



## Nevada State Board of Medical Examiners

### ***Press Release – April 1, 2008***

#### **NEVADA STATE BOARD OF MEDICAL EXAMINERS TAKES DISCIPLINARY ACTION AGAINST SEVEN PHYSICIANS AND CREATES COMMITTEE TO STUDY WEBSITE**

At its quarterly meeting on March 28 & 29, 2008, the Nevada State Board of Medical Examiners took disciplinary action against the following licensed medical doctors:

##### **Syed Ahmed, M.D.**

The Board accepted and approved a stipulation for settlement of its complaint against Syed Ahmed, M.D. Pursuant to the Settlement Agreement, the Board entered an order finding that Dr. Ahmed committed two counts of malpractice for failing to use the reasonable care, skill or knowledge ordinarily used under similar circumstances in providing care or treatment to a patient, violations of NRS 630.301(4); and two counts of failing to maintain timely, legible, accurate and complete medical records, violations of NRS 630.3062(1). The Board ordered that Dr. Ahmed's license to practice medicine be suspended for 6 months, with the suspension stayed for 24 months, upon compliance with the conditions of probation placed upon him pursuant to the Settlement Agreement. Those terms include payment of a \$1,000 fine and reimbursement of the Board's costs and expenses incurred in the investigation and prosecution of the case against him, payable within 180 days of the Board's acceptance, adoption and approval of the Settlement Agreement. Additionally, Dr. Ahmed must complete 4 hours of continuing medical education on the topic of medical record keeping and 6 hours of continuing medical education in his specialty of practice, to be pre-approved by the Chairman of the Investigative Committee, to be completed during the probationary period and to be in addition to any other continuing medical education required as a condition of licensure.

**Brian Fox, M.D.**

The Board accepted and approved a stipulation for settlement of its complaint against Brian Fox, M.D. Pursuant to the Settlement Agreement, the Board entered an order finding that Dr. Fox 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. Fox receive a public reprimand, that he pay a fine of \$5,000.00 and reimburse the Board's costs and expenses incurred in the investigation and prosecution of the case against him, payable within 60 days of the Board's acceptance, adoption and approval of the Settlement Agreement, and that he complete 20 hours of continuing medical education on the topic of prenatal care, to be pre-approved by the Chairman of the Investigative Committee, to be completed within one 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.

**Robert Horne, M.D.**

The Board accepted and approved a stipulation for settlement of its complaint against Robert Horne, M.D. Pursuant to the Settlement Agreement, the Board entered an order finding that Dr. Horne 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. Horne receive a public reprimand, that he pay a fine of \$2,500.00 and reimburse the Board's costs and expenses incurred in the investigation and prosecution of the case against him, payable within 60 days of the Board's acceptance, adoption and approval of the Settlement Agreement. Dr. Horne was also ordered, at his own expense, to begin a period of evaluation and monitoring, on at least a monthly basis, said monitoring to continue for a period of 18 months after its inception. In the event Dr. Horne fails to comply and complete the terms of evaluation and monitoring, his medical license will be summarily suspended for failure to comply with an order of the Board.

**Eddy Luh, M.D.**

The Board accepted and approved a stipulation for settlement of its complaint against Eddy Luh, M.D. Pursuant to the Settlement Agreement, the Board entered an order finding that the Board had sufficient evidence to proceed with its complaint against Dr. Luh that he committed malpractice, a violation of NRS 630.301(4), allegations that Dr. Luh denied and which, but for his desire to compromise the matter, he would contest at a formal hearing. The Board ordered that Dr. Luh pay a fine of \$500.00 and reimburse 50% of the Board's costs and expenses incurred in the investigation and prosecution of the case against him, payable within 120 days of the Board's acceptance, adoption and approval of the Settlement Agreement. The Board also ordered that Dr. Luh complete 6 hours of continuing medical education, to be pre-approved by the Chairman of the Investigative Committee, to be completed within one 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.

**Mani Nambiar, M.D.**

The Board accepted and approved a stipulation for settlement of its complaint against Mani Nambiar, M.D. Pursuant to the Settlement Agreement, the Board entered an order finding that Dr. Nambiar's California license to practice medicine had been suspended, modified or limited, a violation of NRS 630.301(3). The Board ordered that Dr. Nambiar's Nevada license be placed in a probationary status until February 9, 2010, provided he remain in compliance with the terms and conditions of probation placed upon him pursuant to the Settlement Agreement. Those terms include reimbursement of the Board's costs and expenses incurred in the investigation and prosecution of the case against him, payable within 60 days of the Board's acceptance, adoption and approval of the Settlement Agreement.

**Kent Swaine, M.D.**

The Board accepted and approved a stipulation for settlement of its complaint against Kent Swaine, M.D. Pursuant to the Settlement Agreement, the Board entered an order finding that Dr. Swaine committed two counts of engaging in activity intended to deceive, violations of NRS 630.306(2)(a); that he had a drug dependency, a violation of NRS 630.306(10); and that he had prescribed a controlled substance or dangerous drug in a manner not authorized by law, a violation of NRS 630.306(3). The Board ordered that Dr. Swaine's license to practice medicine in Nevada be revoked, with the revocation stayed for 5 years, upon compliance with the conditions of probation placed upon him pursuant to the Settlement Agreement. Those terms include reimbursement of the Board's costs and expenses incurred in the investigation and prosecution of the case against him, payable within 60 days of the Board's acceptance, adoption and approval of the Settlement Agreement, and payment of reasonable costs, if any, to monitor his probation.

**Javier Torres, M.D.**

The Board accepted and approved a stipulation for settlement of its complaint against Javier Torres, M.D. Pursuant to the Settlement Agreement, the Board entered an order finding that Dr. Torres' California and Pennsylvania licenses to practice medicine had been suspended, modified or limited, a violation of NRS 630.301(3). The Board ordered that Dr. Torres' Nevada license be suspended for 90 days, with the suspension stayed for 12 months, or until such time as he has complied with and completed the terms and conditions of probation placed upon him pursuant to the Settlement Agreement. Those terms include payment of a \$1,000 fine, payable within 90 days of the Board's acceptance, adoption and approval of the Settlement Agreement, and reimbursement the Board's costs and expenses incurred in the investigation and prosecution of the case against him, payable within 60 days of the Board's acceptance, adoption and approval of the Settlement Agreement.

Disciplinary action against these licensees is reported to all other states in which they may be licensed and to the National Practitioner Data Bank and Federation of State Medical Boards of the United States.

***At its quarterly meeting on March 28 & 29, 2008, the Board ratified licensure of 117 physicians, 32 physician assistants and 43 practitioners of respiratory care, and requested personal appearances of 17 physician applicants for licensure.***

Of the 17 physician applicants who were requested to personally appear, the Board granted licenses to 5 with no conditions or restrictions, 7 by endorsement, 1 subject to passing a peer review and 1 subject to other conditions. One physician was granted an administrative license. The Board declined to exercise its statutory discretion to grant licensure by endorsement to 1 physician and 1 physician withdrew his application during his appearance before the Board.

From January 1 to March 27, 2008, the Board licensed 75 new physicians administratively, that is, applicants who met all of the statutory and regulatory requirements for licensure. This includes 7 physicians who were issued special purpose licenses and 5 who were issued limited licenses as medical residents (but does not include the applicants who appeared before the Board at the March meeting).

***At its quarterly meeting on March 28 & 29, 2008, the Board created a committee to study the possibility of revamping its website to make it more user-friendly and to provide the public with additional information concerning licensees of the Board. The committee will make a report to the Board for its consideration at the Board's quarterly meeting in June 2008.***