

NEVADA STATE BOARD
of
DENTAL EXAMINERS



FORMAL BOARD HEARING
(ADAM PERSKY, DMD)

JULY 15, 2016

10:00 A.M.

PUBLIC BOOK

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STATE OF NEVADA
BEFORE THE BOARD OF DENTAL EXAMINERS

NEVADA STATE BOARD OF DENTAL
EXAMINERS,

Complainant,

Case No. 74127-3088

vs.

ADAM M. PERSKY, DMD

COMPLAINT

Respondent.

Complainant, Nevada State Board of Dental Examiners (hereinafter referred as the "Board"), by and through its attorneys, for its Complaint against Respondent, Adam M. Persky, DMD (hereinafter referred to as "Respondent" or "Dr. Persky"), alleges and complains as follows:

GENERAL ALLEGATIONS

1. The Board is empowered to enforce the provisions of Chapter 631 of the Nevada Revised Statutes ("NRS"). NRS 631.190.
2. The Board, pursuant to NRS 631.190(6), keeps a register of all dentists and dental hygienists licensed in the State of Nevada; said register contains the names, addresses, license numbers, and renewal certificate numbers of said dentists and dental hygienists.
3. On May 31, 2002, the Board issued Respondent a temporary license (#4192) by credential pursuant to NRS 631.272. Subsequent to being issue a temporary license, Respondent was issue a permanent license (#4192).

1 4. Respondent's license, pursuant to NRS 631.330, is currently suspended due to
2 Respondent's failure to renew his license.

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4 5. Respondent is licensed by the Board and, therefore, has submitted himself to the
5 disciplinary jurisdiction of the Board.

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7 6. Via *Notice of Complaint & Request for Records* dated February 11, 2015, the Board
8 notified Respondent of a verified complaint received from Stephanie Cook. The notice of
9 complaint was sent to the last known address provided by Respondent on record with the Board.
10 On April 20, 2015, the Board received dental records from Michael Wendelboe, DMD,
11 regarding Stephanie Cook, copies of which were provided to Respondent and Ms. Cook on April
12 21, 2015.

13
14 7. On March 23, 2015, the Board forwarded correspondence to Respondent regarding his
15 lack of providing a factual response and/or supporting documentation in response to the Notice
16 of Complaint regarding the verified complaint of Stephanie Cook which was forwarded to
17 Respondent via regular and certified mail. The correspondence further informed Respondent that
18 failure to file and answer to the verified complaint of Stephanie Cook created a rebuttable
19 presumption that the allegations contained in the verified complaint of Stephanie Cook were
20 generally deemed admitted.

21
22 8. Respondent, to date, has not responded to the Notice of Complaint regarding the verified
23 complaint of Stephanie Cook.

24
25 9. On December 14, 2015, via certified mail, return receipt requested, regular mail and
26 personal service, Respondent was originally provided with a Notice of Informal Hearing
27 regarding the verified complaint of Stephanie Cook which set the informal hearing for 10:00 a.m.
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1 on Friday, January 15, 2016, at the offices of Morris, Polich & Purdy, LLP, 500 South Rancho
2 Drive, Suite 17, Las Vegas, Nevada 89106. Included with the Notice of Informal Hearing dated
3 December 14, 2015, was a *Subpoena Duces Tecum* dated December 14, 2015 (see further
4 discussion below). In part, the Notice of Informal Hearing dated December 14, 2015, indicated
5 pursuant to NAC 631.250(1), the Disciplinary Screening Officer shall not limit the scope of this
6 investigation to the matters set forth in the authorized investigation noted above, “but will extend
7 the investigation to any additional matters which appear to constitute a violation of any provision
8 of Chapter 631 of the Nevada Revised Statutes or the regulations contained in Chapter 631 of
9 NAC of this Chapter.”

