

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA

* * * * *

In The Matter of Charges and)
)
Complaint Against)
)
NAVNEET SHARDA, M.D.,)
)
Respondent.)

Case No. 12-11856-1

FILED

APR 16 2012

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: *[Signature]*

COMPLAINT

The Investigative Committee ("IC") of the Nevada State Board of Medical Examiners comprised of, at the time of authorizing the filing of this complaint, Theodore B. Berndt, M.D., Chairman, Valerie J. Clark, BSN, RHU, LUTCF, Member, and Michael J. Fischer, M.D., Member, by and through Bradley O. Van Ry, Esq., Deputy General Counsel, having a reasonable basis to believe that Navneet Sharda, M.D., hereinafter referred to as "Respondent," has violated the provisions of Nevada Revised Statutes (NRS) Chapter 630, hereby issues its formal Complaint, stating the Investigative Committee's charges and allegations, as follows:

1. Respondent is currently licensed to practice medicine in active status (License No. 8200), and has been so licensed since June 10, 1997, by the Nevada State Board of Medical Examiners pursuant to the provisions of Chapter 630 of the NRS.

2. On or about October 6, 2011, the IC of Nevada State Board of Medical Examiners discovered that Respondent had abandoned numerous medical records at two (2) previous places of business located at 2435 Fire Mesa Drive and 4550 E. Charleston Boulevard in Las Vegas, Nevada. This abandonment was set in motion by foreclosure and eviction proceedings against the owner of the real property, BDS & Sons, LLC, an entity in which it is believed that Respondent was a 49% owner.

///

1 3. Upon information and belief, BDS & Sons, LLC previously leased the building(s)
2 to Sun Medical Group, LLC. Respondent was a 100% owner of Sun Medical Group, LLC.

3 4. Despite his ownership interests in the aforementioned business entities and
4 involvement as the physician of record for many of the patients whose medical records were
5 located at the two (2) businesses, Respondent denied responsibility for the abandoned medical
6 records on several occasions. Respondent subsequently admitted that the abandoned medical
7 records were his responsibility.

8 5. Upon information and belief, Respondent then took possession of the medical
9 records on or about November 17, 2011. This was over one month after the IC discovered that the
10 medical records were abandoned in Respondent's two (2) former places of business. The
11 abandoned medical records included patient charts, patient identification and demographics,
12 medical histories, films, etc.

13 **Count I**

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

16 7. NRS 630.3062(1) provides that the failure to maintain timely, legible, accurate and
17 complete medical records relating to the diagnosis, treatment and care of a patient is grounds for
18 initiating disciplinary action against a licensee.

19 8. Respondent failed to maintain timely, legible, accurate and complete medical
20 records relating to the diagnosis, treatment and care of numerous patients.

21 9. By reason of the foregoing, Respondent is subject to discipline by the Nevada State
22 Board of Medical Examiners as provided in Section 630.352 of the NRS.

23 **Count II**

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

26 11. NRS Section 630.3065(1) provides that willful disclosure of a communication
27 privileged pursuant to a statute or court order is grounds for initiating discipline against a licensee.

28 ///

1 12. 42 USC 1320(d) et seq., otherwise known as the Health Insurance Portability and
2 Accountability Act (HIPAA), provides that the medical records of a patient are privileged and
3 confidential.

4 13. NRS 49.225 also provides that medical records contain privileged and confidential
5 communications.

6 14. Respondent's aforementioned willful abandonment of privileged and confidential
7 medical records constitutes a violation of the provisions of NRS 630.3065(1).

8 15. By reason of the foregoing, Respondent is subject to discipline by the
9 Nevada State Board of Medical Examiners as provided in Section 630.352 of the
10 NRS.

11 **Count III**

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

14 17. NRS Section 630.3065(3) provides that the willful failure to perform a statutory or
15 other legal obligation imposed upon a licensed physician is grounds for initiating discipline
16 against a licensee.

17 18. NRS Section 629.051(1) provides that each provider of health care shall retain the
18 health care records of his or her patients as part of his or her regularly maintained records for 5
19 years after their receipt or production.

20 19. Respondent's aforementioned willful abandonment of medical records constitutes a
21 violation of the provisions of NRS 630.3065(3) and NRS 629.051(1).

22 20. By reason of the foregoing, Respondent is subject to discipline by the
23 Nevada State Board of Medical Examiners as provided in Section 630.352 of the
24 NRS.

25 **WHEREFORE**, the Investigative Committee prays:

26 1. That the Nevada State Board of Medical Examiners give Respondent notice of the
27 charges herein against him and give him notice that he may file an answer to the Complaint herein
28 as set forth in NRS Section 630.339 within twenty (20) days of service of the Complaint;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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);

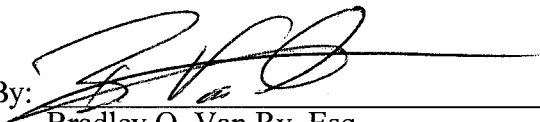
3. That the Nevada State Board of Medical Examiners determine what sanctions it determines to impose if it determines there has been a violation or violations of the Medical Practice Act (NRS Chapter 630) committed by Respondent;

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 16th day of April, 2012.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

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

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

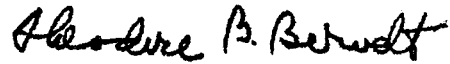
VERIFICATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

STATE OF NEVADA)
 : 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 16th day of April, 2012.



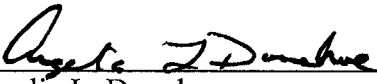
Theodore B. Berndt, M.D.

CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 16th day of April 2012; I served a filed copy of the Complaint, Settlement letter & Fingerprint information, via USPS e-certified mail to the following:

Navneet Sharda, M.D.
3509 E. Harmon Ave.
Las Vegas, NV 89121

Dated this 16th day of April 2012.



Angelia L. Donohoe
Legal Assistant

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28