth extraction and/or informed consent within two (2) years of the Board
6 adopting this Stipulation, Respondent agrees his license to practice dentistry
7 in the State of Nevada shall automatically be suspended without any further
8 action of the Board other than issuance of an order by the Executive Director.
9 Respondent agrees the suspension Order regarding Respondent's failure to
10 complete the supplemental education shall remain in effect until such time as
11 Respondent completes the required supplemental education. Upon
12 submitting proof of completion of the supplemental education to the Board,
13 the Executive Director shall reinstate Respondent's license to practice
14 dentistry in the State of Nevada, assuming all other provisions of this
15 Stipulation are in compliance. Respondent agrees in the event his license is
16 suspended for failure to attend the supplemental education in the time allotted
17 pursuant to this paragraph, Respondent waives any right to seek injunctive
18 relief from either the Nevada Federal District Court or the Nevada State
19 District Court to reinstate his license prior to completion of the required
20 supplemental education.
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24

25 23. It is agreed this Stipulation disposes of all issues, claims, complaints, alleged
26 violations of NRS 631, NAC 631, NRS 233B and/or NAC 233B, including but not limited to, the
27 complaints of Karyn Hopkins, Bettie Nelson, Cherlyn Harris, Margaret Fraga, Tina Cabrales, Shauna
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1 Williams, Brian Salafia, Timothy Hanson, Sophia Harris, Travis Black and Jerry Anzalone as of
2 December 15, 2005, as well as any issues noticed and/or raised in whole or in part at the Informal
3 Investigation Hearings conducted on July 7, 2004, May 13, 2005 and May 31, 2005.

4
5 CONSENT

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

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

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

13
14 27. Respondent has reviewed the Stipulation with his attorney, David J. Mortensen, Esq.,
15 who has explained each and every provision contained in this Stipulation to the Respondent.

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

18
19 29. Respondent acknowledges no other promises in reference to the provisions contained
20 in this Stipulation have been made by any agent, employee, counsel or any person affiliated with the
21 Nevada State Board of Dental Examiners.

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

25
26 31. Respondent agrees in the event the Board adopts this Stipulation, he hereby waives
27 any and all rights to seek judicial review or otherwise to challenge or contest the validity of the
28

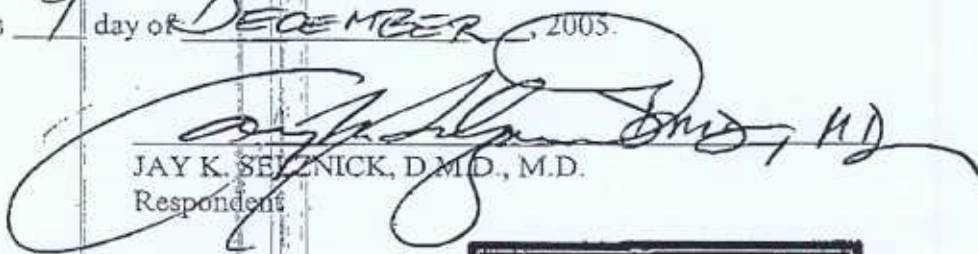

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provisions contained in the Stipulation.

32. 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. If adopted, this Stipulation shall also be reported to the National Practitioners Data Bank.

DATED this 9 day of DECEMBER, 2005.



JAY K. SEZNICK, D.M.D., M.D.
Respondent

SUBSCRIBED and SWORN to before me
this 9th day of December, 2005.

