22.

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

* * * * *

In the Matter of Charges and) Case No. 16-38587-1
Complaint Against	FILED
RYAN F. SIMONS, PA-C,) AUG 1 7 2016
Respondent.	NEVADA STATE BOARD OF MEDICAL EXAMINERS By:

COMPLAINT

The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners (Board) hereby issues this formal Complaint (Complaint) against Ryan F. Simons, PA-C, (Respondent), a licensed physician assistant in Nevada. After investigating this matter, the IC has a reasonable basis to believe that Respondent has violated provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630 (collectively, the Medical Practice Act).

The IC alleges the following facts:

- 1. Respondent is currently licensed in active status (License No. PA1272), and has been licensed by the Board since March 22, 2011. At all times alleged herein, Respondent was licensed in an active status by the Board pursuant to the provisions of the Medical Practice Act.
- 2. On or about December 27, 2014, the University Medical Center of Southern Nevada (UMC), pursuant to NRS 630.307, informed the Board regarding an investigation of Stuart Kaplan, M.D. (Kaplan) and that UMC Medical Executive Committee voted that Respondent was in violation of NRS 630.3062 and NAC 630.230 when UMC discovered that Kaplan's physician assistant (Respondent) was signing Kaplan's name on the progress notes of patients not seen by Kaplan.

¹ The Investigative Committee of the Nevada State Board of Medical Examiners is composed of Board members Beverly A. Neyland, M.D., Rachakonda Prabhu, M.D., and Ms. Sandy Peltyn.

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

	3.	On	or a	bout	Janua	ary 21,	2015	, Res	pondent	t replie	d to	the	Board	's	January	12,	2015
Letter	and	stated	the	follov	wing,	"Altho	ough	I was	acting	under	my	phy	sician	's	orders,	I do	now
unders	tand	that it	was	not tl	he rig	ht deci	ision	to sigr	n his na	me."							

- 4. Previous to the preparation of this Complaint, the Board solicited the services of an independent medical expert (IME) to review the conduct of the Respondent and render an opinion regarding whether Respondent through his acts and omissions violated the Medical Practice Act.
- 5. Based upon the foregoing, the IC charges Respondent with the following violations of the Medical Practice Act.

COUNT I

(Engaging in Conduct that Brings the Medical Profession into Disrepute - NRS 630.301(9))

- 6. All of the allegations in the above paragraphs are hereby incorporated as if fully set forth herein.
- 7. NRS 603.301(9) provides that engaging in conduct that brings the medical profession into disrepute is grounds for discipline.
- As demonstrated by, but not limited to, the above-outlined facts, Respondent 8. committed acts that bring the medical profession into disrepute by complying with Kaplan's instructions to sign Kaplan's name on patients' charts not seen by Kaplan.
- 9. By reason of the foregoing, Respondent is subject to discipline by the Board as provided in NRS 630.352.

COUNT II

(Deception - NRS 630.306(2)(a))

- All of the allegations in the above paragraphs are hereby incorporated as if fully set 10. forth herein.
- 11. NRS 630.306(2)(a) provides that the following act, among others, constitutes grounds for initiating disciplinary action or denying licensure when engaging in any conduct which is intended to deceive.

27 ///

28 ///

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

- 12. As demonstrated by, but not limited to, the above-outlined facts, Respondent intended to deceive when he complied with Kaplan's instructions to sign Kaplan's name on notes of patients not seen by Kaplan.
- 13. By reason of the foregoing, Respondent is subject to discipline by the Board as provided in NRS 630.352.

COUNT III

(Standard of Practice – NRS 630.306(2)(b))

- 14. All of the allegations in the above paragraphs are hereby incorporated as if fully set forth herein.
- 15. NRS 630.306(2)(b) provides that engaging in any conduct which the Board has determined is a violation of the standards of practice established by regulation of the Board is grounds for initiating disciplinary action.
- The standards of practice adopted by the Board are codified in NAC 630.185 16. through NAC 630.230, inclusive.
- 17. NAC 630.230(1)(a) prohibits the falsification of records of health care by a physician or physician assistant.
- NAC 630.230(1)(b) prohibits the falsification of medical records of a hospital by a 18. physician or physician assistant so as to indicate his presence at a time when he was not in attendance or falsification of records to indicate that procedures were performed by him which were in fact not performed by him.
- 19. As demonstrated by, but not limited to, the above-outlined facts, Respondent falsified records of health care when he signed Kaplan's name on progress notes and medical records of patients not seen by Kaplan.
- 20. As demonstrated by, but not limited to, the above-outlined facts, Respondent falsified hospital medical records so as to indicate Kaplan's presence when Kaplan was not present or to indicate procedures performed by Kaplan when in fact they were performed by Respondent when he signed Kaplan's name on progress notes and medical records of patients not seen by Kaplan.

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

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

COUNT IV

(Medical Records - NRS 630.3062(1), (2))

- 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 failure to keep accurate medical records relating to the diagnosis, treatment and care of a patient is grounds for discipline.
- 24. NRS 630.3062(2) provides that altering medical records of a patient is grounds for discipline.
- 25. As demonstrated by, but not limited to, the above-outlined facts, Respondent failed to keep accurate medical records and altered the medical records of patients by signing Kaplan's name in the records as having examined the patient, when Kaplan did not actually examine the patient.
- 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 Complaint herein as set forth in NRS 630.339(2) within twenty (20) days of service of the 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 upon the Respondent, in writing, its findings of fact, conclusions of law and order, which shall include the sanctions imposed; and

/// 27

28 ///

	5.	That the Board take such other and further action as may be just and proper in these
premise		
	DATE	D this day of August, 2016.
		INVESTIGATIVE COMMITTEE OF THE
		NEVADA STATE BOARD OF MEDICAL EXAMINERS
		By: Asmine Allata
		Jasmine K. Mehta, Esq. Deputy General Counsel for the Board
		Attorney for the Investigative Committee
		By: ACK
		Robert Kilroy, Esq. General Counsel for the Board
		Attorney for the Investigative Committee

OFFICE OF THE GENERAL COUNSEL

VERIFICATION

STATE OF NEVADA)
COUNTY OF CLARK : ss.
Beverly A. Neyland, M.D.
laws of the state of Nevada that
Nevada State Board of Medical I
Respondent herein; that she has
discovered during the course of
believes the allegations and char
accurate and correct.
Dated this $\frac{18^{14}}{100}$ day of A

.D., hereby deposes and states under penalty of perjury under the nat she is the Chairwoman of the Investigative Committee of the al Examiners that authorized the foregoing Complaint against the has read the foregoing Complaint; and based upon information of the investigation into a complaint against Respondent, she harges in the foregoing Complaint against Respondent are true,

August, 2016.

Beverly A. Neyland, M.D.

OFFICE OF THE GENERAL COUNSEL Nevada State Board of Medical Examiners

CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 18th day of August 2016; I served a file stamp copy of the COMPLAINT & fingerprint information, by mailing via USPS e-certified return receipt mail to the following:

Ryan F. Simons, PA-C 3061 S. Maryland Pkwy., Ste. 200 Las Vegas, NV 89109

Dated this 18th day of August, 2016.

Angelia L. Donohoe Legal Assistant