

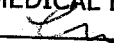
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**BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA**

* * * * *

In the Matter of Charges and)
)
Complaint Against)
)
PAUL CUMMINGS LUDLOW, M.D.,)
)
Respondent.)

Case No. 11-5171-1

FILED
DEC - 5 2012
NEVADA STATE BOARD OF
MEDICAL EXAMINERS
By: 

FIRST AMENDED COMPLAINT

The Investigative Committee ("IC") of the Nevada State Board of Medical Examiners, comprised of Benjamin J. 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 and attorney for the IC, having a reasonable basis to believe that Paul Cummings Ludlow, M.D., hereinafter referred to as "Respondent," has violated the provisions of Nevada Revised Statutes (NRS) Chapter 630, hereby issues its First Amended Complaint, stating the Investigative Committee's charges and allegations, as follows:

1. Respondent's license is currently in active status (License No. 3496), and he has been so licensed since March 4, 1978, by the Nevada State Board of Medical Examiners, pursuant to the provisions of NRS Chapter 630.

2. Patient A was a sixty-two (62) 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 already served on Respondent along with a copy of the formal Complaint.

3. On or about March 8, 2007, Patient A presented to Respondent with a ten (10) to fifteen (15) year history of a mass in the right parotid gland. The mass was unchanged in size and

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1 occasionally hard. A CT scan showed the mass to involve the superficial and deep lobes with
2 extension to the stylomastoid foramen and a question of the mass tracking along the facial nerve.

3 4. Physical examination on March 8, 2007 showed the mass to be 3.5 to 4.0 cm.

4 5. On March 13, 2007, an ultrasound-guided Fine Needle Aspiration (FNA) biopsy
5 was performed on Patient A. The FNA showed nondiagnostic findings. The radiologist
6 recommended possible CT guidance and a core biopsy.

7 6. An MRI performed on that same day showed a large mass in the mid parotid gland
8 extending to the deep lobe. The MRI report did not mention the facial nerve.

9 7. Surgery for the removal of the mass was planned. However, there are no chart
10 notes regarding the review of the FNA or the MRI with Patient A by Respondent, and no
11 discussions with Patient A regarding the possible etiology of the parotid mass, any further work-up
12 including observation versus surgery, the detailed nature of the surgery or its risks, complications
13 or possible alternatives.

14 8. Surgery was performed on April 16, 2007. A frozen section analysis of the mass
15 revealed a schwannoma. The surgery sacrificed the facial nerve, so Patient A suffered a severed
16 facial nerve.

17 9. Given the MRI finding, the risks of severing the facial nerve were of paramount
18 importance and the most feared complication from this type of surgery. The records do not
19 demonstrate any discussion with Patient A of the potential risks to the facial nerve or any related
20 diagnosis, etiology and treatment plan as described above.

21 10. Respondent failed to maintain timely, legible, accurate and complete medical
22 records relating to the diagnosis, treatment and care of Patient A, as described above, by, among
23 other things, failing and omitting to keep a record of any discussion and/or review of the FNA and
24 MRI with Patient A; failing to discuss and record the possible etiology of the parotid mass and
25 potential further work-up including observation versus surgery; failing to discuss and record the
26 detailed nature of the surgery or its risks, complications or possible alternatives; and failing to
27 discuss and record the risks of severing the facial nerve and/or related complications from this type
28 of surgery with Patient A.

Count I

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

12. 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 disciplinary action against a licensee.

13. 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 First Amended Complaint herein as set forth in NRS 630.339 within twenty (20) days of service of the First Amended 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);

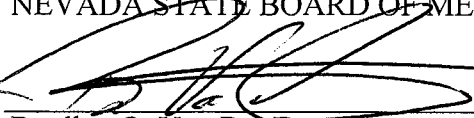
3. That the Nevada State Board of Medical Examiners determine what sanctions it will impose if it determines there has been a violation or violations of the Medical Practice Act (NRS Chapter 630) committed by Respondent;

4. That the Nevada State Board of Medical Examiners make, issue and serve on Respondent its findings of 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 December, 2012.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 
Bradley O. Van Ry, Esq.
General Counsel
Attorney for the Investigative Committee

VERIFICATION

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STATE OF NEVADA)
 : ss.
COUNTY OF CLARK)

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 First Amended Complaint against the Respondent herein; that he has read the foregoing First Amended 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 First Amended Complaint against Respondent are true, accurate and correct.

Dated this 5th day of December, 2012.




BENJAMIN J. RODRIGUEZ, M.D.

CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 6th day of December 2012; I served a filed copy of the First Amended Complaint & Original Settlement Agreement, via USPS e-certified mail return receipt to the following:

Edward J. Lemons, Esq.
Lemons, Grundy & Eisenberg
6005 Plumas St., Third Floor
Reno, NV 89519

Dated this 6th day of December, 2012.



Angelia L. Donohoe
Legal Assistant

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