

1 The Board after due consideration of the record, evidence and law, and being
2 fully advised in the premises, makes its FINDINGS OF FACT, CONCLUSIONS OF
3 LAW, AND ORDER in this matter as follows:

4 **FINDINGS OF FACT**

5 **I.**

6 Respondent held a license to practice medicine in the State of Nevada at all
7 relevant times.

8 **II.**

9 On February 6, 2009, the Investigative Committee filed the Complaint in this
10 matter alleging a violation of Chapter 630 of the Nevada Revised Statutes.

11 **III.**

12 On June 4, 2009, a hearing was held before an appointed hearing officer on the
13 allegation contained within the Complaint. Respondent was present and represented by
14 counsel, Maria Nutile, Esq. The Investigative Committee was represented by
15 Lyn E. Beggs, Esq.

16 **IV.**

17 On October 13, 2005, Patient A, a fifty-five year old woman, presented to the
18 Harmon Medical Center, an urgent care center, at 4:26 a.m. with complaints of vomiting
19 and diarrhea for the preceding five hours. Patient A also reported weakness and tingling
20 in her extremities. Upon admission, Patient A's blood pressure was 140/88.

21 Patient A was seen by Respondent who ordered IV fluids and medications for
22 Patient A's complaints and lab work to be completed. Patient A's blood was taken at
23 5:21 a.m. and was sent off-site as Harmon Medical Center did not have an on-site lab.
24 An EKG was also ordered and performed at 5:32 a.m. The EKG results included an
25 abnormality which was labeled a right bundle branch block (RBBB).

26 At 5:40 a.m. Patient A's blood pressure had fallen to 90/60. Additional IV fluids
27 were provided. Patient A remained nauseated and at 5:50 a.m. vomited.

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1 At approximately 6:45 a.m. Patient A went into cardiac arrest. Efforts were made
2 to revive her, but Patient A ultimately expired due to a myocardial infarct.

3 **V.**

4 The Board finds by a preponderance of the evidence that Respondent violated
5 NRS 630.301(4) and committed malpractice as defined in NAC 630.040 when he failed
6 to recognize that Patient A was acutely ill and seek emergency medical care for her until
7 after she had gone into cardiac arrest.

8 **VI.**

9 If any of the foregoing Findings of Fact is more properly deemed a Conclusion of
10 Law, it may be so construed.

11 **CONCLUSIONS OF LAW**

12 **I.**

13 The Board has jurisdiction over Respondent.

14 **II.**

15 Respondent was properly served with notice of the hearing via certified mail at
16 the address on file with the Board pursuant to NRS and NAC chapters 630 and NRS
17 chapter 233B.

18 **III.**

19 The Board concludes that that Respondent has violated NRS 630.301(4) as
20 described above and accordingly is subject to discipline pursuant to NRS 630.352.

21 **IV.**

22 If any of the foregoing Conclusions of Law is more properly deemed a Finding of
23 Fact, it may be so construed.

24 **ORDER**

25 Based upon the foregoing Findings of Fact and Conclusions of Law, and good
26 cause appearing therefore,

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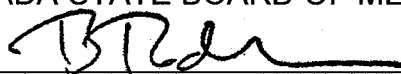
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IT IS HEREBY ORDERED that:

1. Respondent shall be issued a public reprimand.
2. Respondent shall reimburse the Board the reasonable costs and expenses incurred in the investigation and prosecution of this case in the amount of \$9,351.29 within sixty (60) days of the date of the filing of this Order.

Dated this 24th day of August, 2009.

NEVADA STATE BOARD OF MEDICAL EXAMINERS



Benjamin J. Rodriguez, M.D., Vice-President
Nevada State Board of Medical Examiners

Submitted by:
CATHERINE CORTEZ MASTO
Attorney General

By:



KEITH D. MARCHER
Senior Deputy Attorney General
100 North Carson Street
Carson City, Nevada 89701
Attorney for Nevada State Board of Medical Examiners

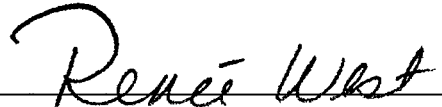
CERTIFICATION

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I certify that the foregoing is the full and true original FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER on file in the office of the Board of Medical Examiners in the matter of CARLOS ERMOCILLA, M.D., Case no. 09-29672-1.

I further certify that BENJAMIN J. RODRIGUEZ, M.D., is the Vice-President of the Nevada State Board of Medical Examiners and that full force and credit is due to his official acts as such; and that the signature to the foregoing ORDER is the signature of said BENJAMIN J. RODRIGUEZ, M.D.

IN WITNESS THEREOF, I have herunto set my hand in my official capacity as Secretary-Treasurer of the Nevada State Board of Medical Examiners.



RENEE WEST
Secretary-Treasurer
Nevada State Board of Medical Examiners