

NEVADA STATE BOARD
of
DENTAL EXAMINERS

PUBLIC BOARD MEETING

OCTOBER 3, 2014

9:30 A.M.

PUBLIC BOOK

1 NEVADA STATE BOARD OF DENTAL EXAMINERS
2 6010 South Rainbow Boulevard, Ste A-1
3 Las Vegas, Nevada 89118
4

5 Videoconferencing was available at the Board office, 6010 S Rainbow Boulevard, Suite A-1, in Las Vegas and at the Nevada
6 State Board of Medical Examiners located at 1105 Terminal Way, Suite 301, Reno, NV 89502
7

8 NOTICE OF PUBLIC MEETING
9

10 Friday, August 1, 2014
11 8:14 a.m.
12 DRAFT MINUTES
13

14 **INFECTION CONTROL RESOURCE GROUP**
15 (Chair: Mrs. Villigan; Dr. Blasco; Dr. Champagne; Dr. Pisani; Ms. Solie; Mrs. Wark)
16

17 Please Note: The Nevada State Board of Dental Examiners may 1) address agenda items out of sequence to accommodate persons appearing before
18 the Board or to aid the efficiency or effectiveness of the meeting; 2) combine items for consideration by the public body; 3) pull or remove items from
19 the agenda at any time. The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical
20 or mental health of a person. See NRS 241.030. Prior to the commencement and conclusion of a contested case or a quasi judicial proceeding that
21 may affect the due process rights of an individual the board may refuse to consider public comment. See NRS 233B.126.
22

23 At the discretion of the Chair, public comment is welcomed by the Board, but will be heard only when that item is reached and will be limited to five
24 minutes per person. A public comment time will also be available as the last item on the agenda. The Chair may allow additional time to be given a
25 speaker as time allows and in his/her sole discretion. Once all items on the agenda are completed the meeting will adjourn.
26

27 *Asterisks (*) denote items on which the Board may take action.*
28 *Action by the Board on an item may be to approve, deny, amend, or table.*
29

30
31 1. Call to Order, roll call, and establish quorum
32

33 Mrs. Villigan called the meeting to order and Mrs. Shaffer-Kugel conducted the following roll call:
34

35 Mrs. Leslea Villigan-----PRESENT
36 Dr. Byron Blasco -----PRESENT
37 Dr. Gregory Pisani -----PRESENT
38 Dr. Jason Champagne -----PRESENT
39 Mrs. Lisa Wark -----EXCUSED
40 Ms. Caryn L Solie -----PRESENT
41

42 Others Present: John Hunt, Board Legal Counsel; Debra Shaffer-Kugel, Executive Director.
43

44 Public Attendees: Elvira Kajans, RDH (via teleconference); Gail Corthell, RDH (via teleconference); Kelly Taylor, RDH;
45 Shari Peterson, CSN/NDHA; Nelson Lasiter, DMD; Samantha Pivetz, Ferrari Public Affairs; Donna Hellwinkel, DDS;
46 Alex Tanchek for Neena Laxalt, NDHA; James Mann, DDS; Chris Garvey, Oral Health Nevada; Syd McKenzie, Oral
47 Health Nevada; Lynn Ann Bethel, Oral Health Nevada; Christine Openshaw, Oral Health Nevada.
48

49 2. Public Comment: No public comment.
50

51 Note: No vote may be taken upon a matter raised under this item of the agenda until the matter itself has been
52 specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)

53
54 * 3. Review, Discussion, and possible Recommendations regarding Infection Control (CDC) Guidelines and the
55 Infection Control Audit Form (For Possible Action)
56

57 (a) Report from Leslea Villigan, RDH regarding OSAP Meeting

58 Mrs. Villigan went over the report that she provided for the Board books. She indicated that the links of classes listed on
59 her report are the ones she attended. Mrs. Villigan indicated that per FDA regulations, all diamond coated burs and
60 instruments are defined as single use items; therefore, anything that is diamond coated is to be of single use only.
61
62

63 *(b) Review, Discussion, and possible Recommendations regarding OSAP materials and information
64 (For Possible Action)
65

66 No discussion.
67

68 *(c) Review, Discussion and possible Recommendations regarding the Infection Control Audit Form
69 (For Possible Action)
70

71 All looked at the audit form provided and the recommendation from Dr. Donna Hellwinkel. Dr. Hellwinkel was invited
72 to step forward and speak to the members. Dr. Hellwinkel explained her reasons for the recommendations and indicated
73 that she and Dr. Lynn Brosy both provided the recommendations. She commented to the Board that based on their
74 experience, they would like to streamline the audit form as there seems to be a lot of redundancy. She went over the
75 recommendations she submitted and explained the reasons that led to the recommendations. She noted that on pages 3
76 & 4 of the audit form, the biggest issue is record keeping; that dentists do not comprehend what information they are
77 supposed to retain. Additionally, some of the dentists are not as organized and are not able to provide the evaluators with
78 the information that they are seeking during an inspection. She emphasized the importance of requiring that the licensee
79 (owning dentist) be present during an inspection visit. Dr. Hellwinkel noted to the committee that the northern
80 inspectors grant the licensees time to correct issues that can be easily fixed; upon them correcting the issue, the
81 inspector, then, submits the audit form to the Board office. Mrs. Shaffer-Kugel indicated that the dentist is provided a
82 copy of the audit form when they submit the request for the inspection so that they are well aware of what the inspectors
83 will be looking for. Mr. Hunt commented that with the adoption of the new regulation, summary suspension is available
84 on initial and random inspections without requiring for it to go before the Board for approval. He further noted that the
85 inspectors are encouraged to work with the dentists, as the Board's main concern is protecting the public. He noted that
86 when there are critical errors, the dentists can voluntarily agree to discontinue practice until the critical error is
87 corrected. Mrs. Villigan remarked how the auditors work vigorously and go out of their way to assist practices to
88 understand the guidelines, and help educate the licensees on the infection control requirements.
89

90 Mrs. Corthell commented that as an inspector she sees a lot of confusion on question 22 regarding vaccination records;
91 due to the ambiguity, it leads them to ask for childhood vaccination records. Mrs. Villigan read the list of vaccinations
92 that are recommended, and suggested that they consider including them on the audit form. (List attached for the record).
93 Dr. Blasco inquired on how an individual would be able to furnish proof of receiving a vaccination at the grocery store or
94 pharmacy. It was suggested that the committee could draft a form for them to have the pharmacy technician
95 administering the vaccine fill out to attest they have been given a certain vaccination. Another suggestion was to have the
96 employer draft a document for the employee to complete attesting that they have been inoculated. Mrs. Villigan
97 indicated that an employee could always do Titer testing to show that they have been vaccinated. Mr. Hunt commented
98 that question number 22 could be eliminated from the form. Reason being that the individual can attest by signing a
99 document that they received the recommended vaccinations, which the information requested in number 22, is already
00 covered in items 20 & 21. He further indicated that an individual can attest or deny attesting that they have been
01 inoculated. Mrs. Solie noted that question number 10 was asking for the same information as number 21. Mr. Hunt
02 suggested eliminating question number 10 since it is redundant. Mrs. Peterson commented to the committee that as of
03 1998 all academic institutions health programs are required to confirm several vaccinations for all students, which they
04 require titer testing. Therefore, all health care programs in the academic institutions require proof of vaccinations.
05

06 Dr. Hellwinkel suggested that they remove listing specific vaccinations. Mrs. Villigan indicated that they could change
07 the language to read that they should abide by the most current recommendations of the CDC. Mr. Hunt noted to Mrs.
08 Villigan that the current regulation states the adoption of the 2003 and 2008 recommendations. Therefore, the 2011
09 changes cannot be adopted without having to amend the regulation to read the most recently approved recommendations
10 as stated in the CDC guidelines. He indicated that in October, the Board can adopt the 2011 CDC guidelines regarding
11 vaccinations. Mrs. Shaffer-Kugel inquired for clarification that as long as there is record of an employee either attesting
12 or declining a vaccination, the office is considered to be in compliance. The committee members affirmed her inquiry.
13 Mrs. Villigan indicated that in reviewing the recommendations from Dr. Hellwinkel, she agreed that they would make the
14 audit form more streamlined. However, as a committee, they would have to review all the recommendations and consider
15 making changes accordingly. The committee went through the list of recommendations received and referenced the

16 current audit form while doing so. Dr. Hellwinkel clarified some of the reasons for her suggestions. Mrs. Villigan
17 suggested that the committee possibly consider approving the recommendations and replacing them with pages 1 and 2
18 of the current audit form. Mrs. Shaffer-Kugel suggested that, perhaps, they make a motion to create a new document
19 using the recommendations from Dr. Hellwinkel.

20
21 MOTION: Blasco made the motion to take into consideration the recommendations and create a replicate form to
22 present at the next meeting as a condensed form of the recommendations and guidelines. Mr. Hunt suggested amending
23 the motion to approve that the audit form be revised to implement the recommendations and other suggestions discussed
24 in the meeting, in which case the committee is to present the amended form to the Board with an additional
25 recommendation that they adopt the 2011 CDC changes. Dr. Blasco agreed to the suggested language of the motion.
26 Motion was seconded by Dr. Pisani. Discussion: Mrs. Villigan noted that on the back of the suggestions, it recommends
27 changes regarding sterile surgical gloves from a level I to a Level II. Committee was in agreement to proceed with the
28 recommendations. All were in favor.

29
30 Dr. Hellwinkel inquired of Mrs. Villigan what the FDA was now requiring, as she mentioned in her report from the
31 OSAP meeting. Mrs. Villigan indicated that diamond coated equipment or instruments, per the FDA's stance, are only for
32 single use. Furthermore, that it would be the licensee's responsibility to read the manual regarding sterilization.
33 However, it is to be assumed that if there are no manuals provided they are of single use only. She expressed her opinion
34 that there was no harm in inspectors knowing such information. Mrs. Solie suggested that the Board provide parts of the
35 report in the newsletter as an informational piece regarding the FDA stance on anything diamond coated. Mrs. Shaffer-
36 Kugel indicated that they office staff could load the information to the Board website along with the other CDC
37 information.

38 Dr. Hellwinkel inquired if Board staff, when scheduling the inspections, could require that the licensee be present
39 for an inspection. Mr. Hunt commented that if it is an initial inspection, they could require that the owning dentist be
40 present. Mrs. Shaffer-Kugel commented that they will add to the initial inspection form language stating that they by
41 submitting the initial inspection request they are agreeing to be present for the inspection. For the record, Mr. Hunt
42 noted to the committee that this is an administrative change that would not require Board approval.

43 With regards to random inspections, Mrs. Solie inquired if it would be an issue for the owning dentist to be
44 present for an inspection. Mrs. Villigan indicated to her that they are given notice that they have been selected for a
45 random inspection. Mrs. Shaffer-Kugel noted to the committee members that some dentists have multiple practices, and
46 therefore, sometimes designate a full-time dentist to a specific destination. Mr. Hunt indicated that should action need
47 to be taken, the owner is ultimately the one responsible not a designated licensee or staff member. Therefore, the notice
48 should state that the owner of the practice is required to be present for the inspection. He noted to the committee
49 members that the regulation states that the owner of the practice must submit the initial inspection request; therefore,
50 the Board requests the owning dentist must be present. Mrs. Shaffer-Kugel indicated to the committee that the form will
51 be changed to state the owner of the practice must be present in accordance with the regulation, not the representing
52 agent.

53
54 4. Public Comment: No public comment.

55
56 Note: No vote may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on
57 an agenda as an item upon which action may be taken. (NRS 241.020)

58 5. Announcements: Mrs. Villigan suggested that the Board consider sending a few inspectors to receive training at the
59 OSAP boot camp and then have them train the other inspectors.

60
61 *6. Adjournment (For Possible Action) MOTION: Dr. Blasco made the motion to adjourn. Motion was seconded by Dr.
62 Pisani. All were in favor. 9:42 am

63
64
65
66 Meeting adjourned at 9:42 a.m.

67
68 Respectfully submitted by:

69
70
71 _____
Debra Shaffer-Kugel, Executive Director

Healthcare Personnel Vaccination Recommendations¹

Vaccine	Recommendations in brief
Hepatitis B	Give 3-dose series (dose #1 now, #2 in 1 month, #3 approximately 5 months after #2). Give IM. Obtain anti-HBs serologic testing 1–2 months after dose #3.
Influenza	Give 1 dose of influenza vaccine annually. Give inactivated injectable vaccine intramuscularly or live attenuated influenza vaccine (LAIV) intranasally.
MMR	For healthcare personnel (HCP) born in 1957 or later without serologic evidence of immunity or prior vaccination, give 2 doses of MMR, 4 weeks apart. For HCP born prior to 1957, see below. Give SC.
Varicella (chickenpox)	For HCP who have no serologic proof of immunity, prior vaccination, or history of varicella disease, give 2 doses of varicella vaccine, 4 weeks apart. Give SC.
Tetanus, diphtheria, pertussis	Give a dose of Tdap as soon as feasible to all HCP who have not received Tdap previously and to pregnant HCP with each pregnancy (see below). Give Td boosters every 10 years thereafter. Give IM.
Meningococcal	Give 1 dose to microbiologists who are routinely exposed to isolates of <i>N. meningitidis</i> and boost every 5 years if risk continues. Give MCV4 IM; if necessary to use MPSV4, give SC.

Hepatitis A, typhoid, and polio vaccines are not routinely recommended for HCP who may have on-the-job exposure to fecal material.

Hepatitis B

Healthcare personnel (HCP) who perform tasks that may involve exposure to blood or body fluids should receive a 3-dose series of hepatitis B vaccine at 0-, 1-, and 6-month intervals. Test for hepatitis B surface antibody (anti-HBs) to document immunity 1–2 months after dose #3.

- If anti-HBs is at least 10 mIU/mL (positive), the patient is immune. No further serologic testing or vaccination is recommended.
- If anti-HBs is less than 10 mIU/mL (negative), the patient is unprotected from hepatitis B virus (HBV) infection; revaccinate with a 3-dose series. Retest anti-HBs 1–2 months after dose #3.
 - If anti-HBs is positive, the patient is immune. No further testing or vaccination is recommended.
 - If anti-HBs is negative after 6 doses of vaccine, patient is a non-responder.

For non-responders: HCP who are non-responders should be considered susceptible to HBV and should be counseled regarding precautions to prevent HBV infection and the need to obtain HBIG prophylaxis for any known or probable parenteral exposure to hepatitis B surface antigen (HBsAg)-positive blood or blood with unknown HBsAg status.¹ It is also possible that non-responders are people who are HBsAg positive. Testing should be considered. HCP found to be HBsAg positive should be counseled and medically evaluated.

Note: Anti-HBs testing is not recommended routinely for all previously vaccinated HCP who were not tested 1–2 months after their original vaccine series. However, pre-exposure testing may be preferred for trainees, certain occupations, and HCP working in certain populations. For details see reference 2.

Influenza

All HCP, including physicians, nurses, paramedics, emergency medical technicians, employees of nursing homes and chronic care facilities, students in these professions, and volunteers, should receive annual vaccination against influenza. Live attenuated influenza vaccine (LAIV) may be given only to non-pregnant healthy HCP age 49 years and younger. Inactivated injectable influenza vaccine (IIV) is preferred over LAIV for HCP who are in close contact with severely immunosuppressed people (e.g., stem cell transplant patients) when patients require protective isolation.

Measles, Mumps, Rubella (MMR)

HCP who work in medical facilities should be immune to measles, mumps, and rubella.

- HCP born in 1957 or later can be considered immune to measles, mumps, or rubella only if they have documentation of (a) laboratory confirmation of disease or immunity or (b) appropriate vaccination against measles, mumps, and rubella (i.e., 2 doses of live measles and mumps vaccines given on or

after the first birthday and separated by 28 days or more, and at least 1 dose of live rubella vaccine). HCP with 2 documented doses of MMR are not recommended to be serologically tested for immunity; but if they are tested and results are negative or equivocal for measles, mumps, and/or rubella, these HCP should be considered to have presumptive evidence of immunity to measles, mumps, and/or rubella and are not in need of additional MMR doses.

- Although birth before 1957 generally is considered acceptable evidence of measles, mumps, and rubella immunity, healthcare facilities should consider recommending 2 doses of MMR vaccine routinely to unvaccinated HCP born before 1957 who do not have laboratory evidence of disease or immunity to measles and/or mumps, and should consider 1 dose of MMR for HCP with no laboratory evidence of disease or immunity to rubella. For these same HCP who do not have evidence of immunity, healthcare facilities should recommend 2 doses of MMR vaccine during an outbreak of measles or mumps and 1 dose during an outbreak of rubella.

Varicella

It is recommended that all HCP be immune to varicella. Evidence of immunity in HCP includes documentation of 2 doses of varicella vaccine given at least 28 days apart, history of varicella or herpes zoster based on physician diagnosis, laboratory evidence of immunity, or laboratory confirmation of disease.

Tetanus/Diphtheria/Pertussis (Td/Tdap)

All HCPs who have not or are unsure if they have previously received a dose of Tdap should receive a dose of Tdap as soon as feasible, without regard to the interval since the previous dose of Td. Pregnant HCP need to get repeat doses during each pregnancy. All HCPs should then receive Td boosters every 10 years thereafter.

Meningococcal

Vaccination with MCV4 is recommended for microbiologists who are routinely exposed to isolates of *N. meningitidis*.

References

1. CDC. Immunization of Health-Care Personnel: Recommendations of the Advisory Committee on Immunization Practices (ACIP). *MMWR*, 2011; 60(RR-7).
2. CDC. CDC Guidance for Evaluating Health-Care Personnel for Hepatitis B Virus Protection and for Administering Postexposure Management, *MMWR*, 2013; 62(10):1–19.

For additional specific ACIP recommendations, refer to the official ACIP statements published in *MMWR*. To obtain copies, visit CDC's website at www.cdc.gov/vaccines/pubs/ACIP-list.htm; or visit the Immunization Action Coalition (IAC) website at www.immunize.org/acip.

Technical content reviewed by the Centers for Disease Control and Prevention

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17 persons appearing before the Board or to aid the efficiency or effectiveness of the meeting; 2) combine items for consideration by
18 the public body; 3) pull or remove items from the agenda at any time. The Board may convene in closed session to consider the
19 character, alleged misconduct, professional competence or physical or mental health of a person. See NRS 241.030. Prior to the
20 commencement and conclusion of a contested case or a quasi judicial proceeding that may affect the due process rights of an
21 individual the board may refuse to consider public comment. See NRS 233B.126.
22

23 At the discretion of the Chair, public comment is welcomed by the Board, but will be heard only when that item is reached and
24 will be limited to five minutes per person. A public comment time will also be available as the last item on the agenda. The
25 Chair may allow additional time to be given a speaker as time allows and in his/her sole discretion. Once all items on the agenda
26 are completed the meeting will adjourn.
27

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29 *Action by the Board on an item may be to approve, deny, amend, or table.*
30
31

32 I. Call to Order, roll call, and establish quorum
33

34 Dr. Kinard called the meeting to order and Mrs. Shaffer-Kugel conducted the following roll call:
35

36 Dr. J Gordon Kinard -----PRESENT
37 Dr. J Stephen Sill -----PRESENT
38 Dr. Timothy Pinther -----PRESENT
39 Dr. Jade Miller-----PRESENT
40 Dr. Gregory Pisani-----PRESENT
41 Dr. Byron Blasco-----PRESENT
42 Dr. Jason Champagne-----PRESENT
43 Mrs. Leslea Villigan -----PRESENT
44 Mrs. Theresa Guillen -----PRESENT
45 Ms. Caryn Solie -----PRESENT
46 Mrs. Lisa Wark -----EXCUSED
47

48 Others Present: John Hunt, Board Legal Counsel; Debra Shaffer-Kugel, Executive Director.
49

50 Public Attendees: Gregory Greenwood, DDS; Shari Peterson, CSN/NDHA; Kelly Taylor, RDH; Antonina Capurro,
51 DMD; Samantha Pivetz, Ferrari Public Affairs; Chris Garvey Oral Health NV; Lynn Ann Bethel, Oral Health NV;
52 Christine Openshaw, Oral Health NV; James Mann, DDS; Alex Tanchek for Neena Laxalt, NDHA.
53

54
55 2. Public Comment: No public comments were made.

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57 been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)

58
59 *3. Executive Director's Report (For Possible Action)

60
61 *a. Minutes-NRS 631.190 (For Possible Action)

62
63 (1) Continuing Education Resource Meeting - (06/27/2014)

64
65 Dr. Pisani commented that he wanted to clarify on page 12 of 12 that Dr. Champagne will be a management service
66 and will not be hiring a management service. Dr. Champagne clarified that he hired a management service, and that
67 he owns the management group that he hired. He added that his company could potentially offer services to other
68 practices. Dr. Miller inquired of the document that was discussed at the committee meeting that they would use as
69 a review guide and if it could be added to the record of the CE resource group meeting. Mrs. Peterson indicated that
70 she provided the document in question to Dr. Blasco.

71
72 MOTION: Dr. Pisani made the motion to approve. Motion was seconded by Mrs. Guillen. All were in favor.

73
74 (2) Board Meeting- (06/27/2014)

75
76 MOTION: Ms. Solie made the motion to approve. Motion was seconded by Dr. Champagne. All were in favor.

77
78 (3) Board Meeting-(07/03/2014)

79
80 MOTION: Dr. Miller made the motion to approve. Motion was seconded by Dr. Pinther. All were in favor.

81
82 *b. Financials-NRS 631.180 (For Possible Action)

83
84 (1) Review Balance Sheet and Statement of Revenues, Expenses and Balances for period ending
85 June 30, 2014 (For Possible Action)

86
87 Mrs. Shaffer-Kugel indicated that the information provided finalizes the Fiscal Year 2014 budget. Mrs. Hummel
88 indicated that she would like to review the budget with the Board. She indicated that they were over budget on
89 revenue by \$55,000, due to an increase in the licensure applications. She went over the expenses and the several
90 ways the Board saved and came in under-budget. She added that in total they ended with a savings of \$187,000 that
91 they can move into their reserves. Dr. Miller inquired on the increase in fees for the permit applications, which
92 Mrs. Shaffer-Kugel indicated that the fee changes did not go into effect until July 2014, which would be part of Fiscal
93 Year 2015. Dr. Miller acknowledged the Board staff, Mrs. Hummel, and the Budget and Finance committee for their
94 hard work in turning the Board's finances around and in the right direction; he thanked them for all they have done.

95
96
97 *c. Contracts: NRS 631.160 (For Possible Action)

98
99 (1) Graphic Imaging, Inc

100
101 Mrs. Shaffer-Kugel noted to the Board that the copy of the contract was provided to them in their Board book. She
102 further noted that they budgeted for these services to be done in the FY15 budget, which the budget was approved at
103 a previous Board meeting. She pointed out to the Board that the company does do imaging projects for other state
104 agencies, specifically the Gaming Board. She indicated that they anticipate the project will be complete in 90 days;
105 however, to allow room for any unforeseen glitches or mechanical issues, she extended the contract to 120 days.

106
107 MOTION: Dr. Sill made the motion to approve. The motion was seconded by Dr. Blasco. All were in favor.

110 *d. Authorized Investigative Complaints-NRS 631.360 (For Possible Action)

111
112 (1) Dr Z-NRS 631.3475(1) and NAC 631.230(1)(c)

113
114 Mrs. Shaffer-Kugel went over the alleged violations and recommended approval.

115
116 MOTION: Dr. Blasco made the motion to authorize the investigation. Motion was seconded by Dr. Sill. All were in
117 favor.

118
119 *e. Statutes and Regulations:-NRS 631.190 (For Possible Action)

120
121 (1) Discussion to amend NRS 631.220 and regarding approval of applications for licensure to the
122 Secretary-Treasurer

123
124 Mrs. Shaffer-Kugel indicated that it was brought to their attention that there were concerns with the application
125 process. One of the concerns was that the process takes too long. The newer concern is that once the applications,
126 once approved at a Board meeting, it takes too long to provide them the approval letters, and for them activate their
127 licenses. She explained the activation process and the information contained and the documents provided with the
128 activation form. She noted to the Board that the activation process takes approximately 10 to 12 days, and that a
129 licensee is not consider active until their license is activated. She explained how the applications are reviewed and
130 placed on an agenda for Board approval. She added that, perhaps, the Board could consider that once the
131 Secretary/Treasurer reviews and signs off on the approval of an application, that the applicant officially be approved
132 without having to wait for their names to be placed on the next available Board meeting agenda for approval.
133 Furthermore, that allowing for this change would expedite the application and approval process significantly.

134 She noted to them that in the event that there is a rejection or issues with an application, the application in
135 question would then be placed on agenda to go before the Board. She stated that if the Board is so inclined, they
136 could amend the statute to grant the Secretary/Treasurer the authority to approve applications upon review without
137 requiring official approval by the Board at a regularly scheduled Board meeting. Dr. Sill indicated that so long as
138 there are now issues with the application and all criteria are met, he sees no reason to delay the applications any
139 longer than they need to be. Mr. Hunt indicated that he would need to ensure that there are no other statutes or
140 regulations that state that the Board must be the ones to approve applications for licensure.

141 Mrs. Shaffer-Kugel commented to the Board she is considering bringing the background checks in-house.
142 That currently there are two entities that they utilize; however, that since the Private Investigators Board took the
143 stance that applicants who reside in the state of Nevada must have their background reports ran in Nevada by a
144 Nevada entity and cannot be done out of state. She briefly explained that process of the background reports and
145 how currently the office staff runs the civil and criminal searches for the applicants who reside in Nevada and one of
146 the background agencies collects the remaining items in the report. Per Dr. Miller's inquiry, Mrs. Shaffer-Kugel
147 indicated that currently the background companies charge \$300-\$450. She indicated that the Board could change
148 the application fee to the statutory maximum of \$1500 which could cover the fees of having to requests documents
149 and conduct the background reports.

150 This agenda item is simply to make the Board members aware of the situation and for them to, possibly,
151 consider the suggested changes. Per Ms. Solie's inquiry, Mrs. Shaffer-Kugel indicated that there will be no need to
152 hire additional staff. Mrs. Shaffer-Kugel noted to the Board that she recently received an email for a bill draft that
153 the Board has in place, therefore, if the Board did want to submit these changes she could try and have them change
154 added to the BDR.

155
156 MOTION: Dr. Sill request a BDR to amend the regulation to authorize the Secretary/Treasurer the authority to
157 officially approve licensure applications. Motion was seconded by Dr. Blasco. Discussion: Mrs. Solie asked if there
158 could be a mechanism in place that would allow the Board members to know who has been approved for licensure
159 by the Secretary/Treasurer. Dr. Sill indicated that they could have the Executive Director, in her reports, announce
160 who was approved for licensure. Mrs. Shaffer-Kugel indicated that they can provide a monthly list of those
161 applicants who were approved to the website since it is public record. Mr. Hunt noted that they regulation change
162 should state to "authorize the Secretary/Treasurer to approve or disapprove applications upon review." Motion and
163 second were amended to include the terms used by Mr. Hunt. All were in favor.
164
165
166

167 *f. Travel: (NRS 631.190) For Possible Action

168
169 *(1) Approval of Travel to ADEX Meeting in Rosemont Illinois-November 8-9, 2014
170 (For Possible Action)

171
172 (a) Lisa Wark, Consumer Member

173
174 Dr. Kinard noted that ADEX has a stipend to pay for the consumer members travel arrangements. Mrs. Shaffer-Kugel
175 indicated that she would confirm if there is a stipend for the ADEX members.

176
177 MOTION: Dr. Sill made the motion to approve. The motion was seconded by Mrs. Villigan. All were in favor.

178
179 *(2) Appointment of New Representative for ADEX 2015 and Travel to ADEX Meeting in
180 Rosemont Illinois-November 8-9, 2014(For Possible Action)

181
182 (a) James Kinard, DDS
183 (b) Timothy Pinther, DDS

184
185 Mrs. Shaffer-Kugel indicated that every year ADEX requires that they elect new representatives. The year prior they
186 elected Dr. Rick Thiriot as their representative. These names were the ones that were suggested. Dr. Kinard
187 indicated that he was already on the Board of commissioners. He noted that the Board did receive an announcement
188 from ADEX, and it listed Dr. William Pappas as the representative for Nevada, which there is a query to affirm if the
189 announcement is correct.

190
191 MOTION: Mrs. Solie made the motion to approve. Motion was seconded by Mrs. Guillen. Discussion: Mrs. Shaffer
192 indicated that they need only one representative. AMENDED MOTION: Mrs. Solie made the motion to appoint
193 Dr. Pinther as the representative and to cover any travel arrangement costs should ADEX not cover his travel.
194 Motion was seconded by Mrs. Guillen. All were in favor.

195
196 *(3) Travel for Board Members and Staff to Reno, Nevada for October 3, 2014 Board Meeting
197 (NRS 631.190) (For Possible Action)

198
(a) James Kinard, DDS (g) Candice Stratton
(b) J Stephen Sill, DMD (h) Sandra Spilsbury
(c) Byron Blasco, DMD (i) Angelica Bejar
(d) Leslea Villigan, RDH (j) Lauren Ortega
(e) Debra Shaffer-Kugel, Ex. Director (k) Lisa Wark
(f) Rigo Morales

1
2 Mrs. Shaffer-Kugel indicated that they had previously mentioned that they wanted to hold an entire Board meeting in
3 Reno in October. She indicated that she needed a little more detail if it is to be a one day event, and if they want to
4 hold an administrative session. Dr. Kinard indicated that he would like to have a personnel meeting for a single day
5 and that he did not see the need to stay the night. Dr. Kinard commented to the Board that they have never really had
6 any personnel meetings with the office staff. He added that Mrs. Shaffer-Kugel will have performance reviews on the
7 staff available at the meeting and would like for the Board members to have time with the personnel. Dr. Pinther
8 inquired if the personnel's meeting is an open meeting. Mr. Hunt indicated that it was not.

9
10 MOTION: Mrs. Solie made the motion to approve the airfare for travel to Reno, NV with an amendment to include
11 Mrs. Lisa Wark. The motion was seconded by Dr. Sill. Discussion: Mrs. Hummel indicated that the auditor will be
12 present for the October meeting and indicated that they could be available via teleconference from her office. All were
13 in favor.

14
15 g. Letter from Community Health Alliance regarding the "Adopt a Vet Program" Contribution

16
17 Mrs. Shaffer-Kugel stated to the Board that they received a letter thanking the Board for the contribution.

19
20 h. Letter from Huntridge Teen Clinic regarding the Contribution
21

22 Mrs. Shaffer-Kugel stated to the Board that they received a letter thanking the Board for the contribution; and that
23 they were very appreciative. She clarified to the Board members that the contributions made by the dentists, per their
24 stipulation agreements, was in lieu of community service hours. She explained that some stipulation agreements may
25 require community service, however, that in lieu of having to serve, the dentist contributed to the programs.
26

27 *i. Reimburse Bradley Roberts, DDS, DSO cost to repair glass office doors-NRS 631.190
28 (For Possible Action)
29

30 Mrs. Shaffer-Kugel stated to the Board that about 1.5 years ago Dr .Roberts was evaluating a patient per the
31 investigation he was assigned to. The patient grew angry with his review and upon exiting the evaluation area, she
32 slammed the door fiercely which caused his hand-crafted glass windowed door to shatter. He had contacted the
33 Board regarding the issue but was told that he would be responsible to have it replaced. Mr. Hunt commented to the
34 Board that the former Executive Director did not want to submit the claim to the Board. However, that because the
35 Disciplinary Screening Officers are providing services for the Board's investigations, the Board, if so inclined, could
36 decide to reimburse Dr. Roberts the costs to repair of office glass door.
37

38 MOTION: Dr. Pinther made the motion to approve. Motion was seconded by Dr. Sill. Discussion: Dr. Kinard
39 recommended that they create a policy regarding situations that arise when patients damage property while being
40 evaluated by the DSO's. All were in favor.
41

42
43 *4. Board Counsel's Report (For Possible Action)
44

45 *a. Legal Actions/Lawsuit(s) Update (For Possible Action)
46

47 (1) District Court Case(s) Update
48

49 Mr. Hunt noted to the Board that the District court issued a permanent injunction against an unlicensed hygienist.
50 He added that there is a bench warrant out for a Lynn Ann Bard. He noted to the Board that there is a bulletin that
51 Mrs. Shaffer-Kugel sent to the NNDS and SNDS because Ms. Bard falsified a pocket card and wall certificate, and
52 presented it to employers.
53

54 Mr. Hunt recapitulated for the Board that at the last meeting there was an agenda item regarding Dr. John Ismail,
55 where they voted to appoint a representative, Dr. Bradley Strong, to monitor the office. He indicated that
56 investigation was regarding what appeared to be an illegal management arrangement. Furthermore, that upon Mrs.
57 Ismail, the widow of Dr. Ismail, sending in her CPA it was determined that there were improprieties. He noted that
58 this case in particular truly began in 2005, where the individual in question, was involved in a practice where he could
59 not provide services because there were no regulations regarding practice management services. This individual then
60 returned to Nevada and has been working in that capacity. Though Mrs. Ismail abandoned the practice, this
61 individual was diagnosing and kept services running well after the practice was abandoned. He indicated that the
62 Judge enjoined them from participating as managers; and the Preliminary injunction is to be heard on August 24th. He
63 highlighted how this was a big victory for the Board, due to the fact that it shows how someone who is administering
64 management services can contravene the scope and offer services that only calls for licensed Nevada dentists to do.
65

66 *b. Consideration of Stipulation Agreements (For Possible Action)
67

68 (1) Harvey Chin, DDS
69

70 Mr. Hunt went over the provisions of the stipulation agreement. Approval was recommended.
71

72 MOTION: Dr. Kinard made the motion to adopt the stipulation agreement. Motion was seconded by Dr. Blasco. All
73 were in favor.
74

75
76 *c. Consideration for the Request for Reactivation of Dental License pursuant to NAC 631.170
77 (For Possible Action)
78

79 (1) Gregory Greenwood, DDS
80

81 Dr. Greenwood was present and stepped forward. Mr. Hunt asked Dr. Greenwood if he understood that he had the
82 right to have an attorney present. Dr. Greenwood indicated that he understood his right to have an attorney,
83 nonetheless, has chosen to represent himself. Mr. Hunt went over the provisions of the stipulation agreement that Dr.
84 Greenwood entered into upon being approved for licensure in August of 2008. Mr. Hunt went over the provisions
85 that would commence upon Dr. Greenwood's license being reactivated. Mr. Hunt explained to the Board all the
86 provisions that Dr. Greenwood has had to comply with in the state of Louisiana, and has remained in compliance
87 with. Mr. Hunt explained the provisions of the Board's stipulation agreement and inquired if Dr. Greenwood
88 understood the provisions. Dr. Greenwood answered affirmatively. Dr. Greenwood indicated to the Board that his
89 plans are to return to Nevada in September. Dr. Sill inquired if Dr. Greenwood currently holds a conscious sedation
90 permit in Nevada. Dr. Greenwood indicated that he does not hold a conscious sedation permit in Nevada.
91 Furthermore, he stated that he understood that the permit application is a separate process.
92

93 MOTION: Dr. Sill made the motion to approve the reactivation. The motion was seconded by Mrs. Solie. Discussion:
94 Mrs. Solie inquired if the Board has received all the required documents for the reactivation application. Mrs. Shaffer-
95 Kugel indicated that all required documents had been submitted. Dr. Miller inquired what they requirements were in
96 the consent agreements from Louisiana. Mr. Hunt went over the terms and conditions of the consent agreement from
97 Louisiana. Dr. Miller inquired if Dr. Greenwood could explain the reasons behind the consent agreement in Louisiana
98 and, thus, Nevada. Mrs. Solie inquired if he would be practicing general dentistry or a specialty; and if the would be
99 administering conscious sedation. Dr. Greenwood explained the reasons for the sanctions in Louisiana and his plans
00 to practice general dentistry in Nevada. All were in favor.
01

02 *d. Consideration of Application for Dental Licensure (pursuant to 631.240) related to Voluntary
03 Surrender Stipulation Agreement (For Possible Action)
04

05 (1) Marianne Cohan (Cohen), DDS ----- **TABLED**
06

07 MOTION: Dr. Pinther made the motion to table this item. Motion was seconded by Mrs. Guillen. All were in favor.
08
09

10 *5. New Business (For Possible Action)
11

12 *a. Consideration for Approval of Laser Certification Course-NAC 631.035 (For Possible Action)
13

- 14 (1) Christopher J Walinski, DDS - Diode Laser Dental Training Course
15 (2) Janet A Press, RDH - Laser Certification Training-Laser Practice Refinement
16 (3) William Leavitt, DDS - Laser Dentistry - Standard Course for Laser Proficiency & Certification
17

18 Dr. Blasco indicated that he reviewed the applications, they satisfied all the requirements, and recommended approval.
19

20 MOTION: Dr. Pisani made the motion to approve. Motion was seconded by Dr. Sill. All were in favor. Dr. Blasco
21 abstained.
22

23 *b. Approval for Dental Licensure by ADEX - NRS 631.240(1)(b)(1) (For Possible Action)
24

- 25 (1) Bryce R Cremean DDS
26 (2) Erin S Ma DMD
27

28 Dr. Pinther indicated that he reviewed the applications; all met the criteria, and that recommended approval.
29

30 MOTION: Dr. Sill made the motion to approve. The motion was seconded by Mrs. Villigan. All were in favor; Dr.

31 Pinther abstained.

32 *c. Approval for Dental Licensure by WREB – NRS 631.240(1)(b)(2) (For Possible Action)

33

- | | |
|------------------------------------|--------------------------|
| (1) Jessica S Allen DMD | (8) Wendy Seto DDS |
| (2) Cody L R Besso DMD | (9) Sheena Sharma DMD |
| (3) Victoria V Duong DDS | (10)Amandeep S Sidhu DDS |
| (4) Karla T Gutierrez-Olivares DDS | (11) Ammar Siddiqi DDS |
| (5) Bryce S Haslam DDS | (12)Kevin B Tan DDS |
| (6) Andelyn M Olsen DMD | (13)Qi Wang DDS |
| (7) Phi V Phan DDS | |

1

2 Dr. Pinther indicated that he reviewed the applications, all met the criteria; and recommended approval.

3

4 MOTION: Dr. Pisani made the motion to approve. Motion was seconded by Mrs. Solie. All were in favor. Dr.
5 Pinther abstained.

6

7

8 *d. Approval for Specialty License by Application – NRS 631.250 (For Possible Action)

9

- 10 (1) Jessica S Allen DMD – Periodontics
- 11 (2) Benjamin B Ellsworth DDS – Periodontics
- 12 (3) Jeremy S Manuele DMD – Orthodontics
- 13 (4) Sulabh H Shroff DMD – Pediatric Dentistry
- 14 (5) Sandra M Thompson DMD – Pediatric Dentistry

15

16 Dr. Pinther indicated that he reviewed the applications, all met the criteria; and recommended approval.

17

18 MOTION: Dr. Sill made the motion to approve. Motion was seconded by Dr. Pisani. All were in favor; Dr.
19 Pinther abstained.

20

21

22 *e. Approval for Specialty License by Credential (Board Eligible) – NRS 631.250 (For Possible Action)

23

- 24 (1) Christopher C Hock DDS – Oral and Maxillofacial Surgery
- 25 (2) Joseph E Morneau DDS – Orthodontics
- 26 (3) James J Schlesinger III DMD – Oral and Maxillofacial Surgery

27

28 Dr. Pinther indicated that he reviewed the applications, all met the criteria; and recommended approval.

29

30 MOTION: Mrs. Villigan made the motion to approve. The motion was seconded by Ms. Guillen. All were in
31 favor; Dr. Pinther abstained.

32

33

34 *f. Approval of Limited License for Post-Graduate Residency Program (Dental) – NRS 631.271
35 (Pending 90-Day Completion) (For Possible Action)

36

- 37 (1) Ryan D Jolley DMD
- 38 (2) Rachel S Lee DDS

39

40 Dr. Pinther indicated that he reviewed the applications, that all met the criteria, and recommended approval.

41

42 MOTION: Dr. Pisani made the motion to approve. The motion was seconded by Ms. Guillen. All were in favor;
43 Dr. Pinther abstained.

44

45

46

47

48 *g. Approval of Limited Dental License – NRS 631.271 (For Possible Action)

49
50
51 (1) Antonina C Capurro DMD

52
53 Dr. Pinther indicated that he reviewed the application, that it met the criteria, and recommended approval.

54
55 MOTION: Dr. Miller made the motion to approve. The motion was seconded by Mrs. Solie. All were in favor;
56 Dr. Pinther abstained.

57
58 *h. Approval for Dental Hygiene Licensure by ADEX – NRS 631.300(1)(b)(1) (For Possible Action)

59
1 (1) Ana E Brizendine (2) Cindy H Pallack

2 Dr. Pinther indicated that he reviewed the application, that it met the criteria, and recommended approval.

3
4 MOTION: Mrs. Solie made the motion to approve. The motion was seconded by Dr. Pisani. All were in favor;
5 Dr. Pinther abstained.

6
7
8 *i. Approval for Dental Hygiene Licensure by WREB – NRS 631.300(1)(b)(2)
9 (For Possible Action)

- | | | |
|------------------------|-----------------------|--------------------------|
| (1) Victoria A Bell | (8) Christi M Mannos | (15) Tamara L Schwender |
| (2) Tara S Conley | (9) Sara N Mercier | (16) Vanessa I Smith |
| (3) Shiena M Dalmacio | (10) Ashley B Mills | (17) Paula K A St. James |
| (4) Nicole M Dubasik | (11) Felicia A Milton | (18) Kelsey L Standerfer |
| (5) Patrick V Felt | (12) Jaime A Olsen | (19) Katherine M Tillma |
| (6) Camille C Harcourt | (13) Hannah J Parker | |
| (7) Laura K Hassman | (14) Brandi E N Ryan | |

1
2 Dr. Pinther indicated that he reviewed the applications, all met the criteria; and recommended approval.

3
4 MOTION: Dr. Sill made the motion to approve. The motion was seconded by Mrs. Villigan. All were in favor;
5 Dr. Pinther and Mrs. Solie abstained.

6
7
8 *j. Approval of Voluntary Surrender of License – NAC 631.160 (For Possible Action)

9
1 (1) Angela Baker RDH (3) Deborah J Buchanan RDH
2 (2) Deborah D Becker RDH (4) Sandra T Call RDH

3 Mrs. Shaffer-Kugel indicated that all application were in order and had no pending matters with the Board.

4
5 MOTION: Mrs. Villigan made the motion to approve. The motion was seconded by Dr. Pisani. All were in
6 favor.

