BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

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In the Matter of Charges and

RIMTAUTAS MARCINKEVICIUS, M.D.,

Complaint Against

Respondent.

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Case No. 18-11

MAR 1 2 2018

NEVADA STATE BOARD OF MEDICAL EXAMINERS

COMPLAINT

The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners (Nevada Board), hereby issues this formal Complaint against Rimtautas Marcinkevicius, M.D. (hereinafter referred to as Respondent), a licensed physician 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:

- Respondent is a medical doctor currently licensed in active status (License No. 1. 9573). Respondent was issued his license from the Nevada Board on August 30, 2000, pursuant to NRS Chapter 630.
- On February 23, 2016, the Medical Board of California (California Board) filed an 2. accusation against Respondent.
- On July 20, 2017, the California Board adopted a Stipulated Settlement and 3. Disciplinary Order, which became effective August 18, 2017.
- Respondent did not report to the Nevada Board in writing within 30 days the 4. disciplinary action taken by the California Board.

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¹ The Investigative Committee of the Nevada State Board of Medical Examiners, at the time the filing of this Complaint was approved, was composed of Wayne Hardwick, M.D., Mr. M. Neil Duxbury, and Aury Nagy, M.D.

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On May 31, 2017, Respondent filed an application to renew his Nevada medical 5. license. On that application, Respondent answered, "no" to the question, "[h]ave you been: a) asked to respond to an investigation; b) notified that you were under investigation for; c) investigated for; d) charged with; or e) convicted of any violation of a statute, rule or regulation governing your practice as a physician by any medical licensing board, hospital, medical society, governmental entity or agency other than the Nevada State Board of Medical Examiners?"

Count I

NRS 630.301(3)

(Disciplinary Action by Another Licensing Board)

- All of the allegations contained in the above paragraphs are hereby incorporated by 6. reference as though fully set forth herein.
- NRS 630.301(3) provides that any disciplinary action, including, without 7. limitation, the revocation, suspension, modification or limitation of a license to practice any type of medicine, taken by another state ... or the surrender of the license or discontinuing the practice of medicine while under investigation by any licensing authority is grounds for initiating disciplinary action or denying licensure.
 - Respondent was disciplined by the California Board. 8.
- By reason of the foregoing, Respondent is subject to discipline by the Nevada 9. Board as provided in NRS 630.352.

Count II

NRS 630.306(1)(k)

(Failure to Report Disciplinary Action)

- All of the allegations contained in the above paragraphs are hereby incorporated by 10. reference as though fully set forth herein.
- NRS 630.306(1)(k) provides that the failure by a licensee to report in writing, 11. within 30 days, any disciplinary action taken against the licensee by another state is grounds for initiating disciplinary action or denying licensure.

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- Respondent did not report to the Board in writing within 30 days the disciplinary 12. action taken by the California Board.
- By reason of the foregoing, Respondent is subject to discipline by the Nevada 13. Board as provided in NRS 630.352.

Count III

NRS 630.304(1)

(Dishonesty in Renewing a License)

- All of the allegations contained in the above paragraphs are hereby incorporated by 14. reference as though fully set forth herein.
- NRS 630.304(1) provides that renewing a license to practice medicine by bribery, 15. fraud or misrepresentation or by any false, misleading, inaccurate or incomplete statement is grounds for initiating disciplinary action or denying licensure.
- Respondent renewed his license to practice medicine by fraud 16. misrepresentation and by a false, misleading, inaccurate and incomplete statement by answering "NO" to the following question on his May 31, 2017, Nevada medical license renewal application:

Have you been: a) asked to respond to an investigation; b) notified that you are under investigation for; c) investigated for; d) charged with; or e) convicted of any violation of a statute, rule or regulation governing your practice as a physician by any medical licensing board . . . other than the Nevada State Board of Medical Examiners?

By reason of the foregoing, Respondent is subject to discipline by the Nevada 17. Board as provided in NRS 630.352.

WHEREFORE, the Investigative Committee prays:

That the Nevada State Board of Medical Examiners 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;

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- 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 to impose if it determines there has been a violation or violations of the Medical Practice Act committed by Respondent;
- 4. That the Nevada State Board of Medical Examiners make, issue and serve on Respondent its findings of fact, 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 /2 day of March, 2018.

INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: Robert Kilrov

Røbert Kilroy, Esq., General Counsel

Donald K. White, Esq., Deputy General Counsel

Attorneys for the Investigative Committee

- 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 to impose if it determines there has been a violation or violations of the Medical Practice Act committed by Respondent;
- 4. That the Nevada State Board of Medical Examiners make, issue and serve on Respondent its findings of fact, 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 12th day of March, 2018.

INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: Maryl

Robert Kilrof, Esq., General Counsel

Hardwick

Donald K. White, Esq., Deputy General Counsel

Attorneys for the Investigative Committee