

# Nevada State Board of Dental Examiners



6010 S. Rainbow Blvd., Bldg. A, Ste.1 • Las Vegas, NV 89118 • (702) 486-7044 • (800) DDS-EXAM • Fax (702) 486-7046

## BULLETIN

Patients and licensed dentists, on July 31, 2014 in District Court, Clark County Nevada Case No: A-14-704250-C a Temporary Restraining Order was issued against the following individuals and entities (see attached documents):

James C Lajevic; Lori I Werder, Correct Choice, LLC; Nadic Network North American Dental Implants & Cosmetics, LLC and DOES I-V and ROE Corporations I-V.

Please contact the Board office at (702) 486-7044 should you have questions.

Thank you.

1 **TRO**

John A. Hunt, Esq. (NSBN 1888)

2 Bert Wuester Jr., Esq. (NSBN 5556)

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Attorneys for Plaintiff

7  
8 **DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

9  
10 **NEVADA STATE BOARD OF DENTAL**  
**EXAMINERS,**

11 Plaintiff,

12 vs.

13  
14 **JAMES C. LAJEVIC; LORI L. WERDER;**  
**CORRECT CHOICE, LLC; NADIC**  
15 **NETWORK NORTH AMERICAN DENTAL**  
16 **IMPLANTS & COSMETICS, LLC; and DOES**  
I-V and ROE CORPORATIONS I-V,

17 Defendants.

Case No. **A-14-704250-C**

Dept. No. **1**

**TEMPORARY**  
**RESTRAINING ORDER**

18  
19 This matter having come before this Court upon Plaintiff's Application for Temporary  
20 Restraining Order and for Preliminary Injunction; Plaintiff, Nevada State Board of Dental  
21 Examiners (the "Board" or "Plaintiff"), having appeared by and through its attorneys and the  
22 Court having reviewed the pleadings and papers on file herein, hereby preliminarily finds and  
23 orders as follows:

24 **PRELIMINARY FINDINGS**

25 1. The Board, pursuant to NRS 631.190, is authorized to carry out the provisions of chapter  
26 631 of the Nevada Revised Statutes.

1 2. NRS 631.400(5), provides “[w]henver a person has engaged or is about to engage in any  
2 acts or practice which constitute or will constitute an offense against this chapter, the district  
3 court of any county, on application of the board, may issue an injunction or other appropriate  
4 order restraining the conduct. Proceedings under this subsection are governed by Rule 65 of the  
5 Nevada Rules of Civil Procedure, except that no bond or undertaking is required in any action  
6 commenced by the board.”  
7

8 3. That Defendants, James C. Lajevic (“Lajevic”), Lori L. Werder (“Werder”), Correct  
9 Choice, LLC (“Correct Choice LLC”), and Nadic Network North American Dental Implants &  
10 Cosmetics, LLC (“Nadic LLC”) (collectively “Defendants”), has/have engaged in or is about to  
11 engage in acts or practices which constitute or will constitute offenses against chapter 631 of the  
12 Nevada Revised Statutes and/or chapter 631 of the Nevada Administrative Code.  
13

14 4. That the above-captioned Court is a district court of a county of the State of Nevada and  
15 is therefore, pursuant to NRS 631.400(5), specifically authorized, upon application of the Board,  
16 to issue an injunction or other appropriate order restraining conduct which constitutes or will  
17 constitute an offense against chapter 631 of the Nevada Revised Statutes and/or chapter 631 of  
18 the Nevada Administrative Code.  
19

20 5. Pursuant to NRS 631.400(5), the Board’s application for an order restraining conduct  
21 which constitutes or will constitute an offense against chapter 631 of the Nevada Revised  
22 Statutes is to be governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no  
23 bond or undertaking is required in any action commenced by the Board.  
24

25 6. Absent a Temporary Preliminary Injunction, the welfare of the citizens of the State of  
26 Nevada would be irreparably harmed due to Defendants’ conduct which constitutes or will  
27 constitute an offense against chapter 631 of the Nevada Revised Statutes.  
28



1 7. An injunction is also authorized under NRS 33.010 which provides, in pertinent part, as  
2 follows:

3 An injunction may be granted when the defendant is about to do some act in  
4 violation of plaintiff's right respecting the subject of the action, and tending to  
5 render the judgment ineffectual.

