



AB 170 Passage Allows Full Practice Authority to APRNs

By: Debra Scott, Executive Director, Nevada State Board of Nursing

On June 3, 2013, Governor Sandoval signed Assembly Bill 170. This act amended the Nevada Revised Statutes regarding the practice requirements of Advanced Practitioners of Nursing in Nevada. The bill became effective on July 1, 2013.

The passage of AB 170 changed three aspects of regulation for APNs in Nevada. It changed the title of the Advanced Practitioner of Nursing (APN) to Advanced Practice Registered Nurse (APRN), it changed the certificate of recognition that the NSBN (Nevada State Board of Nursing) issues to APNs to an APRN license, and it deleted the regulatory practice requirement for a formal, written collaborative agreement between the APRN and a physician, unless the APRN has clinically practiced less than 2 years or 2000 hours and intends to prescribe Schedule II Controlled Substances. In this case, the APRN must have a written collaborative agreement to prescribe those drugs until the clinical practice requirement is met.

The Nevada Advanced Practice Nurses Association whose members include more than 50% of the licensed APRNs in Nevada brought the concept forward and secured sponsorship of the bill during the 2013 Legislative Session. The goal of AB 170 was to join stakeholders across the nation in seeking uniformity in the regulation of APRNs through a concerted effort to meet the requirements established by the APRN Consensus Model published in 2008 and adopted by more than 48 national nursing groups. That same year, the Institute of Medicine and the Robert Wood Johnson Foundation launched a two-year initiative to respond to the need to assess and transform the nursing profession. The resulting report, the Future of Nursing: Leading Change, Advancing Health was released in October 2010. The four key messages of this report spoke to the concepts that nurses should practice to the full extent of their education and training, should achieve higher levels of education through seamless academic progression, that nurses should be full partners, with physicians and other health care professionals, in redesigning health care in the US, and it identified the need for effective workforce planning and policy through utilizing better data collection and information infrastructure.

With the passage and adoption of AB 170, Nevada joined 24 other states in allowing APRNs full practice authority. During the Legislative Session, the Nevada State Board of Nursing voted to support the passage of AB 170. *(article continued – page 8)*

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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.

Compliance Always the Best Way to Avoid Healthcare Fraud

This article was originally published by Physicians Practice at www.physicianspractice.com.

Guest Author: Rachel V. Rose, JD, MBA

One only needs to pull up the U.S. Department of Justice (DOJ) website to see that healthcare fraud enforcement is on the rise. Sadly, in one recent week, more than three physicians and other individuals were sent to prison.

The purpose in addressing this issue is to underscore the importance of compliance and reconsidering the temptation to either utilize a higher (and unsubstantiated) code or bill for an item/service not performed.

In Houston, an owner of a durable medical equipment (DME) company billed Medicare and Medicaid for items listed on purchased physician orders without delivering all of the items billed for. The owner "also admitted he gave his billing agent the incorrect coding information so he would receive more money from Medicare and Medicaid for each DME claim." He was sentenced to [81 months in federal prison and ordered to pay \\$597,865.19 in restitution](#) to CMS (Centers for Medicaid and Medicare Services).

In Lansing, Mich., a physician was sentenced to [18 months in prison and ordered to pay restitution to CMS totaling \\$582,912](#). Here, the physician "signed home healthcare referrals for a home health agency called Moonlite Home Care Inc. ...([T]he physician) certified Medicare beneficiaries as homebound, a requirement for receiving home health care, when in fact, [the physician] had never examined or met the beneficiaries as homebound, and they were not homebound." The Medicare Fraud Strike Force is credited with the enforcement.

Finally, The U.S. Attorney's Office for the Eastern District of Kentucky announced the first case of its kind in Kentucky, whereby [a cardiologist pled guilty to making false billing statements in connection with the placement of heart stents](#). He was the third cardiologist nationwide to be prosecuted for the placement of heart stents and fraudulent billing. In addition, the hospital repaid the government for \$256,800 that the physician falsely submitted for reimbursement from CMS between 2009 and 2010. "Under federal law, Medicare and Medicaid reimburse physicians for procedures that are deemed medically necessary. For a cardiac stent procedure to qualify as a medical necessity, it is generally accepted that a patient must have at least 70 percent blockage of an artery and symptoms of blockage." The cardiologist "upcoded" and indicated that he placed stents in patients that had significantly less than 70 percent blockage. Thereby, not meeting medical necessity and submitting fraudulent billing claims to CMS.

Again, these examples underscore the "importance of being earnest." Being compliant and meeting the medical necessity standards can help physicians avoid an adverse enforcement action.

Rachel V. Rose, JD, MBA, is a Houston-based attorney advising on federal and state compliance and areas of liability associated with a variety of healthcare legal and regulatory issues including: HIPAA, the HITECH Act, the False Claims Act, Medicare issues, women's health, as well as corporate and security regulations. She can be reached at rvrose@rvrose.com

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

BOARD MEMBER NEWS

Rodriguez Termed Out

Dr. Benjamin J. Rodriguez who was appointed to the Board September 1, 2005, and served three years as its Vice-President and two years and three months as its President, has termed out effective as of August 30, 2013. His replacement has not been named by the Governor's Office. Thank you, Dr. Rodriguez for eight years of outstanding service.

Berndt and Fischer Reappointed

Theodore B. Berndt, M.D. and Michael J. Fischer, M.D. were reappointed by Governor Brian Sandoval to the Board of Medical Examiners on May 3, 2013 and July 2, 2013, respectively. The term for Dr. Berndt's appointment is 7/1/2013 to 6/30/2017 and Dr. Fischer's term is 9/1/2013 to 8/30/2017.

Ann Wilkinson Appointed to Board

Governor Brian Sandoval has appointed Ann Wilkinson as the new public member of the Board, effective July 1, 2013.

She presently works for the Civil Division of the Reno City Attorney's Office. She formerly represented the City of Henderson, Washoe County and the state of Nevada and has also worked in private practice for the law firm of Hale Lane Peek Dennison & Howard (now Holland & Hart) and for Sprint Communications.

She was appointed as the Deputy Chief of Staff to Governor Sandoval (11/2010 – 3/2013). In that capacity, Ann was a member of the Governor's Senior Staff and served as his policy advisor on health care and human services. Ann graduated from the University of Washington with a Bachelor of Arts and obtained her Juris Doctorate from Seattle University. She relocated from the Pacific Northwest in 1993, and since then has made Nevada her home.

BOARD MEMBERS

Benjamin J. Rodriguez, M.D., *President*
Theodore B. Berndt, M.D., *Vice President*
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Ann Wilkinson

Douglas C. Cooper, CMBI, *Executive Director*

COMMUNITY OUTREACH PROGRAM

If you are interested in discussing the community outreach program or scheduling a presentation, please contact: Douglas C. Cooper, CMBI, Executive Director of the Nevada State Board of Medical Examiners, at dccnsbme@medboard.nv.gov or by calling 775-688-2559.

Nevada Health Link: Consumer Health Insurance Web Portal Launched

Carson City, NV – The Silver State Health Insurance Exchange is proud to announce NevadaHealthLink.com, the consumer web portal for information and the purchase of health insurance. The site launched Monday morning, June 10, 2013. The website offers a user-friendly interface through which consumers can shop for and compare income-based health insurance plans that are tailored to their individual budget. The site is geared toward consumers with information presented in a simple, easy to understand web platform.

“Nevada Health Link simplifies the process of shopping for health insurance and ultimately puts the consumer in the driver’s seat,” said Jon Hager, Executive Director of the Exchange. “Nevadans now have a resource to find quality health plans without compromising their needs.”

The site provides a wealth of information on the changes that are coming to the health insurance market this October. When open enrollment begins in October, Nevadans seeking individual, family and small business coverage will be able to use the same site to purchase insurance and apply for financial help with premium cost.

NevadaHealthLink.com is a resource that Nevada’s consumers may use to gain accurate and important information about the Affordable Care Act, changes to the health insurance marketplace in 2014 and how Nevada Health Link can help them prepare for the requirement to have health insurance coverage in 2014.

Nevada Health Link Enrollment Agencies Selected

Carson City, NV – Nevada Health Link is proud to announce the grantees that have been selected as “Navigators” and “Enrollment Assistants.” The following agencies will facilitate enrollment in qualified health plans offered through Nevada Health Link beginning in October 2013:

- Inter-tribal Council of Nevada (ITCN) (statewide)**
- Know Your Care (statewide)**
- The Children’s Cabinet (statewide)**
- Great Basin Primary Care (northern Nevada)**
- Consumer Assistance and Resource Enterprise (CARE) (southern Nevada)**
- East Valley Family Services (southern Nevada)**
- Latin Chamber of Commerce Community Foundation (southern Nevada)**
- Richard Allen Community Outreach (southern Nevada)**

Navigators and Enrollment Assistants will receive grant funds from Nevada Health Link to assist in the education and enrollment of eligible consumers in health insurance plans offered through Nevada Health Link. Their primary purpose is to help Nevadans successfully navigate the enrollment process—from understanding the Affordable Care Act to learning how to best manage costs and utilize healthcare services.

