



NEVADA STATE BOARD OF MEDICAL EXAMINERS NEWSLETTER

VOLUME 37



January 2009

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CHANGES, CHANGES, CHANGES

There's nothing constant in the world,
All ebb and flow, and every shape that's born
Bears in its womb the seeds of change.

Ovid, Metamorphoses

Welcome to our new look Newsletter. As you read on, you will see why change had to be the theme of this edition. It has been a year since our last Newsletter, and so this edition is intended to catch up and highlight the change upon change upon change that has marked 2008. Our commitment from this point forward is to publish the Newsletter quarterly and to provide you with information useful to you regarding the activities of the Nevada State Board of Medical Examiners and the practice of medicine in Nevada. (Note: Because no Newsletter has been published for a year, this edition contains five pages of Disciplinary Actions.) We want to make sure the Newsletter best serves the needs of its readers, so we welcome your comments. Please address them to Louis Ling, Executive Director, at (775) 688-2559 ext. 245, or lling@medboard.nv.gov.

FAREWELL TO DEPARTING BOARD MEMBERS

In 2008, the Board's membership changed considerably. Sadly, Donald Baepler, Ph.D, D.Sc., died of cancer on May 26, 2008. Dr. Baepler had served on the Board since 1998, had served as the Board's Secretary/Treasurer and had served on one of the Board's Investigative Committees.

Also departing the Board was Cindy Lamerson, M.D. Dr. Lamerson was one of the Board's northern Nevada physician members with her dermatology practice based in Reno. Dr. Lamerson had served on the Board since 2004 and was on one of the Board's Investigative Committees at the time of her departure.

The State of Nevada and its medical community owe deep gratitude and respect to our departed Board members. Serving on the Board is often a thankless task requiring large numbers of hours reading, listening, attending meetings, and days away from home and practice. We honor the commitment, wisdom, insight, wit and dedication of Dr. Baepler and Dr. Lamerson. We wish them farewell. They will be missed.

WELCOME TO NEW BOARD MEMBERS

On July 18, 2008, Governor Gibbons appointed Van Heffner to fill Dr. Baepler's term as one of the public members of the Board. Mr. Heffner is President and CEO of the Nevada Hotel and Lodging Association. Mr. Heffner has a long career in public service, and currently serves on one of the Board's Investigative Committees.

On November 7, 2008, Governor Gibbons appointed Beverly Neyland, M.D. to serve as one of the physician members of the Board. Dr. Neyland is a pediatrician in Las Vegas, and she is a Professor of Pediatrics at the University School of Medicine in Las Vegas. She is a member of the Credential Committee for University Medical Center and is President of the Nevada chapter of the American Academy of Pediatrics. She has previously served as the Chief of Pediatrics at Sunrise Hospital and Sunrise Children's Hospital in Las Vegas, and she was also Chief of Pediatrics at University Medical Center. Dr. Neyland is a graduate of Meharry Medical College in Nashville, Tennessee and is licensed to practice in Nevada and California.

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(New Board Members cont.)

Also, on July 1, 2008, Governor Gibbons reappointed Jean Stoess, M.A. to serve another term as a public member of the Board. Ms. Stoess serves on one of the Board's Investigative Committees.

Welcome to Mr. Heffner and Dr. Neyland, and congratulations to Ms. Stoess. May their service on the Board be as rewarding as it will be challenging.

BOARD APPOINTS NEW EXECUTIVE DIRECTOR

In September 2008, Maj. Gen. Drennan "Tony" Clark, J.D. retired as the Executive Director. Maj. Gen. Clark had served the Board ably for five years, steering the Board through some difficult times. Maj. Gen. Clark's contribution and dedication to the Board was appreciated, and he deserves all our thanks and congratulations on his retirement.