7
8
9 *k. Approval of Public Health Endorsement – NRS 631.287 (For Possible Action)

10 (1) Laura Helber, RDH

11
12 Dr. Pinther indicated that he reviewed the application, that it met the criteria, and recommended approval.

13
14 MOTION: Mrs. Solie made the motion to approve. The motion was seconded by Mrs. Villigan. All were in favor.

15 Dr. Pinther abstained.
16 *l. Approval for Anesthesia-Temporary Permit – NAC 631.2254 (For Possible Action)

17
18 *(1) Conscious Sedation

- 19
- 20 (a) Sandra M Thompson, DMD
- 21 (b) Kevin J Olson, DMD
- 22

23 Dr. Miller indicated that he reviewed the applications, that they met the criteria, and recommended approval.

24
25 MOTION: Dr. Pinther made the motion to approve. Motion was seconded by Dr. Pisani. All were in favor.; Dr.
26 Miller abstained.

27
28 *(2) General Anesthesia

- 29
- 30 (a) Christopher C Hock, DDS
- 31 (b) James Schlesinger III, DMD
- 32

33 Dr. Miller indicated that he reviewed the applications, that they met the criteria, and recommended approval.

34
35 MOTION: Mrs. Solie made the motion to approve. Motion was seconded by Dr. Sill. All were in favor; Dr Miller
36 abstained.

37
38 *m. Approval for a 90-Day Extension of Anesthesia Permit – NAC 631.2254(2)
39 (For Possible Action)

40
41 *(1) Conscious Sedation (For Possible Action)

- 42
- 43 (a) Sulabh H Shroff, DMD
- 44 (b) Brittany A Wilson, DDS
- 45

46 Dr. Miller recommended approval for a 90-day extension.

47
48 MOTION: Dr. Pisani made the motion to approve. Motion was seconded by Dr. Sill. All were in favor; Dr. Miller
49 abstained.

50
51
52 *6. Resource Group Reports

53
54 *a. Legislative and Dental Practice (For Possible Action)
55 (Chair: Dr. Pinther; Dr. Champagne; Dr. Blasco; Dr. Kinard; Mrs. Guillen, Mrs. Wark)

56
57 No report.

58
59 *b. Legal and Disciplinary Action (For Possible Action)
60 (Chair: Dr. Kinard; Dr. Pisani; Dr. Sill; Dr. Blasco; Mrs. Villigan; Mrs. Wark)

61
62 No report.

63
64 *c. Examinations Liaisons (For Possible Action)

65
66 *(1) WREB Representatives (For Possible Action)
67 (Dr. Blasco and Mrs. Solie)

68
69 (a) Report from the Western Regional Examining Board (DERB) Meeting
70

71 Dr. Blasco reported that Kentucky is the new member state. The new President is Tip Tippit; the President-Elect is
72 Norm Magnuson; the Treasurer is Greg Waite; Dale Chamberlain is the new Member-at-large, and that Jeff Lunde
73 is the Member-at-large. He further reported that one of the changes being made to the exam is that they voted to
74 allow for third-year dental students to be assistants in an exam. He indicated that New Mexico, by state
75 legislation, accepts all clinical exams; while Minnesota does not recognize any. He indicated that currently in the
76 state of Oregon, they are experiencing issues with providers not checking their sterilization logs and are not
77 maintaining proper documentation. The law regarding sterilization went into effect in 2004 but had not been
78 enforced. He commented that the State of Arizona was being audited due to an issue with their meeting minutes.
79 The State found that the minutes were ambiguously written and lacked proper summarization of discussions and
80 actions taken for the purpose of minutes. He further added that they were in the process of creating guidelines for
81 discipline. He noted that they will also be implementing criminal background checks for applicants.

82
83 He reported that in the state of Texas the AAID, OFP, and IOIC are suing the Dental Board to recognize their
84 specialties. However, the Texas Dental Board is standing firm that they only recognize those specialties
85 recognized by the ADA as Dental Specialties. He also noted that the State of Illinois is revising their Anesthesia
86 criteria. Dr. Blasco provided brief reports on certain events transpiring in other states.

87
88 *(2) ADEX Representatives (For Possible Action)
89 (Dr. Kinard)

90
91 Dr. Kinard is having Angie scan and send ADEX newsletters to all board members as they are received in the office.

92
93 *d. Continuing Education (For Possible Action)
94 (Chair: Dr. Sill; Dr. Blasco; Dr. Pisani; Mrs. Villigan; Ms. Solie)

- 95
96 (1) Recommend to the Board to adopt the WREB anesthesia guidelines for dental
97 hygiene nitrous oxide and local anesthesia course approval until regulation change
98

99 Dr. Blasco indicated to the Board members that the committee held a meeting on Friday, June 27, 2014 to establish
100 guidelines that the committee could use when receiving applications for course approval of post-graduate courses.
101 He recommended that the Board adopt the WREB anesthesia guidelines. Mrs. Peterson indicated that she
102 provided Dr. Blasco with the guidelines from WREB, the syllabi and course curriculum that has been approved for
103 CSN students to sit for the WREB local anesthesia exam. She further indicated that the committee she sits on will
104 be creating drafting guidelines that will be used by the State Boards. The Board members indicated that they
105 would like to review the guidelines before rendering a decision.

106
107 MOTION: Dr. Pisani made the motion to table this item until they can all review the guidelines. Motion was
108 seconded by Dr. Blasco. All were in favor.

109
110 *e. Committee of Dental Hygiene (For Possible Action)
111 (Chair: Mrs. Guillen; Mrs. Villigan, Ms. Solie; Dr. Sill)

112
113 No report.

114
115 *f. Specialty (For Possible Action)
116 (Chair: Dr. Pisani; Dr. Miller; Dr. Pinther)

117
118 No report.

119
120 *g. Anesthesia (For Possible Action)
121 (Chair: Dr. Miller; Dr. Pinther; Dr. Champagne, Dr. Kinard)

122
123 Dr. Miller indicated that he wanted to make the Board aware that recently there are some changes being made in
124 relations to modern sedation, and that some guidelines are being changed.

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165

*h. Infection Control (For Possible Action)
(Chair: Mrs. Villigan; Dr. Blasco; Dr. Champagne; Dr. Pisani; Ms. Solie; Mrs. Wark)

Mrs. Villigan indicated that the committee was working on streamlining the audit form and that they will be redrafting the questions on the form based on the recommendations submitted by Dr. Hellwinkel. She hopes to have the redrafted form by the October meeting.

*i. Budget and Finance Committee (For Possible Action)
(Chair: Dr. Sill, Dr. Pinther, Mrs. Wark, Mrs. Guillen)

Dr. Sill indicated that there was a good report provided by Mrs. Hummel, and that there is an audit in October to be discussed at next board meeting.

8. Public Comment: Mrs. Peterson asked that the board consider adopting the WREB local anesthesia exam as the course competency guidelines.

Note: No vote may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)

9. Announcements: Mrs. Villigan adopted a newborn baby boy.

*10. Adjournment (For Possible Action)

MOTION: Dr. Blasco made the motion to adjourn. Motion was seconded by Dr. Sill. All were in favor.

Meeting Adjourned at 12:58 pm.

Respectfully submitted by:

Debra Shaffer-Kugel, Executive Director

Nevada State Board of Dental Examiners
Balance Sheet
As of July 31, 2014

	Jul 31, 14
ASSETS	
Current Assets	
Checking/Savings	
10000 - Wells Fargo-Operating	696,949.86
10010 - Wells Fargo-Savings	1,001,658.35
Total Checking/Savings	1,698,608.21
Accounts Receivable	
11000 - Accounts Receivable	88,423.54
Total Accounts Receivable	88,423.54
Other Current Assets	
11050 - Reimbursements Receivable	49.95
11200 - Prepaid Expenses	18,142.65
11210 - Prepaid Insurance	2,368.49
Total Other Current Assets	20,561.09
Total Current Assets	1,807,592.84
TOTAL ASSETS	1,807,592.84
LIABILITIES & FUND BALANCE	
Liabilities	
Current Liabilities	
Accounts Payable	
20000 - Accounts Payable	43,985.90
Total Accounts Payable	43,985.90
Other Current Liabilities	
22125 - DDS Deferred Revenue	
22126-3 - 2015 DDS Active Licenses	469,047.19
22126-4 - 2015 DDS Inactive/Retired Fees	27,269.59
22900 - DDS-Permits	10,013.05
22901 - DDS-Limited License	4,950.00
22902 - DDS-Ltd Lic-Supervisor	1,731.06
Total 22125 - DDS Deferred Revenue	513,010.89
22136 - RDH Deferred Revenue	
22138-1 - 2016 RDH Active	354,247.92
22138-2 - 2016 RDH Inactive/Retired	12,602.08
Total 22136 - RDH Deferred Revenue	366,850.00
20500 - Fines Payable-State of Nevada	2,750.00
23750 - Accrued Vacation/Sick Leave	19,923.04
Total Other Current Liabilities	902,533.93
Total Current Liabilities	946,519.83
Total Liabilities	946,519.83

Nevada State Board of Dental Examiners
Balance Sheet
As of July 31, 2014

	<u>Jul 31, 14</u>
Fund Balance	
39000 - Retained Earnings	842,651.49
Net Income Over Expenses	<u>18,421.52</u>
Total Fund Balance	<u>861,073.01</u>
TOTAL LIABILITIES & FUND BALANCE	<u><u>1,807,592.84</u></u>

Nevada State Board of Dental Examiners
Statement of Revenues, Expenses and Fund Balance
July 2014

Ordinary Income/Expense	Jul 14	Budget	\$ Over Budget
Income			
40000 - Dentist Licenses & Fees			
40100 - DDS Active License Fee	42,640.65	42,400.00	240.65
40102 - DDS Inactive License Fee	2,479.05	2,500.00	(20.95)
40135 - DDS Activate/Inactive/Suspend	2,150.00	425.00	1,725.00
40136 - DDS Activate Revoked License	500.00	500.00	0.00
40140 - Specialty License App	375.00	125.00	250.00
40145 - Limited License App	250.00	125.00	125.00
40115 - Limited License Renewal Fee	450.00	750.00	(300.00)
40116 - LL-S Renewal Fee	346.21	342.00	4.21
40150 - Restricted License App	600.00	200.00	400.00
40180 - Anesthesia Site Permit App	1,050.00	833.00	217.00
40182 - CS/GA/Site Permit Renewals	910.28	905.00	5.28
40183 - CS/GA Site Permit Relnp	0.00	1,050.00	(1,050.00)
40175 - Conscious Sedation Permit Appl	1,200.00	750.00	450.00
40160 - Conscious Sedation Permit Relnp	1,250.00	708.00	542.00
40170 - General Anesthesia Permit Appl	1,100.00	0.00	1,100.00
40155 - General Anesthesia Permit Relnp	1,250.00	375.00	875.00
40212 - DDS ADEX License Application	2,400.00	1,200.00	1,200.00
40205 - DDS Credential Appl Fee-Spolty	6,000.00	1,200.00	4,800.00
40211 - DDS WREB License Application	12,025.00	2,400.00	9,625.00
Total 40000 - Dentist Licenses & Fees	76,976.19	56,788.00	20,188.19
50000 - Dental Hygiene Licenses & Fees			
40105 - RDH Active License Fee	15,402.08	16,125.00	(722.92)
40106 - RDH Inactive License Fee	547.92	662.50	(114.58)
40130 - RDH Activate/Inactive/Suspend	1,612.50	600.00	1,012.50
40126 - RDH Reinstate Revoked License	0.00	1,000.00	(1,000.00)
40110 - RDH LA/N2O Permit Fee	600.00	300.00	300.00
40222 - RDH WREB License Application	6,000.00	1,500.00	4,500.00
Total 50000 - Dental Hygiene Licenses & Fees	24,162.50	20,187.50	3,975.00
50750 - Other Licenses & Fees			
40220 - License Verification Fee	400.00	325.00	75.00
40227 - CEU Provider Fee	1,350.00	315.00	1,035.00
40240 - Check Return Fee	0.00	5.00	(5.00)
40225 - Duplicate License Fee	25.00	50.00	(25.00)
40555 - Fines	0.00	25.00	(25.00)
40185 - Lists/Labels Printed	864.00	600.00	264.00
40600 - Miscellaneous Income	0.00	30.00	(30.00)
Total 50750 - Other Licenses & Fees	2,639.00	1,350.00	1,289.00
Total Income	103,777.69	78,325.50	25,452.19

Nevada State Board of Dental Examiners
Statement of Revenues, Expenses and Fund Balance
July 2014

	<u>Jul 14</u>	<u>Budget</u>	<u>\$ Over Budget</u>
Expense			
60500 · Bank Charges			
60500-2 · Merchant Fees	952.33	469.00	483.33
Total 60500 · Bank Charges	952.33	469.00	483.33
68000 · Conferences & Seminars	0.00	815.00	(815.00)
63000 · Dues & Subscriptions	680.52	368.50	312.02
65100 · Furniture & Equipment	0.00	500.00	(500.00)
65500 · Finance Charges	0.00	21.00	(21.00)
66500 · Insurance			
66500-1 · Liability	590.29	591.00	(0.71)
66500-2 · Workers Compensation	93.96	85.00	8.96
Total 66500 · Insurance	684.25	676.00	8.25
66520 · Internet/Web/Domain			
66520-1 · GL Suites	2,967.78	2,925.00	42.78
66520-2 · E-mail, Website Services	173.19	164.00	9.19
66520-3 · Internet Services	0.00	128.00	(128.00)
Total 66520 · Internet/Web/Domain	3,140.97	3,217.00	(76.03)
73500 · Information Technology			
73500-1 · Computer Repair/Upgrade	46.00	200.00	(154.00)
Total 73500 · Information Technology	46.00	200.00	(154.00)
66600 · Office Supplies	1,070.38	450.00	620.38
66650 · Office Expense			
68710 · Miscellaneous Expenses	0.00	115.00	(115.00)
68700 · Repairs & Maintenance			
68700-1 · Janitorial	500.00	500.00	0.00
68700-2 · Copier Maintenance (7545P)	334.02	335.00	(0.98)
68700-3 · Copier Maintenance (7435P)	132.90	182.50	(49.60)
Total 68700 · Repairs & Maintenance	966.92	1,017.50	(50.58)
68725 · Security	70.00	70.00	0.00
68715 · Shredding Services	34.90	38.75	(3.85)
68720 · Utilities	476.71	478.00	(1.29)
Total 66650 · Office Expense	1,548.53	1,719.25	(170.72)
67000 · Printing	494.28	150.00	344.28
67500 · Postage & Delivery	4,250.74	900.00	3,350.74
68500 · Rent/Lease Expense			
68500-2 · Office			
68500-3 · Office Sub-Lease Income	(2,969.46)	(2,969.46)	0.00

Nevada State Board of Dental Examiners
Statement of Revenues, Expenses and Fund Balance
July 2014

	<u>Jul 14</u>	<u>Budget</u>	<u>\$ Over Budget</u>
68500-2 · Office - Other	8,083.80	8,083.80	0.00
Total 68500-2 · Office	5,114.34	5,114.34	0.00
68500-4 · Storage Warehouse	255.59	210.00	45.59
Total 68500 · Rent/Lease Expense	5,369.93	5,324.34	45.59
75000 · Telephone			
75000-1 · Telephone-Office	201.10	190.00	11.10
Total 75000 · Telephone	201.10	190.00	11.10
75100 · Travel (Staff)	0.00	200.00	(200.00)
73550 · Per Diem (Staff)	0.00	50.00	(50.00)
73600 · Professional Fee			
73600-1 · Accounting	1,335.00	1,000.00	335.00
73600-4 · Legislative Services	1,500.00	1,500.00	0.00
73600-2 · Legal-General	1,183.32	4,660.00	(3,476.68)
Total 73600 · Professional Fee	4,018.32	7,160.00	(3,141.68)
73700 · Verification Services	665.00	665.00	0.00
72000 · Employee Wages & Benefits			
72100 · Executive Director	7,001.60	7,483.37	(481.77)
72300 · Credentialing & Licensing Coord	4,256.44	4,843.00	(586.56)
72132 · Site Inspection Coordinator	3,062.13	3,252.00	(189.87)
72200 · Technology/Finance Liaison	3,941.80	3,886.00	55.80
72130 · Public Info & CE Coordinator	2,454.00	2,667.00	(213.00)
72140 · Administrative Assistant (P/T)	1,379.24	1,196.00	183.24
72010 · Payroll Service Fees	133.50	104.00	29.50
72005 · Payroll Tax Expense	479.01	500.00	(20.99)
72600 · Retirement Fund Expense (PERS)	5,225.26	5,233.00	(7.74)
65525 · Health Insurance	3,875.47	4,042.00	(166.53)
Total 72000 · Employee Wages & Benefits	31,808.45	33,206.37	(1,397.92)
72400 · Board of Directors Expense			
72400-1 · Director Stipends	500.00	0.00	500.00
72400-9 · Refreshments - Board Meetings	65.30	0.00	65.30
Total 72400 · Board of Directors Expense	565.30	0.00	565.30
60001 · Anesthesia Eval Committee			
60001-1 · Evaluator's Fee	233.35	1,975.00	(1,741.65)
60001-4 · Travel Expense	57.09	400.00	(342.91)
Total 60001 · Anesthesia Eval Committee	290.44	2,375.00	(2,084.56)
73650 · Investigations/Complaints			
72550 · DSO Coordinator	450.00	500.00	(50.00)

Nevada State Board of Dental Examiners
Statement of Revenues, Expenses and Fund Balance
July 2014

	<u>Jul 14</u>	<u>Budget</u>	<u>\$ Over Budget</u>
73650-1 · DSO Consulting Fee	3,125.00	4,500.00	(1,375.00)
73650-2 · DSO Travel Expense	522.22	1,037.50	(515.28)
73650-3 · Legal Fees-Investigations	24,106.70	20,496.00	3,610.70
73650-6 · Reimb Investigation Expenses	0.00	(13,500.00)	13,500.00
Total 73650 · Investigations/Complaints	<u>28,203.92</u>	<u>13,033.50</u>	<u>15,170.42</u>
60002 · Infection Control Inspection			
60002-1 · Initial Inspection Expense	712.50	1,200.00	(487.50)
60002-2 · Reinspection Expense	100.00	308.50	(208.50)
60002-3 · Random Inspection Expense	0.00	200.00	(200.00)
60002-4 · Travel Expense	706.33	417.00	289.33
Total 60002 · Infection Control Inspection	<u>1,518.83</u>	<u>2,125.50</u>	<u>(606.67)</u>
Total Expense	<u>85,509.29</u>	<u>73,815.46</u>	<u>11,693.83</u>
Net Ordinary Income	18,268.40	4,510.04	13,758.36
Other Income/Expense			
Other Income			
40800 · Interest Income	153.12	125.00	28.12
Total Other Income	<u>153.12</u>	<u>125.00</u>	<u>28.12</u>
Net Other Income	<u>153.12</u>	<u>125.00</u>	<u>28.12</u>
Net Income Over Expenses	<u>18,421.52</u>	<u>4,635.04</u>	<u>13,786.48</u>

Nevada State Board of Dental Examiners



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

TENTATIVE

Calendar of Events for 2015

Board Meetings - Starting time 9:00 a.m.

Friday January 23, 2015

Friday March 20, 2015

Friday May 22, 2015

Friday June 26, 2015

Friday July 31, 2015

Friday September 18, 2015

Friday November 20, 2015

American Association of Dental Board Meetings:

Mid-Year Meeting -TBA

Annual Meeting- TBA

GRAPHIC IMAGING SERVICES



SCANNING SOLUTIONS & SERVICES

TEL: 702.222.3590 Fax: 702.222.3587
www.graphicimaging.net

Quotation

DATE 4/28/14
Quote # 20130120U

Quotation For:

Nevada State Dental Board
6010 So. Rainbow Blvd.
Las Vegas, NV 89118
Debra A. Shaffer
(702) 486-7044

dashaffer@nsbde.nv.gov

Quotation valid until: 7/2/2014
Prepared by: Lisa A. Desautels
lad@graphicimaging.net

Comments or Special Instructions:

QUANTITY	DESCRIPTION	UNIT PRICE	TAX	AMOUNT
1	On-Site Mobilization Fee	500.00		Waived
	*Set up project using GISI's Scanners/Computers			
200,000	Scan Documents to multipage PDF (color or monochrome)	0.10		20,000.00
	*Includes Quality Control / rescans at no additional charge			
	*Includes cropping, rotating and deskewing			
	*400 dpi resolution			
	*Placement in to folders as per SOW			
	*Includes special file naming per document type			
140	Document Preparation hourly rate (estimated)	35.00		4,900.00
	*Removing staples, taping unfolding prior to scanning			
	*Identify Document types for scanning			
	<i>Anesthesia</i>			
	<i>Correspondence</i>			
	<i>Forms</i>			
	<i>License</i>			
	<i>Miscellaneous</i>			
	<i>Reinstatements</i>			
	<i>Suspension</i>			
	<i>Renewals</i>			
50	Upload Intelligent PDF files to DocuShare	35.00		1,750.00

Authorized Partner of:



SUBTOTAL	\$ 26,650.00
TAX RATE	8.10%
SALES TAX	-
OTHER	-
TOTAL	\$ 26,650.00

Notes:

Pricing is valid for 30 days. Payment Terms are COD unless prior arrangements are made or P.O. is issued. Pricing does not include delivery or pick up, installation, technical support, shipping charges or sales tax unless otherwise noted. This proposal cannot be duplicated in part or whole without the consent of Graphic Imaging Services Inc. Please contact Lisa Desautels for questions regarding this proposal.

THANK YOU FOR YOUR BUSINESS!

VIATRON SYSTEMS, INC
SUN VALLEY IMAGING

Presented By:



**ViaTRON VTX Content
Management Systems**

Prepared For:

State of Nevada Dental Board

6010 So. Rainbow Blvd.
Las Vegas, CA 89118

Prepared By:

GEOFF ERWIN

T/310-756-0607
Fax: 310.756.0609

ViaTRON SYSTEMS, INC
18233 Hoover Street
Los Angeles, CA 90248

The Paperless Office Specialists



THE PAPERLESS OFFICE SPECIALISTS

PROJECT DETAILS

State of Nevada Dental Board

PROJECT NO : 5105

DATE : 9/18/2014

Page 2 of 2

PROFESSIONAL SERVICES

PROFESSIONAL SERVICES	50
Upload Intelligent PDF files to DocuShare	
PROFESSIONAL SERVICES	1
On-Site Mobilization Fee	
ViaTRON SCANNING AND DATA CONVERSION SERVICES	200,000
Scan Documents to multipage PDF (color or monochrome)	
*Includes Quality Control / rescans at no additional charge	
*Includes cropping, rotating and deskewing	
*400 dpi resolution	
*Placement in to folders as per SOW	
*Includes special file naming per document type	
ViaTRON SCANNING AND DATA CONVERSION SERVICES	140
Document Preparation hourly rate (estimated)	
*Removing staples, taping unfolding prior to scanning	
*Identify Document types for scanning	
Anesthesia	
Correspondence	
Forms	
License	
Miscellaneous	
Reinstatements	
Suspension	
Renewals	

TERMS

Payments

Payments of 50% are due at start of project – Remaining 50% due at end of project.

Late Payments

Client will be charged 1.5% for late payment of invoice.

Shipping & Handling

Shipping & Handling cost has not been included in this document. These charges are separate.

Sales Tax

Applicable Sales Tax has not been included in this document.

PROJECT PRICING

FINAL PRICE \$29,457

Project Approval:

Signature

Date

Sun Valley Imaging & Technologies
 4685 Copper Sage St.
 Las Vegas, NV 89115
 702.651.1679

Quotation

www.sunvalleyimaging.com



SVIT

Sun Valley Imaging & Technologies

Customer

Name	Nevada State Board of Dental Examiners			Salesperson	Gina Piccirillo
Address	6010 S Rainbow Blvd, Bldg A, Ste 1			Date	9/19/2014
City	Las Vegas	State/Zip	NV 89118	Quote Ref.	091914-01
Phone	702-486-7044	Fax		Phone	702-651-1679
Contact	Debra Shaffer-Kugel	Email	dashafer@nsbde.nv.gov	Fax	702-974-4224
				Email	gina@sunvalleyimaging.com

Units	Description	Catalog #	Unit Price	Discount/Override	TOTAL
Services Performed at SVIT					
248,000	Document Preparation		0.100		\$ 24,800.00
248,000	Document Scanning		0.045		\$ 11,160.00
300,000	Document Indexing (per keystroke)		0.009		\$ 2,700.00
1	Onsite Job Setup Fee		250.000		\$ 250.00
Optional Services					
Total Estimate of Services performed at SVIT (does not include Optional Services)					\$ 38,910.00

Signature: _____
 Signature: _____

Notes:
 Pricing is valid for 60 days. Quantities are estimated. Customer will only be billed for actual images. SVIT will invoice bi-monthly; amounts due upon receipt of invoice. Pricing does not include sales tax unless otherwise noted. Any changes made to scope of work or that are not included on this quote will be subject to additional charges. This proposal cannot be duplicated in part or whole without the consent of Sun Valley Imaging & Technologies. Please contact your sales rep for questions.

APPLICATION FOR NEVADA DENTAL LICENSURE

*I hereby make application for Nevada Dental licensure by:
(Please check one below)*

Licensure by **ADEX-Dental : Administered By:** (NRS 631.240)
 NERB \$1200 _____ CRDTS \$1200 _____ NSBDE (Provide Test Date) _____

Licensure by **WREB Exam:** \$1200 (NRS 631.240) Licensure by **Credential:** \$1200 _____ (NRS 631.255)
Indicate Specialty (Board Eligible / Diplomate)
 Orthodontia _____
 Periodontia _____
 Endodontia _____
 O & M Surgery _____
 O & M Pathology _____
 O & M Radiology _____
 Pediatric Dentistry _____
 Prosthodontia _____

Restricted Geographical: \$600 _____ (NRS 631.274)
 Indicate County(ies) _____
 Indicate FQHC Facility or Non Profit _____

Limited Licensure: \$125 _____ (NRS 631.271)
 Indicate Residency Program _____
 Instructor/Facility _____



NOTE: An application is considered complete when the application, all required documents, background information, and fees are on file with the Board office. **APPLICATION FEES MUST BE PAID IN ADVANCE AND MAY NOT BE REFUNDED PURSUANT TO NEVADA REVISED STATUTE (NRS) 631.345. YOU WILL BE NOTIFIED WITHIN 15 BUSINESS DAYS UPON APPROVAL OF YOUR APPLICATION BY THE BOARD.**

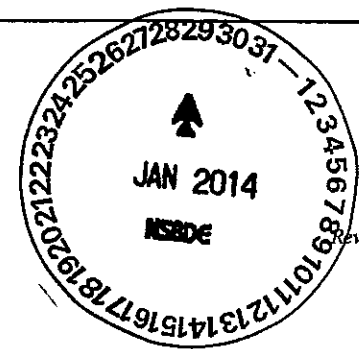
Please type or print legibly. All questions must be answered. If additional space is needed, attach a separate sheet identifying additional information by Section number. OMISSIONS, INACCURACIES, AND/OR MISREPRESENTATIONS OF INFORMATION ARE GROUNDS FOR REJECTION OF APPLICATION. Applicants acknowledge they have a continuing responsibility to update all information contained in this application until such time as the Board takes final action on this application. Failure of an applicant to update the information prior to final action of the Board is grounds for subsequent disciplinary action.

1. FULL NAME MARIANNE COHAN SOCIAL SECURITY # [REDACTED]

Have you ever been known by any other name? Yes No _____
 If yes, state in full every other name by which you have been known, the reason therefore, and the inclusive dates so known:
MARIANNE GRAYSON MARRIAGE / ANNULLMENT 12/2004 - 2/2006
MARIANNE LATTIMORE MARRIAGE / DIVORCE 6/2008 - 10/2010
 If a name change was made by court order, attach a CERTIFIED COPY of the court order.

If a married woman, state maiden name: SEKERA

PAID
 [REDACTED]
 [REDACTED]



2. ADDRESS

Mailing Address _____
 _____ S _____

Permanent Address _____
 (If different) _____

Practice Address _____
 (If any) _____

Telephone Residence () _____

Telephone Cell _____

Telephone Business () _____ FAX () _____

E-mail address _____ @ _____ .com

3. AGE _____ Birthdate _____ Birthplace _____

 (City, County, State, & Country)

Are you a U.S. born citizen? Yes No _____

If no, are you naturalized? Yes _____ No _____

If yes, naturalization # _____

Naturalization Date: _____ Place: _____

If no, were you born abroad of US citizens? Yes _____ No _____

If no, are you a legal resident? Yes _____ No _____

Is your application for naturalization pending? Yes _____ No _____

Date of Application _____ Place _____

* If not a U.S. citizen you must submit appropriate documentation for lawful entitlement to remain in the U.S. and work in the U.S.*

4. DENTAL SCHOOL EDUCATION: DOCTORAL & POST DOCTORAL

Dental School:
 (Doctoral) SUNY AT BUFFALO DENTAL SCHOOL (Post Doctoral) _____

City & State: BUFFALO, NY City & State: _____

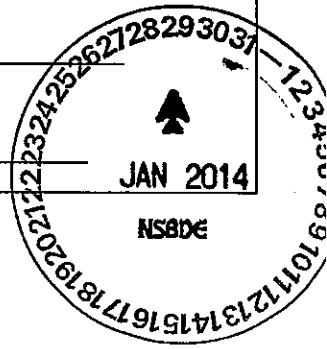
Years attended: From 8/88 (month & year)
 (Doctoral) To 6/92 (month & year)

Years attended From _____ (month & year)
 (Post Doctoral) To _____ (month & year)

Graduation Date:
 (Doctoral) 6/1992
 (Month, Day & Year)

(Post Doctoral) _____
 (Month, Day & Year)

Degree Granted: DDS DMD _____ Specialty (MS) _____



5. CERTIFICATE OF COMPLETION OF NATIONAL BOARD EXAMINATION

Have you been granted a certificate of successful completion of the National Board of Dental Examiners written examination?

Yes No

If yes, list total average score on Part I and II:

Part I Part II

Date of Certificate May

6. LASER USE AND CERTIFICATION

I utilize laser radiation in the performance of my practice of dentistry.

Yes No

I certify that each laser I use in my practice of dentistry has been cleared by the United States Food and Drug Administration for use in dentistry.

Yes No

Attach a copy of proof of course completion of laser proficiency indicating successful completion of a recognized course pursuant to Board regulation NAC 631.033 and NAC 631.035 based on the curriculum guidelines and standards for dental laser education as adopted by the Academy of Laser Dentistry.

7. SELF EMPLOYMENT

Have you ever been self-employed?

Yes No

If yes, please list date(s) of self-employment and nature of business: _____

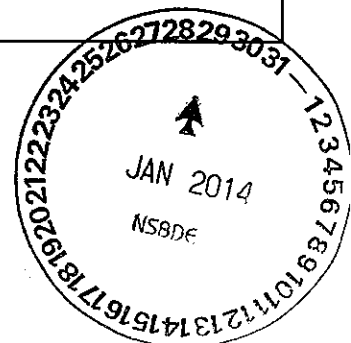
DENTISTRY 1997 - 2002

8. FICTITIOUS OR ASSUMED NAME

Have you ever done business under a fictitious name (D.B.A.)?

Yes No

If yes, list all fictitious names (D.B.A.), dates, and nature of business: _____



9. DENTAL PRACTICE

Have you ever been engaged in private dental practice or been employed as a dentist?

Yes No

If yes, list the following information for the past ten years including the dates you practiced dentistry: the names and addresses of all employers, partners, associates or persons sharing office space, and the reason for leaving each practice. (Use additional sheets if necessary)

<u>From</u>	<u>To</u>	<u>Practice Address</u>	<u>Names and Addresses Of Employers, Associates, etc.</u>	<u>Reason for Leaving</u>
I HAVE NOT PRACTICED IN 11 YEARS				

10. CONTINUED CLINICAL COMPETENCY

Have you been out of active practice for one or more years just prior to completing this application?

Yes No

If yes, attached a separate sheet with details of how you have maintained your clinical skills.

11. HISTORY OF IMPAIRMENT

(a) Do you now, or have you ever, abused alcohol, other chemical substances, or do you have any medical/mental impairments or emotional condition(s) that would impair your ability to perform as a licensee pursuant to NRS and NAC Chapters 631?

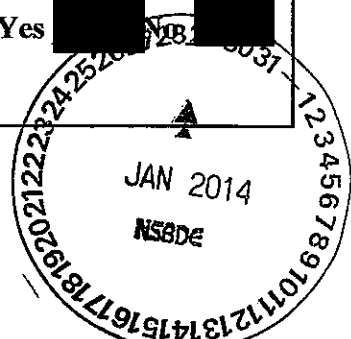
If yes, submit details on separate sheet.

Yes No

(b) Do you now, or have you ever had, any contagious or infectious disease(s) that would impair your ability to perform as a licensee pursuant to NRS and NAC Chapters 631?

If yes, submit details on separate sheet.

Yes No



12. EXAMINATION AND LICENSURE HISTORY

- (a) Have you ever participated as a candidate in dental clinical examination(s) administered by Nevada or any state, territory, or the District of Columbia or any Regional Testing Agency? Yes No

If yes, list the following for each examination (use additional sheets if necessary):

<u>State, Territory, DC or Regional Testing Agency</u>	<u>Date(s) of Each Clinical Examination</u>	<u>Result of Each Clinical Examination</u>
NERB	MAY 1992	PASS
NEVADA	MARCH 1996	PASS
WREB	APRIL 2013	PASS

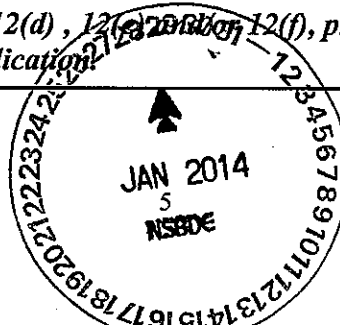
- (b) Have you ever applied for a license to practice dentistry? Yes No

If yes, list the following for each state, territory or the District of Columbia (use additional sheets if necessary):

<u>State, Territory or District of Columbia</u>	<u>Date of Each Application</u>	<u>Result of Each Application</u>
NEW YORK	MAY 1992	GRANTED
NEVADA	MARCH 1996	GRANTED

- (c) Have any proceedings been initiated against you to revoke or suspend your dental license? Yes No
- (d) At the time you filed this application, were any disciplinary proceedings pending against you, including complaints or investigations, in any other state, territory or the District of Columbia? Yes No
- (e) Have you ever been terminated or attempted to terminate or surrender a dental license in any state, territory or the District of Columbia? Yes No
- (f) Have you ever been denied a dental license in this state, another state, or a territory of the U.S. or the District of Columbia? Yes No

If you answered 'yes' to questions 12(c), 12(d), 12(e) or 12(f), provide a full explanation of each answer on a separate sheet and attach to this application.



13. MORAL CHARACTER

- (a) As a member of any profession or association connected with the practice of dentistry, or as a staff member at a hospital, outpatient clinic, or surgery center, or as a holder of public office:
- (1) Have you ever been suspended or otherwise disqualified? Yes No
 - (2) Have you ever been reprimanded, censored, restricted or otherwise disciplined? Yes No
 - (3) Have any charges or complaints, formal or informal, ever been made or filed against you, or have any proceedings been instituted against you? Yes No
 - (4) Have you ever been requested to appear before a Peer Review Committee? Yes No
 - (5) Have your clinical privileges or procedures been restricted by any hospital, outpatient clinic or surgery center? Yes No
- (b) Have you ever been convicted of a felony or a misdemeanor or a crime involving moral turpitude? Yes No
- (c) Have you ever entered a plea of nolo contendere to a felony or misdemeanor, or a charge of a crime involving moral turpitude? Yes No
- (d) Have you ever been summoned, arrested, taken into custody, indicted convicted, tried for, charged with, or pleaded guilty to the violation of any law or ordinance or the commission of any misdemeanor(s) or felony(ies)? Have you ever been requested to appear before a prosecuting attorney or investigative agency in any matter? *(Include all incidents, including traffic violations, no matter how minor the infraction or whether guilty or not. Although conviction may have been expunged from the records of the Court, it must be disclosed in your answer to this question.)* Yes No
- (e) Have you ever been declared a ward of any court, or adjudged as incompetent, or have any proceedings ever been brought to have you declared a ward of any court or adjudged as incompetent, or have you ever been committed to any institution? Yes No
- (f) Have you ever had any claims of malpractice filed against you? Yes No
- (g) Have you ever been dropped, suspended, expelled or disciplined by any school or college for any cause whatsoever? Yes No

If your answer is 'yes' to any of the foregoing questions (13 a-g), furnish a written statement of each occurrence giving the complete facts. For each incident, state the date, the nature of the charge the disposition of the matter, and the name and address of the authority in possession of the records thereof. You must provide certified copies of any arrest or conviction and/or any plea agreements entered into for any felony(ies) or misdemeanor(s).

- (h) Have you ever held a bonded position? Yes No
If so, specify the nature of each position, the dates and amount of the bond, and whether or not any proceedings were sought to cancel or recover upon your bond. Use a separate sheet if necessary.

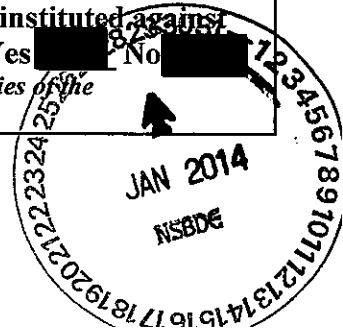
- (i) Have you ever served in the armed forces of the U.S. or any other country? *If yes, complete the questions listed below.* Yes No

- (1) U.S. Branch of Service _____ Country other than the U.S. _____
- (2) Inclusive dates of service: From _____ To _____ Serial No. _____
- (3) Separation Date, if applicable _____ Nature of Separation _____

If other than honorable, specify type thereof and circumstances on a separate sheet.

- (4) As a member of such armed forces, have any charges or complaints, formal or informal ever been made or filed against you, or have any proceedings ever been instituted against you, or have you ever been a defendant in any court martial? Yes No

If yes, submit a written statement with complete facts and disposition of charge(s) and official copies of the records for each occurrence from the authorities in possession of the records thereof.



14. STATEMENT OF CHILD SUPPORT

Pursuant to state and federal mandated requirements, I further certify that (place an X on the appropriate line):

- (1) I am NOT subject to a court order for the support of one or more children.
- (2) I AM subject to a court order for the support of one or more children. (continue to 2a or 2b below)
 - (a) I am NOT in compliance with a plan approved by the district attorney or other public agency enforcing the order for the payment of the amount owed pursuant to the court order for the support of one or more children.
 - (b) I AM in compliance with a plan approved by the district attorney or other public agency enforcing the order for the payment of the amount owed pursuant to the court order for the support of one or more children.

15. AFFIDAVIT AND PLEDGE

I hereby expressly waive all provisions of law forbidding any physician or other person who has attended or examined me or who may hereafter attend or examine me from disclosing any knowledge or information that is thereby acquired, and I hereby consent that such knowledge or information may be disclosed to the Nevada State Board of Dental Examiners.

The person named as the applicant in the foregoing application and questionnaire, being first duly sworn, deposes and says: I am the applicant for dental licensure referred to; and I have carefully read and understand the questions in the foregoing questionnaire and have answered them truthfully, fully, and completely, without mental reservation of any kind. I further understand I have a continuing obligation to inform the Board should any of my answers since filing this application change prior to the Board issuing my license. In the event I fail to update the answers which have changed since submitting this application, I understand that such failure is ground for revocation of any license issued or denial of the application.

I hereby authorize educational and other institutions, my references (past and present), business and professional associates (past and present), insurance carriers, professional societies, governmental agencies and instrumentalities (local, state, federal or foreign), and independent information gathering services to release to the Nevada State Board of Dental Examiners any information, files or records requested by the Board in connection with the processing of this application.

I hereby pledge myself to the highest standards and ethics in the Practice of Dentistry and further pledge to abide by the laws and regulations pertaining to the practice of dentistry. I understand that a violation of this pledge may be deemed sufficient cause for the revocation of a license issued by the Board.

I hereby understand and agree that the title of all licenses shall remain with the Nevada State Board of Dental Examiners and subject to surrender by Order of said Board.

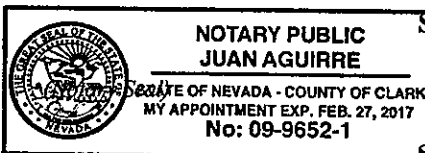
I UNDERSTAND THAT ANY OMISSIONS, INACCURACIES, OR MISREPRESENTATIONS OF INFORMATION ON THIS APPLICATION ARE GROUNDS FOR REJECTION OF THIS APPLICATION AND THE REVOCATION OF A LICENSE WHICH MAY HAVE BEEN OBTAINED THROUGH THIS APPLICATION.

STATE OF

Nevada

COUNTY OF

Clark



Signature of Applicant

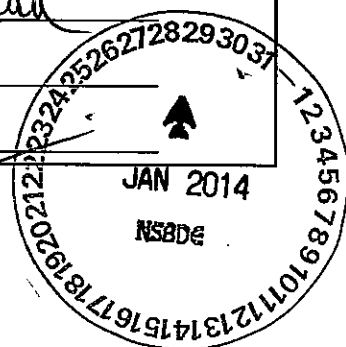
Marianne Chan

Date

11/10/13

Signature of Notary

Juan Aguirre



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SUITE 1102
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BEFORE THE NEVADA STATE BOARD OF DENTAL EXAMINERS

NEVADA STATE BOARD OF)
DENTAL EXAMINERS,)
Complainant,)
vs.)
MARIANNE COHEN, D.D.S.)
Respondent.)

CASE NO: 98-443


FINDINGS AND RECOMMENDATIONS OF THE INFORMAL
HEARING HELD PURSUANT TO NRS 631 AND NAC 631
AND CONSENT OF MARIANNE COHEN, D.D.S. TO THE
FINDINGS AND RECOMMENDATIONS PURSUANT TO NRS 631.363 (5)

On May 22, 1998, an informal hearing was held in Las Vegas, Nevada regarding alleged violations of NRS 631 and NAC 631 by licensee MARIANNE COHEN, D.D.S. The informal hearings were held pursuant to NRS 631.363 and NAC 631.250 and NAC 631.255.

