



NEVADA STATE BOARD OF MEDICAL EXAMINERS

NEWSLETTER

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BEWARE HUMAN GROWTH HORMONE

by Drennan A. Clark, J.D., Executive Director/Special Counsel

You may have seen an episode on 60 Minutes several months ago, dealing with a Las Vegas spa, where injections of human growth hormone were being used to counter the process of aging. The spa's founder and principal owner advertised himself as a licensed physician, and promoted both the use of human growth hormone as an anti-aging treatment panacea, and his spa for anti-aging therapy.

The doctor involved is not licensed to practice medicine in Nevada (he is licensed in Illinois and New York), and does not specialize in geriatrics or cosmetic treatment. He is a radiologist.

Consumers are advised that the use of human growth hormone for anti-aging treatment or athletic enhancement is

illegal. The only FDA-approved uses are for children and adults with documented growth hormone deficiencies. All other uses, even though available from many sources, are illegal.

Human growth hormone cannot be classified as a dietary supplement, and is bioavailable only in injectable form.

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# New Regulations

At its March 2006 and June 2006 quarterly meetings, the Nevada State Board of Medical Examiners adopted two new regulations relating to licensure here in the state of Nevada.

The first is an addition to the Nevada Administrative Code (NAC), requiring that licensees whose licenses have been suspended for non-payment of the biennial renewal fee, and who desire to change their licensure status, must first be reinstated to their previous licensure status, by paying the required fee.

Thereafter, the licensees can change their status by submitting the necessary licensure materials.

The second is an addition to the NAC, specifying grounds for denial of licensure to an applicant for licensure as a physician assistant, similar to those already in the statutes/regulations for physicians and practitioners of respiratory care.

Any questions concerning these new regulations should be directed to the Board's Licensing Division or Legal Division.

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## The Distressed Chronic Pain Practitioner

by Bonnie Brand, J.D., General Counsel

In a recent article published by the Federation of State Medical Boards "FSMB"), there was an Editorial on the subject of "distressed chronic pain practitioners". These are practitioners who are not recognized pain management specialists. Instead, they are sellers of prescriptions for cash or sex.

The "distressed chronic pain practitioner" has been described as a physician [or in some cases, a physician's assistant] who is willing to sell prescriptions for controlled substances without bothering to obtain a history, working up the patient's complaint, conducting a physical exam, ordering tests, making a diagnosis, choosing a rational plan tailored specifically to the patient, properly monitoring the patient, or making any attempt to minimize drug abuse and diversion in certain cases. Such practice violates both the Nevada Medical Practice Act and the *Model Guidelines for the Use of Controlled Substances for the Treatment of Pain*\*.

Author David G. Greenburg describes common themes seen in distressed chronic pain practitioners. In most cases, the practitioners are self-declared experts in pain management, with little or no formal training or any prolonged authentic mentorship in chronic pain medicine.

They are most often not up to date in the pain management literature and do not attend pain management courses and conferences. Frequently, these distress pain management practitioners have not flourished in the specialty of medicine in which they were formally trained due to factors such as professional incompetence, personality problems, ethical problems, organic cognitive impairment, poor business judgments, psychiatric issues or ongoing substance abuse.

Distressed chronic pain practitioners who run "drug mills" often become a target of both the Board and law enforcement investigations when pharmacy records reveal patterns of illegal and excessive prescribing, or patients die of overdoses related to the prescriptions in question.

**All licensees of the Nevada Board of Medical Examiners are reminded that they are compelled by the Medical Practice Act to report any practitioner who appears to be in violation of the law. In almost all cases, the names of reporting parties are not divulged. Failure to report is cause for the initiation of disciplinary action.**

\*Copies of the Model Guidelines can be obtained from FSMB at [www.FSMB.org](http://www.FSMB.org) or by calling (817) 868-4000.

## REMINDER!

Every Medical licensee is required by law, NRS 630.254 and NRS 630.255, to maintain a permanent mailing address with the Board. If a licensee changes his permanent address, he must notify the Board of the change within 30 days. Failure to do so is a violation of the Nevada Medical Practice Act, and may result in discipline and or a fine.

And, any licensee who changes the location of his office must notify the Board of the new office location **before** practicing at that location. Again, failure to do so is a violation of the Nevada Medical Practice Act, which may result in discipline.

# Medical Assistants

by Drennan A. Clark, J.D., Executive Director/Special Counsel

While unlicensed assistants are necessary and helpful in medical practices, licensees need to be aware of their limitations and the resulting liability on physicians. A medical assistant is an unlicensed person, of varying degrees of ability, who performs basic clerical, administrative and technical supportive services for a licensee. As such, the licensee is completely responsible for the assistant's training and level of competence, and for any and all acts performed by the assistant.

As a guideline:

Depending completely on their training, medical assistants may apply and remove bandages and dressings, remove sutures, perform ear lavage, prepare patients for examination, shave and disinfect treatment sites, draw blood, administer medications, including narcotics, when the licensee has verified the correct medication and dosage, inject medications if the licensee has verified the type and dosage and the injection is intramuscular, intradermal or subcutaneous, perform nasal smears and "finger sticks," swab the throat, take a patient's blood pressure, call in prescription refills to pharmacies, perform

hearing tests, give shots when the dosage has been verified by the licensee, or remove splints, casts or other external devices.

Even in an emergency situation, medical assistants are not allowed to chart papillary responses, insert or remove urine catheters, perform telephone triage, inject collagen, use lasers to remove hair, wrinkles, scars, moles or other blemishes, administer chemotherapy or be responsible for monitoring patients receiving chemotherapy, apply orthopedic splints or casts, or interpret the results of skin tests.

In summary, medical assistants are not licensed, and it is not proper or legal to use them to replace highly trained and licensed professionals. Medical assistants are to assist and perform support in the licensee's office. Their duties must be commensurate with their level of training and competence, which cannot be compared to that of licensed nurses, nurse practitioners or physician assistants who meet rigorous educational and examination requirements.