The Board appointed Louis Ling, J.D. to serve as Executive Director. Mr. Ling began his tenure the last week of September 2008. Mr. Ling was the General Counsel for the Nevada State Board of Pharmacy, a post he originated and served in for eight years. Prior to that, Mr. Ling was a Chief Deputy Attorney General, serving in the Office's Boards and Commissions Section for nine years. Mr. Ling has represented numerous occupational licensing boards in his public service career. Prior to working for the Attorney General's Office, Mr. Ling was in private practice in law firms at Zephyr Cove and Carson City. Mr. Ling can be reached at (775) 688-2559, ext. 245, or at lling@medboard.nv.gov.

PRACTITIONER DISPENSING REQUIRES REGISTRATION

A practitioner who desires to dispense prescription drugs from his or her practice to a patient to take home with the patient and who charges the patient for those prescription drugs **MUST** be registered to do so with the Board of Pharmacy. Failure to do so could subject the practitioner to disciplinary action by the Board of Medical Examiners, the Board of Pharmacy, or even criminal prosecution.

An application to register can be obtained from the Board of Pharmacy's website – pharmacy.nv.gov – or by calling the Board at (775) 850-1440. The fee for registration is \$300, and the registration lasts for two years.

CALL FOR E-MAIL ADDRESSES

Yet another change! We are considering that future editions of the Newsletter will be available online **ONLY**. You can assure that you will receive future editions of the Newsletter by giving us your e-mail address. Without your e-mail address, the only way you will be able to obtain future editions will be to go to our website and download them yourself. Send us your e-mail address to:

nsbme@medboard.nv.gov

or fax it to us at:

(775) 688-2321.

CHANGES REGARDING CONTROLLED SUBSTANCES Rxs

Since the laws regarding controlled substances prescriptions are ever-changing, here are the latest developments:

- ★ You may issue a series of CII prescriptions on a single day – up to a 90-day supply – and manage when they may be filled by including verbiage such as "Do not fill until..." or "Fill after..." The date of issue should be the date the prescriptions are written. The patient should be instructed to take all of the prescriptions to the pharmacy at the same time within 14 days of the issuance of the prescriptions.
- ★ A prescription may contain CIIs on the same blank as other CIIs or other drugs.
- ★ The only thing on a prescription – including prescriptions for CIIs – that must be in the prescriber's handwriting is his or her signature.
- ★ Pharmacists may now change or add to a CII prescription the strength, quantity and directions for the drug, PLUS they may also now change or add a date. The pharmacist must speak directly to the prescriber to make such changes, so please be available for such calls because your patient's prescription depends upon the pharmacist's speaking to you.

DISCIPLINARY ACTIONS

DISCIPLINE IMPOSED BY STIPULATION OR BY HEARING

AHMED, Syed N., M.D. (5158) Las Vegas, Nevada

Summary: Malpractice and associated recordkeeping violations regarding Dr. Ahmed's treatment and surgeries performed on five patients.

Charges: Three counts of violation of NRS 630.301(4) [failure to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances in providing care or treatment to a patient]; four counts of violation of NRS 630.3062(1) [failure to maintain timely, legible, accurate and complete medical records]; one count 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].

Disposition: On March 28, 2008, the Board approved a Stipulation for Settlement by which it entered the following discipline against Dr. Ahmed: (1) suspension of license for 6 months, stayed with 24 months probation; (2) public reprimand; (3) fine of \$1,000; (4) 4 hours CME on topic of record keeping and 6 hours in his specialty of practice; (5) random reviews of his medical charts within the probationary period by a representative of the Board; (6) reimbursement of the Board's fees and costs of investigation and prosecution.

ALLEN, James L., M.D. (7188) Petersburg, Virginia

Summary: Conviction in a U.S. District Court in Florida of one count of knowingly possessing a book, magazine, periodical, film, videotape, computer disk, or other material containing an image of child pornography that had been shipped or transported in

interstate or foreign, a violation of 18 U.S.C. Section 2252A(a)(5)(B).

Charges: One count of violation of NRS 630.301(11)(g) [conviction of a an offense involving morale turpitude].

Disposition: On September 14, 2007, the Board found Dr. Allen guilty of a violation of NRS 630.301(11)(g), and entered the following discipline against Dr. Allen: (1) revocation of licensure; (2) reimbursement of the Board's fees and costs of investigation and prosecution.

