



NEVADA STATE BOARD OF MEDICAL EXAMINERS NEWSLETTER

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FEATURED IN THIS ISSUE:

Guest Author

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DHHS ANNOUNCES NHIE BOARD OF DIRECTORS

The Nevada State Department of Health and Human Services (DHHS) announced in a press release in May 2012 the creation of the Nevada Health Information Exchange (NHIE) Board of Directors. The NHIE Board "is established to provide oversight and governance of the statewide system for the authorized and secure electronic exchange of health information." The Board of Directors is authorized by Nevada Revised Statute 439.588 and is a requirement of the American Recovery and Reinvestment Act. The Board has seven voting members who will serve two-year terms. The major functions of the new NHIE Board of Directors, several of which will impact the practice of medicine, are listed as:

1. Ensuring compliance with state and federal laws, including privacy protection and HIPPA.
2. Establishing mechanisms to provide oversight and accountability of the statewide Health Information Exchange (HIE) operations to protect the public interest.
3. Monitoring compliance with nationally recognized HIE standards, protocols, and processes.
4. Collaborating and coordinating with DHHS on the implementation of Nevada's federally approved State Health Information Technology Strategic and Operations Plan.

Other tasks facing the NHIE Board are the creation of a governance and business structure, which includes personnel and processes, and arranging for the collection of patient and other consumer feedback. To see a list of those persons appointed to the Board of Directors, see "WHO IS ON THE NHIE BOARD OF DIRECTORS," page 2.

For more information on the DHHS announcement or the NHIE Board of Directors, contact Lynn O'Mara, State Health IT Coordinator, at (775) 684-7593, or by email at lgomara@dhhs.nv.gov.

Revised for printing from DHHS Press Release, May 29, 2012, with permission.

MISSION STATEMENT

The Nevada State Board of Medical Examiners serves the state of Nevada by ensuring that only well-qualified, competent physicians, physician assistants, respiratory therapists and perfusionists receive licenses to practice in Nevada. The Board responds with expediency to complaints against our licensees by conducting fair, complete investigations that result in appropriate action. In all Board activities, the Board will place the interests of the public before the interests of the medical profession and encourage public input and involvement to help educate the public as we improve the quality of medical practice in Nevada.

WHO IS ON THE NHIE BOARD OF DIRECTORS

The Nevada State Department of Health and Human Services announced in May 2012 the creation of the Board of Directors for the Nevada Health Information Exchange. The Board is authorized by Nevada Revised Statute 439.588 and the American Reinvestment and Recovery Act. Comprising the initial make up of the Board, and serving for two-year terms are:

Elizabeth A. Aiello, Deputy Administrator, Nevada Division of Health Care Financing and Policy, Carson City, NV; Leo D. Basch, Clinical Pharmacist, Sunrise Hospital, Las Vegas, NV; Joan Hall, President, Nevada Rural Hospital Partners, Reno, NV; Jeffrey M. Kriseman, Public Health Informatics Scientist, SNHD, Las Vegas, NV; Eric E. Lloyd, COO, AMERIGROUP Community Care of Nevada, Las Vegas, NV; Lindsey C. Niedzielski, State Program Manager, Connect Nevada, Sparks, NV; and Andrew V. Pasternak, a practicing medical doctor and Clinical Assistant Professor, UNSOM, Reno, NV.

For more information about the NHIE or its Board of Directors, contact Lynn O'Mara, State Health IT Coordinator, at (775) 684-7593, or by email at lgomara@dhhs.nv.gov.

CHANGES TO IN-OFFICE SURGERY REPORTING

NRS 630.30665 was amended by the 2011 Nevada Legislature, and the changes became effective on October 1, 2011.

Licensees are no longer required to report the number and type of in-office surgeries performed requiring conscious sedation, deep sedation or general anesthesia on an annual basis; rather, this reporting will be made at the time of license renewal.

Additionally, licensees are now required to report any sentinel events arising from any surgery performed in their offices or in any other facility which is not a medical facility as defined by NRS 449.0151 and/or is not out of state, **within 14 days after the occurrence of the sentinel event**. [A form is available on the Board's website on which to make such reports.]

NEVADA REVISED STATUTES AND NEVADA ADMINISTRATIVE CODE UPDATED ON LEGISLATIVE WEBSITE

The changes to the Nevada Revised Statutes as a result of the 2011 Nevada Legislative Session have been codified by the Legislative Counsel Bureau and are now available on the Legislative website at www.leg.state.nv.us.

You may view Nevada's Medical Practice Act (NRS Chapter 630), as well as Nevada Administrative Code (NAC) Chapter 630, by clicking the links on the Board's website in the "Public Information" section.

Governor Issues Order to License Military Spouses

Governor Brian Sandoval issued Executive Order 2012-11, Providing Reciprocity for Military Spouses Seeking Licensure in This State to all licensing boards in the state of Nevada, on May 4, 2012. The Order compels the Board of Medical Examiners to license by endorsement a military spouse applicant if the applicant has a current license, in good standing, in another state; when that state's requirements are "substantially equivalent" to Nevada's requirements; to allow requirements to be met while practicing on a temporary license if needed; and to expedite the issuance of a license based on an affidavit from the military spouse applicant that the information provided and pending verification are true. The full Executive Order is reproduced below:



Executive Order 2012-11

PROVIDING RECIPROCITY FOR MILITARY SPOUSES SEEKING LICENSURE IN THIS STATE

WHEREAS, military spouses move from state to state far more often than the general population as they accompany their service member spouse on assignment to military bases around the country and overseas;

WHEREAS, as a result of these frequent moves associated with military life and because professional licenses from one state do not always easily transfer to another state, spouses serving in professions that require state licenses bear disproportionately high financial and administrative burdens;

WHEREAS, Nevada state government is comprised of a number of professional licensing boards and commissions that have a direct impact on the lives of these military spouses;

WHEREAS, the men and women of the United States Armed Forces and their families give selflessly of themselves in the service of this nation, it is therefore incumbent upon the State of Nevada to do all that it can to support these individuals; and

WHEREAS, Article 5, Section 1 of the Nevada Constitution provides that, "The Supreme Executive Power of this State shall be vested in a Chief Magistrate who shall be Governor of the State of Nevada."

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and laws of the State of Nevada, I hereby direct and order every professional licensing board organized pursuant to the Nevada Revised Statutes as follows:

1. Facilitate endorsement of a current license from another state as long as the requirements for licensure in that jurisdiction are substantially equivalent to the requirements in Nevada; and
2. Where possible, provide for a temporary or provisional license allowing a military spouse to practice while fulfilling requirements needed to qualify for endorsement in this state, or while awaiting verification of documentation supporting such an endorsement; and
3. Expedite application procedures for a military spouse, including where possible the approval of a license based on an affidavit from the applicant that the information provided on the application is true and that verifying documentation has been requested.

I hereby further direct and order that, where statutory requirements prohibit any of the actions outlined above, the executive director or chairman of a professional licensing board shall inform my office in writing of the suggested statutory changes to make reciprocity for military spouse licensure an efficient and practical reality. This written notice must be received by my office no later than June 30, 2012, in order to allow my office ample time to prepare legislation for the 77th Regular Session of the Nevada Legislature.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol in Carson City, this 4th day of May, in the year two thousand twelve.





Governor of the State of Nevada

By the Governor:



Secretary of State



Deputy

BOARD MEMBER NEWS

In November 2011 Governor Sandoval appointed two new physician members to the Board of Medical Examiners. They are Bashir Chowdhry, M.D., a practicing cardiovascular surgeon in Las Vegas, and Wayne Hardwick, M.D., a practicing emergency medicine physician in Reno. They replace outgoing physician members Javaid Anwar, M.D. (internal medicine - Las Vegas) and Charles N. Held, M.D. (pulmonology - Gardnerville). The Board welcomes these new members and wishes to thank the outgoing members for their service to the citizens of the state of Nevada and to the practice of medicine.

On May 23, 2012, Governor Sandoval reappointed public member Valerie J. Clark, BSN, RHU, LUTCF, to the Board of Medical Examiners for a second four-year term. The Board congratulates Ms. Clark on her re-appointment.

NEW ADVISORY COMMITTEE MEMBERS

On December 2, 2011, the Board approved the appointment of Anthony Everidge, RRT, to the Practitioner of Respiratory Care Advisory Committee. Mr. Everidge replaces Peggy Alby, RRT, who served on the Advisory Committee from December 2005 to September 2011.

On March 9, 2012, the Board approved the appointment of Stephanie Callister, PA-C, to the Physician Assistant Advisory Committee. Ms. Callister replaces John B. Lanzillotta, PA-C, who served on the Advisory Committee from December 1998 to March 2012.

The Board welcomes the new Advisory Committee members and wishes to thank Mr. Lanzillotta and Ms. Alby for their years of dedicated service to the citizens of the state of Nevada and to the practice of medicine and respiratory care.

BOARD'S FIRST TWO COMMUNITY OUTREACH PROGRAM PRESENTATIONS WELL-RECEIVED

In April 2012 Board of Medical Examiners staff presented the Board's updated and compartmentalized community outreach presentation to medical and other staff of North Vista Hospital, in North Las Vegas. In May 2012 staff conducted a second presentation to the members of the Philippine Medical Association of Nevada, in Las Vegas.