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## Boards Warned of Third Party License Renewal Website

Reprinted from the May 19, 2006 Issue of the FSMB's *BoardNet News*

State medical boards, particularly those with online applications, should be aware of third party license renewal services contacting physicians by e-mail regarding medical license renewal. The Oklahoma State Board of Medical Licensure and Supervision has reported one of its physicians was recently contacted by an online service offering to file his medical license renewal for him. The physician mistakenly believed the e-mail was from the board, completed the application and was charged \$495 by a company called Medlicense.com. The mistake was found only after the board contacted the physician because his renewal application was late.

The site states it will complete all licensure forms for renewal in all 50 states, including Federation Credentials Verification Service (FCVS) forms. The site is located at <http://www.medlicense.com> and is in no way connected to the FSMB, any of its services or to any of the state licensing boards.

Boards should make sure their licensed physicians are aware of such third party services and the fact that, if the physician uses such a service for renewal instead of the state board, he or she is responsible for any inaccuracy or missed deadlines due to using the service.

## Watch for the 2-hour Ethics CME Program Sponsored by the NSBME!

The Nevada State Board of Medical Examiners will be providing a CME program at various hospitals throughout the state entitled "Protecting Your Medical License." This will be approved for 2 hours of Ethics CME.

Jerry C. Calvanese, M.D., Medical Reviewer, NSBME

# Be Prepared for Pandemic Flu

Reprinted from the Texas Medical Board Spring Newsletter, with local changes

As the U.S. and Nevada prepare for a possible influenza pandemic, both state and federal governments have made information available to help prepare for and, if necessary, manage a situation in which as much as half of the work force could be unavailable because of illness or caring for a sick family member.

There were three flu pandemics during the 20<sup>th</sup> Century; the 1918 Spanish flu; the Asian flu in 1957; and the Hong Kong flu in 1968. The 1918 pandemic killed more than half a million people in the U.S. and 20 million worldwide. (About 36,000 people die from seasonal flu in the U.S. every year.)

The world is overdue for a flu pandemic. The strain of bird flu that is circulating is Influenza A subtype H5N1, and it is a close relative of the 1918 flu.

A pandemic is like a rolling natural disaster; it is progressive and prolonged, and occurs in multiple locations. A wave lasts 2-12 weeks and can recur multiple times. Secondary waves are usually worse. The relatively small SARS "epidemic" in Toronto in 2003 consisted of 352 cases and put hospitals at surge capacity, while shutting down churches and schools, causing widespread hysteria.

The intent of the various state and federal agencies involved in flu pandemic preparedness is to inform and prepare health care professionals and the public, rather than inflame and cause panic. Preparedness can mitigate

the disastrous effects of a pandemic. The goals of pandemic preparedness planning are to reduce illness and death rates, to minimize the spread of the disease, to ensure business continuity, to attempt to maintain essential services, and to limit the economic and social consequences of an outbreak.

Information available to healthcare practitioners includes tool kits for medical offices and clinics to develop an influenza preparedness plan. The federal government's site, <http://www.pandemicflu.gov/> has a wealth of current information on where H5N1 outbreaks have occurred, updates on vaccine availability, definitions, and links, including the link to healthcare planning at <http://www.pandemicflu.gov/plan/tab6.html>, which includes PDF files of toolkits for clinics, home healthcare, hospitals and other facilities. The Nevada State Health Division provides additional information at <http://health2k.state.nv.us/healthofficer/pandemicflu/index.htm>.

In addition to these resources, simple common-sense tips for pandemic flu preparedness include:

- Stay informed
- Promote hand-washing
- Contain coughs
- Stay home and encourage others to do so if sick
- Have a business continuity plan

## REMEMBER!

All physician licensees are required by Nevada law (NRS 630.3068) to report any malpractice action filed against the licensee within 45 days of service of process, and to further report any malpractice claim submitted to mediation or arbitration not later than 45 days of the submission to mediation or arbitration. Additionally, licensees must report to the Board any settlement, award, judgment or other disposition or any action or claim for malpractice not later than 45 days after the settlement, award, judgment or other disposition, and must report to the Board any sanctions imposed against the physician licensee which are reportable to the National Practitioner Data Bank not later than 45 days after the sanctions are imposed.

Physician licensees must self-report these matters to the Board. They cannot rely on reports to the Board by insurance companies, hospitals or clinics.

Failure to make the required reports may result in discipline.

# Sorry Works!

Reprinted with permission of Doug Wojcieszak, *The Sorry Works! Coalition*

Can all medical malpractice lawsuits be prevented with one little word: "sorry?" No, but the folks at The Sorry Works! Coalition believe the development of comprehensive disclosure, apology, and early-offer programs can dramatically reduce lawsuits and associated liability costs for healthcare and insurance professionals.

Sorry Works! spokesperson Doug Wojcieszak recently spoke before the California Medical Board on the benefits and promise of disclosure and apology medical errors. For example, the University of Michigan Health System has cut their lawsuits in half and reduced litigation expenses by two-thirds, or \$2 million annually. Furthermore, Michigan leaders believe their disclosure program is improving the quality of patient care because errors are learned from instead [sic] being shoved under the rug. Other hospitals and insurers including Kaiser Hospitals, Catholic Healthcare West, and Stanford Teaching Hospitals are reporting similar positive results from apology and disclosure programs. The interest in Sorry Works! is very high among hospitals, insurers, and medical associations.

Sorry Works! is a process and a program that emphasizes communication and compassion for patients, families, and healthcare professionals. After a bad outcome or adverse event, Sorry Works! Says a root cause analysis should be performed to determine if the standard of medical care was met – or not. If the standard of care was breached, the hospital and/or insurance company contacts the patient/family to schedule a meeting with them and their

attorney. The following events happen in the disclosure meeting:

- Apology
- Admission of fault
- Explain what happened and how it will never happen again
- Offer of fair, upfront compensation

This Sorry Works! approach reduces anger with patients and families, and provides healing for all sides, including the healthcare professionals. By reducing anger, the chances of litigation are greatly diminished and settlement costs are lower. Cases are also settled quickly, saving enormous sums on defense litigation expenses.

On the flip side, if there was no error – it was simply a bad outcome – the hospital and/or insurer still meet with the patient/family and their attorney, open the records, explain what happened, and basically prove their innocence. Apologies are offered, but not settlements, and the hospital/insurer will defend the medical staff all the way to jury verdict if necessary in such cases. This act of communication and conviction prevents many non-meritorious lawsuits.

