BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

* * * * *

| In The Matter of Charges and | Case No. 11-18633-1 |
|------------------------------|--|
| Complaint Against | FILED |
| RAKESH MAGAN NATHU, M.D., | NOV 2 9 2011 |
| Respondent. | NEVADA STATE BOARD OF MEDICAL EXAMINERS By: |

COMPLAINT

The Investigative Committee of the Nevada State Board of Medical Examiners, composed at the time of filing of Theodore B. Berndt, M.D., Chairman, Valerie J. Clark, BSN, RHU, LUTCF, Member, and Michael Fischer, M.D., Member, by and through Bradley O. Van Ry, Deputy General Counsel, having a reasonable basis to believe that Rakesh M. Nathu, 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 (License No. 9337), and has been so licensed since April 10, 2000 by the Nevada State Board of Medical Examiners pursuant to the provisions of Chapter 630 of the Nevada Revised Statutes.
- 2. Sometime in May 2010, Respondent became the subject of a federal investigation into his medical billing practices. As a result of the investigation, Respondent agreed to pay \$5.7 million plus interest by settlement agreement on June 8, 2011.

Count I

3. All of the allegations in the above paragraphs are hereby incorporated as if fully set forth herein.

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- 4. Nevada Revised Statute Section 630.301(9) provides that the engaging in conduct that brings the medical profession into disrepute is grounds for initiating discipline against a licensee.
- 5. The investigation of Respondent, allegations against Respondent and entering into a settlement agreement with the Department of Health and Human Services and the Office of the Inspector General constitute conduct that brings the medical profession into disrepute.
- 6. 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.

Count II

- 7. All of the above allegations in the above paragraphs are hereby incorporated as if fully set forth herein.
- 8. Nevada Revised Statute Section 630.3062(1) provides that the failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient is grounds for initiating discipline against a licensee.
- 9. Medicare's billing investigation of Respondent, allegations against Respondent and the entering into a settlement agreement with the Department of Health and Human Services and the Office of the Inspector General arise from and/or are related to incomplete and inaccurate medical records of patients and the diagnosis, treatment and care of patients.
- 10. 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 give Respondent 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(2) 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);

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| 3. | | That the Nevada | State Bo | ard of | Medical | Examiners | determine | what | sanctions i |
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| agrees upor | n to | impose if it finds | and cond | cludes t | hat there | has been a | violation o | r viola | tions of the |
| Medical Pr | actio | ce Act (Nevada Re | evised Sta | atutes C | hapter 63 | 30) committ | ted by Resp | onden | t; |

- 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 day of November, 2011.

INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

Bradley O. Van Ry, Esq.

Deputy General Counsel and Attorney for the Investigative Committee

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

VERIFICATION

| STATE OF NEVADA |) | |
|---------------------|---|-----|
| COLDIENT OF WARRIOT | ; | SS. |
| COUNTY OF WASHOE |) | |

Theodore B. Berndt, 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 27 day of November, 2011.

Theodore B. Berndt, 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 29th day of November 2011, I served a file copy of the COMPLAINT, Settlement Letter & Fingerprint information via USPS e-certified mail to the following:

Rakesh M. Nathu, M.D. 4770 Rancho Camino Court Las Vegas, NV 89129

Dated this 29th day of November 2011.

Angelia L. Donohoe Legal Assistant