BRYAN, Gregory K., M.D. (7997) Las Vegas, Nevada

Summary: Administration to himself, his physician assistant, and five patients of botulinum toxic type A which was not approved for human use, for little or no charge, and related recordkeeping violations.

Charges: One count of violation of NRS 630.301(4) [failure to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances in providing care or treatment to a patient]; one count of violation of NRS 630.3062(1) [failure to maintain timely, legible, accurate and complete medical records]; one count of violation of NRS 630.306(3) [administering, dispensing or prescribing a dangerous drug except as authorized by law]; one count of violation of NRS 630.306(2)(b) [engaging in conduct which is in violation of the standards of practice established by regulation of the Board]; one count of violation of NAC 630.230(1)(j) [failure to provide adequate supervision of a physician assistant].

Disposition: On November 30, 2007, the Board approved a Stipulation for Settlement by which it entered the following discipline against Dr. Bryan: (1) 12 months probation; (2) fine of \$1,000; (3) 6 hours CME on topics of charting and ethics; (4) reimbursement of the Board's

fees and costs of investigation and prosecution.

BUZARD, Kurt A., M.D. (5431) Henderson, Nevada

Summary: Cataract surgery that resulted in subsequent post-operative problems that were not correctly addressed.

Charges: One count of violation of NRS 630.301(4) [failure to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances in providing care or treatment to a patient].

Disposition: On September 14, 2007, the Board approved a Stipulation for Settlement by which it entered the following discipline against Dr. Buzard: (1) Dr. Buzard will abide by all statutory requirements of inactive license status, which does not permit the practice of medicine, including writing of prescriptions; (2) reimbursement of the Board's fees and costs of investigation and prosecution.

CHARNIGA, Teresa T., M.D. (6002) Las Vegas, Nevada

Summary: Dr. Charniga did not disclose required information concerning a previous arrest when she renewed her license to practice medicine in 2003 and 2005.

Charges: One count of violation of NRS 630.304(1) [obtaining, maintaining or renewing or attempting to obtain, maintain or renew a license to practice medicine by bribery, fraud or misrepresentation or by any false, misleading, inaccurate or incomplete statement].

Disposition: On December 5, 2008, the Board approved a Stipulation for Settlement by which it entered the following discipline against Dr. Charniga: (1) public reprimand; (2) fine of \$1,000; (3) reimbursement of the Board's fees and costs of investigation and prosecution.

**DISCIPLINE IMPOSED BY
STIPULATION OR BY HEARING
(cont.)**

**DESMARAIS, Gilles M., M.D.
(5749) Las Vegas, Nevada**

Summary: Substance abuse and issues related to hospital privileges and termination of substance abuse treatment contract.

Charges: One count of NRS 630. [willful failure to obey an Order of a committee designated by the Board to investigate a complaint against a physician]; one count of violation of NRS 630.301(4) [failure to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances in providing care or treatment to a patient]; one count of violation of NRS 630.306(1) [inability to practice safely because of use of drugs, narcotics, or other substance].

Disposition: On November 30, 2007, the Board accepted the request of Dr. Desmarais to voluntarily surrender his license while under investigation.

**EVANS, David G., M.D. (LL1471)
Saint George, Utah**

Summary: Arrested on charges of sexual assault on a victim under 14, lewdness with a minor, use of a minor in production of pornography and open and gross lewdness.

Charges: One count of violation of NRS 630.301(1) [conviction of a felony related to the practice of medicine or the ability to practice medicine]; two counts of violation of NRS 630.301(11) [felony sexual assault against minors under the age of 14].

Disposition: On September 14, 2007, the Board found Dr. Evans guilty of all charges and revoked his license.

**FOX, Brian W., M.D. (10041)
Elko, Nevada**

Summary: Malpractice related to Dr. Fox's care of a patient.

Charges: One count of violation of NRS 630.301(4) [failure to use the reasonable care, skill, or

knowledge ordinarily used under similar circumstances in providing care or treatment to a patient].

