



NEWSLETTER

SOME ITEMS OF INTEREST

by Drennan A. Clark, J.D., Executive Director/Special Counsel

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Public Board member Marlene J. Kirch, of Las Vegas, has resigned from the Board, effective June 30. Marlene served the Board, the State of Nevada and the medical profession for 6 years. Her resignation from the Board coincides with her retirement from Wells Fargo Bank. She intends to spend a great deal of her leisure time traveling with her husband.

To replace Marlene Kirch on the Board, Governor Jim Gibbons has appointed Renee West of Las Vegas to serve on the Board as a public member. Ms. West is the President and Chief Operating Officer of the Excalibur Hotel and Casino in Las Vegas.

Also retiring from the Board staff at the end of June was Robert Barnet, M.D., a Reno cardiologist and medical ethicist. Dr. Barnet served the Board for 12 years as a Medical Reviewer.

At 5:00 p.m. on Sunday, July 1, the Board concluded its biennial license renewal period for physicians and physician assistants. Board staff worked both Saturday, June 30, and Sunday, July 1, in order to insure that all applicants could be timely renewed.

This year, the Board made an online renewal process available to licensees for the first time. As with any entirely new endeavor, staff put in an extraordinary amount of time as they pioneered through the new procedures. Staff thanks the Board's licensees for their patience and cooperation with this very successful new process, in which 85% of our licensees participated,

compared with an average of 30% for first-year online renewals in most other states.

For this renewal period, Board staff renewed 6,123 M.D. licenses and 413 P.A. licenses. On July 2, staff sent out Suspension Orders by registered mail to 304 active M.D.s, 163 inactive M.D.s and 55 P.A.s. To date, the Board has reinstated 36 M.D. licensees and 6 P.A. licensees.

As of the end of July 2007, the Board has issued the following new licenses this calendar year: 259 M.D.s; 26 P.A.s; 57 Respiratory Therapists; 20 Special Purpose M.D.s; 91 Limited licenses to residents; and 4 Restricted M.D. licenses.

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New Regulations

At its March 2007 quarterly meeting, the Nevada State Board of Medical Examiners adopted a new regulation relating to licensure here in the state of Nevada, authorizing physician assistants to act under the supervision of any physician when rendering emergency care at the scene of an accident or a natural or manmade disaster.

Any questions concerning these new regulations should be directed to the Board's Legal Division.

ONLINE LICENSURE RENEWAL

Online licensure renewals for Practitioners of Respiratory Care will be available beginning October 2007.

Licensees are encouraged to renew their licenses online.

The 2/29/2008 – 2/28/2010 renewal fee is \$200.

If you would like to renew on paper, you may download a form from the Board's website: www.medboard.nv.gov, or request a paper renewal form by mail, fax or e-mail (elicensensbme@medboard.nv.gov).

Paper renewals will be assessed a processing fee of \$50.00.

You will receive a notification in the mail that contains your renewal ID (PIN) number.

This ID is authorized for use by the licensee only and the licensee must personally log on and complete the application online.

If you do not receive your notification by the end of October, please contact the Board office at 775-688-2559 (888-890-8210 toll free within the state of Nevada).

Beware of Recruiting for Online Internet Prescribers

The Board has become aware that certain companies may be attempting to recruit doctors, physician assistants and nurse practitioners to do online internet prescribing of medications.

You should be aware that engaging in any conduct in violation of a pharmacy regulation is grounds for discipline for doctors and physician assistants pursuant to NRS 630.306(2)(c), and may be for nurse practitioners as well, under the nursing statutes. Pharmacy regulation NAC 639.945(1)(o) declares that prescribing a drug without a bona fide therapeutic relationship is unprofessional conduct and conduct contrary to the public interest.

A bona fide relationship is defined in the regulation as one where the prescribing practitioner has examined a patient

and, as a result of the examination, diagnosed a condition for which a given drug therapy is prescribed, within the six months immediately preceding the date the practitioner dispenses or prescribes a drug to the patient.

Other possible citations with the potential for discipline under these circumstances include NRS 630.301(7), which proscribes the engaging in conduct that violates the trust of a patient and exploits the relationship between the physician and the patient for financial or other personal gain, and NRS 630.301(9), which proscribes the engaging in conduct that brings the medical profession into disrepute.

Keeping the Board Advised

The Nevada Revised Statutes and the Nevada Administrative Code require both physician licensees and physician assistant licensees to advise the Board, in writing, of the supervisory relationship between physician and physician assistant, including name, address and phone number of the supervising physician and the supervised physician assistant.

The supervising physician's duties of supervision are particularly important in cases where the physician and physician assistant are practicing at different locations; i.e., a satellite office or clinic, or a drug store or other commercial store quick-care facility.

It is also incumbent on physician licensees collaborating with advanced practitioners of nursing (APNs) to notify the Board in writing of the name, address and phone number of the APN with whom they are collaborating, the place where the APN is providing care, the type of care provided, and when the APN is practicing in another facility away from the physician's office or practice location, including a drug store or other commercial store quick care facility.

In all cases, the physician licensee must ensure that the care being provided is appropriate and that he/she is available to respond to any calls for information or assistance from either the APN or the Physician Assistant.

REMINDER!

