



General Considerations Creating a Governing Document for Value-Based Enterprise Participants

By: Rachel V. Rose, JD, MBA

Overview

As the Anti-Kickback (AKS) Final Rule states, “it is incumbent on the parties to demonstrate that they selected value-based activities that are reasonably designed to achieve a value-based purpose.” Because these criteria are fact-specific determinations, this Governing Document seeks to demonstrate that the appropriate items are met in order to comply with the requirements of both the AKS Final Rule and the Stark Law Final Rule, which were made public on November 20, 2020.¹

The term value-based enterprise, or VBE, appears in both Final Rules. First, the similarities between the Stark and AKS Final Rules:²

- A Value-based enterprise (VBE) means two or more VBE participants: (1) Collaborating to achieve at least one value-based purpose; (2) Each of which is a party to a value-based arrangement with the other or at least one other VBE participant in the value-based enterprise; (3) That have an accountable body or person responsible for the financial and operational oversight of the value-based enterprise; and (4) That have a governing document that describes the value-based enterprise and how VBE participants intend to achieve its value-based purpose(s).
- A VBE participant is defined as “a person or entity that engages in at least one value-based activity as part of a value-based enterprise.”
- A Value-based purpose means any of the following: (1) Coordinating and managing the care of a target patient population; (2) Improving the quality of care for a target patient population; (3) Appropriately reducing the costs to or growth in expenditures of payors without reducing the quality of care for a target patient population; or (4) Transitioning from healthcare delivery and payment mechanisms based on the volume of items and services provided to mechanisms based on the quality of care and control of costs of care for a target patient population.

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MISSION STATEMENT

The Nevada State Board of Medical Examiners protects the public and serves the State of Nevada by ensuring that only well-qualified, competent physicians, physician assistants, practitioners of respiratory care and perfusionists receive licenses to practice in Nevada. The Board responds with expediency to complaints against our licensees by conducting fair, complete investigations that result in appropriate action. In all Board activities, the Board shall place the interests of the public before the interests of the medical profession and encourage public input and involvement to help educate the public as we improve the quality of medical practice in Nevada.

LICENSE RENEWAL INFORMATION

BEFORE YOU RENEW!

MEDICAL DOCTORS: Pursuant to Nevada Revised Statute 630.30665, you are required to submit to the Nevada State Board of Medical Examiners the requisite in-office surgery reporting form for the period of January 1, 2019 through December 31, 2020, **prior** to renewing your license in 2021, and you will be required to attest on your renewal application that you are in compliance with the reporting requirements of NRS 630.30665. The reporting form and instructions are available on the Board's website (www.medboard.nv.gov), at: [https://medboard.nv.gov/Forms/In-Office Surgery/](https://medboard.nv.gov/Forms/In-Office_Surgery/).

2021 LICENSE RENEWAL – HOW TO RENEW

PLEASE NOTE: THE LICENSE RENEWAL PROCESS HAS CHANGED FOR 2021.

The 2021 license renewal season will begin **on or after April 19, 2021**. All licensees are now able to renew online. You must renew your license before 5:00 P.M. PDT, June 30, 2021. Once renewed, licenses are valid from July 1, 2021 - June 30, 2023.

Licensees will receive a renewal notification **via email** when the renewal period begins, which will include renewal instructions. To renew online, licensees will login through the "[Current Licensee Portal](#)" on the Board's website (www.medboard.nv.gov). In order to utilize the Current Licensee Portal, licensees **must** have a unique email address on file with the Board. Please login to the Current Licensee Portal now, and check to make sure the Board has your **current** email and mailing addresses, to ensure you are ready to renew. If you need to update your email and/or mailing addresses, please complete and submit a "[Notification of Address Change](#)" form, found on the Board's website. You may either email the form to the Board at nsbme@medboard.nv.gov, or fax it to the Board at 775-688-2321.

Renewal Fees:

Active Medical Doctors	\$750
Inactive Medical Doctors	\$375
Physician Assistants	\$375
Perfusionists	\$375
Practitioners of Respiratory Care	\$185

You may pay your renewal fees with American Express, Discover, MasterCard, Visa, cashier's check or money order. The Board cannot accept personal checks or cash for renewal fees. You will be charged a non-refundable card payment-processing fee of 2.5% for debit and credit cards by the Board's payment processor.

All licensees should be prepared to attest to completion of their required continuing medical education (CME)/continuing education (CE) on their renewal applications. Further information regarding [CME/CE requirements](#) is available on the Board's website.

