

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

\* \* \* \* \*

**In the Matter of Charges and Complaint**

**Case No. 23-8462-1**

**Against:**

**FILED**

**RICHARD DAVID WASHINSKY, M.D.,**

**JUN 20 2024**

**Respondent.**

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 June 7, 2024, at 8:45 a.m. (Pacific Standard Time), located at 9600 Gateway Drive, Reno, NV 89521, video conferenced to 325 E. Warm Springs Road, Suite 225, Las Vegas, NV 89119. Richard David Washinsky, M.D., (Respondent) was properly served with a notice of the adjudication, including the date, time, and location. Respondent was not present personally or through an attorney. The adjudicating members of the Board participating in these Findings of Fact, Conclusions of Law and Order were: Nick M. Spirtos, M.D., F.A.C.O.G., Ms. Maggie Arias-Petrel, Aury Nagy, M.D., Chowdhury H. Ahsan, M.D. Ph.D., FACC, Ms. Pamela J. Beal, Irwin B. Simon, M.D., FACS, Joseph Olivarez, P.A.-C, and Jason B. Farnsworth, RRT. Henna Rasul, Esq., Senior Deputy Attorney General, served as legal counsel to the Board.

The Board, having received and read the formal First Amended Complaint (Complaint) and exhibits admitted at the hearing of this matter, the Hearing Officer's Amended Findings and Recommendations,<sup>1</sup> 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.

<sup>1</sup> The Hearing Officer's Findings and Recommendations were prepared by Patrica 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 a license to practice medicine in the State of Nevada issued by the Board  
7 from July 1, 1992, to June 30, 2023.

8 **II.**

9 On July 17, 2023, the Investigative Committee filed a formal Complaint in  
10 Case No. 23-8462-1, 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. A Fort Meyers, Florida, address was later  
13 discovered to be where Respondent resided. Pursuant to NRS 630.344, if a Complaint cannot be  
14 served on Respondent personally, or by registered or certified mail with return receipt requested,  
15 addressed to the Respondent at his or her last known address, the Board shall cause notice to be  
16 published once a week for four (4) consecutive weeks in a newspaper published in the county of  
17 the last known address of the licensee or, if no newspaper is published in that county, then in a  
18 newspaper widely distributed in that county. Respondent was served with the Complaint by  
19 publication in the News-Press, a daily newspaper published at Fort Meyers in Lee County,  
20 Florida, on August 29, 2023, September 5, 2023, September 12, 2023, and September 19, 2023.

21 On October 16, 2023, the Investigative Committee filed a First Amended Complaint  
22 alleging six (6) violations of the Medical Practice Act that constitutes grounds for initiating  
23 disciplinary action against a licensee, as follows: three (3) counts of NRS 630.3065(2)(a),  
24 Knowing and Willful Failure to Comply with Investigative Committee Order; one (1) count of  
25 NRS 630.301(9), Disreputable Conduct; one (1) count of NRS 630.304(7), Terminating Medical  
26 Care Without Adequate Notice to a Patient; and one (1) count of NRS 630.306(1)(j), Failure to  
27 Timely Notify the Board of a Change of Permanent Address.

28 ///

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

4 **III.**

5 An Order Setting Early Case Conference was filed on November 1, 2023, scheduling the  
6 Early Case Conference for the pending matter for November 6, 2023, at 1:00 p.m. This Order was  
7 mailed via Fed Ex Overnight, postage pre-paid, to Respondent's addresses of record, and was  
8 returned undelivered. A copy was also emailed to Respondent, at his email of record with the  
9 Board, on November 3, 2023.

10 On November 6, 2023, Hearing Officer Patricia Halstead, Esq., conducted a telephonic  
11 Early Case Conference in this matter. William P. Shogren, Deputy General Counsel,  
12 (Mr. Shogren) was present on behalf of the Investigative Committee (IC). Respondent did not  
13 participate in the proceeding, nor did he contact the Board, IC, or Hearing Officer regarding the  
14 proceeding. At the scheduled Early Case Conference, Hearing Officer Halstead set the date for  
15 the Prehearing Conference, the deadline for the parties to exchange lists of witnesses and  
16 documents, and the date for the Hearing.

17 On November 15, 2023, in compliance with NAC 630.465, a Scheduling Order setting the  
18 Prehearing Conference and Hearing was filed. Pursuant to that Order, the Prehearing Conference  
19 was set for December 14, 2023, at 10:00 a.m. The Scheduling Order was sent to Respondent's  
20 addresses on file with the Board via U.S. Certified Mail and was returned undelivered. A copy  
21 was also emailed to Respondent, at his email of record with the Board, on November 17, 2023.

