

# NEVADA STATE BOARD of DENTAL EXAMINERS



FORMAL HEARING

OCTOBER 7, 2016

10:00 A.M.

**PUBLIC BOOK**

# Order of Summary Suspension

Tam P. Nguyen, DDS

BEFORE THE NEVADA STATE BOARD OF DENTAL EXAMINERS

NEVADA STATE BOARD OF DENTAL  
EXAMINERS,

Case No.

Complainant,

ORDER FOR SUMMARY  
SUSPENSION

vs.

TAM P. NGUYEN, DDS

Respondent.

WHEREAS, the Complainant, Nevada State Board of Dental Examiners' ("Complainant" or the "Board"), hereby issues this Order for Summary Suspension against Tam P. Nguyen, DDS ("Respondent" or "Dr. Nguyen"). As more fully addressed below, this Order of Suspension is issued pursuant to NRS 233B.127(3) as it is found that the public health, safety, or welfare imperatively requires emergency action.

1. The Board is empowered to enforce the provisions of Chapter 631 of the Nevada Revised Statutes. NRS 631.190.

2. Respondent, Tam P. Nguyen, DDS ("Respondent" or "Dr. Nguyen"), at all times relevant therein, was: A) a resident of the County of Clark, State of Nevada; B) is an individual over the age of majority; C) not in the service of the United States military; and D) not an incompetent.

3. The Board, pursuant to N.R.S. § 631.190(6), keeps a register of all dentists and dental hygienists licensed in the State of Nevada; said register contains the names, addresses, license numbers, and renewal certificate numbers of said dentists and dental

1 hygienists.

2  
3 4. Dr. Nguyen is licensed by the Board as a dentist to practice dentistry in the State  
4 of Nevada, having license number 4884, license date of 01-24-06, and a current  
5 expiration date of 06-30-17. Dr. Nguyen's address listed with the Board is 20825 Cold  
6 Creek Road, Indian Springs, Nevada 89070 and his office phone listed with the Board is  
7 (702) 879-5476.

8  
9 5. Dr. Nguyen is licensed by the Board and, therefore, has submitted himself to the  
10 disciplinary jurisdiction of the Board.

11  
12 6. Upon information and belief, Dr. Nguyen has been practicing dentistry at 4840  
13 Spring Mountain Road, Suite 2, Las Vegas, Nevada, 89102-8753; office phone number  
14 (702) 256-2111.

15  
16 7. NRS 233B.127(3) provides, in pertinent part:

17  
18 ... If the agency finds that public health, safety or welfare imperatively  
19 require emergency action, and incorporates a finding to that effect in its  
20 order, summary suspension of a license may be ordered pending  
21 proceedings for revocation or other action. An agency's order of summary  
22 suspension may be issued by the agency or by the Chair of the governing  
23 body of the agency. If the order of summary suspension is issued by the  
24 Chair of the governing body of the agency, the Chair shall not participate in  
25 any further proceedings of the agency relating to that order. Proceedings  
26 relating to the order of summary suspension must be instituted and  
27 determined within 45 days after the date of the order unless the agency and  
28 the licensee mutually agree in writing to a longer period.

26 8. While investigative efforts remain ongoing and incomplete, preliminary  
27 information has come to the Board's attention which, in part, includes the following with  
28

1 respect to Dr. Nguyen:

2 A. Information from the Nevada State Board of Pharmacy provides that from  
3 July 2014 through August 2016, the PMP prescriber report for Dr. Nguyen shows 450  
4 prescriptions for Oxycodone-Acetaminophen 10/325 or Hydrocodone-Acetaminophen  
5 10/325. Of those 450 prescriptions, 381 were filled at VIP Pharmacy (6 Hydrocodone and  
6 375 Oxycodone).

7 B. Several of Dr. Nguyen's patients indicated they had never received such  
8 prescriptions from Dr. Nguyen nor had they ever filled any medications at VIP  
9 Pharmacy.

10 C. A few of Dr. Nguyen's patients indicated he had given them medication to  
11 take home after their procedures for pain and/or infection.

12 D. Dr. Nguyen told Nevada State Board of Pharmacy investigators that he  
13 takes approximately 28 Oxycodone pills per day to account for the all of the prescriptions  
14 filled at VIP Pharmacy in the last year; that Dr. Nguyen stated that out of all of the  
15 prescriptions filled at VIP Pharmacy, only approximately 3 were legitimate prescriptions  
16 which were picked up by the patients themselves.

17 E. That Dr. Nguyen has acknowledged an addiction to Oxycodone.

18  
19 9. Pursuant to N.R.S. § 233B.127(3), it is hereby found that the public health, safety,  
20 or welfare imperatively requires emergency action in light of the above.

