

NEVADA STATE BOARD of DENTAL EXAMINERS



Post Meeting Documents Public Comment

July 15, 2016

Formal Hearing & Board Meeting

PUBLIC COMMENT
Letter from
DR. ADAM PERSKY

JULY 15, 2016

FORMAL HEARING & BOARD MEETING

Lauren N. Ortega

Book
(Public)

From: Adam Persky [REDACTED]
Sent: Friday, July 15, 2016 11:18 AM
To: Board of Dental Examiners
Subject: URGENT for Today Board meeting
Attachments: July 15.docx

please give this STATEMENT to board meeting for today

July 15, 2016

To the Nevada Board of Dentistry

This written statement is from Dr Adam Persky

Received
JUL 15 2016
NSBDE

Due to how we have been treated in the past, I Dr. Adam Persky moved out of Las Vegas, Nevada 2014 so that I can continue to provide for my family, as it became impossible to practice in Nevada .

I do not understand why I was not notified of today's meeting and only found out when a colleague called me to let me know.

The patient who filed the complaint, Stephanie Ann Cook, knows 100% she did not pay at all for any dental work.

Original treatment plan was only an estimate, as some of the work was never performed.

Any dental work that was done was done so the patient could attend the World MMA AWARDS show in Las Vegas as it was her desire to have a better smile as she knows extremely well that it was her goal to be hired by DANA WHITE and the UFC as a "ring girl" as well as she was starting to compete for the MS. NEVADA completion. We had worked with her in the past doing much dentistry for no charges She pressured us to get this done as fast as we could as it was important to her to be at this award show.

The Patient knew that the work was done as quickly as possible so she could attend and that a good portion was done on a temporary basis, and after the competitions and shows she would return to have permanent work completed. This never was completed.

She knows that she only returned to have areas repaired, did not follow home care, abused her teeth by having large hard candies and well as other external factors.

Patient knows that she is not telling the truth should not have filed this complaint and this complaint should be withdrawn.

Respectfully yours

Dr Adam Persky

Respectfully yours

--

Dr. Adam Persky

[REDACTED]

Received
JUL 15 2016
NSBDE

PUBLIC COMMENT
from
DR. ERIKA SMITH

JULY 15, 2016

FORMAL HEARING & BOARD MEETING

DECADES OF NEVADA DENTAL BOARD CORRUPTION

Dental Board Executive Director Embezzles \$602,000 under John Hunt's watch. (June 18, 2002 Las Vegas Review Journal, Ed Vogel)

GOVERNOR BRIAN SANDOVAL CONTENDS "JOHN HUNT should accept responsibilities for failing" Sandoval shows frustration with John Hunt stating that Mr. Hunt says "*half-truths*" and "*He knows better than to mislead the people of Nevada*" (Las Vegas Review Journal, July 15, 2002, Jane Ann Morrisson)

I-team-8 News NOW 2012 breaks story exposing the Nevada Dental Board over spending and extravagant travel. Honolulu, Chicago, Squaw Valley. A jet set agenda some find hard to swallow. "We need to hold them accountable" said Senator Carlton.

Assemblyman Lynn Stewart, District 22 commented that he had received multiple complaints concerning Board Office staff and Legal Counsel and that he wanted to bring it to the Board's attention, Nevada Public meeting, January 22, 2016.

20 plus dentists worked together to request Nevada Legislators investigate the Nevada Dental Board. The Legislature found that the Dental Board was:

- 1.) Overcharging licensed dentists and Hygienists
- 2.) Cooking the books by not using General Accounting Principles therefore disguising hundreds
of thousands of dollars paid the board legal counsel, John Hunt.
- 3.) Conducting investigations in a manner that violates the healthcare provider's due process rights.
- 4.) The Dental Board Executive Director Debra Schafer -Kuegel providing misleading and

inaccurate statements in response to auditors.

(Legislative Auditor Highlights Report # LA16-14, May 24, 2016)

Audit Slams Nevada Dental Board's System for Handling records and complaints. (Las Vegas Review Journal, Pashtana Usufzy, July 1, 2016)

Nevada State Lawmakers need to perform a root canal on the board governing Nevada dentists. (Las Vegas Review Journal July 5, 2016, Editorial Section)

Assemblyman Glenn Trowbridge uses the word extortion to explain the current dental board disciplinary process. (Las Vegas Review Journal, July 5, 2016)

Las Vegas Dental Association reaches out to other dentists from other states who are currently individually suing their state dental board members by piercing their immunity. (Haygood vs. Dies The Danger of the Eight Corners Rule, August 13, 2015 Barry Zalma)

Make a difference and contact your legislators, also please call Senator Settlemeyer with concerns.

Contact Senator James Settlemeyer (775) 450-6114

Why are the Dental Board Members allowing this corruption to continue? It's time for a New Executive Director and a New In-house Legal Counsel. The eyes of the Nation and the Nevada Dental community are focused on the Boards next move. Will each Board Member do nothing?