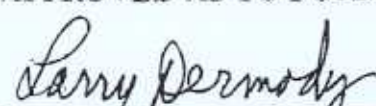



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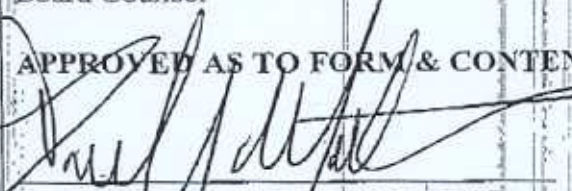
APPROVED AS TO FORM & CONTENT


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

APPROVED AS TO FORM & CONTENT


LARRY DERMODY, D.D.S.
Disciplinary Screening Office/Informal
Hearing Officer

APPROVED AS TO FORM & CONTENT


DAVID J. MORTENSEN, ESQUIRE
Attorney for Respondent


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

3 DATED this 15 day of Dec, 2005.

4 NEVADA STATE BOARD OF DENTAL EXAMINERS

5
6 
7 TONY GUILLEN, D.D.S.
8 President

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Law Office
RALEIGH, HUNT & MCGARRY, P.C.
112 GARCES AVENUE
SUITE 200
LAS VEGAS, NEVADA 89101
(702) 386-4842

STATE OF NEVADA

BEFORE THE BOARD OF DENTAL EXAMINERS OF NEVADA

NEVADA STATE BOARD
OF DENTAL EXAMINERS,

Complainant,

vs.

GERALD P. RAMPTON, D.M.D.

Respondent.

Case No. 1200-05

STIPULATION

IT IS HEREBY STIPULATED AND AGREED by and between GERALD P. RAMPTON, D.M.D. (hereinafter "Respondent"), by and through his counsel of record, DAVID B. LOCKIE, ESQ., of the law firm of LOCKIE & MACFARLAN, LTD., the NEVADA STATE BOARD OF DENTAL EXAMINERS (hereinafter "Board"), by and through Disciplinary Screening Officer, BRADLEY ROBERTS, D.D.S., and Board's counsel, JOHN A. HUNT, ESQ., of the law firm of RALEIGH, HUNT & MCGARRY, P.C. as follows:

1. On October 21, 1996, Respondent entered into a Stipulation with the Board. See attached Exhibit 1.
2. On December 9, 2004, the Board entered into a Stipulation with Ms. Michelle A. Scott, wherein Ms. Scott admitted on more than two occasions she had practiced dental hygiene in the State of Nevada without a license while in the employment of Respondent in violation of NRS 631.395(9).
3. On December 13, 2004, the Board notified Respondent of its complaint/authorized investigation regarding whether Respondent's employment of Ms. Michelle A. Scott violated NRS 631.346. On December 29, 2004, Respondent filed an answer to the complaint with the Board.
4. On May 11, 2005, Respondent was notified by the Board of an authorized investigation into Respondent's prescription writing practices. On May 23, 2005, Respondent filed

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1 an answer to the authorized investigation.

2 5. On September 8, 2005, Respondent was arrested by Sgt. Thomas Higgins of the
3 Nevada Highway Patrol and was charged for the following:

- 4 a. Failure to stop at a stop sign.
- 5 b. Speeding.
- 6 c. Speeding in a construction zone.
- 7 d. Failure to yield to an emergency vehicle.
- 8 e. Obstructing/delaying a police officer.
- 9 f. Resisting arrest.
- 10 g. Unlawful possession of Schedule IV prescription drugs.
- 11 h. Possession of dangerous drugs without a prescription.

12 During the arrest, Officer Higgins confiscated a schedule IV controlled substance in an
13 improper prescription bottle in Respondent's right front pocket. See attached Exhibit 2.

14 6. Based upon the limited investigation conducted to date, Disciplinary Screening
15 Officer, Bradley Roberts, D.D.S., applying the administrative standard of proof as set forth in *State*,
16 *Emp. Security v. Hilton Hotels*, 102 Nev. 606, 608, 729 P.2d 497, 498 (1986); and see *Minton v.*
17 *Board of Medical Examiners*, 110 Nev. 1060, 881 P.2d 1339 (1994), see also NRS 233B.135(3)(e),
18 but not for any other purpose, finds there is substantial evidence Respondent violated NRS
19 631.346(1) when Respondent employed Ms. Michelle A. Scott who subsequently performed on
20 more than two occasions hygiene treatments on Respondent's patients.

