

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF NEVADA

\* \* \* \* \*

In The Matter of Charges and )  
Complaint Against )  
DANIEL LINK, M.D. )  
Respondent. )

Case No. 10-11919-1  
**FILED**

AUG 11 2010

NEVADA STATE BOARD OF  
MEDICAL EXAMINERS

By: *[Signature]*

COMPLAINT

The Investigative Committee of the Nevada State Board of Medical Examiners, composed at the time of filing of Benjamin Rodriguez, M.D., Chairman, Beverly A. Neyland, M.D., Member, and Van V. Heffner, Member, having a reasonable basis to believe that Daniel Link, 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 (License No. 8482), and has been so licensed since December 8, 1997 by the Nevada State Board of Medical Examiners pursuant to the provisions of Chapter 630 of the Nevada Revised Statutes.

2. Patient A was a twenty-six year old (26) female at the time of the incidents in question. Her true identity is not disclosed herein to protect her privacy, but her identity is disclosed in the Patient Designation served on Respondent along with a copy of this Complaint.

3. Patient A presented to the Surgical Weight Control Center of Nevada on January 18, 2008. She sought assistance for weightloss. After an examination by Daniel Soong, M.D., laparoscopic surgery for placement of an adjustable Gastric silicone band was planned for February 14, 2008.

///

1 4. A urine pregnancy test was administered to Patient A just prior to surgery on  
2 February 14, 2008. Her urine sample was taken at 7:00 a.m. The urine test result was obtained at  
3 7:48 a.m. and was positive for pregnancy. It also had the words "STAT STAT STAT" on it.

4 5. Respondent was the attending anesthesiologist in this matter. It appears that the  
5 positive urine test result was never called in or reported to the Respondent. Respondent,  
6 moreover, did not follow-up on the results prior to the surgery. The laparoscopic surgery for  
7 placement of the Gastric silicone band on Patient A, and of course the necessary anesthesia,  
8 proceeded without Respondent's knowledge of her pregnant status. Surgery proceeded with no  
9 apparent complications.

10 6. Patient A began skipping menstrual cycles in March, 2008. At a follow-up  
11 appointment, she asked Dr. Soong, M.D. about missing her menstrual cycle and was told that it  
12 was normal after this type of surgery and related rapid weight loss. Patient A also skipped her  
13 menstrual cycle in April, 2008.

14 7. Patient A did not have a menstrual cycle in May, 2008. On May 19, 2008, Patient  
15 A did not feel well and had a sharp pain in her left side. She went to the University Medical  
16 Center Emergency Room for treatment. A urine sample was then taken that established Patient  
17 A's pregnant status. An ultrasound placed her at nineteen (19) weeks gestation. Thus, Patient A  
18 was two to three (2-3) weeks pregnant at the time of the laparoscopic surgery and related  
19 anesthesia administered by Respondent.

20 8. As the attending anesthesiologist, the recognition and reporting of abnormal tests  
21 was Respondent's responsibility. Respondent should have verified the results of the pregnancy test  
22 prior to surgery. Once the positive test results were obtained, Respondent should have notified  
23 Patient A that she was pregnant and canceled the elective procedure.

24 Count I

25 9. All of the allegations contained in the above paragraphs are hereby incorporated by  
26 reference as though fully set forth herein.

27 ///

28 ///

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

4           11.     Nevada Revised Statute Section 630.301(4) provides that malpractice is grounds  
5 for initiating disciplinary action against a licensee.

6           12.     Respondent failed to use the reasonable care, skill, or knowledge ordinarily used  
7 under the same or similar circumstances when he failed and omitted to obtain and verify the  
8 results of the positive pregnancy test as well as not being able to cancel the elective surgical  
9 procedure upon receipt of the positive test result.

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

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

13           1.     That the Nevada State Board of Medical Examiners give Respondent notice of the  
14 charges herein against him and give him notice that he may file an answer to the Complaint herein  
15 as set forth in Section 630.339 of the Nevada Revised Statutes within twenty (20) days of service  
16 of the Complaint.

17           2.     That the Nevada State Board of Medical Examiners set a time and place for a  
18 formal hearing after holding an Early Case Conference pursuant to NRS §630.339(3);

19           3.     That the Nevada State Board of Medical Examiners determine what sanctions it  
20 determines to impose if it determines there has been a violation or violations of the Medical  
21 Practice Act (Nevada Revised Statutes Chapter 630) committed by Respondent; and

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

25     ///

26     ///

27     ///

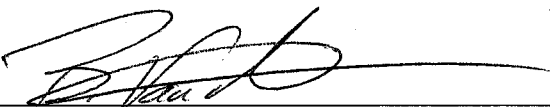
28     ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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 21<sup>st</sup> day of August, 2010.

THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:   
Bradley O. Van Ry, Esq.  
Deputy General Counsel and Attorney for the Investigative Committee

VERIFICATION

STATE OF NEVADA            )  
  : ss.  
COUNTY OF CLARK         )

Benjamin Rodriguez, M.D., hereby deposes and states under penalty of perjury under the laws of the state of Nevada that he is the Chairman of the Investigative Committee of the Nevada State Board of Medical Examiners that authorized the foregoing Complaint against the Respondent herein; that he has read the foregoing Complaint; and that based upon information discovered during the course of the investigation into a complaint against Respondent, that he believes the allegations and charges in the foregoing Complaint against Respondent are true, accurate, and correct.

Dated this 17<sup>th</sup> day of August, 2010.

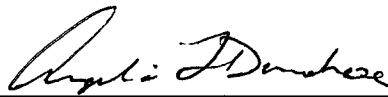
  
BENJAMIN RODRIGUEZ, M.D.

**CERTIFICATE OF MAILING**

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 11<sup>th</sup> day of August 2010; I served a file copy of the Complaint, Patient Designation, Original of the Settlement, Waiver and Consent Agreement along with the Fingerprint Information by mailing via USPS certified return receipt mail to the following:

Daniel Link, M.D.  
7326 W. Cheyenne Ave.  
Las Vegas, NV 89129

Dated this 11<sup>th</sup> day of August 2010.



Angelina L. Donohoe  
Legal Assistant

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28