Both presentations included information on the Board's administrative, licensing, investigative and legal functions. Post-presentation remarks about the program were supportive and indicated the program was enlightening in many respects. Attendees at the presentations also received two continuing medical education credits in ethics for their participation.

The Clark County League of Women Voters and the Green Valley Rotary Club are scheduled for presentations in late summer and early fall 2012.

Additionally, in furthering its community outreach, the Board will be working with the University of Nevada, School of Medicine on collaborative training with Join Together Northern Nevada (a non-profit organization directed at reducing the impact of drug abuse in Nevada), the State Board of Pharmacy, county medical societies and others.

If you are interested in discussing the community outreach program or scheduling a presentation, please contact Douglas C. Cooper, Executive Director of the Nevada State Board of Medical Examiners, at dccnsbme@medboard.nv.gov, or by calling 775-688-2559.



GUEST AUTHOR

PRESCRIPTION DRUG ABUSE: A DEADLY EPIDEMIC

Stacy Shamblin, Drug Abuse Prevention Coordinator

Reno Police Department

Our nation is facing a startling epidemic: the new drug of choice for today is something that does not have to be purchased from a drug dealer on the street – it can simply be accessed in the family medicine cabinet. The abuse of prescription drugs is now growing faster than any other drug problem in our country. The false belief that these drugs are safer to abuse than illicit drugs because they originated from a doctor is particularly prevalent among youth, with one-third of teens believing that there is “nothing wrong” with using prescription medicines without a prescription once in a while.ⁱ Adding to this problem is the accessibility of prescription drugs. More than 3 in 5 teens report that the reason they abuse prescription pain relievers is that they are easy to get from parents’ medicine cabinets.ⁱⁱ A recent nationwide study showed that one-half of the nonmedical users of prescription drugs got the drugs they most recently used “from a friend or relative for free,” and of that number, 79.4% reported that the friend or relative obtained the drugs from just one doctor.ⁱⁱⁱ

The prescription drug abuse epidemic is not only rampant, but deadly. The Centers for Disease Control recently reported that one person dies from prescription drug abuse every 19 minutes in the United States.^{iv} Additionally, the CDC reports that for every unintentional overdose death linked to opioids, 9 people are admitted for substance abuse treatment, 35 people go to the emergency room, 161 report drug abuse or dependence, and 461 report nonmedical uses of opioids.^v Medications that were intended to help are being diverted, overused and abused, and it is costing lives.

Prescription drug abuse is widespread across the country, and is especially prevalent here in Nevada. According to the National Survey on Drug Use and Health (NSDUH), Nevada ranks highest in the nation for prevalence of persons aged 26 or older who had used a prescription psychotherapeutic drug nonmedically in the previous year – Nevada’s rate was 6.7% compared to a national average of 4.4%.^{vi} In Nevada, admissions to treatment in which prescription drug abuse was identified as a drug of choice increased 49% between 2007 and 2008.^{vii} This is a crisis that we in Nevada cannot afford to ignore.

The prescription drug problem is a unique one. These are not drugs that are being manufactured illicitly in foreign countries, smuggled into the United States, and sold by drug dealers on street corners – these are drugs that originate from a doctor. Therefore, the medical community holds a great deal of power to affect positive change in this area. Because so many teens report that they abuse prescription drugs due to their ease of access, we can make a huge difference by limiting the supply of prescription drugs. Stricter prescribing and fraud-prevention practices can drastically lower the amount of prescription drugs available for abuse. Physicians can take advantage of opportunities to be educated about drug-seeking behavior, methods of doctor-shopping, prevention of fraudulent prescriptions, and screening practices to identify an addict. A recent study in Nevada showed that 53% of doctors report encountering drug-seeking customers weekly or daily. However, there is a severe lack of education on this topic – 73% of doctors reported that they have not been personally trained to recognize drug-seeking behaviors of customers/patients.^{viii} Through proper education, doctors can become more vigilant in their prescribing practices and also help to prevent themselves from being victimized by a doctor-shopper or prescription fraud suspect.

In Nevada, an excellent tool to utilize in the prevention of prescription drug diversion and abuse is the Prescription Monitoring Program (PMP). The PMP tracks all Schedule II-IV controlled substances dispensed in Nevada. This information can be utilized by physicians to ensure that they are not prescribing medications to someone that is doctor-shopping (going to several different doctors to obtain prescriptions for controlled substances). If a physician sees a new patient that is requesting a controlled substance – or an existing patient that suddenly requests a controlled substance – the physician can use the PMP to pull a report listing the medication history for a specified period for that patient. This simple tool will allow the doctor to see whether a patient has already seen several other doctors to obtain the medications, or whether the patient is potentially filling fraudulent prescriptions without a doctor’s knowledge. This information can then be used to make

an informed decision about whether the patient is legitimate and should be prescribed the medication, or the patient is illegitimate and should be denied the prescription and law enforcement should potentially be notified. A prescriber wishing to request access to the Nevada PMP can contact the Prescription Controlled Substance Abuse Prevention Task Force at (775) 687-5694 or fax the Task Force a request at (775) 687-5161. Another useful tool for a physician to use in preventing abuse of prescribed medications is the urine drug screen. Patients being treated with medications with potential for abuse – especially pain medications – can be screened to ensure that they are using their medication properly and are not abusing it or diverting it.

In addition, physicians are encouraged to implement strict security practices with regard to their prescription pads and DEA numbers. Customers seeking to illegally obtain prescription medications use a variety of methods, including: altering a legitimate prescription (often the quantity), photocopying a prescription, or using the doctor’s DEA number to either create false prescriptions or to call in prescriptions. In the event that illegal/fraudulent activity on the part of a patient, pharmacy or prescriber is detected, law enforcement should be notified so that appropriate action can be taken. Points of contact for prescription fraud related activity are:

Washoe County

Detective Scott Smith, Regional Street Enforcement

Team: 775-745-1245

Detective Mike Stewart, Regional Street Enforcement

Team: 775-745-5274

Las Vegas

Kathy Perkins, Crime Prevention Specialist:

702-828-4305

Detective Ailee Burnett, LVMPD Narcotics:

702-828-3461

**In other areas not listed, the local law enforcement agency should be contacted.*

Prescription drug abuse is growing at alarming rates, and combating this problem will require that all those with a stake in the issue – including prescribers, pharmacies and law enforcement – work together to make a difference. By doing all we can to ensure that prescription medications are accessed only by those who truly need them and know how to use them responsibly, we can begin to turn the tide on this issue and potentially save lives.

- i The Partnership Attitude Tracking Study, 2006
- ii The Partnership Attitude Tracking Study, 2006
- iii Users of pain relievers, tranquilizers, stimulants and sedatives, aged 12 or older, National Survey on Drug Use and Health, 2010
- iv CDC Morbidity and Mortality Weekly Report, January 2012
- v Morbidity and Mortality Weekly Report, January 2012
- vi National Survey on Drug Use and Health, 2006
- vii Admissions to SAPTA-funded treatment agencies
- viii Surveys conducted by University of Nevada, Reno and Reno Police Department, 2010



PHYSICIAN OBLIGATION TO INFORM A PATIENT OF INFECTION

Effective January 1, 2012, Nevada Revised Statute (NRS) 439.857 imposes a mandatory disclosure to a patient who is confirmed to have an infection discovered while in a medical facility. Senate Bill 339 from the 2011 Nevada Legislative Session, sponsored by Senators Breeden and Wiener, also imposes on medical facilities the requirement to inform admitting patients of both general and facility-specific information about facility-acquired infections. This law can be found at NRS 439.856.

When a facility-acquired infection is confirmed, the provider of health care, defined in the statute as “a person who is licensed, certified or otherwise authorized by the laws of this state to administer health care in the ordinary course of the business or practice of a profession,” shall “as soon as practicable but not later than five days after the diagnosis is confirmed, inform the patient or the legal guardian or other person authorized by the patient to receive such information that the patient has an infection.” The law does provide for exceptions to informing a patient, under specific circumstances. Willful failure to perform this statutory obligation is grounds for discipline in accordance with NRS 630.3065(3) **Willful disclosure of a privileged communication; willful failure to comply with a statute or regulation governing practice of medicine.**

For your convenience the applicable statutes are provided as follows:

NRS439.820 “Provider of health care” defined. “Provider of health care” means a person who is licensed, certified or otherwise authorized by the laws of this state to administer health care in the ordinary course of the business or practice of a profession. (Added to NRS by 2002 Special Session, 13)

NRS 439.856 Provision of certain information relating to facility-acquired infections to patients. [Effective January 1, 2012.]

1. A medical facility shall:

(a) Provide to each patient of the medical facility, upon admission of the patient, the general and facility-specific information relating to facility-acquired infections required by subsection 2.

(b) Post in publicly accessible areas of the medical facility information on reporting facility-acquired infections, including, without limitation, the contact

information for making reports to the Health Division. Such information may be added to other required notices concerning the making of reports to the Health Division.

