BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA

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In the Matter of Charges and Complaint Against: **MICHAEL SCOTT MALL, M.D., Respondent.**	**Case No. 22-8666-1**

FILED
MAY - 5 2022
NEVADA STATE BOARD OF MEDICAL EXAMINERS
By:

OFFICE OF THE GENERAL COUNSEL
Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, Nevada 89521
(775) 688-2559

COMPLAINT

The Investigative Committee[1] (IC) of the Nevada State Board of Medical Examiners (Board), by and through Donald K. White, J.D., Senior Deputy General Counsel and attorney for the IC, having a reasonable basis to believe that Michael Scott Mall, 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:

1. Respondent was at all times relative to this Complaint a medical doctor holding an active license to practice medicine in the State of Nevada (License No. 6074). Respondent was originally licensed by the Board on July 1, 1990.

PATIENT A

2. Patient A was a twenty-nine (29) year old female patient during the events in question. Her 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, and filed under seal.

3. Patient A visited Respondent, a family practice physician, for treatment on or about October 1, 2013, until approximately January 6, 2014.

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[1] The Investigative Committee of the Nevada State Board of Medical Examiners, at the time this formal Complaint was authorized for filing on May 14, 2021 and was composed of Board members Mr. M. Neil Duxbury, Aury Nagy, M.D., and Michael C. Edwards, M.D., FACS.

4. Patient A was seen for back pain, depression, anxiety, sleeplessness, parenting conflicts and mood swings.

5. The medical records do not contain a patient history, physical exam notes, a list of medications, nor was a psychiatric exam performed on Patient A during her visits. Urine drug screening was conducted with no documented evidence as to why the screen was performed nor how the test was to be used.

6. Additionally, there is no evidence that Respondent consulted a mental health practitioner for the medical treatment and plan of care for Patient A.

COUNT I

NRS 630.301(4) - Malpractice

7. All the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

8. NRS 630.301(4) provides that malpractice of a physician is grounds for initiating disciplinary action against a licensee.

9. NAC 630.040 defines malpractice as "the failure of a physician, in treating a patient, to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances."

10. 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 treating Patient A.

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

COUNT II

NRS 630.3062(1)(a) - Failure to Maintain Proper Medical Records

12. All the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

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13. NRS 630.3062(1)(a) provides that the "failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient" constitute grounds for initiating discipline against a licensee.

14. Respondent failed to maintain complete medical records relating to the diagnosis, treatment, and care of Patient A, by failing to correctly document his actions when he treated Patient A.

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

PATIENT B

16. All the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

17. Patient B was a nine (9) year old male patient during the events in question. His identity is not disclosed herein to protect his privacy but is disclosed in the Patient Designation served upon Respondent along with a copy of this Complaint and filed under seal.

18. Patient B was seen by Respondent for medical treatment from on or about March 27, 2014, until on or about August 24, 2016.

19. The medical records in Patient B's chart do not contain vital sign checks, evidence of a physical exam, any indication that weight or growth was followed, nor an adequate patient history. Respondent diagnosed Patient B with Attention Deficit Hyperactivity Disorder (ADHD), Mood Disorder, and Autism, but there is no analysis, criteria or testing for how these diagnoses were reached by Respondent.

20. Respondent prescribed Abilify and Risperidone to Patient B, while he was already taking Stratera, but there is no indication of the child's size or why both drugs were started instead of only one. Additionally, there were no notes regarding a discussion of risks, benefits, side effects or potential drug interactions with Patient B's parents.

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COUNT III

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

21. All the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

22. Violation of a standard of practice adopted by the Board is grounds for disciplinary action pursuant to NRS 630.306(1)(b)(2).

23. NAC 630.210 requires a physician to "seek consultation with another provider of health care in doubtful or difficult cases whenever it appears that consultation may enhance the quality of medical services."

24. Respondent failed to timely seek consultation of a mental health provider regarding Patient B's medical conditions from March 27, 2014, through August 24, 2016. Respondent should have consulted with an appropriate mental health care provider to address the doubtfulness and difficulty of Patient B's diagnoses and medical conditions, which may have enhanced the quality of medical care provided to Patient B.