BOARD NEWS

BOARD MEMBERS

Rachakonda D. Prabhu, MD, *President*
Mr. M. Neil Duxbury, *Vice President*
Ms. April Mastroluca, *Secretary-Treasurer*
Victor M. Muro, MD
Aury Nagy, MD
Michael C. Edwards, MD, FACS
Weldon Havins, MD, JD, LLM
Ms. Maggie Arias-Petrel
Bret W. Frey, MD

Edward O. Cousineau, JD, *Executive Director*

NOTIFICATION OF ADDRESS CHANGE, PRACTICE CLOSURE AND LOCATION OF RECORDS

Pursuant to NRS 630.254, all licensees of the Board are required to "maintain a permanent mailing address with the Board to which all communications from the Board to the licensee must be sent." A licensee must notify the Board in writing of a change of permanent mailing address within 30 days after the change. Failure to do so may result in the imposition of a fine or initiation of disciplinary proceedings against the licensee.

Please keep in mind the public address you provide will be viewable by the public on the Board's website.

Additionally, if you close your practice in Nevada, you are required to notify the Board in writing within 14 days after the closure, and for a period of 5 years thereafter, keep the Board apprised of the location of the medical records of your patients.

At the direction of Governor Sisolak, the Nevada State Board of Medical Examiners offices will be closed to the public until further notice. For assistance during this time, please email nsbme@medboard.nv.gov.

Next, the differences:

Stark Law (42 CFR § 411.351)	AKS (42 CFR § 1001.942(ee)(14)(ix))
VBE participant means a person or entity that engages in at least one value-based activity as part of a value-based enterprise.	Value-based enterprise participant or VBE participant means an individual or entity that engages in at least one value-based activity as part of a value-based enterprise, other than a patient acting in their capacity as a patient.

When forming a VBE, it is also important to keep in mind that although a separate legal entity with independent contracting power does not need to be formed, depending on the size and complexity of the VBE, it may be prudent to do so. A second consideration is that a VBE “may assume legal obligations in different ways. For example, all VBE participants in a VBE could each sign the contract for the VBE to assume full financial risk from a payor.” Lastly, a contractual arrangement between various VBE participants may assign risk either jointly or severally.

The differences in the Final Rules are crucial for compliance purposes and forming a legitimate VBE.³ As Table A demonstrates:

Table A

Stark Law	AKS
<p>In addition, due to our (and our law enforcement partners’) ongoing program integrity concerns with certain other participants in the health care system and to maintain consistency with policies proposed by OIG, we stated that we were also considering whether to exclude the following providers, suppliers, and other persons from the definition of “VBE participant”: pharmaceutical manufacturers; manufacturers and distributors of DMEPOS; pharmacy benefit managers (PBMs); wholesalers; and distributors. At final §411.351, “VBE participant” is defined to mean a person or entity that engages in at least one value-based activity as part of a value-based enterprise. <i>“The definition of “VBE participant” finalized here does not exclude any specific persons, entities, or organizations from qualifying as a VBE participant.”</i> (emphasis added).</p>	<p>HHS-OIG created an “ineligible entity list” which means that the following entities do not qualify for the value-based safe harbors:</p> <ol style="list-style-type: none"> 1. Pharmaceutical manufacturers, distributors, and wholesalers (referred to generally throughout this preamble as “pharmaceutical companies”); 2. PBMs; 3. Laboratory companies; 4. Pharmacies that primarily compound drugs or primarily dispense compounded drugs (sometimes referred to generally in this rule as “compounding pharmacies”); (v) manufacturers of devices or medical supplies; (vi) entities or individuals that sell DMEPOS, <i>other than a pharmacy or a physician, provider, or other entity that primarily furnishes services, all of which remain eligible</i> (referred to generally throughout this preamble as “DMEPOS companies”); and (vii) medical device distributors or wholesalers that are not otherwise manufacturers of devices or medical supplies (for example, some physician-owned distributors).

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In order to ensure compliance with both Stark and AKS, it is imperative to ascertain whether or not an entity is eligible to be a member of a VBE.⁴

Governing Document Framework

As both the Stark Law and the AKS Final Rules state, a Governing Document is required. A Governing Document does not require VBE participant signatures; however, a VBE Arrangement document requires the signatures of all participants.

