

# THE HEALTHCARE PROFESSIONALS LEGAL CHECK-UP

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Issue No. 1

## When should a healthcare professional contact an attorney on receiving a letter of an inquiry from a Professional Board?

*The short answer is: Always.*

*In Part One of this two-part discussion, we will provide some background on the administrative law process. Part Two of this discussion (to appear in the next issue) will focus on how an attorney can assist the health care practitioner with the process.*

Professional Licensing Boards are government agencies which regulate healthcare professionals. This regulation includes ensuring that applicants for licensure are properly qualified and competent to practice in their respective healthcare fields. It also includes ongoing monitoring of healthcare professionals and disciplinary actions. The Professional Boards have the power to revoke a healthcare provider's license, place it on suspension, levy fines, and issue other orders for discipline against a healthcare provider. All healthcare providers are governed by

some Professional Board, the major ones being the Nevada State Board of Medical Examiners (which regulates physicians, physician's assistants, and respiratory therapists), the Nevada State Board of Dental Examiners (which regulates dentists and dental hygienists), and the Nevada State Board of Nursing. Other healthcare providers with regulatory Boards include osteopathic physicians, chiropractors, podiatrists, optometrists, veterinarians, pharmacists, physical therapists, psychologists, marriage and family therapists, and social workers, among others. Each

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### L. KRISTOPHER RATH / PARTNER

We'd like to introduce you to the law firm of Hutchison & Steffen and the attorneys within our Healthcare Professionals Advocacy Group. L. Kristopher Rath is a Firm partner who practices primarily in medical malpractice, healthcare professionals advocacy, administrative law, commercial and business litigation, insurance coverage, and insurance defense. Kristopher and other attorneys at the Firm work closely with healthcare professionals (including physicians, chiropractors, dentists, and nurses) and healthcare organizations on a range of legal issues, from practice formation and compliance and employee relations, to practitioner licensing and board representation, to collections, creditor rights, and asset protection.

This newsletter provides highlights topics of interest for healthcare professionals. We invite you to contact the Firm to learn more.



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of these professions and Boards have their own set of statutes and regulations contained in the Nevada Revised Statutes and Nevada Administrative Code.

Typically, the healthcare professional has interaction with these Boards when he or she first applies for a license in Nevada, when he or she renews a license, and/or when there is an inquiry for an investigation regarding some act or omission of the provider. A Board may also seek information from the healthcare provider regarding the act or omission of another provider for which he or she may have knowledge or information.

Each Board handles its investigation differently, though in general the process is similar. Usually, a Board will send the provider a letter indicating that a complaint has been made by a patient, or someone else, regarding that provider's care of a particular patient. Several of the Boards are required to investigate every complaint, no matter how frivolous they may seem. In general, the Board will initially send the subject healthcare provider a letter requesting information and medical records. The time limit to respond to such letter is typically short, i.e., 15 to 21 days.



If a healthcare provider receives such a letter investigation regarding a patient's complaint from a Professional Board, he or she should always take the letter extremely seriously. Mail which comes into a busy office is usually handled by staff and may take time to get to the intended healthcare provider recipient. All healthcare providers should instruct their staff to immediately hand them any letters from their Professional Boards. On receipt of such correspondence, the

healthcare provider should always contact an attorney immediately. While the patient complaint at issue may seem trivial, minor, or otherwise not worth taking the time to deal with, the healthcare provider should remember that the Board takes every complaint seriously. The investigation letter can ultimately lead to a complaint against the provider's license, which can lead to revocation, suspension, or some other form of discipline. It is imperative that there be a timely and comprehensive response to the letter. Otherwise, this can result in discipline in and of itself and/or the Board will not take the provider's point of view into account in assessing whether to proceed with a complaint for discipline.

*Article to be continued in next issue...*

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