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

COUNT IV

NRS 630.306(1)(e) - Practice Beyond Scope of License

26. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

27. NRS 630.306(1)(e) provides that practicing or offering to practice beyond the scope permitted by law or performing services which the licensee knows or has reason to know that he or she is not competent to perform, or which are beyond the scope of his or her training constitutes grounds for initiating disciplinary action.

28. Patient B required a comprehensive psychiatric evaluation, which was beyond the scope of Respondent's training as a family practice physician. Instead, Patient B should have been referred to a mental health practitioner for this evaluation.

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

COUNT V

NRS 630.3062(1)(a) - Failure to Maintain Proper Medical Records

30. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

31. NRS 630.3062(1)(a) provides that the "failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient" constitute grounds for initiating discipline against a licensee.

32. Respondent failed to maintain legible and complete medical records relating to the diagnosis, treatment, and care of Patient B, and by failing to correctly document his actions when he treated Patient B.

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

PATIENT C

34. All the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

35. Patient C was a nine (9) year old male patient during the events in question. His identity is not disclosed herein to protect his privacy but is disclosed in the Patient Designation served upon Respondent along with a copy of this Complaint and filed under seal.

36. Patient B visited Respondent for treatment from on or about May 2013 until approximately December 26, 2013.

37. The medical records kept in the normal course of business by Respondent for Patient C do not contain an adequate medical or psychiatric history, vital sign notes, weight or growth assessment, nor evidence of a physical exam. Respondent utilized an inadequate mental status examination by checking boxes on a form to diagnose Patient C.

38. It is unclear why Respondent prescribed Saphris to this child. Typically, Saphris is prescribed for children with bipolar disorder. However, in this case there is no documented

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analysis for the prescribed medicine, nor is there any documentation to reflect that a parent of Patient C was informed of the risks, benefits, drug interactions or diagnosis for treatment through the intake of this medication.

COUNT VI

NRS 630.301(4) - Malpractice

39. All the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

40. NRS 630.301(4) provides that malpractice of a physician is grounds for initiating disciplinary action against a licensee.

41. NAC 630.040 defines malpractice as "the failure of a physician, in treating a patient, to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances."

42. 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 treating Patient C, when Respondent did not justify prescribing of Saphris, did not discuss the risks and benefits with a parent, and did not document the justification or analysis for prescribing Saphris to Patient C.

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

COUNT VII

NRS 630.3062(1)(a) - Failure to Maintain Proper Medical Records

44. All the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

45. NRS 630.3062(1)(a) provides that the "failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient" constitute grounds for initiating discipline against a licensee.

46. Respondent failed to maintain legible, accurate, and complete medical records relating to the diagnosis, treatment, and care of Patient C, by failing to correctly document his

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actions when he treated Patient C, the justification for prescribing Saphris to the patient, nor documenting a discussion of the risks and benefits with the parents of Patient C.

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

PATIENT D

48. All the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

49. Patient D was a nine (9) year old female patient during the events in question. Her 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 and filed under seal.

50. Patient D visited Respondent for treatment on or about April 2, 2013.

51. The sole medical record, which is nearly illegible, does not contain documentation of vital signs, current weight, notes of a physical examination or relevant past medical history.

52. Respondent started Patient D on a prescription for 50 mgs of Vyvance, rather than the usual starting dose of 30 mgs. Respondent did not document the patient's weight, provided no documentation or justification for the reason(s) he prescribed a higher dosage. Additionally, there was no documentation that cardiac risk factors, benefits, contra-indications, nor medication side effects were ever discussed with the parents of Patient D.

53. Further, Respondent prescribed Seroquel, a medication usually prescribed for schizophrenia or bipolar disorder with no documentation or justification for prescribing this kind of medication for Patient D. Moreover, Seroquel should not be prescribed to patients under ten (10) years of age.

