1	BEFORE THE BOARD OF OF THE STATE		
3	****		
4) In The Matter of Charges and)	Case No. 09-29672-1	
5) Complaint Against)	ELLED	
7	CARLOS ERMOCILLA, M.D.,	FILED AUG242009	
8	Respondent.)	NEVADA STATE BOARD OF MEDICAL EXAMINERS	

10

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The above-entitled matter came on regularly for decision before the Nevada State Board of Medical Examiners, hereinafter "Board", on Friday, August 7, 2009, at the Board's offices located at 1105 Terminal Way, Suite 301, Reno, Nevada, 89502, on the Complaint filed herein. Respondent Carlos Ermocilla, M.D., hereinafter "Respondent", was not present at the meeting nor was his attorney, Maria Nutile, Esq.

16 The members of the Board participating in the decision were: Benjamin J. Rodriguez, M.D.; Renee West; S. Daniel McBride, M.D.; Van V. Heffner and 17 18 Javaid Anwar, M.D. who was present telephonically. Beverly Neyland, M.D. was 19 absent and thus did not participate in the adjudication of the matter. All other remaining 20 members of the Board, being members of the Investigative Committee that issued the 21 complaint in this matter, were excused from participating and took no part in the 22 proceedings of the Board. Keith D. Marcher, Senior Deputy Attorney General, acted as 23 legal counsel to the Board.

The Board having received and read the complaint and exhibits admitted in the matter, as well as the Synopsis of Record prepared by the hearing officer who presided over the hearing and the transcript of the hearing, proceeded to make a decision pursuant to the provisions of NRS chapters 233B and 630.

1

28

///

	1	The Board after due consideration of the record, evidence and law, and being
	2	fully advised in the premises, makes its FINDINGS OF FACT, CONCLUSIONS OF
	3	LAW, AND ORDER in this matter as follows:
	4	FINDINGS OF FACT
	5	I.
	6	Respondent held a license to practice medicine in the State of Nevada at all
	7	relevant times.
	8	II.
	9	On February 6, 2009, the Investigative Committee filed the Complaint in this
	10	matter alleging a violation of Chapter 630 of the Nevada Revised Statutes.
	11	
	12	On June 4, 2009, a hearing was held before an appointed hearing officer on the
	13	allegation contained within the Complaint. Respondent was present and represented by
	14	counsel, Maria Nutile, Esq. The Investigative Committee was represented by
	15	Lyn E. Beggs, Esq.
	16	IV.
	17	On October 13, 2005, Patient A, a fifty-five year old woman, presented to the
•	18	Harmon Medical Center, an urgent care center, at 4:26 a.m. with complaints of vomiting
	19	and diarrhea for the preceding five hours. Patient A also reported weakness and tingling
	20	in her extremities. Upon admission, Patient A's blood pressure was 140/88.
	21	Patient A was seen by Respondent who ordered IV fluids and medications for
	22	Patient A's complaints and lab work to be completed. Patient A's blood was taken at
-	23	5:21 a.m. and was sent off-site as Harmon Medical Center did not have an on-site lab.
	24	An EKG was also ordered and performed at 5:32 a.m. The EKG results included an
	25	abnormality which was labeled a right bundle branch block (RBBB).
	26	At 5:40 a.m. Patient A's blood pressure had fallen to 90/60. Additional IV fluids
	27	were provided. Patient A remained nauseated and at 5:50 a.m. vomited.
	28	
		2

1	At approximately 6:45 a.m. Patient A went into cardiac arrest. Efforts were made
2	to revive her, but Patient A ultimately expired due to a myocardial infarct.
3	ν.
4	The Board finds by a preponderance of the evidence that Respondent violated
5	NRS 630.301(4) and committed malpractice as defined in NAC 630.040 when he failed
6	to recognize that Patient A was acutely ill and seek emergency medical care for her until
7	after she had gone into cardiac arrest.
8	VI.
9	If any of the foregoing Findings of Fact is more properly deemed a Conclusion of
10	Law, it may be so construed.
11	CONCLUSIONS OF LAW
12	l.
13	The Board has jurisdiction over Respondent.
14	II.
15	Respondent was properly served with notice of the hearing via certified mail at
16	the address on file with the Board pursuant to NRS and NAC chapters 630 and NRS
17	chapter 233B.
18	
19	The Board concludes that that Respondent has violated NRS 630.301(4) as
20	described above and accordingly is subject to discipline pursuant to NRS 630.352.
21	IV.
22	If any of the foregoing Conclusions of Law is more properly deemed a Finding of
23	Fact, it may be so construed.
24	ORDER
25	Based upon the foregoing Findings of Fact and Conclusions of Law, and good
26	cause appearing therefore,
27	
28	111
	3

1	IT IS HEREBY ORDERED that:
2	1. Respondent shall be issued a public reprimand.
3	2. Respondent shall reimburse the Board the reasonable costs and expenses
4	incurred in the investigation and prosecution of this case in the amount of \$9,351.29 within
5	sixty (60) days of the date of the filing of this Order.
6	
7	Dated this Athday of August, 2009.
8	NEVADA STATE BOARD OF MEDICAL EXAMINERS
9	-1512an
10	Benjamin J. Rodriguez, M.D., Vice-President Nevada State Board of Medical Examiners
11	
12	Submitted by:
13	CATHERINE CORTEZ MASTO Attorney General
14	
15	
16	KEITH D. MARCHER Senior Deputy Attorney General
17	100 North Carson Street Carson City, Nevada 89701
18	Attorney for Nevada State Board of Medical Examiners
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	

CERTIFICATION

1	CERTITICATION
2	I certify that the foregoing is the full and true original FINDINGS OF FACT,
3	CONCLUSIONS OF LAW AND ORDER on file in the office of the Board of Medical
4	Examiners in the matter of CARLOS ERMOCILLA, M.D., Case no. 09-29672-1.
5	I further certify that BENJAMIN J. RODRIGUEZ, M.D., is the Vice-President of
6	the Nevada State Board of Medical Examiners and that full force and credit is due to his
7	official acts as such; and that the signature to the foregoing ORDER is the signature of
8	said BENJAMIN J. RODRIGUEZ, M.D.
9	IN WITNESS THEREOF, I have herunto set my hand in my official capacity as
10	Secretary-Treasurer of the Nevada State Board of Medical Examiners.
11	
12	Renée West
13	Secretary-Treasurer
14	Nevada State Board of Medical Examiners
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	