



State of Nevada

Board of Medical Examiners Newsletter

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NEVADA STATE BOARD OF MEDICAL EXAMINERS NEWSLETTER

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PRESIDENT'S MESSAGE

By: Arne D. Rosencrantz, President

I often receive feedback from patients who do not feel that the medical profession strives to deliver superior "customer service." Despite the tremendous technological advances we have made as a society, nothing will ever replace the people who make superior service possible.

In today's world, we must move beyond good patient care and strive to build relationships with patients, especially if you expect them to "stick with you" in this managed care environment.

Most physicians believe in providing excellent patient care, but fall short trying to provide a complete customer service culture in their practice. The medical board often receives complaints about physician demeanor, and I believe its origin is rooted in the frustration of time restrictions and paper work. The result is interpreted as a lack of courtesy from physicians and their staff. Perhaps staff can pay better attention to the patient by improving listening skills, or by simply extending much needed empathy.

When you walk in the shoes of your patient, and when you feel their feelings and share in their successes and disappointments, you will better understand how to help them through the process of being a well cared-for patient.

PUBLIC MEMBER OF BOARD REAPPOINTED

Victor Scaramosino, a public member of the Nevada State Board of Medical Examiners since

July 1, 1994, was reappointed to serve another four-year term on the board by Governor Bob Miller. Mr. Scaramosino has been active on the Internal Affairs Committee of the board, and has represented the board at Federation of State Medical Boards' annual meetings and meetings of the Citizen Advocacy Center, an organization for public members of licensing boards. Mr. Scaramosino is a retired Clark County employee and is involved in private business interests in Las Vegas.

FORMER PUBLIC MEMBER OF BOARD PASSES AWAY

Leo A. Wilner, 81 years of age, a former public member of the Nevada State Board of Medical Examiners died on July 9, 1998, in Las Vegas. Mr. Wilner served as a public member of the board from September 24, 1985 to July 1, 1993. Mr. Wilner was particularly active on the Investigative Committee of the board, which committee is responsible for ensuring compliance with the Nevada Medical Practice Act by all licensees of the board. He also represented the board in the activities of the Citizen Advocacy Center, a training, research and support network for public members of regulatory boards. Mr. Wilner was a gracious, serious, and dedicated member of the Nevada State Board of Medical Examiners, and he will be missed.

FORMER GENERAL COUNSEL OF BOARD PASSES AWAY

Bryce Rhoades recently passed away in Reno at the age of 84. Mr. Rhoades served as the General Counsel for the Nevada State Board of Medical Examiners, handling all disciplinary and administrative legal matters for the board for over 30 years. He retired from his position in 1983. Mr. Rhoades maintained a private law practice in Reno and was active in numerous legal organizations throughout his long and distinguished career.

LICENSURE IS A PRIVILEGE, NOT A RIGHT

By: Larry D. Lessly, J.D., Executive Director

The board takes very seriously its responsibility in granting the "privilege" of practicing medicine in the state of Nevada.

Time and time again, the board is requested to "waive" licensure requirements. Physicians, hospitals and others involved in recruiting physicians to practice medicine in this state should understand that the licensure process takes time, and that licensure is not guaranteed to any applicant. The application for licensure packet is all-inclusive and lists all requirements for United States, Canadian and international medical school graduates. Primary source verification is an important tool used by the board's licensing staff to ensure that an applicant for licensure meets the requirements and to provide that the citizens of Nevada are properly protected against unprofessional, improper, unauthorized and unqualified practice of medicine.

Due to the number of telephone calls received at the board office from hospitals, credentialing companies, managed care groups, etc., regarding licensure information, the board reminds all

concerned parties to make sure that the physician applying for licensure is eligible for a Nevada license before committing to financial obligations in recruiting that physician. It is important that all licensure procedures are clearly understood. It is ultimately the board's responsibility to determine that an applicant for licensure is qualified to practice with reasonable skill and safety, and the board cannot waive the statutory requirements for licensure.

GIVE 'EM A CALL

Nevada Health Professionals Assistance Foundation

By: Richard J. Legarza, J.D., General Counsel

The board's diversion program, under the auspices of the Nevada Health Professionals Assistance Foundation with Dr. Vic Rueckl, Director and Dr. Jim Tracy, Assistant Director, continues its rapid growth in southern Nevada, while remaining more constant in northern Nevada. As of July 1, 1997, the diversion program had just 8 board licensees under contract with the Nevada Health Professionals Assistance Foundation in southern Nevada. **As of September 25, 1998, there are 28 licensees under contract in southern Nevada.** During the same period of time in northern Nevada, the number of board licensees under contract increased from 25 to 30, for a total of 58 board licensees currently under contract statewide.