2. The information provided to each patient pursuant to paragraph (a) of subsection 1 must include, without limitation:

(a) The measures used by the medical facility for preventing infections, including facility-acquired infections;

(b) Information on determining whether a patient had an infection upon admission to the medical facility, risk factors for acquiring infections and determining whether an infection has been acquired;

(c) Information on preventing facility-acquired infections;

(d) Instructions for reporting facility-acquired infections, including, without limitation, the contact information for making reports to the Health Division; and

(e) Any other information that the medical facility deems necessary.

(Added to NRS by 2011, 1580, effective January 1, 2012)

NRS 439.857 Procedure for informing patient, legal guardian or other person that patient at medical facility has infection; immunity from liability for providing certain information.

1. Except as otherwise provided in subsection 2, when a provider of health care confirms that a patient at the medical facility has an infection, the provider of health care or the designee of the provider of health care shall, as soon as practicable but not later than 5 days after the diagnosis is confirmed, inform the patient or the legal guardian or other person authorized by the patient to receive such information that the patient has an infection.

2. The provider of health care or the designee of the provider of health care may delay providing information about an infection if the patient does not have a legal guardian, has not authorized any other person to receive such information and:

(a) Is not capable of understanding the information;

(b) Is not conscious; or

(c) In the judgment of the provider of health care, is likely to harm himself or herself if informed about the infection.

3. If the provider of health care or the designee of the provider of health care delays providing information about an infection pursuant to subsection 2, such information must be provided as soon as practicable after:

(a) The patient is capable of understanding the information;

(b) The patient regains consciousness;

(c) In the judgment of the provider of health care, the patient is not likely to harm himself or herself if informed about the infection; or

(d) A legal guardian or other person authorized to receive such information is available.

4. A medical facility shall ensure that the providers of health care of the medical facility establish protocols in accordance with this section that provide the manner in which a provider of health care or his or her designee must:

(a) Inform a patient or the legal guardian or other person authorized by a patient to receive such information that the patient has an infection; and

(b) If known or determined while a patient remains at the medical facility, inform the patient or the legal guardian or other person authorized by the patient to receive such information whether the infection was acquired at the medical facility and of the apparent source of the infection.

5. A person or governmental entity who, with reasonable care, informs a patient or the legal guardian or other person authorized by the patient to receive such information that an infection was not acquired at the medical facility and of the apparent source of the infection pursuant to subsection 4 is immune from any criminal or civil liability for providing that information.

(Added to NRS by 2011, 1581)

NRS 630.3065 Willful disclosure of privileged communication; willful failure to comply with statute or regulation governing practice of medicine. The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

1. Willful disclosure of a communication privileged pursuant to a statute or court order.

2. Willful failure to comply with:

(a) A regulation, subpoena or order of the Board or a committee designated by the Board to investigate a complaint against a physician;

(b) A court order relating to this chapter; or

(c) A provision of this chapter.

3. Willful failure to perform a statutory or other legal obligation imposed upon a licensed physician, including a violation of the provisions of NRS 439B.410.

(Added to NRS by 1983, 302; A 1985, 2238; 1987, 200; 1989, 1663; 1993, 2302)

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UNLICENSED PRACTICE

The Board of Medical Examiners is participating with the Boards of Pharmacy, Cosmetology, Nursing and Dentistry in developing a unified approach to addressing the issue of the unlicensed (and criminal) practice of medicine, pharmacy, cosmetology, nursing and dentistry in Nevada. Through the efforts of former Attorney General for the state of Nevada, Frankie Sue Del Papa, on behalf of the state Health Division, and in a coordinated approach with the University of Nevada Latino Center, outreach education, information, enhanced efforts in enforcement, and legislative initiatives are currently being developed. Look for the Board's new brochure on its mission and function, processes, contact information for all health care licensing boards, and warnings and reporting mechanisms for the unlicensed practice of medicine, soon to be on the website. The Board will also distribute the brochure, which will be in English and Spanish, to more active patient care centers. If you would like brochures for your office or your group, please contact Douglas C. Cooper, Executive Director, at dccnsbme@medboard.nv.gov, or by phone at 775-688-2559.

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ONE AND ONLY CAMPAIGN DRAWS TO A CLOSE

Since January 2010 Board staff has taken an active role in Nevada's One and Only Safe Injection Practices campaign promoting injection safety practices for healthcare providers and greater patient awareness and education regarding injection safety. This public health campaign, led by the Centers for Disease Control and Prevention and the Safe Injection Practices Coalition, worked together in developing materials. It was vital to the 2011 passage of legislation promoting greater adherence to basic infection control procedures and injection safety for healthcare providers who administer any type of injections.

The 2011 legislation included amending Chapter 630 of the Nevada Revised Statutes to include a new section requiring that certain healthcare professionals, including physicians, physicians assistants and perfusionists, applying for new or renewal licenses in Nevada, "attest to knowledge of and compliance with the guidelines of the Centers for Disease Control and Prevention concerning the prevention of transmission of infectious agents through safe and appropriate injection practices." Physicians additionally must provide an attestation that unlicensed persons under their supervision and/or control, with duties including administering injections to patients, are knowledgeable regarding safe injection practices and are compliant with the CDC guideline entitled *2007 Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings*. This new law went into effect in October 2011.

Free CMEs for Licensee; Resources to Aid in Compliance with New Law

The CDC collaborated with the Safe Injection Practices Coalition (SIPC) and provided funding to help with the development of educational materials including a *Medscape* training module. On the CDC's webpage, <http://www.cdc.gov/injectionsafety/>, there is a link to the *Medscape* module titled "Unsafe Injection Practices: Outbreaks, Incidents, and Root Causes," as well as other resources to assist licensees in familiarizing themselves with the CDC guidelines that applicants/licensees are required to attest knowledge of. Applicants and licensees may also access the module directly at <http://www.medscape.org/viewarticle/745695>. This free accredited *Medscape* CME qualifies for a maximum of 0.75 *AMA PRA Category 1 Credit(s)*TM and it counts

towards the Nevada ethics requirement. It can also be used by unlicensed staff, who would be issued a letter of completion. This is a useful injection safety training tool and would provide licensees documentation regarding staff awareness of CDC injection safety guidelines.

Resources Still Available

The Nevada One and Only Safe Injection Practices campaign did not receive federal grant funding for 2012 so its presence from this point forward will be limited. Some public service announcements ran through March 2012 and the Nevada State Health Division will continue hosting the website and promoting the goals of the Nevada Coalition for Safe Injection Practices. Going forward, resources and materials developed through Nevada's One and Only Safe Injection Practices campaign will remain in place to answer questions that healthcare providers and patients may have regarding injection safety. Materials can be accessed through the website at www.OneandOnlyCampaign.org. The CDC has an Injection Safety page that has additional information and resources: <http://www.cdc.gov/injectionsafety/>, and the HONORreform Foundation's website, www.HONORreform.org, is also a great resource. "One Needle, One Syringe, Only One Time for each and every injection"!

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LICENSING & INVESTIGATIONS

WHO WAS INVESTIGATED AND WHO FILED COMPLAINTS

The numbers reported below include medical doctors, physician assistants, perfusionists and respiratory therapists, and reflect the total number of investigations opened, the number of investigations on a specific specialty, the number of types of investigations, and the total number of types of sources of a complaint. A listing of the numbers for all specialties will appear in the summer issue of the Board newsletter.

A SNAPSHOT OF 2010 AND 2011 BOARD INVESTIGATIONS

A review of the 2010 and 2011 investigations conducted by the Board of Medical Examiners showed primary care physicians (PCP) were the most likely to receive a complaint, and the most likely complainants were private citizens (this excludes complaints by physicians and pharmacists). The PCP group, for this review, is comprised of the following specialties: family medicine, family practice, general practice and internal medicine. These specialties accounted for a total of 266 of the 810 complaints received and investigated by the Board for calendar year 2010, and 246 of the 829 complaints for calendar year 2011. The percentages gleaned from these numbers show the PCP group received 31.2% of the total complaints received over the two-year period (32.8% for 2010 and 29.7% for 2011). As a group, the next most likely specialty to receive a complaint to the Medical Board was surgery (all subspecialties included). This group received 336 complaints over the two-year period, or 20.5% of the 1639 total complaints received, with orthopedic surgery receiving 104 complaints, general surgery with 99 complaints and plastic surgery with 77 complaints. The specialty not a part of the PCP or surgical groupings to receive the highest number of complaints was obstetrics/gynecology, with 127 complaints for the two-year period, or 7.7%.

WHO COMPLAINED

Individual citizen complaints were the bulk of the complaint sources for 2010 and 2011. This group includes patients, patients' families and friends, medical office staff, employers, and medical personnel excluding physicians and pharmacists, among others. Citizen complaints totaled 437 in 2010 (54%) and 427 in 2011 (51.5%), for a total 864 of the 1639 complaints received, or 52.7%. The next highest complaint category was statewide civil court filings, with 340 complaints for the two-year time frame (132 in 2010 and 208 in 2011). Civil court filings were 20.7% of the total Board complaints for the period. After civil court filings were Board of

Medical Examiners (BME) complaints, which developed during the course of an investigation of another licensee. BME complaints originate through discovery when, for example, records review by staff during the course of an investigation reveals possible deviations from standard care or, as a conclusion of an outside peer reviewer, substandard care is suspected on a licensee other than the one being investigated. There were a total of 301 complaints as a result of these proactive measures, constituting 18.4%.