21  
22 10. Accordingly, **IT IS HEREBY ORDERED** that Dr. Nguyen's license to practice  
23 dentistry in Nevada is suspended pending further proceedings or other action by the  
24 Board.

25  
26 11. **IT IS FURTHER ORDERED** that Dr. Nguyen immediately cease and desist the  
27 practice of dentistry in the State of Nevada pending further proceedings or other action by  
28

1 the Board.

2  
3 12. Pursuant to N.R.S. § 631.215(1), practicing dentistry is hereby defined to include  
4 the following:

5  
6 1. Any person shall be deemed to be practicing dentistry who:

7 (a) Uses words or any letters or title in connection with his name which in  
8 any way represents him as engaged in the practice of dentistry, or any  
9 branch thereof;

10 (b) Advertises or permits to be advertised by any medium that he can or  
11 will attempt to perform dental operations of any kind;

12 (c) Diagnoses, professes to diagnose or treats or professes to treat any of the  
13 diseases or lesions of the oral cavity, teeth, gingiva or the supporting  
14 structures thereof;

15 (d) Extracts teeth;

16 (e) Corrects malpositions of the teeth or jaws;

17 (f) Takes impressions of the teeth, mouth or gums, unless the person is  
18 authorized by the regulations of the Board to engage in such activities  
19 without being a licensed dentist;

20 (g) Examines a person for, or supplies artificial teeth as substitutes for  
21 natural teeth;

22 (h) Places in the mouth and adjusts or alters artificial teeth;

23 (i) Does any practice included in the clinical dental curricula of accredited  
24 dental colleges or a residency program for those colleges;

25 (j) Administers or prescribes such remedies, medicinal or otherwise, as are  
26 needed in the treatment of dental or oral diseases;

27 (k) Uses X-ray radiation or laser radiation for dental treatment or dental  
28 diagnostic purposes, unless the person is authorized by the regulations of  
the Board to engage in such activities without being a licensed dentist;

(l) Determines:

(1) Whether a particular treatment is necessary or advisable; or

(2) Which particular treatment is necessary or advisable; or

(m) Dispenses tooth whitening agents or undertakes to whiten or bleach  
teeth by any means or method, unless the person is:

(1) Dispensing or using a product that may be purchased over the  
counter for a person's own use; or

(2) Authorized by the regulations of the Board to engage in such  
activities without being a licensed dentist.

1  
2 13. Pursuant to NRS 233B.127(3), notice is hereby provided that proceedings relating  
3 to this Order for Summary Suspension is hereby sets down for further proceedings on the  
4 following date, time, and location:  
5

6 Date: October 7, 2016

7 Time: 10:00 a.m.

8  
9 Location: Nevada State Board of Dental Examiners  
10 6010 South Rainbow Boulevard, Suite A-1  
11 Las Vegas, Nevada 89118

12 DATED this 7<sup>th</sup> day of September, 2016.

13 NEVADA STATE BOARD OF DENTAL EXAMINERS

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16 Timothy T. Pinther, DDS - President

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Notice of Filing of Complaint, Date(s) set  
for Formal Hearing, & Related Matters

Tam P. Nguyen, DDS



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STATE OF NEVADA  
BEFORE THE BOARD OF DENTAL EXAMINERS

NEVADA STATE BOARD OF DENTAL  
EXAMINERS,  
  
Complainant,  
  
vs.  
  
TAM P. NGUYEN, DDS  
  
Respondent.

Case No. 74127-03135

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

TO: TAM P. NGUYEN, DDS, Respondent.

**PLEASE BE ADVISED** on or about September 13, 2016, a Complaint was filed with the Nevada State Board of Dental Examiners (the "Board") which, in part, makes allegations which could result in disciplinary action against your license issued by the Nevada State Board of Dental Examiners.

**YOU ARE FURTHER ADVISED** the Board has scheduled a public hearing to consider the allegations contained in the Complaint. The public hearing is scheduled to commence on October 7, 2016, at 10:00 a.m. at the offices of the Nevada State Board of Dental Examiners, 6010 S. Rainbow Boulevard, Suite A-1, Las Vegas, Nevada 89118. If necessary, the hearing shall continue to October 8, 2016, commencing at 9:00 am.

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

1 Complaint and to determine whether Respondent should be subject to discipline pursuant to NRS  
2 and NAC chapters 631.

