

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

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4
5 **In the Matter of Charges and Complaint**

Case No. 23-31267-1

6 **Against:**

7 **ANURANJAN BIST, M.D.,**

8 **Respondent.**

FILED

NOV 22 2023

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 Donald K. White, Senior Deputy General Counsel and attorney for the IC,
13 having a reasonable basis to believe that Anuranjan Bist, M.D. (Respondent) violated the provisions
14 of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter
15 630 (collectively, the Medical Practice Act), hereby issues its Complaint, stating the IC's charges
16 and allegations as follows:

17 1. Respondent was at all times relative to this Complaint a medical doctor holding an
18 active license to practice medicine in the State of Nevada (License No. 11918). Respondent was
19 originally licensed by the Board on July 1, 2006.

20 2. Patient A² was a seven (7) year-old female at the time of the events at issue.

21 3. Patient B³ was a ten (10) year-old female at the time of the events at issue.

22 4. Respondent practiced medicine at the Mind Brain Institute (MBI) in Las Vegas,
23 Nevada along with a second physician and a physician assistant. Respondent was the contracted

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26 ¹ The Investigative Committee of the Nevada State Board of Medical Examiners, at the time this formal
27 Complaint was authorized for filing, was composed of Board members Victor M. Muro, M.D., Chowdhury H. Ahsan,
28 M.D., Ph.D, FACC, and Ms. Pamela Beal.

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.

³ Patient B'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.

1 supervisor of the physician assistant pursuant to the supervising agreement on file with the Board
2 that began on December 17, 2019, and ended December 14, 2021.⁴

3 5. On April 9, 2021, August 27, 2021, and October 22, 2021, the physician assistant,
4 who was subject to the supervisory contract with Respondent, wrote prescriptions for a controlled
5 substance for Patient A and for Patient B. Patient A and Patient B's parent was present at these
6 visits, but the minor children were not present.

7 6. Though Patient A and Patient B were established with MBI's practice, they had
8 never been properly examined by Respondent nor the prescribing from the physician assistant.
9 Additionally, a Prescription Monitoring Program (PMP) report from the Nevada Board of
10 Pharmacy was not requested nor reviewed for either Patient A nor Patient B before the physician
11 assistant wrote the prescriptions for Ritalin, a schedule II controlled substance for both Patient A
12 and Patient B.

13 **COUNT I**

14 **NRS 630.301(4) - Malpractice**

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

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

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

22 10. As demonstrated by, but not limited to, the above-outlined facts, Respondent failed
23 to use the reasonable care, skill or knowledge ordinarily used under similar circumstances when
24 rendering medical services to Patient A and Patient B, when Respondent failed to properly
25 supervise the physician assistant, the agent of Respondent pursuant to NAC 630.375.

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28 ⁴ NAC 630.375 provides in part that, 1. Except as otherwise provided in this section, a physician assistant is considered to be and is deemed the agent of his or her supervising physician in the performance of all medical activities.

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

3 **COUNT II**

4 **NRS 630.306(1)(b)(3) - Violation of Statutes and Regulations of the**
5 **Nevada State Board of Pharmacy**

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

8 13. Respondent is a practitioner as defined by NRS 639.0125(1), as a physician, who
9 holds a license to practice medicine in the State of Nevada.

10 14. NRS 630.306(1)(b)(3) provides that engaging in conduct that violates a provision
11 of chapter 639 of the Nevada Revised Statutes.

12 15. NRS 639.23911(1)(a) states that a practitioner must have established a bona fide
13 relationship with a patient as defined in NRS 639.235 before prescribing controlled substances.

14 16. NRS 639.235(4) describes a bona fide relationship between the patient and the
15 person prescribing the controlled substance shall be deemed to exist if the patient was examined in
16 person, electronically, telephonically or by fiber optics, within or outside this State or the United
17 States by the person prescribing the controlled substances within the six (6) months immediately
18 preceding the date the prescription was issued.

19 17. Respondent was the Primary Supervisor for the physician assistant at the time
20 under the Agreement dated December 17, 2019, and terminated December 14, 2021.

21 18. The physician assistant under the direction and as an agent of Respondent pursuant
22 to NAC 630.375, did not have, nor did he establish, a bona fide patient relationship with Patient A
23 and Patient B before prescribing them schedule II controlled substances.

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

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COUNT III

**NRS 630.306(1)(b)(3) - Violation of Statutes and Regulations of the
Nevada State Board of Pharmacy**

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

21. Respondent is a practitioner as defined by NRS 639.0125(1), as a physician, who holds a license to practice medicine in the State of Nevada.

22. NRS 630.306(1)(b)(3) provides that engaging in conduct that violates a provision of chapter 639 of the Nevada Revised Statutes.

23. NRS 639.23507(1) requires a practitioner, before issuing an initial prescription for a controlled substance listed in schedule II and at least once every ninety (90) days thereafter for the duration of the course of treatment using the controlled substance, obtain a patient utilization report (PMP) regarding the patient from the computerized program established by the Board and the Investigation Division of the Department of Public Safety.

24. Respondent was the Primary Supervisor for the physician assistant at the time under the Agreement dated December 17, 2019, and terminated December 14, 2021.

25. The physician assistant under the direction of and as an agent of Respondent pursuant to NAC 630.375, did not obtain or review a PMP for Patient A or Patient B before prescribing them schedule II controlled substances.

26. 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)(b)(2) – Failure to Adequately Supervise

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

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

1 29. Pursuant to NAC 630.230 it is prohibited professional conduct for a physician to
2 fail to provide adequate supervision of a physician assistant.

3 30. Respondent violated NRS 630.306(1)(b)(2) by failing to provide the supervision as
4 required by NAC 630.230(1)(i). The physician assistant under the supervisory agreement with
5 Respondent failed to establish a bona fide patient relationship with Patient A and Patient B and
6 did not obtain or review a PMP for either Patient A or Patient B before prescribing a schedule II
7 controlled substance to both of them.

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

10 **WHEREFORE**, the Investigative Committee prays:

11 1. That the Board give Respondent notice of the charges herein against him and give
12 him notice that he may file an answer to the Complaint herein as set forth in
13 NRS 630.339(2) within twenty (20) days of service of the Complaint;

14 2. That the Board set a time and place for a formal hearing after holding an Early
15 Case Conference pursuant to NRS 630.339(3);

16 3. That the Board determine what sanctions to impose if it determines there has been
17 a violation or violations of the Medical Practice Act committed by Respondent;

18 4. That the Board award fees and costs for the investigation and prosecution of this
19 case as outlined in NRS 622.400;

20 5. That the Board make, issue and serve on Respondent its findings of fact,
21 conclusions of law and order, in writing, that includes the sanctions imposed; and

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

DATED this 22 day of November, 2023.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:



DONALD K. WHITE
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Attorney for the Investigative Committee

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VERIFICATION

STATE OF NEVADA)
 : ss.
COUNTY OF CLARK)

Chowdhury H. Ahsan, M.D., Ph.D, FACC, 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 22nd day of November, 2023.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 

CHOWDHURY H. AHSAN, M.D., PH.D, FACC
Chairman of the Investigative Committee