WHAT WAS THE COMPLAINT

Patient care complaints were the most common category of complaint in both 2010 and 2011. The total for the two-year period, from the 1639 complaints filed, was 856, representing 52.2%. A patient care complaint involves allegations of substandard care in treating a patient, and represents the majority of malpractice investigations. After patient care came medical records violations, with 170 (10.4%), prescribing (over and under), with 125 (7.6), and investigations resulting from fingerprint and background inquiries, at 86 (5.2%). The most common background or fingerprint investigations were unreported arrests and/or convictions for misdemeanor or gross misdemeanor violations.

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INVESTIGATIVE COMMITTEE STATS 2011

Investigative Committee A

Total Cases Considered	473
Total Cases Authorized for Filing of Formal Complaint (to be Published)	39
Total Cases Authorized for Peer Review	10
Total Cases Requiring an Appearance	44
Total Cases Authorized for a Letter of Concern	81
Total Cases Authorized for Further Follow-up or Investigation	9
Total Cases Reviewed for Compliance	1
Total Cases Authorized for Closure	289

Investigative Committee B

Total Cases Considered	381
Total Cases Authorized for Filing of Formal Complaint (to be Published)	19
Total Cases Authorized for Peer Review	13
Total Cases Requiring an Appearance	29
Total Cases Authorized for a Letter of Concern	76
Total Cases Authorized for Further Follow-up or Investigation	7
Total Cases Reviewed for Compliance	0
Total Cases Authorized for Closure	237

INVESTIGATIVE COMMITTEE STATS 2012 – YEAR TO DATE (6/2012)

Investigative Committee A, Year to Date

Total Cases Considered	233
Total Cases Authorized for Filing of Formal Complaint (to be Published)	11
Total Cases Authorized for Peer Review	23
Total Cases Requiring an Appearance	14
Total Cases Authorized for a Letter of Concern	54
Total Cases Authorized for Further Follow-up or Investigation	3
Total Cases Reviewed for Compliance	1
Total Cases Authorized for Closure	127

Investigative Committee B, Year to Date

Total Cases Considered	192
Total Cases Authorized for Filing of Formal Complaint (to be Published)	7
Total Cases Authorized for Peer Review	18
Total Cases Requiring an Appearance	12
Total Cases Authorized for a Letter of Concern	40
Total Cases Authorized for Further Follow-up or Investigation	4
Total Cases Reviewed for Compliance	0
Total Cases Authorized for Closure	111

LICENSING STATS 2011

In 2011, the Board issued the following total licenses:

- 494 physician licenses
- 101 limited licenses for residency training
- 79 physician assistant licenses
- 172 practitioner of respiratory care licenses
- 3 perfusionist licenses

LICENSING STATS

2012 – YEAR TO DATE (6/2012)

For the year to date, the Board has issued the following licenses:

- 218 physician licenses
- 7 limited licenses for residency training
- 31 physician assistant licenses
- 78 practitioner of respiratory care licenses
- 2 perfusionist licenses

NOTIFICATION OF ADDRESS CHANGE, PRACTICE CLOSURE AND LOCATION OF RECORDS

Pursuant to NRS 630.254, all licensees of the Board are required to "maintain a permanent mailing address with the Board to which all communications from the Board to the licensee must be sent." A licensee must notify the Board in writing of a change of permanent mailing address within 30 days after the change. Failure to do so may result in the imposition of a fine or initiation of disciplinary proceedings against the licensee.

Please keep in mind that the address you provide will be viewable by the public on the Board's website.

Additionally, if you close your practice in Nevada, you are required to notify the Board in writing within 14 days after the closure, and for a period of 5 years thereafter, keep the Board apprised of the location of the medical records of your patients.

BOARD MEMBERS

Benjamin J. Rodriguez, M.D., *President*
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 Wayne Hardwick, M.D.

★ ★ ★

Douglas C. Cooper, CMBI, *Executive Director*

WHOM TO CALL IF YOU HAVE QUESTIONS

Management:	Douglas C. Cooper, CMBI Executive Director
	Edward O. Cousineau, J.D. Deputy Executive Director
Administration:	Laurie L. Munson, Chief
Investigations:	Pamela J. Castagnola, CMBI, Chief
Legal:	Edward O. Cousineau, J.D. Deputy Executive Director
	Bradley O. Van Ry, J.D. Deputy General Counsel
Licensing:	Lynnette L. Daniels, Chief

2012 BME MEETING & HOLIDAY SCHEDULE

January 2 – New Year's Day holiday (*observed*)
January 16 – Martin Luther King, Jr. Day holiday
February 20 – Presidents' Day holiday
March 9-10 – Board meeting
May 28 – Memorial Day holiday
June 8-9 – Board meeting
July 4 – Independence Day holiday
September 3 – Labor Day holiday
September 7-8 – Board meeting
October 26 – Nevada Day holiday
November 12 – Veterans' Day holiday (*observed*)
November 22-23 – Thanksgiving/family day holiday
November 30-December 1 – Board meeting
December 25 – Christmas holiday

Unless otherwise noted, Board meetings are held at the Reno office of the Nevada State Board of Medical Examiners and videoconferenced to the conference room at the offices of the Nevada State Board of Medical Examiners/Nevada State Board of Dental Examiners, 6010 S. Rainbow Blvd., Building A, Suite 1, in Las Vegas.

Hours of operation of the Board are 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

DISCIPLINARY ACTION REPORT

ARAGON, Romualdo, Jr., M.D.

(9214) Las Vegas, Nevada

Summary: Alleged signing of blank prescription forms and allowing unlicensed nurse practitioner students/externs to use pre-signed blank physical examination forms and blank prescriptions, both when he was present and when he was not on the premises.

Charges: One violation of NRS 630.304(4) [signing a blank prescription form]; one violation of NRS 630.305(1)(e) [aiding, assisting employing or advising an unlicensed person to engage in the practice of medicine contrary to the provisions of Chapter 630 or regulations of the Board]; one violation of NRS 630.306(2)(a) [engaging in conduct which is intended to deceive]; one violation of NRS 630.306(2)(b) [engaging in conduct which the Board has determined is a violation of standards of practice established by regulation of the Board].

Disposition: On December 2, 2011, the Board accepted a settlement agreement by which it found Dr. Aragon violated NRS 630.304(4), as set forth in Count I of the Complaint, and imposed the following discipline against him: (1) public reprimand; (2) \$2,000 fine; (3) six hours continuing medical education regarding ethics; (4) reimbursement of the Board's fees and costs of investigation and prosecution. Count II, III and IV of the Complaint were dismissed.

BOYLE, James, RRT (RC1428)

Anaheim Hills, California

Summary: Mr. Boyle voluntarily surrendered his license to practice respiratory care in Nevada.

Statutory Authority: NRS 630.240 [voluntary surrender of license].

Disposition: On March 9, 2012, the Board accepted Mr. Boyle's voluntary surrender of his license to practice respiratory care in Nevada while under investigation.

BURSTEIN, Alan, M.D. (8524)

Las Vegas, Nevada

Summary: Alleged malpractice and failure to maintain appropriate medical records related to Dr. Burstein's treatment of two patients.

Charges: One violation of NRS 630.301(4) [malpractice]; one violation of NRS 630.3062(1) [failure to maintain, timely, legible, accurate and complete records relating to the diagnosis, treatment and care of a patient].

Disposition: On March 9, 2012, the Board accepted a settlement agreement by which it found Dr. Burstein violated NRS 630.301(4), as set forth in Count I of the Complaint, and imposed the following discipline against him: (1) public reprimand; (2) six hours in-person continuing medical education regarding medical records/documentation; (3) reimbursement of the Board's fees and costs of investigation and prosecution. Count II of the Complaint was dismissed.

DUNN, Gerald, M.D. (2827)

Las Vegas, Nevada

Summary: Alleged malpractice related to Dr. Dunn's treatment of a patient.

Charges: One violation of NRS 630.301(4) [malpractice].

Disposition: On March 9, 2012, the Board accepted a settlement agreement by which it found Dr. Dunn violated NRS 630.301(4) and imposed the following discipline against him: (1) public reprimand; (2) \$1,000 fine; (3) reimbursement of the Board's fees and costs of investigation and prosecution.

FISHELL, Michael, M.D. (9403)

Henderson, Nevada

Summary: Alleged malpractice and failure to maintain appropriate medical records related to Dr. Fishell's treatment of a patient.

Charges: One violation of NRS 630.301(4) [malpractice].

Disposition: On March 9, 2012, the Board accepted a settlement agreement by which it found Dr. Fishell violated NRS 630.301(4) and imposed the following discipline against him: (1) public reprimand; (2) reimbursement of the Board's fees and costs of investigation and prosecution.

GINIER, Bruce, M.D. (10573)

Fresno, California

Summary: Dr. Ginier voluntarily surrendered his license to practice medicine in Nevada.

Statutory Authority: NRS 630.240 [voluntary surrender of license].