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

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

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

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

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1           YOU ARE FURTHER ADVISED you have the right to request the Board issue  
2 subpoenas to compel witnesses to testify and/or present evidence on your behalf. When making  
3 a request to the Board for issuance of a subpoena, you may be required to demonstrate the nature  
4 and relevance of the witness' testimony and/or evidence.  
5

6           DATED & DONE this 13<sup>th</sup> day of September 2016.  
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8                           NEVADA STATE BOARD OF DENTAL EXAMINERS  
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10                   By   
11                   DEBRA SHAFFER-KUGEL, Executive Director

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Nevada State Board of Dental Examiners  
Complaint

Tam P. Nguyen, DDS

BEFORE THE NEVADA STATE BOARD OF DENTAL EXAMINERS

NEVADA STATE BOARD OF DENTAL  
EXAMINERS,

Case No. 74127-03135

Complainant,

vs.

COMPLAINT

TAM P. NGUYEN, DDS

Respondent.

Complainant, Nevada State Board of Dental Examiners (hereinafter referred as the "Board"), by and through its attorneys, for its Complaint against Respondent, Tam P. Nguyen, DDS, alleges and complains as follows:

GENERAL ALLEGATIONS

1. The Board is empowered to enforce the provisions of Chapter 631 of the Nevada Revised Statutes ("NRS"). NRS 631.190.
2. The Board, pursuant to NRS 631.190(6), keeps a register of all dentists and dental hygienists licensed in the State of Nevada; said register contains the names, addresses, license numbers, and renewal certificate numbers of said dentists and dental hygienists.
3. Respondent, Tam P. Nguyen, DDS ("Respondent" or "Dr. Nguyen"), at all times relevant therein, was: A) a resident of the County of Clark, State of Nevada; B) is an individual over the age of majority; C) not in the service of the United States military; and D) not an incompetent.

1 4. The Board, pursuant to N.R.S. § 631.190(6), keeps a register of all dentists and  
2 dental hygienists licensed in the State of Nevada; said register contains the names,  
3 addresses, license numbers, and renewal certificate numbers of said dentists and dental  
4 hygienists.

5  
6 5. Dr. Nguyen is licensed by the Board as a dentist to practice dentistry in the State  
7 of Nevada, having license number 4884, license date of 01-24-06, and a current  
8 expiration date of 06-30-17. Dr. Nguyen's address listed with the Board is 20825 Cold  
9 Creek Road, Indian Springs, Nevada 89070 and his office phone listed with the Board is  
10 (702) 879-5476.

11  
12 6. Dr. Nguyen is licensed by the Board and, therefore, has submitted himself to the  
13 disciplinary jurisdiction of the Board.

14  
15 7. Upon information and belief, Dr. Nguyen has been practicing dentistry at 4840  
16 Spring Mountain Road, Suite 2, Las Vegas, Nevada, 89102-8753; office phone number  
17 (702) 256-2111.

18  
19 8. NRS 233B.127(3) provides, in pertinent part:

20  
21 ... . If the agency finds that public health, safety or welfare imperatively  
22 require emergency action, and incorporates a finding to that effect in its  
23 order, summary suspension of a license may be ordered pending  
24 proceedings for revocation or other action. An agency's order of summary  
25 suspension may be issued by the agency or by the Chair of the governing  
26 body of the agency. If the order of summary suspension is issued by the  
27 Chair of the governing body of the agency, the Chair shall not participate in  
28 any further proceedings of the agency relating to that order. Proceedings  
relating to the order of summary suspension must be instituted and  
determined within 45 days after the date of the order unless the agency and  
the licensee mutually agree in writing to a longer period.

1  
2 9. While investigative efforts remain ongoing and incomplete, preliminary  
3 information has come to the Board's attention which, in part, includes the following with  
4 respect to Dr. Nguyen:

5 A. Information from the Nevada State Board of Pharmacy provides that from  
6 July 2015 through August 2016, the PMP prescriber report for Dr. Nguyen shows 450  
7 prescriptions for Oxycodone-Acetaminophen 10/325 or Hydrocodone-Acetaminophen  
8 10/325. Of those 450 prescriptions, 381 were filled at VIP Pharmacy (6 Hydrocodone and  
9 375 Oxycodone).

10 B. Several of Dr. Nguyen's patients indicated they had never received such  
11 prescriptions from Dr. Nguyen nor had they ever filled any medications at VIP  
12 Pharmacy.

13 C. A few of Dr. Nguyen's patients indicated he had given them medication to  
14 take home after their procedures for pain and/or infection.

15 D. Dr. Nguyen told Nevada State Board of Pharmacy investigators that he  
16 takes approximately 28 Oxycodone pills per day to account for the all of the prescriptions  
17 filled at VIP Pharmacy in the last year; that Dr. Nguyen stated that out of all of the  
18 prescriptions filled at VIP Pharmacy, only approximately 3 were legitimate prescriptions  
19 which were picked up by the patients themselves.