While reading through the North Carolina Medical Board's issue of "Forum," the following article was observed: *Crossing the Invisible Line: An Impaired Physician's Pilgrimage*, written by an anonymous North Carolina physician, and, without the author's permission, a portion is quoted here:

"My disease is chronic, progressive, and deadly. Its inevitable consequences are insanity and premature death. But along the way, it strips its victims of everything dear and cherished in this life: family, friends, fortune, position, self-respect, personal dignity, and, finally, the will to live. All the while, it assures them they don't have a problem, that everything is the result of circumstances, bad luck, institutions, other people, misunderstandings, harsh judgments. The list is endless, but to the end 'it's somebody else's fault.' The victim and his family are mired in the insanity of the disease."

Unfortunately, family members, fellow physicians, and other health professionals have been historically reluctant to "accuse" those they know and care for of having a "substance abuse problem." The possible consequences of false accusation, public knowledge, loss of income, security, love, and respect cause most people to hesitate to come forward.

The board has the duty and obligation to the public of the state of Nevada to investigate complaints from citizens. In many instances the investigative process may lead to a conclusion that a substance abuse problem may be at the core of a complaint. In those instances, contact is made by staff with Dr. Rueckl or Dr. Tracy, and the situation is immediately reviewed.

In most cases, however, Dr. Rueckl and Dr. Tracy are contacted by friends, family, and other physicians, requesting that they visit a physician who may need their help. These contacts are totally confidential. Staff at the board is unaware of the contacts and the results of the contacts, such as evaluation, in-patient treatment, voluntary limitation of practice for a period of time, or participation in after-care.

Dr. Rueckl and Dr. Tracy, however, do have the full support of the staff of the board when they are unsuccessful in helping someone who is practicing medicine while impaired. In those circumstances, staff is contacted and there is a high possibility that the Investigative Committee of the board will consent to proceeding formally against a physician for a substance abuse problem which impairs the safe practice of medicine.

Formal board action is not the best answer - successful diversion, recovery, and good health are better. If you know of a physician or physician assistant who needs help, contact a professional:

Nevada Health Professionals Assistance Foundation:

Vic Rueckl, M.D. (775) 742-1171

Jim Tracy, D.D.S. (702) 595-7777

The board appreciates the hard work and dedication of both Dr. Rueckl and Dr. Tracy in helping its licensees to continue the safe practice of medicine in the state of Nevada.

Your tax deductible contribution to the Nevada Health Professionals Assistance Foundation to assist in its important service to physicians in administering a diversion program for impaired physicians would be greatly appreciated. Thank you for your generosity.

Contributions may be made payable to the ***Nevada Health Professionals Assistance Foundation*** and mailed to the Nevada State Board of Medical Examiners' office in Reno.

INCREASE IN FEES FOR PHYSICIAN ASSISTANTS AND INACTIVE STATUS PHYSICIANS

Effective July 1, 1998, the Nevada State Board of Medical Examiners increased the fee for biennial registration for a physician assistant to \$300.00. This increase was instituted after an analysis of the time and effort necessary to credential physician assistants to insure that those fees paid by physician assistants cover the cost of registration.

In addition, the board raised the biennial registration fee for inactive physicians to \$200.00 for the same reasons.

BIENNIAL RENEWAL OF LICENSE TO PRACTICE MEDICINE

By: Rebecca A. Gaul-Richard, License Specialist

Pursuant to Nevada Revised Statutes 630.197 and 630.288, and Nevada Administrative Codes 630.153 and 630.157, physicians are reminded that all Nevada licenses expire June 30, 1999. ***Please be aware that if you practice beyond June 30, 1999, without first renewing your license, you will be doing so as an illegal practitioner in this state.***

Prior to April 1, 1999, the board will mail an application for renewal of license to every

physician to whom a license was issued or renewed during the current biennium, July 1, 1997 - June 30, 1999. The completed renewal form, proof of 40 hours of Category 1, AMA-approved continuing medical education credit, along with the fee, must be received at the board office on or before June 30, 1999. Failure to renew on or before June 30, 1999, may result in insurance/Medicare/Medicaid claims being denied, lack of malpractice insurance coverage and/or other liabilities regarding the practice of medicine. You are encouraged to renew promptly upon receipt of your renewal notice. ***The Medical Practice Act does not allow the board to grant waivers for extenuating circumstances.***

The application for renewal of license you will receive is a legal document requiring your signature (stamped signatures are not acceptable). It is your responsibility to verify the accuracy of submitted information, and to add or correct information where applicable. ***Do not delegate this task!***

NRS 630.254 requires all licensees to notify the board of any changes in practice location ***before*** practicing at the new location. If you know that you will be having a change of address, please notify the board immediately so that your application for renewal of license will reflect the correct address and will be mailed to the correct address. This newsletter includes a "Change of Address" notice for your convenience.