Having created these documents for different clients, I wanted to share a framework, which includes the items prescribed in the Final Rules.⁵ The headings and general considerations appear below:

- **Main Objectives** – what are the two main goals that the VBE has set to achieve? For example, achieving the highest quality of patient care through implementing the value-based purposes in order to improve outcomes; and reduce the risk of violating the Stark Law and AKS by meeting the requisite exception/safe harbor provisions.
- **Requirement Overview.** I suggest starting with the opening paragraph in this article and then addressing what is in the rest of the Governing Document and tying it back to the ability to rely on the AKS safe harbor(s) and Stark Law exception(s).
- **Value-Based Enterprise Structure.** This is going to vary greatly from VBE to VBE. It is critical to reference the signed agreement, list the VBE participants, include the relevant criteria from the Final Rules (i.e., collaborating to achieve at least one value-based purpose), and state what person will be overseeing the initiatives of the VBE.
- **Target Patient Population.** Explain what patients are included in the target patient population, why this particular population was chosen, and lay the general groundwork for their role in the VBE's value-based purposes. It is critical not to target, for example, all Medicare patients. Instead, use the following examples of different patient populations: (1) patients with sleep apnea, who are using a CPAP machine to increase oxygen levels and improve sleep;⁶ (2) previously diagnosed diabetic patients, who continue to have elevated blood sugar levels and who remain at risk for the progression of the following comorbidities (i.e., neuropathy, foot pathology, retinopathy, vascular pathology, and renal pathology);⁷ or (3) evaluating a cancer patient, who is on a cocktail of pharmaceutical therapies, to assess cardiac function through the use of a particular technology, such as MyoStrain.⁸
- **Value-Based Purpose(s).** An ideal place to start is to ascertain what value-based programs individual VBE participants may already be participating in. According to the Centers for Medicare and Medicaid Services (CMS), “[v]alue-based programs reward health care providers with incentive payments for the quality of care they give to people with Medicare. These programs are part of our larger quality strategy to reform how health care is delivered and paid for. Value-based programs also support our three-part aim: better care for individuals[;] better health for populations[; and] lower cost.”⁹ The majority of value-based programs evolved as part of the Affordable Care Act. The five original value-based programs include: end-stage renal disease quality incentive program; hospital value-based purchasing program; hospital readmission reduction program; value modifier (VM) program; and hospital acquired conditions reduction program.¹⁰

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- **Value-Based Action Plan.** This section is crucial for addressing how the value-based purpose(s) are going to be met. My clients incorporate SMART GOALS (Specific, Measurable, Achievable, Realistic, and Timely) to assist in establishing the steps and metrics for meeting the VBE's objectives. It is also critical to note that if artificial intelligence (AI) is going to be utilized, then it is imperative to keep a pulse on the U.S. Department of Health and Human Services (HHS) *Artificial Intelligence (AI) Strategy*, which was released in January 2021.¹¹ As HHS stated, "AI can be leveraged to reduce regulatory burdens and streamline processes that accelerate advancements in the health and wellbeing of Americans. To harness these benefits, HHS will continue to develop standards that inform policy and guidance for safe and transparent AI use and encourage agile and adaptable innovation."¹² AI can be integrated into a Governing Document as part of achieving the value-based purpose(s) by integrating its use into the VBE's Action Plan. It is critical to appreciate the limits of AI, as well as the regulatory parameters.
- **Meetings.** Establish when the VBE participants will meet to discuss the progress of the value-based purpose(s). I suggest quarterly at a minimum, as well as issuing monthly written reports. This can assist the VBE with making refinements to its action plan if it starts seeing trends, efficiencies, or inefficiencies. These reports can also provide substantiation for entities enrolled in value-based programs – whether through the government or private insurers.
- **Additional Items.** These are items that are specific to the VBE and may include other safe harbors or exceptions that are relevant to mention but not required as part of the governing document.
- **Relevant Documents.** These may include clinical or regulatory documents, as well as relevant policies and procedures.

This framework is meant to provide guidance and to give people a starting point. I encourage my own clients to make sure to involve relevant consultants and financial experts as part of the process, too, as this needs to be approached in a holistic way.

Conclusion

With change comes opportunity. VBEs provide eligible participants with new tools to avoid liability under the Stark Law and AKS, as long as the relevant exception(s) and safe harbor(s) are met, improve patient outcomes, and gain incentive payments through value-based programs. Additionally, although certain entities such as pharmaceutical companies and medical device companies cannot be a VBE participant, they can be a valued partner. Just be sure not to have a "quid pro quo," volume and value, and/or "pay for play" requirement. A great example would be a company that supplies medical devices or software to a hospital, cancer center, group practice, or imaging center that is based on a simple contract. An entity pays for the goods that it utilizes. If one of these companies also collects and analyzes data, it could provide that to the hospital or other entity for either a nominal fee or as part of a value-based purpose that is not taking into account volume or value or anything else that runs afoul of the law. This enables the company to become a consultative partner and assist the hospital or other entity in substantiating its outcomes for the value-

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based programs or its own value-based purposes. In sum, as our healthcare system continues to move towards value over volume, a properly structured VBE could play a vital role in achieving optimal outcomes.