20 E. That Dr. Nguyen has acknowledged an addiction to Oxycodone.  
21

22 10. Pursuant to N.R.S. § 233B.127(3), it was found that the public health, safety, or  
23 welfare imperatively requires emergency action in light of the above. Accordingly, an  
24 *Order for Summary Suspension* was issued on September 7, 2016, in the above-captioned  
25 matter. See Exhibit 1, copy of *Order for Summary Suspension*.  
26

27 11. As referenced in the *Order for Summary Suspension*, it was ordered that Dr.  
28

1 Nguyen's license to practice dentistry in Nevada is suspended pending further  
2 proceedings or other action by the Board. See Exhibit 1, at 3:22-24.  
3

4 12. As also referenced in the *Order for Summary Suspension*, it was further ordered  
5 that Dr. Nguyen immediately cease and desist the practice of dentistry in the State of  
6 Nevada pending further proceedings or other action by the Board. See Exhibit 1, at 3:26  
7 to 4:1.  
8

9 13. The *Order for Summary Suspension* notes that pursuant to N.R.S. § 631.215(1),  
10 practicing dentistry is hereby defined to include the following:  
11

12 1. Any person shall be deemed to be practicing dentistry who:

13 (a) Uses words or any letters or title in connection with his name which in  
14 any way represents him as engaged in the practice of dentistry, or any  
15 branch thereof;

16 (b) Advertises or permits to be advertised by any medium that he can or  
17 will attempt to perform dental operations of any kind;

18 (c) Diagnoses, professes to diagnose or treats or professes to treat any of the  
19 diseases or lesions of the oral cavity, teeth, gingiva or the supporting  
20 structures thereof;

21 (d) Extracts teeth;

22 (e) Corrects malpositions of the teeth or jaws;

23 (f) Takes impressions of the teeth, mouth or gums, unless the person is  
24 authorized by the regulations of the Board to engage in such activities  
25 without being a licensed dentist;

26 (g) Examines a person for, or supplies artificial teeth as substitutes for  
27 natural teeth;

28 (h) Places in the mouth and adjusts or alters artificial teeth;

(i) Does any practice included in the clinical dental curricula of accredited  
dental colleges or a residency program for those colleges;

(j) Administers or prescribes such remedies, medicinal or otherwise, as are  
needed in the treatment of dental or oral diseases;

(k) Uses X-ray radiation or laser radiation for dental treatment or dental  
diagnostic purposes, unless the person is authorized by the regulations of  
the Board to engage in such activities without being a licensed dentist;

(l) Determines:



- 1 (1) Whether a particular treatment is necessary or advisable; or  
2 (2) Which particular treatment is necessary or advisable; or  
3 (m) Dispenses tooth whitening agents or undertakes to whiten or bleach  
4 teeth by any means or method, unless the person is:  
5 (1) Dispensing or using a product that may be purchased over the  
6 counter for a person's own use; or  
7 (2) Authorized by the regulations of the Board to engage in such  
8 activities without being a licensed dentist.

9 See Exhibit 1, at 4:3-27.

10 14. The *Order for Summary Suspension* provides notice that, pursuant to NRS  
11 233B.127(3), proceedings relating to the *Order for Summary Suspension* are set down for  
12 further proceedings on the following date, time, and location:

13 Date: October 7, 2016

14 Time: 10:00 a.m.

15 Location: Nevada State Board of Dental Examiners  
16 6010 South Rainbow Boulevard, Suite A-1  
17 Las Vegas, Nevada 89118

18 See Exhibit 1, at 5:2-10.

19  
20 15. Accordingly, in keeping with the *Order for Summary Suspension* and NRS  
21 233B.127(3), this Complaint is filed/instituted and is scheduled to be heard on October  
22 14, 2016, at 10:00 a.m. as it pertains to proceedings relating to the *Order for Summary*  
23 *Suspension* which must be instituted and determined within 45 days after the date of the  
24 *Order for Summary Suspension* unless the Board and the Respondent mutually agree in  
25 writing to a longer period.  
26  
27  
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1  
2 CLAIM # 1:  
3 PROCEEDINGS RELATED TO THE ORDER FOR SUMMARY SUSPENSION

4 16. The Board repeats and realleges the allegation contained in paragraphs 1 through  
5 15 and reincorporates the same as if fully set forth herein.  
6

