



Unfortunate Actions of Some Physicians Leads to HIPAA Violations and Patient Mistrust

By: Rachel V. Rose, JD, MBA

Introduction

Nearly two years ago, I wrote an article for this publication entitled *HIPAA, Physicians and Photographs: Legal vs. Illegal*, which detailed instances of physicians sexting during surgery, selfies with anesthetized celebrities and taking explicit photos of female patients in the exam room.¹ As a colleague remarked, “what is wrong with people?!” While I do not have an answer to that particular question, a recent case once again begs that question.

The purpose of this article is to highlight a recent case and present medical professionals options within the bounds of HIPAA to report this type of activity.

Analysis

According to a lawsuit filed in Alaska, Dr. Louis Kralick, board-certified in neurological surgery, as well as Providence Health & Services, allegedly violated statutes involving negligence, duty of care, and confidentiality and privacy obligations. The patient’s name was left anonymous in the Complaint.² The facts are simple; Dr. Kralick did not obtain informed consent to

take photograph(s) of the patient’s genitalia and forward the images to his wife or other third parties for their amusement or titillation. The patient would never have consented to the spine surgery had he known that Dr. Kralick would be taking pictures of his body parts, which were irrelevant to the surgical procedure.

Hospital personnel reported Dr. Kralick’s potential criminal activity to the police, who subsequently investigated the allegations. According to paragraph twenty-one of the Complaint, “[a]lthough Providence’s operating room staff cooperated with the investigation -- Dr. Kralick did not. He refused to give a statement to the police or participate in an interview. The police seized his phone and placed it in evidence. Even then, Kralick refused to provide his iPhone’s password. The police have not been able to access the device.” Unfortunately, the hospital’s compliance officer ordered Dr. Kralick to delete the image, which unfortunately, moves the issue into the realm of spoliation of evidence. According to a hospital spokesperson:

“Ultimately, we identified that the privacy breach could be a violation of Alaska criminal statute. Providence then contacted law enforcement,” the spokesman said. “We are always concerned for the welfare of our patients and employees and took immediate action after learning of the situation. Providence is fully cooperating with the appropriate authorities.”³

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MISSION STATEMENT

The Nevada State Board of Medical Examiners serves the state of Nevada by ensuring that only well-qualified, competent physicians, physician assistants, respiratory therapists and perfusionists receive licenses to practice in Nevada. The Board responds with expediency to complaints against our licensees by conducting fair, complete investigations that result in appropriate action. In all Board activities, the Board will place the interests of the public before the interests of the medical profession and encourage public input and involvement to help educate the public as we improve the quality of medical practice in Nevada.

BOARD NEWS

FSMB Releases Recommendations on Regulating Physicians' Use of Stem Cell and Regenerative Therapies

The Federation of State Medical Boards (FSMB) has [released a report](#) recommending best practices for regulating the promotion, communication and practices of treatments received at stem cell clinics in the United States. The report was drafted by FSMB's Workgroup to Study Regenerative and Stem Cell Therapy Practices and aims to raise awareness about these practices generally, outline potential benefits and risks, as well as provide basic guidance for state medical boards and their licensees.

The Workgroup was established in response to a request from Senator Lamar Alexander (TN-R), Chairman of the Senate Health, Education, Labor and Pensions (HELP) Committee. Sen. Alexander asked the FSMB to lead efforts to develop recommendations for state medical boards in their pursuit to help protect patients from unproven or unethical stem cell treatments.

"The field of stem cell therapies is rapidly evolving, and with that advancement comes the need for consistent regulation to ensure patients are not being exploited or harmed," said Humayun J. Chaudhry, DO, MACP, President and CEO of the FSMB. "We are hopeful that these recommendations will provide guidance in helping to achieve an appropriate balance between respecting patient autonomy and protecting patients from the risks of unproven and potentially dangerous interventions."

Appointed by Greg Snyder, MD, former Chair of the FSMB Board of Directors, the Workgroup included members of state medical boards, subject matter experts, and a patient representative. The report and its recommendations were voted on and passed unanimously by the FSMB House of Delegates at FSMB's Annual Meeting in Charlotte, NC.

To read the full report and recommendations click [here](#).

Learn more about FSMB, visit www.fsmb.org. Follow FSMB on Twitter ([@theFSMB](#)).

About the Federation of State Medical Boards

The Federation of State Medical Boards (FSMB) is a national non-profit organization representing all medical boards within the United States and its territories that license and discipline allopathic and osteopathic physicians and, in some jurisdictions, other health care professionals. The FSMB serves as the voice for state medical boards, supporting them through education, assessment, research and advocacy while providing services and initiatives that promote patient safety, quality health care and regulatory best practices.

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NOTIFICATION OF ADDRESS CHANGE, PRACTICE CLOSURE AND LOCATION OF RECORDS

Pursuant to NRS 630.254, all licensees of the Board are required to "maintain a permanent mailing address with the Board to which all communications from the Board to the licensee must be sent." A licensee must notify the Board in writing of a change of permanent mailing address within 30 days after the change. Failure to do so may result in the imposition of a fine or initiation of disciplinary proceedings against the licensee.

Please keep in mind the address you provide will be viewable by the public on the Board's website.

Additionally, if you close your practice in Nevada, you are required to notify the Board in writing within 14 days after the closure, and for a period of 5 years thereafter, keep the Board apprised of the location of the medical records of your patients.

In essence, the hospital did some things right and some things wrong. In light of a potential violation of both civil and criminal laws, it was inappropriate for the compliance office to direct the physician to delete the text. Having said that, the hospital followed the correct course of action and reported the incident to the authorities.

Under HIPAA, there are a couple of exceptions, which enable a person to disclose protected health information (PHI). First, 45 CFR §164.512 encompasses multiple situations where disclosure of a patient's PHI may be permissible: when authorized by law, to report abuse or neglect, or for law enforcement purposes. Here, the alleged conduct at issue made it possible for the hospital to report the incident to law enforcement without violating HIPAA.⁴

Another situation where it is appropriate to disclose PHI is expressed in 45 CFR § 164.502(j)(1). Here, a member of a covered entity's workforce or a business associate may disclose PHI, provided that:

- (i) The [workforce](#) member or [business associate](#) believes in good faith that the [covered entity](#) has engaged in conduct that is unlawful or otherwise violates professional or clinical standards, or that the care, services, or conditions provided by the [covered entity](#) potentially endangers one or more patients, workers, or the public; and
- (ii) The [disclosure](#) is to:
 - (A) A [health oversight agency](#) or [public health authority](#) authorized by law to investigate or otherwise oversee the relevant conduct or conditions of the [covered entity](#) or to an appropriate [health care](#) accreditation organization for the purpose of reporting the allegation of failure to meet professional [standards](#) or misconduct by the [covered entity](#); or
 - (B) An attorney retained by or on behalf of the [workforce](#) member or [business associate](#) for the purpose of determining the legal options of the [workforce](#) member or [business associate](#) with regard to the conduct described in [paragraph \(j\)\(1\)\(i\)](#) of this section.⁵

Importantly, this provision extends to whistleblowers, too.⁶

Either way, the hospital made the correct decision to report the behavior to authorities. And, unlike Dr. Kralick who violated HIPAA, the hospital had protections under the law to disclose the conduct that involved PHI.

Conclusion

In sum, I still don't know "what is wrong with people." This case should serve as a reminder of conduct that is impermissible on many levels. Quite honestly, it is appalling that physicians continue to engage in this behavior, which violates the Hippocratic Oath, as well as state and federal laws. Patients trust medical professionals with their bodies. And, to be violated in a sexual manner whether through photos, physical contact or any other manner is the ultimate breach of that trust. Hopefully, this article will serve as a lesson and a warning to encourage physicians and other medical personnel to report such traumatic and inappropriate behavior.

If you believe a physician, a colleague or any other medical professional has violated you, a patient or someone you know, please contact local law enforcement as well as the appropriate state board to file a complaint.

¹ See, http://medboard.nv.gov/uploadedFiles/medboardnvgov/content/Resources/Newsletters/2015-03_Newsletter_Volume54.pdf.

² *R.V. v. Louis L. Kralick, M.D., et al.*, Case No. 3AN-18-05348, Superior Court for the State of Alaska, Third Judicial District.

³ Y. Peter Kang, *Doctor Sued Over Taking Sedated Patient's Pic to Show Wife*, Law360 (Mar. 19, 2018), https://www.law360.com/articles/1023650?utm_source=ios-shared&utm_medium=ios&utm_campaign=ios-shared.

⁴ 45 CFR §164.512, <https://www.law.cornell.edu/cfr/text/45/164.512> (last visited May 25, 2018).

⁵ 45 CFR § 164.502(j)(1), <https://www.law.cornell.edu/cfr/text/45/164.502> (last visited May 25, 2018).

