

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

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**In The Matter of Charges and)
)
Complaint Against)
)
CLAYTON FULLER, M.D.,)
)
Respondent.)**

Case No. 11-29479-1

FILED

MAY 26 2011

**NEVADA STATE BOARD OF
MEDICAL EXAMINERS**

By: 

COMPLAINT

The Investigative Committee of the Nevada State Board of Medical Examiners (Board), composed at the time of approving filing the complaint of Benjamin J. Rodriguez, M.D., Beverly A. Neyland, M.D., and Mr. Van V. Heffner, by and through Edward O. Cousineau, Deputy Executive Director for the Board and Attorney for the Investigative Committee, having a reasonable basis to believe that Clayton Fuller, M.D., hereinafter referred to as "Respondent," has violated the provisions of NRS Chapter 630, hereby issues its formal Complaint, stating the Investigative Committee's charges and allegations, as follows:

1. Respondent was actively licensed to practice medicine by the Board on August 3, 2004, pursuant to the provisions of Chapter 630 of the Nevada Revised Statutes, and at all times addressed herein was so licensed. Respondent practices medicine in Las Vegas and his indicated specialties to the Board are family practice and emergency medicine.

2. Patient A was a sixty-two-year-old female at the time of the events at issue. Her true identity is not disclosed herein to protect her privacy, but is disclosed in the Patient Designation served on Respondent along with a copy of this Complaint.

3. Patient A presented to Mesa View Regional Hospital in Mesquite, Nevada on February 19, 2008 with complaints of right wrist pain after falling. Shortly thereafter, Patient A

1 was evaluated by Respondent noted in the medical records distal radius tenderness and swelling of
2 Patient A's wrist, and "no p[oin]t tenderness." Of import, Respondent did not have x-rays
3 accomplished on Patient A's wrist. While the medical records indicate that x-rays were deferred,
4 there is no documentation to indicate why x-rays were not accomplished, or the potential
5 benefits/risks of delaying the same. Patient A was later discharged from the hospital with her wrist
6 wrapped with an elastic bandage and orders to follow-up with an orthopedist nine to ten days later.

7 4. It is now alleged by the Investigative Committee that Respondent's care and
8 treatment of Patient A constitutes malpractice, as Patient A's age, mechanism, and the location of
9 pain with associated swelling, should have caused Respondent to order x-rays of Patient A's wrist
10 prior to her being discharged, and that this failure led to a delay in the ultimate diagnosis that
11 Patient A had suffered a wrist fracture. Moreover, Respondent's decision to discharge Patient A
12 with only elastic bandages to the wrist also rose to the level of malpractice, as even in the absence
13 of diagnostic x-rays, Patient A's circumstance called for the use of a rigid support splint.

14 5. Malpractice is defined at NAC 630.040 as "the failure of a physician, in treating a
15 patient, to use the reasonable care, skill, or knowledge ordinarily used under similar
16 circumstances."

17 6. Based upon the foregoing, Respondent has violated NRS 630.301(4), and is subject
18 to discipline as provided by NRS 630.352.

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

20 1. That the Board set a time and place for a formal hearing;

21 2. That the Board give Respondent notice of the charges herein against him, the time
22 and place set for the hearing, and the possible sanctions against him;

23 3. That the Board determine what sanctions it determines to impose for the violation
24 or violations committed by Respondent;

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4. That the Board make, issue and serve on Respondent its findings of facts, conclusions of law and order, in writing, that includes the sanctions imposed;

5. That the Board take such other and further action as may be just and proper in these premises.

DATED this 26th day of May, 2011.

THE INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 
Edward Cousineau, Esq.
Attorney for the Investigative Committee

VERIFICATION

1 STATE OF NEVADA)
2 : ss.
3 COUNTY OF CLARK)

4 Benjamin Rodriguez, M.D., hereby deposes and states under penalty of perjury under the
5 laws of the state of Nevada that he is the Chairman of the Investigative Committee of the Nevada
6 State Board of Medical Examiners that authorized the foregoing Complaint against the
7 Respondent herein; that he has read the foregoing Complaint; and that based upon information
8 discovered during the course of the investigation into a complaint against Respondent, that he
9 believes the allegations and charges in the foregoing Complaint against Respondent are true,
10 accurate, and correct.

11 Dated this 26th day of May, 2011.

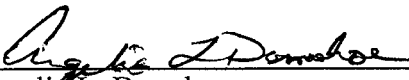
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13 _____
14 BENJAMIN RODRIGUEZ, M.D.

CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 26th day of May 2011, I served a file copy of the COMPLAINT, PATIENT DESIGNATION, ORIGINAL SETTLEMENT AGREEMENT, & Fingerprint Information by mailing via USPS certified return receipt mail to the following:

Adam Schneider, Esq.
John Cotton & Associates
2300 W. Sahara, Ste. 420
Las Vegas, NV 89102

Dated this 26th day of May 2011.



Angelia L. Donohoe
Legal Assistant

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