



## Nevada State Board of Medical Examiners

January 17, 2008

Lorne J. Malkiewich, Esq.  
Director  
Legislative Counsel Bureau  
401 S Carson Street  
Carson City, NV 89710

Dear Mr. Malkiewich:

Pursuant to the provisions of NRS 622.100, enclosed are press releases of the Nevada State Board of Medical Examiners with respect to action taken regarding licensees and applicants for licensure before the Board for the calendar quarter October 1, 2007 through December 31, 2007. These press releases are available on the Nevada State Board of Medical Examiners Website: [www.medboard.nv.gov](http://www.medboard.nv.gov). The press releases summarize the actions taken.

Should you have any questions with respect to these matters, please feel free to contact me at your convenience.

Sincerely,

A handwritten signature in cursive script, appearing to read "Drennan A. Clark".

Drennan A. Clark, J.D.  
Maj Gen, USAF (Ret.)  
Executive Director/Special Counsel and Acting General Counsel

DAC:llm  
enclosures

cc: Andrew K. Clinger, Director, Department of Administration (w/enc.)

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## Nevada State Board of Medical Examiners

### ***Press Release – November 28, 2007***

#### **NEVADA STATE BOARD OF MEDICAL EXAMINERS SUMMARILY SUSPENDS LICENSE OF A PHYSICIAN AT EMERGENCY MEETING**

At an emergency Board meeting on November 27, 2007, the Nevada State Board of Medical Examiners summarily suspended the medical license of Las Vegas physician, Kent Alan Swaine, M.D.

A complaint was filed against Dr. Swaine, charging him with two violations of NRS 630.306(2), for engaging in conduct intended to deceive, by practicing medicine while under an agreement not to do so, and one violation of NRS 630.306(10), for being dependent upon controlled substances.

The Board found that the continued practice of medicine by Dr. Swaine in Nevada during the pendency of time necessary for a hearing on this complaint would endanger the health, safety and welfare of his patients.

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## Nevada State Board of Medical Examiners

# ***Press Release – December 5, 2007***

### **NEVADA STATE BOARD OF MEDICAL EXAMINERS TAKES DISCIPLINARY ACTION AGAINST SEVEN PHYSICIANS AND ONE PHYSICIAN ASSISTANT**

*At its quarterly meeting on November 30 and December 1, 2007, the Nevada State Board of Medical Examiners took disciplinary action against the following licensed medical doctors and physician assistant:*

**Gregory Bryan, M.D.**

The Board accepted and approved a stipulation for settlement of its complaint against Gregory Bryan, M.D. Pursuant to the Settlement Agreement, the Board entered an order finding that Dr. Bryan administered a drug in a manner not authorized by law, a violation of NRS 630.306(3), and that he failed to properly supervise a physician assistant when he allowed him to administer a drug to patients knowing that the FDA had not approved the drug, a violation of NAC 630.230(1)(j). The Board ordered that Dr. Bryan be placed on probation for 12 months, with the following conditions: 1) that he shall not personally use any injected cosmetic substance on himself or others during the probationary period nor personally prescribe cosmetic substances for his patients; 2) that he complete 6 hours of continuing medical education on the topic of charting and ethics, to be pre-approved by the Chairman of the Investigative Committee, to be completed within the probationary period, and to be in addition to any other continuing medical education required as a condition of licensure; and 3) that he pay a fine of \$1,000.00, to be paid within 180 days of the Board's acceptance, adoption and approval of the Settlement Agreement. If Dr. Bryan fails to meet any of the terms of his probation, his license to practice medicine in Nevada shall be suspended for 30 days. Dr. Bryan was also ordered to reimburse the Board's costs and expenses incurred in the investigation and prosecution of the case against him, payable within 180 days of the Board's acceptance, adoption and approval of the Settlement Agreement.

**Gilles Desmarais, M.D.**

The Board accepted the request of Gilles Desmarais, M.D., to voluntarily surrender his license to practice medicine while under investigation.

