BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

* * * * *

In the Matter of Charges and Complaint Against Don Jae Park, M.D., Respondent.	**Case No. 15-40320-1**

FILED
OCT 19 2015
NEVADA STATE BOARD OF MEDICAL EXAMINERS
By: [signature]

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

COMPLAINT

The Investigative Committee[1] (IC) of the Nevada State Board of Medical Examiners (Board) hereby issues this formal Complaint (Complaint) against Don Jae Park, M.D. (Respondent), a licensed physician in Nevada. After investigating this matter, the IC has a reasonable basis to believe that Respondent has violated provisions of the Nevada Revised Statutes (NRS) chapter 630 and the Nevada Administrative Code (NAC) chapter 630 (collectively Medical Practice Act). The IC alleges the following facts:

Factual Allegations

1. Respondent was licensed by the Board on September 24, 2012, license number 14552. At all times relevant to the allegations in this Complaint, Respondent practiced hematology and oncology in Nevada. Respondent's license expired on June 30, 2015.

2. Respondent treated Patient A. Patient A's true identity is not disclosed in any public document in this matter to protect his privacy, but his identity is being disclosed to Respondent in the Patient Designation served on Respondent along with a copy of this Complaint.

3. On or about June 26, 2013, Patient A presented to the Renown emergency

[1] The Investigative Committee of the Nevada State Board of Medical Examiners was composed of Board members Beverly A. Neyland, M.D., Chairwoman, Sandy Peltyn, Member, and Bashir Chowdhry, M.D., Member, at the time the Complaint was authorized.

department for worsening fatigue and shortness of breath. Respondent noted the hematocrit was only 23 and the hemoglobin 7.6, due to worsening hemolysis, prompting Respondent to start steroids. Respondent started Patient A on Prednisone, and all hemolytic parameters improved except for lactate dehydrogenase (LDH). Respondent seemed unaware that Patient A had prior infections. Patient A was discharged the next day.

4. On or about July 11, 2013, Patient A re-presented with various symptoms. Respondent placed Patient A on IV antibiotics and ordered testing for mononucleosis. Patient A was discharged on July 25, 2013.

5. On or about July 31, 2013, Patient A presented again with continued fever and swollen groin lymph nodes, which prompted Respondent to consider other causes for the autoimmune hemolytic anemia. On August 9, 2013, Patient A underwent a core biopsy of a groin lymph node, which established a diagnosis of diffuse large B-cell lymphoma (DLBCL). Patient A began chemotherapy on August 13, 2013. Thereafter, Patient A was treated for various related health issues. In October, Patient A passed away.

6. At the time of Patient A's initial presentation in June 2013, Respondent failed to pursue any further immunologic evaluation despite Patient A's symptoms being chronic and despite Patient A's LDH remaining unchanged after steroid treatment. Patient A's absolute lymphocyte count was low, and Patient A's blood work suggested an underlying high-grade lymphoma.

7. Respondent also failed to properly support Patient A during his lymphoma therapy by omitting use of recombinant erythropoietin.

8. Due to Respondent's failure to perform a complete and timely workup, Patient A's diagnosis and treatment was delayed. Ultimately, by the time Patient A was diagnosed with DLBCL, he was too weak to tolerate the treatment he needed.

Based on the foregoing, the IC charges Respondent with the following violations of the Medical Practice Act:

9. The expiration of Respondent's license does not deprive the Board of jurisdiction to proceed with this matter. NRS 630.298.

10. The Board may initiate disciplinary action when it finds that a licensee has

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committed malpractice. NRS 630.301(4).

11. Based on the foregoing factual allegations, Respondent committed malpractice when he failed to provide reasonable care, skills, and knowledge ordinarily used under similar circumstances by not performing a complete and timely workup leading to a delay in diagnosis and to Patient A's immune system ultimately being too weak to tolerate chemotherapy. Further, Respondent did not appropriately support Patient A during his lymphoma therapy by omitting recombinant erythropoietin.

12. Based on the foregoing, Respondent is subject to discipline by the Board. NRS 630.352.

WHEREFORE, the IC prays that the Board:

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

2. Set a time and place for a formal hearing after holding an Early Case Conference. NRS 630.339(3);

3. Determine what sanctions to impose if it finds and concludes that Respondent violated the Medical Practice Act;

4. Make, issue and serve on Respondent its findings of fact, conclusions of law and order, in writing, to include sanctions to be imposed; and

5. Take such other and further action as may be just and proper in these premises.

DATED this 16th day of October, 2015.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: _____
Alexia M. Emmermann
General Counsel
Attorney for the Investigative Committee

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VERIFICATION

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 Chairwoman 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 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 19th day of October, 2015.

Beverly A. Neyland, M.D.
Chairwoman, Investigative Committee
Nevada State Board of Medical Examiners

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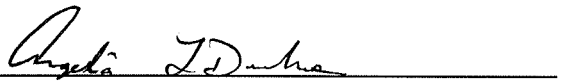
CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 24th day of November 2015; I served a file stamp copy of the COMPLAINT, PATIENT DESIGNATION & FINGERPRINT INFORMATION via USPS e-certified return receipt mail to the following:

West Michigan Cancer Center
c/o Don Jae Park, M.D.
200 N. Park St.
Kalamazoo, MI 49007

Dated this 24th day of November, 2015.



Angelia L. Donohoe
Legal Assistant

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