

NEVADA STATE BOARD of DENTAL EXAMINERS



Post Meeting Documents
Public Comment & Records

January 20, 2017

Board Meeting

STATEMENT TO NV STATE BOARD OF DENTAL EXAMINERS

(Adrian Ruiz, DDS, January 20, 2017)

My name is Doctor Adrian Ruiz. I am a licensed dentist in the State of Nevada and President of the Las Vegas Dental Association. In the Attachment for today's Dental Board Meeting, a letter was included from Doctor Tina Brandon-Abbatangelo, a Las Vegas dentist. Dr. Brandon's letter appeared to have hastily written on January 12th, one day prior to the Agenda for today's meeting being posted on January 13th, and addressed to the Governor although there was no address or signature on her letter. Brandon's letter was included in the Attachment, along with two other old letters from October 2016 and March 2016 in support of John Hunt, who is applying for the job opening of General Counsel. None of these letters were properly introduced into a public meeting or requested to be included on the public record in support of an item on the Agenda and in violation of NRS 241.020 Subsection (6)(c). In addition, not one of the other 22 candidates for the job opening of General Counsel had letters of support included in the Attachment. Therefore, I am formally requesting that all three of these prejudicial letters of support for Hunt be stricken from the record for the reasons I have already stated.

In response to Brandon's letter, I would like to publicly express my appreciation to Governor Sandoval for the compassion he showed to the large group Las Vegas Dental Association members who took an entire day away from their patients to share their concerns with him on December 19, 2016. On the other hand, Brandon has not taken time to express her concerns at even one meeting of the Sunset Review Committee, the Legislative Commission, the Board of Examiners, or Nevada State Dental Board of Examiners. On the other hand, I have personally spoken with over 50 dental licensees at LVDA meetings. These licensees have all experienced similar issues regarding the misconduct of the Nevada Dental Board's Executive Director, Debra Shaffer-Kugel, and the Nevada Dental Board's attorney, John Hunt. The Dental Board members' lack of supervision of these state employees was revealed in a Performance Audit conducted by the Audit Division of the Legislative Counsel Bureau where 14 recommendations for Dental Board reform were made public in May 2016.

The problems revealed by the LCB Audit are neither small nor confined to the Nevada Dental Board. Rather, the problems healthcare licensees are experiencing are common to all Boards operating under the current Administrative Law system. This is because while Administrative Law may work well for government entities it denies individual licensees their due process rights. The disparity is obvious when one compares healthcare professionals to legal professionals. For example, legal professionals are given dispute mediation and a jury of their peers. Neither of these options are available to healthcare professionals. Further, while the cost of a Hearing for legal professionals is less than \$500 it can easily be as much as \$10,000 for health professionals. The Las Vegas Dental Association would like to see equality in the disciplinary process.

In short, if Dr. Brandon had any real concerns about ethical behavior she would read the Legislative Audit where it reported that the Nevada Dental Board's: (1) attorney overcharged dental licensees for costs of "investigations"; (2) Disciplinary Screening Officers are unsupervised; and (3) Executive Director purposefully "misled" LCB auditors. Regardless, it is time for a change whereby healthcare boards have more supervision and accountability similar to the majority of other states. For this reason, the Las Vegas Dental Association supports BDR 157 because it is the right thing to do for all Nevada healthcare professionals.

Thank you!

STATEMENT TO NV STATE BOARD OF DENTAL EXAMINERS

(Tina Tsou, DDS, January 20, 2017)

My name is Tina Tsou. I am the Secretary for the Las Vegas Dental Association. In one of the Attachments for today's meeting of the Nevada State Board of Dental Examiners, are letters from two individuals, Stephen Sill and Bradley Roberts, both of whom serve as Disciplinary Screening Officers. These letters appear to have been hastily written and added to the Dental Board's website late on the afternoon of January 17th. Neither of these letters have been properly introduced into a public meeting nor requested to be included on the public record in support of an item on the Agenda. In addition, these letters fail to meet the requirement for "supporting materials" that must be posted within "3 working days before the meeting." Thus, these letters are in violation of NRS 241.020 Subsection (6)(c) and NRS 241.020 Subsection 2, respectively. Therefore, I am formally requesting that these untimely, unsolicited, and unsigned letters from Sill and Roberts be stricken from the record.