In attendance at the informal hearing were DENNIS J. ARCH, D.D.S., Informal Hearing Officer assigned to this matter; Board attorney, JOHN A. HUNT, ESQ.; licensee, MARIANNE COHEN, D.D.S., and her attorney, DAVID J. RIVERS, ESQ.

Discussed at length during the informal hearing was the verified complaints related to the care and treatment rendered to the following patients:

1. Anne Nielsen;
2. Richard P. Pittman;


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- 1 3. Jolanta Berstler/Leokadia Iglukowska;
- 2 4. Thomas Augustine;
- 3 5. Carolyn Blair; and
- 4 6. Novak Tomich.

4 FINDINGS

5 Based upon the limited information presently available for review and Dr. Cohen's
6 responses to the questions posed during the informal hearing, Dr. Dennis J. Arch, as the Informal
7 Hearing Officer, issues the following findings:

8
9 A. ANNE, KYLE, AND RYAN NIELSEN

10 1. It is the finding of the Informal Hearing Officer, based upon the limited information
11 presently available, the evidence is inconclusive as to whether Dr. Cohen failed to see patient
12 Nielsen in a timely manner.


13 2. It is the finding of the Informal Hearing Officer, based upon the limited information
14 presently available, the evidence is inconclusive as to whether Dr. Cohen failed to apply proper
15 sterilization techniques while treating the Nielsen family.

16
17 B. RICHARD PITTMAN

18 1. It is the finding of the Informal Hearing Officer, based upon the limited information
19 presently available, the periodontal charting of patient Pittman was below the standard of care and
20 therefore violated NRS 631.3475 (1).

21 2. It is the finding of the Informal Hearing Officer, based upon the limited information
22 presently available, that Dr. Cohen's diagnosis of patient Pittman was below the standard of care and
23 therefore violated NRS 631.3475 (1).

24 3. It is the finding of the Informal Hearing Officer, based upon the limited information

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1 presently available, that Dr. Cohen's misdiagnosis resulted in the wrongful extraction of tooth #1
2 in violation of NRS 631.3475 (1).

3 4. It is the finding of the Informal Hearing Officer, based upon the limited information
4 presently available, that Dr. Cohen violated NAC 631.240 (2) by failing to timely answer the verified
5 complaint of Mr. Pittman within fifteen (15) days.
6

7 5. It is the finding of the Informal Hearing Officer, based upon the limited information
8 presently available, that Dr. Cohen violated NRS 631.3485 (4) by failing to provide health care
9 records pursuant to NRS 629.061 when Dr. Cohen refused to release Mr. Pittman's health care
10 records to Mr. Pittman's wife as well as failure of Dr. Cohen to provide copies of x-rays which Dr.
11 Cohen admits are lost and cannot be retrieved due to a failure in her radiographic diagnostic
12 equipment.
13

14 6. It is the finding of the Informal Hearing Officer, based upon the limited information
15 presently available, the evidence is inconclusive as to whether Dr. Cohen violated NAC 631.230 (1)
16 (a) regarding the falsification of health care or medical records relating to extraction of tooth #1 of
17 Mr. Pittman.
18

19 C. JOLANTA BERSTLER

20 1. It is the finding of the Informal Hearing Officer, based upon the limited information
21 presently available, the evidence is inconclusive whether Dr. Cohen's treatment and billing
22 procedures were appropriate regarding Jolanta Berstler.
23

24 D. THOMAS AUGUSTINE

25 1. It is the finding of the Informal Hearing Officer, based upon the limited information
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1 presently available, the evidence is inconclusive as to whether or not there was an agreement
2 regarding fees and services to be performed.

3 E. CAROLYN BLAIR


4 1. It is the finding of the Informal Hearing Officer, based upon the limited information
5 presently available, the evidence is inconclusive as to whether Dr. Cohen violated NAC 631.230
6 (1)(a) as to whether Dr. Cohen falsified the health records of Carolyn Blair.
7

8 2. It is the finding of the Informal Hearing Officer, based upon the limited information
9 presently available, the evidence is inconclusive as to whether it was appropriate to perform
10 endodontic treatment on tooth #9. The factual inconsistency is based upon Dr. Cohen's statements
11 that Ms. Blair told her that tooth #9 was sensitive to percussion and heat/cold while Ms. Blair
12 contends her dental sensitivity was in the posterior area of teeth #13 and #14. Further, Ms. Blair
13 contends that no such sensitivity test were performed on tooth #9. This Informal Hearing Officer
14 has informed Dr. Cohen the dental records of Ms. Blair and the x-rays do not conclusively indicate
15 that endodontic treatment was necessary on tooth #9.
16

17 3. It is the finding of the Informal Hearing Officer, based upon the limited information
18 presently available, that Dr. Cohen violated NAC 631.240 (2) when she failed to answer the verified
19 complaint of Ms. Blair within fifteen (15) days.
20

21 F. NOVAK TOMICH

22 1. It is the finding of the Informal Hearing Officer, based upon the limited information
23 presently available, Dr. Cohen violated NRS 631.3485 (4) in that Dr. Cohen failed to provide health
24 records as required pursuant to NRS 629.061, since Dr. Cohen could not produce Mr. Tomich's x-
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rays due to a failure in her radiographic diagnostic equipment.

G. DENTAL ASSISTANTS

1. It is the finding of the informal Hearing Officer, based upon the limited information presently available, Dr. Cohen was not aware of duties which could be performed by either a dental assistant and/or dental hygienist. During the Informal Hearing, Dr. Cohen was given a copy of Chapter 631 of NRS and Chapter 631 of NAC and was instructed to review same to ensure that Dr. Cohen is not allowing either dental assistants and/or dental hygienists from performing procedures which are not specifically authorized by either NRS 631 and/or NAC 631.

RECOMMENDATIONS

Based upon Dr. Cohen's violations of NRS 631.3475 (1), NRS 631.3485 (4), NRS 629.061, and NAC 631.240 (2) the following action is recommended:

1. Dr. Cohen shall reimburse to Richard P. Pittman any monies received from Mr. Pittman and/or Mr. Pittman's insurance company. This amount shall only be paid by Dr. Cohen to Mr. Pittman upon the Board adopting the consented to Findings and Recommendations. In the event the Board does not adopt these consented to Findings and Recommendations, Dr. Cohen will have no obligation to reimburse Mr. Pittman.

2. Dr. Cohen, pursuant to NRS 631.350(k), in addition to completing the normal continuing education requirements set forth in NAC 631.173, shall also obtain and submit proof of completion of eight (8) hours of supplemental education in the area of radiographic diagnostics to be completed within ninety (90) days of the Board entering a final order and/or from the time the Board adopts these Findings and Recommendations. The supplemental education must be submitted


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1 and approved, in writing, by this Informal Hearing Officer and/or the Executive Director of the
2 Board. Upon receipt of the request, the supplemental education, the Informal Hearing Officer and/or
3 the Executive Director of the Board shall, in writing, notify Dr. Cohen of approval of such
4 attendance. All costs associated with this supplemental education shall be paid by Dr. Cohen.

5
6 3. Pursuant to NRS 631.350(d), Dr. Cohen's practice shall be monitored for a period
7 of one (1) year to review patient records who had either extractions and/or endodontic treatments.
8 During the one (1) year period, Dr. Cohen shall allow either the Informal Hearing Officer and/or the
9 Executive Director of the Board and/or an agent appointed by the Board to inspect Dr. Cohen's
10 records to assure compliance with proper record maintenance. Such inspections shall be performed,
11 without notice, during normal business hours.

12
13 4. Pursuant to NRS 631.350 (c), Dr. Cohen shall be fined in the amount of FIFTEEN
14 HUNDRED DOLLARS (\$1500.00) for violations of NRS 631.3475 (1), NRS 631.3485 (4), NRS
15 629.061, and NAC 631.240 (2) as cited in the Findings set forth above.

16
17 5. Dr. Cohen shall pay to the Board the sum of FIVE THOUSAND DOLLARS
18 (\$5,000.00) to reimburse the Board for the costs of this investigation and the partial costs associated
19 with future enforcement of the Findings and Recommendations should Dr. Cohen consent to the
20 Findings and Recommendations. Specifically, this amount is not to be deemed a fine and will not
21 be reportable to the National Practitioners Data Bank. The FIVE THOUSAND DOLLARS
22 (\$5,000.00) reimbursement shall be paid to the Board only upon the Board adopting these Findings
23 and Recommendations.

24
25 6. The Findings and Recommendations made by this Informal Hearing Officer are


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contingent upon Dr. Cohen consenting to all of the Informal Hearing Officer's Findings and Recommendations. Should Dr. Cohen request a full Board hearing regarding the Findings and Recommendations cited above, further investigation, attorney's fees, costs, witness fees, and possible expert witness fees will be incurred to bring this matter to a full Board hearing. Should this matter proceed to a full Board hearing, and further investigative and additional attorney's fees and costs are incurred, Dr. Cohen should be assessed these additional costs and fees in the event the Board finds Dr. Cohen has violated any of the provisions contained in NRS 631 and NAC 631. In the event Dr. Cohen does not consent to the Findings and Recommendations and the Board finds a violation of either NRS 631 or NAC 631, this Informal Hearing Officer recommends that Dr. Cohen be required to attend additional supplemental education in the area of radiographic diagnostics to be approved by this Informal Hearing Officer and/or the Board's Executive Director pursuant to NRS 631.350 (k). In the event the Board finds a violation of any of the provisions contained in either NRS 631 or NAC 631 an appropriate fine be levied and Dr. Cohen's license to practice dentistry be suspended for an appropriate period of time pursuant to NRS 631.350 (c) (f). In the event Dr. Cohen does consent to all of the Findings and Recommendations, and thereafter the Board adopts these Findings and Recommendations, should Dr. Cohen fail to comply with all of the provisions contained in these Findings and Recommendations, such conduct shall be deemed unprofessional conduct and subject Dr. Cohen to additional penalties including, but not limited to, suspension of Dr. Cohen's license to practice dentistry in the State of Nevada. Lastly, should Dr. Cohen not consent to all of the Findings and Recommendations, this Informal Hearing Officer recommends further investigation be initiated and a formal complaint should be filed and a full Board hearing


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1 should be convened.
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DENNIS J. ARCH, D.D.S.
Informal Hearing Officer

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5 CONSENT TO FINDINGS AND RECOMMENDATIONS

6 NRS 631.363 (5) states:

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

13 1. I, MARIANNE COHEN, D.D.S. hereby acknowledge that I have read NRS 631.363
14 (5). I am aware that if I decide not to consent to the Findings and Recommendations of the Informal
15 Hearing Officer, a formal complaint may be filed against me. In the event a formal complaint is
16 filed, I am aware I have the right to a full disciplinary hearing before the Nevada State Board of
17 Dental Examiners.

18 2. I have read all of the findings and recommendations of Informal Hearing Officer,
19 Dennis J. Arch, D.D.S. and upon advice of my counsel, I consent to all of the Informal Hearing
20 Officer's Findings and Recommendations.

21 3. I am aware by consenting to the Findings and Recommendations, I am waiving
22 certain valuable due process rights contained in, but not limited to, NRS 631, NAC 631, NRS 233B
23 and NAC 233B. In the event this matter proceeds to a full Board hearing, I expressly waive any
24 right to challenge any members of the Board for bias on the basis of the Board's discussion to
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approve or reject these consented to findings and recommendations. I have been advised by my counsel of the due process rights I am waiving in the event I consent to the same.

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

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

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

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

8. I am aware that the Nevada State Board of Dental Examiners may choose not to adopt my consent to the Findings and Recommendations of the Informal Hearing Officer. The Findings and Recommendations and consent will be presented to the Board for ratification at its next properly noticed meeting. If the Board ratifies the Findings, Recommendations and Consent, such ratification will be considered a final disposition of a contested case.

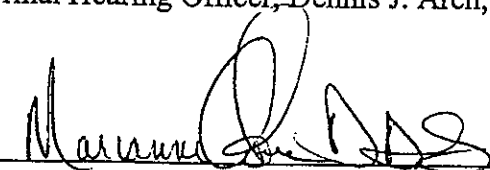
9. I hereby specifically recognize, acknowledge and agree that failure on my part to fully satisfy all of the terms and conditions of the Findings and Recommendations of the Informal Hearing Officer, shall constitute unprofessional conduct; I further agree in the event I fail to satisfy all of the


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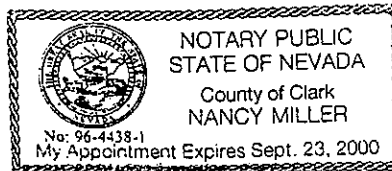
1 Findings and Recommendations of the Informal Hearing Officer, the Board may impose additional
2 disciplinary penalties, upon the convening of a full Board hearing to determine solely whether I have
3 breached any of the recommendations of Informal Hearing Officer, Dennis J. Arch, D.D.S.

4 DATED this 6th day of AUG. July, 1998.

5 
6 MARIANNE COHEN, D.D.S.

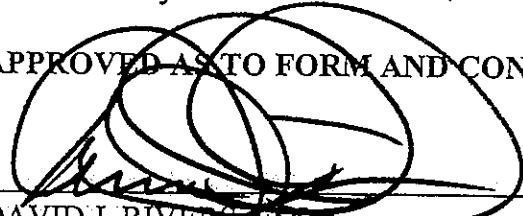
8 SUBSCRIBED and SWORN to before me
9 this 6th day of July, 1998.

10 Nancy Miller



11 NOTARY PUBLIC in and for said
12 County and State

13 APPROVED AS TO FORM AND CONTENT

14 
15 DAVID J. RIVERS, ESQ.,
16 Respondent's attorney

17
18 The foregoing Findings and Recommendations and Consent thereto was
19 approved/disapproved by a vote of the Nevada State Board of Dental Examiners at a properly
20 noticed meeting.

21 DATED this 13 day of Nov., 1998.

22
23 NEVADA STATE BOARD OF DENTAL
24 EXAMINERS

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26 A. TED TWESME, D.D.S., President

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STATE OF NEVADA

BEFORE THE BOARD OF DENTAL EXAMINERS OF NEVADA

NEVADA STATE BOARD)
 OF DENTAL EXAMINERS,)
 Complainant,)
 vs.)
 MARIANNE COHEN, D.D.S.,)
 Respondent.)

Case No.03-978

STIPULATION
RE: VOLUNTARY SURRENDER
OF LICENSE

IT IS HEREBY STIPULATED AND AGREED by and between MARIANNE COHEN, D.D.S. (hereinafter "Respondent"), her attorney Anthony D. Lauria, Esq., and the NEVADA STATE BOARD OF DENTAL EXAMINERS (hereinafter "Board"), by and through Disciplinary Screening Officer, DENNIS J. ARCH, D.D.S., and the Board's counsel, JOHN A. HUNT, ESQ. of the law firm of RALEIGH, HUNT & McGARRY, P.C. as follows:

1. Currently the Board is conducting an investigation into the dental practice of Respondent.
2. On May 22, 1998, an informal hearing was held in Las Vegas, Nevada regarding alleged violations of NRS 631 and NAC 631 by licensee MARIANNE COHEN, D.D.S. The informal hearings were held pursuant to NRS 631.363 and NAC 631.250 and NAC 631.255.

In attendance at the informal hearing were DENNIS J. ARCH, D.D.S., Informal Hearing Officer assigned to this matter, Board attorney, JOHN A. HUNT, ESQ., licensee, MARIANNE COHEN, D.D.S., and her attorney, DAVID J. RIVERS, ESQ.



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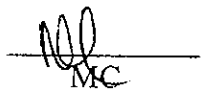
1 Discussed at length during the informal hearing was the verified complaints related to the
2 care and treatment rendered to the following patients:

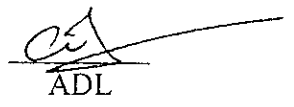
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4 a. Anne Nielsen;
5 b. Richard P. Pittman;
6 c. Jolanta Berstler/Leokadia Iglukowska;
7 d. Thomas Augustine;
8 e. Carolyn Blair; and
9 f. Novak Tomich.

10 3. On November 13, 1998, Findings and Recommendation of the Informal Hearing held
11 pursuant to NRS 631 and NAC 631 and Consent of Marianne Cohen, D.D.S. to the Findings and
12 Recommendations pursuant to NRS 631.363(5) were entered into between the Board and
13 Respondent regarding the above-named verified complaints. See copy of Findings and
14 Recommendations attached as **Exhibit 1**.

15 4. On October 1, 1998, the Board notified Respondent of a complaint received from Ms.
16 Kathy Word. On October 20, 1998, Respondent filed an answer to the complaint. On November 19,
17 1998, Respondent filed additional information in response to the Board's correspondence of
18 November 2, 1998, requesting additional documentation. On November 20, 1998, complainant
19 Kathy Word filed a supplemental response to the answer filed by Respondent. Subsequently, the
20 Disciplinary Screening Officer remanded the complaint to the file with the provision should the
21 Respondent receive any complaints in the future, the Board could consider the Word complaint in
22 any future disciplinary action.

23 5. On November 19, 1998, the Board notified Respondent of a complaint received from
24 Mr. Benny R. Campbell. On December 3, 1998, Respondent filed an answer to the complaint.

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1 Subsequently, the Disciplinary Screening Officer remanded the complaint to the file with the
2 provision should the Respondent receive any complaints in the future, the Board could consider the
3 Campbell complaint in any future disciplinary action.
4

5 6. On October 24, 2000, the Board notified Respondent of a complaint received from
6 Ms. Madeline Gobel. On November 11, 2000, Respondent filed an answer to the complaint.
7 Subsequently, the Disciplinary Screening Officer remanded the complaint to the file with the
8 provision should the Respondent receive any complaints in the future, the Board could consider the
9 Gobel complaint in any future disciplinary action.
10

11 7. On October 2, 2001, the Board notified Respondent of a verified complaint filed by
12 Patricia A. Wightman. On October 18, 2001, Respondent filed an answer to the complaint.
13 Subsequently, the Disciplinary Screening Officer remanded the complaint to the file with the
14 provision should the Respondent receive any complaints in the future, the Board could consider the
15 Wightman complaint in any future disciplinary action.
16

17 8. On March 7, 2002, the Board notified Respondent of a complaint received from Ms.
18 Colleen Strange. On March 19, 2002, Respondent filed an answer to the complaint.

19 9. On June 20, 2002, the Board notified Respondent of a complaint received from Ms.
20 Kay Nicksick. On July 6, 2002, Respondent filed an answer to the complaint.

21 10. On October 30, 2002, the Board notified Respondent of a complaint received from
22 Ms. Ilona Daoust. On December 3, 2002, Respondent filed an answer to the complaint.

23 11. On November 5, 2002, the Board notified Respondent of a complaint received from
24 Ms. Alice Lawrence. On December 3, 2002, Respondent filed an answer to the complaint. On
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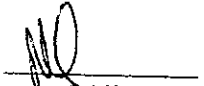
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December 23, 2002, the complainant filed supplemental information to the answer filed by Respondent. A copy of this information was forwarded to Respondent. On April 14, 2003, Respondent was forwarded a copy of the opinion of subsequent treating dentist Marco Padilla.

12. On November 22, 2002, the Board notified Respondent of a complaint received from Ms. Jill Scott. On May 20, 2003, Respondent was informed that pursuant to NAC 631.350, failure of Respondent to answer the complaint within the time prescribed creates a rebuttable presumption that the party admits generally the allegations of the complaint. On March 7, 2003, the Board forwarded to Respondent documentation from Dr. David Jay Jenkins regarding the subsequent treatment of Ms. Scott.

13. On December 26, 2002, the Board notified Respondent of a complaint received from Mr. Frederic Alleva. On January 19, 2003, Respondent filed a non-responsive answer to the complaint. On January 29, 2003, Respondent was informed that failure of a party to answer within the prescribed time creates a rebuttable presumption that the party admits generally the allegations of the complaint.

14. On December 26, 2002, the Board notified Respondent of a complaint received from Ms. Mary Jarvi. On January 19, 2003, Respondent filed a non-responsive answer to the complaint. On January 29, 2003, Respondent was informed that failure of a party to answer within the prescribed time creates a rebuttable presumption that the party admits generally the allegations of the complaint. On March 25, 2003, Respondent was informed of additional information received from subsequent treating dentist, Dr. Patrick Simone. This information included records regarding services rendered by Dr. Simone and the services rendered by Respondent.


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15. On December 26, 2002, the Board notified Respondent of a complaint received from Ms. Linda Lane. On January 19, 2003, Respondent filed a non-responsive answer to the complaint. On January 29, 2003, Respondent was informed that failure of a party to answer within the time prescribed creates a rebuttable presumption that the party admits generally to the allegations of the complaint.

16. On January 16, 2003, the Board notified Respondent of a complaint received from Mr. Daniel Zamarron. On January 19, 2003, Respondent filed a non-responsive answer to the complaint. On February 26, 2003, Respondent was informed that failure to file an answer within the time prescribed creates a rebuttable presumption that the party admits generally to the allegations of the complaint.

17. On February 19, 2003, the Board notified Respondent of a complaint received from Dr. Joseph Wineman. On March 12, 2003, Respondent was forwarded additional information regarding patients, whom Dr. Wineman believed received treatment below the standard of care. On March 25, 2003, Respondent received notice pursuant to NAC 631.350 that failure to answer the complaint creates a rebuttable presumption that the party admits generally to the allegations of the complaint. On April 8, 2003, Respondent was forwarded the medical records and authorizations for the patients identified in the original complaint of Dr. Wineman as well as additional patients which Dr. Wineman again alleged received treatment below the standard of care. On May 15, 2003, Respondent was forwarded correspondence in which Dr. Wineman identified and alleged Respondent defrauded patients of monies when Respondent informed patients they were required to pay for services in advance and once the insurance company reimbursed Respondent for the


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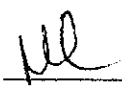
1 services, Respondent would reimburse the patient for the amount of money forwarded to the
2 Respondent by the respective insurance companies. Documentation submitted by Dr. Wineman
3 indicates there is substantial evidence that once Respondent received the money from the respective
4 insurance company, she converted that money by entering a false positive adjustment on the patients'
5 respective accounts.
6

7 18. On February 20, 2003, the Board notified Respondent of a complaint received from
8 Ms. Marna J. Morris. On May 20, 2003, Respondent was informed pursuant to NAC 631.350, that
9 failure of a party to answer within the time prescribed creates a rebuttable presumption that the party
10 admits generally the allegations contained in the complaint.
11

12 19. On February 25, 2003, the Board notified Respondent of a complaint received from
13 Mr. Ronald Stein. On March 25, 2003, Respondent was informed pursuant to NAC 631.350, failure
14 of a party to answer within the time prescribed creates a rebuttable presumption that the party admits
15 generally the allegations of the complaint.
16

17 20. On July 21, 2003, the Board notified Respondent of a complaint received from Ms.
18 Alice Woody. On August 3, 2003, Respondent filed an answer to the complaint.

19 21. Based upon the limited investigation conducted to date, Disciplinary Screening
20 Officer, Dennis J. Arch, D.D.S., believes there is substantial evidence which proves Respondent, on
21 more than one occasion, rendered treatment which was below the standard of care in violation of
22 NRS 631.3475(1)(2)&(4) and NAC 631.230(1)(a)&(c). The applicable statutes and regulations in
23 pertinent part state:
24

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27 _____
28 MC


ADL

LAW
RALEIGH, HUNT & GARRY, P.C.
112 GARCES AVENUE
SUITE 200
LAS VEGAS, NEVADA 89101
(702) 386-4842

1 NRS 631.3475 The following acts among others, constitute unprofessional conduct:

- 2 1. Malpractice;
3
4 2. Professional incompetence;

5 * * *

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

8 NAC 631.230

9 1. In addition to those specified by statute and subsection 3 of NAC 631.177, the following
10 acts constitute unprofessional conduct:

- 11 (a) the falsification of records of health care or medical records.


12 * * *

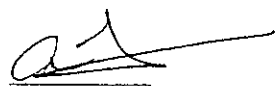
13 (c) The consistent use of dental procedures, services or treatments which constitute a
14 departure from prevailing standards of acceptable dental practice even though the use does not
15 constitute malpractice or gross malpractice.

16 22. Without admitting violations of any of the Sections cited above, Respondent admits
17 that DSO Dennis Arch, D.D.S., believes that there is substantial evidence of violations of these
18 Sections.

19 23. Rather than contesting the allegations before the Board in the hearing process,
20 Respondent chooses to resolve these claims via Stipulation and agrees to the following:

21 a. Respondent agrees to voluntarily surrender her license and deliver to the Board
22 her license and certificate of registration, upon adoption of this Stipulation by the Board. Assuming

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SUITE 200
LAS VEGAS, NEVADA 89101
(702) 386-4842

1 Respondent is in compliance with this stipulation and all other provisions of NRS 631 and NAC 631,
2 Respondent may, after two (2) years from the adoption of this Stipulation by the Board, submit an
3 application for examination for licensure pursuant to NRS 631 and NAC 631. Respondent shall be
4 responsible for all costs associated with the application for examination. Respondent irrevocably
5 waives any rights to obtain a specialty license to a person licensed in another state pursuant to NRS
6 631.255; a limited license pursuant to NRS 631.271; a temporary license pursuant to NRS 631.272;
7 a restricted geographical license pursuant to NRS 631.274; and a restricted license to provide
8 services to low income individuals pursuant to NRS 631.275. Assuming Respondent meets all the
9 requirements for examination and passes the clinical examination as set forth in NRS 631 and NAC
10 631, Respondent's license to practice dentistry in the state of Nevada will be reinstated by the
11 Nevada State Board of Dental Examiners.

12
13
14 b. Pursuant to NRS 631.350(d) and (h), Respondent agrees that in the event her
15 license to practice dentistry is reinstated, Respondent's practice shall be placed on probation and will
16 be supervised for a period of three (3) years. During the three (3) year period, Respondent shall allow
17 the Informal Hearing Officer and/or the Executive Director and/or an agent appointed by the Board,
18 to inspect Respondent's records to assure the treatments rendered by Respondent are in compliance
19 with NRS 631 and NAC 631. Such inspections shall be performed without notice during normal
20 business hours.

21
22 c. Pursuant to NRS 631.350(1), Respondent agrees to reimburse the following
23 patients, within sixty (60) days of the adoption of this Stipulation by the Board:
24
25

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1 **Patient Amount**

2 Frederic Alleva \$1,070.00

3 Ilona Daoust \$1,435.40

4 Mary Jarvi \$1,310.53

5 Linda Lane \$819.50

6 Marna J. Morris \$1,250

7 Kay Nicksick \$575


8 Jill Scott \$825.40

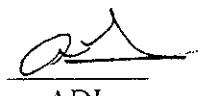
9 Ronald Stein \$825.40

10 Daniel Zamarron \$625.65

11
12
13 d Respondent agrees to pay a fine in the amount of \$15,000.00 upon the Board's
14 adoption of this Stipulation to reimburse the Board for the costs and fees incurred in this matter. This
15 amount is reportable to the National Practitioners Data Bank.

16
17 e. For a period of one (1) year after adoption of this Stipulation, in the event the
18 Board receives a verified complaint(s) after notice and answering the complaint, Respondent agrees
19 to comply with the decision rendered by the Board's assigned Disciplinary Screening Officer, other
20 than the currently assigned DSO, to reimburse the complainant in an amount, if any, for the treatment
21 rendered by Respondent if the amount of reimbursement is less than \$1,500. Respondent waives any
22 right to appeal the Disciplinary Screening Officer's decision regarding reimbursement to either the
23 Board, Federal District Court, or State of Nevada District Court for reimbursements in an amount
24 less than \$1,500. The Board waives the right to order reimbursement for any treatment or conduct
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RALEIGH, HUNT & GARRY, P.C.
112 GARCES AVENUE
SUITE 200
LAS VEGAS, NEVADA 89101
(702) 386-4842

1 occurring more than three years prior to the date of the adoption of this stipulation. Should
2 Respondent fail to reimburse patients of verified complaints as ordered by the Disciplinary Screening
3 Officer within sixty (60) days of the Disciplinary Screening Officer rendering his decision,
4 Respondent agrees those sums can be reduced to judgment by any Nevada State District Court where
5 the complainant resides. If the complainant resides outside the State of Nevada, Respondent agrees
6 the Eighth Judicial District Court, of the State of the Nevada, County of Clark, shall have jurisdiction
7 to reduce the amount rendered by the Disciplinary Screening Officer to judgment. Respondent shall
8 also be responsible for any costs or attorney's fees incurred to reduce to judgment those amounts
9 identified in paragraphs 22(c)(d) and (e).
10
11

12 f. In the event the Respondent fails to reimburse any of the complainants identified
13 in paragraphs 22(c) and (e), Respondent shall not be eligible for licensure by examination until such
14 time as Respondent has reimbursed those patients identified in paragraphs 22(c) and (e).
15

16 g. Respondent waives any right to have the amounts owed, pursuant to Paragraph 22
17 (c), (d) and (e), discharged in bankruptcy.

18 h. Regarding any other matters currently pending before the Board, the Board hereby
19 waives the right to initiate any further action as to those matters as set forth in NRS 631.350.
20

21 **CONSENT**

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

24 25. Respondent is aware by entering into this Stipulation she is waiving certain valuable
25 due process rights contained in, but not limited to, NRS 631, NAC 631, NRS 233B and NAC 233B.
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1 26. Respondent expressly waives any right to challenge the Board for bias in deciding
2 whether or not to adopt this Stipulation in the event this matter was to proceed to a full Board
3 hearing.
4

5 27. Respondent has reviewed the Stipulation with his attorney, Anthony D. Lauria,
6 Esquire who has explained each and every provision contained in this Stipulation to the Respondent


7 28. Respondent acknowledges she is consenting to this Stipulation voluntarily, without
8 coercion or duress and in the exercise of her own free will.
9

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

13 30. 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 31. Respondent agrees in the event the Board adopts this Stipulation she hereby waives
18 any and all rights to seek judicial review or otherwise to challenge or contest the validity of the
19 provisions contained in the Stipulation.

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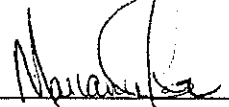
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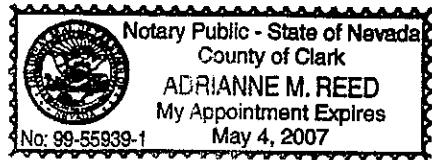
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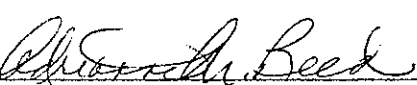
a public record.

DATED this 30th day of January, 2004.

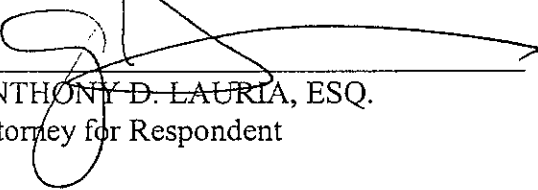

MARIANNE COHEN, D.D.S., Respondent

SUBSCRIBED and SWORN to before me
this 30th day of January, 2004.

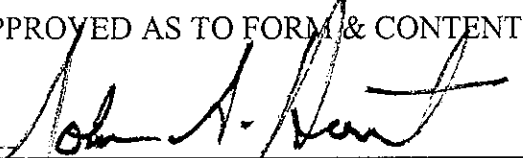



NOTARY PUBLIC in and for said County
and State


APPROVED AS TO FORM & CONTENT

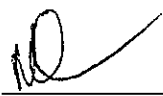

ANTHONY D. LAURIA, ESQ.
Attorney for Respondent


APPROVED AS TO FORM & CONTENT


JOHN A. HUNT, ESQ.
Attorney for Nevada State Board of
Dental Examiners

APPROVED AS TO FORM & CONTENT


DENNIS J. ARCH, D.D.S.
Disciplinary Screening Office/Informal
Hearing Officer


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ADL

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

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

3 DATED this day of MARCH 1 2004.

4 NEVADA STATE BOARD OF DENTAL EXAMINERS

5 
6 STEPHEN C. VAUGHN, D.D.S.
7 President

11. ~~SEE ENCL. RE: DENTAL AUCOHEEN INFORMAL DISCUSSION~~

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RALEIGH HUNT & MCGARRY, P.C.
111 CAROLINA AVENUE
SUITE 201
LAS VEGAS, NEVADA 89108
(702) 386-1872


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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

August 27, 2014

Duff W Kaster, DDS
2608 Port of Call
Las Vegas, NV 89128

Re: Request to Amend Stipulation Agreement

Dear Dr. Kaster:

Please be advised, the Nevada State Board of Dental Examiners is in receipt of your written request to amend the stipulation agreement approved by the Board on May 28, 2013. This request will be placed before the Board for consideration at the next regularly scheduled meeting to be held on Friday October 3, 2014. However, this meeting will be held in Reno, Nevada.

If appearing before the Board in Reno, Nevada on October 3, 2014 would not be convenient or would cause additional financial hardship as stated in your request, the next meeting scheduled after the October 3, 2014 meeting is Friday December 12, 2014 in Las Vegas, Nevada.

Please submit in writing no later than September 22, 2014 the date in which you would like to appear before the Board to consider your request.

Should you have additional questions, please do not hesitate to contact me at (702) 486-7044 ext. 23.

Sincerely,

A handwritten signature in black ink, appearing to read "Debra", written over a horizontal line.

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

Cc: John Hunt, Esq., Board Legal Counsel
File

Duff W Kaster DDS

2608 Port of Call Dr • Las Vegas, NV 89128 • 702-306-3803

August 21, 2014

Debra Shaffer-Kugel, Executive Director
Nevada State Board of Dental Examiners
6010 S Rainbow Blvd #1
Las Vegas, NV 89118

Dear Debra,

On Nov 15, 2002, I entered into a stipulation with the Nevada State Board of Dental Examiners. I was in a 5 year stipulation from Nov 15, 2002 until Nov 15, 2007. Because I moved out of state, I had to put my license on inactive status on Dec 8, 2005 and agreed to enter into an additional 3 years if I wanted to reactive my license in the future. I was 3 years into my 5 year stipulation with the dental board when I agreed to an addition 3 years originally.

Due to certain circumstances, I moved back to Las Vegas and re-activated my licensed and entered into an additional 3 year stipulation which includes extensive monitoring.

The nature of the stipulation required the board to show that my license is on a "probation" status.

My request is that my probation be stayed and I would agree to monitoring as an option. My reason for this is as follows:

- 1) Because my stipulation is reported as probation, my malpractice insurance is 4 times the normal amount, which has become a hardship.
- 2) One of my desires to reactivate my license in NV is to teach at the dental school and they cannot consider me for teaching while I have an active stipulation.

Due to my record of compliance far beyond the original expiration of the stipulation, I am requesting that my probation (as is reported on the practitioner data base) be satisfied and then possibly continue my monitoring program for the additional time.

I appreciate your consideration,

Sincerely,



Duff Kaster DDS



STATE OF NEVADA

BEFORE THE BOARD OF DENTAL EXAMINERS OF NEVADA

NEVADA STATE BOARD OF DENTAL EXAMINERS,

Case No. 05-1258

Complainant,

-vs-

FORTH AMENDED STIPULATION

DUFF W. KASTER, D.D.S.

Respondent.

IT IS HEREBY STIPULATED AND AGREED between DUFF W. KASTER, D.D.S., (hereinafter "Respondent"), in Proper Person, and the NEVADA STATE BOARD OF DENTAL EXAMINERS (hereinafter "Board") by and through its counsel, JOHN A. HUNT, ESQ., of the law firm of RALEIGH, HUNT & McGARRY, P.C. as follows:

1. On May 9, 1997, at a properly noticed meeting, Respondent entered into a Stipulation with the Nevada State Board of Dental Examiners.
2. On June 1, 2000, at a properly noticed meeting, Respondent entered into an Amended Stipulation with the Nevada State Board of Dental Examiners.
3. On June 14, 2001, at a properly noticed meeting, Respondent entered into the Second Amended Stipulation with the Nevada State Board of Dental Examiners.
4. On November 15, 2002 at a properly noticed meeting, Respondent entered into the Third Amended Stipulation with the Nevada State Board of Dental Examiners. See Exhibit "1".
5. Since the Board adopted the Third Amended Stipulation, Respondent has been in full compliance.
6. On August 1, 2005, Respondent requested the Board place his license on inactive status.
7. In consideration for granting Respondent's request to have his license to practice dentistry in the State of Nevada placed on inactive status, Respondent acknowledges and agrees to


DWK

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

1 the following:

- 2 a. The Third Amended Stipulation was adopted by the Board on
3 November 15, 2002. Currently, the Third Amended Stipulation
4 would expire on November 15, 2007, assuming Respondent is in
5 compliance upon the expiration of the Third Amended Stipulation.
6 Respondent agrees in the event he requests that his license to practice
7 dentistry in the State of Nevada be reinstated to active status,
8 Respondent agrees as a condition of reinstatement he would have to
9 comply with the provisions paragraph 24 of the Third Amended
10 Stipulation for an additional three (3) years upon the Board
11 reinstating Respondent license to active status.
- 12 b. Respondent agrees upon adoption of this Fourth Amended Stipulation
13 to reimburse the Board the sum of Five Hundred (\$500.00) Dollars
14 for the preparation and monitoring this Fourth Amended Stipulation.
15 In the event Respondent fails to pay the agreed upon amount,
16 Respondent agrees his license to practice dentistry in the State of
17 Nevada shall be automatically suspended without any further action
18 of the Board other than issuance of an order by the Executive
19 Director. Upon payment of any default, Respondent's license to
20 practice dentistry in the State of Nevada will be automatically
21 reinstated.

12
13
14 CONSENT

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

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

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

22 11. Respondent acknowledges he has read the Stipulation. Respondent acknowledges
23 he has been advised he has the right to have this matter reviewed by independent counsel and he
24 has had ample opportunity to seek independent counsel. Respondent has been specifically
25 informed he should seek independent counsel and advice of independent counsel would be in
26 Respondent's best interest. Having been advised of his right to independent counsel, as well as
27 having had the opportunity to seek independent counsel, Respondent hereby acknowledges, by his
28


DWK

1 own free will, he is consenting to the Stipulation without independent counsel. DWK

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

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

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

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

13 16. This Stipulation will be considered by the Board in an open meeting. It is understood
14 and stipulated the Board is free to accept or reject the Stipulation and, if the Stipulation is rejected
15 by the Board, further disciplinary action may be implemented. This Stipulation will only become
16 effective when the Board has approved the same in an open meeting. Should the Board adopt this
17 Stipulation, such adoption shall be considered a final disposition of a contested case and this
18 Stipulation shall become a public record. Respondent acknowledges and agrees of this Stipulation
19 shall be made available for public inspection and copying. Respondent acknowledges and agrees
20 copies of this Stipulation may be disseminated by the Board to the public, or any licensing board
21 or any agency which is investigating Respondent, including but not limited to any law enforcement
22 agency. Respondent agrees and acknowledges this Stipulation shall be reported to the National
23 Practitioners Data Bank.

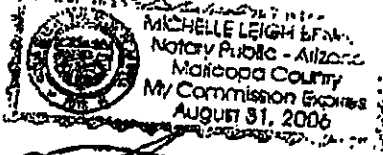
24 DATED this 8 day of Dec., 2005.

25
26 
27 DUFF W. KASTER, D.D.S.
Respondent

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DWK

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SUBSCRIBED and SWORN to before me
 this 25 day of Oct, 2005.



[Handwritten Signature]
 NOTARY PUBLIC

APPROVED AS TO FORM & CONTENT

APPROVED AS TO FORM & CONTENT

[Handwritten Signature]
 JOHN A. HUNT, ESQUIRE
 Raleigh, Hunt & McGarry, P.C.
 Board Counsel

[Handwritten Signature]
 DENNIS J. ARCH, D.D.S.
 Disciplinary Screening Office/Informal
 Hearing Officer

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

DATED this 25 day of Jan, 2005.

NEVADA STATE BOARD OF DENTAL EXAMINERS

[Handwritten Signature]
 TONY GUINNEN, D.D.S.
 President

S:\Data\Word\1\NENTALIKAS\ERFORZ\AMEND STIP-04

[Handwritten Signature]
 DWK

STATE OF NEVADA

BEFORE THE BOARD OF DENTAL EXAMINERS OF NEVADA

NEVADA STATE BOARD OF)
 DENTAL EXAMINERS,)
)
 Complainant,)
)
 -vs-)
)
 DUFF W. KASTER, D.D.S.)
)
 Respondent.)

**THIRD AMENDED
STIPULATION**

IT IS HEREBY STIPULATED AND AGREED between DUFF W. KASTER, D.D.S., (hereinafter "Respondent"), in Proper Person, and the NEVADA STATE BOARD OF DENTAL EXAMINERS (hereinafter "Board") by and through its counsel, LEE A. DRIZIN, ESQ. of the law firm of RALEIGH, HUNT, McGARRY & DRIZIN, P.C. as follows:

1. On May 9, 1997, at a properly noticed meeting, Respondent entered into a Stipulation with the Nevada State Board of Dental Examiners. See Exhibit "1".
2. Pursuant to the Stipulation, Respondent surrendered his Registration Certificate No. BK 065578 with the United States Department of Justice to prescribe controlled substances for Class II, Class III, Class IIN, Class IV and Class V for a period of five (5) years, as well as his license No. CS 4016 with the Nevada State Board of Pharmacy to prescribe controlled substances for a period of five (5) years.
3. On June 1, 2000, at a properly noticed meeting, Respondent entered into an Amended Stipulation with the Nevada State Board of Dental Examiners. This Amended



 D.W.K.

Stipulation imposed additional conditions upon Respondent's license, in addition to the conditions set forth in the original Stipulation dated May 9, 1997. See Exhibit "2".

4. Paragraph 15 (B) of the Stipulation dated May 9, 1997 states:

B. Respondent agrees to submit to random sampling of urine and/or bodily fluids, and/or hair for a period of four (4) years when so ordered by the Executive Director of the Board. In addition to the random drug tests which may be ordered during the four (4) year period, during the one year suspension, Respondent will submit to urinalysis testing on the first day of each month at Associated Pathology Laboratories (APL). Should the first day of the month fall on a Saturday or Sunday, Respondent will submit the monthly sample on the first business day of the month. Any test or analysis of bodily fluids taken shall be conducted in such manner that the testing agency shall preserve enough of the sample to allow for subsequent independent confirmatory tests. The results of any tests or analysis of bodily fluids shall be reported to the Board. Respondent shall be responsible for all costs incurred for the analysis of urine, and/or bodily fluids, and/or hair.

