Reno, Nevada 89502

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

* * * * *

In The Matter of Charges and)	
Complaint Against)	
)	Case No. 11-11907-1
RONALD CURTIS KOE, M.D.,)	FILED
Respondent.)	APR - 6 2011
)	NEVADA STATE BOARD OF MEDICAL EXAMINERS

COMPLAINT

The Investigative Committee of the Nevada State Board of Medical Examiners, composed at the time filing of Charles N. Held, M.D., Chairman, Theodore B. Berndt, M.D., Member, and Valerie J. Clark, Member, having a reasonable basis to believe that Ronald Curtis Koe, 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 is currently licensed in active status (License No. 8231), and has been so licensed since July 1, 1997 by the Nevada State Board of Medical Examiners pursuant to the provisions of Chapter 630 of the Nevada Revised Statutes.
- 2. Patient A was a forty-one year old (41) female at the time of the incidents in question. Her true identity is not disclosed to protect her privacy, but her identity is disclosed in the Patient Designation served on Respondent along with a copy of this Complaint.
- 3. Patient A initially presented to Respondent on January 5, 2004. She complained of pain in her right shoulder, popping in the shoulder with feelings of weakness and numbness. Upon examination by Respondent, she was found to have limited range of motion and pain. No evidence of instability was found. X-rays were taken that showed no fracture.

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- 4. After an MRI, Patient A returned to Respondent on January 12, 2004. The MRI showed a partial tear of the rotator cuff and possible tear of the anterior labrum. Moderate edema was also seen. Consequently, Respondent recommended surgery in order to perform right shoulder arthroscopy with rotator cuff repair, possible labral repair and acromioplasty.
 - 5. Surgery was performed by Respondent on January 23, 2004.
- 6. After the surgery, Patient A continued to have pain. Post-operative X-rays of Patient A's shoulder were taken on February 16, 2004. The X-rays showed a wide decompression, a resection of the inferior cortex with a minimally displaced fracture of the superior cortex of the distal clavicle. The X-rays also failed to show signs that any significant acromioplasty had been performed by Respondent.
- 7. Patient A last saw Respondent on June 22, 2004. Over the course of the preceding months, Patient A continued to complain of pain in her shoulder despite continued physical therapy and numerous follow-up appointments with Respondent.
- Three (3) years later, Patient A presented to another orthopaedic surgeon. Patient A 8. still complained of pain in her shoulder.

Count I

- 9. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.
- 10. Nevada Administrative Code Section 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.
- Nevada Revised Statute Section 630.301(4) provides that malpractice is grounds 11. for initiating disciplinary action against a licensee.
- 12. Respondent failed to use the reasonable care, skill, or knowledge ordinarily used under the same or similar circumstances when he failed to properly perform surgery upon Patient A on January 23, 2004 causing the complication of a right distal clavicle fracture and subsequent symptomatic non-union; failed to accurately identify the distal clavicle fracture postoperatively; and, failed to recommend appropriate treatment to Patient A for the distal clavicle fracture.

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

WHEREFORE, the Investigative Committee prays:

- 1. That the Nevada State Board of Medical Examiners give 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 Section 630.339 of the Nevada Revised Statutes within twenty (20) days of service of the Complaint.
- 2. That the Nevada State Board of Medical Examiners set 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 determine what sanctions it desires to impose if it concludes there has been a violation or violations of the Medical Practice Act (Nevada Revised Statutes Chapter 630) committed by Respondent; and
- 4. That the Nevada State Board of Medical Examiners make, issue and serve on Respondent its findings of facts, conclusions of law and order, in writing, that includes the sanctions imposed; and
- 5. That the Nevada State Board of Medical Examiners take such other and further action as may be just and proper in these premises.

DATED this day of April, 2011.

THE INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

Bradley O. Van Ry, Esq.

Deputy General Counsel and Attorney for the Investigative Committee

OFFICE OF THE GENERAL COUNSEL Nevada State Board of Medical Examiners

VERIFICATION

STATE OF NEVADA)
COUNTY OF DOUGLAS	: SS.
COUNT FOR 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 Complaint against the Respondent herein; that he has read the foregoing 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 Complaint against Respondent are true, accurate, and correct.

Dated this 6th day of April , 2011.

Charles N. Held, M.D.

OFFICE OF THE GENERAL COUNSEL Nevada State Board of Medical Examiners

CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 6th day of April 2011, I served a file copy of the COMPLAINT, PATIENT DESIGNATION & Fingerprint Information, by mailing via USPS certified return receipt mail to the following:

> Ronald Koe, M.D. 1710 W. Horizon Ridge Dr., Ste. 120 Henderson, NV 89012

Dated this 6th day of April 2011.

Angelia L. Donohoe Legal Assistant