

Attorney General's Office  
100 N. Carson Street  
Carson City, Nevada 89701-4717

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF NEVADA

FILED

JUN - 4 2009

NEVADA STATE BOARD OF  
MEDICAL EXAMINERS

Case No. 08-29655-1

In the Matter of the Charges and  
Complaint against:

**ANAMIKA JAIN, M.D.,**

Respondent.

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, May 8, 2009, at the Board's Office located at 1105 Terminal Way, Suite 301, Reno, Nevada 89502, on the First Amended Complaint filed herein. The Investigative Committee of the Board was represented at the hearing by Lyn E. Beggs, General Counsel, and Respondent, ANAMIKA JAIN, M.D., hereinafter "Respondent," was at all times present at the hearing and represented by attorney Maria Nutile.

The Members of the Board participating in the decision were Javaid Anwar, M.D.; Sohail Anjum, M.D.; Van V. Heffner; and S. Daniel McBride, M.D. all other remaining members of the Board, being members of the Investigative Committee which issued the complaint in this matter, were excused from participating and took no part in the proceedings of the Board. Keith D. Marcher, Senior Deputy Attorney General, acted as legal counsel to the Board.

At the hearing of the matter on May 8, 2009, the Board received a Stipulation of Facts and its attached exhibits, as well as eighteen additional exhibits which were admitted based upon stipulation by the parties. The Board, having received, read and considered the First Amended Complaint, the Stipulation of Facts and all admitted exhibits proceeded to make a decision pursuant to the provisions of NRS chapter 233B and NRS 630.352.

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

4 **FINDINGS OF FACT**

5 **I.**

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

8 **II.**

9 On December 19, 2008, the Investigative Committee filed the First Amended Complaint  
10 in this matter alleging violations of Chapter 630 of the Nevada Revised Statutes.

11 **III.**

12 At the hearing on May 8, 2009, the Board accepted a Stipulation proffered by the  
13 parties that contained a lengthy statement of stipulated facts. In addition to the Stipulation,  
14 the parties also stipulated to the entry into evidence of eighteen additional exhibits. Rather  
15 than set out the facts contained in each of the exhibits, by the reference, all admitted exhibits  
16 are incorporated by this reference into these Findings of Fact as if fully set out herein.

17 **IV.**

18 In additional to the admitted exhibits, Dr. Jain offered sworn testimony at the hearing,  
19 including answering questions put to her by Ms. Beggs, Ms. Nutile and various Board  
20 members. Dr. Jain's testimony clarified and supplemented the Stipulation and the admitted  
21 exhibits.

22 **V.**

23 In the First Amended Complaint, Count 26 alleged that Respondent violated NRS  
24 630.305(1)(e) when she aided, assisted and knowingly allowed Vikas Jain to perform  
25 preoperative examinations that should only have been performed by a licensed  
26 ophthalmologist or optometrist, and by allowing Vikas Jain to make diagnoses and  
27 determinations regarding the candidacy of certain patients for Lasik surgery; acts which  
28 constitute the practice of medicine in Nevada.

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**VI.**

In the First Amended Complaint, Count 27 alleged that the Respondent violated NRS 630.305(1)(f), when she delegated or allowed the performing of preoperative evaluations that should only have been performed by a licensed ophthalmologist or optometrists, and she allowed Vikas Jain to make diagnoses and determinations of candidacy for the procedure when she knew him to be unqualified to perform such tasks.

**VII.**

In the First Amended Complaint, Count 28 alleged that Respondent violated NAC 630.230(1)(i) and NRS 630.306(2)(b), when she failed to provide adequate supervision to medical technicians that she allowed to assist in the care of patients.

**VIII.**

In the First Amended Complaint, Count 29 alleged that Respondent violated NRS 630.301(9) in that Respondent's conduct in this case, brought the medical profession into disrepute.

**IX.**

The Board finds that by a preponderance of the evidence, that Respondent's conduct is a violation of Count 28 of the First Amended Complaint and that discipline is warranted. In particular, the record in these proceedings clearly showed that Dr. Jain set up a medical practice over which she exercised virtually no supervision or control. The record showed that Dr. Jain left the day-to-day management to her husband, Vikas Jain, and other employees and that her appearances at the practice were irregular. The only other physicians at the practice were the contracted ophthalmologists who came in mainly to perform surgeries and some other care but were at the medical practice on a very limited basis and thus the record showed that these physicians could not be deemed to be supervising the medical technicians at the practice. The end result of Dr. Jain's decisions was a medical practice that operated primarily without the real and substantive supervision of a physician.