22 A request for a continuance by Mr. Shogren was granted and an Amended Scheduling  
23 Order was filed December 11, 2023, moving the Prehearing Conference to January 17, 2024, at  
24 10:00 a.m. The Amended Scheduling Order was sent to Respondent's addresses on file with the  
25 Board via U.S. Certified Mail and was returned undelivered. A copy was also emailed to  
26 Respondent, at his email of record with the Board, on December 12, 2023.

27 The IC's Prehearing Conference Statement was sent to Respondent's addresses on file  
28 with the Board via U.S. Certified Mail and was returned undelivered. On January 10, 2024, a

1 copy of the Complaint, First Amended Complaint, Order Scheduling Early Case Conference,  
2 Scheduling Order, and Amended Scheduling Order were attempted to be personally served upon  
3 Respondent at his address of record with the Board, to no avail. A copy was also emailed to  
4 Respondent, at his email address of record with the Board, on January 16, 2024.

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

9 On January 18, 2024, a Second Amended Scheduling Order was filed setting the Hearing  
10 date to February 27, 2024, at 8:30 a.m., at the Office of the Nevada State Board of Medical  
11 Examiners, 9600 Gateway Drive, Reno, Nevada 89521. The Second Amended Scheduling Order  
12 was sent to Respondent's addresses on file with the Board via U.S. Certified Mail and was  
13 returned undelivered. A copy was also emailed to Respondent, at his email of record with the  
14 Board, on January 22, 2024.

15 **IV.**

16 On February 27, 2024, as duly noticed and ordered, a Hearing was held before the Hearing  
17 Officer to receive evidence and to hear arguments of both parties. Legal counsel for the IC,  
18 Mr. Shogren, appeared. Respondent did not attend the Hearing, nor did counsel appear on his  
19 behalf. Mr. Shogren presented the IC's case and offered Exhibits 1 through 20, which were  
20 marked and admitted into evidence.

21 The Hearing Officer provided Findings and Recommendations, which were filed  
22 March 12, 2024. This matter was scheduled for final adjudication on June 7, 2024, at a regularly  
23 scheduled Board meeting.

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

28 ///

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

5 On May 30, 2024, an Amended Findings and Recommendation was filed after discovering  
6 there was an error in the March 12, 2024, Findings and Recommendations which referenced only  
7 the counts in the Complaint rather than all the counts which were found violated at the February  
8 27, 2024, hearing and as provided in the First Amended Complaint. A copy was sent via Fed Ex  
9 Overnight Mail to Respondent's addresses of record and was returned as undeliverable and was  
10 further sent to Respondent's email address of record on May 31, 2024.

11 **V.**

12 Pursuant to NRS 622A.300(5)(a), the Amended Findings and Recommendations of the  
13 Hearing Officer are hereby approved by the Board and are hereby specifically incorporated and  
14 made part of this Order by reference. A copy of the Amended Findings and Recommendations  
15 filed May 30, 2024, in this matter are attached hereto as **Exhibit 1**.

16 **VI.**

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

19 **VII.**

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

22 **CONCLUSIONS OF LAW**

23 **I.**

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

26 ///

27 ///

28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**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 NAC Chapter 630, and NRS Chapters 630, 241, 622A and 233B, and all legal requirements of due process.

**III.**

With respect to the allegations of the First Amended Complaint, the Board concludes that Respondent has violated the Medical Practice Act, as alleged in the Complaint, as follows: three (3) counts of NRS 630.3065(2)(a), Knowing and Willful Failure to Comply with Investigative Committee Order; one (1) count of NRS 630.301(9), Disreputable Conduct; one (1) count of NRS 630.304(7), Terminating Medical Care Without Adequate Notice to a Patient; and one (1) count of NRS 630.306(1)(j), Failure to Timely Notify the Board of a Change of Permanent Address. 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 and necessary 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.

///

///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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,


IT IS HEREBY ORDERED that:

1. Pursuant to NRS 630.352(4)(d), Respondent's license to practice medicine is hereby revoked, and in accord with NRS 622A.410(1), the Board hereby prescribes a period of two (2) years during which the Respondent may not reapply for licensure in the State of Nevada;
2. Prior to reinstatement of his license, Respondent must submit to and pass all five (5) sections of the Ethics and Boundaries Assessment Services (EBAS) examination;
3. Respondent is hereby ordered to reimburse the Board the reasonable and necessary costs and expenses actually incurred in the investigation and prosecution of this case in the amount of five thousand four hundred seventy-six dollars eighty-one cents (\$5,476.81), which amount Respondent shall pay immediately upon reapplication for licensure in the State of Nevada;
4. Pursuant to NRS 630.352(4)(e), a written public reprimand shall be issued to Respondent; and
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  
9600 Gateway Drive  
Reno, Nevada 89521  
(775) 688-2559

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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 **RICHARD DAVID WASHINSKY, M.D.**, Case No. 23-8462-1.

