BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

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In The Matter of Charges and

Complaint Against

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DAMON SACCO, M.D.

Respondent.

Case No. 11-29622-1

JUN 29 2011 NEVADA STATE BOARD OF MEDICAL EXAMINERS

FILED

COMPLAINT

The Investigative Committee of the Nevada State Board of Medical Examiners, composed at the time filing was approved of Charles N. Held, M.D., Theodore Berndt, M.D., and Ms. Valerie Clark, BSN, RHU, LUTCF, having a reasonable basis to believe that Damon Sacco, M.D. hereinafter referred to as Dr. Sacco, has violated the provisions of NRS Chapter 630, hereby issues its formal Complaint, stating the Investigative Committee's charges and allegations, as follows:

18 1. Dr. Sacco is currently licensed in active status (License No. 13323), and was so 19 licensed on November 4, 2009 by the Nevada State Board of Medical Examiners pursuant to the 20 provisions of Chapter 630 of the Nevada Revised Statutes. Between August 5, 2005 and 21 November 4, 2009, Dr. Sacco held a Special Purpose License in the state of Nevada.

22 2. On December 9, 2010, the Colorado Medical Board issued Dr. Sacco a letter of 23 admonition based upon his care of a patient in 2005 when he failed to recommend additional 24 imaging studies for the patient based upon findings of digital radiographs which caused a two 25 week delay in diagnosis and treatment.

3. Based on the issuance of the letter of admonition by the Colorado Medical Board,
the Texas Medical Board issued a Corrective Order to Dr. Sacco on February 4, 2011 and the
Medical Board of California issued a letter of public reprimand on March 24, 2011.

Although Dr. Sacco did disclose the actions taken by Colorado, Texas and 4. 1 California on his 2011 renewal application, he failed to timely report those actions to the Nevada 2 State Board of Medical Examiners. 3 4

Count I

5. Section 630.301(3) the Nevada Revised Statutes (NRS) provides that any disciplinary action, including the revocation, suspension, modification or limitation of a license to practice any type of medicine taken by another state is grounds for initiating disciplinary action against a licensee.

6. Dr. Sacco was disciplined by the Colorado Medical Board as described above and 9 accordingly, is in violation of NRS 630.301(3). 10

7. By reason of the foregoing, Dr. Sacco is subject to discipline by the Nevada State Board of Medical Examiners as provided in NRS 630.352.

Count II

8. NRS 630.306(11) provides that failure of a licensee to report in writing, within thirty (30) days, any disciplinary action taken against the licensee by another state is grounds for initiating disciplinary action against a licensee.

Dr. Sacco failed to report the actions taken by Colorado, Texas or California and 9. 17 accordingly is in violation of NRS 630.306(11). 18

19 10. By reason of the foregoing, Dr. Sacco is subject to discipline by the Nevada State Board of Medical Examiners as provided in NRS 630.352. 20

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OFFICE OF THE GENERAL COUNSEL

Nevada State Board of Medical Examiners

1105 Terminal Way #30. Reno, Nevada 89502

(775) 688-2559

WHEREFORE, the Investigative Committee prays:

That the Nevada State Board of Medical Examiners give Dr. Sacco notice of the 1. 22 charges herein against him and give him notice that he may file an answer to the Complaint herein 23 as set forth in Section 630.339 of the Nevada Revised Statutes within twenty (20) days of service 24 25 of the Complaint.

2. That the Nevada State Board of Medical Examiners set a time and place for a 26 formal hearing after holding an Early Case Conference pursuant to NRS 630.339(3); 27

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

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

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 27^{44} day of June, 2011.

: ss.

THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

General Counsel and Attorney for the Investigative Committee

VERIFICATION

STATE OF NEVADA

19 CHARLES N. HELD, M.D., having been duly sworn, hereby deposes and states under
20 penalty of perjury that he is the Chairman of the Investigative Committee of the Nevada State
21 Board of Medical Examiners that authorized the complaint against the Respondent herein; that he
22 has read the foregoing Complaint; and that based upon information discovered in the course of the
23 investigation into a complaint against Respondent, he believes that the allegations and charges in
24 the foregoing Complaint against Respondent are true, accurate, and correct.

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CHARLES N. HELD, M.D.



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