

COPY

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

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In The Matter of Charges and)

Complaint Against)

ELADIO SANTANA CARRERA, M.D.,)

Respondent.)

Case No. 08-9241-1

NO. _____

FILED 25 April 2008


EXECUTIVE DIRECTOR

COMPLAINT

The Investigative Committee of the Board of Medical Examiners of the state of Nevada, composed of Charles N. Held, M.D., Chairman, Cindy Lamerson, M.D. Member, and Jean Stoess, M.A., Member, by and through Lyn E. Beggs, Deputy General Counsel for the Nevada State Board of Medical Examiners, having a reasonable basis to believe that Eladio Santana Carrera, M.D., hereinafter referred to as "Respondent," has violated the provisions of NRS Chapter 630, hereby issues its formal Complaint, stating the Investigative Committee's charges and allegations, as follows:

1. Respondent is currently licensed in active status, and was so licensed by the Nevada State Board of Medical Examiners, hereinafter referred to as "the Board," pursuant to the provisions of Chapter 630 of the Nevada Revised Statutes, at the time of the incidents in question.

2. Respondent is an owner of the Endoscopy Center of Southern Nevada, LLC, hereinafter referred to as "ECSN," located at 700 Shadow Lane in Las Vegas, Nevada, and was at the time of the incidents in question.

3. Patient A was a fifty-four-year-old female at the time of the matter in question. Her true identity is not disclosed to protect her privacy, but her identity is disclosed in the Patient Designation served on Respondent along with a copy of this Complaint.

4. On September 21, 2007, Patient A underwent a colonoscopy at ECSN, which was performed by Respondent.

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1 5. Subsequent to the procedure, Patient A tested positive for hepatitis C, although prior to
2 the colonoscopy patient A was not known to have hepatitis C.

3 6. Due to unsafe practices and policies at ECSN, Patient A contracted hepatitis C while at
4 ECSN for her colonoscopy.

5 7. Respondent knew, or should have known, of the unsafe practices and policies at ECSN,
6 both as a physician at, and owner of, the ECSN, which placed Patient A's health and safety at risk.

7 8. Patient B was a sixty-year-old female at the time of the matter in question. Her true
8 identity is not disclosed to protect her privacy, but her identity is disclosed in the Patient Designation
9 served on Respondent along with a copy of this Complaint.

10 9. On September 21, 2007, Patient B underwent an upper GI endoscopy at ECSN, which
11 was performed by Respondent.

12 10. Subsequent to the procedure, Patient B tested positive for hepatitis C, although prior to
13 the colonoscopy Patient B was not known to have hepatitis C.

14 11. Due to unsafe practices and policies at ECSN, Patient B contracted hepatitis C while at
15 ECSN for her procedure.

16 12. Respondent knew, or should have known, of the unsafe practices and policies at ECSN
17 both as a physician at, and owner of, the ECSN, which placed Patient B's health and safety at risk.

18 13. Patient C was a sixty-eight-year-old female at the time of the matter in question. Her
19 true identity is not disclosed to protect her privacy, but her identity is disclosed in the Patient
20 Designation served on Respondent along with a copy of this Complaint.

21 14. On September 21, 2007, Patient C underwent a colonoscopy at ECSN, which was
22 performed by Respondent.

23 15. Subsequent to the procedure, Patient C tested positive for hepatitis C, although prior to
24 the colonoscopy Patient C was not known to have hepatitis C.

25 16. Due to unsafe practices and policies at ECSN, Patient C contracted hepatitis C while at
26 ECSN for her colonoscopy.

27 17. Respondent knew, or should have known, of the unsafe practices and policies at ECSN,
28 both as a physician at, and owner of, the ECSN, which placed Patient C's health and safety at risk.

1 **Count I**

2 18. Nevada Administrative Code Section 630.040 defines malpractice as the failure of a
3 physician, in treating a patient, to use the reasonable care, skill, or knowledge ordinarily used under
4 similar circumstances.

5 19. Nevada Revised Statutes Section 630.301(4) provides that malpractice is grounds for
6 initiating disciplinary action against a physician.

