

ORIGINAL

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

1
2
3 In the Matter of the Charges and)
4 Complaint Against:)
5 **SIDNEY THOMAS VAN ASSCHE, M.D.,**)
6)
7 Respondent.)

Case No. 07-19008-1
NO. _____
FILED: December 22, 2008
Angela J. Donohue
CLERK OF THE BOARD

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

8
9 The above-entitled matter came on regularly for decision before the Nevada State
10 Board of Medical Examiners, hereinafter "Board," on Friday, December 5, 2008, at the Board's
11 Office located at 1105 Terminal Way, Suite 301, Reno, Nevada 89502, on the Motion for
12 Order to Show Cause filed herein. Respondent, SIDNEY THOMAS VAN ASSCHE, M.D.,
13 hereinafter "Respondent," was not present at the meeting.

14 The Members of the Board participating in the decision were: Javid Anwar, M.D.;
15 Sohail Anjum, M.D.; Van V. Heffner; S. Daniel McBride, M.D; Benjamin J. Rodriguez, M.D.
16 and Renee West. All other remaining members of the Board, being members of the
17 Investigative Committee which issued the complaint in this matter, were excused from
18 participating and took no part in the proceedings of the Board. Christine M. Guerci-Nyhus,
19 Chief Deputy Attorney General, acted as legal counsel to the Board.

20 The Board having received and read the complaint and exhibits offered in this matter
21 and having reviewed and read all of the above, proceeded to make a decision pursuant to the
22 provisions of NRS chapter 233B and NRS 630.352.

23 The Board after due consideration of the record, evidence and law, and being fully
24 advised in the premises, makes its FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
25 ORDER in this matter as follows:
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Attorney General's Office
555 E. Washington, Suite 3900
Las Vegas, NV 89101

FINDINGS OF FACT

I.

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

II.

A Motion for Order to Show Cause was filed by the Investigative Committee against Respondent in September of 2008 alleging that Respondent had failed to comply with a previously entered into Settlement Agreement with the Board.

III.

A Complaint and Request for Summary Suspension was previously filed against Respondent on August 21, 2007 containing one count of willful failure to obey an Order of a committee designated by the Board to investigate a complaint against a physician, a violation of NRS 630.3065; one count of malpractice, a violation of NRS 630.301(4); and one count of inability to practice medicine with reasonable skill and safety because of illness, a mental or physical condition or the use of alcohol, drugs, narcotics or other substances, a violation of NRS 630.306(1). Based upon that Complaint, the adjudicating members of the Board summarily suspended Respondent's license to practice medicine in the state of Nevada on August 22, 2007.

The matter was resolved by a Settlement, Waiver and Consent Agreement which was signed by Respondent and was adopted by the adjudicating members of the Board on November 30, 2007. In the settlement agreement, Respondent admitted to an inability to practice with reasonable skill and safety because of illness, a mental or physical condition or the use of alcohol, drugs, narcotics or other substances as set forth in the Complaint and the Board imposed a revocation of Respondent's license to practice medicine in the state of Nevada, however the revocation was stayed and Respondent was place on probation for a period of five years with numerous conditions.

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IV.

1 The conditions contained in the Settlement, Waiver and Consent Agreement included
2 sub-section (b):

3 b. that Respondent sign a five year contract with Nevada Professionals Health
4 Program (NPHP) Diversion Program and comply with all conditions, as well as any and all
5 recommendations that arise as a result of his participation, including a recommendation to
6 extend the number of years that Respondent be a member of the NPHP Diversion Program.
7

V.

8 Respondent failed to comply with sub-section (b) of the Settlement, Waiver and
9 Consent Agreement in that he has failed to comply with all conditions of his contract with
10 NPHP in that Respondent has failed to abstain from narcotic medications and/or potentially
11 addicting drugs or medications as indicated by a positive toxicology test from a random drug
12 screen on August 13, 2008.
13

VI.

14 The Board finds that the Respondent failed to comply with the Settlement, Waiver and
15 Consent Agreement when he failed to abstain from narcotic medications and/or potentially
16 addicting drugs or medications.
17

VII.

18 If any of the foregoing Findings of Fact is more properly deemed a Conclusion of Law,
19 it may be so construed.
20

CONCLUSIONS OF LAW

I.

21 The Board has jurisdiction over Respondent.
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II.

23 Respondent was properly served with notice of the Motion for Order to Show Cause
24 before the Hearing Officer, pursuant to NRS and NAC Chapters 630 and NRS Chapter 233B.
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III.

The Board concludes that Respondent failed to comply with the Settlement, Waiver and Consent Agreement as described above.

IV.

If any of the foregoing Conclusions of Law is more properly deemed a Findings 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:

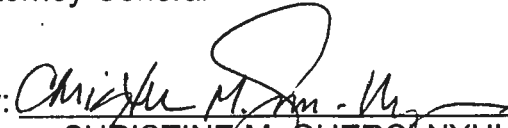
1. The stay of the revocation of Respondent's license as a physician in the State of Nevada contained in the Settlement, Waiver and Consent Agreement is hereby lifted;
2. Respondent's license as a physician in the State of Nevada is revoked; and that
3. Respondent shall reimburse the Board all costs and fees incurred in the investigation and prosecution of this case within ninety (90) days from the date of service of this Order. The total costs and fees incurred are two thousand eight hundred fifty four dollars and forty five cents (\$2,854.45).

DATED this 22nd day of December 2008.

NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 
CHARLES N. HELD, M.D., President

1 Submitted by:
2 CATHERINE CORTEZ MASTO
3 Attorney General

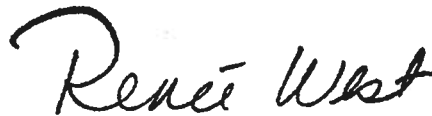
4 By: 
5 CHRISTINE M. GUERCI-NYHUS
6 Chief Deputy Attorney General
7 555 East Washington, # 3900
8 Las Vegas, Nevada 89101
9 Attorneys for Nevada State Board of Medical Examiners

10 **CERTIFICATION**

11 I hereby certify that the foregoing is the full and true original FINDINGS OF FACT,
12 CONCLUSIONS OF LAW AND ORDER on file in the office of the Board of Medical Examiners
13 in the matter of SIDNEY THOMAS VAN ASSCHE, M.D., Case No. 07-19008-1.

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

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

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21 _____
22 RENEE WEST
23 Secretary-Treasurer
24 Nevada State Board of Medical Examiners