6 8. The Board has shown a reasonable probability of success on the merits of its contention  
7 Defendant(s) has/have engaged in or are about to engage in acts or practices which constitute or  
8 will constitute an offense or offenses against chapter 631 of the Nevada Revised Statutes and/or  
9 chapter 631 of the Nevada Administrative Code.

10  
11 9. The Board and/or the citizens of the State of Nevada and/or its general public would  
12 suffer immediate and irreparable harm if Defendants are allowed to continue to engage in acts or  
13 practices which constitute or will constitute an offense or offenses against chapter 631 of the  
14 Nevada Revised Statutes and/or chapter 631 of the Nevada Administrative Code.

15  
16 10. There is no apparent harm to Defendants in requiring them to not engage or attempt to  
17 engage in acts or practices which constitute or will constitute an offense against chapter 631 of  
18 the Nevada Revised Statutes or chapter 631 of the Nevada Administrative Code before a hearing  
19 on the Board's request for Preliminary Injunction. Any harm to Defendants is outweighed by the  
20 irreparable harm the Board and the citizens and public of the State of Nevada would suffer if the  
21 Temporary Restraining Order were not granted.

22  
23 **ORDER**

24 1. **IT IS ORDERED** that the Board's request for Temporary Restraining Order be *granted*;

25  
26 2. **IT IS FURTHER ORDERED** that Defendants are hereby prohibited from practicing  
27 dentistry in this state without a license. Pursuant to NRS 631.215(1), "practicing dentistry" is  
28

1 hereby defined to include the following:

2 1. Any person shall be deemed to be practicing dentistry who:

- 3 (a) Uses words or any letters or title in connection with his or her name which in any way  
4 represents the person as engaged in the practice of dentistry, or any branch thereof;  
5 (b) Advertises or permits to be advertised by any medium that the person can or will  
6 attempt to perform dental operations of any kind;  
7 (c) Diagnoses, professes to diagnose or treats or professes to treat any of the diseases or  
8 lesions of the oral cavity, teeth, gingiva or the supporting structures thereof;  
9 (d) Extracts teeth;  
10 (e) Corrects malpositions of the teeth or jaws;  
11 (f) Takes impressions of the teeth, mouth or gums, unless the person is authorized by the  
12 regulations of the Board to engage in such activities without being a licensed dentist;  
13 (g) Examines a person for, or supplies artificial teeth as substitutes for natural teeth;  
14 (h) Places in the mouth and adjusts or alters artificial teeth;  
15 (i) Does any practice included in the clinical dental curricula of accredited dental colleges  
16 or a residency program for those colleges;  
17 (j) Administers or prescribes such remedies, medicinal or otherwise, as are needed in the  
18 treatment of dental or oral diseases;  
19 (k) Uses X-ray radiation or laser radiation for dental treatment or dental diagnostic  
20 purposes, unless the person is authorized by the regulations of the Board to engage in  
such activities without being a licensed dentist;  
(l) Determines:  
    (1) Whether a particular treatment is necessary or advisable; or  
    (2) Which particular treatment is necessary or advisable; or  
(m) Dispenses tooth whitening agents or undertakes to whiten or bleach teeth by any  
means or method, unless the person is:  
    (1) Dispensing or using a product that may be purchased over the counter for a  
person's own use; or  
    (2) Authorized by the regulations of the Board to engage in such activities  
without being a licensed dentist.

21 **3. IT IS FURTHER ORDERED** that in addition to being prohibited from practicing  
22 dentistry in this state without a license, that Defendants are prohibited from practicing dental  
23 hygiene in this state without a license. With regards to dental hygienist and dental hygiene, NAC  
24 631.210 and NAC 631.220 provide:

25 NAC 631.210 Dental hygienists: Authorization to perform certain services;  
26 referral of patient to authorizing dentist for certain purposes. (NRS 631.190,  
27 631.310, 631.313, 631.317)  
28



1 1. A dentist who is licensed in this State may authorize a dental hygienist in his  
2 employ to:

3 (a) Remove stains, deposits and accretions, including dental calculus.