“With the help of Navigators and Enrollment Assistants, health insurance consumers will receive one-on-one, in-person assistance,” said Jon Hager, Executive Director of the Silver State Health Insurance Exchange, who operates Nevada Health Link. “This will help alleviate much of the uncertainty that surrounds the purchase of a Qualified Health Insurance Plan.”

Navigators and Enrollment Assistants will undergo a thorough background check, and certification and training program through the Nevada Division of Insurance to ensure that Nevadans receive the highest quality assistance. Navigators and Enrollment Assistants will also collaborate with insurance agents and brokers to enroll consumers.

For more information:

Nevada Health Link (Silver State Health Insurance Exchange - <http://www.nevadahealthlink.com>)

Silver State Health Insurance Exchange Contact:

CJ Bawden, Communications Officer

Phone: (775) 687-9934

Email: cjbawden@exchange.nv.gov

Nevada Division of Insurance Announces New Website and Guide to the Affordable Care Act

CARSON CITY, NV – The Nevada Division of Insurance (Division) is excited to announce the launch of its new website at doi.nv.gov. The website provides Nevada consumers with comprehensive information about insurance and healthcare reform in Nevada. Members of the insurance industry will also find a wealth of information about doing business in Nevada.

The Division's new "Nevada Employer's Guide to the Affordable Care Act" is also available for download at doi.nv.gov/News-Notices/Publications/. This guide answers some of the most common questions that business owners have about how healthcare reform will affect their business, including whether or not they will have to offer health insurance to their employees, how to purchase health insurance, how the law has affected health insurance coverage and much more.

"The Nevada Division of Insurance takes its role as a consumer protection agency seriously," said Commissioner Scott J. Kipper. "We believe that the key to consumer protection is education and our new website and guide do just that. I encourage anyone with questions about insurance to visit our new website, check out the great consumer information we have available and call our office if you still have any questions."

Visitors to the Division's new website will also find:

- A new License Verification Tool at doi.nv.gov/licensing-search which allows users to search the name of any insurance agent, agency or company selling them insurance to make sure that they are licensed by the Division.
- Health Insurance Rates: At rates.doi.nv.gov it's now even easier to become a part of the health insurance rate review process by reviewing proposed health insurance rate changes and offering comments for us to consider as we review the pending rate changes.
- Information about healthcare reform. Learn about how healthcare reform affects you, your family and your business at doi.nv.gov/Healthcare-Reform.
- Information on how to become licensed as a producer in Nevada at doi.nv.gov/Licensing.
- Information for insurers at doi.nv.gov/Insurers.
- File a complaint against an insurance agent or company at doi.nv.gov/Consumers/File-A-Complaint.
- Consumer information and guides at doi.nv.gov/Consumers to help you make the best decisions for you and your family when you purchase insurance.

About the Nevada Division of Insurance:

The State of Nevada Division of Insurance is a division of the Nevada Department of Business and Industry. It is the state agency that protects the rights of Nevada consumers and regulates Nevada's \$11.2 billion insurance industry. It has offices in Carson City and Las Vegas. In 2012, the Division investigated more than 1,900 consumer complaints and recovered nearly \$4 million on behalf of consumers. For more information about the Division of Insurance, visit doi.nv.gov.

Contact: Jake Sunderland, Public Information Officer

Phone: (775) 687-0772 Email: jsunderland@doi.nv.gov

DHHS, Nevada State Medical Association and Orion Health Partner to Offer NV DIRECT Secure Messaging For Health Information Exchange (HIE)

Free NV DIRECT Email Addresses for the First 200 Qualifying Participants

CARSON CITY, NV – The Nevada Department of Health and Human Services (DHHS) announced today that NV DIRECT is now available for health care providers. NV DIRECT is a secure, encrypted web-based communication system for physicians, physician assistants, nurse practitioners, nurses, and other clinical staff to directly share protected health information (PHI) with known, trusted recipients. It does not require participants to have an electronic health record or to purchase additional software. The only requirement is a connection to the Internet.

Unlike other types of secure email, Direct Secure Messaging solutions conform to national standards, including ensuring verification that a person or entity seeking access to electronic PHI is the one claimed. The messages can only be sent between two trusted sources, only within the Direct secure mail server environment.

NV DIRECT is made possible by a DHHS vendor, Orion Health Inc., which has provided the technology and related services, and is hosting NV DIRECT for free, until the non-profit Nevada Health Information Exchange (NV-HIE) establishes more robust HIE services later this year.

Under an HIE connectivity grant from DHHS, the Nevada State Medical Association (NSMA) will administer stimulus funds from Nevada's State HIE Cooperative Agreement to cover the initial cost to participate in NV DIRECT. Through this partnership, DHHS will provide free NV DIRECT email addresses for the first 200 qualifying participants.

DHHS Director, Mike Willden, said, "NV DIRECT gives Nevada health care providers the means to share patient medical information directly and securely with each other, while meeting federal meaningful use requirements for electronic data exchange." He continued, "We appreciate the products and services Orion Health is providing to make this electronic HIE capability available statewide, and value the ongoing partnership with NSMA to move HIE initiatives forward."

"Orion Health is proud to support the state of Nevada in its mission to provide clinicians with the ability to securely exchange patient data and coordinate care across a variety of clinical settings and geographies," said Paul Viskovich, President, Orion Health North America. "We will draw on our two decades of experience developing clinician-ready eHealth solutions to ensure that Nevada providers have the support necessary for utilizing NV DIRECT to improve health care for residents throughout the state."

"The NSMA is pleased to assist in this important project," said David E. Hald, M.D., NSMA President. "Successful health care reform and improving the quality of health services are dependent on the successful integration of health information technology into the health care system at all levels."

The NV DIRECT web portal allows a provider to send a message to another provider with a NV DIRECT address. Using a secure clinical messaging protocol, it acts much like email, allowing providers to type messages, attach patient summaries and images, and send the information to known NV DIRECT recipients using national standards for secure transactions. The provider receiving the electronic message does not need to be in the same practice or health system, or even use the same electronic health or medical record system. NV DIRECT is HIPAA compliant.

While NV DIRECT is currently being offered by DHHS, it will become part of the core HIE services offered by the NV-HIE in late 2013. NV-HIE is also the governing entity responsible for protecting the public interest regarding the privacy and security of PHI exchanged electronically.

For more information:

NV Direct - <http://dhhs.nv.gov/NVDIRECT.htm>

Orion Health - <http://www.orionhealth.com/>

Nevada State Medical Association - <http://nsmadocs.org>

Nevada Direct – Direct Secure Messaging (DSM)

Connectivity Grant from DHHS through the NSMA available to the first 200 qualifying participants to enroll

Not just secure email -

- **NV DIRECT** provides secure, encrypted, HIPAA and standards compliant messaging
- Messaging can **ONLY** be done with other DIRECT participants who complete the identity verification requirements as you have
- **NV DIRECT** supports meaningful use requirements
- No additional software to be downloaded or purchased, no additional hardware to buy
- Login to your account from a supported internet browser

Uses include -

- Read new email, create new email message, attach documents, request read receipt
- No more faxing! Send information through email directly to the intended recipient
- Exchange notes and respond to colleague's questions directly
- Patient referrals, care coordination, discharge planning, requesting information from another physician

HOW TO SIGN UP FOR NV DIRECT

Visit: <http://dhhs.nv.gov/NVDIRECT.htm>

FOLLOW THESE STEPS:

STEP 1: Complete application

- Required information includes: NPI, applicable medical license #, Nevada Business License #
- One application per organization, no matter how many participants
- Identity verification is critical to maintain the integrity of the system and must be completed either by a notary or DHHS authorized individual/entity

STEP 2: Read, agree, and sign participant agreement

- This document details the responsibilities of the DIRECT Secure Messaging Service provider, DHHS and you.

STEP 3: Return enrollment package to DHHS, Office of Health IT

- *First 200 qualifying participants receive waiver of initial subscription fee of \$125, via a connectivity grant from DHHS through NSMA*

STEP 4: Provide Certificates of Insurance as required by the Participant Agreement

STEP 5: Receive DIRECT welcome package, DIRECT individual email address LOGIN and user guide

STEP 6: Communicate with other DIRECT participants

- Refer patients to specialist
- Coordinate patient care among physicians
- Coordinate a patient discharge plan

STEP 7: Complete and return Attestation form

- Attestation of successful messaging of clinical care decisions via NV DIRECT (required by federal grant)

Need more information?

Visit the DHHS/Office of Health IT website at: <http://dhhs.nv.gov/hit.htm>

Still have questions?

Contact the NV DIRECT Help Desk at (775)684-7591, M-F 8am –5pm Pacific or via email at megan.may@dhhs.nv.gov

By: Keith Lee

Several bills were passed and sent to the Governor amending Chapter 630 of Nevada Revised Statutes.

SB 199 increases the criminal penalty for performing certain medical procedures, including surgical procedures, without a license. If substantial bodily harm, but no death occurs, the first offense is a Category C felony and for subsequent offenses, a Category B felony. If death results, unless the law otherwise provides, it is a class B felony. These penalties differ from the penalties in SB220. Legislative Counsel will have to resolve the difference.

