

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

3 * * * * *

4 **In The Matter of Charges and**)
5 **Complaint Against**) **Case No. 09-18625-1**
6 **STEVEN MACARTHUR, M.D.,**)
7 **Respondent.**)

FILED

DEC 14 2010

NEVADA STATE BOARD OF
MEDICAL EXAMINERS
By: 

9
10 **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

11 The above-entitled matter came on regularly for decision before the Nevada State Board
12 of Medical Examiners, hereinafter "Board," on Friday, December 3, 2010, at the Board's offices
13 located at 1105 Terminal Way, Suite 301, Reno, Nevada, 89502, and by video conference at the
14 offices of the Nevada State Board of Medical Examiners/Dental Examiners located at 6010 S.
15 Rainbow Boulevard, Building A, Suite 1, Las Vegas, Nevada 89118, on the Complaint filed
16 herein. Respondent Steven MacArthur, M.D., hereinafter "Respondent," was not present.

17 The members of the Board participating in the decision were:
18 Charles N. Held, M.D.; Benjamin J. Rodriguez, M.D.; Valerie J. Clark, BSN, RHU, LUTCF;
19 Javid Anwar, M.D.; Beverly A. Neyland, M.D.; Theodore B. Berndt, M.D.; Michael J. Fischer,
20 M.D.; and Ms. Donna A. Ruthe. Colleen Hemingway, Esq., Deputy Attorney General, acted as
21 legal counsel to the Board.

22 The Board, having received and read the Complaint and exhibits admitted in the matter,
23 as well as the Synopsis of Record prepared by the Hearing Officer who presided over the hearing
24 and the transcript of the hearing, proceeded to make a decision pursuant to the provisions of
25 NRS chapters 233B and 630.

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

1 **FINDINGS OF FACT**

2 **I.**

3 Respondent has held an active license to practice medicine in the state of Nevada since
4 April 26, 2000.

5 **II.**

6 On November 23, 2009, the Investigative Committee filed the Complaint in this matter
7 alleging violations of Chapter 630 of the Nevada Revised Statutes.

8 **III.**

9 On July 28, 2010, a formal hearing was held before an appointed Hearing Officer on the
10 allegations contained within the Complaint. Respondent was not present at the formal hearing
11 and was not represented by counsel. The Investigative Committee was represented by
12 Edward O. Cousineau, Esq.

13 **IV.**

14 Evidence presented at the formal hearing established that when Respondent assumed
15 responsibility for the care and course of treatment for the patient at issue, the admission records
16 indicate that the patient had undergone a previous C-section and was a risk for potential umbilical
17 cord prolapse based on her previous medical history.

18 Respondent failed to note in the medical record at the time of his physical examination
19 that he had performed that examination or if he had in fact determined that there was not a
20 compound presentation. The fact that the umbilical cord prolapse occurred immediately after the
21 Respondent ruptured the membrane strongly supports a conclusion that the documentation in the
22 associated medical records was correct in the observation of a compound presentment, and that
23 Respondent either did not accomplish the physical examination as claimed or performed that
24 examination in a substandard manner.

25 By virtue of a timely review of the medical records available to the Respondent at the
26 time he assumed responsibility for the care and course of treatment of the patient and discussion
27 with her of her past medical history, the Respondent should have scheduled a cesarean section
28 and avoided the unfortunate outcome associated with this matter.

1 Further, as noted by the Investigative Committee's expert at the formal hearing, the risk
2 factors surrounding the patient's pregnancy should have been brought to the attention of patient,
3 and the operating room staff placed on standby, in order that if necessary, the emergency
4 cesarean section could have been completed in a fraction of the time that the subsequent surgical
5 intervention ultimately required.

6 The substantial, reliable and probative evidence in the record as a whole establishes that
7 Respondent's care and treatment of the patient at issue fell below the standard of care expected in
8 similar circumstances.

9 **V.**

10 The Board finds by reliable, probative and substantial evidence that Respondent violated
11 NRS 630.301(4) as alleged in Count I of the Complaint.

12 **VI.**

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

15 **CONCLUSIONS OF LAW**

16 **I.**

17 The Board has jurisdiction over Respondent.

18 **II.**

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

22 **III.**

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

25 **IV.**

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

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ORDER

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

IT IS HEREBY ORDERED that:

1. Respondent shall be issued a public reprimand.
2. Respondent shall complete ten (10) hours of AMA Category I continuing education credits on the subject of medical record keeping within one year of the entry of this Order. These credits are to be in addition to the regular continuing medical education requirements for medical licensure in the state of Nevada.
3. Respondent is to pay a fine of \$2,500.00 and shall reimburse the Board the reasonable costs and expenses incurred in the investigation and prosecution of this case in the amount of \$9,890.60, within one-hundred and twenty (120) days of the filing of these Findings of Fact, Conclusions of Law and Order.

Dated this 14th day of December, 2010.



CHARLES N. HELD, M.D., President
Nevada State Board of Medical Examiners

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CERTIFICATION

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 Steven MacArthur, M.D., Case No. 09-18625-1.

I further certify that CHARLES N. HELD, M.D., is the 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 CHARLES N. HELD, M.D.

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



VALERIE J. CLARK, BSN, RHU, LUTCF
Secretary-Treasurer
Nevada State Board of Medical Examiners