⁶ Steve Sozio and Katie Miller Schilling, *Privacy Takes a Back Seat to Whistleblowing Under HIPAA*, Law360 (2017).

Rachel V. Rose, JD, MBA is a Principal with Rachel V. Rose – Attorney at Law, P.L.L.C. (Houston, TX).

Ms. Rose has a unique background, having worked in many different facets of health care, securities and international law and business throughout her career. She is published and presents on a variety of topics including: Dodd-Frank, the False Claims Act, the Foreign Corrupt Practices Act, physician reimbursement, women's health, ICD-10, access to care, anti-kickback and Stark laws, international comparative laws, cyber security and the HIPAA/HITECH Act. Her practice focuses on a variety of cyber security, health care and securities law issues related to industry compliance, transactional work and Dodd-Frank/False Claims Act whistleblower claims, which remain under seal.

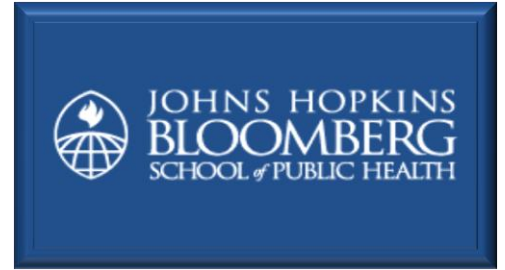
Ms. Rose holds an MBA with minors in health care and entrepreneurship from Vanderbilt University, and a law degree from Stetson University College of Law, where she graduated with various honors. She is licensed to practice in Texas. She has co-authored various books and book chapters, including the American Bar Association's *What Are International HIPAA Considerations?* Currently, she is on the Executive Committee of the Federal Bar Association's *Qui Tam* Section and a member of the Government Relations Committee. Ms. Rose is an Affiliated Member with the Baylor College of Medicine's Center for Medical Ethics and Health Policy, where she teaches bioethics. She also serves on the Southwest Regional Board for UNICEF. She can be reached at rvrose@rvrose.com.

Disclaimer: The opinions expressed in the article are those of the author, and do not necessarily reflect the opinions of the Board members or staff of the Nevada State Board of Medical Examiners.

Health Insurance Plans May Be Fueling Opioid Epidemic

STUDY OF COVERAGE POLICIES HIGHLIGHTS INADEQUATE EFFORT TO REDUCE OPIOID OVERUSE

Healthcare insurers including Medicare, Medicaid and major private insurers have not done enough to combat the opioid epidemic, suggests a study led by researchers at Johns Hopkins Bloomberg School of Public Health.



The Bloomberg School researchers examined major insurers' 2017 coverage policies for drugs to treat chronic lower-back pain, and concluded that these policies missed important opportunities to steer patients towards safer and more effective treatments than prescription opioids.

"Our findings suggest that both public and private insurers, at least unwittingly, have contributed importantly to the epidemic," says study senior author G. Caleb Alexander, MD, MS, associate professor in the Bloomberg School's Department of Epidemiology and co-director of the Johns Hopkins Center for Drug Safety and Effectiveness.

The study, which was published online on Friday, June 22, in the journal *JAMA Network Open*, provides one of the most comprehensive looks ever at insurers' pain coverage policies, and comes as the opioid epidemic continues to ravage communities across the country. The U.S. Department of Health and Human Services (DHHS) has estimated that in 2016, the most recent year for which complete data is available, over 42,249 Americans died from opioid overdoses, the most of any year on record. More than 2.1 million Americans had an opioid use disorder (addiction) in 2016, with economic costs from the epidemic estimated to be as high as \$504 billion dollars.

Alexander and colleagues, with funding and technical assistance from the Office of the Assistant Secretary for Planning and Evaluation (ASPE) (DHHS), the National Institutes of Health and the Centers for Disease Control and Prevention (CDC), analyzed the coverage policies of 15 Medicaid plans, 15 Medicare Advantage plans and 20 commercial insurers in 2017. The team focused on common plan types within 16 states that together comprise about one-half of the U.S. population. Many of the states examined have been hit especially hard by the epidemic.

In addition to analyzing plan details, the researchers also conducted in-depth interviews with over 43 senior health care executives that administered representative plans. The investigators focused on 62 prescription drugs used to treat chronic lower-back pain, one of the most common types of chronic, non-cancer pain for which prescription opioids have been overused. Their analysis included 30 prescription opioids and 32 other drugs including non-steroidal anti-inflammatory drugs (NSAIDs), muscle relaxants and topical analgesics.

The analysis revealed that many insurers failed to apply evidence-based "utilization management" rules to discourage opioid overuse and encourage safer and more effective alternatives. What's more, many of the utilization management rules in place were applied as often to non-opioids as opioids.

"Opioids are just one tool in the pain management tool box, and unfortunately, many of the plans that we examined didn't have well-developed policies in place to limit their overuse," Alexander says.

There are three types of common "utilization management"—quantity limits, step therapy and prior authorization.

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While “quantity limits”—which restrict the number of pills that can be dispensed—were commonly used for opioids, they were generally for a 30-day supply, rather than a shorter supply as is recommended in the CDC Guideline for Prescribing Opioids for Chronic Pain. This is important since the duration of early prescriptions for opioids is associated with the likelihood that a patient will convert to chronic use. Since the study was initiated, several major insurers have begun implementing more stringent quantity limits on first prescriptions.

“Step therapy”—which requires that treatment start with a less risky drug such as an NSAID, an over-the-counter, anti-inflammatory and pain medication, and allows a riskier opioid only if the first drug fails to work—is another strategy to reduce inappropriate opioid use. But the researchers found that the plans they studied rarely required step therapy for opioids. Among the Medicaid plans, for example, a median of only 9 percent of covered opioids required step therapy. For commercial plans, the median figure was just 4 percent. Among the Medicare plans there were virtually no step therapy requirements for opioids.

Similarly, the practice of “prior authorization,” in which the prescriber must contact the insurer for pre-approval before writing a prescription the insurer will cover, was applied to only a minority of covered opioids. Although, here too, some insurers have begun implementing policies such as requiring prior authorization for individuals with chronic, non-cancer pain, initiating treatment with extended release/long-acting (ER/LA) opioids.

The researchers found too that both public and commercial plans tended to make covered opioids available relatively cheaply to patients. The median commercial plan, for example, placed 74 percent of opioid painkillers in Tier 1, the lowest cost category, and the median commercial co-pay for Tier 1 opioids was just \$10 for a month’s supply.

“To their credit, while every health plan we examined was actively trying to combat the epidemic, their focus was generally on utilization management and identifying high-volume prescribers and patients, rather than on comprehensive strategies to improve the treatment of chronic pain,” Alexander says. On the whole, these coverage policies “help explain why the opioid epidemic has taken root,” he adds.

In 2016, the CDC issued recommendations for stricter limits on opioid prescribing, noting among other things that “non-opioid therapy is preferred for chronic pain outside of active cancer, palliative, and end-of-life care.” These guidelines, as well as soaring rates of injuries and deaths from opioids, continue to shape changes in clinical practice.

“Insurers can either be part of the problem, or part of the solution,” says Alexander. “The good news is that an increasing number of health plans are recognizing their contribution to the epidemic and developing new policies to address it. The bad news is that we have a very long way to go.”

“Prescription drug coverage for treatment of low back pain among U.S. Medicaid, Medicare Advantage, and Commercial Insurers” was written by Dora Lin, Christopher Jones, Wilson Compton, James Heyward, Jan L. Losby, Irene B. Murimi, Grant Baldwin, Jeromie M. Ballreich, David A. Thomas, Mark Bicket, Linda Porter, Jonathan C. Tierce, and G. Caleb Alexander.

The study was funded by the U.S. Department of Health and Human Services Office of the Assistant Secretary for Planning and Evaluation, with technical and financial assistance from the National Institute on Drug Abuse of the National Institutes of Health and the Centers for Disease Control and Prevention.

Media Contacts for the Johns Hopkins Bloomberg School of Public Health:

Barbara Benham at 410-614-6029 or bbenham1@jhu.edu.

Robin Scullin at 410-955-7619 or rsculli1@jhu.edu.

Nevada PRAMS Partners with NPBH and CDC in Joint Research Project to Reduce Infant Morbidity and Mortality

What is PRAMS?

Pregnancy Risk Assessment Monitoring System (PRAMS) is a joint research project between the Nevada Division of Public and Behavioral Health and the Centers for Disease Control and Prevention (CDC). The purpose of PRAMS is to find out why some babies are born healthy and others are not. To do this, the PRAMS questionnaire asks new mothers about their behaviors and experiences before, during, and after their pregnancy. Each year in Nevada there are hundreds of babies born with serious health problems. Answers to the PRAMS survey will help us to learn more about ways to improve the health of mothers and babies in Nevada.