5. On May 9, 2001 Respondent was sent notice to present himself to Associated Pathologists Laboratories (APL) for blood, hair and urine testing.

6. On May 15, 2001 Respondent presented himself to APL for testing.

7. The results of the testing indicates Respondent tested "positive" for Amphetamines (Group) in violation of the original Stipulation dated May 9, 1997 and the Amended Stipulation dated June 1, 2000. See Exhibit "3".

8. As a result of testing positive for Amphetamines, Paragraph 15(C) of the Stipulation entered into on May 9, 1997 states:

C. In the event any test or analysis of bodily fluids taken from Respondent pursuant to the terms of this Stipulation is positive, indicating the presence of controlled substances (not pursuant to a valid prescription). Respondent will be notified and allowed to arrange for a subsequent independent confirmatory test. Should the Respondent test positive, Respondent shall voluntarily cease practicing dentistry in the State of Nevada until such time as a full


D.W.K.

Board hearing is held to evaluate the positive findings and subsequent independent confirmatory tests.

9. On May 21, 2001, Respondent was served with the Order requiring Respondent to voluntarily cease practicing dentistry in the State of Nevada until such time as a full Board hearing is held to evaluate the positive findings and/or any subsequent independent confirmatory test. See Exhibit "4".

10. When Respondent was served with the Order of Respondent's obligation to voluntarily cease practicing dentistry in the State of Nevada, Respondent indicated, if possible, he would like to negotiate a settlement on his own behalf. In response, Respondent was informed by Board counsel, John A. Hunt, that it was not in his best interest to proceed in proper person. Respondent was further advised he had a right to have this matter reviewed by independent counsel and to have it reviewed by independent counsel would be in Respondent's best interest. Having been advised of his right to independent counsel, as well as having had an opportunity to seek independent counsel, Respondent, of his own free will, chose to represent himself in proper person in this matter in an attempt to resolve any differences he may have with the Board.

11. Respondent admitted to testing positive for Amphetamines (Group) Ecstasy. Although Respondent admitted to testing positive for the drug identified in Exhibit "3", he believed he ingested this drug under the misconception he was ingesting a Viagra-like substance.

12. Other than the drugs identified in Exhibit "3", it was Respondent's belief he has taken no other illegal or unprescribed drug.

13. As a mitigating circumstance, Disciplinary Screening Officer, Dennis J. Arch, D.D.S., advised the Board that during the last four (4) years Respondent had never tested positive for any other illegal or unprescribed drugs during previously scheduled and/or random testing


D.W.K.

previously initiated.

14. On June 14, 2001, at a properly noticed meeting, Respondent entered into the Second Amended Stipulation with the Nevada State Board of Dental Examiners. See Exhibit "5". Based upon Respondent's admission that he violated the Stipulation and Amended Stipulation, Respondent agreed to an additional suspension of sixty (60) days commencing May 21, 2001. In addition, Respondent agreed to submit to random sampling of urine, hair and/or bodily fluids for an additional three (3) years.

15. On April 23, 2002 Respondent was sent notice to present himself to Associated Medical Laboratories (AML) for blood, hair and urine testing.

16. On April 24, 2002 Respondent presented himself to APL for testing.

17. The results of the testing indicates Respondent tested "positive" for Amphetamines (Group) in violation of the original Stipulation dated May 9, 1997, the Amended Stipulation dated June 1, 2000 and the Second Amended Stipulation dated June 14, 2001.

18. At the request of Respondent, on May 7, 2002 a second hair analysis was done and the results of the testing indicates Respondent tested "positive" for Amphetamines (Group) in violation of the original Stipulation dated May 9, 1997, the Amended Stipulation dated June 1, 2000 and the Second Amended Stipulation dated June 14, 2001.

19. As a result of testing positive for Amphetamines, Paragraph 15(b) of the Second Amended Stipulation entered into on June 14, 2001 states:

b. In the event any test or analysis of bodily fluids taken from Respondent, pursuant to the terms of this Second Amended Stipulation, is positive, indicating the presence of controlled substances (not pursuant to a valid prescription), Respondent will be notified. Should the Respondent test positive, Respondent's license to practice dentistry in the State of Nevada shall automatically be revoked without any further action of the Board


D.W.K.

other than the issuance of an appropriate Order of Revocation by the Board's Executive Director.

20. On May 1, 2002, Respondent was served with the Order requiring Respondent to voluntarily cease practicing dentistry in the State of Nevada until such time as a full Board hearing is held to evaluate the positive findings and/or any subsequent independent confirmatory test. See Exhibit "6".

21. Respondent petitioned the Board for reinstatement of his license and to appear before the Board at their public meeting to be held on May 31, 2002.

22. At a properly noticed public hearing of the Board held on May 31, 2002 Respondent appeared and presented a report from the Coleman Group, Dr. Victoria D. Coleman, and also testified he had an independent hair analysis which also produced a positive for Amphetamines. After consideration by the Board Members, Respondent's petition for reinstatement of his license was denied.

23. The Respondent subsequently attended and received treatment and counseling at the Betty Ford Clinic.

24. As a result of Respondent's violation of the Second Amended Stipulation and subsequent cessation of practice of dentistry pursuant to an Order of the Executive Director, and in consideration of his efforts to address his drug problem, the Respondent's license shall be reinstated by the Board providing Respondent abides by the following conditions.

a. Respondent agrees to enroll in and abide by the rules of the Nevada Health Professionals Assistance Foundation Diversion Program (the "After-Care Program").

b. Following Respondent's execution of a contract for monitoring, counseling and assistance and waiver of confidentiality for enrollment in the After-Care Program, Respondent may apply to the Board for reinstatement of his license to practice dentistry in the


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State of Nevada.

c. Respondent agrees to surrender his Registration Certificate No. BK065578 with the United States Department of Justice, D.E.A., to prescribe controlled substances for Class II, Class IIN, Class III, Class IIIN, class IV, and Class V for a period of three (3) years. In the event Respondent complies with all the terms of this Stipulation, at the end of the three (3) year period, Respondent may apply to the D.E.A. to have his prescription privileges reinstated.

d. Respondent agrees to surrender his license No. CS4016 with the Nevada State Board of Pharmacy to prescribe controlled substances for Class II, Class IIN, Class III, Class IIIN, Class IV, and Class V for a period of three (3) years. In the event Respondent complies with all the terms of this Stipulation, at the end of the three (3) year period, Respondent may apply to the Nevada State Board of Pharmacy to have his prescription privileges reinstated.

e. Respondent further agrees in the event he fails to surrender said licenses within ten (10) days as set forth in subparagraphs c and d herein or 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 and Class V during the remaining term of his probationary period as set forth in the Third Amended Stipulation, the Executive Director, without any further hearing or action by the Board, shall issue an order revoking Respondent's license to practice dentistry in the State of Nevada. Thereafter, Respondent may request a hearing before the Board but during the pendency of the hearing before the Board, Respondent waives any right to seek judicial review to reinstate his privilege to practice dentistry in the State of Nevada pending a final Board hearing.

f. Following the reinstatement of Respondent's license, Respondent agrees to the following:

i. Pursuant to NRS 631.350(g), Respondent agrees to submit to random sampling of urine, hair and/or bodily fluids for an additional five (5) years when so ordered by the Executive Director of the Board effective upon adoption of this Third Amended Stipulation. This random sampling of urine, hair and/or bodily fluids will be under direct observation and any test or analysis of bodily fluids


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taken shall be conducted in such a manner that the testing agency shall preserve enough of the sample to allow for subsequent independent confirmatory tests. The results of any tests or analysis of bodily fluids shall be reported to the Board. Respondent shall be responsible for all costs incurred for the analysis of urine, hair and/or bodily fluids.

ii. In the event any test or analysis of bodily fluids taken from Respondent, whether pursuant to the request of the Executive Director or the After-Care Program, is positive, indicating the presence of controlled substances (not pursuant to a valid prescription), Respondent will be notified. Should the Respondent test positive, Respondent's license to practice dentistry in the State of Nevada shall automatically be revoked without any further action of the Board other than the issuance of an appropriate Order of Revocation by the Board's Executive Director.

iii. Respondent authorizes and shall execute any consent necessary which authorizes reports generated by the urinalysis and/or bodily fluids, and/or hair testing and any substance abuse evaluation reports, and any status reports rendered by individuals treating Respondent to be furnished to the Executive Director of the Board. In the event of a violation in the form of a confirmed, positive test result, all reports previously submitted to the Board will become public record and be available for use by the Board in connection with any subsequent action of the Board.

iv. Should Respondent fail to present himself for random drug testing when directed by the Executive Director of the Board or the After-Care Program, within twenty-four (24) hours of said direction by the Executive Director or After-Care Program, Respondent's license to practice dentistry in the State of Nevada will be revoked indefinitely without any other action by the Board other than the issuance of an appropriate Order of Revocation by the Board's Executive Director.


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v. Should Respondent fail to complete the After-Care Program or upon receipt of notice that Respondent has failed to comply with the terms of the contract with the After-Care Program, Respondent's license to practice dentistry in the State of Nevada will be revoked indefinitely without any further action by the Board other than the issuance of an appropriate Order of Revocation by the Board's Executive Director.

vi. Respondent agrees pursuant to NRS 631.350(d) and (h), Respondent shall be placed on probation for a period of five (5) years with Respondent's practice being supervised and monitored effective upon the Board's adoption of this Third Amended Stipulation. Respondent agrees that during the five (5) year probation/supervisory period, Respondent shall allow either the Executive Director of the Board and/or an agent appointed by the Board's Executive Director to inspect Respondent's records to ensure compliance with this Third Amended Stipulation. Such inspections shall be performed, without notice, during normal business hours. Respondent further agrees during the period of probation and supervision, Respondent shall maintain a list of any prescriptions issued to any of Respondent's patients by any other licensed dentist in the State of Nevada. The list of prescriptions issued to Respondent's patients by any other licensed dentist in the State of Nevada shall include the following:

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

Respondent's failure to accurately maintain the list of prescriptions issued to his patients by any other licensed dentist in the State of Nevada shall be deemed unprofessional conduct and in violation of


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this Third Amended Stipulation and shall be considered by the Board in determining whether or not to revoke Respondent's license to practice dentistry in the State of Nevada.

vii. Respondent agrees to pay the Nevada State Board of Dental Examiners the sum of \$5,000.00, upon approval of this Stipulation by the Board, to reimburse the Board for the costs incurred for this Stipulation and the cost to be incurred in the future to monitor and enforce this Stipulation. Specifically, this amount shall not be deemed a fine and shall not be reported to the National Practitioners Data Bank. This amount is due and payable in two equal installments. The first payment shall be due thirty (30) days after the adoption of this Third Amended Stipulation by the Board. The second payment shall be due sixty (60) days after the first payment. In the event Respondent fails to pay the agreed upon amount, Respondent agrees his license to practice dentistry in the State of Nevada shall be automatically suspended without any further action of the Board other than issuance of an order by the Executive Director. Upon payment of any default, Respondent's license to practice dentistry in the State of Nevada will be automatically reinstated.

g. All provisions of the original Stipulation entered into with the Board on May 9, 1997, the Amended Stipulation dated June 1, 2000 and the Second Amended Stipulation dated June 14, 2001 shall remain in full force and effect.

h. Respondent further agrees, in the event the Board has to initiate any legal proceedings to enforce payment of the reimbursement amount or in the event the Board has to seek injunctive relief in the event Respondent fails to voluntarily cease practicing dentistry in the State of Nevada, Respondent shall be responsible for legal fees and costs incurred by the Board in any such proceedings.

CONSENT

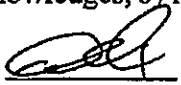
25. Respondent has read all of the provisions contained in this Stipulation and agrees

with them in their entirety.


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

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

28. Respondent acknowledges he has read the Stipulation. Respondent acknowledges he has been advised he has the right to have this matter reviewed by independent counsel and he has had ample opportunity to seek independent counsel. Respondent has been specifically informed he should seek independent counsel and advice of independent counsel would be in Respondent's best interest. Having been advised of his right to independent counsel, as well as having had the opportunity to seek independent counsel, Respondent hereby acknowledges, by his own free will, he is consenting to the Stipulation without independent counsel. 
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29. Respondent acknowledges he is consenting to this Stipulation voluntarily, without coercion or duress and in the exercise of his own free will.

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

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

32. Respondent agrees in the event the Board adopts this Stipulation he hereby waives


D.W.K.

any and all rights to seek judicial review or otherwise to challenge or contest the validity of the provisions contained in the Stipulation.

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

DATED this 14 day of Nov, 2002.

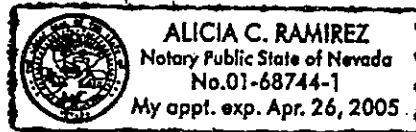


DUFF W. KASTER, D.D.S.
Respondent

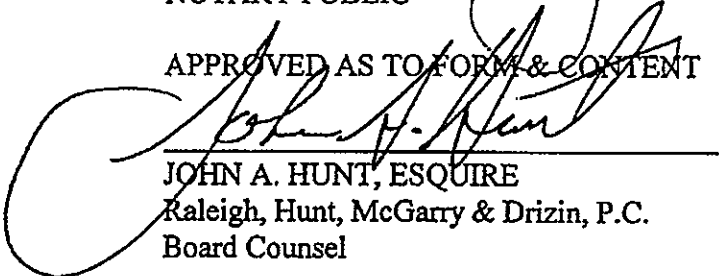
SUBSCRIBED and SWORN to before me
this 14th day of November, 2002.



NOTARY PUBLIC

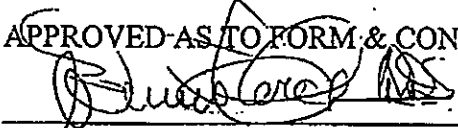


APPROVED AS TO FORM & CONTENT



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

APPROVED AS TO FORM & CONTENT



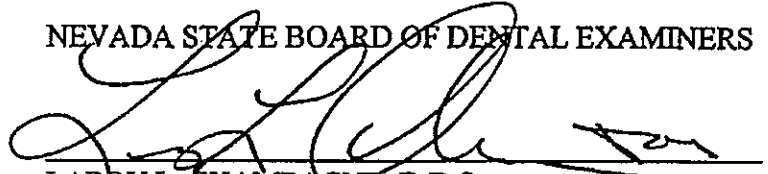
DENNIS J. ARCH, D.D.S.
Disciplinary Screening Office/Informal
Hearing Officer


D.W.K.

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

DATED this 15th day of Nov, 2002.

NEVADA STATE BOARD OF DENTAL EXAMINERS



LARRY L. CHAMPAGNE, D.D.S.
President

S:\voane.B\wp5\NDENTAL\KASTER\ub amended stipulation.wpd



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EXHIBIT "1"

STATE OF NEVADA

BEFORE THE BOARD OF DENTAL EXAMINERS OF NEVADA

NEVADA STATE BOARD OF
DENTAL EXAMINERS,

Case No. 05-1258

Complainant,

-vs-

FORTH AMENDED
STIPULATION

DUFF W. KASTER, D.D.S.

Respondent.

IT IS HEREBY STIPULATED AND AGREED between DUFF W. KASTER, D.D.S., (hereinafter "Respondent"), in Proper Person, and the NEVADA STATE BOARD OF DENTAL EXAMINERS (hereinafter "Board") by and through its counsel, JOHN A. HUNT, ESQ., of the law firm of RALEIGH, HUNT & McGARRY, P.C. as follows:

1. On May 9, 1997, at a properly noticed meeting, Respondent entered into a Stipulation with the Nevada State Board of Dental Examiners.
2. On June 1, 2000, at a properly noticed meeting, Respondent entered into an Amended Stipulation with the Nevada State Board of Dental Examiners.
3. On June 14, 2001, at a properly noticed meeting, Respondent entered into the Second Amended Stipulation with the Nevada State Board of Dental Examiners.
4. On November 15, 2002 at a properly noticed meeting, Respondent entered into the Third Amended Stipulation with the Nevada State Board of Dental Examiners. See Exhibit "1".
5. Since the Board adopted the Third Amended Stipulation, Respondent has been in full compliance.
6. On August 1, 2005, Respondent requested the Board place his license on inactive status.
7. In consideration for granting Respondent's request to have his license to practice dentistry in the State of Nevada placed on inactive status, Respondent acknowledges and agrees to


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

1 the following:

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- a. The Third Amended Stipulation was adopted by the Board on November 15, 2002. Currently, the Third Amended Stipulation would expire on November 15, 2007, assuming Respondent is in compliance upon the expiration of the Third Amended Stipulation. Respondent agrees in the event he requests that his license to practice dentistry in the State of Nevada be reinstated to active status, Respondent agrees as a condition of reinstatement he would have to comply with the provisions paragraph 24 of the Third Amended Stipulation for an additional three (3) years upon the Board reinstating Respondent license to active status.

- b. Respondent agrees upon adoption of this Fourth Amended Stipulation to reimburse the Board the sum of Five Hundred (\$500.00) Dollars for the preparation and monitoring this Fourth Amended Stipulation. In the event Respondent fails to pay the agreed upon amount, Respondent agrees his license to practice dentistry in the State of Nevada shall be automatically suspended without any further action of the Board other than issuance of an order by the Executive Director. Upon payment of any default, Respondent's license to practice dentistry in the State of Nevada will be automatically reinstated.

CONSENT

- 8. Respondent has read all of the provisions contained in this Stipulation and agrees with them in their entirety.
- 9. Respondent is aware by entering into this Stipulation he is waiving certain valuable due process rights contained in, but not limited to, NRS 631, NAC 631, NRS 233B and NAC 233B.
- 10. Respondent expressly waives any right to challenge the Board for bias in deciding whether or not to adopt this Stipulation in the event this matter was to proceed to a full Board hearing.
- 11. Respondent acknowledges he has read the Stipulation. Respondent acknowledges he has been advised he has the right to have this matter reviewed by independent counsel and he has had ample opportunity to seek independent counsel. Respondent has been specifically informed he should seek independent counsel and advice of independent counsel would be in Respondent's best interest. Having been advised of his right to independent counsel, as well as having had the opportunity to seek independent counsel, Respondent hereby acknowledges, by his


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1 own free will, he is consenting to the Stipulation without independent counsel. DW

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

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

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

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

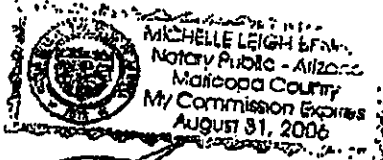
13 16. This Stipulation will be considered by the Board in an open meeting. It is understood
14 and stipulated the Board is free to accept or reject the Stipulation and, if the Stipulation is rejected
15 by the Board, further disciplinary action may be implemented. This Stipulation will only become
16 effective when the Board has approved the same in an open meeting. Should the Board adopt this
17 Stipulation, such adoption shall be considered a final disposition of a contested case and this
18 Stipulation shall become a public record. Respondent acknowledges and agrees of this Stipulation
19 shall be made available for public inspection and copying. Respondent acknowledges and agrees
20 copies of this Stipulation may be disseminated by the Board to the public, or any licensing board
21 or any agency which is investigating Respondent, including but not limited to any law enforcement
22 agency. Respondent agrees and acknowledges this Stipulation shall be reported to the National
23 Practitioners Data Bank.

24 DATED this 8 day of Dec, 2005.

25
26 Duff W. Kaster
27 DUFF W. KASTER, D.D.S.
28 Respondent

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1 SUBSCRIBED and SWORN to before me
2 this 25 day of Jan, 2005.



3 *[Signature]*
4 NOTARY PUBLIC

5 APPROVED AS TO FORM & CONTENT

APPROVED AS TO FORM & CONTENT

6 *[Signature]*
7 JOHN A. HUNT, ESQUIRE
8 Raleigh, Hunt & McGarry, P.C.
9 Board Counsel

[Signature]
DENNIS J. ARCH, D.D.S.
Disciplinary Screening Office/Informal
Hearing Officer

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

12 DATED this 25 day of Jan, 2005.

13 NEVADA STATE BOARD OF DENTAL EXAMINERS

14 *[Signature]*
15 TONY GUIDEN, D.D.S.
16 President

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28 *[Signature]*
DWK

STATE OF NEVADA

BEFORE THE BOARD OF DENTAL EXAMINERS OF NEVADA

NEVADA STATE BOARD OF)
 DENTAL EXAMINERS,)
)
 Complainant,)
)
 -vs-)
)
 DUFF W. KASTER, D.D.S.)
)
 Respondent.)

**THIRD AMENDED
STIPULATION**

IT IS HEREBY STIPULATED AND AGREED between DUFF W. KASTER, D.D.S., (hereinafter "Respondent"), in Proper Person, and the NEVADA STATE BOARD OF DENTAL EXAMINERS (hereinafter "Board") by and through its counsel, LEE A. DRIZIN, ESQ. of the law firm of RALEIGH, HUNT, McGARRY & DRIZIN, P.C. as follows:

1. On May 9, 1997, at a properly noticed meeting, Respondent entered into a Stipulation with the Nevada State Board of Dental Examiners. See Exhibit "1".
2. Pursuant to the Stipulation, Respondent surrendered his Registration Certificate No. BK 065578 with the United States Department of Justice to prescribe controlled substances for Class II, Class III, Class IIN, Class IV and Class V for a period of five (5) years, as well as his license No. CS 4016 with the Nevada State Board of Pharmacy to prescribe controlled substances for a period of five (5) years.
3. On June 1, 2000, at a properly noticed meeting, Respondent entered into an Amended Stipulation with the Nevada State Board of Dental Examiners. This Amended


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Stipulation imposed additional conditions upon Respondent's license, in addition to the conditions set forth in the original Stipulation dated May 9, 1997. See Exhibit "2".

4. Paragraph 15 (B) of the Stipulation dated May 9, 1997 states:

B. Respondent agrees to submit to random sampling of urine and/or bodily fluids, and/or hair for a period of four (4) years when so ordered by the Executive Director of the Board. In addition to the random drug tests which may be ordered during the four (4) year period, during the one year suspension, Respondent will submit to urinalysis testing on the first day of each month at Associated Pathology Laboratories (APL). Should the first day of the month fall on a Saturday or Sunday, Respondent will submit the monthly sample on the first business day of the month. Any test or analysis of bodily fluids taken shall be conducted in such manner that the testing agency shall preserve enough of the sample to allow for subsequent independent confirmatory tests. The results of any tests or analysis of bodily fluids shall be reported to the Board. Respondent shall be responsible for all costs incurred for the analysis of urine, and/or bodily fluids, and/or hair.

5. On May 9, 2001 Respondent was sent notice to present himself to Associated Pathologists Laboratories (APL) for blood, hair and urine testing.

6. On May 15, 2001 Respondent presented himself to APL for testing.

7. The results of the testing indicates Respondent tested "positive" for Amphetamines (Group) in violation of the original Stipulation dated May 9, 1997 and the Amended Stipulation dated June 1, 2000. See Exhibit "3".

8. As a result of testing positive for Amphetamines, Paragraph 15(C) of the Stipulation entered into on May 9, 1997 states:

C. In the event any test or analysis of bodily fluids taken from Respondent pursuant to the terms of this Stipulation is positive, indicating the presence of controlled substances (not pursuant to a valid prescription). Respondent will be notified and allowed to arrange for a subsequent independent confirmatory test. Should the Respondent test positive, Respondent shall voluntarily cease practicing dentistry in the State of Nevada until such time as a full


D.W.K.

Board hearing is held to evaluate the positive findings and subsequent independent confirmatory tests.

9. On May 21, 2001, Respondent was served with the Order requiring Respondent to voluntarily cease practicing dentistry in the State of Nevada until such time as a full Board hearing is held to evaluate the positive findings and/or any subsequent independent confirmatory test. See Exhibit "4".

10. When Respondent was served with the Order of Respondent's obligation to voluntarily cease practicing dentistry in the State of Nevada, Respondent indicated, if possible, he would like to negotiate a settlement on his own behalf. In response, Respondent was informed by Board counsel, John A. Hunt, that it was not in his best interest to proceed in proper person. Respondent was further advised he had a right to have this matter reviewed by independent counsel and to have it reviewed by independent counsel would be in Respondent's best interest. Having been advised of his right to independent counsel, as well as having had an opportunity to seek independent counsel, Respondent, of his own free will, chose to represent himself in proper person in this matter in an attempt to resolve any differences he may have with the Board.

11. Respondent admitted to testing positive for Amphetamines (Group) Ecstasy. Although Respondent admitted to testing positive for the drug identified in Exhibit "3", he believed he ingested this drug under the misconception he was ingesting a Viagra-like substance.

12. Other than the drugs identified in Exhibit "3", it was Respondent's belief he has taken no other illegal or unprescribed drug.

13. As a mitigating circumstance, Disciplinary Screening Officer, Dennis J. Arch, D.D.S., advised the Board that during the last four (4) years Respondent had never tested positive for any other illegal or unprescribed drugs during previously scheduled and/or random testing


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previously initiated.

14. On June 14, 2001, at a properly noticed meeting, Respondent entered into the Second Amended Stipulation with the Nevada State Board of Dental Examiners. See Exhibit "5". Based upon Respondent's admission that he violated the Stipulation and Amended Stipulation, Respondent agreed to an additional suspension of sixty (60) days commencing May 21, 2001. In addition, Respondent agreed to submit to random sampling of urine, hair and/or bodily fluids for an additional three (3) years.

15. On April 23, 2002 Respondent was sent notice to present himself to Associated Medical Laboratories (AML) for blood, hair and urine testing.

16. On April 24, 2002 Respondent presented himself to APL for testing.

17. The results of the testing indicates Respondent tested "positive" for Amphetamines (Group) in violation of the original Stipulation dated May 9, 1997, the Amended Stipulation dated June 1, 2000 and the Second Amended Stipulation dated June 14, 2001.

18. At the request of Respondent, on May 7, 2002 a second hair analysis was done and the results of the testing indicates Respondent tested "positive" for Amphetamines (Group) in violation of the original Stipulation dated May 9, 1997, the Amended Stipulation dated June 1, 2000 and the Second Amended Stipulation dated June 14, 2001.

19. As a result of testing positive for Amphetamines, Paragraph 15(b) of the Second Amended Stipulation entered into on June 14, 2001 states:

b. In the event any test or analysis of bodily fluids taken from Respondent, pursuant to the terms of this Second Amended Stipulation, is positive, indicating the presence of controlled substances (not pursuant to a valid prescription), Respondent will be notified. Should the Respondent test positive, Respondent's license to practice dentistry in the State of Nevada shall automatically be revoked without any further action of the Board


D.W.K.

other than the issuance of an appropriate Order of Revocation by the Board's Executive Director.

20. On May 1, 2002, Respondent was served with the Order requiring Respondent to voluntarily cease practicing dentistry in the State of Nevada until such time as a full Board hearing is held to evaluate the positive findings and/or any subsequent independent confirmatory test. See Exhibit "6".

21. Respondent petitioned the Board for reinstatement of his license and to appear before the Board at their public meeting to be held on May 31, 2002.

22. At a properly noticed public hearing of the Board held on May 31, 2002 Respondent appeared and presented a report from the Coleman Group, Dr. Victoria D. Coleman, and also testified he had an independent hair analysis which also produced a positive for Amphetamines. After consideration by the Board Members, Respondent's petition for reinstatement of his license was denied.

23. The Respondent subsequently attended and received treatment and counseling at the Betty Ford Clinic.

24. As a result of Respondent's violation of the Second Amended Stipulation and subsequent cessation of practice of dentistry pursuant to an Order of the Executive Director, and in consideration of his efforts to address his drug problem, the Respondent's license shall be reinstated by the Board providing Respondent abides by the following conditions.

a. Respondent agrees to enroll in and abide by the rules of the Nevada Health Professionals Assistance Foundation Diversion Program (the "After-Care Program").

b. Following Respondent's execution of a contract for monitoring, counseling and assistance and waiver of confidentiality for enrollment in the After-Care Program, Respondent may apply to the Board for reinstatement of his license to practice dentistry in the


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State of Nevada.

c. Respondent agrees to surrender his Registration Certificate No. BK065578 with the United States Department of Justice, D.E.A., to prescribe controlled substances for Class II, Class IIN, Class III, Class IIN, class IV, and Class V for a period of three (3) years. In the event Respondent complies with all the terms of this Stipulation, at the end of the three (3) year period, Respondent may apply to the D.E.A. to have his prescription privileges reinstated.

d. Respondent agrees to surrender his license No. CS4016 with the Nevada State Board of Pharmacy to prescribe controlled substances for Class II, Class IIN, Class III, Class IIN, Class IV, and Class V for a period of three (3) years. In the event Respondent complies with all the terms of this Stipulation, at the end of the three (3) year period, Respondent may apply to the Nevada State Board of Pharmacy to have his prescription privileges reinstated.

e. Respondent further agrees in the event he fails to surrender said licenses within ten (10) days as set forth in subparagraphs c and d herein or in the event the Board's Executive Director has substantial evidence to believe Respondent has either issued or has caused to be issued prescriptions for controlled substances identified as Class II, Class IIN, Class III, Class IIN, Class IV and Class V during the remaining term of his probationary period as set forth in the Third Amended Stipulation, the Executive Director, without any further hearing or action by the Board, shall issue an order revoking Respondent's license to practice dentistry in the State of Nevada. Thereafter, Respondent may request a hearing before the Board but during the pendency of the hearing before the Board, Respondent waives any right to seek judicial review to reinstate his privilege to practice dentistry in the State of Nevada pending a final Board hearing.

f. Following the reinstatement of Respondent's license, Respondent agrees to the following:

i. Pursuant to NRS 631.350(g), Respondent agrees to submit to random sampling of urine, hair and/or bodily fluids for an additional five (5) years when so ordered by the Executive Director of the Board effective upon adoption of this Third Amended Stipulation. This random sampling of urine, hair and/or bodily fluids will be under direct observation and any test or analysis of bodily fluids


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taken shall be conducted in such a manner that the testing agency shall preserve enough of the sample to allow for subsequent independent confirmatory tests. The results of any tests or analysis of bodily fluids shall be reported to the Board. Respondent shall be responsible for all costs incurred for the analysis of urine, hair and/or bodily fluids.

ii. In the event any test or analysis of bodily fluids taken from Respondent, whether pursuant to the request of the Executive Director or the After-Care Program, is positive, indicating the presence of controlled substances (not pursuant to a valid prescription), Respondent will be notified. Should the Respondent test positive, Respondent's license to practice dentistry in the State of Nevada shall automatically be revoked without any further action of the Board other than the issuance of an appropriate Order of Revocation by the Board's Executive Director.

iii. Respondent authorizes and shall execute any consent necessary which authorizes reports generated by the urinalysis and/or bodily fluids, and/or hair testing and any substance abuse evaluation reports, and any status reports rendered by individuals treating Respondent to be furnished to the Executive Director of the Board. In the event of a violation in the form of a confirmed, positive test result, all reports previously submitted to the Board will become public record and be available for use by the Board in connection with any subsequent action of the Board.

iv. Should Respondent fail to present himself for random drug testing when directed by the Executive Director of the Board or the After-Care Program, within twenty-four (24) hours of said direction by the Executive Director or After-Care Program, Respondent's license to practice dentistry in the State of Nevada will be revoked indefinitely without any other action by the Board other than the issuance of an appropriate Order of Revocation by the Board's Executive Director.


D.W.K.

v. Should Respondent fail to complete the After-Care Program or upon receipt of notice that Respondent has failed to comply with the terms of the contract with the After-Care Program, Respondent's license to practice dentistry in the State of Nevada will be revoked indefinitely without any further action by the Board other than the issuance of an appropriate Order of Revocation by the Board's Executive Director.

vi. Respondent agrees pursuant to NRS 631.350(d) and (h), Respondent shall be placed on probation for a period of five (5) years with Respondent's practice being supervised and monitored effective upon the Board's adoption of this Third Amended Stipulation. Respondent agrees that during the five (5) year probation/supervisory period, Respondent shall allow either the Executive Director of the Board and/or an agent appointed by the Board's Executive Director to inspect Respondent's records to ensure compliance with this Third Amended Stipulation. Such inspections shall be performed, without notice, during normal business hours. Respondent further agrees during the period of probation and supervision, Respondent shall maintain a list of any prescriptions issued to any of Respondent's patients by any other licensed dentist in the State of Nevada. The list of prescriptions issued to Respondent's patients by any other licensed dentist in the State of Nevada shall include the following:

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

Respondent's failure to accurately maintain the list of prescriptions issued to his patients by any other licensed dentist in the State of Nevada shall be deemed unprofessional conduct and in violation of


D.W.K.

this Third Amended Stipulation and shall be considered by the Board in determining whether or not to revoke Respondent's license to practice dentistry in the State of Nevada.

vii. Respondent agrees to pay the Nevada State Board of Dental Examiners the sum of \$5,000.00, upon approval of this Stipulation by the Board, to reimburse the Board for the costs incurred for this Stipulation and the cost to be incurred in the future to monitor and enforce this Stipulation. Specifically, this amount shall not be deemed a fine and shall not be reported to the National Practitioners Data Bank. This amount is due and payable in two equal installments. The first payment shall be due thirty (30) days after the adoption of this Third Amended Stipulation by the Board. The second payment shall be due sixty (60) days after the first payment. In the event Respondent fails to pay the agreed upon amount, Respondent agrees his license to practice dentistry in the State of Nevada shall be automatically suspended without any further action of the Board other than issuance of an order by the Executive Director. Upon payment of any default, Respondent's license to practice dentistry in the State of Nevada will be automatically reinstated.

g. All provisions of the original Stipulation entered into with the Board on May 9, 1997, the Amended Stipulation dated June 1, 2000 and the Second Amended Stipulation dated June 14, 2001 shall remain in full force and effect.

h. Respondent further agrees, in the event the Board has to initiate any legal proceedings to enforce payment of the reimbursement amount or in the event the Board has to seek injunctive relief in the event Respondent fails to voluntarily cease practicing dentistry in the State of Nevada, Respondent shall be responsible for legal fees and costs incurred by the Board in any such proceedings.

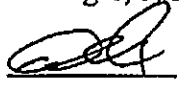
CONSENT

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


D.W.K.

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

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

28. Respondent acknowledges he has read the Stipulation. Respondent acknowledges he has been advised he has the right to have this matter reviewed by independent counsel and he has had ample opportunity to seek independent counsel. Respondent has been specifically informed he should seek independent counsel and advice of independent counsel would be in Respondent's best interest. Having been advised of his right to independent counsel, as well as having had the opportunity to seek independent counsel, Respondent hereby acknowledges, by his own free will, he is consenting to the Stipulation without independent counsel. 
D.W.K.

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

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

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

32. Respondent agrees in the event the Board adopts this Stipulation he hereby waives


D.W.K.

any and all rights to seek judicial review or otherwise to challenge or contest the validity of the provisions contained in the Stipulation.

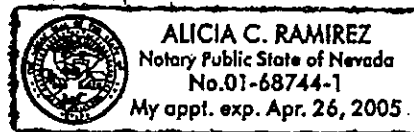
33. This Stipulation will be considered by the Board in an open meeting. It is understood and stipulated the Board is free to accept or reject the Stipulation and, if the Stipulation is rejected by the Board, further disciplinary action may be implemented. This Stipulation will only become effective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

DATED this 14 day of Nov, 2002.

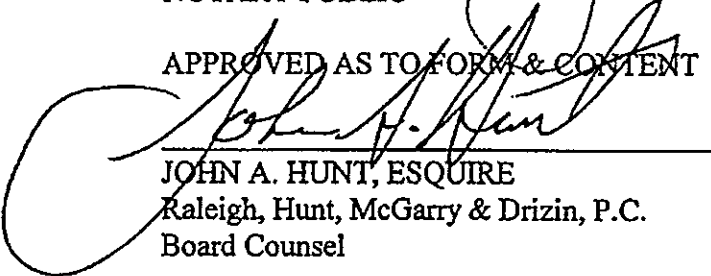

DUFF W. KASTER, D.D.S.
Respondent

SUBSCRIBED and SWORN to before me
this 14th day of November, 2002.

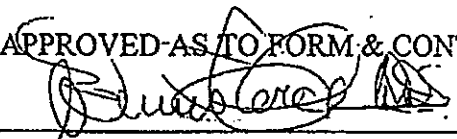

NOTARY PUBLIC



APPROVED AS TO FORM & CONTENT


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

APPROVED AS TO FORM & CONTENT

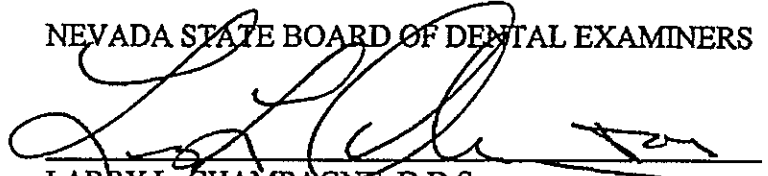

DENNIS J. ARCH, D.D.S.
Disciplinary Screening Office/Informal
Hearing Officer


D.W.K.

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

DATED this 15th day of Nov, 2002.

NEVADA STATE BOARD OF DENTAL EXAMINERS



LARRY L. CHAMPAGNE, D.D.S.
President

S:\Joanne.B\wp5\IDENTAL\KASTER\0b amended stipulation.wpd



D.W.K.

EXHIBIT "1"

Case No. 97-37

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STATE OF NEVADA

BEFORE THE BOARD OF DENTAL EXAMINERS OF NEVADA

NEVADA STATE BOARD OF)
DENTAL EXAMINERS,)
)
Complainant,)
)
-vs-)
)
DUFF W. KASTER, D.D.S.)
)
Respondent.)
_____)	

STIPULATION

IT IS HEREBY STIPULATED AND AGREED between DUFF W. KASTER, D.D.S., (hereinafter "Respondent") and his counsel, NEIL BELLER, ESQ. and the NEVADA STATE BOARD OF DENTAL EXAMINERS (hereinafter "Board") by and through its counsel, JOHN A. HUNT, ESQ. of the law firm of RALEIGH, HUNT & McGARRY, P.C. as follows:

1. On December 9, 1996, the Nevada State Board of Dental Examiners received a verified complaint from Keith W. McDonald, Executive Secretary of the Nevada State Board of Pharmacy regarding the prescription practices of Respondent dated December 5, 1996. (See Exhibit "1").
2. On January 21, 1997, the Respondent was informed by the Nevada State Board of Dental Examiners of the verified complaint of Keith W. McDonald, Executive Secretary of the Nevada State Board of Pharmacy. (See Exhibit "2").
3. On January 28, 1997, Dr. Kaster presented himself for drug testing at Associated


D.K.



Law Of
RALEIGH, HUNT & MCGARRY, P.C.
508 B. CARL AVENUE,
SUITE 1108
LAS VEGAS, NEVADA 89101
(702) 586-1844

Law
RALEIGH, HUNT & MCGARRY, P.C.
808 E. CARSON AVENUE,
SUITE 1108
LAS VEGAS, NEVADA 89101
(703) 866-4844

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Pathologists Laboratories. (See Exhibit "3").


4. On January 29, 1997, Dr. Kaster presented himself for hair, blood and urine drug analysis. The results of the analysis of Dr. Kaster's blood, urine and hair are attached as Exhibit "4" and "5").

5. Thereafter, Dr. Kaster's attorney, Neil Beller, Esq. and the Board's attorney, John A. Hunt, Esq. entered into negotiations in order to protect the interests of the citizens of the State of Nevada and Dr. Kaster's due process rights. As a result of these negotiations, Dr. Kaster, by and through his attorney, Neil Beller, Esq. Respondent informally agreed to refrain from writing any prescriptions for controlled substances for Class II, Class II-N, Class III, Class III-N, Class IV and Class V. In addition, Dr. Kaster agreed to informally temporarily refrain from practicing dentistry in the State of Nevada.

6. Subsequent to those negotiations, on February 5, 1997, Dr. Kaster presented himself to Associated Pathologists Laboratories for a profile 807 blood test for drug analysis. The results of the blood test are attached as Exhibit "6". The 807 blood test was the same type of blood test which was performed on January 29, 1997. (See Exhibit "4"). Dr. Kaster did not have a urine and hair analysis performed on February 5, 1997.

7. At this time, it is alleged that Respondent violated NRS 631.3475(5), which states the following acts, among others, constitute unprofessional conduct;

"5. Administering, dispensing or prescribing of any controlled substance or any dangerous drug as defined in chapter 454 of


D.K.

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(702) 680-1614

1 NRS, if it is not required to treat the dentist's patients;...."

2 8. At this time, it is alleged Respondent violated NAC 631.230(b) which states the
3 following acts, among others, constitute unprofessional conduct;

4
5 "(b) Writing prescriptions for controlled substances in an
6 excessive amount as to constitute a departure from the
7 prevailing standards of exceptional dentistry practice."

8 9. At this time, it is alleged Respondent violated NAC 631.230(1)(d) which states the
9 following acts, among others, constitute unprofessional conduct;

10
11 "(1)(d) The acquisition of any controlled substances from
12 any pharmacy or other source, by misrepresentation, fraud,
13 deception or subterfuge."

14 10. Based upon the allegations contained in Paragraphs Seven (7), Eight (8) and Nine
15 (9) stated above, Respondent hereby voluntarily agrees he will not prescribe any controlled
16 substances for Class II, Class II-N, Class III, Class III-N, Class IV and Class V until such time as
17 a written agreement is entered into between the Respondent and the Board. In the event the
18 Board does not reach a written agreement or, in the event a full board hearing is not convened
19 within three (3) months of the Board's adopting of this Stipulation, the Respondent will be free to
20 resume prescribing the controlled substances stated above. Respondent's resumption of his
21 prescription privileges is conditioned on the fact that the Board has not obtained injunctive relief
22 from the Eighth Judicial District Court or that Respondent's prescription privileges have not either
23 been suspended and/or revoked by either the DEA or the Nevada State Board of Pharmacy.

