

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF NEVADA

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In the Matter of Charges and )  
Complaint Against )  
RAMIN ETEBAR, M.D., )  
Respondent )

Case No. 12-8929-1

FILED

SEP 16 2013

NEVADA STATE BOARD OF  
MEDICAL EXAMINERS  
By: 

FIRST AMENDED COMPLAINT

The Investigative Committee (IC) of the Nevada State Board of Medical Examiners (Board), composed at the time of filing of Beverly A. Neyland, M.D., Chairman, Sue Lowden, Member and Bashir Chowdhry, M.D., Member, by and through Erin L. Albright, Esq., General Counsel and attorney for the IC, having a reasonable basis to believe that Ramin Etebar, M.D. (Respondent), violated the provisions of Nevada Revised Statutes (NRS) Chapter 630 (Medical Practice Act), hereby issues its First Amended Complaint, stating the IC's charges and allegations as follows:

1. Respondent is currently licensed in active status (License No. 6788), and has been so licensed by the Board since July 1, 1993, pursuant to the provisions of the Medical Practice Act.

2. Patient A was a forty-four (44)-year-old female at the time of the incident in question. Her true identity is not disclosed in this First Amended Complaint to protect her identity, but her identity is disclosed in the Patient Designation served on Respondent contemporaneously with a copy of this First Amended Complaint.

3. Patient A first established as a patient with Respondent in or about 1996. Respondent regularly treated Patient A from in or about 1996 until January 27, 2010.

1           4.       On June 1, 2009, Patient A presented to Respondent with complaints of painful  
2 “veins popping out.” Respondent ordered the patient wear medium compression stockings and  
3 undergo venous mapping, which is an ultrasound of the bilateral lower extremities, to determine if  
4 Patient A was a candidate for the VNUS Closure Procedure. The venous mapping ordered that  
5 date was never performed.

6           5.       The following sections of the Progress Notes dated June 1, 2009 are illegible: past  
7 medical history in detail, ROS, present medications, HEENT, lungs, COR, abdomen and orders.  
8 The following sections of the Progress Notes dated June 1, 2009 are incomplete: skin and GU.

9           6.       On June 26, 2009, Patient A presented to Respondent with complaints of “painful  
10 veins.” Respondent diagnosed the patient with, among other diagnoses, depression and varicose  
11 veins. Respondent prescribed the patient an antidepressant medication and support hose.

12           7.       The following sections of the Progress Notes dated June 26, 2009 are illegible:  
13 ROS, present medications, HEENT, lungs, COR, abdomen and skin. The following section of the  
14 Progress Notes dated June 26, 2009 is incomplete: GU.

15           8.       On December 29, 2009, Patient A presented to Respondent for her three-month  
16 checkup. Respondent again diagnosed the patient with, among other diagnoses, depression and  
17 varicose veins. Respondent again ordered venous mapping to determine if the patient was a  
18 candidate for the VNUS Closure Procedure.

19           9.       The following sections of the Progress Notes dated December 29, 2009 are  
20 illegible: ROS, present medications, HEENT, lungs, COR, abdomen, extremities and orders. The  
21 following sections of the Progress Notes dated December 29, 2009 are incomplete: skin and GU.

22           10.      On January 8, 2010, Patient A underwent venous mapping, which was performed  
23 by a radiologist at Respondent’s request.

24           11.      On January 11, 2010, Patient A presented to Respondent with complaints of  
25 suffering from a dry cough coupled with phlegm and green mucus for one week.

26           12.      The following sections of the first Progress Notes dated January 11, 2010 are  
27 illegible: present medications, HEENT, lungs, COR, abdomen, extremities, skin, diagnosis,

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1 and orders. The following section of the first Progress Notes dated January 11, 2010 is  
2 incomplete: GU.

3 13. There is a second Progress Notes from January 11, 2010. Patient A presented to  
4 Respondent to receive the results of her blood lab work. Under the orders section of the form,  
5 Respondent ordered his office to obtain insurance authorization for a venous ablation procedure.

6 14. The following sections of the second Progress Notes dated January 11, 2010 are  
7 illegible: present medications, HEENT, lungs, COR, abdomen, extremities and diagnosis. The  
8 following sections of the second Progress Notes dated January 11, 2010 are incomplete: ROS,  
9 skin and GU.

10 15. On January 27, 2010, Respondent performed a VNUS Closure Procedure on  
11 Patient A even though the venous mapping report from the January 8, 2010 ultrasound was not  
12 prepared.

13 16. The following sections of the Progress Notes dated January 27, 2010 are illegible:  
14 diagnosis, skin and GU. The following sections of the Progress Notes dated January 27, 2010 are  
15 incomplete: past medical history in detail, ROS, allergies, present medications, HEENT, lungs,  
16 COR, abdomen, extremities and neurological.

17 17. On February 2, 2010, the venous mapping report that was ordered by Respondent  
18 and performed on January 8, 2010 was prepared by the radiologist and transmitted to Respondent.

19 18. Patient A's chart does not contain a consent form signed by the patient for the  
20 VNUS Closure Procedure.

21 19. Patient A's chart does not contain any documentation and/or pre-procedure notes  
22 evidencing that the patient understood the procedure, the potential complications associated with  
23 the procedure and/or consented to the procedure.

24 20. At the time of the procedure, Patient A believed she was having her spider veins  
25 treated by a laser and she believed the deep vein intervention would occur on another date during  
26 another procedure.

27 21. After the procedure on January 27, 2010, Patient A refused further treatment by  
28 Respondent.

COUNT I

**(Medical Records Violation-Two Counts)**

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

23. NRS 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.

24. Respondent failed to maintain accurate and/or complete medical records relating to the diagnosis, treatment and care of Patient A when he failed to document in the patient's chart that the patient understood the procedure, the potential complications associated with the procedure and/or consented to the procedure.

25. As evidenced by, but not limited to, the above-outlined facts, Respondent failed to maintain accurate and/or complete medical records relating to the diagnosis, treatment and care of Patient A when he wrote incomplete, untimed and/or illegible entries in Patient A's chart.

26. By reason of the foregoing, Respondent is subject to discipline by the Board as provided in NRS 630.352.

**WHEREFORE**, the Investigative Committee prays:

1. That the Board give Respondent notice of the charges herein against him and give him notice that he may file an answer to the First Amended Complaint herein as set forth in NRS 630.339(2) within twenty (20) days of service of the First Amended Complaint;

2. That the Board set a time and place for a formal hearing after holding an Early Case Conference pursuant to NRS 630.339(3);

3. That the Board determine the sanctions it will impose if it finds Respondent violated the Medical Practice Act;

4. That the Board make, issue and serve on Respondent, in writing, its findings of fact, conclusions of law and order, which shall include the sanctions imposed; and

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5. That the Board take such other and further action as may be just and proper in these premises.

DATED this 16<sup>th</sup> day of September, 2013.

INVESTIGATIVE COMMITTEE OF THE  
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:   
Erin L. Albright, Esq.  
General Counsel  
Attorney for the Investigative Committee


VERIFICATION

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STATE OF NEVADA            )  
                                      : ss.  
COUNTY OF CLARK         )

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

Dated this 16<sup>th</sup> day of September, 2013.

  
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Beverly A. Neyland, M.D.