At the recently concluded session of the Nevada State Legislature, the statutory requirement that each licensee maintain a permanent mailing address with the Board was amended to require licensees to notify the Board *in writing* of any new permanent address within 30 days after the change. Failure to so notify the Board *in writing* shall subject the licensee to a fine of up to \$250.00, and possible discipline. Further, a licensee who changes the location of his or her office must notify the Board *in writing* of the change before practicing at that location.

REMEMBER, NOTIFYING THE BOARD OF YOUR CURRENT ADDRESS IS YOUR RESPONSIBILITY.

Medical Records

The Board of Medical Examiners receives many inquiries concerning what is required to be kept and documented in a patient's medical record.

To assist the Board's licensees, following is a list of some items that should be included and documented in a patient's medical record. Please note that this list is not to be construed as all-inclusive.

1. Patient demographics; i.e., name, address, phone number, SSN, DOB, other contacts, etc.;
2. Consents for treatment and justification for treatment;
3. Consents for procedures – include discussion of risks, benefits and alternate care;
4. Phone instructions:
 - a. Document changes in meds, dose, and dosage schedule;
 - b. New prescriptions including dose and dosage schedule;
 - c. Instructions on follow-up care, including reporting to the office or the ER;
5. Any consultation informing the patient of his condition, recommended treatment, and follow-up care;
6. Pathology, lab and x-ray reports;
7. Surgical records, including dictated operative notes;
8. Pain management and anesthetist records, including pre-op and post-op procedure evaluations;
9. Psychiatric consultations;
10. Documentation of prescription warnings dealing with the patient's ability to function at work or to drive;
11. Documentation of prescription warnings regarding major drug interactions or adverse effects;
12. Documentation of instructions concerning meds that have increasing or tapering dosage schedules;
13. Conversations with family members;
14. Documentation of refusal of care and non-compliance with treatment plans;
15. Documentation of discharge instructions, including times for follow-up and pertinent signs and symptoms when the patient is to be seen sooner and where to report.

Alert!

The Nevada statute requiring physicians to report the number and types of in-office surgeries using conscious sedation, deep sedation or general anesthesia, and any resulting sentinel events, to the Board each January, has not gone away. It is continuous in effect.

When the bill's sponsor, at the 2005 Session of the Legislature, explained the bill to Board representatives, she stated that this reporting would be required for just two years: 2005 and 2006. In this way, she avoided major opposition to her bill from the Board and its licensees. In fact, when enacted, the new law, NRS 630.30665, requires this reporting every year, with no end in sight.

The new law requires, in addition to reporting the numbers of procedures under each of the three levels of sedation or anesthesia, as well as any sentinel events, all physician

licensees must list the type and number of every single procedure performed for the year. The Board will provide the mandated forms.

If this annual report presents a problem or undue burden to your practice, your staff and your patient care, or if it imposes unreasonable expenditures in terms of time and money, you may wish to contact the law's two major sponsors, Assemblywoman Susan Gerhardt and Speaker Barbara Buckley, to express your thoughts and recommendations.

Assemblywoman Susan Gerhardt can be reached at 702-286-2447. Her mailing address is 2245 North Green Valley Parkway, #512, Henderson, NV 89014-5024. Speaker Barbara Buckley can be reached at 702-222-9901. Her mailing address is 5442 Holbrook Drive, Las Vegas, NV 89103-2439.

Privileges Give Rise to Duties and Obligations

Physicians have been granted special privileges by the citizens of the state of Nevada, acting through their legislative representatives. Arising from the superior education, training and service to the public performed by physicians, these privileges include self-licensure, self-regulation and self-discipline.

There is no question that privileges also impose duties and obligations. In the case of physicians, the public expects to be served by safe and competent physicians whose performance meets the standard of care. Physicians have a continuing obligation to remain well educated, trained and current in their specialties, and able to render safe, appropriate and effective treatment to the very best of their abilities.

In addition to meeting the proper standard of care in treating patients, a physician has an ethical and statutory responsibility to see to it that other licensees meet that standard as well. If he or she witnesses care below the acceptable standard, or witnesses behavior that could compromise patient safety, it must be reported to the Board. Complaint forms are available at www.medboard.nv.gov.

Physicians must also be willing to serve as peer reviewers, on occasion, to help maintain the high regard held for physicians in our state. When a complaint is filed with the Board, peer reviewers are sometimes a necessary part of the process. The Board is appreciative of the many physicians who serve in this capacity upon request.

Peer reviews involve a careful review of the records and an honest opinion about the case. Sometimes the allegation is malpractice. Other times the allegations relate to other areas of discipline, including records violations or compliance with the Model Guidelines for the Use of Controlled Substances. In any case, where the care falls

below standard, the physician must document his findings in a concise, yet complete, report and, if necessary, testify about his findings at a public hearing.

Recently, the Board has been faced with several instances where peer reviewing physicians have found that the care provided in a particular case demonstrated a failure to use the reasonable care, skill and knowledge ordinarily used under similar circumstances (i.e., malpractice), but have later refused to testify in public disciplinary hearings to support their findings. There appears to be a fear of censure by the medical community for testifying against a fellow physician. This refusal to fully participate in a possible disciplinary action flies in the face of the idea of self-regulation of the medical community and prevents the Board from fulfilling its role of public protection.