COUNT VIII

NRS 630.301(4) - Malpractice

54. All the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

55. NRS 630.301(4) provides that malpractice of a physician is grounds for initiating disciplinary action against a licensee.

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56. NAC 630.040 defines malpractice as "the failure of a physician, in treating a patient, to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances."

57. 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 treating Patient D.

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

COUNT IX

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

59. All the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

60. Violation of a standard of practice adopted by the Board is grounds for disciplinary action pursuant to NRS 630.306(1)(b)(2).

61. NAC 630.210 requires a physician to "seek consultation with another provider of health care in doubtful or difficult cases whenever it appears that consultation may enhance the quality of medical services."

62. Respondent failed to seek consultation regarding Patient D's medical condition(s) April 2, 2013, and should have consulted with an appropriate care provider to address the doubtfulness and difficulty of the diagnosis of Patient D's medical condition(s) and may have enhanced the quality of medical treatment provided to Patient D.

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

COUNT X

NRS 630.306(1)(e) - Practice Beyond Scope of License

64. All the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

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65. NRS 630.306(1)(e) provides that practicing or offering to practice beyond the scope permitted by law or performing services which the licensee knows or has reason to know that he or she is not competent to perform, or which are beyond the scope of his or her training constitutes grounds for initiating disciplinary action.

66. Patient D required a comprehensive psychiatric evaluation by a physician specializing in psychiatric medical care, which was beyond the scope of Respondent's training as a family practice physician.

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

COUNT XI

NRS 630.3062(1)(a) - Failure to Maintain Proper Medical Records

68. All the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

69. NRS 630.3062(1)(a) provides that the "failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient" constitute grounds for initiating discipline against a licensee.

70. Respondent failed to maintain legible, accurate, and complete medical records relating to the diagnosis, treatment, and care of Patient D, by failing to correctly document his actions, analysis and justifications for diagnoses and treatment when he provided medical care to Patient D.

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

PATIENT E

72. All the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

73. Patient E was a seven (7) year old female patient during the events in question. Her 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 and filed under seal.

74. Patient E visited Respondent for treatment from on or about April 10, 2014, until approximately October 9, 2014.

75. The medical records are nearly illegible, do not contain vital signs, medical history, growth measurements, any physical examinations, a comprehensive psychiatric examination, nor justification for prescriptions given to Patient E.

COUNT XII

NRS 630.301(4) - Malpractice

76. All the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

77. NRS 630.301(4) provides that malpractice of a physician is grounds for initiating disciplinary action against a licensee.

78. NAC 630.040 defines malpractice as "the failure of a physician, in treating a patient, to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances."

79. 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 treating Patient E. Reasonable care, skill and knowledge would incorporate a physical examination, psychiatric examination and provide justification for the prescriptions written to Patient E, none of which is evident in the records of Patient E.

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

COUNT XIII

NRS 630.3062(1)(a) - Failure to Maintain Proper Medical Records

81. All the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

82. NRS 630.3062(1)(a) provides that the "failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient" constitute grounds for initiating discipline against a licensee.

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83. Respondent failed to maintain legible, accurate, and complete medical records relating to the diagnosis, treatment, and care of Patient E, by failing to correctly document his actions when he treated Patient E.

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

PATIENT F

85. All the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

86. Patient F was a thirty-six (36) year old female patient during the events in question. Her 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 and filed under seal.

87. Patient F visited Respondent for treatment from approximately April 23, 2013, until on or about April 2, 2015.

88. The medical records are nearly illegible and do not contain vital signs taken at the time of treatment, a medical history, a physical examination, a comprehensive psychiatric examination, nor justification for prescriptions of hydrocodone/Tylenol, MS Contin and Xanax.

89. Patient F was prescribed Viibyrd, but there is no indication in the medical records of a discussion with Patient F that an increased risk of suicide can occur.

COUNT XIV

NRS 630.3062(1)(a) - Failure to Maintain Proper Medical Records

90. All the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

91. NRS 630.3062(1)(a) provides that the "failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient" constitute grounds for initiating discipline against a licensee.

