

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. 23-19611-1

6 **Against:**

FILED

7 **KEVIN C. PETERSEN, M.D.,**

JUN 20 2024

8 **Respondent.**

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: 

9
10 **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

11 This case was presented for adjudication and decision before the Nevada State Board of
12 Medical Examiners (Board), during a regularly scheduled Board meeting on June 7, 2024, at
13 8:35 a.m. (Pacific Standard Time), located at 9600 Gateway Drive, Reno, NV 89521, video
14 conferenced to 325 E. Warm Springs Road, Suite 225, Las Vegas, NV 89119. Kevin C. Petersen,
15 M.D., (Respondent) was properly served with a notice of the adjudication, including the date,
16 time, and location. Respondent was not present personally or through an attorney. The
17 adjudicating members of the Board participating in these Findings of Fact, Conclusions of Law
18 and Order were: Nick M. Spirtos, M.D., F.A.C.O.G., Bret W. Frey, M.D., Ms. Maggie Arias-
19 Petrel, Aury Nagy, M.D., Col. Eric D. Wade, USAF (Ret.), Carl N. Williams, Jr., M.D., FACS,
20 Joseph Olivarez, P.A.-C, and Jason B. Farnsworth, RRT. Henna Rasul, Esq., Senior Deputy
21 Attorney General, served as legal counsel to the Board.

22 The Board, having received and read the formal Complaint (Complaint) and exhibits
23 admitted at the hearing of this matter, the Hearing Officer's Findings and Recommendations,¹ and
24 the transcript of the hearing, made its decision pursuant to its authority and provisions of the
25 Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter
26 630 (collectively, the Medical Practice Act), NRS Chapter 622A, and
27 NRS Chapter 233B, as applicable.

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

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

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 a license to practice medicine in the State of Nevada issued by the Board
7 from December 15, 2000, to June 30, 2023.

8 **II.**

9 On June 16, 2023, the Investigative Committee filed a formal Complaint in
10 Case No. 23-19611-1, alleging Respondent violated the Medical Practice Act. The Complaint was
11 mailed to Respondent by certified mail with return receipt requested at his last known address in
12 Las Vegas, Nevada, and was returned undelivered. Pursuant to NRS 630.344, if a Complaint
13 cannot be served on Respondent personally, or by registered or certified mail with return receipt
14 requested, addressed to the Respondent at his or her last known address, the Board shall cause
15 notice to be published once a week for four (4) consecutive weeks in a newspaper published in the
16 county of the last known address of the licensee or, if no newspaper is published in that county,
17 then in a newspaper widely distributed in that county. Respondent was served with the Complaint
18 by publication in Nevada Legal News, a daily newspaper published in Las Vegas, Clark County,
19 Nevada, on July 25, 2023, August 1, 2023, August 8, 2023, August 15, 2023, and
20 August 22, 2023.

21 The formal Complaint alleges six (6) violations of the Medical Practice Act that constitutes
22 grounds for initiating disciplinary action against a licensee, as follows: five (5) counts of
23 NRS 630.3065(2)(a), Knowing and Willful Failure to Comply with Investigative Committee
24 Order and one (1) count of NRS 630.306(1)(j), Failure to Timely Notify the Board of a Change of
25 Permanent Address.

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

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III.

A Notice and Order Scheduling Early Case Conference was filed on October 2, 2023, scheduling the Early Case Conference for the pending matter for October 5, 2023, at 10:00 a.m. This Order was mailed via U.S. Certified Mail, postage pre-paid, to Respondent's address of record, and was returned undelivered. A copy was also emailed to Respondent, at his email of record with the Board, on October 2, 2023.

On October 5, 2023, Hearing Officer Charles B. Woodman, Esq., conducted a telephonic Early Case Conference in this matter. William P. Shogren, Deputy General Counsel, (Mr. Shogren) was present on behalf of the Investigative Committee (IC). Respondent did not participate in the proceeding, nor did he contact the Board, IC, or Hearing Officer regarding the proceeding. At the scheduled Early Case Conference, Hearing Officer Woodman set the date for the Prehearing Conference, the deadline for the parties to exchange lists of witnesses and documents, and the date for the Hearing.

On October 12, 2023, in compliance with NAC 630.465, a Scheduling Order setting the Prehearing Conference and Hearing was filed. Pursuant to that Order, the Prehearing Conference was set for December 5, 2023, at 2:00 p.m. The Scheduling Order was sent to Respondent's address on file with the Board via U.S. Certified Mail and was returned undelivered. A copy was also emailed to Respondent, at his email of record with the Board, on October 13, 2023.