Disposition: On March 28, 2008, the Board approved a Stipulation for Settlement by which it entered the following discipline against Dr. Fox: (1) public reprimand; (2) fine of \$5,000; (3) 20 hours of CME on topic of prenatal care; (4) payment of the Board's fees and costs.

**FRANK, Sidney A., M.D. (5968)
Visalia, California**

Summary: Stayed revocation of Dr. Frank's medical license in California contingent upon compliance with terms of a five-year probation.

Charges: One count of violation of NRS 630.301(3) [disciplinary action taken by another state against his medical license]; one count of violation of NRS 630.306(11) [failure to report to the Nevada Board disciplinary action against his medical license in another state].

Disposition: On June 13, 2008, the Board approved a Stipulation for Settlement by which it entered the following discipline against Dr. Frank: (1) probation until 8/30/12, contingent upon compliance with the terms of probation; (2) payment of the Board's fees and costs.

**HOOPER, Dennis G., M.D. (6597)
Dallas, Texas**

Summary: Stayed revocation of Dr. Hooper's medical license in California and failure to report the action to the Nevada Medical Board.

Charges: One count of violation of NRS 630.301(3) [disciplinary action taken by another state against his medical license]; one count of violation of NRS 630.306(11) [failure to report to the Nevada Board disciplinary action against his medical license in another state].

Disposition: On September 14, 2007, the Board approved a Stipulation for Settlement by which it revoked his license with the revocation stayed contingent upon his compliance with the terms of

probation imposed upon him until 1/10/11.

**HORNE, Robert L., M.D. (5311)
Las Vegas, Nevada**

Summary: Malpractice related to Dr. Horne's care of a patient.

Charges: One count of violation of NRS 630.301(4) [failure to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances in providing care or treatment to a patient].

Disposition: On March 28, 2008, the Board approved a Stipulation for Settlement by which it entered the following discipline against Dr. Horne: (1) public reprimand; (2) fine of \$2,500; (3) evaluation on at least a monthly basis for a period of 18 months after inception; (4) payment of the Board's fees and costs.

**HOWERTON, Jason D., C.R.T.
(RC1216)**

Pittsburg, California

Summary: Mr. Howerton did not disclose several arrests on his application for licensure.

Charges: One count of violation of NAC 630.540(1) [willfully or intentionally making a false or fraudulent statement in applying for a license or renewing a license].

Disposition: On March 28, 2008, the Board found Mr. Howerton guilty and entered the following discipline against Mr. Howerton: (1) revocation of license; (2) Fine of \$1,500; (3) payment of the Board's fees and costs.

**LINDEN, David E., M.D. (11398)
Las Vegas, Nevada**

Summary: Suspension of Dr. Linden's medical license in Oklahoma.

Charges: One count of violation of NRS 630.301(3) [disciplinary action taken by another state against his medical license].

Disposition: On November 30, 2007, the Board approved a Stipulation for Settlement by which it entered the following discipline against Dr. Linden: (1) suspension of his medical license for 120 days,

**DISCIPLINE IMPOSED BY
STIPULATION OR BY HEARING
(cont.)**

stayed contingent upon compliance with terms of probation for two years and other terms of the settlement agreement, including payment of the Board's fees and costs.

**LUH, Eddy H., M.D. (9681)
Las Vegas, Nevada**

Summary: Malpractice related to Dr. Luh's care of a patient.

Charges: One count of violation of NRS 630.301(4) [failure to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances in providing care or treatment to a patient].

Disposition: On March 28, 2008, the Board approved a Stipulation for Settlement by which it entered the following discipline against Dr. Luh: (1) fine of \$500; (2) 6 hours of CME; (3) payment of 50% of the Board's fees and costs.

**MARKS, Dana R., M.D. (9358)
Reno, Nevada**

Summary: Prescribing controlled substances to two persons in violation of Pharmacy Board regulation by prescribing medication to two persons with whom Dr. Marks had no *bona fide* therapeutic relationship

Charges: One count of violation of NRS 630.306(2)(c) [violation of a State Board of Pharmacy regulation by prescribing controlled substances to persons with whom Dr. Marks had no *bona fide* therapeutic relationship]; one count of violation of NRS 630.306(3) [Administering, dispensing or prescribing a controlled substance to others for no legitimate except as authorized by law].

