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BOARD OF OSTEOPATHIC MEDICINE

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TREY DELAP
Deputy Executive Director

September 7th, 2004

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

Dear Mr. Malkiewich:

Pursuant to NRS 622.100, please find enclosed an updated summary of all disciplinary actions taken from January 1, 2000 through September 1, 2004.

I noticed on the website that the Board was not up to date in the filing of quarterly disciplinary reports. I apologize for the delay in reporting this information to you. Please accept this report which includes all disciplinary action for each of the quarters where a report is missing.

If you have any questions, please don't hesitate to contact me at 702-732-2147 ext. 223.

Sincerely,

A handwritten signature in black ink, appearing to read "Trey Delap".

Trey Delap
Deputy Executive Director

/File

**Summary of Board Actions
January 1, 2000 – September 1, 2004**

David Moon, D.O. (January 15, 2001)

- Charges:** Unprofessional Conduct;
Professional Incompetence, failure to maintain adequate medical records.
- Action:** Hearing held, settlement agreement approved by the Board.
Complaint settled with Stipulation Agreement and Physician Monitoring of Practice and Charting for one year.
- Outcome:** Compliance with all terms of the settlement agreement, license is active and good standing status.

Vincent Forshan, D.O. (August 20, 2001)

- Charges:** Unprofessional Conduct, Providing false or fraudulent information to the board, Action in Arizona and California.
- Outcome:** Complaint settled with Consent Agreement to surrender Nevada License at the end of calendar year, and not to practice medicine in the state in the interim

Leo J. Capobianco, D.O. (August 20, 2001)

- Charges:** Unprofessional Conduct, Felony Conviction, False or Fraudulent Statement to the Board, Conduct intended to deceive the board.
- Outcome:** Licenses suspended for 6 months, followed by 6 months of monitoring and order to attend CME course on Medicare Fraud.

Richard Taylor, D.O. (January 19, 2002)

- Charges:** Unprofessional Conduct;
Professional Incompetence, lack of ability to safely and skillfully practice medicine, practicing under the influence of a controlled substance.
- Outcome:** Summary Suspension, order to have mental physical exam, order to enroll in impaired physician program, order to receive treatment for depression, order to engage in contractual relationship with practitioner to care for patients in the event of relapse.
Stipulation Agreement entered on January 19, 2002, placing license on probation for 7 years and including terms of the above order. License remains suspended until satisfactory evidence of compliance with probation.

License reinstated upon Board's approval of waiver of CME requirement for previous renewal year due to disability at November 8th, 2002 meeting.

Update: Complaint filed for Boards adjudication on February 25, 2003, for failure to meet terms of probation. Complaint alleges that respondent (Dr. Taylor) has been formally discharged from the Diversion program.

Final Action: Voluntary Surrender of License due to Illness and Inability to Practice Osteopathic Medicine

Brian Finkel, D.O. (May 18th, 2002)

Charges: 2 Counts of Unprofessional conduct for providing false information on a renewal application, 1 count for disciplinary action in another jurisdiction.

Status: Stipulation to continue accepted by Board on May 18th, 2002. case pending resolution of other jurisdiction disciplinary action and criminal trial. Stipulation included agreement not to practice medicine in Nevada pending resolution of the Arizona criminal and other disciplinary matters.

Outcome: Settlement Agreement entered and approved by the Board at its November 8th, 2002 meeting. License voluntary surrendered effective December 31, 2002.

Gary R. Lutz, D.O. (November 8th, 2002)

Charges: One count of professional incompetence, one count of unprofessional conduct.

Status: Complaint and Proposed settlement presented to Board.

Outcome: Settlement agreement approved by Board on November 8th, 2002. Terms of Settlement include license conditioned, mandatory treatment of underlying mental/medical disorders, mandatory quarterly reporting by psychiatrist.

Update: New complaint for Boards consideration at February 25th, 2003 meeting to consider failure to meet terms of Board ordered conditions.

Action: Guilty of two counts of violating a Board Order. Sanction: An administrative recovery of \$1000.00 for the cost of prosecution and 40 hours uncompensated community service.

Elliot J. Turetsky, D.O. (May 20, 2003)

Charges: One count of Professional Incompetence second to Impairment due to mental/physical condition. One count of Professional Incompetence second to the indulgence and possible abuse of alcohol and or controlled substances. One count urging emergency action to summarily suspend Dr. Turetsky's license due to imminent public threat.

Status: Emergency Order of Summary Suspension and Order to Submit to Mental/Physical Examination entered on May 20th, 2003

Action: Having determined reasonable public threat, Dr. Turetsky's license was summarily suspended and he was ordered to undergo a mental, psychiatric, and physical exam.

Update: Board to set hearing date on the complaint within 60 days of the effective date of the order.
Hearing set for November 22nd, 2003. Hearing continued to perfect notice, hearing set for February 6th, 2004.

Final Action: **REVOCATION of Osteopathic Medical License effective February 6th, 2004.**

Michael R. Jenkins, D.O. (August 2nd, 2003)

Charges: Incomplete and Inconsistent post-doctoral residency training, not actively enrolled in an accredited post-graduate training program in the state.

Action: Denial of Application for Licensure; Failure to meet qualifications for licensure per NRS 633.311 and NAC 633.270.
Action is Final upon further petition of respondent.
Reconsideration of Denial requested at February 6th, 2004 board meeting. Reconsideration scheduled for May 15th, 2004.

Final Action: **AFFIRMED Denial of Application for Osteopathic Medical License effective May 15th, 2004.**

Edward Hoffman, D.O. (February 6th, 2004)

Charges: **EMERGENCY HEARING:** Sexual Misconduct with a patient, failure to disclose malpractice information, professional incompetence due to impairing mental physical ailment.

Action: Request for summary suspension died for lack of a second.
Hearing on the complaint to be scheduled.
Hearing scheduled for May 15th, 2004.
STIPULATION AGREEMENT AND ORDER accepted by the Board. Ed Hoffman was to enroll in a semi-residential treatment program at one of three centers in the United States as explicated in the Board order, publicly apologize for the sexual misconduct, and reimburse the Board for costs incurred during the investigation of the complaint. License is conditioned and Dr. Hoffman is not allowed to practice until further hearing before the Board following successful completion of treatment and consideration of the treating programs recommendations.

Gary Ray Lutz, D.O. (February 14th, 2004 NEW COMPLAINT)

Charges: **EMERGENCY HEARING:** Gross and Repeated Malpractice, excessive prescribing of controlled substances, request for emergency summary suspension due to imminent public threat.

Action: Summary Suspension ORDERED, schedule hearing within 60 days. Hearing schedule for April 13th, 2004, hearing Respondent moved to continue, granted with stipulation to continue suspension until status check within 90 days. Next hearing date June 30th, 2004. Continuation of Suspension ordered for an additional 90 days where a status check shall commence and a hearing date will be ordered.

J. Daniel Carpenter, DO (July 13th, 2004)

Charges: Twenty-eight (28) counts including; gross and repeated malpractice, unprofessional conduct, failure to generate proper medical records, generating false medical records, performing unnecessary surgery, billing for services not rendered, professional conduct intended to deceive the public.

Action: Hearing scheduled for November 5-7th, 2004.