24
25
26 11. Based upon the allegations contained in Paragraphs Seven (7), Eight (8) and Nine
27

28 
D.K.

Law Of
RALEIGH, HUNT & MCGARRY, P.C.
808 E. CARSON AVENUE,
SUITE 1108
LAS VEGAS, NEVADA 89101
(702) 886-1818

1 (9) stated above, Respondent voluntarily agrees he will not practice dentistry in the State of
2 Nevada as set forth in NRS 631 and NAC 631 until such time as a written agreement is entered
3 into between the Respondent and the Nevada State Board of Dental Examiners. In the event the
4 Board does not enter into a written agreement with the Respondent and/or in the event the Board
5 does not convene a full Board hearing within three (3) months of the Board adopting this
6 Stipulation, the Respondent may resume the practice of dentistry in the State of Nevada.
7 Respondent's resumption is conditioned of the fact that the Board has not obtained injunctive
8 relief preventing Respondent from practicing dentistry from the Eighth Judicial District Court,
9 State of Nevada. Respondent shall cease practicing dentistry in the State of Nevada for fourteen
10 (14) days from Respondent executing this Stipulation. During the fourteen (14) day period, the
11 Board may designate an agent to monitor Respondent's practice.
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14
15 12. In the event Respondent practices dentistry and/or writes prescriptions for
16 controlled substances as defined above, in Paragraphs Ten (10) and Eleven (11), Respondent
17 hereby stipulates to revocation of his license to practice dentistry in the State of Nevada without
18 any further action by the Board, other than appropriate order of revocation executed by the
19 Board's President.
20

21
22 13. Respondent has read all the provisions contained in this Stipulation and agrees
23 with them in their entirety.
24

25
26 14. Respondent is aware that by entering into this Stipulation, he is waiving certain
27 valuable due process rights contained in, but not limited to, NRS 631, NAC 631, NRS 233B and
28


D.K.

Law Office of
RALEIGH, HUNT & MCGARRY, P.C.
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SUITE 1108
LAS VEGAS, NEVADA 89101
(702) 586-4888

1 NAC 233B.
2

3 15. Respondent specifically waives any rights to challenge any members of the Board
4 for bias on the basis of the Board's discussion to approve or reject this Stipulation.
5

6 16. Respondent has reviewed every provision of this Stipulation with his attorney,
7 NEIL BELLER, ESQ. and has been advised of the ramifications of each provision of this
8 Stipulation.
9

10 17. Respondent acknowledges he is consenting to the Stipulation voluntarily, without
11 coercion or duress and in the exercise of his own free will.
12

13 18. This Stipulation will be considered by the Board in an open meeting. It is
14 understood and stipulated the Board is free to accept or reject the Stipulation and, if the
15 Stipulation is rejected by the Board, further disciplinary action may be implemented. This
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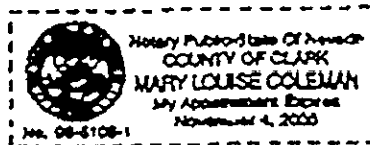
1 Stipulation will only become effective when the Board has approved the same in an open meeting.

2 DATED this 24 day of February, 1997.

3
4 
5 DUFF W. EASTER, D.D.S.

6
7
8 SUBSCRIBED and SWORN to before me
9 this 24th day of February, 1997.

10 Mary Louise Coleman
11 NOTARY PUBLIC in and for said
12 County and State



13
14 APPROVED AS TO FORM & CONTENT:
15 Neil Beller
16 NEIL BELLER, ESQ.
17 Respondent's attorney

14 APPROVED AS TO FORM & CONTENT
15 John A. Hunt
16 JOHN A. HUNT, ESQ.
17 Complainant's attorney

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

20
21 DATED this 6th MARCH day of February, 1997

22 NEVADA STATE BOARD OF DENTAL
23 EXAMINERS

24 Susan Jancar
25 SUSAN JANCAR, President

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EXHIBIT "2"

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Case No. 00-329

STATE OF NEVADA

BEFORE THE BOARD OF DENTAL EXAMINERS OF NEVADA

NEVADA STATE BOARD)
OF DENTAL EXAMINERS,)
)
Complainant,)
)
vs.)
)
DUFF KASTER, D.D.S.,)
)
Respondent.)

AMENDED STIPULATION

RALEIGH, HUNT & MCGARRY, P.C.
302 E. CARSON AVENUE
SUITE 1102
LAS VEGAS, NEVADA 89101
(702) 366-1842

IT IS HEREBY STIPULATED AND AGREED by and between DUFF KASTER, D.D.S. (hereinafter "Respondent"), in Proper Person, and THE NEVADA STATE BOARD OF DENTAL EXAMINERS (hereinafter "Board") by and through its counsel JOHN A. HUNT, ESQ., of the law firm of RALEIGH, HUNT & MCGARRY, P.C., as follows:

1. On May 9, 1997, at a properly noticed meeting, Respondent entered into a Stipulation with the Nevada State Board of Dental Examiners. Attached as Exhibit "1".

2. Paragraph 15 (G) and (H) of the Stipulation states:

G. Due to Respondent's admission of violations of NRS 631 and NAC 631 contained in Paragraphs 10 through 15, Respondent agrees to surrender his Registration Certificate No. BK 065578 with the United States Department of Justice, D.E.A., to prescribe controlled substances for Class II, Class IIN, Class III, Class IIN, Class IV, and Class V for a period of five (5) years. In the event Respondent complies with all the terms of this



DWK

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312 E. CARSON AVENUE
SUITE 1112
LAS VEGAS, NEVADA 89101
(702) 386-1812

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Stipulation, at the end of the five (5) year period Respondent may apply to the D.E.A. to have his prescription privileges reinstated.

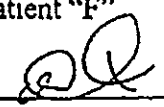
H. Due to Respondent's admission of violations of NRS 631 and NAC 631 contained in Paragraphs 10 through 15, Respondent agrees to surrender his license No. CB 4016 with the Nevada State Board of Pharmacy to prescribe controlled substances for Class II, Class IIN, Class III, Class IIIN, Class IV, and Class V for a period of five (5) years. In the event Respondent complies with all the terms of this Stipulation, at the end of the five year period Respondent may apply to have his prescription writing privileges with the State Board of Pharmacy reinstated.

3. Since entering into the Stipulation, the Board has obtained substantial evidence that the Respondent caused to be issued prescriptions in violation of Paragraph 15 (G) and (H) of the Stipulation.

4. On March 28, 2000, a prescription profile was requested from the Controlled Substance Task Force for any prescriptions requested or issued by Respondent from January 1, 1999 to the present. The results of the inquiry indicates no prescriptions were issued in the name of Respondent during this period. On March 28, 2000, a prescription profile was requested from the Controlled Substance Task Force regarding Dr. Ransdell for the periods of May 29, 1999 to June 14, 1999, November 3, 1999 to November 15, 1999, and January 1, 2000 to January 17, 2000.

5. As a result, an investigation was conducted wherein it was found that at the direction of Respondent, prescriptions for controlled substances were issued for patients as follows:

<u>PATIENT:</u>	<u>CONTROLLED SUBSTANCE</u>	<u>DATE</u>
Patient "A"	Lorcet	06/03/99
Patient "B"	APA/Hydrocodone Bitartrate	06/08/99
Patient "C"	APA/Hydrocodone Bitartrate	06/14/99
Patient "D"	APA/Hydrocodone Bitartrate	01/07/00
Patient "E"	Hydrocodone/IBUPRO	01/09/00
Patient "F"	Diazepam	01/11/00



DWK

1	Patient "G"	APA/Hydrocodone Bitartrate	01/12/00
2	Patient "H"	APA/Hydrocodone Bitartrate	01/18/00
3	Patient "I"	APA/Hydrocodone Bitartrate	01/20/00

4 Respondent has been informed of the names which correspond to the patients identified as
5 A through I.

6 6. On March 28, 2000, the dental records for the patients identified in Paragraph 4
7 above, were reviewed by the Informal Hearing Officer. Based upon that review the Informal
8 Hearing Officer finds that Respondent caused to be issued controlled substances to the patients
9 identified in Paragraph 4, above, in violation of Paragraph 15 (G) and (H) of the Stipulation entered
10 into with the Board on May 9, 1997.

11
12 7. The method Respondent used to cause prescriptions to be issued to the patients listed
13 in Paragraph 4 was as follows:

14 Currently Respondent shares business space with Nevada licensee, Tracy Ransdell, D.D.S.
15 From May 29, 1999 through June 14, 1999, Dr. Ransdell was vacationing outside the geographical
16 jurisdiction of the United States. From January 1, 2000 until January 17, 2000, Dr. Ransdell was
17 vacationing was outside the geographical Jurisdiction of the United States. During the time frames
18 identified above, unbeknownst to Dr. Ransdell, Respondent caused prescriptions to be issued to the
19 patients identified in Paragraph 4 by ordering those prescriptions pursuant to the DEA and Nevada
20 prescription license of Dr. Ransdell.
21

22
23 8. The Informal Hearing Officer having reviewed the prescriptions issued to patients
24 A through I, identified in Paragraph 4, is of the opinion these prescriptions were related to a valid
25 dental treatment. After conducting the preliminary investigation, the Informal Hearing Officer
26

27 

28 DWK

RAJJEIGI, HUNT & McCARRY, P.C.
302 E. CARSON AVENUE
SUITE 1102
LAS VEGAS, NEVADA 89101
(702) 386-1842

Law Office of
RALPH GILL, HUNT & MCGARRY, P.C.
302 E. CARSON AVENUE
SUITE 1102
LAS VEGAS, NEVADA 89101
(702) 386-1812

1 caused the Board's Executive Director to issue notice to the Respondent requiring him to submit to
2 a hair, urine, and blood sample for illegal and non-prescribed prescription drugs on March 28, 2000.
3 Thereafter, on March 29, 2000, Respondent presented himself for a hair, urine, and blood sample
4 for illegal and non-prescribed prescription drugs. The results of the test were negative for all illegal
5 and non-prescribed prescription drugs.
6

7 9. Based upon the limited investigation conducted to date, Respondent admits he
8 violated Paragraph 15 (G) and (H) of the Stipulation entered into with the Board on May 9, 1997
9 when Respondent caused to be issued controlled substances to patients A through I identified in
10 Paragraph 4 of this Amended Stipulation.
11

12 10. Due to Respondent's admitted violation of the Stipulation entered into with the Board
13 on May 9, 1997, pursuant to NRS 631.350(b), Respondent agrees to the suspension of his license
14 to practice dentistry in the State of Nevada for a period of thirty (30) days. The thirty (30) days
15 suspension shall be effective upon adoption of this Amended Stipulation by the Board. Respondent
16 shall physically deliver his license to the Board's Executive Director, located at 2295-B Renaissance
17 Drive, Las Vegas, Nevada 89119, upon approval of this Amended Stipulation by the Board.
18

19 11. Due to Respondent's admitted violation of the Stipulation entered into with the Board
20 on May 9, 1997, pursuant to NRS 631.350 (c), Respondent agrees to pay a fine to the Board in the
21 amount of \$1000.00. Said fine shall be due and payable upon adoption of this Amended Stipulation.
22 In the event Respondent fails to pay the fine, Respondent shall cease practicing dentistry in the State
23 of Nevada until such time as the fine has been paid in full.
24

25 12. Due to Respondent's admitted violation of the Stipulation entered into with the Board
26

27 
28 DWK

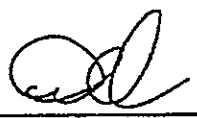
Law
RALPH H. HUNT, P.C.
302 E. CARSON AVENUE
SUITE 1102
LAS VEGAS, NEVADA 89101
(702) 386-1812

1 on May 9, 1997, Respondent agrees to reimburse the Board the sum of \$2000.00 for the costs of this
2 investigation. Said reimbursement shall be due and payable within sixty (60) days upon adoption
3 of this Amended Stipulation. In the event Respondent fails to reimburse the Board for the costs of
4 this investigation within sixty (60) days of the adoption, Respondent agrees to cease practicing
5 dentistry in the State of Nevada until such time as the reimbursement amount is paid in full.
6

7 13. Respondent further agrees, in the event the Board has to initiate any legal proceedings
8 to enforce payment of either the fine or the reimbursement amount or ~~if~~ the event the Board has to
9 seek injunctive relief in the event Respondent fails to voluntarily cease practicing dentistry in the
10 State of Nevada, Respondent shall be responsible for legal fees and costs incurred by the Board in
11 any such proceedings.
12

13 14. Respondent further agrees, in the event the Board's Executive Director has substantial
14 evidence to believe Respondent has either issued or has caused to be issued prescriptions for
15 controlled substances identified as Class II, Class IIN, Class III, Class IIIN, Class IV, and Class V
16 during the remaining term of his probationary period as set forth in the Stipulation entered into with
17 the Board on May 9, 1997, the Executive Director without any further hearing or action by the Board
18 shall issue an order revoking Respondent's license to practice dentistry in the State of Nevada.
19 Thereafter, Respondent may request a hearing before the Board but during the pendency of the
20 hearing before the Board, Respondent waives any right to seek judicial review to reinstate his
21 privilege to practice dentistry in the State of Nevada pending a final Board hearing.
22

23 15. To the best of the Informal Hearing Officer's knowledge, Respondent has complied
24 with all of the other provisions of the Stipulation entered into with the Board on May 9, 1997.
25

26 

27 DWK

Law Office of
RALEIGH HUNT GARRY, P.C.
302 E. CARSON AVENUE
SUITE 1102
LAS VEGAS, NEVADA 89101
(702) 386-4842

1 16. Respondent further agrees, by entering into this Amended Stipulation, the Board is
2 not waiving any right to enforce any of the other provisions contained in the Stipulation entered into
3 with the Board on May 9, 1997.

4
5 17. Respondent further agrees all of the other provisions contained in the Stipulation
6 entered into with the Board on May 9, 1997, shall remain in full force and effect.

7 18. Respondent further agrees, pursuant to NRS 631.350 (h), Respondent's practice shall
8 be supervised. This period of supervision shall commence upon adoption of this Amended
9 Stipulation and shall run concurrently with the Stipulation entered into with the Board on May 9,
10 1997 to ensure Respondent's prescription practices are in compliance with this Amended Stipulation
11 and all other provisions which have been agreed to pursuant to the Stipulation entered into with the
12 Board on May 9, 1997. During the period of supervision, Respondent shall allow either the Informal
13 Hearing Officer and/or the Executive Director of the Board and/or an agent appointed by the Board
14 to inspect Respondent's records to assure compliance with this Amended Stipulation and the
15 Stipulation entered into with the Board on May 9, 1997. Such inspection shall be performed,
16 without notice, during normal business hours. Respondent shall maintain, during the supervision
17 period, a list of any prescriptions issued to any of Respondent's patients by any other licensed dentist
18 in the State of Nevada. The list of prescriptions issued to Respondent's patients by any other
19 licensed dentist in the State of Nevada shall include the following:
20
21

- 22
- 23 a. patient's name;
 - 24 b. date of issuance;
 - 25 c. name of dentist who issued prescription;
 - 26 d. units and amount of controlled substance issued;
 - 27 e. reason for issuing the controlled substance.

26
27 
28 DWK

1 Respondent's failure to accurately maintain the list of prescriptions issued to his patients by
2 any other licensed dentist in the State of Nevada shall be deemed unprofessional conduct and in
3 violation of this Amended Stipulation and shall be considered by the Board in determining whether
4 or not to revoke Respondent's license to practice dentistry in the State of Nevada.
5

6 CONSENT

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


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

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

15 22. Respondent acknowledges he has read the Stipulation. Respondent acknowledges
16 he has been advised he has the right to have this matter reviewed by independent counsel and he has
17 had ample opportunity to seek independent counsel. Having been advised of his right to independent
18 counsel, as well as had the opportunity to seek independent counsel, Respondent hereby
19 acknowledges, by his own free will, he is consenting to the Stipulation without independent counsel.
20

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

24 24. Respondent agrees in the event the Board adopts this Stipulation he hereby waives
25 any and all rights to seek judicial review or otherwise to challenge or contest the validity of the
26

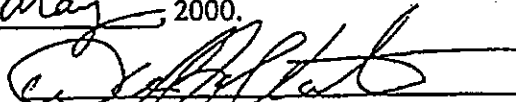
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RALEIGH, HUNT & GARRY, P.C.
302 E. CARSON AVENUE
SUITE 1102
LAS VEGAS, NEVADA 89101
(702) 386-4842

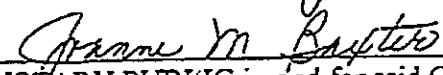
1 provisions contained in the Stipulation.

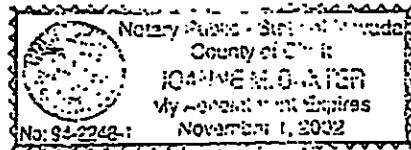
2 25. This Stipulation will be considered by the Board in an open meeting. It is understood
3 and stipulated the Board is free to accept or reject the Stipulation and, if the Stipulation is rejected
4 by the Board, further disciplinary action may be implemented. This Stipulation will only become
5 effective when the Board has approved the same in an open meeting. Should the Board adopt this
6 Stipulation, such adoption shall be considered a final disposition of a contested case.
7

8 DATED this 10 day of May, 2000.

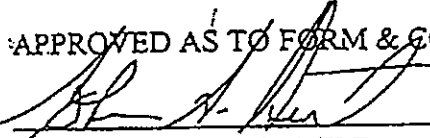
9 
10 DUFF W. KASTER, D.D.S.
11 Respondent

12 SUBSCRIBED and SWORN to before me
13 this 10th day of May, 2000.

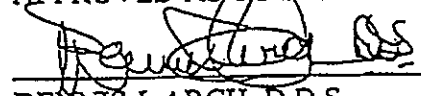
14 
15 NOTARY PUBLIC in and for said County
16 and State



17 APPROVED AS TO FORM & CONTENT

18 
19 JOHN A. HUNT, ESQUIRE
20 Complainant's attorney

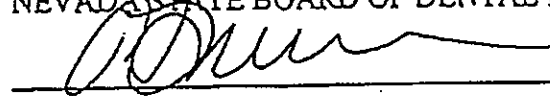
21 APPROVED AS TO FORM & CONTENT

22 
23 DENNIS J. ARCH, D.D.S.
24 Disciplinary Screening Office/Informal Hearing
25 Officer

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

28 DATED this 1st day of JUNE, 2000.

NEVADA STATE BOARD OF DENTAL EXAMINERS


A. TED TWESME, D.D.S.
President


DWK

RALEIGH, HUNT & GARRITY, P.C.
302 E. CARSON AVENUE
SUITE 1102
LAS VEGAS, NEVADA 89101
(702) 380-4842

EXHIBIT "3"



LABORATORY RESULTS

ASSOCIATED PATHOLOGISTS LABORATORIES

Facsimile Copy-

4210 Rumban Avenue, Suite 250
Las Vegas, NV 89119 (702) 733-7865

PATIENT KASTER, DUFF W

PHONET

3486

REFERRED BY

NV STATE BRD OF DENTAL EXMRS.

AGE/SEX

99Y

M

ACCESSION #

01301314

2295-B RENAISSANCE DR.

COLLECTED

05/15/2001 12:50

MED. RECORD #

3500442921

RECEIVED

05/15/2001 22:18

CHART #

828704

LAS VEGAS, NV 89119

TOXNO.

010142334 XM

S.S.#

530-64-3771

XXXXXXXXXXXXXXXXXXXX

TEST NAME - SPECIMEN

(010142335)

PROFILE 800 - URINE

Reason: Random

RESULTS:	Amphetamines	Negative
	Barbiturates	Negative
	Cocaine Metab (Benzoylecgonine)	Negative
	Opiates	Negative
	Phencyclidine (PCP)	Negative
	THC Carboxylic Acid (Marijuana)	Negative
	Alcohol (Ethanol)	Negative
	Nitrite Adulteration	Negative
	Chromium Adulteration	Negative

This specimen was screened by enzyme immunoassay (except for alcohol, which is screened by enzymatic assay). Positives were confirmed by gas chromatography-mass spectrometry (GC/MS) (except for alcohol, which is confirmed by gas chromatography) at the following screening/confirmation cutoffs:

Drug	Screen/Confirm
Amphetamines	500/500 ng/mL
Barbiturates	500/500 ng/mL
Cocaine Metabolite	300/150 ng/mL
Delta-9-THC COOH	50/15 ng/mL
Opiates	300/300 ng/mL
Phencyclidine (PCP)	25/25 ng/mL
Alcohol (Ethanol)	0.02/0.02 gml

In addition to the above, urine samples are screened and confirmed for the presence of common adulterants.

APL

LABORATORY RESULTS

ASSOCIATED PATHOLOGISTS LABORATORIES

Facsimile Copy

4210 Burnham Avenue, Suite 250
Las Vegas, NV 89119 (702) 733-7666

PATIENT KASTER, DUFF W

PHONET 3486

REFERRED BY NV STATE BRD OF DENTAL EXMNRS.

AGE/SEX 99Y M

ACCESSION # 01301314

2295-B RENAISSANCE DR.

COLLECTED 05/15/2001 12:58 MED. RECORD # 3500442921

RECEIVED 05/15/2001 22:18

CHART # 828704

LAS VEGAS, NV 89119

TOXNO. 010142334 XM

S.S.# 530-64-3771

XXXXXXXXXXXXXXXXXXXX

TEST NAME - SPECIMEN (010142334)

PROFILE 870 - HAIR Reason: Random

RESULTS:	Amphetamines (Group)	**POSITIVE**
	Cocaine/Metabolite(s) . . .	Negative
	Opiates (Group)	Negative
	Phencyclidine (PCP)	Negative
	Cannabinoids (Marijuana)	Negative

*FINDINGS: - MDMA (Ecstasy) IDENTIFIED

This specimen was screened by immunoassay (IA). Positives were confirmed by gas chromatography-mass spectrometry (GC/MS) or GC/MS/MS at the following screening/confirmation cutoffs:

Drug	Screen/Confirm
Methamphetamine/Amphetamine/MDMA	300/300 pg/mg
Cocaine/Metabolite	300/300 pg/mg
Identified Opiates	500/500 pg/mg
THC	5/5 pg/mg
THC-COOH	/0.1 pg/mg
Phencyclidine (PCP)	300/300 pg/mg

If a drug was reported negative, it means that either no drug was detected, or if a drug was detected, it was present at a concentration less than the laboratory's established cutoff level.



AMERICAN MEDICAL LABORATORIES, INC. •

4230 Burnham Ave.
Las Vegas, Nevada 89119
(702) 733-3790 • (800) 433-2760
www.aml.com

James A. Bourland, Ph.D
Technical Director, Toxic

CAP No. 89109-004-011

PATIENT	KASTER, DUFF W	AML ROUTE	PHONET	3486
AGE/SEX	42Y M	REFERRED BY	NY STATE BRD OF DENTAL EXHNR	
COLLECTED	04/24/2002 13:40	ACCESSION NO.	ATTN: WILLIAM BUSCH D.D.S.	
ACCESSIONED	04/24/2002 20:42	MED. RECORD NO.	2275-B RENAISSANCE DR.	
XICOLOGY NO.	020116889 XM	CHART NO.	LAS VEGAS, NV 89119	
		SS NO.	530-64-3771	

TEST NAME - SPECIMEN (020116888)

PROFILE 800 - URINE Reason: Randon

RESULTS:

Amphetamines	Negative
Barbiturates	Negative
Cocaine Metab (Benzoylcegonine)	Negative
Opiates	Negative
Phencyclidine (PCP)	Negative
THC Carboxylic Acid (Marijuana)	Negative
Alcohol (Ethanol)	Negative
Nitrite Adulteration	Negative
Chromium Adulteration	Negative

This specimen was screened by enzyme immunoassay (except for alcohol which is screened by enzymatic assay). Positives were confirmed by gas chromatography-mass spectrometry (GC/MS) (except for alcohol, which is confirmed by gas chromatography) at the following screening/confirmation cutoffs:

Drug	Screen/Confirm
Amphetamines	500/500 ng/mL
Barbiturates	500/500 ng/mL
Cocaine Metabolite	300/150 ng/mL
Delta-9-THC COOH	50/15 ng/mL
Opiates	300/300 ng/mL
Phencyclidine (PCP)	25/25 ng/mL
Alcohol (Ethanol)	0.02/0.02 g% _X

In addition to the above, urine samples are screened and confirmed for the presence of common adulterants.

PATIENT **KASTER, DUFF W**
 AGE/SEX **42Y M**
 COLLECTED **04/24/2002 13:40**
 ACCESSIONED **04/24/2002 20:42**
 TOXICOLOGY NO. **020114889 XM**

AML ROUTE
 REFERRED BY
 ACCESSION NO. **01531766**
 MED. RECORD NO. **6500363671**
 CHART NO. **03559895**
 SSNO. **530-64-3771**

PHONE
3486
NV STATE BRD OF DENTAL EXMNF
ATTN: WILLIAM BUSCH, D.D.S.
2295-B RENAISSANCE DR.
LAS VEGAS, NV 89119

TOXICOLOGY REPORT
 TEST NAME - SPECIMEN
PROFILE 870 - HAIR Reason: Random

RESULTS:

Anphetamines (Group)	**POSITIVE**
Cocaine/Metabolite(s)	Negative
Opiates (Group)	Negative
Phencyclidine (PCP)	Negative
Cannabinoids (Marijuana)	Negative

***FINDINGS: MDMA (Ecstasy) IDENTIFIED**

This specimen was screened by immunoassay (IA). Positives were confirmed by gas chromatography-mass spectrometry (GC/MS) or GC/MS/MS at the following screening/confirmation cutoffs:

Drug	Screen/Confirm
Methamphetamine/Amphetamine/MDMA	300/300 pg/ng
Cocaine/Metabolite	300/300 pg/ng
Identified Opiates	500/500 pg/ng
THC	/5 pg/ng
THC-COOH	1.0/0.1 pg/ng
Phencyclidine (PCP)	300/300 pg/ng

If a drug was reported negative, it means that either no drug was detected, or if a drug was detected, it was present at a concentration less than the laboratory's established cutoff level.

AML

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200 BURNHAM AVE
LAS VEGAS, NEVADA 89102-6171

03559904



KANTER, CLYDE S
845-11-1111 ATTY W N R
308-3102 10829217
01122744 91003183 148480016328

EST

K A S M P R D U T V W
5 3 0 - 6 4 - 3 7 7 1 (702) 306-3803



NV STATE BOD OF DENTAL EXMNRS. (3486)
2295-B RENAISSANCE DR.
LAS VEGAS, NV 89119
484-7044

01122744

3-13-02

1325



EX1 PROFILE 800 - 7 PANEL URINE DRUG SCREEN

BM

ALL SPECIMEN COLLECTION

- 1. PRE-EMPLOYMENT
- 2. RANDOM
- 3. POST-ACCIDENT
- 4. RELEAS
- 5. OTHER



020070428

TEMPERATURE OF THE SPECIMEN

Temperature of the specimen has been read within 4 minutes. YES NO
Temperature is within range of 90-100 F (32-38 C) YES NO
If not, indicate temperature here: 94

FACILITY NAME
AML Peccole Ranch OPC
DATE TIME 3/13/02 13:30
COLLECTION SITE PHONE NO. 702-4565

DONOR CONSENT CERTIFICATION

I hereby consent to the collection of a urine, blood, or hair sample and its forensic analysis for drugs of abuse. I further authorize the laboratory to release the results of this testing to my employer, prospective employer, my employer's authorized personnel or medical review officer. I certify that I provided this specimen in the collector and that the specimen was sealed in the appropriate container with tamper evident tape in my presence.

Duff Koster
Print Name
[Signature]
Date 3/13/02

COLLECTOR CERTIFICATION

I certify that the specimen identified on this form is the specimen presented to me by the donor providing the information above and that it has been collected, sealed and sealed in the donor's presence. I hereby release this specimen to transport to the laboratory.

Olivia Mc Gary
Print Name
[Signature]
Date 3-13-02

LABORATORY CERTIFICATION

I certify that the specimen received with this form was sealed in the appropriate container with the seal intact, and the identification number and name on this form matches that on the specimen.

[Signature]
Print Name
[Signature]
Date 3/13/02



Specimen ID No. B (Split)



PLACE ONE LABEL ON EACH SPECIMEN COLLECTED.

© 2001 AML - ORIGINAL - SUPPLY COMPANY. SPECIMEN TO LABORATORY - LABORATORY RETAINS.

EXHIBIT "4"

1 Case No. 01-329

2 STATE OF NEVADA

3 BEFORE THE BOARD OF DENTAL EXAMINERS OF NEVADA

4
5 NEVADA STATE BOARD OF)
6 DENTAL EXAMINERS,)
7)
8 Complainant,)
9)
10 -vs-)
11 DUFF W. KASTER, D.D.S.)
12)
13 Respondent.)

SECOND AMENDED STIPULATION

14 IT IS HEREBY STIPULATED AND AGREED between DUFF W. KASTER, D.D.S.,
15 (hereinafter "Respondent"), in Proper Person, and the NEVADA STATE BOARD OF DENTAL
16 EXAMINERS (hereinafter "Board") by and through its counsel, JOHN A. HUNT, ESQ. of the law
17 firm of RALEIGH, HUNT & McGARRY, P.C. as follows:

- 18 1. On May 9, 1997, at a properly noticed meeting, Respondent entered into a
19 Stipulation with the Nevada State Board of Dental Examiners. See Exhibit "1".
- 20 2. On June 1, 2000, at a properly noticed meeting, Respondent entered into an
21 Amended Stipulation with the Nevada State Board of Dental Examiners. This Amended
22 Stipulation imposed additional conditions upon Respondent's license, in addition to the conditions
23 set forth in the original Stipulation dated May 9, 1997. See Exhibit "2".
- 24 3. Paragraph 15 (B) of the Stipulation dated May 9, 1997 states:
25 B. Respondent agrees to submit to random sampling of urine and/or

26
27 
28 D.W.K.

Law Office
RALEIGH, HUNT & GARRY, P.C.
302 E. CARSON AVENUE
SUITE 1102
LAS VEGAS, NEVADA 89101
(702) 386-4842

1 bodily fluids, and/or hair for a period of four (4) years when so ordered by
2 the Executive Director of the Board. In addition to the random drug tests
3 which may be ordered during the four (4) year period, during the one year
4 suspension, Respondent will submit to urinalysis testing on the first day of
5 each month at Associated Pathology Laboratories (APL). Should the first
6 day of the month fall on a Saturday or Sunday, Respondent will submit the
7 monthly sample on the first business day of the month. any test or analysis
8 of bodily fluids taken shall be conducted in such manner that the testing
9 agency shall preserve enough of the sample to allow for subsequent
10 independent confirmatory tests. The results of any tests or analysis of
11 bodily fluids shall be reported to the Board. Respondent shall be
12 responsible for all costs incurred for the analysis of urine, and/or bodily
13 fluids, and/or hair.

14 4. On May 9, 2001 Respondent was sent notice to present himself to Associated
15 Pathologists Laboratories (APL) for blood, hair and urine testing.

16 5. On May 15, 2001 Respondent presented himself to APL for testing.

17 6. The results of the testing indicates Respondent tested "positive" for Amphetamines
18 (Group) in violation of the original Stipulation dated May 9, 1997 and the Amended Stipulation
19 dated June 1, 2000. See Exhibit "3".

20 7. As a result of testing positive for Amphetamines, Paragraph 15(C) of the Stipulation
21 entered into on May 9, 1997 states:

22 C. In the event any test or analysis of bodily fluids taken from
23 Respondent pursuant to the terms of this Stipulation is positive, indicating
24 the presence of controlled substances (not pursuant to a valid prescription).
25 Respondent will be notified and allowed to arrange for a subsequent
26 independent confirmatory test. Should the Respondent test positive,
27 Respondent shall voluntarily cease practicing dentistry in the State of
28 Nevada until such time as a full Board hearing is held to evaluate the
29 positive findings and subsequent independent confirmatory tests.

30 8. On May 21, 2001, Respondent was served with the Order requiring Respondent to
31 voluntarily cease practicing dentistry in the State of Nevada until such time as a full Board hearing


32
33 D.W.K.

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1 is held to evaluate the positive findings and/or any subsequent independent confirmatory test. See
2 Exhibit "4".

3
4 9. When Respondent was served with the Order of Respondent's obligation to
5 voluntarily cease practicing dentistry in the State of Nevada, Respondent indicated, if possible, he
6 would like to negotiate a settlement on his own behalf. In response, Respondent was informed by
7 Board counsel, John A. Hunt, that it was not in his best interest to proceed in proper person.
8 Respondent was further advised he had a right to have this matter reviewed by independent counsel
9 and to have it reviewed by independent counsel would be in Respondent's best interest. Having
10 been advised of his right to independent counsel, as well as having had an opportunity to seek
11 independent counsel, Respondent, of his own free will, has chosen to represent himself in proper
12 person in this matter in an attempt to resolve any differences he may have with the Board.


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14
15 10. Respondent admits to testing positive for Amphetamines (Group) Ecstasy.
16 Respondent states although he admits to testing positive for the drug identified in Exhibit "3", he
17 believes he ingested this drug under the misconception he was ingesting a Viagra like substance.

18
19 11. Other than the drugs identified in Exhibit "3", it is Respondent's belief he has taken
20 no other illegal or unprescribed drug.

21
22 12. As a mitigating circumstance, Disciplinary Screening Officer, Dennis J. Arch,
23 D.D.S., wants the Board to be aware of the fact that during the last four (4) years Respondent has
24 never tested positive for any other illegal or unprescribed drugs during previously scheduled and/or
25 random testing previously initiated.

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13. Based upon Respondent's admission Respondent violated the Stipulation of May 9, 1997 and Amended Stipulation of June 1, 2000, Respondent agrees to the suspension of his license to practice dentistry in the State of Nevada for a period of sixty (60) days. Should the Board adopt this Second Amended Stipulation the effective date for the sixty (60) days suspension would commence on May 21, 2001 which is the date Respondent voluntarily cease to practice dentistry in the State of Nevada. See Exhibit "4".

14. Respondent shall physically deliver his license to the Board's Executive Director located at 2295 B Renaissance Drive, Las Vegas, Nevada, upon approval of the Second Amended Stipulation by the Board.

15. In addition to complying with the suspension agreed upon in Paragraph 13, Respondent also agrees to abide by the following conditions.

a. Pursuant to NRS 631.350(g), Respondent agrees to submit to random sampling of urine, hair and/or bodily fluids for an additional three (3) years when so ordered by the Executive Director of the Board effective upon adoption of this Second Amended Stipulation. Any test or analysis of bodily fluids taken shall be conducted in such a manner that the testing agency shall preserve enough of the sample to allow for subsequent independent confirmatory tests. The results of any tests or analysis of bodily fluids shall be reported to the Board. Respondent shall be responsible for all costs incurred for the analysis of urine, hair and/or bodily fluids.

b. In the event any test or analysis of bodily fluids taken from Respondent, pursuant to the terms of this Second Amended Stipulation, is positive, indicating the presence of controlled substances (not pursuant to a valid prescription), Respondent will be notified. Should the Respondent test positive, Respondent license to practice dentistry in the State of Nevada shall automatically be revoked without any further action of the Board other than the issuance of an appropriate Order of Revocation by the Board's Executive Director.


D.W.K.

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c. Respondent authorizes and shall execute any consent necessary which authorizes reports generated by the urinalysis and/or bodily fluids, and/or hair testing and any substance abuse evaluation reports, and any status reports rendered by individuals treating Respondent to be furnished to the Executive Director of the Board. In the event of a violation in the form of a confirmed, positive test result, all reports previously submitted to the Board will become public record and be available for use by the Board in connection with any subsequent action of the Board.

d. Should Respondent fail to present himself for random drug testing, when directed by the Executive Director of the Board, within twenty-four (24) hours of said direction by the Executive Director, Respondent's license to practice dentistry in the State of Nevada will be revoked indefinitely without any other action by the Board other than the issuance of an appropriate Order of Revocation by the Board's Executive Director.

e. Respondent agrees to participate in a professional support group for a drug and alcohol abuse for a period of one (1) year. This outpatient counseling and monitoring must be approved by the Executive Director of the Board prior to attendance by Respondent. Respondent shall execute appropriate documents which authorizes the outpatient counseling and monitoring entity to submit monthly reports to the Board's Executive Director. Failure of the Respondent to participate in the outpatient counseling and monitoring shall be grounds for revocation of his license to practice dentistry in the State of Nevada. Respondent shall be responsible for all costs associated with the outpatient counseling and monitoring.

f. Due to Respondent's admission of violation of the original Stipulation entered into with the Board on May 9, 1997, Respondent agrees to surrender his Registration Certificate No. BK 065578 with the United States Department of Justice, D.E.A., to prescribe controlled substances for Class II, Class IIN, Class III, Class IIIN, Class IV, and Class V for an additional three (3) years effective upon the Board's adoption of this Second Amended Stipulation. In the event Respondent complies with all the terms of this Second Amended Stipulation, at the end of the additional three (3) year period Respondent may apply to the D.E.A. to have his prescription privileges reinstated.

g. Due to Respondent's admission of violation of the original Stipulation entered into with the Board on May 9, 1997, Respondent agrees to surrender his license No. CB 4016 with the Nevada State Board of Pharmacy to prescribe controlled substances for Class II, Class IIN, Class


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1 III, Class IIN, Class IV, and Class V for an additional three (3) years
2 effective upon the Board's adoption of this Second Amended Stipulation.
3 In the event Respondent complies with all the terms of this Second
4 Amended Stipulation, at the end of the additional three (3) year period
5 Respondent may apply to have his prescription writing privileges with the
6 State Board of Pharmacy reinstated.

7 h. Respondent agrees pursuant to NRS 631.350(d) and (h), Respondent
8 shall be placed on probation for a period of three (3) years with
9 Respondent's practice being supervised and monitored effective upon the
10 Board's adoption of this Second Amended Stipulation. Respondent agrees
11 that during the three (3) year probation/supervisory period, Respondent
12 shall allow either the Informal Hearing Office and/or the Executive Director
13 of the Board and/or an agent appointed by the Board's Executive Director
14 to inspect Respondent's records to ensure compliance with this Second
15 Amended Stipulation. Such inspections shall be performed, without notice,
16 during normal business hours. Respondent agrees such inspection shall be
17 performed without notice and during normal business hours. Respondent
18 further agrees during the period of probation and supervision, Respondent
19 shall maintain a list of any prescriptions issued to any of Respondent's
20 patients by any other licensed dentist in the State of Nevada. The list of
21 prescriptions issued to Respondent's patients by any other licensed dentist
22 in the State of Nevada shall include the following:

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

28 Respondent's failure to accurately maintain the list of prescriptions issued
to his patients by any other licensed dentist in the State of Nevada shall be
deemed unprofessional conduct and in violation of this Second Amended
Stipulation and shall be considered by the Board in determining whether or
not to revoke Respondent's license to practice dentistry in the State of
Nevada.

i. Respondent agrees to reimburse the Board the sum of \$2500.00 for
the costs of this investigation. This amount is due and payable in two
installments. The first payments shall be due thirty days after the adoption
of this Second Amended Stipulation by the Board. The second payments
shall be due sixty days after the first payment. In the event Respondent fails


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1 to pay the agreed upon amount, Respondent agrees his license to practice
2 dentistry in the State of Nevada shall be automatically suspended without
3 any further action of the Board other than issuance of an order by the
4 Executive Director. Upon payment of any default, Respondent's license to
5 practice dentistry in the State of Nevada will be automatically reinstated.

6 j. Assuming this Second Amended Stipulation is adopted by the
7 Board, Respondent shall have eight (8) business days (Monday through
8 Friday) immediately following the adoption of the Second Amended
9 Stipulation by the Board to finalize and/or make subsequent treatment
10 arrangements for his present patients. The eight business days Respondent
11 will be allowed to finalize and/or make subsequent treatment arrangements
12 for his present patients shall not be credited towards Respondent's
13 obligation to serve the sixty (60) day suspension. Respondent shall also be
14 obligated to inform his patients of his sixty day suspension and further
15 advise patients how they may retrieve their records. Respondent agrees to
16 make available all patient records for inspection and copying and/or transfer
17 to another dentist or to the Board if so requested by a patient. During the
18 eight (8) business days (Monday through Friday) in which Respondent shall
19 have the opportunity to complete and/or transfer his patients for completion
20 of treatment, Respondent agrees to have his practice monitored by a
21 representative and/or agent of the Board including, but not limited to, the
22 Disciplinary Screening Officer, Board counsel or Executive Director of the
23 Board. All costs associated with monitoring during the eight (8) business
24 days in which Respondent has the opportunity to complete and/or make
25 arrangements for subsequent treatment of his patients shall be the
26 responsibility of Respondent.

18 CONSENT

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


21 17. Respondent is aware by entering into this Stipulation he is waiving certain valuable
22 due process rights contained in, but not limited to, NRS 631, NAC 631, NRS 233B and NAC
23 233B.

24 18. Respondent expressly waives any right to challenge the Board for bias in deciding

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1 whether or not to adopt this Stipulation in the event this matter was to proceed to a full Board
2 hearing.

3
4 19. Respondent acknowledges he has read the Stipulation. Respondent acknowledges
5 he has been advised he has the right to have this matter reviewed by independent counsel and he
6 has had ample opportunity to seek independent counsel. Respondent has been specifically
7 informed he should seek independent counsel and advice of independent counsel would be in
8 Respondent's best interest. Having been advised of his right to independent counsel, as well as had
9 the opportunity to seek independent counsel, Respondent hereby acknowledge, by his own free
10 will, he is consenting to the Stipulation without independent counsel. 
11

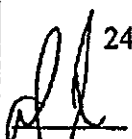
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13 20. Respondent acknowledges he is consenting to this Stipulation voluntarily, without
14 coercion or duress and in the exercise of his own free will.

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

18
19 22. Respondent acknowledges the provisions in this Stipulation contain the entire
20 agreement between Respondent and the Board and the provisions of this Stipulation can only be
21 modified, in writing, with Board approval.

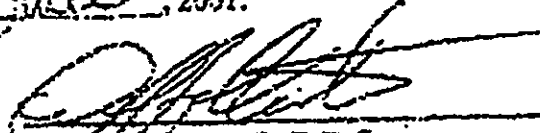
22 23. Respondent agrees in the event the Board adopts this Stipulation he hereby waives
23 any and all rights to seek judicial review or otherwise to challenge or contest the validity of the
24 provisions contained in the Stipulation.