Every member of the medical profession has an absolute obligation to uphold the public trust in safe and proper care. Whether acting as a reporting party to observed substandard actions, as a Board member adjudicating a formal complaint against a fellow physician, or as a peer reviewer analyzing, reporting and testifying to facts indicating a failure to meet the standard of care, each owes an absolute duty to the public to stand up for the rights of the public and the overall integrity of the profession.

In conclusion, physicians have the very serious privileges of self-governance and self-discipline. Protection of the public can only be provided when physicians act to provide the highest standard of care themselves and accept no less from their brethren. Accepting no less from others means reporting, accepting peer review assignments and being willing to testify in a public Board hearing. Physicians must continue to earn the privileges of self-governance and self-discipline. Do it or lose it.

CALENDAR OF BOARD MEETINGS FOR REMAINDER OF 2007

November 30 and December 1, 2007, Las Vegas, Nevada, location TBA,
Videoconferenced to the office of the Nevada State Board of Medical Examiners in Reno

Did You Know?

1. Failure to update the Board in writing of your change of mailing address could result in disciplinary action being taken against you. Please be sure to inform the Board within 30 days of a change of address **in writing**. Please remember you must have at least one public address on file. If we have multiple addresses or phone numbers for you, please inform us if any of these are private and should not be released to the public. (See NRS 630.254 and 630.306(9) for more information.)

2. Before providing medical services for a supervising physician, both the M.D. and P.A. must submit a notice to the Board pursuant to NAC 630.340(2). The form for this notice may be found on the Board's website. Also, please remember, **both** M.D.s and P.A.s are required to notify the Board immediately if the supervision of a P.A. is terminated by the supervising physician.

3. Any narcotic medication prescribed for pain management **must** be prescribed in accordance with the *Model Guidelines for the Use of Controlled Substances for the Treatment of Pain*, published by the Federation of State Medical Boards. A copy of the current Guidelines may be accessed through the FSMB's website at: http://www.fsmb.org/pdf/2004_grpol_Controlled_Substances.pdf or by contacting the Board offices. Failure to follow the Guidelines may result in disciplinary action. (See NAC 630.187 for further details.)

For further information on any of these subjects or questions about other topics, please contact the Board office at 775-688-2559 and ask for the legal division.

Your Board Needs You

The Board cannot adequately perform its duties without peer reviewers to assist in making the determination of whether the actions of a physician rise to the level of a violation of the Medical Practice Act. Malpractice is the most common allegation and is defined as the "failure of a physician treating a patient to use the reasonable care, skill and knowledge ordinarily used under similar circumstances."

Peer reviewers must have a firm understanding of the standard of care at issue, must hold an active medical license, be Board Certified, have no history of formal disciplinary action and must analyze the available documentation and write a concise, but complete, opinion.

REMEMBER!

All physician licensees are required by Nevada law (NRS 630.3068) to report any malpractice action filed against the licensee within 45 days of service of process, and to further report any malpractice claim submitted to mediation or arbitration not later than 45 days of the submission to mediation or arbitration. Additionally, licensees must report to the Board any settlement, award, judgment or other disposition or any action or claim for malpractice not later than 45 days after the settlement, award, judgment or other disposition, and must report to the Board any sanctions imposed against the physician licensee which are reportable to the National Practitioner Data Bank (which includes hospital disciplinary actions) not later than 45 days after the sanctions are imposed.

Physician licensees must self-report these matters to the Board. They cannot rely on reports to the Board by insurance companies, hospitals or clinics.

Failure to make the required reports may result in discipline.

Physicians In Harm's Way

Early identification and intervention for physicians with behavioral and substance abuse problems are paramount before competency and impairment become an issue. What is an impaired physician? The term "impairment" denotes a physician who is unable to practice medicine with reasonable skill and safety because of mental, physical or substance abuse issues. In recent years, the term "impaired physician" has incorporated disruptive and inappropriate behaviors.

The American Psychiatric Association defines substance abuse behaviors as "a cluster of cognitive, behavioral and physiological symptoms indicating that the individual continues use of a substance despite significant substance-related problems." Many physicians who misuse alcohol and other drugs deny their impairment in their ability to practice medicine. Co-workers may, however, be more aware of impairment, and are required to report to the Board of Medical Examiners.

Rates of substance abuse in U.S. physicians are similar to that of the general population. Lifetime prevalence is reported between 8 and 15 percent. Self-reported dependency is highest among psychiatrists and emergency physicians and lowest among surgeons. Psychiatrists report more benzodiazepine issues while anesthesiologists have higher rates of opioid usage. Alcohol is still king. Physicians actually have a higher prevalence than the general population in the 35-to-44-

year-old men range, 88% compared to 79%. For female physicians, the gap in the same age group when compared with the general population was even more pronounced, 85% compared to 70%.

Many published studies have reported high rates of success for physicians in treatment and monitoring programs. In two studies with follow-ups of up to five years, there were success rates of 88% and 83% respectively. Recently-published evidence reveals that three-to-four-month residential treatment programs were associated with the more favorable outcomes.

It is the hope of every medical board, including ours, that physicians allow themselves to become patients and cooperate with intervention before competency problems become serious. The Nevada Health Professionals Assistance Foundation is contracted by the Nevada State Board of Medical Examiners to facilitate the confidential evaluation and treatment of physicians with addictive, behavioral or psychiatric illnesses to help preserve the physician's career. Voluntary, confidential participation is encouraged and welcomed, not only for physicians, but also for physician assistants and respiratory therapists. Dr. Peter Mansky is Director of the program. The phone number for the Nevada Health Professionals Assistance Foundation is 702-521-1398, and the e-mail address is NHPAF2@aol.com.