On December 4, 2023, the IC's Prehearing Conference Statement was sent to Respondent's address on file with the Board via Fed Ex Overnight Mail. A copy was also emailed to Respondent, at his email address of record with the Board.

The Prehearing Conference was held telephonically as noticed and ordered, at which time, legal counsel for the IC, Mr. Shogren, appeared. Neither the Respondent nor any representative of the Respondent participated in the Prehearing Conference, nor did Respondent contact the Board, IC, or Hearing Officer regarding the proceeding.

IV.

On January 5, 2024, as duly noticed and ordered, a Hearing was held before the Hearing Officer to receive evidence and to hear arguments of both parties. Legal counsel for the IC,

1 Mr. Shogren, appeared. Respondent did not attend the Hearing, nor did counsel appear on his
2 behalf. Mr. Shogren presented the IC's case and offered Exhibits 1 through 21, which were
3 marked and admitted into evidence.

4 The Hearing Officer provided a Synopsis of Case and Recommendations to the Board,
5 which was filed March 15, 2024. This matter was scheduled for final adjudication on
6 June 7, 2024, at a regularly scheduled Board meeting.

7 On May 7, 2024, a notice of the adjudication, a copy of the Hearing Officer's Findings and
8 Recommendations, and the hearing transcript was sent via USPS Certified Mail to Respondent's
9 addresses of record and was returned as undeliverable. Copies of the same were also sent to
10 Respondent's email address of record on May 7, 2024.

11 A copy of the adjudication materials, as well as the Investigative Committee's
12 Memorandum of Costs and Disbursements and Attorney's Fees along with a copy of the Hearing
13 Officer's Findings and Recommendation was sent via USPS Certified Mail to Respondent's
14 addresses of record and was returned as undeliverable.

15 **V.**

16 Pursuant to NRS 622A.300(5)(a), the Findings and Recommendations of the Hearing
17 Officer are hereby approved by the Board and are hereby specifically incorporated and made part
18 of this Order by reference. A copy of the Findings and Recommendations filed March 15, 2024,
19 in this matter are attached hereto as **Exhibit 1**.

20 **VI.**

21 The Board hereby finds that Counts I-VI, as set forth in the Complaint, and as
22 recapitulated in Paragraph II above, has been established by a preponderance of the evidence.

23 **VII.**

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

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1 CONCLUSIONS OF LAW

2 I.

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

5 II.

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

9 III.

10 With respect to the allegations of the Complaint, the Board concludes that Respondent has
11 violated the Medical Practice Act, as alleged in the Complaint, as follows: five (5) counts of
12 NRS 630.3065(2)(a), Knowing and Willful Failure to Comply with Investigative Committee
13 Order and one (1) count of NRS 630.306(1)(j), Failure to Timely Notify the Board of a Change of
14 Permanent Address. Accordingly, Respondent is subject to discipline pursuant to NRS 630.352.

15 IV.

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

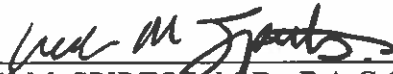
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5. Respondent's discipline shall be reported to the appropriate entities, including the National Practitioner Databank (NPDB).

IT IS SO ORDERED.

DATED this 20th day of June, 2024.

NEVADA STATE BOARD OF MEDICAL EXAMINERS

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

OFFICE OF THE GENERAL COUNSEL
Nevada State Board of Medical Examiners
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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 **KEVIN C. PETERSEN, M.D.**, Case No. 23-19611-1.

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 the 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 20th day of June, 2024.

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

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

FILED

MAR 15 2024

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: _____

In the Matter of Charges and
Complaint Against
KEVIN C. PETERSEN, M.D.,
Respondent.

CASE NO.: 23-19611-1

SYNOPSIS OF CASE AND RECOMMENDATIONS TO THE BOARD

The record in this case reveals that a formal Complaint charging Respondent Kevin C. Petersen, M.D. with six counts of misconduct was filed in this matter and duly served upon Respondent. Despite proper legal service of the Complaint and other appropriate documentation upon Dr. Petersen, he did not file any response to the Complaint or otherwise respond. Following service of that Complaint, an Early Case Conference was noticed and held, followed by a duly noticed Pre-Hearing conference, both pursuant to applicable administrative law. Despite the diligence of the Investigative Committee ("IC") of the Board of Medical Examiners ("Board") in serving documents and notices upon, and attempting to communicate with Respondent, he failed to participate in administrative proceedings prior to the formal hearing, and then he failed to appear at the formal hearing itself.