10
11 10. Via a *Subpoena Duces Tecum* dated December 14, 2015, Respondent was commanded to
12 appear at Morris, Polich & Purdy, LLP, 500 S. Rancho Drive, Suite 17, Las Vegas, Nevada
13 89106 on January 15, 2016, at 10:00 a.m. to produce the following documents:

14
15 1. Any and all records regarding patient: **Stephanie Cook**, including, but not
16 limited to, billing records, laboratory work orders, prescription slips, insurance
17 records (including any correspondence or billing submitted to an insurance
18 provider), health history, charts notes, informed consents, daily patient schedules
19 for the dates of treatment, day sheets, radiographs, treatment plans and patient
20 logs; and

21 Id., pg. 1 (emphasis in original).

22
23 11. On January 4, 2016, Respondent was personally served at 232 Boylston St., Chestnut
24 Hill, MA 02467, with a copy of the December 14, 2015, Notice of Informal Hearing which
25 included a copy of the *Subpoena Duces Tecum* dated December 14, 2015. See Affidavit of
26 *Service By Personal Service* dated January 16, 2016.

27
28 12. On January 13, 2016, the Board’s attorney sent correspondence (with enclosures) to
Respondent via certified mail, return receipt requested, regular mail and Federal Express
Overnight Delivery. The correspondence addressed a number of matters, including the status of

1 the informal hearing.

2
3 13. On January 13, 2016, Respondent requested and was granted a continuance of the
4 Informal Hearing set to be convened on January 15, 2016. Also on January 13, 2016, the Board's
5 attorney sent an email to Respondent which also had attached a number of PDF documents,
6 including: 1) the Notice of Complaint & Request for Records dated February 11, 2015, regarding
7 the verified complaint of Stephanie Cook; the dental records from Michael Wendelboe, DMD
8 regarding Stephanie Cook; 3) Board letter dated May 26, 2015, regarding Respondent's request
9 for voluntary surrender of license; 4) December 14, 2015, Notice of Informal Hearing; and 5)
10 Subpoena Duces Tecum dated December 14, 2015.

11
12 14. On January 27, 2016, via certified mail, return receipt requested and via regular mail,
13 based upon Respondent's requested for a continuance, Respondent was provided with a Re-
14 Notice of Informal Hearing regarding the verified complaint of Stephanie Cook which re-set the
15 informal hearing for 10:00 a.m. on Monday, March 28, 2016, at the offices of Morris, Polich &
16 Purdy, LLP, 3800 Howard Hughes Parkway, Suite 500, Las Vegas, Nevada 89169 ("Re-Notice
17 of Informal Hearing"). In part the Re-Notice of Informal Hearing indicated pursuant to NAC
18 631.250(1), the Disciplinary Screening Officers shall not limit the scope of this investigation to
19 the matters set forth in the authorized investigation noted above, "but will extend the
20 investigation to any additional matters which appear to constitute a violation of any provision of
21 Chapter 631 of the Nevada Revised Statutes or the regulations contained in Chapter 631 of NAC
22 of this Chapter."
23

24 15. Via a *Subpoena Duces Tecum* dated January 27, 2016, Respondent was commanded to
25 appear at Morris, Polich & Purdy, LLP, 3800 Howard Hughes Parkway, Suite 600, Las Vegas,
26 Nevada 89169 on March 28, 2016 at 10:00 a.m. to produce the following documents:

27
28 1. Any and all records regarding patient: **Stephanie Cook**, including, but not

1 limited to, billing records, laboratory work orders, prescription slips, insurance
2 records (including any correspondence or billing submitted to an insurance
3 provider), health history, charts notes, informed consents, daily patient schedules
4 for the dates of treatment, day sheets, radiographs, treatment plans and patient
5 logs; and

6 Id., pg. 1 (emphasis in original) (see *Subpoena Duces Tecum* dated January 17, 2016, included
7 and served with the January 27, 2016, Re-Notice of Informal Hearing).

8 16. As partially addressed above, the Re-Notice of Informal Hearing dated January 27, 2016,
9 separate correspondence dated January 27, 2016, and the *Subpoena Duces Tecum* dated January
10 27, 2016, were sent to Respondent at three (3) addresses via Regular US Mail & Certified Mail-
11 Return Receipt Request to: 1) Dental offices at Chestnut Hill, 232 Boylston Street, Chestnut Hill,
12 MA 02467; 2) 5775 S. Rainbow Blvd., #103, Las Vegas, Nevada 89118; and 3) 309 Highland
13 Mesa Ct., Las Vegas, Nevada 89114. In addition, the Re-Notice of Informal Hearing dated
14 January 27, 2016, and *Subpoena Duces Tecum* dated January 27, 2016, were sent to Respondent
15 at email address info@fightdentist.com.

