

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 **THOMAS EDWARD REMBETSKI, M.D.** )  
9 )  
10 **Respondent.** )

Case No. 11-8522-1

**FILED**

**OCT - 5 2011**

NEVADA STATE BOARD OF  
MEDICAL EXAMINERS  
By: 

11 **COMPLAINT**

12 The Investigative Committee of the Nevada State Board of Medical Examiners, composed  
13 at the time filing of Benjamin Rodriguez, M.D., Chairman, Beverly A. Neyland, M.D., Member,  
14 and Donna A. Ruthe, Member, having a reasonable basis to believe that  
15 Thomas Edward Rembetski, M.D., hereinafter referred to as Respondent, has violated the  
16 provisions of NRS Chapter 630, hereby issues its formal Complaint, stating the Investigative  
17 Committee's charges and allegations, as follows:

18 1. Respondent is currently licensed in active status (License No. 5964), and has been  
19 so licensed since December 2, 1989 by the Nevada State Board of Medical Examiners pursuant to  
20 the provisions of Chapter 630 of the Nevada Revised Statutes.

21 2. Patient A was a sixty (60) year old male at the time of the incidents in question. His  
22 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. Patient A underwent a laparoscopic cholecystectomy for gallstones on  
25 January 28, 2008. Respondent performed the surgery at St. Mary's Regional Medical Center.  
26 Patient A experienced severe pain following the surgery.

27 4. As a result of the severe pain, Patient A was re-hospitalized on January 31, 2008.  
28 A CT scan that day showed the presence of 3.3 cm of fluid within the gallbladder fossa. Despite

1 this, Respondent discharged Patient A with instructions to return to his office during the next week  
2 and to also see a pain management physician that afternoon.

3 5. Despite this course of treatment, Patient A again presented to Respondent with  
4 continued severe pain. Respondent prescribed Valium and Demerol and scheduled Patient A to  
5 return in ten (10) days.

6 6. Significantly, the pain management physician subsequently referred Patient A to a  
7 gastroenterologist. This was for further follow-up on Patient A's continued pain.

8 7. On February 18, 2008, Patient A underwent a HIDA scan as ordered by the  
9 gastroenterologist. The results suggested the presence of a bile leak.

10 8. As a result, Patient A underwent an ERCP with sphincterotomy and placement of a  
11 stent. Patient A was then discharged to return to the surgeon in two (2) weeks.

12 9. On March 5, 2008, Patient A was brought by ambulance to St. Mary's Regional  
13 Medical Center. He was diagnosed with a hepatic abscess and multiple liver abscesses.

14 10. Patient A died two (2) days later of acute hepatic abscess with septic shock on  
15 March 7, 2008.

### 16 Count I

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

19 12. 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.

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

24 14. Respondent failed to use the reasonable care, skill, or knowledge ordinarily used  
25 under the same or similar circumstances, by among other things, when he failed to order a HIDA  
26 scan in a timely fashion to identify the bile leak; failed to repeat a CT scan to identify the bile leak;  
27 failed to pursue Patient A's ongoing complaints of severe abdominal pain arising from the known  
28 complication of the cholecystectomy.

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

4           **WHEREFORE**, the Investigative Committee prays:

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

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

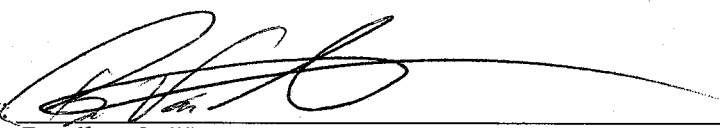
11           3. That the Nevada State Board of Medical Examiners determine what sanctions it  
12 determines to impose if it determines there has been a violation or violations of the  
13 Medical Practice Act (Nevada Revised Statutes Chapter 630) committed by Respondent.

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

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

19           DATED this 4<sup>th</sup> day of October, 2011.

20  
21           THE INVESTIGATIVE COMMITTEE OF  
22           THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

23           By:   
24           Bradley O. Van Ry, Esq.  
25           Attorney for the Investigative Committee  
26  
27  
28

OFFICE OF THE GENERAL COUNSEL  
Nevada State Board of Medical Examiners  
1105 Terminal Way #301  
Reno, Nevada 89502  
(775) 688-2559

VERIFICATION

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STATE OF NEVADA        )  
                                  : ss.  
COUNTY OF CLARK     )

Benjamin 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 the underlying facts of this Complaint, that he believes the allegations and charges in the foregoing Complaint against Respondent are true, accurate, and correct.

Dated this 4<sup>th</sup> day of October, 2011.

  
\_\_\_\_\_  
BENJAMIN RODRIGUEZ, M.D.

OFFICE OF THE GENERAL COUNSEL

Nevada State Board of Medical Examiners  
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Reno, Nevada 89502  
(775) 688-2559

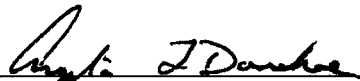
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**CERTIFICATE OF MAILING**

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 5<sup>th</sup> day of October 2011, I served a file copy of the COMPLAINT, PATIENT DESIGNATION & Fingerprint information via USPS e-certified mail to the following:

Thomas Edward Rembetski, M.D.  
6554 S. McCarran Blvd. #B  
Reno, NV 89509

Dated this 5<sup>th</sup> day of October 2011.

  
\_\_\_\_\_  
Angela L. Donohoe  
Legal Assistant