

The Nevada State Board of Dental Examiners
Prescription Drug Crisis Report
June 21, 2016

Nevada State Board of Dental Examiners
Prescription Drug Crisis

Background Information

The Nevada State Board of Dental Examiners is aware and has been proactive in addressing the Prescription Drug Crisis facing Nevada. From the inception the Board has been actively involved with the Nevada Prescription Task Force and the Industry Coalition on Prescription Abuse. The Board has taken the appropriate remedial action against those licensed dentist who have violated the standard of care as it relates to the proper prescribing of controlled substances. The Board has developed regulatory measures requiring dental licensee to perform a self-query on the Prescription Monitoring Program as a condition to license renewal. Recently this regulatory provision was emulated into a statutory provision that requires all health care providers with the prescription privileges to perform mandatory inquiries to the Prescription Monitoring Program when issuing controlled substances.

For statistical background, please see the table below which contains the number of dentists registered in the State of Nevada as of April 1, 2016.

<u>Dentists</u>	
Active:	1809
Inactive:	304
Retired/Disabled:	81 (76 retired/5 disabled)
Suspended Non-Renewal:	189
Suspended Board Action:	4
Revoked Non-Renewal:	326
Total:	2,713

The narrative below outlines the measures developed by the Board to assist dental practitioners when prescribing controlled substances to their patients. This includes information regarding the complaint and investigation process and the continuing education efforts proposed by the Board to prevent prescription abuse of controlled substances.

Prescription Monitoring Program-Statutes and Regulations

The first measure taken by the Board was on June 23, 2014, which amended NAC 631.045 requiring licensees who are registered with the State Board of Pharmacy to conduct annually a minimum of one self-query report regarding the issuance of controlled substances through the Prescription Monitoring Program. This requirement provided over a 98% enrollment by dentists to access the PMP portal and requires dental professionals to utilize the portal to gain valuable

information regarding their prescription practices. The licensee is required to attest such self-query has been performed when they renew their dental license.

After the Board's adoption of the PMP self-query requirement Senate Bill 288 emulates the Board's efforts by requiring each practitioner who is authorized to write prescriptions for controlled substances listed as schedule II, III or IV shall, to the extent the program allows, access the database of the program at least once each six (6) months to:

- (a) Review the information concerning the practitioner that is listed in the database and notify the Board if any such information is not correct; and
- (b) Verify to the Board that he or she continues to have access to and has accessed the database as required by this subsection.

The Board believes conducting these self-query reports and reviewing the information contained in the report will provide valuable information to the practitioner such as fraudulent prescription abuse and/or controlled substance drug shopping by patients. Conducting the self-query reports brings accountability to the practitioner as well.

Senate Bill 459 requires the Nevada State Board of Pharmacy to notify the occupational licensing boards of patients who may be seeking controlled substances from multiple medical/dental providers. All dental providers identified on the report from the PMP are notified in writing of the patient's identity and the Board recommends the dental practitioner obtain a self-query report on the patient in question before issuing any additional controlled substances.

Since Senate Bill 459 was enacted the Board has received 12 reports from the Nevada State Board of Pharmacy which has resulted in the notifications to 31 dental providers regarding patients receiving controlled substances from multiple medical/dental providers at the same time.

Complaint and Investigation Process

The Board may, upon its own motion authorized an investigative complaint against a licensee after receiving reliable information or documentation regarding possible prescription abuses and/or issuance of controlled substances not in accordance with the statutes and/or regulations. The Board shall investigate a licensee upon a verified complaint in writing of any person setting forth facts which, if proven, would constitute grounds for initiating disciplinary action, investigate the actions of any person who practices dentistry or dental hygiene in this State. A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint. Attached is a flow chart showing the complaint and investigation process (Exhibit A).

When the Board through a lawful investigation (i.e. verified complaint or authorized investigative complaint) investigates a licensee regarding possible violations relative to controlled substances the licensee receives a "Notice of Complaint" from the Board sent by certified mail and regular mail containing a copy of the verified complaint or if it is an authorized investigative complaint, the "Notice of Authorized Investigative Complaint" will

contain copies of all information received and/or a description of the allegations identifying the possible violations. The licensee has fifteen (15) days to submit a factual response from the date he/she receives the Notice of Complaint. In cases where specific patients are involved the Board will request through the Notice of Complaint a copy of all dental records. The case is then assigned to a Disciplinary Screening Officer (“DSO”) to investigate. Disciplinary Screening Officers are licensed dentists and dental hygienists approved by the Board. When a DSO is assigned cases regarding possible controlled substances abuses, the DSO has a variety of resources to obtain information when conducting the investigation.

First, the DSO will verify the licensee holds a valid permit to prescribed controlled substances issued by the Nevada State Board of Pharmacy. Next, the DSO will verify with the Board that the licensee attested they performed their annual self-query report through the Prescription Monitoring Program and the date the self-query was conducted. This date is then verified with The Nevada Pharmacy Task Force. Further, a PMP report is conducted by the Board at the request of the DSO regarding the licensee in question to review the licensee’s prescription practices. Generally, the DSO verifies the amount of controlled substances being issued to his/her patients by the dentist. In cases where there are large quantities being prescribed, the DSO will not limit the scope of its investigation to the matters set forth in the complaint but will extend the investigation to any additional matters which appear to constitute a violation of any provision of chapter 631 of NRS or of this chapter as set forth in NAC 631.250.

The table below outlines the Board’s investigative process:

<p>Investigation procedures for our licensing board include these steps:</p> <ul style="list-style-type: none">• Consumer complaint received or complaint received from another source, or board or commission initiated administrative complaint• Investigation• Preliminary Findings of Investigation <p>Once the DSO submits his/her preliminary findings of the investigation to the board’s executive director and legal counsel, to determine whether there is sufficient evidence to proceed to a hearing before the board or commission in the case.</p> <p>Options if there is insufficient evidence to go to hearing:</p> <p style="padding-left: 40px;">Dismiss case [Remand]</p> <p>If, after the conclusion of the investigation there is insufficient evidence to go to hearing, the file should be remanded with no further action and notice is sent to the complainant and licensee.</p> <p style="padding-left: 40px;">Continue investigation [Notice of Informal Hearing]</p> <p>Options if sufficient evidence to go to hearing:</p>
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Settlement agreement: [**Corrective Action Stipulation or Disciplinary Stipulation Agreement**]

Formal Disciplinary Hearing

These standards are embodied in statutes, regulations, and state and federal constitutions, and are designed to protect the interest of the licensed or regulated party. The licensed or regulated party must be afforded due process by the board or commission before administrative action can be taken or discipline can be imposed.

The Board has submitted examples of action taken by the Board against licensees who violated the statutes and/or regulations regarding the issuance of controlled substances to their patient. Exhibits A-E.

Continuing Education:

Currently, the Board is in the rulemaking process to adopt the continuing education requirement set forth in Senate Bill 459. The Board's proposed language shall require each holder of a license to practice dentistry who is registered to dispense controlled substances pursuant to NRS 453.231 to complete at least 1 hour of training relating specifically to the misuse and abuse of controlled substances during each period of licensure. Any such holder of a license may use such training to satisfy 1 hour of any continuing education requirement established by the Board.

In addition, the Board has provided information regarding issuance of controlled substances through our newsletters and through bulletins which are available on the Board's website.

Lastly the Board wishes to commend the Governor for addressing a problem that affects all Nevadans. The Board is looking forward meeting to receive additional input which will enable the Board to better respond to the prescription crises in Nevada. After review of the enclosed information should there be any additional questions and/or documentation needed, please call.

EXHIBIT A

1 STATE OF NEVADA
2 BEFORE THE BOARD OF DENTAL EXAMINERS OF NEVADA
3

4 NEVADA STATE BOARD
OF DENTAL EXAMINERS,

Case No. 1200-05

5 Complainant,

STIPULATION

6 vs.

7 GERALD P. RAMPTON, D.M.D.

8 Respondent.
9

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

- 16 1. On October 21, 1996, Respondent entered into a Stipulation with the Board. See
17 attached Exhibit 1.
- 18 2. On December 9, 2004, the Board entered into a Stipulation with Ms. Michelle A.
19 Scott, wherein Ms. Scott admitted on more than two occasions she had practiced dental hygiene in
20 the State of Nevada without a license while in the employment of Respondent in violation of NRS
21 631.395(9).
- 22 3. On December 13, 2004, the Board notified Respondent of its complaint/authorized
23 investigation regarding whether Respondent's employment of Ms. Michelle A. Scott violated NRS
24 631.346. On December 29, 2004, Respondent filed an answer to the complaint with the Board.
- 25 4. On May 11, 2005, Respondent was notified by the Board of an authorized
26 investigation into Respondent's prescription writing practices. On May 23, 2005, Respondent filed

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

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

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

28 7. 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), 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.

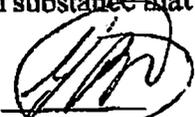
11 9. Based upon the limited investigation conducted to date, Disciplinary Screening
12 Officer, Bradley Roberts, D.D.S., applying the administrative burden of proof of substantial
13 evidence as set forth in *State, Emp. Security v. Hilton Hotels*, 102 Nev. 606, 608, 729 P.2d 497, 498
14 (1986); and 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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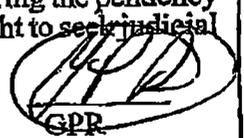
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1 Respondent during the probationary period must be in Respondent's
2 handwriting and must have an original signature of Respondent. During the
3 probationary period Respondent is prohibited from placing telephone
4 prescriptions for controlled substances. The list of prescriptions issued by
5 Respondent's shall include the following information and shall be submitted
6 to the Executive Director of the Board on the first day of each month during
7 the probation period:

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

- 13 ii. In the event the Board's Executive Director has substantial evidence to
14 believe Respondent has failed to comply with any of the provisions
15 contained in Paragraph 14(A)(i) the Executive Director, without any further
16 hearing or action by the Board, shall issue an order suspending Respondent's
17 license to practice dentistry in the State of Nevada. Thereafter, Respondent
18 may request a hearing before the Board but during the pendency of the
19 hearing before the Board, Respondent waives any right to seek judicial
20 review to reinstate his privilege to practice dentistry in the State of Nevada
21 pending a final Board hearing.
- 22 iii. In the event the Board's Executive Director has substantial evidence to
23 believe Respondent has failed to comply with any of the provisions contained
24 in Paragraph 14(A)(i) during the probationary period, Respondent agrees to
25 surrender his License No. BR2732813 with the United States Department of
26 Justice, D.E.A. for Class II, Class IIN, Class III, Class IIN, Class IV, and
27 Class V for a period of three (3) years commencing upon the date of the
28 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 IIN, 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
IIN, 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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1 review to reinstate his privilege to practice dentistry in the State of Nevada
2 pending a final Board hearing.

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

8 viii. In the event any test or analysis of bodily fluids taken from Respondent,
9 pursuant to the terms of this Stipulation, is positive, indicating the presence
10 of controlled substances (not pursuant to a valid prescription), the Executive
11 Director, without any further hearing or action by the Board, shall issue an
12 Order suspending Respondent's license to practice dentistry in the State of
13 Nevada. Thereafter, Respondent may request a hearing before the Board to
14 reinstate Respondent's license to practice dentistry in Nevada. During the
15 pendency of the hearing before the Board, Respondent waives any right to
16 seek judicial review to reinstate his privilege to practice dentistry in the
17 State of Nevada pending a final Board hearing.

18 (a) In the event Respondent fails to present himself for random drug
19 testing, within twenty-four (24) hours when ordered by the Executive
20 Director, the Executive Director without any further hearing or action
21 by the Board, shall issue an Order suspending Respondent's license
22 to practice dentistry in the State of Nevada. Thereafter, Respondent
23 may request a hearing before the Board to reinstate Respondent's
24 license to practice dentistry in Nevada. During the pendency of the
25 hearing before the Board, Respondent waives any right to seek
26 judicial review to reinstate his privilege to practice dentistry in the
27 State of Nevada pending a final Board hearing.

28 (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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C. Pursuant to NRS 631.350(k), in addition to completing the required continuing education, Respondent shall obtain twenty (20) additional hours in supplemental education relating to pharmacology and pain management. Ten (10) hours of the supplemental education must be completed within six (6) months of the approval of this Stipulation by the Board and the additional ten (10) hours of supplemental education must be completed within one (1) year of the approval of this Stipulation by the Board. The supplemental education must be submitted in writing to the Executive Director of the Board for approval prior to attendance. Upon receipt of a written request to attend supplemental education the Executive Director of the Board shall notify Respondent in writing whether the requested supplemental education is approved for attendance. All costs associated with this supplemental education shall be paid by Respondent. In the event Respondent fails to complete all of the supplemental education within one (1) year, 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 the issuance of an Order by the Executive Director. Upon submitting written proof of completion of the supplemental education, Respondent's license to practice dentistry in the state of Nevada will be automatically reinstated. Respondent agrees to waive any right to seek injunctive relief from any Federal or State of Nevada District Court to prevent the automatic suspension of Respondent's license to practice dentistry in the State of Nevada due to Respondent failure to comply with Paragraph 14(C). Respondent shall also be responsible for any costs or attorney's fees incurred in the event the Board has to seek injunctive relief to prevent Respondent from practicing dentistry during the period Respondent's license is automatically suspended.

D. Respondent will reimburse the Board for the cost of the investigation and to monitor Respondent's practice in Nevada during the three (3) year probationary period in the 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
them in their entirety.

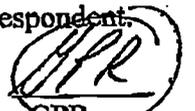
16. Respondent is aware by entering into this Stipulation he is waiving certain valuable
due process rights contained in, but not limited to, NRS 631, NAC 631, NRS 233B and NAC 233B.

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

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


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

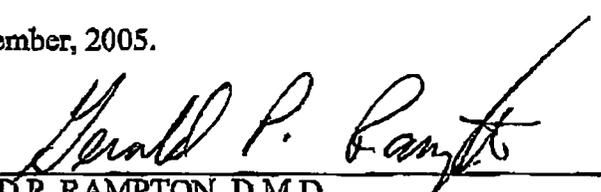
3 20. Respondent acknowledges no other promises in reference to the provisions contained
4 in this Stipulation have been made by any agent, employee, counsel or any person affiliated with the
5 Nevada State Board of Dental Examiners.

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

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

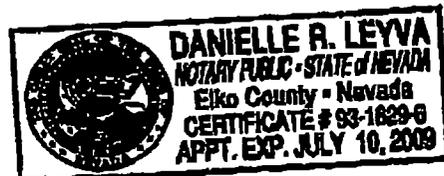
12 23. This Stipulation will be considered by the Board in an open meeting. It is understood
13 and stipulated the Board is free to accept or reject the Stipulation and, if the Stipulation is rejected
14 by the Board, further disciplinary action may be implemented. This Stipulation will only become
15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

18 DATED this 5th day of December, 2005.

19
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21 _____
GERALD P. RAMPTON, D.M.D.
Respondent

22 SUBSCRIBED and SWORN to before me
23 this 5th day of December, 2005.

24 
25 _____
NOTARY PUBLIC



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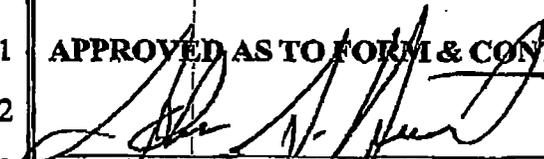
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APPROVED AS TO FORM & CONTENT



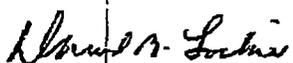
JOHN A. HUNT, ESQUIRE
Raleigh, Hunt & McGarry, P.C.
Board Counsel

APPROVED AS TO FORM & CONTENT



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

APPROVED AS TO FORM & CONTENT



DAVID B. LOCKIE, ESQ.
Lockie & Macfarlan, Ltd.
Counsel for Respondent

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

DATED this 5th day of January, 2006.