16
17 17. On February 2, 2016, the Board's attorney, John Hunt, Esq. received an email from
18 Respondent (from email info@fightdentist.com) which, in part, provides, that "I [Respondent]
19 have received all the documents and your phone message[.]"

20
21 18. On March 28, 2016, at 10:00 a.m. the above-referenced Re-Noticed Informal Hearing
22 was held in Las Vegas, Nevada, regarding the verified complaint of Stephanie Cook and/or as
23 more fully addressed in the Re-Notice of Informal Hearing. The Re-Noticed Informal Hearing
24 was held pursuant to NRS 631.363 and NAC 631.250 and 631.255.

25
26 19. In attendance at the March 28, 2016, Re-Noticed Informal Hearing was Bradley Roberts,
27 DDS, Disciplinary Screening Officer, and the Board's attorney, John A. Hunt, Esq. Respondent

28

1 did not attend the informal hearing.

2
3 20. Following the informal hearing, written findings of fact and conclusions were drafted,
4 pursuant to NRS 631.363(3). See Findings and Recommendations of the Informal Hearing Held
5 Pursuant to NRS 631 and NAC 631 & Consent of Adam M. Persky, DMD, to the Findings and
6 Recommendations Pursuant to NRS 631.363(5) dated April 5, 2016 (hereinafter "FR&C"). The
7 FR&C were forwarded to Respondent for review and consent by Respondent, pursuant to NRS
8 631.363(5). Respondent did not consent to the FR&C.

9
10 **CLAIM #1:**
11 **RESPONDENT'S VIOLATION OF NRS 631.3485(4) AND/OR NRS 631.349**

12 21. The Board repeats and realleges the allegation contained in paragraphs 1 through 20 and
13 reincorporates the same as if fully set forth herein.

14
15 22. NRS 631.3485(4) provides:

16
17 **NRS 631.3485 Violation of chapter or regulations; failure to pay fee for license.** The
following acts, among others, constitute unprofessional conduct:
18 ***

19 4. Failure to make the health care records of a patient available for inspection and copying as
provided in NRS 629.061.

20
21 23. NRS 631.349 provides:

22 **NRS 631.349 Examples of unprofessional conduct not complete list or authorization of**
other acts; Board may hold similar acts unprofessional conduct. The acts described in NRS
23 631.346 to 631.3485, inclusive, must not be construed as a complete list of dishonorable or
unprofessional conduct, or as authorizing or permitting the performance of other and similar acts,
24 or as limiting or restricting the Board from holding that other or similar acts constitute
unprofessional or dishonorable conduct. (Added to NRS by 1983, 1108)

25
26 24. Respondent was personally served with a copy of the *Subpoena Duces Tecum* dated
27 December 14, 2015 (see discussion above in Paragraphs 9-11). Notwithstanding, Respondent
28

1 failed to produce the records of patient Stephanie Cook as commanded in the *Subpoena Duces*
2 *Tecum* dated December 14, 2015.

3
4
5 25. In light of the above, Respondent has violated NRS 631.3485(4) and/or NRS 631.349.

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7 **CLAIM #2:**
8 **ALLEGATIONS RELATIVE TO RESPONDENT'S TREATMENT**
9 **OF PATIENT, STEPHANIE COOK**

10 26. The Board repeats and realleges the allegation contained in paragraphs 1 through 25 and
11 reincorporates the same as if fully set forth herein.

