1

2

3

4

5

6

7

8

9

10

11

12

13

15

16

17

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

* * * * *

In The Matter of Charges and **Complaint Against** DAVID SACK, M.D.,

Respondent.

Case No. 09-28070-1

FILED DEC 0 3 2009 NEVADA STATE BOARD OF MEDICAL EXAMINERS

COMPLAINT

The Investigative Committee of the Nevada State Board of Medical Examiners, composed of Charles N. Held, M.D., Benjamin J. Rodriguez, M.D., and Jean Stoess, M.A., by and through Edward Cousineau, General Counsel for the Nevada State Board of Medical Examiners, having a 14 reasonable basis to believe that David Sack, 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 licensed in active status to practice medicine in the state of Nevada, 18 and at all times alleged herein, was so licensed by the Nevada State Board of Medical Examiners, 19 pursuant to the provisions of Chapter 630 of the Nevada Revised Statutes. 20

2. Patient A was a fifty-five-year-old male at the time of the events at issue. His true 21 identity is not disclosed herein to protect his privacy, but is disclosed in the Patient Designation 22 23 served on Respondent along with a copy of this Complaint.

3. Patient A was transported by ambulance to Desert Springs Hospital on 24 September 6, 2003 with complaints of pain in his chest and back and nausea. Patient A arrived at 25 the hospital at approximately 2035. Based upon Patient A's complaints and associated symptoms, 26 27 an echocardiogram was ordered, the results of which noted a bundle branch block. In response, 28 various diagnostic tests were ordered for Patient A to further determine his medical circumstance.

4. At 2120, approximately forty-five minutes after his presentation, Respondent ordered morphine, nitroglycerine, and lopressor to be administered to Patient A in response to his complaints of pain. Patient A continued to be evaluated and reported having "minimal pain" for the next few hours. At approximately 2240, two hours after Patient A's presentation to the hospital, Respondent ordered a second echocardiogram for Patient A. Comparisons between the results of the second echocardiogram and the previously accomplished one indicated a possible myocardial infarction. Respondent then contacted a cardiologist for consultation; the cardiologist recommended an urgent cardiac catheterization, which was accomplished on Patient A shortly thereafter.

5. Section 630.301(4) of the Nevada Revised Statutes provides that malpractice,
defined as the failure to use the reasonable knowledge, skill and expertise ordinarily used in
similar circumstances, is grounds for discipline.

6. Respondent committed malpractice in the course of providing care and treatment to Patient A when he failed to be more aggressive in his attempts to alleviate Patient A's complaints of pain and when he failed to accomplish additional echocardiograms, earlier in Patient A's treatment course, which would have sooner alerted Respondent as to the need to seek assistance of a cardiological specialist, and is subject to discipline by the Nevada State Board of Medical Examiners as provided in NRS 630.352.

WHEREFORE, the Investigative Committee prays:

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

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

3. That the Board determine what sanctions it deems appropriate to impose for the
violation committed by Respondent; and

- 27 || ///
- 28 || ///

OFFICE OF THE GENERAL COUNSEL Nevada State Board of Medical Examiners 1105 Terminal Way #301 Reno, Nevada 89502 (775) 688-2559 1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

That the Board make, issue and serve on Respondent its findings of facts, 4. conclusions of law and order, in writing, that includes the sanctions imposed. DATED this <u>3</u> day of December, 2009. TI L By: Edward Cousineau Attorney for the Investigative Committee of the Nevada State Board of Medical Examiners Nevada State Board of Medical Examiners 1105 Terminal Way #301 Reno, Nevada 89502 (775) 688-2559

OFFICE OF THE GENERAL COUNSEL

