## OFFICE OF THE GENERAL COUNSEL Nevada State Board of Medical Examiners

## COPY

## BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

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In The Matter of Charges and	)
Complaint Against	) ) ) Case No. 09-29672-1
CARLOS ERMOCILLA, M.D.,	) NO
Respondent.	) Pareia Lanca CLERKOF THE BOARD

### **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, General Counsel for the Nevada State Board of Medical Examiners, having a reasonable basis to believe that Carlos Ermocilla, M.D., has violated the provisions of NRS Chapter 630, hereby issues its formal Complaint, stating the Investigative Committee's charges and allegations, as follows:

- 1. Dr. Ermocilla is currently licensed in active status, and was so licensed by the Nevada State Board of Medical Examiners, hereinafter referred to as "the Board," on September 22, 2004 (License No. 11167), pursuant to the provisions of Chapter 630 of the Nevada Revised Statutes, and at all times addressed herein was so licensed.
- 2. Patient A was a fifty-five year old female at the time of the events set forth herein. Her true identify is not disclosed to protect her privacy, but her identity is disclosed in the Patient Designation served on Dr. Ermocilla along with a copy of this Complaint.
- 3. On October 13, 2005, Patient A presented to the Harmon Medical Center, an urgent care center, at 4:26 a.m. with complaints of vomiting and diarrhea for the preceding five hours. Patient A also reported weakness and tingling in her extremities and was seen by Dr. Ermocilla.
  - 4. Upon admission, Patient A's blood pressure was 140/88.

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5.	Dr. Er	mocilla	ordered IV	fluid	s and	medica	tions	for P	atien	t A's	comp	olaint	s and lab
work be comp	pleted.	Patient	A's blood	was	taken	at 5:23	l a.m.	and	was	sent	off si	te as	Harmon
Medical Cente	er did n	ot have a	an on-site l	ab.									

- 6. An EKG was also ordered and performed at 5:32 a.m. The EKG results included an abnormality which was labeled a right bundle branch block (RBBB).
- 7. At 5:40 a.m. Patient A's blood pressure had fallen to 90/60. Additional IV fluids were provided. Patient A remained nauseated and at 5:50 a.m. vomited.
- 8. At approximately 6:45 a.m. Patient A went into cardiac arrest. Efforts were made to revive her, but Patient A ultimately expired due to a myocardial infarct.

### Count I

- 9. Nevada Administrative Code Section 630.040 defines malpractice as the failure of a physician, in treating a patient, to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances.
- 10. Nevada Revised Statute Section 630.301(4) provides that malpractice is grounds for initiating disciplinary action against a licensee.
- 11. Dr. Ermocilla failed to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances when he failed to recognize that Patient A was acutely ill and seek emergency medical care for her until she had gone into cardiac arrest and thus he has violated NRS 630.301(4).
- 12. By reason of the foregoing, Dr. Ermocilla is subject to discipline by the Nevada State Board of Medical Examiners as provided in Section 630.352 of the Nevada Revised Statutes.

### WHEREFORE, the Investigative Committee prays:

- 1. That the Nevada State Board of Medical Examiners fix a time and place for a formal hearing;
- 2. That the Nevada State Board of Medical Examiners give Respondent, notice of the charges herein against him, the time and place set for the hearing, and the possible sanctions against him:

- 3. That the Nevada State Board of Medical Examiners determine what sanctions to impose for the violation or violations committed by Respondent; and
- 4. That the Nevada State Board of Medical Examiners 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 Nevada State Board of Medical Examiners take such other and further action as may be just and proper in these premises.

DATED this day of February, 2009.

INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

Lyn E. Beggs

General Counsel and Attorney for the Investigative Committee

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

### VERIFICATION

STATE OF NEVADA	)		
COUNTY OF WASHOE	: ss. )		

Jean Stoess, M.A., having been duly sworn, hereby deposes and states under penalty of perjury that she is a member 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 \_\_\_\_\_ day of February, 2009.

Jean Stoess, M.A.

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# OFFICE OF THE GENERAL COUNSEL Nevada State Board of Medical Examiners

### **CERTIFICATE OF MAILING**

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on the  $6^{\text{TH}}$  day of February 2009, I served a file copy of the COMPLAINT, PATIENT DESIGNATION, NOTICE OF PREHEARING & HEARING along with a copy of the appointment letter, by mailing via USPS certified return receipt to the following:

Carlos Ermocilla, M.D. 150 East Harmon Ave. Las Vegas, NV 89109

Dated this 6<sup>th</sup> day of February 2009.

Angelia Donohoe Legal Assistant

Nevada State Board of Medical Examiners
1105 Terminal Way #301
Reno, Nevada 89502