For more information on Sorry Works!, please visit [www.sorryworks.net](http://www.sorryworks.net) or call (618) 559-8168.

## DRUG OR ALCOHOL PROBLEM?

If you are concerned about a fellow physician, physician assistant or practitioner of respiratory care, who may be abusing alcohol or other drugs, you can get assistance by contacting the Nevada Health Professionals Assistance Foundation.

*Your call may save a licensee's life . . . or a patient's!*

**ALL CALLS ARE CONFIDENTIAL**

(702) 521-1398 • [NHPAF2@aol.com](mailto:NHPAF2@aol.com)

# A Word from the Physician Assistant Advisory Committee of the Board

by John B. Lanzillotta, PA-C, Physician Assistant Advisor

Janet Wheble PA-C presented the Physician Assistant Advisory Committee report at the June 9, 2006 NSBME meeting. The subject of the report addressed three issues that have been discussed in the past two Board meetings. The Physician Assistant Advisory Committee had requested the Board look at and consider a change in two NRS statutes regarding PA practice that were outdated and not current with our actual practice situations.

The first, NRS 630.025 **"Supervising physician" defined.** "Supervising Physician," means an active physician licensed in the State of Nevada who **employs** and supervises a physician assistant.

Comment: this statute was written around 1973 and most PAs were direct employees of their supervising physicians. However, in the thirty-two years that have followed many PAs now work in and are directly employed by group practices and corporations, as are their supervising physicians. The Physician Assistant Advisory Committee requested deletion of the word "employs."

The second NRS language change that the advisory committee requested involves **NRS 629.031** and the addition of Physician Assistants to "providers of health care defined." PAs licensed by the NSBME are qualified to perform medical services under supervision of a supervising physician who is licensed by the Board.

1. "Provider of health care" means a physician licensed pursuant to [chapter 630](#), [630A](#) or [633](#) of NRS, dentist, licensed nurse, dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist, licensed marriage and family therapist, chiropractor, athletic trainer, doctor of Oriental medicine in any form, medical laboratory director or

technician, pharmacist or a licensed hospital as the employer of any such person.

The Board has approved both NRS language changes for their 2007 session legislative initiative.

The final measure, and one of significant importance, affects the ability of Physician Assistants in Nevada to render assistance in emergencies, natural disasters or manmade disasters. At present, Physician Assistants cannot legally act in these situations without supervising physician supervision. Drennan A. Clark, J.D., Executive Director/Special Counsel for the NSBME, offered advice for this dilemma and suggested adding PAs to the list of medical personnel in NRS 41.505. Physician Assistants then would be granted coverage as far as liability if they act or render care in good faith in disasters and emergencies. This may well be the solution that would give PAs who provide care protection from liability in the event of disaster or emergency. The same statute gives any licensed physician, approved by the statute, to give the named health care personnel in Nevada supervision in these circumstances. Please refer to <http://www.leg.state.nv.us/Law1.cfm> to read the text.

The Physician Assistant Advisory Committee appreciates the assistance and efforts of Drennan A. Clark, J.D. and his staff in resolving this issue for us. The benefit is that in the event of emergencies, natural or manmade disaster, Nevada's three hundred plus Physician Assistants could be utilized to render emergency medical care to its citizens.

Members of the Physician Assistant Advisory Committee are Janet Wheble PA-C, Dan Hickey PA-C and John Lanzillotta PA-C. They may be contacted through the Board offices at (888) 890-8210 or the Reno number (775) 688-2559.

## COMING JANUARY 2007!

### Online renewals for Medical Doctors and Physician Assistants

Read the upcoming fall newsletter for further information.

# Board Elects Officers and Appoints Committees

At its June 2006 meeting, the Nevada State Board of Medical Examiners re-elected Javid Anwar, M.D., a Las Vegas practicing Internist, as Board President, Sohail U. Anjum, M.D., a Las Vegas practicing Cardiologist, as Board Vice President, and Donald H. Baepler, Ph.D., D.Sc., a public member of the Board, as Board Secretary-Treasurer.

## Following are the current Board Committee appointments:

### Investigative Committee A:

Donald H. Baepler, Ph.D., D.Sc., Chair  
Charles N. Held, M.D.  
Cindy Lamerson, M.D.

### Investigative Committee B:

Sohail U. Anjum, M.D., Chair  
Marlene J. Kirch  
S. Daniel McBride, M.D.

### License Application and Malpractice Review Committee:

Javid Anwar, M.D., Chair  
Jean Stoess, M.A.  
Benjamin J. Rodriguez, M.D.

### Internal Affairs Committee:

Sohail U. Anjum, M.D., Chair  
Donald H. Baepler, Ph.D., D.Sc.  
Jean Stoess, M.A.

### Public Relations Committee:

Jean Stoess, M.A., Chair  
Marlene J. Kirch  
Drennan A. Clark, J.D.

### Executive Committee:

Javid Anwar, M.D., Chair  
Sohail U. Anjum, M.D.  
Donald H. Baepler, Ph.D., D.Sc.

## Board Executive Director, Legal Counsel and Division Chiefs

Executive Director/Special Counsel  
General Counsel  
Deputy General Counsel  
Deputy General Counsel  
Chief of Administration  
Chief of Investigations  
Chief of Licensing

Drennan A. Clark, J.D.  
Bonnie S. Brand, J.D.  
Edward O. Cousineau, J.D.  
Lyn E. Beggs, J.D.  
Laurie L. Munson  
Douglas C. Cooper  
Lynnette L. Daniels

## CALENDAR OF BOARD MEETINGS FOR REMAINDER OF 2006

Meetings held at the Board office in Reno, videoconferenced to the Las Vegas office of the Nevada State Board of Dental Examiners, unless noted otherwise.

