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

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In The Matter of Charges and **Complaint Against** GRAHAM DUNDAS SIMPSON, M.D.,

**Respondent.** 

Case No. 11-5013-1

MAY - 4 2011 NEVADA STATE BOARD OF **EXAMINERS** 

FILED

## **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, BSN, RHU, LUTCF, Member, having a reasonable basis to believe that Graham Dundas Simpson, 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's license is currently in active status (License No. 3723), and has been so licensed since January 1, 1979 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 fifty-nine year old (59) male at the time of the incidents in question. His true identity is not disclosed to protect his privacy, but his identity is disclosed in the Patient 22 Designation served on Respondent along with a copy of this Complaint.

3. On August 21, 2008, Patient A presented to Cenegenics Medical Institute and the 24 Respondent primarily for weight loss. During the initial work-up, Patient A admitted to being 25 addicted to pain medications. He admitted to taking Oxycontin, 80 mg 3 tablets 3X per day, and 26 27 Percocet, 30 mg 8-12 tablets per day. He also told Respondent that he was taking methimazole for a thyroid condition. 28

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4. Despite Patient A taking methimazole, Respondent prescribed Armour thyroid. This was to treat a claimed hypothyroid condition.

5. Respondent also prescribed testosterone cypionate IM 0.4 cc 2X weekly to treat the low testosterone levels. This was a failure by Respondent to recognize that the low testosterone levels of Patient A were due to his chronic dependence on opioids, his obesity and diabetes. Again, despite this, Respondent increased the dosage of testosterone cypionate IM to 0.6 cc 2X weekly. Two weeks later, the dosage was lowered to the initial amount of 0.4 cc 2X weekly.

6. Respondent also initially prescribed supplementation with DHEA for Patient A. This too was unwarranted and unnecessary because Patient A's low DHEA was due to his chronic opioid dependence.

7. Patient A terminated his medical care with Cenegenics Medical Institute and the Respondent on or about February 11, 2009.

### **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.

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

21 11. Respondent failed to use the reasonable care, skill, or knowledge ordinarily used 22 under the same or similar circumstances by, among other things, when he failed and omitted to 23 recognize that Patient A was already on a course of treatment, methimazole, for hyperthyroidism and 24 then prescribed Armour thyroid to treat hypothyroidism; failed and omitted to recognize that Patient 25 A's low testosterone level(s) were the result of chronic opioid dependence, obesity and diabetes and 26 then prescribed testosterone cypionate to treat the low levels; failed and omitted to recognize that 27 Patient A's low DHEA was also secondary to opioid dependence and then prescribed supplemental 28 DHEA for Patient A.

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

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 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

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  $\frac{442}{7}$  day of May, 2011.

By:

THE INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

Bradley O. Van Ry, Esq. Attorney for the Investigative Committee

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#### **VERIFICATION**

#### STATE OF NEVADA ): SS. COUNTY OF DOUGLAS )

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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>4</u><sup>thy</sup> day of May, 2011.

Reno, Nevada 89502 6552-13 (775) 688-2559

:		
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 3	I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 5 <sup>th</sup> day of May 2011, I served a file copy of the COMPLAINT, PATIENT
	4	DESIGNATION & Fingerprint Information, by mailing via USPS certified return receipt mail to
	5	the following:
	6	
	7	Graham Simpson, M.D. 5060 Meadowood Mall Circle
	8	Reno, NV 89511
	9	Dated this 5 <sup>th</sup> day of May 2011.
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	11	$\beta$ , $2\pi$ (
	12	Angelia L. Donohoe
	13	Legal Assistant
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