

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

3 * * * * *

4
5 **In the Matter of Charges and Complaint**

Case No. 21-9314-1

6 **Against:**

FILED

7 **ROBERT JAY FUTORAN, M.D.,**

JUN 14 2021

8 **Respondent.**

**NEVADA STATE BOARD OF
MEDICAL EXAMINERS**

By: 

9
10 **COMPLAINT**

11 The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners
12 (Board), by and through Donald K. White, J.D., Deputy General Counsel and attorney for the IC,
13 having a reasonable basis to believe that Robert Jay Futoran, M.D. (Respondent) violated the
14 provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC)
15 Chapter 630 (collectively, the Medical Practice Act), hereby issues its Complaint, stating the IC's
16 charges and allegations as follows:

17 1. Respondent was at all times relative to this Complaint a medical doctor holding an
18 active license to practice medicine in the State of Nevada (License No. 5253). Respondent was
19 originally licensed by the Board on June 29, 1985.

20 2. On May 6, 2015, Respondent was advised by Mountainview Hospital via letter that
21 his privileges to practice medicine at their facilities was temporarily suspended by the hospital
22 pending an investigation.

23 3. On May 19, 2015, the Medical Executive Committee (MEC) of the hospital
24 performed a review and issued a recommendation for revocation of Respondent's hospital
25 privileges. However, in an effort of compromise, the hospital agreed not to revoke his privileges
26

27 ¹ The Investigative Committee of the Nevada State Board of Medical Examiners, at the time this formal
28 Complaint was authorized for filing, was composed of Board members Rachakonda D. Prabhu, M.D., Ms. Sandy
Peltyn and Victor M. Muro, M.D..

1 if Respondent voluntarily abstained from exercising his privileges pending their review and
2 investigation, to which Respondent accepted the offer.

3 4. On May 19, 2015, Respondent submitted his renewal application to practice
4 medicine to the Nevada State Board of Medical Examiners (Board). In this renewal application
5 there are questions that specifically asks all applicants:

- 6 1. Have you been: a) **asked to respond to an investigation;**
7 **b) notified that you were under investigation for;** c) **investigated**
8 **for;** d) charged with; or e) convicted of any violation of a statute,
9 rule or regulation governing your practice as a physician by any
10 medical licensing board, **hospital**, medical society, governmental
11 entity or agency other than the Nevada State Board of Medical
12 Examiners? (**Emphasis added**).
- 13 2. Have you had hospital staff privileges denied, **suspended**, limited,
14 **revoked** or not renewed by the **hospital**, including any and all
15 resignations from any medical staff in lieu of disciplinary or
16 administrative action? (**Emphasis added**).

17 Respondent answered "N" (no) to both questions on the application. Although, on the date
18 Respondent submitted his application, May 19, 2015, he had notice of the investigation and of
19 having his privileges suspended at Mountainview Hospital; as evidenced by the letters received
20 from the hospital and the subsequent agreement that was entered into by the Respondent not to
21 exercise his privileges until the investigation was complete.

22 COUNT I

23 NRS 630.304(1) - Misrepresentation in Renewing License

24 5. All of the allegations contained in the above paragraphs are hereby incorporated
25 by reference as though fully set forth herein.

26 6. NRS 630.304(1) provides that renewing a license to practice medicine by bribery,
27 fraud or misrepresentation or by any false, misleading, inaccurate or incomplete statement
28 constitutes grounds for initiating disciplinary action or denying licensure.

29 7. Respondent renewed his license to practice medicine by fraud and
30 misrepresentation and by a false, misleading, inaccurate and incomplete statement by answering
31 "N" (no) to the following question on his 2015 Nevada medical license renewal application:

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1. Have you been: a) **asked to respond to an investigation;** b) **notified that you were under investigation for;** c) **investigated for;** d) charges with; or e) convicted of any violation of a statute, rule or regulation governing your practice as a physician by any medical licensing board, hospital, medical society, governmental entity or agency other than the Nevada State Board of Medical Examiners?

2. Have you had hospital staff privileges denied, **suspended**, limited, **revoked** or not renewed by the hospital, including any and all resignations from any medical staff in lieu of disciplinary or administrative action?

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

WHEREFORE, the Investigative Committee prays:

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

2. That the Board set a time and place for a formal hearing after holding an Early Case Conference pursuant to NRS 630.339(3);

3. That the Board determine what sanctions to impose if it determines there has been a violation or violations of the Medical Practice Act committed by Respondent;

4. That the Board award fees and costs for the investigation and prosecution of this case as outlined in NRS 622.400;

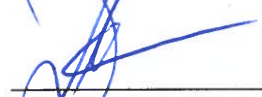
5. That the Board make, issue and serve on Respondent its findings of fact, conclusions of law and order, in writing, that includes the sanctions imposed; and

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

DATED this 11th day of June, 2021.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:


DONALD K. WHITE, J.D., Deputy General Counsel
9600 Gateway Drive
Reno, NV 89521
Email: dwhite@medboard.nv.gov
Attorney for the Investigative Committee

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VERIFICATION

STATE OF NEVADA)
 : ss.
COUNTY OF CLARK)

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

DATED this 11th day of June, 2021.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: *U M Muro MD*
Victor M. Muro, M.D., *Chairman*