**September 15 and 16, 2006**, Reno, Nevada  
**December 1 and 2, 2006**, Las Vegas, Nevada, location TBA

# 2005 ANNUAL REPORT

## Licensure Statistics – Medical Doctors

At the close of 2005 there were 5940 physicians holding licensure in Nevada. Of these, 4031 were actively practicing within the state, an additional 1076 physicians held active licenses but did not reside in Nevada, and the remaining 833 physicians registered their licenses in inactive status. Four Hundred Seventy-One (471) physicians were licensed for the first time by the BME during 2005. The chart below reflects a breakdown of the number of licensed physicians practicing in Nevada, by county, from 1987 through 2005.

| YEAR:                                      | 1987        | 1988        | 1989        | 1990        | 1991        | 1992        | 1993        | 1994        | 1995        | 1996        | 1997        | 1998        | 1999        | 2000        | 2001        | 2002        | 2003        | 2004        | 2005        |
|--|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| <b>COUNTY</b>                              |             |             |             |             |             |             |             |             |             |             |             |             |             |             |             |             |             |             |             |
| Carson City                                | 66          | 74          | 72          | 73          | 79          | 90          | 88          | 95          | 98          | 104         | 110         | 109         | 115         | 127         | 125         | 137         | 141         | 141         | 141         |
| Churchill                                  | 13          | 14          | 12          | 11          | 13          | 11          | 13          | 17          | 19          | 19          | 20          | 24          | 25          | 22          | 21          | 21          | 24          | 25          | 24          |
| Clark                                      | 789         | 871         | 919         | 1021        | 1114        | 1199        | 1299        | 1418        | 1517        | 1701        | 1763        | 1907        | 2023        | 2153        | 2314        | 2321        | 2366        | 2578        | 2729        |
| Douglas                                    | 21          | 21          | 23          | 28          | 22          | 24          | 30          | 36          | 37          | 43          | 48          | 54          | 57          | 63          | 67          | 72          | 74          | 82          | 79          |
| Elko                                       | 23          | 21          | 23          | 29          | 25          | 24          | 21          | 26          | 29          | 39          | 39          | 41          | 43          | 48          | 50          | 48          | 41          | 41          | 42          |
| Esmeralda                                  | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |
| Eureka                                     | 1           | 1           | 1           | 1           | 1           | 1           | 0           | 0           | 0           | 2           | 2           | 1           | 1           | 2           | 1           | 2           | 1           | 1           | 0           |
| Humboldt                                   | 5           | 6           | 5           | 5           | 6           | 6           | 5           | 5           | 5           | 7           | 7           | 8           | 9           | 8           | 7           | 6           | 7           | 6           | 6           |
| Lander                                     | 3           | 3           | 3           | 1           | 2           | 2           | 2           | 2           | 2           | 2           | 2           | 3           | 2           | 2           | 3           | 3           | 3           | 3           | 3           |
| Lincoln                                    | 2           | 2           | 2           | 3           | 2           | 1           | 2           | 2           | 2           | 3           | 3           | 3           | 3           | 4           | 2           | 3           | 1           | 2           | 1           |
| Lyon                                       | 5           | 5           | 7           | 6           | 4           | 4           | 4           | 5           | 4           | 6           | 7           | 5           | 6           | 7           | 10          | 14          | 15          | 12          | 11          |
| Mineral                                    | 5           | 5           | 3           | 3           | 3           | 3           | 5           | 6           | 6           | 7           | 6           | 6           | 5           | 5           | 5           | 6           | 4           | 6           | 6           |
| Nye  | 8           | 8           | 9           | 9           | 7           | 6           | 6           | 9           | 8           | 11          | 10          | 13          | 15          | 18          | 18          | 21          | 22          | 23          | 20          |
| Pershing                                   | 2           | 3           | 4           | 1           | 2           | 2           | 2           | 1           | 0           | 0           | 1           | 3           | 2           | 2           | 2           | 2           | 2           | 2           | 2           |
| Storey                                     | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 1           | 1           | 1           |
| Washoe                                     | 540         | 572         | 579         | 617         | 611         | 636         | 661         | 693         | 692         | 734         | 732         | 778         | 797         | 824         | 889         | 879         | 903         | 944         | 952         |
| White Pine                                 | 4           | 5           | 4           | 3           | 4           | 5           | 6           | 7           | 5           | 8           | 10          | 10          | 10          | 10          | 9           | 11          | 11          | 12          | 12          |
| <b>Total Active Status in State</b>        | <b>1487</b> | <b>1611</b> | <b>1666</b> | <b>1811</b> | <b>1895</b> | <b>2014</b> | <b>2144</b> | <b>2322</b> | <b>2424</b> | <b>2686</b> | <b>2760</b> | <b>2965</b> | <b>3113</b> | <b>3295</b> | <b>3523</b> | <b>3546</b> | <b>3616</b> | <b>3879</b> | <b>4031</b> |
| <b>Total Active Status Out of State</b>    | <b>168</b>  | <b>277</b>  | <b>212</b>  | <b>357</b>  | <b>287</b>  | <b>463</b>  | <b>459</b>  | <b>639</b>  | <b>516</b>  | <b>787</b>  | <b>676</b>  | <b>882</b>  | <b>800</b>  | <b>963</b>  | <b>824</b>  | <b>991</b>  | <b>956</b>  | <b>1206</b> | <b>1076</b> |
| <b>TOTAL ACTIVE STATUS</b>                 | <b>1654</b> | <b>1888</b> | <b>1878</b> | <b>2168</b> | <b>2182</b> | <b>2477</b> | <b>2603</b> | <b>2961</b> | <b>2840</b> | <b>3473</b> | <b>3436</b> | <b>847</b>  | <b>3913</b> | <b>4258</b> | <b>4347</b> | <b>4537</b> | <b>4572</b> | <b>5085</b> | <b>5107</b> |
| <b>Total Inactive and Retired Statuses</b> | <b>982</b>  | <b>981</b>  | <b>993</b>  | <b>987</b>  | <b>1031</b> | <b>1003</b> | <b>983</b>  | <b>960</b>  | <b>1068</b> | <b>1049</b> | <b>1174</b> | <b>1158</b> | <b>1099</b> | <b>1084</b> | <b>1033</b> | <b>1010</b> | <b>902</b>  | <b>898</b>  | <b>833</b>  |
| <b>TOTAL LICENSED ALL STATUSES</b>         | <b>2637</b> | <b>2869</b> | <b>2871</b> | <b>3155</b> | <b>3213</b> | <b>3480</b> | <b>3586</b> | <b>3921</b> | <b>4008</b> | <b>4522</b> | <b>4610</b> | <b>5005</b> | <b>5012</b> | <b>5342</b> | <b>5380</b> | <b>5547</b> | <b>5474</b> | <b>5983</b> | <b>5940</b> |