12 27. NRS 631.075 provides:

13
14 **NRS 631.075 "Malpractice" defined.** "Malpractice" means failure on the part of a dentist to
15 exercise the degree of care, diligence and skill ordinarily exercised by dentists in good standing in
16 the community in which he or she practices. As used in this section, "community" means the
17 entire area customarily served by dentists among whom a patient may reasonably choose, not
18 merely the particular area inhabited by the patients of that individual dentist or the particular city
19 or place where the dentist has an office. (Added to NRS by 1983, 1106)

18 28. NRS 631.095 provides:

19 **NRS 631.095 "Professional incompetence" defined.** "Professional incompetence" means
20 lack of ability safely and skillfully to practice dentistry, or to practice one or more specified
21 branches of dentistry, arising from:

- 21 1. Lack of knowledge or training;
- 22 2. Impaired physical or mental capability of the dentist;
- 23 3. Indulgence in the use of alcohol or any controlled substance; or
- 24 4. Any other sole or contributing cause. (Added to NRS by 1983, 1106)

25 29. NRS 631.3475(1), (2), and (4) provide:

26 **NRS 631.3475 Malpractice; professional incompetence; disciplinary action in another**
27 **state; substandard care; procurement or administration of controlled substance or**
28 **dangerous drug; inebriety or addiction; gross immorality; conviction of certain crimes;**
certain operation of medical facility. The following acts, among others, constitute
unprofessional conduct:

1. Malpractice;

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2. Professional incompetence;

4. More than one act by the dentist or dental hygienist constituting substandard care in the practice of dentistry or dental hygiene;

30. Respondent's treatment of Patient, Stephanie Cook, violated NRS 631.075, NRS 631.095, and/or NRS 631.3475(1), (2), and/or (4), in the following respects:

A. Respondent's placement of veneers for Teeth 6, 7, 8, 9, 10 and 11 were unacceptable due improper marginal fit and grossly over preparation of the tooth structure. Respondent's treatment caused the patient to experience unnecessary pain, suffering, and cost, resulting in the replacement of the veneers placed by Respondent on Teeth 6, 7, 8, 9, 10 and 11.

B. Respondent's treatment plan indicates this patient was billed for post(s) to be placed in Teeth 2, 3, 5, 13, 14, 18 and 19. Radiographs do not indicate that any post(s) were placed in Teeth 2, 3, 5, 13, 14, 18 and/or 19. Based on Respondent's failure to produce the dental record of this patient or respond to the verified complaint of this patient, this Disciplinary Screening Officer can only assume that Respondent falsely billed this patient for post(s) that were not place in Teeth 2, 3, 5, 13, 14, 18 and/or 19.

C. Respondent's placement of crowns of Teeth 13, 14, 18 and 19 resulted in unacceptable ill-fitting and open margins on Teeth 13, 14, 18 and 19. Respondent's treatment caused the patient to experience unnecessary pain and suffering.

1 31. In light of the above, Respondent has violated NRS 631.075, NRS 631.095, and/or NRS
2 631.3475(1), (2), and/or (4).

3
4 **CLAIM #3:**
5 **RESPONDENT'S VIOLATION OF NAC 631.150(2) RELATIVE TO RESPONDENT'S**
6 **FAILURE TO GIVE THE BOARD WRITTEN NOTICE OF HIS CHANGE OF**
7 **ADDRESSES**

8 32. The Board repeats and realleges the allegation contained in paragraphs 1 through 31 and
9 reincorporates the same as if fully set forth herein.

10 33. NAC 631.150 provides:

11 **NAC 631.150 Filing of addresses of licensee; notice of change; display of license. (NRS**
12 **631.190, 631.350)**

- 13 1. Each licensee shall file with the Board the addresses of his or her permanent residence and the
14 office or offices where he or she conducts his or her practice.
- 15 2. Within 30 days after any change occurs in any of these addresses, the licensee shall give the
16 Board a written notice of the change. The Board will impose a fine of \$50 if a licensee does not
17 report such a change within 30 days after it occurs.
- 18 3. The licensee shall display his or her license and any permit issued by the Board, or a copy
19 thereof, at each place where he or she practices. [Bd. of Dental Exam'rs, § XVI, eff. 7-21-82]—
20 (NAC A 9-6-96; R066-11. 2-15-2012)

21 34. Respondent has failed to give the Board written notice of the change in his permanent
22 residence address and his office or offices address where he conducts his practice.

