BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

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In the Matter of Charges and)	Case No. 12-9474-1
Complaint Against)	FILED
CARL RICHARD LEVISEUR, M.D.,).	AUG 2 0 2012
Respondent.	_))	NEVADA STATE BOARD OF MEDICAL EXAMINERS By: ()
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COMPLAINT

The Investigative Committee of the Nevada State Board of Medical Examiners (Board), composed at the time of filing of Benjamin J. Rodriguez, M.D., Chairman, Beverly A. Neyland, M.D., Member, and Donna A. Ruthe, Member, by and through Erin L. Albright, Esq., Attorney for the Investigative Committee and Deputy General Counsel, having a reasonable basis to believe that Carl Leviseur, M.D. (Respondent), violated the provisions of Nevada Revised Statutes (NRS) Chapter 630 (Medical Practice Act), hereby issues its formal Complaint, stating the Investigative Committee's charges and allegations as follows:

- 1. Respondent is currently licensed in active status (License No. 5386), and has been so licensed since July 2, 1986 by the Board pursuant to the provisions of the Medical Practice Act.
- 2. Patient A was a seventy-five (75) -year-old female at the time of the incident in question. Her true identity is not disclosed in this Complaint to protect her identity, but her identity is disclosed in the Patient Designation served on Respondent along with a copy of this Complaint.
- 3. At the time of the incident, Patient A suffered from atrial fibrillation. She was taking Coumadin, chronic anticoagulation medication, under the care and supervision of Respondent.

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- 4. On August 12, 2009, Patient A's international normalized ratio (INR) was 1.8. The recommended therapeutic range for INR in anticoagulant therapy is 2.0 - 3.0. Since the INR was slightly below the recommended therapeutic range for INR in oral anticoagulant therapy, Respondent adjusted Patient A's Coumadin dosage and advised that her INR be checked in two (2) weeks.
- 5. On August 24, 2009, Patient A reported a nose bleed to Respondent. Respondent advised Patient A to seek emergent care.
- On August 26, 2009, Patient A presented for prothrombin time lab testing. The lab 6. results showed Patient A's INR was 11.8, which is significantly greater than the recommended therapeutic range. The test results were confirmed by repeat analysis. Due to the elevated INR level, the following note was placed on Patient A's lab results: "NOTIFY DR. OF THIS CRITICAL/PRIORITY RESULT."
- 7. On August 27, 2009 at approximately 8:21 AM, Patient A's lab results were read by the lab to a member of Respondent's staff. Upon receipt of the lab results, Respondent advised Patient A to stop taking the Coumadin until after her prothrombin time lab testing appointment on August 31, 2009. At this time, Respondent did not advise Patient A to seek emergent care.
- 8. On August 28, 2009, Patient A suffered a catastrophic intracranial hemorrhage and died.
- 9. Further, Respondent's medical records are inaccurate, incomplete, illegible, and/or untimely. For example, Patient A's medical records contain a late entry dated September 8, 2009, which summarizes the Respondent's treatment of Patient A from August 24, 2009 through August 27, 2009.

COUNT I

(Malpractice)

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

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

- NRS 630.301(4) provides that malpractice of a physician is grounds for initiating 12. disciplinary action against a licensee.
- 13. Respondent failed to use reasonable care, skill or knowledge ordinarily used under similar circumstances when he failed to advise Patient A to seek immediate emergent care after receipt of Patient A's prothrombin time lab results showing Patient A's INR was 11.8.
- 14. By reason of the foregoing, Respondent is subject to discipline by the Board as provided in NRS 630.352.

COUNT II

(Medical Records Violation)

- 15. All of the allegations in the above paragraphs are hereby incorporated as if fully set forth herein.
- 16. NRS 630.3062(1) provides that the failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient is grounds for initiating discipline against a licensee.
- 17. Respondent failed to maintain accurate and/or complete medical records relating to the diagnosis, treatment and care of Patient A when he wrote incomplete, untimed and/or illegible entries in Patient A's chart.
- 18. By reason of the foregoing, Respondent is subject to discipline by the Board as provided in NRS 630.352.

WHEREFORE, the Investigative Committee prays:

- That the Board gives 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 NRS 630.339(2) within twenty (20) days of service of the Complaint;
- 2. That the Board sets a time and place for a formal hearing after holding an Early Case Conference pursuant to NRS 630.339(3);

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3.	That t	the	Board	determines	the	sanctions	it	will	impose	if	it finds	Responden
violated the M	[edical]	Pra	ctice A	ct:								

- 4. That the Board makes, issues and serves on Respondent, in writing, its findings of fact, conclusions of law and order, which shall include the sanctions imposed; and
- 5. That the Board takes such other and further action as may be just and proper in these premises.

DATED this <u>Jo</u> day of August, 2012.

INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: _____

Erin L. Albright, Esq./ Deputy General Counsel

Attorney for the Investigative Committee

Nevada State Board of Medical Examiners 1105 Terminal Way #301

VERIFICATION

STATE OF NEVADA) .
COUNTY OF CLARK	: 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 20th day of August

Benjamin J. Rodriguez, M.D.

CERTIFICATE OF SERVICE

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 28th day of August 2012, I served a filed copy of the Complaint, Patient Designation & Fingerprint information via USPS e-certified mail return receipt to the following:

> Carl Leviseur, M.D. 2210 E. Calvada Blvd. Pahrump, NV 89048

This is address that we had to Lexis Nexus to get and confirm that he was at this location.

Dated this 28th day of August 2012.

Angelia L. Donohoe Legal Assistant