Untimely Renewal of Licenses is Costly and Risky

As a service to physicians, the Board's staff made phone call reminders this year during the final two weeks prior to the June 30 deadline for renewal. An astounding 1,282 physicians had to be reminded during this telephone blitz. This is 25% of the physicians licensed in Nevada! This time and effort is supported by your renewal fee. Additionally, renewing at the last minute could result in missing the renewal deadline if the system is overloaded with too many licensees attempting to renew at one time. Therefore, if you were one of the physicians who received a telephonic reminder, please make a note to renew your license in a timely manner in the future. It is now easier to do so with online renewal capabilities.

Nevada Well Represented at First Ever National Medical Board Investigator Certification Training

The Administrators in Medicine (AIM), in association with the Federation of State Medical Boards (FSMB), held its inaugural Medical Board Investigator Certification Program training academy in Orlando, Florida, June 3 - 6, 2007. The certification program, known as CMI, is intended to develop and ensure standards of training in the field of medical board investigations, as well as provide both national and international Federation members a reliable pool of certified investigators to go to when a need arises.

The training academy, which is one component of the national certification program, and the certification program itself were developed by a four-member committee consisting of the Nevada Board's Chief of Investigations, Douglas Cooper, and the Chiefs of Investigation of the Florida Medical Board and the North Carolina Medical Board. The Executive Director of the Alaska Medical Board, Leslie Gallant, served as the Committee's Chair. The program took well over a year to complete, culminating in the Orlando academy effort. Re-certification standards are currently being established by the Program Committee. The training provides advanced instruction in traditional case types such as standard of

care, hospitals, professional conduct, pharmacological investigations and legal, as well as more topical case types such as internet prescribing and drug diversion.

Nevada was represented by four presenters at the academy, as well as having two investigators in attendance. Douglas Cooper was the program presenter for investigation of standard of care cases and was a program panelist. Dr. Robert Barnet, a long-time northern Nevada cardiologist and Nevada Board Medical Reviewer, who is now teaching at the Center for Clinical Bioethics at Georgetown University, lectured on ethics in medicine, and the Nevada State Board of Pharmacy's Joanee Quirk and board member Keith McDonald, R.Ph., presented instruction on Pharmacy Board investigations and Nevada's Controlled Substance Abuse Task Force. Nevada Medical Board's Deputy Chief of Investigations, Pamela Castagnola, and Investigator Trent Hiatt were selected to attend the inaugural program. From all initial reviews, the training program was very well received and is intended to become an annual or biannual event under the sponsorship of AIM and the FSMB.

Board's Chief of Investigations Recipient of National Award

Douglas C. Cooper, Chief of the Board's Investigations Division, was awarded the Ronald K. Williamson Memorial Award for Board Investigators at the Administrators in Medicine (AIM) Annual Meeting in San Francisco, California, on May 2, 2007. AIM is the national organization for state medical and osteopathic board executives, a group comprised of executives from among the members of the Federation of State Medical Boards.

The annual award goes to a medical board investigator whose work and achievements are recognized as beneficial to all medical boards. The award was presented to Mr. Cooper "in recognition of his outstanding investigative work and dedication to improving investigative techniques, thus improving complaint handling services for the public." Mr. Cooper has been with the Board of Medical Examiners since 2001.

A Word from the Physician Assistant Advisory Committee of the Board

by John B. Lanzillotta, PA-C, and Janet Wheble, P.A.-C,
Physician Assistant Advisors

At the last NSBME meeting in June of 2007, some members of the Board expressed concern over adequate supervision of P.A.s working in walk-in clinics inside of pharmacies, the issue being whether NAC regulations are being followed regarding the duties and responsibilities of both the supervising physician and the physician assistant. There are situations in which physician assistants work without the actual physical presence of the physician on site. These include some rural clinics, group practices where there are multiple offices and some walk-in clinics. To be in compliance with the NAC regulation and NRS law, and to avoid problems with the Board, perhaps a review of the important aspects of the regulation regarding supervision may be prudent to understand.

Under NAC 630.370, supervising physician duties and qualifications are very clear and actually are analogous to the P.A. scope of practice recognized by the AMA and adopted by their House of Delegates in 1995.

The following is a summary of important points and direct language from this regulation regarding supervision:

“The supervising physician is responsible for all the medical activities of his physician assistant.”

- The physician assistant must be clearly identified as a P.A.

Comment: The patient should be clearly aware of from whom they are receiving care and understand the P.A.'s role.

- The physician assistant's supervising physician shall review and initial selected charts of the patients of the physician assistant.

Comment: With the introduction of the electronic medical record, this is sometimes done electronically.

- The supervising physician shall be available at all times that his P.A. is providing medical services to consult with the assistant. Those consultations may be indirect, including without limitation, by telephone.

Comment: This is, of course, very pertinent to P.A.s working without the physician present in the same office setting and is emphasized with respect to the above practice situations. It is both the P.A.'s and physician's responsibility to have unrestricted and open communication.

