BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

* * * * *

In the Matter of Charges and

Complaint Against

LUKE ST. JOHN CESARETTI, M.D.,

Respondent.

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Case No. 18-7235-1

FILED

JUL 3 1 2018

COMPLAINT

The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners (Board) hereby issues this formal Complaint (Complaint) against Luke St. John Cesaretti, M.D. (Respondent), a physician licensed in Nevada. After investigating this matter, the IC has a reasonable basis to believe that Respondent has violated provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630 (collectively, the Medical Practice Act). The IC alleges the following facts:

- Respondent is licensed in Nevada in active status (License No. 6238) and was 1. licensed by the Board on June 8, 1991.
- Patient A was a forty-eight (48)-year-old female at the time of the incidents in 2. 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.
- On or about October 18, 2012, Patient A presented for an MRI of the thoracic 3. spine. Respondent examined the MRI, but failed to identify an existence of a high signal mass in this patient's chest and subsequently failed to indicate this mass in her health care records. This aforementioned mass in Patient A's chest was shown on the sagittal images of the MRI.
 - On September 30, 2014, Patient A was deceased. 4.

¹ At the time of this formal complaint was authorized to file, the IC was composed of Board members Rachakonda D. Prabhu, M.D., Chairman, Victor M. Muro, M.D. and Ms. Sandy Peltyn, public member.

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COUNT I

NRS 630.301(4) (Malpractice)

- All of the allegations contained in the above paragraphs are hereby incorporated by 5. reference as though fully set forth herein.
- NRS 630.301(4) provides that malpractice of a physician is grounds for initiating 6. disciplinary action against a licensee.
- NAC 630.040 defines malpractice as the failure of a physician, in treating a patient, 7. to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances.
- As demonstrated by, but not limited to, the above-outlined facts, Respondent failed 8. to use the reasonable care, skill or knowledge ordinarily used under similar circumstances when he failed to identify the mass in Patient A's chest, which was on the sagittal images of the MRI.
- By reason of the foregoing, Respondent is subject to discipline by the Board as 9. provided in NRS 630.352.

COUNT II

NRS 630.3062(1) (Failure to Maintain Complete Medical Records)

- All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.
- NRS 630.3062(1) provides that the failure to maintain timely, legible, accurate and 2. complete medical records relating to the diagnosis, treatment and care of a patient is grounds for initiating discipline against a licensee.
- Respondent failed to maintain complete medical records relating to the diagnosis, 3. treatment and care of Patient A, by failing to document the high signal mass as shown on Patient A's MRI.
- By reason of the foregoing, Respondent is subject to discipline by the Board as 4. provided in NRS 630.352.

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WHEREFORE, the Investigative Committee prays:

- That the Board give Respondent notice of the charges herein against him and give 1. 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;
- That the Board set a time and place for a formal hearing after holding an 2. Early Case Conference pursuant to NRS 630.339(3);
- That the Board determine the sanctions it will impose if it finds Respondent 3. violated the Medical Practice Act;
- 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
- 5. That the Board take such other and further action as may be just and proper in these premises.

day of July, 2018. Dated this 2

> INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

Esq., General Counsel Attorney for the Investigative Committee

OFFICE OF THE GENERAL COUNSEL Nevada State Board of Medical Examiners

VERIFICATION

STATE OF NEVADA)
	: SS
COUNTY OF CLARK)

Rachakonda D. Prabhu 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 31st day of July, 2018. Pathy Richalbords

Rachakonda D. Prabhu, M.D. Chairman, Investigative Committee Nevada State Board of Medical Examiners

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1105 Terminal Way #301 Reno, Nevada 89502 (775) 688-2559

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5	In The Matter of Charges and Case No. 18-7235-1
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7	Complaint Against
8	LUKE ST. JOHN CESARETTI, M.D.,
9	Respondent.
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12	CERTIFICATE OF SERVICE
13	I hereby certify that I am employed by Nevada State Board of Medical Examine
14	that on the 1st day of August 2018, I served a file copy of the COMPLAINT and Finge

ers and that on the ______ day of August 2018, I served a file copy of the COMPLAINT and Fingerprint Information via e-certified delivery to the following:

> Luke St. John Cesaretti, M.D. 3025 S. Rainbow Blvd Las Vegas, NV 89146

Dated this <u>/</u>st day of August 2018.

Dawn DeHaven Gordillo

Legal Assistant 23