

OF THE STATE OF NEVADA

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In the Matter of Charges and

Case No. 18-22461-1

Complaint Against

MATTHEW OBIM OKEKE, M.D.,

Respondent.

FILED

JUL 31 2018

NEVADA STATE BOARD OF
MEDICAL EXAMINERS
By: [Signature]

By:

COMPLAINT

The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners (Board) hereby issues this formal Complaint (Complaint) against Matthew Obim Okeke, M.D. (Respondent), a physician licensed in Nevada. After investigating this matter, the IC has a reasonable basis to believe that Respondent has violated provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630 (collectively, the Medical Practice Act). The IC alleges the following facts:

1. Respondent was licensed (License No. 14957) in Nevada by the Board on September 6, 2013, with a scope of practice in psychiatry.

2. From June 2, 2011 to June 10, 2014, Patient A (a 69-year-old male) lived at the Mountain View Care Center Nursing Home.

3. From June 10, 2014 to July 1, 2014, Patient A was hospitalized at the Boulder City Hospital.

4. On June 10, 2014, Patient A was admitted to the Gero-Psych Ward of the Boulder City Hospital; Patient A's only family member was his sister (Patient's Sister), who lived out of state and had power of attorney (POA).

5. From June 10 through June 22, 1014, Patient A was attended to by Respondent for a total of nine (9) visits.

¹ The Investigative Committee (IC) of the Nevada State Board of Medical Examiners (Board), at the time this formal Complaint was authorized for filing, was composed of Board members Wayne Hardwick, M.D., Chairman, Theodore Berndt, M.D. and Mr. M. Neil Duxbury.

6. On June 17, 2014, Patient A presented to Respondent, who then provided a diagnosis of dementia with behavioral problems and psychosis NOS.

7. On June 17, 2014, Respondent executed a "Certificate of Incapacity and Regarding the Need for Guardianship" (Incapacity Certificate) regarding Patient A which contained information regarding Patient A's POA. See Exhibit A.

8. On June 18, 2014, Respondent executed an "Inquiry/Assessment Form," which had been completed and signed by a registered nurse from the Boulder City Hospital Gero-Psych Unit and contained information regarding Patient A's POA.

9. From June 10 thru June 22, 2014, Respondent's notes do not indicate that he attempted and/or communicated with Patient A's sister who had POA, prior to executing the Incapacity Certificate or the Inquiry/Assessment Form.

10. From June 10 through June 22, 2014, Respondent's notes do not indicate that guardianship for Patient A was needed, desired or requested by Patient A or by his sister who had POA.

11. From June 10 through June 22, 2014, Respondent's notes do not provide any justification or substantiation that Patient A was in a state of incapacity and there was a need to have Patient A placed in a guardianship.

12. On June 27, 2014, The Private Professional Guardian, LLC, filed electronically, Patient A's Petition for Appointment of Guardian. April West was the owner of the aforementioned.

13. On or about July 2018, the IC reviewed the findings from an Independent Medical Expert (IME), who reviewed the medical records and additional relevant documentation, and opined that Respondent had violated the Medical Practice Act.

Count I
NRS 630.301(4)
(Malpractice)

14. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

15. NRS 630.301(4) provides that malpractice of a physician is grounds for initiating disciplinary action against a licensee.

16. NAC 630.040 defines malpractice as the failure of a physician, in treating a patient, to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances.

17. As demonstrated by, but not limited to, the above-outlined facts, Respondent failed to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances when he failed to exercise due diligence prior to executing the Incapacity Certificate and/or the Inquiry/Assessment Form.

18. By reason of the foregoing, Respondent is subject to discipline by the Nevada State Board of Medical Examiners as provided in NRS 630.352.

Count II
NRS 630.3062(1)(a)
(Failure to Maintain Proper Medical Records)

19. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

20. NRS 630.3062(1)(a) provides that the failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient is grounds for initiating discipline against a licensee.

21. Respondent failed to maintain timely, legible, accurate, and complete medical records substantiating Patient's A incapacity and need for guardianship when he executed the Incapacity Certificate and/or the Inquiry/Assessment Form.