**X.**

If any of the foregoing Findings of Fact are more properly deemed a Conclusion of law,

1 they may be so construed.

2 **CONCLUSIONS OF LAW**

3 **I.**

4 The Board has jurisdiction over Respondent.

5 **II.**

6 Respondent was properly served with notice of the hearing before the Board, pursuant  
7 to NRS and NAC Chapters 630 and NRS Chapter 233B. and 241.

8 **III.**

9 The Board finds that Respondent did not violate NRS 630.305(1)(e) as set forth in  
10 Count 26 of the First Amended Complaint.

11 **IV.**

12 The Board takes no action on whether NRS 630.305(1)(f) was violated as set forth in  
13 Count 27 of the First Amended Complaint.

14 **V.**

15 The Board find that Respondent violated NRS 630.306(2)(b) and NAC 630.230(1)(i) as  
16 set forth in Count 28 of the First Amended Complaint when she failed to provide adequate  
17 supervision to medical technicians that she allowed to assist in the care of patients.

18 **VI.**

19 The Board finds that the Respondent did not violate NRS 630.301(9) as set forth in  
20 Count 29 of the First Amended Complaint.

21 **VII.**

22 If any of the foregoing Conclusions of Law are more properly deemed a Finding of Fact,  
23 they may be so construed.

24 **ORDER**

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

27 IT IS HEREBY ORDERED that:

28 1. Respondent has violated NRS 630.306(2)(b) and NAC 630.230(1)(i) and that

1 discipline is warranted;

2 2. Respondent's license as a physician in the State of Nevada is hereby suspended  
3 for a period of one (1) year commencing from the date of her original temporary  
4 injunction (November 14, 2008) and terminating on November 14, 2009.

5 3. Subsequent to the termination of the suspension of her license, Respondent shall  
6 be placed on probation for a period of three (3) years according to the following  
7 terms and conditions:

8 a. Respondent shall commit no violation of the Medical Practice Act (NRS/NAC  
9 Chapter 630) or any other laws, whether federal or state and whether statute or  
10 regulation, related to the practice of medicine;

11 b. Respondent shall practice solely within her medical specialty (physiatry)  
12 during the period of probation; and

13 c. Respondent shall complete a course in medical ethics within one (1) year  
14 from the effective date of this order.

15 4. Respondent shall be issued a public reprimand.

16 5. Respondent shall reimburse the Board all costs and fees incurred in the  
17 investigation and prosecution of this case within one year from the date of service of  
18 this Order. The total costs and fees incurred are Fourteen Thousand,  
19 Three Hundred Seventy Dollars and Forty-Five Cents (\$14,370.45).


20 6. Upon receipt of credible information that Respondent has failed to comply with any  
21 term or condition of this Order, the Board's President, Vice-President or  
22 Secretary/Treasurer shall be authorized to immediately suspend Respondent's  
23 license until Respondent complies with the term or condition. The Board shall also  
24 prepare and file such documents as are necessary to allow the Board to impose  
25 further discipline, up to and including, revocation of Respondent's license.  
26 Furthermore, any failure to pay any fine, fee or cost ordered herein will also result in  
27 such legal action as Board staff determines to be necessary to collect the unpaid  
28 fine, fee or cost.

1 DATED this 5<sup>th</sup> day of may, 2009.

2 NEVADA STATE BOARD OF MEDICAL EXAMINERS

3  
4 By:   
5 JAVAID ANWAR M.D.  
6 Board Member

7 Submitted by:  
8 CATHERINE CORTEZ MASTO  
9 Attorney General

10 By:   
11 KEITH D. MARCHER  
12 Senior Deputy Attorney General  
13 100 North Carson Street  
14 Carson City, Nevada 89701  
15 Attorney for Nevada State Board of Medical Examiners

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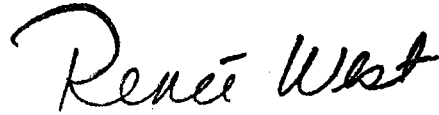
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**CERTIFICATION**

I hereby 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 Anamika Jain, M.D., Case No. 08-29655-01.

I further certify that Javaid Anwar, M.D., is a member 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 Javaid Anwar, M. D.

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



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RENEE WEST  
Secretary-Treasurer  
Nevada State Board of Medical Examiners