SB 220 gives the Board authority to enter the premises of a licensee to inspect to determine if any unlicensed activity is taking place on the premises. It authorizes the Board to share, unless there are extenuating circumstances, any such information regarding unlicensed activities with law enforcement and other licensing boards, if applicable. SB 220 requires the Board to adopt regulations regarding the possession and administration of Botox. SB 220 confirms the Board's current authority to issue cease and desist orders on those practicing medicine without a license and/or committing other violations of the Medical Practice Act. It also grants the Board the discretion to issue administrative citations and impose a fine not to exceed \$5000 in those instances.

SB 319 permits, but does not require, a licensee to substitute not more than two hours of continuing medical education in pain management or addiction care in satisfaction of the current ethics requirement.

SB 327 specifies that telemedicine by a licensee may be practiced in or outside Nevada and in/from a foreign country. If the licensee is practicing outside of Nevada, he or she must maintain, and advise of any change in, an electronic mail address and to consent to the use of an electronic acceptance of legal proceedings. The Board must adopt regulations regarding the electronic or telephonic supervision of physician assistants and the use by the physician assistant of equipment that electronically, telephonically or by fiber optics transfers information regarding the condition of a patient. SB 327 authorizes the Board to issue a special purpose license to a physician, who is licensed in another state, to practice telemedicine in Nevada. It is the legislative intent of SB 327 that telemedicine can only be performed when a doctor-patient relationship has been established by best practices, i.e., physical examination and taking of a history. SB 327 permits the Board to issue a restricted license to a graduate of a foreign medical school to teach, research or practice medicine in this state if that person meets the Board's requirements.

SB 450 increases the days from 5 to 10 for the production of documents by a licensee upon request or subpoena for in-state licensees and from 10 to 20 for out-of-state licensees unless the Board determines exigent circumstances exist, in which case the 5 days and 10 days, respectively apply. SB 450 repealed the provision making it a misdemeanor for willfully failing to respond to a records request or subpoena.

Lastly, **AB 456** requires that an advertisement for health care services include certain information regarding the qualifications of a health care professional to whom the advertisement pertains, including information regarding any license or certification held by the health care professional. This bill provides that such advertisements must not include any deceptive or misleading information. A health care professional must communicate specific licensure to all current and prospective patients and requires such a communication to include a written disclosure statement conspicuously displayed in the office of the health care professional which clearly identifies the type of license held. This bill requires a health care professional to wear a name tag indicating his or her licensure or certification while providing health care other than sterile procedures in a health care facility. This bill requires a health care professional to comply, as applicable, with such advertising and disclosure requirements in each office in which he or she practices, prescribes the format for certain advertisements and disclosures and sets forth certain exceptions to such requirements. This bill also prohibits a health care professional who is a physician from using the term "board certified" unless he or she discloses the name of the board by which he or she is certified and the board: (1) is a member board of the American Board of Medical Specialties; or (2) meets certain other requirements. This bill further provides that a health care professional who violates the provisions of this bill is subject to disciplinary action.

AB 170 Passage - Continued from front page -

The message that the NSBN is communicating is clear. There is still much work to be done in promulgating changes to the Nevada Administrative Code. Regulations will be revised to meet the intent of AB 170 through a transparent and public process. That work is in progress. We are underscoring that nothing in AB 170 prevents APRNs from continuing their collaborative relationship with a physician. Nothing in AB 170 changes the APRN scope of practice, which will continue to be defined by the NSBN based on national standards of practice and the individual APRN's education and competence. And most importantly, the message is clear that APRNs must continue to provide care to their patients in the same way they have been for over 30 years, working alongside their colleagues in medicine and other disciplines.

FSMB Foundation Publishes eBook Version of Responsible Opioid Prescribing

Revised and Expanded 2nd edition of FSMB's "Responsible Opioid Prescribing: A Clinician's Guide," accredited for Continuing Medical Education (CME), is now available for Kindle, Nook, iPad and other e-readers

Dallas, Texas – The Federation of State Medical Boards (FSMB) Foundation offers the publication of an eBook edition of "Responsible Opioid Prescribing™: A Clinician's Guide" for Kindles, Nooks, iPads and other popular platforms.

The Foundation has created an easy-order web page for purchase and download of the eBook, which can be accessed at www.fsmb.org/book. The eBook, produced by publisher Waterford Life Sciences, is available in ePub, Kindle/mobi and Apple iBooks formats and can be read on any computer, tablet, smart-phone, or e-reader.

The eBook is priced at \$16.95 and is certified for up to 7.25 AMA PRA Category 1 Credits™ by the University of Nebraska Medical Center. The FSMB's eBook web page accepts PayPal, Visa, MasterCard, American Express and other standard forms of payment.

The revised and expanded 2nd edition of the book, written by pain medicine specialist Scott M. Fishman, M.D., offers clinicians effective strategies for reducing the risk of addiction, abuse and diversion of opioids that they prescribe for their patients in pain. It is part of the FSMB's ongoing initiative to address the rise of opioid abuse and related deaths in the United States by better educating physicians and other clinicians about their risks and proper use. Dr. Fishman is a leading pain medicine clinician, researcher, teacher, lecturer and writer, serving as Chief of the Division of Pain Medicine and professor of Anesthesiology at the University of California, Davis.

The new edition of the book offers important new material – including research on opioid prescribing and risk management that was not available when the first edition was published in 2007 – along with updated recommendations for prescribers. The update is especially important given the rise of opioid abuse and related deaths in the United States.

The new edition of "Responsible Opioid Prescribing" translates best-practice guidelines from leading pain medicine societies and the FSMB into pragmatic steps for risk reduction and improved patient care, including:

- Patient evaluation, including risk assessment
- Treatment plans that incorporate functional goals
- Informed consent and prescribing agreements
- Periodic review and monitoring of patients
- Referral and patient management
- Documentation
- Compliance with state and federal law
- Patient education on safe use, storage and disposal of opioid medication
- Termination strategies for chronic opioid therapy

"This vital resource in the effort to address opioid prescription abuse and misuse is now available for download to any eReading device," said FSMB Foundation President Stephen Heretick, JD. "Any physician, or other clinician, who prescribes opioids now has instant access to the best and most up-to-date information available on safe and responsible prescribing."

Discounts are available for bulk purchases of "Responsible Opioid Prescribing." For additional pricing or other information about the book, please visit www.fsmb.org/book or call (817) 868-5160.

Contact: Drew Carlson, Director, Communications Phone: (817) 868-4043 Email: dcarlson@fsmb.org

For More Information:

Model Policy on DATA 2000 and Treatment of Opioid Addiction in the Medical Office/April 2013

http://www.fsmb.org/pdf/2013_model_policy_treatment_opioid_addiction.pdf

Federation of State Medical Boards Foundation - www.fsmb.org/foundation.html

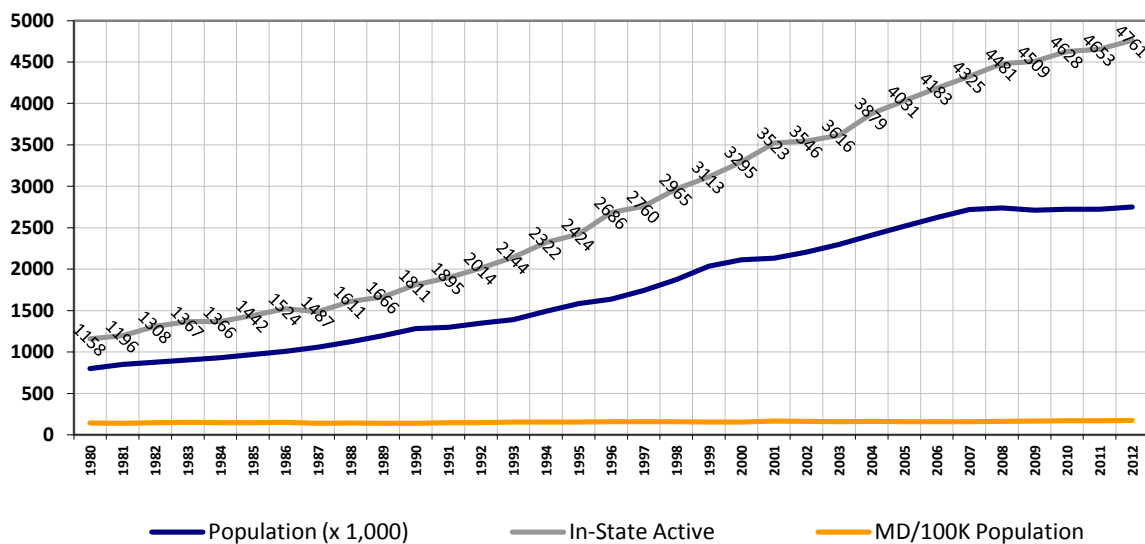
Federation of State Medical Boards - www.fsmb.org

2012 ANNUAL REPORT HIGHLIGHTS

Practice	
Physicians	433
Physician Assistants	79
Respiratory Therapists	140
Perfusionists	8

In 2012, the ratio of physicians to 100,000 population* increased only slightly 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 2,750,217), the growth in 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 1980 through 1992, the ratio of physicians to 100,000 population was relatively static, staying between 140 and 151 physicians per 100,000 population throughout these years. From 1993 through 2007, the ratio increased, averaging between 153 to 161 physicians per 100,000. In 2008, the ratio increased to 164; in 2009, it increased to 166; in 2010, it increased to 170; in 2011, it increased to 171 and in 2012, the ratio again increased to 173.

