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BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of
NAVREET SHARDA, M.D.

Holder of License No. 27157
For the Practice of Allopathic Medicine
In the State of Arizona.

Board Case No. MD-10-0947A

**FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER**

(Letter of Reprimand)

The Arizona Medical Board ("Board") considered this matter at its public meeting on April 6, 2011. Navreet Sharda, M.D., ("Respondent") appeared before the Board for a formal interview pursuant to the authority vested in the Board by A.R.S. § 32-1451(H). The Board voted to issue Findings of Fact, Conclusions of Law and Order after due consideration of the facts and law applicable to this matter.

FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.
2. Respondent is the holder of License No. 27157 for the practice of allopathic medicine in the State of Arizona.
3. The Board initiated case number MD-10-0947A after receiving notification that the Nevada Medical Board had issued Respondent a public reprimand and had assessed investigative costs against him.
4. The Nevada Medical Board investigated the care and treatment that Respondent provided to 2 patients. Patient A was a 74 year old female who underwent a double mastectomy in August 2002 and subsequently saw Respondent for radiation therapy beginning in September 2002. Patient B, a 63 year old female, began to see Respondent in 2004 for follow-up care for a previous left mastectomy for left breast cancer. Respondent began radiation therapy without performing a biopsy or without following up with Patient B's other

1 health care providers to see if a biopsy was possible. The Nevada Medical Board also found
2 that Respondent failed to maintain adequate medical records.

3 5. On October 9, 2008, the Investigative Committee of the Nevada Medical Board
4 filed a complaint against Respondent alleging violations of Chapter 630 of the Nevada Revised
5 Statutes. An Amended Complaint was subsequently filed on October 17, 2008.

6 6. On October 26, 2009, a hearing was held before a hearing officer on the
7 allegations contained in the Amended Complaint. Respondent was represented by counsel at
8 that hearing.

9 7. The Nevada Medical Board found that Respondent violated Nevada Revised
10 Statute (NRS) 630.301(4) and committed malpractice when he failed to obtain a biopsy or follow
11 up with Patient B's other health care providers to determine if a biopsy was possible prior to
12 beginning radiation on Patient B for suspected lung cancer. The Nevada Medical Board also
13 found that Respondent violated NRS 630.3062(1) as his medical records were lacking in
14 information regarding the radiation treatment provided to both patients.

15 8. On October 12, 2009, Respondent submitted his Arizona license renewal
16 application to the Board. In response to question number five, which asks whether he is
17 currently under investigation with regard to his healthcare license since his last renewal, he
18 answered "no" even though the Nevada Medical Board had filed its complaint against him in
19 October 2008.

20 9. At the Formal Interview, Respondent informed the Board that he had appealed
21 the Nevada Medical Board order and was currently awaiting the appellate court's ruling. In
22 addition, he claimed that a member of his staff filled out the license renewal application and he
23 had failed to read it before signing it.

24 10. On May 11, 2011, the Nevada District court issued an order in Respondent's
25 judicial review action. The court found that, with respect to the quality of care, the Nevada
26 Medical Board's determination that Respondent committed malpractice was clearly erroneous.
However, the court upheld the Board's determination that Respondent's medical records were

1 inadequate. The court further stated that the Nevada Medical Board's public reprimand of
2 Respondent remains in effect, and it upheld the mandatory CLE and award of costs.

3 11. At its regular meeting on June 8, 2011, the Board considered the Nevada court's
4 ruling, but nevertheless voted to adopt the findings of Fact, Conclusions of Law and Order for
5 Letter of Reprimand ("Letter of Reprimand") drafted by Board counsel, provided staff amended
6 the Letter of Reprimand to reflect the Nevada's court's holding.

7
8 **CONCLUSIONS OF LAW**

9 1. The Arizona Medical Board possesses jurisdiction over the subject matter hereof
10 and over Respondent.

11 2. The Board has received substantial evidence supporting the Findings of Fact
12 described above and said findings constitute unprofessional conduct or other grounds for the
13 Board to take disciplinary action.

14 3. The Nevada statutes cited in the order issued against Respondent by the Nevada
15 Medical Board correspond directly or indirectly to an act of unprofessional conduct described in
16 A.R.S. § 32-1401(27). NRS 630.3062(1) corresponds directly or indirectly to A.R.S. § 32-
17 1401(27)(e)("[f]ailing or refusing to maintain adequate records on a patient.")

18 4. The conduct and circumstances described above constitute unprofessional
19 conduct pursuant to A.R.S. §§ 32-1401(27)(o) – ("[a]ction that is taken against a doctor of
20 medicine by another licensing or regulatory jurisdiction due to that doctor's mental or physical
21 inability to engage safely in the practice of medicine or the doctor's medical incompetence or for
22 unprofessional conduct as defined by that jurisdiction and that corresponds directly or indirectly
23 to an act of unprofessional conduct prescribed by this paragraph. The action taken may include
24 refusing, denying, revoking or suspending a license by that jurisdiction or a surrendering of a
25 license to that jurisdiction, otherwise limiting, restricting or monitoring a licensee by that
26 jurisdiction or placing a licensee on probation by that jurisdiction.")

1 **ORDER**

2 Based upon the foregoing Findings of Fact and Conclusions of Law,

3 IT IS HEREBY ORDERED:

4 1. Respondent is issued a Letter of Reprimand.

5 2. The Board retains jurisdiction and may initiate new action based upon any
6 violation of this Order.

7 **RIGHT TO PETITION FOR REHEARING OR REVIEW**

8 Respondent is hereby notified that he has the right to petition for a rehearing or review.

9 The petition for rehearing or review must be filed with the Board's Executive Director within thirty
10 (30) days after service of this Order. A.R.S. § 41-1092.09(B). The petition for rehearing or
11 review must set forth legally sufficient reasons for granting a rehearing or review. A.A.C. R4-16-
12 103. Service of this order is effective five (5) days after date of mailing. A.R.S. § 41-
13 1092.09(C). If a petition for rehearing or review is not filed, the Board's Order becomes
14 effective thirty-five (35) days after it is mailed to Respondent.

15 Respondent is further notified that the filing of a motion for rehearing or review is
16 required to preserve any rights of appeal to the Superior Court.

17 DATED this 16th day of June, 2011.



18 THE ARIZONA MEDICAL BOARD

19 By: *Lisa S. Wynn*
20 LISA S. WYNN
21 Executive Director

22 ORIGINAL of foregoing filed this
23 16th day of June, 2011 with:

24 Arizona Medical Board
25 9545 East Doubletree Ranch Road
26 Scottsdale, Arizona 85258

1 Executed copy of the foregoing
mailed by U.S. Mail this
2 12th day of June, 2011 to:

3 Navreet Sharda, M.D.
Address of Record

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5 Arizona Medical Board Staff

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