¹ https://public-inspection.federalregister.gov/2020-26072.pdf?utm_medium=email&_hsmi=100510356&_hsenc=p2ANqtz-8vNa0Y03heFuEIwfkARzjYtLQ1g-m7IG8jIW98DRolHoZ2j0UKscKin-k4AKJrvI7grJR9W7JqUZI70Ne6B9suvJ2gaPr3Xs0nVYtxfFiNZKZZMBO&utm_content=100510356&utm_source=hs_email; https://public-inspection.federalregister.gov/2020-26140.pdf?utm_medium=email&_hsmi=100510356&_hsenc=p2ANqtz-XkNbFyVC9U-r7CHgslwLZjvCllmjKZzIS15-4G2SVJ1zlh9EA9jdsJuHwHzJ0Xr9h1Ytrh-CqVztR2f1ZCa-sqpDyUwkXPQU6hdS_IIMaq7B_eiY&utm_content=100510356&utm_source=hs_email (Nov. 20, 2020).

² See 42 CFR §411.351 (Stark Law); 42 CFR §1001.952(ee)(14)(viii) (AKS).

³ See <https://www.physicianspractice.com/view/new-stark-law-and-anti-kickback-statute-final-rules-part-1-key-items> (Dec. 3, 2020).

⁴ R.V. Rose, *The New Stark Law and Anti-Kickback Statute Final Rules Provide New Opportunities for Value Based Programs and Value Based Arrangements*, EDPACS (Feb. 2021).

⁵ R.V. Rose, *New Stark Law and Anti-Kickback Statute Final Rules: Part 1 – Key Items* (Dec. 3, 2020), <https://www.physicianspractice.com/view/new-stark-law-and-anti-kickback-statute-final-rules-part-1-key-items>.

⁶ S. Patil, et al., *Treatment of Adult Obstructive Sleep Apnea with Positive Airway Pressure: An American Academy of Sleep Medicine Clinical Practice Guideline*, *J. Clinical Sleep Medicine*, Vol. 15, Issue 2 (Feb. 15, 2019), <https://jcsm.aasm.org/doi/10.5664/jcsm.7640>.

⁷ K. Pantalone, et al., *Clinical characteristics, complications, comorbidities and treatment patterns among patients with type 2 diabetes mellitus in a large integrated health system*, *BJM*, Vol. 3, Issue 1 (Jul. 22, 2015), <https://drc.bmj.com/content/3/1/e000093>.

⁸ Myocardial Solutions, *MyoStrain is Transforming the Cardiac & Cancer Care Continuum*, <https://www.myocardialsolutions.com> (last visited Jan. 30, 2021).

⁹ CMS, *What are the value-based programs?*, <https://www.cms.gov/Medicare/Quality-Initiatives-Patient-Assessment-Instruments/Value-Based-Programs/Value-Based-Programs> (last visited Jan. 30, 2021).

¹⁰ *Id.*

¹¹ See <https://www.hhs.gov/sites/default/files/final-hhs-ai-strategy.pdf> (Jan. 2021).

¹² *Id.* at 3.

Rachel V. Rose, JD, MBA, advises clients on compliance, transactions, and litigation in healthcare, cybersecurity, corporate and securities, False Claims Act and Dodd-Frank whistleblower areas of law. She also teaches bioethics at Baylor College of Medicine in Houston. Rachel can be reached through her website, www.rvrose.com.

Disclaimer: The opinions expressed in the article are those of the author, and do not necessarily reflect the opinions of the Board members or staff of the Nevada State Board of Medical Examiners.

