

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

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6 **In the Matter of Charges and**)
7 **Complaint Against**)
8 **HENRY LANDSMAN, M.D.,**)
9 **Respondent.**)

Case No. 11-5951-1

FILED

DEC 30 2011

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: _____

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12 **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

13 The above-entitled matter came on regularly for decision before the Nevada State Board of
14 Medical Examiners, hereinafter "Board," on Friday, December 2, 2011, at the Board's offices
15 located at 1105 Terminal Way, Suite 301, Reno, Nevada, and by video conference at the offices of
16 the Nevada State Board of Medical Examiners/Dental Examiners located at 6010 S. Rainbow
17 Boulevard, Building A, Suite 1, Las Vegas, Nevada, on the Complaint filed herein against,
18 Respondent Henry Landsman, M.D., hereinafter "Respondent."

19 The members of the Board participating in the decision were:
20 Benjamin J. Rodriguez, M.D., Beverly A. Neyland, M.D., Michael J. Fischer, M.D.,
21 Ms. Donna A. Ruthe, and Mrs. Sue Lowden. Harry B. Ward, Esq., Deputy Attorney General,
22 acted as legal counsel to the Board.

23 The Board, having received and read the Complaint and exhibits admitted in the matter, as
24 well as the Synopsis of Record prepared by the Hearing Officer who presided over the hearing and
25 the transcript of the hearing, proceeded to make a decision pursuant to the provisions of
26 NRS chapters 233B and 630.

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

4 **FINDINGS OF FACT**

5 **I.**

6 Respondent has held an active license to practice medicine in the state of Nevada since
7 July 29, 1980.

8 **II.**

9 On February 22, 2011, the Investigative Committee filed the Complaint in this matter
10 alleging violations of Chapter 630 of the Nevada Revised Statutes.

11 **III.**

12 On September 27, 2011, a formal hearing was held before an appointed hearing officer on
13 the allegations contained within the Complaint. Respondent was present at the formal hearing and
14 represented himself. The Investigative Committee was represented by
15 Edward O. Cousineau, J.D., Deputy Executive Director for the Board.

16 **IV.**

17 Evidence presented at the formal hearing established that the underlying patient's age,
18 complaints of chest pain previous to admission, and elevated troponin level should have caused
19 Respondent to continue with further evaluation and testing prior to discharging the patient, or in
20 the alternative, transferring the patient to a more advanced medical facility with invasive cardiac
21 intervention capability.

22 The preponderance of evidence in the record as a whole establishes that Respondent's
23 care and treatment of the patient at issue fell below the standard of care expected in similar
24 circumstances.

25 **V.**

26 The Board finds by a preponderance of the evidence that Respondent violated Nevada
27 Revised Statute 630.301(4) as alleged in the underlying Complaint.

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1 **VI.**

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

4 **CONCLUSIONS OF LAW**

5 **I.**

6 The Board has jurisdiction over Respondent.

7 **II.**

8 Respondent was properly served with notice of the hearing via certified mail at the address
9 on file with the Board pursuant to NRS and NAC chapters 630 and
10 NRS chapter 233B.

11 **III.**

12 The Board concludes that Respondent has violated NRS 630.301(4) as described above,
13 and accordingly is subject to discipline pursuant to NRS 630.352.

14 **IV.**

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

17 **ORDER**

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

20 IT IS HEREBY ORDERED that:

- 21 1. Respondent shall be issued a public reprimand.
- 22 2. Respondent shall complete six (6) hours of AMA Category I continuing education
23 credits on the subject of medical record keeping, more specifically, documentation at the time of a
24 patient's discharge against medical advice, within six (6) months of the entry of this Order. These
25 credits are to be in addition to the regularly required continuing medical education requirements
26 for medical licensure in the state of Nevada.
- 27 3. Respondent is to pay a fine of \$200.00 and shall reimburse the Board the reasonable
28 costs and expenses incurred in the investigation and prosecution of this case in the amount of

1 \$10,790.41, within six (6) months of the filing of these Findings of Fact, Conclusions of Law and
2 Order.

3 Dated this 30th day of December, 2011.

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6 BENJAMIN J. RODRIGUEZ, M.D., President
7 Nevada State Board of Medical Examiners
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CERTIFICATION

I 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 Henry Landsman, M.D., Case No. 11-5951-1.

I further certify that BENJAMIN J. RODRIGUEZ, 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 BENJAMIN J. RODRIGUEZ, 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.



VALERIE J. CLARK, BSN, RHU, LUTCF
Secretary-Treasurer
Nevada State Board of Medical Examiners