**David Linden, M.D.**

The Board accepted and approved a stipulation for settlement of its complaint against David Linden, M.D. Pursuant to the Settlement Agreement, the Board entered an order finding that Dr. Linden's Oklahoma license to practice had been suspended, modified or limited, a violation of NRS 630.301(3). The Board ordered that Dr. Linden's license to practice medicine in Nevada be suspended for 120 days, said suspension to be stayed on the condition that Dr. Linden be placed on probation for a period of two years, and that he remain in compliance with the terms and conditions of the probation placed upon him pursuant to the Settlement Agreement.

**Stuart Steele, M.D.**

Upon a review of the records and transcript of the hearing held on October 9, 2007, the Board found Stuart Steele, M.D. guilty of the allegations contained in the complaint against him. Dr. Steele has been convicted of two felonies. The first is a felony relating to the practice of medicine or the ability to practice medicine, a violation of NRS 630.301(1), in that he was convicted of unlawful possession and distribution of a controlled substance. The second is a violation of a federal law regulating the possession, distribution or use of a controlled substance, a violation of NRS 630.301(11)(f), in that he was convicted of conspiracy to possess and distribute controlled substances. The Board revoked Dr. Steele's license to practice medicine in Nevada.

**Michael Sullivan, P.A.-C**

The Board accepted and approved a stipulation for settlement of its complaint against Michael Sullivan, P.A.-C. Pursuant to the Settlement Agreement, the Board entered an order finding that Mr. Sullivan administered a drug in a manner not authorized by law, a violation of NRS 630.306(3). The Board ordered that Mr. Sullivan be placed on probation for 12 months, with the following conditions: 1) that he shall not personally use any injected cosmetic substance on himself or others during the probationary period; 2) that he complete 6 hours of continuing medical education on the topic of charting and ethics, to be pre-approved by the Chairman of the Investigative Committee, to be completed within the probationary period, and to be in addition to any other continuing medical education required as a condition of licensure; and 3) that he pay a fine of \$500.00, to be paid within 180 days of the Board's acceptance, adoption and approval of the Settlement Agreement. If Mr. Sullivan fails to meet any of the terms of his probation, his license to practice as a physician assistant in Nevada shall be suspended for 30 days. Mr. Sullivan was also ordered to reimburse the Board's costs and expenses incurred in the investigation and prosecution of the case against him, payable within 180 days of the Board's acceptance, adoption and approval of the Settlement Agreement.

**Theodore Thorp, M.D.**

The Board accepted and approved stipulations for settlement of two separate complaints against Theodore Thorp, M.D. Pursuant to the Settlement Agreement in one case, the Board entered an order finding that Dr. Thorp committed malpractice for failing to use the reasonable care, skill or knowledge ordinarily used under similar circumstances in providing care or treatment to a patient, a violation of NRS 630.301(4). The Board ordered that Dr. Thorp receive a public reprimand and that he complete an in-resident Internal Medicine Board Review Course of at least 40 hours in length, to be pre-approved by the Board, and to be completed within 1 year of the acceptance, adoption and approval of the Settlement Agreement. The Board also ordered that Dr. Thorp reimburse the Board's costs and expenses incurred in the investigation and prosecution of the case against him, payable within 90 days of the Board's acceptance, adoption and approval of the Settlement Agreement.

Pursuant to the Settlement Agreement in the other case, the Board entered an order finding that in treating the patient referenced in the original complaint filed against Dr. Thorp, Dr. Thorp had failed to keep complete medical records and that he lacked proper informed consent, a violation of NRS 630.3062(1). The Board ordered that Dr. Thorp receive a public reprimand and that he complete 12 hours of continuing medical education on the topic of medical record keeping or a substantially similar subject, to be pre-approved by the Chairman of the Investigative Committee, to be completed within 1 year of the Board's acceptance, adoption and approval of the Settlement Agreement, and to be in addition to any other continuing medical education required as a condition of licensure. Dr. Thorp was also ordered to reimburse the Board's costs and expenses incurred in the investigation and prosecution of the case against him, payable within 90 days of the Board's acceptance, adoption and approval of the Settlement Agreement.

