

# NEVADA STATE BOARD OF MEDICAL EXAMINERS



IN THE MATTER OF CHARGES AND COMPLAINT AGAINST

**DIETRICH VON FELDMANN, M.D.**

## ADJUDICATION

Case No: 23-31575-1

Date: December 1, 2023

### INDEX

1. COMPLAINT
2. FINDINGS AND RECOMMENDATIONS
3. TRANSCRIPT OF HEARING
4. HEARING EXHIBITS
5. DOCKETED PLEADINGS

1

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

JUN 15 2023

NEVADA STATE BOARD OF  
MEDICAL EXAMINERS  
By: 

COMPLAINT

The Investigative Committee<sup>1</sup> (IC) of the Nevada State Board of Medical Examiners (Board) hereby issues this formal Complaint against Dietrich Von Feldmann, M.D., (Respondent), a licensed physician in Nevada. After investigating this matter, the IC has a reasonable basis to believe that Respondent has violated provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630 (collectively, the Medical Practice Act).

The IC alleges the following facts:

1. Respondent is currently, licensed in suspended status (License No. 12002). Respondent was issued his license from the Board on August 17, 2006, pursuant to the provisions of NRS Chapter 630.

2. On December 2, 2022, Respondent was found to have violated the Medical Practice Act by violating NRS 630.301(4) Malpractice.

3. On December 9, 2022, at 6:01 p.m., Respondent was served via USPS Certified Mail (tracking no. 9171969009350254764250) with the Board's Findings of Fact, Conclusions of Law, and Order (Board's Order), filed December 8, 2022, which provided explicit instructions regarding his specific requirements and deadlines to achieve compliance with Board's Order.

///

<sup>1</sup> The Investigative Committee of the Nevada State Board of Medical Examiners, at the time the filing of this Complaint was approved, was composed of Victor M. Muro, M.D., Chowdhury H. Ahsan, M.D., Ph.D., FACC, and Ms. Pamela J. Beal.





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


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 5<sup>th</sup> 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  
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 hereby certify that I am employed by the Nevada State Board of Medical Examiners and that on the 15th day of June 2023 , I served a file-stamped copy of the foregoing **COMPLAINT**, via USPS Certified Mail, postage pre-paid, to the following parties:

**DIETRICH VON FELDMANN, M.D.**  
**7696 Stone Bluff Way**  
**Reno, NV 89523**  
*Respondent*

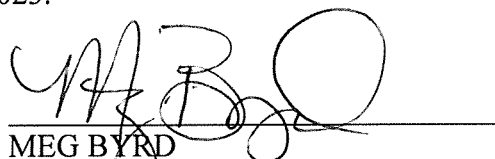
9171 9690 0935 0255 6992 78

*Tracking No.:* \_\_\_\_\_

With courtesy copy by email to:

Patricia Halstead, Esq. [phalstead@halsteadlawoffices.com]  
*Hearing Officer*

DATED this 15<sup>th</sup> day of June, 2023.



MEG BYRD  
Legal Assistant  
Nevada State Board of Medical Examiners

2





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

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).

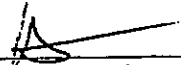
5. Recommendation

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

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

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

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 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 6<sup>th</sup> day of September, 2023.

  
Signature  
Meg Byrd  
Print  
Legal Assistant  
Title

3

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

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF NEVADA

**FILED**  
**SEP 11 2023**  
NEVADA STATE BOARD OF  
MEDICAL EXAMINERS  
By: \_\_\_\_\_

In the Matter of the Case No. 23-31575-1  
Charges and Complaint  
Against:

DIETRICH VON FELDMANN, M.D.,  
Respondent.  
\_\_\_\_\_ /

TRANSCRIPT OF HEARING PROCEEDINGS

Held at the Nevada State Board of Medical Examiners  
9600 Gateway Drive  
Reno, Nevada

Thursday, August 31, 2023

Reported by: Brandi Ann Vianney Smith  
Job Number: 1008459

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

A P P E A R A N C E S :

THE HEARING OFFICER: PATRICIA HALSTEAD, ESQ.

FOR THE INVESTIGATIVE IAN J. CUMINGS, ESQ.  
COMMITTEE OF THE NEVADA Deputy General Counsel  
STATE BOARD OF MEDICAL Nevada State Board of  
EXAMINERS: Medical Examiners  
9600 Gateway Drive  
Reno, NV 89521

ALSO PRESENT:  
Meg Byrd, Legal Assistant

|    |   |      |
|----|---|------|
| 1  | I N D E X   |      |
| 2  |   | PAGE |
| 3  | OPENING STATEMENTS<br>by Mr. Cumings                            | 5    |
| 4  |   |      |
| 5  | WITNESSES   |      |
| 6  | On behalf of the Investigative Committee:                       |      |
| 7  | Johnna LaRue<br>Direct Examination by Mr. Cumings               | 12   |
| 8  |   |      |
| 9  | CLOSING ARGUMENTS<br>by Mr. Cumings                             | 34   |
| 10 |   |      |
| 11 | ***   |      |
| 12 | E X H I B I T S   |      |
| 13 |   |      |
| 14 | (Admitted but not attached)                                     | PAGE |
| 15 | On behalf of the Investigative Committee:                       |      |
| 16 | Exhibit 1 - Findings of Facts, Conclusions<br>of Law, and Order | 12   |
| 17 |   |      |
| 18 | Exhibit 2 - Proof of Service                                    | 12   |
| 19 | Exhibit 3 - Compliance emails                                   | 12   |
| 20 |   |      |
| 21 |   |      |
| 22 |   |      |
| 23 |   |      |
| 24 |   |      |
| 25 |   |      |



1 RENO, NEVADA -- AUGUST 31, 2023 -- 8:33 A.M.

2 -o0o-

3

4

5 HEARING OFFICER HALSTEAD: All right.

6 We're going to go on the record. This is in the

7 matter of the charges and complaint against Dietrich

8 Von Feldmann, M.D., case number 23-31575-1.

9 I'm Patricia Halstead I'm the assigned

10 hearing officer.

11 Can you please state your appearances and

12 identify your witnesses starting with you,

13 Mr. Cumings?

14 MR. CUMINGS: Yes. Ian Cumings, attorney

15 for the Investigative Committee, and my witness will

16 be Ms. Johnna LaRue.

17 HEARING OFFICER HALSTEAD: Thank you.

18 Mr. Von Feldmann, can you please state

19 your name for the record and spell your name?

20 DR. VON FELDMANN: Dietrich Von Feldmann,

21 D-I-E-T-R-I-C-H V-O-N F-E-L-D-M-A-N-N.

22 HEARING OFFICER HALSTEAD: Thank you,

23 Dr. Von Feldmann.

24 We're going to go ahead -- I'm going to

25 have everyone sworn in, and then I'm going to let

1 Mr. Cumings give an opening, if he would like to  
2 have one, otherwise we'll go straight into his  
3 presentation.

4       Could all the witnesses please raise your  
5 right hands and be sworn in by the court reporter.

6       Dr. Von Feldmann, are you going to testify  
7 today?

8       DR. VON FELDMANN: Depends.

9       HEARING OFFICER HALSTEAD: All right. Why  
10 don't you get sworn, in just in case. Thank you.

11       (Witnesses were sworn.)

12       DR. VON FELDMANN: I do.

13       MS. LaRUE: I Do.

14       HEARING OFFICER HALSTEAD: Go ahead,  
15 Mr. Cumings.

16       OPENING STATEMENT

17 BY MR. CUMINGS:

18       Thank you, everyone that's involved in  
19 today's hearing for your participation,  
20 Ms. Halstead, Madam Court Reporter, and to Dr. Von  
21 Feldmann for coming today.

22       This is a hearing to present evidence to  
23 demonstrate if Dr. Von Feldmann violated a Board  
24 order, as alleged in Count I of the complaint on  
25 June 15th, 2023.

1 The complaint contains a single charge of  
2 knowingly or willfully failing to comply with an  
3 order of the Board, which is a violation of NRS  
4 630.3065 2(a).

5 Dr. Von Feldman's license is currently in  
6 a suspended status. The Investigative Committee  
7 issued a summary suspension of Dr. Von Feldmann's  
8 license to practice medicine on June 12th, 2023.

9 A show cause hearing was conducted on June  
10 12th, 2023, with Dr. Von Feldmann present, after  
11 which the Hearing Officer found that the IC had  
12 met's its burden to continue Dr. Von Feldmann's  
13 suspension.

14 Throughout this hearing, the evidence will  
15 show that Dr. Von Feldmann was served with the  
16 Findings of Fact, Conclusions of Law, and Order for  
17 case number 22-31575-1, on December 9th, which  
18 required Dr. Von Feldmann to submit to a mental and  
19 physical examination to determine his fitness to  
20 practice medicine, upon the Board's determination he  
21 committed malpractice.

22 Additionally, Dr. Von Feldmann was to  
23 reimburse the Board of its costs associated with the  
24 prosecution of his case and pay a fine.

25 On January 11th, 2023, the Board's

1 compliance officer, Ms. Johnna LaRue, had arranged  
2 an examination with the geriatric psychologist,  
3 Dr. Steven Rubin, with the venue, date, and time to  
4 be at Dr. Von Feldmann's convenience.

5       The evidence will show that Dr. Von  
6 Feldmann confirmed his understanding of the Order  
7 through repeated correspondence with Board staff.  
8 And furthermore, the Board staff made efforts to  
9 accommodate Dr. Von Feldmann's request that an  
10 alternative provider perform the physical portion of  
11 his examination, and that Dr. Von Feldmann was  
12 contacted repeatedly by the Board's investigator and  
13 the Board's evaluator to schedule the examination,  
14 but Dr. Von Feldmann failed to undergo his  
15 evaluation, failed to reimburse the Board for its  
16 costs, and failed to pay his ordered fine.

17       The testimony and evidence that will be  
18 presented today will establish by a preponderance of  
19 the evidence that Dr. Von Feldmann ignored the Board  
20 Order -- the Board-ordered examination, rather, and  
21 despite repeated attempts to schedule the  
22 examination by Ms. Johnna LaRue and Dr. Steven  
23 Rubin, he failed to comply.

24       Thank you.

25       HEARING OFFICER HALSTEAD: Go ahead and

1 call your first witness.

2 MR. CUMINGS: A few housekeeping matters

3 first. Are we still keeping all these exhibits as

4 admitted, or do I need to admit them?

5 HEARING OFFICER HALSTEAD: I will -- what

6 exhibit --

7 MR. CUMINGS: They're identical to the

8 ones we show --

9 HEARING OFFICER HALSTEAD: Let's readmit

10 them for this proceeding.

11 MR. CUMINGS: Okay.

12 Dr. Von Feldmann, do you want me to go

13 through all the exhibits individually and admit

14 them, or do you want to just say that everything's

15 coming in like we did last time?

16 HEARING OFFICER HALSTEAD: Well, why don't

17 you -- I'll address that. Why don't you identify

18 which exhibits you want admitted.

19 MR. CUMINGS: 1 through 3.

20 The Findings of Facts, Conclusions of Law,

21 and Order, filed in the case of Dietrich Von

22 Feldmann, M.D., in the NSBME case number 22-31575-1,

23 that's Exhibit 1.

24 Exhibit 2 is the Proof of Service for the

25 Findings of Fact, Conclusions of Law, and Order,

1 filed in the case of Dietrich Von Feldmann, M.D.,  
2 NSBME case number 22-31575-1.

3 And, lastly, the third exhibit is  
4 compliance emails between respondent, Dietrich Von  
5 Feldmann and compliance officer, Johnna LaRue, and  
6 deputy general counsel and attorney for the IC, Ian  
7 Cumings.

8 HEARING OFFICER HALSTEAD: Okay. And what  
9 about exhibits 4 through 10?

10 MS. BYRD: Those are the pleadings. This  
11 is the exhibit s.

12 HEARING OFFICER HALSTEAD: Okay. Thanks.  
13 I had the wrong folder.

14 Dr. Von Feldmann, have you seen Exhibits 1  
15 through 3?

16 DR. VON FELDMANN: Which one?

17 HEARING OFFICER HALSTEAD: The ones that  
18 were just identified, the findings of fact from your  
19 last case, the proof of service of those findings,  
20 and then the emails between you and the Board  
21 regarding compliance. Those exhibits, 1 through 3,  
22 you've seen those; correct?

23 DR. VON FELDMANN: Yeah.

24 HEARING OFFICER HALSTEAD: Do you have any  
25 objection to those being admitted?

1 DR. VON FELDMANN: I certainly have to  
2 object to findings and recommendation.

3 HEARING OFFICER HALSTEAD: Okay. What  
4 about exhibit 2?

5 DR. VON FELDMANN: Exhibit 2, you said?

6 HEARING OFFICER HALSTEAD: Yes.

7 DR. VON FELDMANN: Where?

8 HEARING OFFICER HALSTEAD: Right -- it's  
9 just when you hit tab 2, it says "Exhibit 2," and  
10 it's the Proof of Service of the findings of fact.

11 Do you have any objection to that exhibit?

12 DR. VON FELDMANN: I'm sure I don't.

13 HEARING OFFICER HALSTEAD: Okay. What  
14 about exhibit 3, which is the emails? There is  
15 emails between you and Mr. Cumings and Ms. LaRue.

16 DR. VON FELDMANN: Where is it?

17 MR. CUMINGS: You're in it.

18 HEARING OFFICER HALSTEAD: It's all those  
19 different emails. Do you have any objection to  
20 those being admitted?

21 DR. VON FELDMANN: I don't know what --

22 MR. CUMINGS: If you look at the bottom  
23 right, there's the page numbers.

24 DR. VON FELDMANN: Yeah.

25 MR. CUMINGS: It's page numbers 22 through

1 45, that's exhibit 3.

2 DR. VON FELDMANN: I guess not.

3 HEARING OFFICER HALSTEAD: Okay. So what  
4 is your objection to Exhibit 1?

5 DR. VON FELDMANN: Lots.

6 HEARING OFFICER HALSTEAD: Okay. Well,  
7 just state it succinctly for me. Is it that you  
8 don't agree with it?

9 DR. VON FELDMANN: Do you really want me  
10 to go over that?

11 HEARING OFFICER HALSTEAD: No. I just  
12 want you to briefly state the basis of your  
13 objection. Is it because you don't agree with the  
14 findings, or is there more to it?

15 DR. VON FELDMANN: I don't agree with what  
16 is said here.

17 HEARING OFFICER HALSTEAD: Okay.

18 DR. VON FELDMANN: And the problem is that  
19 after you put it together, and --

20 HEARING OFFICER HALSTEAD: Well, I don't  
21 want get into that. I just need a -- just a bottom  
22 line. So is it just that you don't agree with it?

23 DR. VON FELDMANN: The bottom line is that  
24 I did not have a chance to review that in front of  
25 this committee after you put it together.



1 HEARING OFFICER HALSTEAD: Okay. Okay.

2 I'm going to go ahead and admit Exhibits 1  
3 through 3. Your objection is noted for the record.

4 That means we're going to be able to  
5 address that exhibit in these proceedings. Okay?

6 We're going to be able to look at it and utilize it.

7 (Investigative Committee's

8 Exhibits 1 through 3 were

9 admitted.)

10 DR. VON FELDMANN: Say that again?

11 HEARING OFFICER HALSTEAD: I've admitted

12 it, which means we're going to be able to look at it

13 and utilize and discuss it during these proceedings.

14 DR. VON FELDMANN: Okay.

15 HEARING OFFICER HALSTEAD: Okay.

16 DR. VON FELDMANN: That would be very

17 lengthy.

18 HEARING OFFICER HALSTEAD: Okay.

19 Anything further, Mr. Cumings?

20 MR. CUMINGS: Nope.

21 Thank you, Dr. Von Feldmann.

22 My first witness, Johnna LaRue.

23 DIRECT EXAMINATION

24 BY MR. CUMINGS:

25 Q. Ms. LaRue, please state your name and

1 spell your name for the record.

2 A. Johnna LaRue, J-O-H-N-N-A, last name, L-A

3 capital R-U-E.

4 Q. And who is your employer?

5 A. Nevada State Board of Medical Examiners.

6 Q. What is your job title?

7 A. Deputy Chief of Investigations and

8 Compliance Officer.

9 Q. And how long have you held that position?

10 A. Seventeen years.

11 Q. Do you also serve in a dual role as

12 compliance officer for the Board?

13 A. Yes.

14 Q. And what does your role as compliance

15 officer entail?

16 A. My role as compliance officer would be to

17 enforce the disciplinary action that was put forth

18 in the settlement agreements and the adjudications

19 by the Board.

20 Q. And what are your specific duties as a

21 compliance officer?

22 A. To be in contact with the respondent

23 and/or the respondent's attorney, if represented, to

24 make sure that they are understanding what is

25 required of them.

1 Q. So, when do you become involved in a case,  
2 typically?

3 A. After the Board has agreed to the  
4 settlement or to the findings of fact, conclusions  
5 of law.

6 Q. Do your duties include corresponding with  
7 licensees?

8 A. Yes.

9 Q. And once a Board order goes into effect,  
10 typically what happens?

11 A. I will send a copy of the Board order with  
12 any pertinent documentation that goes with it out to  
13 the respondent, informing them of the dates that are  
14 required for their disciplinary actions.

15 Q. And are you familiar with BME case number  
16 22-31575-1 regarding Dr. Dietrich Von Feldmann?

17 A. Yes.

18 Q. And were you the compliance officer in  
19 this case?

20 A. Yes.

21 Q. Was this case adjudicated by the Board?

22 A. Yes.

23 Q. Do you know when that was?

24 A. December 8th, 2022.

25 Q. December 8th?

1 A. No. Second. Sorry. The meeting was the  
2 2nd. Sorry.

3 Q. And did the Board issue their findings of  
4 fact and conclusions of law and an order in this  
5 case following that adjudication?

6 A. Yes.

7 Q. Ms. LaRue, I'm going to ask you some more  
8 specific questions regarding the facts in this case.

9 Can you please turn to Board's Exhibit 1,  
10 NSBME page 6 and 7? Please review this document,  
11 and look up to me when you're done.

12 A. Okay.

13 Q. Do you recognize this document?

14 A. Yes.

15 Q. What is this document?

16 A. This is the Order of the Board for  
17 Dr. Dietrich Von Feldmann.

18 Q. And that's the portion that's on page 6?

19 A. Correct.

20 Q. Would you please summarize what was  
21 ordered in paragraphs 3 through 6.

22 A. It was ordered that the physician shall  
23 submit to a physical and mental examination within  
24 six months. He was to perform 12 hours of  
25 continuing medical education within six months. He

1 was to pay a fine of \$2,000 within six months. And  
2 then on page 7, he was to pay the costs of the  
3 investigation within six months.

4 Q. And did the Board include a timeline of  
5 when Dr. Von Feldmann was to complete the terms in  
6 this order?

7 A. Yes. Each of the disciplinary actions  
8 were to be completed within six months.

9 Q. Six months of the Order?

10 A. Of the date of the Order, yes.

11 Q. Of the date of the service?

12 A. Service of this Order.

13 Q. Thank you, Ms. LaRue.

14 Would you please turn to what's been  
15 previously marked as Board's Exhibit 2, page 19,  
16 specifically.

17 A. Okay.

18 Q. What does this document appear to be?

19 A. This is a Proof of Service of from the  
20 USPS, United States Postal Service.

21 Q. In examining that document, do you see a  
22 date of delivery?

23 A. Yes.

24 Q. So with respect to the timeline in the  
25 Board's Order, when was Dr. Von Feldmann to have

1 completed his mental and physical evaluation and pay  
2 the Board's costs?

3 A. Based on this date, would be June 9th,  
4 2023.

5 Q. Okay. Thank you, Ms. LaRue.

6 I'd like to shift gears here and discuss  
7 the specifics of your involvement in this case as  
8 compliance officer. As you previously testified,  
9 you regularly communicate with licensees. Did you  
10 communicate with Dr. Von Feldmann?

11 A. Yes.

12 Q. Okay. I'd like to walk you through some  
13 of the emails that have already been marked as  
14 Exhibit 3. Could you please turn to Exhibit 3, page  
15 22 and 23?

16 A. Okay.

17 Q. Can you see Dr. Von Feldmann's email on  
18 that page ? It's towards the bottom there.

19 A. Yes.

20 Q. Okay. Whom did he email in that?

21 A. Ian Cumings.

22 Q. Go ahead and read that email.

23 A. Okay.

24 "Dear Mr. Cumings, I read again  
25 the requirements the Board imposed

1 on me on 12/2/22. I have  
2 questions: How do I get these  
3 physical and mental evaluations  
4 done? Can I get this done by a  
5 colleague in Hawthorne, or does  
6 this have to be done in Reno? If  
7 so, do you work with somebody here  
8 on something like this?

9 "Since time is of the essence, I  
10 would like to get the continuous  
11 medical education requirement out  
12 of the way ASAP. There are no  
13 courses that I know of that deal  
14 with surgical patients with  
15 potential colon perforations where  
16 I could earn 12 CME credits within  
17 a reasonable time anywhere in the  
18 world."

19 Q. All right. So what was he referring to in  
20 this email?

21 A. The mental and physical evaluation and the  
22 CMEs.

23 Q. And these were the same requirements that  
24 were imposed in the Order?

25 A. Yes.

1 Q. And were you forwarded this email?

2 A. Yes.

3 Q. And can you tell from that same page when  
4 that was?

5 A. January 5th, 2023.

6 Q. Okay. Still on Exhibit 3 here, please  
7 turn page 24.

8 A. Okay.

9 Q. Who is the email dated January 8th from?

10 A. Dietrich Von Feldmann.

11 Q. And who is it to?

12 A. Me, Johnna LaRue.

13 Q. In this email, did Dr. Von Feldmann  
14 reference the requirements of the Board Order?

15 A. Yes.

16 Q. And did Dr. Von Feldmann request an  
17 in-person meeting?

18 A. He did.

19 Q. All right. Turning to the next page , BME  
20 page 25.

21 A. Okay.

22 Q. Which is dated Monday, January 9th. What  
23 is this email?

24 A. This is an email from me to Dr. Von  
25 Feldmann, giving him a link where he can find a CME



1 that's sufficient to satisfy his requirement, and  
2 letting him know -- and discussing dates and times  
3 for the evaluation.

4 Q. All right. Now looking forward a few  
5 pages, we're going to go to BME page 28. Who is the  
6 email dated January 11th from?

7 A. Dietrich Von Feldmann.

8 Q. All right. What did Dr. Von Feldmann  
9 discuss in that email?

10 A. Okay. We discussed the evaluation, and  
11 that he is not interested in talking to a  
12 psychiatrist, but he would prefer to have a primary  
13 care physician or an internist fulfill the Board's  
14 requirement.

15 Q. Now, he just references the discussion  
16 earlier that day. What discussion is he referring  
17 to?

18 A. He is referring to our in-person meeting.  
19 He came here to the Board's office and had a  
20 discussion with me and you, in regards to the  
21 evaluation.