7  
8 17. That in keeping with the *Order for Summary Suspension* and NRS 233B.127(3),  
9 the Board should undertake proceedings relating to the *Order for Summary Suspension*  
10 which must be instituted and determined within 45 days after the date of the *Order for*  
11 *Summary Suspension* unless the Board and the Respondent mutually agree in writing to a  
12 longer period.  
13

14 18. That in undertaking said proceedings, as referenced immediately above, the Board  
15 should consider the matter, including any testimony provided and/or the evidence  
16 submitted and, to the extent it deems appropriate, take action (if any) relative to the  
17 *Order for Summary Suspension*, including, but not necessarily limited to, in whole or  
18 part, continuing, modifying, or canceling the terms and conditions of the *Order of*  
19 *Summary Suspension* and/or the Board may issue other orders as it deems appropriate  
20 under the circumstances as provided by applicable authority.  
21

22 CLAIM #2:  
23 ALLEGATIONS RELATIVE TO  
24 NRS 631.095, and/or NRS 631.3475(1), (2), and/or (4)

25 19. The Board repeats and realleges the allegation contained in paragraphs 1 through  
26 18 and reincorporates the same as if fully set forth herein.  
27  
28

1 20. NRS 631.095 provides, in pertinent part:

2 NRS 631.095 "Professional incompetence" defined. "Professional incompetence" means  
3 lack of ability safely and skillfully to practice dentistry, or to practice one or more specified  
4 branches of dentistry, arising from:

\*\*\*

2. Impaired physical or mental capability of the dentist;
3. Indulgence in the use of alcohol or any controlled substance; or
4. Any other sole or contributing cause. (Added to NRS by 1983, 1106)

7 21. NRS 631.3475(1), (2), and (4) provide:

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

1. Malpractice;
2. Professional incompetence;

\*\*\*

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

14  
15 22. That in light of the allegations in Paragraph 9 above, Respondent has violated  
16 NRS 631.095, and/or NRS 631.3475(1), (2), and/or (4).

18 **CLAIM #3:**

19 **ALLEGATIONS RELATIVE TO NRS 631.3475(5), and (7),**  
20 **NRS 631.3485(1) and (2), NRS 631.349, and NAC 631.230(1)(a), (1)(b), and (1)(d).**

21 23. The Board repeats and realleges the allegation contained in paragraphs 1 through  
22 22 and reincorporates the same as if fully set forth herein.

24  
25 24. NRS 631.3475(5), and (7) provide:

26 NRS 631.3475 Malpractice; professional incompetence; disciplinary action in another  
27 state; substandard care; procurement or administration of controlled substance or  
28 dangerous drug; inebriety or addiction; gross immorality; conviction of certain crimes;  
failure to comply with certain provisions relating to controlled substances; failure to obtain

1 certain training; certain operation of medical facility. The following acts, among others,  
2 constitute unprofessional conduct:

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3 5. Administering, dispensing or prescribing any controlled substance or any dangerous drug  
4 as defined in chapter 454 of NRS, if it is not required to treat the dentist's patient;

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5 7. Chronic or persistent inebriety or addiction to a controlled substance, to such an extent as  
6 to render the person unsafe or unreliable as a practitioner, or such gross immorality as tends to  
7 bring reproach upon the dental profession;

8 25. NRS 631.3485(1) and (2) provide:

9 NRS 631.3485 Violation of chapter or regulations; failure to pay fee for license; failure to  
10 make health care records available for inspection and copying. The following acts, among  
11 others, constitute unprofessional conduct:

12 1. Willful or repeated violations of the provisions of this chapter;

13 2. Willful or repeated violations of the regulations of the State Board of Health, the State  
14 Board of Pharmacy or the Board of Dental Examiners of Nevada;

15 26. NRS 631.349 provides:

16 NRS 631.349 Examples of unprofessional conduct not complete list or authorization of  
17 other acts; Board may hold similar acts unprofessional conduct. The acts described in NRS  
18 631.346 to 631.3485, inclusive, must not be construed as a complete list of dishonorable or  
19 unprofessional conduct, or as authorizing or permitting the performance of other and similar acts,  
20 or as limiting or restricting the Board from holding that other or similar acts constitute  
21 unprofessional or dishonorable conduct.

22 27. NAC 631.230(1)(a), (1)(b), and (1)(d) provide:

23 NAC 631.230 Unprofessional conduct. (NRS 631.190, 631.346, 631.347, 631.350)

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

26 (a) The falsification of records of health care or medical records.

27 (b) Writing prescriptions for controlled substances in such excessive amounts as to constitute a  
28 departure from prevailing standards of acceptable dental practice.