**WHOM TO CALL IF YOU
HAVE QUESTIONS**

Management: Edward O. Cousineau, JD
Executive Director
Donya Jenkins
Finance Manager
Administration: Laurie L. Munson, Chief
Legal: Sarah A. Bradley, JD, MBA
Deputy Executive Director
Licensing: Lynnette L. Daniels, Chief
Investigations: Ernesto Diaz, Chief

**2021 BME MEETING & HOLIDAY
SCHEDULE**

January 1 – New Year’s Day
January 18 – Martin Luther King, Jr. Day
February 15 – Presidents’ Day
March 5 – Board meeting (Las Vegas)
May 31 – Memorial Day
June 4 – Board meeting
July 5 – Independence Day (observed)
September 6 – Labor Day
September 10 – Board meeting
October 29 – Nevada Day
November 11 – Veterans’ Day
November 25 & 26 – Thanksgiving Day & Family Day
December 3 – Board meeting (Las Vegas)
December 24 – Christmas (observed)
December 31 – New Year’s Day 2022 (observed)

Nevada State Medical Association

5355 Kietzke Lane
Suite 100
Reno, NV 89511
775-825-6788
<http://www.nvdoctors.org>

Clark County Medical Society

2590 East Russell Road
Las Vegas, NV 89120
702-739-9989 phone
702-739-6345 fax
<http://www.clarkcountymedical.org>

Washoe County Medical Society

5355 Kietzke Lane
Suite 100
Reno, NV 89511
775-825-0278 phone
775-825-0785 fax
<http://www.wcmsnv.org>

Nevada State Board of Pharmacy

985 Damonte Ranch Pkwy, Ste. 206
Reno, NV 89521
775-850-1440 phone
775-850-1444 fax
<http://bop.nv.gov/>
pharmacy@pharmacy.nv.gov

Nevada State Board of Osteopathic Medicine

2275 Corporate Circle, Ste. 210
Henderson, NV 89074
702-732-2147 phone
702-732-2079 fax
www.bom.nv.gov

Nevada State Board of Nursing

Las Vegas Office
4220 S. Maryland Pkwy, Bldg. B, Suite 300
Las Vegas, NV 89119
702-486-5800 phone
702-486-5803 fax
Reno Office
5011 Meadowood Mall Way, Suite 300,
Reno, NV 89502
775-687-7700 phone
775-687-7707 fax
www.nevadanursingboard.org

Unless otherwise noted, Board meetings are held at the Reno office of the Nevada State Board of Medical Examiners and videoconferenced to the conference room at the Las Vegas office of the Nevada State Board of Medical Examiners, 325 E. Warm Springs Road, Suite 225, in Las Vegas.

DISCIPLINARY ACTION REPORT

FISHER, Christopher J., M.D. (11123)
Henderson, Nevada

Summary: Alleged malpractice.

Charges: One violation of NRS 630.301(4) [malpractice].

Disposition: On March 5, 2021, the Board accepted a Settlement Agreement by which it found Dr. Fisher violated NRS 630.301(4), as set forth in the Complaint, and imposed the following discipline against him: (1) public reprimand; (2) reimbursement of the Board's fees and costs associated with investigation and prosecution of the matter.

GORDON, Stephen W., M.D. (7986)
Las Vegas, Nevada

Summary: Alleged malpractice.

Charges: One violation of NRS 630.301(4) [malpractice].

Disposition: On March 5, 2021, the Board accepted a Settlement Agreement by which it found Dr. Gordon violated NRS 630.301(4), as set forth in the Complaint, and imposed the following discipline against him: (1) public reprimand; (2) \$5,000.00 fine; (3) 22 hours of continuing medical education (CME), in addition to his statutory CME requirements for licensure; (4) 100 hours of community service, without compensation; (5) reimbursement of the Board's fees and costs associated with investigation and prosecution of the matter.

HESTDALEN, Kristin A., M.D. (10215)
Reno, Nevada

Summary: Alleged engaging in conduct that violated Pharmacy Board regulations.

Charges: One violation of NRS 630.306(1)(b)(3) [engaging in conduct which is in violation of a regulation adopted by the State Board of Pharmacy].

Disposition: On March 5, 2021, the Board accepted a Settlement Agreement by which it found Dr. Hestdalen violated NRS 630.306(1)(b)(3), as set forth in the Complaint, and imposed the following discipline against her: (1) public reprimand; (2) \$500.00 fine; (3) reimbursement of the Board's fees and costs associated with investigation and prosecution of the matter.

JACKSON, Stephanie C., M.D. (14922)
Phoenix, Arizona

Summary: Alleged failure to maintain appropriate medical records relating to her treatment of three patients.

Charges: Three violations of NRS 630.3062(1)(a) [failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient].

Disposition: On March 5, 2021, the Board accepted a Settlement Agreement by which it found Dr. Jackson violated NRS 630.3062(1)(a) (3 counts), as set forth in the First Amended Complaint, and imposed the following discipline against her: (1) public reprimand; (2) \$1,000.00 fine; (3) 6 hours of continuing medical education (CME), in addition to her statutory CME requirements for licensure (4) reimbursement of the Board's fees and costs associated with investigation and prosecution of the matter.