PRAMS Goals and Objectives

The overall goal of PRAMS is to reduce infant morbidity and mortality and to promote maternal health by influencing maternal and child health programs, policies, and maternal behaviors during pregnancy and early infancy.

The four main objectives of PRAMS are:

- Collect population-based data of high scientific quality on topics relating to pregnancy and early infancy.
- Conduct data analyses in order to increase understanding of maternal behaviors and experiences during pregnancy and early infancy, and their relation to health outcomes.
- Translate results from analyses into usable information for planning and evaluation of public health programs and policy.
- Build state capacity for collecting, analyzing, and translating data to address relevant maternal and infant health issues.

PRAMS Partners

In Nevada, PRAMS is housed in the Maternal, Child and Adolescent Health Section in the Bureau of Child, Family and Community Wellness. Nevada PRAMS partners with various programs and agencies in the State.

Participating PRAMS States, Territories and Tribes

In addition to Nevada, 48 other states, New York City, Puerto Rico, the District of Columbia, and the Great Plains Tribal Chairmen's Health Board (GPTCHB) participate in PRAMS, representing approximately 83% of all United States births.

Collection of Data

Each month, approximately 157 new mothers are randomly selected from the state's electronic birth records to participate in the Nevada PRAMS Survey. The survey has core questions, which are standard across the nation, and Nevada-specific questions.

Topics covered by the core questions include:

- | | | |
|---------------------------------------|--------------------------------|--------------------|
| - Maternal and Infant Characteristics | - Emotional and Physical Abuse | - Infant Mortality |
| - Breastfeeding | - Length of Stay in Hospital | - Mental Health |
| - Contraception Use | - Nutrition | - Prenatal Care |
| - Tobacco, Drug and Alcohol Use | - Oral Health | - Health Insurance |
| - Maternal Morbidity | - Pregnancy Intention | - Income |
| - Infant Sleeping Environment | | |

Topics covered in the Nevada-specific questions include:

- | | |
|--|--|
| - Physical Activity | - Services Received (Women, Infants, and Children, Counseling, etc.) |
| - Adverse Childhood Experience | |
| - Additional Questions Regarding Health Insurance, Prenatal Care, Oral Care, Tobacco and Substance Use and Breastfeeding | |

How PRAMS Data Can Be Used

PRAMS data will provide information not available from existing data sources, and can be generalized to new mothers in Nevada. In addition, the data can be compared to other states participating in PRAMS since the methodology is standardized. Data will be used to:

- Determine characteristics of mothers and infants at risk for health complications
- Track mother and infant health changes in Nevada
- Develop programs needed to improve infant health
- Inform public health policy in regards to women and infant health

For more information: Nevada PRAMS Contact Info: 1-800-429-2669 | pramsnevada@health.nv.gov | nvprams.dpbh.nv.gov
CDC PRAMS: <https://www.cdc.gov/PRAMS/>

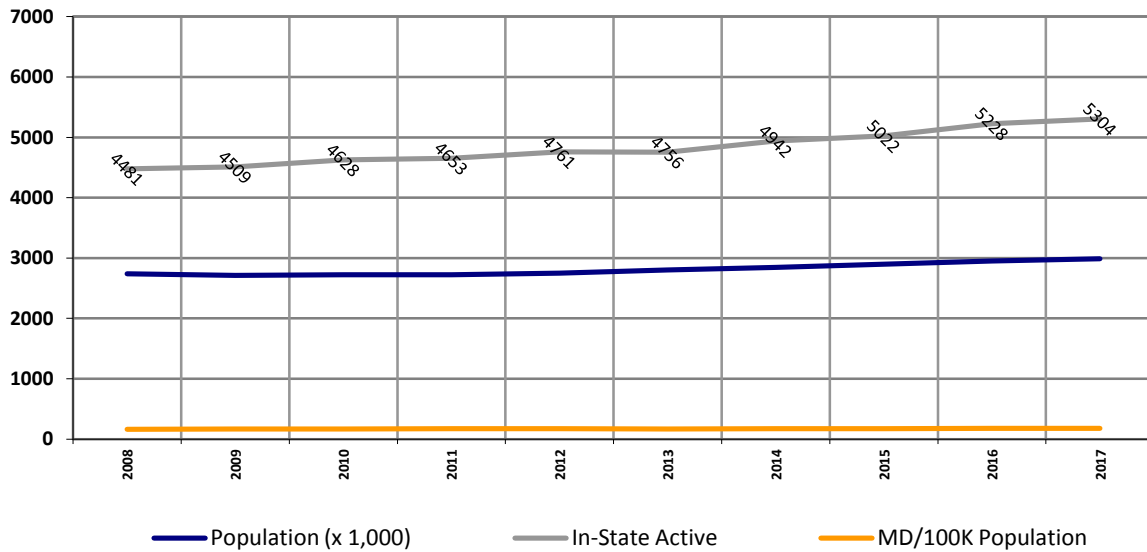
2017 ANNUAL REPORT HIGHLIGHTS

The Board licenses physicians, physician assistants, respiratory therapists and perfusionists. In 2017, the Board issued the following new licenses:

Practice	
Physicians	789
Physician Assistants	115
Respiratory Therapists	149
Perfusionists	21

In 2017, the ratio of physicians to 100,000 population* increased over the previous year. The following graph shows the growth of the state's population (measured in thousands so that the trend line will fit on the graph, and last reported at 2,986,656), the state's active, in-state physician population (in absolute numbers), and the ratio of physicians to population (measured as physicians per 100,000 population). From 2008 through 2012, the ratio averaged between 164 and 173. In 2013, the ratio was 170; in 2014, the ratio increased to 174; in 2015, the ratio decreased to 173; in 2016, the ratio increased to 177, and in 2017, the ratio again increased, to 178.

Comparison of Population With In-State, Active Physicians



*Population statistics provided by the Nevada State Demographer, Nevada Department of Taxation.

The physician licensure for active, in-state physicians increased by 1.5% in 2017. The following table is a county-by-county breakdown of physician licenses for the last ten years. In 2017, Churchill, Clark, Douglas, Lyon, Pershing, Washoe and White Pine Counties showed growth in their physician populations; Carson City, Elko, Humboldt, Mineral and Nye Counties showed decreases; and the remaining five counties remained static in their physician populations.

Physician Licensure Counts (2008-2017)

County	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Carson City	142	143	151	158	152	164	168	171	177	173
Churchill	23	22	20	22	23	27	29	24	24	25
Clark	3060	3086	3186	3207	3305	3277	3403	3460	3605	3674
Douglas	97	85	84	87	89	80	86	79	79	85
Elko	46	45	46	48	41	40	40	43	42	39
Esmeralda	0	0	0	0	0	0	0	0	0	0
Eureka	1	1	0	0	1	0	0	0	0	0
Humboldt	9	10	9	10	11	12	11	11	12	9
Lander	2	3	3	2	2	2	2	3	2	2
Lincoln	2	2	2	2	2	2	2	2	2	2
Lyon	11	14	13	15	16	15	16	12	13	14
Mineral	5	6	6	5	6	5	5	6	4	2
Nye	17	16	15	16	14	13	16	15	13	12
Pershing	2	2	3	2	1	0	0	1	1	2
Storey	0	0	0	0	0	0	0	0	0	0
Washoe	1056	1064	1081	1069	1088	1110	1155	1186	1246	1254
White Pine	8	10	9	10	10	9	9	9	8	11
In-State Active Status	4481	4509	4628	4653	4761	4756	4942	5022	5228	5304
Out-of-State Active Status	1655	1577	1888	1757	2084	1868	2251	2116	2561	2523
TOTAL ACTIVE STATUS	6136	6086	6516	6410	6845	6624	7193	7138	7789	7827
Inactive & Retired Statuses	760	781	770	758	748	818	801	806	802	772
TOTAL LICENSED (Active, Inactive & Retired Statuses)	6896	6867	7286	7168	7593	7442	7994	7944	8591	8599

The number of physician assistants increased significantly by 5.1% in 2017. The locale of physician assistants trends similarly to the locale of physicians statewide, as is shown on the following table. In 2017, there was growth in Carson City, Clark, Elko, Lincoln and Washoe Counties; Churchill, Eureka, Mineral and Nye Counties showed decreases; and the remaining eight counties remained static.

