

of Charles N. Held, M.D., Theodore B. Berndt, M.D. and Ms. Valerie Clark, BSN, RHU, LUTCF, having a reasonable basis to believe that Darby-Annette Clayson, 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. 11502) and has been so licensed since July 8, 2005, 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 sixty-five-year-old male at the time of the incident in question. His true identity is not disclosed to protect his privacy, but his identity is disclosed in the Patient 20 Designation served on Respondent along with a copy of this Complaint. 21

3. Patient A had an extensive medical history including end-stage renal disease on 22 hemodyalysis awaiting a kidney transplant, chronic anemia, and diabetes mellitus among other 23 serious medical issues. Patient A in previous years had undergone multiple blood transfusions. 24

4. Patient A presented to Respondent at the Mike O'Callaghan Federal Hospital in the 25 late hours of October 13, 2006, and was admitted to the hospital for a blood transfusion and 26 observation with symptoms of anemia and a hemoglobin level of 8 and a hematocrit level of 25.4. 27

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(775) 688-2559

5. At 0030 on October 14, 2006, Patient A began receiving his first unit of red blood cells with no apparent reaction being noted by nursing staff.

3 6. At 0320, a second unit of red blood cells was started with no reaction being noted 4 at 0345. Patient A reported some chest discomfort at 0415, noting that it did not radiate and it was just an ache in the center of his chest. His vitals were normal, but he had an oxygen saturation 5 level of 91% and was given oxygen. 6

7 7. Respondent was notified of Patient A's condition at 0420 and she indicated that the blood should be slowed down and to give Patient A Tylenol. Respondent did not personally assess 8 Patient A.

8. Patient A at 0455 reported that he was still having some chest discomfort. Patient A 10 then started snorting respiration and did not respond verbally. Nursing staff called Respondent and the second unit of blood cells was discontinued.

9. At 0500, a code blue was called, resuscitation efforts were made and Patient A was intubated and transferred to intensive care.

10. Respondent's shift ended at 0700 and she transferred the care of Patient A to the physician coming on shift.

17 11. A pulmonary consultation was performed while Patient A was in ICU which noted 18 an impression of S/P ventricular tachycardia/ventricular fibrillation with cardiac arrest, r/o cardiac 19 ischemia, possible cardiogenic shock, as well as probable cardiogenic pulmonary edema. The 20 consult note further indicated that Patient A was in the process of being transferred to another 21 hospital for further cardiac evaluation and support.

12. 22 Patient A was transferred to Valley Hospital in Las Vegas at 1500 on 23 October 14, 2006. Patient A died on October 17, 2006, with the immediate cause of death being 24 listed as cardiac arrest.

Count I

13. 26 NAC 630.040 defines malpractice as the failure of a physician, in treating a patient, 27 to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances. 28 ///

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14. NRS 630.301(4) provides that malpractice is grounds for initiating discipline against a licensee.

15. Respondent committed malpractice as defined by NAC 630.040 when she failed to personally evaluate Patient A after initially being contacted by nursing staff and advised that Patient A was complaining of chest discomfort which may have resulted in a higher suspicion of a cardiac event transpiring and when she failed to further investigate Patient A's chest discomfort and accordingly is in violation of NRS 630.301(4).

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

OFFICE OF THE GENERAL COUNSEL

Vevada State Board of Medical Examiners

1105 Terminal Way #30 Reno, Nevada 89502

(775) 688-2559

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WHEREFORE, the Investigative Committee prays:

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

2. That the Nevada State Board of Medical Examiners set a time and place for a formal hearing after holding an Early Case Conference pursuant to NRS 630.339(3); 16

17 3. That the Nevada State Board of Medical Examiners determine what sanctions it 18 determines to impose if it determines there has been a violation or violations of the Medical 19 Practice Act (Nevada Revised Statutes Chapter 630) committed by Respondent;

4. 20 That the Nevada State Board of Medical Examiners make, issue and serve on Respondent its findings of facts, conclusions of law and order, in writing, that includes the 21 22 sanctions imposed; and

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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 ______ day of April, 2011.

THE INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

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Lyn E. Beggs, Esq.) Attorney for the Investigative Committee

VERIFICATION

STATE OF NEVADA) : ss. COUNTY OF DOUGLAS)

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

DATED this <u>April</u>, 2011.

CHARLES N. HELD, M.D

OFFICE OF THE GENERAL COUNSEL Nevada State Board of Medical Examiners 1105 Terminal Way #301 Reno, Nevada 89502 (775) 688-2559	1	CERTIFICATE OF MAILING
	2	I hereby certify that I am employed by Nevada State Board of Medical Examiners and
	3	that on 25 th day of April 2011, I served a file copy of the COMPLAINT, PATIENT
	4	DESIGNATION, SETTLEMENT AGREEMENT & Fingerprint Information, by mailing via
	5	USPS certified return receipt mail to the following:
	6	Darby-Annette Clayson, M.D. 3017 Carbondale St. Las Vegas, NV 89135
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	9	Dated this 25 th day of April 2011.
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	11	andi Donaha
	12	Angelia L. Donohoe
	13	Legal Assistant
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