

1 3. On September 13, 2010, Patient A, who was suffering from spina bifida and Chiari
2 malformation, underwent decompression surgery, which was performed by Respondent.

3 4. A post-surgical CT scan of Patient A revealed a significant area of low density at
4 the upper most spinal cord, C1-C2 level, which essentially crossed the entire area of the spinal
5 cord, suggesting a severe infarct. As a result, Patient A was found to be quadriplegic, with lower
6 cranial nerve dysfunction and ventilator dependency. Patient A's circumstance's did not improve,
7 and ultimately life support was removed, and she passed away on October 17, 2010.

8 5. It is now alleged by the IC that Respondent failed to use the reasonable care, skill
9 or knowledge ordinarily used in similar circumstances in his treatment of Patient A when he
10 transected the spinal cord of Patient A during the Chiari decompression surgical procedure.

11 6. NRS 630.301(4) provides that malpractice, defined as the failure to use the
12 reasonable care, skill or knowledge ordinarily used in similar circumstances, is grounds for
13 initiating disciplinary action.

14 7. Based upon the foregoing, Respondent committed malpractice in the course of
15 providing care and treatment to Patient A and is subject to discipline by the Board as provided in
16 NRS 630.352.

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

18 1. That the Board give Respondent notice of the charges herein against him and give
19 him notice that he may file an answer to the Complaint herein as set forth in NRS 630.339(2)
20 within twenty (20) days of service of the Complaint;

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

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

25 4. That the Board make, issue and serve on Respondent, in writing, its findings of
26 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 13th day of February, 2014.

By: 
Edward O. Cousineau, Esq.
Attorney for the Investigative Committee of the
Nevada State Board of Medical Examiners

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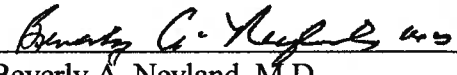
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VERIFICATION

STATE OF NEVADA)
 : ss.
COUNTY OF CLARK)

Beverly A. Neyland, M.D., having been duly sworn, hereby deposes and states under penalty of perjury that she is the Chairman of the Investigative Committee of the Nevada State Board of Medical Examiners that authorized the Complaint against the Respondent herein; that she has read the foregoing Complaint; and that based upon information discovered in the course of the investigation into a complaint against Respondent, she believes that the allegations and charges in the foregoing Complaint against Respondent are true, accurate, and correct.

Dated this 13th day of February, 2014.



Beverly A. Neyland, 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 13th day of February 2014; I served a filed copy of COMPLAINT & PATIENT DESIGNATION, via USPS e-certified mail to the following:

Keith A. Weaver, Esq.
Lewis, Brisbois, Bisgaard & Smith LLP
6385 S. Rainbow Blvd., Ste. 600
Las Vegas, NV 89118

Dated this 13th day of February, 2014.



Angelia L. Donohoe
Legal Assistant