BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

* * * * *

In the Matter of Charges and Complaint

Against

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CLAUDE ROOFIAN, M.D.,

Respondent.

Case No. 21-40701-1

FILED

JUL 1 6 2021

NEVADA STATE BOARD OF MEDICAL EXAMINERS

COMPLAINT

The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners (Board), by and through Robert Kilroy, Esq., General Counsel and attorney for the IC, having a reasonable basis to believe that Claude Roofian, M.D. (Respondent) violated the provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630 (collectively, the Medical Practice Act), hereby issues its Complaint, stating the IC's charges and allegations as follows:

- Respondent was at all times relative to this Complaint a medical doctor holding an 1. active license to practice medicine in the State of Nevada (License No. 14818). Respondent was originally licensed by the Board on July 1, 2013, and has listed his specialties in family medicine and as a hospitalist.
- On June 17, 2015, Patient A² had brain surgery performed by Valley Hospital 2. Medical Center neurosurgical team for a "supracellar cyst possible craniopharyngioma and hydrocephalus." The neurosurgical team medical records did not indicate that Patient A's tumor (cvst) was malignant, cancerous, or terminal from a neurosurgical perspective, but rather stated that Patient A's condition diagnosis was craniopharyngioma.

¹ The Investigative Committee of the Nevada State Board of Medical Examiners, at the time this formal Complaint was authorized for filing, the IC was composed of Board members Rachakonda D. Prabhu, M.D., Chairman, Victor M. Muro, M.D. and Ms. Sandy Peltyn, public member.

² Patient A's true identity is not disclosed herein to protect her privacy, but is disclosed in the Patient Designation served upon Respondent along with a copy of this Complaint.

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On June 19, 2015, Patient A was discharged from Valley Hospital to home hospice 3. care. Respondent treated Patient A and signed Orders/Plan of Care stating the following: "I certify that based on the factors evaluated as above that the above named patient is terminally ill and has a limited life expectancy and medical prognosis of six (6) months or less if the illness runs its normal course." Respondent stated that Patient A's primary diagnosis was MALIG NEO BRAIN NOS Certification of Patient A being terminally ill was based upon (malignant brain neoplasm). Respondent's incorrect diagnosis of malignant brain neoplasm.

COUNT I

NRS 630.301(4) (Malpractice)

- All of the allegations contained in the above paragraphs are hereby incorporated by 4. reference as though fully set forth herein.
- NRS 630.301(4) provides that malpractice of a physician is grounds for initiating 5. disciplinary action against a licensee.
- NAC 630.040 defines malpractice as the failure of a physician, in treating a patient, 6. to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances.
- 7. As demonstrated by, but not limited to, the above-outlined facts, Respondent failed to use the reasonable care, skill or knowledge ordinarily used under similar circumstances when he provided medical services to Patient A because he incorrectly diagnosed Patient A with malignant brain neoplasm.
- By reason of the foregoing, Respondent is subject to discipline by the Board as 8. provided in NRS 630.352.

COUNT II

NRS 630.3062(1)(a) (Failure to Maintain Complete Medical Records)

- All of the allegations contained in the above paragraphs are hereby incorporated by 9. reference as though fully set forth herein.
- NRS 630.3062(1)(a) provides that the failure to maintain timely, legible, accurate 10. and complete medical records relating to the diagnosis, treatment and care of a patient is grounds for initiating disciplinary action against a licensee.

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- Respondent failed to maintain complete medical records relating to the diagnosis, 11. treatment and care of Patient A, by failing to document his actions when he treated Patient A, whose medical records were not timely, legible, accurate, and complete when he documented an incorrect diagnosis and did not update this error in a timely manner.
- 12. By reason of the foregoing, Respondent is subject to discipline by the Board as provided in NRS 630.352.

COUNT III

(NRS 630.306(1)(b)(2) (Violation of Standards of Practice Established by Regulation)

- All of the allegations contained in the above paragraphs are hereby incorporated by 13. reference as though fully set forth herein.
- 14. Violation of a standard of practice established by regulation of the Board is grounds for imitating disciplinary action pursuant to NRS 630.306(1)(b)(2).
- NAC 630.210 requires a physician to seek consultation with another provider of 15. health care in doubtful or difficult cases whenever it appears that consultation may enhance the quality of medical services.
- Respondent failed to timely seek consultation with regard to Patient A's medical 16. condition of craniopharyngioma. Respondent should have consulted with an appropriate care provider to address the doubtfulness of the diagnosis of this condition. This consultation would have confirmed or denied such a diagnosis rather than Respondent's incorrect diagnosis of malignant brain neoplasm.

WHEREFORE, the Investigative Committee prays:

- That the Board give Respondent notice of the charges herein against him and give him 1. 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;
- That the Board set a time and place for a formal hearing after holding an Early 2. Case Conference pursuant to NRS 630.339(3);
- That the Board determine what sanctions to impose if it determines there has been 3. a violation or violations of the Medical Practice Act committed by Respondent;

- 4. That the Board award fees and costs of the investigation and prosecution of this case as outlined in NRS 622.400;
- 5. That the Board make, issue and serve on Respondent its findings of fact, conclusions of law and order, in writing, that includes the sanctions imposed; and
- 6. That the Board take such other and further action as may be just and proper in these premises.

DATED this 16th day of July, 2021.

INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:

ROBERT G. KILROY, J.D. Senior Deputy General Counsel

9600 Gateway Drive Reno, NV 89521

Tel: (775) 688-2559 Email: rkilroy@medboard.nv.gov

Attorney for the Investigative Committee

OFFICE OF THE GENERAL COUNSEL Nevada State Board of Medical Examiners 9600 Gateway Drive Reno, Nevada 89521

(775) 688-2559

VERIFICATION

STATE OF NEVADA) : ss.
COUNTY OF CLARK)

Victor M. Muro, M.D., Chairman, having been duly sworn, hereby deposes and states under penalty of perjury that he is the Chairman of the Investigative Committee of the Nevada State Board of Medical Examiners that authorized the Complaint against the Respondent herein; that he has read the foregoing Complaint; and that based upon information discovered in the course of the investigation into a complaint against Respondent, he believes that the allegations and charges in the foregoing Complaint against Respondent are true, accurate and correct.

DATED this $\int 6^{12} day$ of July, 2021.

INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

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Victor M. Muro, M.D., Chairman of the Investigative Committee