



1 4. The chest x-ray was reviewed by Respondent. He found “no acute disease in the  
2 lungs.”

3 5. Respondent, unfortunately, did not adequately address the small, round nodule  
4 located in the left lower lobe. The nodule needed to be addressed as either a nipple shadow or a  
5 true parenchymal nodule requiring further delineation by additional imaging using nipple markers  
6 and comparisons with previous images, if available.

7 6. Later x-rays confirmed the continued presence and significant enlargement of the  
8 nodule. Patient A died of metastatic lung cancer on July 3, 2009.

9 **Count**

10 **(Malpractice)**

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

13 8. NAC 630.040 defines malpractice as the failure of a physician, in treating a patient,  
14 to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances.

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

17 10. Respondent's care and treatment of Patient A, as indicated above, shows a failure to  
18 use reasonable care, skill, or knowledge ordinarily used under similar circumstances by failing to  
19 address the existent nodule by requiring further imaging studies using nipple markers and  
20 comparisons with previous images, if available.

21 11. By reason of the foregoing, Respondent is subject to discipline by the  
22 Nevada State Board of Medical Examiners as provided in NRS 630.352.

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

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

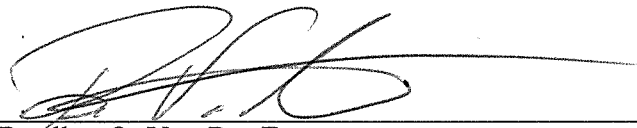
27 2. That the Board set a time and place for a formal hearing after holding an Early Case  
28 Conference pursuant to NRS 630.339(3);

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- 3. That the Board determine what sanctions to impose if it finds and concludes that there has been a violation or violations of the MPA committed by Respondent;
- 4. That the Board make, issue and serve on Respondent its findings of fact, conclusions of law and order, in writing, that includes the sanctions imposed; and,
- 5. That the Board take such other and further action as may be just and proper in these premises.

DATED this 28<sup>th</sup> day of May, 2014.

INVESTIGATIVE COMMITTEE OF THE  
NEVADA STATE BOARD OF MEDICAL EXAMINERS

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

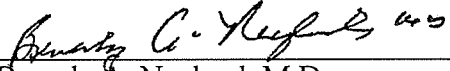
VERIFICATION

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STATE OF NEVADA        )  
                                  : ss.  
COUNTY OF CLARK     )

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

Dated this 29<sup>th</sup> day of May, 2014.

  
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Beverly A. Neyland, M.D.

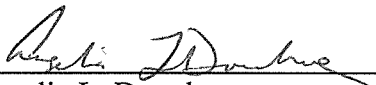
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**CERTIFICATE OF SERVICE**

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 29<sup>th</sup> day of May 2014; I served a filed copy of COMPLAINT, PATIENT DESIGNATION & FINGERPRINT INFORMATION, via USPS e-certified mail to the following:

Randall Pierce, M.D.  
4877 Ramcreek Trail  
Reno, NV 89519

Dated this 29<sup>th</sup> day of May, 2014.

  
\_\_\_\_\_  
Angelia L. Donohoe  
Legal Assistant