Disposition: On March 9, 2012, the Board accepted Dr. Ginier's voluntary surrender of his license to practice medicine in Nevada while under investigation.

GRAHAM, Charles, M.D. (6794)

North Las Vegas, Nevada

Summary: Alleged failure to comply with two orders from the Board's Investigative Committee requesting a response and records.

Charges: One violation of NRS 630.3065(2)(a) [willful failure to comply with a regulation, subpoena or order of the Board or an investigative committee of the Board].

Disposition: On March 9, 2012, the Board found Dr. Graham violated NRS 630.3065(2)(a) and imposed the following discipline against him: (1) public reprimand; (2) \$5,000 fine; (3) reimbursement of the Board's fees and costs of investigation and prosecution.

GREEN, Brandon, M.D. (13346)

Delray Beach, Florida

Summary: Disciplinary action taken against Dr. Green's medical license in Florida.

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

Disposition: On December 2, 2011, the Board accepted a settlement agreement by which it found Dr. Green violated NRS 630.301(3) and imposed the following discipline against him: (1) \$1,500 fine; (2) reimbursement of the Board's fees and costs of investigation and prosecution.

GREENHOUSE, Lynn, M.D. (7482)
Elko, Nevada

Summary: Alleged prescribing of controlled substances in a manner not authorized by law.

Charges: Two violations of NRS 630.306(2)(c) [engaging in conduct which is in violation of a regulation adopted by the State Board of Pharmacy]; one violation of NRS 630.306(3) [administering, dispensing or prescribing a controlled substance except as authorized by law].

Disposition: On March 9, 2012, the Board accepted a settlement agreement by which it found Dr. Greenhouse violated NRS 630.306(2)(c) (2 counts), as set forth in Counts I and II of the Complaint, and imposed the following discipline against her: (1) suspension of license for 36 months, with the suspension stayed and Dr. Greenhouse being placed on probation for 48 months, subject to certain terms and conditions; (2) public reprimand; (3) 12 hours continuing medical education – 6 hours regarding ethics and 6 hours regarding prescribing and/or dispensing controlled substances and dangerous drugs; (4) reimbursement of the Board's fees and costs of investigation and prosecution. Count III of the Complaint was dismissed.

HOFFMAN, Stuart, M.D. (9758)
Las Vegas, Nevada

Summary: Alleged malpractice related to Dr. Hoffman's treatment of four patients.

Charges: Four violations of NRS 630.301(4) [malpractice].

Disposition: On December 2, 2011, the Board accepted a settlement agreement by which it found Dr. Hoffman violated NRS 630.301(4) (2 counts), as set forth in Counts I and II of the Complaint, and imposed the following

discipline against him: (1) public reprimand; (2) ten hours in-person continuing medical education regarding laparoscopic cholecystectomy, cholecystitis, urinary fistula and GI-related carcinoma; (3) reimbursement of the Board's fees and costs of investigation and prosecution.

HORTON, Richard, M.D. (8545)
North Las Vegas, Nevada

Summary: Alleged failure to maintain appropriate medical records related to Dr. Horton's treatment of a patient.

Charges: One violation of NRS 630.3062(1) [failure to maintain, timely, legible, accurate and complete records relating to the diagnosis, treatment and care of a patient].

Disposition: On March 9, 2012, the Board accepted a settlement agreement by which it found Dr. Horton violated NRS 630.3062(1) and imposed the following discipline against him: (1) perform a minimum of 75 hours of community service; (2) reimbursement of the Board's fees and costs of investigation and prosecution.

IVIE, Jocelyn, M.D. (11553)
Las Vegas, Nevada

Summary: Alleged malpractice related to Dr. Ivie's treatment of a patient.

Charges: One violation of NRS 630.301(4) [malpractice].

Disposition: On March 9, 2012, the Board accepted a settlement agreement by which it found Dr. Ivie violated NRS 630.301(4) and imposed the following discipline against her: (1) six hours in-person continuing medical education regarding fetal distress and delivery; (2) reimbursement of the Board's fees and costs of investigation and prosecution.

JAHANGIR, Nauman, M.D. (11295)
Las Vegas, Nevada

Summary: Alleged malpractice related to Dr. Jahangir's treatment of a patient.

Charges: One violation of NRS 630.301(4) [malpractice].

Disposition: On March 9, 2012, the Board accepted a settlement agreement by which it found

Dr. Jahangir violated NRS 630.301(4) and imposed the following discipline against him: (1) public reprimand; (2) six hours continuing medical education in his scope of practice; (3) reimbursement of the Board's fees and costs of investigation and prosecution.

KIDNEY, Selwyn, M.D. (6065)
Las Vegas, Nevada

Summary: Alleged failure to report to the Board three hospital privileges matters.

Charges: One violation of NRS 630.304(1) [obtaining, maintaining or renewing a license to practice medicine by bribery, fraud or misrepresentation or by any false, misleading inaccurate or incomplete statement]; one violation of NRS 630.301(9) [engaging in conduct that brings the medical profession into disrepute]; one violation of NRS 630.306(2)(a) [engaging in conduct which is intended to deceive].

Disposition: On December 2, 2011, the Board accepted a settlement agreement by which it found Dr. Kidney violated NRS 630.304(1), as set forth in Count I of the Complaint, and imposed the following discipline against him: (1) public reprimand; (2) \$1,000 fine; (3) reimbursement of the Board's fees and costs of investigation and prosecution. Counts II and III of the Complaint were dismissed.

KOE, Ronald, M.D. (8231)
Henderson, Nevada

Summary: Alleged malpractice related to Dr. Koe's treatment of a patient.

Charges: One violation of NRS 630.301(4) [malpractice].

Disposition: On December 2, 2011, the Board accepted a settlement agreement by which it found Dr. Koe violated NRS 630.301(4) and imposed the following discipline against him: (1) \$5,000 fine; (2) ten hours in-person continuing medical education regarding subacromial decompression, labral repair and resection of the distal clavicular bone (shoulder surgery); (3) reimbursement of the Board's fees and costs of investigation and prosecution.

LANDSMAN, Henry, M.D. (4021)

Las Vegas, Nevada

Summary: Alleged malpractice related to Dr. Landsman's treatment of a patient.

Charges: One violation of NRS 630.301(4) [malpractice].

Action Taken: On December 2, 1011, the Board found Dr. Landsman guilty of a violation of NRS 630.301(4), as set forth in the Complaint, and imposed the following discipline against him: (1) public reprimand; (2) \$200 fine; (3) six hours continuing medical education regarding documentation at the time of discharge against medical advice; (4) reimbursement of the Board's fees and costs of investigation and prosecution.

LEE, Brian, M.D. (12072)

Las Vegas, Nevada

Summary: Alleged failure to maintain appropriate medical records related to Dr. Lee's treatment of four patients.

Charges: Four violations of NRS 630.3062(1) [failure to maintain, timely, legible, accurate and complete records relating to the diagnosis, treatment and care of a patient].

Disposition: On December 2, 2011, the Board accepted a settlement agreement by which it found Dr. Lee violated NRS 630.3062(1) (2 counts) and imposed the following discipline against him: (1) public reprimand; (2) ten hours continuing medical education regarding medical record keeping; (3) reimbursement of the Board's fees and costs of investigation and prosecution.

MATHIS, Eddie, M.D. (6138)

Las Vegas, Nevada

Summary: Alleged malpractice related to Dr. Mathis' treatment of a patient.

Charges: One violation of NRS 630.301(4) [malpractice].

Disposition: On March 9, 2012, the Board accepted a settlement agreement by which it found Dr. Mathis violated NRS 630.301(4) and imposed the following discipline against him: (1) public reprimand; (2) \$2,000 fine; (3) 15 hours continuing medical education regarding management of a trauma patient; (4) reimbursement

of the Board's fees and costs of investigation and prosecution.

NATHU, Rakesh, M.D. (9337)

Las Vegas, Nevada

Summary: Dr. Nathu was the subject of a federal investigation related to his medical billing practices and entered into a settlement agreement with the Department of Health and Human Services and the Office of the Inspector General as a result thereof.

Charges: One violation of NRS 630.301(9) [engaging in conduct that brings the medical profession into disrepute]; one violation of NRS 630.3062(1) [failure to maintain, timely, legible, accurate and complete records relating to the diagnosis, treatment and care of a patient].

Disposition: On March 9, 2012, the Board accepted a settlement agreement by which it found Dr. Nathu violated NRS 630.3062(1), as set forth in Count II of the Complaint, and imposed the following discipline against him: (1) \$2,500 fine; (2) 15 hours in-person continuing medical education regarding medical records and billing; (3) reimbursement of the Board's fees and costs of investigation and prosecution.

OUTLAW, Edward, M.D. (10630)

Las Vegas, Nevada

Summary: Alleged abandonment of numerous medical records in a foreclosed, bank-owned property.

Charges: One violation of NRS 630.3062(1) [failure to maintain, timely, legible, accurate and complete records relating to the diagnosis, treatment and care of a patient]; one violation of NRS 630.3065(1) [willful disclosure of a communication privileged pursuant to a statute or court order].