Comparison of Population With In-State Active Physicians



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

The growth in physician licensure for active, in-state physicians in 2012 was 2.3% over 2011. The following table is a county-by-county breakdown of physician licenses for the last ten years. Clark and Washoe Counties showed significant growth in their physician populations, six other counties showed slight growth, five counties remained static, and four counties showed slight decreases in their physician populations.

Physician Licensure Counts (2003-2012)

County	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Carson City	141	141	143	144	140	142	143	151	158	152
Churchill	24	25	24	22	21	23	22	20	22	23
Clark	2366	2578	2729	2850	2949	3060	3086	3186	3207	3305
Douglas	74	82	79	82	93	97	85	84	87	89
Elko	41	41	42	41	41	46	45	46	48	41
Esmeralda	0	0	0	0	0	0	0	0	0	0
Eureka	1	1	0	1	1	1	1	0	0	1
Humboldt	7	6	6	7	9	9	10	9	10	11
Lander	3	3	3	2	2	2	3	3	2	2
Lincoln	1	2	1	1	1	2	2	2	2	2
Lyon	15	12	11	13	13	11	14	13	15	16
Mineral	4	6	6	5	6	5	6	6	5	6
Nye	22	23	20	18	19	17	16	15	16	14
Pershing	2	2	2	3	2	2	2	3	2	1
Storey	1	1	1	1	0	0	0	0	0	0
Washoe	903	944	952	981	1017	1056	1064	1081	1069	1088
White Pine	11	12	12	12	11	8	10	9	10	10
In-State Active Status	3616	3879	4031	4183	4325	4481	4509	4628	4653	4761
Out-of-State Active Status	956	1206	1076	1388	1309	1655	1577	1888	1757	2084
TOTAL ACTIVE STATUS	4572	5085	5107	5571	5634	6136	6086	6516	6410	6845
Inactive & Retired Statuses	902	898	833	834	776	760	781	770	758	748
TOTAL LICENSED (Active, Inactive & Retired Statuses)	5474	5983	5940	6405	6410	6896	6867	7286	7168	7593

The number of physician assistants grew by a sizable 13.3% in 2012. The locale of physician assistants trends similarly to the locale of physicians statewide, as is shown on the following table. As with physicians, there was significant growth in Clark and Washoe Counties, with five other counties showing slight growth, nine counties remaining static and one county showing a significant decrease.

Physician Assistant Licensure Counts (2003-2012)

County	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Carson City	9	9	12	14	15	15	14	13	16	17
Churchill	5	6	5	3	6	7	6	4	6	9
Clark	173	215	230	262	271	307	310	332	342	386
Douglas	6	4	8	10	15	15	10	11	9	12
Elko	3	3	3	7	7	6	5	5	5	7
Esmeralda	0	0	0	0	0	0	0	0	0	0
Eureka	1	1	0	1	1	1	1	1	1	1
Humboldt	1	1	1	1	1	1	0	0	0	0
Lander	0	1	1	1	1	1	1	0	1	2
Lincoln	0	1	1	2	3	2	3	3	3	3
Lyon	1	4	4	4	2	4	5	6	6	4
Mineral	2	1	1	1	1	1	1	1	2	2
Nye	5	7	10	10	6	10	6	7	4	4
Pershing	0	0	0	0	0	0	0	0	0	0
Storey	0	0	1	1	1	1	1	1	1	1
Washoe	41	48	61	71	76	83	82	91	91	104
White Pine	1	1	1	1	1	1	1	1	1	1
TOTAL ACTIVE STATUS	248	302	339	389	407	455	446	476	488	553

The number of respiratory therapists increased by 7.6% in 2012. Most of the growth was focused in Clark County.

Respiratory Therapist Licensure Counts (2003-2012)

County	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Carson City	10	11	9	10	9	10	12	12	12	13
Churchill	8	9	8	9	8	8	5	5	4	5
Clark	491	557	557	640	655	743	798	880	920	1006
Douglas	13	13	12	14	16	18	20	20	18	15
Elko	5	5	7	10	7	7	5	6	8	9
Esmeralda	0	0	0	0	0	0	0	0	0	0
Eureka	0	0	0	0	0	0	0	0	0	0
Humboldt	5	6	3	3	5	5	4	4	5	5
Lander	2	2	2	2	2	3	1	1	1	1
Lincoln	2	2	2	2	2	2	0	0	0	0
Lyon	18	19	19	19	19	20	16	18	15	16
Mineral	2	2	2	2	2	3	3	3	2	2
Nye	7	10	11	10	11	8	10	11	13	12
Pershing	0	0	0	0	0	0	0	0	0	0
Storey	1	1	1	1	0	1	0	0	0	0
Washoe	152	163	151	153	154	163	160	176	192	197
White Pine	3	3	3	3	2	2	3	4	3	3
TOTAL ACTIVE STATUS	719	803	787	878	892	993	1037	1140	1193	1284

The number of perfusionists increased significantly by 24% in 2012.

Perfusionist Licensure Count (2010-2012)*

County	2010	2011	2012
Carson City	1	1	1
Churchill	0	0	0
Clark	20	19	25
Douglas	0	0	0
Elko	0	0	0
Esmeralda	0	0	0
Eureka	0	0	0
Humboldt	0	0	0
Lander	0	0	0
Lincoln	0	0	0
Lyon	0	0	0
Mineral	0	0	0
Nye	0	0	0
Pershing	0	0	0
Storey	0	0	0
Washoe	5	5	5
White Pine	0	0	0
TOTAL ACTIVE STATUS	26	25	31

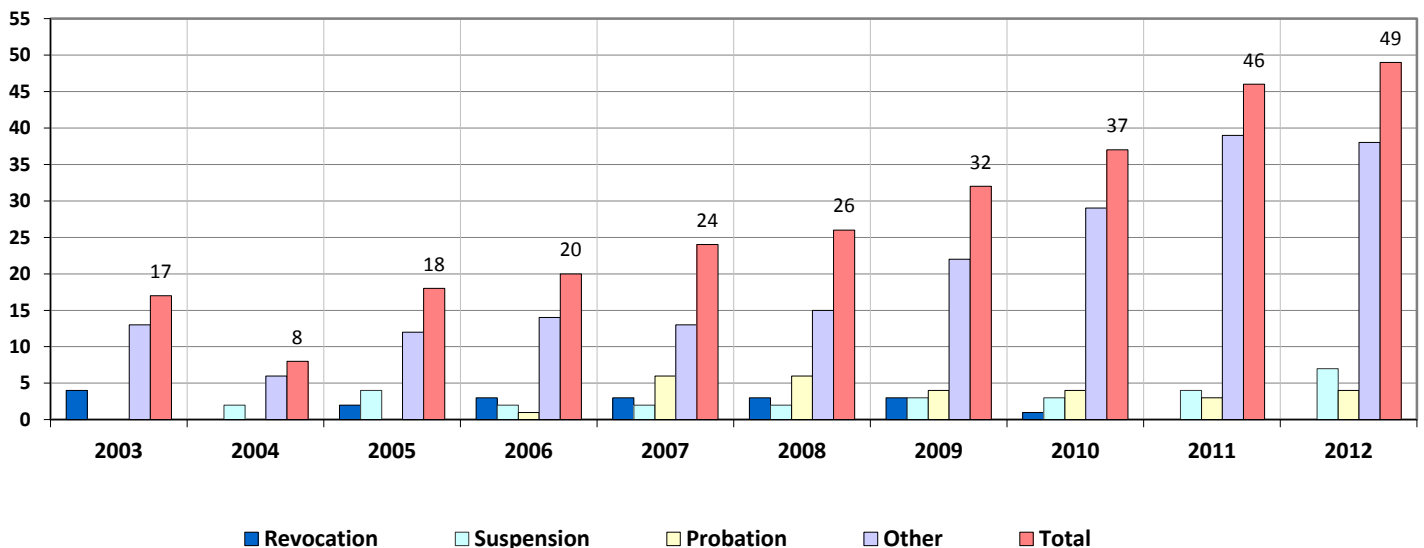
*In 2009, the Nevada State Legislature passed legislation requiring that all perfusionists must be licensed. No perfusionists were licensed by the Board prior to 2010.

COMPLAINTS, INVESTIGATIONS AND DISCIPLINE

The upward trend in complaints processed by the Board continued in 2012.