4 (b) Smooth the natural and restored surface of a tooth by using the procedures and  
5 instruments commonly used in oral prophylaxis, except that an abrasive stone,  
6 disc or bur may be used only to polish a restoration. As used in this paragraph,  
7 "oral prophylaxis" means the preventive dental procedure of scaling and polishing  
8 which includes the removal of calculus, soft deposits, plaques and stains and the  
9 smoothing of unattached tooth surfaces in order to create an environment in which  
10 hard and soft tissues can be maintained in good health by the patient.

11 (c) Provide dental hygiene care that includes:

12 (1) Assessment of the oral health of patients through medical and dental  
13 histories, radiographs, indices, risk assessments and intraoral and extraoral  
14 procedures that analyze and identify the oral health needs and problems of  
15 patients.

16 (2) Development and implementation of a dental hygiene care plan to  
17 address the oral health needs and problems of patients described in subparagraph  
18 (1).

19 (3) Evaluation of oral and periodontal health after the implementation of  
20 the dental hygiene care plan described in subparagraph (2) in order to identify the  
21 subsequent treatment, continued care and referral needs of the patient.

22 (d) Take the following types of impressions:

23 (1) Those used for the preparation of diagnostic models;

24 (2) Those used for the fabrication of temporary crowns or bridges; and

25 (3) Those used for the fabrication of temporary removable appliances,  
26 provided no missing teeth are replaced by those appliances.

27 (e) Perform subgingival curettage.

28 (f) Expose radiographs.

(g) Place and remove a periodontal pack.

(h) Remove excess cement from cemented restorations and orthodontic  
appliances. A dental hygienist may not use a rotary cutting instrument to remove  
excess cement from restorations or orthodontic appliances.

(i) Train and instruct persons in the techniques of oral hygiene and preventive  
procedures.

(j) Recement and repair temporary crowns and bridges.

(k) Recement permanent crowns and bridges with nonpermanent material as a  
palliative treatment.

(l) Place a temporary restoration with nonpermanent material as a palliative  
treatment.

(m) Administer local intraoral chemotherapeutic agents in any form except  
aerosol, including, but not limited to:

(1) Antimicrobial agents;

(2) Fluoride preparations;

(3) Topical antibiotics;

1 (4) Topical anesthetics; and

2 (5) Topical desensitizing agents.

3 (n) Apply pit and fissure sealant to the dentition for the prevention of decay.  
4 Before performing any of the services set forth in this subsection, the dental  
5 hygienist must obtain authorization from the licensed dentist of the patient on  
6 whom the services are to be performed and the patient must have been examined  
7 by that dentist not more than 18 months before the services are to be performed.  
8 After performing any of the services set forth in this subsection, the dental  
9 hygienist shall refer the patient to the authorizing dentist for follow-up care or any  
10 necessary additional procedures that the dental hygienist is not authorized to  
11 perform.

12 2. A dentist who is licensed in this State may authorize a dental hygienist in his  
13 employ and under his supervision to:

14 (a) Remove sutures.

15 (b) Place and secure orthodontic ligatures.

16 (c) Fabricate and place temporary crowns and bridges.

17 (d) Fit orthodontic bands and prepare teeth for orthodontic bands if the bands are  
18 cemented or bonded, or both, into the patient's mouth by the dentist who  
19 authorized the dental hygienist to perform this procedure.

20 (e) Perform nonsurgical cytologic testing.

21 (f) Apply and activate agents for bleaching teeth with a light source.

