

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

3 * * * * *

4 **In The Matter of Charges and**)
5)
6 **Complaint Against**)
7)
8 **ISMAT CHAUDHERY, M.D.,**)
9 **Respondent.**)

Case No. 10-11300-1

FILED
APR 15 2010

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

10 **COMPLAINT**

11
12 The Investigative Committee of the Nevada State Board of Medical Examiners, composed
13 at the time filing of Benjamin J. Rodriguez, M.D., Van V. Heffner and Beverly Neyland, M.D.,
14 having a reasonable basis to believe that Ismat Chaudhery, M.D., hereinafter referred to as
15 Respondent, has violated the provisions of NRS Chapter 630, hereby issues its formal Complaint,
16 stating the Investigative Committee's charges and allegations, as follows:

17 1. Respondent is currently licensed in active status (License No. 7837), and has been
18 so licensed since June 21, 1996 by the Nevada State Board of Medical Examiners pursuant to the
19 provisions of Chapter 630 of the Nevada Revised Statutes.

20 2. Respondent is the President, Secretary, Treasurer, sole director and sole shareholder
21 in Chaudhery Pediatrics ("Chaudhery"), a professional corporation. Chaudhery does business as
22 Mountain View Pediatrics. Respondent is, therefore, personally and individually, Chaudhery.
23 Thus, any conviction against Chaudhery, as the corporation, is a conviction against Respondent
24 based upon such conduct, omission(s), actions and/or inactions.

25 3. On December 15, 2009, Respondent, on behalf of Chaudhery, plead guilty to one
26 count of Submitting False Claims: Medicaid Fraud, a felony violation of NRS 422.540(1). The
27 Judgment of Conviction was entered against Chaudhery on January 14, 2010 by the district court
28 judge. A certified copy of the Judgment of Conviction is attached hereto as Exhibit 1.

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

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

3 **Count III**

4 14. All of the allegations contained in the above paragraphs are hereby incorporated by
5 reference as though fully set forth herein.

6 15. Nevada Revised Statute Section 630.301(9) provides that engaging in conduct that
7 brings the medical profession into disrepute is grounds for initiating discipline against a licensee.

8 16. Respondent's aforementioned activities in committing Medicaid fraud is such
9 conduct that brings the medical profession into disrepute.

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

12 **Count IV**

13 18. Nevada Revised Statute Section 630.305(1)(d) provides that charging for visits to
14 the physician's office which did not occur, or for services which were not rendered, is grounds for
15 initiating discipline against a licensee.

16 19. Respondent's conviction for Medicaid fraud was based upon exactly such
17 actionable conduct.

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

20 **Count V**

21 21. All of the allegations contained in the above paragraphs are hereby incorporated by
22 reference as though fully set forth herein.

23 22. Nevada Revised Statute Section 630.306(2)(a) provides that engaging in any
24 conduct which is intended to deceive is grounds for initiating discipline against a licensee.

25 23. Again, Respondent's conviction is based upon conduct which is/was intended to
26 deceive.

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

Count VI

25. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

26. Nevada Revised Statute Section 630.3062(3) provides that the making or filing a report which the licensee knows to be false is grounds for initiating discipline against a licensee.

27. Respondent was convicted for filing false and/or fraudulent reports to Medicaid.

28. By reason of the foregoing, Respondent 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 fix a time and place for a formal hearing;

2. That the Nevada State Board of Medical Examiners give Respondent notice of the charges herein against her, the time and place set for the hearing, and the possible sanctions against her;

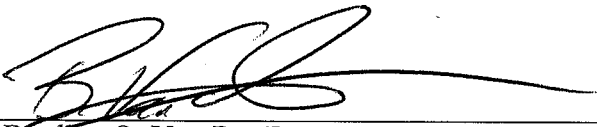
3. That the Nevada State Board of Medical Examiners determine what sanctions it determines to impose for the violation or violations committed by Respondent; and

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

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 15th day of April, 2010.

THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 
Bradley O. Van Ry, Esq.
Deputy General Counsel and Attorney for the Investigative Committee

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VERIFICATION

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STATE OF NEVADA)
 : ss.
COUNTY OF CLARK)

Benjamin J. Rodriguez, M.D., hereby deposes and states under penalty of perjury under the laws of the state of Nevada that he is the Chairman of the Investigative Committee of the Nevada State Board of Medical Examiners that authorized the foregoing Complaint against the Respondent herein; that he has read the foregoing Complaint; and that based upon information discovered during the course of the investigation into a complaint against Respondent, that he believes the allegations and charges in the foregoing Complaint against Respondent are true, accurate, and correct.

Dated this 15th day of April, 2010.



Benjamin J. Rodriguez, M.D.

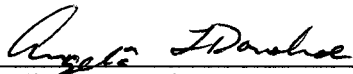
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CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 15th day of April 2010, I served a file copy of the COMPLAINT with Exhibit & Fingerprint Processing Information by mailing via USPS certified return receipt mail to the following:

Ismat Chaudhery, M.D.
2901 N. Tenaya Way, Ste. 210
Las Vegas, NV 89128

Dated this 15th day of April 2010.



Angelia L. Donohoe
Legal Assistant

EXHIBIT

1

1 1JOC
 2 CATHERINE CORTEZ MASTO
 3 Attorney General
 4 Andrew Schulke
 5 Deputy Attorney General // NV Bar 10218
 6 555 E. Washington Ave., #3900
 7 Las Vegas, NV 89101
 8 (702) 486-3420
 9 Attorneys for State

FILED
JAN 21 2010

Alvin J. Schuman
 CLERK OF COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

9	STATE OF NEVADA,)	CASE NO. 08 C 245885
10	Plaintiff,)	DEPT NO. XVII
11	vs.)	
12	CHAUDHERY PEDIATRIC'S, A)	
13	PROFESSIONAL CORPORATION dba)	
14	MOUNTAIN VIEW PEDIATRICS)	
15	Defendant.)	

JUDGMENT OF CONVICTION

17 WHEREAS, on the 15th day of December, 2009, defendant Chaudhery Pediatric's, A
 18 Professional Corporation pled guilty to one count of Submitting False Claims: Medicaid Fraud,
 19 a Felony violation of NRS 422.540(1).

20 WHEREAS on the 15th day of December, 2009, defendant was present with it's
 21 counsel, Dominic Gentile, Esq., and Deputy Attorney General Andrew Schulke also being
 22 present. Upon hearing statements from counsel, and no sufficient cause being shown as to
 23 why judgment should not be pronounced against it, the Court accepted defendant's plea and
 24 rendered judgment as follows:

25 That defendant, Chaudhery Pediatric's, A Professional Corporation is adjudicated guilty
 26 of the crime of Submitting False Claims: Medicaid Fraud, a Felony violation of NRS
 27 422.540(1), as charged in the Amended Indictment; and that in addition to ordering defendant
 28 to pay \$25.00 administrative assessment fee did sentence defendant to:

Attorney General's Office
 555 E. Washington, Suite 3900
 Las Vegas, NV 89101

CLERK OF THE COURT

RECEIVED
 JAN 21 2010

CLERK OF THE COURT
 RECEIVED
 JAN 21 2010

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a. Payment of Restitution and Enforcement Costs as detailed in the Settlement Agreement which was made part of the Memorandum of Guilty Plea Agreement.

b. Payments are to be completed within five (5) years from the date of sentencing.

Furthermore, the Court shall follow up on defendant's compliance with the terms of this order on December 16, 2010, at 8:15 am.


THEREFORE, the clerk of the above-entitled court is directed to enter the Judgment of Conviction as part of the record of the above entitled matter.


Bond, if any, may be exonerated.

DATED this 14 day of January, 2010.


DISTRICT COURT JUDGE NM

Submitted by:
CATHERINE CORTEZ MASTO
Attorney General


Andrew Schulke
Deputy Attorney General // NV Bar 10218
555 East Washington #3900
Las Vegas, NV 89101
Attorney for State

CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE

CLERK OF THE COURT

APR 05 2010

Attorney General's Office
555 E. Washington, Suite 3900
Las Vegas, NV 89101