23 35. In light of the above, Respondent has violated NAC 631.150(2).

24 **CLAIM #4:**
25 **RESPONDENT'S VIOLATION OF NRS 631.330 AND NRS 631.3485(2) RELATIVE TO**
26 **RESPONDENT'S FAILURE TO RENEW HIS LICENSE**

27 36. The Board repeats and realleges the allegation contained in paragraphs 1 through 35 and
28 reincorporates the same as if fully set forth herein.

1 37. NRS 631.330 provides:

2 **NRS 631.330 Renewal of license: Requirements; issuance of renewal certificate.**

3 1. Licenses issued pursuant to NRS 631.271, 631.2715 and 631.275 must be renewed annually.
All other licenses must be renewed biennially.

4 2. Except as otherwise provided in NRS 631.271, 631.2715 and 631.275:

5 (a) Each holder of a license to practice dentistry or dental hygiene must, upon:

6 (1) Payment of the required fee;

(2) Submission of proof of completion of the required continuing education; and

(3) Submission of all information required to complete the renewal,

7 → be granted a renewal certificate which will authorize continuation of the practice for 2 years.

8 (b) A licensee must comply with the provisions of this subsection and subsection 1 on or
before June 30. Failure to comply with those provisions by June 30 every 2 years automatically
suspends the license, and it may be reinstated only upon payment of the fee for reinstatement and
compliance with the requirements of this subsection.

9 3. If a license suspended pursuant to this section is not reinstated within 12 months after
10 suspension, it is automatically revoked. [Part 4:152:1951; A 1953, 363] + [8:152:1951]—(NRS A
1957, 343; 1967, 866; 1981, 1976; 1985, 381; 1997, 2124; 1999, 1656, 2849; 2005, 285, 2722,
11 2807; 2009, 1528)

12 38. NRS 631.3485(3) provides:

13 **NRS 631.3485 Violation of chapter or regulations; failure to pay fee for license.** The
14 following acts, among others, constitute unprofessional conduct:

15 3. Failure to pay the fees for a license; or

16 39. Respondent failed to renew his dental license pursuant to the requirements of NRS
17 631.330, including the failure to pay the required fees for the license renewal.

18 40. Respondent's license, pursuant to NRS 631.330, is currently suspended due to
19 Respondent's failure to renew his license.

20 41. In light of the above, Respondent has violated NRS 631.330 and/or NRS 631.3485(3).

21
22 **CLAIM #5:**
23 **ALLEGATIONS REGARDING RECOVERY OF**
24 **ATTORNEY'S FEES AND COSTS**

25 42. The Board repeats and realleges every allegation contained in paragraphs 1 through 41
26 and reincorporates the same as if fully set forth herein.
27
28

1 43. NRS 622.400 provides:
2

3 1. A regulatory body may recover from a person reasonable attorney's fees and
4 costs that are incurred by the regulatory body as part of its investigative,
5 administrative and disciplinary proceedings against the person if the regulatory
6 body:

7 (a) Enters a final order in which it finds that the person has violated any
8 provision of this title which the regulatory body has the authority to
9 enforce, any regulation adopted pursuant thereto or any order of the
10 regulatory body; or

11 (b) Enters into a consent or settlement agreement in which the regulatory
12 body finds or the person admits or does not contest that the person has
13 violated any provision of this title which the regulatory body has the
14 authority to enforce, any regulation adopted pursuant thereto or any order
15 of the regulatory body.

16 2. As used in this section, "costs" means:

17 (a) Costs of an investigation.

18 (b) Costs for photocopies, facsimiles, long distance telephone calls and
19 postage and delivery.

20 (c) Fees for court reporters at any depositions or hearings.

21 (d) Fees for expert witnesses and other witnesses at any depositions or
22 hearings.

23 (e) Fees for necessary interpreters at any depositions or hearings.

24 (f) Fees for service and delivery of process and subpoenas.

25 (g) Expenses for research, including, without limitation, reasonable and
26 necessary expenses for computerized services for legal research.