At the hearing, the Board and IC were represented by their Deputy General Counsel William P. Shogren. Mr. Shogren called two witnesses to present the evidence for the IC's case, namely Alexis Kent, and Johnna LaRue. The uncontested evidence presented is summarized hereinbelow.

1. The Factual Evidence

A. The Testimony of Alexis Kent

Ms. Kent is an investigator for the Board. She testified that in this case, the standard Board procedure was followed whereby Respondent was duly served with an allegation letter dated July 27, 2022, along with a Board Order to produce healthcare records of the same date.

1 Those documents were mailed to Respondent's address on file with the Board. There was no
2 response from Respondent. A second round of documents was dispatched including a second
3 Order to produce healthcare records, but those also brought no response. It is noted that the
4 Board sent the documentation not only to Respondent's physical address, but also served him
5 via his email contact.

6 Ms. Kent testified generally as to the basis for other Complaints against Dr. Petersen
7 and the fact that he was non-responsive in those as well. She also testified that her
8 investigation revealed a new address for Respondent which was not on file with the Board.
9 On December 7, 2022, Ms. Kent did receive an email from Respondent which, although it did
10 not respond substantively to the Board's communications, it did confirm that he was using the
11 new address discovered by Ms. Kent's investigations.

12 Ms. Kent also testified that Respondent was given legally proper notice of an Order
13 issued by the IC requiring Dr. Petersen to appear before Dr. Mark Chase for a mental and
14 physical examination to determine whether Respondent was fit to practice medicine. Dr.
15 Petersen did not attend that examination. Respondent was also properly served with an Order
16 to appear before the IC to "discuss the matters" pending before the Board, as well as a
17 subsequent Order requiring him again to appear before Dr. Chase for an evaluation. But as
18 before Dr. Petersen failed to appear as ordered in each instance.

19 Finally, Ms. Kent testified that after multiple attempts to mail all notices and orders to
20 Respondent at three different addresses, (the one provided by Respondent to the Board, and
21 two others she discovered in her investigation), along with sending all such documents to
22 Respondent via email at the address he used in his one response to the Board, Ms. Kent went
23 the extra mile and attempted to serve all such documentation on Dr. Petersen personally at the
24 address on file with the Board, as well as the address she had discovered and he acknowledged
25 in his one email communication. Unfortunately, all Ms. Kent's "above and beyond" efforts
26 yielded nothing of substance from Dr. Petersen. He has simply failed to participate in this
27 Board process in any manner.

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B. The Testimony of Johnna LaRue

Ms. LaRue was then called as the Board's second and final witness. She has served the Board and IC for many years and currently serves as the Deputy Chief of Investigations and in that capacity she is a compliance officer for the Board, ensuring that licensees comport with all Board-mandated requisites. Ms. LaRue testified that she contacted Dr. Mark Chase to determine whether Dr. Petersen had appeared as ordered by the Board. He confirmed that Respondent had not appeared for any appointments. Nor did Dr. Petersen ever communicate with Ms. LaRue. Hence, it is confirmed that Dr. Petersen never responded in any substantive way to the Board's requests for information, or to its Orders to provide documents and appear on designated dates at specified times.

2. Legal Conclusions

The allegations in the Complaint on file with the Board are uncontested. The evidence shows plainly that Respondent, who at one point acknowledged receiving Board documents via his one email communication: 1) willfully failed to comply with the Board's Order to produce health care records; 2) willfully failed to comply with a second Order to produce healthcare records; 3) failed to notify the Board of a change of his address; 4) failed to comply with the Board's Order to meet to discuss the pending case, 5) failed to comply with the Board's Order to appear before Dr. Chase to be examined, and; 6) failed to comply with the Board's subsequent Order that he appear and be examined.

There is no issue as to credibility of witnesses. Both Ms. Kent and Ms. LaRue are credible. Each of them gave articulate, matter of fact, reliable testimony. There is no reason to question the evidence they presented.

Accordingly, the undersigned Hearing Officer finds conclusively, and therefore recommends to the Board, that it find that all six allegations in the Complaint on file are proven and established, and that the Board determine the appropriate discipline based thereon.

DATED this 15 day of March, 2024.



CHARLES B. WOODMAN, Hearing Officer
Nevada State Board of Medical Examiners

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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 document addressed as follows:

WILLIAM P. SHROGEN, J.D.
Deputy General Counsel and Attorney for the Investigative Committee of the Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, Nevada 89521

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

9171 9690 0935 0241 6247 27

DATED this 21st day of March, 2024.



Legal Assistant
Nevada State Board of Medical Examiners