In 2012, the Board opened 732 investigations, closed 717 investigations (many of which, of course, originated in preceding years) and imposed 49 disciplinary actions. The graph below shows the number and types of discipline imposed by the Board regarding physicians for the last ten years. As the graph indicates, the number of disciplinary matters coming before the Board has continued to increase over the last eight years.

Disciplinary Actions Taken Against Medical Doctors*

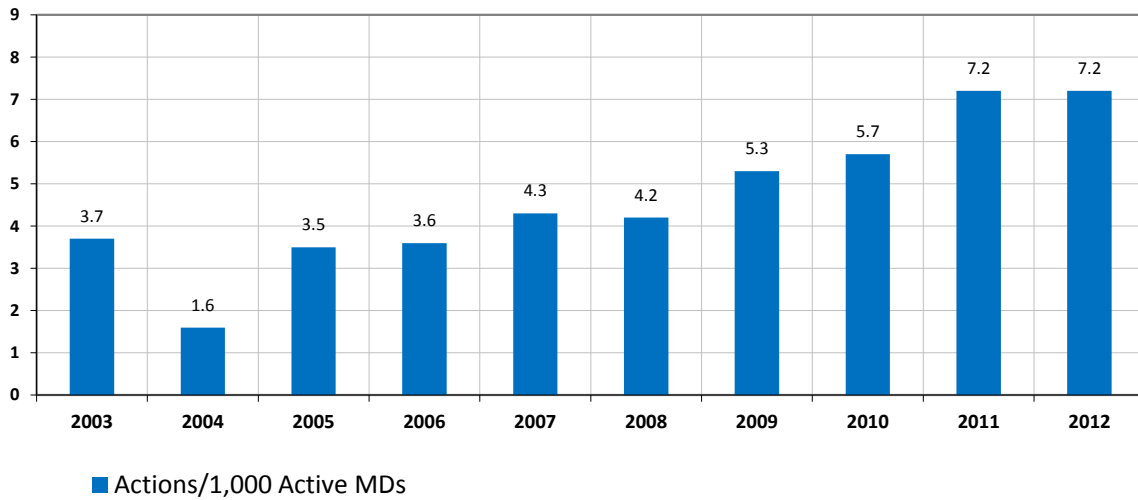


Note: "Other" actions include: Voluntary Surrender of License While Under Investigation, License Restriction, Public Reprimand, License Denial, CME Ordered, Drug or Alcohol Treatment Program Ordered, and Competency Exam Ordered.

*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.

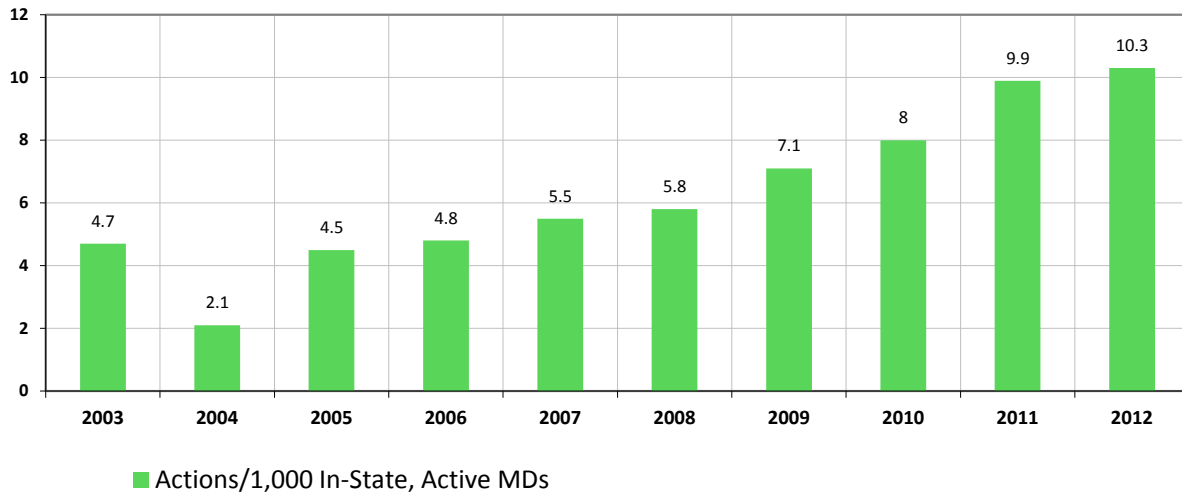
The graph below shows the rate of disciplinary actions taken by the Board per 1,000 active-status licensed physicians for the last ten years.

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





National Registry of Certified Medical Examiners

The Federal Motor Carrier Safety Administration (FMCSA) is establishing a National Registry of Certified Medical Examiners to perform physical examinations for persons who wish to obtain a license to drive a commercial motor vehicle (CMV) interstate.

Beginning May 21, 2014, all medical certificates issued on or after this date must be issued only by examiners listed on the National Registry of Certified Medical Examiners.

Healthcare professionals who wish to conduct medical examinations for interstate CMV drivers must complete training on FMCSA's physical qualifications regulations and advisory criteria, and pass a certification test to be listed on the National Registry.

Healthcare professionals are eligible to apply for medical examiner certification if their scope of practice authorizes them to perform physical examinations as defined by the state in which they practice. Professionals authorized to perform physical examinations for commercial motor vehicle drivers must have one of the following degrees:

Advanced Practice Nurse (APN) *

Doctor of Chiropractic (DC)

Doctor of Medicine (MD)

Doctor of Osteopathy (DO)

Physician's Assistant (PA)

Other health care professionals authorized by his/her state to perform physical examinations

All medical examiners who conduct physical examinations for interstate commercial motor vehicle (CMV) drivers meet the following criteria:

- Complete certain training concerning FMCSA's physical qualification standards
- Pass a test to verify an understanding of those standards
- Maintain and demonstrate competence through periodic training and testing

**as of July 1, 2013 now known as Advanced Practice Registered Nurse (APRN) in Nevada but still titled as above within the National Registry of Certified Medical Examiners*

Further information may be found at <http://nrcme.fmcsa.dot.gov/>

**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 that 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.

Nevada State Medical Association

3660 Baker Lane #101
Reno, NV 89509
775-825-6788
702-798-6711

Clark County Medical Society

2590 East Russell Road
Las Vegas, NV 89120
702-739-9989 phone
702-739-6345 fax

Washoe County Medical Society

3660 Baker Lane #202
Reno, NV 89509
775-825-0278 phone
775-825-0785 fax

**WHOM TO CALL IF YOU
HAVE QUESTIONS**

Management: Douglas C. Cooper, CMBI
Executive Director
Edward O. Cousineau, J.D.
Deputy Executive Director/Legal
Donya Jenkins
Financial Manager
Administration: Laurie L. Munson, Chief
Legal: Bradley O. Van Ry, J.D.
General Counsel
Erin L. Albright, J.D.
General Counsel
Licensing: Lynnette L. Daniels, Chief
Investigations: Pamela J. Castagnola, CMBI, Chief

**2013 BME MEETING &
HOLIDAY SCHEDULE**

January 1 – New Year's Day holiday
January 21 – Martin Luther King, Jr. Day holiday
February 18– Presidents' Day holiday
March 8-9 – Board meeting
May 27 – Memorial Day holiday
June 7-8 – Board meeting
July 4 – Independence Day holiday
September 2 – Labor Day holiday
September 6-7 – Board meeting
October 25 – Nevada Day holiday
November 11 – Veterans' Day holiday
November 28 & 29 – Thanksgiving/family day holiday
December 6-7 – Board meeting
December 25 – Christmas holiday

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

ABBAGO, John, C.R.T. (RC2145)

Las Vegas, Nevada

Summary: Alleged failure to report to the Board several criminal arrests, charges against him and convictions and failure to disclose same during the licensure renewal process.

Charges: One violation of NAC 630.540(1) [willfully and intentionally making a false or fraudulent statement or submitting a false document in applying for a license]; one violation of NAC 630.540(16) [engaging in conduct which brings the respiratory care profession into disrepute]; one violation of NRS 630.304(1) [obtaining, maintaining or renewing or attempting to obtain, maintain or renew a license to practice medicine by bribery, fraud or misrepresentation or by any false, misleading, inaccurate or incomplete statement]; one violation of NRS 630.306(2)(a) [engaging in conduct which is intended to deceive].

Disposition: On June 7, 2013, the Board accepted a settlement agreement by which it found Mr. Abbago violated NAC 630.540(16) and imposed the following discipline against him: (1) suspension of license for 24 months, with the suspension stayed and Mr. Abbago being placed on probation for a period of 24 months, subject to various terms and conditions; (2) public reprimand; (3) perform 50 hours of community service; (4) reimbursement of the Board's fees and costs of investigation and prosecution.

BARARIA, Vinay, M.D. (11355)

Las Vegas, Nevada

Summary: Dr. Bararia voluntarily surrendered his license to practice medicine in Nevada.

Statutory Authority: NAC 630.240 [voluntary surrender of license].

Disposition: On March 8, 2013, the Board accepted Dr. Bararia's voluntary surrender of his license to practice medicine in Nevada while under investigation.

