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

* * * * *

In the Matter of Charges and)
)
Complaint Against)
)
DARBY-ANNETTE CLAYSON, M.D.,)
)
Respondent.)

Case No. 13-30595-1

FILED

JUL 24 2013

**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 this Complaint of Theodore B. Berndt, M.D., Chairman, Ms. Valerie J. Clark, BSN, RHU, LUTCF, Member, and Michael J. Fischer, M.D., Member, by and through Bradley O. Van Ry, Esq., Board General Counsel and attorney for the IC, having a reasonable basis to believe that Darby-Annette Clayson, M.D. (Respondent), violated the provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630, collectively the 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. 11502), and was so licensed on July 8, 2005, by the Board pursuant to the Medical Practice Act. Respondent's specialty listed with the Board is Internal Medicine.

2. Patient A was a forty-nine (49)-year-old female at the time of the incidents in question. Her true identity is not disclosed in this Complaint to protect her identity, but her identity is disclosed in the Patient Designation contemporaneously served on Respondent with this Complaint.

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1 3. Patient B was a fifty (50)-year-old male at the time of the incidents in question.
2 His true identity is not disclosed in this Complaint to protect his identity, but his identity is
3 disclosed in the Patient Designation contemporaneously served on Respondent with this
4 Complaint.

5 4. Patient C was a forty-eight (48)-year-old female at the time of the incidents in
6 question. Her true identity is not disclosed in this Complaint to protect her identity, but her
7 identity is disclosed in the Patient Designation contemporaneously served on Respondent with this
8 Complaint.

9 5. Patient D was a fifty-one (51)-year-old female at the time of the incidents in
10 question. Her true identity is not disclosed in this Complaint to protect her identity, but her
11 identity is disclosed in the Patient Designation contemporaneously served on Respondent with this
12 Complaint.

13 6. Patient E was a former employee and patient. Since no records exist for her
14 treatment, her age is currently unknown. Her true identity is not disclosed in this Complaint to
15 protect her identity, but her identity is disclosed in the Patient Designation contemporaneously
16 served on Respondent with this Complaint.

17 7. At all times referenced herein, Respondent was the supervising physician of
18 Angela Lorenzo, P.A.-C (Ms. Lorenzo). Despite this, Ms. Lorenzo ran the Modern Medical and
19 Wellness Clinic (Modern Medical), located at 7190 Smoke Ranch Road, Suite 110, Las Vegas,
20 Nevada, exclusively by herself.

21 8. Ms. Lorenzo treated Patient A from approximately April 2010 to August 2010.
22 During the course of treatment, Ms. Lorenzo repeatedly prescribed and/or administered
23 medications without appropriate medical justification(s). Ms. Lorenzo also frequently
24 administered parenteral medications that were not medically indicated. Ms. Lorenzo also
25 compromised Patient A's safety by prescribing excessive thyroid hormone.

26 9. Ms. Lorenzo treated Patient B from approximately April 2010 to August 2010.
27 During the course of treatment, Ms. Lorenzo repeatedly prescribed and/or administered

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1 medications without appropriate medical justification(s). Ms. Lorenzo also frequently
2 administered parenteral medications that were not medically indicated.

3 10. Ms. Lorenzo treated Patient C from approximately February 2010 to June 2011.
4 During the course of treatment, Ms. Lorenzo repeatedly prescribed and/or administered
5 medications without appropriate medical justification(s). Ms. Lorenzo also frequently
6 administered parenteral medications that were not medically indicated.

7 11. Ms. Lorenzo treated Patient D from approximately September 2010 to November
8 2010. During the course of treatment, Ms. Lorenzo repeatedly prescribed and/or administered
9 medications without appropriate medical justification(s). Ms. Lorenzo also frequently
10 administered parenteral medications that were not medically indicated.

11 12. Ms. Lorenzo treated Patient E intermittently while she was an employee of Modern
12 Medical. During the course of treatment, Ms. Lorenzo repeatedly prescribed and/or administered
13 medications without appropriate medical justification(s). Ms. Lorenzo also frequently
14 administered parenteral medications that were not medically indicated.

