

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

3 * * * * *

4
5 **In The Matter of Charges and**)
6 **Complaint Against**)
7 **GARY LaTOURETTE, M.D.,**)
8 **Respondent.**)
9 _____)

Case No. 12-4399-1

FILED

MAY - 8 2012

**NEVADA STATE BOARD OF
MEDICAL EXAMINERS**

By: *[Signature]*

10
11 **COMPLAINT**

12 The Investigative Committee ("IC") of the Nevada State Board of Medical Examiners
13 ("Board") comprised of, at the time of authorizing the filing of this Complaint,
14 Benjamin J. Rodriguez, M.D., Chairman, Beverly A. Neyland, M.D., Member, and
15 Ms. Donna A. Ruthe, Member, by and through its counsel, Bradley O. Van Ry, Esq. and
16 Board Deputy General Counsel, having a reasonable basis to believe that Gary LaTourette, M.D.,
17 hereinafter referred to as "Respondent," has violated the provisions of Nevada Revised Statutes
18 (NRS) Chapter 630, hereby issues its formal Complaint, stating the Investigative Committee's
19 charges and allegations, as follows:

20 1. Respondent is currently licensed to practice medicine (License No. 2903) in active
21 status, and has been so licensed since December 4, 1974, by the Nevada State Board of Medical
22 Examiners pursuant to the provisions of Chapter 630 of the NRS.

23 2. Patient A was a forty-one (41) year-old male at the time of the incidents in question.
24 His true identity is not disclosed to protect his privacy, but his identity is disclosed in the Patient
25 Designation served on Respondent along with a copy of this formal Complaint.

26 3. On or about June 19, 2006, Patient A was evaluated by Respondent following a
27 motor vehicle accident. The initial diagnosis was metatarsalgia in the right lower extremity with
28 ///

1 no mention of any neurological deficits. Over the course of the next six (6) months, Patient A
2 continued to see Respondent with complaints of pain and no improvement.

3 4. On or about February 5, 2007, Respondent performed surgery on Patient A's right
4 ankle and foot to treat the ongoing pain. Respondent performed a neuropathy transposition of
5 neuroma into soft tissue, major synovectomy and debridement of the right fibular talotibial joint.

6 5. Postoperatively, Patient A rapidly developed an infection with wound dehiscence.
7 On or about February 22, 2007, Respondent performed an office-based debridement that yielded a
8 soft tissue defect of 10 cm x 6 cm x 3 cm. A wound VAC was utilized in addition to two limited
9 courses of antibiotics: Doxycycline on or about February 13, 2007, and Z Pak on or about
10 February 22, 2007.

11 6. Patient A saw and was treated by Respondent over ten (10) times after the surgery
12 on February 5, 2007. Respondent even performed another debridement on the right ankle and foot
13 on or about February 26, 2007. Despite this, Patient A's condition worsened.

14 7. Patient A was subsequently admitted to North Vista Hospital on April 1, 2007, with
15 continued pain, redness and drainage. An "MRSA" infection was found in an open wound of the
16 right ankle. A follow-up MRI was performed on April 2, 2007. The written impression of the
17 reviewing radiologist showed, "Osteomyelitis . . . involving the talus and tibia and perhaps the
18 fibula as well. This is consistent with extension of infection from the region of cellulitis which is
19 clinically apparent."

20 8. Respondent, therefore, failed to adequately manage Patient A's obvious
21 postoperative infection. Said failure constitutes malpractice.

22 9. Additionally, Respondent also failed to ensure adequate pre-operative medical
23 records and documentation to support the operative plan and failed to adequately describe the
24 operative finding(s).

25 **Count I**

26 10. All of the allegations contained in the above paragraphs are hereby incorporated by
27 reference as though fully set forth herein.

28 ///

1 11. Nevada Administrative Code Section 630.040 defines malpractice as the failure of
2 a physician, in treating a patient, to use the reasonable care, skill, or knowledge ordinarily used
3 under similar circumstances.

4 12. NRS 630.301(4) provides that the malpractice of a physician is grounds for
5 initiating disciplinary action against a licensee.

6 13. Respondent's acts in relation to Patient A as listed above constitute malpractice.

7 14. By reason of the foregoing, Respondent is subject to discipline by the
8 Nevada State Board of Medical Examiners as provided in NRS 630.352.

9 **Count II**

10 15. All of the allegations contained in the above paragraphs are hereby incorporated by
11 reference as though fully set forth herein.

12 16. NRS 630.3062(1) provides that the failure to maintain timely, legible, accurate and
13 complete medical records relating to the diagnosis, treatment and care of a patient is grounds for
14 initiating disciplinary action against a licensee.

15 17. Respondent failed to maintain timely, legible, accurate and complete medical
16 records relating to the diagnosis, treatment and care of Patient A.

17 18. By reason of the foregoing, Respondent is subject to discipline by the
18 Nevada State Board of Medical Examiners as provided in Section 630.352 of the NRS.

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

20 1. That the Nevada State Board of Medical Examiners give Respondent notice of the
21 charges herein against him and give him notice that he may file an answer to the Complaint herein
22 as set forth in NRS 630.339 within twenty (20) days of service of the Complaint;

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

25 3. That the Nevada State Board of Medical Examiners determine what sanctions it
26 determines to impose if it determines there has been a violation or violations of the
27 Medical Practice Act (NRS Chapter 630) committed by Respondent;

28 4. That the Nevada State Board of Medical Examiners make, issue and serve on

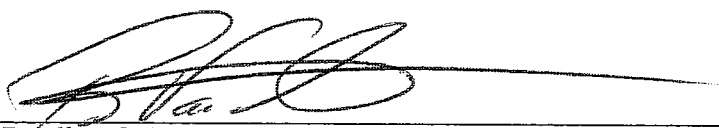
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 8th day of May, 2012.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 

Bradley O. Van Ry, Esq.
Deputy General Counsel
Attorney for the Investigative Committee

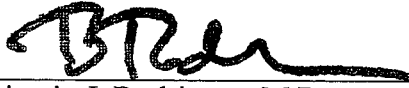
VERIFICATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

STATE OF NEVADA)
 : ss.
COUNTY OF CLARK)

Benjamin J. Rodriguez, 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 8th day of May, 2012.



Benjamin J. Rodriguez, M.D.

OFFICE OF THE GENERAL COUNSEL
Nevada State Board of Medical Examiners
1105 Terminal Way #301
Reno, Nevada 89502
(775) 688-2559


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 8th day of May 2012; I served a filed copy of the Complaint, Patient Designation & Fingerprint information, via USPS e-certified mail to the following:

Gary LaTourette, M.D.
2100 Pinto Lane
Las Vegas, NV 89106

Dated this 8th day of May 2012.



Angelia L. Donohoe
Legal Assistant