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

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

* * * * *

In the Matter of Charges and

Complaint Against

DOUGLAS J. SEIP, M.D.,

Respondent

Case No. 12-6513-1

FILED
OCT 16 2012
NEVADA STATE BOARD OF MEDICAL EXAMINERS
By: ________

COMPLAINT

The Investigative Committee (IC) of the Nevada State Board of Medical Examiners (Board), composed at the time of filing of Theodore B. Berndt, M.D., Chairman, Valerie J. Clark, BSN, RHU, LUTCF, Member, and Michael J. Fischer, M.D., Member, by and through Erin L. Albright, Esq., Deputy General Counsel and Attorney for the IC, having a reasonable basis to believe that Douglas J. Seip, M.D. (Respondent), violated the provisions of Nevada Revised Statutes (NRS) Chapter 630 (Medical Practice Act), hereby issues its formal Complaint, stating the IC's charges and allegations as follows:

1. Respondent is currently licensed in active status (License No. 4420), and has been so licensed by the Board since October 3, 1981, pursuant to the provisions of the Medical Practice Act.

2. Patient A was a seventy-eight (78)-year-old female with a history of spinal surgeries 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 contemporaneously on Respondent with a copy of this Complaint.

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1 3. On January 11, 2010, Respondent performed a total hip replacement surgery on
2 Patient A. Physician Assistant, Kerry Seip, was Respondent's assistant. Dr. Brian Hager was the
3 anesthesiologist.
4 4. Dr. Hager initially attempted a spinal anesthetic; however, it was unsuccessful. He,
5 therefore, used an indwelling femoral nerve block instead of a spinal anesthetic.
6 5. Post-surgery, Respondent prescribed the following medications for Patient A:
7 a) Toradol, an NSAID; and b) Lovenox, an anticoagulant.
8 6. On January 12, 2010, Patient A began experiencing neurological distress in both of
9 her lower extremities. Patient A's medical records for January 12, 2010 do not demonstrate that
10 Respondent evaluated the patient.
11 7. On January 13, 2010, Patient A's neurological distress worsened. Patient A's
12 lower extremities were paralyzed. Patient A's medical records for January 13, 2010 do not
13 demonstrate that Respondent evaluated the patient.
14 8. On January 14, 2010, Respondent evaluated Patient A for the first time since her
15 surgery. Based on Patient A's neurological distress, Respondent ordered an MRI stat of Patient
16 A's lumbar and thoracic spine. This MRI was not performed despite Respondent's order. Patient
17 A's medical records for January 14, 2010 do not demonstrate that Respondent followed up to
18 ensure the MRI was performed and reviewed.
19 9. On January 15, 2010, an MRI was finally performed on Patient A's lumbar and
20 thoracic spine at the urgent request of another physician. The lumbar MRI showed a large
21 epidural hematoma that comprised seventy percent (70%) of Patient A's spinal canal. The
22 thoracic MRI showed that the epidural hematoma extended to T8 on Patient A's spinal column.
23 10. On January 15, 2010, emergency surgery was performed to evacuate the epidural
24 hematoma. Respondent did not perform this surgery.
25 11. Despite the emergency evacuation of the epidural hematoma, Patient A never
26 regained feeling in her lower extremities. Patient A was ultimately diagnosed as a paraplegic.
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COUNT I

(Medical Records Violation)

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

13. 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.

14. Respondent failed to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of Patient A as outlined above.

15. By reason of the foregoing, Respondent is subject to discipline by the Board as provided in NRS 630.352.

COUNT II

(Malpractice)

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

17. NRS 630.301(4) provides that malpractice of a physician is grounds for initiating disciplinary action against a licensee.

18. Nevada Administrative Code (NAC) 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. Respondent, in treating Patient A, failed to use the reasonable care, skill or knowledge ordinarily used under similar circumstances when he, including, but not limited to, failure to: a) postoperatively evaluate and carefully monitor Patient A on a daily basis; b) conduct an independent evaluation of Patient A with aggressive imaging studies; and c) ensure the MRI stat he ordered of Patient A's lumbar and thoracic spine was performed and reviewed on January 14, 2010.

20. By reason of the foregoing, Respondent is subject to discipline by the Board as provided in NRS 630.352.

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WHEREFORE, the Investigative Committee prays:

1. That the Board 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 NRS 630.339(2) within twenty (20) days of service of the Complaint;

2. That the Board set a time and place for a formal hearing after holding an Early Case Conference pursuant to NRS 630.339(3);

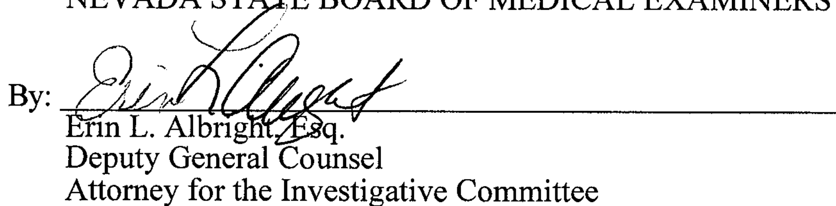
3. That the Board determine the sanctions it will impose if it finds Respondent violated the Medical Practice Act;

4. That the Board make, issue and serve on Respondent, in writing, its findings of fact, conclusions of law and order, which shall include the sanctions imposed; and

5. That the Board take such other and further action as may be just and proper in these premises.

DATED this 15th day of October, 2012.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS



By: ______________________
Erin L. Albright, Esq.
Deputy General Counsel
Attorney for the Investigative Committee

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VERIFICATION

STATE OF NEVADA)
: ss.
COUNTY OF WASHOE)

Theodore B. Berndt, 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 16th day of October, 2012.

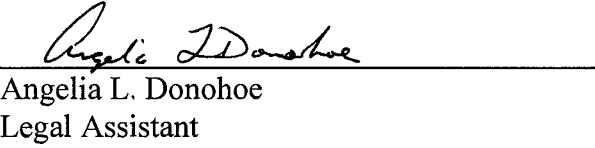
Theodore B. Berndt
Theodore B. Berndt, M.D.

CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 16th day of October 2012, I served a filed copy of the Complaint, Patient Designation & Fingerprint information via USPS e-certified mail return receipt to the following:

Douglas J. Seip, M.D.
1301 Bertha Howe Ave., Ste. 1
Mesquite, NV 89027

Dated this 16th day of October 2012.



Angelia L. Donohoe
Legal Assistant

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