25
26 24. This Stipulation will be considered by the Board in an open meeting. It is

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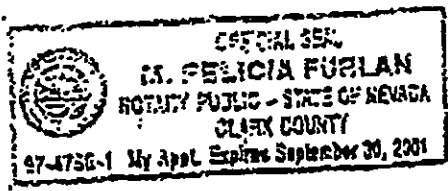
1 understood and stipulated the Board is free to accept or reject the Stipulation and, if the Stipulation
2 is rejected by the Board, further disciplinary action may be implemented. This Stipulation
3 only become effective when the Board has approved the same in an open meeting. Should
4 Board adopt this Stipulation, such adoption shall be considered a final disposition of a cont
5 case and will become a public record.

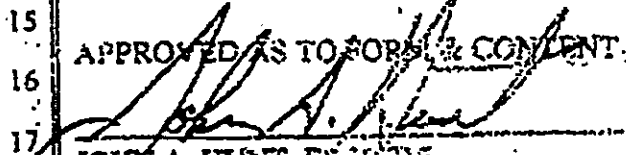
7 DATED this 7 day of July, 2001.

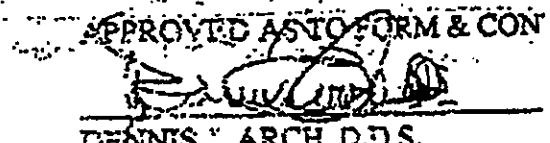
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9 
10 DOREEN EASTER, D.D.S.
Resident

11 SUBSCRIBED and SWORN to before me
12 this 7 day of July, 2001.

13 M. Felicia Furlan
14 NOTARY PUBLIC in and for said County
and State



15 APPROVED AS TO FORM & CONTENT
16 
17 JOHN A. HUNT, ESQUIRE
18 Complainant's attorney
Hearing

19 APPROVED AS TO FORM & CON
20 
21 DENNIS J. ARCH, D.D.S.
Disciplinary Screening Office/In
Officer

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

24 DATED this 14 day of June, 2001.

25 LARRY L. CHAMPAGNE, D.D.S.
26 President

27 
28 D.W.K.

1000000
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Case No. 00-329

STATE OF NEVADA

BEFORE THE BOARD OF DENTAL EXAMINERS OF NEVADA

NEVADA STATE BOARD)
OF DENTAL EXAMINERS,)
)
Complainant,)
)
vs.)
)
DUFF KASTER, D.D.S.,)
)
Respondent.)

AMENDED STIPULATION

IT IS HEREBY STIPULATED AND AGREED by and between DUFF KASTER, D.D.S. (hereinafter "Respondent"), in Proper Person, and THE NEVADA STATE BOARD OF DENTAL EXAMINERS (hereinafter "Board") by and through its counsel JOHN A. HUNT, ESQ., of the law firm of RALEIGH, HUNT & McGARRY, P.C., as follows:

1. On May 9, 1997, at a properly noticed meeting, Respondent entered into a Stipulation with the Nevada State Board of Dental Examiners. Attached as Exhibit "1".

2. Paragraph 15 (G) and (H) of the Stipulation states:

G. Due to Respondent's admission of violations of NRS 631 and NAC 631 contained in Paragraphs 10 through 15, Respondent agrees to surrender his Registration Certificate No. BK 065578 with the United States Department of Justice, D.E.A., to prescribe controlled substances for Class II, Class IIN, Class III, Class IIIN, Class IV, and Class V for a period of five (5) years. In the event Respondent complies with all the terms of this



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Stipulation, at the end of the five (5) year period Respondent may apply to the D.E.A. to have his prescription privileges reinstated.

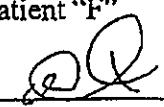
H. Due to Respondent's admission of violations of NRS 631 and NAC 631 contained in Paragraphs 10 through 15, Respondent agrees to surrender his license No. CB 4016 with the Nevada State Board of Pharmacy to prescribe controlled substances for Class II, Class IIN, Class III, Class IIIN, Class IV, and Class V for a period of five (5) years. In the event Respondent complies with all the terms of this Stipulation, at the end of the five year period Respondent may apply to have his prescription writing privileges with the State Board of Pharmacy reinstated.

3. Since entering into the Stipulation, the Board has obtained substantial evidence that the Respondent caused to be issued prescriptions in violation of Paragraph 15 (G) and (H) of the Stipulation.

4. On March 28, 2000, a prescription profile was requested from the Controlled Substance Task Force for any prescriptions requested or issued by Respondent from January 1, 1999 to the present. The results of the inquiry indicates no prescriptions were issued in the name of Respondent during this period. On March 28, 2000, a prescription profile was requested from the Controlled Substance Task Force regarding Dr. Ransdell for the periods of May 29, 1999 to June 14, 1999, November 3, 1999 to November 15, 1999, and January 1, 2000 to January 17, 2000.

5. As a result, an investigation was conducted wherein it was found that at the direction of Respondent, prescriptions for controlled substances were issued for patients as follows:

<u>PATIENT:</u>	<u>CONTROLLED SUBSTANCE</u>	<u>DATE</u>
Patient "A"	Lorcet	06/03/99
Patient "B"	APA/Hydrocodone Bitartrate	06/08/99
Patient "C"	APA/Hydrocodone Bitartrate	06/14/99
Patient "D"	APA/Hydrocodone Bitartrate	01/07/00
Patient "E"	Hydrocodone/IBUPRO	01/09/00
Patient "F"	Diazepam	01/11/00



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1	Patient "G"	APA/Hydrocodone Bitartrate	01/12/00
2	Patient "H"	APA/Hydrocodone Bitartrate	01/18/00
3	Patient "I"	APA/Hydrocodone Bitartrate	01/20/00

4 Respondent has been informed of the names which correspond to the patients identified as
5 A through I.

6 6. On March 28, 2000, the dental records for the patients identified in Paragraph 4
7 above, were reviewed by the Informal Hearing Officer. Based upon that review the Informal
8 Hearing Officer finds that Respondent caused to be issued controlled substances to the patients
9 identified in Paragraph 4, above, in violation of Paragraph 15 (G) and (H) of the Stipulation entered
10 into with the Board on May 9, 1997.

11 7. The method Respondent used to cause prescriptions to be issued to the patients listed
12 in Paragraph 4 was as follows:

13 Currently Respondent shares business space with Nevada licensee, Tracy Ransdell, D.D.S.
14 From May 29, 1999 through June 14, 1999, Dr. Ransdell was vacationing outside the geographical
15 jurisdiction of the United States. From January 1, 2000 until January 17, 2000, Dr. Ransdell was
16 vacationing was outside the geographical Jurisdiction of the United States. During the time frames
17 identified above, unbeknownst to Dr. Ransdell, Respondent caused prescriptions to be issued to the
18 patients identified in Paragraph 4 by ordering those prescriptions pursuant to the DEA and Nevada
19 prescription license of Dr. Ransdell.
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23 8. The Informal Hearing Officer having reviewed the prescriptions issued to patients
24 A through I, identified in Paragraph 4, is of the opinion these prescriptions were related to a valid
25 dental treatment. After conducting the preliminary investigation, the Informal Hearing Officer
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1 caused the Board's Executive Director to issue notice to the Respondent requiring him to submit to
2 a hair, urine, and blood sample for illegal and non-prescribed prescription drugs on March 28, 2000.
3 Thereafter, on March 29, 2000, Respondent presented himself for a hair, urine, and blood sample
4 for illegal and non-prescribed prescription drugs. The results of the test were negative for all illegal
5 and non-prescribed prescription drugs.
6

7 9. Based upon the limited investigation conducted to date, Respondent admits he
8 violated Paragraph 15 (G) and (H) of the Stipulation entered into with the Board on May 9, 1997
9 when Respondent caused to be issued controlled substances to patients A through I identified in
10 Paragraph 4 of this Amended Stipulation.
11

12 10. Due to Respondent's admitted violation of the Stipulation entered into with the Board
13 on May 9, 1997, pursuant to NRS 631.350(b), Respondent agrees to the suspension of his license
14 to practice dentistry in the State of Nevada for a period of thirty (30) days. The thirty (30) days
15 suspension shall be effective upon adoption of this Amended Stipulation by the Board. Respondent
16 shall physically deliver his license to the Board's Executive Director, located at 2295-B Renaissance
17 Drive, Las Vegas, Nevada 89119, upon approval of this Amended Stipulation by the Board.
18

19 11. Due to Respondent's admitted violation of the Stipulation entered into with the Board
20 on May 9, 1997, pursuant to NRS 631.350 (c), Respondent agrees to pay a fine to the Board in the
21 amount of \$1000.00. Said fine shall be due and payable upon adoption of this Amended Stipulation.
22 In the event Respondent fails to pay the fine, Respondent shall cease practicing dentistry in the State
23 of Nevada until such time as the fine has been paid in full.
24

25 12. Due to Respondent's admitted violation of the Stipulation entered into with the Board
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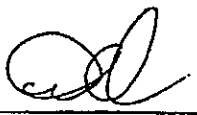
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1 on May 9, 1997, Respondent agrees to reimburse the Board the sum of \$2000.00 for the costs of this
2 investigation. Said reimbursement shall be due and payable within sixty (60) days upon adoption
3 of this Amended Stipulation. In the event Respondent fails to reimburse the Board for the costs of
4 this investigation within sixty (60) days of the adoption, Respondent agrees to cease practicing
5 dentistry in the State of Nevada until such time as the reimbursement amount is paid in full.
6

7 13. Respondent further agrees, in the event the Board has to initiate any legal proceedings
8 to enforce payment of either the fine or the reimbursement amount or ~~if~~ the event the Board has to
9 seek injunctive relief in the event Respondent fails to voluntarily cease practicing dentistry in the
10 State of Nevada, Respondent shall be responsible for legal fees and costs incurred by the Board in
11 any such proceedings.
12

13 14. Respondent further agrees, in the event the Board's Executive Director has substantial
14 evidence to believe Respondent has either issued or has caused to be issued prescriptions for
15 controlled substances identified as Class II, Class IIN, Class III, Class IIIN, Class IV, and Class V
16 during the remaining term of his probationary period as set forth in the Stipulation entered into with
17 the Board on May 9, 1997, the Executive Director without any further hearing or action by the Board
18 shall issue an order revoking Respondent's license to practice dentistry in the State of Nevada.
19 Thereafter, Respondent may request a hearing before the Board but during the pendency of the
20 hearing before the Board, Respondent waives any right to seek judicial review to reinstate his
21 privilege to practice dentistry in the State of Nevada pending a final Board hearing.
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24 15. To the best of the Informal Hearing Officer's knowledge, Respondent has complied
25 with all of the other provisions of the Stipulation entered into with the Board on May 9, 1997.

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1 16. Respondent further agrees, by entering into this Amended Stipulation, the Board is
2 not waiving any right to enforce any of the other provisions contained in the Stipulation entered into
3 with the Board on May 9, 1997.

4 17. Respondent further agrees all of the other provisions contained in the Stipulation
5 entered into with the Board on May 9, 1997, shall remain in full force and effect.

6 18. Respondent further agrees, pursuant to NRS 631.350 (h), Respondent's practice shall
7 be supervised. This period of supervision shall commence upon adoption of this Amended
8 Stipulation and shall run concurrently with the Stipulation entered into with the Board on May 9,
9 1997 to ensure Respondent's prescription practices are in compliance with this Amended Stipulation
10 and all other provisions which have been agreed to pursuant to the Stipulation entered into with the
11 Board on May 9, 1997. During the period of supervision, Respondent shall allow either the Informal
12 Hearing Officer and/or the Executive Director of the Board and/or an agent appointed by the Board
13 to inspect Respondent's records to assure compliance with this Amended Stipulation and the
14 Stipulation entered into with the Board on May 9, 1997. Such inspection shall be performed,
15 without notice, during normal business hours. Respondent shall maintain, during the supervision
16 period, a list of any prescriptions issued to any of Respondent's patients by any other licensed dentist
17 in the State of Nevada. The list of prescriptions issued to Respondent's patients by any other
18 licensed dentist in the State of Nevada shall include the following:

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

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1 Respondent's failure to accurately maintain the list of prescriptions issued to his patients by
2 any other licensed dentist in the State of Nevada shall be deemed unprofessional conduct and in
3 violation of this Amended Stipulation and shall be considered by the Board in determining whether
4 or not to revoke Respondent's license to practice dentistry in the State of Nevada.
5

6 CONSENT

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


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

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

15 22. Respondent acknowledges he has read the Stipulation. Respondent acknowledges
16 he has been advised he has the right to have this matter reviewed by independent counsel and he has
17 had ample opportunity to seek independent counsel. Having been advised of his right to independent
18 counsel, as well as had the opportunity to seek independent counsel, Respondent hereby
19 acknowledges by his own free will, he is consenting to the Stipulation without independent counsel.
20

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

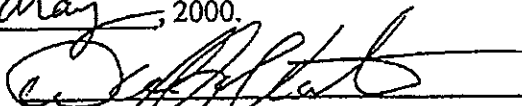
24 24. Respondent agrees in the event the Board adopts this Stipulation he hereby waives
25 any and all rights to seek judicial review or otherwise to challenge or contest the validity of the
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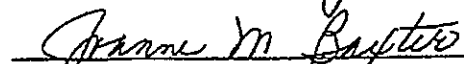
1 provisions contained in the Stipulation.

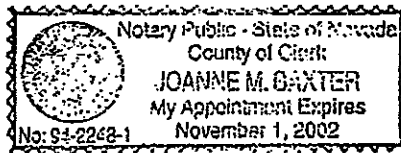
2 25. This Stipulation will be considered by the Board in an open meeting. It is understood
3 and stipulated the Board is free to accept or reject the Stipulation and, if the Stipulation is rejected
4 by the Board, further disciplinary action may be implemented. This Stipulation will only become
5 effective when the Board has approved the same in an open meeting. Should the Board adopt this
6 Stipulation, such adoption shall be considered a final disposition of a contested case.
7

8 DATED this 10 day of May, 2000.

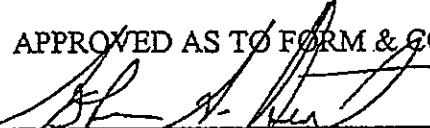
9 
10 DUFF W. KASTER, D.D.S.
11 Respondent

12 SUBSCRIBED and SWORN to before me
13 this 10th day of May, 2000.


14 
15 NOTARY PUBLIC in and for said County
16 and State



16 APPROVED AS TO FORM & CONTENT

17 
18 JOHN A. HUNT, ESQUIRE
19 Complainant's attorney


APPROVED AS TO FORM & CONTENT

20 
21 DENNIS J. ARCH, D.D.S.
22 Disciplinary Screening Office/Informal Hearing
23 Officer

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

26 DATED this 1st day of JUNE, 2000.

27 NEVADA STATE BOARD OF DENTAL EXAMINERS

28 
A. TED TWESME, D.D.S.
President


DWK

Law Office
RALEIGH, HUNT & GARRY, P.C.
302 E. CARSON AVENUE
SUITE 1102
LAS VEGAS, NEVADA 89101
(702) 366-4842

STATE OF NEVADA

BEFORE THE BOARD OF DENTAL EXAMINERS OF NEVADA

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NEVADA STATE BOARD)
OF DENTAL EXAMINERS,)
Complainant,)
vs.)
DUFF W. KASTER, D.D.S.)
Respondent)

Case No. 97-37

ORDER

WHEREAS, on May 17, 2001, the Nevada State Board of Dental Examiners ("Board") issued an Order suspending the dental license of Duff W. Kaster, D.D.S.

1. On March 6, 1997, Respondent entered into a Temporary Stipulation with the Board.
2. On May 9, 1997, Respondent entered into a Stipulation with the Board.
3. On June 1, 2000, Respondent entered into an Amended Stipulation with the Board.
4. Paragraph 15 B of the Stipulation entered into with the Board on May 9, 1997

states:

B. Respondent agrees to submit to random sampling of urine and/or bodily fluids, and/or hair for a period of four (4) years when so ordered by the Executive Director of the Board. In addition to the random drug tests which may be ordered during the four (4) year period, during the one year suspension, Respondent will submit to urinalysis testing on the first day of each month at Associated Pathology Laboratories (APL). Should the first day of the month fall on a Saturday or Sunday, Respondent will submit the monthly sample on the first business day of the month. any test or analysis of bodily fluids taken shall be conducted in such manner that the

testing agency shall preserve enough of the sample to allow for subsequent independent confirmatory tests. The results of any tests or analysis of bodily fluids shall be reported to the Board. Respondent shall be responsible for all costs incurred for the analysis of urine, and/or bodily fluids, and/or hair.

5. On May 9, 2001 Respondent was sent notice to present himself to Associated Pathologists Laboratories (APL) for blood, hair and urine testing.

6. On May 15, 2001 Respondent presented himself to APL for testing.

7. The results of the testing indicates Respondent tested "positive" for Amphetamines.


8. Paragraph 15C of the Stipulation entered into with the Board on May 9, 1997 states:

C. In the event any test or analysis of bodily fluids taken from Respondent pursuant to the terms of this Stipulation is positive, indicating the presence of controlled substances (not pursuant to a valid prescription), Respondent will be notified and allowed to arrange for a subsequent independent confirmatory test. Should the Respondent test positive, Respondent shall voluntarily cease practicing dentistry in the State of Nevada until such time as a full Board hearing is held to evaluate the positive findings and subsequent independent confirmatory tests.

THEREFORE, it is hereby

ORDERED, ADJUDGED AND DECREED that Duff W. Kaster, D.D.S. shall voluntarily cease practicing dentistry in the State of Nevada until such time as a full Board hearing is held to evaluate the positive findings and any subsequent independent confirmatory tests which Dr. Kaster wishes to have performed.

DATED this 18th day of May, 2001.


VaLonne Harmon, Executive Director
Nevada State Board of Dental Examiners

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STATE OF NEVADA

BEFORE THE BOARD OF DENTAL EXAMINERS OF NEVADA

NEVADA STATE BOARD)
OF DENTAL EXAMINERS,)

Complainant,)

Case No. 97-37

vs.)

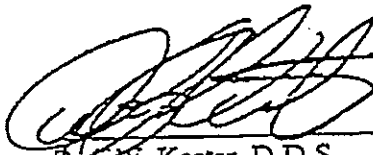
RECEIPT OF COPY

DUFF W. KASTER, D.D.S.)

Respondent.)

Receipt of Copy of the Nevada State Board of Dental Examiners Order is hereby

acknowledged this 21 day of May, 2001.



Duff W. Kaster, D.D.S.

Law Office
RALEIGH, HUNT & MCGARRY, P.C.
302 E. CANSON AVENUE
SUITE 1102
LAS VEGAS, NEVADA 89101
(702) 386-4812

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3 STATE OF NEVADA
4 BEFORE THE BOARD OF DENTAL EXAMINERS

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6 IN REGARDS TO:
7 DUFF W. KASTER, D.D.S.
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Case No. 12-02473

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CONSENT AGREEMENT &
ORDER re: REINSTATEMENT OF
LICENSE

10 WHEREAS, pursuant to properly noticed meeting conducted by the Nevada State
11 Board of Dental Examiners' (the "Board") on January 24, 2013, pursuant Agenda Item #5(o) the
12 Board considered whether to enter into a *Consent Agreement re: Reinstatement of License*
13 ("Consent Agreement") to reactivate the retired license of Duff W. Kaster, DDS. After
14 consideration, public comment, motion, the Board unanimously voted, and Ordered that subject
15 to the consent of Dr. Kaster to enter into this *Consent Agreement re: Reinstatement of License*
16 ("Consent Agreement") pursuant to the following terms and conditions:

19 1. NAC 631.170 provides, in pertinent part:

20 3. If a person whose license has been on inactive status for less than 2 years has
21 not maintained an active license or practice outside this State, or if a person's
22 license has been on retired status for less than 2 years, he or she must submit to
the Board:

- 23 (a) Payment of the appropriate renewal fees;
24 (b) A written petition for reinstatement that has been signed and notarized;
25 (c) Proof of his or her completion of an amount of continuing education,
26 prorated as necessary, for the year in which the license is restored to active
27 status; and
28 (d) A list of his or her employment, if any, during the time the license was
on inactive or retired status, before the license may be reinstated.

Page 1 of 10

1 4. If a person whose license has been on inactive status for 2 years or more has
2 not maintained an active license or practice outside this State, or if a person's
license has been on retired status for 2 years or more, he or she must:

3 (a) Satisfy the requirements set forth in paragraphs (a) to (d), inclusive, of
subsection 3; and

4 (b) Pass such additional examinations for licensure as the Board may
5 prescribe, before the license may be reinstated.

6
7 2. Dr. Kaster stipulates and agrees as follows:

8 A. His Nevada license has been on retired status for two (2) years or more.

9 B. He has not maintained an active license or practice outside of Nevada for two (2)
10 years or more.

11
12 3. The *Fourth Amended Stipulation* dated December 8, 2005, and adopted by the Board on
13 January 25, 2006, in case no. 05-1258, and captioned as Nevada State Board of Dental
14 Examiners, vs. Duff W. Kaster, D.D.S. provides, in pertinent part, as follows:

15
16 7. In consideration for granting Respondent's request to have his license
17 to practice dentistry in the State of Nevada placed on inactive status, Respondent
acknowledges and agrees to the following:

18 a. The Third Amended Stipulation was adopted by the Board on
19 November 15, 2002. Currently, the Third Amended Stipulation would
20 expire on November 15, 2007, assuming Respondent is in compliance
21 upon the expiration of the Third Amended Stipulation. Respondent agrees
22 in the event he requests that his license to practice dentistry in the State of
23 Nevada be reinstated to active status, Respondent agrees as a condition of
reinstatement he would have to comply with the provisions paragraph 24
of the Third Amended Stipulation for an additional three (3) years upon
the Board reinstating Respondent license to active status.

24 Id., at 1:25 to 2:6.

25
26 4. Dr. Kaster shall, pursuant to NRS 631.240, present to the Board a certificate granted by

27 Page 2 of 10

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1 the Joint Commission on National Dental Examinations which contains a notation that he, as the
2 applicant, has passed the National Board Dental Examination with an average score of at least 75.

3
4 5. Dr. Kaster shall, pursuant to NRS 631.240, successfully pass a clinical examination
5 approved by the Board and the American Board of Dental Examiners; or present to the Board a
6 certificate granted by the Western Regional Examining Board which contains a notation that the
7 applicant has passed, within the 5 years immediately preceding the date of the application, a
8 clinical examination administered by the Western Regional Examining Board.

9
10 6. Pursuant to NRS 631.240, the Board shall examine Dr. Kaster, as an applicant, in writing
11 on the contents and interpretation of chapter 631 of the Nevada Revised Statutes and the
12 regulations of the Board.

13
14 7. Dr. Kaster shall, in addition to any and all other applicable fee(s) or cost(s), pay the
15 \$500.00 fee, pursuant to NRS 631.345(1) (reinstatement fee to return a dentist or dental
16 hygienist who is inactive, retired or has a disability to active status).

17
18 8. Dr. Kaster shall comply with requirements of NAC 631.170, including but not
19 necessarily limited to NAC 631.170(3)(c) which requires the Board be provided proof of his or
20 her completion of an amount of continuing education, prorated as necessary, for the year in
21 which the license is restored to active status.

22
23 9. As noted above, the *Fourth Amended Stipulation* provides, in pertinent part, Dr. Kaster
24 stipulated and agreed as a condition of reinstatement he would comply with the provisions
25 contained in paragraph 24 of the *Third Amended Stipulation* adopted by the Board on November
26

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1 15, 2002, in case no. 02-728, and captioned as Nevada State Board of Dental Examiners vs.
2 Duff W. Kaster, D.D.S. for an additional three (3) years upon the Board reinstating Respondent
3 license to active status.
4

5
6 10. Upon Dr. Kaster successfully completing the requirements set forth in Paragraphs 4-8
7 above, and pursuant to the *Fourth Amended Stipulation*, Dr. Kaster's license shall be reinstated
8 by the Board subject to Respondent being placed on probation for a period of three (3) years
9 from the date of this ORDER pursuant to the following terms and conditions:
10

11 a. Respondent agrees to enroll in and abide by the rules of the
12 Nevada Dental Wellness Program (the "After-Care Program") for a period
13 of three (3) years from the date of this ORDER. Respondent shall provide
14 an executed copy of the After-Care Program evidencing Respondent
15 enrollment in the program.

16 b. Respondent agrees pursuant to NRS 631.350(d) and (h),
17 Respondent shall be placed on probation for a period of three (3) years
18 from the date of this ORDER. Respondent agrees during the three (3)
19 year probationary period, Respondent shall allow the Executive Director
20 of the Board and/or an agent appointed by the Board's Executive Director
21 to inspect Respondent's records to ensure compliance with this ORDER.
22 Upon issuance of a DEA and Nevada Controlled substance permits,
23 Respondent shall all agree to inspections to be performed during normal
24 business hours. All prescriptions issued by Respondent during the
25 probationary period must be in Respondent's handwriting and must have
26 the original signature of Respondent. The prescriptions issued must be
27 done on a form that is in triplicate, serially numbered, which has been pre-
28 approved by the Executive Director. A copy of the prescription must be
maintained in the patient's file who has been issued a prescription for
controlled substances by Respondent. During the probationary period
Respondent shall NOT issue any prescription(s) for more than six (6)
units of a controlled substance for each office visit where treatment was
rendered. In the event Respondent issues prescriptions using electronic
system, Respondent shall maintain a copy of the computer generated
prescription and shall sign and date the copy in Respondent's own


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1 handwriting and shall maintain the signed and dated copy in each patient's
2 dental record. Respondent is prohibited from placing telephone
3 prescriptions for controlled substances during the probationary period. In
4 the event of a patient's dental emergency Respondent may phone in a
5 prescription for controlled substances not to exceed six (6) units.
6 Respondent must fax the emergency prescription. Emergency
7 prescriptions for controlled substances must contain Respondent's
8 signature on the fax which must be sent to the pharmacy issuing such
9 prescriptions on the next business day. Respondent shall every six (6)
10 months from the adoption of this Consent Agreement perform a
11 prescription inquiry to the Nevada State Board of Pharmacy and obtain a
12 print out of all controlled substances issued by Respondent during the six
13 month periods. Respondent shall maintain a daily log of prescriptions for
14 controlled substances issued to Respondent's patients and shall include
15 the following:

- 16 a. patient's name;
- 17 b. date of issuance;
- 18 c. units and amount of controlled substance issued;
- 19 d. reason for issuing the controlled substance.

20 The daily log shall be made available during normal business hours without
21 notice. Failure to maintain and/or provide the daily log upon request by an agent of the
22 Board shall be an admission of unprofessional conduct. Upon receipt of substantial
23 evidence that Respondent has either failed to maintain or has refused to provide the
24 daily log upon request by an agent assigned by the Executive Director; and/or
25 Respondent has refused to allow the agent assigned by the Executive Director to
26 observe Respondent rendering treatment to any patient who receives either crown,
27 bridge or, implants treatments; and/or Respondent has refused to provide copies of
28 patient records requested by the agent assigned by the Executive Director,
Respondent agrees his license to practice dentistry in the State of Nevada shall be
automatically suspended without any further action of the Board other than the issuance
of an Order of Suspension by the Executive Director. Thereafter, Respondent may
request in writing a hearing before the Board to reinstate Respondent's license.
However, prior to the full Board hearing, Respondent waives any right to seek judicial
review, including injunctive relief from either the Nevada Federal District Court or the
Nevada State District Court to reinstate his privilege to practice dentistry in the State of
Nevada pending a final Board hearing. Respondent shall also be responsible for any
costs or attorney's fees incurred in the event the Board has to seek injunctive relief
to prevent Respondent from practicing dentistry during the period Respondent's
license is automatically suspended.


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c. Following the reinstatement of Respondent's license, Respondent agrees to the following:

i. Pursuant to NRS 631.350(g), Respondent agrees to submit to random sampling of urine, hair and/or bodily fluids for an additional three (3) years when so ordered by the Executive Director of the Board effective upon execution of the ORDER by the Board's President. This random sampling of urine, hair and/or bodily fluids will be under direct observation. The results of any tests or analysis of bodily fluids shall be reported to the Board. Respondent shall be responsible for all costs incurred for the analysis of urine, hair and/or bodily fluids.

ii. In the event any test or analysis of bodily fluids taken from Respondent, whether pursuant to the request of the Executive Director or the After-Care Program, is positive, indicating the presence of controlled substances (not pursuant to a valid prescription), Respondent will be notified. Should the Respondent test positive, Respondent's license to practice dentistry in the State of Nevada shall automatically be revoked without any further action of the Board other than the issuance of an appropriate Order of Revocation by the Board's Executive Director.

iii. Respondent authorizes and shall execute any consent necessary which authorizes reports generated by the urinalysis and/or bodily fluids, and/or hair testing and any substance abuse evaluation reports, and any status reports rendered by individuals treating Respondent to be furnished to the Executive Director of the Board. In the event of a violation in the form of a confirmed, positive test result, all reports previously submitted to the Board will become public record and be available for use by the Board in connection with any subsequent action of the Board.

iv. Should Respondent fail to present himself for random drug testing when directed by the Executive Director of the Board or the After-Care Program, within twenty-four (24) hours of said direction by the Executive Director or After-Care Program, Respondent's license to practice dentistry in the State of Nevada will be revoked indefinitely without any other action by the Board other than the issuance of an appropriate Order of Revocation by


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1 the Board's Executive Director.

2 v. Should Respondent fail to complete the After-Care
3 Program or upon receipt of notice that Respondent has failed to
4 comply with the terms of the contract with the After-Care
5 Program, Respondent's license to practice dentistry in the State of
6 Nevada will be revoked indefinitely without any further action by
7 the Board other than the issuance of an appropriate Order of
8 Revocation by the Board's Executive Director.

9 vi. Respondent agrees to pay the Nevada State Board of
10 Dental Examiners the sum of \$2,500.00, upon execution of this
11 ORDER by the Board's President to reimburse the Board for the
12 costs incurred for this Stipulation and the cost to be incurred in the
13 future to monitor and enforce this Stipulation. Specifically, this
14 amount shall not be deemed a fine and shall not be reported to the
15 National Practitioners Data Bank. This amount is due and payable
16 in two equal installments. The first payment shall be due thirty
17 (30) days after the execution of this ORDER by the Board's
18 President. The second payment shall be due sixty (60) days after
19 the first payment. In the event Respondent fails to pay the agreed
20 upon amount, Respondent agrees his license to practice dentistry
21 in the State of Nevada shall be automatically suspended without
22 any further action of the Board other than issuance of an order by
23 the Executive Director. Upon payment of any default,
24 Respondent's license to practice dentistry in the State of Nevada
25 will be automatically reinstated.

26 viii. Respondent agrees this Consent Agreement and Order shall
27 be reported to the National Practitioners Data Bank upon
28 execution of this Order by the Board's President.

CONSENT

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

24 12. Respondent is aware by entering into this Consent Agreement, he is waiving certain
25

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DWK

1
2 valuable due process rights contained in, but not limited to, NRS 631, NAC 631, NRS 233B and
3 NAC 233B.

4
5 13. Respondent has reviewed this Consent Agreement and understands and comprehends
6 each and every provision contained therein.

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

9
10 15. Respondent acknowledges no other promises in reference to the provisions contained in
11 this Consent Agreement 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 Consent Agreement contains the entire
14 agreement between Respondent and the Board and the provisions of this Consent Agreement can
15 only be modified, in writing, with Board approval.


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

20 18. Respondent and the Board agree none of the parties shall be deemed the drafter of this
21 Consent Agreement. In the event this Consent Agreement is construed by a court of law or
22 equity, such court shall not construe this Consent Agreement or any provision hereof against any
23 party as the drafter of the Consent Agreement. The parties hereby acknowledge all parties have
24 contributed substantially and materially to the preparation of this Consent Agreement.
25

26
27 19. Respondent specifically acknowledges by his signature herein and by his initials at the
28 bottom of each page of this Consent Agreement, he has read and understands its terms and

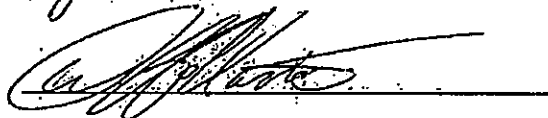


1
2 acknowledges he has signed and initialed of his own free will and without undue influence,
3 coercion, duress, or intimidation.

4
5 20. Respondent acknowledges he has been advised he has the right to have this matter
6 reviewed by independent counsel and he has had ample opportunity to seek independent
7 counsel. Respondent has been specifically informed he should seek independent counsel
8 and advice of independent counsel would be in Respondent's best interest. Having been
9 advised of his right to independent counsel, as well as had the opportunity to seek
10 independent counsel, Respondent hereby acknowledges, by his own free will, he is
11 consenting to the Consent Agreement without independent counsel.  (DK).

12
13 21. Respondent acknowledges in consideration for the Board entering into this Consent
14 Agreement, Respondent hereby releases, remises, and forever discharges the State of Nevada,
15 the Board, and each of their members, agents, employees and legal counsel in their individual
16 and representative capacities, from any and all manner of actions, causes of action, suits, debts,
17 judgments, executions, claims, and demands whatsoever, known and unknown, in law or equity,
18 that Respondent ever had, now has, may have, or claim to have against any or all of the persons
19 or entities named in this section.
20

21 DATED this 16 day of May, 2013.

22
23 

24 DUFF W. KASTER, D.D.S.

25
26 APPROVED AS TO FORM AND CONTENT

27
28 _____
JOHN HUNT, ESQ.


DWK

1
2 Raleigh & Hunt, P.C.
3 Board Counsel


4 **ORDER**

5 **ORDERED:** that the foregoing *Stipulation Agreement re: Reinstatement of License*
6 ("Agreement" or "Stipulation Agreement") to reactivate the retired license of Duff W. Kaster,
7 DDS pursuant to the terms and conditions set forth above was approved and Order by the Board
8 at a properly noticed meeting conducted on January 24, 2013, pursuant Agenda Item #5(o)
9 subject to Dr. Kaster consenting and successfully completing all of the terms and conditions set
10 forth above.

11 **ORDERED:** that based upon Duff W. Kaster, DDS having consented to all of the terms and
12 conditions set forth above in this Stipulation Agreement, it is hereby **ORDERED** that Dr.
13 Kaster's retired license to practice dentistry in the State of Nevada is hereby reinstated upon
14 successfully completed all of the terms and conditions set forth Paragraphs 4, 5, 6, 7 and 8
15 above.

16
17 **ORDERED** that upon reinstatement of Duff W. Kaster's retired license to practice dentistry
18 in the State of Nevada upon successfully completed all of the terms and conditions set forth
19 Paragraphs 4, 5, 6, 7 and 8 above, Duff W. Kaster shall be placed on probation for a period of
20 three (3) years as of the date of this ORDER pursuant to all of the terms and conditions set forth
21 above.

22
23 DATED this 28 day of May, 2013.

24
25 
26 J. GORDON KINARD, DDS - President
27 NEVADA STATE BOARD OF DENTAL EXAMINERS
28

Case No. 97-37

STATE OF NEVADA

BEFORE THE BOARD OF DENTAL EXAMINERS OF NEVADA

NEVADA STATE BOARD OF)
 DENTAL EXAMINERS,)
)
 Complainant,)
)
 -vs-)
)
 DUFF W. KASTER, D.D.S.)
)
 Respondent.)

STIPULATION

IT IS HEREBY STIPULATED AND AGREED between DUFF W. KASTER, D.D.S., (hereinafter "Respondent") and his counsel, NEIL BELLER, ESQ. and the NEVADA STATE BOARD OF DENTAL EXAMINERS (hereinafter "Board") by and through its counsel, JOHN A. HUNT, ESQ. of the law firm of RALEIGH, HUNT & McGARRY, P.C. as follows:

1. On December 9, 1996, the Nevada State Board of Dental Examiners received a verified complaint from Keith W. McDonald, Executive Secretary of the Nevada State Board of Pharmacy regarding the prescription practices of Respondent dated December 5, 1996.
2. On January 21, 1997, the Respondent was informed by the Nevada State Board of Dental Examiners of the verified complaint of Keith W. McDonald, Executive Secretary of the Nevada State Board of Pharmacy.
3. On January 28, 1997, Respondent was directed to present himself for drug testing at Associated Pathologists Laboratories.
4. On January 29, 1997, Respondent presented himself for hair, blood and urine drug analysis.


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5. Thereafter, Respondent's attorney, Neil Beller, Esq. and the Board's attorney, John A. Hunt, Esq. entered into negotiations in order to protect the interests of the citizens of the State of Nevada and Respondent's due process rights. As a result of these negotiations, Dr. Kaster, by and through his attorney, Neil Beller, Esq. Respondent informally agreed to refrain from writing any prescriptions for controlled substances for Class II, Class II-N, Class III, Class III-N, Class IV and Class V. In addition, Respondent agreed to informally temporarily refrain from practicing dentistry in the State of Nevada.

6. On February 24, 1997, a voluntary stipulation was entered between the Nevada State Board of Dental Examiner's and Dr. Duff W. Kaster, wherein Respondent surrendered his right to prescribe controlled substances, for Class II, Class II-N, Class III, Class III-N, Class IV, and Class V, until such time as a written agreement was entered into between Respondent and the Board. In the event the Board does not reach a written agreement or in the event a full Board hearing is not convened within three (3) months of the Board adopting the Stipulation, Respondent will be free to resume prescribing controlled substances as identified above. Respondent's resumption of prescription privileges was conditioned on the fact that the Board has not obtained injunctive relief from the Eighth Judicial District Court, Clark County, State of Nevada or that Respondent's privileges have not either been suspended and/or revoked by either the D.E.A. or the Nevada State Board of Pharmacy.

7. In addition, pursuant to the Stipulation of February 24, 1997, Respondent voluntarily agreed not to practice dentistry in the State of Nevada as set forth in NRS 631 *et sec.* and NAC 631 *et sec.* until such time as a written agreement is entered into between the Respondent and the Nevada State Board of Dental Examiners. In the event that the Board does not enter into a written agreement with Respondent and/or in the event that the Board does not


D.K.

convene a full Board hearing within three (3) months of the Board adopting the Stipulation, Respondent may resume the practice of dentistry in the State of Nevada. Respondent's resumption of practice is conditioned on the fact that the Board has not obtained injunctive relief preventing Dr. Kaster from practicing dentistry from the Eighth Judicial District, County of Clark, State of Nevada. Respondent agreed to cease practicing dentistry in the State of Nevada fourteen (14) days from executing the Stipulation.

8. A formal Complaint and Notice of Hearing was issued by the Nevada State Board of Dental Examiners on March 24, 1997. (A true and correct copy of said Complaint is attached hereto as Exhibit "1".)

9. Respondent admits to prescribing controlled substances to non patients on more than one occasion, thereby violating NRS 631.3475(5), NRS 631.075, NRS 631.095, NRS 631.3475(4), and NAC.631.230(c).

10. Respondent admits that on more than one occasion his charting and record keeping practices violated NRS 631.075, NRS 631.095, NRS 631.3475(4), and NAC 631.230(c).

11. Respondent admits to prescribing medication outside of the field of dentistry on more than on occasion, thereby violating NRS 631.075, NRS 631.095, NRS 631.3475(4), NRS 631.3475(5) and NAC 631.230(c).

12. Respondent admits to prescribing controlled substances in excessive quantities on more than one occasion, thereby violating NRS 631.3475(5), NRS 631.095, NRS 631.075, NRS 631.3475(4), NAC 631.230(b) and NAC 631.230(c).

13. Respondent admits his testing positive for cocaine in his urine and hair on January 29, 1997.


D.K.

14. In light of Respondent's admissions to violations of the provisions of NRS Chapter 631 and NAC Chapter 631, Respondent agrees to suspension of his license to practice dentistry in the State of Nevada for a period of one (1) year, effective from the date the Board approves this Stipulated Settlement. Respondent, however, shall be given credit for the time he has not been practicing dentistry from January 28, 1997, until May 9, 1997, assuming the Board adopts this Stipulation. Therefore, assuming the Board does adopt this Stipulation, Respondent's suspension would be for a period of two hundred and sixty three (263) days commencing May 9, 1997. Respondent would then be allowed to resume the practice of dentistry, assuming he has complied with all of the provisions of this Stipulation on January 29, 1998. Respondent shall physically deliver his license to the Board's Executive Director, located at 2225-E Renaissance Drive, Las Vegas, Nevada, 89119, upon approval of the Stipulation by the Board.

15. In addition to complying with the suspension agreed upon in Paragraph 14, Respondent also agrees to abide by the following conditions:

A. In addition to complying with the continuing education requirements of NAC 631:173, Respondent agrees to obtain sixteen (16) hours of supplemental education in the field of pharmacology and pain management prior to January 29, 1998. The additional sixteen (16) hours must receive the approval of the Board's Executive Director prior to attendance. All costs relating to continuing education will be borne by the Respondent.

B. Respondent agrees to submit to random sampling of urine and/or bodily fluids, and/or hair for period of four (4) years when so ordered by the Executive Director of the Board. In addition to the random drug tests which may be ordered during the four (4) year period, during the one year suspension, Respondent will submit to urinalysis testing on the first day of each month at Associated Pathology Laboratories (APL). Should the first day of the month fall


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on a Saturday or Sunday, Respondent will submit the monthly sample on the first business day of the month. Any test or analysis of bodily fluids taken shall be conducted in such manner that the testing agency shall preserve enough of the sample to allow for subsequent independent confirmatory tests. The results of any tests or analysis of bodily fluids shall be reported to the Board. Respondent shall be responsible for all costs incurred for the analysis of urine, and/or bodily fluids, and/or hair.

C. In the event any test or analysis of bodily fluids taken from Respondent pursuant to the terms of this Stipulation is positive, indicating the presence of controlled substances (not pursuant to a valid prescription), Respondent will be notified and allowed to arrange for a subsequent independent confirmatory test. Should the Respondent test positive, Respondent shall voluntarily cease practicing dentistry in the State of Nevada until such time as a full Board hearing is held to evaluate the positive findings and subsequent independent confirmatory tests.

D. Should Respondent fail to present himself for random drug testing when directed by the Executive Director of the Board within twenty four (24) hours of said direction by the Executive Director, Respondent's license to practice dentistry in the State of Nevada will be revoked indefinitely without any other action by the Board other than the entry of an appropriate Order of Revocation.