(Continued on page 9)

## Licensure/Population Statistics - Medical Doctors

| YEAR* | ACTIVE IN-STATE | NEW LICENSES | STATE POPULATION | RATIO OF ACTIVE IN-STATE M.D.s<br>PER 100,000 POPULATION |
|-------|-----------------|--------------|------------------|--|
| 1980  | 1,158           | 201          | 800,000          | 144  |
| 1981  | 1,196           | 285          | 851,150          | 140  |
| 1982  | 1,308           | 234          | 878,260          | 148  |
| 1983  | 1,367           | 199          | 905,660          | 151  |
| 1984  | 1,366           | 205          | 933,010          | 146  |
| 1985  | 1,442           | 192          | 969,370          | 148  |
| 1986  | 1,524           | 134          | 1,010,280        | 151  |
| 1987  | 1,487           | 142          | 1,057,030        | 141  |
| 1988  | 1,611           | 216          | 1,124,650        | 143  |
| 1989  | 1,666           | 199          | 1,197,260        | 139  |
| 1990  | 1,811           | 202          | 1,283,490        | 141  |
| 1991  | 1,895           | 233          | 1,300,000        | 146  |
| 1992  | 2,014           | 241          | 1,348,400        | 149  |
| 1993  | 2,144           | 308          | 1,389,000        | 154  |
| 1994  | 2,322           | 333          | 1,493,000        | 155  |
| 1995  | 2,424           | 331          | 1,583,000        | 153  |
| 1996  | 2,686           | 427          | 1,638,000        | 158  |
| 1997  | 2,760           | 442          | 1,741,000        | 159  |
| 1998  | 2,965           | 391          | 1,875,000        | 158  |
| 1999  | 3,113           | 377          | 2,034,000        | 153  |
| 2000  | 3,295           | 411          | 2,115,000        | 156  |
| 2001  | 3,523           | 383          | 2,133,000        | 165  |
| 2002  | 3,565           | 335          | 2,206,000        | 161  |
| 2003  | 3,616           | 422          | 2,296,566        | 157  |
| 2004  | 3,879           | 538          | 2,410,768        | 161  |
| 2005  | 4,031           | 471          | 2,518,869        | 160  |

\* CALENDAR YEAR (JANUARY - DECEMBER)

1980 - 2005:

26 years

Total new licenses issued

**7,852**

Average new licenses per year

**302**

Net gain in population

**1,718,869**

Net gain in M.D.s

**2,873**

Average net gain in M.D.s per year

**111**

## Licensure Statistics - Physician Assistants

Sixty-eight (68) physician assistants were licensed for the first time by the BME during 2005. At the close of 2005, there were 339 physician assistants holding licensure and practicing in Nevada. The chart below reflects a breakdown of the number of licensed physician assistants practicing in Nevada, by county, from 1992 through 2005.

| COUNTY       | YEAR | 1992      | 1993      | 1994      | 1995      | 1996       | 1997       | 1998       | 1999       | 2000       | 2001       | 2002       | 2003       | 2004       | 2005       |
|--------------|------|-----------|-----------|-----------|-----------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| Carson City  |      | 5         | 5         | 5         | 3         | 3          | 2          | 5          | 7          | 9          | 11         | 11         | 9          | 9          | 12         |
| Churchill    |      | 0         | 0         | 0         | 0         | 0          | 0          | 0          | 2          | 2          | 3          | 3          | 5          | 6          | 5          |
| Clark        |      | 40        | 44        | 58        | 72        | 72         | 77         | 94         | 118        | 116        | 129        | 153        | 173        | 215        | 230        |
| Douglas      |      | 0         | 0         | 0         | 0         | 0          | 0          | 1          | 1          | 2          | 4          | 4          | 6          | 4          | 8          |
| Elko         |      | 1         | 2         | 4         | 4         | 4          | 7          | 9          | 6          | 6          | 6          | 7          | 3          | 3          | 3          |
| Esmeralda    |      | 0         | 0         | 0         | 0         | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          |
| Eureka       |      | 0         | 0         | 0         | 0         | 1          | 1          | 1          | 1          | 1          | 0          | 1          | 1          | 1          | 0          |
| Humboldt     |      | 0         | 0         | 0         | 0         | 0          | 0          | 0          | 0          | 0          | 1          | 1          | 1          | 1          | 1          |
| Lander       |      | 0         | 0         | 0         | 0         | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 1          | 1          |
| Lincoln      |      | 1         | 2         | 1         | 1         | 1          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 1          | 1          |
| Lyon         |      | 0         | 0         | 0         | 0         | 1          | 2          | 2          | 4          | 4          | 2          | 1          | 1          | 4          | 4          |
| Mineral      |      | 1         | 2         | 2         | 2         | 2          | 1          | 1          | 1          | 1          | 2          | 2          | 2          | 1          | 1          |
| Nye          |      | 4         | 4         | 3         | 3         | 3          | 3          | 3          | 6          | 8          | 6          | 8          | 5          | 7          | 10         |
| Pershing     |      | 0         | 1         | 1         | 1         | 1          | 1          | 1          | 1          | 0          | 0          | 0          | 0          | 0          | 0          |
| Storey       |      | 0         | 0         | 0         | 0         | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 0          | 1          |
| Washoe       |      | 3         | 4         | 7         | 10        | 10         | 18         | 23         | 26         | 25         | 28         | 30         | 41         | 48         | 61         |
| White Pine   |      | 1         | 1         | 1         | 2         | 2          | 1          | 1          | 1          | 2          | 2          | 2          | 1          | 1          | 1          |
| <b>TOTAL</b> |      | <b>56</b> | <b>65</b> | <b>82</b> | <b>98</b> | <b>100</b> | <b>113</b> | <b>141</b> | <b>174</b> | <b>176</b> | <b>194</b> | <b>223</b> | <b>248</b> | <b>302</b> | <b>339</b> |

(Continued on page 10)

