

For Public
BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA

In the Matter of Charges and)
)
 Complaint Against)
)
 HAROLD TATE, M.D.,)
)
 Respondent.)
)

NO. Case No. 08-19247-1
 FILED 26 MAY 2008

Anna M. Clark
 EXECUTIVE DIRECTOR

COMPLAINT

The Investigative Committee of the Nevada State Board of Medical Examiners (Board), composed of Sohail U. Anjum, M.D., Chairman, and S. Daniel McBride, M.D., Member, by and through Edward O. Cousineau, Deputy General Counsel for the IC, having a reasonable basis to believe that Harold Tate, 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 was granted a license to practice medicine in the state of Nevada on September 13, 2000, and at all times alleged herein, Respondent was licensed in active status by the Nevada State Board of Medical Examiners, pursuant to the provisions of Chapter 630 of the Nevada Revised Statutes.

2. Respondent was granted a license to practice medicine in the state of California on or about July 7, 1992. On July 26, 2007, the state of California filed a two-count Accusation against Respondent alleging Dishonesty and Conviction of a Crime on the part of Respondent. See Exhibit A.

3. Thereafter, on, the state of California entered an Order revoking Respondent's license to practice medicine, however, that revocation was stayed, and Respondent was placed on probation with multiple conditions for a period of five years beginning on March 21, 2008.

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1 4. Section 630.301(3) of the Nevada Revised Statutes provides that the revocation,
2 suspension, modification or limitation of the license to practice any type of medicine by any other
3 jurisdiction is grounds for disciplinary action.

4 5. The stayed revocation of Respondent's license to practice medicine in the state of
5 California, constitute violations of the provisions of NRS 630.301(3).

6 6. Based upon the forgoing, Respondent has violated Nevada Revised Statute 630.301(3),
7 and is subject to discipline by the Nevada State Board of Medical Examiners as provided in Nevada
8 Revised Statute 630.352.

9 WHEREFORE, the Investigative Committee prays:

10 1. That the Board fix a time and place for a formal hearing;


11 2. That the Board give Respondent notice of the charges herein against him, the time and
12 place set for the hearing, and the possible sanctions against him;

13 3. That the Board determine what sanctions it determines to impose for the violation or
14 violations committed by Respondent; and

15 4. That the Board makes, issue and serve on Respondent its findings of facts, conclusions of
16 law and order, in writing, that includes the sanctions imposed.

17 DATED this 20th day of May, 2008.

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19 INVESTIGATIVE COMMITTEE OF
20 THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

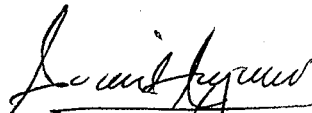
21 By: 
22 Edward O. Cousineau
23 Attorney for the Investigative Committee of the
24 Nevada State Board of Medical Examiners
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VERIFICATION

1 STATE OF NEVADA)
2 : ss.
3 COUNTY OF CLARK)

4
5 Sohail U. Anjum, M.D., having been duly sworn, hereby deposes and states under penalty of
6 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 20th day of May, 2008.

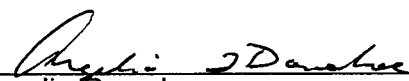
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15 Sohail U. Anjum, M.D.
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1 **CERTIFICATE OF MAILING**

2 I hereby certify that I am employed by Nevada State Board of Medical Examiners and
3 that on the 20th day of May 2008, I served a file copy of the COMPLAINT, NOTICE OF PRE-
4 HEARING CONFERENCE & HEARING, SETTLEMENT, WAIVER & CONSENT
5 AGREEMENT, along with copy of appointment letter, by mailing via Fed-Ex Express Saver to
6 the following:

7 Harold Tate, M.D.
8 8680 Mesa Canogo Dr.
9 Las Vegas, NV 89148

10 Dated this 20th day of May 2008.

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13 Angelia Donohoe
14 Legal Assistant
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EXHIBIT

A

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 GAIL M. HEPPELL
Supervising Deputy Attorney General
3 G. LYNN THORPE, State Bar No. 112122
Deputy Attorney General
4 California Department of Justice
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 322-9226
Facsimile: (916) 327-2247

7 Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO July 26, 2007
BY Valerie Moore ANALYST
MEDICAL BOARD OF CALIFORNIA
I do hereby certify that this document is a true
and correct copy of the original on file in this
office.
Signature: *Sandy J. Light*
Title: *Custodian of Records*
Date: *4-21-08*

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9 BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
10 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

