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

\* \* \* \* \*

In The Matter of Charges and	) Case	e No. 12-29294-1
Complaint Against	) )	FILED
MULUGETA DESSIE KASSAHUN, M.D.,	)	JUN - 5 2012
Respondent.	) NEV. ) MI ) By:	ADA STATE BOARD OF EDICAL EXAMINERS
		-

#### **COMPLAINT**

The Investigative Committee ("IC") of the Nevada State Board of Medical Examiners ("Board") comprised of, at the time of authorizing the filing of this Complaint, Benjamin J. Rodriguez, M.D., Chairman, Beverly A. Neyland, M.D., Member, and Ms. Donna A. Ruthe, Member, by and through its counsel, Bradley O. Van Ry, Esq. and Deputy General Counsel, having reasonable basis Board believe that Mulugeta Dessie Kassahun, 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. 10930), and he has been so licensed since May 18, 2004, by the Nevada State Board of Medical Examiners pursuant to the provisions of NRS 630.
- 2. Patient A was a twenty-eight (28) year-old male at the time of the incidents in question. His true identity is not disclosed to protect his privacy, but his identity is disclosed in the Patient Designation served on Respondent along with a copy of this formal Complaint.
- 3. On or about October 17, 2008, Patient A presented to Respondent for consultation regarding removal of a cyst on his left testicle. Respondent and Patient A agreed to out-patient surgery with local anesthesia at Respondent's office.

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- On October 24, 2008, Patient A returned to Respondent's office for removal of the 4. cyst. Respondent, however, incorrectly performed a vasectomy on Patient A's right vas deferens. Respondent became aware of the error when he moved to the left testicle. Respondent then reapproximated the injured right vas deferens in preparation for re-attachment of the surgically damaged tissue. Finally, Respondent removed the cyst from Patient A's left testicle.
- 5. The next day, on October 25, 2008, Patient A presented to Spring Valley Hospital for the re-attachment of the surgically damaged tissue. Respondent then performed a right vasovasostomy and repaired the right vas deferens.

#### Count I

- 6. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.
- 7. 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.
- 8. NRS 630.301(4) provides that malpractice of a physician is grounds for initiating disciplinary action against a licensee.
- 9. Respondent's care and treatment of Patient A as described above shows a failure to use reasonable care, skill, or knowledge ordinarily used under similar circumstances.
- 10. By reason of the foregoing, Respondent is subject to discipline by the Nevada State Board of Medical Examiners as provided in NRS 630.352.

#### WHEREFORE, the Investigative Committee prays:

- 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 formal Complaint herein as set forth in NRS 630.339 within twenty (20) days of service of the formal 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	Nevada St	tate Board	of	Medical	Ex	aminers o	determi	ne what sa	ınctio	ns i
will	impose	if	it	determines	s there	has	been	a	violation	or 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 fact, conclusions of law and order, in writing, that includes the sanctions imposed; and,
- 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 5th day of June, 2012.

INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

Bradley O. Van Ry, Esq. Deputy General Counsel

Attorney for the Investigative Committee

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

#### **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 formal Complaint against the Respondent herein; that he has read the foregoing formal Complaint; and that based upon information discovered during the course of the investigation into a complaint against Respondent, he believes the allegations and charges in the foregoing formal Complaint against Respondent are true, accurate and correct.

Dated this 5th day of June, 2012.

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

#### **CERTIFICATE OF SERVICE**

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 5<sup>th</sup> day of June 2012; I served a filed copy of the Complaint, Patient Designation & Fingerprint information via USPS e-certified mail return receipt to the following:

Mulugeta Kassahun, M.D. Urology Specialists of Nevada 5701 W. Charleston Blvd., #201 Las Vegas, NV 89146

Dated this 5<sup>th</sup> day of June 2012.

Angelia L. Donohoe Legal Assistant