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(d) The acquisition of any controlled substances from any pharmacy or other source by  
misrepresentation, fraud, deception or subterfuge.

1 28. That in light of the allegations in Paragraph 9 above, Respondent has violated  
2 NRS 631.3475(5), and (7), NRS 631.3485(1) and (2), NRS 631.349, and NAC  
3 631.230(1)(a), (1)(b), and (1)(d).  
4

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

10 29. The Board repeats and realleges the allegation contained in paragraphs 1 through  
11 28 and reincorporates the same as if fully set forth herein.

12 30. NAC 631.150 provides:

13 NAC 631.150 Filing of addresses of licensee; notice of change; display of license. (NRS  
14 631.190, 631.350)

15 1. Each licensee shall file with the Board the addresses of his or her permanent residence and the  
16 office or offices where he or she conducts his or her practice.

17 2. Within 30 days after any change occurs in any of these addresses, the licensee shall give the  
18 Board a written notice of the change. The Board will impose a fine of \$50 if a licensee does not  
19 report such a change within 30 days after it occurs.

20 3. The licensee shall display his or her license and any permit issued by the Board, or a copy  
21 thereof, at each place where he or she practices. [Bd. of Dental Exam'rs, § XVI, eff. 7-21-82]—  
22 (NAC A 9-6-96; R066-11, 2-15-2012)

23  
24 31. Respondent has failed to give the Board written notice of the change in his  
25 permanent residence address and his office or offices address where he conducts his  
26 practice.  
27

28 32. In light of the above, Respondent has violated NAC 631.150(2).

**CLAIM #5:**  
**ALLEGATIONS REGARDING RECOVERY OF**  
**ATTORNEY'S FEES AND COSTS**

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

34. NRS 622.400 provides:

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

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

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

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

(a) Costs of an investigation.

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

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

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

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

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

1  
2 (g) Expenses for research, including, without limitation, reasonable  
3 and necessary expenses for computerized services for legal research.

4 35. This action relates to the Board, a regulatory body, undertaking action as part of its  
5  
6 investigative, administrative, and disciplinary proceedings against Respondent as to the  
7 enforcement of provisions of chapter 631 of the Nevada Revised Statutes and/or chapter  
8 631 of the Nevada Administrative Code which the Board has the authority to enforce and,  
9 therefore, NRS 622.400(1) is satisfied.  
10

11  
12 36. That, as a result of NRS 622.400(1) being satisfied, as alleged immediately above,  
13 the Board may, should NRS 622.400(1)(a) or (b) be satisfied, recover from Respondent  
14 its attorney's fees and costs.  
15

16  
17 **WHEREFORE**, it is prayed:  
18

19 1. The Board should undertake proceedings relating to the *Order for Summary*  
20 *Suspension* which must be instituted and determined within 45 days after the date of the  
21 *Order for Summary Suspension* unless the Board and the Respondent mutually agree in  
22 writing to a longer period.

23 2. The Board should conduct a hearing regarding the above-referenced matters  
24 constituting violations of the provision of chapter 631 of the NRS and/or NAC.

25 3. Upon conclusion of said hearing, the Board should take such disciplinary action as  
26 it deems appropriate pursuant to NRS 631.350, and any other applicable provision of  
27 chapter 631 of the NRS and/or NAC.  
28

1 4. To the extent the Board deems appropriate, assess against Respondent as provided  
2 by law regarding attorney's fees and costs incurred by reason of the investigation,  
3 administration, and prosecution, and hearing of this matter.

4 5. To the extent the Board deems appropriate, impose a fine upon Respondent in an  
5 amount deemed appropriate, pursuant to NRS 631.350(1)(c).

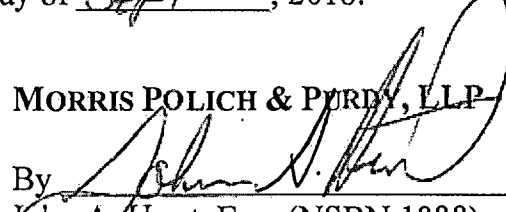
6 6. To the extent the Board deems appropriate, order that Respondent reimburse any  
7 at-issue patient(s), pursuant to NRS 631.350(1)(l).

8 7. To the extent the Board deems appropriate, issue a public reprimand upon  
9 Respondent, pursuant to NRS 631.350(1)(e), based upon any findings of Respondent's  
10 violations of the above-referenced provisions of chapter 631 of the Nevada Revised  
11 Statutes and Nevada Administrative Code.

12 8. Take such further action provided for and allowed pursuant to relevant authority.