NEVADA STATE BOARD OF DENTAL EXAMINERS



TONY GUILLEN, D.D.S.
President



DBL

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EXHIBIT B

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BEFORE THE NEVADA STATE BOARD OF DENTAL EXAMINERS

NEVADA STATE BOARD OF DENTAL
EXAMINERS,

Complainant,

vs.

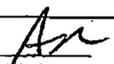
ADRIAN R. RUIZ, DDS

Respondent.

**STIPULATION AGREEMENT
CASE NO. 08-01597**

IT IS HEREBY STIPULATED AND AGREED between ADRIAN R. RUIZ, D.D.S. (hereinafter "Respondent"), by and through his counsel, L. KRISTOPHER RATH, ESQ., and the NEVADA STATE BOARD OF DENTAL EXAMINERS (hereinafter "Board") by and through Disciplinary Screening Officer, BRADLEY S. STRONG, D.D.S., and its counsel, JOHN A. HUNT, ESQ. of the law firm of FOX-ROTHSCHILD, LLP., as follows:

1. On April 5, 2007, the Respondent was notified by the Board of an authorized investigation into whether Respondent committed unprofessional conduct by allegedly violating NRS 631.3475(5) for administering, dispensing or prescribing any controlled substance or any dangerous drug as defend in chapter 454 of NRS, if is not required to treat patients during the period of January 1, 2006 through December 31, 2006. Attached to the complaint was a prescription profile of Respondent identifying three hundred and twenty-one (321) patients who had received one or more prescriptions for twenty-eight units of APAP/HYDROCODONE from Respondent, according to the Pharmacy Board records. The authorized investigative complaint


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1 also identified whether Respondent's prescription practices during the period January 1, 2006
2 through December 31, 2006 violated NRS 631.3485(2) by willfully or repeatedly violating the
3 regulations of the State Board of Health, the State Board of Pharmacy or the Board of Dental
4 Examiners of the State of Nevada. On April 12, 2007, Respondent filed an answer to the
5 authorized investigation complaint, attached to the answer with documents and records that
6 Respondent believed were responsive to the complaint.

8 2. On July 26, 2007, the Respondent was notified by the Board of a verified
9 complaint filed by David Nayfield. On August 10, 2007, Respondent filed an answer to the
10 verified complaint. On June 10, 2008 Respondent submitted a supplemental response.

12 3. Based upon the limited investigation conducted to date, Disciplinary Screening
13 Officer, Bradley S. Strong, D.D.S., applying the administrative burden of proof of substantial
14 evidence as set forth in State, Emp. Security v. Hilton Hotels, 102 Nev. 606, 608, 729 P.2d 497,
15 498 (1986), and see Minton v. Board of Medical Examiners, 110 Nev. 1060, 881 P.2d 1339
16 (1994), see also NRS 233B.135(3)(e), but not for any other purpose, finds there is substantial
17 evidence Respondent on more than one occasion violated NRS 631.3475(5), when Respondent
18 administered a controlled substance that was not required to treat a dental patient.

20 4. Based upon the limited investigation conducted to date, Disciplinary Screening
21 Officer, Bradley S. Strong, D.D.S., applying the administrative burden of proof of substantial
22 evidence as set forth in State, Emp. Security v. Hilton Hotels, 102 Nev. 606, 608, 729 P.2d 497,
23 498 (1986); and see Minton v. Board of Medical Examiners, 110 Nev. 1060, 881 P.2d 1339
24 (1994), see also NRS 233B.135(3)(e), but not for any other purpose, finds there is substantial
25 evidence Respondent violated NAC 631.230(1)(b), when Respondent wrote prescriptions for
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1 controlled substances on more than one occasion.

2 5. Based upon the limited investigation conducted to date, Disciplinary Screening
3 Officer, Bradley S. Strong, D.D.S., applying the administrative burden of proof of substantial
4 evidence as set forth in State, Emp. Security v. Hilton Hotels, 102 Nev. 606, 608, 729 P.2d 497,
5 498 (1986), and see Minton v. Board of Medical Examiners, 110 Nev. 1060, 881 P.2d 1339
6 (1994), see also NRS 233B.135(3)(e), but not for any other purpose, finds there is substantial
7 evidence Respondent's record keeping on more than one of the patients identified in the
8 authorized investigative complaint violated NAC 631.230(1)(c).

9
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11 6. Applying the administrative burden of proof of substantial evidence as set forth
12 in State, Emp. Security v. Hilton Hotels, 102 Nev. 606, 608, 729 P.2d 497, 498 (1986); and see
13 Minton v. Board of Medical Examiners, 110 Nev. 1060, 881 P.2d 1339 (1994), see also NRS
14 233B.135(3)(e), but not for any other purpose, Respondent admits on more than one occasion,
15 Respondent violated NRS 631.3475(5).

16
17 7. Applying the administrative burden of proof of substantial evidence as set forth in
18 State, Emp. Security v. Hilton Hotels, 102 Nev. 606, 608, 729 P.2d 497, 498 (1986); and see
19 Minton 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 on more than one occasion,
21 Respondent violated NAC 631.230(1)(b).

22
23 8. Applying the administrative burden of proof of substantial evidence as set forth in
24 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 his record keeping regarding
27

1 more than one patient identified in the authorized investigative complaint violated NAC
2 631.230(1)(c).

3
4 9. Based upon the admissions contained in Paragraphs 6, 7 and 8, Respondent agrees
5 to the following:

6 a. Respondent agrees pursuant to NRS 631.350(h), Respondent's dental practice
7 shall be monitored for a period of three (3) years. Respondent's practice shall be
8 monitored pursuant to the following terms and conditions effective upon adoption
9 of this Stipulation by the Board:

10 i. During the three (3) year monitoring period, Respondent shall allow either
11 the Executive Director of the Board and/or an agent appointed by the
12 Board's Executive Director to inspect Respondent's records to ensure
13 compliance with this Stipulation. Such inspections shall be performed,
14 without notice, during normal business hours. Respondent further agrees
15 during this monitoring period, Respondent shall maintain a list of any
16 prescriptions issued to any of Respondent's patients for controlled
17 substances. During the monitoring period Respondent shall not issue any
18 prescription(s) for more than sixteen (16) units of a controlled substance
19 for each office visit where treatment was rendered. All prescriptions
20 issued by Respondent during the monitoring period must be in
21 Respondent's handwriting and must have an original signature of
22 Respondent. In the event Respondent uses the Dentrix software system,
23 Respondent shall maintain a copy of the computer generated prescription
24 and shall sign and date that copy in Respondent's handwriting and shall
25 maintain a signed and dated copy in each patient's dental records. During
26 the monitoring period Respondent is prohibited from placing telephone
27 prescriptions for controlled substances. In the event of an emergency
28 Respondent may phone in prescriptions for controlled substances.
Respondent must fax the emergency prescription for controlled substances
to the pharmacy issuing such prescriptions on the next business day. 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 monitoring 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

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(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 9(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 9(a)(i) during the monitoring period, Respondent agrees to surrender his License No. _____ 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. _____ 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 9(a)(i) during the monitoring period, Respondent agrees to surrender his License No. _____ 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. _____ 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. _____ and Nevada State Board of Pharmacy, License No. _____ 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

1 but during the pendency of the hearing before the Board, Respondent
2 waives any right to seek judicial review to reinstate his privilege to
3 practice dentistry in the State of Nevada pending a final Board hearing.

4 vi. Respondent agrees during the three (3) year monitoring period, he shall
5 not administer an anti-anxiety medication in combination with either a
6 pharmacological or non-pharmacological agent unless he has obtained the
proper conscious sedation permit pursuant to the provisions contained in
NAC 631.2211 through NAC 631.2236.

7 vii. During the three (3) year monitoring period, Respondent shall allow either
8 the Board's Executive Director and/or agent appointed by the Board's
9 Executive Director to inspect all insurance claims submitted for treatment
10 rendered by Respondent to insure the amounts billed accurately reflect the
11 treatment rendered. In the event the Executive Director finds there is
12 substantial evidence there has been an incorrect billing where the
13 insurance was billed for services not rendered, the Executive Director will
14 give Respondent written notice of the inaccuracy and within five (5)
15 working days of being given notice Respondent shall reimburse the patient
16 for the difference in billing. Respondent waives any right to seek a full
17 Board hearing and/or judicial review on the ruling made by the Board's
18 Executive Director. In the event Respondent fails to render payment to
19 the patient who was billed for services not rendered within five (5) days,
20 the Executive Director without any further action shall issue a notice of
21 suspension. Respondent shall waive any right to seek judicial review to
22 seek injunctive relief to prevent Respondent from practicing dentistry
23 during the period of time the Respondent's license is automatically
24 suspended. Upon payment amounts identified by the Board, the Executive
25 Director shall automatically reinstate Respondent's license to practice
26 dentistry in the State of Nevada. In the event the Executive Director finds
27 there is substantial evidence the errors occurring are not inadvertent and
28 believes there is a consistent pattern to over-bill the executive director
shall issue a formal complaint to the Board regarding additional
disciplinary action.

viii. Pursuant to NRS 631.350(k), in addition to completing the required
continuing education, Respondent shall obtain a total of forty-six (46)
additional hours in supplemental education in the following areas. Twenty
(20) hours of supplemental education relating to pharmacology and pain
management. Ten (10) hours of the supplemental education relating to
fixed prosthodontics. Eight (8) hours of supplemental education regarding
the application of bone grafting procedures. Eight (8) hours of
supplemental education must be completed related to the diagnosis and

1 treatment of periodontal disease. All supplemental education set forth in
2 this paragraph must be completed within eighteen (18) months of the
3 adoption of this Stipulation Agreement. The supplemental education must
4 be submitted in writing to the Executive Director of the Board for
5 approval prior to attendance. Upon the receipt of the written request to
6 attend the supplemental education the Executive Director of the Board
7 shall notify Respondent in writing whether the requested supplemental
8 education is approved for attendance. Respondent agrees seventy (70%)
9 percent of the supplemental education shall be completed through
10 attendance at live lecture courses. The remaining thirty (30%) percent of
11 the supplemental education may be completed through online/home study
12 courses. The cost associated with this supplemental education shall be
13 paid by Respondent. In the event Respondent fails to complete the
14 supplemental education within eighteen (18) months, Respondent agrees
15 his licenses to practice dentistry in the State of Nevada shall be
16 automatically suspended without any further action of the Board other
17 than the issuance of an Order of Suspension by the Executive Director.
18 Upon Respondent submitting written proof of the completion of the
19 supplemental education, Respondent's licenses to practice dentistry in the
20 State of Nevada will be automatically reinstated, assuming all other
21 provisions of the Stipulation Agreement are in compliance. Respondent
22 agrees to waive any right to seek injunctive relief from any Federal or
23 State of Nevada District Court to prevent the automatic suspension of
24 Respondent's licenses to practice dentistry in the State of Nevada due to
25 Respondent's failure to comply with Paragraph 9(a)(viii). Respondent
26 shall also be responsible for any costs or attorney's fees incurred in the
27 event the Board has to seek injunctive relief to prevent Respondent from
28 practicing dentistry during the period Respondent's licenses are
automatically suspended.

ix. Respondent will reimburse the Board for the cost of the investigation and to monitor Respondent's practice in Nevada during the three (3) year monitoring period in the amount of Fourteen Thousand Two Hundred Fifty (\$14,250.00) dollars within thirty (30) days of the Board's adoption of this Stipulation.

x. In the event Respondent defaults on any of the payments set forth in Paragraph 9(a)(ix), 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 of Suspension 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(s) of any of the amounts set forth in paragraph

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1 upon the issuance of the Order of Suspension. In addition to the liquidated
2 damage amount of Twenty Five Dollars (\$25.00) for each day Respondent
3 is in default on the payment(s) of any of the amounts set forth in
4 Paragraphs 9(a)(ix), Respondent pursuant to NAC 631.029 shall pay a
5 reinstatement fee of two hundred (\$200.00) dollars. Upon curing the
6 default of the applicable defaulted paragraph, Respondent's license to
7 practice dentistry in the State of Nevada will automatically be reinstated
8 by the Executor Director of the Board, assuming there are no other
9 violations of any of the provisions contained in this Stipulation.

10 Respondent shall also be responsible for any costs or attorney's fees
11 incurred in the event the Board has to seek injunctive relief to prevent
12 Respondent from practicing dentistry during the period in which his
13 license is suspended. Respondent agrees to waive any right to seek
14 injunctive relief from either the Nevada Federal District Court or the
15 Nevada State District Court to reinstate his license prior to curing any
16 default on the amounts due and owing.

17 xi. Respondent agrees to waive any right to seek injunctive relief from any
18 Federal or State of Nevada District Court to prevent the suspension of
19 Respondent's license to practice dentistry in the State of Nevada due to
20 Respondent failure to comply with Paragraphs 9(a)(i) thru or 9a(xiii).
21 Respondent shall also be responsible for any costs or attorney's fees
22 incurred in the event the Board has to seek injunctive relief to prevent
23 Respondent from practicing dentistry during the period Respondent's
24 license is automatically suspended.

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

28 xiii. Respondent waives any right to have the amounts owed pursuant
Paragraph 9(a)(ix) discharged in bankruptcy.

CONSENT

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

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

1 NAC 233B.

2 12. Respondent expressly waives any right to challenge the Board for bias should the
3 Board reject this Stipulation and this matter proceed to a full Board hearing.

4
5 13. Respondent has reviewed the Stipulation with his attorney, L. Kristopher Rath,
6 Esq., who has explained each and every provision contained in this Stipulation to the
7 Respondent.

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

10
11 15. Respondent acknowledges no other promises in reference to the provisions
12 contained in this Stipulation have been made by any agent, employee, counsel or any person
13 affiliated with the Nevada State Board of Dental Examiners.

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

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

21
22 18. This Stipulation will be considered by the Board in an open meeting. It is
23 understood and stipulated the Board is free to accept or reject the Stipulation. This Stipulation
24 will only become effective when the Board has approved the same in an open meeting. Should
25 the Board adopt this Stipulation, such adoption shall be considered a final disposition of a
26 contested case and shall become a public record.

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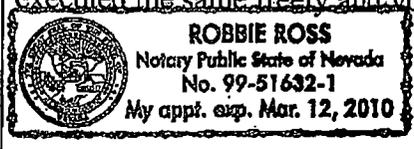
1 DATED this 19 day of Sept, 2008.

2
3 [Signature]
4 ADRIAN R. RUIZ, D.D.S.
5 Respondent

6 STATE OF NEVADA)
7) ss
8 COUNTY OF CLARK)

9 ACKNOWLEDGMENT

10 On this 19 day of September, 2008, personally appeared before me, a Notary Public
11 in and for said County and State, ADRIAN R. RUIZ, D.D.S., known to me to be the person
12 described in and who executed the foregoing instrument, who acknowledged to me that he
13 executed the same freely and voluntarily.



14 [Signature]
15 NOTARY PUBLIC in and for said County and State

16 APPROVED AS TO FORM & CONTENT
17 [Signature]
18 JOHN A. HUNT, ESQUIRE
19 Fox Rothschild, LLP
20 Board Counsel

21 APPROVED AS TO FORM & CONTENT
22 [Signature]
23 BRADLEY S. STRONG, D.D.S.
24 Disciplinary Screening Office/Informal
25 Hearing Officer

26 APPROVED AS TO FORM & CONTENT
27 [Signature]
28 L. KRISTOPHER RATH, ESQ.
Attorney for Respondent

29 ///
30 ///

1 This foregoing Stipulation Agreement was:

2 Approved X Disapproved _____

3 by a vote of the Nevada State Board of Dental Examiners at a properly noticed meeting.

4 DATED this 30TH day of OCTOBER, 2008.

5 

6 WILLIAM G. PAPPAS, DDS, PRESIDENT
7 NEVADA STATE BOARD OF DENTAL EXAMINERS

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EXHIBIT C

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

3 **NEVADA STATE BOARD OF DENTAL**
4 **EXAMINERS,**

5 Complainant,

CASE NO: 07-1519

6 vs.

