



1 cm. of her vagina. Following the surgery, the diagnosis of Patient A was amended to a benign  
2 diagnosis of squamous dysplasia rather than invasive carcinoma.

3 5. The records indicate that Respondent had paperwork belonging to Patient A and the  
4 pathology slide belonging to another patient. That patient's slide was a malignant diagnosis but  
5 was given to Patient A, who in reality had a benign cervix and related slide.

6 6. The diagnosis was incorrectly given to Patient A as named in the paperwork rather  
7 than the patient named on the slide. Respondent failed to correlate the correct paperwork with the  
8 slide information. The paperwork had been switched from one tray to another.

9 7. Had Respondent recognized the discrepancy, the misdiagnosis would have been  
10 avoided. Significantly, had the misdiagnosis been avoided, Patient A would not have had the  
11 unnecessary surgery.

12 **Count I**

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

15 9. Nevada Administrative Code Section 630.040 defines malpractice as the failure of  
16 a physician, in treating a patient, to use the reasonable care, skill, or knowledge ordinarily used  
17 under similar circumstances.

18 10. Nevada Revised Statute Section 630.301(4) provides that malpractice is grounds  
19 for initiating disciplinary action against a licensee.

20 11. Respondent failed to use the reasonable care, skill, or knowledge ordinarily used  
21 under the same or similar circumstances when he failed and omitted to correlate the name on the  
22 pathology slide with the name to which the diagnosis is assigned as indicated by the paperwork.

23 12. By reason of the foregoing, Respondent is subject to discipline by the Nevada State  
24 Board of Medical Examiners as provided in Section 630.352 of the Nevada Revised Statutes.

25 **WHEREFORE**, the Investigative Committee prays:

26 1. That the Nevada State Board of Medical Examiners give Respondent notice of the  
27 charges herein against him and give him notice that he may file an answer to the Complaint herein

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1 as set forth in Section 630.339 of the Nevada Revised Statutes within twenty (20) days of service  
2 of the Complaint.

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


5 3. That the Nevada State Board of Medical Examiners determine what sanctions it  
6 determines to impose if it determines there has been a violation or violations of the Medical  
7 Practice Act (Nevada Revised Statutes Chapter 630) committed by Respondent; and

8 4. That the Nevada State Board of Medical Examiners make, issue and serve on  
9 Respondent its findings of facts, conclusions of law and order, in writing, that includes the  
10 sanctions imposed; and

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

13 DATED this 29<sup>th</sup> day of November, 2010.

14 THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

15  
16 By:   
17 Bradley O. Van Ry, Esq.  
18 Deputy General Counsel and Attorney for the Investigative Committee  
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VERIFICATION

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STATE OF NEVADA            )  
  : ss.  
COUNTY OF DOUGLAS        )

Charles N. Held, M.D., hereby deposes and states under penalty of perjury under the laws of the state of Nevada that he is the Chairman of the Investigative Committee of the Nevada State Board of Medical Examiners that authorized the foregoing First Amended Complaint against the Respondent herein; that he has read the foregoing First Amended Complaint; and that based upon information discovered during the course of the investigation into a complaint against Respondent, that he believes the allegations and charges in the foregoing First Amended Complaint against Respondent are true, accurate, and correct.

Dated this 29<sup>th</sup> day of November, 2010.

  
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CHARLES N. HELD, M.D.