In response to these letters, I would like to publicly express my appreciation to Governor Sandoval for the compassion he showed to the large group Las Vegas Dental Association members who took an entire day away from their patients to share their concerns with him on December 19, 2016. On the other hand, neither Sills nor Roberts have taken time to express her concerns at even one meeting of the Sunset Review Committee, the Legislative Commission, the Board of Examiners, or Nevada State Dental Board of Examiners. This is most likely because Sills and Roberts get paid as independent contractors to be "Dental Screening Officers" and they do not get paid to volunteer their services or attend public meetings.

The Las Vegas Dental Association would like to remind the Dental Board that it is not just dental licensees and patients who are complaining about this Board's activities. A Performance Audit conducted by the Audit Division of the Legislative Counsel Bureau made 14 recommendations for Dental Board reform in May 2016. Most of these recommendations came because of the Board's failure to properly supervise its state employee Debra Shaffer, independent contractor, John Hunt, and Dental Screening Officers.

If Dental Screening Officers like Sill and Roberts have any real concerns about "professionals that strive to disband the [Board]" they are welcome to read the Legislative Audit where it reported that the Nevada Dental Board's: (1) attorney overcharged dental licensees for costs of "investigations"; (2) Executive Director purposefully "misled" LCB auditors; and (3) Disciplinary Screening Officers (DSOs) "Determine Violations and Sanctions Without Review." In regards to DSOs, the Audit noted that:

1. "Investigation results and conclusions of DSOs are not reviewed by supervisory personnel or an independent review committee to verify the accuracy and adequacy of [their] conclusions";
2. "A wide disparity [was found] among DSOs in the percentage of investigations resulting in disciplinary actions"; and
3. Other Dental Boards have investigations "reviewed by at least one other independent party" as independent "helps ensure the provisions are carried out fairly and consistently"; but
4. Nevada Dental Board "indicated a review of DSO investigation results was not performed in part because they did not have the expertise."

The failure of the Nevada Dental Board to properly supervise its state employees, independent contractors, and DSOs is just one of the many reasons why the time has come for this Board to have more supervision and accountability imposed upon it. It is also time to reconsider whether the Board's employees, attorney, and DSOs are more concerned about remuneration than rehabilitation. Today, this Board can take the first step towards real reform by hiring a general counsel who is free from all the legal and ethical conflicts that have been so prevalent among John Hunt and his associates.

Thank you!

William Gussow
4343 North Rancho Dr Ste 131
Las Vegas, NV 89130
January 18, 2017

Brian Sandoval
Governor
101 N. Carson Street
Carson City, Nevada 89701

Dear Brian Sandoval:

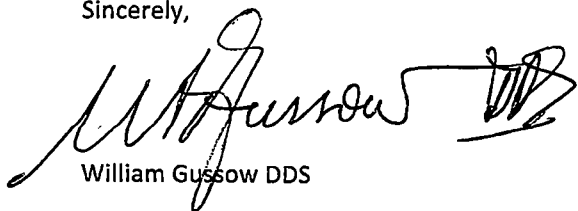
My name is William Gussow, DDS, and actively practicing dentist in Las Vegas. I have been practicing since 1974, first in Montreal, Canada for thirteen years, then in San Diego, California for twelve years and now in Las Vegas for the last nineteen years

In all forty two years I have had only one complaint and that was here in Nevada about six years ago. The fact that a complaint was made surprised me and the whole process by the DSO seemed designed to make me feel guilty. This, despite the fact that I knew the "fact finding" was flawed and incomplete and the voiced advice from Mr. Hunt (really a threat) that if I didn't go along with the process the Board would go through my office and certainly find improper procedures or documentation that they would bring before the board. Intimidated by Mr. Hunt's forceful nature and the "good ole boy" feeling in the room, I agreed to the stipulations.

I came away from the whole experience feeling that fairness was not a part of the process. It seemed that the board was more interested in penalties than support of their members. I was convinced then and later as an observer in the hearing against Dr. Scott Brooksby that Mr. Hunt was more interested in power and control than in fairness and thoughtfulness.

When I heard that there were other dentists with similar experiences and an overall dissatisfaction with Mr. Hunt. I felt a letter of this nature was warranted.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Gussow", with a stylized flourish at the end.

William Gussow DDS