The board cannot be responsible for the non-delivery or untimely delivery of applications for renewal of license by the United States Postal Service. If you have not received a biennial renewal notice from the board by May 1, 1999, please contact the board's office at 775/688-2559 in Reno or 702/486-6244 if calling from Las Vegas. Board staff will be happy to verify your address of record. If your address is different from that on record at the board office, you may fax your address change to 775/688-2321 in Reno. Your change of address will be recorded, and a "duplicate" application for renewal of license will be mailed to you upon your request.

LICENSING OF MEDICAL DIRECTORS OF MANAGED CARE ORGANIZATIONS

By: Richard J. Legarza, J.D., General Counsel

Medical Directors of managed care organizations are required by Nevada law to be licensed to practice medicine in the state. Their actions in making determinations as to the appropriateness of care for patients constitutes the practice of medicine in the state of Nevada and will be dealt with as such by the Nevada State Board of Medical Examiners.

Chapter 140 of the Sixty-Ninth Session of the Nevada State Legislature - the year 1997 - added a New Chapter 695G in the Nevada Revised Statutes.

The enabling language of Chapter 140 stated that the Chapter was:

AN ACT relating to health care; requiring certain entities that provide health care services through managed care to follow certain procedures before denying health care services to an insured; prohibiting such entities from engaging in certain practices that restrict the actions of a provider of health care; requiring such entities to provide coverage for medically necessary emergency services without requiring an insured to obtain any prior authorization for such services; requiring such entities to file a report containing certain information with the commissioner of insurance; requiring all insurers of health care and managed care organizations to establish a

system for resolving complaints of insureds; and providing other matters properly relating thereto.

Section 150 of the legislation states:

Each managed care organization shall authorize coverage of a health care service that has been recommended for the insured by a provider of health care acting within the scope of his practice if that service is covered by the health care plan of the insured, unless:

1. The decision not to authorize coverage is made by a physician who;
 - (a) Is licensed to practice medicine in the State of Nevada pursuant to chapter 630 of NRS:
 - (b) Possesses the education, training and expertise to evaluate the medical condition of the insured; and
 - (c) Has reviewed the available medical documentation, notes of the attending physician, test results and other relevant medical records of the insured.

The physician may consult with other providers of health care in determining whether to authorize coverage.

2. The decision not to authorize coverage and the reason for the decision have been transmitted in writing in a timely manner to the insured, the provider of health care who recommended the service and the primary care physician of the insured, if any.

Section 170 of the legislation defines "Provider of health care" as:

Any physician, hospital or other person who is licensed or otherwise authorized in this state to furnish any health care service.

Section 60 of the legislation defines "Primary care physician" as:

A physician or group of physicians who provide initial and primary health care services to an insured, maintain the continuity of care for the insured, and may refer the insured to a specialized provider of health care.

Section 110 of the legislation provides that:

Each managed care organization shall employ or contract with a physician who is licensed to practice medicine in the State of Nevada pursuant to chapter 630 of NRS to serve as its medical director.

Four results, among many others, of the new legislation are:

1. Managed care organizations must contract with or employ, as their Medical Director, a physician licensed to practice medicine in this state.
2. All decisions *not to authorize coverage* by a managed care organization of a health care service that has been recommended for the insured by a Nevada physician acting within the scope of his practice - if that service is covered by the health plan of the insured - must be made by a physician who is licensed to practice medicine in this state.
3. A decision *not to authorize coverage* must be transmitted in writing to the insured, the provider of health care who recommended the service, and the primary care physician of the insured, if any.
4. The provisions of the Medical Practice Act - Chapter 630 of the Nevada Revised Statutes - including those that relate to disciplinary action, apply to the not to authorize coverage of a health care service that has been recommended for the insured by a Nevada Physician - if that service is covered by the health plan of the insured.

Anyone interested in the full text of the law - it is ten (10) pages long - may contact the board by calling 775/688-2559 in Reno or 702/486-6244 in Las Vegas and request a copy which will be sent via the U.S. mail.

The full text of the law may also be obtained via the Internet at www.state.nv.us. Once you have reached the web site, first click on *Index of Agencies and Departments*, then click on *Revised Statutes*, then browse and click on *Chapter 695G* for the full text of the chapter, which can be printed from your computer.

SIGNING OF DEATH CERTIFICATES

By: Richard J. Legarza, J.D., General Counsel

The board has received information that getting death certificates signed in a timely manner by physicians is becoming somewhat of a problem in the state.

Funeral homes, in what have been reported as too many instances, are left with bodies which cannot be buried or cremated because they do not have a signed death certificate in their possession allowing them to proceed with survivor's wishes.

