

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

* * * * *

In the Matter of Charges and Complaint

Against:

KEVIN C. PETERSEN, M.D.,

Respondent.

Case No. 23-19611-1

FILED

JUN 16 2023

NEVADA STATE BOARD OF
MEDICAL EXAMINERS
By: _____

COMPLAINT

The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners (Board), by and through William P. Shogren, Deputy General Counsel and attorney for the IC, having a reasonable basis to believe that Kevin C. Petersen, 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:

A. Respondent's Licensure Status

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. 9665). Respondent was originally licensed by the Board on December 15, 2000.

B. Applicable Law

2. Pursuant to NRS 630.3065(2)(a), a licensee shall not knowingly or willfully fail to comply with a subpoena or order of the Investigative Committee (IC) or the Board.

3. Pursuant to NRS 630.311(1), the IC must review each complaint made against a licensee and conduct an investigation to determine if there is a reasonable basis for the complaint.

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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, was composed of Board members Victor M. Muro, M.D., Chowdhury H. Ahsan, M.D., and Pamela J. Beal.

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

1 The IC may issue orders to aid its investigation, including, but not limited to, compelling a
2 licensee to appear before the IC.

3 4. Pursuant to NRS 630.318(1), if the IC has reason to believe that the conduct of any
4 physician has raised a reasonable question as to his or her competence to practice medicine with
5 reasonable skill and safety to patients, the IC may order that the physician undergo a mental or
6 physical examination, an examination testing his or her competence to practice medicine or any
7 other examination designated by the Board to assist the IC in determining the fitness of the
8 physician to practice medicine.

9 **C. Respondent's Failure to Comply With an Order for Health Care Records in NSBME**
10 **Investigative File No. [REDACTED]**

11 5. On July 27, 2022, pursuant to an investigation of Respondent's alleged conduct
12 related to IF [REDACTED], the IC issued an Order to Produce Health Care Records (IC Order) for all
13 of the records for the patient at issue. Respondent was ordered to respond to the IC Order within
14 thirty (30) days of service. The IC Order was sent, along with an Allegation Letter, to Respondent
15 ~~via USPS first-class mail on July 27, 2022, to his permanent mailing address on file with the~~
16 Board located at 653 North Town Center Drive, Suite 314, Las Vegas, NV 89144.

17 6. Respondent failed to respond to the IC Order within thirty (30) days as ordered by
18 the IC. Accordingly, on November 17, 2022, a second IC Order was sent, along with the original
19 Allegation Letter and the Order, to Respondent via USPS first-class mail to his permanent mailing
20 address on file with the Board located at 653 North Town Center Drive, Suite 314, Las Vegas, NV
21 89144.

22 7. During the investigation of IF [REDACTED], a Board investigator emailed Respondent,
23 using Respondent's email address on file with the Board. On December 7, 2022, Respondent
24 responded to the Board investigator using the same email address. In this email, Respondent
25 stated that he did not have an office or office staff, and that he was evicted from his office due to
26 an inability to pay rent for the office space. Respondent further stated that he would later give a
27 more thorough response to the Board's inquiries. Respondent has not provided further response to
28 the Board.

1 8. Respondent has further failed to respond to the IC's Orders to Respondent to
2 produce health care records pursuant to an investigation of Respondent's alleged conduct related
3 conduct related to IF [REDACTED].

4 **D. Respondent's Failure to Comply With an Order for Health Care Records in NSBME**
5 **Investigative File No. [REDACTED]**

6 9. On November 16, 2022, pursuant to an investigation of Respondent's alleged
7 conduct related to IF [REDACTED], the IC issued an Order to Produce Health Care Records (IC
8 Order), directing the production of Respondent's patient and surgical schedule from
9 August 25, 2022 through September 6, 2022. Respondent was ordered to respond to the IC Order
10 within thirty (30) days of service. The IC Order was sent, along with an Allegation Letter, to
11 Respondent via USPS first-class mail on November 16, 2022, to his permanent mailing address on
12 file with the Board located at 653 North Town Center Drive, Suite 314, Las Vegas, NV 89144.

13 10. Respondent failed to respond to the IC Order within thirty (30) days as ordered by
14 the IC. Accordingly, on December 16, 2022, a second IC Order was sent, along with the original
15 Allegation Letter and the Order, to Respondent via USPS first-class mail to his permanent mailing
16 address on file with the Board located at 653 North Town Center Drive, Suite 314, Las Vegas, NV
17 89144.

18 11. Respondent has further failed to respond to the IC's Orders to Respondent to
19 produce health care records pursuant to an investigation of Respondent's alleged conduct related
20 IF [REDACTED].

21 **E. Respondent's Failure to Timely Notify the Board of a Change of Permanent Address**

22 12. During all times relevant to this Complaint, Respondent maintained with the Board
23 his permanent mailing address as 653 North Town Center Drive, Suite 314, Las Vegas, NV
24 89144.

