

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

3 * * * * *

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

Case No. 10-31729-1

FILED

MAY 17 2010

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

11 **COMPLAINT**

12 The Investigative Committee of the Nevada State Board of Medical Examiners, composed
13 of Benjamin J. Rodriguez, M.D., Chairman, Van V. Heffner, Member, and Beverly A. Neyland,
14 M.D., Member, by and through Bradley O. Van Ry, Deputy General Counsel for the Nevada State
15 Board of Medical Examiners, having a reasonable basis to believe that
16 Sean Beaty, M.D., hereinafter referred to as Dr. Beaty, 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. Dr. Beaty is currently licensed in active status, and was so licensed by the Nevada
20 State Board of Medical Examiners, on May 18, 2006 (License No. 11844), pursuant to the
21 provisions of Chapter 630 of the Nevada Revised Statutes, and at all times addressed herein was
22 so licensed.

23 2. Patient A was a sixty-six year old (66) female at the time of the incidents in question.
24 Her true identity is not disclosed to protect her privacy, but her identity is disclosed in the Patient
25 Designation served on Dr. Beaty along with a copy of this Complaint.

26 3. Patient A underwent an outpatient upper endoscopy and colonoscopy on
27 September 7, 2006 performed by another physician. After the procedure, that physician
28 recommended that Patient A go to Sunrise Hospital for a barium enema.

1 4. Patient A went to Sunrise Hospital for the barium enema to be performed by
 2 Dr. Beatty on the same day. Prior to the barium enema, a "scout film" (x-ray) was taken per standard
 3 procedures. The "scout film" (x-ray) showed extra luminal gas. Dr. Beatty failed to review the "scout
 4 film" x-ray until after the barium enema procedure. This extra luminal gas would have led Dr. Beatty
 5 to immediately inform the referring physician of a suspected colonic perforation and not proceed
 6 with the barium enema. Unfortunately, this never took place and the barium enema proceeded.

7 5. As the procedure progressed, the barium enema began to seep into the peritoneum
 8 from a perforation in the colon. The barium procedure was halted, and the ordering physician was
 9 notified. It is believed that the colonic perforation was not caused by Dr. Beatty.

10 6. The barium leakage led to massive internal injuries that required two (2) abdominal
 11 surgeries, a colostomy, caused respiratory failure, and a splenectomy. Patient A remained in the
 12 hospital from September 7, 2006 until October 7, 2006. Then she was confined in Rehabilitation
 13 Hospital of Las Vegas from October 7, 2006 to October 26, 2006. Finally, she was in Kindred
 14 Hospital of Las Vegas from October 26, 2006 to November 10, 2006.

15 7. Dr. Beatty never reviewed the "scout film" (x-ray) before the procedure. He did,
 16 however, review the "scout film" (x-ray) after the barium enema and observed that free air was seen
 17 and not appreciated prior to the administration of the barium enema. If Dr. Beatty had reviewed the
 18 film prior to the administration of the barium enema, he would have likely decided upon further
 19 diagnostic exams before proceeding.

20 Count I

21 8. Nevada Administrative Code Section 630.040 defines malpractice as the failure of
 22 a physician, in treating a patient, to use the reasonable care, skill, or knowledge ordinarily used
 23 under similar circumstances.

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

26 10. Dr. Beatty failed to use the reasonable care, skill, or knowledge ordinarily used
 27 under the same or similar circumstances when he failed and omitted to review the "scout film"
 28 (x-ray) prior to performing a barium enema on Patient A.

1 11. By reason of the foregoing, Dr. Beaty is subject to discipline by the Nevada State
2 Board of Medical Examiners as provided in Section 630.352 of the Nevada Revised Statutes.

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

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

5 1. That the Nevada State Board of Medical Examiners give Dr. Beaty notice of the
6 charges herein against him and give him notice that he may file an answer to the Complaint herein
7 as set forth in Section 630.339 of the Nevada Revised Statutes within twenty (20) days of service
8 of the Complaint.

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

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

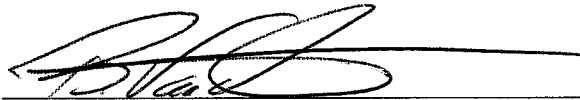
14 4. That the Nevada State Board of Medical Examiners make, issue and serve on
15 Dr. Beaty its findings of facts, conclusions of law and order, in writing, that includes the sanctions
16 imposed; and

17 5. That the Nevada State Board of Medical Examiners take such other and further
18 action as may be just and proper in these premises.

19 DATED this 17th day of May, 2010.

20 THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

21
22
23 By:



24 Bradley O. Van Ry
25 Deputy General Counsel and Attorney for the Investigative Committee
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VERIFICATION

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STATE OF NEVADA)
 : ss.
COUNTY OF CLARK)

Benjamin J. 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 17th day of May, 2010.



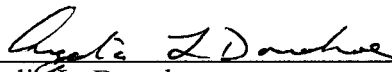
Benjamin J. Rodriguez, M.D.

CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 17th day of May 2010, I served a file copy of the COMPLAINT, PATIENT DESIGNATION, SETTLEMENT WAIVER & CONSENT AGREEMENT and Fingerprint Information, by mailing via USPS certified return receipt to the following:

Sean Beaty, M.D.
4101 Wagon Trail Ave.
Las Vegas, NV 89118

Dated this 17th day of May 2010.



Angelia L. Donohoe
Legal Assistant