Disposition: On October 3, 2008, the Board approved a Stipulation for Settlement by which it entered the following discipline against Dr. Marks: (1) revocation of license stayed contingent upon compliance with the terms of probation imposed upon him for

five years; (2) public reprimand; (3) fine of \$1,000; (4) completion of a CME course on the topic of ethics; (5) submission to a drug and alcohol evaluation, compliance with recommendations of the evaluation; (6) contract with and participate in the Nevada Professionals Health Program for a period of time determined by the NPHP, if NPHP determines such participation would be appropriate; (7) payment of the Board's fees and costs.

**NAMBIAR, Mani, M.D. (6660)
Hemet, California**

Summary: Stayed revocation of Dr. Nambiar's medical license in California.

Charges: One count of violation of NRS 630.301(3) [disciplinary action taken by another state against his medical license].

Disposition: On March 28, 2008, the Board approved a Stipulation for Settlement by which it entered the following discipline against Dr. Nambiar: (1) probation until 2/9/10, contingent upon compliance with the terms of probation; (2) payment of the Board's fees and costs.

**RUSSELL, Mark L., C.R.T. (RC767)
Sun City, California**

Summary: Mr. Russell did not disclose several arrests on his application for reinstatement of licensure in 2006.

Charges: One count of violation of NAC 630.540(1) [willfully or intentionally making a false or fraudulent statement in applying for a license or renewing a license].

Disposition: On October 3, 2008, the Board found Mr. Russell guilty and entered the following discipline against Mr. Russell: (1) revocation of license; (2) payment of the Board's fees and costs.

**SCHMERLER, Elliott D., M.D.
(5247) Scottsdale, Arizona**

Summary: Dr. Schmerler indicated on his application for licensure in 2006 and his application for renewal of licensure in 2007 that

he was certified by the ABFM when his Diplomate status had been revoked in 2001.

Charges: Two counts of violation of NRS 630.304(1) [obtaining, maintaining or renewing or attempting to obtain, maintain or renew a license to practice medicine by bribery, fraud or misrepresentation or by any false, misleading, inaccurate or incomplete statement].

Disposition: On October 3, 2008, the Board found Dr. Schmerler guilty of two violations of NRS 630.304(1), and entered the following discipline against Dr. Schmerler: (1) revocation of license; (2) payment of the Board's fees and costs.

**SHALLENBERGER, Frank A., M.D.
(4951) Carson City, Nevada**

Summary: Malpractice related to Dr. Shallenberger's care of a patient.

Charges: One count of violation of NRS 630.301(4) [failure to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances in providing care or treatment to a patient].

Disposition: On September 14, 2007, the Board approved a Stipulation for Settlement by which it entered the following discipline against Dr. Shallenberger: (1) public reprimand; (2) fine of \$5,000; (3) 16 hours of CME on topic of cancer screening and diagnosis; (4) payment of the Board's fees and costs.

**STEELE, Doyle S., M.D. (5040)
Las Vegas, Nevada**

Summary: Dr. Steele was convicted in the U.S. District Court, Western District of Virginia, of Conspiracy to Possess and Distribute Controlled Substances, a felony.

Charges: One count of violation of NRS 630.301(1) [conviction of a felony related to the practice of medicine or the ability to practice medicine]; one count of violation of NRS 630.301(11)(f) [conviction of a violation of any federal or state law regulating the possession, distribution or use of a controlled substance].

**DISCIPLINE IMPOSED BY
STIPULATION OR BY HEARING
(cont.)**

Disposition: On November 30, 2007, the Board found Dr. Steele guilty and revoked his license.

**SULLIVAN, Michael J., P.A.-C (536)
Las Vegas, Nevada**

Summary: Administration to himself, his supervising physician, and five patients with botulinum toxic Type A which was not approved for human use, for little or no charge, and related recordkeeping violations.

