

NEVADA STATE BOARD of DENTAL EXAMINERS



Post Meeting Documents
Public Comment & Records

August 18, 2016
Board Telephone
Conference

Public Comment
Dr. Adrian Ruiz

STATEMENT TO NVBDE'S BUDGET & FINANCE COMMITTEE

(Adrian Ruiz, DDS, August 18, 2016)

Good Evening. My name is Doctor Adrian Ruiz. I am a licensed dentist in the State of Nevada and a member of the Las Vegas Dental Association.

Firstly, prior to the last meeting of Nevada Board of Dental Examiners ("Board") on July 15, 2016, I received a letter from the Board's Executive Director, Debra Shaffer-Kugel, dated June 17, 2016, wherein she stated: "The Board would like you to attend this meeting to address your concerns." (see Letter from Debra Shaffer-Kugel, June 17, 2016). Following the Board meeting on July 15, 2016, I received another letter from Ms. Kugel, dated July 19, 2016, wherein she stated: "When Agenda item 6(d) was considered by the Board, you were not present." Item 6(d) had been placed on the Agenda at my request to discuss "the investigation process and investigation costs." (see Letter from Debra Shaffer-Kugel, July 19, 2016).

I am unable to comment on whether Agenda item 6(d) was "considered by the Board" because, after 30 days, the Board has still not posted any Minutes from its July 15th meeting. However, I would like to clarify that I was "not present" only because after public comments were made at the beginning of the Boards' meeting, the Board's attorney, John Hunt, Esq. said that the Board would be spending "several hours" discussing the "Persky case" and "those who are not interested should leave."

At this point, I, along with all other members of the public, left the meeting. This was done in full view of the Board. However, it should be noted that if the Board wanted to have me present to discuss Agenda item 6(d) it could have taken it out of order and discussed it when, in fact, I was present. Instead, the Board chose to have a Hearing that was allegedly going to take "several hours" before continuing on with any other items on the Agenda. Consequently, those of us who came for the meeting, but not for the Hearing, were asked to leave.

Secondly, the Board has now delegated several problems identified in the Legislative Counsel Bureau's recent audit of the Board to this Board's Budget and Finance Committee. The recommendations given to the Board regarding financial matters to be discussed on today's Agenda and they include:

1. Recommendation #3—Refund amount licensees were overcharged;
2. Recommendation #4—Develop policies regarding fees to be assessed to licensees throughout the disciplinary process, including whether costs for remanded complaints discussed at Informal Hearing proceedings should be included in total amounts assessed to licensees;
3. Recommendation #5—Determine, document, and adhere to appropriate travel cost limits for Board Members, Staff, and Agents; and
4. Recommendation #9— Review the merits of contracting with outside counsel versus hiring a General Counsel to meet the majority of the Board's legal needs.

I am requesting the Budget & Finance Committee abide by the recommendations provided by the LCB Audit in that it: (1) reimburses all identified licenses the full amounts they were overcharged; (2) charges licensees nothing for Informal Hearings and/or offer Mediation at no cost as a means a resolving disciplinary matters without any Hearings; (3) shows fiscal restraint by limiting costs for Board Members and its staff while eliminating all travel costs for its agents; and (4) complies with the LCB Audit's recommendation to reduce the use of outside counsel to 20%.

Finally, the Board's budget for Fiscal Year 2017 provided as an attachment to today's Agenda, lists "legal expenses" in the amount of "\$270,000 Includes Hunt, Drizin, and AG," but the Dental Board paid Hunt's firm alone \$278,000 in 2015. Thus, these figures make no sense and are in direct conflict with the LCB Audit recommendation to reduce the use of outside counsel. Therefore, I am requesting that this committee provide the public with an actual breakdown of where the \$270,000 in "legal expenses" budgeted for fiscal year 2017 is being allocated.

Thank you!

Nevada State Board of Dental Examiners



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

June 17, 2016

Adrian R Ruiz, DDS
2633 W Horizon Ridge Pkwy, Suite 130
Henderson, NV 89012

Re: Investigation Costs and Review of Investigation Process

Dear Dr. Ruiz:

On or about March 21, 2016, the Nevada State Board of Dental Examiners sent you correspondence advising you that your request for a review of the investigation process and investigation costs was forwarded to James G Kinard, DDS, Chair of the Legal and Disciplinary Resource Group. Further, the letter advised you of the Legislative Audit that was being conducted.

Please be advised, your written petition for a request to review the investigation process and the investigation costs is scheduled to be considered by the Board on Friday July 15, 2016. The meeting will be held at the Board office. Upon posting of the meeting, you will receive a copy of the Board's Agenda.

The Board would like you to attend this meeting to address your concerns. Should you have additional questions, please do not hesitate to contact the Board office.

Sincerely,

A handwritten signature in black ink, appearing to read "Debra", with a long horizontal flourish extending to the right.

Debra Shaffer-Kugel, Executive Director
Nevada State Board of Dental Examiners

Cc: John Hunt, Esq. Board Legal Counsel
James G Kinard, DDS, Chair
File

Nevada State Board of Dental Examiners



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July 19, 2016

Adrian R Ruiz, DDS
2633 W Horizon Ridge Pkwy, Suite 130
Henderson, NV 89012

Re: Investigation Costs and Review of Investigation Process

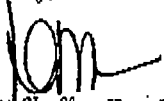
Dear Dr. Ruiz,

On July 15, 2016, the Nevada State Board of Dental Examiners noticed your request as Agenda Item 6(d) regarding the investigation process and investigation costs.

When Agenda Item 6(d) was considered by the Board, you were not present. However, the Board considered your letter dated January 18, 2016 along with the Legislative Audit report and believes the issues addressed in your correspondence dated January 18, 2016 have been remediated through the Legislative Audit.

Should you have additional questions, please do not hesitate to contact the Board office.

Sincerely,


Debra Shaffer-Kugel, Executive Director
Nevada State Board of Dental Examiners

Cc: John Hunt, Esq. Board Legal Counsel
James G Kinard, DDS, Chair
File

Public Comment
Dr. Albert Ruezga

STATEMENT TO NVBDE'S BUDGET & FINANCE COMMITTEE

(Albert Ruezga, DDS, August 18, 2016)

Good Evening. My name is Doctor Albert Ruezga. I am a licensed dentist in the State of Nevada.

Recently, the Nevada State Board of Dental Examiners underwent a "performance audit" that was requested by the Interim Legislative Commission and conducted by the Audit Division of Legislative Council Bureau. One of the recommendations given to the Board from the LCB's Audit Division included Recommendation #3 to "Refund amount licensees were overcharged."

On July 15, 2015, the Board delegated this financial recommendation to this committee, the Budget and Finance Committee. Recommendation #3 from the LCB Audit has been included on the Agenda for tonight's meeting as item Number 3, Subsection 4, which read:

"Review, Discuss and make recommendations whether to reimburse investigations/monitoring costs to licensees identified from the Legislative Audit report and if so the amount."

I was identified in the LCB Audit as being one of the licensees who was overcharged by the Board during the disciplinary process for which I signed a Stipulation Agreement on September 18, 2015 and fulfilled all terms of the Stipulation Agreement on March 18, 2016.

I am requesting the Budget & Finance Committee abide by the recommendations provided by the LCB Audit in that it reimburses all identified licenses the full amounts they were overcharged.

In my case, I was overcharged \$1,757.00. I am asking the Board to reimburse me the full amount it overcharged me plus interest for the full time during which the Board has had these excess funds in its possession. The check may be sent to the address the Board has for me on file, which is:

Albert G. Ruezga, DDS
2340 Calvada Blvd., Suite 1
Pahrump, Nevada 89048

Thank you!

Appendix B

Incurred Costs Versus Assessed Costs for Calendar Years 2014 and 2015 (continued)

Costs Incurred by the Board											
Number	First Name	Last Name	Legal Fees	DSO Fees	DSO Travel	Court Reporter	Other ⁽⁴⁾	Total	Assessed Costs	Overcharged / (Undercharged)	Percent Over / (Under)
40	Lisa	Hoang	\$ 3,503	\$575	\$ 17	\$231	-	\$4,326	\$ 3,746	\$ (580)	(13.4%)
41 ⁽²⁾⁽⁵⁾	Vincent G.	Colosimo	2,390	-	-	-	-	2,390	7,000	4,610	192.9%
42	Kayla	Mai	5,367	413	13	341	-	6,134	4,750	(1,384)	(22.6%)
43	Christine T.	Navales	7,622	1,900	25	280	20	9,847	9,872	25	0.3%
44	My G.	Tran	3,501	800	16	175	-	4,492	4,338	(154)	(3.4%)
45	Larry O.	Staples	3,023	250	-	220	-	3,493	2,946	(547)	(15.7%)
46	L. Scott	Brooksby	34,914	1,000	-	1,602	2,989	40,505	39,076	(1,429)	(3.5%)
47	Erika J	Smith	7,529	1,025	-	222	-	8,776	6,642	(2,134)	(24.3%)
48 ⁽⁵⁾	Min	Kim	2,777	-	-	271	-	3,048	3,875	827	27.1%
49 ⁽⁵⁾	Albert G.	Ruezga	3,699	25	-	224	-	3,948	5,705	1,757	44.5%
50	Otabor	Okundaye	2,531	100	-	247	-	2,878	1,975	(903)	(31.4%)
51	Allyn	Goodrich	3,708	500	-	289	50	4,547	3,150	(1,397)	(30.7%)
52	Young K.	Dill	3,186	358	-	265	-	3,809	2,850	(959)	(25.2%)
53	Saeid	Mohtashami	6,187	325	-	235	-	6,747	3,850	(2,897)	(42.9%)
Totals			\$347,661	\$46,259	\$2,199	\$15,698	\$7,134	\$418,951	\$405,948	\$(13,004)	
Percentage of Total			83.0%	11.0%	0.5%	3.8%	1.7%	100.0%			

Source: Auditor prepared based on information available on the Board's website, records, invoices, and auditor compilation and analysis.