7 **JOHN VENNOCHI, DMD**

8 Respondent.

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11 **NOTICE OF ENTRY OF FINDINGS AND RECOMMENDATIONS OF THE**
12 **INFORMAL HEARING HELD PURSUANT TO NRS 631 AND NAC 631 &**
13 **CONSENT OF JOHN VENNOCHI, DMD TO THE FINDINGS AND**
14 **RECOMMENDATIONS PURSUANT TO N.R.S. § 631.363(5)**

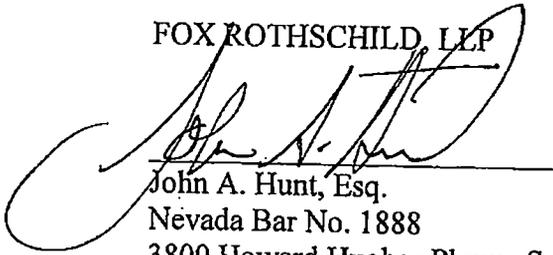
14 TO: Respondent, JOHN VENNOCHI, DMD; and

15 TO: JOHN R. LUSK, ESQ., Respondent's attorney:

16
17 YOU, AND EACH OF YOU WILL PLEASE TAKE NOTICE that the Findings and
18 Recommendations of the Informal Hearing Held Pursuant to NRS 631 and NAC 631 & Consent
19 of John Vennoch, DMD To The Findings and Recommendations Pursuant to N.R.S. 631.363(5)
20 was entered in the above-entitled matter on June 27, 2008, a copy of which is attached hereto.

21 RESPECTFULLY SUBMITTED this 21 day of July, 2008.

22 **FOX ROTHSCHILD, LLP**

23 
24 John A. Hunt, Esq.

25 Nevada Bar No. 1888

26 3800 Howard Hughes Pkwy., Suite 500

27 Las Vegas, Nevada

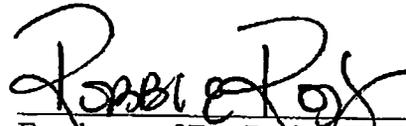
28 Attorneys for Complainant

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CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 21 day of July, 2008, I served a true copy of the above and foregoing **NOTICE OF ENTRY OF FINDINGS AND RECOMMENDATIONS OF THE INFORMAL HEARING HELD PURSUANT TO NRS 631 AND NAC 631 & CONSENT OF JOHN VENNOCHI, DMD TO THE FINDINGS AND RECOMMENDATIONS PURSUANT TO N.R.S. § 631.363(5)** by causing same to be deposited in the United States Mail, at Las Vegas, Nevada, in a sealed envelope, first class postage thereon fully prepaid, addressed as follows:

John R. Lusk, Esq.
517 South Third Street
Las Vegas, NV 89101
Attorney for Respondent


Employee of Fox Rothschild, LLP

1
2 **BEFORE THE NEVADA STATE BOARD OF DENTAL EXAMINERS**

3 NEVADA STATE BOARD OF DENTAL
4 EXAMINERS,

5 Complainant,

CASE NO: 07-1519

6 vs.

7 JOHN VENNOCHI, DMD

8 Respondent.
9

10
11 **FINDINGS AND RECOMMENDATIONS OF THE INFORMAL HEARING HELD**
12 **PURSUANT TO NRS 631 AND NAC 631**

13 &

14 **CONSENT OF JOHN VENNOCHI, DMD TO THE FINDINGS AND**
15 **RECOMMENDATIONS PURSUANT TO N.R.S. § 631.363(5)**

16 I.

17 **INTRODUCTION**

18 1. On December 10, 2007, an informal hearing was held in Las Vegas, Nevada, regarding
19 alleged violations of chapter 631 of the Nevada Revised Statutes ("NRS") and chapter 631 of the
20 Nevada Administrative Code ("NAC") by licensee, JOHN VENNOCHI, DMD. The informal
21 hearing was held pursuant to NRS § 631.363 and NAC §§ 631.250 and 631.255.
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23
24 2. In attendance at the informal hearing was J. GORDON KINARD, D.D.S., Informal
25 Hearing Officer assigned to this matter; Debra Shaffer, Deputy Executive Director of the Board
26 and Board attorney, JOHN A. HUNT, ESQ., licensee, JOHN VENNOCHI, D.M.D. (hereinafter
27 referred to as "Respondent" or "Dr. Vennoch"), and his attorney, JOHN R. LUSK, ESQ.
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3. Discussed at length during the informal hearing was the following matters:

A. Whether Respondent had administered, dispensed or prescribed any controlled substance or any dangerous drugs drug as defined in Chapter 454 of NRS to Patients "A", "B", "C", "D", "E" or "F" that were not required for a dental treatment in violation of NRS 631.3475(5).

B. Whether Respondent issued any controlled substances on more than one occasion as defined in Chapter 454 to Patients "A", "B", "C", "D", "E" or "F" while Respondent did not possess a valid license to prescribe control substances from the Nevada State Board Pharmacy in violation of NRS 631.3485(2) or NAC 631.230(1)(d) and/or NRS 631.349.

C. Whether Respondent failed to provide the records for Patients "A", "B", "C", "D", "E" or "F" in violation of NRS 631.3485(4) or NAC 631.230(1)(q) and/or NAC 631.240(1)(c).

D. Whether Respondent's record keeping for Patients "A", "B", "C", "D", "E" or "F", was in violation of NRS 631.3475(4) and/or NAC 631.230(1)(c).

E. Whether Respondent issued prescriptions for controlled substances for Patients "A", "B", "C", "D", "E" or "F" in such excessive amounts to constitute a departure from prevailing standards of acceptable dental practice in violation of NAC 631.230(1)(b).

1 F. Pursuant to NRS 629.061(4) the identity of Patients "A", "B", "C", "D", "E" or
2 "F" must remain anonymous. Respondent has been provided with the identity of Patients "A",
3 "B", "C", "D", "E" and "F" and each were discussed during the course of the Informal Hearing
4 held on December 10, 2007.
5

6 II.

7 FINDINGS OF FACT

8
9 4. Based upon the investigation conducted to date; the information presently available for
10 review, including Dr. Vennoch's response to questions posed during the informal hearing, Dr.
11 J. Gordon Kinard, as the Informal Hearing Officer assigned, issues the following findings of fact:
12

13
14 A. According to the testimony of Respondent, prior to 1993 a patient of Respondent
15 acquired Respondent's prescription pad and issued numerous unauthorized prescriptions. As a
16 result the Massachusetts Dental Board conducted an investigation. On March 27, 1997 an Order
17 to Show Cause was made by the Massachusetts Dental Board charging that Respondent had
18 issued eleven (11) prescriptions for controlled substances to different patients which were not
19 issued for a legitimate medical purpose in the usual course of Respondent's dental practice and
20 Respondent's conduct in issuing the eleven (11) prescriptions did not meet the generally
21 accepted standards of the practice of dentistry. As a result of the Order to Show Cause,
22 Respondent entered into a Consent Agreement with the Massachusetts Dental Board dated
23 September 3, 1997. Pursuant to the terms of the Consent Agreement Respondent, without
24 admitting guilt, consented to the findings that sufficient facts existed from which the Board
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1 could conclude that regarding four of the eleven prescriptions were not issued for a legitimate
2 medical purposed in the usual course of Respondent's dental practice and did not meet the
3 generally accepted standards of the practice of dentistry in violation of G. .L. c . 94C, s. 19(a)
4 and G. L. C. 112, s. 61. As a result Respondent was placed on probation for a minimum of two
5 (2) years and Respondent was required to attend drug and alcohol counseling and submit to
6 random drug testing.
7

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9 B. On June 1, 2000, Respondent entered into a Stipulation with the Board consenting
10 and agreeing to the following pertinent terms and conditions:
11

12 (1). Respondent did not contest and consented to a finding that Respondent
13 violated NRS 631.3475(5), which states the following acts, among other,
14 constitute unprofessional conduct:

15 "...5. Administering, dispensing or prescribing any controlled substance or any
16 dangerous drug as defined in chapter 454 of NRS, if it is not required to treat the
17 dentist's patient; . . ."

18 (2). Respondent did not contest and consented to a finding that Respondent
19 violated NAC 631.230(1)(b) which states the following acts, among other,
20 constitute unprofessional conduct:

21 "... (b) Writing prescriptions for controlled substances in such excessive
22 amounts as to constitute a departure from prevailing standards of acceptable
23 dental practice. . . ."

24 (3). Respondent did not contest and consented to a finding that his charting
25 and record keeping practices violated NRS 631.075, NRS 631.095, NRS
26 631.3475(4), and NAC 631.230(1)(c).

27 (4). Respondent did not contest and consented to a finding that Respondent
28 tested positive for illegal drugs on July 6, 1999.

(5). Respondent agreed to suspension of his license to practice dentistry in the

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State of Nevada for a period of six (6) months, effective from the date the Board approves this Stipulated Settlement.

(6). Respondent agreed to attend sixteen (16) hours of supplemental education in the field of pharmacology and pain management prior to completion of the six (6) month suspension period. . . .

(7). Respondent agreed to submit to random sampling of urine and/or bodily fluids for a period of five (5) years when so ordered by the Executive Director of the Board. In addition to the random drug tests which may be ordered during the five (5) year period, for one (1) year subsequent to the Board's adoption of this Stipulated Settlement, Respondent agreed to submit to urinalysis testing on the first day of the each month at Associated Pathology Laboratories (APL). . . .

.
(8). Respondent agreed to surrender his license No. CS7855 with the Nevada State Board of Pharmacy, to prescribe controlled substances for Class II, Class II-N, Class III, Class III-N, Class IV and Class V for a period of five (5) years commencing from the time the Respondent originally entered into a Stipulation with the Board on July 6, 1999. . . .

(9). Respondent agrees to surrender his Registration Certificate No. BV3942477 with the United States Department of Justice, D.E.A., to prescribe controlled substances for Class II, Class II-N, Class III, Class III-N, Class IV and Class V for a period of five (5) years commencing from the time the Respondent originally entered into a Stipulation with the Board on July 6, 1999. . . .

(10). Respondent's agreed his practice would be supervised for a period of five (5) years to review patient records to assure Respondent's prescription practice are in compliance with NRS 631 and NAC 631. . . . Respondent was required to maintain, for a period of five (5) years, a list of any prescriptions issued to any of Respondent's patients by any other licensed dentist in the State of Nevada. The list of prescriptions to Respondent's patients written by any other license dentist in the State of Nevada had to include patient's name, date of issuance, licensed dentist who issued the prescription, units and amount of prescription narcotics issued. . . .

(11). Respondent agreed to a fine in the amount of \$2,000.00 for violations of NRS 631 and NAC 631, . . .

. . . .

(12). Respondent agreed to reimburse the Board the sum of \$9500.00 for the cost of this investigation and subsequent monitoring. . . .

1 Respondent successfully completed the terms and conditions of the Stipulation entered
2 with the Board on May 31, 2005.
3

4 C. On June 13, 2005, Respondent entered into a Second Stipulation with the Board
5 consenting and agreeing to the following pertinent terms and conditions:

6 (1). Respondent agreed his dental practice would be supervised for a period of
7 two (2) years from the adoption of this Stipulation. . . .

8 (2). During the two (2) year supervisory period, Respondent agreed to the
9 following conditions:

10 i. Patient(s) may not receive treatment(s) or be seated in an operatory unless
11 there is a dentist licensed in the State of Nevada physically present or
12 unless a hygienist licensed in the State of Nevada is performing hygiene
13 treatments in compliance with NRS and NAC 631;

14 ii. Respondent shall obtain a written acknowledgment from present and
15 future employees and/or independent contractors that they have received
16 and read a copy of this Stipulation. Respondent shall maintain the written
17 acknowledgment(s) in Respondent's office for inspection.
18 . . .

19 (3). Based upon the anticipated continuing relationship between Respondent
20 and Zori, Respondent agreed as long as Zori performs any services in any
21 capacity to Respondent, Respondent agreed to the following conditions:

22 i. Zori, shall not at any time perform dental assisting duties as set forth in
23 either NRS or NAC 631 while associated with Respondent or any other
24 licensed dentist in Nevada;

25 ii. Zori is prohibited from being physically present at any time in the
26 operatory(s) when patient(s) are seated in a dental chair;

27 iii. Zori is prohibited from participating in the negotiation of any disputes
28 between Respondent and/or dentist or hygienist employed by Respondent
regarding the treatment(s) of patient(s). Resolution of any disputes
with patients must be contained in a patient's chart and sign off by
Respondent; and
. . . .

(4). Respondent agreed to obtain a total of twenty-four (24) additional hours

1 of supplemental education. Twelve hours (12) hours of supplemental
2 education must be received in the area of diagnosis and treatment planning
3 and twelve (12) hours of supplemental education must be received in the
4 area of fixed prosthetics. . . .

5 (5). Respondent agreed to reimburse the Board for costs of the investigation
6 and to monitor this Stipulation in the amount of Seven Thousand Five
7 Hundred Dollars (\$7,500.00)

8 (6). Respondent agreed to reimburse, Mr. John Flood the amount of Ten
9 Thousand Dollars (\$10,000.00)

10
11 (7). Respondent, agreed to retake the jurisprudence test as required by NRS
12 631.240(2) on the contents and interpretation of NRS 631 and the
13 regulations of the Board. . . .

14 (8). Respondent agreed a representative of the Board would make a
15 presentation to Respondent's staff regarding the scope of practice of dental
16 assistants and those procedures which the staff may perform in compliance
17 with NRS 631 and NAC 631.

18 Respondent successfully completed the terms and conditions of the Stipulation
19 entered with the Board on June 12, 2007.

20 D. Respondent failed to renew his controlled substances registration (CS07588)
21 with the Nevada State Board of Pharmacy prior to the renewal dead line of October 31, 2006.

22 E. On May 30, 2007, Respondent attempted to reinstate his controlled substances
23 registration (CS07588) by submitting a license renewal application with the Nevada State Board
24 of Pharmacy . Upon submission of the application of renewal from May 30, 2007 until October
25 17, 2007, Respondent did not receive any correspondence from the Nevada State Board of
26 Pharmacy reinstating Respondent's controlled substances registration (CS07588). During the
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1 period of October 31, 2006 until submission of his application for renewal on May 30, 2007,
2 Respondent issued a number of prescriptions for controlled substances while not possessing a
3 valid license to issued controlled substances in the State of Nevada. From May 30, 2007 when
4 Respondent submitted his application to reinstate his controlled substance registration
5 (CS07588) through October 17, 2007, Respondent issued a number of prescriptions for
6 controlled substances while not possessing a valid license to issued controlled substances in the
7 State of Nevada.
8

9 F. On June 21, 2007 at a properly noticed meeting the Board approved and
10 authorized an investigation whether Respondent had possibly violated NRS 631.3475(5)
11 regarding patients "A" and "B". On July 17, 2007, Respondent was given notice of the
12 authorized investigation complaint. On July 30, 2007, Respondent submitted answer to the
13 authorized investigation complaint which included but was not limited to Respondents
14 contention that Patient "A" has forged Respondent signature on the prescriptions in question for
15 Patients "A", "B" and "C". On October 16, 2007, Respondent was given supplemental
16 information and documentation obtained by the Board during the course of the investigation
17 regarding Patients "A" and "B". On October 24, 2007, Respondent submitted a supplemental
18 response to the authorized investigation complaint stating the prescriptions issued to Patients
19 "A", "B", and "C", on October 17, 2006, December 4, 2006, December 11, 2006, January 12,
20 2007, February 26, 2007 and April 17, 2007 were forgeries.
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24 G. On October 17, 2007 the Board received a copy of correspondence from Louis
25 Ling, General Counsel for the Nevada State Board of Pharmacy to Respondent regarding
26 Respondent's status with the Pharmacy Board. General Counsel Louis Ling stated the
27
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1 following:

2
3 (1). Respondent did not timely renew his controlled substances registration (CS07588)
4 by October 31, 2006. Therefore Respondent's registration lapsed as of
5 November 1, 2006 which meant Respondent could not lawfully prescribe,
6 possess, administer or dispense, controlled substances in Nevada effective
7 November 1, 2006.