Charges: One count of violation of violation of NAC 630.380(1)(f) [committing malpractice in the performance of medical services]; one count of violation of NRS 630.3062(1) [failure to maintain timely, legible, accurate and complete medical records]; one count of violation of NRS 630.306(3) [administering, dispensing or prescribing a dangerous drug except as authorized by law].

Disposition: On November 30, 2007, the Board approved a Stipulation for Settlement by which it entered the following discipline against Mr. Sullivan: (1) 12 months probation; (2) fine of \$500; (3) 6 hours CME on topics of charting and ethics; (4) reimbursement of the Board's fees and costs of investigation and prosecution.

**SWAINE, Kent A., M.D. (9815)
Las Vegas, Nevada**

Summary: After two years in the Diversion Program, Dr. Swaine tested positive for controlled substances. Dr. Swaine was also found to be writing multiple prescriptions for controlled substances for his wife, and he surreptitiously practiced medicine while under an order pursuant to his agreement with the Diversion Program not to do so.

Charges: Two counts of violation of NRS 630.306(2)(a) [engaging in conduct intended to deceive]; one count of violation of NRS 630.306(10) [dependency on controlled substances]; one count of violation of NRS 630.306(3)

[administering, dispensing or prescribing a controlled substance to or for himself or to others except as authorized by law].

Disposition: On March 28, 2008, the Board approved a Stipulation for Settlement by which it entered the following discipline against Dr. Swaine: (1) revocation of license, stayed contingent upon compliance with the terms of probation imposed upon him for five years; (2) public reprimand; (3) payment of the Board's costs and fees.

**SWAINE, Kent A., M.D. (9815)
Las Vegas, Nevada**

Summary: Dr. Swaine failed to comply with certain terms of the settlement agreement approved on March 28, 2008.

Charges: NRS 630.3065(2)(a) [Failure to comply with an order of the Board].

Disposition: On October 3, 2008, the Board lifted the stay of revocation, and thereby revoked Dr. Swaine's medical license.

**TATE, Harold A., M.D. (9587)
Las Vegas, Nevada**

Summary: Stayed revocation of Dr. Tate's medical license in California, contingent upon compliance with terms of a five-year probation.

Charges: One count of violation of NRS 630.301(3) [disciplinary action taken by another state against his medical license].

Disposition: On December 5, 2008, the Board approved a Stipulation for Settlement by which it entered the following discipline against Dr. Tate: (1) revocation of license, stayed contingent upon compliance with the terms of probation imposed upon him until 3/20/13; (2) public reprimand; (3) payment of the Board's fees and costs.

**THORP, Theodore M., M.D. (2979)
Las Vegas, Nevada**

Summary: Malpractice related to Dr. Thorp's care of a patient.

Charges: One count of violation of NRS 630.301(4) [failure to use the reasonable care, skill, or

knowledge ordinarily used under similar circumstances in providing care or treatment to a patient].

Disposition: On November 30, 2007, the Board approved a Stipulation for Settlement by which it entered the following discipline against Dr. Thorp: (1) public reprimand; (2) completion of an in-resident internal medicine board review course at least 40 hours in length; (3) payment of the Board's fees and costs.

**THORP, Theodore M., M.D. (2979)
Las Vegas, Nevada**

Summary: Malpractice related to Dr. Thorp's care of a patient.

Charges: One count of violation of NRS 630.301(4) [failure to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances in providing care or treatment to a patient].

Disposition: On November 30, 2007, the Board approved a Stipulation for Settlement by which it entered the following discipline against Dr. Thorp: (1) public reprimand; (2) 12 hours of CME on topic of medical recordkeeping or a substantially similar subject; (3) payment of the Board's fees and costs.

**TORRES, Javier M., M.D. (7604)
Culver City, California**

Summary: Stayed revocation of California medical license and indefinite suspension of Pennsylvania medical license.

Charges: One count of violation of NRS 630.301(3) [disciplinary action taken by another state against his medical license].

Disposition: On March 28, 2008, the Board approved a Stipulation for Settlement by which it entered the following discipline against Dr. Torres: (1) suspension of license for 90 days, stayed contingent upon compliance with the terms of probation imposed upon him for 12 months; (2) fine of \$1,000; (3) payment of the Board's fees and costs.