Physician Assistant Licensure Counts (2008-2017)

County	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Carson City	15	14	13	16	17	14	18	17	18	28
Churchill	7	6	4	6	9	10	9	9	10	7
Clark	307	310	332	342	386	398	452	479	533	559
Douglas	15	10	11	9	12	16	17	15	19	19
Elko	6	5	5	5	7	9	10	13	14	15
Esmeralda	0	0	0	0	0	0	0	0	0	0
Eureka	1	1	1	1	1	1	0	1	1	0
Humboldt	1	0	0	0	0	0	0	1	1	1
Lander	1	1	0	1	2	1	1	1	1	1
Lincoln	2	3	3	3	3	3	3	3	3	4
Lyon	4	5	6	6	4	5	6	7	9	9
Mineral	1	1	1	2	2	3	3	3	3	2
Nye	10	6	7	4	4	2	2	5	4	3
Pershing	0	0	0	0	0	0	0	0	0	0
Storey	1	1	1	1	1	2	2	1	1	1
Washoe	83	82	91	91	104	109	121	138	149	156
White Pine	1	1	1	1	1	1	1	1	1	1
TOTAL ACTIVE STATUS	455	446	476	488	553	574	645	694	767	806

The number of respiratory therapists decreased by 1.5% in 2017. In 2017, there was growth in Churchill, Douglas, Elko and Nye Counties; Carson City, Clark, Mineral and Washoe Counties showed decreases; and the remaining nine counties remained static.

Respiratory Therapist Licensure Counts (2008-2017)

County	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Carson City	10	12	12	12	13	12	13	11	14	12
Churchill	8	5	5	4	5	4	4	5	6	8
Clark	743	798	880	920	1006	982	1069	1079	1167	1158
Douglas	18	20	20	18	15	16	16	13	13	14
Elko	7	5	6	8	9	7	8	9	10	12
Esmeralda	0	0	0	0	0	0	0	0	0	0
Eureka	0	0	0	0	0	0	0	1	1	1
Humboldt	5	4	4	5	5	4	4	2	2	2
Lander	3	1	1	1	1	2	2	2	2	2
Lincoln	2	0	0	0	0	0	0	0	0	0
Lyon	20	16	18	15	16	15	16	15	14	14
Mineral	3	3	3	2	2	2	2	2	4	1
Nye	8	10	11	13	12	13	15	13	14	15
Pershing	0	0	0	0	0	0	0	0	0	0
Storey	1	0	0	0	0	0	0	0	0	0
Washoe	163	160	176	192	197	186	202	191	207	193
White Pine	2	3	4	3	3	3	3	3	3	3
TOTAL ACTIVE STATUS	993	1037	1140	1193	1284	1246	1354	1346	1457	1435

The number of perfusionists decreased by 7.1% in 2017 – with growth in Carson City and Washoe Counties, a decrease in Clark County, and all other counties remaining static.

Perfusionist Licensure Counts (2010-2017)*

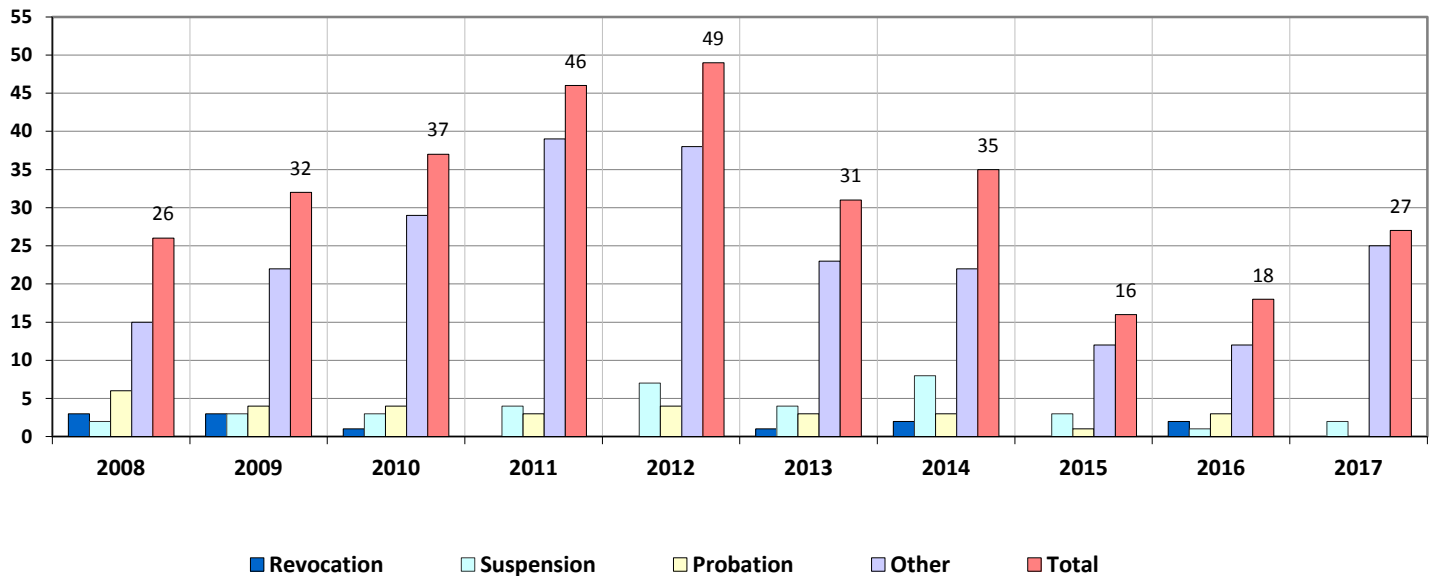
County	2010	2011	2012	2013	2014	2015	2016	2017
Carson City	1	1	1	1	1	0	0	1
Churchill	0	0	0	0	0	0	0	0
Clark	20	19	25	20	23	20	24	19
Douglas	0	0	0	0	0	0	0	0
Elko	0	0	0	0	0	0	0	0
Esmeralda	0	0	0	0	0	0	0	0
Eureka	0	0	0	0	0	0	0	0
Humboldt	0	0	0	0	0	0	0	0
Lander	0	0	0	0	0	0	0	0
Lincoln	0	0	0	0	0	0	0	0
Lyon	0	0	0	0	0	0	0	0
Mineral	0	0	0	0	0	0	0	0
Nye	0	0	0	0	0	0	0	0
Pershing	0	0	0	0	0	0	0	0
Storey	0	0	0	0	0	0	0	0
Washoe	5	5	5	4	5	4	4	6
White Pine	0	0	0	0	0	0	0	0
TOTAL ACTIVE STATUS	26	25	31	25	29	24	28	26

*In 2009, the Nevada State Legislature passed legislation requiring that all perfusionists must be licensed. No perfusionists were licensed by the Board prior to 2010.

COMPLAINTS, INVESTIGATIONS AND DISCIPLINE

In 2017, the Board opened 701 investigations, closed 629 investigations (many of which, of course, originated in preceding years) and imposed 27 disciplinary actions against physicians. The graph below shows the number and types of discipline imposed by the Board regarding physicians for the last ten years.

Disciplinary Actions Taken Against Medical Doctors*

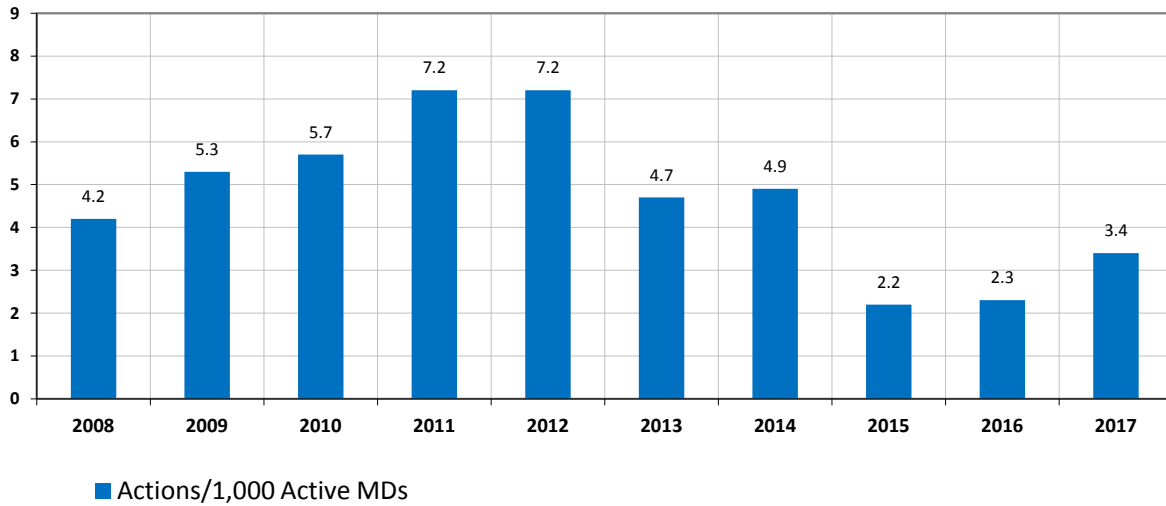


Note: "Other" actions include: Voluntary Surrender of License While Under Investigation, License Restriction, Public Reprimand, Licensure Denial, CME Ordered, Fine, Drug or Alcohol Treatment Program Ordered, and Competency Exam Ordered.

