# BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

* * * * *

| | |
|---|---|
| **In The Matter of Charges and Complaint Against NAVNEET SHARDA, M.D., Respondent.** | **Case No. 08-11856-1** |

FILED
MAR 23 2010
NEVADA STATE BOARD OF MEDICAL EXAMINERS

## FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The above-entitled matter came on regularly for decision before the Nevada State Board of Medical Examiners, hereinafter "Board," on Friday, March 5, at the Board's offices located at 1105 Terminal Way, Suite 301, Reno, Nevada, 89502, and by video conference at the offices of the Nevada State Board of Dental Examiners located at 6010 S. Rainbow Boulevard, Building A, Suite 1, Las Vegas, Nevada 89118, on the Complaint filed herein. Respondent Navneet Sharda, M.D., hereinafter "Respondent," was present at the meeting in Las Vegas with his attorney, Jacob Hafter, Esq.

The members of the Board participating in the decision were: Benjamin J. Rodriguez, M.D.; Ms. Renee West; Javaid Anwar, M.D. and Mr. Van V. Heffner appearing in Las Vegas and Charles N. Held, M.D.; Theodore B. Berndt, M.D.; Michael Fischer, M.D.; and Ms. Valerie J. Clark, BSN, RHU, LUTCF appearing in Reno. Beverly Neyland, M.D. was absent and thus did not participate in the adjudication of the matter. Keith D. Marcher, Senior Deputy Attorney General, acted as legal counsel to the Board.

The Board, having received and read the Amended Complaint and exhibits admitted in the matter, as well as the Synopsis of Record prepared by the hearing officer who presided over the hearing and the transcript of the hearing, proceeded to make a decision pursuant to the provisions of NRS chapters 233B and 630.

The Board, after due consideration of the record, evidence and law, and being fully advised in the premises, makes its FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER in this matter as follows:

## FINDINGS OF FACT

**I.**

Respondent held a license to practice medicine in the State of Nevada at all relevant times.

**II.**

On October 9, 2008, the Investigative Committee filed the Complaint in this matter alleging violations of Chapter 630 of the Nevada Revised Statutes. An Amended Complaint was subsequently filed on October 17, 2008.

**III.**

On October 26, 2009, a hearing was held before an appointed hearing officer on the allegations contained within the Amended Complaint. Respondent was present without counsel. The Investigative Committee was represented by Lyn E. Beggs, Esq. At the time of hearing, counts VI and VIII were dismissed.

**IV.**

Patient A was a seventy-four-year-old female who underwent a double mastectomy in August 2002 and subsequently saw Respondent for radiation therapy, which began in September 2002 and was completed in November 2002.

Patient B, a sixty-three-year-old female, began to see Respondent in 2004 for follow-up care for a previous left mastectomy for left breast cancer. In July 2004, Patient B reported lower back pain and for the next several months underwent multiple diagnostic studies.

In December 2004, Patient B underwent a CT scan which indicated biapical pleural and parenchymal disease and some focal nodular thickening in the left apex. A PET scan was then performed which indicated abnormal soft tissue in the lung apices

///

with abnormal hypermetabolic activity raising question of carcinoma. These diagnostic studies were performed at UMC.

It was related to Respondent, by the husband of Patient B, that a biopsy was not performed at UMC as there were concerns of the procedure being high risk for Patient B. Respondent reviewed the studies and after Patient B agreed, began radiation therapy for suspected lung cancer. Radiation therapy was begun without a biopsy being performed or without any follow up with Patient B's other health care providers to determine if a biopsy was possible. Patient B completed radiation therapy in May 2005.

Medical records for both Patients A and B appear to be incomplete and lacking in information regarding the radiation therapy that each received.

**V.**

The Board finds by a preponderance of the evidence that Respondent violated NRS 630.301(4) as alleged in Count IV of the Amended Complaint and committed malpractice as defined in NAC 630.040 when he failed to obtain a biopsy or follow up with Patient B's other health care providers to determine if a biopsy was possible prior to beginning radiation on Patient B for suspected lung cancer.

**VI.**

The Board finds by a preponderance of the evidence that Respondent violated NRS 630.3062(1) as alleged in Count IX of the Amended Complaint as Respondent's medical records for Patients A and B are lacking in information regarding the radiation treatment provided to both patients and are lacking in detail regarding the care of each patient.

**VII.**

If any of the foregoing Findings of Fact is more properly deemed a Conclusion of Law, it may be so construed.

///

///

///

## CONCLUSIONS OF LAW

**I.**

The Board has jurisdiction over Respondent.

**II.**

Respondent was properly served with notice of the hearing via certified mail at the address on file with the Board pursuant to NRS and NAC chapters 630 and NRS chapter 233B.

**III.**

The Board concludes that that Respondent has violated NRS 630.301(4) as described above and accordingly is subject to discipline pursuant to NRS 630.352.

**IV.**

If any of the foregoing Conclusions of Law is more properly deemed a Finding of Fact, it may be so construed.

## ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, and good cause appearing therefore,

IT IS HEREBY ORDERED that:

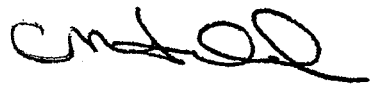
1. Respondent shall be issued a public reprimand.

2. Respondent shall reimburse the Board the reasonable costs and expenses incurred in the investigation and prosecution of this case in the amount of $19,902.16 within sixty (60) days of the date of the filing of this Order.

3. Counts I, II, III, V and VII are dismissed.

Dated this 23rd day of March, 2010.

NEVADA STATE BOARD OF MEDICAL EXAMINERS



Charles N. Held, President
Nevada State Board of Medical Examiners

## CERTIFICATION

I certify that the foregoing is the full and true original FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER on file in the office of the Board of Medical Examiners in the matter of NAVNEET SHARDA, M.D., Case no. 08-11856-1.

I further certify that CHARLES N. HELD, M.D., is the President of the Nevada State Board of Medical Examiners and that full force and credit is due to his official acts as such; and that the signature to the foregoing ORDER is the signature of said CHARLES N. HELD, M.D.

IN WITNESS THEREOF, I have hereunto set my hand in my official capacity as Secretary-Treasurer of the Nevada State Board of Medical Examiners.

Renee West

RENEE WEST
Secretary-Treasurer
Nevada State Board of Medical Examiners