The board's specific information on long delays seems to involve a "gatekeeper" situation rather than physician refusal to timely sign death certificates. A representative of the funeral home association states that once access to the physician is achieved, the death certificate is immediately signed, but in far too many instances, "gatekeepers" throw up roadblocks to direct access to the physician.

The law in Nevada concerning medical certificates of death is set out in Chapter 440 of the Nevada Revised Statutes and the Nevada Administrative Code.

NRS 440.380, states that the medical certificate of death must be signed by the physician, if any, last in attendance on the deceased, or pursuant to regulations adopted by the board (State Board of Health) it may be signed by the attending physician's associate physician, the chief medical officer of the hospital or institution in which the death occurred, or the pathologist who performed an autopsy upon the deceased.

The Regulations that the State Board of Health has adopted in this area are set out in Chapter 440 of the Nevada Administrative Code.

NAC 440.160 reads as follows:

1. The person who is required to certify the cause of death shall complete the portions of the death certificate pertaining to the cause of death and the certification of death and return the certificate to the undertaker or person acting as undertaker who presented it to him within 48 hours after such presentation.

2. If the death did not occur in a hospital or other institution and the death was attended by a physician who will not be available within 48 hours after the death, the certificate must be presented to an associate physician who has access to the attending physician's medical files on the deceased. The associate physician shall complete and return the death certificate.

3. If the death occurred in a hospital or other institution and the death was attended by a physician who will not be available within 48 hours after the death, the certificate must be presented to the chief medical officer of the institution or an associate physician who has access to the medical records of the deceased. The chief medical officer or associate physician shall complete and return the death certificate.

NAC 440.170 states that:

A death shall be considered to have been attended by a physician if the deceased had seen the physician professionally within 10 days preceding the death unless the cause of death was unrelated to the purpose for which the patient consulted the physician.

NAC 440.180, states that:

1. If the deceased had been under a physician's care but had not been seen by a physician within 10 days preceding his death, the death shall not be considered to have been attended and must be referred to the local health officer.

2. The health officer may then certify the death certificate unless the death was caused by unlawful or suspicious means, in which case the local health officer shall refer the case to the coroner.

The Nevada State Board of Medical Examiners law, "The Medical Practice Act" has as a grounds for disciplinary action, "willful failure to perform a statutory or other legal obligation imposed upon a licensed physician."

The regulations adopted by the Nevada State Board of Health requiring physicians to sign death certificates within 48 hours of presentation impose a legal obligation upon physicians. Should the Nevada State Board of Medical Examiners receive a formal complaint, the board would have jurisdiction under the Medical Practice Act to investigate the matter for possible disciplinary action.

BOARD'S POSITION ON THE PRESCRIBING OF VIAGRA

At its August 22, 1998 meeting, the board considered the matter of the prescribing of Viagra. The board has determined that it is inappropriate for a physician licensed in the state of Nevada to prescribe Viagra to a patient without personally conducting an appropriate physical examination of the patient.

CONFERENCE FOCUSES ON SHARING TECHNOLOGY

By: Bob Harmon, Office of the Attorney General

The Office of the Attorney General's Bureau of Consumer Protection recently hosted **Open Network 98** on June 29th at the Capitol. The '97 Legislature charged this office with the responsibility of supporting and promoting technology literacy in libraries, schools and rural health and community based organizations.

The conference brought together, among others, various government and non-profit organizations, network directors and managers in Nevada. One objective is to define the

existing configuration of government voice and data networks and the applications carried over these networks in Nevada. Another goal is to define state, county and local government network access resources and explore ways to enhance and share those resources.

Efforts at McDermitt High School were recognized. Under the leadership of Principal John Madrell, the students at McDermitt High received a \$47,000 grant from the Northeast Nevada Technology Consortium and are creating and attempting to run their own Internet service company since only a crowded, sometimes available, 800 number was previously available. This should also assist folks in McDermitt, Orevada, Denio, Paradise Valley, King River and Jackson Valley.

The Bureau of Consumer Protection is also trying to help rural health care providers interested in applying for funds available from the Federal Communications Commission to help ensure the affordability of telecommunications services. Applications are now being accepted. Applications are available from the Bureau of Consumer Protection or by contacting the Federal Rural Health Care Corporation via their Website at rhccfund.org.

For more information contact the Office of the Attorney General, Bureau of Consumer Protection, 1100 East William Street, Suite 200, Carson City, Nevada 89710, (775) 687-6300, (775) 687-6304 Fax; WEBSITE: <http://www.state.nv.us/ag/> E-mail: aginfo@govmail.state.nv.us.

BOARD DISCIPLINARY ACTIONS APRIL THROUGH AUGUST, 1998

BAIG, Khaliq R., M.D.