21 "4. Respondent has been made aware that NRS 631.346(1) states:

22 The following acts, among others, constitute unprofessional conduct:

- 23 1. Employing, directly or indirectly, any student or any
24 suspended or unlicensed dentist, or dental hygienist to perform
25 operations of any kind to treat or correct the teeth or jaw, except as
26 provided in this chapter";

27 7. Based upon the limited investigation conducted to date, Disciplinary Screening
28 Officer, Bradley Roberts, 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), but not for any other purpose, finds there is substantial evidence

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1 Respondent on more than one occasion violated NRS 631.3475(5), when Respondent administered
2 a controlled substance that was not required to treat a dental patient.

3 8. Based upon the limited investigation conducted to date, Disciplinary Screening
4 Officer, Bradley Roberts, D.D.S., applying the administrative burden of proof of substantial
5 evidence as set forth in *State, Emp. Security v. Hilton Hotels*, 102 Nev. 606, 608, 729 P.2d 497, 498
6 (1986); and see *Minton v. Board of Medical Examiners*, 110 Nev. 1060, 881 P.2d 1339 (1994), see
7 also NRS 233B.135(3)(e), but not for any other purpose, finds there is substantial evidence
8 Respondent on more than one occasion violated NAC 631.230(1)(b), when Respondent wrote
9 prescriptions for controlled substances in such excessive amounts as to constitute a departure from
10 prevailing standards of acceptable dental practice.

1 9. Based upon the limited investigation conducted to date, Disciplinary Screening
12 Officer, Bradley Roberts, D.D.S., applying the administrative burden of proof of substantial
13 evidence as set forth in *State, Emp. Security v. Hilton Hotels*, 102 Nev. 606, 608, 729 P.2d 497, 498
14 (1986); and see *Minton v. Board of Medical Examiners*, 110 Nev. 1060, 881 P.2d 1339 (1994), see
15 also NRS 233B.135(3)(e), there is substantial evidence that based upon Respondent's possession of
16 a controlled substance not prescribed to Respondent, Respondent is in violation of NRS 631.349.

17 10. Applying the administrative burden of proof of substantial evidence as set forth in
18 *State, EDP. Security v. Hilton Hotels*, 102 Nev. 606, 608, 729 P.2d 497, 498 (1986); and see *Menton*
19 *v. Board of Medical Examiners*, 110 Nev. 1060, 881 P.2d 1339 (1994), see also NRS
20 233B.135(3)(e), but not for any other purpose, Respondent admits he unknowingly violated NRS
21 631.346(1) when Respondent employed Ms. Michelle A. Scott who subsequently preformed on
22 more than two (2) occasions hygiene treatments on Respondent's patients.

23 11. Applying the administrative burden of proof of substantial evidence as set forth
24 in *State, Emp. Security v. Hilton Hotels*, 102 Nev. 606, 608, 729 P.2d 497, 498 (1986); and see
25 *Minton v. Board of Medical Examiners*, 110 Nev. 1060, 881 P.2d 1339 (1994), see also NRS
26 233B.135(3)(e), but not for any other purpose, Respondent admits on more than one occasion,
27 Respondent violated NRS 631.3475(5) when Respondent administered a controlled substance that
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1 was not required to treat a dental patient.

2 12. Applying the administrative burden of proof of substantial evidence as set forth
3 in *State, Emp. Security v. Hilton Hotels*, 102 Nev. 606, 608, 729 P.2d 497, 498 (1986); and see
4 *Minton v. Board of Medical Examiners*, 110 Nev. 1060, 881 P.2d 1339 (1994), see also NRS
5 233B.135(3)(e), but not for any other purpose, Respondent admits on more than one occasion,
6 Respondent violated NAC 631.230(1)(b) when Respondent wrote prescriptions for controlled
7 substances in such excessive amounts as to constitute a departure from prevailing standards of
8 acceptable dental practice.