Note: Amounts reflected here will not compare directly to costs noted in Exhibit 4 since amounts noted here may be from years prior to calendar year 2014.

Also, Exhibit 4 includes all costs for the Board including amounts not recoverable.

- ⁽¹⁾ No recovery of costs assessed due to this case being either a license revocation or a voluntary surrender of license, where costs would only be recovered if the licensee requested reinstatement.
- ⁽²⁾ Only legal fees were involved for this license reinstatement case.
- ⁽³⁾ The investigation costs were combined for both these doctors since the Board treated it as one case.
- ⁽⁴⁾ Other costs include outside counsel and Executive Director travel to Informal Hearings, postage and shipping, and small incidentals.
- ⁽⁵⁾ DSO fees were either not applicable since the case was related to license reinstatement, or we could not find an invoice submitted by the DSO and paid by the Board for activity related to this case. We also reviewed Board accounting detail to ensure there were no payments to the assigned DSOs for these cases.

Public Documents
submitted for the Record

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STATE OF NEVADA
BEFORE THE BOARD OF DENTAL EXAMINERS

NEVADA STATE BOARD OF DENTAL
EXAMINERS,

Case No. 74127-02877

Complainant,

vs.

CORRECTIVE ACTION
NON DISCIPLINARY
STIPULATION AGREEMENT

ALBERT G. RUEZGA, DDS,

Respondent.

IT IS HEREBY STIPULATED AND AGREED by and between ALBERT G. RUEZGA, DDS ("Respondent" or "Dr. Ruezga") by and through his attorney, KIMBERLY L. JOHNSON, ESQ. of the law firm LAURIA TAKUNAGA GAGES & LINN, LLP and the NEVADA STATE BOARD OF DENTAL EXAMINERS (the "Board"), by and through MICHAEL P. WEBBERSON, DDS, 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 *Corrective Action Non Disciplinary Stipulation Agreement* ("Stipulation Agreement" or "Stipulation"):

PATIENT, SYLVIA ESSENY

1. Via a *Notice of Complaint & Request for Records* dated August 14, 2013, the Board notified Respondent of a verified complaint received from Sylvia Esseny. On August 26, 2013, the Board received Respondent's written response (with enclosures) dated August 23, 2013, in response to Ms. Esseny's verified complaint, a copy of which was provided to Ms. Esseny on

Respondent's initials

Attorney's initials

1 September 24, 2013.
2

3 2. Based upon the limited investigation conducted to date, DSO, Michael P. Webberson,
4 DDS, believes for this matter and not for any other purpose, including any subsequent civil
5 action Respondent's treatment of patient Sylvia Esseny was in violation of the following:

6
7 A. Respondent's fabrication and delivery of maxillary and mandibular dentures were
8 unacceptable pursuant to NAC 631.230(1)(c). An examination of the patient and
9 radiographic evidence indicate the patient's mandibular ridge is severely resorbed. An
10 examination of the patient and radiographic evidence indicate the patient's maxillary
11 ridge is severely to moderately resorbed. As a result the dentures delivered by
12 Respondent lacked a posterior palatal seal. The dentures lacked proper occlusion causing
13 the maxillary to shift resulting in the maxillary denture midline to off center causing the
14 denture to loose retention.

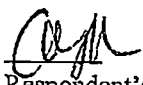
15 B. Respondent on more than one occasion allowed dental assistants to perform
16 adjustments on the patient which were outside the scope permitted by NAC 631.220.

17 3. Respondent, without admitting to the opinions of the DSO, Michael P. Webberson, DDS,
18 contained in Paragraph 2 for settlement purposes only, and not for any other purpose (including
19 any subsequent civil action), acknowledges if this matter were to proceed to a full board hearing,
20 a sufficient quantity and/or quality of evidence could be proffered sufficient to meet a
21 preponderance of the evidence standard of proof demonstrating Respondent violated the
22 statutory or regulatory provisions noted above in Paragraph 2.

23 4. Based upon the limited investigation conducted to date, the opinions of the DSO, Michael
24 P. Webberson, DDS, and the acknowledgment contained in Paragraph 3, the parties have
25 agreed to resolve the above-referenced investigation pursuant to the following non-disciplinary
26 corrective terms and conditions:

27 A. Respondent's dental practice shall be monitored for a period of six (6) months from the
28 adoption of this Stipulation Agreement by the Board (sometimes referred to as the

Page 2 of 10



Respondent's initials



Attorney's initials

1 "monitoring period"). During the monitoring period, Respondent shall allow either the
2 Executive Director of the Board and/or the agent appointed by the Executive Director of
3 the Board to inspect Respondent's records during normal business hours to insure
4 compliance of this Stipulation. During the monitoring period, Respondent's practice shall
5 be monitored regarding full and/or partial prosthetics. Such monitoring shall include, but
6 will not be limited to, personally observing the treatment rendered to those patients who
7 receive the above-referenced dental procedures and/or treatments. Respondent further
8 acknowledges the Disciplinary Screening Officer and or an agent appointed by the
9 Executive Director may contact patient(s) who have received the above-referenced dental
10 procedures and/or treatments.

11 B. In the event Respondent no longer practices dentistry in the State of Nevada prior to
12 completion of the monitoring period, the monitoring period shall be tolled. In the event
13 the monitoring period is tolled because Respondent does not practice in the State of
14 Nevada and the terms and conditions of this Stipulation Agreement are not satisfied (i.e.,
15 including completion of the monitoring period) within one (1) years from the adoption of
16 this Stipulation Agreement by the Board, Respondent agrees his license to practice
17 dentistry in Nevada will be deemed voluntarily surrendered with disciplinary action.
18 Thereafter the Board's Executive Director, without any further action or hearing by the
19 Board, shall issue an Order of Voluntary Surrender with disciplinary action and report
20 same to the National Practitioners Data Bank.

21 C. Respondent further agrees during the monitoring period wherein Respondent is practicing
22 dentistry in the State of Nevada, Respondent shall maintain a daily log containing the
23 following information for any patient(s) who receive full and partial prosthetics:

- 24 1. Name of patient
- 25 2. Date treatment commenced
- 26 3. Explanation of treatment

27 The daily log shall be made available during normal business hours without notice. In
28 addition, during the above-referenced monitoring period, Respondent shall mail and/or
email (nsbde@nsbde.nv.gov) the submission with a PDF copy of the daily log to the
Board no later than the fifth (5th) day of the month a copy of the daily log(s) for the
preceding calendar month (for example: by May 5, Respondent shall mail to the Board a
copy of daily log(s) for the month of April) (hereinafter "monthly log mailing
requirement"). Respondent acknowledges failure to comply with the monthly log mailing
requirement shall be an admission of unprofessional conduct. In addition, failure to
maintain and/or provide the daily log 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 monthly log mailing requirement, failed
to maintain or has refused to provide the daily log upon request by an agent assigned by



Respondent's initials



Attorney's initials


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


14 D. In addition to completing the required continuing education, Respondent shall obtain an
15 additional eight (8) hours of supplemental education as follows:

- 16 1. Four (4) hours re: fabrication and diagnoses of full and partial dentures
- 17 2. Four (4) hours re: Ethics

18 Information, documents, and/or description for the above-referenced supplemental
19 education must be submitted in writing to the Executive Director of the Board for
20 approval prior to attendance. Upon the receipt of the written request to attend the
21 supplemental education, the Executive Director of the Board shall notify Respondent in
22 writing whether the requested supplemental education is approved for attendance.
23 Respondent agrees fifty percent (50%) of the supplemental education in each category
24 shall be completed through attendance at live lecture and/or hands on clinical
25 demonstration and the remaining fifty percent (50%) of the supplemental education in
26 each category may be completed through online/home study courses. The cost associated
27 with this supplemental education shall be paid by Respondent. All of the supplemental
28 education must be completed within six (6) months of the adoption of this Stipulation by
the Board. In the event Respondent fails to complete the supplemental education set
forth in Paragraph 4.D. within six (6) 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
Executive Director of the Board, assuming there are no other violations of any of the
provisions contained in this Stipulation. Respondent agrees to waive any right to seek
injunctive relief from any Federal or State of Nevada District Court to prevent the

Page 4 of 10

27 
28 Respondent's initials


Attorney's initials

1 automatic suspension of Respondent's license to practice dentistry in the State of Nevada
2 due to Respondent's failure to comply with Paragraph 4.D. Respondent shall also be
3 responsible for any costs or attorney's fees incurred in the event the Board has to seek
4 injunctive relief to prevent Respondent from practicing dentistry during the period
5 Respondent's license is automatically suspended.