**Sidney Van Assche, M.D.**

The Board accepted and approved a stipulation for settlement of its complaint against Sidney Van Assche, M.D. Pursuant to the Settlement Agreement, the Board entered an order finding that Dr. Van Assche was unable to practice medicine with reasonable skill and safety because of illness, a mental or physical condition or the use of alcohol, drugs, narcotics or any other substance, a violation of NRS 630.306(1). The Board ordered that Dr. Van Assche's license to practice medicine in Nevada be revoked, with the revocation stayed for 5 years from the date of the Board's acceptance of the Settlement Agreement, upon compliance with the conditions of probation placed upon him pursuant to the Settlement Agreement.

**Jozsef Zority, M.D.**

The Board accepted and approved a stipulation for settlement of its complaint against Jozsef Zority, M.D. Pursuant to the Settlement Agreement, the Board entered an order finding that in treating the patient referenced in the original complaint filed against Dr. Zority, Dr. Zority had failed to keep accurate and complete medical records, a violation of NRS 630.3062(1). The Board ordered that Dr. Zority receive a public

reprimand; that he be fined in the amount of \$5,000.00; and that he complete 10 hours of continuing medical education on the topic of medical record keeping, to be pre-approved by the Chairman of the Investigative Committee, to be completed within 1 year of the Board's acceptance, adoption and approval of the Settlement Agreement, and to be in addition to any other continuing medical education required as a condition of licensure. Dr. Zority was also ordered to reimburse the Board's costs and expenses incurred in the investigation and prosecution of the case against him. The fine and reimbursement to the Board are payable within 120 days of the Board's acceptance, adoption and approval of the Settlement Agreement.

Disciplinary action against these licensees is reported to all other states in which they may be licensed and to the National Practitioner Data Bank and Federation of State Medical Boards of the United States.

Additionally, the Board accepted and approved a stipulation for settlement of its complaint against Galen Reimer, M.D. Pursuant to the Settlement Agreement, Dr. Reimer will complete 16 hours of continuing medical education on the topic of prenatal care or a similar subject, to be pre-approved by the Chairman of the Investigative Committee, to be completed within 1 year of the Board's acceptance, adoption and approval of the Settlement Agreement, and to be in addition to any other continuing medical education required as a condition of licensure. Dr. Reimer will also reimburse the Board's costs and expenses incurred in the investigation and prosecution of the case against him, payable within 90 days of the Board's acceptance, adoption and approval of the Settlement Agreement.

***At its quarterly meeting on November 30 and December 1, 2007, the Board ratified licensure of 81 physicians, 15 physician assistants and 26 practitioners of respiratory care, and requested personal appearances of 24 applicants for licensure – 21 physicians and 3 practitioners of respiratory care.***

Of the 21 physician applicants who were requested to personally appear, the Board granted licenses to 9 with no conditions or restrictions, 8 by endorsement, 1 subject to passing a peer review and 1 subject to other conditions. One physician was granted a status change to active status with conditions and 1 physician withdrew his application during his appearance before the Board. Consideration of the application of the remaining physician applicant was tabled. Of the 3 practitioners of respiratory care who were requested to personally appear, the Board granted a license to 1 with no conditions or restrictions and granted a license to another with conditions. The remaining practitioner of respiratory care was granted a reinstatement of licensure with conditions.

From January 1 to December 3, 2007, the Board licensed 514 new physicians administratively, that is, applicants who met all of the statutory and regulatory requirements for licensure. This includes 30 physicians who were issued special purpose licenses, 105 who were issued limited licenses as medical residents, and 6 who were issued restricted licenses (but does not include the applicants who appeared before the Board at the December meeting).