

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

3 * * * * *

4
5 **In the Matter of Charges and**
6 **Complaint Against**
7 **DEVENDRAKUMAR I. PATEL, M.D.,**
8 **Respondent.**

Case No. 18-29352-2

FILED

JAN 26 2018

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: _____

9
10 **COMPLAINT**

11 The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners
12 (Board), by and through Aaron Bart Fricke, Esq., Deputy General Counsel and attorney for the IC,
13 having a reasonable basis to believe that Devendrakumar I. Patel, M.D. (Respondent) violated the
14 provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code
15 (NAC) Chapter 630 (collectively, the Medical Practice Act), hereby issues its Complaint, stating
16 the IC's charges and allegations as follows:

17 1. Respondent is a physician licensed to practice medicine in the State of Nevada
18 (License No. 11068). He was originally licensed by the Board on July 23, 2004.

19 **A. Enhanced External Counterpulsation (EECP) for the Treatment of Angina**

20 2. EECP is a noninvasive therapy developed for the treatment of end-stage angina
21 pectoris that is refractory to conventional therapy (i.e., surgery, angioplasty) for acute myocardial
22 infarction and cardiogenic shock. EECP involves the sequential compression (inflation/deflation)
23 of cuffs wrapped around the patient's calves, thighs, and buttocks. By timing the
24 inflation/deflation sequence to the patient's cardiac cycle, the intention of EECP is to increase
25 diastolic aortic pressure, thereby increasing coronary perfusion pressure possibly by enhancing the
26 development of coronary collateral circulation and reducing the workload of the heart. Treatment
27

28 ¹ The Investigative Committee of the Nevada State Board of Medical Examiners, at the time the filing of this
Complaint was authorized, was composed of Rachakonda D. Prabhu, M.D., Ms. Sandy Peltyn, and Victor M. Muro,
M.D.

1 usually consists of one-hour sessions, five days a week, for seven weeks. EECp has been
2 approved by the U.S. Food and Drug Administration (FDA) for management of refractory angina.

3 3. End-stage angina pectoris is defined as “disabling angina” (class III or class IV),
4 and is indicted for those who, in the opinion of a cardiologist or a cardiovascular surgeon, are not
5 readily amenable to surgical intervention.

6 4. Angina is the sensation of chest pain or pressure often with radiation to the left arm
7 or jaw that comes on with exertion or stress and is relieved with rest or medication. It can feel like
8 smothering shortness of breath or severe indigestion. It is caused when the heart muscle outworks
9 its blood supply.

10 5. Chronic stable angina is the occurrence of angina with predictable levels of
11 exertion, usually lasting less than five minutes. It is reproducible and usually is predictable.

12 **B. Respondent’s Treatment of Patient A**

13 6. Patient A was a 71-year-old female when she presented to Respondent for medical
14 care in November 2013. Patient A’s true identity is not disclosed herein to protect her privacy, but
15 is disclosed in the Patient Designation served upon Respondent along with a copy of this
16 Complaint.

17 7. On November 8, 2013, Patient A presented to Respondent with progressively
18 increasing malaise, fatigue, and shortness of breath at less than normal exertion. Patient A had a
19 history of coronary artery disease, diabetes, hypertension, hyperlipidemia, rheumatoid arthritis,
20 chronic pain, osteoarthritis, hypothyroidism, and prior deep venous thrombosis, and lived a
21 sedentary lifestyle. A stress test was conducted on November 13, 2013, which was abnormal. A
22 left heart catheterization, selective coronary artery angiography, and left ventriculogram were
23 performed at Northeastern Nevada Regional Hospital on November 10, 2013, which revealed
24 substantial coronary artery disease. Accordingly, coronary artery bypass surgery (CABG) was
25 performed in Salt Lake City, Utah, on December 18, 2013.