*Any discrepancy in these numbers from a report published by any other source is due to: (1) differences in verbiage or categorization; or (2) differences in the number of actions taken per practitioner.

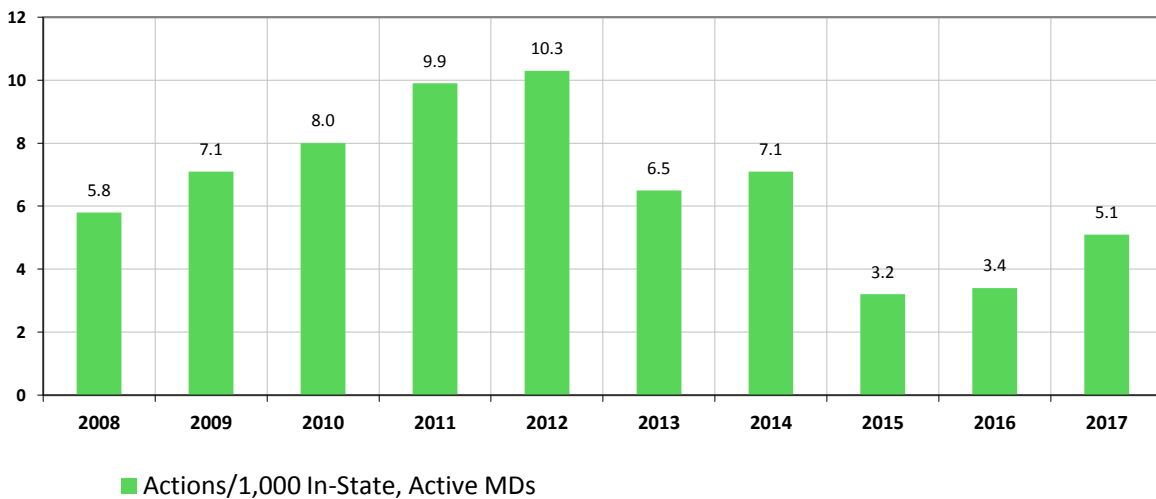
The graph below shows the rate of disciplinary actions taken by the Board per 1,000 active-status licensed physicians for the last ten years.

Rate of Disciplinary Actions Per All Licensed Active-Status Medical Doctors



The graph below shows the rate of disciplinary actions taken by the Board per 1,000 in-state, active-status licensed physicians for the last ten years.

Rate of Disciplinary Actions Per In-State, Active-Status Medical Doctors



WHOM TO CALL IF YOU HAVE QUESTIONS

Management: Edward O. Cousineau, JD
Executive Director
Jasmine K. Mehta, JD
Deputy Executive Director
Donya Jenkins
Finance Manager

Administration: Laurie L. Munson, Chief

Legal: Robert Kilroy, JD
General Counsel

Licensing: Lynnette L. Daniels, Chief

Investigations: Pamela J. Castagnola, CMBI, Chief

2018 BME MEETING & HOLIDAY SCHEDULE

January 1 – New Year’s Day (observed)
January 15 – Martin Luther King, Jr. Day
February 19 – Presidents’ Day
March 2-3 – Board meeting
May 28 – Memorial Day
June 1-2 – Board meeting
July 4 – Independence Day
September 3 – Labor Day
September 7-8 – Board meeting
October 26 – Nevada Day
November 12 – Veterans’ Day (observed)
November 22 & 23 – Thanksgiving Day & Family Day
November 30 and December 1 – Board meeting (Las Vegas)
December 25 – Christmas

Nevada State Medical Association

5355 Kietzke Lane
Suite 100
Reno, NV 89511
775-825-6788
<http://www.nvdoctors.org>

Clark County Medical Society

2590 East Russell Road
Las Vegas, NV 89120
702-739-9989 phone
702-739-6345 fax
<http://www.clarkcountymedical.org>

Washoe County Medical Society

5355 Kietzke Lane
Suite 100
Reno, NV 89511
775-825-0278 phone
775-825-0785 fax
<http://www.wcmsnv.org>

Nevada State Board of Pharmacy

431 W. Plumb Lane
Reno, NV 89509
775-850-1440 phone
775-850-1444 fax
[http://bop.nv.gov/
pharmacy@pharmacy.nv.gov](http://bop.nv.gov/pharmacy@pharmacy.nv.gov)

Nevada State Board of Osteopathic Medicine

2275 Corporate Circle, Ste. 210
Henderson, NV 89074
702-732-2147 phone
702-732-2079 fax
www.bom.nv.gov

Nevada State Board of Nursing

Las Vegas Office
4220 S. Maryland Pkwy, Bldg. B, Suite 300
Las Vegas, NV 89119
702-486-5800 phone
702-486-5803 fax

Reno Office
5011 Meadowood Mall Way, Suite 300,
Reno, NV 89502
775-687-7700 phone
775-687-7707 fax
www.nevadanursingboard.org

Unless otherwise noted, Board meetings are held at the Reno office of the Nevada State Board of Medical Examiners and videoconferenced to the conference room at the offices of the Nevada State Board of Medical Examiners/Nevada State Board of Dental Examiners, 6010 S. Rainbow Blvd., Building A, Suite 1, in Las Vegas.

Hours of operation of the Board are 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

DISCIPLINARY ACTION REPORT

ALVEAR, William, M.D. (7874)

Las Vegas, Nevada

Summary: Conviction of a felony relating to the practice of medicine and involving moral turpitude.

Charges: One violation of NRS 630.301(1) [conviction of a felony relating to the practice of medicine]; one violation of NRS 630.301(9) [engaging in conduct that brings the medical profession into disrepute]; one violation of NRS 630.301(11)(g) [conviction of an offense involving moral turpitude].

Disposition: On April 13, 2018, the Board accepted a Settlement Agreement by which it found Dr. Alvear violated NRS 630.301(1), NRS 630.301(9) and NRS 630.301(11)(g), as set forth in the Complaint, and imposed the following discipline against him: (1) Dr. Alvear's license to practice medicine in the state of Nevada shall be placed on probation for 36 months, subject to various terms and conditions (2) public reprimand; (3) \$1,000.00 fine; (4) 6 hours of CME, in addition to any CME requirements regularly imposed upon him as a condition of licensure in Nevada; (5) reimbursement of the Board's fees and costs associated with investigation and prosecution of the matter.

BURKE, Jason R., M.D. (9779)

Las Vegas, Nevada

Summary: Alleged failure to maintain appropriate medical records related to his treatment of a patient.

Charges: One violation of NRS 630.3062(1) [failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient].

Disposition: On June 1, 2018, the Board accepted a Settlement Agreement by which it found Dr. Burke violated NRS 630.3062(1), as set forth in the Complaint, and imposed the following discipline against him: (1) public reprimand; (2) reimbursement of the Board's fees and costs associated with investigation and prosecution of the matter.

EMER, Jason J., M.D. (15808)

Beverly Hills, California

Summary: Disciplinary action taken against Dr. Emer's medical license in Illinois and alleged failure to report said disciplinary action to the Nevada State Board of Medical Examiners.

Charges: One violation of NRS 630.301(3) [disciplinary action taken against his medical license in another state]; one violation of NRS 630.306(1)(k) [failure to report in writing, within 30 days, disciplinary action taken against him by another state].

Disposition: On June 1, 2018, the Board accepted a Settlement Agreement by which it found Dr. Emer violated NRS 630.301(3), as set forth in Count I of the Complaint, and imposed the following discipline against him: (1) public reprimand; (2) \$500.00 fine; (3) reimbursement of the Board's fees and costs associated with investigation and prosecution of the matter. Count II of the Complaint was dismissed with prejudice.

GABROY, James B., M.D. (7601)

Henderson, Nevada

Summary: Alleged failure to maintain appropriate medical records related to his treatment of three patients.

Charges: One violation of NRS 630.3062(1) [failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient].

Disposition: On April 13, 2018, the Board found Dr. Gabroy violated NRS 630.3062(1), as alleged in the Complaint, and imposed the following discipline against him: (1) public reprimand; (2) \$5,000.00 fine; (3) 10 hours of CME, in addition to any CME requirements regularly imposed upon him as a condition of licensure in Nevada; (4) reimbursement of the Board's fees and costs associated with investigation and prosecution of the matter.

GURLAND, Steven V., M.D. (14565)

Sunrise, Florida

Summary: Disciplinary action taken against Dr. Gurland's medical license in Alaska; alleged failure to report disciplinary actions taken against him in Alaska and Virginia to the Nevada State Board of Medical Examiners; and alleged failure to disclose the disciplinary actions taken against him in Alaska, Virginia and Maryland on his license renewal application.