13 Respectfully submitted this 13 day of Sept, 2016.

14  
15 MORRIS POLICH & PURDY, LLP

16 By   
17 John A. Hunt, Esq. (NSBN 1888)  
18 Bert Wuester Jr., Esq. (NSBN 5556)  
19 3800 Howard Hughes Parkway, Suite 500  
20 Las Vegas, Nevada 89169  
21 ph. (702) 862-8300; fax (702) 862-8400  
22 email: [jhunt@mpplaw.com](mailto:jhunt@mpplaw.com)  
23 email: [bwuester@mpplaw.com](mailto:bwuester@mpplaw.com)  
24 Attorney for Complainant  
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26  
27  
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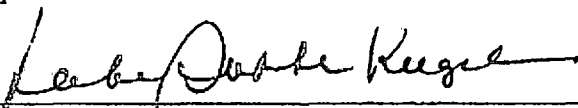


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VERIFICATION

STATE OF NEVADA     )  
                              )     ss:  
COUNTY OF CLARK    )

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

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

SUBSCRIBED and SWORN to before me  
this 13<sup>th</sup> day of September 2016.

  
\_\_\_\_\_  
NOTARY PUBLIC (notary seal)

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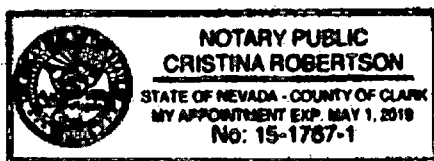


Exhibit 1

Exhibit 1

1  
2 **BEFORE THE NEVADA STATE BOARD OF DENTAL EXAMINERS**

3 NEVADA STATE BOARD OF DENTAL  
4 EXAMINERS,

Case No. 74127-03135

5 Complainant,

6 vs.

**ORDER FOR SUMMARY  
SUSPENSION**

7 TAM P. NGUYEN, DDS

8 Respondent.  
9  
10

11 **WHEREAS**, the Complainant, Nevada State Board of Dental Examiners'  
12 ("Complainant" or the "Board"), hereby issues this Order for Summary Suspension  
13 against Tam P. Nguyen, DDS ("Respondent" or "Dr. Nguyen"). As more fully addressed  
14 below, this Order of Suspension is issued pursuant to NRS 233B.127(3) as it is found that  
15 the public health, safety, or welfare imperatively requires emergency action.  
16

17 1. The Board is empowered to enforce the provisions of Chapter 631 of the Nevada  
18 Revised Statutes. NRS 631.190.  
19

20 2. Respondent, Tam P. Nguyen, DDS ("Respondent" or "Dr. Nguyen"), at all times  
21 relevant therein, was: A) a resident of the County of Clark, State of Nevada; B) is an  
22 individual over the age of majority; C) not in the service of the United States military;  
23 and D) not an incompetent.  
24

25 3. The Board, pursuant to N.R.S. § 631.190(6), keeps a register of all dentists and  
26 dental hygienists licensed in the State of Nevada; said register contains the names,  
27 addresses, license numbers, and renewal certificate numbers of said dentists and dental  
28

1 hygienists.

2  
3 4. Dr. Nguyen is licensed by the Board as a dentist to practice dentistry in the State  
4 of Nevada, having license number 4884, license date of 01-24-06, and a current  
5 expiration date of 06-30-17. Dr. Nguyen's address listed with the Board is 20825 Cold  
6 Creek Road, Indian Springs, Nevada 89070 and his office phone listed with the Board is  
7 (702) 879-5476.

8  
9 5. Dr. Nguyen is licensed by the Board and, therefore, has submitted himself to the  
10 disciplinary jurisdiction of the Board.

11  
12 6. Upon information and belief, Dr. Nguyen has been practicing dentistry at 4840  
13 Spring Mountain Road, Suite 2, Las Vegas, Nevada, 89102-8753; office phone number  
14 (702) 256-2111.

15  
16 7. NRS 233B.127(3) provides, in pertinent part:

17  
18 ... . If the agency finds that public health, safety or welfare imperatively  
19 require emergency action, and incorporates a finding to that effect in its  
20 order, summary suspension of a license may be ordered pending  
21 proceedings for revocation or other action. An agency's order of summary  
22 suspension may be issued by the agency or by the Chair of the governing  
23 body of the agency. If the order of summary suspension is issued by the  
24 Chair of the governing body of the agency, the Chair shall not participate in  
25 any further proceedings of the agency relating to that order. Proceedings  
26 relating to the order of summary suspension must be instituted and  
27 determined within 45 days after the date of the order unless the agency and  
28 the licensee mutually agree in writing to a longer period.