- At least once a month, the supervising physician shall spend part of a day at any location when the P.A. provides medical services to act as consultant to the P.A. and to monitor the quality of care provided by the physician assistant. The supervising physician must also maintain accurate records and documentation regarding the program for each P.A. supervised.
- A physician who supervises a physician assistant shall carry out and develop a program to ensure the quality of care provided by the PA.

Comment: Remember, this includes direct observation of the P.A. to take a medical history and perform an examination of patients representative of those cared for by the P.A. In addition, the P.A. must perform only those medical services that have been approved by the supervising physician.

The NSBME has facilitated P.A.s and physicians obtaining supervising status with an online application and if the physician and P.A. are in good standing, the licensing division of the NSBME performs a remarkable service in getting the applications processed in a timely fashion.

Regarding the notification application for supervision, be aware that Board approval is necessary for the P.A. before commencing practice (seeing patients). Prior to this, meeting with the supervising physician and reviewing the application (which includes NAC 630.370) is necessary before submission. This is also a time when the P.A. and the supervising physician should discuss coverage with a backup qualified physician if the supervising physician is unavailable to supervise the P.A.

The NAC regulations regarding supervision protect the public by providing a standard and guidelines that allows the P.A.-physician team to provide safe and quality healthcare. Any questions concerning the NAC regulation or issues involving scope of practice, please contact the Board. The P.A. Advisory Committee may also be contacted through the Board.

Disciplinary Actions Taken by the Board of Medical Examiners

BAZEMORE, Curtis, M.D. (8408)

Las Vegas, NV

Charges: A complaint was filed against Dr. Bazemore alleging failure to use the reasonable care, skill or knowledge ordinarily used under similar circumstances in providing care or treatment to a patient, a violation of NRS 630.301(4).

Disposition: On June 8, 2007, the Board accepted and approved a Stipulation for Settlement of its complaint against Dr. Bazemore, whereby the Board entered an order finding that Dr. Bazemore's pain management practices were inconsistent with the appropriate standard of care that should have been applied based upon the circumstances, and therefore tantamount to a violation of NRS 630.301(4). The Board ordered that Dr. Bazemore receive a public reprimand; that he complete 16 hours of continuing medical education on the topic of prescribing of controlled substances for the management of pain, to be pre-approved by the Board, to be completed within 1 year of the Board's acceptance, adoption and approval of the Settlement Agreement, and to be in addition to any other continuing medical education required as a condition of licensure; and that he reimburse the Board's costs and expenses incurred in the investigation and prosecution of the case against him, payable within 60 days of the date of the Board's order.

acceptance, adoption and approval of the Settlement Agreement, and at the end of that year, must provide proof that he is capable of safely practicing medicine as a physician assistant. Mr. Dunetz was also ordered to reimburse the Board's costs and expenses incurred in the investigation and prosecution of the case against him within 1 year of the Board's acceptance, adoption and approval of the Settlement Agreement, and to pay the Board's costs of monitoring his compliance with the terms of his probation.

FOOTE, Ronald, M.D. (9240)

Las Vegas, NV

Charges: A complaint was filed against Dr. Foote alleging failure to use the reasonable care, skill or knowledge ordinarily used under similar circumstances in providing care or treatment to a patient, a violation of NRS 630.301(4).

Disposition: On March 16, 2007, the Board accepted and approved a Stipulation for Settlement of its complaint against Dr. Foote, whereby the Board entered an order finding that Dr. Foote committed malpractice for failing to use the reasonable care, skill or knowledge ordinarily used under similar circumstances in providing care or treatment to a patient, a violation of NRS 630.301(4). The Board ordered that Dr. Foote receive a public reprimand and that Dr. Foote's license be suspended for a term of 9 months, said suspension to be stayed and Dr. Foote's license to be placed in a probationary status contingent upon Dr. Foote complying with the following condition: that he reimburse the Board's costs and expenses incurred in the investigation and prosecution of the case against him; payable within 60 days of acceptance, adoption and approval of the Settlement Agreement by the Board. The probationary timeframe shall begin upon entry of the Board's order related to this matter and the Board shall have unilateral authority to further limit or suspend Dr. Foote's license in the event of an adverse Board adjudication within the timeframe of his probationary status.

DUNETZ, Wayne Adam, P.A.-C (PA637)

Las Vegas, NV

Charges: A complaint was filed against Mr. Dunetz alleging a violation of NRS 630.306(1), for being unable to practice medicine with reasonable skill and safety because of the use of drugs, narcotics or any other substance.

Disposition: On June 8, 2007, the Board accepted and approved a Stipulation for Settlement of its complaint against Mr. Dunetz, whereby the Board entered an order finding against Mr. Dunetz: 1 count of inability to practice medicine with reasonable skill and safety due to the use of drugs, narcotics or any other substance, a violation of NRS 630.306(1), 5 counts of renewing a license to practice medicine by means of bribery, fraud, misrepresentation or by any false, misleading, inaccurate or incomplete statement, violations of NRS 630.304(1), and 1 count of entering into a sexual relationship with a patient while treating said patient, a violation of NRS 630.301(5). The Board ordered that Mr. Dunetz's license to practice medicine as a physician assistant be revoked, with the revocation stayed pending compliance with, and completion of, the terms and conditions of probation, said probation period to be 3 years. As part of his probation, Mr. Dunetz will remain suspended from the practice of medicine as a physician assistant for at least 1 year from the date of the Board's

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MONDELL, Dean, M.D. (6521)

Las Vegas, NV

Charges: A complaint was filed against Dr. Mondell alleging failure to use the reasonable care, skill or knowledge ordinarily used under similar circumstances in providing care or treatment to a patient, a violation of NRS 630.301(4), and alleging failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient, a violation of NRS 630.3062(1).

