

NEVADA STATE BOARD
of
DENTAL EXAMINERS



FORMAL HEARING
(NSBDE v. YOUNG DILL, DMD)

DECEMBER 13, 2019

9:00 A.M.

PUBLIC BOOK

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

2 NEVADA STATE BOARD OF DENTAL
3 EXAMINERS,

4 Complainant,

5 vs.

6 YOUNG DILL, DMD

7 Respondent.
8

Case No. 3710-1598

**NOTICE OF FILING OF
COMPLAINT & NOTICE OF
HEARING**

Date of Hearing: 12/13/2019

Time of Hearing: 9:00 am

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10 **TO: YOUNG DILL, DMD, Respondent**

11 **PLEASE BE ADVISED** that on or about the 27th day of August, 2019, a Complaint was
12 filed with the Nevada State Board of Dental Examiners (the "Board") which, at least in part,
13 makes allegations that could result in disciplinary action against the license issued to Respondent
14 by the Board. A copy of said Complaint is attached to this Notice which is being personally
15 served on Respondent, and which is incorporated by reference herein.
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17 **NOTICE IS HEREBY GIVEN**, pursuant to NRS 631.360, that the Board has scheduled
18 a public hearing to consider the allegations contained in the Complaint. The public hearing
19 concerning the above-referenced matter will occur on the following date(s) and time(s) at the
20 following location:
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22 **DATE : Friday, December 13, 2019, and**
Daily thereafter until concluded

23 **TIME : 9:00 a.m.**

24 **LOCATION : Grant Sawyer Building**
555 E. Washington Ave.
Las Vegas, Nevada 89101

25 **YOU ARE ADVISED** that the hearing will be held pursuant to Nevada Revised Statutes
26 ("NRS") Chapters 233B.121, *et seq*, 622A.300 *et seq*, and 631, and the Nevada Administrative
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1 Code ("NAC") Chapter 631. The purpose of the hearing is to consider evidence regarding the
2 allegations in the Complaint asserting violations of the Dental Practice Act, including but not
3 limited to, NRS 631.3475(1), NRS 631.3475(2), NRS 631.3475(4), NRS 631.349, and/or NAC
4 631.230 (1)(c), and to determine whether Respondent should be subject to discipline pursuant to
5 NRS Chapter 631.350 and/or NAC Chapter 631.

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

12 **YOU ARE FURTHER ADVISED** that, pursuant to NRS 622A.320(1), you have the
13 right to answer the Complaint within **twenty (20) days** of service of the Complaint. You have
14 the right to appear and to be heard at the hearing in your defense, either personally or through
15 counsel of your choice, at your cost.

16 **YOU ARE FURTHER ADVISED** that, at the hearing, the Board has the burden of
17 proving the allegations in the Complaint. The Board may, and intends, to call witnesses and to
18 offer exhibits and evidence regarding the allegations in the Complaint. Respondent also has the
19 right to call and examine witnesses, offer exhibits/evidence, and cross-examine opposing
20 witnesses on any matter relevant to the issues involved. Respondent has the right to request that
21 the Board issue subpoenas to compel witnesses to testify and/or present evidence on your behalf.
22 When making a request to the Board for issuance of a subpoena, you may be required to
23 demonstrate the nature and relevance of the witness' testimony and/or evidence.

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

DATED this 28 day of August, 2019.

NEVADA STATE BOARD OF DENTAL EXAMINERS

By: 
MELANIE BERNSTEIN CHAPMAN, ESQ.
General Counsel

FILED

AUG 27 2019

STATE OF NEVADA

BEFORE THE BOARD OF DENTAL EXAMINERS
NEVADA STATE BOARD OF
DENTAL EXAMINERS

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3 NEVADA STATE BOARD OF DENTAL
4 EXAMINERS,

5 Complainant,

6 vs.

7 YOUNG DILL, DMD

8 Respondent.
9

Case No. 3710-1598

COMPLAINT

10 Complainant, the Nevada State Board of Dental Examiners (hereinafter referred to as the
11 "Board"), by and through its attorney, Melanie Bernstein Chapman, Esq, and pursuant to NRS
12 631.360 and NRS 631.363, hereby issues this Complaint against Respondent, Young Dill, DMD
13 (hereinafter referred to as "Respondent" or "Dr. Dill"), and alleges as follows:

14 **GENERAL ALLEGATIONS**

15 Parties and Jurisdiction

16 1. The Board is empowered to enforce the provisions of Chapter 631 of the Nevada
17 Revised Statutes ("NRS"). NRS 631.190.