26 8. On July 18, 2014, Patient A presented to Respondent again for progressively
27 increasing shortness of breath and fatigue at less than usual exertion over the past 5-6 years, and
28 recent back pain and low blood pressure. Respondent recommended EECp therapy, and Patient A

1 underwent EECF therapy at Respondent's medical practice during August and September 2014.
2 Respondent billed Patient A \$600 for each session, for at least seventeen sessions, for a total of
3 \$10,200.

4 9. Based on the medical evidence available to him, specifically, without an
5 assessment for and diagnosis of angina or angina class (such as how far Patient A could walk
6 before symptoms occur, or other physical assessments), without evidence of how Patient A had
7 responded to standard therapies or treatments, such as CABG, and without assessment or changes
8 in symptoms following CABG, the use of and recommendation of EECF was not indicated.

9 10. On information and belief, Respondent's conduct in recommending and performing
10 EECF on Patient A was intentional, and made for his own financial benefit and pecuniary gain.

11 **COUNT I**

12 **NRS 630.301(4) (Malpractice)**

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

15 12. Malpractice is grounds for disciplinary action against a licensee pursuant to
16 NRS 630.301(4).

17 13. NAC 630.040 defines malpractice as the failure to use the reasonable care, skill, or
18 knowledge ordinarily used under similar circumstances when treating a patient.

19 14. As demonstrated by, but not limited to, the above-outlined facts, Respondent
20 committed malpractice with respect to his treatment of Patient A by failing to use reasonable care,
21 skill or knowledge in recommending and performing EECF on Patient A.

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

24 **COUNT II**

25 **NRS 630.301(7) (Violating Patient's Trust for Financial Gain)**

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

28

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

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

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

DATED this 26 day of January, 2018.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 

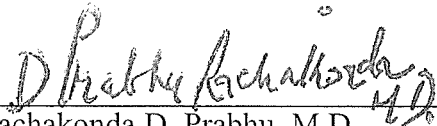
Robert Kilroy, Esq., General Counsel
Aaron Bart Fricke, Esq., Deputy General Counsel
Donald K. White, Esq., Deputy General Counsel
Attorneys for the Investigative Committee

VERIFICATION

1 STATE OF NEVADA)
2 : ss.
3 COUNTY OF CLARK)

4 Rachakonda D. Prabhu, M.D., hereby deposes and states under penalty of perjury under
5 the laws of the State of Nevada that he is the Chairman of the Investigative Committee of the
6 Nevada State Board of Medical Examiners that authorized the foregoing Complaint against the
7 Respondent herein; that he has read the foregoing Complaint; and based upon information
8 discovered during the course of the investigation into a complaint against Respondent, he believes
9 the allegations and charges in the foregoing Complaint against Respondent are true, accurate and
10 correct.

11 DATED this 26th day of January, 2018.

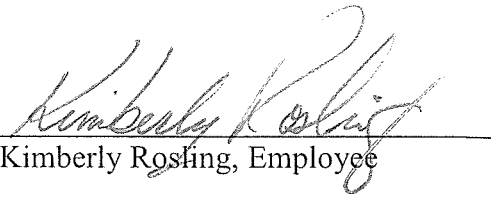
12 
13 _____
14 Rachakonda D. Prabhu, M.D.
15 Chairman, Investigative Committee
16 Nevada State Board of Medical Examiners

CERTIFICATE OF SERVICE

1
2 I hereby certify that I am employed by the Nevada State Board of Medical Examiners and
3 that on the 26th day of January, 2018, I served a file-stamped copy of the COMPLAINT and
4 FINGERPRINT INFORMATION, via USPS e-certified return receipt mail (9171 9690 0935 0096
5 2379 67) to the following:

6 Devendrakumar I. Patel, M.D.
7 NORTHERN NEVADA CARDIOLOGY PC
8 674 North Cedar Street
9 Elko, NV 89801

10 DATED this 26th day of January, 2018.

11
12 
13 Kimberly Rosing, Employee
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28