Disposition: On June 8, 2007, the Board accepted and approved a Stipulation for Settlement of its complaint against Dr. Mondell, whereby the Board entered an order finding that Dr. Mondell committed malpractice for failing to use the reasonable care, skill or knowledge ordinarily used under similar circumstances in providing care or treatment to a patient, a violation of NRS 630.301(4). The Board ordered that Dr. Mondell complete 6 hours of continuing medical education, to be pre-approved by the Board's Investigative Committee, to be completed within 1 year of the Board's acceptance, adoption and approval of the Settlement Agreement, to be at his own expense, and to be in addition to any other continuing medical education required as a condition of licensure; and that he reimburse the Board's costs and expenses incurred in the investigation and prosecution of the case against him, payable within 90 days of the date of the Board's order.

PUBLICOVER, Laurie, M.D. (7609)

San Diego, CA

Charges: A complaint was filed against Dr. Publicover alleging failure to diagnose and/or treat a patient for a ruptured dissecting aortic aneurysm.

Disposition: On March 16, 2007, the Board found that Dr. Publicover committed malpractice for failing to use the reasonable care, skill or knowledge ordinarily used under similar circumstances in providing care or treatment to a patient, a violation of NRS 630.301(4). The Board ordered that Dr. Publicover receive a public reprimand and that she reimburse the Board's costs and expenses incurred in the investigation and prosecution of the case against her, payable within 120 days of the date of the Board's order.

RESUELLO, Adelaida, M.D. (8004)

Las Vegas, NV

Charges: A complaint was filed against Dr. Resuello for alleging substandard medical care rendered to her patients by administering a drug not approved for human use without the knowledge or consent of her patients, a violation of NRS 630.301(4), alleging she aided, assisted, employed or advised, directly or indirectly, an unlicensed person to engage in the practice of medicine, a violation of NRS 630.305(e), alleging failure to notify the Board of an unlicensed

physician coming to this state for consultation with or assistance to a physician licensed in Nevada, a violation of NAC 630.225, and alleging she failed to maintain timely, legible, accurate and complete medical records relating to the diagnoses, treatment and care of a patient, a violation of NRS 630.3062(1). **Disposition:** On March 16, 2007, the Board accepted and approved a Stipulation for Settlement of its complaint against Dr. Resuello, whereby the Board entered an order finding that Dr. Resuello committed malpractice for failing to use the reasonable care, skill or knowledge ordinarily used under similar circumstances in providing care or treatment to a patient, a violation of NRS 630.301(4), and that she assisted a physician who was not licensed in the state of Nevada to engage in the practice of medicine in Nevada, a violation of NRS 630.605(e). The Board ordered that Dr. Resuello receive a public reprimand, and that she be placed on probation for 12 months with the following conditions: (1) that she shall not use any injected cosmetic substance on herself or others during the probationary period; (2) that she complete 12 hours of continuing medical education on the topic of charting and ethics, said continuing medical education to be pre-approved by Chairman of the Investigative Committee, to be completed within the probationary period, and to be in addition to any other continuing medical education required as a condition of licensure; and (3) that she pay a fine of \$2,000, to be paid within 90 days of the acceptance, adoption and approval of the Settlement Agreement by the Board. If Dr. Resuello fails to meet any of the terms of her probation, her license to practice medicine shall be suspended for 30 days. Dr. Resuello was also ordered to reimburse the Board's reasonable costs and expenses incurred in the investigation and prosecution of the case against her within 90 days of the acceptance, adoption and approval of the Settlement Agreement by the Board.

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THIELMAN, Michael, M.D. (10034)

Stevens Point, WI

Charges: An amended complaint was filed against Dr. Thielman alleging failure to maintain timely, legible, accurate, and complete medical records relating to the diagnosis, treatment and care of a patient, a violation of NRS 630.3062(1).

Disposition: On June 8, 2007, the Board accepted and approved a Stipulation for Settlement of its amended complaint against Dr. Thielman, whereby the Board entered an order finding that Dr. Thielman had failed to keep accurate and timely medical records, a violation of NRS 630.3062(1). The Board ordered that Dr. Thielman be fined \$1,000, said fine to be paid within 90 days of the Board's acceptance, adoption and approval of the Settlement Agreement; that he complete 6 hours of continuing medical education on the topics of informed consent and charting, to be pre-approved by the Board's Investigative Committee, to be completed within 1 year of the Board's acceptance, adoption and approval of the Settlement Agreement, to be at his own expense, and to be in addition to any other continuing medical education required as a condition of licensure; and that he reimburse the Board's costs and expenses incurred in the investigation and prosecution of the case against him, payable within 90 days of the date of the Board's order.

Agreement by the Board, to be at Dr. Wilkin's own expense, and to be in addition to any other continuing medical education required as a condition of licensure. The Board further ordered that Dr. Wilkin refrain from the prescribing of any appetite suppressants until further notice of the Board. Dr. Wilkin was also ordered to reimburse the Board's reasonable costs and expenses incurred in the investigation and prosecution of the case against him, said costs being specifically limited to those incurred in the investigation and prosecution of the first and second amended complaints, to be paid within 180 days of the acceptance, adoption and approval of the settlement agreement by the Board.