6 E. Respondent agrees within thirty (30) days of adoption of this Stipulation Agreement by
7 the Board, Respondent shall reimburse the Board for the cost of the investigations and
8 monitoring in the amount of Five Thousand Seven Hundred & Five (\$5,705) Dollars.
9 Payment shall be made payable to the Nevada State Board of Dental Examiners and
10 mailed directly to 6010 S. Rainbow Blvd., Suite A1, Las Vegas, Nevada 89118.


11 F. Respondent agrees to reimburse Sylvia Esseny in the amount of One Thousand Four
12 Hundred & Six and XX/100 Dollars (\$1,405.00) relative to matters addressed above
13 regarding Ms. Esseny. Respondent shall also waive any balance, if any, and withdraw
14 any and all collection efforts, if any such efforts have been initiated regarding Ms.
15 Esseny. Payment of the \$1,405 shall be made with thirty (30) days of the Board adopting
16 this Stipulation. Respondent shall deliver/mail to the Board (6010 S. Rainbow Blvd.,
17 Suite A1, Las Vegas, Nevada 89118) check made payable to Sylvia Esseny.

18 G. In the event Respondent defaults (which includes failure to timely pay) any of the
19 payments set forth in Paragraph 4 and any of its subparts, Respondent agrees his license
20 to practice dentistry in the State of Nevada may be automatically be suspended without
21 any further action of the Board other than issuance of an Order of Suspension by the
22 Board's Executive Director. Subsequent to the issuance of the Order of Suspension,
23 Respondent agrees to pay a liquidated damage amount of Twenty Five and xx/100
24 Dollars (\$25.00) for each day Respondent is in default on the payment(s) of any of the
25 amounts set forth in Paragraph 4. Upon curing the default of the applicable defaulted
26 payment contained in Paragraph 4 and paying the reinstatement fee, Respondent's
27 license to practice dentistry in the State of Nevada will automatically be reinstated by the
28 Board's Executor Director, 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 his 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.

H. Respondent agrees to 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, commencing upon the date of adoption of this Stipulation by



Respondent's initials



Attorney's initials

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

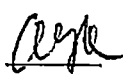
- 17 I. In the event Respondent fails to cure any defaulted payments within forty-five (45) days
18 of the default, Respondent agrees the amount may be reduced to judgment.
- 19 J. Respondent waives any right to have any amount(s) owed pursuant to this Stipulation
20 discharged in bankruptcy.


21 CONSENT

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

24 6. 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 7. Respondent expressly waives any right to challenge the Board for bias in deciding
28 whether or not to adopt this Stipulation Agreement in the event this matter was to proceed to a
full Board hearing.


Respondent's initials


Attorney's initials

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

6
7 9. Respondent acknowledges he has read this Stipulation Agreement. Respondent
8 acknowledges he has been advised he has the right to have this matter reviewed by independent
9 counsel and he has had ample opportunity to seek independent counsel. Respondent has been
10 specifically informed he should seek independent counsel and advice of independent counsel
11 would be in Respondent's best interest. Having been advised of his right to independent counsel,
12 as well as had the opportunity to seek independent counsel, Respondent hereby acknowledges he
13 has reviewed this Stipulation Agreement with his attorney, KIMBERLY L. JOHNSON, ESQ. of
14 the law firm LAURIA TAKUNAGA GAGES & LINN, LLP, who has explained each and every
15 provision contained in this Stipulation Agreement to Respondent. Respondent's initials:

16 

17
18 10. Respondent acknowledges he is consenting to this Stipulation Agreement voluntarily,
19 without coercion or duress and in the exercise of her own free will.


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

24
25 12. Respondent acknowledges the provisions in this Stipulation Agreement contain the entire
26 agreement between Respondent and the Board and the provisions of this Stipulation Agreement
27 can only be modified, in writing, with Board approval.

28
13. Respondent agrees in the event the Board adopts this Stipulation Agreement, he hereby



Respondent's initials



Attorney's initials

1 waives any and all rights to seek judicial review or otherwise to challenge or contest the validity
2 of the provisions contained herein.


3
4 14. Respondent and the Board agree none of the parties shall be deemed the drafter of this
5 Stipulation Agreement. In the event this Stipulation Agreement is construed by a court of law or
6 equity, such court shall not construe it or any provision hereof against any party as the drafter.
7 The parties hereby acknowledge all parties have contributed substantially and materially to the
8 preparation of this Stipulation Agreement.


9 15. Respondent specifically acknowledges by his signature herein and by his initials at the
10 bottom of each page of this Stipulation Agreement (and at Paragraph 9 above), he has read and
11 understands its terms and acknowledges he has signed and initialed of his own free will and
12 without undue influence, coercion, duress, or intimidation.

13
14 16. Respondent acknowledges in consideration of execution of this Stipulation Agreement,
15 Respondent hereby releases, remises, and forever discharges the State of Nevada, the Board, and
16 each of their members, agents, employees and legal counsel in their individual and representative
17 capacities, from any and all manner of actions, causes of action, suits, debts, judgments,
18 executions, claims, and demands whatsoever, known and unknown, in law or equity, that
19 Respondent ever had, now has, may have, or claim to have against any or all of the persons or
20 entities named in this section, arising out the complaint(s) of the above-referenced Patient(s).

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

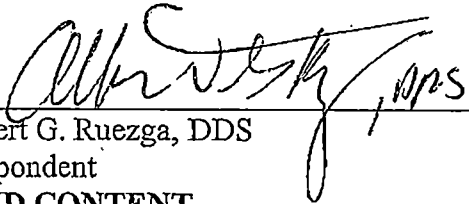
24
25 18. This Stipulation Agreement will be considered by the Board in an open meeting. It is
26 understood and stipulated the Board is free to accept or reject this Stipulation Agreement and if it
27 is rejected by the Board, the Board may take other and/or further action as allowed by statute,
28 regulation, and/or appropriate authority. This Stipulation Agreement will only become effective


Respondent's initials

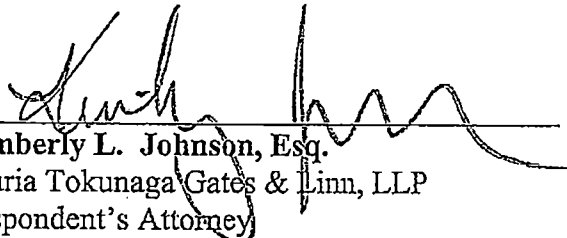

Attorney's initials

1 when the Board has approved the same in an open meeting. Should the Board adopt this
2 Stipulation Agreement, such adoption shall be considered a final disposition of a contested case
3 and will become a public record and is not reportable to the National Practitioner Data Bank.

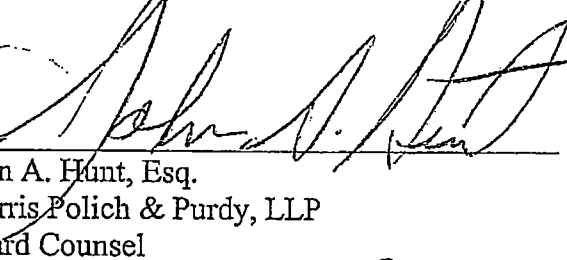
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5 DATED this 28 day of August, 2015.

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8 By  , DDS
9 Albert G. Ruezga, DDS
Respondent

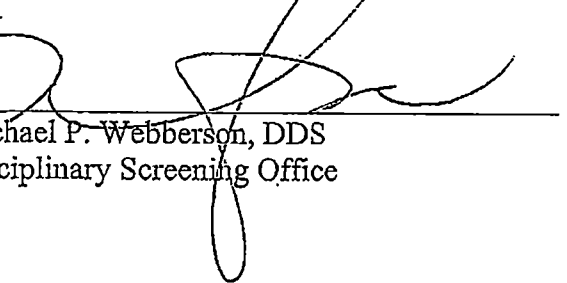
10 APPROVED AS TO FORM AND CONTENT

11
12 By  this 28 day of August, 2015.
13 Kimberly L. Johnson, Esq.
14 Lauria Tokunaga Gates & Linn, LLP
Respondent's Attorney

15 APPROVED AS TO FORM AND CONTENT

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17
18 By  this 28 day of August, 2015.
19 John A. Hunt, Esq.
20 Morris Polich & Purdy, LLP
Board Counsel

21 APPROVED AS TO FORM AND CONTENT

22
23 By  this 28 day of August, 2015.
24 Michael P. Webberson, DDS
Disciplinary Screening Office

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BOARD ACTION

This *Corrective Action Non Disciplinary Stipulation Agreement* in the matter captioned as Nevada State Board of Dental Examiners vs. Albert G. Ruezga, DDS, case no. 74127-_____

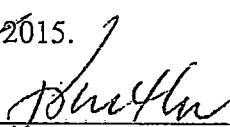
was (check appropriate action):

Approved X

Disapproved _____

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

DATED this 18 day of September 2015.



