

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

In the Matter of the Charges and Complaint Against MAHESH R. KUTHURU, M.D., Respondent.

Case No. 14-32161-1

FILED

JUL 09 2014

NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: [Signature]

COMPLAINT

The Investigative Committee (IC) of the Nevada State Board of Medical Examiners (Board), composed, at the time of filing, of Theodore B. Berndt, M.D., Valerie J. Clark, BSN, RHU, LUTCF, and Michael J. Fischer, M.D., by and through Erin L. Albright, Esq., General Counsel and attorney for the IC, having a reasonable basis to believe that Mahesh R. Kuthuru, M.D. (Respondent), violated the provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630 (collectively, the MPA), hereby issues its formal Complaint, stating the IC's charges and allegations as follows:

1. Respondent is currently licensed in the state of Nevada (License No. 12101), and has been so licensed by the Board since November 15, 2006, pursuant to the provisions of the MPA.

2. On or about March 25, 2014, the IC suspended Respondent's license to practice medicine in the state of Nevada pursuant to NRS 630.326(1). Respondent's license to practice medicine in the state of Nevada remains suspended.

3. On or about April 5, 2012, Respondent executed an agreement to act as the supervising physician for Leslie Rowens, PA (Ms. Rowens). At the times alleged herein, Respondent was the supervising physician for Ms. Rowens.

1 13. NAC 630.185 provides that NAC 630.185 through NAC 630.230, inclusive, set
2 forth the standards of practice established by the Board.

3 14. NAC 630.230(1)(i) provides that a physician shall not fail to provide adequate
4 supervision of a physician assistant.

5 15. NAC 630.370(3) provides that at least once a month, the supervising physician
6 shall spend part of a day at any location where the physician assistant provides medical services to
7 act as a consultant to the physician assistant and to monitor the quality of care provided by the
8 physician assistant.

9 16. NAC 630.370(5) provides that a physician who supervises a physician assistant
10 shall develop and carry out a program to ensure the quality of care provided by a physician
11 assistant. The program must include, without limitation, an assessment of the medical
12 competency of the physician assistant; a review and initialing of selected charts; an assessment of
13 a representative sample of the referrals or consultations made by the physician assistant with other
14 health professionals as required by the condition of the patient; direct observation of the ability of
15 the physician assistant to take a medical history from and perform an examination of patients
16 representative of those cared for by the physician assistant; and maintenance by the supervising
17 physician of accurate records and documentation regarding the program for each physician
18 assistant supervised.

19 17. Respondent violated NAC 630.370(3) by failing to spend part of a day, at least
20 once a month, at Ms. Rowens' office as a consultant to Ms. Rowens and to monitor the quality of
21 care provided by Ms. Rowens.

22 18. Respondent violated NAC 630.370(5) by failing to develop and carry out a
23 program to ensure the quality of care provided by Ms. Rowens.

24 19. By reason of the foregoing, Respondent is subject to discipline by the Board as
25 provided in NRS 630.352.

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COUNT II

(Unprofessional Conduct)

20. All of the allegations in the above paragraphs are hereby incorporated as if fully set forth herein.

21. NRS 630.306(16) provides that engaging in any act that is unsafe or unprofessional conduct in accordance with regulations adopted by the Board is grounds for initiating disciplinary action against a licensee.

22. NAC 630.230(1)(i) provides that failure to provide adequate supervision of a physician assistant constitutes unprofessional conduct.

23. Respondent violated NAC 630.230(1)(i) when he failed to adequately supervise Ms. Rowens as outlined above.

24. By failing to adequately supervise Ms. Rowens, Respondent engaged in unprofessional conduct.

25. By reason of the foregoing, Respondent is subject to discipline by the Board as provided in NRS 630.352.

WHEREFORE, the Investigative Committee prays:

1. That the Board give Respondent notice of the charges herein against him and give him notice that he may file an answer to the Complaint herein as set forth in NRS 630.339(2) within twenty (20) days of service of the Complaint;

2. That the Board set a time and place for a formal hearing after holding an Early Case Conference pursuant to NRS 630.339(3);

3. That the Board determine the sanctions it will impose if it finds Respondent violated the Medical Practice Act;

4. That the Board make, issue and serve on Respondent, in writing, its findings of fact, conclusions of law and order, which shall include the sanctions imposed; and

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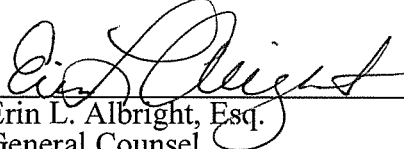
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5. That the Board take such other and further action as may be just and proper in these premises.

DATED this 9th day of July, 2014.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 
Erin L. Albright, Esq.
General Counsel
Attorney for the Investigative Committee

OFFICE OF THE GENERAL COUNSEL
Nevada State Board of Medical Examiners
1105 Terminal Way #301
Reno, Nevada 89502
(775) 688-2559

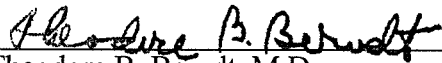
VERIFICATION

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STATE OF NEVADA)
 : ss.
COUNTY OF WASHOE)

Theodore B. Berndt, M.D., hereby deposes and states under penalty of perjury under the laws of the state of Nevada that he is the Chairman of the Investigative Committee of the Nevada State Board of Medical Examiners that authorized the foregoing Complaint against the Respondent herein; that he has read the foregoing Complaint; and that based upon information discovered during the course of the investigation into a complaint against Respondent, he believes the allegations and charges in the foregoing Complaint against Respondent are true, accurate and correct.

Dated this 9th day of July, 2014.



Theodore B. Berndt, M.D.


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CERTIFICATE OF SERVICE

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 10th day of July 2014; I served a filed copy of COMPLAINT & FINGERPRINT INFORMATION, via USPS e-certified mail to the following:

Mahesh R. Kuthuru, M.D.
c/o John Savage, Esq.
John H. Cotton & Associates, LTD
7900 W. Sahara Ave., Ste. 200
Las Vegas, NV 89117

Dated this 10th day of July, 2014.



Angelia L. Donohoe
Legal Assistant