# BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

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In the Matter of Charges and

Case No. 19-43942-1

**Complaint Against** 

ADAM JACE NADELSON, M.D.,

APR 1 5 2019

FILED

Respondent.

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NEVADA STATE BOARD OF

### **COMPLAINT**

The Investigative Committee<sup>1</sup> (IC) of the Nevada State Board of Medical Examiners (Board), by and through Aaron Bart Fricke, Esq., Deputy General Counsel and attorney for the IC, having a reasonable basis to believe that Adam Jace Nadelson, M.D. (Respondent) violated the provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630 (collectively, the Medical Practice Act), hereby issues its Complaint, stating the IC's charges and allegations as follows:

1. Respondent is and at all times relative to this Complaint was a physician holding an active license to practice medicine in the State of Nevada (License No. 16006). Respondent was originally licensed by the Board on July 20, 2015.

## Respondent's Discipline by the Illinois Medical Board

- 2. Respondent was at all times relevant to this Complaint a holder of a license to practice medicine in the State of Illinois, License No. 036.135198. The license was issued by the Department of Financial and Professional Regulation of the State of Illinois, Division of Professional Regulation (Illinois Board).
- 3. Pursuant to and as provided in a Consent Order issued by the Illinois Board on or about June 22, 2017, in Illinois Board Case No. 2015-10978, to which Order Respondent consented in writing on or about May 16, 2017, in July 2014, Respondent entered a three-year

<sup>&</sup>lt;sup>1</sup> The Investigative Committee (IC) of the Nevada State Board of Medical Examiners (Board), at the time this formal Complaint was authorized for filing, was composed of Board members Wayne Hardwick, M.D., Chairman, Mr. M. Neil Duxbury, and Aury Nagy, M.D.

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plastic surgery fellowship at Rush University Medical Center (Rush) in Chicago, Illinois. On December 20, 2015, Respondent was disciplined by this program when Rush learned that Respondent completed and signed his Postgraduate Training Verification using the program director's signature stamp without the program director's direct knowledge or permission.

Pursuant to and as provided in the Consent Order, Respondent and the Illinois 4. Board agreed that Respondent be permitted to enter into a Consent Order with the Illinois Board, providing for the imposition of disciplinary measures. Respondent consented to and the Illinois Board ordered that Respondent be officially reprimanded, fined \$10,000, and ordered to attend an Ethics and Boundaries Examination, among other orders.

### Count I

### NRS 630.301(3) (Disciplinary Action by Another State)

- 5. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.
- 6. NRS 630.301(3) provides that any disciplinary action taken by another state is grounds for initiating disciplinary action against a licensee.
- 7. The Consent Order For Reprimand, issued on or about June 22, 2017, in Illinois Board Case No. 2015-10978, was a disciplinary action taken by another state.
- 8. By reason of the foregoing, Respondent is subject to discipline by the Nevada State Board of Medical Examiners as provided in NRS 630.352.

### В. Respondent's Discipline by the Louisiana Medical Board

- 9. Respondent was at all times relevant to this Complaint a holder of a license to practice medicine in the State of Louisiana, Certificate No. 300477.
- 10. Pursuant to and as provided in a Consent Order for Reprimand issued by the Louisana State Board of Medical Examiners (Louisiana Board) on or about March 12, 2018, in Louisiana Board Case No. 16-I-520, to which Order Respondent consented in writing on or about February 26th, 2018, the Louisiana Board conducted an investigation of the appropriateness of supervision of nursing staff and the potential permitting of the unauthorized practice of medicine by Respondent while serving as a physician provider and proprietor of a business operating in

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New Orleans, Louisiana. During the course of the investigation, the records of several patients, who had received medical services in the form of administration of intravenous medications in non-clinical settings, were reviewed by the Louisiana Board's investigator. The investigator believed these records demonstrated that the services rendered, as documented, may not have been in keeping with the standards of care. On his own behalf, Respondent acknowledged that the printed documentation of the patient encounters should have been more clear, and he asserted that he had demonstrated changes in protocols and documentation which he believed to be within the prevailing standard.

