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

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In the Matter of Charges and Complaint

6 Against:

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NILOFAR KURAISHI, M.D.,

Respondent.

Case No. 24-7555-1

**FILED** 

MAR 13 2024

NEVADA STATE BOARD OF MEDICAL EXAMINERS

### **COMPLAINT**

The Investigative Committee<sup>1</sup> (IC) of the Nevada State Board of Medical Examiners (Board), by and through Ian J. Cumings, Senior Deputy General Counsel and attorney for the IC, having a reasonable basis to believe that Nilofar Kuraishi, 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. 6576). Respondent was originally licensed by the Board on August 1, 1992.
  - 2. Patient  $A^2$  was a seventy-eight (78) year-old male at the time of the events at issue.
  - 3. Patient A is an elderly male with dementia who does not speak English.
- 4. On March 10, 2021, Patient A, along with his son as a translator, presented to Respondent for a medical examination to complete an N-400 Application for Naturalization. The N-400 Application form is required to be completed for individuals seeking exemption to the English and civics testing requirement due to physical or developmental disability or impairment.

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., Ph.D., FACC, and Ms. Pamela Beal.

<sup>&</sup>lt;sup>2</sup> 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.

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- Respondent examined Patient A and ordered laboratory studies but refused to fill 5. out Patient A's N-400 Application form. Respondent documented Patient A as having significant mental impairment, with memory loss and dementia, and assessed Patient A as having hypertension and senility.
- Patient A's laboratory work was obtained on March 15, 2021, demonstrating 6. abnormalities in kidney function, hypercalcemia, uric acid, prostate specific antigen, and elevated cholesterol. Despite significant laboratory findings, Respondent failed to document any clinical plan for the management of Patient A's conditions and did not follow-up with Patient A regarding laboratory findings.
- Patient A presented to Respondent on September 14, 2021, for an examination but 7. records show Patient A as having a negative review of symptoms. Despite this, Respondent assessed Patient A as having hypertension, edema, weakness, weight loss, and chronic kidney disease. Respondent further noted Patient A was seeing a neurologist, but did not document any medical plan for treatment or discussion of previous laboratory results with Patient A.

### COUNT I

### NRS 630.301(4) - Malpractice

- All of the allegations contained in the above paragraphs are hereby incorporated by 8. reference as though fully set forth herein.
- NRS 630.301(4) provides that malpractice of a physician is grounds for initiating 9. disciplinary action against a licensee.
- 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 circumstances."
- As demonstrated by, but not limited to, the above-outlined facts, Respondent failed 11. to use the reasonable care, skill or knowledge ordinarily used under similar circumstances when rendering medical services to Patient A by failing to inform and appropriately manage Patient A's care, despite abnormal laboratory results and physical examination findings on March 10, 2021, and September 14, 2021.

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By reason of the foregoing, Respondent is subject to discipline by the Board as 12. provided in NRS 630.352.

### **COUNT II**

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

- All of the allegations contained in the above paragraphs are hereby incorporated by 13. reference as though fully set forth herein.
- 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.
- Respondent failed to maintain complete medical records relating to the diagnosis, 15. treatment and care of Patient A, by failing to correctly document her actions when she treated Patient A on March 10, 2021, whose medical records were not timely, legible, accurate, and complete.
- By reason of the foregoing, Respondent is subject to discipline by the Board as 16. provided in NRS 630.352.

### **COUNT III**

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

- All of the allegations contained in the above paragraphs are hereby incorporated by 17. reference as though fully set forth herein.
- NRS 630.3062(1)(a) provides that the "failure to maintain timely, legible, accurate 18. and complete medical records relating to the diagnosis, treatment and care of a patient" constitute grounds for initiating discipline against a licensee.
- Respondent failed to maintain complete medical records relating to the diagnosis, 19. treatment and care of Patient A, by failing to correctly document her actions when she treated Patient A on September 14, 2021, whose medical records were not timely, legible, accurate, and complete.
- By reason of the foregoing, Respondent is subject to discipline by the Board as 20. provided in NRS 630.352.

# OFFICE OF THE GENERAL COUNSEL Nevada State Board of Medical Examiners

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### WHEREFORE, the Investigative Committee prays:

- 1. That the Board give Respondent notice of the charges herein against her and give her notice that she 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;
- 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 /3 day of March, 2024.

INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:

IAN J. CUMINGS

Senior Deputy General Counsel

9600 Gateway Drive

Reno, NV 89521

Tel: (775) 688-2559

Email: <u>icumings@medboard.nv.gov</u>
Attorney for the Investigative Committee

## OFFICE OF THE GENERAL COUNSEL

### Nevada State Board of Medical Examiners 9600 Gateway Drive Reno, Nevada 89521 (775) 688-2559

### 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 3 day of March, 2024.

INVESTIGATIVE COMMITTEE OF THE A STATE BOARD OF MEDICAL EXAMINERS

By:

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