


**For Public**

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

\* \* \* \* \*

**In The Matter of Charges and  
Complaint Against  
ELLIOTT D. SCHMERLER, M.D.,  
Respondent.**

NO. Case No. 08-9279-1  
FILED 20 March 2008  
  
EXECUTIVE DIRECTOR

**COMPLAINT**

The Investigative Committee of the Board of Medical Examiners of the state of Nevada, composed of Charles N. Held, M.D., Chairman, Cindy Lamerson, M.D. Member, and Jean Stoess, M.A., Member, by and through Lyn E. Beggs, Deputy General Counsel for the Nevada State Board of Medical Examiners, having a reasonable basis to believe that Elliott D. Schmerler, M.D., hereinafter referred to as "Respondent," has violated the provisions of NRS Chapter 630, hereby issues its formal Complaint, stating the Investigative Committee's charges and allegations, as follows:

1. Respondent is currently licensed in active status with conditions to practice medicine in the state of Nevada, and was so licensed by the Nevada State Board of Medical Examiners, hereinafter referred to as "the Board," pursuant to the provisions of Chapter 630 of the Nevada Revised Statutes.

2. Respondent was initially licensed by the Nevada State Board of Medical Examiners in July 1985.

3. Respondent's license was revoked in April 2003 after formal disciplinary action was taken against Respondent.

4. In October 2006, Respondent reapplied for a medical license in Nevada. On his application he indicated that he was currently certified by the American Board of Family Medicine, hereinafter referred to as "ABFM," and that his certification was set to expire in July 2007.

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1 and to the Board during his December 2006 appearance that he was certified by the ABFM at the time  
2 of the application when in actuality his Diplomate status had been revoked in 2001.

3 13. By reason of the foregoing, Respondent is subject to discipline by the Nevada State  
4 Board of Medical Examiners as provided in Section 630.352 of the Nevada Revised Statutes.

5 **Count II**

6 14. Nevada Revised Statute Section 630.304(1) provides that the obtaining, maintaining, or  
7 renewing or attempting to obtain, maintain or renew a license to practice medicine by bribery, fraud or  
8 misrepresentation or by any false, misleading, inaccurate or incomplete statement is grounds for  
9 disciplinary action.

10 15. Respondent renewed his license to practice medicine by misrepresentation and by a false,  
11 misleading and inaccurate statement when he indicated during his on-line renewal process that he  
12 remained certified by the ABFM when his Diplomate status was revoked in 2001.

13 16. By reason of the foregoing, Respondent is subject to discipline by the Nevada State  
14 Board of Medical Examiners as provided in Section 630.352 of the Nevada Revised Statutes.

15 **WHEREFORE**, the Investigative Committee prays:

16 1. That the Nevada State Board of Medical Examiners fix a time and place for a formal  
17 hearing;

18 2. That the Nevada State Board of Medical Examiners give respondent notice of the  
19 charges herein against him, the time and place set for the hearing, and the possible sanctions against  
20 him;

21 3. That the Nevada State Board of Medical Examiners determine what sanctions it  
22 determines to impose for the violation or violations committed by Respondent;

23 4. That the Nevada State Board of Medical Examiners make, issue and serve on  
24 Respondent its findings of facts, conclusions of law and order, in writing, that includes the sanctions  
25 imposed; and

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1           5.       That the Nevada State Board of Medical Examiners take such other and further action as  
2 may be just and proper in these premises.

3           DATED this 2<sup>n</sup> day of March, 2008.

4                           INVESTIGATIVE COMMITTEE OF  
5                           THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

6  
7           By: 

8                           Lyn E. Beggs  
9                           Attorney for the Investigative Committee of the Nevada  
10                           State Board of Medical Examiners

1 VERIFICATION

2 STATE OF NEVADA )  
3 : ss.  
4 COUNTY OF DOUGLAS )

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

11 DATED this 20<sup>th</sup> day of March, 2008.

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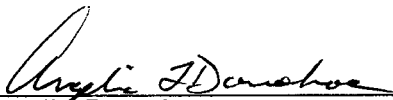
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15 CHARLES N. HELD, M.D.  
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1 **CERTIFICATE OF MAILING**

2 I hereby certify that I am employed by Nevada State Board of Medical Examiners and  
3 that on the 20<sup>th</sup> day of March 2008, I served a file copy of the COMPLAINT, NOTICE OF PRE-  
4 HEARING CONFERENCE & HEARING, PATIENT DESIGNATION, & along with appointment  
5 letter, by mailing via USPS certified return receipt mail to the following:

6 Elliott D. Schmerler, M.D.  
7 8380 E. Windrose Drive  
8 Scottsdale, AZ 85260

9 Dated this 20<sup>th</sup> day of March 2008.

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13 Angelia Donohoe  
14 Legal Assistant  
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