18 2. The Board, pursuant to NRS 631.190(6), keeps a register of all dentists and dental
19 hygienists licensed in the State of Nevada; said register contains the names, addresses, license
20 numbers, and renewal certificate numbers of said dentists and dental hygienists.

21 3. On July 3, 2000, the Board issued Respondent a license to practice dentistry in the
22 State of Nevada (License # 6033).

23 4. Respondent is licensed by the Board and, therefore, has submitted herself to the
24 disciplinary jurisdiction of the Board.

25 Prior Board Actions

26 5. On or about March 24, 2006, the Board approved a Stipulation Agreement that
27 Respondent entered into with the Board on or about February 8, 2006 in Case No. 05-1216.
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1 Respondent successfully completed all of the terms and conditions of the March 24, 2006
2 Stipulation.

3 6. The basis for this current Stipulation Agreement does not involve the issues
4 presented by the March 24, 2006 Stipulation.

5 7. On or about June 27, 2014, the Board approved a Corrective Action Non-
6 Disciplinary Stipulation Agreement that Respondent entered into with the Board on or about
7 May 2, 2014, in Case No. 74127-02607.

8 8. On or about October 16, 2015, Respondent entered into an Amended Corrective
9 Action Non-Disciplinary Stipulation Agreement, approved by the Board on November 20, 2015,
10 whereby the eighteen (18) month monitoring period outlined in the June 27, 2014 Agreement
11 was extended for an additional twelve (12) months.

12 9. Respondent successfully completed the terms and conditions of the June 27, 2014
13 Stipulation and the November 20, 2015 amendment thereto.

14 10. The terms and conditions of the June 27, 2014 Stipulation included completion of
15 twenty-five (25) hours of supplemental continuing education in the area of periodontics, which
16 Respondent completed on or before June 22, 2015.

17 11. The complaint at issue in the instant matter alleges substandard periodontics
18 treatment which occurred, at least in part, after June 22, 2015.

19 12. The violations of the Dental Practice Act presented by this Complaint are, at least
20 in part, the same or similar to those for which remediation terms and conditions were
21 implemented by the June 27, 2014 Corrective Action Non-Disciplinary Stipulation Agreement
22 and for which Respondent attended twenty-five (25) hours of supplemental continuing education
23 prior to engaging, at least in part, in the treatment at issue herein.

24 Preliminary Investigation of Verified Complaint of Patient Siulun Cheung

25 13. Via a *Notice of Complaint & Request for Records* dated February 5, 2018, the
26 Board notified Respondent of a Verified Complaint received from patient Siulun Cheung
27 alleging possible violations of NRS Chapter 631 and/or NAC Chapter 631. The same was
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1 accompanied by a copy of Ms. Cheung's written Verified Complaint, and certain records which
2 referenced specific dates, activities, and allegations regarding the care and treatment by
3 Respondent.

4 14. On or about February 16, 2018, Respondent submitted a written response to Ms.
5 Cheung's verified complaint together with a copy of dental records belonging to Ms. Cheung
6 concerning the care and treatment rendered by Respondent.

7 15. On March 9, 2018, Respondent was provided a copy of a letter sent to Ms.
8 Cheung advising of the Board's receipt of Respondent's written response. The letter also notes
9 that Bradley Roberts, DDS was the Disciplinary Screening Officer ("DSO") assigned to the
10 matter.

11 16. Also on March 9, 2018, copies of the Verified Complaint, Response and records
12 were forwarded to DSO Roberts.

13 17. On March 26, 2018, Respondent was provided copies of the dental records of Dr.
14 John Quinn, DMD regarding Ms. Cheung, which were sent to DSO Roberts on that date.

15 18. Additional information in response to a request by DSO Roberts was received
16 from Respondent on or about April 9, 2018, and was forwarded to Dr. Roberts on April 9, 2018.

17 Review Panel and Informal Hearing

18 19. On or about August 9, 2018, this matter, including DSO Robert's preliminary
19 findings and recommendations, proceeded through the Review Panel process implemented
20 pursuant to SB 256, now codified as NRS 631.3635.

21 20. The Review Panel independently reviewed and evaluated the Verified Complaint
22 of Siulun Cheung; Respondent's Response to the Verified Complaint; supplemental information
23 provided to the Board by Respondent on or about April 19, 2018; Respondent's records
24 regarding patient, Siulun Cheung; dental records of patient, Siulun Cheung obtained from John
25 Quinn, DMD; prior stipulations entered into between the Board and Respondent; and, DSO
26 Roberts' preliminary findings and recommendations. "Records" as used herein include any
27 available x-rays, radiographs or photographs.
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1 21. Dr. Roberts did not participate in the Review Panel meeting or discussions held
2 on August 9, 2018.