Disposition: On March 9, 2012, the Board accepted a settlement agreement by which it found Dr. Outlaw violated NRS 630.3065(1), as set forth in Count II of the Complaint, and imposed the following discipline against him: (1) public reprimand; (2) \$2,500 fine; (3) reimbursement of the Board's fees and costs of investigation and prosecution. Count I of the Complaint was dismissed.

PAULIN, Sebastian, M.D. (6895)

Las Vegas, Nevada

Summary: Dr. Paulin voluntarily surrendered his license to practice medicine in Nevada.

Statutory Authority: NRS 630.240 [voluntary surrender of license].

Disposition: On March 9, 2012, the Board accepted Dr. Paulin's voluntary surrender of his license to practice medicine in Nevada while under investigation.

ROBERTS, Gary, CRT (RC36)

Henderson, Nevada

Summary: Alleged practice of respiratory care while under the influence of a controlled substance.

Charges: One violation of NAC 630.540(9) [rendering respiratory care to a patient while under the influence of alcohol or any controlled substance or in any impaired mental or physical condition]; one violation of NAC 630.540(23) and NRS 630.306(1) [inability to practice respiratory care with reasonable skill and safety due to illness, a mental or physical condition or use of alcohol, narcotics or any other substance].

Disposition: On December 2, 2011, the Board accepted a settlement agreement by which it found Mr. Roberts violated NAC 630.540(9), NAC 630.540(23) and 630.306(1) and imposed the following discipline against him: (1) revocation of license, with the revocation stayed contingent upon compliance with 60 months' probation with numerous terms and conditions, including suspension of his license for 120 days from the date of summary suspension of his license on August 22, 2011, said summary suspension to be lifted and his license to practice reinstated to the appropriate license status on December 19, 2011; (2) reimbursement of the Board's fees and costs of investigation and prosecution.

RUHL, Diane, PA-C (401)

North Las Vegas, Nevada

Summary: Ms. Ruhl voluntarily surrendered her license to practice medicine in Nevada.

Statutory Authority: NRS 630.240 [voluntary surrender of license].

Disposition: On December 2, 2011, the Board accepted Ms. Ruhl's voluntary surrender of her license to practice

medicine in Nevada while under investigation.

SAHM, Jennifer, M.D. (9500)

Reno, Nevada

Summary: Alleged malpractice related to Dr. Sahm's treatment of a patient.

Charges: One violation of NRS 630.301(4) [malpractice].

Disposition: On December 2, 2011, the Board accepted a settlement agreement by which it found Dr. Sahm violated NRS 630.301(4) and imposed the following discipline against her: (1) six hours in-person continuing medical education regarding treatment and monitoring of acute coronary syndromes; (2) reimbursement of the Board's fees and costs of investigation and prosecution.

SIMPSON, Graham, M.D. (3723)

Reno, Nevada

Summary: Alleged malpractice related to Dr. Simpson's treatment of a patient.

Charges: One violation of NRS 630.301(4) [malpractice].

Disposition: On December 2, 2011, the Board accepted a settlement agreement by which it found Dr. Simpson violated NRS 630.301(4) and imposed the following discipline against him: (1) public reprimand; (2) six hours in-person continuing medical education regarding hormone therapy and/or hormone prescribing; (3) reimbursement of the Board's fees and costs of investigation and prosecution.

STAHL, Allan, M.D. (6419)

Las Vegas, Nevada

Summary: Alleged malpractice related to Dr. Stahl's treatment of a patient.

Charges: One violation of NRS 630.301(4) [malpractice].

Disposition: On December 2, 2011, the Board accepted a settlement agreement by which it found Dr. Stahl violated NRS 630.301(4) and imposed the following discipline against him: (1) public reprimand; (2) ten hours in-person continuing medical education regarding pacemaker placement; (3) reimbursement of the Board's fees and costs of investigation and prosecution.

STREBEL, Kord, M.D. (11468)

Las Vegas, Nevada

Summary: Alleged malpractice and failure to maintain appropriate medical records related to Dr. Strebel's treatment of a patient.

Charges: One violation of NRS 630.301(4) [malpractice]; one violation of NRS 630.3062(1) [failure to maintain, timely, legible, accurate and complete records relating to the diagnosis, treatment and care of a patient].

Disposition: On December 2, 2011, the Board accepted a settlement agreement by which it found Dr. Strebel violated NRS 630.3062(1), as set forth in Count II of the Complaint, and imposed the following discipline against him: (1) public reprimand; (2) \$1,000 fine; (3) six hours continuing medical education regarding medical record keeping; (4) reimbursement of the Board's fees and costs of investigation and prosecution. Count I of the Complaint was dismissed.

TATE, James, M.D. (5717)

Las Vegas, Nevada

Summary: Alleged malpractice related to Dr. Tate's treatment of a patient.

Charges: One violation of NRS 630.301(4) [malpractice].

Action Taken: On December 2, 2011, the Board found Dr. Tate guilty of a violation of NRS 630.301(4), as set forth in the Complaint, and imposed the following discipline against him: (1) public reprimand; (2) \$5,000 fine; (3) ten hours continuing medical education regarding biliary injuries at the time of abdominal surgery; (4) reimbursement of the Board's fees and costs of investigation and prosecution.

TINNELL, James, M.D. (2844)

Las Vegas, Nevada

Summary: Dr. Tinnell voluntarily surrendered his license to practice medicine in Nevada.

Statutory Authority: NRS 630.240 [voluntary surrender of license].

Disposition: On March 9, 2012, the Board accepted Dr. Tinnell's voluntary surrender of his license to practice medicine in Nevada while under investigation.

YEE, Larry, M.D. (4655)

North Las Vegas, Nevada

Summary: Dr. Yee was the subject of a federal investigation related to his medical billing practices and entered into a settlement agreement with the Department of Health and Human Services and the Office of the Inspector General as a result thereof.

Charges: One violation of NRS 630.301(9) [engaging in conduct that brings the medical profession into disrepute]; one violation of NRS 630.306(2)(a) [engaging in conduct which is intended to deceive]; one violation of NRS 630.3065(2)(a) [willful failure to comply with a regulation, subpoena or order of the Board or an investigative committee of the Board]; one violation of NRS 630.301(7) [engaging in conduct that violates the trust of a patient and exploits the relationship between the physician and the patient for financial or other personal gain]; one violation of NRS 630.306(2)(c) [engaging in conduct which is in violation of a regulation adopted by the State Board of Pharmacy]; one violation of NRS 630.306(3) [administering, dispensing or prescribing a controlled substance except as authorized by law].

Disposition: On March 9, 2012, the Board accepted a settlement agreement by which it found Dr. Yee violated NRS 630.301(9), NRS 630.3065(2)(a) and NRS 630.306(2)(c), as set forth in Counts I, III and V of the Complaint, and imposed the following discipline against him: (1) revocation of license, with the revocation stayed and Dr. Yee being placed on probation, subject to certain conditions, until further order of the Board; (2) public reprimand; (3) ten hours in-person continuing medical education regarding patient interaction; (4) reimbursement of the Board's fees and costs of investigation and prosecution. Counts II and IV and VI of the Complaint were dismissed.

PUBLIC REPRIMANDS ORDERED BY THE BOARD

ROMUALDO ARAGON, JR., M.D.

December 8, 2011

Romualdo Aragon, Jr., M.D.
2870 S. Maryland Pkwy., Ste. 120
Las Vegas, NV 89109

Dr. Aragon:

On December 2, 2011, the Nevada State Board of Medical Examiners (Board) accepted the Settlement, Waiver and Consent Agreement between you and the Board's Investigative Committee in relation to the formal Complaint filed against you in Case Number 11-12861-1.

In accordance with its acceptance of the agreement, the Board has entered an Order finding that your practice of stamping and/or signing blank prescriptions in your practice is a violation of NRS 630.304(4). The Order calls for you to be publically reprimanded, that you pay a fine of \$2,000.00, that you complete continuing medical education hours regarding ethics and orders you to reimburse the Board the reasonable costs and expenses incurred in the investigation and prosecution of this case.

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

Sincerely,

Benjamin J. Rodriguez, M.D., President
Nevada State Board of Medical Examiners

cc: Jack C. Juan, Esq.
Jack F. DeGree, Esq.

ALAN BURSTEIN, M.D.

March 15, 2012

Alan Burstein, M.D.
9030 W. Sahara Avenue, PMB #441
Las Vegas, NV 89117-5744

Dr. Burstein:

On March 9, 2012, the Nevada State Board of Medical Examiners (Board)

accepted the Settlement, Waiver and Consent Agreement between you and the Board's Investigative Committee relating to the formal Complaint filed against you in Case Number 11-12112-1.

In accordance with its acceptance of the agreement, the Board entered an Order finding that you agreed that the Board may find your care of the patients at issue constituted a violation of Nevada Revised Statute Section 630.301(4), malpractice, as defined by Nevada Administrative Code Section 630.040. The Order calls for you to be publicly reprimanded, and orders you to complete six (6) hours of continuing medical education on the topic of medical records/documentation in addition to those hours required to maintain licensure, and to further comply with all terms and conditions of the agreement and to reimburse the Board the reasonable costs and expenses incurred in the investigation and prosecution of this case as outlined in the agreement.