22 (g) Use a laser that has been cleared by the Food and Drug Administration to  
23 perform intrasulcular periodontal procedures or tooth whitening procedures if:

24 (1) The use of such a laser for those purposes is within the scope of the  
25 education, experience and training of the dental hygienist;

26 (2) Before operating the laser, the dental hygienist has provided proof to  
27 the supervising dentist that the dental hygienist has successfully completed a  
28 course in laser proficiency that:

(I) Is at least 6 hours in length; and

(II) Is based on the Curriculum Guidelines and Standards for  
Dental Laser Education, adopted by reference pursuant to NAC 631.035;  
and

(3) The supervising dentist has successfully completed a course in laser  
proficiency that:

(I) Is at least 6 hours in length; and

(II) Is based on the Curriculum Guidelines and Standards for  
Dental Laser Education, adopted by reference pursuant to NAC 631.035.  
The dental hygienist must obtain authorization from the licensed dentist of  
the patient on whom the services authorized pursuant to this subsection are  
to be performed.

3. If a dentist who is licensed in this State has in his employ and under his  
supervision a dental hygienist who has:



1 (a) Successfully completed a course of continuing education in the administering  
2 of local anesthetics or nitrous oxide-oxygen analgesia, or both, which has been  
approved by the Board; or

3 (b) Graduated from an accredited program of dental hygiene which includes the  
4 administering of local anesthetics or nitrous oxide-oxygen analgesia, or both, in  
its curriculum, the dentist may authorize the dental hygienist to administer local  
5 anesthetics or nitrous oxide-oxygen analgesia, or both, as appropriate, if the dental  
hygienist has received from the Board a certificate certifying the hygienist to this  
6 level of proficiency. The dental hygienist must obtain the authorization from the  
licensed dentist of the patient on whom the services are to be performed.

7  
8 4. A dental hygienist in a health care facility may administer local intraoral  
chemotherapeutic agents and, if he has complied with paragraph (a) or (b) of  
9 subsection 3, may administer local anesthetics or nitrous oxide-oxygen analgesia,  
or both, as appropriate, if he first:

10 (a) Obtains written authorization from the licensed dentist of the patient to whom  
the local anesthetics, nitrous oxide-oxygen analgesia or local intraoral  
11 chemotherapeutic agents are to be administered; and

12 (b) Submits to the Secretary-Treasurer a written confirmation from the director of  
the health care facility that the facility has licensed medical personnel and  
13 necessary emergency supplies and equipment that will be available when the local  
anesthetics, nitrous oxide-oxygen analgesia or local intraoral chemotherapeutic  
14 agents are administered.

15  
16 5. The Board may authorize a dental hygienist to perform the services set forth in  
paragraphs (a) to (n), inclusive, of subsection 1 without supervision by a dentist  
and without authorization from the licensed dentist of the patient on whom the  
17 services are to be performed, at a health facility, a school or a place in this State  
approved by the Board after the Board:

18 (a) Issues a special endorsement of the dental hygienist's license.

19 (b) Approves the treatment protocol submitted by the dental hygienist which  
includes an explanation of the methods that the dental hygienist will use to:

20 (1) Treat patients; and

21 (2) Refer patients to a dentist for:

22 (I) Follow-up care;

23 (II) Diagnostic services; and

24 (III) Any service that the dental hygienist is not authorized to  
perform.

25 6. The Board may revoke the authorization described in subsection 5 if the:

26 (a) Dental hygienist fails to renew his license or it is cancelled, suspended or  
revoked;

27 (b) Board receives a complaint filed against the dental hygienist;

28 (c) Dental hygienist commits an act which constitutes a cause for disciplinary



1 action; or

2 (d) Dental hygienist violates any provision of this chapter or chapter 631 of NRS.  
3 Nothing in this subsection prohibits a dental hygienist from reapplying for  
4 authorization to perform the services described in subsection 5 if the Board  
5 revokes the authorization pursuant to this subsection.

6 7. As used in this section:

7 (a) "Health care facility" has the meaning ascribed to it in subsection 1 of NRS  
8 449.800.

9 (b) "Health facility" has the meaning ascribed to it in subsection 6 of NRS  
10 449.260.