8. While investigative efforts remain ongoing and incomplete, preliminary  
information has come to the Board's attention which, in part, includes the following with

1 respect to Dr. Nguyen:

2 A. Information from the Nevada State Board of Pharmacy provides that from  
3 July 2014 through August 2016, the PMP prescriber report for Dr. Nguyen shows 450  
4 prescriptions for Oxycodone-Acetaminophen 10/325 or Hydrocodone-Acetaminophen  
5 10/325. Of those 450 prescriptions, 381 were filled at VIP Pharmacy (6 Hydrocodone and  
6 375 Oxycodone).

7 B. Several of Dr. Nguyen's patients indicated they had never received such  
8 prescriptions from Dr. Nguyen nor had they ever filled any medications at VIP  
9 Pharmacy.

10 C. A few of Dr. Nguyen's patients indicated he had given them medication to  
11 take home after their procedures for pain and/or infection.

12 D. Dr. Nguyen told Nevada State Board of Pharmacy investigators that he  
13 takes approximately 28 Oxycodone pills per day to account for the all of the prescriptions  
14 filled at VIP Pharmacy in the last year; that Dr. Nguyen stated that out of all of the  
15 prescriptions filled at VIP Pharmacy, only approximately 3 were legitimate prescriptions  
16 which were picked up by the patients themselves.

17 E. That Dr. Nguyen has acknowledged an addiction to Oxycodone.

18  
19 9. Pursuant to N.R.S. § 233B.127(3), it is hereby found that the public health, safety,  
20 or welfare imperatively requires emergency action in light of the above.  
21

22 10. Accordingly, **IT IS HEREBY ORDERED** that Dr. Nguyen's license to practice  
23 dentistry in Nevada is suspended pending further proceedings or other action by the  
24 Board.  
25

26 11. **IT IS FURTHER ORDERED** that Dr. Nguyen immediately cease and desist the  
27 practice of dentistry in the State of Nevada pending further proceedings or other action by  
28

1 the Board.

2  
3 12. Pursuant to N.R.S. § 631.215(1), practicing dentistry is hereby defined to include  
4 the following:

5 1. Any person shall be deemed to be practicing dentistry who:

6 (a) Uses words or any letters or title in connection with his name which in  
7 any way represents him as engaged in the practice of dentistry, or any  
8 branch thereof;

9 (b) Advertises or permits to be advertised by any medium that he can or  
will attempt to perform dental operations of any kind;

10 (c) Diagnoses, professes to diagnose or treats or professes to treat any of the  
11 diseases or lesions of the oral cavity, teeth, gingiva or the supporting  
structures thereof;

12 (d) Extracts teeth;

13 (e) Corrects malpositions of the teeth or jaws;

14 (f) Takes impressions of the teeth, mouth or gums, unless the person is  
authorized by the regulations of the Board to engage in such activities  
without being a licensed dentist;

15 (g) Examines a person for, or supplies artificial teeth as substitutes for  
natural teeth;

16 (h) Places in the mouth and adjusts or alters artificial teeth;

17 (i) Does any practice included in the clinical dental curricula of accredited  
dental colleges or a residency program for those colleges;

18 (j) Administers or prescribes such remedies, medicinal or otherwise, as are  
19 needed in the treatment of dental or oral diseases;

20 (k) Uses X-ray radiation or laser radiation for dental treatment or dental  
diagnostic purposes, unless the person is authorized by the regulations of  
21 the Board to engage in such activities without being a licensed dentist;

22 (l) Determines:

23 (1) Whether a particular treatment is necessary or advisable; or

24 (2) Which particular treatment is necessary or advisable; or

25 (m) Dispenses tooth whitening agents or undertakes to whiten or bleach  
teeth by any means or method, unless the person is:

26 (1) Dispensing or using a product that may be purchased over the  
counter for a person's own use; or

27 (2) Authorized by the regulations of the Board to engage in such  
activities without being a licensed dentist.

1  
2 13. Pursuant to NRS 233B.127(3), notice is hereby provided that proceedings relating  
3 to this Order for Summary Suspension is hereby sets down for further proceedings on the  
4 following date, time, and location:  
5

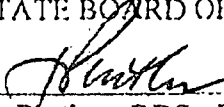
6 Date: October 7, 2016

7 Time: 10:00 a.m.

8  
9 Location: Nevada State Board of Dental Examiners  
10 6010 South Rainbow Boulevard, Suite A-1  
11 Las Vegas, Nevada 89118

12 DATED this 7<sup>th</sup> day of September, 2016.

13 NEVADA STATE BOARD OF DENTAL EXAMINERS

14  
15   
16 Timothy T. Pinther, DDS - President

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