## Licensure Statistics - Practitioners of Respiratory Care

One hundred one (101) practitioners of respiratory care were licensed for the first time by the BME during 2005. At the close of 2005 there were 787 practitioners of respiratory care holding licensure and practicing in Nevada. The chart below reflects a breakdown of the number of licensed practitioners of respiratory care practicing in Nevada, by county, from 2001 through 2005.

| <u>YEAR</u>   | 2001        | 2002        | 2003       | 2004       | 2005       |
|---------------|-------------|-------------|------------|------------|------------|
| <b>COUNTY</b> |             |             |            |            |            |
| Carson City   | 11          | 14          | 10         | 11         | 9          |
| Churchill     | 5           | 4           | 8          | 9          | 8          |
| Clark         | 399         | 449         | 491        | 557        | 557        |
| Douglas       | 12          | 19          | 13         | 13         | 12         |
| Elko          | 6           | 6           | 5          | 5          | 7          |
| Esmeralda     | 0           | 0           | 0          | 0          | 0          |
| Eureka        | 0           | 0           | 0          | 0          | 0          |
| Humboldt      | 4           | 10          | 5          | 6          | 3          |
| Lander        | 2           | 2           | 2          | 2          | 2          |
| Lincoln       | 2           | 2           | 2          | 2          | 2          |
| Lyon          | 10          | 16          | 18         | 19         | 19         |
| Mineral       | 2           | 2           | 2          | 2          | 2          |
| Nye           | 7           | 15          | 7          | 10         | 11         |
| Pershing      | 0           | 0           | 0          | 0          | 0          |
| Storey        | 1           | 1           | 1          | 1          | 1          |
| Washoe        | 122         | 154         | 152        | 163        | 151        |
| White Pine    | 2           | 1           | 3          | 3          | 3          |
| <b>TOTAL</b>  | <b>587*</b> | <b>748*</b> | <b>719</b> | <b>803</b> | <b>787</b> |

\*The totals for 2001 and 2002 included practitioners of respiratory care who were licensed in Nevada, but not practicing in Nevada.

## Prejudicial and Non-Prejudicial Disciplinary Actions Taken Against Medical Doctors as Reported to the Federation of State Medical Boards

| <u>YEAR</u> | <u>REVOCAATION</u> | <u>PROBATION</u> | <u>SUSPENSION</u> | <u>MISCELLANEOUS*</u> | <u>TOTAL</u> |
|-------------|--------------------|------------------|-------------------|-----------------------|--------------|
| 2005        | 2                  |                  | 4                 | 12                    | 18           |
| 2004        |                    |                  | 2                 | 6                     | 8            |
| 2003        | 4                  | 13               |                   |                       | 17           |
| 2002        | 8                  | 1                |                   | 11                    | 20           |
| 2001        | 12                 | 4                |                   | 4                     | 20           |
| 2000        | 12                 | 1                |                   | 3                     | 16           |
| 1999        | 10                 | 1                |                   | 4                     | 15           |
| 1998        | 8                  | 5                |                   | 3                     | 16           |
| 1997        | 8                  | 2                |                   | 6                     | 16           |
| 1996        | 9                  | 7                |                   | 4                     | 20           |
| 1995        | 1                  | 1                | 2                 | 21                    | 25           |
| 1994        | 2                  | 4                |                   | 8                     | 14           |
| 1993        | 1                  | 3                | 1                 | 10                    | 15           |
| 1992        | 3                  | 1                |                   | 9                     | 13           |
| 1991        | 3                  |                  |                   | 10                    | 13           |
| 1990        | 1                  | 2                |                   | 11                    | 14           |
| 1989        | 2                  | 1                | 1                 | 8                     | 12           |
| 1988        | 6                  | 4                | 2                 | 5                     | 17           |
| 1987        | 2                  | 4                | 3                 | 3                     | 12           |
| 1986        | 2                  | 1                | 1                 | 3                     | 7            |
| 1985        | 11                 | 3                | 3                 | 11                    | 28           |

\* MISCELLANEOUS actions include: License Restriction, Public Reprimand, Licensure Denied, CME Ordered, Drug or Alcohol Treatment Program Ordered, Competency Exams (Medical, Physical, Mental) Ordered

# Disciplinary Actions Taken by the Board of Medical Examiners

## **BUZARD, Kurt Andre, M.D. (5431)**

Las Vegas, NV

**Charges:** A complaint was filed against Dr. Buzard alleging he engaged in conduct that brings the medical profession into disrepute.

**Disposition:** On June 9, 2006, the Board approved a Stipulation for Settlement of its complaint against Dr. Buzard, whereby Dr. Buzard acknowledged that he engaged in conduct that brings the medical profession into disrepute, a violation of NRS 630.301(9). The Board ordered that Dr. Buzard receive a public letter of reprimand and reimburse the Board's costs and expenses incurred in the investigation and prosecution of the case against him within 60 days of acceptance, adoption and approval of the Settlement Agreement by the Board.

## **CHEN, Robert, M.D. (8799)**

Huntersville, NC

**Charges:** A complaint was filed against Dr. Chen alleging substandard medical care rendered to a patient and failure to use the reasonable care, skill or knowledge ordinarily used under similar circumstances.

**Disposition:** On March 17, 2006, the Board found Dr. Chen guilty of a violation of NRS 630.301(4), i.e., committing malpractice. The Board ordered that Dr. Chen receive a public letter of reprimand and reimburse the Board's costs and expenses incurred in the investigation and prosecution of the case against him within 60 days of the Board's Order.

## **FANI-SALEK, Mohammed, M.D. (10888)**

Las Vegas, NV

**Charges:** A complaint was filed against Dr. Fani-Salek alleging a violation of NRS 630.304(1), for obtaining a license to practice medicine by fraud, misrepresentation or by false, misleading, inaccurate or incomplete statements.

**Disposition:** On March 17, 2006, the Board revoked Dr. Fani-Salek's license to practice medicine in Nevada, and ordered that he pay a fine of \$5,000 and reimburse the Board's costs and expenses incurred in the investigation and prosecution of the case against him, payable within 90 days of the Board's Order.