11 (c) "School" means an elementary, secondary or postsecondary educational  
12 facility, public or private, in this State. [Bd. of Dental Exam'rs, § XXIII, eff. 7-  
13 21-82]—(NAC A 7-30-84; 4-3-89; 3-11-96; R154-97, 1-14-98; R217-99, 4-3-  
14 2000; R231-03, 5-25-2004; R139-05, 12-29-2005)

15 NAC 631.220 Dental assistants: Authorization to perform certain services;  
16 supervision by dental hygienist for certain purposes. (NRS 631.190, 631.313,  
17 631.317)

18 1. A dentist who is licensed in the State of Nevada may authorize a dental  
19 assistant in his employ and under his supervision only to do one or more of the  
20 following:

21 (a) Expose radiographs.

22 (b) Retract a patient's cheek, tongue or other tissue during a dental operation.

23 (c) Remove the debris that normally accumulates during or after a cleaning or  
24 operation by the dentist by using mouthwash, water, compressed air or suction.

25 (d) Place or remove a rubber dam and accessories used for its placement.

26 (e) Place and secure an orthodontic ligature.

27 (f) Remove sutures.

28 (g) Place and remove a periodontal pack.

(h) Remove excess cement from cemented restorations and orthodontic  
appliances. A dental assistant may not use a rotary cutting instrument to remove  
excess cement from restorations or orthodontic appliances.

(i) Administer a topical anesthetic in any form except aerosol.

(j) Train and instruct persons in the techniques of oral hygiene and preventive  
procedures.

(k) Take the following types of impressions:

(1) Those used for the preparation of diagnostic models;

(2) Those used for the preparation of counter or opposing models;

(3) Those used for the fabrication of temporary crowns or bridges; and

(4) Those used for the fabrication of temporary removable appliances,  
provided no missing teeth are replaced by those appliances.

(l) Fabricate and place temporary crowns and bridges. This procedure must be

checked and approved by the supervising dentist before dismissal of the patient from the office of the dentist.

(m) Retract gingival tissue if the retraction cord contains no medicaments that have potential systemic side effects.

(n) Remove soft plaque and stain from exposed tooth surfaces, utilizing an appropriate rotary instrument with a rubber cup or brush and a suitable polishing agent. A licensed dentist or dental hygienist shall determine that the teeth to be polished are free of calculus or other extraneous material.

(o) Administer a topical fluoride.

(p) Apply pit and fissure sealant to the dentition for the prevention of decay. This procedure must be checked and approved by the supervising dentist before dismissal of the patient from the office of the dentist.

(q) Fit orthodontic bands and prepare teeth for orthodontic bands if the bands are cemented or bonded, or both, into the patient's mouth by the dentist who authorized the dental assistant to perform this procedure.

2. A dentist who is licensed in the State of Nevada may authorize a dental hygienist to supervise a dental assistant in the assistance of the hygienist's performance of one or more of the following:

(a) Expose radiographs.

(b) Retract a patient's cheek, tongue or other tissue during a dental operation.

(c) Remove the debris that normally accumulates during or after a cleaning or operation by the dental hygienist by using mouthwash, water, compressed air or suction.

(d) Train and instruct persons in the techniques of oral hygiene and preventive procedures.

(e) Remove soft plaque and stain from exposed tooth surfaces, utilizing an appropriate rotary instrument with a rubber cup or brush and a suitable polishing agent. A licensed dentist or dental hygienist shall determine that the teeth to be polished are free of calculus or other extraneous material.

(f) Administer a topical fluoride.

3. A dental hygienist, who is authorized by the Board to perform the services described in subsection 5 of NAC 631.210, may authorize a dental assistant under his supervision to assist the hygienist in the performance of the services described in paragraphs (a) to (f), inclusive, of subsection 2. [Bd. of Dental Exam'rs, § XXII, eff. 7-21-82]—(NAC A 10-21-83; 10-7-85; 4-3-89; 3-11-96; R051-04, 8-25-2004)

4. **IT IS FURTHER ORDERED** that in addition to being prohibited from practicing dentistry and/or dental hygiene in this state without a license, that Defendants are prohibited