**VAN ASSCHE, Sidney T., M.D. (9496)
Sparks, Nevada**

Summary: Dr. Van Assche failed to submit to urine screen requested

**DISCIPLINE IMPOSED BY
STIPULATION OR BY HEARING
(cont.)**

by order of the Board's Investigative Committee, and results of a self-initiated hair sample test tested positive for controlled substances. Dr. Van Assche was practicing medicine on the dates following the self-initiated hair sample test.

Charges: One count of violation of NRS 630.3065 [willful failure to comply with an order of the Board or a committee designated by the Board to investigate a complaint against a physician]; one count of violation of NRS 630.301(4) [failure to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances in providing care or treatment to a patient]; one count of violation of NRS 630.306(1) [inability to practice medicine with reasonable skill and safety because of the use of drugs, narcotics or other substance].

Disposition: On November 30, 2007, the Board approved a Stipulation for Settlement by which it entered the following discipline against Dr. Van Assche: (1) revocation of license, stayed contingent upon compliance with the terms of probation imposed upon him for five years; (2) public reprimand; (3) payment of the Board's costs and fees.

**VAN ASSCHE, Sidney T., M.D.
(9496) Sparks, Nevada**

Summary: Dr. Van Assche failed to comply with a term of the settlement agreement approved on November 30, 2007.

Charges: NRS 630.3065(2)(a) [Failure to comply with an order of the Board].

Disposition: On December 5, 2008, the Board lifted the stay of revocation, and thereby revoked Dr. Van Assche's medical license.

**WESELY, Andrew C., M.D. (7129)
Reno, Nevada**

Summary: Malpractice related to Dr. Wesely's care of a patient.

Charges: One count of violation of NRS 630.301(4) [failure to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances in providing care or treatment to a patient].

Disposition: On June 13, 2008, the Board approved a Stipulation for Settlement by which it entered the following discipline against Dr. Wesely: (1) public reprimand; (2) 10 hours CME on topics of informed consent and/or medical record keeping; (3) payment of the Board's fees and costs

ZORITY, Jozsef, M.D. (7807)

Las Vegas, Nevada

Summary: Inappropriate professional conduct and recordkeeping violations related to Dr. Zority's treatment of a patient.

Charges: One count of violation of NRS 630.3062(1) [failure to maintain timely, legible, accurate and complete medical records]; one count of violation of NRS 630.306(2)(a) [engaging in conduct intended to deceive].

Disposition: Board approved a Stipulation for Settlement by which it entered the following discipline against Dr. Zority: (1) public reprimand; (2) fine of \$5,000; (3) 10 hours CME on topic of medical record keeping; (4) payment of the Board's fees and costs.

SUMMARY SUSPENSION

**BUCKWALTER, Kevin R., M.D.
(8476) Henderson, Nevada**

Summary of Allegations: Prescribing excessive quantities of controlled substances to four patients and inadequate documentation.

Charges: One count of violation of NRS 630.301(4) [failure to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances in providing care or treatment to a patient]; one count of violation of NRS 630.3062(1) [failure to maintain timely, legible, accurate and complete medical records]; one count of violation of NRS 630.306(3) [administering, dispensing or prescribing a controlled substance or dangerous drug

except as authorized by law]; one count of violation of NAC 630.187 [failure to follow the Model Guidelines for the Use of Controlled Substances for the Treatment of Pain]; one count of violation of NAC 630.230(1)(1) [writing prescriptions for controlled substances to treat acute or chronic pain in a manner that deviates from the Model Guidelines for the Use of Controlled Substances for the Treatment of Pain].

Disposition: On November 12, 2008, the Board entered a summary suspension of Dr. Buckwalter's ability to prescribe, administer or dispense controlled substances pending a hearing on the complaint filed against him by the Board.

**FOSTER, Randall M., M.D. (3632)
Las Vegas, Nevada**

Summary: Prescribing controlled substances to patients without adequate assessment, monitoring, and recordkeeping.