9 13. Applying the administrative burden of proof of substantial evidence as set forth in
10 *State, Emp. Security v. Hilton Hotels*, 102 Nev. 606, 608, 729 P.2d 497, 498 (1986); and see *Minton*
11 *v. Board of Medical Examiners*, 110 Nev. 1060, 881 P.2d 1339 (1994), see also NRS
12 233B.135(3)(e), but not for any other purpose, Respondent admits that he was arrested for failure
13 to stop at a stop sign, speeding, speeding in a construction zone, failure to yield to an emergency
14 vehicle, obstructing/delaying a police officer, resisting arrest, unlawful possession of Schedule IV
15 prescription drugs, and possession of dangerous drugs without a prescription. Respondent admits
16 that such conduct is constituted as unprofessional in the violation of NAC 631.3475

17 14. Based upon the admissions contained in Paragraphs 11, 12, 13 and 14, Respondent
18 agrees to the following:

19 A. Respondent agrees pursuant to NRS 631.350(d) and (h), Respondent shall be placed
20 on probation for a period of three (3) years. The terms and conditions of the
21 probation shall be reportable to the National Practitioners Data Bank. Respondent's
22 practice shall be supervised and monitored pursuant to the following terms and
23 conditions effective upon adoption of this Stipulation by the Board:

24 i. During the three (3) year probation/supervisory period, Respondent shall
25 allow either the Executive Director of the Board and/or an agent appointed
26 by the Board's Executive Director to inspect Respondent's records to ensure
27 compliance with this Stipulation. Such inspections shall be performed,
28 without notice, during normal business hours. Respondent further agrees
during this period of probation and supervision, Respondent shall maintain
a list of any prescriptions issued to any of Respondent's patients for
controlled substances. During the probationary period Respondent shall not
issue any prescription(s) for more than 12 units of a controlled substance for
each office visit where treatment was rendered. All prescriptions issued by
Respondent during the probationary period must be in Respondent's
handwriting and must have an original signature of Respondent. During the

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Respondent during the probationary period must be in Respondent's handwriting and must have an original signature of Respondent. During the probationary period Respondent is prohibited from placing telephone prescriptions for controlled substances. The list of prescriptions issued by Respondent's shall include the following information and shall be submitted to the Executive Director of the Board on the first day of each month during the probation period:

- (a) patient's name;
- (b) date of issuance;
- (c) name of dentist who issued prescription;
- (d) units and amount of controlled substance issued; and
- (e) reason for issuing the controlled substance.

ii. In the event the Board's Executive Director has substantial evidence to believe Respondent has failed to comply with any of the provisions contained in Paragraph 14(A)(i) the Executive Director, 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 a hearing before the Board but during the pendency of the hearing before the Board, Respondent waives any right to seek judicial review to reinstate his privilege to practice dentistry in the State of Nevada pending a final Board hearing.

iii. In the event the Board's Executive Director has substantial evidence to believe Respondent has failed to comply with any of the provisions contained in Paragraph 14(A)(i) during the probationary period, Respondent agrees to surrender his License No. BR2732813 with the United States Department of Justice, D.E.A. for Class II, Class IIN, Class III, Class IIIN, Class IV, and Class V for a period of three (3) years commencing upon the date of the Order of Suspension issued by the Executive Director. At the conclusion of the three (3) year period, Respondent may apply to the United States Department of Justice, D.E.A. to have his License No. BR2732813 reinstated.

iv. In the event the Board's Executive Director has substantial evidence to believe Respondent has failed to comply with any of the provisions contained in Paragraph 14(A)(i) during the probationary period, Respondent agrees to surrender his License No. CS06086 with the Nevada State Board of Pharmacy for Class II, Class IIN, Class III, Class IIIN, Class IV, and Class V for a period of three (3) years commencing upon the date of the Order of Suspension issued by the Executive Director. At the conclusion of the three (3) year period, Respondent may apply to the Nevada State Board of Pharmacy to have his License No. CS06086 reinstated.

v. In the event the Board's Executive Director has substantial evidence to believe Respondent has either issued or has caused to be issued prescriptions for controlled substances identified as Class II, Class IIN, Class III, Class IIIN, Class IV or Class V subsequent to surrendering his United States Department of Justice, D.E.A., License No. BR2732813 and Nevada State Board of Pharmacy, License No. CS06086 the Executive Director, without any further hearing or action by the Board, shall issue an Order revoking Respondent's license to practice dentistry in the State of Nevada. Thereafter, Respondent may request a hearing before the Board but during the pendency of the hearing before the Board, Respondent waives any right to seek judicial

