

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

3 * * * * *

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

Case No. 11-5797-1

FILED

FEB 22 2011

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: 

11 **COMPLAINT**

12 The Investigative Committee of the Nevada State Board of Medical Examiners, comprised
13 of Charles N. Held, M.D., Chairman, Theodore B. Berndt, M.D., Member, and Valerie J. Clark,
14 Member, at the time it approved and authorized the filing of this complaint having a reasonable
15 basis to believe that Kenneth Cecil Westfield, M.D., hereinafter referred to as Respondent, has
16 violated the provisions of NRS Chapter 630, hereby issues its formal Complaint, stating the
17 Investigative Committee's charges and allegations, as follows:

18 1. Respondent's license is currently in active status (License No. 3953), and has been
19 so licensed since January 1, 1980 by the Nevada State Board of Medical Examiners pursuant to the
20 provisions of Chapter 630 of the Nevada Revised Statutes.

21 2. Patient A was a sixty-four (64) year old female at the time of the incidents in
22 question. Her true identity is not disclosed to protect her privacy, but her identity is disclosed in the
23 Patient Designation served on Respondent along with a copy of this Complaint.

24 3. On or about April 11, 2007, Patient A presented to the Westfield Eye Center
25 ("Westfield") complaining of constant blurry vision for the past six (6) months. Patient A was
26 examined, not by Respondent, and right eye cataract surgery with lens implant was scheduled.

27 4. On May 24, 2007, Respondent performed the cataract extraction along with
28 performing the lens implant. During the surgery, something happened that is not included in the

OFFICE OF THE GENERAL COUNSEL
Nevada State Board of Medical Examiners
1105 Terminal Way #301
Reno, Nevada 89502
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1 medical records, and a second lens was implanted by Respondent. Later on retained lens
2 fragments and the first new lens were found deposited into the posterior segment of the patient's
3 eye.

4 5. On May 25, 2007, the day after surgery, Patient A returned to Westfield and was
5 not seen by Respondent, but by an optometrist. Significantly, the attending optometrist was not
6 informed of any intraoperative complications by Respondent. Patient A's eye pressure was noted
7 as high with unspecified white cells observed in the anterior chamber.

8 6. Patient A returned to Westfield on June 1, 2007. Her vision was gone in the right
9 eye. The intraocular pressure was measured at 52 mm. The attending optometrist released the
10 pressure in the eye.

11 7. On June 4, 2007, Patient A complained again of pain and loss of vision in her right
12 eye. The intraocular pressure was measured at 74 mm. The attending ophthalmologist, again not
13 Respondent, administered some medications and the pressure dropped to 41 mm.

14 8. As the ophthalmologist examined the eye, lens fragments and the first new lens
15 were finally identified in the anterior chamber of Patient A's right eye. Medications were
16 prescribed, and Patient A was referred to a retina specialist.

17 9. On June 5, 2007, Patient A saw a retina specialist. The retina specialist found
18 continued high intraocular pressure. Large retained lens fragments were observed as well as the
19 first dislocated new lens.

20 10. Subsequently on June 8, 2007, Patient A underwent vitrectomy, lensectomy and
21 removal of posterior chamber intraocular lens. Ultimately, Patient A never recovered sight in her
22 right eye.

23 Count I

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

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

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

14. Respondent failed to use the reasonable care, skill, or knowledge ordinarily used under the same or similar circumstances when he failed and omitted to perform a preoperative examination on Patient A; failed to document any and all complications that occurred at the time of the cataract surgery; signed a standard dictation form that indicated no operative complication(s); failed to communicate to Patient A or her family the fact that a complication had occurred or the seriousness of this complication; failed to perform the postoperative care himself or ensure that another fully informed ophthalmologist provided the postoperative care and/or delegate the postoperative care to an optometrist; failed to communicate the intraoperative complications to the treating optometrist; and, failed to immediately refer Patient A to a posterior segment surgeon for postoperative care.

15. 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.

Count II

16. All of the allegations in the above paragraphs are hereby incorporated as if fully set forth herein.

17. Nevada Revised Statute Section 630.301(9) provides that engaging in conduct that brings the medical profession into disrepute is grounds for initiating discipline against a licensee.

18. Respondent’s aforementioned activities in signing a standard dictation form that indicates that no operative complication(s) took place when operating on Patient A is such conduct that brings the medical profession into disrepute.

19. 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.

Count III

20. All of the allegations in the above paragraphs are hereby incorporated as if fully set forth herein.

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21. Section 630.3062(1) of the Nevada Revised Statutes (NRS) provides that failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient, is grounds for initiating disciplinary action.

22. Respondent violated NRS §630.3062(1) when he failed to properly maintain medical records related to Patient A and is subject to discipline by the Nevada State Board of Medical Examiners as provided in NRS 630.352.

WHEREFORE, the Investigative Committee prays:

1. That the Nevada State Board of Medical Examiners give Respondent notice of the 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);

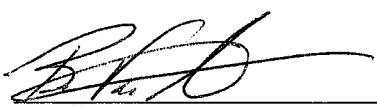
3. That the Nevada State Board of Medical Examiners determine what sanctions it determines to impose if it determines there has been a violation or violations of the Medical Practice Act (Nevada Revised Statutes Chapter 630) committed by Respondent;

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 22nd day of February, 2011.

THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 
 Bradley O. Van Ry, Esq.
 Deputy General Counsel and Attorney for the Investigative Committee

VERIFICATION

1 STATE OF NEVADA)
2 : ss.
3 COUNTY OF DOUGLAS)

4 Charles N. Held, M.D., hereby deposes and states under penalty of perjury under the laws
5 of the state of Nevada that he is the Chairman of the Investigative Committee of the Nevada State
6 Board of Medical Examiners that authorized the foregoing Complaint against the Respondent
7 herein; that he has read the foregoing Complaint; and that based upon information discovered
8 during the course of the investigation into a complaint against Respondent, that he believes the
9 allegations and charges in the foregoing Complaint against Respondent are true, accurate, and
10 correct.

11 Dated this 20th day of February, 2011.


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14 _____
15 CHARLES N. HELD, M.D.
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CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 22ND day of February 2011; I served a file copy of the Complaint, Patient Designation & Fingerprint Information by mailing via USPS Certified Return Receipt mail to the following:

Kenneth Westfield, M.D.
2575 Lindell Rd.
Las Vegas, NV 89102

Dated this 22nd day of February 2011.



Angelia L. Donohoe
Legal Assistant