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**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

\* \* \* \* \*

In the Matter of Charges and  
Complaint Against

Case No. 23-8462-1

**FILED**

RICHARD DAVID WASHINSKY, M.D.,

MAY 30 2024

Respondent.

NEVADA STATE BOARD OF  
MEDICAL EXAMINERS

By: 

**AMENDED FINDINGS AND RECOMMENDATION**  
**(Addressing Amended Complaint)**

TO: William P. Shogren  
Deputy General Counsel  
Nevada State Board of Medical Examiners  
9600 Gateway Drive  
Reno, Nevada 89521

Richard David Washinsky, M.D.  
Any Address(es) Discovered to be Affiliated

This matter came for evidentiary hearing on February 27, 2024. Appearing for the hearing were William P. Shogren on behalf of the Investigative Committee (the "IC") and the undersigned Hearing Officer. Respondent Richard David Washinsky, M.D. ("Respondent") did not appear nor otherwise participate.

Notice to Respondent of the date and time of the hearing was confirmed on the record. IC Exhibits 1-21 were marked and admitted and the IC proffered evidence, which demonstrates that, from the inception of the matter, many efforts had been taken to serve and reach out to Respondent that included not only service to his address required to be on file with the Nevada State Board of Medical Examiners but also emails, telephone calls, and publication of notice in Lee County Florida (*see* Exhibit 16), which was undertaken based upon the discovery of a Federal lawsuit against Respondent before the United States District Court for the District of Nevada (2:22-CV-01803-APG-VCF), which similarly detailed the plaintiff therein's many attempts to

1 serve Respondent and noted a Fort Myers, Lee County, Florida address for Respondent's brother  
2 where Respondent was believed to have lived prior to perhaps moving to Fort Lauderdale,  
3 Florida, where confirmation of newer alleged residency was not located in public records. See  
4 Exhibit 14. Exhibit 13 further reflects that Respondent signed a certified mail receipt for an  
5 appearance order on January 10, 2022. Given the foregoing, there can be no question that  
6 Respondent was aware of the proceedings and intentionally chose to disregard them.

7 With Respondent having failed to appear and no continuance having been requested nor  
8 granted, the matter was considered as scheduled pursuant to NRS 622A.350, which provides:

9 1. If a party fails to appear at a scheduled hearing and a continuance  
10 has not been scheduled or granted, any party who is present at the hearing may  
11 make an offer of proof that the absent party was given sufficient legal notice. Upon  
12 a determination by the regulatory body or hearing panel or officer that the absent  
13 party was given sufficient legal notice, the regulatory body or hearing panel or  
14 officer may proceed to consider and dispose of the case without the participation of  
15 the absent party.

16 2. If the licensee fails to appear at a hearing, the regulatory body or  
17 hearing panel or officer may accept the allegations against the licensee in the  
18 charging document as true.

19 Given Respondent's failure to appear, the undersigned hereby accepts all allegations  
20 against Respondent as provided for in the Amended Complaint, filed on October 16, 2023, and  
21 respectfully recommends that the Board uphold the six pleaded charges of: Counts I-III, Knowing  
22 and Willful Failure to Comply with Investigative Committee Order, violations of NRS  
23 630.3065(2)(a); Count IV, Disreputable Conduct, a violation of NRS 630.301(9); Count V,  
24 Terminating Medical Care Without Adequate Notice to a Patient, a violation of NRS 630.304(7);  
25 and Count VI, Failing to Timely Notify the Board of a Change of Permanent Address, a violation  
26 of NRS 630.306(1)(j). I defer to the Board with respect to any disciplinary action it may deem

27 ///  
28 ///  
///  
///  
///  
///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

appropriate. This Amended Findings and Recommendation shall be considered *nunc pro tunc* to March 11, 2024.

DATED this 29<sup>th</sup> day of May 2024.

By:   
\_\_\_\_\_  
Patricia Halstead, Esq.  
Hearing Officer  
(775) 322-2244

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**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 AMENDED FINDINGS AND RECOMMENDATION addressed as follows:

William P. Shogren  
Deputy General Counsel  
Nevada State Board of Medical Examiners  
9600 Gateway Drive  
Reno, Nevada 89521

Richard David Washinsky, M.D.  
Any Address(es) Discovered to be Affiliated

*via FedEx Overnight*  
*7766 4482 8622*  
*+ 766 4476 0839*

DATED this 31<sup>st</sup> day of May 2024.

  
\_\_\_\_\_  
Signature  
Mercedes Fuentes  
\_\_\_\_\_  
Print  
Legal Assistant  
\_\_\_\_\_  
Title