Timothy T. Pinther, DDS - President
NEVADA STATE BOARD OF DENTAL EXAMINERS

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Stipulation Agreements:
Dr. Adrian Ruiz
(Public Record)

2008

BEFORE THE NEVADA STATE BOARD OF DENTAL EXAMINERS

NEVADA STATE BOARD OF DENTAL EXAMINERS,

Complainant,

STIPULATION AGREEMENT
CASE NO. 08-01597

vs.

ADRIAN R. RUIZ, DDS

Respondent.

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).
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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
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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

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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.

vi. Respondent agrees during the three (3) year monitoring period, he shall not administer an anti-anxiety medication in combination with either a 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.

vii. During the three (3) year monitoring period, Respondent shall allow either the Board's Executive Director and/or agent appointed by the Board's Executive Director to inspect all insurance claims submitted for treatment rendered by Respondent to insure the amounts billed accurately reflect the treatment rendered. In the event the Executive Director finds there is substantial evidence there has been an incorrect billing where the insurance was billed for services not rendered, the Executive Director will give Respondent written notice of the inaccuracy and within five (5) working days of being given notice Respondent shall reimburse the patient for the difference in billing. Respondent waives any right to seek a full Board hearing and/or judicial review on the ruling made by the Board's Executive Director. In the event Respondent fails to render payment to the patient who was billed for services not rendered within five (5) days, the Executive Director without any further action shall issue a notice of suspension. Respondent shall waive any right to seek judicial review to seek injunctive relief to prevent Respondent from practicing dentistry during the period of time the Respondent's license is automatically suspended. Upon payment amounts identified by the Board, the Executive Director shall automatically reinstate Respondent's license to practice dentistry in the State of Nevada. In the event the Executive Director finds there is substantial evidence the errors occurring are not inadvertent and 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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upon the issuance of the Order of Suspension. In addition to the 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 Paragraphs 9(a)(ix), Respondent pursuant to NAC 631.029 shall pay a reinstatement fee of two hundred (\$200.00) dollars. Upon curing the default of the applicable defaulted paragraph, Respondent's license to practice dentistry in the State of Nevada will automatically be reinstated by the Executor Director of the Board, assuming there are no other violations of any of the provisions contained in this Stipulation.

Respondent shall also be responsible for any 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 his license is suspended. Respondent agrees to waive any right to seek injunctive relief from either the Nevada Federal District Court or the Nevada State District Court to reinstate his license prior to curing any default on the amounts due and owing.

xi. Respondent agrees to waive any right to seek injunctive relief from any Federal or State of Nevada District Court to prevent the suspension of Respondent's license to practice dentistry in the State of Nevada due to Respondent failure to comply with Paragraphs 9(a)(i) thru or 9a(xiii). 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.

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

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.

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

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

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

19 18. This Stipulation will be considered by the Board in an open meeting. It is
20 understood and stipulated the Board is free to accept or reject the Stipulation. This Stipulation
21 will only become effective when the Board has approved the same in an open meeting. Should
22 the Board adopt this Stipulation, such adoption shall be considered a final disposition of a
23 contested case and shall become a public record.
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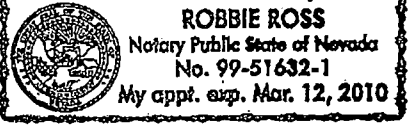
1 DATED this 19 day of Sept, 2008.

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

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

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

20 APPROVED AS TO FORM & CONTENT
21 *[Signature]*
22 L. KRISTOPHER RATH, ESQ.
23 Attorney for Respondent

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28 *[Signature]*
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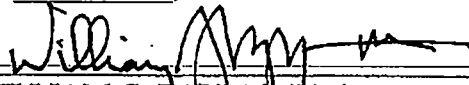
Fox Rothschild LLP
800 Howard Hughes Parkway
Suite 500
Las Vegas, Nevada 89169

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.

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

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BEFORE THE NEVADA STATE BOARD OF DENTAL EXAMINERS

NEVADA STATE BOARD OF DENTAL
EXAMINERS,

Complainant,

vs.

ADRIAN R. RUIZ, D.D.S.

Respondent.

Case No.: 09-01938

AMENDED FINDINGS AND AMENDED RECOMMENDATIONS OF THE INFORMAL
HEARING HELD PURSUANT TO NRS 631 AND NAC 631
&
CONSENT OF ADRIAN R. RUIZ, D.D.S. TO THE AMENDED FINDINGS AND
AMENDED RECOMMENDATIONS PURSUANT TO NRS 631.363(5)

I.
INTRODUCTION

1. On September 19, 2008, Respondent, Adrian R. Ruiz, D.D.S. ("Respondent" or "Dr. Ruiz"), executed a *Stipulation Agreement* (case no. 08-01597) which was approved by the Nevada State Board of Dental Examiners (the "Board") at a regularly scheduled and notice hearing on October 30, 2009, wherein Respondent admitted to violating NRS 631.3475(5) & NAC 631.230(1)(b) when Respondent on more than one occasion administered excessive controlled substances that were not required to treat a dental patient. Further Respondent admitted on more than one occasion Respondent's record keeping for the patients that were the focus of the investigation was in violation of NAC 631.230(1)(c). Pursuant to the terms and conditions set forth in the *Stipulation Agreement*, Respondent dental practice is being monitored until October 29, 2011.

2. On November 20, 2008, the Board notified Respondent of a verified complaint received


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1 from Sujitra Yamkoksoung ("Ms. Yamkoksoung") alleging, among other things, that
2 Respondent had allowed and assisted on more than one occasion Robert Kline, D.D.S., a
3 California licensed dentist, who is not licensed in the State of Nevada, to treat Ms. Yamkoksoung
4 while participating in a study club hosted by the Respondent. On January 2, 2009, the Board
5 received Respondent's answer to the verified complaint submitted by Ms. Yamkoksoung.

6
7 3. On January 16, 2009, the Board notified Respondent of a verified complaint received
8 from Joseph Valenti ("Mr. Valenti") alleging, among other things, that Respondent had
9 recommended the patient have eight (8) porcelain crowns for teeth #5 through #12. In addition,
10 Mr. Valenti also alleged Respondent's treatment plan also required that for five (5) of the eight
11 (8) teeth that were recommended to be crowned, that they would also need endodontic treatment.
12 Lastly Mr. Valenti alleged that most of the treatment performed was administered by a dental
13 assistant. On February 23, 2009, the Board received Respondent's answer submitted by L.
14 Kristopher Rath, Esq. on behalf of the Respondent to the verified complaint of Mr. Valenti. On
15 March 12, 2009, Respondent submitted supplemental information and documentation regarding
16 Mr. Valenti.

17 4. On April 24, 2009, the Board provided Dr. Ruiz notice of the informal hearing being
18 scheduled for May 22, 2009, at 10:00 a.m. In pertinent part, the "Notice of Informal Hearing"
19 advised of the following:

20 Pursuant N.R.S. § 631.363(1) be advised the Board has appointed Bradley Strong,
21 DDS (hereinafter "Disciplinary Screening Officer" or "investigator"), to conduct
22 an investigation and informal hearing concerning the complaint against you from
23 patients Sujitra Yamkoksoung and Joseph Valenti. Pursuant to N.A.C. §
24 631.250(1), the Disciplinary Screening Officer should not limit the scope of this
25 investigation to the matters set forth in the authorized investigation noted above,
26 "but will extend the investigation to any additional matters which appear to
27 constitute a violation of any provision of chapter 631 of NRS or the regulations
28 contained in chapter 631 of NAC of this chapter." Therefore during the informal
hearing you will be asked questions whether or not you have complied with the
reporting requirements set forth in NAC 631.155.

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1 Id., at pg. 1.

2 5. Dr. Ruiz was served with a Subpoena Duces Tecum for the May 22, 2009,
3 informal hearing requesting he bring with him to the hearing the following records:

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5 1. All patient records, including but not limited to billing records, lab
6 prescriptions/slips, lab bills, insurance records and filings, and computerized
7 records for **Sujitra Yamkoksoung and Joseph Valenti**. Records need to have
8 accompanying references to identify treating doctors and assistants and
9 hygienists.

10 Id., at 1:16-19 (emphasis in original).

11 6. On May 7, 2009, the Board provided Dr. Ruiz an "Amended Notice of Informal Hearing"
12 regarding the informal hearing scheduled for May 22, 2009, at 10:00 a.m. In pertinent part, the
13 "Amended Notice of Informal Hearing" advised of the following:

14 Pursuant N.R.S. § 631.363(1) be advised the Board has appointed Bradley Strong,
15 DDS (hereinafter "Disciplinary Screening Officer" or "investigator"), to conduct
16 an investigation and informal hearing concerning the complaint against you from
17 patients Sujitra Yamkoksoung and Joseph Valenti. Also to be discussed is your
18 compliance with the Stipulation previously entered into with the Board on
19 October 30, 2008. Specifically to determine whether or not you violated the
20 provisions of paragraph 9(a)(i) prohibiting the issuance of prescriptions of more
21 than 16 units of a controlled substance for each office visit when treatment is
22 rendered. Pursuant to N.A.C. § 631.250(1), the Disciplinary Screening Officer
23 should not limit the scope of this investigation to the matters set forth in the
24 authorized investigation noted above, "but will extend the investigation to any
25 additional matters which appear to constitute a violation of any provision of
26 chapter 631 of NRS or the regulations contained in chapter 631 of NAC of this
27 chapter." Therefore during the informal hearing you will be asked questions
28 whether or not you have complied with the reporting requirements set forth in
NAC 631.155.