3 22. The Review Panel found that there was a preponderance of the evidence to
4 support a finding that Respondent fell below the standard of care by failing to properly diagnose
5 and treat severe periodontitis, failing to keep proper records, failing to make proper diagnoses,
6 failing to classify the severity of periodontal disease, failing to recognize that root planing and
7 scaling was incomplete and failing to properly remove subgingival calculus.

8 23. The Review Panel found that it was appropriate to continue with the investigation,
9 including but not limited to, proceeding to informal hearing and/or negotiation of a stipulated
10 settlement.

11 24. On or about August 13, 2018, Respondent was served with a copy of the Review
12 Panel Findings.

13 25. On August 28, 2018, Respondent was served with a Notice of Informal Hearing,
14 sent via certified mail, return receipt requested, and regular mail to Respondent.

15 26. The Notice of Informal Hearing regarding the verified complaint of Siulin
16 Cheung set the informal hearing for 10:00 a.m. on Friday, October 12, 2018, at the offices of the
17 Nevada State Board of Dental Examiners.

18 27. The correspondence accompanying the Notice of Informal Hearing indicated the
19 informal hearing is governed by, and will be conducted pursuant to the procedures and
20 requirements found in NRS 631.360, NRS 631.363, NRS 631.368, NAC 631.250 and NAC
21 631.255. Respondent was also advised that attendance at the informal hearing was voluntary.

22 28. Per Respondent's request, the Informal Hearing was rescheduled for November
23 16, 2018.

24 29. Due to unforeseen circumstances, on November 15, 2018, Respondent was
25 notified by Board counsel that the November 16, 2018 informal hearing would need to be
26 rescheduled.

27 30. Respondent did not receive that notice and appeared at the Board offices on
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1 November 16, 2018.

2 31. Due to the aforementioned unforeseen circumstances, the matter was rescheduled,
3 after consultation with Respondent, for the mutually-agreed upon date of January 18, 2019.

4 32. Thereafter, at Respondent's request, the informal hearing was re-noticed for
5 January 11, 2019, at the office of the Nevada State Board of Dental Examiners.

6 33. Respondent appeared on January 11, 2019 and voluntarily engaged in discussions
7 with Board Counsel and DSO Roberts. Respondent appeared pro se, despite Board counsel
8 advising Respondent of her right to retain counsel.

9 34. Respondent voluntarily went on the record during the January 11, 2019 Informal
10 Hearing and, under oath, testified that she had not been forced or coerced into any action.

11 35. On February 22, 2019, Respondent appeared at the properly-noticed Board
12 meeting and, during public comment, asserted that she believed she had been coerced into
13 agreeing to a stipulated resolution. On this date, she advised the Board during public comment
14 that she did not wish to resolve this matter via a consent agreement.

15 36. Respondent's request not to enter into a stipulated agreement was honored by the
16 Board without argument or discussion.

17 37. On or about February 22, 2019, Respondent was advised that the investigation
18 remained ongoing.

19 38. On February 27, 2019, Respondent was served via certified mail, return receipt
20 requested and regular U.S. mail, with the Third Re-Notice of Informal Hearing, setting the
21 informal hearing for March 29, 2019.

22 39. As Respondent was advised in the multiple notices scheduling the informal
23 hearing, Respondent's attendance at the informal hearing was voluntary; however, pursuant to
24 applicable statutes, the informal hearing will take place with or without Respondent's
25 participation.

26 40. On March 20, 2019, Respondent, through her assistant, advised Board counsel via
27 telephone, that she would not be attending the informal hearing scheduled for March 29, 2019.
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1 41. On March 20, 2019, Respondent confirmed in writing that she would not be
2 attending the Informal Hearing. She did not request a continuance at that time.

3 42. Also on March 20, 2019, Board counsel confirmed via email Respondent's
4 decision not to attend the informal hearing and requested confirmation in writing that
5 Respondent was not seeking a continuance of the informal hearing. Respondent did not respond
6 to this request.

7 43. At 5:15 p.m. on March 28, 2019, the evening before the scheduled Informal
8 Hearing, Respondent requested via email that the Informal Hearing be "postponed." Respondent
9 did not offer any alternate dates. Respondent advised that she was, at that time, "interviewing"
10 an attorney despite having been noticed of the Informal Hearing over a month prior and
11 previously advising that she did not intend to retain an attorney.

12 44. Based upon the properly-noticed Informal Hearing, Respondent's knowledge of
13 the rescheduled hearing for over a month, Respondent's previous statement that she would not be
14 attending the Informal Hearing, the confirmation that she had not requested a continuance, and
15 her previous representations that she did not intend to retain counsel, Respondent was advised
16 that the Informal Hearing would not be rescheduled and would take place as properly noticed.