22 Q. Okay. And what did he ask at this  
23 meeting; do you recall?

24 A. There were -- yeah. Well, he asked about  
25 how to set -- you know, what we were going to do

1 with the evaluation. That was the gist of the  
2 conversation.

3 Q. And did you inform him how these  
4 evaluations typically take place?

5 A. Yes.

6 Q. Now, did you arrange an evaluation for  
7 Dr. Von Feldmann?

8 A. I did.

9 Q. All right. Still on page 28 there.

10 A. Um-hmm.

11 Q. Okay. Who was the evaluation that it was  
12 arranged with?

13 A. Dr. Steven Rubin.

14 Q. And does Dr. Rubin routinely perform these  
15 kind of evaluations for the Board?

16 A. Yes.

17 Q. All right. Turning back to Dr. Von  
18 Feldmann's email, did you request any accommodations  
19 relating to a physical and mental evaluation?

20 A. He did.

21 Q. And did you try to honor this request?

22 A. I did.

23 Q. Please go to page 30.

24 A. (Witness complied).

25 Q. Email dated January 11th, what was the

1 initial reaction to Dr. Von Feldmann's request?

2 A. I emailed him and explained to him that I  
3 needed to get approval from the Board in order to  
4 accommodate his request. Yeah, that I needed to,  
5 basically, get approval before I could make any  
6 changes.

7 Q. Okay. Would you please turn to page 27  
8 now.

9 A. (Witness complied).

10 Q. What does this appear to be?

11 A. This is my email from -- to Dr. Muro, who  
12 would be the chairman of the committee at the time,  
13 asking for permission to make the adjustments  
14 requested by Dr. Von Feldmann, and allow a primary  
15 care physician to perform the physical evaluation,  
16 the physical part of the mental and physical  
17 evaluation that he was disciplined with.

18 Q. Do you recall what Dr. Muro's response  
19 was?

20 A. Dr. Muro's response was that it needed to  
21 be provided -- a provider that the Board recommends.

22 Q. Okay. Was that for the physical portion  
23 or the mental portion?

24 A. That would be for the physical. Well, it  
25 would include -- I think it would encompass both,

1 but since I was only asking about the physical  
2 portion of it, it would be related to that.

3 Q. Now, turning to page 33, please review  
4 this email, and look up when you're done.

5 A. Okay.

6 Q. Okay. Who is this email from?

7 A. The email is from Dr. Steven Rubin.

8 Q. Okay. And does he reference a  
9 conversation?

10 A. He does. He references a telephone call  
11 that he had with Dr. Von Feldmann, clarifying his  
12 role, explaining his fees, and a little bit more  
13 discussion about his evaluation.

14 Q. And just briefly, turn back to page 30  
15 real fast.

16 A. Okay.

17 Q. This is -- what is this first email?

18 A. This first email is an email from Dr. Von  
19 Feldmann, explaining that he -- basically,  
20 explaining that he didn't want to have the  
21 evaluation done by -- he didn't want to have the  
22 physical portion of the evaluation done by a  
23 psychiatrist.

24 Q. So, he's referencing that same email that  
25 Dr. Rubin referenced?

1 A. Correct.

2 Q. And the content?

3 A. Correct. And with the costs and the  
4 information, yes.

5 Q. And did Dr. Von Feldmann state why he took  
6 issue with Dr. Rubin performing the evaluation?

7 A. Because psychiatrists don't do physicals,  
8 and the cost. It would be the cost of the  
9 evaluation.

10 Q. Now, turning back to page 33. I apologize  
11 for turning back and forth.

12 A. It's all right.

13 Q. You see that you emailed Dr. Rubin back on  
14 Monday, January 23rd?

15 A. Yes.

16 Q. All right. Did you have another  
17 conversation with Dr. Rubin following this email  
18 exchange?

19 A. Yes.

20 Q. Was this conversation in person?

21 A. Yes. He came to my office.

22 Q. And it took place in your office.

23 What did you and Dr. Rubin talk about?

24 A. We talked about Dr. Von Feldmann not  
25 wanting to have the physical examination done by

1 him. Which, at the time, Dr. Rubin agreed that it  
2 might be better to have a primary care, because he  
3 didn't do physicals.

4 He could perform that because he was a  
5 medical doctor, but it wasn't his chosen. He would  
6 do the mental portion, and that we could get -- once  
7 we could get approval, we would allow someone else  
8 to do the physical.

9 Q. And did you reach out to the Investigative  
10 Committee again to see if they would accommodate  
11 Dr. Von Feldmann's request?

12 A. I did.

13 Q. Again.

14 Would you please turn to page 36. Looking  
15 at the email dated February 15th, 2023, is this your  
16 email to the IC following your conversation with  
17 Dr. Rubin?

18 A. Yes. This is my email to the chairman,  
19 asking permission to have someone else, besides  
20 Dr. Rubin, do the physical portion of the  
21 examination.

22 Q. And what was Dr. Muro's response that  
23 time -- or the IC's response, rather?

24 A. He thought it was a good idea.

25 Q. Okay.

1 A. And he approved.

2 Q. So turning to page 35 now.

3 A. (Witness complied).

4 Q. This email is dated February 21st, 2023.

5 What is this email?

6 A. This is my email to Dr. Von Feldmann,  
7 explaining to him that I had gotten approval from  
8 the chairman of committee to allow the physical  
9 portion of the evaluation to be done by his chosen  
10 provider, and that the mental evaluation would still  
11 be performed by Dr. Rubin, and he needed to contact  
12 me once he had chosen a provider to do the mental --  
13 or the physical portion of his evaluation.

14 Q. Now, do you recall, is this your last  
15 contact with Dr. Von Feldmann regarding his mental  
16 and physical evaluation?

17 A. Yes.

18 Q. Did you hear back from Dr. Von Feldmann  
19 after this email?

20 A. No.

21 Q. All right. Please turn to page 41.

22 A. (Witness complied).

23 Q. The email dated March 13th, 2023, what is  
24 this email?

25 A. This is my email to Dr. Rubin asking if he

1 had heard anything from Dr. Von Feldmann in regards  
2 to the mental evaluation.

3 Q. Did Dr. Rubin state whether Dr. Von  
4 Feldmann contacted him to move forward with his  
5 evaluation?

6 A. He responded back to me that he had not  
7 had any contact.

8 Q. Okay. And what date did he respond back  
9 to you?

10 A. March 14th, 2023.

11 Q. Did Dr. Rubin ever contact you after  
12 March 14th, informing that Dr. Von Feldmann had  
13 scheduled or completed his mental evaluation?

14 A. I think he did once, yes.

15 Q. And did he state that he had completed it?

16 A. No. He claimed that he had not heard from  
17 him.

18 Q. Okay. And did Dr. Von Feldmann ever  
19 contact you, to your knowledge, with an appropriate  
20 provider for the physical component of his  
21 evaluation following your February 21st email?

22 A. No.

23 Q. To your knowledge, did Dr. Von Feldmann  
24 ever pay any costs or fines imposed by the Board  
25 Order dated December 2nd, 2022?



1 A. No.

2 Q. Now, you testified, pursuant to the Board  
3 Order, that Dr. Von Feldmann was to have completed  
4 his terms of the Order by June 9th, 2023; correct?

5 A. Correct.

6 Q. It is now August 31st, 2023. Has Dr. Von  
7 Feldmann completed any of the terms of the Board  
8 Order as of yet?

9 A. No.

10 Q. Thank you, Ms. LaRue. I have no more  
11 questions for you at this time.

12 HEARING OFFICER HALSTEAD: Dr. Von  
13 Feldmann, did you want to ask Ms. LaRue any  
14 questions about anything she just testified about?

15 DR. VON FELDMANN: No.

16 HEARING OFFICER HALSTEAD: Okay.  
17 Do you have any other witnesses?

18 MR. CUMINGS: No.

19 HEARING OFFICER HALSTEAD: Okay. Do you  
20 have any other evidence or anything that you want to  
21 present in your case?

22 MR. CUMINGS: No.

23 HEARING OFFICER HALSTEAD: Okay. So,  
24 Dr. Von Feldmann, Mr. Cumings has finished his  
25 portion of the case.

1 I just want to remind you that the reason  
2 that we're here today is because of the complaint.  
3 Do you have this complaint in front of you? It's  
4 the complaint with the single count of knowing and  
5 willful failure to comply with the Board Order?

6 DR. VON FELDMANN: Where are we?

7 MR. CUMINGS: I don't think the complaint  
8 is listed in the Board's exhibit s.

9 HEARING OFFICER HALSTEAD: Okay.

10 I'm going to give you a copy of the  
11 complaint. My understanding is that you take issue  
12 with the prior Order that was issued by the Board.  
13 But we're not here to discuss the validity of that  
14 Order today; we're here to discuss whether you  
15 complied with the requirements from the Board after  
16 that Order was issued.

17 So the complaint is just based on whether  
18 you undertook the things that were required of you,  
19 as was testified to just now by Ms. LaRue. That's  
20 the only issue here today.

21 Do you have anything you want to say about  
22 that or any evidence you want to present?

23 DR. VON FELDMANN: I understand. But I,  
24 basically, very strongly object to the conclusion  
25 the Board came to December 2022.

1 HEARING OFFICER HALSTEAD: Okay.

2 DR. VON FELDMANN: I have put that all  
3 together, if you are interested in why I object to  
4 that, but it's very lengthy.

5 HEARING OFFICER HALSTEAD: Well, I  
6 understand that you don't agree with that Order, but  
7 the only reason we're here today is to determine  
8 whether or not you complied with what that Order  
9 required of you.

10 DR. VON FELDMANN: I did not comply.

11 HEARING OFFICER HALSTEAD: Okay. Is there  
12 anything else you would like to tell me about your  
13 compliance today, or is there any other evidence you  
14 would like to present with regard to that issue  
15 only?

16 DR. VON FELDMANN: The basic problem is  
17 that I do not agree with the decision the Board  
18 made. Therefore, I could not comply with any of  
19 those orders. Period.

20 HEARING OFFICER HALSTEAD: And,  
21 Mr. Cumings, I'm going to address you, if I may.

22 MR. CUMINGS: Yes.

23 DR. VON FELDMANN: I object to that very  
24 strongly.

25 HEARING OFFICER HALSTEAD: It's my --

1 DR. VON FELDMANN: And I will do anything  
2 possible to right this so that I do not have to feel  
3 insulted by what that Board did to me.

4 HEARING OFFICER HALSTEAD: Thank you,  
5 Dr. Von Feldmann.

6 Correct me if I'm wrong, it's my  
7 understanding that no appeal or other action was  
8 taken after the Findings of Fact was issued --

9 MR. CUMINGS: No.

10 HEARING OFFICER HALSTEAD: -- and the  
11 Board confirmed the order?

12 MR. CUMINGS: No.

13 HEARING OFFICER HALSTEAD: All right. Is  
14 there anything further you would like to address  
15 with regard to the issue before us today?

16 DR. VON FELDMANN: Well, if I -- I just  
17 wanted to say, and I started to say ten minutes ago,  
18 that I -- after you put the synopsis together in,  
19 let's see, September of last year, I did not have  
20 the opportunity to dispute what you said, and that's  
21 very important.

22 HEARING OFFICER HALSTEAD: Okay. Thank  
23 you, Dr. Von Feldmann.

24 Anything further from you, Mr. Cumings?

25 MR. CUMINGS: I have a closing argument

1 I'd like to deliver.

2 HEARING OFFICER HALSTEAD: Dr. Von

3 Feldmann, before Mr. Cumings gives a closing

4 statement, are you -- this there anything else you

5 want to say about the discipline in particular? I

6 just want to make sure you -- I mean --

7 DR. VON FELDMANN: Nothing to add.

8 HEARING OFFICER HALSTEAD: Okay. Thank

9 you.

10 DR. VON FELDMANN: My question is -- since

11 we can not go over that, reviewing the Findings and

12 Recommendations, because it's kind of lengthy, my

13 question is -- it includes something like 41 points.

14 So the question is whether the Board would

15 like to have that in writing?

16 HEARING OFFICER HALSTEAD: Well, Dr. Von

17 Feldmann, there's procedures for addressing that,

18 and that's not why we're here today.

19 I can't give you legal advice, so I can't

20 tell you where you stand with regard to availing

21 yourself of those procedures, and if you have any

22 rights to appeal or address it at that time. And

23 whether that's been properly done or can be done at

24 this point.

25 DR. VON FELDMANN: So, what would the

1 procedure be?

2 HEARING OFFICER HALSTEAD: Well, I can't  
3 advise you on that because I'm the hearing officer,  
4 and you would need to seek counsel on that from an  
5 attorney or someone else who could advise you on  
6 that.

7 Having said that, --

8 DR. VON FELDMANN: But you put this  
9 together.

10 HEARING OFFICER HALSTEAD: I did put that  
11 together, but I don't represent you, and I can't  
12 give you legal advice.

13 There are procedures in place. I'm not  
14 sure at this point if it's -- if they are available  
15 to you or not. That's something you would have to  
16 seek counsel about.

17 So, as far as today goes, and the fact  
18 that the complaint has just the one count of not  
19 complying and you admitted to that, that pretty much  
20 concludes what we're here to address in this  
21 particular proceeding.

22 Mr. Cumings, go ahead with your closing,  
23 please.

24 ///

25 ///

1 CLOSING ARGUMENT

2 BY MR. CUMINGS:

3 On behalf of the Investigative Committee,  
4 I would like to thank you, Hearing Officer Halstead,  
5 the court reporter, Dr. Von Feldmann, and Ms. LaRue  
6 for her time and consideration today.

7 As I mentioned in my opening statement,  
8 we're here to determine, if more likely than not,  
9 Dr. Von Feldmann violated a Board order, a violation  
10 of NRS 633.3065 2(a). I will explain how the IC's  
11 met its burden today.

12 You heard at length from Ms. LaRue, Board  
13 investigator of the Nevada State Board of Medical  
14 Examiners, who explained, first and arguably most  
15 crucial with regard to today's hearing, that  
16 Ms. LaRue personally corresponded with Dr. Von  
17 Feldmann, in addition to meeting with him in person  
18 to assist him with scheduling his ordered physical  
19 and mental evaluation, thereby demonstrating his  
20 acknowledgement of the Order.

21 Ms. LaRue's testimony and the evidence  
22 showed that Dr. Von Feldmann never responded to  
23 Dr. Rubin's inquiry to schedule his evaluation, the  
24 time and place which would be most convenient to  
25 Dr. Von Feldmann, or to comply with the Board's

1 Order for examination to determine fitness or his  
2 ability to practice medicine, despite the repeated  
3 attempts to accommodate his request and scheduling.

4       Finally, you saw emails from Dr. Von  
5 Feldmann himself acknowledging his awareness of the  
6 Board's Order and requirement that he submit to a  
7 physical and mental evaluation, and that Dr. Von  
8 Feldmann himself does not dispute that he did --  
9 that he did not violate the Board Order.

10       In sum, the testimony and evidence  
11 presented today has established by a preponderance  
12 of the evidence that the respondent, Dr. Dietrich  
13 Von Feldmann, did knowingly or willfully fail to  
14 comply with an order of the Board, as alleged in  
15 Count I of the Nevada State Medical Board's  
16 complaint.

17       The exhibit s here admitted today and the  
18 testimony given at this hearing support the IC's  
19 allegations, and on behalf of Investigative  
20 Committee, we ask the Hearing Officer and the Board  
21 to consider the record that was presented here today  
22 and render the appropriate findings and discipline.

23       Thank you.

24       HEARING OFFICER HALSTEAD: Thank you,  
25 Mr. Cumings.



1 Dr. Von Feldmann, did you want to give a  
2 closing statement?

3 DR. VON FELDMANN: No.

4 HEARING OFFICER HALSTEAD: Okay.

5 MR. CUMINGS: Dr. Von Feldmann did send  
6 over an exhibit , I believe, correct? Was that  
7 admitted? I don't know if we discussed that.

8 HEARING OFFICER HALSTEAD: It was not  
9 admitted. I asked him if he had any evidence or  
10 witnesses he wanted to present. He didn't.

11 I will note that I did receive an  
12 exhibit from Dr. Von Feldmann. I believe it was a  
13 letter to Victor Muro, M.D., indicating his concerns  
14 with the Findings of Fact and Conclusions of Law.

15 Are you stipulating to admit it?

16 MR. CUMINGS: We can admit it, yes.

17 HEARING OFFICER HALSTEAD: Okay.

18 Dr. Von Feldmann, Mr. Cumings has brought  
19 up the exhibit that was received with regard to this  
20 hearing on August 17th, 2023. It is your  
21 August 10th, 2023, letter to Dr. Muro. He's asked  
22 that I admit that.

23 Since it's your exhibit, I'm -- I don't  
24 want to presume, but you don't have any objection to  
25 your letter being admitted, do you?

1 DR. VON FELDMANN: No. That's why I wrote  
2 it.

3 HEARING OFFICER HALSTEAD: Okay. Then I'm  
4 going to admit that exhibit .

5 DR. VON FELDMANN: Good.

6 HEARING OFFICER HALSTEAD: Is there  
7 anything else that you like to present today?

8 DR. VON FELDMANN: I would like to have  
9 this admitted, my critiques of the synopsis.

10 HEARING OFFICER HALSTEAD: Is that what's  
11 addressed in your letter to Dr. Muro?

12 DR. VON FELDMANN: No. It's not enough.

13 HEARING OFFICER HALSTEAD: Okay. Have you  
14 provided that to Mr. Cumings prior to the hearing?

15 DR. VON FELDMANN: Yes.

16 MR. CUMINGS: I did not get the critiques  
17 of his synopsis. I just received the letter.

18 I don't recall you sending that. I just  
19 receive that letter.

20 DR. VON FELDMANN: I have not sent this.  
21 I have just put this together.

22 MR. CUMINGS: Okay.

23 So, yeah, I have not received that prior  
24 to this day.

25 HEARING OFFICER HALSTEAD: Okay.

1 MR. CUMINGS: I just want to make sure  
2 that that exhibit didn't fall through the cracks  
3 because we've admitted every else.

4 HEARING OFFICER HALSTEAD: Right. And  
5 Dr. Von Feldmann didn't ask that it be admitted.

6 Mr. Cumings took care of that for you. I  
7 understand, and we've made the record, that you  
8 don't agree with the findings.

9 And your critique, I'll leave -- whether  
10 that's an avenue for you to pursue for -- that is  
11 not before me today, so I will leave that for you to  
12 consult with somebody to tell you if that's still a  
13 possibility for you or not.

14 So with that, I will conclude today's  
15 proceedings.

16 (Proceedings concluded at 9:10  
17 A.M.)

18

19

20

21

22

23

24

25



## 1 HEALTH INFORMATION PRIVACY &amp; SECURITY: CAUTIONARY NOTICE

2 Litigation Services is committed to compliance with applicable federal  
3 and state laws and regulations ("Privacy Laws") governing the  
4 protection and security of patient health information. Notice is  
5 hereby given to all parties that transcripts of depositions and legal  
6 proceedings, and transcript exhibits, may contain patient health  
7 information that is protected from unauthorized access, use and  
8 disclosure by Privacy Laws. Litigation Services requires that access,  
9 maintenance, use, and disclosure (including but not limited to  
10 electronic database maintenance and access, storage, distribution/  
11 dissemination and communication) of transcripts/exhibits containing  
12 patient information be performed in compliance with Privacy Laws.  
13 No transcript or exhibit containing protected patient health  
14 information may be further disclosed except as permitted by Privacy  
15 Laws. Litigation Services expects that all parties, parties'  
16 attorneys, and their HIPAA Business Associates and Subcontractors will  
17 make every reasonable effort to protect and secure patient health  
18 information, and to comply with applicable Privacy Law mandates,  
19 including but not limited to restrictions on access, storage, use, and  
20 disclosure (sharing) of transcripts and transcript exhibits, and  
21 applying "minimum necessary" standards where appropriate. It is  
22 recommended that your office review its policies regarding sharing of  
23 transcripts and exhibits - including access, storage, use, and  
24 disclosure - for compliance with Privacy Laws.

25 © All Rights Reserved. Litigation Services (rev. 6/1/2019)

**4**

# **EXHIBIT 1**


# **EXHIBIT 1**

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

3                                   \*\*\*\*\*

4  
5 **In the Matter of Charges and Complaint**  
6 **Against**  
7 **DIETRICH VON FELDMANN, M.D.**  
8 **Respondent.**

Case No. 22-31575-1

**FILED**  
DEC - 8 2022  
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 December 2, 2022,  
13 located at 325 E. Warm Springs Road, Suite 225, Las Vegas, NV 89119, video conferenced to  
14 9600 Gateway Drive, Reno, NV 89521. Dietrich Von Feldmann, M.D., (Respondent), was  
15 properly served with a notice of the adjudication, including the date, time and location, and was  
16 present and not represented by counsel. The adjudicating members of the Board participating in  
17 these Findings of Fact, Conclusions of Law, and Order (FOFCOL) were: Aury Nagy, M.D.,  
18 Nicola (Nick) M. Spirtos M.D., FACOG, Ms. Maggie Arias-Petrel, Bret W. Frey, M.D.,  
19 Chowdhury H. Ahsan, M.D., Ph.D., FACC, Ms. Pamela Beal, Col. Eric D. Wade, and Carl N.  
20 Williams, Jr., M.D., FACS. Sophia Long, Esq., Senior Deputy Attorney General, served as legal  
21 counsel to the Board.

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

27 ///

28 \_\_\_\_\_  
<sup>1</sup> 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 a license to practice medicine in the State of Nevada issued by the Board  
7 from August 17, 2006 to present.

8 **II.**

9 On March 1, 2022, the Investigative Committee filed its formal Complaint in  
10 Case No. 22-31575-1, alleging Respondent violated the Medical Practice Act. Respondent was  
11 personally served with the Complaint by a USPS Certified mail on March 2, 2022. The  
12 Complaint alleges as follows: Count I, a violation of NRS 630.301(4), Malpractice.

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

16 **III.**

17 An Order was filed on March 28, 2022, scheduling the Early Case Conference for the  
18 pending matter for April 7, 2022. This Order was served upon Respondent via USPS Certified  
19 Mail on March 30, 2022. On April 7, 2022, an Early Case Conference was conducted in this  
20 matter. Ian J. Cumings, J.D., Deputy General Counsel was present on behalf of the Investigative  
21 Committee (IC) of the Board, with Hearing Officer Patricia Halstead, Esq., Respondent did not  
22 participate.

23 In compliance with NAC 630.465, a Scheduling Order was filed April 14, 2022, setting  
24 dates for the Prehearing Conference, scheduled for May 5, 2022, with the formal hearing  
25 calendared to commence on June 21, 2022, at the Office of the Nevada State Board of Medical  
26 Examiners, 9600 Gateway Drive, Reno, Nevada 89521 video conferenced to the Board's Las  
27 Vegas Office, located at 325 E. Warm Springs Road, Suite 225, Las Vegas, NV 89119.

