

ORIGINAL

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

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2
3 In the Matter of the Charges and)
4 Complaint Against:)
5 **FADI HAMWI, M.D.,**)
6 Respondent.)
7

Case No. 08-12826 -1
NO. _____
FILED 2/24/09
Rhonda D. Dunbar
CLERK OF THE BOARD

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

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10 The above-entitled matter came on regularly for decision before the Nevada State
11 Board of Medical Examiners, hereinafter "Board," on Friday, February 6, 2009, at the Board's
12 Office located at 1105 Terminal Way, Suite 301, Reno, Nevada 89502, on the Complaint filed
13 herein. Respondent, FADI HAMWI, M.D., hereinafter "Respondent," was not present at the
14 meeting.

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

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

24 The Board after due consideration of the record, evidence and law, and being fully
25 advised in the premises, makes its FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
26 ORDER in this matter as follows:
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28 ..

1 **FINDINGS OF FACT**

2 I.

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

5 II.

6 A complaint was filed by the Investigative Committee against Respondent in March of
7 2008 alleging violations of Chapter 630 of the Nevada Revised Statutes.

8 III.

9 The complaint alleged that Respondent had medical-staff-privileges at several
10 hospitals in the Las Vegas metropolitan area, including Valley and Mt. View Hospitals. In
11 January of 2007, Respondent's staff privileges at Valley Hospital were automatically
12 voluntarily resigned after the hospital's Medical Executive Committee concluded that, despite
13 various attempts on the part of the hospital to have Respondent remedy the matter,
14 Respondent failed to complete medical records for approximately one-hundred and seventy
15 patients he had treated previously at Valley Hospital. As of the date of the Complaint, the
16 referenced medical records had not been completed by Respondent. In July of 2007, the
17 Board was contacted by Mt. View Hospital and was apprised that Respondent had failed to
18 complete medical records for approximately ninety patients he had previously treated at Mt.
19 View Hospital. As of the date of the Complaint, the referenced medical records had not been
20 completed by Respondent. The Board had attempted to contact Respondent by way of
21 telephone and mailings to Respondent's permanent mailing address to speak to
22 Respondent's failure to complete the aforementioned medical records. The Board has been
23 unsuccessful in this regard, as Respondent contact phone number is no longer in service, and
24 mailings sent to Respondent have been returned as undeliverable.

25 IV.

26 The complaint in Count I alleged that Respondent violated NRS 630.3062(1) when he
27 failed to maintain timely, legible, accurate and complete medical records relating to the
28 diagnosis, treatment and care of a patient.

V.

The complaint in Count II alleged that the Respondent violated NRS 630.306(9) when he failed to comply with NRS 630.254 which requires that each licensee shall maintain a permanent mailing address with the Board to which all communications from the Board to the licensee must be sent. And, a licensee who changes his permanent mailing address shall notify the Board of his new permanent address within thirty days after the change.

VI.

The Board finds that Respondent violated 630.3062(1) as set forth in count I of the Complaint when he failed to complete the medical records.

VII.

The Board further finds that Respondent violated NRS 630.306(9) as set forth in count II of the Complaint when he failed to maintain a current permanent mailing address with the Board.

VIII.

The Board finds by a preponderance of the evidence, that Respondent's conduct is a violation of NRS Chapter 630 and discipline is warranted.

IX.

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 before the Hearing Officer, pursuant to NRS and NAC Chapters 630 and NRS Chapter 233B.

III.

The Board concludes that Respondent failed to complete medical records and failed to maintain a current permanent mailing address with the Board Respondent's convictions.

1 These actions as described above, are violations of NRS 630.3062(1) and NRS 630.306(9)
2 and thus Respondent is subject to discipline.

3 IV.

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

6 **ORDER**

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

9 IT IS HEREBY ORDERED that:

- 10 1. Respondent has violated NRS Chapter 630 and that discipline is warranted;
- 11 2. Respondent's license as a physician in the State of Nevada is hereby
12 suspended until further Order of the Board;
- 13 3. Respondent shall reimburse the Board all costs and fees incurred in the
14 investigation and prosecution of this case within one year from the date of
15 service of this Order. The total costs and fees incurred are Four Thousand
16 Seven Hundred Fifty Seven Dollars and fifty six cents (\$4,757.56); and
- 17 4. Respondent shall pay a fine in the amount of Two Thousand Dollars (\$2,000.00)
18 within one year from the date of service of this Order.

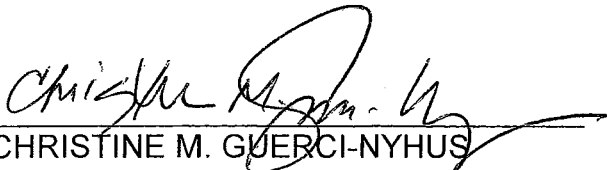
19
20 DATED this 24th day of February 2009.

21
22 NEVADA STATE BOARD OF MEDICAL EXAMINERS

23
24 By: 
25 CHARLES N. HELD, M.D., President

26 ...
27 ...
28 ...

1 Submitted by:
2 CATHERINE CORTEZ MASTO
3 Attorney General

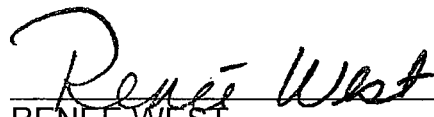
4 By: 
5 CHRISTINE M. GUERCI-NYHUS
6 Chief Deputy Attorney General
7 555 East Washington, # 3900
8 Las Vegas, Nevada 89101
9 Attorneys for Nevada State Board of Medical Examiners

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
13 Examiners in the matter of FADI HAMWI, M.D., Case No. 08-12826 -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 RENEÉ WEST
23 Secretary-Treasurer
24 Nevada State Board of Medical Examiners
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Attorney General's Office
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