KWIATKOWSKI, Terrance J., M.D. (9962)
Las Vegas, Nevada

Summary: Alleged engaging in conduct which the Board has determined is a violation of the standards of practice established by regulation of the Board, failure to maintain appropriate medical records related to Dr. Kwiatkowski's treatment of a patient.

Charges: One violation of NRS 630.306(1)(b)(2) [engaging in conduct which the Board has determined is a violation of the standards of practice established by regulation of the Board]; one violation of NRS 630.3062(1)(a) [failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient].

Disposition: On March 5, 2021, the Board accepted a Settlement Agreement by which it found Dr. Kwiatkowski violated NRS 630.306(1)(b)(2) and NRS 630.3062(1)(a), as set forth in the First Amended Complaint, and imposed the following discipline against him: (1) public reprimand; (2) \$500.00 fine; (3) reimbursement of the Board's fees and costs associated with investigation and prosecution of the matter.

MARCHAND, Arturo, Jr., M.D. (9892)
Las Vegas, Nevada

Summary: Alleged knowing or willful failure to comply with a regulation of the Board of Medical Examiners.

Charges: one violation of NRS 630.3065(2)(a) [knowingly or willfully failing to comply with a regulation of the Board].

Disposition: On March 5, 2021, the Board accepted a Settlement Agreement by which

it found Dr. Marchand violated NRS 630.3065(2)(a), as set forth in the Complaint, and imposed the following discipline against him: (1) public reprimand; (2) reimbursement of the Board's fees and costs associated with investigation and prosecution of the matter.

PAULSON, Hugo R., M.D. (2627)
Henderson, Nevada

Summary: Disciplinary action taken against Dr. Paulson's medical license in Arizona and California and alleged failure to timely report said disciplinary actions to the Nevada State Board of Medical Examiners.

Charges: One violation of NRS 630.301(3) [disciplinary action taken against his medical license in another state]; one violation of NRS 630.306(1)(k) [failure to report in writing, within 30 days, disciplinary action taken against him by another state].

Disposition: On March 5, 2021, the Board accepted a Settlement Agreement by which it found Dr. Paulson violated NRS 630.301(3) as set forth in Count I of the Complaint, and imposed the following discipline against him: (1) Dr. Paulson to surrender his Nevada license pursuant to NAC 630.240; (2) public reprimand; (3) reimbursement of the Board's fees and costs associated with investigation and prosecution of the matter. Count II of the Complaint was dismissed with prejudice.

SHARMA, Anjmun, M.D. (15536)
Colorado Springs, Colorado

Summary: Disciplinary action taken against Dr. Sharma's medical license in Colorado.

Charges: One violation of NRS 630.301(3) [disciplinary action taken against his medical license in another state].

Disposition: On March 5, 2021, the Board accepted a Settlement Agreement by which it found Dr. Sharma violated NRS 630.301(3) as set forth in the Complaint, and imposed the following discipline against him: (1) public reprimand; (2) reimbursement of the Board's fees and costs associated with investigation and prosecution of the matter.

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Public Reprimands Ordered by the Board

March 11, 2021

Christopher Joseph Fisher, M.D.
c/o Tom Doyle, Esq.
Schuering, Zimmerman & Doyle, LLP
400 University Avenue
Sacramento, CA 95825

Re: In the Matter of Charges and Complaint Against Christopher Joseph Fisher, M.D.
BME Case No. 21-29183-1

Dr. Fisher:

On March 5, 2021, the Nevada State Board of Medical Examiners (Board) accepted the Settlement Agreement (Agreement) between you and the Board's Investigative Committee in relation to the formal Complaint filed against you in the aforementioned case.

In accordance with its acceptance of the Agreement, the Board entered an Order finding you violated Count I, NRS 630.301(4), Malpractice. For the same, you shall pay the Board's fees and costs incurred in the investigation and prosecution of this matter. You shall be publicly reprimanded.

Accordingly, it is my unpleasant duty as President of the Board to formally and publicly reprimand you for your conduct which has brought professional disrespect upon you and which reflects unfavorably upon the medical profession as a whole.

Sincerely,

Rachakonda D. Prabhu, M.D., President
Nevada State Board of Medical Examiners

March 11, 2021

Stephen Winslow Gordon, M.D.
c/o Kathleen Janssen, Esq.
Cook & Kelesis, Ltd.
517 S. 9th Street
Las Vegas, NV 89101

Re: In the Matter of Charges and Complaint Against Stephen Winslow Gordon, M.D.
BME Case No. 21-11531-1

Dr. Gordon:

On March 5, 2021, the Nevada State Board of Medical Examiners (Board) accepted the Settlement Agreement (Agreement) between you and the Board's Investigative Committee in relation to the formal Complaint filed against you in the aforementioned case.