28 ///

1 Respondent was served this Order via USPS Certified Mail on April 18, 2022, at his address of  
2 record.

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

12 A status conference was held June 3, 2022, at 10:00 a.m., at which Respondent's counsel  
13 at the time Lyn E. Beggs, Esq., appeared telephonically on behalf of Respondent. Ms. Beggs  
14 stated that Respondent had not been responsive to her attempts to contact him and therefore she  
15 was unable to provide legal counsel and notified the parties she would withdraw following the  
16 status conference.

17 Following the status conference on June 3, 2022, an Order Vacating Scheduling Order and  
18 Setting Status Conference was filed June 3, 2022. A copy of this Order was sent to Respondent  
19 via US Regular Mail on June 6, 2022.

20 An Amended Scheduling Order was filed June 27, 2022, setting dates for the Prehearing  
21 Conference, scheduled for July 19, 2022, with the formal hearing calendared to commence on  
22 August 24, 2022. A copy of this Order was sent to Respondent June 27, 2022, via US Regular  
23 Mail.

24 The Prehearing Conference was held telephonically as noticed and ordered, at which time,  
25 legal counsel for the IC, Ian J. Cumings, J.D., Deputy General Counsel appeared. Respondent  
26 appeared telephonically without legal counsel. Respondent was timely and properly served with  
27 the Prehearing Conference Statement and the mandated Prehearing Disclosures in accordance with

28 ///

1 NRS and NAC Chapters 630, NRS Chapters 241, 622A and 233B, and the requirements of due  
2 process. Respondent did not provide any Prehearing Disclosures or a Prehearing Statement.

3 Following the Prehearing a Second Amended Scheduling Order was filed July 19, 2022,  
4 setting the new Hearing date for August 17, 2022. A copy of this Order was sent to Respondent  
5 July 20, 2022, via US Regular Mail.

6 IV.

7 On August 17, 2022, as duly noticed and ordered, a hearing was held before the Hearing  
8 Officer to receive evidence and to hear arguments of both parties. Legal counsel for the  
9 Investigative Committee, Ian J. Cumings, J.D., Deputy General Counsel appeared, along with  
10 Respondent, without legal counsel, and Hearing Officer Halstead. Mr. Cumings presented the  
11 IC's case, offered documentary evidence and presented witness testimony. Exhibits 1 through 20,  
12 were marked and admitted into evidence.

13 The Hearing Officer provided the Findings and Recommendations, filed  
14 October 12, 2022. This matter was scheduled for final adjudication on December 2, 2022, at a  
15 regularly scheduled Board meeting.

16 The notice of the adjudication was sent via USPS Certified Mail on October 26, 2022, and  
17 was picked up from the post office by Respondent on October 29, 2022, at 2:42 p.m.

18 A copy of the adjudication materials along with a copy of the Hearing Officer's Findings  
19 and Recommendation were mailed via Fed Ex 2-Day, and were delivered on Respondent's  
20 address of record on November 16, 2022, at 1:48 p.m.

21 V.

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

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

**VI.**

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

**VII.**

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

**CONCLUSIONS OF LAW**

**I.**

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

**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 630.301(4), Malpractice, 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

1 work done, its difficulty, its intricacy, its importance, the time and skill required, the responsibility  
2 imposed and the prominence and character of the parties where, as in this case, they affected the  
3 importance of the litigation; (3) the work actually performed by the Board's attorneys and staff,  
4 and the skill, time and attention given to that work; and (4) the product of the work and benefits to  
5 the Board and the people of Nevada that were derived therefrom.

6 V.

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

9 **ORDER**

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

12 IT IS HEREBY ORDERED that:

13 1. Respondent has violated the Medical Practice Act, as alleged in the Complaint, as  
14 follows: one (1) count of NRS 630.301(4).

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

17 3. Pursuant to NRS 630.352(4)(j), Respondent shall submit to a physical and mental  
18 examination testing his competence within six (6) months of service of this Order, the cost of  
19 which to be borne by the Respondent.

20 4. Pursuant to NRS 630.352(4)(k), Respondent, if found competent to practice  
21 medicine, shall complete twelve (12) hours of Continuing Medical Education relating to the  
22 management of surgical patients with potential colon perforation within six (6) months of a  
23 finding of competency. The aforementioned hours of Continuing Medical Education shall be in  
24 addition to the requirements that are regularly imposed upon Respondent as a condition of  
25 licensure in the State of Nevada pursuant to NAC 630.153(1).

26 5. Pursuant to NRS 630.352(4)(h), Respondent is hereby ordered to pay a fine of two  
27 thousand dollars (\$2,000.00) per violation of the Medical Practice Act, for a total fine in the  
28 amount of two thousand dollars (\$2,000.00) within six (6) months of service of this Order.


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

6. 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 eight thousand six hundred and twenty-one dollars, and ninety cents (\$8,621.90) within six (6) months of service of this Order. The Board, and/or its designee, are granted the authority to collect any and all funds due under this Order.

IT IS SO ORDERED.

DATED this 8th day of December, 2022.

NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:   
\_\_\_\_\_  
AURY NAGY, M.D.  
*President of the Board*

1 **CERTIFICATION**

2 I certify that the foregoing is the full and true original **FINDINGS OF FACT,**  
3 **CONCLUSIONS OF LAW AND ORDER** on file in the office of the Board of Medical  
4 Examiners in the matter of **DIETRICH VON FELDMANN, M.D.**, Case No. 22-31575-1.

5 I further certify that Aury Nagy, M.D., is the President of the Nevada State Board of  
6 Medical Examiners and that full force and credit is due to his official acts as such; and that the  
7 signature to the foregoing ORDER is the signature of said Aury Nagy, M.D.

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

10 DATED this 8th day of December, 2022.

11 NEVADA STATE BOARD OF MEDICAL EXAMINERS

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

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
OFFICE OF THE GENERAL COUNSEL  
Nevada State Board of Medical Examiners  
9600 Gateway Drive  
Reno, Nevada 89521  
(775) 688-2559

# EXHIBIT 1

---

---

# EXHIBIT 1

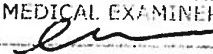
---



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

3                                   \* \* \* \* \*

4  
5   **In the Matter of Charges and**                                   **Case No. 22-31575-1**  
6   **Complaint Against**  
7   **DIETRICH VON FELDMANN, M.D.,**  
8   **Respondent.**

**FILED**  
OCT 12 2022  
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

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

17           1.    Introduction

18           This matter was heard in the Reno office of the Nevada State Board of Medical Examiners  
19 (the "Board") on August 17, 2022. Present were Ian Cumings, J.D. on behalf of the Investigative  
20 Committee (the "IC"), Respondent Dietrich Von Feldmann, M.D. ("Respondent") representing  
21 himself, and the undersigned hearing officer. The IC submitted exhibits 1-20, which were  
22 admitted by stipulation. Appearing on behalf of the IC was David Shih, M.D. who was properly  
23 sworn as was Respondent who testified on his own behalf. No other witnesses were called.

24           2.    Allegations

25           The Complaint alleges a single count of Malpractice, a violation of NRS 630.301(4),  
26 which is premised upon the allegation that Respondent failed to order an immediate abdominal  
27 radiograph to exclude the possibility of colon perforation when Patient A, an 80 year old male;  
28

1 complained of severe pain on June 20, 2018, after a colonoscopy performed by Respondent. IC  
2 Exhibit 1. The malpractice claim further alleges that Respondent failed to recognize and  
3 appreciate the gravity of the free air in Patient A's right upper quadrant, which suggested a colon  
4 perforation and warranted immediate surgical evaluation. Id. No answer was filed by Respondent  
5 although Respondent denied the allegations by way of his hearing testimony.

6 3. Witnesses and Testimony

7 In support of the IC allegations, the IC called David Shih, M.D. Dr. Shih testified as to his  
8 credentials, which are partially reflected in IC Exhibit 18. Transcript of Hearing Proceedings  
9 ("TR"), pp. 10-13. Dr. Shih was then directed to the circumstances underlying the Complaint  
10 with regard to which he testified that, based upon his review of the medical records provided by  
11 the IC, Respondent "did not act upon the standard of care." TR pp. 14-15. In so concluding, Dr.  
12 Shih testified as to the medical records, which he indicated provide as follows.

13 Patient A saw Respondent for a colonoscopy on June 20, 2018, at which time Respondent  
14 "found there were a cecal polyp, an ascending colon polyp, and a marked left-sided  
15 diverticulosis." TR pp. 15-16. According to the medical records, per Dr. Shih, Respondent  
16 removed the polyps via a procedure called endoscopic mucosal resection, one complication of  
17 which is perforation. TR 16-17. Dr. Shih described the procedure as entailing the injection of a  
18 solution to raise the polyp, after which a snare, coupled with electrocautery, is utilized. TR 16.  
19 The site, as treated by Respondent, was then subject to a hot biopsy with forceps where the polyp  
20 was not already completely removed. Id.

21 The medical records indicate that during the evening following the procedure, Patient A  
22 was suffering from abdominal pain that prompted a call to the hospital. TR 18. Respondent  
23 prescribed analgesics based upon the belief that Patient A had post polypectomy coagulation  
24 necrosis syndrome. Id. According to Dr. Shih, Patient A's complaint should have triggered an  
25 order by Respondent for abdominal imaging, which Respondent failed to order. TR 19.

26 The following morning, June 21, 2018, Patient A presented at an emergency room and a  
27 CT scan was ordered by another physician. TR 20. The CT scan showed a large amount of free  
28 air in Patient A's upper right quadrant and a few foci of gas in the porta hepatitis. The transverse

1 colon was also mildly dilated, diverticulitis was evident, and there was also evidence of a cyst.

2 TR 21. Per Dr. Shih, the presence of the free air would not typically be seen and is most  
3 indicative of a bowel perforation, which could be life threatening and lend itself to fecal leakage  
4 that could cause sepsis. TR 21-22.

5 Per Dr. Shih's review of the medical records, Respondent reviewed the CT and maintained  
6 that the free air was attributable to post polypectomy coagulation necrosis syndrome; however,  
7 Dr. Shih was repeatedly adamant that "[b]y definition, there is no free air in the condition called  
8 post polypectomy coagulation syndrome." TR 22. The free air, according to Dr. Shih,  
9 distinguished post polypectomy coagulation syndrome from a bowel perforation, in that a bowel  
10 perforation causes free air whereas there is no free air in post polypectomy coagulation syndrome.  
11 TR 22-23.

12 Noting the free air as shown from the CT scan, it was Respondent's suggestion that a  
13 needle be placed in Patient A's abdomen to release the air, which, according to Dr. Shih, is not  
14 appropriate. TR 24. The medical records also indicate that Respondent had considered a  
15 gastrografin enema, which, according to Dr. Shih, could worsen a perforation. TR 24-25. What  
16 should instead have been done, according to Dr. Shih, was an urgent surgical consultation. TR  
17 25.

18 Suspecting a bowel perforation, the then treating physician ordered a surgical consult. TR  
19 25-28. TR 29-30. The surgeon ultimately removed the right colon due to damage from massive  
20 distension and extensive air within the soft tissue surrounding the colon that the right colon could  
21 not recover from. Id. Part of Patient A's omentum also needed to be removed due to the  
22 perforation. Id.

23 Dr. Shih opined that he believed Patient A would not have survived absent the surgery and  
24 was adamant throughout his testimony that, when Patient A reached out post- procedure,  
25 Respondent should have directed Patient A to immediately go to urgent care or an emergency  
26 room to address the likelihood of a perforation. TR 31-32. According to Dr. Shih, Respondent's  
27 failure to do so was below the standard of care and constituted malpractice. TR 32.  
28

1 Respondent questioned Dr. Shih, touching upon Dr. Shih's educational timeline predating  
2 his residency (TR 33-34); the number of colonoscopies Dr. Shih has performed (TR 35); and how  
3 Dr. Shih would have treated Patient A, as to which Dr. Shih testified that he would not have done  
4 a hot biopsy touchup as it increases the risk of perforation and that he would have attributed the  
5 post-procedure complaints to a perforation (TR 35-36, 43). Dr. Shih was also clear that he would  
6 not have ordered a gastrografin enema and that it would be "contra" to do so in that it could  
7 exacerbate a tear. TR 37-38, 41.

8 On redirect, Dr. Shih reiterated his experience with post coagulation necrosis syndrome  
9 and the number of colonoscopies he has performed both solo and with fellows. TR 38-40. Dr.  
10 Shih also reiterated that when there is a complaint of pain after a colonoscopy, abdominal imaging  
11 should be undertaken. TR 40.

12 Respondent was permitted recross, during which Dr. Shih noted that the surgeon described  
13 a serosal tear, indicating that the tear was complete through the colon wall from the inside of the  
14 colon wall through the outside of the colon wall. TR 42-43. At nine (9) centimeters, Dr. Shih  
15 described the tear as big and complete. Id.

16 The IC rested its case, after which Respondent testified on his own behalf. Respondent  
17 was adamant that he believed Patient A was suffering from post coagulation necrosis syndrome  
18 and that he would not have ordered a surgical consult. TR 45. Respondent believes that there was  
19 only a superficial tear (which he called a "cat scratch"), from which air was permitted to escape  
20 via micro perforations, and that Patient A could have been treated with antibiotics and pain  
21 medication, with the needle procedure to relieve the free air. TR 45-49, 52-53, 63-66. According  
22 to Respondent, he did not believe the surgeon's perforation determination because the surgeon did  
23 not note fecal spillage (as opposed to the pathologist who did). TR 48-49. Respondent also did  
24 not believe Patient A with regard to the pain level reported by Patient A given that Patient A ate  
25 cookie; Respondent believed Patient A slept through the night or at least stayed home through the  
26 night and did not go to the emergency room until next day (TR 49, 57-58); and Respondent noted  
27 that Patient A had a history of abdominal pain (TR 59-60). Respondent also did not believe that  
28 the perforation described by the surgeon had anything to do with Patient A's symptoms and

1 continued to assert that the colon injury was superficial. TR 55. Respondent further testified that  
2 he thinks that there was no perforation when Patient A was transported to Renown by Care Flight,  
3 which he claimed was supported by the pathology report, which is Exhibit 17. TR 60, 62. Under  
4 cross-examination, Respondent continued to maintain that Patient A was suffering from post  
5 coagulation necrosis syndrome and not a perforation. TR 67-68.

6 The IC called Dr. Shih in rebuttal. Dr. Shih reiterated that the distinction between post  
7 polypectomy coagulation syndrome and a perforation is free air – free air indicating a perforation  
8 – and that the surgeon documented a tear and that the pathologist documented was transmural,  
9 meaning that the tear had gone through the whole bowel wall of the colon. TR 70, 74-76, 79-80,  
10 82. Dr. Shih further reiterated that the most likely source of the free air in Patient A's upper right  
11 quadrant was due to either the endoscopic mucosal resection or the hot biopsy forceps. TR 72.  
12 Dr. Shih also took issue with Respondent's claim that the surgeon's failure to note fecal spillage  
13 countered the surgeon's finding of a tear given the fact that Patient A had not eaten in preparation  
14 for the colonoscopy performed by Respondent, preparation noted as adequate for the procedure;  
15 and, therefore, the two pieces of crackers that Patient A had eaten would not have rendered  
16 sufficient bowel content to extravasate. TR 72-81. To the extent fecal matter was addressed on  
17 the pathology report, Dr. Shih testified that it supports that there was a perforation with leakage  
18 otherwise it would not have been noted as present and, therefore, Respondent's reliance upon the  
19 pathology report is misguided. TR 81, 88.

#### 20 4. Findings


21 Given the pain as reported by Patient A, the noted free air, the surgical intervention, the  
22 resulting surgical procedure, and the pathology report, there can be no doubt that Patient A was  
23 suffering from a colon perforation and that Respondent should have considered the likely chance  
24 of a perforation as opposed to being committed to an erroneous conclusion that Patient A was  
25 suffering from post coagulation necrosis syndrome. To discard the intervention of other  
26 physicians who recognized the issue and to disregard their conclusions upon such intervention,  
27 which is what one would have to do to accept Respondent's position as raised in his defense, is  
28 unreasonable. Even in light of the medical records reflecting the perforation and the explanation

1 thereof by Dr. Shih, Respondent remained adamant that he would not have considered the  
2 possibility of a perforation nor ordered a surgical consult, specifically stating at the close of the  
3 proceedings "I would have done everything the same way if I would have a case like that again."  
4 TR 99.

5 5. Recommendation

6 For the reasons set forth above, inclusive of the credible testimony provided by Dr. Shih, I  
7 find that the IC met its burden of proof in relation to Count 1 of the Complaint against Respondent  
8 (the only count alleged), and I respectfully recommend that the Board confirm that Respondent  
9 committed malpractice as set forth in the Complaint.

10 DATED this 12th day of October 2022.

11  
12 By:   
13 Patricia Halstead, Esq.  
14 Hearing Officer  
15 (775) 322-2244  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
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

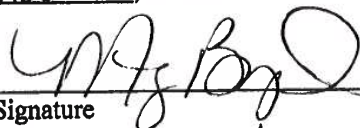
**CERTIFICATE OF SERVICE**

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 12<sup>th</sup> day of October, 2022.

  
Signature  
Meg Byrd  
Print  
Legal Assistant  
Title

# **EXHIBIT 2**

# **EXHIBIT 2**




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:**  
**DIETRICH VON FELDMANN, M.D.,**  
**Respondent.**

Case No. 22-31575-1

**FILED**  
JUL - 5 2023  
NEVADA STATE BOARD OF  
MEDICAL EXAMINERS  
By: 

**PROOF OF SERVICE**

I, Meg Byrd, Legal Assistant for the Nevada State Board of Medical Examiners, hereby certify that on December 8, 2022, I mailed by USPS Certified Mail No. 917196909350254764250 to the following recipient(s):

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

the Findings of Fact, Conclusion of Law, and Order. The package was confirmed as delivered on December 9, 2022. *See Exhibit 1.*

DATED this 5<sup>th</sup> day of July, 2023.

  
\_\_\_\_\_  
MEG BYRD, Legal Assistant  
Nevada State Board of Medical Examiners  
9600 Gateway Drive  
Reno, Nevada 89521

# **EXHIBIT 1**

# **EXHIBIT 1**



July 5, 2023


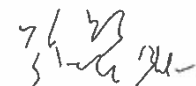
Dear Meg Byrd:

The following is in response to your request for proof of delivery on your item with the tracking number:  
**9171 9690 0935 0254 7642 50.**

**Item Details**

|                            |  |
|----------------------------|--|
| <b>Status:</b>             | Delivered, Left with Individual              |
| <b>Status Date / Time:</b> | December 9, 2022, 6:01 pm                    |
| <b>Location:</b>           | RENO, NV 89523                               |
| <b>Postal Product:</b>     | First-Class Mail®                            |
| <b>Extra Services:</b>     | Certified Mail™<br>Return Receipt Electronic |

**Recipient Signature**

|                         |  |
|-------------------------|--|
| Signature of Recipient: |   |
| Address of Recipient:   |  |

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,  
United States Postal Service®  
475 L'Enfant Plaza SW  
Washington, D.C. 20260-0004

Tracking Number:

Remove X

## 9171969009350254764250

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

### Latest Update

Your item was delivered to an individual at the address at 6:01 pm on December 9, 2022 in RENO, NV 89523.

#### Get More Out of USPS Tracking:

**USPS Tracking Plus<sup>®</sup>**

Feedback

#### Delivered

**Delivered, Left with Individual**

RENO, NV 89523

December 9, 2022, 6:01 pm

#### Departed USPS Regional Origin Facility

RENO NV DISTRIBUTION CENTER

December 9, 2022, 2:14 am

#### Arrived at USPS Regional Origin Facility

RENO NV DISTRIBUTION CENTER

December 8, 2022, 10:17 pm

#### USPS picked up item

RENO, NV 89521

December 8, 2022, 11:47 am

Hide Tracking History

---

**Text & Email Updates**



---

**Return Receipt Electronic**



 Confirmation

Your Proof of Delivery record is complete and will be processed shortly.

Your confirmation will be sent to the following:

mbyrd@medboard.nv.gov

---

**USPS Tracking Plus®**



---

**Product Information**



**See Less** 

Track Another Package

Enter tracking or barcode numbers

## Need More Help?

Contact USPS Tracking support for further assistance.

**FAQs**

# **EXHIBIT 3**

# **EXHIBIT 3**

## Meg Byrd

---

**From:** Ian Cumings  
**Sent:** Thursday, January 5, 2023 9:20 AM  
**To:** 'Dietrich Feldmann'; Johnna S. LaRue  
**Cc:** Meg Byrd  
**Subject:** RE: 22-31575-1

Good morning Dr. Von Feldmann,

I am sorry to hear about your troubles.

I am including our compliance director, Ms. Johnna LaRue in this email who should be able to help you facilitate your evaluation and locate a suitable CME course. Please direct your questions to her.

I wish you well in the coming New Year.

Best regards,



*Ian J. Cumings*

Deputy General Counsel  
Nevada State Board of Medical Examiners  
9600 Gateway Drive  
Reno, NV 89521  
Tel: (775) 324-9371  
[Icumings@medboard.nv.gov](mailto:Icumings@medboard.nv.gov)

Notice of Confidentiality: The information transmitted is intended only for the person or entity to whom it is addressed and may contain confidential and/or privileged material. Review, retransmission, or dissemination of this information by anyone other than the intended recipient is not authorized. If not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

-----Original Message-----

From: Dietrich Feldmann <dvonf@sbcglobal.net>  
Sent: Wednesday, January 4, 2023 6:48 PM  
To: Ian Cumings <icumings@medboard.nv.gov>  
Subject: 22-31575-1

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Mr. Cumings,

I read again the requirements the Board imposed on me on 12/2/22.

I have questions:

How do I get these physical and mental evaluations done: Can I get this done by a colleague in Hawthorne or does this have to be done here in Reno? If so, do you work with somebody here, on something like this?

Since time is of essence, I would like to get the 'Continuous Med. Education' requirement out of the way asap. There are no courses that I know of, that deal with 'surgical pts. with potential colon perforations' where I could earn 12 CME credits, within a reasonable time, anywhere in the world!

I still cannot believe, how many mistakes Dr. Shih, the 'expert witness' made, or how many statements he made, he cannot defend with the literature.

Instead of accusing me of malpractice, it would have been more appropriate to accuse the surgeon of malpractice, because he took this 80 year old pt to the OR for extensive surgery without doing further preoperative tests first. He and Dr. Shih apparently worked with the same med. cookbook.

Because the Board informed the PNDB of my alleged malpractice, no insurance wants to insure me. I cannot work without insurance. Without work no money comes in, but the bills keep on coming. This is going to be a real dilemma.