29 Id., pg. 1.

30 7. On May 21, 2009, Respondent submitted supplemental information and documentation
31 regarding Mr. Valenti.

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8. On May 22, 2009, the above-referenced informal hearing was held in Las Vegas, Nevada, regarding alleged violations of chapter 631 of the Nevada Revised Statutes ("NRS") and chapter 631 of the Nevada Administrative Code ("NAC") by Dr. Ruiz. The informal hearing was held pursuant to NRS 631.363 and NAC 631.250 and 631.255.

The informal hearing ended prematurely due to technical difficulties with the court reporter's equipment. It was agreed that the informal hearing would be continued to June 19, 2009, at 10:00 a.m. and it was further agreed that there would be no need for further notice of the continued informal hearing and that the subpoena would remain in full force and effect.

9. On June 12, 2009, Respondent submitted supplemental information and documentation regarding Mr. Valenti.

10. On June 19, 2009, at 10:00 a.m. the informal hearing resumed in Las Vegas, Nevada.

11. In attendance at the informal hearing on both days (i.e., May 22 and June 19, 2009) was Bradley Strong, D.D.S., Informal Hearing Officer assigned to this matter; Debra Shaffer, Deputy Executive Director of the Board, and Board attorney, John A. Hunt, Esq., licensee, Dr. Ruiz, and his attorneys, Kristopher Rath, Esq. and Shannon Wilson, Esq. of the law firm Hutchison & Steffen.

12. A number of matters, including the following, were discussed at length during the informal hearing:

A. The complaint against Dr. Ruiz from patient, Ms. Yamkoksoung;

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B. The complaint against Dr. Ruiz from patient, Mr. Valenti.

C. Dr. Ruiz's compliance with the *Stipulation Agreement* (case no. 08-01597) previously entered into with the Board on October 30, 2008. Specifically to determine whether or not Dr. Ruiz violated the provisions of paragraph 9(a)(i) prohibiting the issuance of prescriptions of more than 16 units of a controlled substance for each office visit when treatment is rendered.

13. In addition to other review and investigation before the informal hearing, the Informal Hearing Officer met and/or spoke with the above-referenced patients whose complaints were addressed at the informal hearing.

14. Following the above-referenced informal hearing, the Disciplinary Screening Officer/Investigator determined the Board should take further action concerning the matter and, therefore, prepared written *Findings and Recommendations of the Informal Hearing Held Pursuant to NRS 631 and NAC 631 & Consent of Adrian R. Ruiz, D.D.S. to the Findings and Recommendations Pursuant to N.R.S. § 631.363(5)* (hereinafter "Findings & Recommendations").

15. On or about January 5, 2010, copies of the Findings & Recommendations were forwarded to Respondent's attorney.


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1 16. Respondent, having been allowed a reasonable time for review of the Findings &
2 Recommendations, did not agree in writing to the same.

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5 17. On or about January 20, 2010, the Board's formal *Complaint* was filed.

6 18. On or about January 20, 2010, the Board issued the *Notice of Filing of Complaint,*
7 *Date(s) Set for Formal Hearing, & Related Matters* initially setting the formal hearing on the
8 Board's *Complaint* for March 5, 2010.

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11 19. On January 20, 2010, Dr. Ruiz's attorney received a copy of formal *Complaint* filed
12 January 20, 2010, and a copy of the *Notice of Filing of Complaint, Date(s) Set for Formal*
13 *Hearing, & Related Matters* initially setting the formal hearing on the Board's *Complaint* for
14 March 5, 2010.

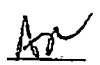
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17 20. On or about February 8, 2010, Dr. Ruiz filed *Respondent's Answer to Complaint.*

18
19 21. On March 23, 2010, the Board issued an *Amended Notice of Filing of Complaint, Date(s)*
20 *Set for Formal Hearing, & Related Matters* which, in part, reset the formal hearing on the
21 Board's *Complaint* for May 21 and if necessary, May 22, 2010.
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- 1 22. On March 24, 2010, Dr. Ruiz's attorney received a copy of the *Amended Notice of Filing*
2 *of Complaint, Date(s) Set for Formal Hearing, & Related Matters* which, in part, reset the formal
3 hearing on the Board's *Complaint* for May 21 and if necessary, May 22, 2010.
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6 23. On April 12, 2010, the Board issued a Subpoena for Joseph Valenti for the May 21, 2010,
7 formal hearing.
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10 24. On April 12, 2010, the Board issued a Subpoena for Sujitra Yamkoksoung for the May
11 21, 2010, formal hearing.
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13 25. On April 23, 2010, the Board issued a Subpoena for Dr. Ronald West for the May 21,
14 2010, formal hearing.
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17 26. On May 11, 2010, the Board issued an Order regarding certain pre-hearing motions.
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19 27. On May 13, 2010, the Board issued a Subpoena Duces Tecum for Adrian Ruiz, DDS for
20 the May 21, 2010, formal hearing.
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23 28. On May 13, 2010, Dr. Ruiz's attorney accepted service of the Subpoena Duces Tecum
24 for Adrian Ruiz, DDS and \$26.00 witness fee check.
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1 29. The Board convened a quorum of members on May 21, 2010, to hear the *Complaint*. Dr.
2 Ruiz and counsel were present. Also, on May 22, 2010, the Board convened a quorum with the
3 same members present at the May 21, 2010, hearing regarding hearing the *Complaint*.
4

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6 30. Admitted into evidence by stipulation of the parties for the formal hearing were the
7 Complainant's Exhibits 1-33, 35-38 and Respondent's Exhibits 1-16.
8

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10 31. At the May 21, 2010, portion of the Board's hearing the following witnesses were called
11 by the Complainant and answered questions under oath posed by both parties' attorneys and
12 members of the Board: Joseph Valenti, Sujitra Yamkoksoung, and Dr. Ronald West.
13

14 32. At the May 21, 2010, portion of the Board's hearing, Dr. Ruiz was called as a witness by
15 the Complainant and answered questions under oath posed by the Complainant. Questioning of
16 Dr. Ruiz by his attorney and by members of the Board was to occur during Dr. Ruiz's case-in-
17 chief.
18

19
20 33. The May 21, 2010, portion of the Board's hearing adjourned at approximately 6:20 p.m.
21 after a motion was made, seconded, and approved to begin the hearing on May 22, 2010, at 8:30
22 a.m.
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1 34. On May 22, 2010, following roll call and convening a quorum with the same members
2 present at the May 21, 2010, the May 22, 2010, portion of the hearing was called to order at
3 approximately 9:00 a.m. The parties, through their attorneys, requested a break to discuss
4 settlement possibilities.
5

6
7 35. Following discussion and mutual agreement, the parties placed upon the record before the
8 Board in open session at the May 22, 2010, hearing a proposed settlement between the parties
9 and agreed to by the Informal Hearing Officer, Dr. Bradley Strong, D.D.S. wherein Respondent
10 would consent to the original Findings and Recommendations (Board Exhibit "31")
11 incorporating additions and deletions for consideration by the Board as set forth in admitted
12 Exhibit 38. Prior to any settlement discussions Respondent with advice of Counsel agreed in the
13 event the Board entertained such discussions and should the Board reject the Respondent's
14 consent to the Amended Findings and Recommendations contained in Board Exhibit "38",
15 Respondent waived any legal basis for claiming the Board would be bias for discussing possible
16 settlement and further agreed Respondent the Board would be entitled to reconvene the full
17 Board hearing and render a final decision regarding the pending charges.
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22 36. Following review of the proposed settlement document (Exhibit 38) and after questioning
23 and comment by the Board to the proposed settlement (Exhibit 38), a recess was taken from
24 approximately 11:45 a.m. to 12:30 p.m. for the parties to further discuss settlement in light of the
25 Board's comments and questions.
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2 37. Upon the Board reconvening at approximately 12:30 p.m. on May 22, 2010 and taking
3 into consideration the comments made by the Board and incorporating those comments to the
4 Amended Findings and Recommendations set forth in Exhibit "38" the parties placed upon the
5 record before the Board in open session a the revised settlement between the parties as agreed to
6 by the Informal Hearing Officer, Dr. Bradley Strong, D.D.S. wherein Respondent would consent
7 to the following Amended Findings and Recommendations as set forth below:
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10 **II.**
AMENDED FINDINGS