8 (2). On May 30, 2007, Respondent submitted a late renewal application along
9 with a check. The check was not deposited by the Pharmacy Board. That
10 Respondent did not receive any indication from the Pharmacy Board that
11 Respondent's registration was renewed.

12 (3). Respondent's renewal was not processed and would not be possessed until
13 the pending investigation with the Nevada State Board of Dental
14 Examiners was resolved

15 H. On October 23, 2007, Respondent was served with a Notice of Inspection of
16 Patient Records for Patients "D", "E" and "F".

17 I. On October 24, 2007, Respondent sent correspondence to the Culinary Free
18 Pharmacy indicating a generic Rx pad had been stolen from his practice in October 2006.
19 Subsequently there had been numerous Rx written for Lortab 10. Those Rx's were all made out
20 to Patients "A", "B", and "C", and that all were forgeries. Respondent further instructed the
21 Culinary Free Pharmacy not to fill any prescriptions written on Paradise Village Dental Center
22 Rx paper and to contact Respondent immediately.

23 J. On October 31, 2007, Respondent was served with the Notice of Informal
24 Hearing and a Subpoena Duces Tecum regarding Patients "A", "B", "D", "E" and "F".

25 K. On December 10, 2007 an Informal Hearing was held at Respondent's attorney's
26 office located at 517 South Third Street, Las Vegas, Nevada. Those individuals present were
27 Respondent, his attorney John R. Lusk, Esq., Disciplinary Screening Officer James G. Kinard,
28

1 Debra A. Shaffer, Board Deputy Executive Director and Board Counsel John A. Hunt, Esq.

2 L. The Massachusetts Consent Order dated September 3, 1997; the Stipulation with
3 the Board date June 1, 2000; and the present authorized investigation complaint dated July 17,
4 2007; all involved whether Respondent issued of controlled substances that were either not
5 related to dental treatments or involved. The Massachusetts Consent Order and the present
6 authorized complaint both involve the issuance of forged prescription using of Respondent's
7 prescription pads.
8

9 M. At the Informal Hearing held on December 10, 2007, Respondent gave the
10 following testimony:
11

- 12 i. Respondent did not have any records for Patients "A", "B" or "C" related
13 to the prescriptions issued and discussed to these patients. Respondent
14 believes these prescriptions to be forgeries.
- 15 ii. Respondent has been aware since 1998 he could do a self profile with the
16 Nevada State Board of Pharmacy, but Respondent has never done a self
17 profile.
- 18 iii. Respondent acknowledges since November 1, 2006, Respondent has
19 issued on more than one occasion prescriptions for controlled substances
20 while not possessing a valid license with the Nevada State Board of
21 Pharmacy.
- 22 iv. Respondent did not report on his attempted license renewal of May 30,
23 2007 the Consent Order with the Massachusetts Dental Board or the
24 Second Stipulation entered into with the Nevada State Board of Dental
25 Examiners to the Nevada State Pharmacy Board .
- 26 v. Since receiving the authorized investigation complaint of July 17, 2007,
27 Respondent never reported to the Nevada State Board of Pharmacy, but
28 did report in writing to the Disciplinary Screening Officer on July 30,
2007, Respondent's contention that his prescription pad at his prior
practice had been stolen by Patient "A" who was also an employee of
Respondent who he believes wrote other forged prescriptions to for Patient
"A", "B" and "C". October 24, 2007 three months after Respondent's
belief his prescription pad had be stolen by Patient "A", Respondent wrote

1 to the Culinary Free Pharmacy regarding his suspicions regarding Patient
2 "A" and not to fill any prescriptions made to Patient "A", "B" or "C" and
3 to contact Respondent.

4 vi. Respondent does not have any dental records or treatment plan regarding a
5 prescription for a controlled substance written to Patient "D" on
6 September 22, 2007 while Respondent did not possess a valid license to
7 issue controlled substances with the Nevada State Board of Pharmacy. It is
8 Respondent's contention that the treatments received by Patient "D"
9 subsequently on January 11, 14 and 22 2008 related to the prescription
10 issued to Patient "D" on September 22, 2007.

11 vii. Respondent does not have any dental records or treatment plan regarding a
12 prescription for a controlled substance written to Patient "E" on January
13 11, 2007 while Respondent did not possess a valid license to issue
14 controlled substances with the Nevada State Board of Pharmacy.

15 viii. Respondent while he did not possess a license with the Nevada State
16 Board of Pharmacy issued three (3) prescriptions to Patient "F" on April,
17 20, 2007, April 24, 2007 and April 28, 2007; each prescription was written
18 for 20 units of Hydrocodone Bitartrate and Acetaminophen, 500 mg; 7.5
19 mg tablet. The April 28, 2007 prescription did not appear in the dental
20 records of Patient "F".

21 II.

22 CONCLUSIONS OF LAW

23 5. Based upon the findings of facts cited above; the investigation conducted to date; the
24 limited information presently available for review and Respondent's responses to questions
25 posed during the informal hearing, Dr. J. Gordon Kinard, as the Informal Hearing Officer
26 assigned, issues for following conclusions of law:

27 A. It is the finding of the Informal Hearing Officer, based upon the limited
28 information presently available, that there is substantial evidence Respondent had administered,

1 dispensed or prescribed controlled substances or dangerous drugs drug as defined in Chapter
2 454 of NRS to Patient "E" that were not required for a dental treatment in violation NRS
3 631.3475(5).
4
5

6 B. It is the finding of the Informal Hearing Officer, based upon the limited
7 information presently available, that there is substantial evidence that Respondent issued
8 controlled substances on more than one occasion as defined in Chapter 454 to Patients "D", "E"
9 or "F" while Respondent did not possess a valid license to prescribe control substances from the
10 Nevada State Board Pharmacy in violation of NRS 631.3485(2) or NAC 631.230(1)(d) and/or
11 NRS 631.349.
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14 C. It is the finding of the Informal Hearing Officer, based upon the limited
15 information presently available, that there is substantial evidence that Respondent failed to
16 provide the records for Patients "D", "E" or "F" in violation of NRS 631.3485(4) or NAC
17 631.230(1)(q) and/or NAC 631.240(1)(c).
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20 D. It is the finding of the Informal Hearing Officer, based upon the limited
21 information presently available, that there is substantial evidence that Respondent's record
22 keeping for Patients "D", "E" or "F", was in violation of NRS 631.3475(4) and/or NAC
23 631.230(1)(c).
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26 E. It is the finding of the Informal Hearing Officer, based upon the limited
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1 information presently available, that there is substantial evidence that Respondent issued
2 prescriptions for controlled substances for Patients "D", "E" or "F" in excessive amounts to
3 constitute a departure from prevailing standards of acceptable dental practice in violation of
4 NAC 631.230(1)(b).
5

6 **III.**

7 **RECOMMENDATIONS**

8
9 6. Based upon the findings of fact and conclusions of law as more fully addressed above
10 and taking into consideration present violations are similar to the prior administrative actions
11 taken by the Dental Board Of Massachusetts and the Nevada State Board of Dental Examiner
12 this Informal Hearing Officer makes the following Recommendations:
13

14
15 A. Pursuant to N.R.S. § 631.350(b), Respondent's license to practice dentistry in the
16 State of Nevada should be suspended for a period of four (4) months in the event Respondent
17 consents and the Board adopts these Findings and Recommendations. *To be effective*

18 *July 26, 2008 if adopted by Board.*
19

20 B. Pursuant to NRS 631.350(1)(d) s after completing the four (4) month suspension
21 period this Informal Hearing Officer recommends Respondent be placed probation for a period
22 of five (5) years pursuant to the following terms and conditions:
23

24 i Respondent should surrender his license No. CS7855 with the Nevada State
25 Board of Pharmacy, to prescribe controlled substances for Class II, Class II-N,
26 Class III, Class III-N, Class IV and Class V for a period of five (5) years. At the
27 end of the five (5) year probationary period Respondent should be allowed apply
28 to have his prescription writing privileges with the Nevada State Board of
Pharmacy reinstated.

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ii. Respondent should surrender his Registration Certificate No. BV9085033 with the United States Department of Justice, D.E.A., to prescribe controlled substances for Class II, Class II-N, Class III, Class III-N, Class IV and Class V for a period of five (5) years. In the event Respondent complies with all the terms of this Stipulation, at the end of the five (5) year period Respondent may apply to the D.E.A. to have his prescription privileges reinstated.

VI

iii. The terms and conditions of the probation should be reported to the National Practitioners Data Bank. In the event Respondent does not actively practice dentistry in the State of Nevada the probationary period should be tolled for the period on inactive practice.

iv. Respondent should allow either the Executive Director of the Board and/or agent(s) appointed by the Board's Executive Director to inspect Respondent's records to ensure compliance during the probationary period. Such inspections should be performed, without notice, during normal business hours. During the probationary period Respondent may issue prescriptions for non-narcotic controlled substances pursuant to the terms set forth below. During the probationary period Respondent will be prohibited from issuing any prescriptions for Class II, Class IIN, Class III, Class IIIN, Class IV, V or Class VI controlled substances. In the event a patient of Respondent requires a prescription for a Class II, Class IIN, Class III, Class IIIN, Class IV, V or Class VI controlled substance during the probationary period, Respondent will be allowed to authorize a dentist licensed in Nevada to issue such a prescription on his behalf. The prescribing dentist must physically examine the patient. The examination, prescription, and quantity must be entered into the patient's record by the prescribing dentist in his/her own handwriting unless Respondent owns or is employed in a dental practice where the dental charts of a patient are on a computerize system and where the entries can not be altered. Respondent will be responsible for making sure these entries are in the patient's records. Respondent is prohibited from receiving any pre-signed prescription(s) from a dentist who is issuing a prescription on behalf of any of Respondent's patient(s). All prescriptions issued by Respondent during the probationary period for non-narcotic controlled substances must be in Respondent's handwriting and must have an original signature of Respondent. Respondent must maintain a copy of any prescriptions issued by Respondent for non-narcotic controlled substances. Such copies shall be attached to reports submitted on the first day on each month. During the probationary period Respondent should be allowed to place telephone prescriptions for antibiotics. All prescriptions issued by a dentist on behalf of Respondent during the probationary period for Class II, Class IIN, Class III, Class IIIN, Class IV, V or Class VI controlled substances should be required to be in that dentist's own handwriting and must have an original signature of that dentist. Respondent should be required to maintain a copy of any prescriptions issued by a

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is prohibited from
non-narcotic controlled substances and
antibiotics. CLASS II, III, IIN, IIIN, IV, V, VI

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dentist on Respondent's behalf for Class II, Class IIN, Class III, Class IIN, Class IV, or Class V controlled substances. Such copies shall be attached to reports submitted on the first day on each month. On the first day of each month during the probation period Respondent should be required to prepare a report listing the controlled substance prescriptions issued by any Nevada license dentist who has issued a prescription on Respondent's behalf. Attached to the report should be copies of any prescriptions issued by any Nevada licensed dentist was has issued a prescription on Respondent's behalf. The report should require the following information and shall be submitted to the Executive Director of the Board:

- (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.

v. In the event the Board's Executive Director has substantial evidence to believe Respondent has failed to comply with any of the recommended provisions contained in Section III, 6B (iv) the Executive Director, should without further hearing or action by the Board, should issue an Order of Revocation of Respondent's license to practice dentistry in the State of Nevada. Thereafter Respondent should be allowed to petition the Board to reinstate Respondent's revoked license.

vi. Respondent should be required to physically surrender his License with the United States Department of Justice, D.E.A. to prescribe Class II, Class IIN, Class III, Class IIN, Class IV, V and Class VI during the five (5) year probationary period. In the event the Board's Executive Director has substantial evidence to believe Respondent has either failed to physically surrender his DEA License or has prescribed any Class II, Class IIN, Class III, Class IIN, Class IV, Vor Class VI controlled substances, the Executive Director, should without further hearing or action by the Board, issue an Order of Revocation of Respondent's license to practice dentistry in the State of Nevada. Thereafter Respondent should be allowed to petition the Board to reinstate Respondent's revoked license.

vii. Respondent should be required to physically surrender his License No. CS7855 with the with the Nevada State Board of Pharmacy to prescribed Class II, Class IIN, Class III, Class IIN, Class IV, V and Class VI during the five (5) year probationary period. In the event the Board's Executive Director has substantial evidence to believe Respondent has either failed to physically surrender his Nevada State Board of Pharmacy License or has prescribed Class II, Class IIN, Class III, Class IIN, Class IV, V or Class VI controlled substance, the Executive Director should without further hearing or action by the Board, shall issue an Order of Revocation of Respondent's license to practice dentistry in the State of

1 Nevada. Thereafter Respondent should be allowed to petition the Board to
2 reinstate Respondent's revoked license.

3 viii. During the five (5) year probationary all chart entries on patients seen or treated
4 by Respondent should be required to be in Respondent's own hand writing unless
5 Respondent owns or is employed in a dental practice where the dental charts of a
6 patient are on a computerize system and where the entries can not be altered. The
7 patient records whether entry by hand or by computer must contain the following
8 minimum information:

- 9 1. Date of the treatment;
- 10 2. A diagnosis for every treatment performed;
- 11 3. A description of the treatment performed;
- 12 4. Amount, concentration and types of medications given;
- 13 5. Each antibiotic prescription should be in triplicate, serially
14 numbered prescription form which have been inspected and
15 pre-approved by the Executive Director. A copy of each
16 antibiotic prescription should be mailed to the Board on a
17 monthly basis. Respondent should maintain one copy in
18 the patients dental records.
- 19 6. For emergency or problem focused evaluations,
20 Respondent must provide a statement in the patient's words
21 of the problem, an observation of the patient's condition, a
22 diagnosis, and a statement of the proposed treatment.

23 With the exception of viii(5)above in the event Respondent owns or is
24 employed in a dental practice where the dental charts of a patient are on a
25 computerize system and where the entries can not be altered, Respondent
26 will be relieved of his obligation to hand write the such notations require
27 by viii(1) and (2) and (3) and (4) and (6).

28 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
Section III, 6B (viii) the Executive Director, should without further hearing or
action by the Board, shall issue an Order of Revocation of Respondent's license to
practice dentistry in the State of Nevada. Thereafter Respondent should be
allowed to petition the Board to reinstate Respondent's revoked license.

ix. Pursuant to NRS 631.350(1)(i), Respondent should be required to perform
One Hundred (100) hours of approved community service at a
dental public health facility. The One Hundred (100) hours of community service
should be completed within four (4) years of commencement of the

1 recommended five (5) year probationary period. Respondent should be required
2 to receive prior written approval from the Board's Executive Director before
3 administering the community service. To receive credit for any of the community
4 service rendered Respondent should be required to have an individual who is
5 responsible for the community service facility attest to the amount of time
6 Respondent has rendered treatment. In the event Respondent fails to complete the
7 One Hundred (100) hours of community service within four (4) years of
8 commencement of the recommended five (5) year probationary period Executive
9 Director should without any further action of the Board shall issue an Order
suspending Respondent's license to practice dentistry in the State of Nevada.
Upon submitting written proof to the Executive Director that Respondent has
completed the One Hundred (100) hours of community service the Executive
Director should be required without any further action of the Board issue an Order
reinstating Respondent's license to practice dentistry in the State of Nevada.

10 x. Respondent should be required to reimburse the Board for costs of the
11 investigation including but not limited to attorneys fees in the amount of
12 \$10,000.00 in event Respondent consents to these Findings and Recommendation
13 and the Board adopts same. Assuming Respondent consents to these Findings
14 and Recommendation and the Board adopts same, Respondent be allowed to
15 make equal monthly payments in the amount of \$166.66. The first monthly
16 payment should be made payable to the Board, thirty (30) days from the adoption
17 of these consented to Findings and Recommendations by the Board.

