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

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Complaint Against GERALD WAYNE DUNN, M.D., Respondent.

In The Matter of Charges and



COMPLAINT

The Investigative Committee of the Nevada State Board of Medical Examiners, composed at the time filing of Charles N. Held, M.D., Chairman, Theodore B. Berndt, M.D., Member, and Valerie J. Clark, Member, having a reasonable basis to believe that Gerald Wayne Dunn, 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:

Respondent's license is currently in active status (License No. 2827), and has been
 so licensed since June 5, 1974 by the Nevada State Board of Medical Examiners pursuant to the
 provisions of Chapter 630 of the Nevada Revised Statutes.

21 2. Patient A was a fifty-six year old (56) female at the time of the incidents in question.
 22 Her true identity is not disclosed to protect her privacy, but her identity is disclosed in the Patient
 23 Designation served on Respondent along with a copy of this Complaint.

3. On October 5, 2004, Patient A suffered a seizure and was admitted to Southern
Hills Hospital for diagnosis and treatment. After an MRI, the initial diagnosis was atypical viral
encephalitis with a differential diagnosis including low grade glioma, psuedotumor or less likely
infarct.

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(775) 688-2559

4. A follow-up MRI brain scan was performed on Patient A on January 6, 2005. The radiologist stated that the MRI results were representative of atypical encephalitis versus low grade glioma. Thus, this subsequent MRI was essentially identical with the October 5, 2004 findings. No observable changes in the MRI results indicated a tumor and ruled out encephalitis.

5. Respondent saw Patient A beginning on December 19, 2005. Respondent continued to see Patient A four more times up through August 15, 2006.

6. At no time did Respondent compare the October 5, 2004 results to the January 6,
2005 results. Respondent also failed to review and report the results of the January 6, 2005 to
Patient A during his course of medical care. Respondent further failed to order a new MRI scan at any time.

7. Had Respondent compared the two MRI results, reviewed the most recent MRI, or ordered a new one, he would have been able to inform the patient of the true gravity of the diagnosis and prognosis, inevitably fatal, and perhaps achieved a better outcome.

Count I

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

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

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

11. Respondent failed to use the reasonable care, skill, or knowledge ordinarily used
under the same or similar circumstances when he failed and omitted to compare the results of the
two MRIs; failed and omitted to review the January 6, 2005 MRI at anytime; failed to report the
MRI results, and related diagnosis/prognosis of the January 6, 2005 MRI at anytime to Patient A;
and, failed to order another MRI scan at any time.

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

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WHEREFORE, the Investigative Committee prays:

That the Nevada State Board of Medical Examiners give Respondent notice of the 1. charges herein against him and give him notice that he 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 6 7 formal hearing after holding an Early Case Conference pursuant to NRS §630.339(3);

3. 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 Respondent; and 10

4. 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 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 Z day of January, 2011.

THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

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By:

Bradley O. Van Ry, Esq.

Deputy General Counsel and Attorney for the Investigative Committee

OFFICE OF THE GENERAL COUNSEL Vevada State Board of Medical Examiners 12 105 Terminal Way #30 Reno, Nevada 89502 13 (775) 688-2559 14 15 16 17

VERIFICATION

COUNTY OF DOUGLAS) STATE OF NEVADA) : ss.

Charles N. Held, 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 <u>3</u>⁴ day of January, 2011.

CHARLES N. HELD,

| | 1 | CERTIFICATE OF MAILING | |
|--|----------|---|--|
| | 2 | I hereby certify that I am employed by Nevada State Board of Medical Examiners and | |
| | 3 | that on 3 rd day of January 2011; I served a file copy of the Complaint, Patient Designation & | |
| | 4 | Fingerprint Information, by mailing via USPS certified return receipt mail to the following: | |
| | 5 | Gerald Dunn, M.D. | |
| | 6 | P.O. Box 28100 Las Vegas, NV 89126 | |
| | 7 | | |
| | 8 | Dated this 3 rd day of January 2011. | |
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| | 11 | Angelia L. Donohoe | |
| | 12 | Legal Assistant | |
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