11 Based upon the limited investigation conducted to date; the information presently
12 available for review, including Dr. Ruiz's responses to questions posed during the informal
13 hearing, Dr. Bradley Strong, D.D.S., as the Informal Hearing Officer assigned, the above-
14 referenced exhibits admitted into evidence at the formal hearing, the testimony of the witnesses
15 at the formal hearing on May 21, 2010, Dr. Ruiz's acknowledgement and agreement of the
16 matters noted at the formal hearing on May 22, 2010, hereby issues the following amended
17 findings.
18

19
20 1. **Patient, Ms. Yamkoksoung:**

21 A. There is substantial evidence Respondent violated NRS 631.346(1) & (3) and
22 NRS 631.395(11) when Respondent allowed and assisted on more than one occasion
23 Robert Kline, D.D.S., a retired inactive dentist who is not licensed in the State of Nevada,
24 to treat Ms Yamkoksoung while participating in a study club hosted by the Respondent.
25

26 B. There is substantial evidence Respondent violated NAC 631.173 (4) & (6) by
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1 conducting a course in continuing education related to the practice of dentistry without
2 first having the course approved by the Board. Respondent additionally failed to furnish
3 the Board a complete list of all members of the group, a synopsis of the subject to be
4 studied, the time, place and duration of the meetings of the group, and the method by
5 which attendance is recorded and authenticated.
6

7 C. The Board has no record of Respondent's study club ever being approved as a
8 provider of continuing education and, therefore, there is substantial evidence Respondent
9 violated NAC 631.173.
10

11 D. There is also substantial evidence that even if Respondent's study club had been
12 approved as a provider of continuing education as authorized by NAC 631.173, NRS
13 631.215(2)(d) does not permit study clubs to have live demonstrations by dentist who are
14 not licensed in the State of Nevada and, as a consequence, Respondent has violated the
15 same as well.
16

17 2. Patient, Mr. Valenti.

18 A. There is substantial evidence Respondent violated NRS 631.3475(1) and/or NAC
19 631.230(1)(c) when Respondent failed to properly inform Mr. Valenti of the option of
20 seeking orthodontic treatment to enhance Mr. Valenti's appearance. Respondent instead
21 informed Mr. Valenti he was too old for orthodontic treatment at age forty (40). The
22 patient chart is void of any orthodontic referral or consultation made by the Respondent
23 which would have allowed the patient to make an informed decision whether or not to
24 undergo radical cosmetic reconstruction. In the event the patient would have refused to
25 seek an orthodontic referral, Respondent should have preformed diagnostic calculations
26 and prepared a diagnostic wax-up in addition to a diagnostic cut-back on properly
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1 mounted casts on an articulator. This would have enabled Mr. Valenti to make an
2 informed decision as to the risks and benefits of crowning teeth ##5 thru 12. It should be
3 noted out of the eight (8) teeth (teeth ##5 thru 12) which Respondent proposed to crown,
4 six (6) were virgin teeth with no caries or pathology (teeth ##5, 8, 9, 10, 11, & 12). The
5 only evidence of any previous pathology as it relates to teeth ##6 & 7 were both teeth
6 presented with small mesial, class III composites.

7
8 B. There is substantial evidence Respondent performed fixed prosthodontics prior
9 stabilizing and completing necessary periodontal procedures on Mr. Valenti in violation
10 NRS 631.3475(1) and/or NAC 631.230(1)(c). It should be noted the Informal Hearing
11 Officer observed there were periodontal pocket depths of several teeth which Respondent
12 proposed to crown that were beyond normal limits. The Informal Hearing Officer
13 observed a mesial periodontal pocket depth of 7mm on tooth #5.

14
15 C. There is substantial evidence Respondent's crown preparation of teeth ##5 thru 12
16 was in violation NRS 631.3475(1) and/or NAC 631.230(1)(c). Respondent's crown
17 preparation of teeth ##5, 11 & 12 resulted in mechanical pulpal exposures on teeth #5,
18 11 & 12. On March 3, 2009, Dr. Ronald West removed the temporary crowns placed by
19 Respondent and confirmed the mechanical pulpal exposures on teeth ##5, 11, & 12. It
20 should be noted that although Respondent caused a mechanical pulpal exposure on tooth
21 #12, Respondent did not attempt to perform endodontic treatment on tooth #12, but
22 instead simply chose to permanently cement the final crown over a mechanically exposed
23 pulpal chamber. Respondent's crown preparation of teeth ##8 & 9 subsequently required
24 the unnecessary endodontic treatment on teeth ##8 & 9. Respondent failed to enter into
25 the patient's chart the necessity for performing endodontic treatment of teeth ##8 & 9. A
26 contributing factor as to why Respondent's crown preparations were below the standard
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was due to Respondent's radiographs being elongated and non-diagnostic.

D. There is substantial evidence Respondent's record keeping for patient Valenti was in violation of NRS 631.3475(1) and NAC 631.230(1)(c), when Respondent failed to record the mechanical exposures of teeth #5, 11, & 12 and the necessity of endodontic treatment on teeth ##8 & 9 in patient Valenti's chart. Failure to properly prepare and maintain patient records was previously addressed in the Stipulation adopted by the Board dated October 30, 2008.

E. There is substantial evidence Respondent's endodontic treatment of teeth ##5, 8, 9 & 11 was in violation of NRS 631.3475(1) & NAC 631.230(1)(c). Respondent's attempted endodontic treatment of tooth #5 resulted in the perforation of the pulpal floor which resulted in failure and the need for either endodontic retreatment or extraction of tooth #5. On January 19, 2009 endodontist Vinh-Thy Nguyen examined Mr. Valenti. Dr. Nguyen radiographs reveals periapical lesion on both teeth ##8 & 9 which he diagnosed such findings as being consistent with apical periodontitis. Dr Nguyen's recommendation is that teeth ##8 & 9 be endodontically retreated. Radiographs taken by this Informal Hearing Officer of tooth #11 indicate Respondent's endodontic treatment of tooth #11 resulted in the overfill of endodontic filling material beyond the apex of the root of tooth #11. The Patient advised he is still having periapical pain which may necessitate surgical retreatment.

III.
AMENDED RECOMMENDATIONS

Based upon the amended findings as more fully addressed above and regarding violations of the above-referenced statutes, regulations, and *Stipulation Agreement* (case no. 08-01597), the following amended recommendations are made.


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1 1. Pursuant to NRS 631.350(1)(d), Respondent shall be placed on probation for a period of
2 three (3) years. In the event Respondent successfully completes all of the terms and
3 conditions of the three (3) years probation as set forth below, Respondent's license to
4 practice dentistry in the State of Nevada shall be reinstated to good standing. In the
5 event, Respondent does not actively practice dentistry in the State of Nevada, the
6 probationary period of three (3) years shall be tolled for the period of inactive practice.

7 Pursuant to NRS 631.350(1)(d) & (h) the terms and conditions of the three (3) year
8 probationary period shall be as follows:

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

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

29 ii. In the event the Board's Executive Director has substantial evidence to believe
30 Respondent has failed to comply with any of the provisions contained in Paragraph
31 III.1.(i) the Executive Director, without any further hearing or action by the Board, shall
32 issue an order suspending Respondent's license to practice dentistry in the State of
33 Nevada. Thereafter, Respondent may request a hearing before the Board to reinstate his
34 license to practice dentistry in the State of Nevada. However during the suspension and

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1 prior to the Board issuing a final Order regarding Respondent's request for reinstatement,
2 Respondent waives any right to seek judicial review to reinstate his privilege to practice
dentistry in the State of Nevada.

3
4 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
5 III.1(i) during the probationary period, Respondent shall surrender his license (License
6 No. _____) with the United States Department of Justice, D.E.A. for Class II, Class
7 IIN, Class III, Class IIIN, Class IV, and Class V for a period of three (3) years
8 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 (License No. _____) reinstated.

9
10 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
11 III.1(i) during the probationary period, Respondent shall surrender his license (License
12 No. _____) with the Nevada State Board of Pharmacy for Class II, Class IIN,
13 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 (License No. _____) reinstated.

14
15 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
16 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.
17 _____ and Nevada State Board of Pharmacy, License No. _____, the
18 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. Six (6)
19 months after the issuance of the Order of Revocation, Respondent may request a hearing
before the Board to reinstate Respondent's license to practice dentistry in the State of
20 Nevada. However subsequent to the issuance of the Order of Revocation and prior to the
Board issuing a final Order regarding Respondent's request for reinstatement,
21 Respondent waives any right to seek judicial review to reinstate his privilege to practice
dentistry in the State of Nevada.

22
23 vi. Respondent, during the three (3) year probationary period, shall not administer an
anti-anxiety medication in combination with either a pharmacological or non-
24 pharmacological agent unless he has obtained the proper conscious sedation permit
pursuant to the provisions contained in NAC 631.2211 through NAC 631.2236.

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26 vii. During the three (3) year probationary period, Respondent shall allow either the

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

13 viii. **Study clubs.** Respondent, during the three (3) year probationary period, shall not
14 operate or host a study club or allow a study club to operate or be hosted from or be used
15 at any of his dental offices. In the event the Executive Director finds there is substantial
16 evidence Respondent is operating or hosting a study club or allowing a study club to be
17 hosted or operated out of any of his dental offices, the Executive Director shall, without
18 any further action, issue a notice of suspension. Thereafter, Respondent may request a
19 hearing before the Board. However, during the suspension and prior to the Board issuing
a final Order regarding Respondent's request for reinstatement, Respondent waives any
right to seek judicial review to reinstate his privilege to practice dentistry in the State of
Nevada.