92. Respondent failed to maintain legible and complete medical records relating to the diagnosis, treatment, and care of Patient F, by failing to correctly document his actions when he treated Patient F.

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

PATIENT G

94. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

95. Patient G was a five (5) year old female patient during the events in question. Her 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 and filed under seal.

96. Patient G visited Respondent for treatment on or about October 17, 2013.

97. In the one (1) medical note provided, there are no growth measurements, vital signs, or a physical examination.

98. The mental examination of Patient G was inadequate and merely provided a diagnosis of ADHD. Respondent prescribed Clonidine to Patient G and provided no justification or medical analysis describing his actions for writing the prescription for this patient in any of the medical records.

99. There was only one (1) medical note on file for Patient G's visit, making the medical records for this patient incomplete.

COUNT XV

NRS 630.301(4) - Malpractice

100. All the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

101. NRS 630.301(4) provides that malpractice of a physician is grounds for initiating disciplinary action against a licensee.

102. NAC 630.040 defines malpractice as "the failure of a physician, in treating a patient, to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances."

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103. 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 treating Patient G.

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

COUNT XVI

NRS 630.3062(1)(a) - Failure to Maintain Proper Medical Records

105. All the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

106. NRS 630.3062(1)(a) provides that the "failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient" constitute grounds for initiating discipline against a licensee.

107. Respondent failed to maintain complete medical records relating to the diagnosis, treatment, and care of Patient G, by failing to correctly document his actions when he treated Patient G.

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

PATIENT H

109. All the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

110. Patient H was a fifty-six (56) year old female patient during the events in question. Her 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 and filed under seal.

111. Patient H visited Respondent for treatment from on or about January 4, 2013, until on or about January 8, 2015.

112. Respondent's notes are illegible and incomplete, and the intake note merely states "Hx of suicide."

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113. On May 22, 2014, medications are listed in the medical record, but it does not contain vital signs or a physical examination. The medical record merely states that Patient H is "alert happy."

114. Other notes minimally state that Patient H is bipolar and to increase Zoloft, with no indication when Respondent started prescribing Zoloft to Patient H with no further mention of suicide risk nor provided a suicidal assessment.

COUNT XVII

NRS 630.301(4) - Malpractice

115. All the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

116. NRS 630.301(4) provides that malpractice of a physician is grounds for initiating disciplinary action against a licensee.

117. NAC 630.040 defines malpractice as "the failure of a physician, in treating a patient, to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances."

118. 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 treating Patient H.

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

COUNT XVIII

NRS 630.3062(1)(a) - Failure to Maintain Proper Medical Records

120. All the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

121. NRS 630.3062(1)(a) provides that the "failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient" constitute grounds for initiating discipline against a licensee.

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122. Respondent failed to maintain legible and complete medical records relating to the diagnosis, treatment, and care of Patient H.

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

PATIENT I

124. All the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

125. Patient I was a fifty-eight (58) year old female patient during the events in question. Her 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 and filed under seal.

126. Patient I visited Respondent for treatment from on or about May 8, 2014, until on or about December 3, 2015.

127. Patient I's medical records are incomplete relating to the prescriptions written for Patient I and further do not contain vital sign information, no indication a physical examination was performed, nor did the records include the patient's medical history.

COUNT XIX

NRS 630.3062(1)(a) - Failure to Maintain Proper Medical Records

128. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

129. NRS 630.3062(1)(a) provides that the "failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient" constitute grounds for initiating discipline against a licensee.

130. Respondent failed to maintain complete medical records relating to the diagnosis, treatment, and care of Patient I.

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

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PATIENT J

132. All the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

133. Patient J was a seventeen (17) year old female patient during the events in question. Her 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 and filed under seal.

134. Patient J visited Respondent on or about March 13, 2014, however, that one (1) medical note contains the incorrect date and mentions intake of the patient on or about December 2013.

