

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

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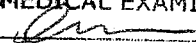
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5 **In The Matter of Charges and** )  
6 **Complaint Against** )  
7 **WILLIAM LEE BOREN, M.D.,** )  
8 **Respondent.** )  
9 \_\_\_\_\_ )

**Case No. 10-7440-1**

**FILED**

**SEP 20 2011**

**NEVADA STATE BOARD OF  
MEDICAL EXAMINERS**

By: 

10  
11 **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

12 The above-entitled matter came on regularly for decision on the Complaint filed herein  
13 before the Nevada State Board of Medical Examiners, hereinafter "Board," on Friday,  
14 September 9, 2011, at the Board's offices located at 1105 Terminal Way, Suite 301, Reno,  
15 Nevada, 89502, and by video conference at the offices of the Nevada State Board of Dental  
16 Examiners located at 6010 S. Rainbow Boulevard, Building A, Suite 1, Las Vegas, Nevada  
17 89118. Respondent William Lee Boren, M.D., hereinafter "Respondent," was present at the  
18 Board meeting in Las Vegas with his attorney, John Curtas, Esq.

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 Ruthe and Mrs. Sue Lowden. Harry Ward, J.D., Deputy Attorney General, acted  
22 as legal counsel to the Board.

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

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

4 **FINDINGS OF FACT**

5 I.

6 Respondent held a license to practice as a physician in the state of Nevada at all  
7 relevant times.

8 II.

9 On October 28, 2010, the Investigative Committee filed the Complaint in this matter  
10 alleging violations of Chapter 630 of the Nevada Revised Statutes.

11 III.

12 On May 11, 2011, a hearing was held before an appointed hearing officer on the  
13 allegations contained within the Complaint; five counts. Count V was dismissed at end of the  
14 hearing pursuant to the evidence adduced at the hearing. Respondent was present and  
15 represented by counsel, Patric Hooper, Esq. and John Curtas, Esq. The Investigative  
16 Committee was represented by Bradley O. Van Ry, Esq.

17 IV.

18 Respondent was involved in a Medicare billing fraud case. That case went on for four  
19 (4) years as Respondent's billing, patient treatment and diagnostic records were examined by  
20 the Department of Health and Human Services and the Office of the Inspector General for  
21 fraud.

22 Respondent entered into a settlement of the matter with the Department of Health and  
23 Human Services and the Office of the Inspector General in March 2009. As part of the  
24 settlement, Respondent also entered into an Integrity Agreement with the same federal  
25 entities, which includes oversight and supervision over Respondent until March 2014.

26 V.

27 The Board finds by reliable, probative and substantial evidence that Respondent  
28 violated Nevada Revised Statute 630.301(9), as alleged in Count II, when he engaged in

1 conduct that brought the medical profession into disrepute by failing to disclose the  
2 examination by the Department of Health and Human Services and the Office of the Inspector  
3 General to the Board on three (3) successive license renewal applications in 2005, 2007 and  
4 2009, and by being under examination for fraud arising from the Medicare billing and records  
5 of Respondent's practice for over four (4) years.

6 **VI.**

7 The Board finds by reliable, probative and substantial evidence that Respondent  
8 violated Nevada Revised Statute 630.3062(1), as alleged in Count III, by failing to maintain  
9 timely, legible, accurate and complete medical records when his medical records and billing  
10 inaccuracies led to the Medicare fraud allegations and ultimate settlement agreement and  
11 Integrity Agreement with the Department of Health and Human Services and the Office of the  
12 Inspector General.

13 **VII.**

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

16 **CONCLUSIONS OF LAW**

17 **I.**

18 The Board has jurisdiction over Respondent.

19 **II.**

20 Respondent was properly served with notice of the hearing via certified mail at the  
21 address on file with the Board pursuant to NRS Chapters 630 and NRS Chapter 233B.

22 **III.**

23 The Board concludes that Respondent has violated NRS 630.301(9) as described  
24 above and as alleged in Count II of the Complaint and, that accordingly; he is subject to  
25 discipline pursuant to NRS 630.352.

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1 IV.

2 The Board concludes that Respondent has violated NRS 630.3062(1) as described  
3 above and as alleged in Count III of the Complaint and, that accordingly, he is subject to  
4 discipline pursuant to NRS 630.352.

5 V.

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

8 **ORDER**

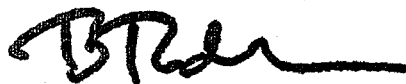
9 Based upon the foregoing Findings of Fact and Conclusions of Law, and good cause  
10 appearing therefore,

11 **IT IS HEREBY ORDERED** that:

- 12 1. Respondent shall be issued a public reprimand;
- 13 2. Respondent shall pay a fine of \$5,000.00 for each violation found above  
14 for a total of \$10,000.00, to be paid to the Board within one hundred  
15 twenty (120) days of the date of this Order;
- 16 3. Respondent shall pay the costs of investigation and prosecution of this  
17 matter, totaling \$5,887.16, to be paid to the Board within one hundred  
18 twenty (120) days of the date of this Order;
- 19 4. Respondent shall attend and participate in twelve (12) hours of  
20 Continuing Medical Education in Medical Ethics and/or Ethics and  
21 provide proof of attendance to the Board; and
- 22 5. Counts I and IV of the Complaint are dismissed.

23 DATED this 20<sup>th</sup> day of September, 2011.

24 NEVADA STATE BOARD OF MEDICAL EXAMINERS

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26 Benjamin J. Rodriguez, M.D., President  
27 Nevada State Board of Medical Examiners  
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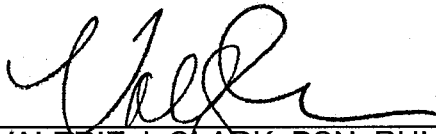
1 **CERTIFICATION**

2 I certify that the foregoing is the full and true original FINDINGS OF FACT,  
3 CONCLUSIONS OF LAW AND ORDER on file in the office of the Board of Medical  
4 Examiners in the matter of WILLIAM BOREN, M.D., Case No. 10-7440-1.

5 I further certify that BENJAMIN J. RODRIGUEZ, M.D. is the senior member of the  
6 adjudicating panel of the Nevada State Board of Medical Examiners, and its President, and  
7 that full force and credit is due to his official acts as such; and that the signature affixed to the  
8 foregoing ORDER is the signature of said BENJAMIN J. RODRIGUEZ, M.D.

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

11 DATED this 20<sup>th</sup> day of September, 2011.

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