20 ix. **List of staff members.** Respondent, during the three (3) year probationary
21 period, shall provide the Board with a list of staff members, dental assistants, and dentists
22 who render services in Respondent's dental practices, regardless of whether they are
23 classified as employees or independent contractors. The initial list shall be provided by
24 July 1, 2010, and shall be updated on a monthly basis thereafter during the three (3) year
25 probationary period. In the event the Executive Director finds there is substantial
26 evidence Respondent has failed to provide the list or its required monthly updates or that
27 the list is inaccurate, the Executive Director shall, without any further action, issue a
28 notice of suspension. Thereafter, Respondent may request a hearing before the Board.
However, during the suspension and prior to the Board issuing a final Order regarding
Respondent's request for reinstatement, 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 x. **Signing and dating insurance submissions.** Respondent, during the three (3)
3 year probationary period, shall sign and date all insurance form submissions concerning
4 services he provided to patients for which payment is being sought via insurance. A copy
5 of the signed and dated document shall then be placed in the respective patient's file. If
6 the insurance submission is sent via electronic means, Dr. Ruiz shall print-out a paper
7 copy of the electronic submission and then date and sign the paper copy of the document
8 and place it in the respective patient's file. In the event the Executive Director finds there
9 is substantial evidence Respondent has failed to comply with these requirements, the
10 Executive Director shall, without any further action, issue a notice of suspension.
11 Thereafter, Respondent may request a hearing before the Board. However, during the
12 suspension and prior to the Board issuing a final Order regarding Respondent's request
13 for reinstatement, Respondent waives any right to seek judicial review to reinstate his
14 privilege to practice dentistry in the State of Nevada.

15 xi. **Requesting prescription profile/report information.** Respondent, during the
16 three (3) year probationary period, shall request from the Pharmacy Board a copy of the
17 prescription profile/report for his DEA number (i.e., self query). Upon receipt of the
18 profile/report, Respondent shall sign the profile/report after he has reviewed the same.
19 Respondent shall make such requests for the profile/report from the Pharmacy Board at
20 least two (2) times per year with first yearly request occurring at least three (3) months
21 before the second yearly request. In the event the Executive Director finds there is
22 substantial evidence Respondent has failed to comply with these requirements, the
23 Executive Director shall, without any further action, issue a notice of suspension.
24 Thereafter, Respondent may request a hearing before the Board. However, during the
25 suspension and prior to the Board issuing a final Order regarding Respondent's request
26 for reinstatement, Respondent waives any right to seek judicial review to reinstate his
27 privilege to practice dentistry in the State of Nevada.

28 2. **Crown/bridge and endodontic supplemental education.** Effective May 22, 2010, and
pursuant to N.R.S. 631.350(1)(f), Respondent shall not be permitted to provide either
crown/bridge or endodontic treatments to patients without first completing the
supplemental education as set forth below in Paragraph III.2(i). Upon completion of the
supplemental education set forth in Paragraph III.2(i) as it relates respectively to
crown/bridge or endodontic treatments, Respondent shall request in writing to the
Executive Director of the Board permission to resume delivering crown/bridge and
endodontic treatments. Upon receiving written permission from the Executive Director,
Respondent may commence treating patients requiring crown/bridge, or endodontic
treatments pursuant to all the terms and conditions set forth in this document. In the
event the Board's Executive Director has substantial evidence to believe Respondent has
performed either crown/bridge or endodontic treatments prior to completing the required


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1 supplemental education respectively for crown/bridge or endodontics as set forth in
2 Paragraph III.2(i), the Executive Director, without any further hearing or action by the
3 Board, shall issue an order suspending Respondent's license to practice dentistry in the
4 State of Nevada. Thereafter, Respondent may request a hearing before the Board.
5 However, during the suspension and prior to the Board issuing a final Order regarding
Respondent's request for reinstatement, Respondent waives any right to seek judicial
review to reinstate his privilege to practice dentistry in the State of Nevada.

6 i. Pursuant to NRS 631.350(k), in addition to completing the required continuing
7 education, Respondent shall obtain a total of seventy-two (72) additional hours of
8 supplemental education in the following areas: forty-eight (48) hours relating to
9 performing crown/bridge and twenty-four (24) hours relating to performing endodontic
10 treatments. All supplemental education set forth in this paragraph must be completed
11 within twenty-four (24) months of the adoption of these Amended Findings and
12 Amended Recommendations by the Board which, as noted on the record at the May 22,
13 2010, formal hearing, is deemed adopted and effective as of May 22, 2010. The
14 supplemental education must be submitted in writing to the Executive Director of the
15 Board for approval prior to attendance. Upon the receipt of the written request to attend
16 the supplemental education the Executive Director of the Board shall notify Respondent
17 in writing whether the requested supplemental education is approved for attendance.
18 Respondent agrees seventy (70%) percent of the supplemental education shall be
19 completed through attendance at live lecture courses. The remaining thirty (30%) percent
20 of the supplemental education may be completed through online/home study courses.
21 The cost associated with this supplemental education shall be paid by Respondent. In the
22 event Respondent fails to complete the supplemental education within twenty-four (24)
23 months, Respondent agrees his licenses to practice dentistry in the State of Nevada shall
24 be automatically suspended without any further action of the Board other than the
25 issuance of an Order of Suspension by the Executive Director. Upon Respondent
26 submitting written proof of the completion of the supplemental education, Respondent's
27 licenses to practice dentistry in the State of Nevada will be automatically reinstated,
28 assuming all other provisions of this Amended Findings and Recommendations are in
compliance. 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 licenses to practice dentistry in the State of Nevada due to Respondent's
failure to comply with Paragraph III.2 and III.2(i). Respondent shall also be responsible
for any costs or attorney's fees incurred in the event the Board has to seek injunctive
relief to prevent Respondent from practicing dentistry during the period Respondent's
licenses are automatically suspended.

3. **Additional Supplemental Education.** Pursuant to NRS 631.350(k), in addition to
completing the required continuing education and the Supplemental Education contained
in Paragraph III.2(i), Respondent shall complete forty-eight (48) additional hours of

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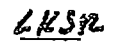
supplemental education in the following areas:

- * twenty-four (24) hours – orthodontics.
- * six (6) hours – ethics.
- * six (6) hours – patient communication.
- * six (6) hours – informed consent.
- * six (6) hours – charting and/or record keeping.

All of the additional hours of supplemental education set forth in this paragraph shall be completed within twenty-four (24) months of the adoption of these Amended Findings and Recommendations by the Board which, as noted on the record at the May 22, 2010, formal hearing, is deemed adopted and effective as of May 22, 2010. The supplemental education must be submitted in writing to the Executive Director of the Board for approval prior to attendance. Upon the receipt of the written request to attend the supplemental education the Executive Director of the Board shall notify Respondent in writing whether the requested supplemental education is approved for attendance. Respondent agrees seventy (70%) percent of the supplemental education shall be completed through attendance at live lecture courses. The remaining thirty (30%) percent of the supplemental education may be completed through online/home study courses. The cost associated with this supplemental education shall be paid by Respondent. In the event Respondent fails to complete the supplemental education or fails to retake and pass the Board's jurisprudence examination within twenty-four (24) months, Respondent agrees his licenses 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. Upon Respondent submitting written proof of the completion of the supplemental education, Respondent's licenses to practice dentistry in the State of Nevada shall be automatically reinstated, assuming all other provisions of this Amended Findings and Amended Recommendations are in compliance. 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 licenses to practice dentistry in the State of Nevada due to Respondent's failure to comply with Paragraph III.3. 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 licenses are automatically suspended.

4. **Retake Jurisprudence Examination:** Pursuant to NRS 631.350(j), Respondent shall take the jurisprudence examination as required by NRS 631.240(2) on the contents and interpretation of NRS and NAC Chapter 631. Respondent shall have ninety (90) days upon the adoption of these Amended Findings and Amended Recommendations by the Board which, as noted on the record at the May 22, 2010, formal hearing, is deemed adopted and effective as of May 22, 2010. 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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Board's office. Respondent shall contact the Board's office to schedule a time to submit to the examination. In the event Respondent fails to successfully complete the examination within ninety (90) days of the Board's adoption of this Stipulation, Respondent agrees his license to practice dentistry in the State of Nevada shall be automatically suspended without any action of the Board other than the issuance of an Order of Suspension by the Executive Director. Upon successful completion of the examination, Respondent's license to practice dentistry in the State of Nevada will be automatically reinstated, assuming all other provisions of the Stipulation Agreement are in compliance, including the payment of the applicable reinstatement fees. Respondent agrees to waive any right to seek injunctive relief from any United States District Court, District Court for the State of Nevada, or any other court or tribunal with jurisdiction (if any) to prevent the automatic suspension of Respondent's license to practice dentistry in the State of Nevada due to Respondent's failure to comply with any provisions of this Paragraph III.5. 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 any period Respondent's licenses is automatically suspended.

