

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

3 * * * * *

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

Case No. 23-31541-1

6 **Against:**

FILED

7 **BABUK GHUMAN, M.D.,**

SEP - 6 2023

8 **Respondent.**

9
NEVADA STATE BOARD OF
MEDICAL EXAMINERS
By: _____

10 **COMPLAINT**

11 The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners
12 (Board), by and through William P. Shogren, Deputy General Counsel and attorney for the IC,
13 having a reasonable basis to believe that Babuk Ghuman, 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. 11864). Respondent was
19 originally licensed by the Board on June 1, 2006. Respondent's specialty is listed as
20 anesthesiology and pain management on the Board's website.

21 2. Patient A² was a thirty-seven (37) year-old female at the time of the events at issue.

22 3. On March 14, 2018, in order to treat Patient A's persistent neck and arm pain,
23 Respondent performed left selective nerve root blocks at the C5, C6, and C7 levels of Patient A's
24 cervical vertebrae, by administering epidural steroid injections with a transforaminal approach.

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27 ¹ The Investigative Committee of the Nevada State Board of Medical Examiners, at the time this formal
28 Complaint was authorized for filing, was composed of Board members Bret W. Frey, M.D., Col. Eric D. Wade,
USAF, (Ret.), and Carl N. Williams, Jr., M.D., FACS.

² Patient A's true 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.

1 4. Respondent chose to perform a transforaminal epidural steroid injection as a first-
2 line interventional treatment, despite a greater risk of complications and morbidity associated with
3 the transforaminal approach as opposed to the translaminar approach.

4 5. Prior to the March 14, 2018, procedure, Patient A signed a Consent to Surgical or
5 Diagnostic Procedure form (consent form) to receive the left selective nerve root blocks at the C5,
6 C6, and C7 levels of Patient A's cervical vertebrae. This consent form, however, did not describe
7 the risks associated with selective nerve root block procedures, or that Patient A had the option to
8 use translaminar cervical epidural injections instead of transforaminal epidural injections.

9 6. Immediately following the March 14, 2018, nerve block procedure, Patient A
10 developed complications, including severe burning pain below her left armpit area, paralysis of
11 the left side of her face, arm, and leg, and decreased lacrimation and ptosis of her left eye.

12 7. Patient A was also later diagnosed with a spinal cord hemorrhage as a result of the
13 March 14, 2018 procedure.

14 **COUNT I**

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

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

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

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

23 11. As demonstrated by, but not limited to, the above-outlined facts, Respondent failed
24 to use the reasonable care, skill or knowledge ordinarily used under similar circumstances when
25 rendering medical services to Patient A on March 14, 2018, by using transforaminal epidural
26 steroid injections as a first-line interventional treatment, as opposed to translaminar epidural
27 steroid injections, despite the greater risk of complications and morbidity associated with the
28 transforaminal approach as opposed to the translaminar approach.

1 12. 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 630.301(4) - Malpractice**

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

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

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

12 16. As demonstrated by, but not limited to, the above-outlined facts, Respondent failed
13 to use the reasonable care, skill or knowledge ordinarily used under similar circumstances when
14 rendering medical services to Patient A by not obtaining informed and comprehensive consent
15 from Patient A prior to the March 14, 2018, procedure, and by not emphasizing the significant
16 risks associated with the transforaminal approach.

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

19 **COUNT III**

20 **NRS 630.3062(1)(a) - Failure to Maintain Appropriate Medical Records**

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

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

26 20. Respondent failed to maintain complete and proper medical records relating to the
27 diagnosis, treatment and care of Patient A, by failing to document his actions when he treated
28 Patient A, whose medical records were not timely, legible, accurate, and complete. Respondent’s

OFFICE OF THE GENERAL COUNSEL

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1 medical records did not document that Respondent obtained informed and comprehensive consent
2 from Patient A prior to the March 14, 2018, procedure, and Respondent's records did emphasize
3 in writing the significant risks associated with the transforaminal approach.

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

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

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

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

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

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

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

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

20 DATED this 6th day of September, 2023.

21 INVESTIGATIVE COMMITTEE OF THE
22 NEVADA STATE BOARD OF MEDICAL EXAMINERS

23 By:



24 WILLIAM P. SHOGREN

25 Deputy General Counsel

26 9600 Gateway Drive

27 Reno, NV 89521

28 Tel: (775) 688-2559

Email: shogrenw@medboard.nv.gov

Attorney for the Investigative Committee

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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 6th day of September, 2023.

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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CERTIFICATE OF SERVICE

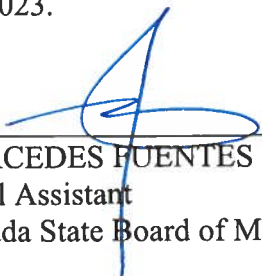
I hereby certify that I am employed by the Nevada State Board of Medical Examiners and that on the 6th day of September, 2023, I served a file-stamped copy of the foregoing **COMPLAINT** as well as file-stamped copy of the **PATIENT DESIGNATION** and required fingerprinting materials, via USPS Certified Mail, postage pre-paid, to the following parties:

BABUK GHUMAN, M.D.
c/o Patricia Egan Daehnke, Esq.
Collinson, Daehnke, Inlow & Greco
2110 E. Flamingo Road, Suite 212
Las Vegas, NV 89119

9171 9690 0935 0255 6838 02

Tracking No.:

DATED this 6th day of September, 2023.



MERCEDES FUENTES
Legal Assistant
Nevada State Board of Medical Examiners