11. Predicated upon the foregoing information, the Louisiana Board initiated formal administrative proceedings against Respondent's license to practice medicine in Louisiana. Pursuant to the Consent Order for Reprimand, Respondent consented to and the Louisiana Board ordered that Respondent be officially reprimanded, fined \$2,000, and ordered to attend a course in medical ethics and professionalism, among other orders.

## Count II

# NRS 630.301(3) (Disciplinary Action by Another State)

- 12. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.
- 13. NRS 630.301(3) provides that any disciplinary action taken by another state is grounds for initiating disciplinary action against a licensee.
- 14. The Consent Order for Reprimand issued by the Louisiana Board on or about March 12, 2018, in Louisiana Board Case No. 16-I-520, was a disciplinary action taken by another state.
- 15. By reason of the foregoing, Respondent is subject to discipline by the Nevada State Board of Medical Examiners as provided in NRS 630.352.

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## C. Respondent's Operation of an IV Infusion Business in Nevada in Violation of Nevada Prescribing Laws and the Medical Practice Act

- 16. Respondent was at all relevant times the proprietor of a business named "The I.V. Doc," as well as "THE I.V. DOCTOR OF CALIFORNIA, P.C.," a California Professional Corporation whose foreign entity registration with the Nevada Secretary of State has been revoked as of the filing of this Complaint (The IV Doc). Respondent, doing business as The IV Doc, was at all times relevant to this Complaint engaged in the business of offering various elective intravenous therapies and concierge medical services in Nevada.
- 17. On or around October 28, 2017, Respondent, doing business as The IV Doc, and providing services through an employee, agent and/or contractor who was not licensed to practice medicine in Nevada, provided intravenous hydration and vitamin treatment to Patient A in a hotel room at the Palms Hotel located at 4321 W. Flamingo Rd., Las Vegas, NV 89103. Patient A's true identity is not disclosed herein to protect his or her privacy, but is disclosed in the Patient Designation served upon Respondent along with a copy of this Complaint.
- 18. Patient A never had any contact with Respondent, or any other medical doctor, physician assistant or other professional licensed to practice medicine in Nevada, prior to the administration of intravenous infusion therapy by Respondent's employee, agent and/or contractor.
- 19. Respondent failed to conduct a full medical examination, assess and inform Patient A of the risks and benefits of the treatment, or develop a treatment plan prior to the employee, agent and/or contractor administering the intravenous infusion.
- 20. Respondent failed to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of Patient A.
- 21. Respondent required and directed his employee, agent and/or contractor to obtain, access or otherwise possess, and to administer this intravenous infusion, and permitted access to and possession of dangerous drugs, requiring his employee, agent and/or contractor to store and access intravenous fluids, supplements and other infusion equipment among his or her personal property.

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- 22. By allowing The IV Doc staff, none of whom were practitioners and none of whom were licensed to prescribe or order dangerous drugs, to use his authority to obtain, access and/or possess an inventory of dangerous drugs when he was not onsite and without his direct supervision, Respondent violated or assisted and abetted his staff in violating NRS 454.213.
- 23. By allowing The IV Doc staff, none of whom were practitioners and none of whom were licensed to prescribe dangerous drugs, to use his authority to obtain, access and/or possess an inventory of dangerous drugs when he was not onsite and without his direct supervision, Respondent engaged in unprofessional conduct as defined in NAC 639.945(1)(g), (i) and (k).
- 24. By authorizing The IV Doc staff, none of whom were licensed practitioners, to use his authority to determine that a dangerous drug was medically appropriate and to administer a dangerous drug to Respondent's patient, Respondent violated and/or aided and abetted The IV Doc staff in violating Nevada Law, including NAC 639.945(1)(g), (i), (k) and (o).
- 25. By authorizing The IV Doc staff, none of whom were licensed practitioners, to administer a dangerous drug to a patient who had not been examined by a practitioner, with whom he did not have a bona fide therapeutic relationship and for whom he had not made any diagnosis or determination that the dangerous drug was medically necessary, Respondent violated, and/or aided and abetted The IV Doc staff in violating Nevada law, including NAC 639.945(1)(g), (i), (k) and (o).