18 xi. Pursuant to NRS 631.350(c) the Board should impose an appropriate fine upon
19 Respondent in the amount of \$2000.00 to be delivered to the Board ~~within ninety~~
20 ~~(90) days~~ from the adoption of these consented to Findings and Recommendations
21 by the Board. *30 days \$500, remaining balance*
due six months from adoption

22 xii In the event Respondent fails to deliver any of the payments required pursuant to
23 Paragraph 6(B)(xi), and/or Paragraph 6(B)(xi) Respondent license to practice
24 dentistry in the State of Nevada should be automatically be suspended without
25 any further action of the Board other than issuance of an order by the Executive
26 Director. Failure to deliver payment would include any checks returned for
27 insufficient funds. Respondent should be required to pay twenty-five dollars
28 (\$25.00) for each day Respondent fails to deliver any of the payments required by
Paragraph 6(B)(xi), and/or Paragraph 6(B)(xi) Respondent should be allowed
cure any default regarding the payments set forth in Paragraph 6(B)(xi), and/or
Paragraph 6(B)(xi) 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

1 contained in these consented to Findings and Recommendations adopted by
2 Board, Respondent should be required to waive any right to seek injunctive
3 relief from either the Nevada Federal District Court or the Nevada State District
4 Court to reinstate his license prior to curing any default on the amounts due and
5 owing. Respondent should also be responsible for any costs or attorney's fees
6 incurred in the event the Board has to seek injunctive relief to prevent Respondent
7 from practicing dentistry during the period Respondent's license is automatically
8 suspended.

9
10
11 xii Pursuant to NRS 631.350(1)(k), within ninety (90) days adoption of these
12 consented to Findings and Recommendations by the Board, Respondent should
13 be required to retake the jurisprudence test as required by N.R.S. § 631.240(2) on
14 the contents and interpretation of chapter 631 of the Nevada Revised Statutes and
15 the regulations of the Board. The jurisprudence examination is administered on
16 the first Monday of each month at 10:00 a.m. and 2:00 p.m. at the Board's office.
17 Respondent should be required to contact the Board to schedule a time to submit
18 to the re-examination.

two years (2) from adoption of Findings & Recom

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xiv. Pursuant to NRS 631.350(k), in addition to completing the required continuing
education, ~~during the four (4) month suspension period~~ Respondent shall be
required to obtain forty (40) additional hours in supplemental education. Twenty
(20) hours should be obtained in the area of -ethics, and the remaining twenty(20)
hours of supplemental education should be received in the area of record keeping.
F The Respondent should be required to submit in writing to the Executive
Director of the Board for approval prior to attendance. Upon receipt of a written
request to attend supplemental education the Executive Director of the Board
should be required to notify Respondent in writing whether the requested
supplemental education is approved for attendance. Respondent agrees seventy
(70%) per cent of the supplemental education shall be completed through
attendance at live lecture. The remaining thirty (30%) per cent of the
supplemental education may be completed through online/home study.
Respondent should be required to pay all costs associated with this supplemental
education. Respondent should not be allowed to commence the practice of
dentistry until Respondent has completed the four (4) month suspension period
and has submitted written proof of completion of the recommended supplemental
education.

J. Gordon Kinard MDI this 27 day of JUNE, 2008.
J. GORDON KINARD, D.D.S.
Informal Hearing Officer

1
2 IV.

3 CONSENT TO FINDINGS AND RECOMMENDATIONS

4 N.R.S. § 631.363(5) states:

5 "5. If the person who was investigated agrees in writing to the findings and
6 conclusions of the investigator, the Board may adopt that report as its final order and take
7 such action as is necessary without conducting its own hearing on this matter."

8 7. I, JOHN VENNOCHI, DMD, hereby acknowledge that I have read N.R.S. § 631.363 (5).

9 I am aware that if I decide not to consent to the Findings and Recommendations of the Informal
10 Hearing Officer, a formal complaint may be filed against me. In the event a formal complaint is
11 filed, I am aware I have the right to a full disciplinary hearing before the Nevada State Board of
12 Dental Examiners.

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14
15 8. I have read all of the Findings and Recommendations of Informal Hearing Officer, J.
16 GORDON KINARD, DDS, and upon advice of my counsel, I consent to all of the Informal
17 Hearing Officer's Findings and Recommendations.

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20 9. I have reviewed the Findings and Recommendations of Informal Hearing Officer with my
21 attorney, John R. Lusk, Esquire, who has explained each and every provision contained in all of
22 the Informal Hearing Officer's Findings and Recommendations.

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25 10. I further agree this consent in no way prohibits the Nevada State Board of Dental
26 Examiners from using the findings, recommendations and information obtained from this
27 investigation in future disciplinary actions.

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11. I further acknowledge that I am consenting to the Findings and Recommendations of the Informal Hearing Officer voluntarily, without coercion or duress, and in the exercise of my own free will.

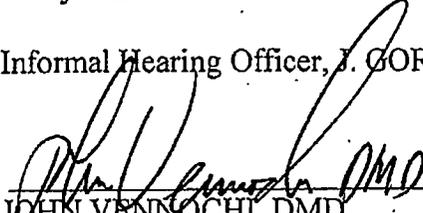
12. I am aware by consenting to the Findings and Recommendations, I am admitting to all of the Findings and Recommendations as stated by the Informal Hearing Officer.

13. I am aware by consenting to the Findings and Recommendations, I am waiving all rights to seek judicial review or otherwise to challenge or contest the validity of the Findings and Recommendations contained herein.

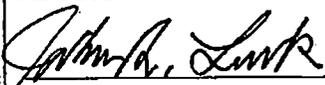
14. I am aware that the Nevada State Board of Dental Examiners may choose not to adopt my consent to the Findings and Recommendations of the Informal Hearing Officer. The Findings and Recommendations and consent will be presented to the Board for ratification at its next properly noticed meeting. If the Board ratifies the Findings, Recommendations and Consent, such ratification will be considered a final disposition of a contested case and shall become a public record. Further copies of the ratified Findings and Recommendations shall be provided/reported to the public, appropriate agencies/entities, including but not necessarily limited to, the National Practitioners Data Bank.

15. I hereby specifically recognize, acknowledge and agree that failure on my part to fully

1 satisfy all of the terms and conditions of the Findings and Recommendations of the Informal
2 Hearing Officer, shall constitute unprofessional conduct; I further agree in the event I fail to
3 satisfy all of the Findings and Recommendations of the Informal Hearing Officer, the Board may
4 impose additional disciplinary penalties, upon the convening of a full Board hearing to determine
5 solely whether I have breached any of the consented to Findings and Recommendations of
6 Informal Hearing Officer, J. GORDON KINARD, DDS.

7
8
9  this 27th day of June, 2008.
10 JOHN VENNOCHI, DMD

11 APPROVED AS TO FORM AND CONTENT

12  this 27th day of June, 2008.
13 JOHN R. LUSK, ESQ.
14 Respondent's attorney

15 V.

16 **ACTION BY THE BOARD**

17 The foregoing Findings and Recommendations and Consent thereto was (circle the
18 appropriate action);

19 Approved

20 Disapproved

21 by a vote of the Nevada State Board of Dental Examiners at a properly noticed meeting.

22 DATED this 27th day of JUNE, 2008.

23 NEVADA STATE BOARD OF DENTAL EXAMINERS

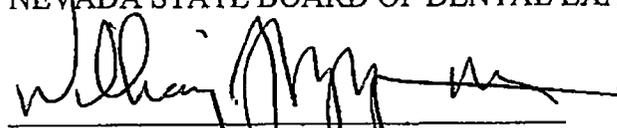
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26 WILLIAM G. PAPPAS, President

EXHIBIT D

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STATE OF NEVADA
BEFORE THE BOARD OF DENTAL EXAMINERS

NEVADA STATE BOARD OF DENTAL
EXAMINERS,

Complainant,

vs.

AMMAR KERIO, DMD

Respondent.

Case No. 74127-02605

DISCIPLINARY
STIPULATION AGREEMENT

IT IS HEREBY STIPULATED AND AGREED by and between AMMAR KERIO, DMD ("Respondent" or "Dr. Kerio"), and the NEVADA STATE BOARD OF DENTAL EXAMINERS (the "Board"), by and through BYRON BLASCO, DMD, Disciplinary Screening Officer ("DSO"), and the Board's legal counsel, JOHN A. HUNT, ESQ., of the law firm MORRIS, POLICH & PURDY, LLP as follows via this *Stipulation Agreement* ("Stipulation Agreement" or "Agreement"):

PATIENT, ONIEDA ESTRADA

1. Via a *Notice of Complaint & Request for Records* dated August 14, 2013, the Board notified Respondent of a verified complaint received from Onieda Estrada. On August 29, 2013, the Board received Respondent's written response dated August 27, 2013, and attachments to Ms. Estrada's verified complaint, a copy of which was provided to Ms. Estrada on September 25, 2013.

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Respondent's initials

1 2. Based upon the limited investigation conducted to date, Disciplinary Screening Officer,
2 Byron Blasco, DMD, applying the administrative burden of proof of substantial evidence as set
3 forth in *State, Emp. Security v. Hilton Hotels*, 102 Nev. 606, 608, 729 P.2d 497, 498 (1986); and
4 see *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, including any other subsequent civil action,
6 believes there is substantial evidence Respondent violated NRS 631.3475(4) when Respondent
7 allowed his laboratory technician to fabricate an upper and lower denture without proper
8 supervision by Respondent.

9 PATIENT, ELEANOR BURNETT

10 3 Via a *Notice of Complaint & Request for Records* dated November 21, 2011, the Board
11 notified Respondent of a verified complaint received from Eleanor Burnett. On December 8,
12 2011, the Board received Respondent's written response dated December 7, 2011, and
13 attachments to Ms. Burnett's verified complaint, a copy of which was provided to Ms. Burnett on
14 December 27, 2011. On January 13, 2013, request was made upon Respondent on behalf of the
15 DSO for Ms. Burnett's billing statements and periodontal charting. On February 8, 2012, a
16 second request was sent. On November 27, 2012, requested records were received from
17 Respondent. On November 18, 2013, the DSO received an RX task force report regarding
18 Respondent.

19
20 4. Based upon the limited investigation conducted to date, Disciplinary Screening Officer,
21 Byron Blasco, DMD, applying the administrative burden of proof of substantial evidence as set
22 forth in *State, Emp. Security v. Hilton Hotels*, 102 Nev. 606, 608, 729 P.2d 497, 498 (1986); and
23 see *Minton v. Board of Medical Examiners*, 110 Nev. 1060, 881 P. 2d 1339 (1994), see also NRS
24 233B.135(3)(e), but not for any other purpose, including any other subsequent civil action,
25 believes there is substantial evidence Respondent the following violations with regards to the
26 treatment rendered to Eleanor Burnett:

27 Page 2 of 13

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Respondent's initials

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- a. Respondent on more than one occasion prescribed a controlled substance to patient Eleanor Burnett and other audited patients which were not required to treat the patients in violation of NRS 631.3475(5)
- b. Respondent's charting and record keeping for patient Eleanor Burnett and other audited patients on more than one occasion were in violation of NRS 631.3475(4).
- c. Respondent one more than once occasion allowed his laboratory technician to fabricate an upper and lower dentures on patient Eleanor Burnett and other audited patients without proper supervision by Respondent in violation of NRS 631.3475(4).

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), Respondent admits, but not for any other purpose, the Board has substantial evidence that Respondent violated, as more fully addressed in Paragraph 2 (re: Patient, Onieda Estrada) and Paragraph 4 (re: Patient, Eleanor Burnett) above.

6. Based upon the limited investigation conducted to date, the findings of the Disciplinary Screening Officer, Byron Blasco, DMD, and the admissions by Respondent contained in Paragraphs 2 & 4 above, the parties have agreed to resolve this matter regarding the verified complaints of Ms. Estrada and Ms. Burnett pursuant to the following terms and conditions:

- a. Pursuant to NRS 631.350(1)(d), Respondent's dental practice shall be placed on probation for a period of twelve (12) months from the adoption of this Stipulation Agreement by the Board. During the twelve (12) months probationary period, Respondent shall allow either the Executive Director of the Board and/or an agent appointed by the Executive Director of the Board to inspect Respondent's records during normal business hours without notice to inspect and be provided copies of the billing and patient records for patients requested by the agent assigned by the Executive Director Respondent shall maintain a list ("daily log") of any prescriptions issued to any of Respondent's patients for controlled substances. During probation Respondent shall not issue any prescription(s) for more than sixteen (16) units of a controlled substance for

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Respondent's initials

1 each office visit where treatment was rendered. All prescriptions issued by Respondent
2 during probation must be in Respondent's handwriting and must have an original
3 signature of Respondent. In the event Respondent uses a dental software system,
4 Respondent shall maintain a copy of the computer generated prescription and shall sign
5 and date that copy in Respondent's handwriting and shall maintain a signed and dated
6 copy in each patient's dental records. During probation Respondent is prohibited from
7 placing telephone prescriptions for controlled substances. In the event of an emergency
8 Respondent may phone in prescriptions for controlled substances. Respondent must fax
9 the emergency prescription for controlled substances to the pharmacy issuing such
10 prescriptions on the next business day. Upon adoption of the Stipulation by the Board,
11 Respondent shall perform a prescription inquiry to the Nevada State Board of Pharmacy
12 and obtain a print out of all controlled substances issued by Respondent to all of
13 Respondent's patients. Thereafter during the probationary period Respondent shall every
14 six months performed a prescription inquiry to the Nevada State Board of Pharmacy and
15 obtain a print out of all controlled substances issued by Respondent to all of
16 Respondent's patients. Respondent will provide a copy of the inquiry to the Executive
17 Director of the Board within three (3) days of receiving the print out from the Nevada
18 State Board of Pharmacy. The list of prescriptions issued by Respondent's shall include
19 the following information:

- 13 1. patient's name;
- 14 2. date of issuance;
- 15 3. name of dentist who issued prescription;
- 16 4. units and amount of controlled substance issued; and
- 17 5. reason for issuing the controlled substance.

17 The daily log shall be made available during normal business hours without notice. In
18 addition, during the probationary period, Respondent shall mail to the Board no later than
19 the fifth (5th) day of the month a copy of the daily log(s) for the preceding calendar month
20 (for example: by May 5, Respondent shall mail to the Board a copy of daily log(s) for the
21 month of April) (hereinafter "monthly log mailing requirement"). Respondent
22 acknowledges failure to comply with the monthly log mailing requirement shall be an
23 admission of unprofessional conduct. In addition, Failure to maintain and/or provide the
24 daily log upon request by an agent of the Board shall be an admission of unprofessional
25 conduct. Upon receipt of substantial evidence that Respondent has either failed to comply
26 with the monthly log mailing requirement, failed to maintain or has refused to provide the
27 daily log upon request by an agent assigned by the Executive Director, or Respondent has
28 refused to provide copies of patient records requested by the agent assigned by the
Executive Director, 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 of Suspension by the Executive Director. Thereafter,
Respondent may request, in writing, a hearing before the Board to reinstate Respondent's
license. However, prior to a full Board hearing, Respondent waives any right to seek

Page 4 of 13

28 AK
Respondent's initials

1 judicial review, including injunctive relief from any court of competent jurisdiction,
2 including a Nevada Federal District Court or Nevada State District Court to reinstate his
3 privilege to practice dentistry in the State of Nevada pending a final Board hearing.
4 Respondent shall also be responsible for any costs or attorney's fees incurred in the event
5 the Board has to seek injunctive relief to prevent Respondent from practicing dentistry
6 during the period Respondent's license is automatically suspended.

7 b. In the event the Board's Executive Director has substantial evidence to believe
8 Respondent has failed to comply with any of the provisions contained in Paragraph 6a
9 the Executive Director, without any further hearing or action by the Board, shall issue an
10 order suspending Respondent's license to practice dentistry in the State of Nevada.
11 Thereafter, Respondent may request a hearing before the Board but during the pendency
12 of the hearing before the Board, Respondent waives any right to seek judicial review to
13 reinstate his privilege to practice dentistry in the State of Nevada pending a final Board
14 hearing.

