OF THE STATE OF NEVADA			
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In the Matter of Charges and) Case No. 13-6513-1		
Complaint Against			
Complaint Against	; FILED		
DOUGLAS J. SEIP, M.D.,	MAY 1 3 2013		
Respondent) NEVADA STATE BOARD OF MEDICAL EXAMINERS		

COMPLAINT

13 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, 14 15 Valerie J. Clark, BSN, RHU, LUTCF, Member, and Michael J. Fischer, M.D., Member, by and 16 through Erin L. Albright, Esq., Deputy General Counsel and attorney for the IC, having a 17 reasonable basis to believe that Douglas J. Seip, M.D. (Respondent), violated the provisions of 18 Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) 19 Chapter 630 (collectively, the Medical Practice Act), hereby issues its formal Complaint, stating 20 the IC's charges and allegations as follows:

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.

24 2. Patient A was a thirty-two (32)-year-old male at the time of the incidents in
25 question. His true identity is not disclosed in this Complaint to protect his identity, but his
26 identity is disclosed in the Patient Designation contemporaneously served on Respondent with this
27 Complaint.

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On or about June 5, 2008, Patient A presented to the emergency department at
 Spring Valley Hospital after sustaining a gunshot wound to his right leg. X-rays revealed Patient
 A's fibula and tibia were fractured. Respondent was the on-call orthopedic surgeon for Spring
 Valley Hospital on said date. Respondent performed an open reduction internal fixation (ORIF)
 procedure to repair Patient A's fractured fibula and tibia.

4. During the procedure, Respondent placed an intramedullary rod in Patient's A's
7 right leg and placed two cerclage wires around the fracture.

5. On or about June 5, 2008, after the completion of the procedure, x-rays were taken of Patient A's right leg. The x-rays evidenced that the intramedullary rod was approximately one centimeter to one-and-one-half centimeters too long for Patient A's leg.

6. As a result of the placement of an improperly sized intramedullary rod and/or the two cerclage wires, Patient A suffered, among other things, a defect in the femoral condyle, underwent corrective surgery, and underwent prolonged rehabilitation.

7. Further, Respondent's medical records for Patient A are inaccurate, incomplete, illegible and/or untimely.

COUNT I

(Medical Records Violation)

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

9. 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.

10. Respondent failed to maintain accurate and/or complete medical records relating to
the diagnosis, treatment and care of Patient A when he wrote incomplete, inaccurate, untimed
and/or illegible entries in Patient A's chart.

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

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1	<u>COUNT II</u>	
2	(Malpractice)	
3	12. All of the allegations contained in the above paragraphs are hereby incorporated by	
4	reference as though fully set forth herein.	
5	13. NRS 630.301(4) provides that malpractice of a physician is grounds for initiating	
6	disciplinary action against a licensee.	
7	14. NAC 630.040 defines malpractice as the failure of a physician, in treating a patient,	
8	to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances.	
9	15. As demonstrated by, but not limited to, the above-outlined facts, Respondent failed	
10	to use reasonable care, skill or knowledge ordinarily used under similar circumstances when	
11	treating Patient A.	
12	16. By reason of the foregoing, Respondent is subject to discipline by the Board as	
13	provided in NRS 630.352.	
14	WHEREFORE, the Investigative Committee prays:	
15	1. That the Board give Respondent notice of the charges herein against him and give	
16	him notice that he may file an answer to the Complaint herein as set forth in NRS 630.339(2)	
17	within twenty (20) days of service of the Complaint;	
18	2. That the Board set a time and place for a formal hearing after holding an	
19	Early Case Conference pursuant to NRS 630.339(3);	
20	3. That the Board determine the sanctions it will impose if it finds Respondent	
21	violated the Medical Practice Act;	
22	4. That the Board make, issue and serve on Respondent, in writing, its findings of	
23	fact, conclusions of law and order, which shall include the sanctions imposed; and	
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5. That the Board take such other and further action as may be just and proper in these premises. DATED this 10⁴⁴ day of May, 2013. INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS By: Erin L. Albright, 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

) : ss.

STATE OF NEVADA COUNTY OF WASHOE

Dated this 10^{44} day of $\frac{10^{44}}{10^{44}}$

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.

, 2013.

(775) 688-2559

Aleodire B. Berndt, M.D.

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CERTIFICATE OF MAILING I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 13th day of May 2013; I served a filed copy of the COMPLAINT, PATIENT DESIGNATION & FINGERPRINT INFORMATION, via USPS certified return receipt mail to the following: Douglas Seip, M.D. 1350 East Flamingo Rd., #3330 Las Vegas, NV 89119 Dated this 13th day of May, 2013. Angelia L. Donohoe Legal Assistant

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