HIBBERT, Alfredo, P.A. (529)

Las Vegas, Nevada

Summary: Alleged falsification of health care records and prescribing controlled substances in a manner not authorized by law and his supervising physician.

Charges: Thirteen violations of NAC 630.230(1)(a) [falsification of health care records]; 13 violations of NAC 630.380(1)(h) [administering, dispensing or possessing any controlled substance otherwise than in the course of legitimate medical services or as authorized by law

and the supervising physician]; 13 violations of NAC 630.380(1)(m) (referencing NRS 630.306(2)(a) and (c)) [engaging in conduct that is intended to deceive or that violates a regulation adopted by the State Board of Pharmacy]; 13 violations of NAC 630.380(1)(g) [disobedience of any provision of the regulations of the State Board of Pharmacy or any order of the Board or an Investigative Committee of the Board]; 13 violations of NRS 630.306(2)(c) [engaging in conduct which is in violation of a regulation adopted by the State Board of Pharmacy (NAC 639.945(1)(o) and (3))].

Disposition: On March 8, 2013, the Board accepted a settlement agreement by which it found Mr. Hibbert violated NAC 630.230(1)(a) (13 counts) and NAC 630.380(1)(h) (13 counts), and imposed the following discipline against him: (1) suspension of license for 36 months, with the suspension stayed and Mr. Hibbert being placed on probation for a period of 36 months, subject to various terms and conditions; (2) public reprimand; (3) \$5,200 fine; (4) reimbursement of the Board's fees and costs of investigation and prosecution.

HOLPER, Steven, M.D. (6061)

Las Vegas, Nevada

Summary: Alleged malpractice and failure to maintain appropriate medical records related to Dr. Holper's treatment of patients.

Charges: Two violations of NRS 630.301(4) [malpractice]; five violations 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 7, 2013, the Board accepted a settlement agreement by which it found Dr. Holper violated NRS 630.301(4) and NRS 630.3062(1) and imposed the following discipline against him: (1) suspension of license, with the suspension stayed and Dr. Holper being placed on probation for a period of 24 months, subject to various terms and conditions; (2) public reprimand; (3) 40 hours continuing medical education regarding the subject of pain management; (4) reimbursement of the Board's fees and costs of investigation and prosecution.

JOE, Roger, M.D. (13756)

Houston, Texas

Summary: Disciplinary action taken against Dr. Joe's medical license in Texas, 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(11) [failure to report in writing, within 30 days, disciplinary action taken against him by another state].

Disposition: On March 8, 2013, the Board accepted a settlement agreement by which it found Dr. Joe violated NRS 630.301(3) and imposed the following discipline against him: (1) public reprimand; (2) \$500 fine; (3) reimbursement of the Board's fees and costs of investigation and prosecution.

JONES, Carmen, M.D. (10127)

Las Vegas, Nevada

Summary: Reasonable belief that the health, safety and welfare of the public was at imminent risk of harm.

Statutory Authority: NRS 630.326(1) [risk of imminent harm to the health, safety or welfare of the public or any patient served by the physician].

Action Taken: On April 19, 2013, the Investigative Committee summarily suspended Dr. Jones' license until further order of the Investigative Committee or the Board of Medical Examiners.

KOZMARY, Steven, M.D. (5695)

Las Vegas, Nevada

Summary: Investigation of, and charges against Dr. Kozmary by the United States Department of Justice and the Department of Health and Human Services stemming from patient billing and records submitted to Medicare, Tricare and FEHBO, which were not accurate or complete as required under Nevada law.

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]; one violation of NRS 630.301(9) [engaging in conduct that brings the medical profession into disrepute].

Disposition: On March 8, 2013, the Board accepted a settlement agreement by which it found Dr. Kozmary violated NRS 630.3062(1) and imposed the following discipline against him: (1) \$500 fine; (2) five hours continuing medical education regarding electronic medical records; (3) reimbursement of the Board's fees and costs of investigation and prosecution.

LUDLOW, Paul, M.D. (3496)

Reno, Nevada

Summary: Alleged failure to keep a record of any discussion and/or review of tests with the patient, or discussion with the patient of the possible etiology of the parotid mass present in the patient, the detailed nature of the proposed surgery, or its risks, complications and possible alternatives.

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 March 8, 2013, the Board accepted a settlement agreement by which it found Dr. Ludlow violated NRS 630.3062(1) and imposed the following discipline against him: (1) public reprimand; (2) reimbursement of the Board's fees and costs of investigation and prosecution.

McCULLOUGH, Norma, C.R.T. (RC498)

Sandy Valley, Nevada

Summary: Alleged billing for services not rendered to patients and falsification of health care records.

Charges: One violation of NRS 630.305(1)(d) [charging for visits that did not occur or for services which were not rendered or documented in the records of a patient]; 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]; one violation of NAC 630.540(8) [falsifying the records of health care]; one violation of NAC 630.540(15) [engaging in conduct that violates the trust of a patient and exploits the relationship between the practitioner of respiratory care and the patient for financial or other personal gain]; one violation of NAC 630.540(16) [engaging in conduct which brings the respiratory care profession into disrepute].

Disposition: On March 8, 2013, the Board found Ms. McCullough violated NRS 630.305(1)(d), NRS 630.3062(1), NAC 630.540(8), NAC 630.540(15) and NAC 630.540(16), as set forth in the Complaint, and imposed the following discipline against her: (1) revocation of license; (2) reimbursement of the Board's fees and costs of investigation and prosecution.

PACKER, David, M.D. (13014)

Gainesville, Florida

Summary: Multiple patient care complaints.

Statutory Authority: NRS 630.326(1) [risk of imminent harm to the health, safety or welfare of the public or any patient served by the physician].

Action Taken: On March 18, 2013, the Investigative Committee summarily suspended Dr. Packer's license until further order of the Investigative Committee or the Board of Medical Examiners.

PACKER, David, M.D. (13014)

Gainesville, Florida

Summary: Failure to appear at an Investigative Committee-ordered evaluation.

Statutory Authority: NRS 630.326(1) [risk of imminent harm to the health, safety or welfare of the public or any patient served by the physician].

Action Taken: On June 11, 2013, the Investigative Committee summarily suspended Dr. Packer's license until further order of the Investigative Committee or the Board of Medical Examiners.

PARKS, Jodi, M.D. (12857)

Covington, LA

Summary: Disciplinary action taken against Dr. Parks' medical license in Mississippi.

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

Disposition: On June 7, 2013, the Board accepted a settlement agreement by which it found Dr. Parks violated NRS 630.301(3) and imposed the following discipline against her: (1) public reprimand; (2) reimbursement of the Board's fees and costs of investigation and prosecution.

PEARSON, Cathaline, P.A.-C (PA895)

Las Vegas, Nevada

Summary: Alleged sexual relationship with a patient, administration of drugs to the patient without the knowledge and/or supervision of her supervising physician, and failure to maintain appropriate medical records for the patient.

Charges: One violation of NAC 630.380(1)(d) [performance of medical services by a physician assistant that have not been approved by the supervising physician]; one violation of NRS 630.301(5) [engaging in any sexual activity with a patient who is currently being treated by the practitioner]; 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 March 8, 2013, the Board accepted a settlement agreement by which it found Ms. Pearson violated NAC 630.380(1)(d) and NRS 630.3062(1) and imposed the following discipline against her: (1) obtain and maintain all appropriate state and federal registrations required to provide professional services; (2) personally assess all patients prior to prescribing, administering or dispensing any dangerous drug or controlled substance; (3) maintain proper medical records for all patients; (4) ensure that dangerous drugs and controlled substances are stored and accessed in accordance with federal and state laws; (5) provide a copy of the settlement agreement to each of her supervising physicians and provide proof of such to the Board; (6) reimbursement of the Board's fees and costs of investigation and prosecution.

PORRECA, Eugene, M.D. (5987)

Las Vegas, Nevada

Summary: Alleged malpractice and failure to maintain appropriate medical records related to Dr. Porreca's treatment of a patient.

Charges: One violation of NRS 630.301(4) [malpractice]; 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 March 8, 2013, the Board accepted a settlement agreement by which it found Dr. Porreca violated NRS 630.301(4) and imposed the following discipline against him: (1) public reprimand; (2) ten hours continuing medical education related to vascular injuries and perfusion abnormalities and treatment; (3) reimbursement of the Board's fees and costs of investigation and prosecution.

SANDERS, Thomas, M.D. (5393)

Reno, Nevada

Summary: Alleged prescribing of controlled substances in a manner not authorized by law.

Charges: One violation of NRS 630.306(3) [administering, dispensing or prescribing any controlled substance except as authorized by law].

Disposition: On June 7, 2013, the Board accepted a settlement agreement by which it found Dr. Sanders violated NRS 630.306(3) and imposed the following discipline against him: (1) suspension of license for 60 months, with the suspension stayed and Dr. Sanders being placed on probation for a period of 60 months, subject to various terms and conditions;

(2) public reprimand; (3) 40 hours continuing medical education related to signs and symptoms of addiction and/or pain management; (4) perform 40 hours of community service; (5) \$1,000 fine; (6) reimbursement of the Board's fees and costs of investigation and prosecution.