WILLIAMS, Wydell, M.D. (8721)

Las Vegas, NV

Charges: A complaint was filed against Dr. Williams alleging failure to use the reasonable care, skill or knowledge ordinarily used under similar circumstances in providing care or treatment to a patient, a violation of NRS 630.301(4).

Disposition: On March 16, 2007, the Board found that Dr. Williams committed malpractice for failing to use the reasonable care, skill or knowledge ordinarily used under similar circumstances in providing care or treatment to a patient, a violation of NRS 630.301(4). The Board ordered that Dr. Williams receive a public reprimand and that he reimburse the Board's costs and expenses incurred in the investigation and prosecution of the case against him, payable within 90 days of the date of the Board's order.

WILKIN, Bruce, M.D. (3368)

Ely, NV

Charges: A second amended complaint was filed against Dr. Wilkin alleging failure to follow the Model Guidelines in prescribing controlled substances for Patients A, B, C, D and E, violations of NRS 630.306(2)(b), failure to comply with NAC 630.205 in his prescribing of appetite suppressants for Patients A, B and C, and failure to provide Patients A, B and C with the accepted standard of care, which constitutes malpractice, violations of NRS 630.301(4).

Disposition: On March 16, 2007, the Board accepted and approved a Stipulation for Settlement of its second amended complaint against Dr. Wilkin, whereby the Board entered an order finding that Dr. Wilkin committed three violations of NRS 630.306(2)(b), in that he failed to properly follow the *Model Guidelines for the Use of Controlled Substances* when he failed to keep complete and accurate records regarding the treatment of pain for 3 patients, and three violations of NRS 630.306(2)(b), in that he failed to properly prescribe appetite suppressants to 3 patients. The Board ordered that Dr. Wilkin receive a public reprimand, that he attend 24 hours of continuing medical education on the topics of medical charting and the treatment of chronic pain, said continuing medical education to be pre-approved by the Chairman of the Board's Investigative Committee, to be completed within 1 year of the acceptance, adoption and approval of the Settlement

PUBLIC REPRIMANDS ORDERED BY THE BOARD

CURTIS BAZEMORE, M.D.

Dr. Bazemore:

On June 8, 2007, the Nevada State Board of Medical Examiners (Board) accepted the Settlement Agreement entered into between you and the Investigative Committee of the Board.

As a result of their acceptance of the Settlement Agreement, the Board has entered an **ORDER** as follows: That in treating Patient A, who is referenced in the original complaint filed by the Investigative Committee, your pain management practices were inconsistent with the appropriate standard of care that should have been applied based upon the circumstances, and therefore tantamount to a violation of NRS 630.301(4), that you are to be publicly reprimanded, that within one year of the acceptance of this agreement, you shall complete sixteen hours of Continuing Medical Education (CME) regarding the prescribing of controlled substances for the management of pain, which are in addition to any CME requirements regularly imposed as a condition of your Nevada licensure, and that you shall reimburse the Board the costs and expenses incurred in the investigation and prosecution of the matter in the amount of \$4,050.92, within sixty days of the date of entry of the Board's Order.

Accordingly, it is my unpleasant duty as President of the Board to formally and publicly reprimand you for your conduct, which has brought professional disrespect upon you and which reflects unfavorably upon the medical profession as a whole.

Javaid Anwar, M.D., President

RONALD FOOTE, M.D.

Dr. Foote:

On March 16, 2007, the Nevada State Board of Medical Examiners (Board) accepted your proposed Settlement Agreement and those terms included therein. Of most import, the Board found that you committed malpractice, a violation of NRS 630.301(4), when you failed to exercise reasonable care, skill and knowledge in your care and treatment of the patient involved in the underlying complaint (05-12899-2) filed against you. As a result of its malpractice finding, the Board entered an Order consistent with the following: That you are to be publicly reprimanded, that your license to practice medicine is to be suspended, with the suspension being stayed and your license placed in a probationary status for a period of nine months from the date of the adoption and approval of the Settlement Agreement, and that during this probationary period, any adjudicated matters which ultimately result in a finding against you, may also result in further sanction by the Board. Lastly, the Board found that you shall reimburse the Board for the costs associated with the investigation and prosecution of the underlying matter, the final amount totaling \$3,863.61, within sixty days of the Board's adoption and approval of the Settlement Agreement.

Therefore, in accordance with the terms of the Settlement Agreement, it is now my unpleasant duty as President of the Nevada State Board of Medical Examiners to formally and publicly reprimand you for your conduct, which has brought personal and professional disrespect upon you, and which reflects unfavorably upon the medical profession as a whole.

Javaid Anwar, M.D., President

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LAURIE PUBLICOVER, M.D.

Dr. Publicover:

On March 16, 2007, the Nevada State Board of Medical Examiners (Board) found you guilty of one count of malpractice, a violation of NRS 630.301(4) of Nevada's Medical Practice Act, in relation to the complaint filed against you in case number 04-7609-1.