PUBLIC COMMENT
from
DR. ADRIAN RUIZ

JULY 15, 2016

FORMAL HEARING & BOARD MEETING

STATEMENT TO NV BOARD OF DENTAL EXAMINERS

(Adrian Ruiz, DDS, July 15, 2016)

Good Morning. My name is Doctor Adrian Ruiz. I am a licensed dentist in the State of Nevada and a member of the Las Vegas Dental Association. The recent audit performed by the Audit Division of Legislative Counsel Bureau ("LCB"), which is legal counsel to the Nevada State Legislature, identified 14 problems with the financial and administrative functions of the Dental Board, some of which are considered to be "serious." These problems included the Dental Board being found guilty of:

1. Overcharging its licensees for "legal costs" associated with discipline and investigations;
2. Failing to use General Accounting Principles in order to hide hundreds of thousands of dollars paid to the board's private attorney, John Hunt, from scrutiny of the Nevada State Legislature;
3. Conducting investigations in a manner that violates the due process rights of its licensees; and
4. Allowing the Dental Board's Executive Director, Debra Shafer-Kugel, to make false and misleading statements to the auditors for the Legislative Counsel Bureau's Audit Division.

I would like to point out to the Board Members that all the problems recently identified in the Legislative Audit of the Dental Board have been ongoing for over the past 20 years during which it has employed its private attorney. Moreover, the Nevada Dental Board has also had a negative impact on our state's dental care, which was not included in the audit report, in that qualified dental healthcare providers have left the State of Nevada as a direct result of the corrupt actions of the Board's Executive Director and its private attorney which, in turn, have contributed to reducing the quality of Dental Healthcare in Nevada. In all of cases with which I am familiar, the same complaints for which Nevada licensees were disciplined were reviewed and dismissed by other states where Nevada dentists were then allowed to practice without any restrictions on their licenses.

The recent case of Travis Sorenson, DDS, who self-reported for drug abuse (and self-referred to a diversion program) was very badly handled in that the Dental Board publicly humiliated and vilified him when it should've all been handled confidentially as there was never any patient complaint, malpractice, or bad outcome. Sorenson was the first case of "self-reporting" and based on how the Dental Board handled his case such self-reporting is virtually guaranteed to never happen again. The Dental Board severely disciplined him and did so in blatant violation of the Board's own policy published on its website entitled, "The Domino Effect of Board Complaints," where John Hunt, Esq. writes, "A remedial or corrective action stipulation will contain no provisions for revocation, suspension, probation, reprimand, fine, or restriction of practice." The Dental Board did all of this and more to Sorenson who was forced to move to Arizona where such cases are handled confidentially and where he is now practicing without any restrictions on his dental license.

One dentist recently expended over \$10,000 in legal "fees and costs" involving a fee dispute over \$300 that had nothing to do with the practice of dentistry and it took the Dental Board over 16 months to resolve it. A simple fee dispute case such as this could easily have been resolved by having a volunteer mediator make a phone call. Another dentist, has expended over \$160,000 just in legal defense fees against the Dental Board in the past 8 years and many, if not all, of these cases could've been handled with dispute resolution since none of these cases involved a bad outcome or malpractice but instead involved philosophical differences, copay complaints, and mistaken identity. However, dispute resolution, which is available to attorneys at no cost to them or their clients, is not available for dentists and their patients. Instead, the Dental Board involves a Dental Screening office and its private attorney causing legal "fees and costs" to spiral out of control.

All this aside, the question everyone is now asking is: **"What is this Board going to do to correct the blatant mismanagement by its Executive Director and private attorney employees?"**

In the normal course of business, had any of us discovered misconduct by an office employee, such as over-charging some patients, undercharging other patients, keeping incomplete and inaccurate records, being purposefully misleading, and lying on management reports then such a person should be terminated. Yet, in a recent conversation I had with one of the board members I was told:

“When you have a good secretary, who does a good job, you don’t want to let them go because it’s harder to find someone else.”

This is not an acceptable solution because even if the Board adopts all recommendations made the LCB’s Audit Division the perpetrators responsible for the identified misconduct still remain. Thus, at a minimum, this Board needs to take corrective action by terminating its executive director and private attorney employees who are responsible for all the problems identified in the LCB Audit. In case this Board does not understand the serious consequences that such employees create through the principle of joint and several liability, I am providing this Board with a summary of my concerns regarding possible violations of Nevada State law committed by this Board’s employees and for which the Board Members are all jointly and severally liable (see “Complaint Against NVBDE Employees”).

In summary, this Board needs to promote a fair and ethical practice environment where dental healthcare providers want to stay in Nevada rather than flee to other states where licensees are treated with the professionalism and respect we no longer have in Nevada. If this Board chooses not to act with common sense then perhaps the media can put a spotlight on you to scrutinize what you are doing to restore public confidence and trust, which the legislature, public, and dental licensees no longer have in you.

Thank you!