BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA

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In the Matter of Charges and Complaint Against CESAR A. ESTELA, M.D., Respondent.	**Case No. 14-19407-1**

FILED
SEP 17 2014
NEVADA STATE BOARD OF MEDICAL EXAMINERS
By:

COMPLAINT

The Investigative Committee (IC) of the Nevada State Board of Medical Examiners (Board), composed at the time of filing of Theodore B. Berndt, M.D., Valerie J. Clark, BSN, RHU, LUTCF, and Michael J. Fischer, M.D., by and through Erin L. Albright, Esq., General Counsel and attorney for the IC, having a reasonable basis to believe that Cesar A. Estela, M.D. (Respondent), violated the provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630 (collectively, the Medical Practice Act), hereby issues its formal Complaint, stating the IC's charges and allegations as follows:

1. Respondent is currently licensed in active status (License No. 9610), and has been so licensed by the Board since October 9, 2000, pursuant to the provisions of the Medical Practice Act.

2. Patient A was a thirty-six (36)-year-old female at the time of the incidents in question. Her true identity is not disclosed in this Complaint to protect her identity, but her identity is disclosed in the Patient Designation contemporaneously served on Respondent with this Complaint.

3. On or about August 14, 2013, Patient A, accompanied by her partner, presented to Respondent for elective trigger point injections of xylocaine.

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4. Patient A's partner remained with Patient A in the treatment room during the entire August 14, 2013 appointment with Respondent.

5. Respondent identified Patient A's trigger points, injected the xylocaine, and completed the procedure as planned.

6. After the procedure was completed, Patient A requested additional trigger point injections of xylocaine.

7. Respondent agreed to provide Patient A with additional trigger point injections of xylocaine and left the treatment room to prepare the additional trigger point injections.

8. When Respondent returned to Patient A's treatment room, Patient A questioned Respondent about his injection drawing procedures from multi-dose vials.

9. Respondent stated that his drawing procedure from a multi-dose vial is "new needle, same syringe." Respondent confirmed this was the procedure he used with the xylocaine he was about to inject into Patient A's trigger points.

10. Respondent and Patient A discussed safe injection practices. At the end of the discussion, Patient A refused the additional trigger point injections of xylocaine.

11. Respondent violated the standard of care when he used the same syringe to re-enter a multi-dose vial, even if that vial was not to be used on subsequent patients.

12. Patient A's medical records do not contain any reference to the procedure used by Respondent when he prepared the additional trigger point injections of xylocaine.

COUNT I

(Medical Records Violation)

13. All of the allegations in the above paragraphs are hereby incorporated as if fully set forth herein.

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

15. As demonstrated by, but not limited to, the above-outlined facts, Respondent failed to maintain accurate and/or complete medical records relating to the diagnosis, treatment and care

of Patient A when he failed to record in Patient A's medical records the procedure he used to prepare the additional trigger point injections of xylocaine.

16. By reason of the foregoing, Respondent is subject to discipline by the Board as provided in NRS 630.352.

COUNT II

(Malpractice)

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

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

19. NAC 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.

20. As demonstrated by, but not limited to, the above-outlined facts, Respondent failed to use reasonable care, skill or knowledge ordinarily used under similar circumstances when he re-used the same syringe to re-enter a multi-dose vial of xylocaine to treat Patient A.

21. By reason of the foregoing, Respondent is subject to discipline by the Board as provided in NRS 630.352.

WHEREFORE, the Investigative Committee prays:

1. That the Board 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 NRS 630.339(2) within twenty (20) days of service of the Complaint;

2. That the Board set a time and place for a formal hearing after holding an Early Case Conference pursuant to NRS 630.339(3);

3. That the Board determine the sanctions it will impose if it finds Respondent violated the Medical Practice Act;

4. That the Board make, issue and serve on Respondent, in writing, its findings of fact, conclusions of law and order, which shall include the sanctions imposed; and

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

DATED this 17th day of September, 2014.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: _____
Erin L. Albright, Esq.
General Counsel
Attorney for the Investigative Committee

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VERIFICATION

STATE OF NEVADA)
: ss.
COUNTY OF WASHOE)

Theodore B. Berndt, 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 based upon information discovered during the course of the investigation into a complaint against Respondent, he believes the allegations and charges in the foregoing Complaint against Respondent are true, accurate and correct.

Dated this 17th day of September, 2014.

Theodore B. Berndt

Theodore B. Berndt, M.D.

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CERTIFICATE OF SERVICE

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 18th day of September 2014; I served a filed copy of COMPLAINT and FINGERPRINT INFORMATION, USPS e-certified return receipt mail to the following:

Cesar A. Estela, M.D.
1399 Galleria Dr., Ste. 100
Henderson, NV 89014

Dated this 18th day of September, 2014.

Angelia L. Donohoe
Legal Assistant

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