## **FIGLIO, Daniel, C.R.T. (RC0964)**

Las Vegas, NV

**Charges:** A complaint was filed against Mr. Figlio alleging a violation of NAC 630.540(11), for being convicted of a felony, for an offense involving moral turpitude, and for an offense relating to the practice of respiratory care.

**Disposition:** On December 15, 2005, the Board found that the continued practice of respiratory care by Mr. Figlio during the pendency of time necessary for a hearing on the complaint would pose an imminent risk to the health, safety and welfare of the public, and summarily suspended Mr. Figlio's respiratory therapy license in Nevada. On March 17, 2006, the Board approved a Stipulation for Settlement of its complaint against Mr. Figlio, whereby Mr. Figlio acknowledged that he was convicted of a felony offense involving moral turpitude and related to the practice of respiratory care, a violation of NAC 630.540(11). The Board revoked Mr. Figlio's license to practice respiratory care in Nevada and ordered that he reimburse the Board's costs and expenses incurred in the investigation and prosecution of the case against him, payable within 180 days of acceptance, adoption and approval of the Settlement Agreement by the Board.

## **FOOTE, Ronald Hope, M.D. (9240)**

Las Vegas, NV

**Charges:** A complaint was filed against Dr. Foote alleging he violated NRS 630.301(9) by engaged in conduct that brings the medical profession into disrepute.

**Disposition:** On March 17, 2006, the Board found Dr. Foote guilty of engaging in conduct that brings the medical profession into disrepute, a violation of NRS 630.301(9). The Board ordered that Dr. Foote receive a public letter of reprimand, that he reimburse the Board's costs and expenses incurred in the investigation and prosecution of the case against him, payable within 90 days of the Board's order, and that he comply with additional conditions for continued licensure.

## **KULUBYA, Edwin Samuel, M.D. (5942)**

Laredo, TX

**Charges:** A complaint was filed against Dr. Kulubya alleging modifications placed on his license to practice medicine by the California Medical Board, a violation of NRS 630.301(3).

**Disposition:** On March 17, 2006, the Board approved a Stipulation for Settlement of its complaint against Dr. Kulubya, whereby Dr. Kulubya acknowledged modification of his license to practice medicine in another jurisdiction, a violation of NRS 630.301(3). The Board ordered that Dr. Kulubya receive a public reprimand, that he be required to attend six hours of continuing medical education on the subject of ethics, at his own expense and in addition to any other continuing medical education required as a condition of licensure, and that he reimburse the Board's costs

*(Continued on page 12)*

(Continued from page 11)

and expenses incurred in the investigation and prosecution of the case against him, payable within 60 days of acceptance, adoption and approval of the Settlement Agreement by the Board.

**McCANN, David Michael, M.D. (7118)**  
**Orangevale, CA**

**Charges:** A complaint was filed against Dr. McCann alleging surrender of his license to practice medicine in the state of California, a violation of NRS 630.301(3), and failure to report to the Board the surrender of his California license, a violation of NRS 630.306(11).

**Disposition:** On March 17, 2006, the Board found Dr. McCann guilty of surrendering his license to practice medicine in another jurisdiction while under investigation by a licensing authority in that jurisdiction, a violation of NRS 630.301(3), and failure to report to the Nevada Board his surrender of that license, a violation of NRS 630.306(11). The Board revoked Dr. McCann's license to practice medicine in Nevada, and ordered that he pay a fine of \$3,000 and reimburse the Board's costs and expenses incurred in the investigation and prosecution of the case against him, payable within 60 days of the Board's order.

**STOERMER, Dietrich Albert, M.D. (3032)**  
**Las Vegas, NV**

**Charges:** A complaint was filed against Dr. Stoermer alleging revocation of his license by the New South Wales, Australia Medical Tribunal, a violation of NRS 630.301(3), and failure to report to the Board the revocation of his license in another jurisdiction, a violation of NRS 630.306(11).

**Disposition:** On March 17, 2006, the Board approved a Stipulation for Settlement of its complaint against Dr. Stoermer, whereby Dr. Stoermer admitted to revocation of his license to practice medicine in another jurisdiction, a violation of NRS 630.301(3), and failure to report discipline taken against him in another jurisdiction, a violation of NRS 630.306(11). The Board revoked Dr. Stoermer's license to practice medicine in Nevada, and ordered that he pay a fine of \$5,000 and reimburse the Board's costs and expenses incurred in the investigation and prosecution of the case against him, payable within 120 days of acceptance, adoption and approval of the Settlement Agreement by the Board.

**SU, Sean, M.D. (9013)**  
**Las Vegas, NV**

**Charges:** A complaint was filed against Dr. Su alleging modification of his license to practice medicine by the California Medical Board, a violation of NRS 630.301(3), and obtaining a license to practice medicine by means of bribery, fraud, misrepresentation or by any false, misleading, inaccurate or incomplete statement, a violation of NRS 630.304(1).

**Disposition:** On March 17, 2006, the Board approved a Stipulation for Settlement of its complaint against Dr. Su, whereby Dr. Su admitted to obtaining a license to practice medicine by means of bribery, fraud, misrepresentation or y false, misleading, inaccurate or incomplete statement, a violation of NRS 630.304(1). The Board ordered that Dr. Su receive a public reprimand and that he reimburse the Board's costs and expenses incurred in the investigation and prosecution of the case against him, payable within 60 days of acceptance, adoption and approval of the Settlement Agreement by the Board.

**WITKOWSKI, Allen G., C.R.T. (RC625)**  
**Las Vegas, NV**

**Charges:** A complaint was filed against Mr. Witkowski alleging revocation of his license to practice respiratory therapy in another jurisdiction, a violation of NAC 630.540(12), and willfully and intentionally making a false or fraudulent statement in applying for a license or renewing a license, a violation of NAC 630.540(1).

**Disposition:** On March 17, 2006, the Board approved a Stipulation for Settlement of its complaint against Mr. Witkowski, whereby Mr. Witkowski admitted to revocation of his license to practice respiratory therapy in another jurisdiction, a violation of NAC 630.540(12), and willfully and intentionally making a false or fraudulent statement in applying for a license or renewing a license, a violation of NAC 630.540(1). The Board revoked Mr. Witkowski's license to practice respiratory therapy in Nevada, and ordered that he reimburse the Board's costs and expenses incurred in the investigation and prosecution of the case against him, payable within 120 days of acceptance, adoption and approval of the Settlement Agreement by the Board.

