# (775) 688-2559

## BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

\* \* \* \* \*

In The Matter of Charges and	)	Case No. 12-29614-1
	)	
Complaint Against	)	
ERIC LAWRENCE GOLDBERG, M.D.,	)	FILED
	)	MAR 1 4 2012
Respondent.	)	NEVADA STATE BOARD OF MEDICAL EXAMINERS By:

## **COMPLAINT**

The Investigative Committee of the Nevada State Board of Medical Examiners, composed at the time filing of Benjamin Rodriguez, M.D., Chairman, Beverly A. Neyland, M.D., Member, and Donna A. Ruthe, Member, by and through Bradley O. Van Ry, Esq., Deputy General Counsel for the board, and counsel for the Investigative Committee, having a reasonable basis to believe that Eric Lawrence Goldberg, M.D., hereinafter referred to as Respondent, has violated the provisions of Nevada Revised Statutes (NRS) Chapter 630, 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. 11117), and has been so licensed since August 27, 2004 by the Nevada State Board of Medical Examiners pursuant to the provisions of Chapter 630 of the NRS.
- 2. Patient A was a twenty-seven (27) year old female at the time of the incidents in question. Her true identity is not disclosed to protect her privacy, but her identity is disclosed in the Patient Designation served on Respondent along with a copy of this Complaint.
- 3. Patient A initially presented to the emergency room at Banner Lassen Medical Center on February 9, 2009 for treatment following an automobile accident. An abdominal CT scan showed a right renal lesion approximately 2.2 c.m. X 2.3 c.m. Respondent reviewed the CT scan, missed it and noted it as an "unremarkable" scan.

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- 4. On February 10, 2009, Patient A returned to the emergency room complaining of headache and nausea/vomiting. A second abdominal CT scan was performed again showing the lesion. Respondent reviewed the second abdominal CT scan and found it "unremarkable".
- 5. Eight (8) months later, on October 1, 2009, Patient A presented to the emergency room at St. Mary's Hospital complaining of fever, abdominal pain, diarrhea and nausea. Another abdominal CT scan was performed that again showed the right renal lesion.
- 6. Patient A underwent surgery to remove the lesion and survived with no metastasis to date.

## Count I

- 7. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.
- 8. Nevada Administrative Code Section 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.
- NRS Section 630.301(4) provides that malpractice is grounds for initiating 9 disciplinary action against a licensee.
- 10. Respondent failed to use the reasonable care, skill, or knowledge ordinarily used under the same or similar circumstances, by among other things, when he failed to identify Patient A's right renal lesion as renal cell carcinoma on more than one occasion.
- 11. 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 NRS.

## WHEREFORE, the Investigative Committee prays:

- 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 NRS 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).

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3.	,	That the	Ne	vad	a State Boar	rd of N	Medic	al Exa	ımi	ners deter	mine	e what sand	ction	ns it
determines	to	impose	if	it	determines	there	has	been	a	violation	or	violations	of	the
Medical Practice Act (NRS 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.
- 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 day of March, 2012.

INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: Bradley O. Van Ry, Esq.
Deputy General Counsel

Counsel for the Investigative Committee

## Nevada State Board of Medical Examiners 1105 Terminal Way #301

## VERIFICATION

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.

MIN RODRIGUEZ, M.D.

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

## **CERTIFICATE OF MAILING**

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 15<sup>th</sup> day of March 2012; I served a filed copy of the Complaint, Patient Designation, Settlement letter & Fingerprint information, via USPS e-certified mail to the following:

Eric Goldberg, M.D. P.O. Box 517 Crystal Bay, NV 89402

Dated this 15<sup>th</sup> day of February 2012.

Angelia L. Donohoe Legal Assistant