As a result of their finding of guilty, the Board has entered an **ORDER** as follows: That your care and treatment of Patient A, who is referenced in the original complaint filed by the Investigative Committee, constituted malpractice, as your conduct deviated from the applicable and appropriate standard of care that should have been applied under the same or similar circumstances, that you are to be publicly reprimanded, and that you shall reimburse the Board the costs and expenses incurred in the investigation and prosecution of the matter in the amount of \$15,521.80, within one-hundred and twenty days (120) of the date of entry of the Board's Order.

Accordingly, it is my unpleasant duty as President of the Board to formally and publicly reprimand you for your conduct, which has brought professional disrespect upon you and which reflects unfavorably upon the medical profession as a whole.

Javaid Anwar, M.D., President

ADELAIDA RESUELLO, M.D.

Dear Dr. Resuello:

On March 16, 2007, the Nevada State Board of Medical Examiners found you **guilty** of two (2) violations of the Medical Practice Act of the State of Nevada, more specifically:

That you committed malpractice in violation of NRS 630.301(4) when you failed to exercise reasonable care, skill and knowledge in administering a drug not approved for human use, specifically botulinum toxin type A, without the knowledge or consent of your patients; and that you assisted in allowing an individual, not licensed to practice medicine in Nevada, to perform multiple procedures on your patients as well as yourself, which is a violation of NRS 630.305(e).

As a result of their finding of **guilty**, the Board entered its **ORDER** as follows: That you are to be publicly reprimanded and placed on twelve (12) months of probation. During the probationary period you are to abide by the following conditions: you shall not use any injected cosmetic substances on yourself or others; you shall complete twelve (12) hours of Continuing Medical Education (CME) on the topics of charting and ethics, to be pre-approved by the Investigative Committee Chair and these CME's shall be in addition to any other CME required as a condition of licensing; and you shall pay a fine of \$2,000.00 to be paid with ninety (90) days of the Order of the Board. Failure to meet any of these terms will result in a thirty (30) day suspension of your license to practice medicine. Furthermore, you shall reimburse the Board \$1,680.90 for the costs of the investigation and prosecution of this case, to be paid within ninety (90) days of the Order of the Board.

Accordingly, it is my unpleasant duty as President of the Nevada State Board of Medical Examiners to formally and publicly reprimand you for your conduct, which has brought personal and professional disrespect upon you, and which reflects unfavorably upon the medical profession as a whole.

Javaid Anwar, M.D., President

(Continued on page 15)

BRUCE WILKIN, M.D.

Dear Dr. Wilkin:

On March 16, 2007, the Nevada State Board of Medical Examiners found you **guilty** of six (6) violations of the Medical Practice Act of the State of Nevada, more specifically:

That you failed to properly follow the *Model Guidelines for the Use of Controlled Substances* in regards to three patients when you failed to keep complete and accurate records regarding the treatment of the patients' pain in violation of NAC 630.187 and NRS 630.306(2)(b), and that you failed to properly prescribe appetite suppressants to three patients in violation of NAC 630.205 and NRS 630.306(2)(b).

As a result of their finding of **guilty**, the Board entered its **ORDER** as follows: That you are to be publicly reprimanded; that you shall attend twenty four (24) hours of Continuing Medical Education (CME) on the topics of medical charting and the treatment of chronic pain within one year of the Order of the Board, and that the CME's shall be pre-approved by the Chairman of the Investigative Committee in advance; that you will refrain from prescribing any appetite suppressants until further notice of the Board, and that you shall pay \$8,000.00 in costs for the investigation and prosecution of this case, to be paid within one hundred and eighty days (180) of the Order of the Board.

Accordingly, it is my unpleasant duty as President of the Nevada State Board of Medical Examiners to formally and publicly reprimand you for your conduct which has brought personal and professional disrespect upon you, and which reflects unfavorably upon the medical profession as a whole.

Javaid Anwar, M.D., President

WYDELL WILLIAMS, M.D.

Dr. Williams:

On March 16, 2007, the Nevada State Board of Medical Examiners (Board) found you guilty of one count of malpractice, a violation of NRS 630.301(4) of Nevada's Medical Practice Act, in relation to the complaint filed against you in case number 05-11796-1.

As a result of their finding of guilty, the Board has entered an **ORDER** as follows: That your care and treatment of Patient A, who is referenced in the original complaint filed by the Investigative Committee, constituted malpractice, as your conduct deviated from the applicable and appropriate standard of care that should have been applied under the same or similar circumstances, that you are to be publicly reprimanded, and that you shall reimburse the Board the costs and expenses incurred in the investigation and prosecution of the matter in the amount of \$6,512.41, within ninety days of the date of entry of the Board's Order.

Accordingly, it is my unpleasant duty as President of the Board to formally and publicly reprimand you for your conduct, which has brought professional disrespect upon you and which reflects unfavorably upon the medical profession as a whole.

Javaid Anwar, M.D., President

NEVADA STATE BOARD OF MEDICAL EXAMINERS
1105 Terminal Way, Suite 301, Reno, NV 89502

*It's the law! You must
notify the BME within
30 days of changing your
practice address or
mailing address. To help
ensure that you receive
your license renewals and
other important information
on time, call the BME for an
address change form, or
print the form from
[www.medboard.nv.gov/Forms/
Address%20Change-Licensees.pdf](http://www.medboard.nv.gov/Forms/Address%20Change-Licensees.pdf)*