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review to reinstate his privilege to practice dentistry in the State of Nevada pending a final Board hearing.

vi During the three (3) year probationary period, Respondent agrees to submit to random sampling of urine, hair and/or bodily fluids for controlled and/or non-prescribed substances when so ordered by the Executive Director of the Board. Respondent shall be responsible for all costs incurred for the analysis of urine and/or bodily fluids.

viii. In the event any test or analysis of bodily fluids taken from Respondent, pursuant to the terms of this Stipulation, is positive, indicating the presence of controlled substances (not pursuant to a valid prescription), the Executive Director, 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 a hearing before the Board to reinstate Respondent's license to practice dentistry in Nevada. During the pendency of the hearing before the Board, Respondent waives any right to seek judicial review to reinstate his privilege to practice dentistry in the State of Nevada pending a final Board hearing.

(a) In the event Respondent fails to present himself for random drug testing, within twenty-four (24) hours when ordered by the Executive Director, the Executive Director 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 a hearing before the Board to reinstate Respondent's license to practice dentistry in Nevada. During the pendency of the hearing before the Board, Respondent waives any right to seek judicial review to reinstate his privilege to practice dentistry in the State of Nevada pending a final Board hearing.

(b) Respondent authorizes reports generated by the urinalysis and/or bodily fluids testing to be furnished to the Executive Director of the Board. All reports submitted to the Executive Director of the Board shall remain confidential. However, in the event of a violation in the form of a confirmed, positive test result, all reports previously submitted to the Executive Director of the Board will be available for use by the Board in connection with any subsequent disciplinary action of the Board.

B Pursuant to NRS 631.350(d)&(h) Respondent agrees in the event Respondent is placed on probation by Order of the Fourth Judicial District Court, Elko County then Respondent shall be required to report and submit in writing to Board within seven (7) days of such Order the terms and conditions of probation. In the event Respondent is found to be in violations of any of the terms of his probation, Respondent is required to report to the Board in writing within seven (7) days any violations. Respondent further agrees, in the event he is found to be in violation of any of the terms or conditions of the probation the Board's Executive Director upon notification of a violation shall without any further action of the Board issue an order suspending Respondent's license to practice dentistry in the State of Nevada. Thereafter, Respondent may petition the Board to reinstate his privilege to practice dentistry in Nevada. During the pendency of Respondent's petition for reinstatement, Respondent waives any right to seek judicial review or injunctive relief either from

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- 2 C. Pursuant to NRS 631.350(k), in addition to completing the required continuing
3 education, Respondent shall obtain twenty (20) additional hours in supplemental
4 education relating to pharmacology and pain management. Ten (10) hours of the
5 supplemental education must be completed within six (6) months of the approval of
6 this Stipulation by the Board and the additional ten (10) hours of supplemental
7 education must be completed within one (1) year of the approval of this Stipulation
8 by the Board. The supplemental education must be submitted in writing to the
9 Executive Director of the Board for approval prior to attendance. Upon receipt of a
10 written request to attend supplemental education the Executive Director of the Board
11 shall notify Respondent in writing whether the requested supplemental education is
12 approved for attendance. All costs associated with this supplemental education shall
13 be paid by Respondent. In the event Respondent fails to complete all of the
14 supplemental education within one (1) year, Respondent agrees his license to practice
15 dentistry in the State of Nevada shall automatically be suspended without any further
16 action of the Board other than the issuance of an Order by the Executive Director.
17 Upon submitting written proof of completion of the supplemental education,
18 Respondent's license to practice dentistry in the state of Nevada will be automatically
19 reinstated. Respondent agrees to waive any right to seek injunctive relief from any
20 Federal or State of Nevada District Court to prevent the automatic suspension of
21 Respondent's license to practice dentistry in the State of Nevada due to Respondent
22 failure to comply with Paragraph 14(C). Respondent shall also be responsible for any
23 costs or attorney's fees incurred in the event the Board has to seek injunctive relief
24 to prevent Respondent from practicing dentistry during the period Respondent's
25 license is automatically suspended.
- 26 D. Respondent will reimburse the Board for the cost of the investigation and to monitor
27 Respondent's practice in Nevada during the three (3) year probationary period in the
28 amount of five thousand (\$5,000.00) dollars 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.
- E. Respondent pursuant to NRS 631.350(c) agrees to pay a fine in the amount of one
hundred (\$100.00) dollars upon adoption of this Stipulation by the Board and shall
be reportable to the National Practitioners Data Bank.
- F. In the event Respondent fails to deliver to the Board the payment as required by
Paragraph 14(D) or 14(E), 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 twenty-five
dollars (\$25.00) for each day Respondent fails to deliver payment required by
Paragraph 14(D) or 14(E). Respondent may cure any default regarding the payment
set forth in Paragraph 14(D) or 14(E) by delivering to the Board's Executive Director
the total amount in default, plus the Twenty-Five Dollar (\$25.00) per day assessment.
Upon receipt of payment in full of any amount in default, plus the Twenty-Five
Dollar (\$25.00) 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.
- G. 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 assuming adoption
of the 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