E. Respondent authorizes reports generated by the urinalysis and/or bodily fluids, and/or hair testing and any substance abuse evaluation reports, and any status reports rendered by individuals treating Respondent to be furnished to the Executive Director of the Board. All reports submitted to the Executive Director of the Board shall remain confidential and for use by the Board's Executive Director only. In the event of a violation in the form of a confirmed, positive test result, all reports previously submitted to the Executive Director of the Board will



D.K.

be available for use by the Board in connection with any subsequent disciplinary action of the Board.

F. Respondent shall notify in writing, each of his active patients that he will not be practicing dentistry until January 29, 1998, and will inform his patients that their records will be made available so they can procure alternate dental services, if they so desire.

G. Due to Respondent's admission of violations of NRS 631 and NAC 631 contained in Paragraphs 10 through 15, Respondent agrees to surrender his Registration Certificate No. BK 065578 with the United States Department of Justice, D.E.A., to prescribe controlled substances for Class II, Class II N, Class III, Class III N, Class IV, and Class V for a period of five (5) years. In the event Respondent complies with all the terms of this Stipulation, at the end of the five year period Respondent may apply to the D.E.A. to have his prescription privileges reinstated.

H. Due to Respondent's admission of violations of NRS 631 and NAC 631 as set forth in Paragraphs 10 through 15, Respondent hereby agrees to surrender his license No. CS 4016 with the Nevada State Board of Pharmacy to prescribe controlled substances identified as Class II, Class II N, Class III, Class III N, Class IV, and Class V for a period of five (5) years. In the event Respondent complies with all of the terms of the provisions contained in this Stipulation, at the end of the five year period Respondent may apply to have his prescription writing privileges with the Nevada State Board of Pharmacy reinstated.

I. Due to Respondent's admission of violations of NRS 631 and NAC 631 as set forth in Paragraphs 10 through 15, Respondent agrees to submit to a drug evaluation to be performed by Nevada Health Professional Foundation, headed by Dr. F. Victor Rueckl. The Nevada Health Professional Foundation shall submit the result of the evaluation to the Executive


D.K.

Director of the Nevada State Board of Dental Examiners as well as Board's counsel. All costs relating to the evaluation performed by the Nevada Health Professional Foundation shall be paid by Respondent. Respondent agrees that any recommendations made by Nevada Health Professional Foundation regarding future treatment and/or counseling will be complied with by the Respondent. However, in the event Respondent feels that alternative treatment could be obtained, he is allowed to present those options to the Board's Executive Director. Respondent agrees that the decision by the Executive Director is final and may not be appealed to either the Board through judicial review.

16. Due to Respondent's admission of numerous violations contained in Paragraphs 10 through 15, Respondent agrees to pay a fine to the Nevada State Board of Dental Examiners in the sum of Twenty Five Thousand Dollars (\$25,000.00). Assuming the Board adopts the Stipulation, Respondent shall make payments on the fine pursuant to the following schedule:

1. A payment of \$5,000.00 is due no later than October 9, 1997.
2. A payment of \$5,000.00 is due no later than April 9, 1998.
3. A payment of \$5,000.00 is due no later than October 9, 1998.
4. A payment of \$5,000.00 is due no later than April 9, 1999.
5. A payment of \$5,000.00 is due no later than October 9, 1999.

Respondent agrees in the event he is delinquent on any of the payments as set forth above, Respondent shall cease practicing dentistry until such time as the payments are brought current. Respondent further agrees in the event the Board has to initiate any legal proceedings to enforce the payment schedule as identified above, or to seek injunctive relief if Respondent fails to voluntarily cease practicing dentistry until such time as payments are made current, Respondent will be responsible for legal fees and costs incurred by the Board in any such


D.K.

proceedings.

17. Upon approval of this Stipulation by the Board, Respondent agrees to pay to the Board the sum of Ten Thousand Dollars (\$10,000.00) to reimburse the Board for the costs of this investigation, payable at the time the Board approves this Stipulation.

18. Respondent acknowledges he has read all of the provisions contained in this Stipulation and agrees to all of the provisions in their entirety. 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 NAC 233B. Respondent has expressly waived any right to challenge the Board for bias should the Board reject this Stipulation and this matter were to proceed to a full board hearing. Respondent acknowledges that he has reviewed every one of the provisions of this Stipulation with his attorney, Neil S. Beller. Respondent acknowledges he is agreeing to all of the provisions of the Stipulation voluntarily, without coercion or duress, and in the exercise of his own free will. In the event the Board adopts this Stipulation, Respondent specifically waives his right to seek judicial review.

19. This Stipulation will be considered by the Board in an open meeting. It is understood by Respondent and stipulated the Board is free to accept to accept or reject this

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Stipulation, and, if the Stipulation is rejected by the Board, further disciplinary action may be implemented. This Stipulation will only become effective when the Board has approved the same in writing.

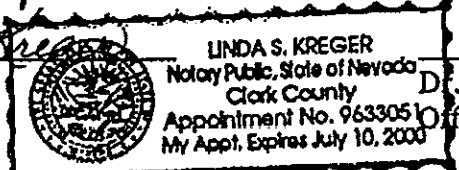
DATED this 10 day of April, 1997.

[Signature]
DUFF W. KASTER, D.D.S.

SUBSCRIBED and SWORN to before me
this 10th day of April 1997.

APPROVED AS TO FORM & CONTENT

[Signature]
Notary Public



[Signature]
D. Dennis Arch, Disciplinary Screening Officer

APPROVED AS TO FORM & CONTENT:

APPROVED AS TO FORM & CONTENT

[Signature]
NEIL BELLER, ESQ.
Respondent's attorney

[Signature]
JOHN A. HUNT, ESQ.
Complainant's attorney

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

DATED this 9 day of May, 1997.

NEVADA STATE BOARD OF DENTAL EXAMINERS

[Signature]
SUSAN JANCAR, President

[Signature]
D.K.

EXHIBIT "1"

STATE OF NEVADA

BEFORE THE BOARD OF DENTAL EXAMINERS OF NEVADA

NEVADA STATE BOARD OF
DENTAL EXAMINERS,

Complainant,

-vs-

DUFF W. KASTER, D.D.S.

Respondent.

STIPULATION

IT IS HEREBY STIPULATED AND AGREED between DUFF W. KASTER, D.D.S., (hereinafter "Respondent") and his counsel, NEIL BELLER, ESQ. and the NEVADA STATE BOARD OF DENTAL EXAMINERS (hereinafter "Board") by and through its counsel, JOHN A. HUNT, ESQ. of the law firm of RALEIGH, HUNT & McGARRY, P.C. as follows:

1. On December 9, 1996, the Nevada State Board of Dental Examiners received a verified complaint from Keith W. McDonald, Executive Secretary of the Nevada State Board of Pharmacy regarding the prescription practices of Respondent dated December 5, 1996.
2. On January 21, 1997, the Respondent was informed by the Nevada State Board of Dental Examiners of the verified complaint of Keith W. McDonald, Executive Secretary of the Nevada State Board of Pharmacy.
3. On January 28, 1997, Respondent was directed to present himself for drug testing at Associated Pathologists Laboratories.
4. On January 29, 1997, Respondent presented himself for hair, blood and urine drug analysis.


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5. Thereafter, Respondent's attorney, Neil Beller, Esq. and the Board's attorney, John A. Hunt, Esq. entered into negotiations in order to protect the interests of the citizens of the State of Nevada and Respondent's due process rights. As a result of these negotiations, Dr. Kaster, by and through his attorney, Neil Beller, Esq. Respondent informally agreed to refrain from writing any prescriptions for controlled substances for Class II, Class II-N, Class III, Class III-N, Class IV and Class V. In addition, Respondent agreed to informally temporarily refrain from practicing dentistry in the State of Nevada.

6. On February 24, 1997, a voluntary stipulation was entered between the Nevada State Board of Dental Examiner's and Dr. Duff W. Kaster, wherein Respondent surrendered his right to prescribe controlled substances, for Class II, Class II-N, Class III, Class III-N, Class IV, and Class V, until such time as a written agreement was entered into between Respondent and the Board. In the event the Board does not reach a written agreement or in the event a full Board hearing is not convened within three (3) months of the Board adopting the Stipulation, Respondent will be free to resume prescribing controlled substances as identified above. Respondent's resumption of prescription privileges was conditioned on the fact that the Board has not obtained injunctive relief from the Eighth Judicial District Court, Clark County, State of Nevada or that Respondent's privileges have not either been suspended and/or revoked by either the D.E.A. or the Nevada State Board of Pharmacy.

7. In addition, pursuant to the Stipulation of February 24, 1997, Respondent voluntarily agreed not to practice dentistry in the State of Nevada as set forth in NRS 631 *et sec.* and NAC 631 *et sec.* until such time as a written agreement is entered into between the Respondent and the Nevada State Board of Dental Examiners. In the event that the Board does not enter into a written agreement with Respondent and/or in the event that the Board does not


D.K.

convene a full Board hearing within three (3) months of the Board adopting the Stipulation, Respondent may resume the practice of dentistry in the State of Nevada. Respondent's resumption of practice is conditioned on the fact that the Board has not obtained injunctive relief preventing Dr. Kaster from practicing dentistry from the Eighth Judicial District, County of Clark, State of Nevada. Respondent agreed to cease practicing dentistry in the State of Nevada fourteen (14) days from executing the Stipulation.

v 8. A formal Complaint and Notice of Hearing was issued by the Nevada State Board of Dental Examiners on March 24, 1997. (A true and correct copy of said Complaint is attached hereto as Exhibit "1".)

9. Respondent admits to prescribing controlled substances to non patients on more than one occasion, thereby violating NRS 631.3475(5), NRS 631.075, NRS 631.095, NRS 631.3475(4), and NAC 631.230(c).

10. Respondent admits that on more than one occasion his charting and record keeping practices violated NRS 631.075, NRS 631.095, NRS 631.3475(4), and NAC 631.230(c).

11. Respondent admits to prescribing medication outside of the field of dentistry on more than on occasion, thereby violating NRS 631.075, NRS 631.095, NRS 631.3475(4), NRS 631.3475(5) and NAC 631.230(c).

12. Respondent admits to prescribing controlled substances in excessive quantities on more than one occasion, thereby violating NRS 631.3475(5), NRS 631.095, NRS 631.075, NRS 631.3475(4), NAC 631.230(b) and NAC 631.230(c).

13. Respondent admits his testing positive for cocaine in his urine and hair on January

29, 1997.


D.K.

14. In light of Respondent's admissions to violations of the provisions of NRS Chapter 631 and NAC Chapter 631, Respondent agrees to suspension of his license to practice dentistry in the State of Nevada for a period of one (1) year, effective from the date the Board approves this Stipulated Settlement. Respondent, however, shall be given credit for the time he has not been practicing dentistry from January 28, 1997, until May 9, 1997, assuming the Board adopts this Stipulation. Therefore, assuming the Board does adopt this Stipulation, Respondent's suspension would be for a period of two hundred and sixty three (263) days commencing May 9, 1997. Respondent would then be allowed to resume the practice of dentistry, assuming he has complied with all of the provisions of this Stipulation on January 29, 1998. Respondent shall physically deliver his license to the Board's Executive Director, located at 2225-E Renaissance Drive, Las Vegas, Nevada, 89119, upon approval of the Stipulation by the Board.

15. In addition to complying with the suspension agreed upon in Paragraph 14, Respondent also agrees to abide by the following conditions:

A. In addition to complying with the continuing education requirements of NAC 631.173, Respondent agrees to obtain sixteen (16) hours of supplemental education in the field of pharmacology and pain management prior to January 29, 1998. The additional sixteen (16) hours must receive the approval of the Board's Executive Director prior to attendance. All costs relating to continuing education will be borne by the Respondent.

B. Respondent agrees to submit to random sampling of urine and/or bodily fluids, and/or hair for period of four (4) years when so ordered by the Executive Director of the Board. In addition to the random drug tests which may be ordered during the four (4) year period, during the one year suspension, Respondent will submit to urinalysis testing on the first day of each month at Associated Pathology Laboratories (APL). Should the first day of the month fall


D.K.

on a Saturday or Sunday, Respondent will submit the monthly sample on the first business day of the month. Any test or analysis of bodily fluids taken shall be conducted in such manner that the testing agency shall preserve enough of the sample to allow for subsequent independent confirmatory tests. The results of any tests or analysis of bodily fluids shall be reported to the Board. Respondent shall be responsible for all costs incurred for the analysis of urine, and/or bodily fluids, and/or hair.

C. In the event any test or analysis of bodily fluids taken from Respondent pursuant to the terms of this Stipulation is positive, indicating the presence of controlled substances (not pursuant to a valid prescription), Respondent will be notified and allowed to arrange for a subsequent independent confirmatory test. Should the Respondent test positive, Respondent shall voluntarily cease practicing dentistry in the State of Nevada until such time as a full Board hearing is held to evaluate the positive findings and subsequent independent confirmatory tests.

D. Should Respondent fail to present himself for random drug testing when directed by the Executive Director of the Board within twenty four (24) hours of said direction by the Executive Director, Respondent's license to practice dentistry in the State of Nevada will be revoked indefinitely without any other action by the Board other than the entry of an appropriate Order of Revocation.

E. Respondent authorizes reports generated by the urinalysis and/or bodily fluids, and/or hair testing and any substance abuse evaluation reports, and any status reports rendered by individuals treating Respondent to be furnished to the Executive Director of the Board. All reports submitted to the Executive Director of the Board shall remain confidential and for use by the Board's Executive Director only. In the event of a violation in the form of a confirmed, positive test result, all reports previously submitted to the Executive Director of the Board will


D.K.

be available for use by the Board in connection with any subsequent disciplinary action of the Board.

F. Respondent shall notify in writing, each of his active patients that he will not be practicing dentistry until January 29, 1998, and will inform his patients that their records will be made available so they can procure alternate dental services, if they so desire.

G. Due to Respondent's admission of violations of NRS 631 and NAC 631 contained in Paragraphs 10 through 15, Respondent agrees to surrender his Registration Certificate No. BK 065578 with the United States Department of Justice, D.E.A., to prescribe controlled substances for Class II, Class II N, Class III, Class III N, Class IV, and Class V for a period of five (5) years. In the event Respondent complies with all the terms of this Stipulation, at the end of the five year period Respondent may apply to the D.E.A. to have his prescription privileges reinstated.

H. Due to Respondent's admission of violations of NRS 631 and NAC 631 as set forth in Paragraphs 10 through 15, Respondent hereby agrees to surrender his license No. CS 4016 with the Nevada State Board of Pharmacy to prescribe controlled substances identified as Class II, Class II N, Class III, Class III N, Class IV, and Class V for a period of five (5) years. In the event Respondent complies with all of the terms of the provisions contained in this Stipulation, at the end of the five year period Respondent may apply to have his prescription writing privileges with the Nevada State Board of Pharmacy reinstated.

I. Due to Respondent's admission of violations of NRS 631 and NAC 631 as set forth in Paragraphs 10 through 15, Respondent agrees to submit to a drug evaluation to be performed by Nevada Health Professional Foundation, headed by Dr. F. Victor Rueckl. The Nevada Health Professional Foundation shall submit the result of the evaluation to the Executive


D.K.

Director of the Nevada State Board of Dental Examiners as well as Board's counsel. All costs relating to the evaluation performed by the Nevada Health Professional Foundation shall be paid by Respondent. Respondent agrees that any recommendations made by Nevada Health Professional Foundation regarding future treatment and/or counseling will be complied with by the Respondent. However, in the event Respondent feels that alternative treatment could be obtained, he is allowed to present those options to the Board's Executive Director. Respondent agrees that the decision by the Executive Director is final and may not be appealed to either the Board through judicial review.

16. Due to Respondent's admission of numerous violations contained in Paragraphs 10 through 15, Respondent agrees to pay a fine to the Nevada State Board of Dental Examiners in the sum of Twenty Five Thousand Dollars (\$25,000.00). Assuming the Board adopts the Stipulation, Respondent shall make payments on the fine pursuant to the following schedule:

1. A payment of \$5,000.00 is due no later than October 9, 1997.
2. A payment of \$5,000.00 is due no later than April 9, 1998.
3. A payment of \$5,000.00 is due no later than October 9, 1998.
4. A payment of \$5,000.00 is due no later than April 9, 1999.
5. A payment of \$5,000.00 is due no later than October 9, 1999.

Respondent agrees in the event he is delinquent on any of the payments as set forth above, Respondent shall cease practicing dentistry until such time as the payments are brought current. Respondent further agrees in the event the Board has to initiate any legal proceedings to enforce the payment schedule as identified above, or to seek injunctive relief if Respondent fails to voluntarily cease practicing dentistry until such time as payments are made current, Respondent will be responsible for legal fees and costs incurred by the Board in any such


D.K.

proceedings.

17. Upon approval of this Stipulation by the Board, Respondent agrees to pay to the Board the sum of Ten Thousand Dollars (\$10,000.00) to reimburse the Board for the costs of this investigation, payable at the time the Board approves this Stipulation.

18. Respondent acknowledges he has read all of the provisions contained in this Stipulation and agrees to all of the provisions in their entirety. 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 NAC 233B. Respondent has expressly waived any right to challenge the Board for bias should the Board reject this Stipulation and this matter were to proceed to a full board hearing. Respondent acknowledges that he has reviewed every one of the provisions of this Stipulation with his attorney, Neil S. Beller. Respondent acknowledges he is agreeing to all of the provisions of the Stipulation voluntarily, without coercion or duress, and in the exercise of his own free will. In the event the Board adopts this Stipulation, Respondent specifically waives his right to seek judicial review.

19. This Stipulation will be considered by the Board in an open meeting. It is understood by Respondent and stipulated the Board is free to accept to accept or reject this

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Stipulation, and, if the Stipulation is rejected by the Board, further disciplinary action may be implemented. This Stipulation will only become effective when the Board has approved the same in writing.

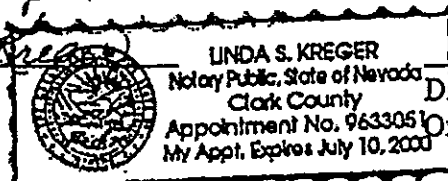
DATED this 10 day of April, 1997.

[Signature]
DUFF W. KASTER, D.D.S.

SUBSCRIBED and SWORN to before me
this 10th day of April, 1997.

APPROVED AS TO FORM & CONTENT

[Signature]
Notary Public



[Signature]
D. Dennis Arch, Disciplinary Screening
Officer

APPROVED AS TO FORM & CONTENT:

APPROVED AS TO FORM & CONTENT

[Signature]
NEIL BELLER, ESQ.
Respondent's attorney

[Signature]
JOHN A. HUNT, ESQ.
Complainant's attorney

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

DATED this 9 day of May, 1997.

NEVADA STATE BOARD OF DENTAL
EXAMINERS

[Signature]
SUSAN JANCAR, President

[Signature]
D.K.

EXHIBIT "2"

1 Case No. 00-329

2
3 STATE OF NEVADA

4 BEFORE THE BOARD OF DENTAL EXAMINERS OF NEVADA

5
6 NEVADA STATE BOARD)
7 OF DENTAL EXAMINERS,)

8 Complainant,)

9 vs.)

10 DUFF KASTER, D.D.S.,)

11 Respondent.)
12)
13)

AMENDED STIPULATION

14 IT IS HEREBY STIPULATED AND AGREED by and between DUFF KASTER, D.D.S.

15 (hereinafter "Respondent"), in Proper Person, and THE NEVADA STATE BOARD OF DENTAL
16 EXAMINERS (hereinafter "Board") by and through its counsel JOHN A. HUNT, ESQ., of the law
17 firm of RALEIGH, HUNT & McGARRY, P.C., as follows:

18
19 1. On May 9, 1997, at a properly noticed meeting, Respondent entered into a Stipulation
20 with the Nevada State Board of Dental Examiners. Attached as Exhibit "1".

21
22 2. Paragraph 15 (G) and (H) of the Stipulation states:

23 G. Due to Respondent's admission of violations of NRS 631 and NAC
24 631 contained in Paragraphs 10 through 15, Respondent agrees to surrender
25 his Registration Certificate No. BK 065578 with the United States
26 Department of Justice, D.E.A., to prescribe controlled substances for Class
27 II, Class IIN, Class III, Class IIIN, Class IV, and Class V for a period of five
28 (5) years. In the event Respondent complies with all the terms of this



DWK

Law Office of
RALEIGH, HUNT & MCGARRY, P.C.
302 E. CARSON AVENUE
SUITE 1102
LAS VEGAS, NEVADA 89101
(702) 366-4842

L.S.C.
RALEIGH, HUNT & GARRY, P.C.
302 E. CARSON AVENUE
SUITE 1102
LAS VEGAS, NEVADA 89101
(702) 366-4942

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Stipulation, at the end of the five (5) year period Respondent may apply to the D.E.A. to have his prescription privileges reinstated.

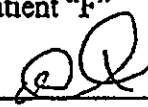
H. Due to Respondent's admission of violations of NRS 631 and NAC 631 contained in Paragraphs 10 through 15, Respondent agrees to surrender his license No. CB 4016 with the Nevada State Board of Pharmacy to prescribe controlled substances for Class II, Class IIN, Class III, Class IIN, Class IV, and Class V for a period of five (5) years. In the event Respondent complies with all the terms of this Stipulation, at the end of the five year period Respondent may apply to have his prescription writing privileges with the State Board of Pharmacy reinstated.

3. Since entering into the Stipulation, the Board has obtained substantial evidence that the Respondent caused to be issued prescriptions in violation of Paragraph 15 (G) and (H) of the Stipulation.

4. On March 28, 2000, a prescription profile was requested from the Controlled Substance Task Force for any prescriptions requested or issued by Respondent from January 1, 1999 to the present. The results of the inquiry indicates no prescriptions were issued in the name of Respondent during this period. On March 28, 2000, a prescription profile was requested from the Controlled Substance Task Force regarding Dr. Ransdell for the periods of May 29, 1999 to June 14, 1999, November 3, 1999 to November 15, 1999, and January 1, 2000 to January 17, 2000.

5. As a result, an investigation was conducted wherein it was found that at the direction of Respondent, prescriptions for controlled substances were issued for patients as follows:

<u>PATIENT:</u>	<u>CONTROLLED SUBSTANCE</u>	<u>DATE</u>
Patient "A"	Lorcet	06/03/99
Patient "B"	APA/Hydrocodone Bitartrate	06/08/99
Patient "C"	APA/Hydrocodone Bitartrate	06/14/99
Patient "D"	APA/Hydrocodone Bitartrate	01/07/00
Patient "E"	Hydrocodone/IBUPRO	01/09/00
Patient "F"	Diazepam	01/11/00



DWK

1	Patient "G"	APA/Hydrocodone Bitartrate	01/12/00
2	Patient "H"	APA/Hydrocodone Bitartrate	01/18/00
3	Patient "I"	APA/Hydrocodone Bitartrate	01/20/00

4 Respondent has been informed of the names which correspond to the patients identified as
5 A through I.

6 6. On March 28, 2000, the dental records for the patients identified in Paragraph 4
7 above, were reviewed by the Informal Hearing Officer. Based upon that review the Informal
8 Hearing Officer finds that Respondent caused to be issued controlled substances to the patients
9 identified in Paragraph 4, above, in violation of Paragraph 15 (G) and (H) of the Stipulation entered
10 into with the Board on May 9, 1997.

11 7. The method Respondent used to cause prescriptions to be issued to the patients listed
12 in Paragraph 4 was as follows:

13 Currently Respondent shares business space with Nevada licensee, Tracy Ransdell, D.D.S.
14 From May 29, 1999 through June 14, 1999, Dr. Ransdell was vacationing outside the geographical
15 jurisdiction of the United States. From January 1, 2000 until January 17, 2000, Dr. Ransdell was
16 vacationing was outside the geographical Jurisdiction of the United States. During the time frames
17 identified above, unbeknownst to Dr. Ransdell, Respondent caused prescriptions to be issued to the
18 patients identified in Paragraph 4 by ordering those prescriptions pursuant to the DEA and Nevada
19 prescription license of Dr. Ransdell.
20
21
22

23 8. The Informal Hearing Officer having reviewed the prescriptions issued to patients
24 A through I, identified in Paragraph 4, is of the opinion these prescriptions were related to a valid
25 dental treatment. After conducting the preliminary investigation, the Informal Hearing Officer

26 
27 DWK
28

Law Office of
RALEIGH, HUNT & GARRY, P.C.
302 E. CARSON AVENUE
SUITE 1102
LAS VEGAS, NEVADA 89101
(702) 366-4842

Law Office
RALEIGH, HUNT & CARR, P.C.
302 E. CARSON AVENUE
SUITE 1102
LAS VEGAS, NEVADA 89101
(702) 386-4842

1 caused the Board's Executive Director to issue notice to the Respondent requiring him to submit to
2 a hair, urine, and blood sample for illegal and non-prescribed prescription drugs on March 28, 2000.
3 Thereafter, on March 29, 2000, Respondent presented himself for a hair, urine, and blood sample
4 for illegal and non-prescribed prescription drugs. The results of the test were negative for all illegal
5 and non-prescribed prescription drugs.
6

7 9. Based upon the limited investigation conducted to date, Respondent admits he
8 violated Paragraph 15 (G) and (H) of the Stipulation entered into with the Board on May 9, 1997
9 when Respondent caused to be issued controlled substances to patients A through I identified in
10 Paragraph 4 of this Amended Stipulation.
11

12 10. Due to Respondent's admitted violation of the Stipulation entered into with the Board
13 on May 9, 1997, pursuant to NRS 631.350(b), Respondent agrees to the suspension of his license
14 to practice dentistry in the State of Nevada for a period of thirty (30) days. The thirty (30) days
15 suspension shall be effective upon adoption of this Amended Stipulation by the Board. Respondent
16 shall physically deliver his license to the Board's Executive Director, located at 2295-B Renaissance
17 Drive, Las Vegas, Nevada 89119, upon approval of this Amended Stipulation by the Board.
18

19 11. Due to Respondent's admitted violation of the Stipulation entered into with the Board
20 on May 9, 1997, pursuant to NRS 631.350 (c), Respondent agrees to pay a fine to the Board in the
21 amount of \$1000.00. Said fine shall be due and payable upon adoption of this Amended Stipulation.
22 In the event Respondent fails to pay the fine, Respondent shall cease practicing dentistry in the State
23 of Nevada until such time as the fine has been paid in full.
24

25 12. Due to Respondent's admitted violation of the Stipulation entered into with the Board
26

27 
28 DWK

1 on May 9, 1997, Respondent agrees to reimburse the Board the sum of \$2000.00 for the costs of this
2 investigation. Said reimbursement shall be due and payable within sixty (60) days upon adoption
3 of this Amended Stipulation. In the event Respondent fails to reimburse the Board for the costs of
4 this investigation within sixty (60) days of the adoption, Respondent agrees to cease practicing
5 dentistry in the State of Nevada until such time as the reimbursement amount is paid in full.
6

7 13. Respondent further agrees, in the event the Board has to initiate any legal proceedings
8 to enforce payment of either the fine or the reimbursement amount or ~~if~~ the event the Board has to
9 seek injunctive relief in the event Respondent fails to voluntarily cease practicing dentistry in the
10 State of Nevada, Respondent shall be responsible for legal fees and costs incurred by the Board in
11 any such proceedings.
12

13 14. Respondent further agrees, in the event the Board's Executive Director has substantial
14 evidence to believe Respondent has either issued or has caused to be issued prescriptions for
15 controlled substances identified as Class II, Class IIN, Class III, Class IIIN, Class IV, and Class V
16 during the remaining term of his probationary period as set forth in the Stipulation entered into with
17 the Board on May 9, 1997, the Executive Director without any further hearing or action by the Board
18 shall issue an order revoking Respondent's license to practice dentistry in the State of Nevada.
19 Thereafter, Respondent may request a hearing before the Board but during the pendency of the
20 hearing before the Board, Respondent waives any right to seek judicial review to reinstate his
21 privilege to practice dentistry in the State of Nevada pending a final Board hearing.
22

23
24 15. To the best of the Informal Hearing Officer's knowledge, Respondent has complied
25 with all of the other provisions of the Stipulation entered into with the Board on May 9, 1997.

26 
27 _____
28 DWK

Law
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(702) 386-4842

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SUITE 1102
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(702) 386-4842

16. Respondent further agrees, by entering into this Amended Stipulation, the Board is not waiving any right to enforce any of the other provisions contained in the Stipulation entered into with the Board on May 9, 1997.

17. Respondent further agrees all of the other provisions contained in the Stipulation entered into with the Board on May 9, 1997, shall remain in full force and effect.

18. Respondent further agrees, pursuant to NRS 631.350 (h), Respondent's practice shall be supervised. This period of supervision shall commence upon adoption of this Amended Stipulation and shall run concurrently with the Stipulation entered into with the Board on May 9, 1997 to ensure Respondent's prescription practices are in compliance with this Amended Stipulation and all other provisions which have been agreed to pursuant to the Stipulation entered into with the Board on May 9, 1997. During the period of supervision, Respondent shall allow either the Informal Hearing Officer and/or the Executive Director of the Board and/or an agent appointed by the Board to inspect Respondent's records to assure compliance with this Amended Stipulation and the Stipulation entered into with the Board on May 9, 1997. Such inspection shall be performed, without notice, during normal business hours. Respondent shall maintain, during the supervision period, a list of any prescriptions issued to any of Respondent's patients by any other licensed dentist in the State of Nevada. The list of prescriptions issued to Respondent's patients by any other licensed dentist in the State of Nevada shall include the following:

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



DWK

1 Respondent's failure to accurately maintain the list of prescriptions issued to his patients by
2 any other licensed dentist in the State of Nevada shall be deemed unprofessional conduct and in
3 violation of this Amended Stipulation and shall be considered by the Board in determining whether
4 or not to revoke Respondent's license to practice dentistry in the State of Nevada.
5

6 CONSENT

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


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

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

15 22. Respondent acknowledges he has read the Stipulation. Respondent acknowledges
16 he has been advised he has the right to have this matter reviewed by independent counsel and he has
17 had ample opportunity to seek independent counsel. Having been advised of his right to independent
18 counsel, as well as had the opportunity to seek independent counsel, Respondent hereby
19 acknowledges, by his own free will, he is consenting to the Stipulation without independent counsel.
20

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

24 24. Respondent agrees in the event the Board adopts this Stipulation he hereby waives
25 any and all rights to seek judicial review or otherwise to challenge or contest the validity of the
26

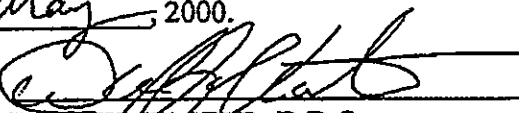
27 
28 DWK

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(702) 386-4842

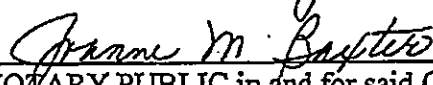
1 provisions contained in the Stipulation.

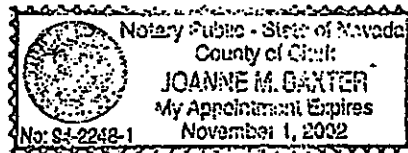
2 25. This Stipulation will be considered by the Board in an open meeting. It is understood
3 and stipulated the Board is free to accept or reject the Stipulation and, if the Stipulation is rejected
4 by the Board, further disciplinary action may be implemented. This Stipulation will only become
5 effective when the Board has approved the same in an open meeting. Should the Board adopt this
6 Stipulation, such adoption shall be considered a final disposition of a contested case.
7

8 DATED this 10 day of May, 2000.

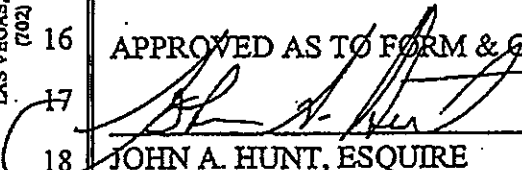
9 
10 DUFF W. KASTER, D.D.S.
11 Respondent

12 SUBSCRIBED and SWORN to before me
13 this 10th day of May, 2000.

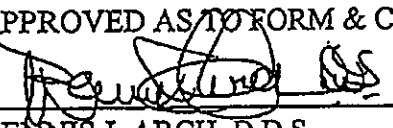
14 
15 NOTARY PUBLIC in and for said County
16 and State



16 APPROVED AS TO FORM & CONTENT


17 
18 JOHN A. HUNT, ESQUIRE
19 Complainant's attorney

APPROVED AS TO FORM & CONTENT

20 
21 DENNIS J. ARCH, D.D.S.
22 Disciplinary Screening Office/Informal Hearing
23 Officer

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

26 DATED this 1st day of JUNE, 2000.

27 NEVADA STATE BOARD OF DENTAL EXAMINERS
28 
A. TED TWESME, D.D.S.
President


DWK

Law Office
RALEIGH, HUNT & MCCARRY, P.C.
302 E. CARSON AVENUE
SUITE 1102
LAS VEGAS, NEVADA 89101
(702) 386-4842

EXHIBIT "3"



LABORATORY RESULTS

ASSOCIATED PATHOLOGISTS LABORATORIES

Facsimile Copy

4230 Burnham Avenue, Suite 230
Las Vegas, NV 89119 (702) 733-7866

PATIENT KASTER, DUFF W

PHONET 3486

REFERRED BY NV STATE BRD OF DENTAL EXMNS.
2295-B RENAISSANCE DR.

AGE/SEX 99X M
COLLECTED 05/15/2001 12:5 MED. RECORD # 3500442921
RECEIVED 05/15/2001 22:18 CHART # 828704
TOX NO. 010142334 XM S.S.# 530-64-3771

LAS VEGAS, NV 89119

TEST NAME - SPECIMEN

PROFILE 800 - URINE (010142335)

Reason: Random

RESULTS:	Amphetamines	Negative
	Barbiturates	Negative
	Cocaine Metab (Benzoyllecgonine)	Negative
	Opiates	Negative
	Phencyclidine (PCP)	Negative
	THC Carboxylic Acid (Marijuana)	Negative
	Alcohol (Ethanol)	Negative
	Nitrite Adulteration	Negative
	Chromium Adulteration	Negative

This specimen was screened by enzyme immunoassay (except for alcohol, which is screened by enzymatic assay). Positives were confirmed by gas chromatography-mass spectrometry (GC/MS) (except for alcohol, which is confirmed by gas chromatography) at the following screening/confirmation cutoffs:

Drug	Screen/Confirm
Amphetamines	500/500 ng/mL
Barbiturates	500/500 ng/mL
Cocaine Metabolite	300/150 ng/mL
Delta-9-THC COOH	50/15 ng/mL
Opiates	300/300 ng/mL
Phencyclidine (PCP)	25/25 ng/mL
Alcohol (Ethanol)	0.02/3.02 gmt

In addition to the above, urine samples are screened and confirmed for the presence of common adulterants.

APL

LABORATORY RESULTS

ASSOCIATED PATHOLOGISTS LABORATORIES

Facsimile Copy

4230 Burnham Avenue, Suite 250
Las Vegas, NV 89119 (702) 733-7666

PATIENT KASTER, DUFF W

PHONET 3486

REFERRED BY NV STATE BRD OF DENTAL EXMNRS.

AGE/SEX 99Y M ACCESSION # 01301314

2295-B RENAISSANCE DR.

COLLECTED 05/15/2001 12:5 MED. RECORD # 3500442921

RECEIVED 05/15/2001 22:18 CHART # 828704

LAS VEGAS, NV 89119

TOXNO. 010142334 XM S.S.# 530-64-3772

XXXXXXXXXXXXXXXXXXXX

TEST NAME - SPECIMEN (010142334)

PROFILE 870 - HAIR Reason: Random

RESULTS:	Amphetamines (Group)	**POSITIVE**
	Cocaine/Metabolite(s)	Negative
	Opiates (Group)	Negative
	Phencyclidine (PCP)	Negative
	Cannabinoids (Marijuana)	Negative

*FINDINGS: MDMA (Ecstasy) IDENTIFIED

This specimen was screened by immunoassay (IA). Positives were confirmed by gas chromatography-mass spectrometry (GC/MS) or GC/MS/MS at the following screening/confirmation cutoffs:

Drug	Screen/Confirm
Methamphetamine/Amphetamine/MDMA	300/300 pg/mg
Cocaine/Metabolite	300/300 pg/mg
Identified Opiates	500/500 pg/mg
THC	5/5 pg/mg
THC-COOH	/0.1 pg/mg
Phencyclidine (PCP)	300/300 pg/mg

If a drug was reported negative, it means that either no drug was detected, or if a drug was detected, it was present at a concentration less than the laboratory's established cutoff level.

EXHIBIT "4"

STATE OF NEVADA

BEFORE THE BOARD OF DENTAL EXAMINERS OF NEVADA

NEVADA STATE BOARD)
 OF DENTAL EXAMINERS,)
 Complainant,)
 vs.)
 DUFF W. KASTER, D.D.S.)
 Respondent.)

Case No. 97-37

ORDER

WHEREAS, on May 17, 2001, the Nevada State Board of Dental Examiners ("Board") issued an Order suspending the dental license of Duff W. Kaster, D.D.S.

1. On March 6, 1997, Respondent entered into a Temporary Stipulation with the Board.
2. On May 9, 1997, Respondent entered into a Stipulation with the Board.
3. On June 1, 2000, Respondent entered into an Amended Stipulation with the Board.
4. Paragraph 15 B of the Stipulation entered into with the Board on May 9, 1997

states:

B. Respondent agrees to submit to random sampling of urine and/or bodily fluids, and/or hair for a period of four (4) years when so ordered by the Executive Director of the Board. In addition to the random drug tests which may be ordered during the four (4) year period, during the one year suspension, Respondent will submit to urinalysis testing on the first day of each month at Associated Pathology Laboratories (APL). Should the first day of the month fall on a Saturday or Sunday, Respondent will submit the monthly sample on the first business day of the month. any test or analysis of bodily fluids taken shall be conducted in such manner that the

testing agency shall preserve enough of the sample to allow for subsequent independent confirmatory tests. The results of any tests or analysis of bodily fluids shall be reported to the Board. Respondent shall be responsible for all costs incurred for the analysis of urine, and/or bodily fluids, and/or hair.

5. On May 9, 2001 Respondent was sent notice to present himself to Associated Pathologists Laboratories (APL) for blood, hair and urine testing.

6. On May 15, 2001 Respondent presented himself to APL for testing.

7. The results of the testing indicates Respondent tested "positive" for Amphetamines.

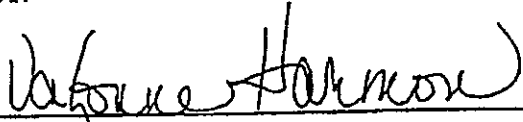
8. Paragraph 15C of the Stipulation entered into with the Board on May 9, 1997 states:

C. In the event any test or analysis of bodily fluids taken from Respondent pursuant to the terms of this Stipulation is positive, indicating the presence of controlled substances (not pursuant to a valid prescription), Respondent will be notified and allowed to arrange for a subsequent independent confirmatory test. Should the Respondent test positive, Respondent shall voluntarily cease practicing dentistry in the State of Nevada until such time as a full Board hearing is held to evaluate the positive findings and subsequent independent confirmatory tests.

THEREFORE, it is hereby

ORDERED, ADJUDGED AND DECREED that Duff W. Kaster, D.D.S. shall voluntarily cease practicing dentistry in the State of Nevada until such time as a full Board hearing is held to evaluate the positive findings and any subsequent independent confirmatory tests which Dr. Kaster wishes to have performed.

DATED this 18th day of May, 2001.


VaLonne Harmon, Executive Director
Nevada State Board of Dental Examiners

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STATE OF NEVADA

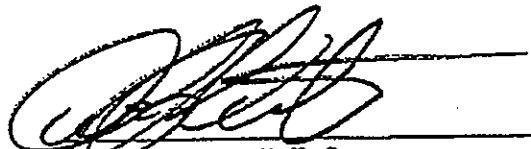
BEFORE THE BOARD OF DENTAL EXAMINERS OF NEVADA

NEVADA STATE BOARD)
OF DENTAL EXAMINERS,)
Complainant,)
vs.)
DUFF W. KASTER, D.D.S.)
Respondent.)

Case No. 97-37

RECEIPT OF COPY

Receipt of Copy of the Nevada State Board of Dental Examiners Order is hereby
acknowledged this 21 day of May, 2001.


Duff W. Kaster, D.D.S.

Law Office of
RALEIGH, HUNT & GARRY, P.C.
302 E. CARSON AVENUE
SUITE 1102
LAS VEGAS, NEVADA 89101
(702) 386-4842

Nevada State Board of Dental Examiners



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

August 6, 2014

John Bocchi, DDS
5465 Kietzle Lane
Reno, NV 89511

Re: Request an Advisory Opinion

Dear Dr. Bocchi:

The Nevada State Board of Dental Examiners is in receipt of your request for an advisory opinion regarding whether investing in a medical marijuana dispensary would violate NRS 631.3475 and NRS 631.349. This matter will be noticed before the Board at the next regularly scheduled meeting to be held on Friday October 3, 2014 at 9.30 a.m. This meeting will be held at the office of the Nevada State Board of Medical Examiners located at 1150 Terminal Way, Suite 301, Reno, Nevada 89502.

Your present is required to address any questions the Board Members may have regarding this request and any supporting documentation submitted.

Should you have additional questions, please do not hesitate to contact me at (702) 486-7044 ext. 23.

Sincerely,

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

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

Cc: File



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

PETITION FOR ADVISORY OPINION

Applicant/Licensee: John Bocchi DDS Date: 8/6/14
Address: 5465 Kietake Ln Suite No.: _____
City: Reno State: NV Zip Code: 89511
Telephone: 775-786-1911 Fax: 775-786-8149 Email: John@SierraSmiles.com

In the matter of the petition for an advisory opinion of NRS & NAC Chapter 631:

This request is for clarification of the following statute, regulation, or order:
(Identify the particular aspect thereof to which the request is made.)

Note: If you require additional space you may attach separate pages to the petition form.

Whether a licensee would bring reproach to the practice of dentistry pursuant to NRS 631.3475 by becoming an investor in a medical marijuana dispensary and cultivation business.

The substance and nature of this request is as follows:

(State clearly and concisely petitioner's question.)

Note: If you require additional space you may attach separate pages to the petition form.



(Please submit any additional supporting documentation with the petition form)

Wherefore, applicant/licensee requests that the Nevada State Board of Dental Examiners grant this petition and issue an advisory opinion in this matter.