7 20. Respondent failed to use the reasonable care, skill, or knowledge ordinarily used under
8 similar circumstances when he performed a colonoscopy on Patient A, knowing, or being in a position
9 to have known, that the unsafe practices and policies at ECSN could put Patient A's health and safety at
10 risk, resulting in Patient A contracting hepatitis C, constituting a violation of Nevada Revised Statutes
11 Section 630.301(4).

12 21. By reason of the foregoing, Respondent is subject to discipline by the Nevada State
13 Board of Medical Examiners as provided in Section 630.352 of the Nevada Revised Statutes.

14 **Count II**

15 22. Nevada Revised Statutes Section 630.301(7) provides that engaging in conduct that
16 violates the trust of a patient and exploits the relationship between the physician and patient for
17 financial gain is grounds for initiating disciplinary action.

18 23. Respondent violated the trust of Patient A and exploited the physician-patient
19 relationship for financial gain when he performed a colonoscopy on Patient A at a facility in which he
20 had a financial interest, knowing, or being in a position that he should have known, of the unsafe
21 practices at the facility that could put the health and safety of Patient A at risk, resulting in Patient A
22 contracting hepatitis C, constituting a violation of Nevada Revised Statutes Section 630.301(7).

23 24. By reason of the foregoing, Respondent is subject to discipline by the Nevada State
24 Board of Medical Examiners as provided in Section 630.352 of the Nevada Revised Statutes.

25 **Count III**

26 25. Nevada Revised Statutes Section 630.301(9) provides that engaging in conduct that
27 brings the medical profession into disrepute is grounds of initiating discipline.

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

2 1. That the Nevada State Board of Medical Examiners fix a time and place for a formal
3 hearing;

4 2. That the Nevada State Board of Medical Examiners give Respondent notice of the
5 charges herein against him, the time and place set for the hearing, and the possible sanctions against
6 him;


7 3. That the Nevada State Board of Medical Examiners determine what sanctions it
8 determines to impose for the violation or violations committed by Respondent;

9 4. That the Nevada State Board of Medical Examiners make, issue and serve on
10 Respondent its findings of facts, conclusions of law and order, in writing, that includes the sanctions
11 imposed; and

12 5. That the Nevada State Board of Medical Examiners take such other and further action as
13 may be just and proper in these premises.

14 DATED this 25th day of April, 2008.

15 INVESTIGATIVE COMMITTEE OF
16 THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

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18 By: 
19 Lyn E. Beggs
20 Attorney for the Investigative Committee of the Nevada
 State Board of Medical Examiners

1 **VERIFICATION**

2 STATE OF NEVADA)
3 : ss.
4 COUNTY OF DOUGLAS)

5 CHARLES N. HELD, M.D., having been duly sworn, hereby deposes and states under penalty
6 of perjury that he is the Chairman of the Investigative Committee of the Nevada State Board of Medical
7 Examiners that authorized the complaint against the Respondent herein; that he has read the foregoing
8 Complaint; and that based upon information discovered in the course of the investigation into a
9 complaint against Respondent, he believes that the allegations and charges in the foregoing Complaint
10 against Respondent are true, accurate, and correct.

11 DATED this 25th day of April, 2008.

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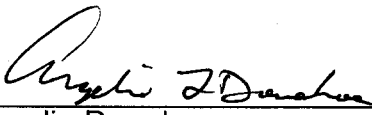
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16 CHARLES N. HELD, M.D.
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1 **CERTIFICATE OF MAILING**

2 I hereby certify that I am employed by Nevada State Board of Medical Examiners and
3 that on the 25th day of April 2008, I served a file copy of the COMPLAINT, PATIENT
4 DESIGNATION, NOTICE OF PRE-HEARING CONFERENCE & HEARING, along with copy
5 of appointment letter, by mailing via FED-EX Priority Overnight to the following:

6 Eladio Santana Carrera, M.D.
7 C/O David J. Mortenson, Esq.
8 7401 W. Charleston Blvd.
9 Las Vegas, NV 89117-1401

9 Dated this 25th day of April 2008.

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13 Angelia Donohoe
14 Legal Assistant
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