SEIP, Douglas, M.D. (4420)

Las Vegas, Nevada

Summary: Alleged malpractice and failure to maintain appropriate medical records related to Dr. Seip's treatment of a patient.

Charges: One violation of NRS 630.301(4) [malpractice]; 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 7, 2013, the Board accepted a settlement agreement by which it found Dr. Seip violated NRS 630.3062(1) and imposed the following discipline against him: (1) public reprimand; (2) 20 hours continuing medical education regarding the subject of medical record keeping; (3) \$2,000 fine; (4) reimbursement of the Board's fees and costs of investigation and prosecution.

SINHA, Abhinav, M.D. (10745)

North Las Vegas, Nevada

Summary: Alleged malpractice and failure to maintain appropriate medical records related to Dr. Sinha's treatment of six patients.

Charges: Nine violations 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]; five violations of NRS 630.301(4) [malpractice].

Disposition: On March 8, 2013, the Board accepted a settlement agreement by which it found Dr. Sinha violated NRS 630.3062(1) (three counts) and imposed the following discipline against him: (1) public reprimand; (2) \$1,000 fine; (3) five hours continuing medical education (CME) regarding the subject of prescribing controlled substances and five hours CME regarding the subject of medical record keeping; (4) reimbursement of the Board's fees and costs of investigation and prosecution.

TAFEL, John, M.D. (14116)

Wilmington, North Carolina

Summary: Preliminary findings arising from the Texas Medical Board's temporary suspension of Dr. Tafel's license dated December 6, 2012 and Dr. Tafel's medical practice in Nevada being in the same practice area as that leading to the temporary suspension.

Statutory Authority: NRS 630.326(1) [risk of imminent harm to the health, safety or welfare of the public or any patient served by the physician].

Action Taken: On March 25, 2013, the Investigative Committee summarily suspended Dr. Tafel's license until further order of the Investigative Committee or the Board of Medical Examiners.

THORN, Kevin, P.A.-C (PA717)

Las Vegas, Nevada

Summary: Alleged false statements made to the Board during the licensure application process.

Charges: Two violations of NRS 630.304(1) [obtaining, maintaining or renewing or attempting to obtain, maintain or renew a license to practice medicine by bribery, fraud or misrepresentation or by any false, misleading, inaccurate or incomplete statement]; six violations of NRS 630.306(12) [failure to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee, other than a minor traffic violation, in this state]; one violation of NRS 630.301(9) [engaging in conduct that brings the medical profession into disrepute]; one violation of NRS 630.306(2)(a) [engaging in conduct which is intended to deceive]; one violation of NAC 630.380(1)(i) [being convicted of a violation of any state law regulating the use of a controlled substance].

Disposition: On June 7, 2013, the Board accepted a settlement agreement by which it found Mr. Thorn violated NRS 630.304(1) (two counts) and NRS 630.306(12) (six counts) and imposed the following discipline against him: (1) suspension of license, with the suspension stayed and Mr. Thorn being placed on probation for a period of 12 months, subject to various terms and conditions; (2) public reprimand; (3) \$1,000 fine; (4) reimbursement of the Board's fees and costs of investigation and prosecution.

XELLER, Charles, M.D. (6855)

League City, TX

Summary: Disciplinary action taken against Dr. Xeller's medical license in Michigan, Indiana and California.

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

Disposition: On June 7, 2013, the Board accepted a settlement agreement by which it found Dr. Xeller violated NRS 630.301(3) and imposed the following discipline against him: (1) public reprimand; (2) reimbursement of the Board's fees and costs of investigation and prosecution.

YAZDANSHENAS, Amir, M.D. (13915)

Henderson, NV

Summary: Disciplinary action taken against Dr. Yazdanshenas' medical license in California and alleged failure to report the action to the Board as required.

Charges: One violation of NRS 630.301(3) [disciplinary action taken against his medical license in another state]; one violation of NRS 630.306(11) [failure to report in writing, within 30 days, disciplinary action taken against him by another state].

Disposition: On June 7, 2013, the Board accepted a settlement agreement by which it found Dr. Yazdanshenas violated NRS 630.301(3) and imposed the following discipline against him: (1) public reprimand; (2) \$1,000 fine; (3) reimbursement of the Board's fees and costs of investigation and prosecution.

ZIMMERMAN, Edward, M.D. (7721)

Las Vegas, NV

Summary: Alleged improper advertising.

Charges: One violation of NRS 630.304(2) [advertising the practice of medicine in a false, deceptive or misleading manner].

Disposition: On June 7, 2013, the Board accepted a settlement agreement by which it found Dr. Zimmerman violated NRS 630.304(2) and imposed the following discipline against him: (1) public reprimand; (2) five hours continuing medical education regarding the subject of marketing and advertising; (3) \$1,000 fine; (4) reimbursement of the Board's fees and costs of investigation and prosecution.

★ ★ ★

Public Reprimands Ordered by the Board

John Bernard Abbago, CRT

June 24, 2013

John Bernard Abbago, CRT
9111 Sea Cove Street
Las Vegas, NV 89123-3086

Mr. Abbago:

On June 7, 2013, the Nevada State Board of Medical Examiners (Board) accepted the Settlement Agreement proposed between you and the Board's Investigative Committee in relation to the formal Complaint filed against you regarding Case Number 13-39730-1.

In accordance with its acceptance, the Board entered an Order which indicates that you were found guilty of a violation of Nevada Administrative Code 630.540(16), that your license to practice respiratory care be suspended for a period of twenty-four (24) months, with said suspension stayed and you shall be on probation for 24 months, the stayed suspension and probation both ending on June 7, 2015; that you are to be publicly reprimanded; that you shall reimburse the Board the costs and expenses incurred in the investigation and prosecution of this case, that amount being \$717.03; and that you shall perform fifty (50) hours of community service.

It is now 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 also reflects unfavorably upon the medical profession as a whole.

Sincerely,

Benjamin J. Rodriguez, M.D.
President
Nevada State Board of Medical Examiners

Alfredo A. Hibbert, P.A.

March 12, 2013

Alfredo A. Hibbert, P.A.
1210 S. Valley View Blvd, #210
Las Vegas, NV 89102

Mr. Hibbert:

On March 8, 2013, 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 12-287-1.

In accordance with its acceptance of the Agreement the Board entered an Order finding that you committed multiple violations of Nevada's Medical Practice Act; specifically that you committed 13 violations of NAC 630.230(1)(a), by falsifying health care records, as set forth in Count I of the formal Complaint, and 13 violations of NAC 630.380(1)(h), by administering, dispensing or possessing any controlled substance otherwise than in the course of legitimate medical services or as authorized by law and the supervising physician, as set forth in Count II of the formal Complaint. The Order suspends your license for a period of 36 months, stays the suspension and places you on probation for a period of 36 months with the terms and conditions outlined in the Agreement. In addition to the terms and conditions of probation, you shall pay a fine of \$5,200.00 to the Board and you shall reimburse the Board the reasonable costs of investigation and prosecution of this matter in the current amount of \$3,231.99.

Accordingly, it is my unpleasant duty as President of the Board 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,

Benjamin J. Rodriguez, M.D.
President
Nevada State Board of Medical Examiners

Steven A. Holper, M.D.

June 18, 2013

Steven A. Holper, M.D.
3233 W. Charleston Blvd #202
Las Vegas, NV 89102

Dr. Holper:

On June 7, 2013, 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 13-8552-1.

In accordance with its acceptance of the Agreement, the Board entered an Order finding that you committed two violations of Nevada Revised Statutes (NRS) 630.301(4), malpractice, and five violations 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. For the same, your license is suspended with said suspension stayed; you shall be placed on probation for a period of 24 months with terms and conditions; you shall be publicly reprimanded; you shall complete 40 hours of CME, in-person, regarding the subject of pain management; and you shall reimburse to the Board the reasonable fees and costs of the investigation and prosecution, that amount being \$7,500.00.

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,

Benjamin J. Rodriguez, M.D.
President
Nevada State Board of Medical Examiners

Paul Ludlow, M.D.

March 19, 2013

Paul Ludlow, M.D.
645 N. Arlington Ave., Ste. 670
Reno, NV 89503

Dr. Ludlow:

On March 8, 2013, the Nevada State Board of Medical Examiners (Board) accepted the Settlement Agreement (Agreement) between you and the Board's Investigative Committee in Case No. 11-5171-1. Accordingly, the Board found you committed one violation of the Medical Practice Act of the state of Nevada, specifically: a violation of Nevada Revised Statute 630.3062(1), as set forth in Count I of the First Amended Complaint.

As a result, the Board ordered that you shall receive a public reprimand; you shall reimburse the Board the sum of \$3,048.90, which is the amount of costs incurred by the Board, within ninety (90) days of the Board's acceptance and approval of the Agreement; and this action shall be reported as required by law.

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,

Benjamin J. Rodriguez, M.D.
President
Nevada State Board of Medical Examiners

Jodi Parks, M.D.