Charges: One count of violation of NRS 630.301(4) [failure to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances in providing care or treatment to a patient]; one count of violation of NRS 630.3062(1) [failure to maintain timely, legible, accurate and complete medical records]; one count of violation of NRS 630.306(3) [administering, dispensing or prescribing a controlled substance or dangerous drug except as authorized by law]; one count of violation of NAC 630.187 [failure to follow the Model Guidelines for the Use of Controlled Substances for the Treatment of Pain]; one count of violation of NAC 630.230(1)(1) [writing prescriptions for controlled substances to treat acute or chronic pain in a manner that deviates from the Model Guidelines for the Use of Controlled Substances for the Treatment of Pain].

Disposition: On December 1 2008, the Board entered a summary suspension of Dr. Foster's ability to prescribe, administer or dispense

SUMMARY SUSPENSION (cont.)

controlled substances pending a hearing on the complaint filed against him by the Board.

SELDON, Stephen L., M.D. (7343)

Henderson, Nevada

Summary: Administration to patients of botulinum toxic type A which was not approved for human use and conviction of a felony related to same.

Charges: One count of violation of NRS 630.301(1) [conviction of a felony related to the practice of medicine or the ability to practice medicine]; one count of violation of NRS 630.301(11)(f) [conviction of a violation of any federal or state law regulating the possession, distribution or use of a controlled substance t]; one count of violation of NRS 630.306(7) [continual failure to exercise the skill or diligence or use the methods by physicians in good standing practicing in the same specialty or field].

Disposition: On December 1, 2008, the Board entered a summary suspension of Dr. Seldon's license to practice medicine pending a hearing on the complaint filed against him by the Board.

IN-OFFICE SURGERY REPORTS DUE

Watch for the in-office surgery reporting forms that will be coming to every physician in January. NRS 630.30665 requires that **EVERY** physician **MUST** report to the Board whether he or she performed any in-office procedures in which conscious sedation, deep sedation or general anesthesia were administered.

Form A (blue print this year) must be provided by all physicians who administered one of the three levels of sedation in-office in 2008.

Form B (green print this year) must be provided by all physicians who did not administer sedation in-office in 2008.

DO TELL

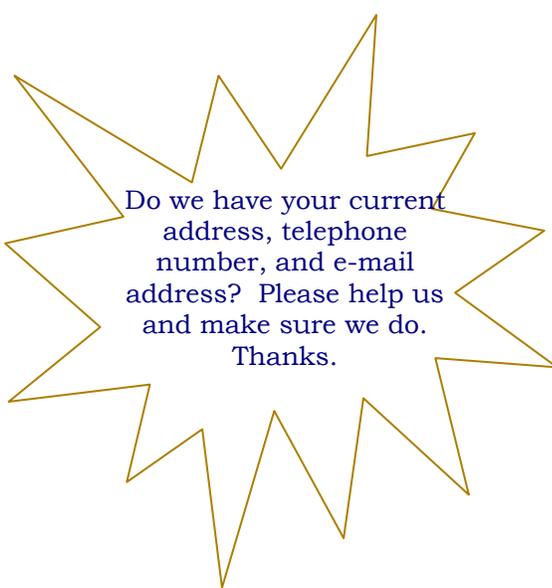
Nevada law requires that a physician must notify this Board of the following:

1. Any action for malpractice within 45 days of being served with process;
2. Any claim for malpractice that is submitted to arbitration or mediation within 45 days after the claim is submitted;
3. Any settlement, award judgment or other disposition of any action or claim within 45 days of the settlement, award, judgment or other disposition; and
4. Any sanction that is reportable to the Data Bank.

Failure to timely report one of these matters can result in a fine of \$5,000. So when it comes to reporting these things, just do it.

A RENEWING REMINDER

Postcards regarding the upcoming renewal process will be mailed in April, and the renewal process itself will begin on May 1, 2009. As always, we will be sending the reminder postcard and the renewal application to the address you have provided to us, so please make sure we have your accurate information



Do we have your current address, telephone number, and e-mail address? Please help us and make sure we do. Thanks.