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Complaint Against

PAUL CUMMINGS LUDLOW, M.D.,

Respondent.

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA * * * * * In The Matter of Charges and Case No. 11-5171-1

COMPLAINT

FILED

JAN 0320/1

STATE BOARD OF

NEVADA

The Investigative Committee of the Nevada State Board of Medical Examiners, comprised 12 of Benjamin J. Rodriguez, M.D., Chairman, Beverly A. Neyland, M.D., Member, and Van V. 13 Heffner, Member, at the time it approved and authorized the filing of this complaint having a 14 15 reasonable basis to believe that Paul Cummings Ludlow, M.D., hereinafter referred to as Respondent, has violated the provisions of NRS Chapter 630, hereby issues its formal Complaint, 16 stating the Investigative Committee's charges and allegations, as follows:

1. Respondent's license is currently in active status (License No. 3496), and has been 18 19 so licensed since March 4, 1978 by the Nevada State Board of Medical Examiners pursuant to the 20 provisions of Chapter 630 of the Nevada Revised Statutes.

2. 21 Patient A was a sixty-two year old (62) male at the time of the incidents in question. 22 His true identity is not disclosed to protect his privacy, but his identity is disclosed in the Patient 23 Designation served on Respondent along with a copy of this Complaint.

24 3. On or about March 8, 2007, Patient A presented to Respondent with a ten (10) to 25 fifteen (15) year history of a mass in the right parotid gland. The mass was unchanged in size and 26 occasionally hard. A CT scan showed the mass to involve the superficial and deep lobes with 27 extension to the stylomastoid foramen and a question of the mass tracking along the facial nerve.

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4. Physical examination on March 8, 2007 showed the mass to be 3.5 to 4.0 cm. OFFICE OF THE GENERAL COUNSEL Nevada State Board of Medical Examiners 1105 Terminal Way #301 Reno, Nevada 89502 1

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5. On March 13, 2007, an ultrasound guided Fine Needle Aspiration (FNA) biopsy was performed. The FNA showed nondiagnostic findings. The radiologist recommended possible CT guidance and a core biopsy.

6. An MRI was performed that showed a large mass in the mid parotid gland extending to the deep lobe. The MRI report did not mention the facial nerve.

7. Surgery for the removal of the mass was planned. However, there are no office notes regarding the review of the FNA or the MRI with Patient A, and no discussions with Patient A regarding the possible etiology of the parotid mass, any further work-up including observation versus surgery, the detailed nature of the surgery or its risks, complications or possible alternatives.

8. Surgery was performed on April 16, 2007. A frozen section analysis revealed a schwannoma. The surgery sacrificed the facial nerve, so Patient A suffered a severed facial nerve.

9. Given the MRI finding, the risks of severing the facial nerve were of paramount importance and the most feared complication from this type of surgery. The records do not demonstrate any discussion with Patient A of the potential risks to the facial nerve.

<u>Count I</u>

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

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

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

Respondent failed to use the reasonable care, skill, or knowledge ordinarily used
under the same or similar circumstances when he failed and omitted to discuss the review of the
FNA and MRI with Patient A; failed to discuss the possible etiology of the parotid mass, potential
further work-up including observation versus surgery; failed to discuss the detailed nature of the
///

surgery or its risks, complications or possible alternatives; and, failed to discuss the risks of
 severing the facial nerve and/or related complications from this type of surgery with Patient A.

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

WHEREFORE, the Investigative Committee prays:

DATED this ______ day of January, 2011.

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; and

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

18 5. That the Nevada State Board of Medical Examiners take such other and further
19 action as may be just and proper in these premises.

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THE NEVADA STATE BOARD OF MEDICAL EXAMINERS By:

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

VERIFICATION

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(775) 688-2559

) : ss.)

Benjamin J. Rodriguez, 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.

BENJAMIN J. RODRIGUEZ, 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 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	Paul Ludlow, M.D.	
	6	645 N. Arlington Ave., Ste. 670 Reno, NV 89503	
	7		
	8	Dated this 3 rd day of January 2011.	
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	10	Anali Donha	
	11	Angelia L. Donohoe	
	12	Legal Assistant	
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