22. By reason of the foregoing, Respondent is subject to discipline by the Nevada Board as provided in NRS 630.352.

Count III
NRS 630.306(1)(g)
(Continual Failure to Exercise the Skill or Diligence or Use the Methods Ordinarily Exercised Under the Same Circumstances by Physicians in Good Standing Practicing in the Same Speciality or Field)

23. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

24. NRS 630.306(1) provides that the following acts, among others, constitute grounds for initiating disciplinary action: ...(g) continual failure to exercise the skill or diligence or use the methods ordinarily exercised under the same circumstances by physicians in good standing practicing in the same specialty or field.

25. Respondent, from June 11 through June 17, 2014, failed to exercise the skill, diligence, and methods ordinarily used when executing Patient A's Incapacity Certificate and/or the Inquiry/Assessment Form, because he did not confer with Patient A's sister who had POA, when he had ample time to communicate with her prior to his execution of those documents, and because Respondent could have or should have conferred with Patient A's other medical providers, who knew this Patient's conditions well, nor did Respondent comply with "Inquiry/Assessment Form" protocol as set forth by the Boulder City Hospital Gero-Psych From June 11 through June 17, 2014, Respondent failed to exercise the skill, diligence and methods used when executing Patient A's Incapacity Certificate. First, he did not confer with Patient A's sister, who possessed power of attorney, when he had ample time to communicate with her prior to his execution of said certificate. Additionally, the respondent could have and should have conferred with Patient A's other medical providers who knew this patient's condition well.

26. By reason of the foregoing, Respondent is subject to discipline by the Board as provided in NRS 630.352.

WHEREFORE, the Investigative Committee prays:

1. That the Nevada State Board of Medical Examiners gives Respondent notice of the charges herein against him and give him notice that he may file an answer to the Complaint herein as set forth in NRS 630.339(2) within twenty (20) days of service of the Complaint;

2. That the Nevada State Board of Medical Examiners sets a time and place for a formal hearing after holding an Early Case Conference pursuant to NRS 630.339(3);

3. That the Nevada State Board of Medical Examiners determines what sanctions to impose if it determines there has been a violation or violations of the Medical Practice Act committed by Respondent;

1 4. That the Nevada State Board of Medical Examiners makes, issues and serves on
2 Respondent its findings of fact, conclusions of law and order, in writing, that includes the
3 sanctions imposed; and

4 5. That the Nevada State Board of Medical Examiners takes such other and further
5 action as may be just and proper in these premises.

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9 DATED this 31 day of July, 2018.

10 INVESTIGATIVE COMMITTEE OF
11 THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

12 By: _____



13 Robert Kilroy, Esq., General Counsel
14 Attorney for the Investigative Committee

VERIFICATION

STATE OF NEVADA)
 : ss.
COUNTY OF WASHOE)

Wayne Hardwick, M.D., having been duly sworn, hereby deposes and states under penalty of perjury that he is the Chairman of the Investigative Committee of the Nevada State Board of Medical Examiners that authorized the Complaint against the Respondent herein; that he has read the foregoing Complaint; and that based upon information discovered in the course of the investigation into a complaint against Respondent, he believes that the allegations and charges in the foregoing Complaint against Respondent are true, accurate and correct.

DATED this 31st day of July, 2018.



Wayne Hardwick, M.D.
Chairman Investigative Committee
Nevada State Board of Medical Examiners

**BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA**

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In The Matter of Charges and

Case No. 18-27627-1

Complaint Against

MATTHEW OBIM OKEKE, M.D.,

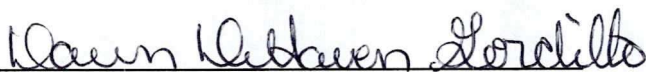
Respondent.

CERTIFICATE OF SERVICE

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on the 1st day of August 2018, I served a file copy of the COMPLAINT and Fingerprint Information via e-certified delivery to the following:

Matthew Obim Okeke, M.D.
2021 South Jones Blvd
Las Vegas, NV 89146

Dated this 1st day of August 2018.


Dawn DeHaven Gordillo, Legal Assistant
Nevada State Board of Medical Examiners