## OFFICE OF THE GENERAL COUNSEL Nevada State Board of Medical Examiners 1105 Terminal Way #301

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

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	)	APR 2 8 2010
Respondent.	)	FILED
ANTONINO GUMINA, M.D.,	. )	Case 110. 10 12370 1
Complaint Against	)	Case No. 10-12370-1
In The Matter of Charges and	)	

### **COMPLAINT**

NEVADA STATE BOARD OF MEDICAL EXAMINERS

The Investigative Committee of the Nevada State Board of Medical Examiners, composed at the time filing was approved of Charles N. Held, M.D., Theodore B. Berndt, M.D. and Ms. Renee West, having a reasonable basis to believe that Antonino Gumina, M.D., hereinafter referred to as Dr. Gumina, has violated the provisions of NRS Chapter 630, hereby issues its formal Complaint, stating the Investigative Committee's charges and allegations, as follows:

- 1. Dr. Gumina is currently licensed in active status (License No. 9897), and has been so licensed since July 18, 2001 by the Nevada State Board of Medical Examiners pursuant to the provisions of Chapter 630 of the Nevada Revised Statutes.
- 2. Patient A was a twenty-four year old woman at the time she began to be treated by Dr. Gumina for Graves Disease. Her true identity is not disclosed to protect her privacy, but her identity is disclosed in the Patient Designation served on Dr. Gumina along with a copy of this Complaint.
- 3. Patient A was seen by Dr. Gumina in 2005 and 2006 but began treatment with him for Graves Disease in late 2008.
- 4. Sometime in early 2009, Dr. Gumina began to have a relationship with Patient A of a sexual nature. Dr. Gumina continued to see and treat Patient A as a patient after beginning this relationship.

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- 5. On June 15, 2009, an ultrasound showed Patient A to be approximately eight weeks pregnant.
- 6. In August, 2009, in correspondence to the Board, Dr. Gumina admitted to being in a relationship with Patient A and further admitted to being the father of her unborn child. Medical records indicate that Dr. Gumina was continuing to see Patient A as a patient in July 2009.

### Count I

- 7. Nevada Revised Statute Section 630.301(5) provides that the engaging by a practitioner in any sexual activity with a patient who is currently being treated by the practitioner is grounds for initiating disciplinary action against a licensee.
- 8. Dr. Gumina began, and continued having, a sexual relationship with Patient A while she was being seen and treated by him as a patient and accordingly he has violated Section 630.301(5) of the Nevada Revised Statutes.
- 9. By reason of the foregoing, Dr. Gumina is subject to discipline by the Nevada State Board of Medical Examiners as provided in Section 630.352 of the Nevada Revised Statutes.

### WHEREFORE, the Investigative Committee prays:

- 1. That the Nevada State Board of Medical Examiners give Dr. Gumina notice of the charges herein against him and give him notice that he may file an answer to the Complaint herein as set forth in Section 630.339 of the Nevada Revised Statutes within twenty (20) days of service of the Complaint.
- 2. That the Nevada State Board of Medical Examiners set a time and place for a formal hearing after holding an Early Case Conference pursuant to NRS 630.339(3);
- 3. That the Nevada State Board of Medical Examiners determine what sanctions it determines to impose if it determines there has been a violation or violations of the Medical Practice Act (Nevada Revised Statutes Chapter 630) committed by Dr. Gumina; and
- 4. That the Nevada State Board of Medical Examiners make, issue and serve on Dr. Gumina its findings of facts, conclusions of law and order, in writing, that includes the sanctions imposed; and

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

DATED this day of April, 2010.

### THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

Lyn E. Beggs Esq.

General Counsel and Attorney for the Investigative Committee

### OFFICE OF THE GENERAL COUNSEL Nevada State Board of Medical Examiners

### VERIFICATION

STATE OF NEVADA	)
COUNTY OF DOUGLAS	: ss.

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

DATED this day of April , 2010.

CHARLES N. HELD, M.D.

## OFFICE OF THE GENERAL COUNSEL Nevada State Board of Medical Examiners 1105 Terminal Way #301 Reno, Nevada 89502 (775) 688-2559

### **CERTIFICATE OF MAILING**

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 29<sup>th</sup> day of April 2010, I served a file copy of the COMPLAINT, PATIENT DESIGNATION, Original Settlement Waiver and Consent Agreement & Fingerprint Processing Information by mailing via USPS certified return receipt mail to the following:

Antonino Gumina, M.D. 3510 E. Tropicana Ste. K Las Vegas, NV 89121

Dated this 29<sup>th</sup> day of April 2010.

Angelia L. Donohoe Legal Assistant