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

Sincerely,

Benjamin J. Rodriguez, M.D., President
Nevada State Board of Medical Examiners

cc: Kathleen Janssen, Esq.

GERALD DUNN, M.D.

March 15, 2012

Gerald W. Dunn, M.D.
10432 Profondo Ct.
Las Vegas, NV 89135

Dr. Dunn:

On March 9, 2012, the Nevada State Board of Medical Examiners (Board) accepted the Settlement, Waiver and Consent Agreement between you and the Board's Investigative Committee relating

to the formal Complaint filed against you in Case Number 11-4343-1.

In accordance with its acceptance of the agreement, the Board entered an Order finding that you agreed that the Board may find that your care of the patient at issue constituted a violation of Nevada Revised Statute Section 630.301(4), malpractice, as defined by Nevada Administrative Code Section 630.040. The Order calls for you to be publicly reprimanded and orders you to pay a fine of \$1,000.00 and to reimburse the Board the reasonable costs and expenses incurred in the investigation and prosecution of this case.

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

Sincerely,

Benjamin J. Rodriguez, M.D., President
Nevada State Board of Medical Examiners

cc: Robert McKenna, Esq.

MICHAEL FISHELL, M.D.

March 14, 2012

Michael L. Fishell, M.D.
2505 Anthem Village Drive, Suite E625
Henderson, NV 89052

Dr. Fishell:

On March 9, 2012, the Nevada State Board of Medical Examiners (Board) accepted the Settlement Agreement proposed between you and the Board's Investigative Committee in relation to the formal Complaint filed against you regarding Case Number 12-18246-1.

In accordance with their acceptance, the Board has entered an Order which found you guilty of violating Nevada Revised Statute 630.301(4). The finding is related to your care and treatment of the patient at issue in the underlying Complaint; specifically, that you inadvertently left a needle catheter in the patient's coccygeal

area after being summoned away from the treatment area to attend to another patient experiencing a life threatening medical emergency. The Order also calls for you to be publicly reprimanded for this conduct and that you pay the costs of investigation and prosecution of this matter, which are in the amount of \$3,499.91.

It is now my unpleasant duty as President of the Board to formally and publicly reprimand you for your conduct which has brought professional disrespect upon you and which also reflects unfavorably upon the medical profession as a whole.

Sincerely,

Benjamin J. Rodriguez, M.D., President
Nevada State Board of Medical Examiners

cc: L. Kristopher Rath, Esq.

CHARLES GRAHAM, M.D.

March 19, 2012

Charles E. Graham, M.D.
4591 Borrego Springs Way
Las Vegas, NV 89129

Dr. Graham:

On March 9, 2012, the Nevada State Board of Medical Examiners (Board) considered and adjudicated the matter involving the formal Complaint filed against you, Case Number 11-7922-1.

In accordance with its findings, the Board has entered a Findings of Fact, Conclusions of Law and Order, which indicates that your failure to comply with multiple Orders issued by the Investigative Committee of the Board was a violation of Nevada Revised Statute 630.3065(2)(a), i.e., willful failure to comply with an order of a committee designated by the Board to investigate a complaint. The Order calls for you to be publicly reprimanded, for you to be fined in the amount of \$5,000.00, and that you pay the costs of investigation and prosecution of this matter, that amount being \$5,609.48.

Accordingly, it is now my unpleasant duty as President of the Board to formally and publicly reprimand you for your conduct which has brought professional disrespect upon you and

which also reflects unfavorably upon the medical profession as a whole.

Sincerely,

Benjamin J. Rodriguez, M.D., President
Nevada State Board of Medical Examiners

LYNN GREENHOUSE, M.D.

March 19, 2012

Lynn Greenhouse, M.D.
1780 Browning Way
Elko, NV 89801

Dr. Greenhouse:

On March 9, 2012, the Nevada State Board of Medical Examiners (Board) accepted the Settlement, Waiver and Consent Agreement between you and the Board's Investigative Committee in relation to the formal Complaint filed against you in Case Number 11-7546-1.

In accordance with its acceptance of the Agreement, the Board has entered an Order finding that you violated Nevada Revised Statute (NRS) Section 630.306(2)(c), engaging in conduct which is in violation of a regulation adopted by the State Board of Pharmacy as alleged in counts I and II of the disciplinary Complaint filed in this matter.

The Order suspends your license for a period of thirty-six (36) months, stays the suspension and places you on probation for a period of forty-eight (48) months with the following conditions: that you be publicly reprimanded; that you shall not apply for or hold a certificate of registration from the Nevada State Board of Pharmacy to dispense controlled substances or dangerous drugs during the period of probation; that you complete twelve (12) hours of continuing medical education in addition to those hours required to maintain licensure, six (6) on the topic of ethics and six (6) on the topic of prescribing and/or dispensing controlled substances and dangerous drugs; and that you reimburse the Board the reasonable costs and expenses incurred in the investigation and prosecution of this case.

Accordingly, it is my unpleasant duty as President of the Board to formally and publicly reprimand you for your conduct

which has brought professional disrespect upon you and which reflects unfavorably upon the medical profession as a whole.

Sincerely,

Benjamin J. Rodriguez, M.D., President
Nevada State Board of Medical Examiners

STUART HOFFMAN, M.D.

December 7, 2011

Stuart Michael Hoffman, M.D.
77 Birchwood Dr.
Gouverneur, NY 13642

Dr. Hoffman:

On December 2, 2011, the Nevada State Board of Medical Examiners (Board) accepted the Settlement, Waiver and Consent Agreement between you and the Board's Investigative Committee in relation to the formal Complaint filed against you in Case Number 10-20386-1.

In accordance with its acceptance of the agreement, the Board has entered an Order finding that your actions by failing to utilize reasonable care, skill and/or knowledge in the case(s) of Patient A and B were a violation of NRS 630.301(4) & NAC 630.040. The Order calls for you to be publicly reprimanded, that you attend ten (10) hours of CME in laparoscopic cholecystectomy, cholecystitis, urinary fistula and GI-related carcinoma, and that you reimburse the Board the reasonable costs and expenses incurred in the investigation and prosecution of this case.

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

Sincerely,

Benjamin J. Rodriguez, M.D., President
Nevada State Board of Medical Examiners

cc: David Mortensen, Esq.

NAUMAN JAHANGIR, M.D.

March 19, 2012

Nauman Jahangir, M.D.
4160 S. Pecos Rd., Suite 10
Las Vegas, NV 89121

Dr. Jahangir:

On March 9, 2012, the Nevada State Board of Medical Examiners (Board) accepted the Settlement, Waiver and Consent Agreement between you and the Board's Investigative Committee in relation to the formal Complaint filed against you in Case Number 11-29836-1.

In accordance with its acceptance of the agreement, the Board has entered an Order finding that your care of the patient at issue constituted a violation of Nevada Revised Statute (NRS) Section 630.301(4), malpractice, as defined by Nevada Administrative Code (NAC) Section 630.040. The Order calls for you to be publicly reprimanded and orders you to complete six hours of continuing medical education in your scope of practice in addition to those hours required to maintain licensure and orders you to reimburse the Board the reasonable costs and expenses incurred in the investigation and prosecution of this case.

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

Sincerely,

Benjamin J. Rodriguez, M.D., President
Nevada State Board of Medical Examiners

cc: Kevin Lazar, Esq.

SELWYN KIDNEY, M.D.

December 6, 2011

Selwyn Kidney, M.D.
3153 E. Warm Springs, #300
Las Vegas, NV 89120

Dr. Kidney:

On December 2, 2011, the Nevada State Board of Medical Examiners (Board) accepted the Settlement, Waiver and

Consent Agreement between you and the Board's Investigative Committee in relation to the formal Complaint filed against you in Case Number 11-8696-1.

In accordance with its acceptance of the agreement, the Board has entered an Order finding that failing to disclose the Sunrise Hospital privilege suspension(s) is a violation of NRS 630.304(1). The Order calls for you to be publicly reprimanded, that you pay a fine of \$1,000.00, and that you reimburse the Board the reasonable costs and expenses incurred in the investigation and prosecution of this case.

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

Sincerely,

Benjamin J. Rodriguez, M.D., President
Nevada State Board of Medical Examiners

cc: Jacob Hafter, Esq.

HENRY LANDSMAN, M.D.

December 30, 2011

Henry R. Landsman, M.D.
10055 Canyon Hills Avenue
Las Vegas, NV 89148

Dr. Landsman:

On December 2, 2011, the Nevada State Board of Medical Examiners (Board) considered and adjudicated the matter involving the formal Complaint filed against you, Case Number 11-5951-1.

In accordance with its findings, the Board has entered a Findings of Fact, Conclusions of Law and Order, which indicates that your conduct involving the underlying matter was a violation of Nevada Revised Statute 630.301(4), or malpractice. The Order calls for you to be publicly reprimanded, for you to be fined in the amount of \$200.00, to complete six (6) hours of AMA Category I continuing education credits on the subject of medical record keeping, more specifically, documentation at the time of a patient's discharge against medical advice. These credits are to be in

addition to the regularly required continuing medical education requirements for medical licensure in the state of Nevada. And finally, that you pay the costs of investigation and prosecution of this matter, that amount being \$10,790.41.