With best regards,

Dietrich von Feldmann

Sent from my iPhone



## Ian Cumings

---

**From:** Johnna S. LaRue  
**Sent:** Friday, June 9, 2023 1:14 PM  
**To:** Ian Cumings; Meg Byrd  
**Subject:** FW: #22-31575-1

Thank You,

Johnna

++ Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure and/or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. ++

-----Original Message-----

**From:** Dietrich Feldmann <dvonf@sbcglobal.net>  
**Sent:** Sunday, January 08, 2023 2:23 PM  
**To:** Johnna S. LaRue <jlarue@medboard.nv.gov>  
**Subject:** #22-31575-1

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Ms. LaRue,

I understand that you are in charge of the CME, as ordered by the Med. Board.

If I understand Mr. Cumings' most recent E-mail correctly, you probably also are involved with the physical and mental examination. I would be very much interested in getting these done asap, because my malpractice insurance coverage depends on it. I cannot work without insurance. Without working, no money is coming in to pay the bills.

I would like to sit down with you to discuss, how we best accomplish these tasks.

Can I come and visit with you this week? The best way to reach me would be per E-mail. And my mailing address is: 7696 Stone Bluff Way, Reno, NV 89523. And my cell phone # is 775 3545165.

Thanks,

Dietrich von Feldmann

Sent from my iPhone

## Ian Cumings

---

**From:** Johnna S. LaRue  
**Sent:** Monday, January 9, 2023 8:37 AM  
**To:** 'Dietrich Feldmann'  
**Cc:** Ian Cumings  
**Subject:** RE: #22-31575-1

Good Morning Dr. Von Feldmann,

Below is a link to a website I recommend for you to find a CME that will be sufficient to satisfy the requirement of the Order of the Board. I am sure you can find a CME that is related to the specific CME the Board wanted.

<https://fascrs.org/my-ascrs/meetings-events/past-annual-meetings/2021-annual-scientific-meeting/continuing-education-information>

As far as the examination, I have several people local to Reno that can perform the examination. Please let me know when the best date and time is for you and I can do my best to get it scheduled to fit your needs. I am in the office M-F 8-4, if you feel you need to discuss in person. You can also call me at the phone number listed below. That is my direct office line.

Thank you,

Johnna S. LaRue, CMBI  
Deputy Chief of Investigations  
Nevada State Board of Medical Examiners  
9600 Gateway Drive  
Reno, NV 89521  
(775) 324-9377 Phone  
(775) 688-2553 Fax  
jlarue@medboard.nv.gov  
www.medboard.nv.gov

++ Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure and/or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. ++

-----Original Message-----

From: Dietrich Feldmann <dvonf@sbcglobal.net>  
Sent: Sunday, January 08, 2023 2:23 PM  
To: Johnna S. LaRue <jlarue@medboard.nv.gov>  
Subject: #22-31575-1

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Ms. LaRue,

I understand that you are in charge of the CME, as ordered by the Med. Board.

If I understand Mr. Cumings' most recent E-mail correctly, you probably also are involved with the physical and mental examination. I would be very much interested in getting these done asap, because my malpractice insurance coverage depends on it. I cannot work without insurance. Without working, no money is coming in to pay the bills.

I would like to sit down with you to discuss, how we best accomplish these tasks.

Can I come and visit with you this week? The best way to reach me would be per E-mail. And my mailing address is: 7696 Stone Bluff Way, Reno, NV 89523. And my cell phone # is 775 3545165.

Thanks,

Dietrich von Feldmann

Sent from my iPhone

**From:** [VICTOR MURO](#)  
**To:** [Johnna S. LaRue](#)  
**Subject:** Re: CME and Evaluation  
**Date:** Friday, January 13, 2023 12:31:27 PM

---

**WARNING** - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

The evaluation needs to be done by a provider that the Board recommends.

VMMuro, M.D.

Sent from my iPhone

On Jan 13, 2023, at 9:18 AM, Johnna S. LaRue <[jlaraue@medboard.nv.gov](mailto:jlaraue@medboard.nv.gov)> wrote:

Good Morning Dr. Muro,

Attached is the Complaint and Findings of Fact, Conclusions of Law and Order for Dr. Dietrich von Feldmann that was approved by the Board in December 2022. Dr. von Feldmann is required to have a Physical and Mental Evaluation done within 6 months. He would like to get it done asap. I have contacted one of the Board's licensed and vetted Psychiatrists to perform this evaluation. Dr. von Feldmann came to the office this week to discuss this with Ian Cumings and myself and was informed of the nature of this evaluation. I sent him an email to explain (see below). His response (also below) is that he would prefer to find his own PCP to do the evaluation. I have sent Dr. von Feldmann an email requesting the name of the PCP he would like to perform this evaluation and have not heard back from him.

It is not the norm to allow a disciplined physician choose his own evaluator. Typically in these situations, the Board uses a licensed and certified Psychiatrist to perform an evaluation.

This email is to keep you in the loop and to get approval or not approval for Dr. von Feldmann to have someone other than the Board appointed Psychiatrist perform the Physical and Mental Evaluation.

Thank you,

Johnna S. LaRue, CMBI  
Deputy Chief of Investigations  
Nevada State Board of Medical Examiners  
9600 Gateway Drive

Reno, NV 89521  
(775) 324-9377 Phone  
(775) 688-2553 Fax  
[jarue@medboard.nv.gov](mailto:jarue@medboard.nv.gov)  
[www.medboard.nv.gov](http://www.medboard.nv.gov)

**++ Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure and/or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. ++**

---

**From:** Dietrich Feldmann <[dvonf@sbcglobal.net](mailto:dvonf@sbcglobal.net)>  
**Sent:** Wednesday, January 11, 2023 2:34 PM  
**To:** Johnna S. LaRue <[jarue@medboard.nv.gov](mailto:jarue@medboard.nv.gov)>  
**Subject:** Re: CME and Evaluation

**WARNING** - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Ms. LaRue,

I was thinking about what we discussed earlier today re the 'evaluation'. I am not interested in talking with a psychiatrist for 2-3 hrs! I would prefer to have this taken care of by a Primary Care Physician, e.g. internist or family physician, to fulfill the Board's requirement. Please try to find somebody like that instead.

Thanks,

Dietrich von Feldmann

Sent from my iPhone

On Jan 11, 2023, at 11:41 AM, Johnna S. LaRue  
<[jarue@medboard.nv.gov](mailto:jarue@medboard.nv.gov)> wrote:

Good Morning Dr. Von Feldmann,

I have spoken the Dr. Steven Rubin and he would like to contact you directly to set up the appointment and coordinate with you. He will come to your house if needed. His direct phone number is (775) 848-8105.

In regards to the CME. Please go to the following website to find a CME to do for this requirement. I will not have any trouble getting this approved.

<http://www.abcrs.org/resources-for-cme/>

Please let me know if you have any more questions or concerns.

Thank you,

Johnna S. LaRue, CMBI  
Deputy Chief of Investigations  
Nevada State Board of Medical Examiners  
9600 Gateway Drive  
Reno, NV 89521  
(775) 324-9377 Phone  
(775) 688-2553 Fax  
[jarue@medboard.nv.gov](mailto:jarue@medboard.nv.gov)  
[www.medboard.nv.gov](http://www.medboard.nv.gov)

**++ Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure and/or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. ++**

<Complaint 3-1-22.pdf>

<Findings of Fact, Conclusion of Law and Order 12-8-22 - Von Feldmann.pdf>

**From:** [Dietrich Feldmann](#)  
**To:** [Johnna S. LaRue](#)  
**Subject:** Re: CME and Evaluation  
**Date:** Friday, January 27, 2023 4:03:18 PM

---

**WARNING** - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Ms. LaRue,

I believe that PCPs do more mental evaluations of new pts than psychiatrists do physicals. I am wondering whether psychiatrists even own a stethoscope!

Please discuss this with the Med. Board as I do not want to have a physical done by a Psychiatrist. (By the way, an evaluation by Dr. Rubin would cost altogether \$1000!).

I did not have anybody specifically in mind for this evaluation.

Looking through quite a few on the list of previous doctors who were reprimanded by the board, I noticed, that it was quite unusual to be sent for an 'evaluation': why me?? You as the Deputy Chief of Investigations should be able to tell me, who made this decision and why.

With best regards,

Dietrich von Feldmann

Sent from my iPhone

On Jan 11, 2023, at 3:22 PM, Johnna S. LaRue <[jlarue@medboard.nv.gov](mailto:jlarue@medboard.nv.gov)> wrote:

Dr. Von Feldmann,

I will need to get approval from the Board in order to try to accommodate your request. In these situations, when an evaluation of this kind is ordered, we find someone within the specialty that handles this type of evaluation. A Primary Care Physician does not do Physical and Mental Evaluations during the normal course of his practice. That is not saying that a PCP cannot perform this type of exam, but it is not the norm. If you could provide me the name of the provider you have chosen to perform this exam I will ask for approval.

Thank you,

Johnna S. LaRue, CMBI  
Deputy Chief of Investigations  
Nevada State Board of Medical Examiners  
9600 Gateway Drive  
Reno, NV 89521  
(775) 324-9377 Phone  
(775) 688-2553 Fax  
[jlarue@medboard.nv.gov](mailto:jlarue@medboard.nv.gov)

[www.medboard.nv.gov](http://www.medboard.nv.gov)

**++ Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure and/or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. ++**

---

**From:** Dietrich Feldmann <dvonf@sbcglobal.net>  
**Sent:** Wednesday, January 11, 2023 2:34 PM  
**To:** Johnna S. LaRue <jlarue@medboard.nv.gov>  
**Subject:** Re: CME and Evaluation

**WARNING** - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Ms. LaRue,

I was thinking about what we discussed earlier today re the 'evaluation'. I am not interested in talking with a psychiatrist for 2-3 hrs! I would prefer to have this taken care of by a Primary Care Physician, e.g. internist or family physician, to fulfill the Board's requirement. Please try to find somebody like that instead.

Thanks,

Dietrich von Feldmann

Sent from my iPhone

On Jan 11, 2023, at 11:41 AM, Johnna S. LaRue  
<[jlarue@medboard.nv.gov](mailto:jlarue@medboard.nv.gov)> wrote:

Good Morning Dr. Von Feldmann,

I have spoken the Dr. Steven Rubin and he would like to contact you directly to set up the appointment and coordinate with you. He will come to your house if needed. His direct phone number is (775) 848-8105.

In regards to the CME. Please go to the following website to find a CME to do for this requirement. I will not have any trouble getting this approved.

<http://www.abcrs.org/resources-for-cme/>



Please let me know if you have any more questions or concerns.

Thank you,

Johnna S. LaRue, CMBI  
Deputy Chief of Investigations  
Nevada State Board of Medical Examiners  
9600 Gateway Drive  
Reno, NV 89521  
(775) 324-9377 Phone  
(775) 688-2553 Fax  
[jarue@medboard.nv.gov](mailto:jarue@medboard.nv.gov)  
[www.medboard.nv.gov](http://www.medboard.nv.gov)

**++ Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure and/or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. ++**

**From:** [Steven Rubin](#)  
**To:** [Johnna S. LaRue](#)  
**Subject:** Re: Physical and Mental Evaluation  
**Date:** Saturday, January 28, 2023 10:43:11 AM

---

**WARNING** - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Greetings Johnna,

To update you, I did speak by telephone with Dr. Von Feldman on January 26th, and clarified my role, (professional courtesy reduced) fees, and availability to evaluate him. The doctor acknowledged and responded that he would let me know of his decision whether to proceed. I suggested I would call him back in 1-2 weeks if I've not heard from him.

I will consider this as an acceptable status for now: If the doctor does not elect to undergo evaluation I will interpret this as his not seeking to become eligible to practice until he does agree, and therefore, no problem for now?

Please advise, if you' ve additional insights.

Regards!

Dr Steve Rubin

On Mon, Jan 23, 2023 at 9:45 AM Johnna S. LaRue <[jarue@medboard.nv.gov](mailto:jarue@medboard.nv.gov)> wrote:

Good Morning Dr. Rubin,

Thank you for agreeing to perform the Physical and Mental Evaluation required by the Board for Dr. Dietrich von Feldmann. Attached is a copy of the Complaint the Findings of Fact, Conclusions of Law and Order filed by the Board with regards to Dr. von Feldmann. Dr. von Feldmann is aware that you are to perform the evaluation and has been included on this email as well. His address and cell number are below for you to contact him and work out the details for the evaluation. Once completed, please forward the recommendations and report to me directly. Please let me know if you have any questions or concerns regarding this matter.

Mailing address: 7696 Stone Bluff Way, Reno, NV 89523; Cell phone # is (775) 354-5165.

Thank you,

Johnna S. LaRue, CMBI

Deputy Chief of Investigations

Nevada State Board of Medical Examiners

9600 Gateway Drive

Reno, NV 89521

(775) 324-9377 Phone

(775) 688-2553 Fax

[jarue@medboard.nv.gov](mailto:jarue@medboard.nv.gov)

[www.medboard.nv.gov](http://www.medboard.nv.gov)

**++ Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure and/or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. ++**

## Ian Cumings

---

**From:** Johnna S. LaRue  
**Sent:** Tuesday, February 21, 2023 2:06 PM  
**To:** 'Dietrich Feldmann'; Steven Rubin  
**Cc:** Ernesto Diaz; Ian Cumings  
**Subject:** Evaluation

Good Afternoon Dr. von Feldmann,

I have gotten approval from the Board to allow you to have your PCP perform the Physical portion of the required evaluation. The Mental portion of the evaluation will be performed by Dr. Rubin, who I included on this email. Please submit to me the name of the physician (PCP) you have chosen to perform the physical examination so that I may contact them for the report.

Please call or email me with any questions you have regarding this matter.

Thank you,

Johnna S. LaRue, CMBI  
Deputy Chief of Investigations  
Nevada State Board of Medical Examiners  
9600 Gateway Drive  
Reno, NV 89521  
(775) 324-9377 Phone  
(775) 688-2553 Fax  
[jlarue@medboard.nv.gov](mailto:jlarue@medboard.nv.gov)  
[www.medboard.nv.gov](http://www.medboard.nv.gov)

**++ Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure and/or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. ++**

**From:** [VICTOR MURO](#)  
**To:** [Johnna S. LaRue](#)  
**Subject:** Re: CME and Evaluation  
**Date:** Tuesday, February 21, 2023 1:38:15 PM

---

**WARNING** - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Sorry for the late response I thought I had answered. I do think that having his PCP be part of the process is a good idea. This an inherent bias given the relationship. I would look for another provider/internist.

VMMuro, M.D.

Sent from my iPhone

On Feb 15, 2023, at 12:15 PM, Johnna S. LaRue <[jarue@medboard.nv.gov](mailto:jarue@medboard.nv.gov)> wrote:

Good afternoon Dr. Muro,

After speaking with the Board's chosen provider, he recommended that we have the physical portion of the required examination done by the Respondents PCP as he would provide a more thorough exam. The Board's chosen psychiatrist would then perform the mental portion of the evaluation.

Please let me know if you find this situation acceptable and approve.

Thank you,

Johnna S. LaRue, CMBI  
Deputy Chief of Investigations  
Nevada State Board of Medical Examiners  
9600 Gateway Drive  
Reno, NV 89521  
(775) 324-9377 Phone  
(775) 688-2553 Fax  
[jarue@medboard.nv.gov](mailto:jarue@medboard.nv.gov)  
[www.medboard.nv.gov](http://www.medboard.nv.gov)

**++ Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure and/or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and**

**destroy all copies of the original message. ++**

---

**From:** VICTOR MURO <vmmuro@aol.com>  
**Sent:** Friday, January 13, 2023 12:31 PM  
**To:** Johnna S. LaRue <jlarue@medboard.nv.gov>  
**Subject:** Re: CME and Evaluation

**WARNING** - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

The evaluation needs to be done by a provider that the Board recommends.

VMMuro, M.D.

Sent from my iPhone

On Jan 13, 2023, at 9:18 AM, Johnna S. LaRue <[jlarue@medboard.nv.gov](mailto:jlarue@medboard.nv.gov)> wrote:

Good Morning Dr. Muro,

Attached is the Complaint and Findings of Fact, Conclusions of Law and Order for Dr. Dietrich von Feldmann that was approved by the Board in December 2022. Dr. von Feldmann is required to have a Physical and Mental Evaluation done within 6 months. He would like to get it done asap. I have contacted one of the Board's licensed and vetted Psychiatrists to perform this evaluation. Dr. von Feldmann came to the office this week to discuss this with Ian Cumings and myself and was informed of the nature of this evaluation. I sent him an email to explain (see below). His response (also below) is that he would prefer to find his own PCP to do the evaluation. I have sent Dr. von Feldmann an email requesting the name of the PCP he would like to perform this evaluation and have not heard back from him.

It is not the norm to allow a disciplined physician choose his own evaluator. Typically in these situations, the Board uses a licensed and certified Psychiatrist to perform an evaluation.

This email is to keep you in the loop and to get approval or not approval for Dr. von Feldmann to have someone other than the Board appointed Psychiatrist perform the Physical and Mental Evaluation.

Thank you,

Johnna S. LaRue, CMBI  
Deputy Chief of Investigations  
Nevada State Board of Medical Examiners  
9600 Gateway Drive  
Reno, NV 89521  
(775) 324-9377 Phone  
(775) 688-2553 Fax  
[jlarue@medboard.nv.gov](mailto:jlarue@medboard.nv.gov)  
[www.medboard.nv.gov](http://www.medboard.nv.gov)

**++ Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure and/or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. ++**

---

**From:** Dietrich Feldmann <[dvonf@sbcglobal.net](mailto:dvonf@sbcglobal.net)>  
**Sent:** Wednesday, January 11, 2023 2:34 PM  
**To:** Johnna S. LaRue <[jlarue@medboard.nv.gov](mailto:jlarue@medboard.nv.gov)>  
**Subject:** Re: CME and Evaluation

**WARNING** - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Ms. LaRue,

I was thinking about what we discussed earlier today re the 'evaluation'. I am not interested in talking with a psychiatrist for 2-3 hrs! I would prefer to have this taken care of by a Primary Care Physician, e.g. internist or family physician, to fulfill the Board's requirement. Please try to find somebody like that instead.

Thanks,

Dietrich von Feldmann

Sent from my iPhone

On Jan 11, 2023, at 11:41 AM, Johnna S. LaRue  
<[jarue@medboard.nv.gov](mailto:jarue@medboard.nv.gov)> wrote:

Good Morning Dr. Von Feldmann,

I have spoken the Dr. Steven Rubin and he would like to contact you directly to set up the appointment and coordinate with you. He will come to your house if needed. His direct phone number is (775) 848-8105.

In regards to the CME. Please go to the following website to find a CME to do for this requirement. I will not have any trouble getting this approved.

<http://www.abcrs.org/resources-for-cme/>

Please let me know if you have any more questions or concerns.

Thank you,

Johnna S. LaRue, CMBI  
Deputy Chief of Investigations  
Nevada State Board of Medical Examiners  
9600 Gateway Drive  
Reno, NV 89521  
(775) 324-9377 Phone  
(775) 688-2553 Fax  
[jarue@medboard.nv.gov](mailto:jarue@medboard.nv.gov)  
[www.medboard.nv.gov](http://www.medboard.nv.gov)

**++ Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure and/or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. ++**



<Complaint 3-1-22.pdf>

<Findings of Fact, Conclusion of Law and Order 12-8-22 - Von  
Feldmann.pdf>

<Complaint 3-1-22.pdf>

<Findings of Fact, Conclusion of Law and Order 12-8-22 - Von Feldmann.pdf>

**From:** [Steven Rubin](#)  
**To:** [Johnna S. LaRue](#)  
**Subject:** Re: Dr. Von Feldmann  
**Date:** Tuesday, March 14, 2023 9:12:34 AM

---

**WARNING** - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Johanna,

I did see that email you'd sent him. I am currently road-tripping to Washington state to visit our newborn granddaughter and had not heard from the doctor prior to leaving the other day. I would not be available to meet him until April. Do you know if he has proceeded with the physical component of the evaluation? I will be checking my answering machine tonight and can let you know tomorrow if I've heard anything.

Thanks,  
Dr R

On Mon, Mar 13, 2023 at 9:51 AM Johnna S. LaRue <[jarue@medboard.nv.gov](mailto:jarue@medboard.nv.gov)> wrote:

Hi Dr. Rubin,

Have you heard anything from Dr. Von Feldmann? I sent an email to him and included you to let him know he was approved to have his PCP do the physical exam, but that he would need to have the mental exam performed by you. Just following up to see if he has made contact. Thanks you all your help and insight on this matter.

Thank you,

Johnna S. LaRue, CMBI

Deputy Chief of Investigations

Nevada State Board of Medical Examiners

9600 Gateway Drive

Reno, NV 89521

(775) 324-9377 Phone

(775) 688-2553 Fax

[jarue@medboard.nv.gov](mailto:jarue@medboard.nv.gov)

[www.medboard.nv.gov](http://www.medboard.nv.gov)

**++ Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure and/or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. ++**

## Meg Byrd

---

**From:** Steven Rubin <srubin56@gmail.com>  
**Sent:** Wednesday, March 15, 2023 11:47 AM  
**To:** Johnna S. LaRue  
**Subject:** Re: Dr. Von Feldmann

**WARNING** - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Johnna,  
Update appreciated.  
Likewise, let me know if he completes the physical exam component and I can always reach out to him after.  
Thx  
Dr R

On Tue, Mar 14, 2023 at 12:17 PM Johnna S. LaRue <[jlارue@medboard.nv.gov](mailto:jlارue@medboard.nv.gov)> wrote:

Hi Dr. Rubin,

I have not heard anything from Dr. Von Feldmann. He has until June 2 to complete the exams. Let me know if he contacts you. Have fun on your road trip! 😊

Thank you,

Johnna S. LaRue, CMBI

Deputy Chief of Investigations

Nevada State Board of Medical Examiners

9600 Gateway Drive

Reno, NV 89521

(775) 324-9377 Phone

(775) 688-2553 Fax

[jlارue@medboard.nv.gov](mailto:jlارue@medboard.nv.gov)

[www.medboard.nv.gov](http://www.medboard.nv.gov)

**++ Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure and/or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.**

++

**From:** Steven Rubin <[srubin56@gmail.com](mailto:srubin56@gmail.com)>  
**Sent:** Tuesday, March 14, 2023 9:12 AM  
**To:** Johnna S. LaRue <[jarue@medboard.nv.gov](mailto:jarue@medboard.nv.gov)>  
**Subject:** Re: Dr. Von Feldmann

**WARNING** - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Johanna,

I did see that email you'd sent him. I am currently road-tripping to Washington state to visit our newborn granddaughter and had not heard from the doctor prior to leaving the other day. I would not be available to meet him until April. Do you know if he has proceeded with the physical component of the evaluation? I will be checking my answering machine tonight and can let you know tomorrow if I've heard anything.

Thanks,

Dr R

On Mon, Mar 13, 2023 at 9:51 AM Johnna S. LaRue <[jarue@medboard.nv.gov](mailto:jarue@medboard.nv.gov)> wrote:

Hi Dr. Rubin,

Have you heard anything from Dr. Von Feldmann? I sent an email to him and included you to let him know he was approved to have his PCP do the physical exam, but that he would need to have the mental exam performed by you. Just following up to see if he has made contact. Thanks you all your help and insight on this matter.