17 45. Though the Informal Hearing was not rescheduled, Respondent was advised,
18 however, that if she retained counsel, and if that counsel wished to request that the informal
19 hearing be reopened as a result of his or her retention, such a request would be considered.

20 46. As of the date of the filing of this Complaint, no attorney has made an appearance
21 on behalf of Respondent.

22 47. On March 29, 2019, at 10:00 a.m. the above-referenced and properly-noticed
23 Informal Hearing was held at the Board office in Las Vegas, Nevada, regarding the Verified
24 Complaint of Siulun Sharon Cheung as addressed in the Notice of Investigative Complaint. The
25 informal hearing was held pursuant to NRS 631.363, NRS 631.368, NAC 631.250 and NAC
26 631.255.

27 48. In attendance at the March 29, 2019 informal hearing was the DSO, Bradley
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1 Roberts, DDS, and the Board's attorney, Melanie Bernstein Chapman, Esq.

2 49. Neither Respondent nor an attorney on behalf of Respondent attended the
3 Informal Hearing.

4 50. Following the informal hearing, written findings of fact and conclusions were
5 drafted, pursuant to NRS 631.363(3). *See, Findings and Recommendations of the Informal*
6 *Hearing Held Pursuant to NRS 631 and NAC 631*, dated May 10, 2019.

7 51. On May 10, 2019, the Review Panel conducted a second review of the
8 preliminary investigation, which now included the transcript of the informal hearing held on
9 March 29, 2019, and the *Findings and Recommendations of the Informal Hearing Held Pursuant*
10 *to NRS 631 and NAC 631* (hereinafter "Findings and Recommendations").

11 52. Following its review, the Review Panel approved and adopted the Findings and
12 Recommendations, agreeing that there was a preponderance of the evidence to establish
13 violations of the Dental Practice Act.

14 53. The Review Panel instructed that the Findings and Recommendations were to be
15 presented to Respondent pursuant to NRS 631.363(3) for consent to, or rejection of, the Findings
16 and Recommendations pursuant to NRS 631.363(5).

17 54. The Review Panel further found that, in the event Respondent rejects the Findings
18 and Recommendations, additional disciplinary procedures pursuant to NRS Chapter 631 and
19 NAC Chapter 631, including the filing of a Formal Complaint and a full disciplinary hearing
20 before the Nevada State Board of Dental Examiners, were appropriate.

21 55. On July 15, 2019, the Findings and Recommendations were forwarded to
22 Respondent for review and consent or rejection pursuant to NRS 631.363(5) together with
23 documents to facilitate her acceptance or rejection of the Findings and Recommendations.

24 56. Correspondence sent with the Findings and Recommendations advised that the
25 Findings and Recommendations had been submitted to and approved by the Review Panel and
26 that a failure to respond on or before August 9, 2019 would be deemed a rejection of the
27 Findings and Recommendations and may result in the filing of a formal complaint (charging
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1 document).

2 57. Respondent did not consent to the Findings and Recommendations.

3 58. Respondent did not respond to the Findings and Recommendations in any
4 manner, thereby rejecting the Findings and Recommendations.

5 59. There is a preponderance of the evidence to support the Findings and
6 Recommendations and/or there is a preponderance of the evidence to support a conclusion that
7 the Respondent violated one or more provisions of NRS Chapter 631 and/or NAC Chapter 631.

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9 **Count I**
Violations of NRS Chapter 631 and NAC 631

10 60. The Board repeats and realleges the allegation contained in paragraphs 1 through
11 59 and reincorporates the same as if fully set forth herein.

12 61. Respondent's treatment of Patient, Siulun Cheung, violated NRS 631.3475(1),
13 NRS 631.3475(2), NRS 631.3475(4), NRS 631.349, and/or NAC 631.230 (1)(c).

14 62. NRS 631.3475 provides, in pertinent part:

15 **NRS 631.3475 Malpractice; professional incompetence; disciplinary action in**
16 **another state; substandard care; procurement or administration of controlled**
17 **substance or dangerous drug; inebriety or addiction; gross immorality; conviction**
18 **of certain crimes; failure to comply with certain provisions relating to controlled**
substances; failure to obtain certain training; certain operation of medical facility.
The following acts, among others, constitute unprofessional conduct:

- 19 1. Malpractice;
20 2. Professional incompetence;

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

22 63. NRS 631.349 provides, in pertinent part:

23 **NRS 631.349 Examples of unprofessional conduct not complete list or**
24 **authorization of other acts; Board may hold similar acts unprofessional conduct.**

25 The acts described in NRS 631.346 to 631.3485, inclusive, must not be construed as a
26 complete list of dishonorable or unprofessional conduct, or as authorizing or permitting
the performance of other and similar acts, or as limiting or restricting the Board from
27 holding that other or similar acts constitute unprofessional or dishonorable conduct.

