

1 **BEFORE THE BOARD OF MEDICAL EXAMINERS**  
2 **OF THE STATE OF NEVADA**

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4  
5 **In The Matter of Charges and** )  
6 )  
7 **Complaint Against** )  
8 )  
9 **BENJAMIN VENGER, M.D.,** )  
10 )  
11 **Respondent.** )

Case No. 10-9819-1

FILED

SEP - 7 2010

NEVADA STATE BOARD OF  
MEDICAL EXAMINERS

By: *[Signature]*

11 **COMPLAINT**

12 The Investigative Committee of the Nevada State Board of Medical Examiners (Board),  
13 composed of Charles N. Held, M.D., Theodore B. Berndt, M.D., and Ms. Valerie Clark, BSN,  
14 RHU, LUTCF, by and through Edward O. Cousineau, Deputy Executive Director for the Board  
15 and Attorney for the Investigative Committee, having a reasonable basis to believe that  
16 Benjamin Venger, M.D., hereinafter referred to as "Respondent," has violated the provisions of  
17 NRS Chapter 630, hereby issues its formal Complaint, stating the Investigative Committee's  
18 charges and allegations, as follows:

19 1. Respondent was actively licensed to practice medicine by the Board on  
20 September 19, 1987, pursuant to the provisions of Chapter 630 of the Nevada Revised Statutes,  
21 and at all times addressed herein was so licensed. Respondent practices medicine in Las Vegas  
22 and his indicated specialty to the Board is Neurosurgery.

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

26 3. Patient A presented to Sunrise Hospital in Las Vegas on June 25, 2004, with a two-  
27 week history of headaches and feverish and confused. Respondent was called for a neurological  
28 consult that morning where he noted abnormalities of Patient A's frontal scalp and garbled speech.

1 Tests showed that Patient A had an elevated white blood cell count and high erythrocyte  
2 sedimentation rate. A CT scan of Patient A's head showed a mass effect on the left side of Patient  
3 A's brain and a cerebral edema. Based upon these inputs, Respondent ordered a cerebral  
4 angiogram and drug screen; the results of both were negative. A MRI of Patient A's head  
5 accomplished later in the day confirmed the previous CT scan findings of a left side mass effect  
6 and diffuse sinusitis.

7 4. Patient A's circumstance did not improve. Around 0730 on June 26, 2004,  
8 Respondent again conducted an evaluation of Patient A. At the time of the evaluation, Patient A  
9 was comatose, unresponsive to pain or stimulus. Respondent spoke to Patient A's family around  
10 1430 and recommended interventional surgery. Consent from Patient A's family was obtained,  
11 and the surgery began at approximately 2100. Intraoperatively, Respondent discovered a subdural  
12 empyema and multiple intracranial abscesses with intracranial pressure. In response, Respondent  
13 performed a frontotemporoparietal craniotomy with evacuation of the intracranial abscesses and  
14 subdural empyema and decompressive craniectomy.

15 5. After the surgical procedure, Patient A's outlook was poor and Patient A's chances  
16 of survival were deemed minimal. After discussion with Respondent, Patient A's family directed  
17 that life support measures for Patient A be removed. Patient A expired at approximately 0100 on  
18 June 27, 2004.

19 6. Based upon the foregoing, Respondent's care and treatment of Patient A constitutes  
20 malpractice. The combination of fever, headache, sinusitis, elevated white blood cell count, and  
21 high erythrocyte sedimentation should have alerted Respondent to the fact that Patient A could be  
22 suffering from a subdural empyema. The aforementioned information was available to  
23 Respondent on June 25, 2004, but Respondent did not recommend surgical intervention to the  
24 family of Patient A until the afternoon of June 26, 2004, and did not actually undertake surgical  
25 intervention until later that evening.

26 7. Malpractice is defined at NAC 630.040 as "the failure of a physician, in treating a  
27 patient, to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances."

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8. Based upon the foregoing, Respondent has violated NRS 630.301(4), and is subject to discipline as provided by NRS 630.352.

WHEREFORE, the Investigative Committee prays:

1. That the Board set a time and place for a formal hearing;
2. That the Board 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 Board determine what sanctions it determines to impose for the violation or violations committed by Respondent;
4. That the Board make, issue and serve on Respondent its findings of facts, conclusions of law and order, in writing, that includes the sanctions imposed;
5. That the Board take such other and further action as may be just and proper in these premises.

DATED this 3<sup>rd</sup> day of September, 2010.

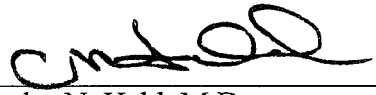
By:   
Edward Cousineau  
Attorney for the Investigative Committee of the  
Nevada State Board of Medical Examiners

VERIFICATION

1 STATE OF NEVADA )  
2 : ss.  
3 COUNTY OF DOUGLAS )  
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5 Charles N. Held, M.D., hereby deposes and states under penalty of perjury under the laws  
6 of the state of Nevada that he is the Chairman of the Investigative Committee of the Nevada State  
7 Board of Medical Examiners that authorized the foregoing Complaint against the Respondent  
8 herein; that he has read the foregoing Complaint; and that based upon information discovered  
9 during the course of the investigation into a complaint against Respondent, that he believes the  
10 allegations and charges in the foregoing Complaint against Respondent are true, accurate, and  
11 correct.

12 Dated this 7<sup>th</sup> day of September, 2010.

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15 Charles N. Held, M.D.  
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**CERTIFICATE OF MAILING**

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 7<sup>th</sup> day of September 2010; I served a file copy of the COMPLAINT, PATIENT DESIGNATION, along with Fingerprint Information by mailing via USPS certified return receipt to the following:

Benjamin Venger, M.D.  
3737 Pecos McLeod Ste. 101  
Las Vegas, NV 89121

Dated this 7<sup>th</sup> day of September 2010.



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Angelia L. Donohoe  
Legal Assistant