In accordance with its acceptance of the Agreement, the Board entered an Order finding you violated Count I, NRS 630.301(4), Malpractice. For the same you, shall pay the Board's fees and costs incurred in the investigation and prosecution of this matter and shall pay a fine of five thousand dollars (\$5,000.00). You shall complete one hundred (100) hours of community service without compensation. You shall complete twenty-two (22) hours of continuing medical education (CME) regarding medical ethics and professionalism within six (6) months from the date of the Board's Order. The aforementioned hours of CME shall be in addition to any CME requirements that are regularly imposed upon Respondent as a condition of licensure in the State of Nevada. You shall be publicly reprimanded.

Accordingly, it is my unpleasant duty as President of the Board to formally and publicly reprimand you for your conduct which has brought professional disrespect upon you and which reflects unfavorably upon the medical profession as a whole.

Sincerely,

Rachakonda D. Prabhu, M.D., President
Nevada State Board of Medical Examiners

March 11, 2021

Kristin Adele Hestdalen, M.D.
c/o Lyn Beggs, Esq.
Law Office of Lyn Beggs, PLLC
328 California Avenue, Suite 3
Reno, NV 89509

Re: In the Matter of Charges and Complaint Against Kristin Adele Hestdalen, M.D.
BME Case No. 21-25351-1

Dr. Hestdalen:

On March 5, 2021, the Nevada State Board of Medical Examiners (Board) accepted the Settlement Agreement (Agreement) between you and the Board's Investigative Committee in relation to the formal Complaint filed against you in the aforementioned case.

In accordance with its acceptance of the Agreement, the Board entered an Order finding you violated Count I, NRS 630.306(1)(b)(3), Violation of Statutes and Regulations of the Nevada State Board of Pharmacy. For the same, you shall pay the Board's fees and costs incurred in the investigation and prosecution of

this matter and you shall pay a fine of five hundred dollars (\$500.00). You shall be publicly reprimanded.

Accordingly, it is my unpleasant duty as President of the Board to formally and publicly reprimand you for your conduct which has brought professional disrespect upon you and which reflects unfavorably upon the medical profession as a whole.

Sincerely,

Rachakonda D. Prabhu, M.D., President
Nevada State Board of Medical Examiners

March 11, 2021

Stephanie Colleen Jackson, M.D.
c/o Lyn E. Beggs, Esq.
Law Office of Lyn Beggs, PLLC
328 California Avenue, Suite 3
Reno, NV 89509

Re: In the Matter of Charges and Complaint Against Stephanie Colleen Jackson, M.D.
BME Case No. 20-41027-1

Dr. Jackson:

On March 5, 2021, the Nevada State Board of Medical Examiners (Board) accepted the Settlement Agreement (Agreement) between you and the Board's Investigative Committee in relation to the formal Complaint filed against you in the aforementioned case.

In accordance with its acceptance of the Agreement, the Board entered an Order finding you violated Counts I, II, and III of NRS 630.3062(1)(a), Failure to Maintain Complete Medical Records. For the same, you shall pay the Board's fees and costs incurred in the investigation and prosecution of this matter and you shall pay a fine of one thousand dollars (\$1,000.00). You shall take six (6) hours of continuing medical education (CME) related to the best practices in the usage of electronic medical records. The aforementioned hours of CME shall be in addition to any CME requirements that are regularly imposed upon the Respondent as a condition of licensure in the state of Nevada. You shall be publicly reprimanded.

Accordingly, it is my unpleasant duty as President of the Board to formally and publicly reprimand you for your conduct which has brought professional disrespect

Continued on page 11

Upon you and which reflects unfavorably upon the medical profession as a whole.

Sincerely,

Rachakonda D. Prabhu, M.D., President
Nevada State Board of Medical Examiners

March 11, 2021

Terrance J. Kwiatkowski, M.D.
c/o Robert McBride, Esq.
McBride & Hall
8329 W. Sunset Road, Suite 260
Las Vegas, NV 89113

Re: In the Matter of Charges and Complaint Against Terrance J. Kwiatkowski, M.D. BME Case No. 19-21834-1

Dr. Kwiatkowski:

On March 5, 2021, the Nevada State Board of Medical Examiners (Board) accepted the Settlement Agreement (Agreement) between you and the Board’s Investigative Committee in relation to the formal Complaint filed against you in the aforementioned case.