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1 regulations of the Board. Respondent shall have ninety (90) days assuming adoption
2 of the Stipulation to complete the re-examination. The jurisprudence examination
3 is administered on the first Monday of each month at 10:00 a.m. and 2:00 p.m. at the
4 Board's office. Respondent shall contact the Board to schedule a time to submit to
5 the re-examination. In the event Respondent fails to successfully complete the re-
6 examination within ninety (90) days of adoption of this Stipulation, Respondent
7 agrees his license to practice dentistry in the State of Nevada shall be automatically
8 suspended without any further action of the Board other than issuance of an order by
9 the Executive Director. Upon successful completion of the re-examination,
10 Respondent's license to practice dentistry in the State of Nevada will be
11 automatically reinstated. Respondent agrees to waive any right to seek injunctive
12 relief from any Federal or State of Nevada District Court to prevent the automatic
13 suspension of Respondent's license to practice dentistry in the State of Nevada due
14 to Respondent failure to comply with Paragraph 14(G). Respondent shall also be
15 responsible for any costs or attorney's fees incurred in the event the Board has to seek
16 injunctive relief to prevent Respondent from practicing dentistry during the period
17 Respondent's license is automatically suspended.

18 H. Respondent agrees to waive any right to seek injunctive relief from any Federal or
19 State of Nevada District Court to prevent the suspension of Respondent's license to
20 practice dentistry in the State of Nevada due to Respondent failure to comply with
21 Paragraphs 14 (A) through 14(J). Respondent shall also be responsible for any costs
22 or attorney's fees incurred in the event the Board has to seek injunctive relief to
23 prevent Respondent from practicing dentistry during the period Respondent's license
24 is automatically suspended.

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

27 J Respondent waives any right to have the amounts owed pursuant Paragraph 14(D)
28 or 14(E) discharged in bankruptcy.

CONSENT

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

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

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

26 18. Respondent has reviewed the Stipulation with his attorney, David B. Lockie, Esquire,
27 who has explained each and every provision contained in this Stipulation to the Respondent.

28 DBL
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1 APPROVED AS TO FORM & CONTENT

2
3 JOHN A. HUNT, ESQUIRE
4 Raleigh, Hunt & McGarry, P.C.
Beard Counsel

APPROVED AS TO FORM & CONTENT

BRADLEY ROBERTS, D.D.S.
Disciplinary Screening Officer/Informal
Hearing Officer

6 APPROVED AS TO FORM & CONTENT

7
8 David B. Lockie
9 DAVID B. LOCKIE, ESQ.
Lockie & Macfarlan, Ltd.
10 Counsel for Respondent

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

13 DATED this 5th day of January, 2006.

14 NEVADA STATE BOARD OF DENTAL EXAMINERS

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16 Tony Guillen
17 TONY GUILLEN, D.D.S.
18 President
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