June 18, 2013

Jodi Parks, M.D.
18183 Monga Drive
Covington, LA 70433

Dr. Parks:

On June 7, 2013, the Nevada State Board of Medical Examiners (Board) accepted the Settlement Agreement proposed between you and the Board's Investigative

Committee in relation to the formal Complaint filed against you regarding Case Number 13-34161-1.

In accordance with its acceptance, the Board entered an Order which indicates that you were found guilty of a violation of Nevada Revised Statutes 630.301(3), that you are to be publicly reprimanded, and that you are to reimburse the Board the fees and costs incurred in the investigation and prosecution of this case, that amount being \$1,040.07.

It is now 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 also reflects unfavorably upon the medical profession as a whole.

Sincerely,

Benjamin J. Rodriguez, M.D.
President
Nevada State Board of Medical Examiners

Eugene Porreca, M.D.

March 19, 2013

Eugene Porreca, M.D.
9030 W. Sahara Ave., #550
Las Vegas, NV 89117-5744

Dr. Porreca:

On March 8, 2013, the Nevada State Board of Medical Examiners (Board) accepted the Settlement, Waiver and Consent Agreement (Agreement) between you and the Board's Investigative Committee in Case No. 11-8513-1. Accordingly, the Board found you committed one violation of the Medical Practice Act of the state of Nevada, specifically: a violation of Nevada Revised Statute 630.301(4) and Nevada Administrative Code 630.040, as set forth in Count I of the formal Complaint.

As a result, the Board ordered that you shall receive a public reprimand; you shall reimburse the Board the sum of \$4,725.00, which is the amount of costs incurred by the Board, within ninety (90) days of the Board's acceptance and approval of the Agreement; you shall complete ten (10) hours of CME as outlined

in the Agreement; Count II of the formal Complaint against you shall be dismissed; and this action shall be reported as required by law.

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,

Benjamin J. Rodriguez, M.D.
President
Nevada State Board of Medical Examiners

Thomas Joe Sanders, M.D.

June 18, 2013

Thomas Joe Sanders, M.D.
c/o Hal Taylor, Esq.
223 Marsh Ave.
Reno, NV 89509

Dr. Sanders:

On June 7, 2013, the Nevada State Board of Medical Examiners (Board) accepted the Settlement Agreement proposed between you and the Board's Investigative Committee in relation to the formal Complaint filed against you regarding Case Number 13-9584-1.

In accordance with its acceptance, the Board entered an Order which indicates that you were found guilty of violating Nevada Revised Statutes 630.306(3), your license is suspended with said suspension stayed; that you shall be on probation for sixty (60) months, that you shall be publicly reprimanded, that you shall complete forty (40) hours of community service, that you shall complete forty (40) hours of CME, that you shall pay a fine of \$1,000, that you shall comply with all other terms and conditions of the Settlement Agreement and that you shall reimburse the Board the fees and costs incurred in the investigation and prosecution of this case, that amount being \$1,230.06.

It is now 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 also reflects unfavorably upon the medical profession as a whole.

Sincerely,

Benjamin J. Rodriguez, M.D.
President
Nevada State Board of Medical Examiners

Douglas J. Seip, M.D.

June 18, 2013

Douglas J. Seip, M.D.
1350 East Flamingo Rd. #3330
Las Vegas, NV 89119

Dr. Seip:

On June 7, 2013, 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 12-6513-1.

In accordance with its acceptance of the Agreement, the Board entered an Order finding that you violated Nevada Revised Statute 630.3062(1), failure to maintain timely, legible, accurate and complete medical records relating to the care, diagnosis and treatment of a patient, alleged in Count I of the disciplinary Complaint filed in this matter. For the same, you are to be publicly reprimanded; shall complete 20 hours of CME, in-person, regarding the subject of medical record keeping; shall pay a fine of \$2,000 to the Board within 60 days of the Board's acceptance of the Agreement; and shall reimburse to the Board the reasonable fees and costs of the investigation and prosecution, that being \$2,435.03.

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,

Benjamin J. Rodriguez, M.D.
President
Nevada State Board of Medical Examiners

Abhinav Sinha, M.D.

March 12, 2013

Abhinav Sinha, M.D.
2031 McDaniel Street, #120
North Las Vegas, NV 89030

Dr. Sinha:

On March 8, 2013, 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 12-27376-1.

In accordance with its acceptance of the Agreement, the Board entered an Order finding that you violated Nevada's Medical Practice Act, specifically that you committed three violations of Nevada Revised Statute 630.3062(1), by failing to maintain timely and complete medical records as set forth in Count I of the formal Complaint. For the same, you are to be publicly reprimanded; shall complete five hours of CME, in-person, regarding the subject of controlled substances; shall complete five hours of CME, either in-person, online or by other alternate means, regarding the subject of medical record keeping; shall pay a fine of \$1,000.00 to the Board; and shall reimburse to the Board the reasonable costs of the investigation and prosecution of this matter in the current amount of \$3,249.96.

Accordingly, it is my unpleasant duty as President of the Board 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,

Benjamin J. Rodriguez, M.D.
President
Nevada State Board of Medical Examiners

Kevin J. Thorn, P.A.-C

June 18, 2013

Kevin J. Thorn, P.A.-C
9177 Cowboy Inn Ave.
Las Vegas, NV 89178

Mr. Thorn:

On June 7, 2013, 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 12-25047-1.

In accordance with its acceptance of the Agreement, the Board entered an Order finding that you committed two violations of Nevada Revised Statute (NRS) 630.304(1), obtaining, maintaining or renewing or attempting to obtain, maintain or renew a license to practice by bribery, fraud or misrepresentation or by any false, misleading, inaccurate or incomplete statement and six violations of NRS 306.306(12), failure to report to the Board, in writing, within 30 days, any criminal action taken against the licensee in this State. For the same, your license is suspended with said suspension stayed; you shall be placed on probation for a period of 12 months with terms and conditions; you shall be publicly reprimanded; you shall pay a fine of \$1,000 to the Board within 90 days of the Board's acceptance of the Agreement; and you shall reimburse to the Board the reasonable fees and costs of the investigation and prosecution, that amount being \$2,346.26.

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,

Benjamin J. Rodriguez, M.D.
President
Nevada State Board of Medical Examiners

Charles Fred Xeller, M.D.

June 18, 2013

Charles Fred Xeller, M.D.
1401 Cabot Lake Drive
League City, TX 77573

Dr. Xeller:

On June 7, 2013, the Nevada State Board of Medical Examiners (Board) accepted the Settlement Agreement proposed between you and the Board's Investigative Committee in relation to the formal Complaint filed against you regarding Case Number 13-10014-1.

In accordance with its acceptance, the Board entered an Order which indicates that you were found guilty of violating Nevada Revised Statute 630.301(3), that you shall be publicly reprimanded, and that you shall reimburse the Board the fees and costs incurred in the investigation and prosecution of this case, that amount being \$616.66.

It is now 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 also reflects unfavorably upon the medical profession as a whole.

Sincerely,

Benjamin J. Rodriguez, M.D.
President
Nevada State Board of Medical Examiners

Amir R. Yazdanshenas, M.D.

June 18, 2013

Amir R. Yazdanshenas, M.D.
10345 S. Eastern Ave #120
Henderson, NV 89052

Dr. Yazdanshenas:

On June 7, 2013, the Nevada State Board of Medical Examiners (Board) accepted the Settlement Agreement proposed between you and the Board's Investigative Committee in relation to the formal Complaint filed against you regarding Case Number 13-38510-1.

In accordance with its acceptance, the Board has entered an Order which indicates that you were found guilty of a violation of Nevada Revised Statute 630.301(3), that you are to be publicly reprimanded, that you are to be fined in the amount of \$1,000.00, and that you shall reimburse the Board the fees and costs incurred in the investigation and prosecution of this case, that amount being \$908.57.

It is now 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 also reflects unfavorably upon the medical profession as a whole.

Sincerely,

Benjamin J. Rodriguez, M.D.
President
Nevada State Board of Medical Examiners

Edward M. Zimmerman, M.D.

June 18, 2013

Edward M. Zimmerman, M.D.
8930 W. Sunset Road, Suite 140
Las Vegas, NV 89148

Dr. Zimmerman:

On June 7, 2013, 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 12-11216-1.

In accordance with its acceptance of the Agreement, the Board has entered an Order finding that you violated Nevada Revised Statute 630.304(2), false, deceptive or misleading advertising, as alleged in Count I of the disciplinary Complaint filed in this matter. For the same, you are to be publicly reprimanded; shall complete five hours of CME, in-person, regarding the subject of marketing and advertising; shall pay a fine of \$1,000 to the Board within 30 days of the Board's acceptance of the Agreement; and shall reimburse to the Board the reasonable fees and costs of the investigation and prosecution, that amount being \$666.40.

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,

Benjamin J. Rodriguez, M.D.
President
Nevada State Board of Medical Examiners

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NEVADA STATE BOARD OF MEDICAL EXAMINERS

1105 Terminal Way, Ste. 301

Reno, NV 89502-2144

ADDRESS SERVICE REQUESTED