Thank you,

*Johnna S. LaRue, CMBI*

*Deputy Chief of Investigations*

*Nevada State Board of Medical Examiners*

*9600 Gateway Drive*

*Reno, NV 89521*

*(775) 324-9377 Phone*

*(775) 688-2553 Fax*

*[jarue@medboard.nv.gov](mailto:jarue@medboard.nv.gov)*

*[www.medboard.nv.gov](http://www.medboard.nv.gov)*

**++ Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any**

**unauthorized review, use, disclosure and/or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. ++**

**5**

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

3                                   \* \* \* \* \*

4  
5   **In the Matter of the Charges and Complaint**

Case No.: 23-31575-1

6   **Against:**

**FILED**

7   **DIETRICH VON FELDMANN, M.D.,**

**JUN 12 2023**

8   **Respondent.**

NEVADA STATE BOARD OF  
MEDICAL EXAMINERS  
By: 

9  
10                                   **ORDER OF SUSPENSION AND NOTICE OF HEARING**

11           The Investigative Committee<sup>1</sup> (IC) of the Nevada State Board of Medical Examiners  
12 (Board) hereby **IMMEDIATELY SUSPENDS** the license of Dietrich Von Feldmann, M.D.  
13 (Respondent) from the practice of medicine, pursuant to the Board’s authority to regulate the  
14 practice of medicine in the State of Nevada pursuant to Nevada Revised Statutes (NRS)  
15 Chapter 630.

16           The IC issues this Order of Suspension (Order) based on its determination that Respondent  
17 violated a Board Order when he did not satisfy all of the conditions contained in the Board’s  
18 Findings of Facts, Conclusion of Law, and Order approved by the Board on December 2, 2022,  
19 and filed on December 8, 2022.

20           Prior to the preparation of this Order, Board Staff presented to the IC the following:

21           1.     Respondent is a medical doctor licensed to practice medicine in the State of  
22 Nevada (License No. 12002). The Board issued his license on August 17, 2006.

23           2.     On December 2, 2022, Respondent was found to have violated the Medical  
24 Practice Act by violating NRS 630.301(4) Malpractice. *See Exhibit 1* (Findings of Fact,  
25 Conclusions of Law, and Order).

26    ///

27    ///

28           \_\_\_\_\_  
<sup>1</sup> The Investigative Committee of the Nevada State Board of Medical Examiners is composed of Board members Victor M. Muro, M.D., Chairman, Chowdhury H. Ashan, M.D., Ph.D., FACC, and Ms. Pamela Beal.





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

89521, to determine whether this suspension may continue, unless the parties mutually agree in writing to a different date and/or time. See NRS 630.326(2).

DATED this 12th day of June, 2023.

INVESTIGATIVE COMMITTEE OF THE  
NEVADA STATE BOARD OF MEDICAL EXAMINERS

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

# **EXHIBIT 1**

# **EXHIBIT 1**

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

3                                   \*\*\*\*\*

4  
5 **In the Matter of Charges and Complaint**  
6 **Against**  
7 **DIETRICH VON FELDMANN, M.D.**  
8 **Respondent.**

Case No. 22-31575-1

FILED

DEC - 8 2022

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 December 2, 2022,  
13 located at 325 E. Warm Springs Road, Suite 225, Las Vegas, NV 89119, video conferenced to  
14 9600 Gateway Drive, Reno, NV 89521. Dietrich Von Feldmann, M.D., (Respondent), was  
15 properly served with a notice of the adjudication, including the date, time and location, and was  
16 present and not represented by counsel. The adjudicating members of the Board participating in  
17 these Findings of Fact, Conclusions of Law, and Order (FOFCOL) were: Aury Nagy, M.D.,  
18 Nicola (Nick) M. Spirtos M.D., FACOG, Ms. Maggie Arias-Petrel, Bret W. Frey, M.D.,  
19 Chowdhury H. Ahsan, M.D., Ph.D., FACC, Ms. Pamela Beal, Col. Eric D. Wade, and Carl N.  
20 Williams, Jr., M.D., FACS. Sophia Long, Esq., Senior Deputy Attorney General, served as legal  
21 counsel to the Board.

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

27 ///

28  
<sup>1</sup> 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 Respondent was served this Order via USPS Certified Mail on April 18, 2022, at his address of  
2 record.

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

12 A status conference was held June 3, 2022, at 10:00 a.m., at which Respondent's counsel  
13 at the time Lyn E. Beggs, Esq., appeared telephonically on behalf of Respondent. Ms. Beggs  
14 stated that Respondent had not been responsive to her attempts to contact him and therefore she  
15 was unable to provide legal counsel and notified the parties she would withdraw following the  
16 status conference.

17 Following the status conference on June 3, 2022, an Order Vacating Scheduling Order and  
18 Setting Status Conference was filed June 3, 2022. A copy of this Order was sent to Respondent  
19 via US Regular Mail on June 6, 2022.

20 An Amended Scheduling Order was filed June 27, 2022, setting dates for the Prehearing  
21 Conference, scheduled for July 19, 2022, with the formal hearing calendared to commence on  
22 August 24, 2022. A copy of this Order was sent to Respondent June 27, 2022, via US Regular  
23 Mail.

24 The Prehearing Conference was held telephonically as noticed and ordered, at which time,  
25 legal counsel for the IC, Ian J. Cumings, J.D., Deputy General Counsel appeared. Respondent  
26 appeared telephonically without legal counsel. Respondent was timely and properly served with  
27 the Prehearing Conference Statement and the mandated Prehearing Disclosures in accordance with

28 ///

1 NRS and NAC Chapters 630, NRS Chapters 241, 622A and 233B, and the requirements of due  
2 process. Respondent did not provide any Prehearing Disclosures or a Prehearing Statement.

3 Following the Prehearing a Second Amended Scheduling Order was filed July 19, 2022,  
4 setting the new Hearing date for August 17, 2022. A copy of this Order was sent to Respondent  
5 July 20, 2022, via US Regular Mail.

6 IV.

7 On August 17, 2022, as duly noticed and ordered, a hearing was held before the Hearing  
8 Officer to receive evidence and to hear arguments of both parties. Legal counsel for the  
9 Investigative Committee, Ian J. Cumings, J.D., Deputy General Counsel appeared, along with  
10 Respondent, without legal counsel, and Hearing Officer Halstead. Mr. Cumings presented the  
11 IC's case, offered documentary evidence and presented witness testimony. Exhibits 1 through 20,  
12 were marked and admitted into evidence.

13 The Hearing Officer provided the Findings and Recommendations, filed  
14 October 12, 2022. This matter was scheduled for final adjudication on December 2, 2022, at a  
15 regularly scheduled Board meeting.

16 The notice of the adjudication was sent via USPS Certified Mail on October 26, 2022, and  
17 was picked up from the post office by Respondent on October 29, 2022, at 2:42 p.m.

18 A copy of the adjudication materials along with a copy of the Hearing Officer's Findings  
19 and Recommendation were mailed via Fed Ex 2-Day, and were delivered on Respondent's  
20 address of record on November 16, 2022, at 1:48 p.m.

21 V.

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

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

**VI.**

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

**VII.**

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

**CONCLUSIONS OF LAW**

**I.**

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

**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 630.301(4), Malpractice, 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



1 work done, its difficulty, its intricacy, its importance, the time and skill required, the responsibility  
2 imposed and the prominence and character of the parties where, as in this case, they affected the  
3 importance of the litigation; (3) the work actually performed by the Board's attorneys and staff,  
4 and the skill, time and attention given to that work; and (4) the product of the work and benefits to  
5 the Board and the people of Nevada that were derived therefrom.

6 **V.**

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

9 **ORDER**

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

12 **IT IS HEREBY ORDERED that:**

- 13 1. Respondent has violated the Medical Practice Act, as alleged in the Complaint, as  
14 follows: one (1) count of NRS 630.301(4).
- 15 2. Pursuant to NRS 630.352(4)(e), the Board shall administer a written public  
16 reprimand to Respondent.
- 17 3. Pursuant to NRS 630.352(4)(j), Respondent shall submit to a physical and mental  
18 examination testing his competence within six (6) months of service of this Order, the cost of  
19 which to be borne by the Respondent.
- 20 4. Pursuant to NRS 630.352(4)(k), Respondent, if found competent to practice  
21 medicine, shall complete twelve (12) hours of Continuing Medical Education relating to the  
22 management of surgical patients with potential colon perforation within six (6) months of a  
23 finding of competency. The aforementioned hours of Continuing Medical Education shall be in  
24 addition to the requirements that are regularly imposed upon Respondent as a condition of  
25 licensure in the State of Nevada pursuant to NAC 630.153(1).
- 26 5. Pursuant to NRS 630.352(4)(h), Respondent is hereby ordered to pay a fine of two  
27 thousand dollars (\$2,000.00) per violation of the Medical Practice Act, for a total fine in the  
28 amount of two thousand dollars (\$2,000.00) within six (6) months of service of this Order.

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

6. 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 eight thousand six hundred and twenty-one dollars, and ninety cents (\$8,621.90) within six (6) months of service of this Order. The Board, and/or its designee, are granted the authority to collect any and all funds due under this Order.

IT IS SO ORDERED.

DATED this 8th day of December, 2022.

NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:   
AURY NAGY, M.D.  
*President of the Board*

**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. 22-31575-1.

I further certify that Aury Nagy, M.D., 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 Aury Nagy, M.D.

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 8th day of December, 2022.

NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: Maggie Arias-Petrel  
MAGGIE ARIAS-PETREL  
*Secretary-Treasurer and Public Member 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

# **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**

\*\*\*\*\*

Case No. 22-31575-1

**In the Matter of Charges and  
Complaint Against**

**DIETRICH VON FELDMANN, M.D.,  
Respondent.**

**FILED**

OCT 12 2022

NEVADA STATE BOARD OF  
MEDICAL EXAMINERS

By: 

**FINDINGS AND RECOMMENDATION**

**TO: 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**

**1. Introduction**

This matter was heard in the Reno office of the Nevada State Board of Medical Examiners (the "Board") on August 17, 2022. Present were Ian Cumings, J.D. on behalf of the Investigative Committee (the "IC"), Respondent Dietrich Von Feldmann, M.D. ("Respondent") representing himself, and the undersigned hearing officer. The IC submitted exhibits 1-20, which were admitted by stipulation. Appearing on behalf of the IC was David Shih, M.D. who was properly sworn as was Respondent who testified on his own behalf. No other witnesses were called.

**2. Allegations**

The Complaint alleges a single count of Malpractice, a violation of NRS 630.301(4), which is premised upon the allegation that Respondent failed to order an immediate abdominal radiograph to exclude the possibility of colon perforation when Patient A, an 80 year old male;

1 complained of severe pain on June 20, 2018, after a colonoscopy performed by Respondent. IC  
2 Exhibit 1. The malpractice claim further alleges that Respondent failed to recognize and  
3 appreciate the gravity of the free air in Patient A's right upper quadrant, which suggested a colon  
4 perforation and warranted immediate surgical evaluation. Id. No answer was filed by Respondent  
5 although Respondent denied the allegations by way of his hearing testimony.

6 **3. Witnesses and Testimony**

7 In support of the IC allegations, the IC called David Shih, M.D. Dr. Shih testified as to his  
8 credentials, which are partially reflected in IC Exhibit 18. Transcript of Hearing Proceedings  
9 ("TR"), pp. 10-13. Dr. Shih was then directed to the circumstances underlying the Complaint  
10 with regard to which he testified that, based upon his review of the medical records provided by  
11 the IC, Respondent "did not act upon the standard of care." TR pp. 14-15. In so concluding, Dr.  
12 Shih testified as to the medical records, which he indicated provide as follows.

13 Patient A saw Respondent for a colonoscopy on June 20, 2018, at which time Respondent  
14 "found there were a cecal polyp, an ascending colon polyp, and a marked left-sided  
15 diverticulosis." TR pp. 15-16. According to the medical records, per Dr. Shih, Respondent  
16 removed the polyps via a procedure called endoscopic mucosal resection, one complication of  
17 which is perforation. TR 16-17. Dr. Shih described the procedure as entailing the injection of a  
18 solution to raise the polyp, after which a snare, coupled with electrocautery, is utilized. TR 16.  
19 The site, as treated by Respondent, was then subject to a hot biopsy with forceps where the polyp  
20 was not already completely removed. Id.

21 The medical records indicate that during the evening following the procedure, Patient A  
22 was suffering from abdominal pain that prompted a call to the hospital. TR 18. Respondent  
23 prescribed analgesics based upon the belief that Patient A had post polypectomy coagulation  
24 necrosis syndrome. Id. According to Dr. Shih, Patient A's complaint should have triggered an  
25 order by Respondent for abdominal imaging, which Respondent failed to order. TR 19.

26 The following morning, June 21, 2018, Patient A presented at an emergency room and a  
27 CT scan was ordered by another physician. TR 20. The CT scan showed a large amount of free  
28 air in Patient A's upper right quadrant and a few foci of gas in the porta hepatitis. The transverse

1 colon was also mildly dilated, diverticulitis was evident, and there was also evidence of a cyst.  
2 TR 21. Per Dr. Shih, the presence of the free air would not typically be seen and is most  
3 indicative of a bowel perforation, which could be life threatening and lend itself to fecal leakage  
4 that could cause sepsis. TR 21-22.

5 Per Dr. Shih's review of the medical records, Respondent reviewed the CT and maintained  
6 that the free air was attributable to post polypectomy coagulation necrosis syndrome; however,  
7 Dr. Shih was repeatedly adamant that "[b]y definition, there is no free air in the condition called  
8 post polypectomy coagulation syndrome." TR 22. The free air, according to Dr. Shih,  
9 distinguished post polypectomy coagulation syndrome from a bowel perforation, in that a bowel  
10 perforation causes free air whereas there is no free air in post polypectomy coagulation syndrome.  
11 TR 22-23.

12 Noting the free air as shown from the CT scan, it was Respondent's suggestion that a  
13 needle be placed in Patient A's abdomen to release the air, which, according to Dr. Shih, is not  
14 appropriate. TR 24. The medical records also indicate that Respondent had considered a  
15 gastrografin enema, which, according to Dr. Shih, could worsen a perforation. TR 24-25. What  
16 should instead have been done, according to Dr. Shih, was an urgent surgical consultation. TR  
17 25.

18 Suspecting a bowel perforation, the then treating physician ordered a surgical consult. TR  
19 25-28. TR 29-30. The surgeon ultimately removed the right colon due to damage from massive  
20 distension and extensive air within the soft tissue surrounding the colon that the right colon could  
21 not recover from. Id. Part of Patient A's omentum also needed to be removed due to the  
22 perforation. Id.

23 Dr. Shih opined that he believed Patient A would not have survived absent the surgery and  
24 was adamant throughout his testimony that, when Patient A reached out post- procedure,  
25 Respondent should have directed Patient A to immediately go to urgent care or an emergency  
26 room to address the likelihood of a perforation. TR 31-32. According to Dr. Shih, Respondent's  
27 failure to do so was below the standard of care and constituted malpractice. TR 32.  
28



1 Respondent questioned Dr. Shih, touching upon Dr. Shih's educational timeline predating  
2 his residency (TR 33-34); the number of colonoscopies Dr. Shih has performed (TR 35); and how  
3 Dr. Shih would have treated Patient A, as to which Dr. Shih testified that he would not have done  
4 a hot biopsy touchup as it increases the risk of perforation and that he would have attributed the  
5 post-procedure complaints to a perforation (TR 35-36, 43). Dr. Shih was also clear that he would  
6 not have ordered a gastrografin enema and that it would be "contra" to do so in that it could  
7 exacerbate a tear. TR 37-38, 41.

8 On redirect, Dr. Shih reiterated his experience with post coagulation necrosis syndrome  
9 and the number of colonoscopies he has performed both solo and with fellows. TR 38-40. Dr.  
10 Shih also reiterated that when there is a complaint of pain after a colonoscopy, abdominal imaging  
11 should be undertaken. TR 40.

12 Respondent was permitted recross, during which Dr. Shih noted that the surgeon described  
13 a serosal tear, indicating that the tear was complete through the colon wall from the inside of the  
14 colon wall through the outside of the colon wall. TR 42-43. At nine (9) centimeters, Dr. Shih  
15 described the tear as big and complete. Id.

16 The IC rested its case, after which Respondent testified on his own behalf. Respondent  
17 was adamant that he believed Patient A was suffering from post coagulation necrosis syndrome  
18 and that he would not have ordered a surgical consult. TR 45. Respondent believes that there was  
19 only a superficial tear (which he called a "cat scratch"), from which air was permitted to escape  
20 via micro perforations, and that Patient A could have been treated with antibiotics and pain  
21 medication, with the needle procedure to relieve the free air. TR 45-49, 52-53, 63-66. According  
22 to Respondent, he did not believe the surgeon's perforation determination because the surgeon did  
23 not note fecal spillage (as opposed to the pathologist who did). TR 48-49. Respondent also did  
24 not believe Patient A with regard to the pain level reported by Patient A given that Patient A ate  
25 cookie; Respondent believed Patient A slept through the night or at least stayed home through the  
26 night and did not go to the emergency room until next day (TR 49, 57-58); and Respondent noted  
27 that Patient A had a history of abdominal pain (TR 59-60). Respondent also did not believe that  
28 the perforation described by the surgeon had anything to do with Patient A's symptoms and



1 continued to assert that the colon injury was superficial. TR 55. Respondent further testified that  
2 he thinks that there was no perforation when Patient A was transported to Renown by Care Flight,  
3 which he claimed was supported by the pathology report, which is Exhibit 17. TR 60, 62. Under  
4 cross-examination, Respondent continued to maintain that Patient A was suffering from post  
5 coagulation necrosis syndrome and not a perforation. TR 67-68.

6 The IC called Dr. Shih in rebuttal. Dr. Shih reiterated that the distinction between post  
7 polypectomy coagulation syndrome and a perforation is free air – free air indicating a perforation  
8 – and that the surgeon documented a tear and that the pathologist documented was transmural,  
9 meaning that the tear had gone through the whole bowel wall of the colon. TR 70, 74-76, 79-80,  
10 82. Dr. Shih further reiterated that the most likely source of the free air in Patient A's upper right  
11 quadrant was due to either the endoscopic mucosal resection or the hot biopsy forceps. TR 72.  
12 Dr. Shih also took issue with Respondent's claim that the surgeon's failure to note fecal spillage  
13 countered the surgeon's finding of a tear given the fact that Patient A had not eaten in preparation  
14 for the colonoscopy performed by Respondent, preparation noted as adequate for the procedure;  
15 and, therefore, the two pieces of crackers that Patient A had eaten would not have rendered  
16 sufficient bowel content to extravasate. TR 72-81. To the extent fecal matter was addressed on  
17 the pathology report, Dr. Shih testified that it supports that there was a perforation with leakage  
18 otherwise it would not have been noted as present and, therefore, Respondent's reliance upon the  
19 pathology report is misguided. TR 81, 88.

#### 20 4. Findings

21 Given the pain as reported by Patient A, the noted free air, the surgical intervention, the  
22 resulting surgical procedure, and the pathology report, there can be no doubt that Patient A was  
23 suffering from a colon perforation and that Respondent should have considered the likely chance  
24 of a perforation as opposed to being committed to an erroneous conclusion that Patient A was  
25 suffering from post coagulation necrosis syndrome. To discard the intervention of other  
26 physicians who recognized the issue and to disregard their conclusions upon such intervention,  
27 which is what one would have to do to accept Respondent's position as raised in his defense, is  
28 unreasonable. Even in light of the medical records reflecting the perforation and the explanation

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

thereof by Dr. Shih, Respondent remained adamant that he would not have considered the possibility of a perforation nor ordered a surgical consult, specifically stating at the close of the proceedings "I would have done everything the same way if I would have a case like that again." TR 99.

**5. Recommendation**

For the reasons set forth above, inclusive of the credible testimony provided by Dr. Shih, 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 committed malpractice as set forth in the Complaint.

DATED this 12th day of October 2022.

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 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 12<sup>th</sup> day of October, 2022.

  
Signature  
Meg Byrd  
Print  
Legal Assistant  
Title

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

JUN 15 2023

NEVADA STATE BOARD OF  
MEDICAL EXAMINERS  
By: 

COMPLAINT

The Investigative Committee<sup>1</sup> (IC) of the Nevada State Board of Medical Examiners (Board) hereby issues this formal Complaint against Dietrich Von Feldmann, M.D., (Respondent), a licensed physician in Nevada. After investigating this matter, the IC has a reasonable basis to believe that Respondent has violated provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630 (collectively, the Medical Practice Act).

The IC alleges the following facts:

1. Respondent is currently, licensed in suspended status (License No. 12002). Respondent was issued his license from the Board on August 17, 2006, pursuant to the provisions of NRS Chapter 630.

2. On December 2, 2022, Respondent was found to have violated the Medical Practice Act by violating NRS 630.301(4) Malpractice.

3. On December 9, 2022, at 6:01 p.m., Respondent was served via USPS Certified Mail (tracking no. 9171969009350254764250) with the Board's Findings of Fact, Conclusions of Law, and Order (Board's Order), filed December 8, 2022, which provided explicit instructions regarding his specific requirements and deadlines to achieve compliance with Board's Order.

///

<sup>1</sup> The Investigative Committee of the Nevada State Board of Medical Examiners, at the time the filing of this Complaint was approved, was composed of Victor M. Muro, M.D., Chowdhury H. Ahsan, M.D., Ph.D., FACC, and Ms. Pamela J. Beal.



- 1           3.       That the Board determine what sanctions to impose if it determines there has been  
2 a violation or violations of the Medical Practice Act committed by Respondent;  
3           4.       That the Board make, issue and serve on Respondent its findings of fact,  
4 conclusions of law and order, in writing, that includes the sanctions imposed; and  
5           5.       That the Board take such other and further action as may be just and proper in these  
6 premises.

7           DATED this 15<sup>th</sup> day of June, 2023.

8   INVESTIGATIVE COMMITTEE OF THE  
9   NEVADA STATE BOARD OF MEDICAL EXAMINERS

10   By: \_\_\_\_\_

11   IAN J. CUMINGS,  
12   Deputy General Counsel  
13   9600 Gateway Drive  
14   Reno, NV 89521  
15   Tel: (775) 688-2559  
16   Email: [icumings@medboard.nv.gov](mailto:icumings@medboard.nv.gov)  
17   Attorney for the Investigative Committee

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


**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 5<sup>th</sup> 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  
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 hereby certify that I am employed by the Nevada State Board of Medical Examiners and that on the 15th day of June 2023 , I served a file-stamped copy of the foregoing **COMPLAINT**, via USPS Certified Mail, postage pre-paid, to the following parties:

**DIETRICH VON FELDMANN, M.D.**  
**7696 Stone Bluff Way**  
**Reno, NV 89523**  
*Respondent*

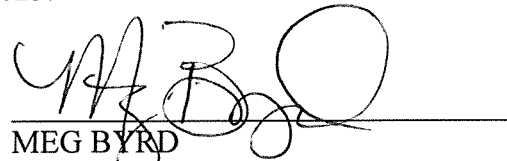
9171 9690 0935 0255 6992 78

*Tracking No.:* \_\_\_\_\_

With courtesy copy by email to:

Patricia Halstead, Esq. [phalstead@halsteadlawoffices.com]  
*Hearing Officer*

DATED this 15<sup>th</sup> day of June, 2023.