27 44. This action relates to the Board, a regulatory body, undertaking action as part of its
28 investigative, administrative, and disciplinary proceedings against Respondent as to the
enforcement of provisions of chapter 631 of the Nevada Revised Statutes and/or chapter 631 of

1 the Nevada Administrative Code which the Board has the authority to enforce and, therefore,
2 NRS 622.400(1) is satisfied.

3
4
5 45. That, as a result of NRS 622.400(1) being satisfied, as alleged immediately above, the
6 Board may, should NRS 622.400(1)(a) or (b) be satisfied, recover from Respondent its attorney's
7 fees and costs.

8
9 **WHEREFORE**, it is prayed:

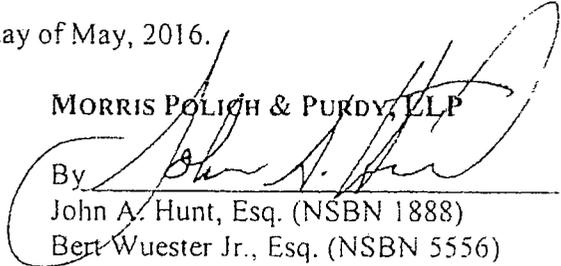
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11 1. The Board conduct a hearing regarding the above-referenced matters constituting
12 violations of the provision of chapter 631 of the NRS and/or NAC;
- 13 2. Upon conclusion of said hearing, the Board should take such disciplinary action as it
14 deems appropriate pursuant to NRS 631.350, and any other applicable provision of chapter 631
15 of the NRS and/or NAC;
- 16
17 3. To the extent the Board deems appropriate, assess against Respondent as provided by law
18 regarding attorney's fees and costs incurred by reason of the investigation, administration, and
19 prosecution, and hearing of this matter;
- 20
21 4. To the extent the Board deems appropriate, impose a fine upon Respondent in an amount
22 deemed appropriate, pursuant to NRS 631.350(1)(c);
- 23
24 5. To the extent the Board deems appropriate, order that Respondent reimburse any at-issue
25 patient(s), pursuant to NRS 631.350(1)(l);
- 26
27 6. To the extent the Board deems appropriate, issue a public reprimand upon Respondent,
28 pursuant to NRS 631.350(1)(e), based upon any findings of Respondent's violations of the

1 above-referenced provisions of chapter 631 of the Nevada Revised Statutes and Nevada
2 Administrative Code; and

3 7. Take such further action provided for and allowed pursuant to relevant authority.

4 Respectfully submitted this 31st day of May, 2016.

5
6 **MORRIS POLICH & PURDY, LLP**

7 By 
8 John A. Hunt, Esq. (NSBN 1888)
9 Bert Wuester Jr., Esq. (NSBN 5556)
10 3800 Howard Hughes Parkway, Suite 500
11 Las Vegas, Nevada 89169
12 ph. (702) 862-8300; fax (702) 862-8400
13 email: jhunt@mpplaw.com
14 email: bwuester@mpplaw.com
15 Attorney for Complainant

16 **VERIFICATION**

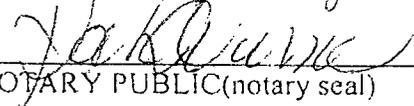
17 STATE OF NEVADA)
18)
19 COUNTY OF CLARK)

20 ss:

21 The foregoing Complaint has been prepared from information known to me or
22 communicated to me and/or the Board and its staff and/or upon the information available and as
23 referenced in the Complaint and any exhibit(s). Based on such information, it is believed the
24 allegations in the Complaint are true and correct.

25 
26 Debra Shaffer-Kugel, Executive Director, Nevada State Board
27 of Dental Examiners

28 SUBSCRIBED and SWORN to before me
29 this 31st day of May, 2016.

30 
31 NOTARY PUBLIC(notary seal)



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STATE OF NEVADA
BEFORE THE BOARD OF DENTAL EXAMINERS

NEVADA STATE BOARD OF DENTAL EXAMINERS,

Case No. 74127-3088

Complainant,

CERTIFICATE OF SERVICE

vs.

ADAM M. PERSKY, DMD

Respondent.