Complaint Filed: 2/23/98 - Charged with 3 counts of violation of NRS 630.305(1)(e), aiding, assisting, employing or advising, directly or indirectly, any unlicensed person to engage in the practice of medicine contrary to the provisions of this chapter or the regulations of the board, and 1 count of violation of NRS 630.304(4), signing a blank prescription form.

Board Action: 6/6/98 - Entered into a stipulation for settlement and ordered that Dr. Baig's license be revoked, the revocation stayed, and that he be placed on 3 years probation during which time he shall be precluded from being a sponsoring physician for any physician seeking the right to practice medicine in the state of Nevada under any U.S. Department of Justice, Immigration and Naturalization Service, or other Federal Governmental program to allow the physician to remain and practice medicine in the state of Nevada; be precluded from being a supervising physician for a physician assistant or a collaborating physician for an advanced practitioner of nursing, without prior approval of the full board; receive a written public reprimand; complete 10 hours of CME in the area of ethics in addition to the standard 40 hours of CME required for licensure; and pay the costs of the investigation and hearing preparation process in the amount of \$15,000.00.

CAPPIELLO, Rafael M., M.D.

Complaint Filed: 2/3/98 - Charged with 7 counts of violation of NRS 630.301(4), malpractice, and 1 count of violation of NRS 630.301(4), repeated malpractice.

Order of Summary Suspension of License to Practice Medicine in the State of Nevada: 2/4/98 - The board determined that the continued practice of medicine by Dr. Cappiello during the pendency of the time necessary for a hearing on the complaint filed on February 3, 1998 against him would endanger the health, safety, and welfare of his patients and summarily suspended his license pending the hearing.

Board Action: 6/6/98 - The board found Dr. Cappiello guilty of all counts of the complaint and revoked Dr. Cappiello's license to practice medicine in the state of Nevada.

CHANCELLOR, Robert S., M.D.

Complaint Filed: 2/3/98 - Charged with 2 counts of violation of NRS 630.301(4), malpractice, and 1 count of violation of NRS 630.301(4), repeated malpractice.

Board Action: 6/6/98 - The board found Dr. Chancellor guilty of all counts of the complaint and revoked Dr. Chancellor's license to practice medicine in the state of Nevada.

EMETERIO, Louis C., M.D.

Complaint Filed: 2/23/98 - Charged with 15 counts of violation of NAC 630.230(1)(c), engaging in the practice of writing prescriptions for controlled substances in such excessive amounts as to constitute a departure from prevailing standards of acceptable medical practice; 15 counts of violation of NAC 630.245, malpractice; 8 counts of violation of NAC 630.230(1)(f), writing a prescription for controlled substances for any person without an appropriate examination which confirms the medical necessity for the controlled substances; 10 counts of violation of NRS 630.306(7), continual failure to exercise the skill or diligence or use the methods ordinarily exercised under the same circumstances by physicians in good standing practicing in the same specialty or field; and 1 count of violation of NRS 630.301(4), repeated malpractice.

Board Action: 6/6/98 - The board found Dr. Emeterio guilty of 15 counts of violation of NAC 630.230(1)(c), 10 counts of violation of NRS 630.306(7), 8 counts of violation of NAC 630.230(1)(f), 15 counts of violation of NRS 630.301(4), malpractice, and 1 count of violation of NRS 630.301(4), repeated malpractice. The board ordered that Dr. Emeterio's license be revoked, the revocation stayed and that he be placed on 2 years probation, during which time he shall complete 80 hours of CME in the areas of narcotics prescribing, pain management and record-keeping in addition to the standard CME required for licensure, pay \$10,465.00 for all administrative expenses incurred in the investigation and hearing, and not prescribe Schedule II and Schedule III controlled substances during the first 6 months of the probationary period.

MIRCHOU, Rafael, M.D.

Complaint Filed: 4/14/98 - Charged with 1 count of violation of NRS 630.305(1)(e), aiding, assisting, employing or advising, directly or indirectly, any unlicensed person to engage in the

practice of medicine contrary to the provisions of this chapter or the regulations of the board; and 1 count of violation of NRS 630.306(5), practicing or offering to practice as a resident physician beyond the scope permitted by law or performing services which the licensee knows or has reason to know that he is not competent to perform.

Order of Summary Suspension of License to Practice Medicine in the State of Nevada: 2/4/98 - The board determined that the continued practice of medicine as a resident physician by Dr. Mirchou during the pendency of the time necessary for a hearing on the complaint filed on April 14, 1998 against him exhibits a continual failure to abide by the law of the state of Nevada and a total disregard to the laws of the state of Nevada, and presents an immediate threat to the health, safety, and welfare of the citizens of the state of Nevada. The board summarily suspended his license pending the hearing.