MEG BYRD  
Legal Assistant  
Nevada State Board of Medical Examiners



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

3 \* \* \* \* \*

4  
5 **In the Matter of the Charges and Complaint**

Case No.: 23-31575-1

6 **Against:**

7 **DIETRICH VON FELDMANN, M.D.,**

8 **Respondent.**

**FILED**

JUN 21 2023

NEVADA STATE BOARD OF  
MEDICAL EXAMINERS

By: 

9  
10 **PROOF OF SERVICE**

11 **ORDER FOR SUMMARY SUSPENSION**

12 I, Meg Byrd, Legal Assistant for the Nevada State Board of Medical Examiners, hereby  
13 certify that on June 12, 2023, I sent the **ORDER FOR SUMMARY SUSPENSION** to:

14 **DIETRICH VON FELDMANN, M.D.**  
15 **7696 Stone Bluff Way**  
16 **Reno, NV 89523**

17 via USPS Certified Mail Tracking number 9171969009350255699148 and was delivered on  
18 June 13, 2023. *See Exhibit 1.*

19 DATED this 21<sup>st</sup> day of June, 2023.

20 

21 MEG BYRD, Legal Assistant  
22 Nevada State Board of Medical Examiners  
23 9600 Gateway Drive  
24 Reno, Nevada 89521

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

# **EXHIBIT 1**

---

# **EXHIBIT 1**



July 6, 2023

Dear Meg Byrd:

The following is in response to your request for proof of delivery on your item with the tracking number:  
**9171 9690 0935 0255 6991 48.**

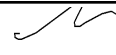

### Item Details

|                            |  |
|----------------------------|--|
| <b>Status:</b>             | Delivered, Left with Individual              |
| <b>Status Date / Time:</b> | June 13, 2023, 1:09 pm                       |
| <b>Location:</b>           | RENO, NV 89523                               |
| <b>Postal Product:</b>     | First-Class Mail®                            |
| <b>Extra Services:</b>     | Certified Mail™<br>Return Receipt Electronic |

### Shipment Details

|                |       |
|----------------|-------|
| <b>Weight:</b> | 0.6oz |
|----------------|-------|

### Recipient Signature

|                         |   |
|-------------------------|---|
| Signature of Recipient: |    |
| Address of Recipient:   |  |

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,  
United States Postal Service®  
475 L'Enfant Plaza SW  
Washington, D.C. 20260-0004

Tracking Number:

Remove X

## 9171969009350255699148

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

### Latest Update

Your item was delivered to an individual at the address at 1:09 pm on June 13, 2023 in RENO, NV 89523.

Get More Out of USPS Tracking:

**USPS Tracking Plus®**

Feedback

#### Delivered

Delivered, Left with Individual

RENO, NV 89523

June 13, 2023, 1:09 pm

#### Departed USPS Regional Facility

RENO NV DISTRIBUTION CENTER

June 13, 2023, 3:07 am

#### Arrived at USPS Regional Facility

RENO NV DISTRIBUTION CENTER

June 12, 2023, 11:08 pm

Hide Tracking History

Text & Email Updates



USPS Tracking Plus®



**Product Information**



**See Less** ^

Track Another Package

Enter tracking or barcode numbers

**Need More Help?**

Contact USPS Tracking support for further assistance.

**FAQs**

## Meg Byrd

---

**From:** Ian Cumings  
**Sent:** Tuesday, April 26, 2022 9:26 AM  
**To:** Meg Byrd  
**Subject:** Von Feldmann Address

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Meg,

After speaking with Dr. Von Feldmann, he wants all his mail sent to his home address. Apparently his office manager wasn't forwarding anything to him. I also confirmed his email address was [Dvonf@sbcglobal.net](mailto:Dvonf@sbcglobal.net).

7696 Stone bluff way, Reno 89523

[dvonf@sbcglobal.net](mailto:dvonf@sbcglobal.net)



***Ian J. Cumings, J.D.***

Deputy General Counsel  
Nevada State Board of Medical Examiners  
9600 Gateway Drive  
Reno, NV 89521  
Tel: (775) 324-9371  
[Icumings@medboard.nv.gov](mailto:Icumings@medboard.nv.gov)

Notice of Confidentiality: The information transmitted is intended only for the person or entity to whom it is addressed and may contain confidential and/or privileged material. Review, retransmission, or dissemination of this information by anyone other than the intended recipient is not authorized. If not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

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

3 \* \* \* \* \*

4  
5 **In the Matter of the Charges and Complaint**

Case No.: 23-31575-1

6 **Against:**

**FILED**

7 **DIETRICH VON FELDMANN, M.D.,**

JUN 21 2023

8 **Respondent.**

NEVADA STATE BOARD OF  
MEDICAL EXAMINERS  
By: 

9  
10 **PROOF OF SERVICE**

11 **COMPLAINT**

12 I, Meg Byrd, Legal Assistant for the Nevada State Board of Medical Examiners, hereby  
13 certify that on June 15, 2023, I sent the **COMPLAINT** to:

14 **DIETRICH VON FELDMANN, M.D.**  
15 **7696 Stone Bluff Way**  
16 **Reno, NV 89523**

17 via USPS Certified Mail Tracking number 9171969009350255699278 and was delivered on  
18 June 20, 2023. *See Exhibit 1.*

19 DATED this 21<sup>st</sup> day of June, 2023.

20  
21   
22 MEG BYRD, Legal Assistant  
23 Nevada State Board of Medical Examiners  
24 9600 Gateway Drive  
25 Reno, Nevada 89521  
26  
27  
28

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

# **EXHIBIT 1**

---

# **EXHIBIT 1**





June 21, 2023

Dear Meg Byrd:

The following is in response to your request for proof of delivery on your item with the tracking number:  
**9171 9690 0935 0255 6992 78.**


#### Item Details

|                            |  |
|----------------------------|--|
| <b>Status:</b>             | Delivered, Individual Picked Up at Post Office |
| <b>Status Date / Time:</b> | June 20, 2023, 11:40 am                        |
| <b>Location:</b>           | RENO, NV 89523                                 |
| <b>Postal Product:</b>     | First-Class Mail®                              |
| <b>Extra Services:</b>     | Certified Mail™<br>Return Receipt Electronic   |

#### Shipment Details

|                |       |
|----------------|-------|
| <b>Weight:</b> | 0.2oz |
|----------------|-------|

#### Recipient Signature

|                         |  |
|-------------------------|--|
| Signature of Recipient: |  |
| Address of Recipient:   | 7696 STONE BLUFF WAY<br>RENO, NV 89523-8832  |

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,  
United States Postal Service®  
475 L'Enfant Plaza SW  
Washington, D.C. 20260-0004

Tracking Number:

Remove X

## 9171969009350255699278

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

### Latest Update

Your item was picked up at the post office at 11:40 am on June 20, 2023 in RENO, NV 89523.

Get More Out of USPS Tracking:

**USPS Tracking Plus<sup>®</sup>**

Feedback

#### Delivered

**Delivered, Individual Picked Up at Post Office**

RENO, NV 89523

June 20, 2023, 11:40 am

#### Notice Left (No Authorized Recipient Available)

RENO, NV 89523

June 17, 2023, 3:53 pm

#### Departed USPS Regional Facility

RENO NV DISTRIBUTION CENTER

June 16, 2023, 9:26 pm

#### Arrived at USPS Regional Facility

RENO NV DISTRIBUTION CENTER

June 15, 2023, 10:22 pm

Hide Tracking History

---

**Text & Email Updates**



---

**Return Receipt Electronic**



---

**USPS Tracking Plus®**



---

**Product Information**



**See Less**

Track Another Package

Enter tracking or barcode numbers

## **Need More Help?**

Contact USPS Tracking support for further assistance.

**FAQs**

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

3 \* \* \* \* \*

4  
5 **In the Matter of Charges and**  
6 **Complaint Against**  
7 **DIETRICH VON FELDMANN, M.D.,**  
8 **Respondent.**

Case No. 23-31575-1

FILED

JUL 13 2023

NEVADA STATE BOARD OF  
MEDICAL EXAMINERS

By: 

10 **ORDER FOR CONTINUED LICENSE SUSPENSION**

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  
17 Dietrich Von Feldmann, M.D.  
18 6400 Sharlands Ave., Apt T2130  
19 Reno, NV 89523

20 On June 12, 2023, the Investigative Committee (the "IC") of the Nevada State Board of  
21 Medical Examiners (the "Board") issued an Order of Suspension and Notice of Hearing (the  
22 "Suspension Order"), by which Respondent Dietrich Von Feldmann, M.D. ("Respondent") had  
23 his license to practice medicine summarily suspended for his failure to comply with the Findings  
24 of Fact, Conclusions of Law, and Order, issued by the Board and filed on December 8, 2022 (the  
25 "Order"), which was the result of a Malpractice Complaint, filed by the IC on March 1, 2022, and  
26 upheld by the undersigned hearing officer on October 12, 2022.

27 The Order was served upon Respondent via certified mail on December 9, 2022, and  
28 required Respondent to:

1) submit to a physical and mental examination to test for competence within six (6)  
months of service of the Order, the cost of which was to be borne by the Respondent;

1           2) if found competent to practice medicine, Respondent was to then complete twelve (12)  
2 hours of Continuing Medical Education relating to the management of surgical patients with  
3 potential colon perforation within six (6) months of a finding of competency, with such hours to  
4 be in addition to any regularly imposed hours mandated for licensing;

5           3) to pay a \$2,000 fine within six (6) months of service of the Order; and

6           4) to reimburse the Board the reasonable and necessary costs and expenses incurred in the  
7 investigation and prosecution of the original malpractice complaint in the amount of \$8,621.90  
8 within six (s) months of service of the Order.

9           Respondent's alleged failure to comply with the Order further resulted in a new Complaint  
10 against him, filed on June 15, 2023, alleging a single count of Knowing or Willful Failure to  
11 Comply with Board Order, a violation of NRS 630.3065(2)(a) (the "New Complaint").

12           In accordance with NRS 630.326(2) a hearing on the Suspension Order is required to take  
13 place within sixty (60) days after the date on which the Suspension Order is issued to determine  
14 whether a reasonable basis exists to continue the suspension pending the conclusion of a hearing  
15 on the New Complaint.<sup>1</sup> In accordance therewith, a hearing was held in the Board's Reno office  
16 on July 11, 2023. Present were Ian Cumings, J.D. on behalf of the IC, Respondent who  
17 represented himself, and the undersigned hearing officer. The IC submitted Exhibits 1-3, which  
18 were admitted - Exhibit 1 being the Order; Exhibit 2 being proof of service of the Order, and  
19 Exhibit 3 being a series of emails. Appearing on behalf of the IC was Johnna S. LaRue, CMBI,  
20 Deputy Chief of Investigations for the Board ("Ms. LaRue"), who was properly sworn as was  
21 Respondent who testified on his own behalf. No other witnesses were called.

22           In support of the continued suspension pending adjudication of the New Complaint, Ms.  
23 LaRue testified as to Exhibits 1-3, focusing on Exhibit 3, which were primarily emails between  
24 her, Respondent, and Steven Rubin, M.D., who agreed to conduct the mental evaluation for  
25 Respondent as required by the Order. The emails that were admitted as Exhibit 3 demonstrate


26 \_\_\_\_\_  
27 <sup>1</sup> If no formal complaint against the licensee is pending before the Board on the date on which a hearing is held, the  
28 Board must reinstate the license of the licensee. Here, the New Complaint was pending, so Respondent's license was  
not required to be reinstated.

1 that Ms. LaRue had worked with Respondent to aid him in meeting the Order requirements by  
2 laying the ground work for Respondent to be evaluated by Dr. Rubin; obtaining approval for  
3 Respondent to have the physical evaluation done by his primary care physician; and directing  
4 Respondent to a resource for completing the required continuing medical education, none of  
5 which were undertaken by Respondent per Ms. LaRue. Ms. LaRue also testified that Respondent  
6 had not paid the imposed fine nor reimbursed the Board for the disciplinary expenses imposed by  
7 the Order.

8 Respondent admitted to his failure to comply with the Order, indicating that he found the  
9 Ordered terms insulting, costly, and unwarranted, and Respondent continued to maintain that he  
10 disagreed with the malpractice finding made with respect to the Malpractice Complaint.

11 Based upon the finding of malpractice already made in Case Number 22-31575-1, the  
12 severity of the circumstances alleged therein in relation to the patient's care, treatment, and the  
13 threat to the patient's life and well-being, in addition to Respondent's continued assertion that the  
14 malpractice finding was unwarranted and his resulting disregard for the consequences of his  
15 actions, coupled with his admitted failure to comply with the Order despite the assistance he was  
16 provided by the IC, undersigned finds that reasonable basis exists to continue the license  
17 suspension pending adjudication of the New Complaint.

18 DATED this 11th day of July 2023.

19  
20 By:   
21 Patricia Halstead, Esq.  
22 Hearing Officer  
23 (775) 322-2244  
24  
25  
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

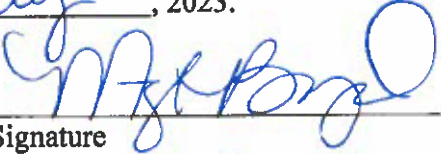
**CERTIFICATE OF SERVICE**

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 ORDER FOR CONTINUED LICENSE SUSPENSION 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.  
6400 Sharlands Ave., Apt T2130  
Reno, NV 89523

DATED this 13<sup>th</sup> day of July, 2023.

  
Signature  
Meg Byrd  
Print  
Legal Assistant  
Title

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

3                                   \*\*\*\*\*

4  
5   **In the Matter of Charges and**  
6   **Complaint Against**  
7   **DIETRICH VON FELDMANN, M.D.,**  
8   **Respondent.**

Case No. 23-31575-1

**FILED**

JUL 18 2023

NEVADA STATE BOARD OF  
MEDICAL EXAMINERS

By: 

10                                   **ORDER SCHEDULING EARLY CASE CONFERENCE**

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           6400 Sharlands Ave., Apt T2130  
18           Reno, NV 89523

19           **NOTICE IS HEREBY GIVEN** that, in compliance with NRS 630.339(3), **an Early Case**  
20 **Conference will be conducted on August 2, 2023 beginning at the hour of 11:00 a.m.** The Early  
21 Case Conference will be held via conference call. The conference call number is 1-605-475-2200  
22 and the access code is 8792457.<sup>1</sup>

23 <sup>1</sup> NRS 630.339(3) provides as follows:

24           Within 20 days after the filing of the answer, the parties shall hold an early case conference at which the  
25 parties and the hearing officer appointed by the Board or a member of the Board must preside. At the early  
26 case conference, the parties shall in good faith:

27           (a) Set the earliest possible hearing date agreeable to the parties and the hearing officer, panel of the Board or  
28           the Board, including the estimated duration of the hearing;

(b) Set dates:

- (1) By which all documents must be exchanged;
- (2) By which all prehearing motions and responses thereto must be filed;



1 The scheduled Early Case Conference shall be attended by the parties in person or by any  
2 party's legal counsel of record and will be conducted by the undersigned Hearing Officer to discuss  
3 and designate the dates for the Pre-Hearing Conference and Hearing and the other procedural  
4 matters established in NRS 630.339. The parties must also provide an estimate, to the nearest hour,  
5 of the time required for presentation of their respective cases.

6 At the Pre-Hearing Conference, in accordance with NAC 630.465,<sup>2</sup> each party shall provide  
7 the other party with a copy of the list of witnesses they intend to call to testify, including therewith,  
8 the qualifications of each witness so identified and a summary of the testimony of each witness. If  
9 a witness is not on the list of witnesses, that witness may subsequently not be allowed to testify at  
10 the Hearing unless good cause is shown for omitting the witness from said list.<sup>3</sup> Likewise, all  
11

- 
- 12  
13 (3) On which to hold the prehearing conference; and  
14 (4) For any other foreseeable actions that may facilitate the timely and fair conduct of the matter.

- 15 (c) Discuss or attempt to resolve all or any portion of the evidentiary or legal issues in the matter;  
16 (d) Discuss the potential for settlement of the matter on terms agreeable to the parties; and  
17 (e) Discuss and deliberate any other issues that may facilitate the timely and fair conduct of the matter.

18 <sup>2</sup> NAC 630.465 provides as follows:

19 1. At least 30 days before a hearing but not earlier than 30 days after the date of service upon the physician or  
20 physician assistant of a formal complaint that has been filed with the Board pursuant to NRS 630.311, unless  
21 a different time is agreed to by the parties, the presiding member of the Board or panel of members of the  
22 Board or the hearing officer shall conduct a prehearing conference with the parties and their attorneys. All  
23 documents presented at the prehearing conference are not evidence, are not part of the record and may not be  
24 filed with the Board.

25 2. Each party shall provide to every other party a copy of the list of proposed witnesses and their qualifications  
26 and a summary of the testimony of each proposed witness. A witness whose name does not appear on the list  
27 of proposed witnesses may not testify at the hearing unless good cause is shown.

28 3. All evidence, except rebuttal evidence, which is not provided to each party at the prehearing conference  
may not be introduced or admitted at the hearing unless good cause is shown.

4. Each party shall submit to the presiding member of the Board or panel or to the hearing officer conducting  
the conference each issue which has been resolved by negotiation or stipulation and an estimate, to the nearest  
hour, of the time required for presentation of its oral argument.

<sup>3</sup> In identifying a patient as a witness the parties are cautioned to omit from any pleadings filed with undersigned Hearing  
Officer any addresses, telephone numbers, social security numbers, or other personal information regarding such  
individual and to confine their submissions in this regard to the name of the witness, the relevancy of any testimony  
sought to be elicited from that witness, and a summary of the anticipated testimony.

1 evidence, except rebuttal evidence, that is not provided to each party at the Pre-Hearing Conference  
2 may also not be introduced or admitted at the Hearing unless good cause is shown.

3 Counsel for the Nevada State Board of Medical Examiners and the Respondent shall keep  
4 undersigned Hearing Officer advised of each issue which has been resolved by negotiation or  
5 stipulation, if any.

6 **ACCORDINGLY, NOTICE IS HEREBY GIVEN** that the possible sanctions  
7 authorized by NRS 630.352, NAC 630.555, and NRS 622.400 upon a finding of guilt to one or  
8 more of the Counts raised in said Board Complaint include the following:

9 A. Placement on probation for a specified period on any of the conditions specified  
10 in an order issued by the Board;

11 B. Administration of a public reprimand;

12 C. Placement of a limitation on Respondent's practice, or exclusion of one or more  
13 specified branches of medicine from Respondent's practice;

14 D. Suspension of Respondent's license for a specified period or until further order  
15 of the Board;

16 E. Revocation of Respondent's license to practice medicine;

17 F. A requirement that Respondent participate in a program to correct alcohol or  
18 drug dependence or any other impairment;

19 G. A requirement that there be specified supervision of Respondent's practice;

20 H. A requirement that Respondent perform public service without compensation;

21 I. A requirement that Respondent take a physical or mental examination, or an  
22 examination testing Respondent's competence;

23 J. A requirement that Respondent fulfill certain training or educational  
24 requirements, or both, as specified by the Board;

25 K. A fine not to exceed \$5,000.00;

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

L. A requirement that the Respondent pay all costs incurred by the Board relating to this disciplinary proceeding, as more fully set forth in NRS 622.400.

DATED this 17<sup>th</sup> day of July 2023.

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 ORDER FOR CONTINUED LICENSE SUSPENSION 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.  
6400 Sharlands Ave., Apt T2130  
Reno, NV 89523

DATED this 18<sup>th</sup> day of July, 2023.

Meg Byrd  
Signature

Meg Byrd  
Print

Legal Assistant  
Title

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

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

\* \* \* \* \*

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

**Case No.: 23-31575-1**

**FILED**

**JUL 19 2023**

NEVADA STATE BOARD OF  
MEDICAL EXAMINERS  
By: \_\_\_\_\_

**PROOF OF SERVICE**

I, Meg Byrd, Legal Assistant for the Nevada State Board of Medical Examiners, hereby  
certify that on July 13, 2023, I sent the **ORDER FOR CONTINUED LICENSE SUSPENSION**  
to:

**DIETRICH VON FELDMANN, M.D.**  
**6400 Sharlands Ave., Apt T2130**  
**Reno, NV 89523**

via Fed Ex tracking number 772733680139 and was delivered on July 14, 2023. See **Exhibit 1.**

DATED this 20<sup>th</sup> day of July, 2023.

MEG BYRD, Legal Assistant  
Nevada State Board of Medical Examiners  
9600 Gateway Drive  
Reno, Nevada 89521

# **EXHIBIT 1**

# **EXHIBIT 1**

Dear Customer,

The following is the proof-of-delivery for tracking number: 772733680139

---

**Delivery Information:**

---

|                          |   |                           |                          |
|--------------------------|---|---------------------------|--------------------------|
| <b>Status:</b>           | Delivered   | <b>Delivered To:</b>      | Residence                |
| <b>Signed for by:</b>    | D.IETRICH   | <b>Delivery Location:</b> | 6400 SHARLANDS AVE T2130 |
| <b>Service type:</b>     | FedEx Priority Overnight  |                           |                          |
| <b>Special Handling:</b> | Deliver Weekday;<br>Residential Delivery;<br>Adult Signature Required |                           | RENO, NV, 89523          |
|                          |   | <b>Delivery date:</b>     | Jul 14, 2023 09:40       |

---

**Shipping Information:**

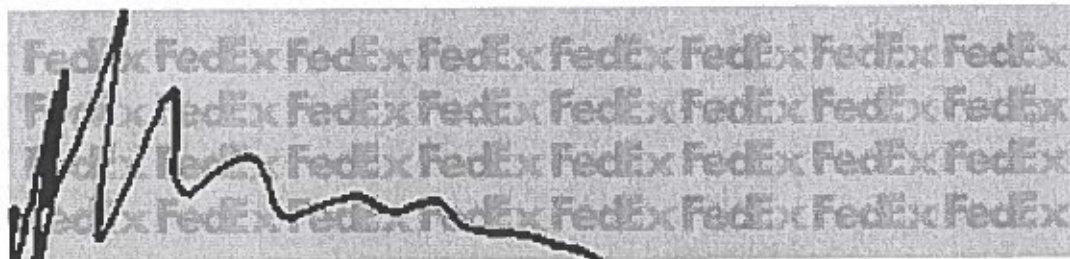
---

|                         |              |                   |                |
|-------------------------|--------------|-------------------|----------------|
| <b>Tracking number:</b> | 772733680139 | <b>Ship Date:</b> | Jul 13, 2023   |
|                         |              | <b>Weight:</b>    | 0.5 LB/0.23 KG |

**Recipient:**  
Dietrich Von Feldmann, M.D.,  
6400 Sharlands Ave  
Apt T2130  
RENO, NV, US, 89523

**Shipper:**  
Meg Byrd, Nevada State Board of Med Exam  
9600 Gateway Drive  
RENO, NV, US, 89521

**Reference** 23-31575-1 Von Feldmann



FILED

JUL 24 2023

NEVADA STATE BOARD OF  
MEDICAL EXAMINERS

By: \_\_\_\_\_

1

2

3

4

BEFORE THE BOARD OF MEDICAL EXAMINERS

5

OF THE STATE OF NEVADA

6

PATRICIA HALSTEAD, HEARING OFFICER

7

-oOo-

8

In the Matter of the Summary  
Suspension of:

Case No. 22-31575-1

10

DIETRICH VON FELDMANN, M.D.,

11

Respondent.