25 13. Between January 2023 and March 2023, Board staff sent multiple letters to
26 Respondent via USPS first-class mail to his permanent mailing address on file with the Board
27 located at 653 North Town Center Drive, Suite 314, Las Vegas, NV 89144. Board staff also sent
28 letters to another address in Murietta, California, which Board investigators had reason to believe

1 Respondent resided at. These letters were returned to sender and marked “not deliverable as
2 addressed, unable to forward.”

3 14. On December 7, 2022, Respondent sent an email to a Board investigator, stating
4 that he did not have an office or office staff, and that he was evicted from his office due to
5 inability to pay rent for the office space.

6 15. Respondent has failed to notify the Board of a change of his permanent mailing
7 address.

8 **F. Respondent’s Failure to Comply With an Order for Appearance at the IC Meeting**

9 16. On February 22, 2023, pursuant to NRS 630.311(1), the IC issued an Order for
10 Appearance (Appearance Order) to Respondent via USPS certified mail to his permanent mailing
11 address on file with the Board located at 653 N Town Center Drive, Suite 314, Las Vegas, NV
12 89144, whereby Respondent was required to appear before the IC on May 10, 2023, to discuss his
13 open investigations before the IC members.

14 17. An investigator for the Board also emailed Respondent a copy of the Appearance
15 Order to Respondent’s email on record on February 22, 2023.

16 18. On March 10, 2023, Board staff also mailed the Appearance Order to a second
17 address in Murrieta, California, where Board investigators believed Respondent may have resided.

18 19. On May 10, 2023, Respondent failed to appear before the IC pursuant to the
19 Appearance Order.

20 **G. Respondent’s Failure to Comply With an Order for an Examination to Determine**
21 **Fitness to Practice Medicine**

22 20. On February 21, 2023, pursuant to NRS 630.318(1), the IC issued an Order for
23 Examination, requiring Respond to appear before an examiner located at Professional Recovery
24 Network on March 7, 2023, for evaluation. The Order for Examination was issued to Respondent
25 by USPS certified mail to his permanent mailing address on file with the Board located at 653 N
26 Town Center Drive, Suite 314, Las Vegas, NV 89144. The IC issued the Order for Examination
27 due to multiple investigations conducted by the Board involving Respondent’s alleged substance
28 abuse.

1 21. Per the Order for Examination, the IC ordered that Respondent undergo a mental
2 and physical examination, specifically addressing the presence of a substance use disorder and/or
3 the inability to practice medicine with reasonable skill and safety due to the use of alcohol, drugs,
4 narcotics or any other substance.

5 22. An investigator for the Board also emailed to Respondent a copy of the Order for
6 Examination to his email of record on February 22, 2023.

7 23. On March 7, 2023, Respondent failed to appear at Professional Recovery Network
8 for evaluation as ordered by the IC in the Order for Examination.

9 24. On March 8, 2023, the IC issued a second Order for Examination, requiring
10 Respond to appear before an examiner located at Professional Recovery Network on April 4, 2023
11 for evaluation. The Order for Examination was again issued to Respondent by USPS certified
12 mail to his address of record with the Board, and to another address in Murrieta, California.

13 25. An investigator for the Board also emailed to Respondent a copy of the Order for
14 Examination to his email of record on March 9, 2023.

15 ~~26. On April 4, 2023, Respondent failed to appear at Professional Recovery Network~~
16 ~~for evaluation as ordered by the IC in the Order for Examination.~~

17 **COUNT I**

18 **NRS 630.3065(2)(a) - Knowing and Willful Failure to Comply With Investigative**
19 **Committee Order**

20 27. All of the allegations in the above paragraphs are hereby incorporated as if fully set
21 forth herein.

22 28. NRS 630.3065(2)(a) provides that knowingly or willfully failing to comply with a
23 regulation, subpoena or order of the Board or a committee designated by the Board to investigate a
24 complaint against a physician is grounds for disciplinary action.

25 29. Respondent knowingly and willingly failed to comply with the IC's Order to
26 Produce Health Care Records pursuant to an investigation of Respondent's alleged conduct related
27 to IF [REDACTED], after being served with two (2) orders by mail to Respondent's permanent mailing
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1 address on record with the Board (with a courtesy copy to Respondent's email address on file with
2 the Board).

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

5 **COUNT II**

6 **NRS 630.3065(2)(a) - Knowing and Willful Failure to Comply With Investigative**

7 **Committee Order**

8 31. All of the allegations in the above paragraphs are hereby incorporated as if fully set
9 forth herein.

10 32. NRS 630.3065(2)(a) provides that knowingly or willfully failing to comply with a
11 regulation, subpoena or order of the Board or a committee designated by the Board to investigate a
12 complaint against a physician is grounds for disciplinary action.

13 33. Respondent knowingly and willingly failed to comply with the IC's Order to
14 Produce Health Care Records pursuant to an investigation of Respondent's alleged conduct related
15 to IF [REDACTED], after being served with two (2) orders by mail to Respondent's permanent mailing
16 address on record with the Board (with a courtesy copy to Respondent's email address on file with
17 the Board).

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

20 **COUNT III**

21 **NRS 630.306(1)(j) - Failing to Timely Notify the Board of a Change of Permanent Address**

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

24 36. NAC 630.540(23) provides that violating any provision that would subject a
25 practitioner of medicine to discipline pursuant to NRS 630.301 to 630.3065, inclusive, or
26 NAC 630.230, is grounds for disciplinary action against a physician.

27 37. NRS 630.306(1)(j) provides that failing to comply with the requirements of
28 NRS 630.254 is grounds for initiating disciplinary action.

1 38. NRS 630.254 provides, in pertinent part:

2 Each licensee shall maintain a permanent mailing address with the
3 Board to which all communications from the Board to the licensee
4 must be sent. A licensee who changes his or her permanent mailing
5 address shall notify the Board in writing of the new permanent
6 mailing address within 30 days after the change. If a licensee fails
7 to notify the Board in writing of a change in his or her permanent
8 mailing address within 30 days after the change, the Board:

9 (a) May impose upon the licensee a fine not to exceed \$250;
10 and

11 (b) May initiate disciplinary action against the licensee as
12 provided pursuant to paragraph (j) of subsection 1 of
13 NRS 630.306.

14 39. Respondent violated NRS 630.254 by failing to maintain a permanent address with
15 the Board to which all communications to the licensee must be sent.

16 40. By reason of the foregoing, Respondent is subject to discipline by the Board as
17 provided in NAC 630.555 and NRS 630.352.

18 **COUNT IV**

19 **NRS 630.3065(2)(a) - Knowing and Willful Failure to Comply With Investigative**

20 **Committee Order**

21 41. All of the allegations in the above paragraphs are hereby incorporated as if fully set
22 forth herein.

23 42. NRS 630.3065(2)(a) provides that knowingly or willfully failing to comply with a
24 regulation, subpoena or order of the Board or a committee designated by the Board to investigate a
25 complaint against a physician is grounds for disciplinary action.

26 43. Respondent knowingly and willingly failed to comply with the IC's Order for
27 Appearance at the IC meeting held on May 10, 2023 as ordered, after being served with said order
28 to Respondent's permanent mailing address of record with the Board (with a courtesy copy to
Respondent's email address on file with the Board).

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

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COUNT V

**NRS 630.3065(2)(a) - Knowing and Willful Failure to Comply With Investigative
Committee Order**

45. All of the allegations in the above paragraphs are hereby incorporated as if fully set forth herein.

46. NRS 630.3065(2)(a) provides that knowingly or willfully failing to comply with a regulation, subpoena or order of the Board or a committee designated by the Board to investigate a complaint against a physician is grounds for disciplinary action.

47. Respondent knowingly and willingly failed to comply with the IC's Order for Examination, dated February 21, 2023, after being served said Order for Examination via USPS certified mail to Respondent's permanent address of record with the Board, by failing to appear at the March 7, 2023, examination as ordered.

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

COUNT VI

**NRS 630.3065(2)(a) - Knowing and Willful Failure to Comply With Investigative
Committee Order**

49. All of the allegations in the above paragraphs are hereby incorporated as if fully set forth herein.

50. NRS 630.3065(2)(a) provides that knowingly or willfully failing to comply with a regulation, subpoena or order of the Board or a committee designated by the Board to investigate a complaint against a physician is grounds for disciplinary action.

51. Respondent knowingly and willingly failed to comply with the IC's Order for Examination, dated March 8, 2023, after being served said Order for Examination via USPS certified mail to Respondent's permanent mailing address of record, by failing to appear at the April 4, 2023, examination as ordered.

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

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

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

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

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

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

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

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

15 DATED this 16th day of June, 2023.

16 INVESTIGATIVE COMMITTEE OF THE
17 NEVADA STATE BOARD OF MEDICAL EXAMINERS

18 By:



19 WILLIAM P. SHOGREN

20 Deputy General Counsel

21 9600 Gateway Drive

22 Reno, NV 89521

23 Tel: (775) 688-2559

24 Email: wshogren@medboard.nv.gov

25 *Attorney for the Investigative Committee*

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VERIFICATION

STATE OF NEVADA)
 : ss.
COUNTY OF CLARK)

Victor M. Muro, 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 16th day of June, 2023.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 
VICTOR M. MURO, M.D.
Chairman of the Investigative Committee

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I am employed by the Nevada State Board of Medical Examiners and
3 that on the 16th day of June, 2023, I served a file-stamped copy of the foregoing **COMPLAINT**
4 and required fingerprinting materials, via USPS Certified Mail, postage pre-paid, to the following
5 parties:

6 KEVIN C. PETERSEN, M.D.
7 653 North Town Center, Suite 314
8 Las Vegas, NV 89144

9 9171 9690 0935 0255 6992 85

10 *Tracking No.:* _____

11 KEVIN C. PETERSEN, M.D.
12 [REDACTED]
13 Murrieta, CA 92562

14 9171 9690 0935 0255 6992 92

15 *Tracking No.:* _____

16 DATED this 16th day of June, 2023.

17 

18 **MERCEDES FUENTES**
19 Legal Assistant
20 Nevada State Board of Medical Examiners
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