

1 **BEFORE THE BOARD OF MEDICAL EXAMINERS**
2 **OF THE STATE OF NEVADA**

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6 **In the Matter of Charges and**)
7 **Complaint Against**)
8 **RONALD FOOTE, M.D.,**)
9 **Respondent.**)

Case No. 14-12899-1

FILED

JUL 14 2014

**NEVADA STATE BOARD OF
MEDICAL EXAMINERS**

By: 

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11
12 **COMPLAINT**

13 The Investigative Committee (IC) of the Nevada State Board of Medical Examiners
14 (Board), composed, at the time of filing, of Theodore B. Berndt, M.D., Valerie J. Clark,
15 BSN, RHU, LUTCF, and Michael J. Fischer, M.D., by and through Bradley O. Van Ry, Esq.,
16 General Counsel and attorney for the IC, having a reasonable basis to believe that
17 Ronald Foote, M.D. (Respondent), violated the provisions of Nevada Revised Statutes (NRS)
18 Chapter 630 and Nevada Administrative Code (NAC) Chapter 630 (collectively, the MPA),
19 hereby issues its formal Complaint, stating the IC's charges and allegations as follows:

20 1. Respondent is currently licensed to practice medicine in the state of Nevada
21 (License No. 9240), and has been so licensed by the Board since December 4, 1999, pursuant to
22 the provisions of the MPA.

23 2. On or about May 30, 2014, the IC suspended Respondent's license to practice
24 medicine in the state of Nevada by written stipulation with Respondent pursuant to
25 NRS 630.326. Accordingly, Respondent's license to practice medicine in the state of Nevada
26 remains indefinitely suspended.

27 3. On or about March 17, 2006, the Board entered a Findings of Fact, Conclusions of
28 Law and Order (2006 FOFCL) in Case No. 05-12899-01 involving Respondent. In that

1 FOFCLO, Respondent was found in violation of NRS 630.301(9). Respondent was ordered,
2 among other things, to continue and remain compliant with, and completely participate in, the
3 Board recognized diversion program that he was enrolled in at the time of entry of the 2006
4 FOFCLO. Those obligations were long-term and effective until June 16, 2010.

5 4. On or about August 11, 2009, the Board filed a Settlement Agreement (2009
6 Settlement Agreement) with Respondent. In the 2009 Settlement Agreement, Respondent agreed
7 that he violated NRS 630.304(1). Respondent agreed to, among other things, a stayed suspension
8 of his license to practice medicine in the state of Nevada for one year, and probation for a like
9 term with a condition that Respondent obey all laws and regulations during the term of probation.

10 5. On or about March 14, 2011, the Board filed another Settlement Agreement (2011
11 Settlement Agreement) with Respondent. In that Settlement Agreement, Respondent agreed that
12 he violated the 2006 FOFCLO and the 2009 Settlement Agreement in violation of NRS
13 630.3065(2)(a). Respondent additionally agreed to, among other things, a stayed revocation of his
14 license to practice medicine in the state of Nevada. The stayed revocation was conditioned upon
15 probation for the entire period of his continued compliance with, and complete participation in,
16 the Board recognized diversion program with what is now the Nevada Professionals Assistance
17 Program (NPAP) for a period of five years beginning June 18, 2010 and until such time as he was
18 cleared to exit such program.

19 6. Under the terms of the NPAP program, Respondent was to “completely abstain
20 from alcohol. . . .” for the entire term of his NPAP program.

21 7. On or about April 28, 2014, at 12:59 a.m., Respondent was arrested for driving
22 under the influence. During the arrest, Respondent admitted that “I had a bottle of wine.”

23 8. At the time of the arrest, a blood sample was taken from Respondent and sent to the
24 Las Vegas Metropolitan Police Department Forensic Laboratory for analysis. The analysis
25 confirmed that Respondent had been drinking. Respondent had a blood alcohol concentration of
26 0.117 g/100 ml at the time of the arrest.

27 9. By drinking any alcohol on April 28, 2014, Respondent violated another Board
28 order for the third time since the 2006 FOFCLO.

1 COUNT I

2 **(Willful Failure to Comply With an Order of the Board)**

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

5 11. NRS 630.3065(2)(a) provides that the willful failure to comply with an order of the
6 Board is grounds for initiating disciplinary action against a licensee.

7 12. As demonstrated by, but not limited to, the above-outlined facts, Respondent's acts
8 in violating the 2006 FOFCLCLO, the 2009 Settlement Agreement and the 2011 Settlement
9 Agreement were all willful failures to comply with an order of the Board in violation of
10 NRS 630.3065(2)(a).

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

13 COUNT II

14 **(Disrepute)**

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

17 15. NRS 630.301(9) provides that engaging in conduct that brings the medical
18 profession into disrepute is grounds for initiating disciplinary action against a licensee.

19 16. As demonstrated by, but not limited to, the above-outlined facts, Respondent's acts
20 in violating the 2006 FOFCLCLO, the 2009 Settlement Agreement and the 2011 Settlement
21 Agreement, as well as getting arrested for driving under the influence, were engaging in conduct
22 that brought the medical profession into disrepute in violation of NRS 630.301(9).

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

25 **WHEREFORE**, the Investigative Committee prays:

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

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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);

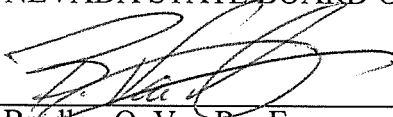
3. That the Board determine the sanctions it will impose if it finds Respondent violated the Medical Practice Act;

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

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

DATED this 14th day of July, 2014.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 

Bradley O. Van Ry, Esq.
General Counsel
Attorney for the Investigative Committee

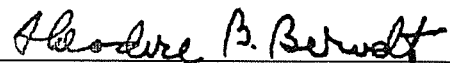
VERIFICATION

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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 14th day of July, 2014.



Theodore B. Berndt, M.D.

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


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CERTIFICATE OF SERVICE

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 15th day of July 2014; I served a filed copy of COMPLAINT & FINGERPRINT INFORMATION, via USPS e-certified mail to the following:

Ronald Foote, M.D.
c/o L. Kristopher Rath, Esq.
Hutchison & Steffen
10080 West Alta Dr., Ste. 200
Las Vegas, NV 89145

Dated this 15th day of July, 2014.



Angelia L. Donohoe
Legal Assistant