RECEIVED

APR 24 2008

NEVADA STATE BOARD
MEDICAL EXAMINER

12 In the Matter of the Accusation Against:

Case No. 08-2006-178477

13 HAROLD AUSTIN TATE, M.D.

8680 Mesa Canogo Drive

14 Las Vegas, Nevada 89148

ACCUSATION

15 Physician and Surgeon's Certificate No. G 74583

16 Respondent.

18 Complainant alleges:

19 PARTIES

- 20 1. Complainant, Dave Thornton, is the Executive Director of the Medical
21 Board of California (hereinafter the "Board") and brings this accusation solely in his official
22 capacity.
- 23 2. On or about July 7, 1992, the Medical Board of California issued
24 Physician and Surgeon's Certificate Number G 74583 to Harold Austin Tate, M.D. (Respondent),
25 and at all times relevant to the charges brought herein, this license has been in full force and
26 effect. Unless renewed, Respondent's Physician and Surgeon's license will expire on January
27 31, 2008.

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JURISDICTION

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2 3. This Accusation is brought before the Division of Medical Quality of the
3 Medical Board of California, Department of Consumer Affairs (hereinafter the "Division"),
4 under the authority of the following sections of the California Business and Professions Code
5 (hereinafter "Code") and/or other relevant statutory enactment:

6 4. Section 2227 of the Code provides that a licensee who is found guilty
7 under the Medical Practice Act may have his or her license revoked, suspended for a period not
8 to exceed one year, placed on probation and required to pay the costs of probation monitoring, or
9 such other action taken in relation to discipline as the Division deems proper.

10 5. Section 2234 of the Code states:

11 "The Division of Medical Quality shall take action against any licensee who is
12 charged with unprofessional conduct. In addition to other provisions of this article,
13 unprofessional conduct includes, but is not limited to, the following:

14 "(e) The commission of any act involving dishonesty or corruption which is
15 substantially related to the qualifications, functions, or duties of a physician and surgeon."

16 6. Section 2236 of the Code states:

17 "(a) The conviction of any offense substantially related to the qualifications,
18 functions, or duties of a physician and surgeon constitutes unprofessional conduct within
19 the meaning of this chapter [Chapter 5, the Medical Practice Act]. The record of
20 conviction shall be conclusive evidence only of the fact that the conviction occurred.

21 "(b) The district attorney, city attorney, or other prosecuting agency shall notify
22 the Division of Medical Quality of the pendency of an action against a licensee charging a
23 felony or misdemeanor immediately upon obtaining information that the defendant is a
24 licensee. The notice shall identify the licensee and describe the crimes charged and the
25 facts alleged. The prosecuting agency shall also notify the clerk of the court in which the
26 action is pending that the defendant is a licensee, and the clerk shall record prominently
27 in the file that the defendant holds a license as a physician and surgeon.

28 "(c) The clerk of the court in which a licensee is convicted of a crime shall,

1 within 48 hours after the conviction, transmit a certified copy of the record of conviction to the
2 board. The division may inquire into the circumstances surrounding the commission of a crime
3 in order to fix the degree of discipline or to determine if the conviction is of an offense
4 substantially related to the qualifications, functions, or duties of a physician and surgeon.

5 "(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is
6 deemed to be a conviction within the meaning of this section and Section 2236.1. The
7 record of conviction shall be conclusive evidence of the fact that the conviction
8 occurred."

9 **FIRST CAUSE FOR DISCIPLINE**

10 (Dishonesty)

11 [Bus. & Prof. Code § 2234(e)]

12 7. Respondent is subject to disciplinary action under section 2234(e) of the
13 Code in that he failed to file tax returns for three years and was convicted of one felony count of
14 failure to file income tax returns which constitutes a dishonest act which is substantially related
15 to his qualifications as a physician and surgeon. The circumstances are as follows:

16 8. In the case of *People of the State of California v. Harold Austin Tate*
17 (Super. Ct. Los Angeles County, 2007, No. BA309062), Respondent pled guilty to one felony
18 violation of Revenue and Tax Code section 19706, Failing to File Income Tax. The underlying
19 facts and circumstance are as follows:

20 a. Respondent did not file tax returns for the years 2002, 2003 and 2004.

21 b. On or about February 7, 2007, Respondent was charged with three (3)
22 counts of failing to file a tax return in violation of Revenue and Tax Code section 19706.

23 c. On or about February 7, 2007, Respondent pled guilty to one felony
24 violation of Revenue and Tax Code section 19706, Failing to File Income Tax. Respondent's
25 sentence was suspended and he was placed on three years probation, ordered to pay \$35,138.00
26 in restitution, ordered to reimburse the Franchise Tax Board for the costs of its investigation and
27 fined \$10,000 plus penalty assessments.


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- 3. Ordering Respondent to pay the costs of probation monitoring if probation is imposed; and
- 4. Taking such other and further action as deemed necessary and proper.

DATED: July 26, 2007



DAVE THORNTON
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant