

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

* * * * *

In the Matter of Charges and Complaint
Against
DIETRICH VON FELDMANN, M.D.,
Respondent.

Case No. 23-31575-1

FILED

DEC - 7 2023

NEVADA STATE BOARD OF
MEDICAL EXAMINERS
By: 

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This case was presented for adjudication and decision before the Nevada State Board of Medical Examiners (Board), during a regularly scheduled Board meeting on December 1, 2023, at 8:50 a.m., (Pacific Standard Time), located at 325 E. Warm Springs Road, Suite 225, Las Vegas, NV 89119, video conferenced to 9600 Gateway Drive, Reno, NV 89521. Dietrich Von Feldmann, M.D., (Respondent), was properly served with a notice of the adjudication, including the date, time, and location, and was present and not represented by counsel. The adjudicating members of the Board participating in these Findings of Fact, Conclusions of Law, and Order (FOFCOL) were: Nicola (Nick) M. Spirtos M.D., F.A.C.O.G., Bret W. Frey, M.D., Ms. Maggie Arias-Petrel, Aury Nagy, M.D., Col. Eric D. Wade, and Carl N. Williams, Jr., M.D., Joseph Olivarez, P.A.-C, Jason B. Farnsworth, RRT, MBA. Chricy E. Harris, Esq., Deputy Attorney General, served as legal counsel to the Board.

The Board, having received and read the Complaint and exhibits admitted at the hearing of this matter, the Hearing Officer's Findings and Recommendations¹, and the transcript of the hearing, made its decision pursuant to its authority and provisions of the Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630 (collectively, the Medical Practice Act), NRS Chapter 622A, and NRS Chapter 233B, as applicable.

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¹ The Hearing Officer's Findings and Recommendations were prepared by Patricia Halstead, Esq., who was appointed as Hearing Officer under NRS 630.106 in this matter and presided over the hearing.

1 The Board, after due consideration of the record, evidence, and law, and being fully
2 advised in the premises, makes its FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
3 ORDER in this matter, as follows:

4 **FINDINGS OF FACT**

5 **I.**

6 Respondent held an active license to practice medicine in the State of Nevada issued by the
7 Board from August 17, 2006, until June 12, 2023. An Order for Summary Suspension of
8 Respondent's license was filed on June 12, 2023, served on June 13, 2023, which immediately
9 suspended Respondent's license until a show cause hearing could be held to determine if his
10 medical license would be reinstated during the regular hearing process. On July 11, 2023, a show
11 cause hearing was held at the office of the Nevada State Board of Medical Examiners and the
12 Hearing Officer entered her order on July 13, 2023, continuing the suspension of Respondent's
13 medical license throughout the hearing process.

14 **II.**

15 On June 15, 2023, the Investigative Committee filed its formal Complaint in
16 Case No. 23-31575-1, alleging Respondent violated the Medical Practice Act. Respondent was
17 personally served with the Complaint by a USPS Certified mail on June 20, 2023. The Complaint
18 alleges as follows: Count I, a violation of NRS 630.3065(2)(a) Knowing or Willful Failure to
19 Comply with a Board Order.

20 Respondent did not answer or file a response to the allegations set forth in the Complaint.
21 Pursuant to NAC 630.460(4), the allegations of the Complaint are deemed generally denied if an
22 answer is not filed.

23 **III.**

24 An Order was filed on July 18, 2023, scheduling the Early Case Conference for the
25 pending matter for August 2, 2023, at 11:00 a.m. This Order was served upon Respondent via
26 USPS Certified Mail on July 18, 2023. On August 2, 2023, an Early Case Conference was
27 conducted in this matter. Ian J. Cumings, Deputy General Counsel was present on behalf of the

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1 Investigative Committee (IC) of the Board, with Hearing Officer Patricia Halstead, Esq.,
2 Respondent appeared without counsel by telephone.

3 In compliance with NAC 630.465, a Scheduling Order was filed August 3, 2023, setting
4 dates for the Prehearing Conference, scheduled for August 17, 2023, with the formal hearing
5 calendared to commence on August 31, 2023, at 8:30 a.m., at the Office of the Nevada State
6 Board of Medical Examiners, 9600 Gateway Drive, Reno, Nevada 89521. Respondent was served
7 this Order via USPS Certified Mail on August 14, 2023, at his address of record.

8 An Order Setting Status Conference was then filed on May 2, 2022, setting a status
9 conference for May 5, 2022, among the parties to reschedule Prehearing and Hearing dates. A
10 copy of this Order was sent via US Regular Mail to Respondent on May 3, 2022. An
11 Order Re-Setting Status Conference was then filed May 5, 2022, resetting the previously
12 scheduled status conference to May 12, 2022. A copy of this Order was sent via US Regular Mail
13 to Respondent on May 5, 2022. An Order Continuing Status Conference setting the third
14 continuation of the scheduled status conference was filed May 13, 2022, setting the new date for a
15 status conference to June 3, 2022. A copy of this Order was sent via US Regular Mail to
16 Respondent on May 13, 2022.

17 The Prehearing Conference was held telephonically as noticed and ordered, at which time,
18 legal counsel for the IC, Ian J. Cumings, Deputy General Counsel appeared. Respondent appeared
19 telephonically without legal counsel. Respondent was timely and properly served with the IC's
20 Prehearing Conference Statement by USPS Certified Mail on August 14, 2023, with the mandated
21 Prehearing Disclosures in accordance with NRS and NAC Chapters 630, NRS Chapters 241,
22 622A and 233B, and the requirements of due process. Respondent did not provide Prehearing
23 Disclosures nor a Prehearing Statement.

24 IV.

25 On August 31, 2023, as duly noticed and ordered, a hearing was held before the Hearing
26 Officer to receive evidence and to hear arguments of both parties. Legal counsel for the
27 Investigative Committee, Ian J. Cumings, Deputy General Counsel appeared, along with
28 Respondent, without legal counsel, and Hearing Officer Patricia Halstead, Esq. Mr. Cumings

1 presented the IC's case, offered documentary evidence, and presented witness testimony. Exhibits
2 one (1) through three (3), were marked and admitted into evidence.

3 The Hearing Officer provided the Findings and Recommendations, filed September 6,
4 2023. This matter was scheduled for final adjudication on December 1, 2023, at a regularly
5 scheduled Board meeting.

6 The notice of the adjudication was sent via USPS Certified Mail on October 30, 2023, and
7 was delivered to Respondent on November 2, 2023, at 1:47 p.m.

8 A copy of the adjudication materials along with a copy of the Hearing Officer's Findings
9 and Recommendation were mailed via Fed Ex 2-Day, and were delivered to Respondent's address
10 of record on November 9, 2023.

11 V.

12 Pursuant to NRS 622A.300(5)(a), the Findings and Recommendations of the Hearing
13 Officer are hereby approved by the Board in their entirety, with modification to the discipline, and
14 are hereby specifically incorporated and made part of this Order by reference and are attached
15 hereto as **Exhibit 1**.

16 VI.

17 In accordance with the Findings and Recommendations, the Board hereby finds that each
18 count set forth in the Complaint, and as recapitulated in Paragraph II above, has been established
19 by a preponderance of the evidence.

20 VII.

21 If any of the foregoing Findings of Fact is more properly deemed a Conclusion of Law, it
22 may be so construed.

23 **CONCLUSIONS OF LAW**

24 I.

25 The Board has jurisdiction over Respondent and the Complaint, and an adjudication of this
26 matter by the Board members as set forth herein is proper.

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II.

Respondent was timely and properly served with the Complaint, and all notices and orders in advance of the hearing and adjudication thereon, in accordance with NRS and NAC Chapters 630, NRS Chapters 241, 622A and 233B, and all legal requirements of due process.

III.

With respect to the allegations of the Complaint, the Board concludes that Respondent has violated NRS 630.3065(2)(a) Knowing or Willful Failure to Comply with a Board Order, as alleged in Count I. Accordingly, Respondent is subject to discipline pursuant to NRS 630.352.

IV.

The Board finds that, pursuant to NRS 622.400, recovery from Respondent of reasonable attorneys' fees and costs incurred by the Board as part of its investigation and disciplinary proceedings against Respondent is appropriate. The Board has reviewed the Investigative Committee's Memorandum of Costs and Disbursements and Attorneys' Fees, and the Board finds them to be the actual fees and costs incurred by the Board as part of its investigative, administrative and disciplinary proceedings against Respondent, and finds them to be reasonable, necessary, and actually incurred based on: (1) the abilities, training, education, experience, professional standing and skill demonstrated by Board staff and attorneys; (2) the character of the work done, its difficulty, its intricacy, its importance, the time and skill required, the responsibility imposed and the prominence and character of the parties where, as in this case, they affected the importance of the litigation; (3) the work actually performed by the Board's attorneys and staff, and the skill, time and attention given to that work; and (4) the product of the work and benefits to the Board and the people of Nevada that were derived therefrom.

V.

If any of the foregoing Conclusions of Law is more properly deemed a Finding of Fact, it may be so construed.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, and good cause appearing therefore,

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IT IS HEREBY ORDERED that:

1. Respondent has violated the Medical Practice Act, as alleged in the Complaint, as follows: one (1) count of NRS 630.3065(2)(a), Knowing or Willful Failure to comply with a Board Order.

2. Pursuant to NRS 630.352(4)(e), the Board shall administer a written public reprimand to Respondent.

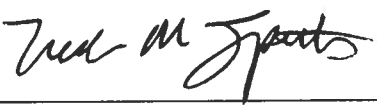
3. Pursuant to NRS 630.352(4)(e), and NRS 622A.410(1) Respondent's license to practice medicine shall be immediately revoked and Respondent may not apply for reinstatement of his license for two (2) years after the date of this Order.

4. If Respondent applies for reinstatement of his license after the two-year period imposed by the Board, he shall reimburse the Board for its costs and fees incurred in the investigation and prosecution of this matter, Case No. 23-31575-1, and the costs, fee and fine in the underlying matter, Case No. 22-31575-1, in the total amount of fourteen thousand, two hundred forty-one dollars and sixty-eight cents (\$14,241.68).

IT IS SO ORDERED.

DATED this 7th day of December, 2023.

NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 

NICK M. SPIRTOS, M.D., F.A.C.O.G.
President of the Board

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CERTIFICATION

I certify that the foregoing is the full and true original **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER** on file in the office of the Board of Medical Examiners in the matter of **DIETRICH VON FELDMANN, M.D.**, Case No. 23-31575-1.

I further certify that Nick M. Spirtos, M.D., F.A.C.O.G., is the President of the Nevada State Board of Medical Examiners and that full force and credit is due to his official acts as such; and that the signature to the foregoing ORDER is the signature of said Nick M. Spirtos, M.D., F.A.C.O.G.

IN WITNESS THEREOF, I have hereunto set my hand in my official capacity as Secretary-Treasurer of the Nevada State Board of Medical Examiners.

DATED this 7th day of December, 2023.

NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: Maggie Arias-Petrel
MAGGIE ARIAS-PETREL
Secretary-Treasurer and Public Member of the Board

EXHIBIT 1

EXHIBIT 1

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

3 * * * * *

4 Case No. 23-31575-1

5 In the Matter of Charges and

6 Complaint Against

7 DIETRICH VON FELDMANN, M.D.,

8 Respondent.

FILED

SEP - 6 2023

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: 

9
10 **FINDINGS AND RECOMMENDATION**

11 TO: Ian Cumings, J.D.
12 Deputy General Counsel
13 Nevada State Board of Medical Examiners
14 9600 Gateway Drive
15 Reno, Nevada 89521

16 Dietrich Von Feldmann, M.D.
17 7696 Stone Bluff Way
18 Reno, NV 89523

19 1. Introduction

20 This matter was heard in the Reno office of the Nevada State Board of Medical Examiners
21 (the "Board") on August 31, 2023. Present were Ian Cumings, J.D. on behalf of the Investigative
22 Committee (the "IC"), Respondent Dietrich Von Feldmann, M.D. ("Respondent") representing
23 himself, and the undersigned hearing officer. The IC submitted its Exhibits 1-3, which were
24 admitted. On behalf of Respondent, the IC also sought to admit an August 10, 2023 letter from
25 Respondent to Victor Muro, M.D., which was filed in the record on August 17, 2023, and which
26 was admitted. Appearing on behalf of the IC was Johnna S. LaRue, the Board compliance officer,
27 who was properly sworn as was Respondent who testified on his own behalf. No other witnesses
28 were called.

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2. Allegations

The Complaint alleges a single count of Knowing or Willful Failure to Comply with a Board Order, a violation of NRS 630.3065(2)(a), which is premised upon the allegation that Respondent failed to comply with the Findings of Fact, Conclusions of Law, and Order, in Case Number 22-31575-1, filed on December 8, 2022, and served upon Respondent on December 9, 2022 (the "Order"). The Order required Respondent to submit to a physical exam; submit to a mental exam testing his competence; if found competent, to complete twelve hours of Continuing Medical Education relating to the management of surgical patients with potential colon perforation; to pay a fine of \$2,000; and to reimburse the Board for incurred costs and expenses in the amount of \$8,621.90, all of which was to be done within six months of service of the Order. See IC Exhibits 1 and 2. No answer was filed by Respondent.

3. Witnesses and Testimony

In support of the IC allegations, the IC called Board Compliance Officer Johnna S. LaRue who testified as to Respondent's failure to comply. Ms. LaRue's testimony was uncontested. Further, Respondent admitted to his failure to comply. In addressing his lack of compliance, Respondent continues to take issue with the Findings and Conclusions made in matter 22-31575-1. Respondent remains adamant that he did not commit malpractice and that he has not been able to properly plead his defense based upon his lack of resources to hire legal counsel.

4. Findings

By Respondent's own admission, he has knowingly or willfully failed to comply with the Board's Order, which is a violation of NRS 630.3065(2)(a).

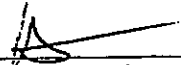
5. Recommendation

For the reasons set forth above, I find that the IC met its burden of proof in relation to Count 1 of the Complaint against Respondent (the only count alleged), and I respectfully recommend that the Board confirm that Respondent knowingly or willfully failed to comply with the Findings of Fact, Conclusions of Law, and Order filed in Case Number 22-31575-1 on December 8, 2022, and served upon Respondent on December 9, 2022. Respondent's license has

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been suspended pending further action by the Board. *See* the Order for Continued License Suspension, filed on July 13, 2023.

DATED this 5th day of September 2023.

By: 

Patricia Halstead, Esq.
Hearing Officer
(775) 322-2244

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CERTIFICATE OF SERVICE

I certify that on this day, I personally delivered or mailed, postage pre-paid, at Reno, Nevada, a true file-stamped copy of the foregoing FINDINGS AND RECOMMENDATION addressed as follows:

Ian Cumings, J.D.
Deputy General Counsel
Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, Nevada 89521

Dietrich Von Feldmann, M.D.
7696 Stone Bluff Way
Reno, NV 89523

DATED this 6th day of September, 2023.



Signature
Meg Byrd

Print
Legal Assistant

Title