Board Action: 6/15/98 - The board found Dr. Mirchou guilty of all counts of the complaint, revoked his residency license, stayed the revocation, placed him on probation for the remainder of his term as a resident physician in the state of Nevada, and ordered that he: 1) pay \$35,000.00 as disgorgement of income which may have been received from patients, who may have been seen as patients by a person or persons not licensed to practice medicine in the state of Nevada, which have resulted in receipt of income which cannot practically be returned, and which payment shall be used by the board for future public protection enforcement and public awareness efforts; 2) pay the sum of \$35,000.00 as and for all administrative expenses incurred in the investigation and hearing of the case against him; and 3) receive a public reprimand.

ROBERTS, Donald L., M.D.

Complaint Filed: 6/15/98 - Charged with 1 count of violation of NRS 630.301(3) the suspension, modification or limitation of the license to practice any type of medicine by any other jurisdiction or the surrender of the license or discontinuing the practice of medicine while under investigation by any licensing authority, a medical facility, a branch of the Armed Services of the United States, an insurance company, an agency of the Federal Government or an employer.

Board Action: 8/22/98 - Entered into a stipulation for settlement and ordered that Dr. Roberts be issued a public reprimand, perform 10 hours of community service, and pay \$500.00 as and for all administrative expenses incurred in the investigation and hearing preparation process.

SAYLER, John D., P.A.-C

Complaint Filed: 2/23/98 - Charged with 3 counts of violation of NAC 630.230(1)(f), writing a prescription for controlled substances for any person without an appropriate examination which confirms the medical necessity for the controlled substances; 9 counts of violation of NAC 630.230(1)(c), engaging in the practice of writing prescriptions for controlled substances in such excessive amounts as to constitute a departure from prevailing standards of acceptable medical practice; and 4 counts of violation of NAC 630.380(1)(f), gross or repeated malpractice in the performance of medical services.

Board Action: 8/22/98 - The board found Mr. Sayler guilty of 5 counts of violation of NAC 630.230(1)(c); 2 counts of violation of NAC 630.230(1)(f); and 3 counts of violation of NAC 630.380(1)(f). The board ordered that Mr. Sayler's physician assistant license be revoked, the revocation stayed, and that he be placed on 5 years probation during which time he shall: 1) receive a public reprimand; 2) be referred to the Nevada Health Professionals Assistance Foundation for evaluation and appropriate referral, if any; 3) complete 20 hours of CME each year in the areas of pain management prescribing, and sexual boundaries and ethical behavior in addition to the standard CME required for licensure; 4) pay the sum of \$15,000.00 as and for all administrative expenses incurred in the investigation and hearing process; 5) not prescribe any scheduled drugs; 6) have his supervising physician on the premises at all times while he is working; and 7) have his supervising physician review all of his patient charts.

SOLI, Donald E., M.D.

Complaint Filed: 6/15/98 - Charged with 2 counts of violation of NRS 630.301(4) malpractice and 1 count of violation of NRS 630.301(4) repeated malpractice.

Board Action: 8/22/98 - Entered into a stipulation for settlement and ordered that Dr. Soli's license be revoked, the revocation stayed and that he be placed on 5 years probation during which time he shall: 1) be issued a public reprimand; 2) complete 17 hours of CME in the area of proper record-keeping practices in addition to the standard CME required for licensure; 3) pay \$4,000.00 as and for all administrative expenses incurred in the investigation and hearing preparation process; 4) not use the EAV Dermatron machine or any other such similar machine as the sole source of medical diagnosis of patients; 5) not engage in the practice of any type of Chelation Therapy, including but not limited to EDTA Chelation Therapy; not refer patients to other health care professionals or physicians, either M.D.s, D.O.s, or H.M.D.s, for Chelation Therapy; refrain from any and all use, recommendation, payment for, fee splitting, or participation in any manner whatsoever in the treatment of any patient by Chelation Therapy; and shall contact the American College for the Advancement of Medicine and request that it remove his name from its list of physicians specializing in Chelation Therapy and all other specialties listed; and 6) limit his practice to the practice of Allergy and General Practice, and require that all patient records shall contain all tests, diagnostic methods, histories and physical examinations conducted on patients to arrive at a diagnosis and treatment of the patients.

PUBLIC REPRIMANDS ORDERED BY THE BOARD

KHALIQ R. BAIG, M.D.

Dear Dr. Baig:

On June 6, 1998, you entered a plea of guilty to counts one and four of the complaint filed against you on February 23, 1998. Those counts charged you as follows:

COUNT ONE: Aiding and assisting an individual by the name of "Doctor" Kamran Safdar, an individual not licensed to practice medicine in the state of Nevada, in the unauthorized practice

of medicine in the state of Nevada, contrary to the provisions of Chapter 630 of the Nevada Revised Statutes.