In accordance with its acceptance of the Agreement, the Board entered an Order finding you violated Count I, NRS 630.306(1)(b)(2), Violation of Standards of Practice Established by Regulation, and violated Count II, NRS 630.3062(1)(a), Failure to Maintain Complete Medical Records. For the same, you shall pay the Board’s fees and costs incurred in the investigation and prosecution of this matter and you shall pay a fine of five hundred dollars (\$500.00). You shall be publicly reprimanded.

Accordingly, it is my unpleasant duty as President of the Board to formally and publicly reprimand you for your conduct which has brought professional disrespect upon you and which reflects unfavorably upon the medical profession as a whole.

Sincerely,

Rachakonda D. Prabhu, M.D., President
Nevada State Board of Medical Examiners

March 11, 2021

Arturo Marchand, Jr., M.D.
c/o Adam A. Schneider, Esq.
John Cotton & Associates, LTD
7900 W. Sahara Ave., Suite 200
Las Vegas, NV 89117

Re: In the Matter of Charges and Complaint Against Arturo Marchand, Jr., M.D. BME Case No. 21-21202-1

Dr. Marchand:

On March 5, 2021, the Nevada State Board of Medical Examiners (Board) accepted the Settlement Agreement (Agreement) between you and the Board’s Investigative Committee in relation to the formal Complaint filed against you in the aforementioned case.

In accordance with its acceptance of the Agreement, the Board entered an Order finding you violated Count I (NRS 630.3065(2)(a)) – knowing or willful failure to comply with regulation of the Board (NAC 630.615(3)) – failure to require a patient to sign written informed consent for offered unconventional treatment, including documentation of discussing the risks of that unconventional treatment. For the same, you shall pay the Board’s fees and costs incurred in the investigation and prosecution of this matter and you shall be publicly reprimanded.

Accordingly, it is my unpleasant duty as President of the Board to formally and publicly reprimand you for your conduct which has brought professional disrespect upon you and which reflects unfavorably upon the medical profession as a whole.

Sincerely,

Rachakonda D. Prabhu, M.D., President
Nevada State Board of Medical Examiners

March 11, 2021

Hugo Paulson, M.D.
c/o Robin Burgess, Esq.
Sanders & Parks PC
3030 N. 3rd Street, Suite 1300
Phoenix, AZ 85012

Re: In the Matter of Charges and Complaint Against Hugo Paulson, M.D. BME Case No. 20-4039-1

Dr. Paulson:

On March 5, 2021, the Nevada State Board of Medical Examiners (Board) accepted the Settlement Agreement (Agreement) between you and the Board’s Investigative Committee in relation to the formal Complaint filed against you in the aforementioned case.

In accordance with its acceptance of the Agreement, the Board entered an Order finding you violated Count I, NRS 630.301(3), Disciplinary Action by Another State Medical Board. For the same you, shall pay the Board’s fees and costs incurred in the investigation

and prosecution of this matter. You shall be publicly reprimanded and you shall surrender your Nevada license to practice medicine.

Accordingly, it is my unpleasant duty as President of the Board to formally and publicly reprimand you for your conduct which has brought professional disrespect upon you and which reflects unfavorably upon the medical profession as a whole.

Sincerely,

Rachakonda D. Prabhu, M.D., President
Nevada State Board of Medical Examiners

March 11, 2021

Anjmun Sharma, M.D.
9820 Palisade Ridge Drive
Colorado Springs, CO 80920

Re: In the Matter of Charges and Complaint Against Anjmun Sharma, M.D. BME Case No. 20-42785-1

Dr. Sharma:

On March 5, 2021, the Nevada State Board of Medical Examiners (Board) accepted the Settlement Agreement (Agreement) between you and the Board’s Investigative Committee in relation to the formal Complaint filed against you in the aforementioned case.

In accordance with its acceptance of the Agreement, the Board entered an Order finding you violated Count I, NRS 630.301(3), Disciplinary Action by Another State Medical Board. For the same, you shall pay the Board’s fees and costs incurred in the investigation and prosecution of this matter and you shall be publicly reprimanded.

Accordingly, it is my unpleasant duty as President of the Board to formally and publicly reprimand you for your conduct which has brought professional disrespect upon you and which reflects unfavorably upon the medical profession as a whole.

Sincerely,

Rachakonda D. Prabhu, M.D., President
Nevada State Board of Medical Examiners

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NEVADA STATE BOARD OF MEDICAL EXAMINERS

9600 Gateway Drive

Reno, NV 89521