135. The one (1) medical note for Patient J is not legible and contains no vital signs, or any indication that a physical examination was performed, or the patient's past medical history was taken.

136. The mental health examination states that Patient J was cooperative, with no mention of suicide risk or the potential for Patient J to harm herself or others, despite prior documentation to the contrary.

137. Lamictil, Seroquel, and Lexapro are prescribed with no rationale or any indication that risks were discussed. There is no evidence in Patient J's medical records that Respondent attempted to consult with a psychiatric physician about the care and treatment of Patient J when he prescribed three (3) psychotropic medications in his role as a family physician.

138. There is also no indication that Respondent discussed the results of a concerning urine drug screen with Patient J.

COUNT XX

NRS 630.301(4) - Malpractice

139. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

140. NRS 630.301(4) provides that malpractice of a physician is grounds for initiating disciplinary action against a licensee.

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141. NAC 630.040 defines malpractice as "the failure of a physician, in treating a patient, to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances."

142. 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 treating Patient J.

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

COUNT XXI

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

144. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

145. Violation of a standard of practice adopted by the Board is grounds for disciplinary action pursuant to NRS 630.306(1)(b)(2).

146. NAC 630.210 requires a physician to "seek consultation with another provider of health care in doubtful or difficult cases whenever it appears that consultation may enhance the quality of medical services."

147. Respondent failed to seek consultation regarding Patient J's medical condition December 2013 through March 13, 2014. Respondent should have consulted with an appropriate care provider to address the doubtfulness of the diagnosis of Patient J's medical condition and such a timely consultation could have confirmed or denied such a diagnosis and may have enhanced the quality of medical care provided to Patient J regarding psychiatric care.

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

COUNT XXII

NRS 630.306(1)(e) - Practice Beyond Scope of License

149. All the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

150. NRS 630.306(1)(e) provides that practicing or offering to practice beyond the scope permitted by law or performing services which the licensee knows or has reason to know that he or she is not competent to perform or which are beyond the scope of his or her training constitutes grounds for initiating disciplinary action.

151. Patient J was treated with three (3) psychotropic agents without an in-depth psychiatric evaluation or consultation. Due to the severity of this patient's psychiatric condition, a psychiatric evaluation would be indicated and beyond the scope of a family practitioner.

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

COUNT XXIII

NRS 630.3062(1)(a) - Failure to Maintain Proper Medical Records

153. All the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

154. NRS 630.3062(1)(a) provides that the "failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient" constitute grounds for initiating discipline against a licensee.

155. Respondent failed to maintain legible and complete medical records relating to the diagnosis, treatment, and care of Patient J.

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

PATIENT K

157. All the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

158. Patient K was a six (6) year old male patient during the events in question. His identity is not disclosed herein to protect his privacy but is disclosed in the Patient Designation served upon Respondent along with a copy of this Complaint and filed under seal.

159. The only medical note, dated August 28, 2014, does not contain a patient name, date of birth or patient identifier, and is illegible. Also, the record does not contain growth

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metrics, vital signs, a physical examination, or medical history, therefore, making it nearly impossible to understand the ultimate diagnosis of ADHD.

COUNT XXIV

NRS 630.301(4) - Malpractice

160. All the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

161. NRS 630.301(4) provides that malpractice of a physician is grounds for initiating disciplinary action against a licensee.

162. NAC 630.040 defines malpractice as "the failure of a physician, in treating a patient, to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances."

163. 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 treating Patient K.

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

COUNT XXV

NRS 630.3062(1)(a) - Failure to Maintain Proper Medical Records

165. All the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

166. NRS 630.3062(1)(a) provides that the "failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient" constitute grounds for initiating discipline against a licensee.

167. Respondent failed to maintain legible and complete medical records relating to the diagnosis, treatment, and care of Patient K.

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

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PATIENT L

169. All the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

170. Patient L was a fifty-four (54) year old female patient during the events in question. Her 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 and filed under seal.

