

ORIGINAL

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

1 In the Matter of the Charges and)
 2 Complaint Against:)
 3)
 4 **STEVEN GARY YEARSLEY, M.D.,**)
 5)
 6 Respondent.)
 7 _____)

Case No. 07-12232 -1
 NO. _____
 FILED 2/24/09

 Clerk J. Danaher
 CLERK OF THE BOARD

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

8
 9
 10 The above-entitled matter came on regularly for decision before the Nevada State
 11 Board of Medical Examiners, hereinafter "Board," on Friday, February 6, 2009, at the Board's
 12 Office located at 1105 Terminal Way, Suite 301, Reno, Nevada 89502, on the Complaint filed
 13 herein. Respondent, STEVEN GARY YEARSLEY, M.D., hereinafter "Respondent," was not
 14 present at the meeting.

15 The Members of the Board participating in the decision were: Javid Anwar, M.D.;
 16 Sohail Anjum, M.D.; Van V. Heffner; S. Daniel McBride, M.D; Beverly Neyland, M.D.,
 17 Benjamin J. Rodriguez, M.D. and Renee West. All other remaining members of the Board,
 18 being members of the Investigative Committee which issued the complaint in this matter,
 19 were excused from participating and took no part in the proceedings of the Board. Christine
 20 M. Guerci-Nyhus, Chief Deputy Attorney General, acted as legal counsel to the Board.

21 The Board having received and read the complaint and exhibits offered in this matter
 22 and having reviewed and read all of the above, proceeded to make a decision pursuant to the
 23 provisions of NRS chapter 233B and NRS 630.352.

24 The Board after due consideration of the record, evidence and law, and being fully
 25 advised in the premises, makes its FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
 26 ORDER in this matter as follows:

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 28 ..

1 FINDINGS OF FACT

2 I.

3 Respondent held a license to practice medicine in the State of Nevada at all relevant
4 times.

5 II.

6 A complaint was filed by the Investigative Committee against Respondent in July of
7 2008 alleging violations of Chapter 630 of the Nevada Revised Statutes.

8 III.

9 The complaint alleged that Respondent was granted a license to practice medicine by
10 the state of Utah in June 2002. On February 9, 2006, Utah revoked Respondent's license to
11 practice medicine for gross negligence and incompetence in the treatment of patients,
12 however, the revocation was stayed and Respondent was placed on probation with multiple
13 conditions for a period of three years. On May 8, 2006, the Medical Board of California filed
14 an Accusation against Respondent based upon the action taken by the state of Utah. On
15 February 23, 2007, an order was entered by the Medical Board of California adopting a
16 Stipulated Surrender of License regarding Respondent's license to practice in the state of
17 California. The stipulated surrender of Respondent's California medical license went into
18 effect on March 2, 2007.

19 IV.

20 The complaint in Count I alleged that the modification of Respondent's license to
21 practice medicine in the state of Utah constituted a violation of the provisions of NRS
22 630.301(3).

23 V.

24 The complaint in Count II alleged that the stipulated surrender of Respondent's license
25 to practice medicine in the state of California after an Accusation had been filed constituted a
26 violation of the provisions of NRS 630.301(3).

27 VI.

28 The Board finds that Respondent violated 630.301(3) as set forth in count I of the
Complaint when his Utah medical license was modified.

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VII.

The Board further finds that Respondent violated 630.301(3) as set forth in count I of the Complaint when there was a stipulated surrender of his California license to practice medicine.

VIII.

The Board finds by a preponderance of the evidence, that Respondent's conduct is a violation of NRS Chapter 630 and discipline is warranted.

IX.

If any of the foregoing Findings of Fact is more properly deemed a Conclusion of Law, it may be so construed.

CONCLUSIONS OF LAW

I.

The Board has jurisdiction over Respondent.

II.

Respondent was properly served with notice of the hearing before the Hearing Officer, pursuant to NRS and NAC Chapters 630 and NRS Chapter 233B.

III.

The Board concludes that Respondent's Utah license to practice medicine was modified and Respondent's California license was surrendered. These actions as described above, are violations of NRS 630.301(3) and thus Respondent is subject to discipline.

IV.

If any of the foregoing Conclusions of Law is more properly deemed a Findings of Fact, it may be so construed.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, and good cause appearing therefore,

1 IT IS HEREBY ORDERED that:

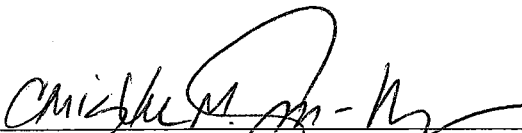
- 2 1. Respondent has violated NRS Chapter 630 and that discipline is warranted;
- 3 2. Respondent shall reimburse the Board all costs and fees incurred in the
- 4 investigation and prosecution of this case within one year from the date of
- 5 service of this Order. The total costs and fees incurred are Five Thousand Four
- 6 Hundred Forty One Dollars and eighty one cents (\$5,441.81); and
- 7 3. Respondent shall pay a fine in the amount of One Hundred Dollars (\$100.00)
- 8 within one year from the date of service of this Order.

9
10 DATED this 24th day of February 2009.

11 NEVADA STATE BOARD OF MEDICAL EXAMINERS

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14 By: 
15 CHARLES N. HELD, M.D., President

16
17 Submitted by:
18 CATHERINE CORTEZ MASTO
19 Attorney General

20
21 By: 
22 CHRISTINE M. GUERCI-NYHUS
23 Chief Deputy Attorney General
24 555 East Washington, # 3900
25 Las Vegas, Nevada 89101
26 Attorneys for Nevada State Board of Medical Examiners

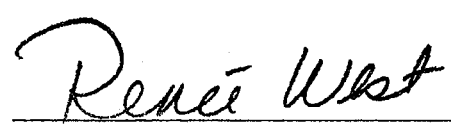
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CERTIFICATION

I hereby certify that the foregoing is the full and true original FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER on file in the office of the Board of Medical Examiners in the matter of STEVEN GARY YEARSLEY, M.D., Case No. 07-12232-1.

I further certify that CHARLES N. HELD, M.D., is the President of the Nevada State Board of Medical Examiners and that full force and credit is due to his official acts as such; and that the signature to the foregoing ORDER is the signature of said CHARLES N. HELD, M.D.

IN WITNESS THEREOF, I have hereunto set my hand in my official capacity as Secretary-Treasurer of the Nevada State Board of Medical Examiners.



RENEE WEST
Secretary-Treasurer
Nevada State Board of Medical Examiners