Charges: One violation of NRS 630.301(3) [disciplinary action taken against his medical license in another state]; two violations of NRS 630.306(1)(k) [failure to report in writing, within 30 days, disciplinary action taken against him by another state]; three violations of

NRS 630.304(1) [obtaining, maintaining or renewing a license to practice medicine by bribery, fraud or misrepresentation or by any false, misleading inaccurate or incomplete statement].

Disposition: On April 13, 2018, the Board accepted a Settlement Agreement by which it found Dr. Gurland violated NRS 630.301(3), as set forth in Count I of the Complaint, and imposed the following discipline against him: (1) public reprimand; (2) \$500.00 fine; (3) 1 hour of CME, in addition to any CME requirements regularly imposed upon him as a condition of licensure in Nevada; (4) reimbursement of the Board's fees and costs associated with investigation and prosecution of the matter. Counts II III, IV, V and VI of the Complaint were dismissed with prejudice.

JEYANANDARAJAN, Dhiraj R., M.D.

(14512)

Irvine, California

Summary: Disciplinary action taken against Dr. Jeyanandarajan's medical license in Pennsylvania and alleged failure to report said disciplinary action to the Nevada State Board of Medical Examiners.

Charges: One violation of NRS 630.301(3) [disciplinary action taken against his medical license in another state]; one violation of NRS 630.306(1)(k) [failure to report in writing, within 30 days, disciplinary action taken against him by another state].

Disposition: On June 1, 2018, the Board accepted a Settlement Agreement by which it found Dr. Jeyanandarajan violated NRS 630.301(3), as set forth in Count I of the Complaint, and imposed the following discipline against him: (1) public reprimand; (2) \$500.00 fine; (3) reimbursement of the Board's fees and costs associated with investigation and prosecution of the matter. Count II of the Complaint was dismissed with prejudice.

KAPLAN, Michael S., M.D. (5983)

Henderson, Nevada

Summary: Alleged failure to adequately supervise a medical assistant he employed or supervised, alleged continual failure to exercise the skill or diligence or use the methods ordinarily exercised under the same circumstances by physicians in good standing, practicing in the same specialty or field, and conviction of a felony relating to the practice

of medicine and involving moral turpitude.

Charges: Case No. 11-8547-1: one violation of NAC 630.230(1)(h) [failure to adequately supervise a medical assistant he employed or supervised]; one violation of NRS 630.306(7) [continual failure to exercise the skill or diligence or use the methods ordinarily exercised under the same circumstances by physicians in good standing, practicing in the same specialty or field]. Case No. 15-8547-1: one violation of NRS 630.301(9) [engaging in conduct that brings the medical profession into disrepute]; one violation of NRS 630.301(11)(g) [conviction of an offense involving moral turpitude]; one violation of NRS 630.301(1) [conviction of a felony relating to the practice of medicine].

Disposition: On June 1, 2018, the Board accepted a Settlement Agreement by which it found Dr. Kaplan violated NRS 630.301(9), as set forth in Count I of the Complaint in Case No. 15-8547-1, and imposed the following discipline against him: (1) Dr. Kaplan's license to practice medicine in Nevada was revoked; (2) public reprimand; (3) reimbursement of the Board's fees and costs associated with investigation and prosecution of the matter. If Dr. Kaplan otherwise meets the requirements for application for licensure, then he may reapply for a medical license, and the Settlement Agreement will not preclude him from making such application. Counts I and II of the First Amended Complaint in Case No. 11-8547-1 and Counts II and III of the Complaint in Case No. 15-8547-1 were dismissed with prejudice.

KULUBYA, Edwin S., M.D. (5942)

Anaheim, California

Summary: Disciplinary action taken against Dr. Kulubya's medical license in California.

Charges: One violation of NRS 630.301(3) [disciplinary action taken against his medical license in another state].

Disposition: On April 13, 2018, the Board accepted a Settlement Agreement by which it found Dr. Kulubya violated NRS 630.301(3), as set forth in the Complaint, and imposed the following discipline against him: (1) public reprimand; (2) \$500.00 fine; (3) reimbursement of the Board's fees and costs associated with investigation and prosecution of the matter.

MARCINKEVICIUS, Rimtautas, M.D.

(9573)

Rancho Mirage, California

Summary: Disciplinary action taken against Dr. Marcinkevicius' medical license in California; alleged failure to report said disciplinary action to the Nevada State Board of Medical Examiners; and alleged failure to disclose said disciplinary action on his license renewal application.

Charges: One violation of NRS 630.301(3) [disciplinary action taken against his medical license in another state]; one violation of NRS 630.306(1)(k) [failure to report in writing, within 30 days, disciplinary action taken against him by another state]; one violation of NRS 630.304(1) [obtaining, maintaining or renewing a license to practice medicine by bribery, fraud or misrepresentation or by any false, misleading inaccurate or incomplete statement].

Disposition: On June 1, 2018, the Board accepted a Settlement Agreement by which it found Dr. Marcinkevicius violated NRS 630.301(3), as set forth in Count I of the Complaint, and imposed the following discipline against him: (1) public reprimand; (2) \$500.00 fine; (3) reimbursement of the Board's fees and costs associated with investigation and prosecution of the matter. Counts II and III of the Complaint were dismissed with prejudice.

MARTIN, Scott M., M.D. (15671)

Las Vegas, Nevada

Summary: Disciplinary action taken against Dr. Martin's medical license in California and alleged failure to report said disciplinary action to the Nevada State Board of Medical Examiners.

Charges: One violation of NRS 630.301(3) [disciplinary action taken against his medical license in another state]; one violation of NRS 630.306(1)(k) [failure to report in writing, within 30 days, disciplinary action taken against him by another state].

Disposition: On June 1, 2018, the Board accepted a Settlement Agreement by which it found Dr. Martin violated NRS 630.301(3), as set forth in Count I of the Complaint, and imposed the following discipline against him: (1) Dr. Martin's license to practice medicine in Nevada was placed on probation until November 17, 2020, at the soonest. Thereafter, the probation shall remain in effect until: (1) Dr. Martin provides

proof of satisfaction of all the terms and conditions imposed on him by that certain Stipulated Settlement and Disciplinary Order filed on or about October 20, 2017, by the California Medical Board, in Case No. 04-2013-234629, OAH No. 2016110024, which Stipulated Settlement and Disciplinary Order is specifically incorporated by reference and which terms and conditions are likewise made an Order of the Nevada State Board of Medical Examiners by the Settlement Agreement; and (2) the California Medical Board fully releases Dr. Martin from probation, whichever comes later. (2) public reprimand; (3) \$1,000.00 fine; (4) reimbursement of the Board's fees and costs associated with investigation and prosecution of the matter. Count II of the Complaint was dismissed with prejudice.

O'GARA, Thomas D., M.D. (5533)

Reno, Nevada

Summary: Alleged writing of prescriptions to 12 patients for opioid analgesics to treat chronic pain in a manner that deviated from the policies set forth in the *Model Policy on the Use of Opioid Analgesics in the Treatment of Chronic Pain* adopted by reference in NAC 630.187, and failure to maintain appropriate medical records related to his treatment of 12 patients.

Charges: Twelve violations of NRS 630.306(1)(b)(2) [engaging in conduct which the Board has determined is a violation of the standards of practice established by regulation of the Board]; 12 violations of NRS 630.3062(1) [failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of 12 patients].

Disposition: On June 1, 2018, the Board accepted a Settlement Agreement by which it found Dr. O'Gara violated NRS 630.3062(1) (12 counts), as set forth in Counts II, IV, VI, VIII, X, XII, XIV, XVI, XVIII, XX, XXII and XXIV of the Complaint, and imposed the following discipline against him: (1) public reprimand; (2) \$1,000.00 fine; (3) 6 hours of CME, in addition to any CME requirements regularly imposed upon him as a condition of licensure in Nevada; (4) reimbursement of the Board's fees and costs associated with investigation and prosecution of the matter. The remaining counts of the Complaint were dismissed with prejudice.

PEREZ-CARDONA, Jorge H., M.D. (10108)**Carson City, Nevada**

Summary: Alleged failure to adequately supervise medical assistant(s).

Charges: Two violations of NRS 630.306(1)(r) [failure to adequately supervise a medical assistant pursuant to regulations of the Board].

Disposition: On April 13, 2018, the Board accepted a Settlement Agreement by which it found Dr. Perez-Cardona violated NRS 630.306(1)(r) (2 counts), as set forth in the First Amended Complaint, and imposed the following discipline against him: (1) public reprimand; (2) \$1,000.00 fine; (3) 6 hours of CME, in addition to any CME requirements regularly imposed upon him as a condition of licensure in Nevada; (4) reimbursement of the Board's fees and costs associated with investigation and prosecution of the matter.