COUNT TWO: Signing blank prescription forms and giving those prescription forms to "Doctor" Kamran Safdar, who would fill out the medications called for on the prescription forms.

That as a result of your plea of guilty to counts two and four of the complaint, the board entered its order as follows:

1. That you be issued a public reprimand;
2. That, in addition to the standard 40 hours of continuing medical education requirement, you attend ten hours of AMA Category I continuing medical education in the area of ethics;
3. That you pay the sum of \$15,000.00 as and for all administrative expenses incurred in the investigation and hearing preparation process;
4. That your license to practice medicine in the state of Nevada be revoked; and
5. The revocation of your license be stayed and you be placed on probation for a period of three years, upon terms and conditions of probation.

Accordingly, it is my unpleasant duty as President of the Nevada State Board of Medical Examiners to formally and publicly reprimand you for your conduct, which has brought personal and professional discredit upon you, and which reflects unfavorably upon the medical profession as a whole.

Arne D. Rosencrantz

President

RAFAEL MIRCHOU, M.D.

Dear Dr. Mirchou:

As a result of your entry of a plea of no contest to charges in counts one and two of the complaint filed against you on April 14, 1998, the board found you guilty of:

COUNT ONE: Aiding, assisting, employing or advising, directly or indirectly, Francisco Peraza Gonzalez, Marisol Crespo Dominguez, Juan Saul Echevarria Espino, and Juan Francisco Barajas Mota, persons who do not have a license to practice medicine in the state of Nevada, in the practice of medicine in the state of Nevada.

COUNT TWO: Practicing medicine in the state of Nevada beyond the scope of your resident physician license.

The board entered its order as follows:

1. That you pay the sum of \$35,000.00 as disgorgement of payments which may have been received from patients, who may have been seen as patients by a person or persons not licensed to practice medicine in the state of Nevada, which have resulted in receipt of income which cannot practically be returned. This payment is to be used by the board for future public protection enforcement and public awareness efforts;
2. That you pay the sum of \$35,000.00 as and for all administrative expenses incurred in the investigation and hearing of this case;
3. That you receive a public reprimand; and
4. That your resident license in the state of Nevada be revoked and that the revocation be stayed and you be placed on probation on terms and conditions.

Accordingly, it is my unpleasant duty as President of the Nevada State Board of Medical Examiners to formally and publicly reprimand you for your conduct, which has brought personal and professional discredit upon you, and which reflects unfavorably upon the medical profession as a whole.

Arne D. Rosencrantz

President

DONALD L. ROBERTS, M.D.

Dear Dr. Roberts:

On August 22, 1998, pursuant to a stipulation wherein you plead guilty to a violation of NRS 630.301(3), surrendering your license to practice medicine in the state of California, the board entered its order as follows:

1. That you be issued a public reprimand;
2. That you be required to perform ten hours of community service at a location to be approved by the board; and
3. That you pay the sum of \$500.00 as and for all administrative expenses incurred in the investigation and hearing preparation process.

Accordingly, it is my unpleasant duty as President of the Nevada State Board of Medical Examiners to formally and publicly reprimand you for your conduct, which has brought personal and professional discredit upon you, and which reflects unfavorably upon the medical profession as a whole.

Arne D. Rosencrantz

President

JOHN D. SAYLER, P.A.-C

Dear Mr. Sayler:

On August 22, 1998, the Nevada State Board of Medical Examiners entered its findings of fact, conclusions of law and order in the above-entitled matter.

You were charged in sixteen counts with violations of the medical practice act, and the board found as follows on each count:

COUNT ONE: Not guilty of the allegations in count one, which charged you with prescribing controlled substances to Patient A., without conducting an appropriate examination which confirmed the medical necessity of the controlled substances.

COUNTS THREE, FOUR, FIVE AND SIX: Not guilty of the allegations in counts three, four, five, and six, which charged you with prescribing controlled substances to Patients C, D, E, and F, in such excessive amounts as to constitute a departure from prevailing standards of acceptable medical practice.

COUNT SEVEN: Not guilty of the allegations in count seven, which charged you with engaging in negligence in the performance of your medical services to Patient F.

COUNTS TWO, EIGHT, NINE, TEN AND THIRTEEN: Not guilty of the allegations in counts two, eight, nine, ten, and thirteen, which charged you with prescribing controlled substances to Patients B, G, H, I, and J, in such excessive amounts as to constitute a departure from prevailing standards of acceptable medical practice.

COUNTS ELEVEN AND FOURTEEN: Guilty of the allegations in counts eleven and fourteen, which charged you with prescribing controlled substances to Patients I and J, without conducting an appropriate examination which confirmed the medical necessity for the controlled substances.