1 from conducting business and/or being involved with the day-to-day running of any dental  
2 practice/office, including but not necessarily limited to Nadic LLC and/or dental offices at 9750  
3 West Tropicana and/or 8460 S. Eastern in Clark County, Nevada, as well as the late Dr. Ismail's  
4 dentistry offices, Correct Choice Dental, 4245 Grand Canyon Parkway, Suite 108, Las Vegas  
5 89147 ("Correct Choice Dental"). This includes but is not limited to, providing such goods or  
6 services in exchange for payments based on a percentage or share of revenues or profits of the  
7 dental practice, office or clinic and/or exercising any authority or control over the clinical  
8 practice of dentistry.  
9  
10

11  
12 **5. IT IS FURTHER ORDERED** that Defendants physically turn over to the Board any  
13 and all original patient records of Dr. Ismail and/or Correct Choice Dental. No copies of any  
14 kind are to be retained by Defendants.  
15

16 **6. IT IS FURTHER ORDERED** that this Temporary Restraining Order shall be endorsed  
17 with the date and hour of issuance, and shall be filed in the clerk's office and entered of record;  
18

19 **7. IT IS FURTHER ORDERED** that this Temporary Restraining Order shall expire fifteen  
20 (15) days after the execution of this Order;  
21

22 **8. IT IS FURTHER ORDERED** that a hearing on the Board's request/application for  
23 Preliminary Injunction shall be heard on the <sup>14<sup>th</sup></sup> ~~24<sup>th</sup>~~ day of August, 2014, at the hour of  
24 8:30 am., before the above-captioned court, at the Regional Justice Center, 200 Lewis  
25 Avenue, Las Vegas, Nevada 89155;  
26

27 **9. IT IS FURTHER ORDERED** that this Temporary Restraining Order (along with a copy  
28



1 of Plaintiff's Ex Parte Application for Temporary Restraining Order and Preliminary Injunction  
2 and a copy of the Board's Verified Complaint) be served via personal service upon Defendants  
3 (or the appropriate registered agent for the corporate entity defendants), (see NRCP 4 and  
4 65(2)(d)) or via United States First Class Mail, postage prepaid, and United States First Class  
5 Mail, postage prepaid, certified and return receipt requested upon Defendants (see NRCP  
6 65(2)(d) allowing for "notice of the order by personal service or otherwise.") and that  
7 Defendants' opposition(s) to the Board's application/motion for Preliminary Injunction, if any,  
8 along with supporting affidavit(s) and document(s), if any, shall be filed and served via mail or  
9 via facsimile (facsimile number: (702) 862-8400) upon the Board's attorney, John A. Hunt, Esq.,  
10 of the law firm Morris Polich & Purdy, LLP at 500 South Rancho Drive, Suite 17, Las Vegas,  
11 Nevada 89106 on or before the ~~12th~~ day of ~~August~~ 2014; and the Board's reply brief  
12 shall be served and filed on or before the ~~12th~~ day of ~~August~~, 2014.

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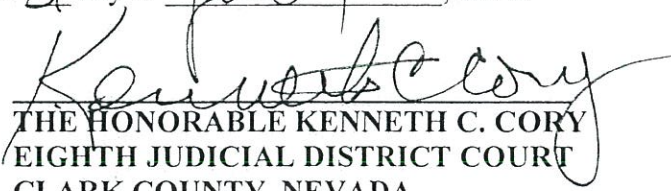
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1 **10. IT IS FURTHER ORDERED** that pursuant to NRS 631.400(5), the Board is not  
2 required to post a bond for the payment of costs and damages as may be incurred by the adverse  
3 parties.

4 DATED & DONE this 31<sup>st</sup> day of July, 2014.

5  
6   
7 THE HONORABLE KENNETH C. CORY  
8 EIGHTH JUDICIAL DISTRICT COURT  
9 CLARK COUNTY, NEVADA  
10 DEPARTMENT 1; COURTROOM 16A

11 Respectfully submitted:

12   
13 **MORRIS POLICH & PURDY, LLP**

14 By John A. Hunt this 1 day of AUG, 2014.

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16 Bert Wuester Jr., Esq. (NSBN 5556)  
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