171. Patient L visited Respondent from approximately May 14, 2013, to on or about September 24, 2015. However, there is a gap in the medical records from approximately October 8, 2013, to on or about August 13, 2015.

172. The medical records do not contain a reasonable medical history of Patient L, a physical examination nor vital signs. Additionally, the medical records do not contain Patient L's other concerning medical issues including a history of the chronic use of narcotics and benzodiazepines.

COUNT XXVI

NRS 630.301(4) - Malpractice

173. All the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

174. NRS 630.301(4) provides that malpractice of a physician is grounds for initiating disciplinary action against a licensee.

175. NAC 630.040 defines malpractice as "the failure of a physician, in treating a patient, to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances."

176. 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 treating Patient L.

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

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COUNT XXVII

NRS 630.3062(1)(a) - Failure to Maintain Proper Medical Records

178. All the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

179. NRS 630.3062(1)(a) provides that the "failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient" constitute grounds for initiating discipline against a licensee.

180. Respondent failed to maintain legible and complete medical records relating to the diagnosis, history, treatment, and care of Patient L.

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

PATIENT M

182. All the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

183. Patient M was an approximately nine (9) year old male patient during the events in question. His identity is not disclosed herein to protect his privacy but is disclosed in the Patient Designation served upon Respondent along with a copy of this Complaint and filed under seal.

184. Patient M visited Respondent from approximately May 15, 2013, to on or about November 13, 2014.

185. Most of the medical records are primarily illegible and do not contain the patient's medical history, his vital signs, a physical examination, weights, nor growth metrics. Further, the medical records contain little to no mental health examinations and no justification for the diagnoses reached and medications prescribed.

186. On or about May 15, 2013, when Patient M was still eight (8) years old, Respondent started him on Seroquel[2] (100 mg), but there is no diagnosis(es) of schizophrenia or bipolar disorder. Then, the dose of Seroquel was doubled to 200 mg on June 20, 2013, by

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[2] Seroquel is not recommended for patients under the age of ten (10) years old.

Respondent without proper growth metrics, analysis, or justification for the rapid increase in medication.

COUNT XXVIII

NRS 630.301(4) - Malpractice

187. All the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

188. NRS 630.301(4) provides that malpractice of a physician is grounds for initiating disciplinary action against a licensee.

189. NAC 630.040 defines malpractice as "the failure of a physician, in treating a patient, to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances."

190. 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 treating Patient M.

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

COUNT XXIX

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

192. All the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

193. Violation of a standard of practice adopted by the Board is grounds for disciplinary action pursuant to NRS 630.306(1)(b)(2).

194. NAC 630.210 requires a physician to "seek consultation with another provider of health care in doubtful or difficult cases whenever it appears that consultation may enhance the quality of medical services."

195. Respondent failed to timely seek consultation regarding Patient M's medical condition from approximately May 5, 2013, through on or about November 13, 2014. Respondent should have consulted with an appropriate care provider to address the doubtfulness of the

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diagnosis(es) of Patient M's medical condition and such a timely consultation could have confirmed or denied such a diagnosis and may have enhanced the quality of medical care provided to Patient M regarding psychiatric care.

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

COUNT XXX

NRS 630.3062(1)(a) - Failure to Maintain Proper Medical Records

197. All the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

198. NRS 630.3062(1)(a) provides that the "failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient" constitute grounds for initiating discipline against a licensee.

199. Respondent failed to maintain legible and complete medical records relating to the diagnosis, treatment, and care of Patient M. Respondent did not track the child's growth metric, but prescribed him Seroquel, a medication not intended for his age group, then doubled the amount of medication without justification for the increase.

200. 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 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 Board award fees and costs for the investigation and prosecution of this case as outlined in NRS 622.400;

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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 5th day of May, 2022.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: _____

DONALD K. WHITE, J.D.
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VERIFICATION

STATE OF NEVADA)
: ss.
COUNTY OF WASHOE)

Bret W. Frey, M.D., 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 5th day of May, 2022.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: _____
BRET W. FREY, M.D.
Chairman of the Investigative Committee

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