RAND, Robert G., M.D. (11470)**Reno, Nevada**

Summary: Conviction of felonies relating to the practice of medicine and conviction of a violation of federal law regarding the distribution of a controlled substance.

Charges: Two violations of NRS 630.301(1) [conviction of a felony relating to the practice of medicine]; one violation of NRS 630.301(11)(f) [conviction of a violation of federal law regulating the distribution of a controlled substance].

Disposition: On April 13, 2018, the Board accepted a Settlement Agreement by which it found Dr. Rand violated NRS 630.301(1) (2 counts) and NRS 630.301(11)(f), as set forth in the First Amended Complaint, and imposed the following discipline against him: (1) public reprimand; (2) reimbursement of the Board's fees and costs associated with investigation and prosecution of the matter. If Dr. Rand chooses to apply for a new license to practice medicine in Nevada, and if he satisfies all other applicable licensing requirements, he will be required to undergo an evaluation to determine his fitness to practice medicine, at his own expense. Additionally, the Board reserves its right to order its own evaluation of Dr. Rand to determine his fitness to practice medicine. Dr. Rand will be required to appear at a regularly scheduled meeting of the Board subsequent

to submission of an application for licensure anew after expiration of the reinstatement period.

RODRIGUEZ, Hector F., M.D. (11629)**Los Angeles, California**

Summary: Disciplinary action taken against Dr. Rodriguez' medical license in California; alleged failure to report said disciplinary action to the Nevada State Board of Medical Examiners; and alleged failure to disclose the Accusation filed against him by the California Medical Board on his license renewal application.

Charges: One violation of NRS 630.301(3) [disciplinary action taken against his medical license in another state]; one violation of NRS 630.306(1)(k) [failure to report in writing, within 30 days, disciplinary action taken against him by another state]; one violation of NRS 630.304(1) [obtaining, maintaining or renewing a license to practice medicine by bribery, fraud or misrepresentation or by any false, misleading inaccurate or incomplete statement].

Disposition: On April 13, 2018, the Board accepted a Settlement Agreement by which it found Dr. Rodriguez violated NRS 630.304(1), as set forth in Count III of the Complaint, and imposed the following discipline against him: (1) public reprimand; (2) \$500.00 fine; (3) reimbursement of the Board's fees and costs associated with investigation and prosecution of the matter.

VIRDEN, Charles P., M.D. (7420)**Reno, Nevada**

Summary: Alleged malpractice related to Dr. Virden's treatment of two patients.

Charges: Four violations of NRS 630.301(4) [malpractice].

Disposition: On December 1, 2017, the Board found Dr. Virden violated NRS 630.301(4) (four counts), as alleged in the Complaint, and imposed the following discipline against him: (1) public reprimand; (2) \$2,500.00 fine; (3) reimbursement of the Board's fees and costs associated with investigation and prosecution of the matter.

★ ★ ★

Public Reprimands Ordered by the Board

April 23, 2018

William Alvear, M.D.
c/o Stephen Stein, Esq.
520 South 4th Street
Las Vegas, NV 89117

Dr. Alvear:

On April 13, 2018, the Nevada State Board of Medical Examiners (Board) accepted the Settlement Agreement (Agreement) between you and the Board's Investigative Committee in relation to the formal Complaint filed against you in Case Number 17-11277-1.

In accordance with its acceptance of the Agreement, the Board entered an Order finding you violated Nevada Revised Statute (NRS) 630.301(1), conviction of a felony relating to the practice of medicine; NRS 630.301(9), disreputable conduct; and NRS 630.301(11)(g), conviction of an offense involving moral turpitude. For the same, you shall receive a public reprimand; your license to practice medicine in the state of Nevada shall be placed on probation for a period of thirty-six (36) months from the date of the Board's acceptance, adoption and approval of the Settlement Agreement on April 13, 2018; you shall complete six (6) hours of continuing medical education, the aforementioned hours of CME shall be in addition to any CME requirements that are regularly imposed upon you as a condition of licensure in the State of Nevada; and pay the fees and costs related to the investigation and prosecution of this matter.

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.

Sincerely,

Rachakonda D. Prabhu, M.D., President
Nevada State Board of Medical Examiners

June 8, 2018

Jason Russell Burke, M.D.
c/o Lynn S. Fulstone, Esq.
Fennemore Craig Attorneys
300 S. Fourth Street, Suite 1400
Las Vegas, NV 89101

Dr. Burke:

On June 1, 2018, the Nevada State Board of Medical Examiners (Board) accepted the Settlement Agreement (Agreement) between you and the Board's Investigative Committee in relation to the formal Complaint filed against you in Case Number 18-20493-1.

In accordance with its acceptance of the Agreement, the Board entered an Order finding you violated Nevada Revised Statute 630.3062(1), failing to make timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient. For the same you shall receive a public reprimand; pay the fees and costs related to the investigation and prosecution of this matter, the current amount being \$6,845.05 within sixty (60) days of the Board's acceptance, adoption and approval of the Settlement Agreement.

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.

Sincerely,

Rachakonda D. Prabhu, M.D., President
Nevada State Board of Medical Examiners

June 8, 2018

Jason J. Emer, M.D.
c/o Stetson F. Atwood, Esq.
Donohue Brown Mathewson & Smyth LLC
140 South Dearborn St., Suite 800
Chicago, Illinois 60603

Dr. Emer:

On June 1, 2018, the Nevada State Board of Medical Examiners (Board) accepted the Settlement Agreement (Agreement) between you and the Board's Investigative Committee in relation to the formal

Complaint filed against you in Case Number 18-43242-1.

In accordance with its acceptance of the Agreement, the Board entered an Order finding you violated Nevada Revised Statute 630.301(3), disciplinary action by another Licensing Board. For the same you shall receive a public reprimand; pay the fine; pay the fees and costs related to the investigation and prosecution of this matter.

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.

Sincerely,

Rachakonda D. Prabhu, M.D., President
Nevada State Board of Medical Examiners

May 11, 2018

James B. Gabroy, M.D.
c/o Colleen L. Platt, Esq.
PLATT LAW GORUP
1575 Delucchi Lane, Suite 115-105F
Reno, NV 89502

Dr. Gabroy:

On April 13, 2018, the Nevada State Board of Medical Examiners found you violated the Medical Practice Act of the State of Nevada. The Board made a finding that you violated NRS 630.3062(1) as alleged in the Complaint, as you failed to maintain timely, legible, accurate and complete medical records related to the diagnosis, treatment and care of Patients A through C.

As a result of its finding that you violated the Medical Practice Act of the State of Nevada, the Nevada State Board of Medical Examiners entered an Order. For the same, you shall receive a public reprimand; you shall complete ten (10) hours of continuing medical education (CME), the aforementioned hours of CME shall be in addition to any CME requirements that are regularly imposed upon you as a condition of licensure in the State of Nevada, pay the fine; and, the costs and fees related to the investigation and prosecution of this matter.

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.

Sincerely,

Rachakonda D. Prabhu, M.D., President
Nevada State Board of Medical Examiners

April 23, 2018

Steven Victor Gurland, M.D.
c/o Monica L. Felder Rodriguez, Esq.
RODRIGUEZ & PERRY, P.A.
7301 Wiles Road, Suite 107
Coral Springs, FL 33067

Dr. Gurland:

On April 13, 2018, the Nevada State Board of Medical Examiners (Board) accepted the Settlement Agreement (Agreement) between you and the Board's Investigative Committee in relation to the formal Complaint filed against you in Case Number 18-40263-1.

In accordance with its acceptance of the Agreement, the Board entered an Order finding you violated Nevada Revised Statute 630.301(3), disciplinary action by another licensing authority. For the same, you shall receive a public reprimand; you shall complete one (1) hour of continuing medical education, the aforementioned hours of CME shall be in addition to any CME requirements that are regularly imposed upon you as a condition of licensure in the State of Nevada; and pay the fees and costs related to the investigation and prosecution of this matter.

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.

Sincerely,

Rachakonda D. Prabhu, M.D., President
Nevada State Board of Medical Examiners

June 8, 2018

Dhiraj Raj Jeyanandarajan, M.D.
460 Goddard
Irvine, CA 92618

Dr. Jeyanandarajan:

On June 1, 2018, the Nevada State Board of Medical Examiners (Board) accepted the Settlement Agreement (Agreement) between you and the Board's Investigative Committee in relation to the formal Complaint filed against you in Case Number 18-39711-1.

In accordance with its acceptance of the Agreement, the Board entered an Order finding you violated Nevada Revised Statute 630.301(3), disciplinary action by another state. For the same you shall receive a public reprimand; pay the fine; pay the fees and costs related to the investigation and prosecution of this matter.

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.