### **COUNT III**

### NRS 630.306(1)(b)(3) (Engaging in Conduct That Violated Pharmacy Board Regulations)

- 26. All of the allegations in the above paragraphs are hereby incorporated as if fully set forth herein.
- 27. NRS 630.306(1)(b)(3) provides that engaging in conduct that violates a regulation adopted by the Pharmacy Board is grounds for initiating disciplinary action.
- 28. By the conduct set forth herein, Respondent engaged in conduct that violates regulations adopted by the Pharmacy Board, specifically including but not limited to NAC 639.945(1)(g), (i), (k) and (o).

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29. By reason of the foregoing, Respondent is subject to discipline by the Nevada State Board of Medical Examiners as provided in NRS 630.352.

### **COUNT IV**

### NRS 630.306(1)(r) (Failure to Adequately Supervise a Medical Assistant)

- 30. All of the allegations in the above paragraphs are hereby incorporated as if fully set forth herein.
- 31. NRS 630.306(1)(r) provides that a failure to adequately supervise a medical assistant pursuant to the regulations of the Board is grounds for initiating disciplinary action.
- 32. By the conduct described herein, Respondent, as proprietor of The IV Doc, failed to adequately supervise his medical assistants in the performance of medical tasks by, inter alia, authorizing The IV Doc staff to administer a dangerous drug to a patient who had not been examined by Respondent and with whom he did not have a bona fide therapeutic relationship and for whom he had not made any diagnosis or determination that the dangerous drug was medically necessary.
- 33. By reason of the foregoing, Respondent is subject to discipline by the Nevada State Board of Medical Examiners as provided in NRS 630.352.

### Count V

### NRS 630.305(1)(e) (Aiding Practice by Unlicensed Person)

- 34. All of the allegations in the above paragraphs are hereby incorporated as if fully set forth herein.
- 35. NRS 630.305(1)(e) provides that the aiding, assisting, employing or advising, directly or indirectly, any unlicensed person to engage in the practice of medicine contrary to the provisions of NRS Chapter 630 or the regulations of the Board is an act, among others, that constitutes grounds for initiating disciplinary action.
- 36. By the conduct described herein, to the extent that Respondent either did not delegate medical tasks to The IV Doc staff as medical assistants, or to the extent that their actions were not authorized by Respondent, Respondent nonetheless aided, assisted and advised unlicensed persons, both directly and indirectly, in their engaging in the practice of medicine

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contrary to the provisions of NRS Chapter 630 or the regulations of the Board by, inter alia, authorizing The IV Doc staff to administer a dangerous drug to a patient who had not been examined by Respondent and with whom he did not have a bona fide therapeutic relationship and for whom he had not made any diagnosis or determination that the dangerous drug was medically necessary.

37. By reason of the foregoing, Respondent is subject to discipline by the Nevada State Board of Medical Examiners as provided in NRS 630.352.

### **Count VI**

### NRS 630.3062(1)(a) (Failure to Maintain Proper Medical Records)

- 38. All of the allegations in the above paragraphs are hereby incorporated as if fully set forth herein.
- 39. NRS 630.3062(1)(a) provides that the failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient is an act, among others, that constitutes grounds for initiating disciplinary action.
- 40. Pursuant to NAC 630.830, as delegating practitioner, Respondent is professionally responsible for the safety and performance of each task which is delegated to a medical assistant.
- 41. Respondent and his medical assistants failed to maintain timely, legible, accurate and complete medical records by failing to include patient histories, clinical notes, examination findings, tests performed, procedures performed, dangerous drugs and hypodermic devices used, administered or prescribed, or therapeutic procedures that were actually performed that can be attributed to Respondent, among other omissions.
- By reason of the foregoing, Respondent is subject to discipline by the Nevada State 42. Board of Medical Examiners 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;

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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 what sanctions to impose if it determines there has been a violation or violations of the Medical Practice Act committed by Respondent;
- 4. That the Board make, issue and serve on Respondent its findings of fact, conclusions of law and order, in writing, that includes 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 \_\_/5 day of April, 2019.

INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:

Aaron Bart Fricke, Esq., Deputy General Counsel Attorney for the Investigative Committee

# OFFICE OF THE GENERAL COUNSEL Nevada State Board of Medical Examiners

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### **VERIFICATION**

STATE OF NEVADA ) : ss.
COUNTY OF WASHOE )

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

DATED this <u>/5</u><sup>th</sup>day of April, 2019.

INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:

Wayne Hardwick, M.D., Chairman