[Signature]
Applicant/Licensee Signature

State of Nevada Gaming Control Board
Medical Marijuana Establishments



BRIAN SANDOVAL
Governor

STATE OF NEVADA

GAMING CONTROL BOARD

1919 College Parkway, P.O. Box 8003, Carson City, Nevada 89702
555 E. Washington Avenue, Suite 2600, Las Vegas, Nevada 89101
3650 S. Pointe Circle, Suite 203, P.O. Box 31109, Laughlin, Nevada 89028
557 W. Silver Street, Suite 207, Elko, Nevada 89801
9790 Gateway Drive, Suite 100, Reno, Nevada 89521
750 Pilot Road, Suite H, Las Vegas, Nevada 89119

A.G. BURNETT, *Chairman*
SHAWN R. REID, *Member*
TERRY JOHNSON, *Member*

NOTICE TO LICENSEES

Notice #2014-39

DATE: May 6, 2014

TO: All Gaming Licensees & Applicants

FROM: Terry Johnson, Esq., Board Member *Terry Johnson*

SUBJECT: Medical Marijuana Establishments

The Gaming Control Board (Board) has received questions regarding whether a person who has received a gaming approval or has applied for a gaming approval may invest in or otherwise participate in medical marijuana establishments approved under Nevada laws and regulations. While the Nevada Legislature has made certain medical marijuana establishments legal, the Controlled Substances Act (CSA) makes it illegal under federal law to manufacture, distribute, dispense or possess marijuana. See 21 U.S.C. § 801, et seq. The federal government has also reiterated that the illegal distribution, possession, and sale of marijuana are serious crimes that provide a significant source of revenue to criminal enterprises, and that there is an expectation that states with some form of legalized marijuana will have strong regulatory practices that are strictly enforced.

The Board is charged with considering and determining whether certain activities by persons or entities involved in gaming implicate the character or integrity of the licensee or would pose a threat to the effective regulation and control of gaming. Further, the Board must also determine whether any such activity by a gaming licensee or applicant that violates federal law would reflect or tend to reflect discredit upon the State of Nevada or its gaming industry.

Accordingly, unless the federal law is changed, the Board does not believe investment or any other involvement in a medical marijuana facility or establishment by a person who has received a gaming approval or has applied for a gaming approval is consistent with the effective regulation of gaming. Further, the Board believes that any such investment or involvement by gaming licensees or applicants would tend to reflect discredit upon gaming in the State of Nevada.



INFECTION CONTROL INSPECTION/SURVEY FORM

Rev 06/2013

Date of Inspection: _____

Licensee Name: _____

Owner Dentist: _____

Dental Office Name: _____

Address: _____

City: _____ State: Nevada Zip Code: _____

INSPECTOR(S) / PURPOSE OF INSPECTION

Inspector(s):
 (1) _____
 (2) _____

Re-Inspection Inspector(s):
 (1) _____
 (2) _____

Initial Inspection: Random Inspection: Re-Inspection Date: _____

IDENTIFIED DEFICIENCIES
 (List Numbers from the following pages 2-4 where deficiency is noted)

1 - "Critical" deficiencies: _____

2 - "Remedial Action Required" deficiencies: _____

3 - "Action Required" deficiencies: _____

4 - "Action Recommended" deficiencies: _____

IDENTIFIED DEFICIENCIES FROM RE-INSPECTION

COMPLIANCE LEVEL CRITERIA – LEVEL # 1-4

1 - CRITICAL: MUST BE MET. COULD RESULT IN IMMEDIATE TERMINATION OF PATIENT CARE AND EXTENDED OFFICE INABILITY TO TREAT PATIENTS.

2 - REMEDIAL ACTION REQUIRED: REQUIRES CORRECTIVE COMPLIANCE WITHIN 7 DAYS.

3 - ACTION REQUIRED: REQUIRES CORRECTIVE COMPLIANCE WITHIN 30 DAYS.

4 - ACTION RECOMMENDED: NOT REQUIRED FOR COMPLIANCE AT THIS TIME – COMPLIANCE REQUIREMENTS SUBJECT TO CHANGE AS CENTER FOR DISEASE CONTROL (CDC) REQUIREMENTS MAY CHANGE.

ACKNOWLEDGEMENT AND RECEIPT OF COPY BY OWNER/AUTHORIZED AGENT

The owner of the dental practice hereby acknowledges that by executing this document below and initialing each page's lower right hand corner on the line "Licensee Initials," receipt of a copy of this inspection/survey form is acknowledged.

In the event the dental practice has satisfactorily completed the inspection, as noted in this inspection/survey form, the owner/licensee will receive from the Board's Executive Director and/or representative, written notice of satisfactorily completing the inspection conducted.

If an owner/licensee has commenced the practice of dentistry prior to an Initial Inspection (NAC 631.1785) at any given location that inspection shall be deemed to be a Random Inspection pursuant to NAC 631.179.

If the inspection indicates "critical" deficiencies (items listed as "#1's") the owner/licensee will receive written notice from the Board's Executive Director and/or representative of the "critical" deficiencies and that a re-inspection will be conducted within seventy-two (72) hours of the written notice. However in the event the "critical" deficiencies noted, pose an immediate threat to the public health, safety and/or welfare the President of the Board, **may** without any further action of the Board, issue an Order of Summary Suspension pursuant to NAC 631.179(4).

In the event the inspection indicates "remedial action required" deficiencies (items listed as "#2's"), the owner/licensee will receive written notice from the Board's Executive Director and/or representative of the "remedial action required" deficiencies and that a re-inspection will be conducted within seven (7) days of the written notice.

In the event the inspection indicates "action required" deficiencies (items listed with a "#3"), the owner/licensee will receive written notice from the Board's Executive Director and/or representative of the "action required" deficiencies and that a re-inspection will be conducted within thirty (30) days of the written notice.

Receipt of a copy of the foregoing is hereby acknowledged;
 By _____
 this _____ day of _____, 20__ at ____:____.m.
 Print name: _____
 Title and/or position/capacity: _____

Re-Inspection Receipt of copy of the foregoing is hereby acknowledged;
 By _____
 this _____ day of _____, 20__ at ____:____.m.
 Print name: _____
 Title and/or position/capacity: _____

Y N	RECORD KEEPING – EACH PRACTICE MUST...		LEVEL 1-4	Y	N
R	1	Review the written infection control plan at least annually to ensure compliance with best practices. Review must be documented	3	Y	N
R	2	Document training at date of hire and annually thereafter of Bloodborne Pathogen for this location.	3	Y	N
R	3	Document training of health-care employees in selection and use of PPE	3	Y	N
R	4	Document corrective actions for all deviations from written policy	3	Y	N
R	6	Maintain up-to-date confidential employee health records and records must be kept since opening date: _____	3	Y	N
R	7	Injury / Incident records	3	Y	N
R	8	Emergency telephone numbers posted	3	Y	N
R	9	Training records kept for 3+ years	3	Y	N
R	11	Maintain logs for equipment repair and maintenance logs for all equipment (i.e. Steralization).	3	Y	N
R	12	Maintain biological weekly monitoring & testing logs and be kept for a minimum of 2yrs or since opening date: _____	1	Y	N
R	13	Post exposure evaluation and follow-up records	3	Y	N
Has a written infection control program specific to site					
R	17	Includes a written procedure for steralization monitoring and a written process for managing semi critical and critical items to include semi critical & critical instruments, the instrument processing area, preparation and packaging of instruments, sterilization, and storage of sterilized instruments and clean dental items.	3	Y	N
R	18	Includes a written process for managing failed chemical, heat or biological monitoring	3	Y	N
R	19	Includes written policies for use of personal protective equipment (PPE)	3	Y	N
R	20	Maintains documentation of vaccinations offered to HCW with infectious exposure risk (Hepatitis B, Influenza) or declined by HWC documentaion indicating the acceptance or decline by HWC infectious exposure rick.	3	Y	N
R	23	Includes written policies and procedures for handling and management of sharps	3	Y	N
R	24	Includes a Sharps Injury log exist	3	Y	N

Y N	Has a written infection control program		LEVEL 1-4	Y	N
R	25	Written policies and procedures regarding all occupational exposures which include post exposure medical evaluation plan (use CDC: needle stick/sharps injury/exposure protocol) and 24/7 contact telephone number for qualified designated health care provider. Provide access to Sharps injury log. Provide access to Exposure and Incident reporting forms.	3	Y	N
R	26	Maintain documentation of post exposure follow-up for all sharps injuries involving contaminated instruments	3	Y	N
R	27	Includes written policies and procedures for medical waste management	3	Y	N
R	28	Maintain current name and telephone number of Licensed waste hauler used for regulated waste	3	Y	N
R	29	Includes written policies and procedures for aseptic management during patient care	3	Y	N
R	30	Includes written policies and procedures for surface disinfection and environmental barrier protection	3	Y	N
R	31	Includes written policies and procedures for laboratory procedures	3	Y	N
R	32	Includes written policy and procedure for patients known to have communicable disease on arrival (TB, Influenza)	3	Y	N
R	33	A Comprehensive medical history form is use to evaluate patients and routinely reviewed and updated	3	Y	N
Has employee training and monitoring program					
R	35	Provide and document education and training that is appropriate to the assigned duties of the specific DHCP and includes hands-on training for all staff assigned to process semi critical and critical instruments	3	Y	N
R	37	Monitors and documents compliance with use of PPE	3	Y	N
R	38	Provides and documents training in hand hygiene, including selection of antiseptic agents	2	Y	N
R	39	Provides annual infection control training	2	Y	N
R	40	Single use or sterilization for critical items	1	Y	N
	41	Multi - dose vials used		Y	N
R	42	a) if yes, vials are only entered with new, sterile syringe with a new, sterile needle	1	Y	N
					n/a

Y N	Communicable Disease control Procedures	LEVEL 1-4	Y	N	N/A
R	43 b) Cap of multi-dose vial cleaned with alcohol based wipe before being accessed	2	Y	N	N/A
R	44 c) Are multi-use vials discarded when expired or 28 days after initial access (as applicable) - Must have date when first accessed	2	Y	N	N/A
R	45 d) is initial access dated on the multi-use vials	2	Y	N	N/A
R	46 Fluid infusion and administration sets (IV bags, tubing and connectors) used?		Y	N	
R	47 a) if yes, used only on one patient	1	Y	N	N/A
R	48 b) Disposed of after single use?	1	Y	N	N/A
R	49 c) Single IV bag is not used to mix medications for more than one patient	1	Y	N	N/A
R	50 d) Single dose medication/infusions are used for only one patient and discarded after use	1	Y	N	N/A
R	51 Personnel wear utility gloves when processing contaminated instruments - Not latex type for patient care	2	Y	N	
R	52 Supplies for hand hygiene accessible to employees at point of need	2	Y	N	
R	53 Soap and water easily accessible	2	Y	N	
R	54 Alcohol based rubs easily accessible-if used	2	Y	N	
R	55 Team members display appropriate hand hygiene techniques	1	Y	N	
Appropriate PPE supplies accessible for licensees & employees with exposure risks					
R	56 Gloves (Latex and latex free or just latex free) Sterile Surgical Gloves---for surgical procedures (Examples: _____)	1	Y	N	
R	57 Masks	1	Y	N	
R	59 Safety glasses with side shield or full face shields	1	Y	N	
R	60 Disposable gowns/laundered gowns offered	1	Y	N	
R	61 Health care workers display appropriate use of PPE barriers	2	Y	N	
	62 Running water eye wash station accessible	3	Y	N	
	63 Appropriate barrier products available (dental dams, protective eyewear, other)	2	Y	N	
R	64 Basic first aid products and equipment available (Recommended to include: nitroglycerin, Benadryl, epi-pen, oxygen, aspirin, albuterol, glucose, glucagon)	4	Y	N	

Y N	Appropriate PPE supplies accessible for licensees & employees with exposure risks	LEVEL 1-4	Y	N	N/A
R	65 Dental unit water lines flushed between patients for a minimum of 20 seconds	2	Y	N	
R	66 Dental unit water lines are treated to remove biofilm	4	Y	N	
R	67 Maintain documentation of dental unit water line testing to meet the potable water standard of EPA (< 500 CFU/ml)	4	Y	N	
R	68 Maintain documentaion of dental unit water lines not meeting the potable water standard of EPA are treated and retested	4	Y	N	N/A
Cleaning, Disinfection and Sterilization of patient care devices, instruments					
R	69 Biofilm and organic matter are removed from critical and semi-critical instruments using detergents or enzymatic cleaners prior to sterilization	2	Y	N	
R	70 Sterilization equipment available and fully functional	1	Y	N	
R	71 Number of working autoclaves: _____	1	Y	N	N/A
R	72 Number of working chemiclaves: _____	1	Y	N	N/A
R	73 Number of working dry heat sterilizers: _____	1	Y	N	N/A
R	74 Number of working Flash steam sterilizers (Statim): _____	1	Y	N	N/A
R	75 Number of working ultrasonic cleaners: _____	1	Y	N	
R	76 Endodontic files/instrumentation sterilized or disposed	1	Y	N	
R	77 Is Biological testing of sterilizer completed weekly	1	Y	N	
R	78 If independent biological testing service, Name: _____		Y	N	N/A
R	79 If in-office biological testing, is control processed?	2	Y	N	N/A
R	80 Sterilization cycles are verified with chemical/heat indicator. Both interior and external indicators	2	Y	N	
R	81 Critical items (any instrument that penetrates soft tissue or bone) instruments are sterilized after each use	1	Y	N	
R	82 Use a biological indicator for every sterilizer load that contains a non-sterile Implantable device. Verify results before using the implantable device, whenever possible.	1	Y	N	N/A
	83 Proper sterilization loading technique, not overloading	2	Y	N	

Y N		Cleaning, Disinfection and Sterilization of patient care devices, instruments	LEVEL 1-4	Y	N	N/A
R	84	Heat Tolerant Handpieces are sterilized after each use (including high & low speed handpieces, prophylaxis angles, ultrasonic and sonic scaling tips, air abrasion devices, air and water syringe tips, and motors--with exception of electric type models)	1	Y	N	
R	85	Sterile packs are inspected for integrity, compromised packs are reprocessed	2	Y	N	
R	86	Event-related monitoring is used to monitor package integrity and packages are appropriately stored with a minimum of an initial date stamp	2	Y	N	
R	87	Single use instruments or devices are not processed and re-used	1	Y	N	
R	88	Semi-critical items are sterilized after each use if not heat sensitive	1	Y	N	
R	89	Heat sensitive semi-critical are at a minimum high level disinfected after each use or chemical sterilized after each use	1	Y	N	
R	90	Practice is using an FDA approved chemical sterilant	2	Y	N	
R	91	All applicable label instruction are followed on EPA-registered chemical sterilant (dilution, shelf life, storage, safe use, disposal and material compatibility)	2	Y	N	
R	92	Practice is using an FDA approved high level disinfectant	2	Y	N	
R	93	Chemical used for high level disinfection are prepared according to manufacturer's instructions (dilution, shelf life, storage, safe use, disposal and material compatibility)	2	Y	N	
R	94	Chemical used for high level disinfection are dated with expiration dates and discarded before expiration dates	2	Y	N	
Aseptic Techniques:						
R	95	Splash shields and equipment guards used on dental laboratory lathes	4	Y	N	N/A
R	96	Fresh pumice and a sterilized, or new rag wheel used for each patient	2	Y	N	N/A
R	97	Are devices used to polish, trim or adjust contaminated intraoral devices being disinfected or sterilized	2	Y	N	N/A
R	98	Intraoral items such as impressions, bite registrations, prostheses and orthodontic appliances are cleaned and disinfected	2	Y	N	
R	99	Includes written policies and procedures to prevent cross contamination when taking and processing dental radiographs	3	Y	N	

Y N		Environmental Infection Control	LEVEL 1-4	Y	N
R	100	Semi-critical environmental surfaces (frequently touched surface that could potentially allow secondary transmission to HCW or patients) are decontaminated between patients using a high level surface disinfectant	2	Y	N
R	101	Noncritical environmental surfaces are decontaminated between patients	2	Y	N
R	102	Objects and environmental surfaces are disinfected with an EPA registered tuberculocidal disinfectant at beginning of day	2	Y	N
R	103	Objects and environmental surfaces are disinfected with an EPA registered tuberculocidal disinfectant between patients	2	Y	N
R	104	Objects and environmental surfaces are disinfected with an EPA registered tuberculocidal disinfectant at the end of the day	2	Y	N
R	105	EPA registered tuberculocidal disinfectants are used at the dilution specified by the manufacturer	2	Y	N
R	106	All clinical contact surfaces are protected with barriers (especially areas that are difficult to clean)	2	Y	N
R	107	Clinical contact barriers are changed between patients	2	Y	N
R	108	Decontamination and clean areas separated in the instrument processing area	2	Y	N
R	109	Biohazardous waste is disposed of properly	2	Y	N
Sharps					
R	110	Approved sharps containers utilized and accessible	2	Y	N
R	111	Sharps container taken out of service and processed appropriately	2	Y	N
R	112	Safe recapping techniques/devices used	2	Y	N
R	113	Sharps (needles, blades...) are single use	1	Y	N
R	114	Employees use engineering controls (e.g., forceps) to retrieve contaminated sharps from trays or containers	2	Y	N

Healthcare Personnel Vaccination Recommendations¹

Vaccine	Recommendations in brief
Hepatitis B	Give 3-dose series (dose #1 now, #2 in 1 month, #3 approximately 5 months after #2). Give IM. Obtain anti-HBs serologic testing 1–2 months after dose #3.
Influenza	Give 1 dose of influenza vaccine annually. Give inactivated injectable vaccine intramuscularly or live attenuated influenza vaccine (LAIV) intranasally.
MMR	For healthcare personnel (HCP) born in 1957 or later without serologic evidence of immunity or prior vaccination, give 2 doses of MMR, 4 weeks apart. For HCP born prior to 1957, see below. Give SC.
Varicella (chickenpox)	For HCP who have no serologic proof of immunity, prior vaccination, or history of varicella disease, give 2 doses of varicella vaccine, 4 weeks apart. Give SC.
Tetanus, diphtheria, pertussis	Give a dose of Tdap as soon as feasible to all HCP who have not received Tdap previously and to pregnant HCP with each pregnancy (see below). Give Td boosters every 10 years thereafter. Give IM.
Meningococcal	Give 1 dose to microbiologists who are routinely exposed to isolates of <i>N. meningitidis</i> and boost every 5 years if risk continues. Give MCV4 IM; if necessary to use MPSV4, give SC.

Hepatitis A, typhoid, and polio vaccines are not routinely recommended for HCP who may have on-the-job exposure to fecal material.

Hepatitis B

Healthcare personnel (HCP) who perform tasks that may involve exposure to blood or body fluids should receive a 3-dose series of hepatitis B vaccine at 0-, 1-, and 6-month intervals. Test for hepatitis B surface antibody (anti-HBs) to document immunity 1–2 months after dose #3.

- If anti-HBs is at least 10 mIU/mL (positive), the patient is immune. No further serologic testing or vaccination is recommended.
- If anti-HBs is less than 10 mIU/mL (negative), the patient is unprotected from hepatitis B virus (HBV) infection; revaccinate with a 3-dose series. Retest anti-HBs 1–2 months after dose #3.
 - If anti-HBs is positive, the patient is immune. No further testing or vaccination is recommended.
 - If anti-HBs is negative after 6 doses of vaccine, patient is a non-responder.

For non-responders: HCP who are non-responders should be considered susceptible to HBV and should be counseled regarding precautions to prevent HBV infection and the need to obtain HBIG prophylaxis for any known or probable parenteral exposure to hepatitis B surface antigen (HBsAg)-positive blood or blood with unknown HBsAg status.¹ It is also possible that non-responders are people who are HBsAg positive. Testing should be considered. HCP found to be HBsAg positive should be counseled and medically evaluated.

Note: Anti-HBs testing is not recommended routinely for all previously vaccinated HCP who were not tested 1–2 months after their original vaccine series. However, pre-exposure testing may be preferred for trainees, certain occupations, and HCP working in certain populations. For details see reference 2.

Influenza

All HCP, including physicians, nurses, paramedics, emergency medical technicians, employees of nursing homes and chronic care facilities, students in these professions, and volunteers, should receive annual vaccination against influenza. Live attenuated influenza vaccine (LAIV) may be given only to non-pregnant healthy HCP age 49 years and younger. Inactivated injectable influenza vaccine (IIV) is preferred over LAIV for HCP who are in close contact with severely immunosuppressed people (e.g., stem cell transplant patients) when patients require protective isolation.

Measles, Mumps, Rubella (MMR)

HCP who work in medical facilities should be immune to measles, mumps, and rubella.

- HCP born in 1957 or later can be considered immune to measles, mumps, or rubella only if they have documentation of (a) laboratory confirmation of disease or immunity or (b) appropriate vaccination against measles, mumps, and rubella (i.e., 2 doses of live measles and mumps vaccines given on or

after the first birthday and separated by 28 days or more, and at least 1 dose of live rubella vaccine). HCP with 2 documented doses of MMR are not recommended to be serologically tested for immunity; but if they are tested and results are negative or equivocal for measles, mumps, and/or rubella, these HCP should be considered to have presumptive evidence of immunity to measles, mumps, and/or rubella and are not in need of additional MMR doses.

- Although birth before 1957 generally is considered acceptable evidence of measles, mumps, and rubella immunity, healthcare facilities should consider recommending 2 doses of MMR vaccine routinely to unvaccinated HCP born before 1957 who do not have laboratory evidence of disease or immunity to measles and/or mumps, and should consider 1 dose of MMR for HCP with no laboratory evidence of disease or immunity to rubella. For these same HCP who do not have evidence of immunity, healthcare facilities should recommend 2 doses of MMR vaccine during an outbreak of measles or mumps and 1 dose during an outbreak of rubella.

Varicella

It is recommended that all HCP be immune to varicella. Evidence of immunity in HCP includes documentation of 2 doses of varicella vaccine given at least 28 days apart, history of varicella or herpes zoster based on physician diagnosis, laboratory evidence of immunity, or laboratory confirmation of disease.

Tetanus/Diphtheria/Pertussis (Td/Tdap)

All HCPs who have not or are unsure if they have previously received a dose of Tdap should receive a dose of Tdap as soon as feasible, without regard to the interval since the previous dose of Td. Pregnant HCP need to get repeat doses during each pregnancy. All HCPs should then receive Td boosters every 10 years thereafter.

Meningococcal

Vaccination with MCV4 is recommended for microbiologists who are routinely exposed to isolates of *N. meningitidis*.

References

1. CDC. Immunization of Health-Care Personnel: Recommendations of the Advisory Committee on Immunization Practices (ACIP). *MMWR*, 2011; 60(RR-7).
2. CDC. CDC Guidance for Evaluating Health-Care Personnel for Hepatitis B Virus Protection and for Administering Postexposure Management, *MMWR*, 2013; 62(10):1–19.

For additional specific ACIP recommendations, refer to the official ACIP statements published in *MMWR*. To obtain copies, visit CDC's website at www.cdc.gov/vaccines/pubs/ACIP-list.htm; or visit the Immunization Action Coalition (IAC) website at www.immunize.org/acip.

Technical content reviewed by the Centers for Disease Control and Prevention



Nevada State Board of Dental Examiners

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Las Vegas, NV 89118
(702) 486-7044 • (800) DDS-EXAM • Fax (702) 486-7046

CONSCIOUS SEDATION INSPECTION AND EVALUATION

ON-SITE/ADMINISTRATOR SITE ONLY

Name of Practitioner:	Proposed Dates: <i>Sept 5 2014</i>
Location to be Inspected:	Telephone Number:
Date of Evaluation: <i>Sept 5 2014</i>	Time of Evaluation: <i>8 Am</i>

Evaluators

1.
2.
3.

INSTRUCTIONS FOR COMPLETING CONSCIOUS SEDATION ON-SITE INSPECTION AND EVALUATION FORM:

1. Prior to evaluation, review criteria and guidelines for Conscious Sedation (CS) On-Site/Administrator and Site Only Inspection and Evaluation in the Examiner Manual.
2. Each evaluator should complete a CS On-Site/Administrator or Site Only Inspection and Evaluation form independently by checking the appropriate answer box to the corresponding question or by filling in a blank space.
3. Answer each question. (For Site Only Inspections complete sections A, B, and C)
4. After answering all questions, each evaluator should make a separate overall "pass" or "fail" recommendation to the Board. "Fail" recommendations must be documented with a narrative explanation.
5. Sign the evaluation report and return to the Board office within ten (10) days after evaluation has been completed.

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A. OFFICE FACILITIES AND EQUIPMENT

1. Operating Theater	YES	NO
a. Is operating theater large enough to adequately accommodate the patient on a table or in an operating chair?	X	
b. Does the operating theater permit an operating team consisting of at least three individuals to freely move about the patient?	X	
2. Operating Chair or Table		
a. Does operating chair or table permit the patient to be positioned so the operating team can maintain the airway?	X	
b. Does operating chair or table permit the team to quickly alter the patient's position in an emergency?	X	
c. Does operating chair or table provide a firm platform for the management of cardiopulmonary resuscitation?	X	
3. Lighting System		
a. Does lighting system permit evaluation of the patient's skin and mucosal color?	X	
b. Is there a battery powered backup lighting system?	X	
c. Is backup lighting system of sufficient intensity to permit completion of any operation underway at the time of general power failure?	X	
4. Suction Equipment		
a. Does suction equipment permit aspiration of the oral and pharyngeal Cavities?	X	
b. Is there a backup suction device available which can operate at the time of General power failure?	X	
5. Oxygen Delivery System		
a. Does oxygen delivery system have adequate full face masks and appropriate connectors and is capable of delivering oxygen to the patient under positive pressure?	X	
b. Is there an adequate backup oxygen delivery system which can operate at the Time of general power failure?	X	
6. Recovery Area (Recovery area can be operating theater)		
a. Does recovery area have available oxygen?	X	
b. Does recovery area have available adequate suction?	X	
c. Does recovery area have adequate lighting?	X	
d. Does recovery area have available adequate electrical outlets?	X	

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7. Ancillary Equipment in Good Operating Condition?		YES	NO
a. Are there oral airways?		X	
b. Is there a tonsillar or pharyngeal type suction tip adaptable to all office outlets?		X	
c. Is there a sphygmomanometer and stethoscope?		X	
d. Is there adequate equipment for the establishment of an intravenous infusion?		X	
e. Is there a pulse oximeter?		X	

B. RECORDS – Are the following records maintained?

1. An adequate medical history of the patient?		X	
2. An adequate physical evaluation of the patient?		X	
3. Sedation records show blood pressure reading?		X	
4. Sedation records show pulse reading?		X	
5. Sedation records listing the drugs administered, amounts administered, and time administered?		X	
6. Sedation records reflecting the length of the procedure?		X	
7. Sedation records reflecting any complications of the procedure, if any?		X	
8. Written informed consent of the patient, or if the patient is a minor, his or her parent or guardian's consent for sedation?		X	

C. DRUGS

	DRUG NAME	EXPIRES	YES	NO
1. Vasopressor drug available?	Epi 1:1000	5/15	X	
2. Corticosteroid drug available?	Sola Cortek	3/15	X	
3. Bronchodilator drug available?	Albutrol	12/15	X	
4. Appropriate drug antagonists available?	Naloxon	10/15	X	

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	DRUG NAME	EXPIRES	YES	NO
5. Antihistaminic drug available?	Diphenhydramine	7/15	<input checked="" type="checkbox"/>	
6. Anticholinergic drug available?	Atropine	12/15	<input checked="" type="checkbox"/>	
7. Coronary artery vasodilator drug available?	Nitroglycerine	3/15	<input checked="" type="checkbox"/>	
8. Anticonvulsant drug available?	Diazepam	2/15	<input checked="" type="checkbox"/>	
9. Oxygen available?		10/2015	<input checked="" type="checkbox"/>	

D. DEMONSTRATION OF CONSCIOUS SEDATION

1. Who administered conscious sedation? Dentist's Name: _____		
2. Was sedation case demonstrated within the definition of conscious sedation?		
3. While sedated, was patient continuously monitored during the procedure with a pulse oximeter? If not, what type of monitoring was utilized?	<input checked="" type="checkbox"/>	
4. Was the patient monitored while recovering from sedation? Monitored by whom: _____	<input checked="" type="checkbox"/>	
5. Is this person a licensed health professional experienced in the care and resuscitation of patients recovering from conscious sedation?	<input checked="" type="checkbox"/>	
6. Were personnel competent?	<input checked="" type="checkbox"/>	
7. Are all personnel involved with the care of patients certified in basic cardiac life support?	<input checked="" type="checkbox"/>	
8. Was dentist able to perform the procedure without any action or omission that could have resulted in a life threatening situation to the patient?		
9. What was the length of the case demonstrated?		4/5 min

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E. SIMULATED EMERGENCIES – Was dentist and staff able to demonstrate knowledge and ability in recognition and treatment of:

	YES	NO
1. Airway obstruction laryngospasm?		X
2. Bronchospasm?		✓
X 3. Emesis and aspiration of foreign material under anesthesia?		X
4. Angina pectoris?	✗	
5. Myocardial infarction?	✗	
X 6. Hypotension?		X
X 7. Hypertension?	✗	
8. Cardiac arrest?	✗	
9. Allergic reaction?	✗	
10. Convulsions?	✗	
11. Hypoglycemia?	✗	
12. Asthma?	✗	
13. Respiratory depression?	✗	
14. Allergy to or overdose from local anesthesia?	✗	
15. Hyperventilation syndrome?	✗	
16. Syncope?	✗	

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Evaluator Overall Recommendation
 Pass Fail

Comments: DR was able to demonstrate a CS within
very good guidelines. She was not able to pass her oral Emergency
Scenarios on 1, 2, 3 & 6. I recommend she study the material
and re take her Emergency scenario section only. Everything else was
Excellent!

Signature Evaluator

Sept 5 14
Date



Nevada State Board of Dental Examiners

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**CONSCIOUS SEDATION
 INSPECTION AND EVALUATION**

ON-SITE/ADMINISTRATOR **SITE ONLY**

Name of Practitioner:	Proposed Dates: 9/5/14
Location to be Inspected:	Telephone Number:
Date of Evaluation: 9/5/14	Time of Evaluation: 8:00 Am.

Evaluators

1. Dr.
2. Dr.
3.

**INSTRUCTIONS FOR COMPLETING CONSCIOUS SEDATION ON-SITE
 INSPECTION AND EVALUATION FORM:**

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 3. Answer each question. (For Site Only Inspections and Evaluations, complete sections A, B, and D)
 4. After answering all questions, each evaluator should make a separate overall "pass" or "fail" recommendation to the Board. "Fail" recommendations must be documented with a narrative explanation.
- Sign the evaluation report and return to the Board office within ten (10) days after evaluation has been completed.

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A. OFFICE FACILITIES AND EQUIPMENT

	YES	NO
1. Operating Theater		
a. Is operating theater large enough to adequately accommodate the patient on a table or in an operating chair?	X	
b. Does the operating theater permit an operating team consisting of at least three individuals to freely move about the patient?	X	
2. Operating Chair or Table		
a. Does operating chair or table permit the patient to be positioned so the operating team can maintain the airway?	X	
b. Does operating chair or table permit the team to quickly alter the patient's position in an emergency?	X	
c. Does operating chair or table provide a firm platform for the management of cardiopulmonary resuscitation?	X	
3. Lighting System		
a. Does lighting system permit evaluation of the patient's skin and mucosal color?	X	
b. Is there a battery powered backup lighting system?	X	
c. Is backup lighting system of sufficient intensity to permit completion of any operation underway at the time of general power failure?	X	
4. Suction Equipment		
a. Does suction equipment permit aspiration of the oral and pharyngeal Cavities?	X	
b. Is there a backup suction device available which can operate at the time of General power failure?	X	
5. Oxygen Delivery System		
a. Does oxygen delivery system have adequate full face masks and appropriate connectors and is capable of delivering oxygen to the patient under positive pressure?	X	
b. Is there an adequate backup oxygen delivery system which can operate at the Time of general power failure?	X	
6. Recovery Area (Recovery area can be operating theater)		
a. Does recovery area have available oxygen?	X	
b. Does recovery area have available adequate suction?	X	
c. Does recovery area have adequate lighting?	X	
d. Does recovery area have available adequate electrical outlets?	X	

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7. Ancillary Equipment in Good Operating Condition?		YES	NO
a. Are there oral airways?		X	
b. Is there a tonsillar or pharyngeal type suction tip adaptable to all office outlets?		X	
c. Is there a sphygmomanometer and stethoscope?		X	
d. Is there adequate equipment for the establishment of an intravenous infusion?		X	
e. Is there a pulse oximeter?		X	

B. RECORDS – Are the following records maintained?

1. An adequate medical history of the patient?		X	
2. An adequate physical evaluation of the patient?		X	
3. Sedation records show blood pressure reading?		X	
4. Sedation records show pulse reading?		X	
5. Sedation records listing the drugs administered, amounts administered, and time administered?		X	
6. Sedation records reflecting the length of the procedure?		X	
7. Sedation records reflecting any complications of the procedure, if any?		X	
8. Written informed consent of the patient, or if the patient is a minor, his or her parent or guardian's consent for sedation?		X	

C. DRUGS

	DRUG NAME	EXPIRES	YES	NO
1. Vasopressor drug available?	epi 1:1000	5/15	X	
2. Corticosteroid drug available?	Solu-Cortef	3/15	X	
3. Bronchodilator drug available?	Albuterol	12/15	X	
4. Appropriate drug antagonists available?	NALOXONE	10/15	X	

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	DRUG NAME	EXPIRES	YES	NO
5. Antihistaminic drug available?	Diphenhydramine	7/15	X	
6. Anticholinergic drug available?	Atropine	12/15	X	
7. Coronary artery vasodilator drug available?	Nitrostat	3/15	X	
8. Anticonvulsant drug available?	Dilantin	2/15	X	
9. Oxygen available?		10/15	X	

D. DEMONSTRATION OF CONSCIOUS SEDATION

1. Who administered conscious sedation? Dentist's Name:		
2. Was sedation case demonstrated within the definition of conscious sedation?		X
3. While sedated, was patient continuously monitored during the procedure with a pulse oximeter?		X
If not, what type of monitoring was utilized?		
4. Was the patient monitored while recovering from sedation?		X
Monitored by whom:		
5. Is this person a licensed health professional experienced in the care and resuscitation of patients recovering from conscious sedation?		X
6. Were personnel competent?		X
7. Are all personnel involved with the care of patients certified in basic cardiac life support?		X
8. Was dentist able to perform the procedure without any action or omission that could have resulted in a life threatening situation to the patient?		X
9. What was the length of the case demonstrated?	45 minutes	X

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SIMULATED EMERGENCIES – Was dentist and staff able to demonstrate knowledge and ability in recognition and treatment of:

	YES	NO
1. Airway obstruction laryngospasm?		X
2. Bronchospasm?		X
3. Emesis and aspiration of foreign material under anesthesia?		X
4. Angina pectoris?	X	
5. Myocardial infarction?	X	
6. Hypotension?		X
7. Hypertension?	X	
8. Cardiac arrest?	X	
9. Allergic reaction?	X	
10. Convulsions?	X	
11. Hypoglycemia?	X	
12. Asthma?	X	
13. Respiratory depression?	X	
14. Allergy to or overdose from local anesthesia?	X	
15. Hyperventilation syndrome?	X	
16. Syncope?	X	

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Evaluator Overall Recommendation	
<input type="checkbox"/> Pass	<input checked="" type="checkbox"/> Fail

Comments: DR. Needs to Review Scenarios, she did well with administering her meds and monitoring her patient. DR. needed coaching throughout the scenarios and needed clarification on the differences between Bronchospasm and Laryngospasm along with emesis and hypotension. If DR. could review on her own and be allowed to Debrief only the ORAC portion of the examination, that would be sufficient.

Signature of evaluator _____

Date 9/16/14

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Nevada State Board of Dental Examiners

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(702) 486-7044 • (800) DDS-EXAM • Fax (702) 486-7046

VOLUNTARY SURRENDER OF LICENSE

STATE OF Nevada

COUNTY OF Clark

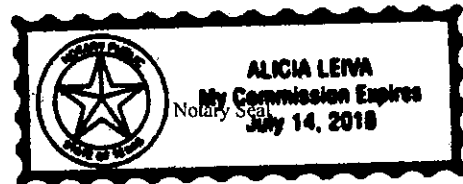
I, David Vo, hereby surrender my Nevada
Dental / Dental Hygiene (circle one) license number 6282 on 22 day of
August, 2014.

By signing this document, I understand, pursuant to Nevada Administrative Code (NAC) 631.160, the surrender of this license is absolute and irrevocable. Additionally, I understand that the voluntary surrender of this license does not preclude the Board from hearing a complaint for disciplinary action filed against this licensee.

David Vo
Licensee Signature

8/22/2014
Date

Alicia Leiva
Notary Signature



Licensee Current Mailing Address: [Redacted]

Home Phone [Redacted]

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VOLUNTARY SURRENDER OF LICENSE

STATE OF Nevada

COUNTY OF Clark

I, JEAN CHRISTINE THOMASON, hereby surrender my Nevada
Dental /Dental Hygiene (circle one) license number 3593 on 24th day of
July, 2014.

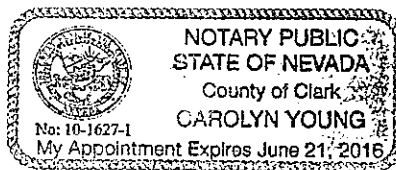
By signing this document, I understand, pursuant to Nevada Administrative Code (NAC)
631.160, the surrender of this license is absolute and irrevocable. Additionally, I
understand that the voluntary surrender of this license does not preclude the Board from
hearing a complaint for disciplinary action filed against this licensee.

Jean Christine Thomason
Licensee Signature

July 24th, 2014
Date

Carolyn Young
Notary Signature

Notary Seal



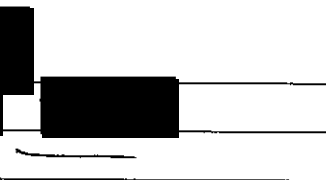
Licensee Current Mailing Address:



Home Phone



Cell Phone:



PAID
MOT [Redacted]



Nevada State Board of Dental Examiners

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Las Vegas, NV 89118
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VOLUNTARY SURRENDER OF LICENSE

STATE OF Ohio

COUNTY OF Butler

I, Michelle Pefley, hereby surrender my Nevada
Dental (Dental Hygiene) (circle one) license number 101624 on 29th day of
July, 2014.

By signing this document, I understand, pursuant to Nevada Administrative Code (NAC) 631.160, the surrender of this license is absolute and irrevocable. Additionally, I understand that the voluntary surrender of this license does not preclude the Board from hearing a complaint for disciplinary action filed against this licensee.

Michelle Pefley
Licensee Signature

7-29-14
Date

Not: [Signature]
Notary Signature
AUSTIN J. BLAND
NOTARY PUBLIC • STATE OF OHIO
Recorded in Butler County
My commission expires Mar. 12, 2018



Licensee Current Mailing Address: [Redacted]

Home Phone [Redacted] Cell Phone: [Redacted]





Nevada State Board of Dental Examiners

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APPLICATION TO REACTIVATE AN INACTIVE / RETIRED LICENSE

Name RICHARD M. STEVENS, DMD Current Phone [REDACTED]
Complete Mailing Address [REDACTED]

I, RICHARD M. STEVENS, DMD, wish to reactivate my inactive Dental Dental Hygiene (circle one) license number 33-42, which was placed on inactive retired status on 1 JULY 2013. I certify (choose one below):

I have maintained an active license and practice (active license and working) outside the state of Nevada during the period my Nevada license has been **inactive**;

Requirements for reactivation are:

1. Payment of the reactivation fee of **\$300.00** in addition to the current active license fees. You will need to contact the Board office for confirmation of the correct fees to pay;
2. Provide a list of employment during the time the Nevada license was inactive;
3. Submit proof of current CPR certification (online certification is NOT acceptable);
4. Submit proof of completion of continuing education credits as follows (courses must be completed within the previous 12 months):
 - a. For Dentists reactivating, 20 credit hours are required (of those 20, a minimum of 14 MUST be live-instruction and a minimum of 2 must be in infection control);
 - b. For Hygienists reactivating, 15 credit hours are required (of those 15, a minimum of 10.5 MUST be live-instruction and a minimum of 2 must be in infection control);
5. Provide a current self query report from the National Practitioners Data Bank;
6. Provide certification from each jurisdiction in which you currently hold a license (expired, inactive, retired, etc.) to practice dentistry or dental hygiene, that the license is in good standing and that no proceedings which may affect that standing are pending;
7. Provide letters of recommendation from two (2) licensed dentists;

I have not maintained an active license and practice (no active license and not working) for one or more years outside the state of Nevada during the period my Nevada license has been **inactive or retired**;

Requirements for reactivation are:

1. For licenses on inactive/retired status for less than 2 years:
 - a. Complete items (1) through (5) above.
2. For licenses on inactive/retired status for 2 years or more:
 - a. Complete items (1) through (5) above;
 - b. Pass such additional examinations for licensure as the Board may prescribe.

I certify that during the period of 1 JULY 2013 through 18 SEPT 2014 (the period my license was inactive/retired), I had [REDACTED] filing(s) or service or claim(s) or complaint(s) of malpractice or disciplinary action(s) in any jurisdiction outside the State of Nevada. **FULL DISCLOSURE OF EACH SUCH CASE MUST BE ENCLOSED WITH THIS REACTIVATION APPLICATION.**

I authorize and empower the Nevada State Board of Dental Examiners or its agent to contact any person, firm, service, agency, or the like to obtain information deemed necessary or desirable by the Board to verify any information contained in my application to reactivate my inactive/retired license based upon this affidavit. I acknowledge I have a continuing responsibility to update all information contained in this application until such time as the Board takes action on this application. Failure of an applicant to update the information prior to final action of the Board is grounds for subsequent disciplinary action.

SIGNATURE OF LICENSEE

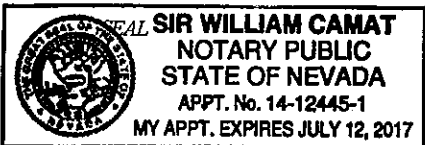
DATE

STATE OF NEVADA COUNTY OF CLARK SUBSCRIBED TO AND SWORN BEFORE ME this

17th day of

SEPTEMBER, 2014

RECEIVED



NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE

PAID

SEP 18 2014

Rev 10/2013

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