15 c. In the event the Board's Executive Director has substantial evidence to believe
16 Respondent has failed to comply with any of the provisions contained in Paragraph 6a
17 during the probationary period, Respondent agrees to surrender his License No. XXXX
18 with the United States Department of Justice, D.E.A. for Class II, Class IIN, Class III,
19 Class IIIN, Class IV, and Class V for a period of one (1) year commencing upon the date
20 of the Order of Suspension issued by the Executive Director. At the conclusion of the
21 one (1) year period, Respondent may apply to the United States Department of Justice,
22 D.E.A. to have his License No. XXX reinstated. If Respondent should request a hearing
23 and should the Board find there was not substantial evidence that Respondent violated
24 any of the provisions of paragraph 6a then the Executive Director shall issue an order to
25 United States Department of Justice, D.E.A. that Respondent's License No. XXX should
26 be reinstated.

27 d. In the event the Board's Executive Director has substantial evidence to believe
28 Respondent has failed to comply with any of the provisions contained in Paragraph 6a
during the probationary period, Respondent agrees to surrender his License No. CSXXX
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 one (1) year commencing upon the date of the
Order of Suspension issued by the Executive Director. At the conclusion of the one (1)
year period, Respondent may apply to the Nevada State Board of Pharmacy to have his
License No. CSXXX reinstated. If Respondent should request a hearing and should the
Board find there was not substantial evidence that Respondent violated any of the
provisions of paragraph 6a then the Executive Director shall issue an order to Nevada
State Board of Pharmacy that Respondent's License No. CSXXX should be reinstated.

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Respondent's initials

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2 e. Pursuant to NRS 631.350(1)(d), during the twelve (12) month probationary period
3 upon adoption of the Stipulation Agreement by the Board, Respondent shall allow either
4 the Executive Director of the Board and/or an agent appointed by the Executive Director
5 of the Board to inspect Respondent's records during normal business hours without
6 notice and be provided copies of the billing and records for patients requested by the
7 agent assigned by the Executive Director regarding those patients who have had received
8 removal prosthetics. During the probation period the duties of the agent assigned by the
9 Executive Director shall include, but not be limited to, having unrestricted access to
10 observe Respondent performing removable prosthetics as well as contacting patients who
11 have received removal prosthetics.

12 f. Pursuant to NRS 631.350(1)(d), during the twelve (12) month probationary period
13 upon adoption of the Stipulation Agreement by the Board, Respondent shall maintain the
14 attached daily log containing the following information for any patient(s) who receive
15 removable prosthetics.

- 16 1. Name of patient.
- 17 2. Date treatment commenced.
- 18 3. Explanation of treatment.
- 19 4. Pre and post x-rays

20 The daily log shall be made available during normal business hours without notice. In
21 addition, during the monitoring period, Respondent shall mail to the Board no later than
22 the fifth (5th) day of the month a copy of the daily log(s) for the preceding calendar month
23 (for example: by May 5, Respondent shall mail to the Board a copy of daily log(s) for the
24 month of April) (hereinafter "monthly log mailing requirement"). Respondent
25 acknowledges failure to comply with the monthly log mailing requirement shall be an
26 admission of unprofessional conduct. In addition, Failure to maintain and/or provide the
27 daily log upon request by an agent of the Board shall be an admission of unprofessional
28 conduct. Upon receipt of substantial evidence that Respondent has either failed to comply
with the monthly log mailing requirement, failed to maintain or has refused to provide the
daily log upon request by an agent assigned by the Executive Director, or Respondent has
refused to provide copies of patient records requested by the agent assigned by the
Executive Director, 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 of Suspension by the Executive Director. Thereafter,
Respondent may request, in writing, a hearing before the Board to reinstate Respondent's
license. However, prior to a full Board hearing, Respondent waives any right to seek
judicial review, including injunctive relief from any court of competent jurisdiction,
including a Nevada Federal District Court or Nevada State District Court to reinstate his
privilege to practice dentistry in the State of Nevada pending a final Board hearing.
Respondent shall also be responsible for any costs or attorney's fees incurred in the event

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28 AS
Respondent's initials

1 the Board has to seek injunctive relief to prevent Respondent from practicing dentistry
2 during the period Respondent's license is automatically suspended.

3
4 g. In the event Respondent no longer practices dentistry in the State of Nevada prior
5 to completion of the above-referenced twelve (12) months probationary period, the
6 probationary period shall be tolled. In the event the probationary period is tolled because
7 Respondent does not practice in the State of Nevada and the terms and conditions of this
8 Stipulation Agreement are not satisfied within twenty-four (24) months of adoption of
9 this Stipulation Agreement by the Board, Respondent agrees his license to practice
dentistry in Nevada will be deemed voluntarily surrendered with disciplinary action.
Thereafter, the Board's Executive Director without any further action or hearing by the
Board shall issue an Order of Voluntary Surrender with disciplinary action and report
same to the National Practitioners Data Bank.

10 h. Pursuant to NRS 631.350(k), in addition to completing the required continuing
11 education, Respondent shall obtain an additional forty-eight (48) hours of supplemental
12 education associated with the following matters in the following number of hours:

- 13 i. 16 hours related to pain management;
- 14 ii. 8 hours related to record keeping;
- 15 iii. 8 hours related to periodontal diagnosis & treatment;
- 16 iv. 8 hours related to exodontia techniques;
- 17 v. 8 hours related to osseous diagnosis and surgical techniques

18 Information, documents, and/or description of supplemental education must be submitted
19 in writing to the Executive Director of the Board for approval prior to attendance. Upon
20 the receipt of the written request to attend the supplemental education, the Executive
21 Director of the Board shall notify Respondent in writing whether the requested
22 supplemental education is approved for attendance. Respondent agrees fifty percent
23 (50%) of the supplemental education in each category shall be completed through
24 attendance at live lecture and/or hands on clinical demonstration and the remaining fifty
25 percent (50%) percent of the supplemental education in each category may be completed
26 through online/home study courses. The cost associated with this supplemental education
27 shall be paid by Respondent. All of the supplemental education must be completed with
28 nine (9) months of the adoption of this Stipulation Agreement by the Board. In the event
Respondent fails to complete the supplemental education set forth in Paragraph 6.h.,
within nine (9) months of adoption of this Stipulation Agreement by the Board,
Respondent agrees his license to practice dentistry in the State of Nevada may be
automatically suspended without any further action of the Board other than the issuance
of an Order of Suspension by the Board's Executive Director. Upon Respondent
submitting written proof of the completion of the supplemental education and paying the
reinstatement fee, Respondent's license to practice dentistry in the State of Nevada will

Page 7 of 13

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Respondent's initials

1 automatically be reinstated by the Board's Executor Director, assuming Respondent is in
2 compliance will all other provisions of this Stipulation Agreement. Respondent agrees to
3 waive any right to seek injunctive relief from any court of competent jurisdiction,
4 including a Federal or State of Nevada District Court to prevent the automatic suspension
5 of Respondent's license to practice dentistry in the State of Nevada due to Respondent's
6 failure to comply with Paragraph 6h. Respondent shall also be responsible for any costs
or attorney's fees incurred in the event the Board has to seek injunctive relief to prevent
Respondent from practicing dentistry during the period Respondent's license is
automatically suspended.

7 i. Pursuant to NRS 622.400, Respondent agrees to reimburse the Board for the cost
8 of the investigation and cost associated with the probationary period monitory addressed
9 above in this Stipulation Agreement in the amount of \$7,600.00 and xx/100 Dollars
within thirty (30) days of the Board's adoption of this Stipulation Agreement.

10 j. Pursuant to NRS 631.350(1), Respondent agrees to reimburse Onieda Estrada in
11 the amount of One Thousand Eight Hundred & two Dollars (\$1,802.00). Respondent
12 shall deliver to Board, a check made payable to Onieda Estrada within thirty (30) days of
adoption of this Stipulation Agreement by the Board..

13 k. Pursuant to NRS 631.350(1), the Board acknowledges that Respondent has
14 already reimbursed the State of Nevada Medicaid for the treatment rendered to Eleanor
15 Burnett.

16 l. In the event Respondent defaults on any of the payments set forth in Paragraphs
17 6.i., 6.j., and/or 6.k., Respondent agrees his license to practice dentistry in the State of
18 Nevada may be automatically be suspended without any further action of the Board other
19 than issuance of an Order of Suspension by the Board's Executive Director. Subsequent
20 to the issuance of the Order of Suspension, Respondent agrees to pay a liquidated damage
21 amount of Twenty Five and xx/100 Dollars (\$25.00) for each day Respondent is in
22 default on the payment(s) of any of the amounts set forth in Paragraphs 6.i., 6.j., and/or
23 6.k., Upon curing the default of the applicable defaulted Paragraphs 6.i., 6.j., and/or
24 6.k., and paying the reinstatement fee, Respondent's license to practice dentistry in the
25 State of Nevada will automatically be reinstated by the Board's Executor Director,
26 assuming there are no other violations by Respondent of any of the provisions contained
in this Stipulation Agreement. Respondent shall also be responsible for any costs or
attorney's fees incurred in the event the Board has to seek injunctive relief to prevent
Respondent from practicing dentistry during the period in which her license is suspended.
Respondent agrees to waive any right to seek injunctive relief from any court of
competent jurisdiction, including a Nevada Federal District Court or a Nevada State
District Court to reinstate his license prior to curing any default on the amounts due and
owing as addressed above.

28 AK
Respondent's initials

1 m. Respondent agrees to retake the jurisprudence test as required by NRS 631.240(2)
2 on the contents and interpretation of NRS 631 and the regulations of the Board.
3 Respondent shall have ninety (90) days, commencing upon the date of adoption of this
4 Stipulation by the Board, to complete the jurisprudence test. Respondent upon adoption of
5 this stipulation shall receive a user/name and password to enable Respondent to access the
6 online Jurisprudence Examination. In the event Respondent fails to successfully
7 complete the jurisprudence test within ninety (90) days of the date of adoption of this
8 Stipulation by the Board, Respondent agrees his license to practice dentistry in the State of
9 Nevada shall be automatically suspended without any further action of the Board other
10 than issuance of an order by the Executive Director. Upon successful completion of the
11 jurisprudence test, Respondent's license to practice dentistry in the State of Nevada will
12 be automatically reinstated, assuming all other provisions of this Stipulation are in
13 compliance. Respondent agrees to waive any right to seek injunctive relief from any
14 Federal or State of Nevada District Court to prevent the automatic suspension of
15 Respondent's license to practice dentistry in the State of Nevada due to Respondent's
16 failure to comply with Paragraph 6m.. Respondent shall also be responsible for any costs
17 or attorney's fees incurred in the event the Board seeks injunctive relief to prevent
18 Respondent from practicing dentistry during the period Respondent's license is
19 automatically suspended.

13 n. Respondent agrees to provide a copy of NAC 631.220 setting the forth duties
14 delegable to dental assistants and laboratory technicians that are either employed or hired
15 as independent contractors. Each employee and/or independent contractor shall execute a
16 statement indicating they are in receipt of this Stipulation. The statement will be
17 contained in the personnel file of each employee and/or independent contractor.

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

19 p. Respondent waives any right to have the amount owed pursuant to stipulation
20 discharged in bankruptcy.

21 CONSENT

22 7. Respondent has read all of the provisions contained in this Stipulation Agreement and
23 agrees with them in their entirety.

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

27 Page 9 of 13

28 
Respondent's initials

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

5
6 10. Respondent and the Board agree any statements and/or documentation made or
7 considered by the Board during any properly noticed open meeting to determine whether to
8 adopt or reject this Stipulation Agreement are privileged settlement negotiations and therefore
9 such statements or documentation may not be used in any subsequent Board hearing or judicial
10 review, whether or not judicial review is sought in either the State or Federal District Court.

11 11. Respondent acknowledges he has read this Stipulation Agreement. Respondent
12 acknowledges he has been advised he has the right to have this matter reviewed by independent
13 counsel and he has had ample opportunity to seek independent counsel. Respondent has been
14 specifically informed he should seek independent counsel and advice of independent counsel
15 would be in Respondent's best interest. Having been advised of his right to independent counsel,
16 as well as had the opportunity to seek independent counsel, Respondent has voluntarily chosen
17 not to retain counsel or have counsel review this Agreement. Respondent's initials

18 AK.

19
20 12. Respondent acknowledges he is consenting to this Stipulation Agreement voluntarily,
21 without coercion or duress and in the exercise of his own free will.

22
23 13. Respondent acknowledges no other promises in reference to the provisions contained in
24 this Stipulation Agreement have been made by any agent, employee, counsel or any person
25 affiliated with the Nevada State Board of Dental Examiners.

26
27 14. Respondent acknowledges the provisions in this Stipulation Agreement contain the entire
28 agreement between Respondent and the Board and the provisions of this Stipulation Agreement
can only be modified, in writing, with Board approval.

AK
Respondent's initials

1
2 15. Respondent agrees in the event the Board adopts this Stipulation Agreement, he hereby
3 waives any and all rights to seek judicial review or otherwise to challenge or contest the validity
4 of the provisions contained herein.

5
6 16. Respondent and the Board agree none of the parties shall be deemed the drafter of this
7 Stipulation Agreement. In the event this Stipulation Agreement is construed by a court of law or
8 equity, such court shall not construe it or any provision hereof against any party as the drafter.
9 The parties hereby acknowledge all parties have contributed substantially and materially to the
10 preparation of this Stipulation Agreement.

11 17. Respondent specifically acknowledges by his signature herein and by his initials at the
12 bottom of each page of this Stipulation Agreement (and Paragraph 11 above), he has read and
13 understands its terms and acknowledges he has signed and initialed of his own free will and
14 without undue influence, coercion, duress, or intimidation.

15
16 18. Respondent acknowledges in consideration of execution of this Stipulation Agreement,
17 Respondent hereby releases, remises, and forever discharges the State of Nevada, the Board, and
18 each of their members, agents, employees and legal counsel in their individual and representative
19 capacities, from any and all manner of actions, causes of action, suits, debts, judgments,
20 executions, claims, and demands whatsoever, known and unknown, in law or equity, that
21 Respondent ever had, now has, may have, or claim to have against any or all of the persons or
22 entities named in this section, arising out the complaint(s) of the above-referenced Patient(s).

23 19. Respondent acknowledges in the event the Board adopts this Stipulation Agreement, it
24 may be considered in any future Board proceeding(s) or judicial review, whether such judicial
25 review is performed by either the State or Federal District Court(s).

26
27 20. This Stipulation Agreement will be considered by the Board in an open meeting. It is
28 understood and stipulated the Board is free to accept or reject this Stipulation Agreement and if it
is rejected by the Board, the Board may take other and/or further action as allowed by statute,

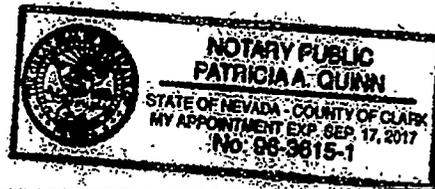
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Respondent's initials

1 regulation, and/or appropriate authority. This Stipulation Agreement will only become effective
2 when the Board has approved the same in an open meeting. Should the Board adopt this
3 Stipulation Agreement, such adoption shall be considered a final disposition of a contested case
4 and will become a public record and shall be reported to the National Practitioner Data Bank.

5 DATED this 21st day of March, 2014.

7 By [Signature]
8 AMMAR KERIO, DMD
9 Respondent

10 STATE OF NEVADA)
11) ss.
12 COUNTY OF CLARK)



12 On this 21st day of March, 2014, before me the undersigned Notary Public
13 in and for said County and State, personally appeared AMMAR KERIO, DMD, who is known
14 to me (or satisfactorily proven) to be the person described in and who executed the foregoing
15 instrument, and who acknowledged to me that he did so freely and voluntarily and for the uses
16 and purposes therein mentioned. WITNESS my hand and official seal.