5. **Attorney's fees and costs.** Pursuant to NRS 622.400, Respondent has agreed and shall be and is hereby required to reimburse the Board for attorney's fees and the costs incurred to investigate, prosecute and to monitor Respondent during the three (3) year probationary period. As agreed once the Board informs Respondent by correspondence as to the amount owed, Respondent shall physically deliver to the Board's office one-half of that amount no later than the close of business on November 22, 2010. The remaining balance shall be shall physically deliver to the Board's office no later that the close of business on May 22, 2011.

6. **Fine.** Pursuant to NRS 631.350(1)(c), Respondent has agreed and shall pay a fine in the amount of one thousand and xx/100 dollars (\$1,000.00) within thirty (30) days of May 22, 2010.

7. **Reimbursement to Joseph Valenti.** Pursuant to NRS 631.350(1), Respondent has agreed and shall reimburse Joseph Valenti in the amount of thirteen thousand one hundred eighty-four and xx/100 dollars (\$13,184.00) within thirty (30) days of May 22, 2010.

8. **Payment Default:** In the event Respondent defaults on any of the payments set forth in paragraphs III.5., III.6., and III.7., 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 paragraphs III.5., III.6., and III.7., upon the issuance of the Order of Suspension. In


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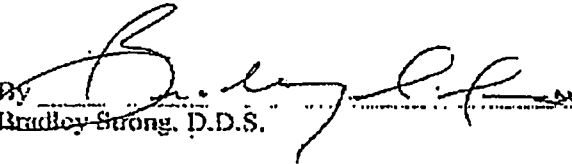


1 Board other than issuance of an Order of Suspension by the Executive Director.
 2 Respondent agrees to pay a liquidated damage amount of Twenty Five Dollars (\$25.00)
 3 for each day Respondent is in default on the payment(s) of any of the amounts set forth in
 4 paragraphs III.5., III.6., and III.7., upon the issuance of the Order of Suspension. In
 5 addition to the liquidated damage amount of Twenty Five Dollars (\$25.00) for each day
 6 Respondent is in default on the payment(s) of any of the amounts set forth in paragraphs
 7 III.5., III.6., and III.7., Respondent pursuant to NAC 631.029 shall pay a reinstatement
 8 fee of two hundred and xx/100 dollars (\$200.00). Upon curing the default of the
 9 applicable defaulted paragraph, Respondent's license to practice dentistry in the State of
 10 Nevada shall automatically be reinstated by the Executor Director of the Board, assuming
 11 there are no other violations of any of the provisions contained in this Amended Findings
 and Recommendations. 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 his license is suspended.
 Respondent agrees to waive any right to seek injunctive relief from either the Nevada
 Federal District Court or the Nevada State District Court to reinstate his license prior to
 curing any default on the amounts due and owing.

12 9. **Reimbursement to Suijitra Yamkoksoung.** Pursuant to NRS 631.350(1), Respondent
 13 shall reimburse Suijitra Yamkoksoung which, as noted during the May 21 and 22, 2010,
 formal hearing, that same has already been accomplished.

14 10. **Public reprimand.** Pursuant to NRS 631.350(1)(c) in the event the Board finds
 15 Respondent has violated any of the provisions of either NRS 631 or NAC 631 the Board,
 16 if it deems it appropriate, shall issue a public reprimand condemning Respondent's
 conduct.

17 11. **Staff Training and Notification:** Within thirty (30) days of May 22, 2010, Respondent
 18 shall implement a program to be approved by the Executive Director of the Board to
 19 educate all present and future staff members, dental assistants, and dentists who render
 20 services in Respondent's dental practices regarding the issuance of controlled substances
 21 and possible criminal sanctions for procuring a controlled substance under false
 22 pretenses. Such approve program shall also require all present and future staff members,
 23 dental assistants, and dentists who render services in Respondent dental practices to
 24 review the contents of the *Stipulation Agreement* (case no. 08-01597). Respondent shall
 also be required to have all present and future staff members, dental assistants, and
 25 dentists who render services in Respondent dental practices sign a statement
 26 acknowledging they have completed the approved program and they have reviewed the
 27 *Stipulation Agreement* (case no. 08-01597).

28 By  this 11 day of June, 2010.
 Bradley Strong, D.D.S.

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IV.

CONSENT TO AMENDED FINDINGS AND AMENDED RECOMMENDATIONS

NRS 631.363(5) states:

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

1. I, Adrian R. Ruiz, DDS, hereby acknowledge that I have read N.R.S. § 631.363(5).

Pursuant the settlement negotiations entered into with the Board and the Disciplinary Screening Officer on May 22, 2010, I agreed and consented to the Amended findings and Recommendation set forth above. On the same date the Board adopted the Amended Findings and Recommendation set forth above. As a result of the Board adopting the agreed and consented to Amended Findings and Recommendations, I acknowledge the above Amended Findings and Recommendations are in full force and effect as of the Board's adoption on May 22, 2010.

2. Prior to the Board adopting the above Amended Findings and Recommendations, I read all of the above Amended Findings and Recommendations and upon advice of my counsel, Kristopher Rath, Esq. and I consented to all of the Amended Findings and Recommendations adopted by the Board on May 22, 2010.

3. Prior to the Board adopting the above Amended Findings and Recommendations, I reviewed all of the above Amended Findings and Recommendations with my attorney, Kristopher Rath, Esq. who has explained each and every provision contained in the above


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1 Amended Findings and Recommendations.

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4 4. I further agree the consented and adopted Findings and Recommendations set forth above
5 authorizes the Nevada State Board of Dental Examiners to consider the consented and adopted
6 Findings and Recommendations set forth above and any future administrative or judicial
7 proceedings.

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10 5. I further acknowledge that I consented to the above adopted Amended Findings and
11 Recommendations voluntarily, without coercion or duress, and in the exercise of my own free
12 will.

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15 6. Prior to the Board adopting the above Amended Findings and Recommendations, I was
16 made aware that by consenting to the Amended Findings and Recommendations, I was admitting
17 to all of the above consented and adopted Amended Findings and Recommendations and I
18 agreed to comply with all of the Amended Findings and Recommendations set forth above as
19 May 22, 2010.

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22 7. Prior to the Board adopting the above Amended Findings and Recommendations, I was
23 made aware that by consenting to the adopted Amended Findings and Recommendations, I
24 agreed to waive any and all rights to seek judicial review in either the State or Federal Courts or
25 otherwise to challenge or contest the validity of the adopted Amended Findings and
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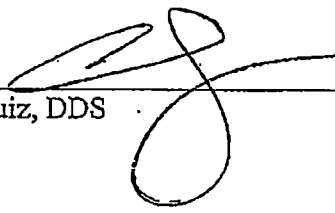

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1 Recommendations contained herein.

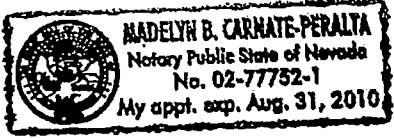
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4 8. Prior to the Board adopting the above Amended Findings and Recommendations, I was
5 made aware that the Nevada State Board of Dental Examiners could have chosen not to adopt the
6 above Amended Findings and Recommendations. I acknowledge and agree that subject to that
7 admonition the Amended Findings and Recommendations and were presented to the Board and
8 were adopted by the Board on May 22, 2010. I further acknowledge and agree as more fully
9 note addressed above, the adoption by the Board of the Amended Findings and
10 Recommendations shall be and is hereby deemed a final disposition of a contested case, shall
11 become a public record, and shall be effective as of May 22, 2010. Further I acknowledge and
12 agree copies of the adopted Amended Findings and Recommendations may be provided to the
13 general public. Further I have been made aware and agreed this consented and adopted Amended
14 Findings and Recommendations shall be reported as required to the appropriate
15 agencies/entities, including but not limited to, the National Practitioners Data Bank.
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19 9. I hereby specifically recognize, acknowledge and agree that should I fail satisfy any or
20 all of the terms and conditions of the consented and adopted Amended Findings and
21 Recommendations the Board may impose the disciplinary penalties as set forth in the Amended
22 Recommendations cited above.
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24
25 By  this 10th day of June, 2010.
26 Adrian R. Ruiz, DDS

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1 SUBSCRIBED and SWORN to before me
2 this 16th day of June, 2010.



3 Madelyn B. Carnate-Peralta
4 NOTARY PUBLIC in and for said County and State

5 APPROVED AS TO FORM AND CONTENT

6 LKR this 16th day of June, 2010.

7 Kristopher Rath, Esq.
8 Respondent's Attorney

9 **V.**
ACTION BY THE BOARD

10 The foregoing Amended Findings and Amended Recommendations and Consent thereto
11 was approved by a vote of the Nevada State Board of Dental Examiners at a properly noticed
12 meeting on May 22, 2010, and shall be and is hereby effective as of May 22, 2010.

13 DATED this _____ day of _____, 2010.

14
15 NEVADA STATE BOARD OF DENTAL EXAMINERS
16 William G. Pappas
17 WILLIAM G. PAPPAS, President

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