28 64. NAC 631.230 provides, in pertinent part:

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NAC 631.230 Unprofessional Conduct.

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

The following acts, among others, constitute unprofessional conduct:

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

65. Respondent's treatment of patient, Siulun Cheung, constituted unprofessional conduct as defined above in the following respects:

- a. Respondent failed to recognize the persistent inflammation and bleeding that was present after scaling and root planning (SRP) was done.
- b. Respondent failed to diagnose and treat ongoing moderate to severe periodontitis.
- c. Radiographs taken by Respondent after SRP was done show that subgingival calculus was still present in several areas.
- d. Respondent, not a hygienist, did a regular cleaning, also referred to as a "prophy," immediately after the SRP and failed to recognize that the SRP treatment was incomplete.
- e. Respondent failed to classify the severity of periodontal disease.
- f. Subsequent dental records show that the remaining subgingival calculus was still present over two and a half years after initial SRP was done, despite being seen and treated by Respondent following the SRP.
- g. Respondent's records exhibit insufficient record-keeping and diagnosis
- h. Respondent's records concerning the care and treatment of patient Siulun Cheung are incomplete, inadequate and below the standard of care.

**Count II
Recovery of Attorney's Fees and Costs**

66. The Board repeats and realleges every allegation contained in paragraphs 1 through 65 and reincorporates the same as if fully set forth herein.

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67. 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.

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

68. This matter relates to the Board, a regulatory body, undertaking action as part of its investigative, administrative, and disciplinary proceedings against Respondent as to the enforcement of provisions of chapter 631 of the Nevada Revised Statutes and/or chapter 631 of the Nevada Administrative Code which the Board has the authority to enforce and, therefore,

1 NRS 622.400(1) is satisfied.

2 69. That, as a result of NRS 622.400(1) being satisfied, as alleged immediately above,
3 should NRS 622.400(1)(a) or (b) be satisfied, the Board shall recover from Respondent its
4 attorney's fees and costs.
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6 **Wherefore, it is prayed:**

7 1. That the Board conduct a formal hearing regarding the above-referenced matters
8 constituting violations of the provision of chapter 631 of the NRS and/or NAC 631;

9 2. That, upon conclusion of said hearing, the Board determine what, if any,
10 disciplinary action it deems appropriate pursuant to NRS 631.350, and any other applicable
11 provision of chapter 631 of the NRS and/or NAC;

12 3. That, to the extent the Board deems appropriate, the Board should assess against
13 Respondent attorney's fees and costs incurred by reason of the investigation, administration,
14 prosecution, and hearing of this matter as provided by law;

15 4. That, to the extent the Board deems appropriate, Respondent's dental practice
16 should be placed on probation pursuant to NRS 631.350(1)(d) and (h).

17 5. That, to the extent the Board deems appropriate, Respondent should be required to
18 complete additional continuing education pursuant to NRS 631.350(1)(k).

19 6. That, to the extent the Board deems appropriate, the Board should impose a fine
20 upon Respondent in an amount deemed appropriate, pursuant to NRS 631.350(1)(c);

21 7. That, to the extent the Board deems appropriate, the Board should order that
22 Respondent reimburse any at-issue patient(s), pursuant to NRS 631.350(1)(l);

23 8. That to the extent the Board deems appropriate, the Board should issue a public
24 reprimand upon Respondent, pursuant to NRS 631.350(1)(e), based upon any findings of
25 Respondent's violations of the above-referenced provisions of chapter 631 of the Nevada
26 Revised Statutes and Nevada Administrative Code; and

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VERIFICATION

Dr. Gregory J. Pisani, DDS, having been duly sworn, hereby deposes and states under penalty of perjury that he is a member of the Nevada State Board of Dental Examiners and was a member the Review Panel of the Nevada State Board of Dental Examiners that reviewed and evaluated the investigation concerning Case No. 3710-1598; that he has read the foregoing complaint; and that based upon information discovered in the course of the investigation into the verified complaint of Siulun Cheung and reviewed by the Review Panel, he believes that the allegations and charges in the foregoing Complaint against Respondent are true, accurate and correct.



Gregory J. Pisani, DDS
Member, Nevada State Board of Dental Examiners
Member, Review Panel of the Nevada State Board of Dental Examiners (2018)