16 [Signature]
17 NOTARY PUBLIC

18 APPROVED AS TO FORM AND CONTENT

19 By [Signature] this 21 day of March, 2014.
20 John A. Hunt, Esq.
21 Morris Polich & Purdy, LLP
22 Board Counsel

22 APPROVED AS TO FORM AND CONTENT

23 By [Signature] this 21 day of March, 2014.
24 Byron Blasco, DMD
25 Disciplinary Screening Office

26 **BOARD ACTION**

27 This *Stipulation Agreement* in the matter captioned as Nevada State Board of Dental

28 Ammar Kerio, DMD, case no. 74127-02605 was (check appropriate action):

AK
Respondent's initials

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Approved ✓

Disapproved _____

by a vote of the Nevada State Board of Dental Examiners at a properly noticed meeting.

DATED this 26 day of April, 2014.



J. Gordon Kinard, DDS - President
NEVADA STATE BOARD OF DENTAL EXAMINERS

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AK
Respondent's initials

EXHIBIT E

ORIGINAL

1 STATE OF NEVADA
2 BEFORE THE BOARD OF DENTAL EXAMINERS
3

4 NEVADA STATE BOARD OF DENTAL
5 EXAMINERS,

Case No. 74127-02801

6 Complainant,

7 vs.

**DISCIPLINARY STIPULATION
AGREEMENT**

8 JAY K. SELZNICK, DMD, MD,

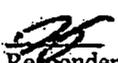
9 Respondent.
10

11 **IT IS HEREBY STIPULATED AND AGREED** by and between JAY K. SELZNICK,
12 DMD, MD, ("Respondent" or "Dr. Selznick"), the NEVADA STATE BOARD OF DENTAL
13 EXAMINERS (the "Board"), by and through BRADLEY STRONG, DDS, and GARY
14 GERACCI, DDS, Disciplinary Screening Officers ("DSO"), and the Board's legal counsel,
15 JOHN A. HUNT, ESQ., of the law firm MORRIS, POLICH & PURDY, LLP as follows via this
16 *Disciplinary Stipulation Agreement* ("Stipulation Agreement" or "Stipulation"):
17

18 1. On December 9, 2005, Respondent entered into a *Stipulation* with the Board in case no.
19 05-1069 which was approved by the Board on December, 15 2005. Respondent successfully
20 completed all of the term and condition of the Stipulation. Currently Respondent's license to
21 practice dentistry in the State of Nevada is in good standing without restriction.
22

23 PATIENT, DAWN HAMM

24 2. Via a *Notice of Complaint & Request for Records* dated May 20, 2014, the Board notified
25 Respondent of a verified complaint received from Dawn Hamm. On July 24, 2014, the Board
26

28 
Respondent's initials

1 received Respondent's written response (w/enclosures) dated July 12, 2014, in response to Ms.
2 Hamm's verified complaint, a copy of which was provided to Ms. Hamm on August 11, 2014.
3

4 4. Based upon the limited investigation conducted to date, DSOs, Bradley Strong, DDS, and
5 Gary Geracci, DDS, find for this matter and not for any other purpose, including any subsequent
6 civil action, there is a sufficient quantity and/or quality of evidence sufficient to meet a
7 preponderance of the evidence standard of proof demonstrating Respondent violated NRS
8 631.3475 (1), and/or (4) (as well as specific other statutory and/or regulatory provisions
9 specifically noted below) with respect to treatment rendered to patient, Dawn Hamm, as follows:

10 A. Respondent's use of a non-diagnostic, panoramic and periapical radiographs for
11 preoperative, intraoperative, postoperative treatment planning and evaluation of implants.
12 Placement of implants and identification of the inferior alveolar nerve canal and mental
13 foramen was below the standard of care resulting in this patient experiencing unnecessary
paresthesia of the left Inferior Alveolar Nerve.

14 B. Prior to Respondent's placement of implants in areas 20, 22 and 25 the patient
15 had experienced multiple implant failures in the past in those areas. Respondent
16 attempted to place implants in those same areas. Based upon the prior failures, it was
17 below the standard of care for Respondent to attempt to place implants without first
18 obtaining either diagnostic quality radiographs and/or a cone beam CT Scan. Failure of
19 Respondent to perform the replacement implants with either diagnostic quality
20 radiographs and/or cone beam CT Scan resulted in Respondent's replacement implants
21 being non-restorable. Further the non-restorable implants placed by Respondent
22 prevented a lower denture from being properly restored to the implants placed by
23 Respondent. A subsequent cone beam CT scan reveals Respondent's placement of the
24 mandibular implants were tilted at angles which made restoration with the overdenture
25 impossible. The implant placed by Respondent in area #27 was completely lingual and
26 had minimal amounts of bone supporting the implant. The implant placed by Respondent
27 in area #26 was placed with a buccal inclination. The implants placed by Respondent in
28 areas #23 and #22 perforated the inferior border of the mandible and were also placed
with a buccal inclination. Overall the implants placed by Respondent were tilted to the
left of the patient's jaw, making restoration of the overdenture impossible. Respondent's
implants must be replaced which will result in proper alignment which in turn will allow
for the restoration of a properly constructed prosthesis.

1 C. Respondent's records regarding his placement of implants in areas 20, 22 and 25
2 are below the standard of care. Respondent's diagnosis records are void of any entries
3 regarding the causes for Inferior Alveolar Nerve paresthesia which is being experienced
4 by this patient.

5 D. Respondent's post-operative treatment of this patient was below the standard of
6 care. When the Patient presented for a post-operative evaluation and neurological testing
7 regarding her Alveolar Nerve paresthesia, Respondent failed to document any further
8 nerve testing or perform further testing to identify the cause of the patient's Alveolar
9 Nerve paresthesia by use of a cone beam CT Scan. Further Respondent failed to
10 document any follow-up treatment to address the patient's Alveolar Nerve paresthesia.
11 Respondent failed to provide any neurology referral or any alternative treatment to
12 possibly reverse the paresthesia the patient experience to her mandible, lip, and chin.

13 PATIENT, PATRICIA CARMODY

14 5. Via a *Notice of Complaint & Request for Records* dated September 24, 2015, the Board
15 notified Respondent of a verified complaint received from Patricia Carmody. On October 22,
16 2015, the Board received Respondent's written response (w/enclosures) in response to Ms.
17 Carmody's verified complaint, a copy of which was provided to Ms. Carmody on October 23,
18 2015.

19 6. Based upon the limited investigation conducted to date, DSOs, Bradley Strong, DDS, and
20 Gary Geracci, DDS, find for this matter and not for any other purpose, including any subsequent
21 civil action, there is a sufficient quantity and/or quality of evidence sufficient to meet a
22 preponderance of the evidence standard of proof demonstrating Respondent violated NRS
23 631.3475 (1), and/or (4) (as well as specific other statutory and/or regulatory provisions
24 specifically noted below) with respect to treatment rendered to patient, Patricia Carmody, as
25 follows:

26 A. Respondent failed to properly record his evaluation, diagnosis and the condition
27 of Teeth 2, 7, 8, 9, 10, 13, 14, 15, 20, 21, 27, 28 and 29 to justify Respondent's
28 extraction of these Teeth. A review of the radiograph evidence indicates there is no

1 presence of pathology regarding Teeth 7, 8, 9, 10, 20, 21, 28, and 29.

2
3 B. Respondent failed to properly record his evaluation, diagnoses and the necessity
4 of performing Tori removal and alveoloplasty on this patient. Respondent diagnosis and
5 treatment record for this patient is void of any entries which identify either the presence
6 or justification of Respondent performing either Tori removal or alveoloplasty. It should
7 be noted the referral from the general dentist does not contain any indication of either the
8 presence or necessity for tori removal and/or alveoloplasty. The patient has stated
9 Respondent did not place any sutures in either the maxillary or mandibular areas. A
10 review of the patient's record does not indicate a post-operative appointment for suture
11 removal. Respondent failed specifically document the quadrant and procedural details to
12 justify either Tori removal and/or performing alveoloplasty for this patient.

13 C. Respondent in violation of NRS 631.348(6) has submitted a erroneous bill to
14 Nevada Medicaid for Tori removal and performing an alveoloplasty for this patient. in
15 the mandibular and maxillary area and the billing to Nevada Medicaid for the
16 alveoloplasty is in violation because Respondent failed to document the quadrant and the
17 procedural details for the procedures.

18 D. Respondent failed to create and maintain adequate anesthesia records in violation
19 of NAC 631.2229 regarding the administration of anesthesia for this patient.

20 AUTHORIZED INVESTIGATIVE COMPLAINT

21 7. Via a *Notice of Investigative Complaint & Request for Records* dated April 10, 2015, the
22 Board notified Respondent that at a properly noticed meeting on March 20, 2015, pursuant to
23 Agenda item 3(c)(3), the Board authorized an investigative complaint regarding whether
24 Respondent may have violated NRS 631.348(6), NRS 631.3475, and NRS 631.349, as more
25 fully addressed in the *Notice of Investigative Complaint & Request for Records*. On April 29,
26 2015, the Board received a partial response from Respondent regarding Patient A.

27 On June 9, 2015, the Board provided Respondent a copy of his Nevada State Board of
28 Pharmacy Prescription Monitoring Report dated June 5, 2015 for the period June 2014 through
June 5, 2015.

On June 16, 2015, the Board received copies of certain additional dental records relative

1 to certain patients from Respondent which were requested by DSO, Gary Geracci, DDS, a copy
2 of which was provided to Respondent.

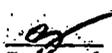
3 On June 22, 2015, the Board received copies of certain additional dental records from
4 Respondent which were requested by DSO, Gary Geracci, DDS, a copy of which was provided
5 to Respondent on June 29, 2015.

6 On June 29, 2015, the Board received copies of Respondent's daily schedules which were
7 requested by DSO, Gary Geracci, DDS, a copy of which was provided to Respondent on July 1,
8 2015.

9
10 8. Based upon the limited investigation conducted to date, DSOs, Bradley Strong, DDS, and
11 Gary Geracci, DDS, find for this matter and not for any other purpose, including any subsequent
12 civil action, there is a sufficient quantity and/or quality of evidence sufficient to meet a
13 preponderance of the evidence standard of proof demonstrating Respondent violated NRS
14 631.3475 (1), and/or (4) and/or NAC 631.230(1)(c) (as well as specific other statutory and/or
15 regulatory provisions specifically noted below) wherein Respondent deviated from the standard
16 of care and/or wrote prescriptions for controlled substances in such excessive amount as to
17 constitute a departure for the prevailing standards of acceptable dental practice with respect to
18 the matters addressed in the authorized investigative complaint:

19
20 A. Respondent treated Patient A and issued 12 prescriptions over a period of 5 years
21 for Hydrocodone and Acetaphetamine, averaging approximately 80 units per
22 prescription. Respondent claims that his issuance of these prescriptions was based upon
23 the TMJ pain being experienced by Patient A. The DSOs believe the amounts of
24 controlled substances, 960 units of Hydrocodone regarding 12 prescriptions would be
25 excessive and below the standard of care.¹

26 ¹ Also, by way of information, Dr. Selznick's response states that Patient A had never disclosed
27 to him taking pain medications, this fact and contradictions to the medical health history by
28 Patient A on September 17, 2010. In addition to that, there was a Joint Dysfunction TMJ form
completed by Patient A, where the patient indicates he is on pain medication and that pain


Respondent's initials

1
2 B. Respondent's records indicates he saw Patient A on periods of time where his
schedules do not verifying seeing patients, yet a prescription was still issued.

3
4 C. Respondent violated the standard of care by not referring Patient A to a pain
specialist.

5
6 D. Respondent issues 6 prescriptions to Patient B. Respondent issued Patient C, 15
7 prescriptions. Respondent issued Patient D 4 separate prescriptions. Respondent issued
8 Patient E 10 prescriptions. Respondent issued Patient F 7 prescriptions. Respondent
9 issued Patient G 5 prescriptions. Respondent issued Patient H 4 prescriptions. The
above indicate Respondent is consistently departing from the standard of care by
prescribing excessive amounts of controlled substances in violation of NAC 631.231(b)
and (c).

10 9. Respondent admits to the findings of the DSOs, Bradley Strong, DDS, and Gary Geracci,
11 DDS, contained in Paragraph 4 (re: Patient, Dawn Hamm), Paragraph 6 (re: Patient, Patricia
12 Carmody), and Paragraph 8 (re: authorized investigative complaint) (including any subparts of
13 said Paragraphs) and admits for this matter and not for any other purpose, including any
14 subsequent civil action if this matter were to proceed to a full board hearing, a sufficient quantity
15 and/or quality of evidence could be proffered sufficient to meet a preponderance of the evidence
16 standard of proof demonstrating Respondent violated the statutory and regulatory provisions
17 noted above in Paragraphs 4, 6, and 8 (including any subparts of said Paragraphs).

18
19 10. Based upon the limited investigation conducted to date, the findings of the Disciplinary
20 Screening Officers, and the admissions by Respondent contained in Paragraph 9 above, the
21 parties have agreed to resolve the pending investigations pursuant to the following disciplinary
22 terms and conditions:

23
24 A. Pursuant to NRS 631.350(1)(d)(h), Respondent shall be placed on probation and his

25
26 medications are being used to alleviate his condition and those are the treatments and is signed as
"reviewed" by Respondent.

1 dental practice shall be supervised for a period of one (1) year from the adoption of this
2 Stipulation (hereinafter "probationary period"). During the probationary period,
3 Respondent shall allow either the Executive Director of the Board and/or the agent
4 appointed by the Executive Director of the Board to inspect Respondent's records during
5 normal business hours to insure compliance of this Stipulation. During the probationary
6 period, Respondent's practice shall be supervised and monitored regarding record
7 keeping and dental treatments, including but not limited to patients who receive, multiple
8 extractions, and/or tori removal and/or alveoloplasty and/or patients who receive
9 prescriptions for controlled substances. Such supervision and monitoring shall include,
10 but will not be limited to, personally observing the treatment and/or contacting those
11 patients who receive, multiple extractions, and/or tori removal and/or alveoloplasty
12 and/or patients receive prescriptions for controlled substances.

13 B. Pursuant to NRS 631.350(1)(d), in the event Respondent no longer practices dentistry in
14 the State of Nevada prior to completion of the probationary period, the probationary
15 period shall be tolled. For purposes of the tolling of the probationary period, reference to
16 the "probationary period" shall also include all terms and conditions noted in
17 Paragraphs 10.A., 10.B., 10.C., and 10.D. (so there is no misunderstanding, should the
18 probationary period be tolled, it then also means the terms and conditions of Paragraphs
19 10.A., 10.B., 10.C., and 10.D. are also tolled). In the event the probationary period is
20 tolled because Respondent does not practice in the State of Nevada and the terms and
21 conditions of this Stipulation Agreement are not satisfied (i.e., including completion of
22 the probationary period) within three (3) years from the adoption of this Stipulation
23 Agreement by the Board, Respondent agrees his license to practice dentistry in Nevada
24 will be deemed voluntarily surrendered with disciplinary action. Thereafter the Board's
25 Executive Director, without any further action or hearing by the Board, shall issue an
26 Order of Voluntary Surrender with disciplinary action and report same to the National
27 Practitioners Data Bank.

28 C. Pursuant to NRS 631.350(1)(d), Respondent further agrees during the above-referenced
probationary period wherein Respondent is practicing dentistry in the State of Nevada,
Respondent's patient files shall include (in addition to any other matters generally
required of a patient file) an informed consent approved by Board's Executive Director to
be signed by the patient which must include a diagnosis and detailed treatment plan
which justifies either extraction(s), and/or tori removal and/or alveoloplasty and/or the
reasons for issuance of controlled substances. Respondent acknowledges failure to
comply with the same shall be an admission of unprofessional conduct. In addition,
failure to maintain and/or provide the Patient File Requirements upon request by an agent
of the Board shall be an admission of unprofessional conduct. Upon receipt of substantial
evidence that Respondent has either failed to comply with the Patient File Requirements,
failed to maintain or has refused to provide the Patient File Requirements upon request by
an agent assigned by the Executive Director, or Respondent has refused to provide copies

1 of patient records requested by the agent assigned by the Executive Director, Respondent
2 agrees his license to practice dentistry in the State of Nevada shall be automatically
3 suspended without any further action of the Board other than the issuance of an Order of
4 Suspension by the Executive Director. Thereafter, Respondent may request, in writing, a
5 hearing before the Board to reinstate Respondent's license. However, prior to a full
6 Board hearing, Respondent waives any right to seek judicial review, including injunctive
7 relief from any court of competent jurisdiction, including a Nevada Federal District Court
8 or Nevada State District Court to reinstate his privilege to practice dentistry in the State
of Nevada pending a final Board hearing. Respondent shall also be responsible for any
costs or attorney's fees incurred in the event the Board has to seek injunctive relief to
prevent Respondent from practicing dentistry during the period Respondent's license is
automatically suspended.