Sincerely,

Rachakonda D. Prabhu, M.D., President
Nevada State Board of Medical Examiners

June 20, 2018

Michael Stanley Kaplan, M.D.
c/o Patricia Daehnke, Esq.
2300 West Sahara Ave., Suite 680
Las Vegas, NV 89102

Dr. Kaplan:

On June 1, 2018, the Nevada State Board of Medical Examiners (Board) accepted the Settlement Agreement (Agreement) between you and the Board's Investigative Committee in relation to the formal Complaint filed against you in Case Numbers 11-8547-1 and 15-8547-1.

In accordance with its acceptance of the Agreement, the Board entered an Order finding you violated Nevada Revised Statute (NRS) 630.301(9), disreputable conduct. For the same your license to practice medicine

shall be revoked; you shall receive a public reprimand; pay the fees and costs related to the investigation and prosecution of this matter.

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.

Sincerely,

Rachakonda D. Prabhu, M.D., President
Nevada State Board of Medical Examiners

April 23, 2018

Edwin Samuel Kulubya, M.D.
5475 E. La Palma Avenue
Anaheim, CA 92807

Dr. Kulubya:

On April 13, 2018, the Nevada State Board of Medical Examiners (Board) accepted the Settlement Agreement (Agreement) between you and the Board's Investigative Committee in relation to the formal Complaint filed against you in Case Number 18-8298-1.

In accordance with its acceptance of the Agreement, the Board entered an Order finding you violated Nevada Revised Statute 630.301(3), disciplinary action by another state, to wit: the Medical Board of California. For the same, you shall receive a public reprimand; and pay the fees and costs related to the investigation and prosecution of this matter.

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.

Sincerely,

Rachakonda D. Prabhu, M.D., President
Nevada State Board of Medical Examiners

June 8, 2018

Rimtautas Marcinkevicius, M.D.
L. Kristopher Rath, Esq.
Hutchison & Steffen Attorneys
10080 West Alta Drive Suite 200
Las Vegas, NV 89145

Dr. Marcinkevicius:

On June 1, 2018, the Nevada State Board of Medical Examiners (Board) accepted the Settlement Agreement (Agreement) between you and the Board's Investigative Committee in relation to the formal Complaint filed against you in Case Number 18-11842-1.

In accordance with its acceptance of the Agreement, the Board entered an Order finding you violated Nevada Revised Statute NRS 630.301(3), for disciplinary action by another state, to wit: the Medical Board of California. For the same you shall receive a public reprimand; pay the fine; pay the fees and costs related to the investigation and prosecution of this matter.

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.

Sincerely,

Rachakonda D. Prabhu, M.D., President
Nevada State Board of Medical Examiners

June 11, 2018

Scott Matthew Martin, M.D.
c/o Jennifer L. Sturges, Esq.
Carroll, Kelly, Trotter, Franzen, McBride & Peabody
8329 W. Sunset Road, Suite 260
Las Vegas, NV 89113

Dr. Martin:

On June 1, 2018, the Nevada State Board of Medical Examiners (Board) accepted the Settlement Agreement (Agreement) between you and the Board's Investigative Committee in relation to the formal Complaint filed against you in Case Number 18-43110-1.

In accordance with its acceptance of the Agreement, the Board entered an Order finding you violated Nevada Revised Statute 630.301(3), disciplinary action by another state. For the same you shall receive a public reprimand; your license to practice medicine in the state of Nevada shall be placed on probation until November 17, 2020, at the soonest; pay the fine; pay the fees and costs related to the investigation and prosecution of this matter.

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.

Sincerely,

Rachakonda D. Prabhu, M.D., President
Nevada State Board of Medical Examiners

June 8, 2018

Thomas Daniel O'Gara, M.D.
Edward J. Lemons, Esq.
Lemons, Grundy & Eisenberg
6005 Plumas Street, Suite 300
Reno, NV 89519

Dr. O'Gara:

On June 1, 2018, the Nevada State Board of Medical Examiners (Board) accepted the Settlement Agreement (Agreement) between you and the Board's Investigative Committee in relation to the formal Complaint filed against you in Case Number 18-9747-1.

In accordance with its acceptance of the Agreement, the Board entered an Order finding you violated Nevada Revised Statute NRS 630.3062(1), (twelve (12) counts), failure to maintain complete medical records. For the same you shall receive a public reprimand; pay the fine; pay the fees and costs related to the investigation and prosecution of this matter; and take continuing medical education (CME) related to best practices in medical recordkeeping, within six (6) months from the date of the Board's acceptance, adoption and approval of the Settlement Agreement.

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.

Sincerely,

Rachakonda D. Prabhu, M.D., President
Nevada State Board of Medical Examiners

April 23, 2018

Jorge Hernan Perez-Cardona, M.D.
c/o Alice Campos Mercado, Esq.
LEMONS, GRUNDY & EISENBURG
6005 Plumas Street, Third Floor
Reno, NV 89519

Dr. Perez-Cardona:

On April 13, 2018, the Nevada State Board of Medical Examiners (Board) accepted the Settlement Agreement (Agreement) between you and the Board's Investigative Committee in relation to the formal First Amended Complaint filed against you in Case Number 17-25257-1.

In accordance with its acceptance of the Agreement, the Board entered an Order finding you violated Nevada Revised Statute 630.306(1)(r), failing to adequately supervise a medical assistant (Counts I and II, respectively). For the same, you shall receive a public reprimand; you shall complete six (6) hours of continuing medical education, the aforementioned hours of CME shall be in addition to any CME requirements that are regularly imposed upon you as a condition of licensure in the State of Nevada; and pay the fees and costs related to the investigation and prosecution of this matter.

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.

Sincerely,

Rachakonda D. Prabhu, M.D., President
Nevada State Board of Medical Examiners

April 23, 2018

Robert G. Rand, M.D.
c/o John Ohlson, Esq.
SILVERMAN KATLEMAN SPRINGGATE
500 Damonte Ranch Pkwy., Suite 675
Reno, NV 89521

Dr. Rand:

On April 13, 2018, the Nevada State Board of Medical Examiners (Board) accepted the Settlement Agreement (Agreement) between you and the Board's Investigative Committee in relation to the formal First Amended Complaint filed against you in Case Number 17-25704-1.

In accordance with its acceptance of the Agreement, the Board entered an Order finding you violated Nevada Revised Statute (NRS) 630.301(1), conviction of felony relating to the practice of medicine (Counts I and II, respectively); and NRS 630.301(1)(f), conviction of a violation of federal law regulating the distribution of a controlled substance. For the same, you shall receive a public reprimand; and pay the fees and costs related to the investigation and prosecution of this matter.

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.

Sincerely,

Rachakonda D. Prabhu, M.D., President
Nevada State Board of Medical Examiners

April 23, 2018

Hector Rodriguez, M.D.
5925 West 75th Street
Los Angeles, CA 90045

Dr. Rodriguez:

On April 13, 2018, the Nevada State Board of Medical Examiners (Board) accepted the Settlement Agreement (Agreement) between you and the Board's Investigative Committee in relation to the formal Complaint filed against you in Case Number 17-30588-1.

In accordance with its acceptance of the Agreement, the Board entered an Order finding you violated Nevada Revised Statute 630.304(1), a false, misleading and inaccurate statement on your license renewal application in 2015. For the same, you shall receive a public reprimand; and pay the fees and costs related to the investigation and prosecution of this matter.

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.

Sincerely,

Rachakonda D. Prabhu, M.D., President
Nevada State Board of Medical Examiners

December 20, 2017

Charles P. Virden, M.D.
c/o Dominique Pollara, Esq.
Pollara Law Group
3600 American River Drive, Suite 160
Sacramento, CA 95864

Dr. Virden:

On December 1, 2017, the Nevada State Board of Medical Examiners found you committed four (4) violations of the Medical Practice Act of the State of Nevada, more specifically, four (4) violations of NRS 630.301(4), malpractice, as alleged in Counts I, II, III and IV of the Complaint.

As a result of its finding that you violated the Medical Practice Act of the State of Nevada, the Nevada State Board of Medical Examiners entered its **ORDER** as follows:

That you shall be issued a public reprimand; that you shall pay a fine of \$2,500 within one hundred eighty (180) days of the filing of the Findings of Fact, Conclusions of Law, and Order filed on December 14, 2017; that you shall reimburse the Board the reasonable costs and expenses actually incurred in the investigation and prosecution of this case in the amount of \$25,986.66, which amount shall be paid within one hundred eighty (180) days of the filing of the Findings of Fact, Conclu-

sions of Law, and Order filed on December 14, 2017.

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.

Sincerely,

Rachakonda D. Prabhu, M.D., President
Nevada State Board of Medical Examiners

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NEVADA STATE BOARD OF MEDICAL EXAMINERS

9600 Gateway Drive

Reno, NV 89521