I hereby certify on the 31st day of May, 2016, I caused a true and accurate copy of the below referenced documents to be served by placing a true and correct copy of the same in the U.S. regular mail, postage prepaid, and via certified, return receipt requested, from Las Vegas, Nevada, to the Respondent at the below referenced addresses. The documents served were (along with a copy of this *Certificate of Service*):

1. A copy of the *Complaint* dated May 31, 2016; and
2. A copy of the *Notice of Filing of Complaint, Date(s) Set for Formal Hearing, & Related Matters* dated May 31, 2016.

The above-referenced documents were served/sent, as noted above, to the following:

Adam Persky, DMD
Dental Office at Chestnut Hill
232 Boylston Street
Chestnut Hill, MA 02467

Adam Persky, DMD


Adam Persky, DMD
Gentel Dental Associates
377 Cabot Street
Beverly, Mass. 01915

Adam Persky, DMD


By: 
Employee of Morris Polich & Purdy, LLP
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STATE OF NEVADA
BEFORE THE BOARD OF DENTAL EXAMINERS

NEVADA STATE BOARD OF DENTAL
EXAMINERS,

Complainant,

vs.

ADAM M. PERSKY, DMD

Respondent.

Case No. 74127-3088

NOTICE OF FILING OF
COMPLAINT,
DATE(S) SET FOR FORMAL
HEARING, & RELATED
MATTERS

TO: ADAM M. PERSKY, DMD, Respondent.

PLEASE BE ADVISED on or about the 31st day of May, 2016, a Complaint was filed with the Nevada State Board of Dental Examiners (the "Board") which, in part, makes allegations which could result in disciplinary action against your license issued by the Nevada State Board of Dental Examiners.

YOU ARE FURTHER ADVISED the Board has scheduled a public hearing to consider the allegations contained in the Complaint. The public hearing is scheduled to commence on July 15, 2016, at 10:00 a.m. at the offices of the Nevada State Board of Dental Examiners, 6010 S. Rainbow Boulevard, Suite A-1, Las Vegas, Nevada 89118. If necessary, the hearing shall continue to July 16, 2016, commencing at 9:00 am.

YOU ARE FURTHER ADVISED the hearing will be held pursuant to Nevada Revised Statutes ("NRS") chapters 233B, 622A, and 631 and Nevada Administrative Code ("NAC") chapter 631. The purpose of the hearing is to consider evidence regarding the allegations in the Complaint and to determine whether Respondent should be subject to discipline pursuant to NRS

1 and NAC chapters 631.
2

3 **YOU ARE FURTHER ADVISED** the hearing is to be an open meeting under Nevada's
4 Open Meeting Law and may be attended by the public. During the hearing, the Board may
5 choose to go into closed session to consider the character, alleged misconduct, professional
6 competence, or physical or mental health of Respondent. A verbatim record will be made by a
7 court reporter. You are entitled to a copy of the transcript, at your cost, of the open and closed
8 portions of the hearing.
9

10 **YOU ARE FURTHER ADVISED** you have the right to answer the Complaint. You
11 have the right to appear and be heard at the hearing in your defense, either personally or through
12 counsel of your choice, at your cost. At the hearing, the Board has the burden of proving the
13 allegations in the Complaint and can call witnesses and offer exhibits/evidence regarding the
14 allegations in the Complaint.
15

16 **YOU ARE FURTHER ADVISED** if a violation is found and discipline is imposed, the
17 Board may also recover reasonable attorney's fees and costs pursuant to NRS 622.400.
18

19 **YOU ARE FURTHER ADVISED** you have the right to call and examine witnesses,
20 offer exhibits/evidence, and cross-examine opposing witnesses or any matter relevant to the
21 issues involved.
22

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YOU ARE FURTHER ADVISED you have the right to request the Board issue subpoenas to compel witnesses to testify and/or present evidence on your behalf. When making a request to the Board for issuance of a subpoena, you may be required to demonstrate the nature and relevance of the witness' testimony and/or evidence.

DATED & DONE this 31st day of May, 2016.

NEVADA STATE BOARD OF DENTAL EXAMINERS

By 
DEBRA SHAFFER-KUGEL, Executive Director

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