12

12

14

15

16

17

TRANSCRIPT OF PROCEEDINGS

18

JULY 11, 2023

19

RENO, NEVADA

20

21

22

23

REPORTED BY:

CORRIE L. WOLDEN, NV CSR #194, RPR, CP

24

JOB NO. 995615



1

2

A P P E A R A N C E S

3

4 FOR THE INVESTIGATIVE  
5 COMMITTEE OF THE NEVADA  
6 STATE BOARD OF MEDICAL  
7 EXAMINERS:

IAN J. CUMINGS, J.D.  
DEPUTY GENERAL COUNSEL  
9600 Gateway Drive  
Reno, Nevada 89521  
775-688-2559  
jcummings@medboard.nv.gov

7

8

9

10 FOR THE RESPONDENT:

Pro per

11

12

13

14 ALSO PRESENT:

Johnna LaRue, Deputy Chief of  
Investigations and Board  
Compliance Officer

15

16

17

18

19

20

21

22

23

24

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

I N D E X

|         |      |
|---------|------|
| WITNESS | PAGE |
|---------|------|

|                            |    |
|----------------------------|----|
| JOHNNNA LARUE              |    |
| Examination By Mr. Cumings | 10 |

E X H I B I T S

| NUMBER    | DESCRIPTION   | MARKED | ADMITTED |
|-----------|---|--------|----------|
| Exhibit 1 | Findings of Fact,<br>Conclusions of Law, and<br>Order, 12-8-22  | 4      | 14       |
| Exhibit 2 | Proof of Service for<br>Findings of Fact,<br>Conclusions of Law, and<br>Order   | 4      | 14       |
| Exhibit 3 | Compliance E-mails Among<br>Respondent, Dietrich Von<br>Feldmann, Compliance<br>Officer Johnna LaRue and<br>Deputy General Counsel and<br>Attorney for the IC, Ian<br>Cumings | 4      | 14       |

1 RENO, NEVADA, TUESDAY, JULY 11, 2023, 2:00 P.M.

2 -o0o-

3 (Exhibit Numbers 1 - 3 were marked for identification)

4

5 THE HEARING OFFICER: This is Case Number  
6 22-31575-1. I am Hearing Officer Patricia Halstead and we  
7 are here in The Matter of the Charges and Complaint Against  
8 Dietrich Von Feldmann, M.D. on an Order of Suspension and  
9 Notice of Hearing.

10 A complaint related thereto was filed on  
11 June 12th, 2023. The parties have represented that they  
12 are present and ready to begin, so with that we will have  
13 everyone's appearance for the record, please.

14 MR. CUMINGS: Ian Cumings, C-u-m-i-n-g-s, Deputy  
15 General Counsel for the Board of Medical Examiners and  
16 Attorney for the IC.

17 THE HEARING OFFICER: And your witnesses today?

18 MR. CUMINGS: Ms. Johnna LaRue, Deputy Chief of  
19 Investigations and the Board's Compliance Officer.

20 THE HEARING OFFICER: Okay. Dr. Von Feldmann,  
21 can you please state your appearance for the record?

22 DR. VON FELDMANN: Say that again.

23 THE HEARING OFFICER: Can you please state your  
24 appearance for the record? Just state your name and spell

1 it.

2 DR. VON FELDMANN: Dietrich Von Feldmann,  
3 D-i-e-t-r-i-c-h. Then new word V-o-n. New word  
4 F-e-l-d-m-a-n-n.

5 THE HEARING OFFICER: Thank you, sir.

6 And do you want to swear the witnesses in or do I  
7 do it.

8 MR. CUMINGS: Well, we can swear her in when we  
9 call her if that's easiest.

10 THE HEARING OFFICER: Well, I can swear everyone  
11 in now and we can get it out of the way.

12 Dr. Von Feldmann, can you also raise your right  
13 hand and we are going to have you sworn in so you can  
14 provide testimony.

15 MR. CUMINGS: Do you swear to tell the whole  
16 truth and nothing but the truth so help you God?

17 DR. VON FELDMANN: Yes.

18 MS. LaRUE: I do.

19 THE HEARING OFFICER: I think actually me or the  
20 Court Reporter does that.

21 MR. CUMINGS: You looked at me like I was going  
22 to do it, I'm sorry.

23 THE HEARING OFFICER: Okay. Go ahead and raise  
24 your right hand. Sorry, Dr. Von Feldmann. Do you swear

1 that the testimony you are about to give is the truth and  
2 the whole truth and nothing but the truth?

3 DR. VON FELDMANN: Can you speak up a little bit,  
4 please?

5 THE HEARING OFFICER: Do you swear that the  
6 testimony you are about to give is the truth, the whole  
7 truth and nothing but the truth?

8 DR. VON FELDMANN: Sure.

9 THE HEARING OFFICER: Yes?

10 DR. VON FELDMANN: Yes.

11 THE HEARING OFFICER: Okay.

12 MS. LARUE: Yes.

13 THE HEARING OFFICER: Thank you.

14 And then with that, Mr. Cumings, do you want to  
15 give an opening statement?

16 MR. CUMINGS: Yes, I would like to. Thank you.

17 First, I would like to thank everyone involved in  
18 today's hearing for their participation. Thank you,  
19 Ms. Halstead, as always, Madam Court Reporter, Dr. Von  
20 Feldmann thank you for coming, and the witnesses testifying  
21 today.

22 This hearing today concerns the summary  
23 suspension of Dr. Dietrich Von Feldmann and as required by  
24 statute to determine if there is a reasonable basis which

1 exists to continue the suspension of Dr. Von Feldmann's  
2 license to practice medicine until a formal hearing can be  
3 brought.

4 On the order of suspension, the Investigative  
5 Committee included language relating to NRS 630.3065(2)(a),  
6 which states in pertinent part that knowingly or willingly,  
7 or willfully failing to comply with an order of the Board  
8 constitutes grounds for initiating a disciplinary action.

9 The governing statute for summary suspension of a  
10 medical license is contained in NRS 630.326. Today we are  
11 primarily concerned with subsection 2 which states in part  
12 that if the Board or an Investigative Committee of the  
13 Board issues an order summarily suspending the license of a  
14 physician, the Board shall hold a hearing not later than  
15 60 days after the date which the Order was issued unless  
16 the Board and licensee mutually agree to a longer period to  
17 determine whether a reasonable basis exists to continue the  
18 suspension of the license pending the conclusion of a  
19 hearing to consider a formal complaint against the  
20 licensee.

21 Dr. Von Feldmann has been licensed since  
22 August 17th, 2006, and his license is currently  
23 indefinitely suspended. The Investigative Committee issued  
24 a summary suspension of Dr. Von Feldmann's license to

1 practice medicine on June 12th, 2023.

2           Throughout this hearing the evidence will show  
3 that Dr. Von Feldmann was served with the Findings of Fact  
4 and Conclusions of Law and Order for the Case Number  
5 22-31575-1 on December 9th, which required Dr. Von Feldmann  
6 to submit to a mental and physical examination to determine  
7 his fitness to practice medicine following the Board's  
8 determination that he committed malpractice. Additionally,  
9 Dr. Von Feldmann was ordered to reimburse the Board for  
10 costs associated with the prosecution of the case and to  
11 pay a fine.

12           On January 11, 2023, the Board's Compliance  
13 Officer, Ms. Johnna LaRue, had arranged the examination of  
14 Dr. Dietrich Von Feldmann with a geriatric psychologist  
15 Dr. Steven Rubin with the venue, date and time at -- or at  
16 Dr. Von Feldmann's convenience.

17           The evidence will show that Dr. Von Feldmann  
18 confirmed his understanding of the Order through repeated  
19 correspondence with Board staff and, furthermore, Board  
20 staff made efforts to accommodate Dr. Von Feldmann's  
21 request that an alternative provider perform the physical  
22 portion of his examination.

23           Dr. Von Feldmann was contacted repeatedly by the  
24 Board's Compliance Officer and the Board's evaluator to

1 schedule the examination, but Dr. Von Feldmann failed to  
2 undergo his evaluation and failed to reimburse the Board  
3 for its costs and pay the ordered fine.

4 The testimony and evidence today will be  
5 presented which will establish by a reasonable basis that  
6 Dr. Von Feldmann ignored the Board Order despite repeated  
7 attempts to schedule his examination by Ms. Johnna LaRue  
8 and Dr. Steven Rubin. As ordered, Dr. Von Feldmann  
9 violated the Order to subject him for a fitness for duty  
10 evaluation. His violation warrants that his license to  
11 practice medicine should remain suspended. Thank you.

12 THE HEARING OFFICER: And so you can't ask  
13 questions at this point, but if you want to make a  
14 statement you can. If not, I'm going to let Mr. Cumings  
15 present his case and then you will have the opportunity to  
16 present yours. So it's a time for initial comments if you  
17 want to make any.

18 DR. VON FELDMANN: No.

19 THE HEARING OFFICER: Okay.

20 MR. CUMINGS: I would like to call my first  
21 witness, Ms. Johnna LaRue.

22 THE HEARING OFFICER: Okay. Thank you.

23

24 ///



1                                   JOHNNA LARUE,  
2                   called as a witness, having been duly sworn,  
3                                   testified as follows:

4  
5                   MR. CUMINGS: All right. Are you ready?

6                   THE WITNESS: Yeah.

7                   THE HEARING OFFICER: Just for the record,  
8 Ms. LaRue has been sworn in.

9                   MR. CUMINGS: Yes.

10                  THE HEARING OFFICER: Can you have her start by  
11 stating her name and spelling it.

12

13                                   EXAMINATION

14 BY MR. CUMINGS:

15           Q           Please state your name and spell your last name  
16 for the record.

17           A           Johnna LaRue, J-o-h-n-n-a. Last name L-a-R-u-e.

18           Q           Ms. LaRue, who is your employer?

19           A           Nevada State Board of Medical Examiners.

20           Q           And what is your job title?

21           A           Deputy Chief of Investigations and Compliance  
22 Officer.

23           Q           And how long have you held that position?

24           A           17 years.

1 Q And what does your role as Compliance Officer  
2 entail?

3 A As a Compliance Officer it's my job to make sure  
4 that any disciplinary action that requires a licensee to  
5 pay fines, do CME's or evaluations that they follow through  
6 within their deadline dates.

7 Q And the specific duties include?

8 A Would be to contact a licensee. Usually I will  
9 send them a copy of the agreements that the Board, you  
10 know, once they have been finalized by the Board, and then  
11 to be in contact with them so that they can make sure that  
12 everything gets taken care of in their time limits.

13 Q So when do you use the Compliance Officer to  
14 become involved in the case?

15 A Once the Board has made a decision and issued a  
16 disciplinary action, after it's been approved and filed in  
17 then it becomes my job to follow up.

18 Q And when a Board Order goes into effect, then  
19 what happens?

20 A My first step would be to send a copy and make  
21 sure that the licensee gets a copy of said Order and then  
22 to follow up and make sure that they have, they know what  
23 their deadline dates are and answer any questions that they  
24 may have about where they can find the information.

1 Q Now, are you familiar with BME Case Number  
2 22-31575-1 regarding Dr. Von Feldmann?

3 A Yes.

4 Q And you were the Compliance Officer for this  
5 case?

6 A Correct.

7 Q Was this case adjudicated by the Board?

8 A Yes.

9 Q And do you know when that adjudication took  
10 place?

11 A December 2nd, 2022.

12 Q And did the Board issue a Findings of Fact and  
13 Conclusions of Law and Order in this case following that  
14 adjudication?

15 A Yes.

16 Q And for the record, I'm going to ask you about  
17 the Board's exhibits in this case. Would you please turn  
18 to what has been premarked as Board's Exhibit Number 1,  
19 Findings of Fact, Conclusions of Law, and Order.

20 A Okay.

21 Q Do you recognize this document?

22 A Yes.

23 Q Can you tell me what this document is?

24 A This is the Board's final decision, Findings of

1 Fact, Conclusions of Law, and Order.

2 Q And does it appear to be a true and correct copy  
3 of the Board's Findings of Facts, Conclusions of Law, and  
4 the Board Order in the case of Dietrich Von Feldmann, M.D.,  
5 NSBME Case Number 22-31575-1?

6 A Yes. Yes, this is it.

7 MR. CUMINGS: I will ask for admission, I move to  
8 admit Exhibit 1 into the record.

9 THE HEARING OFFICER: Dr. Von Feldmann, you have  
10 reviewed Exhibit 1. Do you have any objection?

11 DR. VON FELDMANN: Can you say that again?

12 THE HEARING OFFICER: You have reviewed Exhibit  
13 1, which is the Board's Findings of Fact. Do you have any  
14 objections to that being admitted into evidence?

15 DR. VON FELDMANN: No.

16 THE HEARING OFFICER: Okay.

17 DR. VON FELDMANN: Although I don't agree with  
18 it.

19 THE HEARING OFFICER: I know, I know you don't.  
20 In addition to Exhibit 1, there is 2 and 3. Do you -- I'm  
21 just going to move to admit them all while we are at it.  
22 Have you had a chance to review those as well?

23 DR. VON FELDMANN: No.

24 THE HEARING OFFICER: Exhibit 2 is the proof of

1 service of the Findings of Fact and Conclusions of Law, and  
2 then Exhibit 3 are e-mails. Do you have any objection to  
3 those being admitted as well?

4 DR. VON FELDMANN: No.

5 THE HEARING OFFICER: Okay. So I'm going to  
6 admit Exhibits 1 through 3.

7 MR. CUMINGS: Thank you, Ms. Halstead.

8  
9 (Exhibit Numbers 1 - 3 were admitted into evidence.)

10

11 BY MR. CUMINGS:

12 Q Ms. LaRue, I'm going to ask some more specific  
13 questions regarding the facts in this case. Can you please  
14 turn to Board's Exhibit 1, page number 6 and 7, and please  
15 review this document and just look up when you are done.

16 A Okay.

17 Q Ms. LaRue, what portion of Exhibit 1 is on  
18 page 6?

19 A This is the final Order.

20 Q Will you please summarize what was ordered in  
21 paragraphs 3 through 6?

22 A Paragraph 3 is that the Respondent shall submit  
23 to a physical and mental examination testing his competence  
24 within 6 months of the service of the Order.

1 Paragraph 4 is that the Respondent, if he is  
2 found competent to practice medicine, shall perform  
3 12 hours of CME relating to the management of surgical  
4 patients with potential colon perforation within 6 months  
5 of a finding of his competency.

6 Paragraph 5 is a fine that was assessed by the  
7 Board, and then paragraph 6 would be the costs of the  
8 investigation assessed, all due within 6 months.

9 Q Thank you for that. Can you turn to Board's  
10 Exhibit 2, NSBME page 19.

11 A Yes.

12 Q What is this document?

13 A This is a notification of service from the USPS.

14 Q And what is the date of delivery on that  
15 document?

16 A December 9th, 2022.

17 THE HEARING OFFICER: And just for the record,  
18 USPS is the United States Postal Service?

19 THE WITNESS: Yes.

20 BY MR. CUMINGS:

21 Q With respect to the timeline in the Board's  
22 Order, when was Dr. Von Feldmann to have completed his  
23 mental and physical evaluation and paid the Board's costs  
24 and fine?

1           A           Within 6 months of December 9th, which I  
2           calculated to be June 9th, 2023.

3           Q           Thank you, Ms. LaRue. I would like to shift  
4           gears to discuss the specifics of your involvement in this  
5           case now as a Compliance Officer. You previously stated  
6           that you had, or you previously stated that you will  
7           correspond with licensees in this case. Did you correspond  
8           with Dr. Von Feldmann in this case?

9           A           Yes.

10          Q           I would like you to walk us through your e-mails  
11          and your conversations with Dr. Von Feldmann contained in  
12          Exhibit 3. I apologize in advance, due to the way that the  
13          e-mails are saved they kind of jump around, so I'm just  
14          going to direct her to specific pages and we can try to  
15          walk through chronologically. Please turn to Exhibit 3,  
16          page 22 and 23.

17          A           Okay.

18          Q           Do you see Dr. Von Feldmann's e-mail on that  
19          page?

20          A           Yes.

21          Q           With whom did he e-mail?

22          A           You, Ian Cumings.

23          Q           And what was he referring to in that e-mail?

24          A           He was referring to how to get his evaluation,

1 the mental and physical evaluation done, and where he could  
2 go to get the CME credits.

3 Q And were you forwarded this e-mail?

4 A Yes.

5 Q And what date was that?

6 A I believe it was June 5th that I was included in  
7 your response.

8 Q June 5th?

9 A Or, sorry, January 5th, 2023.

10 Q Still on Exhibit 3, can you please turn to  
11 page 24. Who is the e-mail dated January 8th from?

12 A Dr. Dietrich Von Feldmann e-mailed directly to  
13 me.

14 Q And did Dr. Von Feldmann reference the  
15 requirements of the Board Order in this e-mail?

16 A Yes.

17 Q Did he make any other requests in this e-mail?

18 A He asked to meet with me in person.

19 Q Okay. I would like to next turn to page 25,  
20 which is dated Monday, January 9th. What is this e-mail?

21 A This is my e-mail in response to him explaining  
22 about the specifics of the CME where he can find those  
23 courses and then giving him my office schedule for if he  
24 wanted to drop in and meet with me in person.



1 Q Now, did Dr. Von Feldmann come in and meet with  
2 you in person?

3 A He did.

4 Q And was anyone else in that meeting?

5 A Yes, you were.

6 Q What did he ask in that meeting?

7 A He brought up the specifics about how to appeal  
8 the Board's decision, in which I directed him that he  
9 needed to contact himself a lawyer in order to file with  
10 the District Court for judicial appeals.

11 And then he asked about the specifics of the  
12 evaluation, how it would be set up, which I explained to  
13 him that I would set it up and I would provide him with the  
14 information for the evaluator that would do the mental and  
15 the physical evaluation that was required.

16 Q Looking at BME page 28, what is that e-mail?

17 A This is an e-mail from Dr. Von Feldmann directly  
18 to me where he states that he is not interested in talking  
19 to a psychiatrist for two to three hours based on our  
20 earlier conversation during the day and that he would  
21 prefer to have a primary care physician fulfill that  
22 requirement instead.

23 Q And what was the date of that e-mail?

24 A That's January 11th, 2023.

1 Q So he met with you on June 11th, 2023?

2 A Correct. Some time around noon would be my  
3 guess.

4 Q Did you arrange an evaluation for  
5 Dr. Von Feldmann?

6 A I did.

7 Q So on page 28 who was that evaluation with? Did  
8 you e-mail Dr. Von Feldmann in response to his e-mail?

9 A I e-mailed Dr. Von Feldmann and explained to him  
10 that Dr. Steven Rubin, who is a Board vetted geriatric  
11 psychiatrist, would perform the evaluation. I gave him his  
12 telephone number and let him know that he would be in  
13 contact with him. I also included information about where  
14 he could go to get the CME's that would be required after  
15 the evaluation.

16 Q And does Dr. Rubin usually perform these kind of  
17 evaluations for the Board?

18 A Yes.

19 Q And turning back to Dr. Von Feldmann's e-mail  
20 where he requested some accommodations to his physical and  
21 mental evaluation, did you honor that request?

22 A I did. I sent an e-mail to the Chairman of the  
23 Investigative Committee to ask if it would be possible for  
24 it to be done in a different manner other than through the

1 Board's vetted psychiatrist.

2 Q Would you look at page 30 for me. And what date  
3 is that e-mail?

4 A January 11th.

5 Q And is this your e-mail to the IC?

6 A On page 30, no. This is my e-mail to  
7 Dr. Von Feldmann.

8 Q Oh, I apologize.

9 A This is my e-mail to Dr. Von Feldmann explaining  
10 that I needed to get permission, so I informed him that I  
11 would have to get permission from the Board Chairman in  
12 order for me to do that.

13 Q And what did the IC state regarding that first  
14 request?

15 A He told me that it would need to be done by a  
16 Board, a Board vetted evaluator. That's on page 27.

17 Q Okay. And turning to page 33, please review this  
18 e-mail. It is dated January 28th.

19 A Okay.

20 Q And the e-mail on that same page dated  
21 January 23rd.

22 A Uh-huh.

23 Q That's from you?

24 A Yeah. The one dated January 23rd is me

1 contacting Dr. Rubin who was the Board geriatric  
2 psychiatrist that would perform the exam to give him the  
3 information in regards to how to do it, and then I provided  
4 the mailing address and phone number contact for  
5 Dr. Von Feldmann.

6 January 28th was a response from Dr. Rubin that  
7 he had spoken to Dr. Von Feldmann on January 26th to  
8 clarify his role and explain how it would all work, and  
9 that Dr. Von Feldmann had told him that he would contact  
10 him and let him know whether or not he was willing to  
11 proceed.

12 Q So following this e-mail correspondence did you  
13 speak with Dr. Rubin again?

14 A I did.

15 Q And where did this conversation take place?

16 A Dr. Rubin came to the office for an unrelated  
17 reason and then dropped into my office where we had a  
18 face-to-face conversation in regards to Dr. Von Feldmann.

19 Q And what did you talk about in that conversation?

20 A We talked about his request, Dr. Von Feldmann's  
21 request to have someone else perform the physical  
22 evaluation, and Dr. Rubin agreed that it would be a good  
23 idea to have someone perform the physical portion of the  
24 evaluation as he is a psychiatrist and not a primary care,

1 and that Dr. Rubin would still perform the mental portion  
2 of the evaluation, and I explained that if he was in  
3 agreement with that I would have to get permission from the  
4 committee in order to make that change and we would do  
5 that.

6 Q So you did reach out to the Investigative  
7 Committee again to see if they would accommodate Dr. Von  
8 Feldmann's request at Dr. Rubin's recommendation?

9 A I did. A second time I reached out to the  
10 committee and asked for permission for someone separate  
11 from the geriatric psychiatrist to perform the physical  
12 portion of the examination because that was what Dr. Von  
13 Feldmann felt more comfortable with.