It is now my unpleasant duty as President of the Board to formally and publicly reprimand you for your conduct which has brought professional disrespect upon you and which also reflects unfavorably upon the medical profession as a whole.

Sincerely,

Benjamin J. Rodriguez, M.D., President
Nevada State Board of Medical Examiners

BRIAN LEE, M.D.

December 7, 2011

Brian E. Lee, M.D.
4409 South Pecos Lane
Las Vegas, NV 89121

Dr. Lee:

On December 2, 2011, the Nevada State Board of Medical Examiners (Board) accepted the Settlement Agreement proposed between you and the Board's Investigative Committee in relation to the formal Complaint filed against you regarding Case Number 11-27952-1.

In accordance with its acceptance, the Board has entered an Order which indicates that you were found guilty of a two-count violation of NRS 630.3062(1), that you are to be publicly reprimanded, that you complete ten (10) hours of Continuing Medical Education (CME) regarding the subject of medical record keeping, which are to be in addition to any CME requirements that are regularly imposed upon you as a condition of licensure in the state of Nevada, and that you shall reimburse the Board the reasonable costs and expenses incurred in the investigation and prosecution of this case, that amount being \$2,030.73.

It is now my unpleasant duty as President of the Board to formally and publicly reprimand you for your conduct which has brought professional disrespect upon you and which also

reflects unfavorably upon the medical profession as a whole.

Sincerely,

Benjamin J. Rodriguez, M.D., President
Nevada State Board of Medical Examiners

cc: Maria Nutile, Esq.

EDDIE MATHIS, M.D.

March 15, 2012

Eddie Mathis, M.D.
11013 Summer Storm Ct.
Las Vegas, NV 89144

Dr. Mathis:

On March 9, 2012, the Nevada State Board of Medical Examiners (Board) accepted the Settlement, Waiver and Consent Agreement between you and the Board's Investigative Committee in relation to the formal Complaint filed against you in Case Number 11-8652-1.

In accordance with its acceptance of the agreement, the Board has entered an Order finding that your care of the patient at issue constituted a violation of Nevada Revised Statute (NRS) Section 630.301(4), malpractice, as defined by Nevada Administrative Code (NAC) Section 630.040. The Order calls for you to be publicly reprimanded and orders you to complete fifteen (15) hours of continuing medical education on the topic of management of a trauma patient in addition to those hours required to maintain licensure, pay a fine of \$2,000 and to reimburse the Board the reasonable costs and expenses incurred in the investigation and prosecution of this case.

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

Sincerely,

Benjamin J. Rodriguez, M.D., President
Nevada State Board of Medical Examiners

cc: David J. Mortensen, Esq.

EDWARD OUTLAW, M.D.

March 16, 2012

Edward Outlaw, M.D.
801 S. Rancho, Suite A3
Las Vegas, NV 89106

Dr. Outlaw:

On March 9, 2012, the Nevada State Board of Medical Examiners (Board) accepted the Settlement, Waiver and Consent Agreement between you and the Board's Investigative Committee relating to the formal Complaint filed against you in Case Number 11-28023-1.

In accordance with its acceptance of the agreement, the Board entered an Order finding that you agreed that the Board may find your actions constituted a violation of Nevada Revised Statute Section 630.3065(1) by the act of abandoning medical records related to the diagnosis, treatment and care of patients. The Order calls for you to be publicly reprimanded, pay a fine of \$2,500.00 and to reimburse the Board the reasonable costs and expenses incurred in the investigation and prosecution of this case as outlined in the agreement.

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

Sincerely,

Benjamin J. Rodriguez, M.D., President
Nevada State Board of Medical Examiners

cc: G. Dallas Horton, Esq.

GRAHAM SIMPSON, M.D.

December 8, 2011

Graham D. Simpson, M.D.
5060 Meadowood Mall Circle
Reno, NV 89511-4789

Dr. Simpson:

On December 2, 2011, the Nevada State Board of Medical Examiners (Board) accepted the Settlement, Waiver and Consent Agreement between you and the Board's Investigative Committee in

relation to the formal Complaint filed against you in Case Number 11-5013-1.

In accordance with its acceptance of the Agreement, the Board has entered an Order finding that your actions by failing to utilize reasonable care, skill and/or knowledge in the case of Patient A were a violation of NRS 630.301(4) & NAC 630.040. The Order calls for you to be publicly reprimanded, that you attend six (6) hours of CME in hormone therapy and/or hormone prescribing, and that you reimburse the Board the reasonable costs and expenses incurred in the investigation and prosecution of this case.

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

Sincerely,

Benjamin J. Rodriguez, M.D., President
Nevada State Board of Medical Examiners

cc: Maria Nutile, Esq.

ALLAN STAHL, M.D.

December 7, 2011

Allan J. Stahl, M.D.
653 N. Town Center, Suite 400
Las Vegas, NV 89144

Dr. Stahl:

On December 2, 2011, the Nevada State Board of Medical Examiners (Board) accepted the Settlement, Waiver and Consent Agreement between you and the Board's Investigative Committee in relation to the formal Complaint filed against you in Case Number 11-7265-1.

In accordance with its acceptance of the agreement, the Board has entered an Order finding that your actions by failing to utilize reasonable care, skill and/or knowledge in the case of Patient A were a violation of NRS 630.301(4) & NAC 630.040. The Order calls for you to be publicly reprimanded, that you attend ten (10) hours of CME in pacemaker placement, and that you reimburse the Board the reasonable costs

and expenses incurred in the investigation and prosecution of this case.

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

Sincerely,

Benjamin J. Rodriguez, M.D., President
Nevada State Board of Medical Examiners
cc: Robert McBride, Esq.

KORD STREBEL, M.D.

December 8, 2011

Kord Strebel, M.D.
1950 Pinto Lane
Las Vegas, NV 89106

Dr. Strebel:

On December 2, 2011, the Nevada State Board of Medical Examiners (Board) accepted the Settlement, Waiver and Consent Agreement between you and the Board's Investigative Committee in relation to the formal Complaint filed against you in Case Number 11-30344-1.

In accordance with its acceptance of the Agreement, the Board has entered an Order finding that your actions by failing to maintain timely, legible, accurate and complete medical records in the case of Patient A were a violation of NRS 630.3062(1). The Order calls for you to be publicly reprimanded, that you pay a fine of \$1,000.00, that you attend six (6) hours of CME in medical record keeping, and that you reimburse the Board the reasonable costs and expenses incurred in the investigation and prosecution of this case.

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

Sincerely,

Benjamin J. Rodriguez, M.D., President
Nevada State Board of Medical Examiners
cc: L. Kristopher Rath, Esq.

JAMES TATE, M.D.

December 30, 2011

James Sherman Tate, M.D.
2341 Valley Drive
Las Vegas, NV 89108

Dr. Tate:

On December 2, 2011, the Nevada State Board of Medical Examiners (Board) found that you violated the Medical Practice Act, NRS 630.003, et seq., as alleged in the formal Complaint, Number 10-9809-2, filed against you on September 29, 2010.

In accordance with its finding, the Board has entered an Order finding that your failing to seek an expert's advice in hepatobiliary surgery and failing to transfer the patient to a tertiary hepatobiliary surgical center is a violation of NRS 630.301(4) and NAC 630.040. The Order calls for you to be publicly reprimanded, that you pay a fine of \$5,000.00, that you attend ten (10) hours CME in biliary injuries arising in abdominal surgery, and that you reimburse the Board the reasonable costs and expenses incurred in the investigation and prosecution of this case.

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

Sincerely,

Benjamin J. Rodriguez, M.D., President
Nevada State Board of Medical Examiners
cc: Robert McKenna, Esq.
Jacob Hafter, Esq.

LARRY YEE, M.D.

March 16, 2012

Larry Yee, M.D.
3949 W. Alexander, Unit 1364
North Las Vegas, NV 89032

Dr. Yee:

On March 9, 2012, the Nevada State Board of Medical Examiners (Board) accepted the Settlement, Waiver and Consent Agreement between you and the

Board's Investigative Committee relating to the formal Complaint filed against you in Case Number 11-6816-1.

In accordance with its acceptance of the agreement, the Board entered an Order finding that your actions constituted a violation of Nevada Revised Statute Section 630.301(9), 630.3065(2)(a) and 630.306(2)(c). The Order calls for you to be publicly reprimanded and orders you to complete ten (10) hours of continuing medical education in patient interaction in addition to those hours required to maintain licensure, and orders your license revoked and simultaneously stayed and probation conditioned upon your exact compliance with all terms and conditions of the agreement, and to reimburse the Board the reasonable costs and expenses incurred in the investigation and prosecution of this case as outlined in the agreement.

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

Sincerely,

Benjamin J. Rodriguez, M.D., President
Nevada State Board of Medical Examiners
cc: L. Kris Rath, Esq.

NEVADA STATE BOARD OF MEDICAL EXAMINERS

1105 Terminal Way, Ste. 301

Reno, NV 89502-2144

ADDRESS SERVICE REQUESTED