# License Applications Denied by the Board

## **HAKIMI, Ati, M.D.** **Wheeling, IL**

The Board denied Dr. Hakimi's application for medical licensure in the state of Nevada, pursuant to NRS 630.304(1), based upon false, misleading, inaccurate and/or incomplete statements made by Dr. Hakimi on her application for licensure.

## **MERICLE, Dale Thomas, M.D.** **Reno, NV**

The Board denied Dr. Mericle's application for medical licensure in the state of Nevada, pursuant to NRS 630.304(1), based upon false, misleading, inaccurate and/or incomplete statements made by Dr. Mericle concerning his application for licensure.

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## **PUBLIC REPRIMANDS ORDERED BY THE BOARD**

### **KURT ANDRE BUZARD, M.D.**

Dear Dr. Buzard:

On April 8, 2004, the Board filed a complaint against you alleging a violation of the Medical Practice Act (NRS Chapter 630), wherein you were charged with bringing the medical profession into disrepute when cocaine was found in your vehicle. No patient care issues were alleged or involved. On December 22, 2005, the Board filed an amended complaint in the same case for clarification purposes. Again, there were no issues of patient care. To settle and resolve the matter of the formal complaint and the first amended complaint against you, the Board entered into a Settlement, Waiver and Consent Agreement with you on June 9, 2006.

In connection with the Settlement, Waiver and Consent Agreement, the Board issued an order that you receive a letter of public reprimand and that you pay all costs incurred by the Board in these proceedings in the amount of \$5,320.48 within 60 days of the date of the Board's acceptance.

Accordingly, it is my unpleasant duty as President of the Nevada State Board of Medical Examiners to send you this official letter of reprimand for your conduct, which has reflected unfavorably upon the public perception of the medical profession as a whole.

*Javaid Anwar, M.D., President*

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### **ROBERT CHEN, M.D.**

Dear Dr. Chen:

On March 17, 2006, the Nevada State Board of Medical Examiners entered its Findings of Fact, Conclusions of Law and Order in Case No. 05-12357-1, wherein the Board found your care and treatment of Patient A constituted malpractice, a violation of NRS 630.301(4).

The Board ordered therein as follows:

1. That you be issued a public reprimand;
2. That you pay all costs incurred by the Board in these proceedings in the sum of \$6,461.13 within sixty (60) days of the date of the Board's decision;

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 disrespect upon you, and which reflects unfavorably upon the medical profession as a whole.

*Javaid Anwar, M.D., President*

*(Continued on page 14)*

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**RONALD HOPE FOOTE, M.D.**

Dear Dr. Foote:

On March 17, 2006, the Nevada State Board of Medical Examiners, at its regularly scheduled meeting, found you **guilty** of one (1) violation of the Medical Practice Act of the State of Nevada, more specifically:

**COUNT I:** In the early morning hours of September 3, 2004, you were involved in a traffic accident after leaving the Luxor Hotel/Casino in Las Vegas. You left the scene of the accident and were arrested by law enforcement shortly thereafter. At the time of the arrest, you requested medical assistance, consistent with this request; you were transported to University Medical Center. Upon your arrival at the hospital, you engaged in disruptive and unprofessional conduct, of which included making threats to law enforcement personnel, physically assaulting an attending nurse, and leaving the hospital without the seeking the permission of attending personnel.

As a result of their finding of **guilty**, the Board entered its **ORDER** as follows:

You are to be publicly reprimanded. Further, you shall reimburse the Board the costs and expenses incurred in the investigation and prosecution of the matter in the amount of \$9,758.54 within ninety (90) days of the date of entry the Board's order regarding this matter.

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 disrespect upon you, and which reflects unfavorably upon the medical profession as a whole.

*Javaid Anwar, M.D., President*

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**EDWIN SAMUEL KULUBYA, M.D.**

Dear Dr. Kulubya:

On March 17, 2006, the Nevada State Board of Medical Examiners, the Nevada State Board of Medical Examiners found you **guilty** of one (1) violation of the Medical Practice Act of the State of Nevada, more specifically:

That on April 26, 2004, the California Medical Board revoked your medical license as the Board had found Respondent to be careless in your treatment of six patients. The California Board stayed the revocation of your license and placed you on five year's probation with seventeen terms and conditions. You did notify the Nevada Board of his probationary status by letter on May 2, 2005. The modification of your out-of-state license is a violation of NRS 630.301(3).

As a result of their finding of **guilty**, the Board entered its **ORDER** as follows: That you are to be publicly reprimanded, shall complete six (6) units of continuing medical education on the subject of ethics, in addition to those required by statute, within twelve (12) months of the effective date of this Order. Further, you shall reimburse the Board the costs and expenses incurred in the investigation and prosecution of the matter in the amount of \$665.31 to be paid within sixty (60) days of the date of the Order.

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 disrespect upon you, and which reflects unfavorably upon the medical profession as a whole.

*Javaid Anwar, M.D., President*

(Continued on page 15)

**SEAN SU, M.D.**

Dear Dr. Su:

On March 17, 2006, the Nevada State Board of Medical Examiners, the Nevada State Board of Medical Examiners found you **guilty** of one (1) violation of the Medical Practice Act of the State of Nevada, more specifically:

That you checked "no" regarding prior criminal convictions on your application for Nevada licensure when in fact you had a prior misdemeanor conviction for petty theft from 1989. The obtaining of a license to practice medicine by means of bribery, fraud, misrepresentation or by any false, misleading, inaccurate or incomplete statement is a violation of NRS 630.304(1).

As a result of their finding of **guilty**, the Board entered its **ORDER** as follows: That you are to be publicly reprimanded and that you shall reimburse the Board the costs and expenses incurred in the investigation and prosecution of the matter in the amount of \$724.15 to be paid within sixty (60) days of the date of the Order.

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 disrespect upon you, and which reflects unfavorably upon the medical profession as a whole.

*Javaid Anwar, M.D., President*

**NEVADA STATE BOARD OF MEDICAL EXAMINERS**

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