14 Q Would you now turn to page 36, please. Now,  
15 looking at the e-mail dated February 15th, 2023, is this  
16 your e-mail to the IC following your conversation with  
17 Dr. Rubin?

18 A Yes. This is my request to make that change.

19 Q And what was the IC's response to Dr. Rubin's  
20 recommendation?

21 A His response was that he thought it was a good  
22 idea and he agreed that that would be okay.

23 Q All right. I would like to turn back to page 35  
24 now, February 21st, 2023. What is that e-mail?

1           A           This is my e-mail to Dr. Von Feldmann letting him  
2 know that I had gotten approval from the IC to have the  
3 physical portion be performed by his primary care physician  
4 and that he needed to provide me with the information and  
5 who I could contact in regards to the physical examination.

6           Q           Now, did Dr. Von Feldmann respond to this e-mail?

7           A           No.

8           Q           I would like you to turn to page 41. The e-mail  
9 dated March 13, 2023, what is this e-mail here?

10          A           This is my e-mail to Dr. Rubin asking if he had  
11 heard anything from Dr. Von Feldmann in regards to the  
12 mental portion of the exam and asked him if he had any  
13 information.

14          Q           Did Dr. Rubin respond to that?

15          A           He did.

16          Q           Is it the e-mail dated March 14th just above  
17 that?

18          A           Correct. He responded to let me know that he was  
19 traveling, but that he had not heard anything and he was  
20 checking his messages often, but he had heard no  
21 information from Dr. Von Feldmann about the evaluations.

22          Q           Did Dr. Rubin contact you after March 14th to  
23 inform you that Dr. Von Feldmann had scheduled or completed  
24 his mental evaluation?

1 A He did contact me one more time and asked me if I  
2 had heard anything about the evaluation.

3 Q Is that --

4 A Page 43.

5 Q Did Dr. Von Feldmann ever contact you with an  
6 alternative provider for the physical component of his  
7 evaluation following your February 21st e-mail?

8 A No.

9 Q Did Dr. Von Feldmann pay to your knowledge any  
10 costs or the fine imposed by the Board Order dated  
11 December 2nd, 2022?

12 A No.

13 Q Now, you testified or said to the Board that  
14 Dr. Von Feldmann was to have completed the terms of the  
15 order by June 9th, 2023?

16 A Correct.

17 Q It's now July 11th, 2023. To your knowledge has  
18 Dr. Von Feldmann completed any of the terms of the Board  
19 Order as of yet?

20 A No.

21 Q Thank you, Ms. LaRue. I have no further  
22 questions at this time.

23 THE HEARING OFFICER: Dr. Von Feldmann, do you  
24 have any questions for Ms. LaRue?

1 DR. VON FELDMANN: No.

2 THE HEARING OFFICER: Okay.

3 MR. CUMINGS: The IC rests its case-in-chief.

4 THE HEARING OFFICER: Okay. Dr. Von Feldmann, it  
5 is now your turn to present your side of the case.

6 DR. VON FELDMANN: Say that again.

7 THE HEARING OFFICER: It's now your turn to  
8 present your side of the case, so is there anything you  
9 would like to respond to?

10 DR. VON FELDMANN: To what we discussed before at  
11 the hearing last year or just what they went over?

12 THE HEARING OFFICER: Just what they went over  
13 today.

14 DR. VON FELDMANN: Okay.

15 THE HEARING OFFICER: So those findings were  
16 already made, so the issue here today is your compliance  
17 with the Board Order.

18 DR. VON FELDMANN: Okay. I did not comply with  
19 the Order because, number one, I did not have any money. I  
20 did not have any money because I could not work.

21 I could not work because I could not, I had  
22 difficulties finding an insurance carrier because the  
23 Medical Board contacted the national data bank and told  
24 them that I committed malpractice.



1           So without insurance, I cannot work. If I cannot  
2 work, I don't make any money and I just didn't have any  
3 money for reimbursing the Board for their expenses. I did  
4 not have any money for going to a physical and mental  
5 examination, which would have cost me probably another  
6 \$3,000. I didn't have any money to pay for the fine.

7           And as far as the CME is concerned, I didn't know  
8 how to go about it, and I thought I had studied enough  
9 about this should be recognized as complying with that part  
10 of the Order. And I looked at previous cases. There were  
11 a lot of cases where the providers were accused of  
12 malpractice, but I couldn't find any where they were asked  
13 to go for a physical and mental examination and I found  
14 that insulting to me.

15           And, as I stated before, I believe that the Board  
16 is totally wrong with their approach to this Complaint and  
17 I will not stop before this is righted. I will do whatever  
18 I can.

19           So the standard of care is colonoscopy with  
20 polypectomy. Let me, let me say it. It's very short.  
21 Standard of care is colonoscopy with polypectomy. Then  
22 following that a CT scan or a plane film of the abdomen,  
23 detection of free air, surgery. That's the standard of  
24 care, has been for who knows how long, but my opinion is we

1 can do better than that.

2 THE HEARING OFFICER: Anything else you would  
3 like to add?

4 DR. VON FELDMANN: And that's what I did, that's  
5 what I wanted to do.

6 THE HEARING OFFICER: Okay. We are here today  
7 just because of the Board's Order. That part has already  
8 been decided.

9 DR. VON FELDMANN: Yes. Well, that's my final  
10 statement.

11 THE HEARING OFFICER: Okay. Thank you, Dr. Von  
12 Feldmann. I appreciate that.

13 Do you have any questions for Dr. Von Feldmann?

14 MR. CUMINGS: I do not at this time.

15 THE HEARING OFFICER: Okay. Anything further  
16 from either of the parties?

17 MR. CUMINGS: No.

18 THE HEARING OFFICER: Okay. So the matter is  
19 before me. I can either issue a written opinion or --

20 MR. CUMINGS: I do have a closing argument I  
21 would like to deliver.

22 THE HEARING OFFICER: Oh.

23 MR. CUMINGS: I'm sorry.

24 THE HEARING OFFICER: I said is there anything

1 further and you said no.

2 MR. CUMINGS: I apologize.

3 On behalf of the Investigative Committee, we  
4 would like to thank you, Ms. Halstead, Madam Court  
5 Reporter, and Dr. Von Feldmann for your good work and your  
6 participation for today.

7 As I mentioned in my opening statement, we are  
8 here to determine if Dr. Von Feldmann's license to practice  
9 medicine should remain suspended and I would like to  
10 explain how the IC met its burden in this case.

11 You heard at length from Johnna LaRue, the  
12 Board's Compliance Officer for the State of Nevada, and she  
13 explained that first, and arguably most crucial with regard  
14 to today's hearing, that Ms. LaRue personally had  
15 corresponded with Dr. Von Feldmann, in addition to meeting  
16 with him in person to assist him in scheduling his ordered  
17 physical and mental evaluation, thereby demonstrating his  
18 acknowledgement of the Board Order.

19 Ms. LaRue's testimony and evidence showed that  
20 Dr. Von Feldmann never responded to Dr. Rubin's inquiry to  
21 schedule the evaluation at a time and place which would be  
22 convenient for him to comply with the Board's Order for  
23 examination to determine the fitness to practice medicine  
24 despite repeated attempts to accommodate his request and

1 schedule.

2 Finally, you saw e-mails from Dr. Von Feldmann  
3 himself as well as his own testimony acknowledging his  
4 awareness of the Board's Order and the requirements that he  
5 submit to a physical and mental evaluation.

6 Dr. Von Feldmann's license should remain  
7 suspended. Crucially, the IC issued an order summarily  
8 suspending Dr. Von Feldmann because pursuant to  
9 NRS 630.352(4)(j) Dr. Von Feldmann was ordered to submit to  
10 an examination to determine his competence to practice  
11 medicine following the determination that he committed  
12 malpractice.

13 It probably goes without saying, but the results  
14 of the examination to determine his competence to practice  
15 medicine are extremely important to the IC in determining  
16 whether he is competent and the citizens of Nevada are safe  
17 in his care.

18 Pursuant to NRS 630.326(2) and in light of all of  
19 the evidence presented today, counsel for the IC submits  
20 that there is a reasonable basis to continue the suspension  
21 of Dr. Von Feldmann's license to practice medicine.

22 Thank you for your time.

23 THE HEARING OFFICER: Thank you. Okay. I have  
24 the Complaint and I will issue Findings of Fact and

1 Conclusions of Law as before, correct?

2 MR. CUMINGS: Uh-huh.

3 THE HEARING OFFICER: And then I will do that, I  
4 will have that out very shortly. Is there anything else  
5 from anybody?

6 MR. CUMINGS: No.

7 THE HEARING OFFICER: Dr. Von Feldmann, I did not  
8 ask you, but did you have a closing? You said you did say  
9 everything you wanted to say.

10 DR. VON FELDMANN: Yes.

11 THE HEARING OFFICER: But you do have a chance to  
12 make a closing statement.

13 DR. VON FELDMANN: That's enough.

14 THE HEARING OFFICER: Okay. Thank you.

15 All right. With that, I will consider the matter  
16 submitted.

17 MR. CUMINGS: Thank you.

18 THE HEARING OFFICER: And we will be off the  
19 record.

20 (Whereupon the proceedings concluded at 2:29 p.m.)

21 -o0o-

22

23

24

1 STATE OF NEVADA )  
2 WASHOE COUNTY ) ss.

3 I, CORRIE L. WOLDEN, a Certified Court Reporter  
4 of the State of Nevada, in and for Washoe County, DO HEREBY  
5 CERTIFY;

6 That I am not a relative, employee or  
7 independent contractor of counsel to any of the parties; or  
8 a relative, employee or independent contractor of the  
9 parties involved in the proceeding, or a person financially  
10 interested in the proceeding;

11 That I was present at the Board of Medical  
12 Examiners hearing in the above-entitled matter on  
13 July 11, 2023, and took verbatim stenotype notes of the  
14 proceedings had upon the matter captioned within, and  
15 thereafter transcribed them into typewriting as herein  
16 appears;

17 That the foregoing transcript, consisting of  
18 pages 1 through 31, is a full, true and correct  
19 transcription of my stenotype notes of said proceedings.

20 DATED: At Reno, Nevada, this 21st day of July,  
21 2023.

22 

23 CORRIE L. WOLDEN  
24 CSR #194, RPR, CP

1 HEALTH INFORMATION PRIVACY & SECURITY: CAUTIONARY NOTICE  
2 Litigation Services is committed to compliance with applicable federal  
3 and state laws and regulations ("Privacy Laws") governing the  
4 protection and security of patient health information. Notice is  
5 hereby given to all parties that transcripts of depositions and legal  
6 proceedings, and transcript exhibits, may contain patient health  
7 information that is protected from unauthorized access, use and  
8 disclosure by Privacy Laws. Litigation Services requires that access,  
9 maintenance, use, and disclosure (including but not limited to  
10 electronic database maintenance and access, storage, distribution/  
11 dissemination and communication) of transcripts/exhibits containing  
12 patient information be performed in compliance with Privacy Laws.  
13 No transcript or exhibit containing protected patient health  
14 information may be further disclosed except as permitted by Privacy  
15 Laws. Litigation Services expects that all parties, parties'  
16 attorneys, and their HIPAA Business Associates and Subcontractors will  
17 make every reasonable effort to protect and secure patient health  
18 information, and to comply with applicable Privacy Law mandates,  
19 including but not limited to restrictions on access, storage, use, and  
20 disclosure (sharing) of transcripts and transcript exhibits, and  
21 applying "minimum necessary" standards where appropriate. It is  
22 recommended that your office review its policies regarding sharing of  
23 transcripts and exhibits - including access, storage, use, and  
24 disclosure - for compliance with Privacy Laws.

25 © All Rights Reserved. Litigation Services (rev. 6/1/2019)





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

at the formal hearing any party seeks to rely upon documentation not previously produced as ordered, such documentation will not be permitted unless good cause is shown.

The formal hearing in this matter is hereby scheduled for **August 31, 2023**, starting at 8:30 a.m. Respondent, counsel, any and all witnesses, and the undersigned hearing officer will attend the hearing at the Reno office of the Nevada State Board of Medical Examiners, located at 9600 Gateway Drive, Reno, Nevada 89521. Following the hearing, the undersigned hearing officer will submit to the Board a synopsis of the testimony taken at the hearing and make a recommendation on the veracity of witnesses if there is conflicting evidence or if credibility of witnesses is a determining factor, and thereafter the Board will render its decision. NAC 630.470.

Should the parties deem a status conference necessary at any juncture of the proceeding, they shall coordinate at least three proposed dates and times and may jointly email the undersigned hearing officer with the proposed dates and times and request a status conference and state the basis for the request.

Both parties shall keep the undersigned hearing officer apprised of each issue that has been resolved by negotiation or stipulation or any other change in the status of this case.

DATED this 2<sup>nd</sup> day of August 2023.

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 SCHEDULING ORDER 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.  
6400 Sharlands Ave., Apt T2130  
Reno, NV 89523

DATED this 3rd day of August, 2023.

  
\_\_\_\_\_  
Signature  
Meg Byrd  
\_\_\_\_\_  
Print  
Legal Assistant  
\_\_\_\_\_  
Title

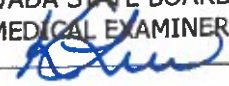
OFFICE OF THE GENERAL COUNSEL  
Nevada State Board of Medical Examiners  
9600 Gateway Drive  
Reno, Nevada 89521  
(775) 688-2559

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**

AUG 14 2023  
NEVADA STATE BOARD OF  
MEDICAL EXAMINERS  
By: 

PREHEARING CONFERENCE STATEMENT OF THE INVESTIGATIVE  
COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

The Investigative Committee of the Nevada State Board of Medical Examiners (IC) submits the following Prehearing Conference Statement in accordance with Nevada Administrative Code 630.465 and the Hearing Officer's Scheduling Order originally filed on August 3, 2023.

**I. LIST OF WITNESSES:**

The Investigative Committee of the Nevada State Board of Medical Examiners lists the following witnesses whom it may call at the hearing on the charges in the formal Complaint against Respondent filed herein:

- a. Johnna LaRue, Deputy Chief of Investigations  
Nevada State Board of Medical Examiners  
9600 Gateway Drive  
Reno, NV 89521

Ms. LaRue is expected to testify regarding documentary evidence obtained during the investigation of this case and discuss, if necessary, the investigation of this matter. It is also anticipated Ms. LaRue will testify regarding the compliance of Dr. Von Feldmann in NSBME Case No. 22-31575-1.

- b. Dietrich Von Feldmann, M.D.  
6400 Sharlands Ave., Apt T2130  
Reno, NV 89523

1 Dr. Von Feldmann is expected to testify as to his actions as outlined in the formal  
2 Complaint.

3 c. All witnesses identified by Respondent in his prehearing conference statement  
4 and/or in any subsequent amended, revised, or supplemental prehearing conference statement, or  
5 list of witnesses disclosed by Respondent of persons he may call to testify at the hearing herein.

6 **II. LIST OF EXHIBITS**

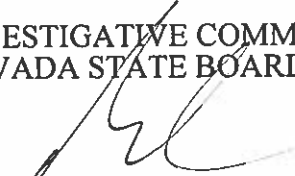
7 The Investigative Committee of the Nevada State Board of Medical Examiners lists the  
8 following exhibits that it may introduce at the hearing on the charges and formal Complaint  
9 against the Respondent.

| EXHIBIT NO. | DESCRIPTION   | BATES RANGE (NSBME) |
|-------------|---|---------------------|
| 1           | Findings of Fact, Conclusions of Law, and Order filed in the case of Dietrich Von Feldmann, M.D.; NSBME Case No. 22-31575-1 on December 8, 2022.  | 001 - 016           |
| 2           | Proof of Service for Findings of Fact, Conclusions of Law, and Order filed in the case of Dietrich Von Feldmann, M.D.; NSBME Case No. 22-31575-1 on July 5, 2023 (served December 9, 2023). | 017 - 021           |
| 3           | Compliance Emails among Respondent, Dietrich Von Feldmann; Compliance Officer, Johnna LaRue; and Deputy General Counsel and Attorney for the IC, Ian Cumings.                               | 022 - 045           |

10  
11  
12  
13  
14  
15  
16  
17  
18  
19 The IC reserves the right to use all exhibits identified by Respondent in his prehearing  
20 conference statement and/or in any subsequent amended, revised, or supplemental prehearing  
21 conference statement.

22 DATED this 14<sup>th</sup> day of August, 2023.

23 INVESTIGATIVE COMMITTEE OF THE  
24 NEVADA STATE BOARD OF MEDICAL EXAMINERS

25 By:   
26 IAN J. CUMINGS, Deputy General Counsel  
27 9600 Gateway Drive  
28 Reno, NV 89521  
Tel: (775) 688-2559  
Email: [icummings@medboard.nv.gov](mailto:icummings@medboard.nv.gov)  
*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

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 hereby certify that I am employed by the Nevada State Board of Medical Examiners and that on the 14th day of August, 2023, I served a file-stamped copy of the foregoing PREHEARING CONFERENCE STATEMENT OF THE INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS via USPS Certified Mail to the following parties:

Dietrich Von Feldmann, M.D.  
6400 Sharlands Ave., Apt T2130  
Reno, NV 89523

Certified Mail Tracking No.: 9171 9690 0935 0255 6834 51

Patricia Halstead, Esq.  
(via Email to: [phalstead@halsteadlawoffices.com](mailto:phalstead@halsteadlawoffices.com))

DATED this 14<sup>th</sup> day of August, 2023.

  
\_\_\_\_\_  
MEG BYRD  
Legal Assistant  
Nevada State Board of Medical Examiners

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

3                                   \*\*\*\*\*

4  
5 **In the Matter of the Charges and Complaint**

Case No.: 23-31575-1

6 **Against:**

7 **DIETRICH VON FELDMANN, M.D.,**

8 **Respondent.**

**FILED**

**SEP 11 2023**

NEVADA STATE BOARD OF  
MEDICAL EXAMINERS

By: 

9  
10  
11                                   **PROOF OF SERVICE**

12                   I, Meg Byrd, Legal Assistant for the Nevada State Board of Medical Examiners, hereby  
13 certify that on July 13, 2023, I sent the **FINDINGS AND RECOMMENDATIONS** to:

14                                   **DIETRICH VON FELDMANN, M.D.**  
15                                   **6400 Sharlands Ave., Apt T2130**  
16                                   **Reno, NV 89523**

17 via Fed Ex tracking number 773327657910 and was delivered on September 7, 2023. *See*  
18 **Exhibit 1.**

19 DATED this 11th day of September, 2023.

20 

21 \_\_\_\_\_  
MEG BYRD, Legal Assistant  
22 Nevada State Board of Medical Examiners  
23 9600 Gateway Drive  
24 Reno, Nevada 89521

# **EXHIBIT 1**

# **EXHIBIT 1**



September 11, 2023

Dear Customer,

The following is the proof-of-delivery for tracking number: 773327657910

---

**Delivery Information:**

---

|                          |  |                           |                         |
|--------------------------|--|---------------------------|-------------------------|
| <b>Status:</b>           | Delivered                                    | <b>Delivered To:</b>      | Receptionist/Front Desk |
| <b>Signed for by:</b>    | F.FELDOMQN                                   | <b>Delivery Location:</b> |                         |
| <b>Service type:</b>     | FedEx Standard Overnight                     |                           |                         |
| <b>Special Handling:</b> | Deliver Weekday;<br>Adult Signature Required |                           | RENO, NV,               |
|                          |  | <b>Delivery date:</b>     | Sep 7, 2023 12:48       |

---

**Shipping Information:**

---

|                         |              |                   |                |
|-------------------------|--------------|-------------------|----------------|
| <b>Tracking number:</b> | 773327657910 | <b>Ship Date:</b> | Sep 6, 2023    |
|                         |              | <b>Weight:</b>    | 0.5 LB/0.23 KG |
| <b>Recipient:</b>       |              | <b>Shipper:</b>   |                |
| RENO, NV, US,           |              | RENO, NV, US,     |                |

**Reference** 23-31575-1 Von Feldmann

Signature image is available. In order to view image and detailed information, the shipper or payor account number of the shipment must be provided.



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

3                                   \* \* \* \* \*

4  
5 **In the Matter of the Charges and Complaint**

Case No.: 23-31575-1

6 **Against:**

**FILED**

7 **DIETRICH VON FELDMANN, M.D.,**

NOV 13 2023

8 **Respondent.**

NEVADA STATE BOARD OF  
MEDICAL EXAMINERS

By: 

9  
10                                   **PROOF OF SERVICE**

11                                   I, Meg Byrd, Legal Assistant for the Nevada State Board of Medical Examiners, hereby  
12 certify that on November 8, 2023, I sent the **ADJUDICATION PACKET** and **THE**  
13 **INVESTIGATIVE COMMITTEE'S MEMORANDUM OF COSTS AND**  
14 **DISBURSEMENTS AND ATTORNEYS' FEES** to:

15   **DIETRICH VON FELDMANN, M.D.**  
16   **6400 Sharlands Ave., Apt T2130**  
17   **Reno, NV 89523**

18 via Fed Ex tracking number 7740391269129 and was delivered on November 9, 2023.

19 **See Exhibit 1.**

20 DATED this <sup>9~~4~~</sup> day of November, 2023.



21  
22 **MEG BYRD, Legal Assistant**  
23 **Nevada State Board of Medical Examiners**  
24 **9600 Gateway Drive**  
25 **Reno, Nevada 89521**

# **EXHIBIT 1**

# **EXHIBIT 1**

Dear Customer,

The following is the proof-of-delivery for tracking number: 774039126129

---

**Delivery Information:**

---

|                          |   |                           |                          |
|--------------------------|---|---------------------------|--------------------------|
| <b>Status:</b>           | Delivered   | <b>Delivered To:</b>      | Receptionist/Front Desk  |
| <b>Signed for by:</b>    | F.FLEDMAN   | <b>Delivery Location:</b> | 6400 SHARLANDS AVE T2130 |
| <b>Service type:</b>     | FedEx 2Day  |                           |                          |
| <b>Special Handling:</b> | Deliver Weekday;<br>Residential Delivery;<br>Adult Signature Required |                           | RENO, NV, 89523          |
|                          |   | <b>Delivery date:</b>     | Nov 9, 2023 13:07        |

---

**Shipping Information:**

---

|                         |              |                   |                |
|-------------------------|--------------|-------------------|----------------|
| <b>Tracking number:</b> | 774039126129 | <b>Ship Date:</b> | Nov 8, 2023    |
|                         |              | <b>Weight:</b>    | 3.0 LB/1.36 KG |

**Recipient:**  
Dietrich Von Feldmann, M.D.,  
6400 Sharlands Ave.  
Apt T2130  
RENO, NV, US, 89523

**Shipper:**  
Meg Byrd, Nevada State Board of Med Exam  
9600 Gateway Drive  
RENO, NV, US, 89521

**Reference** 22-31575-1 Von Feldmann