15 13. Thus, for Patients A-E, Ms. Lorenzo provided improper patient care that should
16 have prompted intervention by Respondent. The records reflect an absence of citations for
17 unnecessary medical testing and procedures. Additionally, multiple testing and procedures took
18 place that are inappropriate for the listed diagnosis, care and/or treatment of Patients A-E.
19 Further, there is an absence of medical decision making in the records. Finally, the medical
20 records are very hard to follow and much information is contradictory to other records in the same
21 patient file.

22 14. Additionally, Ms. Lorenzo used and dispensed, on multiple occasions, expired
23 medications on her patients.

24 15. On or about August 17, 2012, Ms. Lorenzo's dispensing license with the State
25 Board of Pharmacy, License Number PD12166, was suspended based upon multiple allegations of
26 improper use of such dispensing license.

27 16. As the supervising physician, Respondent also failed to spend the required amount
28 of time at Modern Medical.

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Count I

(Ms. Lorenzo is the Agent of Respondent)

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

18. NAC 630.375(1) provides that a physician assistant is considered to be and is deemed the agent of her supervising physician in the performance of all medical activities.

19. Thus, for any and all violations of the Medical Practice Act by Ms. Lorenzo listed above, or otherwise, Respondent is liable for the violative conduct of her agent, Ms. Lorenzo.

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

Count II

(Failure to Supervise Ms. Lorenzo)

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

22. NRS 630.306(2)(b) provides that engaging in any conduct which the Board has determined is a violation of the standards of practice established by regulation of the Board is grounds for initiating discipline against a licensee.

23. NAC 630.230(1)(i) provides that the failure to adequately supervise a physician assistant is grounds for initiating discipline against a licensee.

24. Respondent failed to adequately supervise Ms. Lorenzo when, among other things, she allowed Ms. Lorenzo to repeatedly prescribe and/or administer medications without appropriate medical justification(s); allowed Ms. Lorenzo to frequently administer parenteral medications that were not medically indicated; allowed Ms. Lorenzo to provide improper patient care; allowed Ms. Lorenzo to fail to adequately cite support in the medical record for unnecessary medical testing and procedures; allowed Ms. Lorenzo to inappropriately perform multiple tests and procedures based upon the listed diagnosis, care and/or treatment; allowed Ms. Lorenzo to leave out of the records medical decision making; and, allowed Ms. Lorenzo to create and

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1 maintain medical records that are hard to follow and contain much contradictory information in
2 the treatment of Patients A-E.

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

5 **COUNT III**

6 **(Malpractice)**

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

9 27. NAC 630.040 defines malpractice as the failure of a physician, in treating a patient,
10 to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances.

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

13 29. Respondent's acts in not properly supervising Ms. Lorenzo as detailed above
14 constitute malpractice.

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

17 **COUNT IV**

18 **(Disrepute)**

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

21 32. NRS 630.301(9) provides that the engaging in conduct that brings the medical
22 profession into disrepute is grounds for initiating disciplinary action against a licensee.

23 33. As demonstrated by, but not limited to, the above-outlined facts, Respondent's
24 failure to adequately supervise Ms. Lorenzo brings the medical profession into disrepute.

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

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

WHEREFORE, the IC requests:

1. That the Board give Respondent notice of the charges herein against her and give her notice that she 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 24th day of July, 2013.

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 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, he believes the allegations and charges in the foregoing Complaint against Respondent are true, accurate and correct.

Dated this 24th day of July, 2013.

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

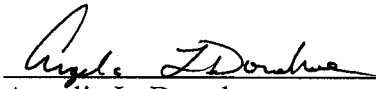
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CERTIFICATE OF SERVICE

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 24th day of July 2013; I served a filed copy of the COMPLAINT, PATIENT DESIGNATION & Fingerprint information, via USPS e-certified mail to the following:

Darby-Annette Clayson, M.D.
3017 Carbondale St.
Las Vegas, NV 89135

Dated this 24th day of July, 2013.



Angelia L. Donohoe
Legal Assistant