9 D. Pursuant to NRS 631.350(1)(d), Respondent further agrees during the above-referenced
10 probationary period wherein Respondent is practicing dentistry in the State of Nevada,
11 Respondent shall maintain a daily log containing the following information for any
12 patient(s) who receive multiple extractions, and/or tori removal and/or alveoloplasty
and/or patients who receive prescriptions for controlled substances:

- 13 1. Name of patient
- 14 2. Date treatment commenced
- 15 3. Explanation of treatment
- 16 4. Pre-operative radiographs

17 The daily log shall be made available during normal business hours without notice. In
18 addition, during the above-referenced probationary period, Respondent shall mail to the
19 Board no later than the fifth (5th) day of the month a copy of the daily log(s) for the
20 preceding calendar month (for example: by May 5, Respondent shall mail to the Board a
21 copy of daily log(s) for the preceding calendar month which shall include a copy of the
22 self-query obtaining from the Prescription Monitoring Program administered by the
23 Nevada State Board of Pharmacy. (hereinafter "monthly log mailing requirement").
24 Respondent acknowledges failure to comply with the monthly log mailing requirement
25 shall be an admission of unprofessional conduct. In addition, failure to maintain and/or
26 provide the daily log upon request by an agent of the Board shall be an admission of
27 unprofessional conduct. Upon receipt of substantial evidence that Respondent has either
28 failed to comply with the monthly log mailing requirement, failed to maintain or has
refused to provide the daily log upon request by an agent assigned by the Executive
Director, or Respondent has refused to provide copies of patient records requested by the
agent assigned by the Executive Director, 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 of Suspension by the Executive
Director. Thereafter, Respondent may request, in writing, a hearing before the Board to

1 reinstate Respondent's license. However, prior to a full Board hearing, Respondent
2 waives any right to seek judicial review, including injunctive relief from any court of
3 competent jurisdiction, including a Nevada Federal District Court or Nevada State
4 District Court to reinstate his privilege to practice dentistry in the State of Nevada
5 pending a final Board hearing. Respondent shall also be responsible for any costs or
6 attorney's fees incurred in the event the Board has to seek injunctive relief to prevent
7 Respondent from practicing dentistry during the period Respondent's license is
8 automatically suspended.

9
10 E. Pursuant to NRS 631.350(1)(f) and (1)(k), Respondent agrees that in addition to
11 completing the required continuing education, Respondent shall also obtain an additional
12 twenty-four (24) hours of supplemental education as follows:

- 13 1. Seven (7) hours related to Medicaid-billing and coding; and
- 14 2. Four (4) hours related to general record keeping; and
- 15 3. Two (2) hours related to proper informed consents; and
- 16 4. Seven (7) hours related to implant placement; and
- 17 5. Four (4) in proper prescribing for pain management with
18 controlled substances.

19 Respondent agrees to complete the above-referenced additional twenty-four (24) hours of
20 supplemental education pursuant to the following terms and conditions. Information,
21 documents, and/or description for the above-referenced supplemental education must be
22 submitted in writing to the Executive Director of the Board for approval prior to
23 attendance. Upon the receipt of the written request to attend the supplemental education,
24 the Executive Director of the Board shall notify Respondent in writing whether the
25 requested supplemental education is approved for attendance. Respondent agrees fifty
26 percent (50%) of the supplemental education in each category shall be completed through
27 attendance at live lecture and/or hands on clinical demonstration and the remaining fifty
28 percent (50%) of the supplemental education in each category may be completed through
online/home study courses. The cost associated with the supplemental education
reference above shall be paid by Respondent. All of the supplemental education
referenced above must be completed within nine (9) months of the adoption of this
Stipulation by the Board. In the event Respondent fails to complete all of supplemental
education reference above within nine (9) months of adoption of this Stipulation by the
Board, Respondent agrees his license to practice dentistry in the State of Nevada may be
automatically suspended by the Board's Executive Director without any further action of
the Board other than the issuance of an Order of Suspension by the Executive Director.
Upon Respondent submitting written proof of the completion of the supplemental
education and paying the reinstatement fee pursuant to NRS 631.345, Respondent's
license to practice dentistry in the State of Nevada will automatically be reinstated by the

1 Executive Director of the Board, assuming there are no other violations of any of the
2 provisions contained in this Stipulation. Respondent agrees to waive any right to seek
3 injunctive relief from any Federal or State of Nevada District Court to prevent the
4 automatic suspension of Respondent's license to practice dentistry in the State of Nevada
5 due to Respondent's failure to complete all of the supplemental education referenced
6 above. Respondent shall also be responsible for any costs or attorney's fees incurred in
7 the event the Board has to seek injunctive relief to prevent Respondent from practicing
8 dentistry during the period Respondent's license is automatically suspended.

9
10 F. Respondent shall maintain anesthesia records for each patient who receives same in
11 compliance with NAC 631.2229. Such records shall be made available for copying and
12 inspection during normal business with or without notice. Respondent acknowledges
13 failure to maintain proper anesthesia records in compliance with NAC 631.2229 shall be
14 an admission of unprofessional conduct. In addition, failure to maintain and/or provide
15 the anesthesia records upon request by an agent of the Board shall be an admission of
16 unprofessional conduct. Upon receipt of substantial evidence that Respondent has either
17 failed to comply with the provisions of NAC 631.2229, failed to maintain or has refused
18 to provide anesthesia records for a given patient upon request by an agent assigned by the
19 Executive Director, or Respondent has refused to provide copies of the anesthesia records
20 requested by the agent assigned by the Executive Director, Respondent agrees his license
21 to practice dentistry in the State of Nevada shall be automatically suspended without any
22 further action of the Board other than the issuance of an Order of Suspension by the
23 Executive Director. Thereafter, Respondent may request, in writing, a hearing before the
24 Board to reinstate Respondent's license. However, prior to a full Board hearing,
25 Respondent waives any right to seek judicial review, including injunctive relief from any
26 court of competent jurisdiction, including a Nevada Federal District Court or Nevada
27 State District Court to reinstate his privilege to practice dentistry in the State of Nevada
28 pending a final Board hearing. Respondent shall also be responsible for any costs or
attorney's fees incurred in the event the Board has to seek injunctive relief to prevent
Respondent from practicing dentistry during the period Respondent's license is
automatically suspended.

G. Pursuant to NRS 622.400, Respondent agrees within thirty (30) days of adoption of this
Stipulation Agreement by the Board, Respondent shall reimburse the Board for the cost
of the investigations and cost associated in enforcing the terms and conditions of this
Stipulation and probation in the amount of Ten Thousand Four Hundred & Forty-two
Dollars (\$10,442.00). Payment shall be made payable to the Nevada State Board of
Dental Examiners and mailed directly to 6010 S. Rainbow Blvd., Suite A1, Las Vegas,
Nevada 89118.

H. Pursuant to NRS 631.350(1)(I), Respondent and the Disciplinary Screening Officers
acknowledge that patient Dawn Hamm has been reimbursed based upon civil process


Respondent's initials

1 which has been agreed upon between the Respondent and patient Dawn Hamm..

2 I. Pursuant to NRS 631.350(1)(I), Respondent agrees to reimburse Nevada Medicaid on
3 behalf Patricia Carmody in the amount of one thousand, one hundred, ninety-eight &
4 35/100 (\$1,198.35) relative to matters addressed above regarding Ms. Carmody.
5 Respondent shall also waive any balance, if any, and withdraw any and all collection
6 efforts, if any such efforts have been initiated regarding Ms. Carmody. Payment shall be
7 made within thirty (30) days of the Board adopting this Stipulation. Respondent shall
8 deliver/mail to the Board (6010 S. Rainbow Blvd., Suite A1, Las Vegas, Nevada 89118)
9 check made payable to Nevada Medicaid.

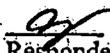
10 J. In the event Respondent defaults on any of the payments set forth in Paragraph 10 and
11 any of its subparts, Respondent agrees his license to practice dentistry in the State of
12 Nevada may be automatically be suspended without any further action of the Board other
13 than issuance of an Order of Suspension by the Board's Executive Director. Subsequent
14 to the issuance of the Order of Suspension, Respondent agrees to pay a liquidated damage
15 amount of Twenty Five and xx/100 Dollars (\$25.00) for each day Respondent is in
16 default on the payment(s) of any of the amounts set forth in Paragraphs 10 and any of its
17 subparts Upon curing the default of the applicable defaulted payment contained in
18 Paragraph 10 and any of its subparts and paying the reinstatement fee, Respondent's
19 license to practice dentistry in the State of Nevada will automatically be reinstated by the
20 Board's Executor Director, assuming there are no other violations by Respondent of any
21 of the provisions contained in this Stipulation Agreement. Respondent shall also be
22 responsible for any costs or attorney's fees incurred in the event the Board has to seek
23 injunctive relief to prevent Respondent from practicing dentistry during the period in
24 which his license is suspended. Respondent agrees to waive any right to seek injunctive
25 relief from any court of competent jurisdiction, including a Nevada Federal District Court
26 or a Nevada State District Court to reinstate his license prior to curing any default on the
27 amounts due and owing as addressed above.

28 K. In the event Respondent fails to cure any defaulted payments within forty-five (45) days
of the default, Respondent agrees the amount may be reduced to judgment.

L. Respondent waives any right to have any amount(s) owed pursuant to this Stipulation
discharged in bankruptcy.

CONSENT

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


Respondent's initials

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

4
5 13. Respondent expressly waives any right to challenge the Board for bias in deciding
6 whether or not to adopt this Stipulation Agreement in the event this matter was to proceed to a
7 full Board hearing.

8 14. Respondent and the Board agree any statements and/or documentation made or
9 considered by the Board during any properly noticed open meeting to determine whether to
10 adopt or reject this Stipulation Agreement are privileged settlement negotiations and therefore
11 such statements or documentation may not be used in any subsequent Board hearing or judicial
12 review, whether or not judicial review is sought in either the State or Federal District Court.

13
14 15. Respondent acknowledges he has read this Stipulation Agreement. Respondent
15 acknowledges he has been advised he has the right to have this matter reviewed by independent
16 counsel and he has had ample opportunity to seek independent counsel. Respondent has been
17 specifically informed he should seek independent counsel and advice of independent counsel
18 would be in Respondent's best interest. Having been advised of his right to independent counsel,
19 as well as had the opportunity to seek independent counsel, Respondent hereby acknowledges he
20 has knowingly and voluntarily chosen not to retain counsel regarding this matter.
21 Notwithstanding, Respondent acknowledges he has read and reviewed this Stipulation
22 Agreement and understands its terms and conditions. Respondent's initials: *MP*

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

25
26 17. Respondent acknowledges no other promises in reference to the provisions contained in
27 this Stipulation Agreement have been made by any agent, employee, counsel or any person
28 affiliated with the Nevada State Board of Dental Examiners.

1
2 18. Respondent acknowledges the provisions in this Stipulation Agreement contain the entire
3 agreement between Respondent and the Board and the provisions of this Stipulation Agreement
4 can only be modified, in writing, with Board approval.

5
6 19. Respondent agrees in the event the Board adopts this Stipulation Agreement, he hereby
7 waives any and all rights to seek judicial review or otherwise to challenge or contest the validity
8 of the provisions contained herein.

9 20. Respondent and the Board agree none of the parties shall be deemed the drafter of this
10 Stipulation Agreement. In the event this Stipulation Agreement is construed by a court of law or
11 equity, such court shall not construe it or any provision hereof against any party as the drafter.
12 The parties hereby acknowledge all parties have contributed substantially and materially to the
13 preparation of this Stipulation Agreement.

14
15 21. Respondent specifically acknowledges by his signature herein and by his initials at the
16 bottom of each page (and at Paragraph 15 above) of this Stipulation Agreement, he has read
17 each page and understands the Stipulation Agreement's terms and conditions and acknowledges
18 he has signed and initialed of his own free will and without undue influence, coercion, duress, or
19 intimidation.

20 22. Respondent acknowledges in consideration of execution of this Stipulation Agreement,
21 Respondent hereby releases, remises, and forever discharges the State of Nevada, the Board, and
22 each of their members, agents, employees and legal counsel in their individual and representative
23 capacities, from any and all manner of actions, causes of action, suits, debts, judgments,
24 executions, claims, and demands whatsoever, known and unknown, in law or equity, that
25 Respondent ever had, now has, may have, or claim to have against any or all of the persons or
26 entities named in this section, arising out the complaint(s) of the above-referenced Patient(s).

27 23. Respondent acknowledges in the event the Board adopts this Stipulation Agreement, it
28 may be considered in any future Board proceeding(s) or judicial review, whether such judicial


Respondent's initials

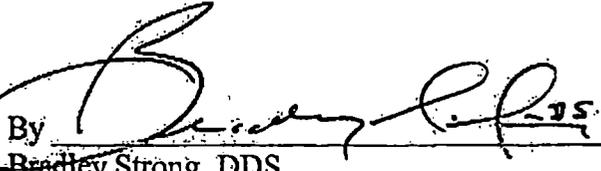
1 review is performed by either the State or Federal District Court(s).

2
3 24. This Stipulation Agreement will be considered by the Board in an open meeting. It is
4 understood and stipulated the Board is free to accept or reject this Stipulation Agreement and if it
5 is rejected by the Board, the Board may take other and/or further action as allowed by statute,
6 regulation, and/or appropriate authority. This Stipulation Agreement will only become effective
7 when the Board has approved the same in an open meeting. Should the Board adopt this
8 Disciplinary Stipulation Agreement, such adoption shall be considered a final disposition of a
9 contested case and will become a public record and is reportable to the National Practitioner
Data Bank.

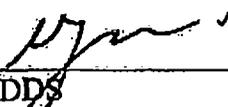
10 DATED this 18th day of DECEMBER, 2015.

11
12 By 
13 Jay K. Selznick, DMD, MD
14 Respondent

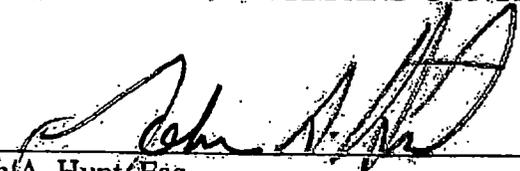
15 APPROVED AS TO FORM AND CONTENT

16
17
18 By  this 18 day of Dec, 2015.
19 Bradley Strong, DDS
Disciplinary Screening Officer

20
21 APPROVED AS TO FORM AND CONTENT

22
23
24 By  this 18 day of Dec, 2015.
25 Gary Geracci, DDS
Disciplinary Screening Officer

1
2 **APPROVED AS TO FORM AND CONTENT**

3
4 By  this 18 day of Dec, 2015.
5 John A. Hunt, Esq.
6 Morris Polich & Purdy, LLP
7 Board Counsel

8 **BOARD ACTION**

9 This *Disciplinary Stipulation Agreement* in the matter captioned as Nevada State Board
10 of Dental Examiners vs. Jay K. Selznick, DMD, MD, case no. 74127-02801 was (check
11 appropriate action):

12 Approved X Disapproved _____

13
14 by a vote of the Nevada State Board of Dental Examiners at a properly noticed meeting

15 DATED this 22 day of Jan, 2016.

16
17 
18 **Timothy T. Pinther, DDS - President**
19 **NEVADA STATE BOARD OF DENTAL EXAMINERS**

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