COUNTS TWELVE AND FIFTEEN: Guilty of the allegations in counts twelve and fifteen, which charged you with engaging in negligence in the performance of medical services to Patients I and J.

COUNT SIXTEEN: Guilty of the allegations in count sixteen, which charged you with repeated negligence in the performance of medical services to Patients I and J.

The board entered its order as follows:

1. That you be issued a public reprimand;
2. That you be referred to the Nevada Health Professionals Assistance Foundation for evaluation and appropriate referral, if any;
3. That, in addition to the standard 40 hours of continuing medical education you are required to receive each two years, you shall attend and complete twenty hours of continuing medical

education each and every year of your term of probation in the areas of pain management prescribing, sexual boundaries, and ethical behavior;

4. That you pay the sum of \$15,000.00 as and for all administrative expenses incurred in the investigation and hearing process;
5. That your license to practice as a physician assistant in the state of Nevada is revoked; and
6. The revocation of your license to practice as a physician assistant is stayed and you are placed on probation for a period of five (5) years upon terms and conditions:
 - a. That you pay the costs as set out above;
 - b. That you complete the additional CME as set out above;
 - c. That during your probationary period you shall not prescribe any scheduled drugs;
 - d. That your supervising physician, as approved by the Investigative Committee of the board, shall be on the premises at all times while you are working; and
 - e. That your supervising physician must review 100% (all) of your charts during your probationary period.

Accordingly, it is my unpleasant duty as President of the Nevada State Board of Medical Examiners to formally and publicly reprimand you for your conduct, which has brought personal and professional discredit upon you, and which reflects unfavorably upon the medical profession as a whole.

Arne D. Rosencrantz

President

DONALD E. SOLI, M.D.

Dear Dr. Soli:

On August 14, 1998, you entered a plea of no contest to counts one, two and three of the complaint filed against you on June 15, 1998. Those counts read as follow:

COUNT ONE: That Patient A was a patient of yours and had been a patient of yours for several years. That you gave Patient A chelation therapy treatment for a diagnosis of arteriosclerotic vascular disease, lower extremity vascular disease, and that Patient A was seen by another physician who referred Patient A to a vascular surgeon, and Patient A received an amputation of his leg below the knee. That your failure to properly treat or appropriately refer Patient A constituted malpractice.

COUNT TWO: That Patient B was a patient of yours and was seen and treated by you in June and August of 1994, presenting with rectal bleeding and other GI symptoms. That you took no

action to evaluate Patient B's rectal bleeding. That Patient B was seen by another physician in March of 1995, at which time a large rectal carcinoma was detected. That your failure to properly treat or refer Patient B constituted malpractice.

COUNT THREE: That the malpractice committed by you on Patients A and B constituted repeated malpractice.

That as a result of your plea of no contest to all three counts of the complaint, the board entered its order as follows:

1. That you be issued a public reprimand;
2. That, in addition to the standard 40 hours of continuing medical education requirements, you attend seventeen hours of AMA Category I continuing medical education in the area of proper record-keeping practices;
3. That you pay the sum of \$4,000.00 as and for all administrative expenses incurred in the investigation and hearing preparation process;
4. That your license to practice medicine in the state of Nevada be revoked; and
5. That the revocation of your license to practice medicine in the state of Nevada be stayed and you be placed on probation for a term of five years upon the following terms and conditions:
 - a. Payment of the costs as ordered;
 - b. Completion of the CME as ordered;
 - c. That during the term of your probation you are precluded from using the EAV Dermatron machine or any other such similar machine as the sole source of medical diagnosis of patients. That all your records shall reflect that you have exercised the skill or diligence or used the methods ordinarily exercised under the same circumstances by physicians in good standing in the same specialty or field;
 - d. That during the term of your probation you shall not engage in the practice of any type of Chelation Therapy, including but not limited to EDTA Chelation Therapy. That you shall not refer patients to other health care professionals or physicians, either M.D.s, D.O.s, or H.M.D.s, for Chelation Therapy. Specifically, you shall refrain from any and all use, recommendation, payment for, fee splitting, or participation in any manner whatsoever in the treatment of any patient by Chelation Therapy. That you shall contact the American College for the Advancement of Medicine and request that it remove your name from its list of physicians specializing in Chelation Therapy and all other specialties listed therein; and
 - e. That your practice of medicine be limited to Allergy and General Practice. That all your patient records shall contain all tests, diagnostic methods, histories and physical examinations conducted by you on the patients to arrive at a diagnosis and treatment of your patients.

Accordingly, it is my unpleasant duty as President of the Nevada State Board of Medical Examiners to formally and publicly reprimand you for your conduct, which has brought

personal and professional discredit upon you, and which reflects unfavorably upon the medical profession as a whole.

Arne D. Rosencrantz

President



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