**BEFORE THE BOARD OF MEDICAL EXAMINERS** 1 **OF THE STATE OF NEVADA** 2 \* \* \* \* \* 3 4 5 In the Matter of Charges and 6 Case No. 13-4774-1 ) ) 7 **Complaint Against** FILED 8 GARY G. GANSERT, M.D., JUN 2 5 2013 9 ) **Respondent.** NEVADA STATE BOARD OF MEDIÇAL EXAMINERS 10 11 **COMPLAINT** 12

13 The Investigative Committee (IC) of the Nevada State Board of Medical Examiners (Board), composed at the time of filing of Benjamin J. Rodriguez, 14 M.D., Chairman, Beverly A. Neyland, M.D., Member, and Donna A. Ruthe, Member, by and through 15 Erin L. Albright, Esq., General Counsel and attorney for the IC, having a reasonable basis to 16 believe that Gary G. Gansert, M.D. (Respondent), violated the provisions of Nevada Revised 17 Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630 (collectively, 18 the Medical Practice Act), hereby issues its formal Complaint, stating the IC's charges and 19 allegations as follows: 20

1. Respondent is currently licensed in active status (License No. 3204), and has been
so licensed by the Board since September 12, 1976, pursuant to the provisions of the Medical
Practice Act.

24 2. Patient A was a thirty-nine (39)-year-old female at the time of the incident in 25 question. Her true identity is not disclosed in this Complaint to protect her identity, but her 26 identity is disclosed in the Patient Designation served on Respondent contemporaneously with a 27 copy of this Complaint.

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3. 1 On or about August 30, 2010, Patient A presented to the emergency department at 2 Renown Regional Medical Center (Renown) complaining of diarrhea, nausea and vomiting. A 3 urinalysis was performed on Patient A. A different physician diagnosed Patient A with diarrhea and vomiting. Patient A received a liter of normal saline bolus, Zofran and morphine and was 4 5 discharged.

4. On or about August 31, 2010, approximately seven (7) hours after her discharge from Renown on August 30, 2010, Patient A returned to the emergency department at Renown complaining of recent-onset right lower extremity pain. During this visit, Patient A was treated by Respondent. During this visit, Respondent conducted a full-range of motion on Patient A's right lower extremity and noted the patient's right lower extremity was not swollen or tender. Respondent performed motor and sensory exams on Patient A. The results of these exams were normal and symmetrical.

13 5. During this visit, Patient A was hypotensive and her heart rate was mildly tachycardic. Respondent ordered and obtained lab work that showed multiple abnormalities, 14 15 including, but not limited to, a diminished platelet count of forty-eight (48); forty-eight percent 16 (48%) bands with moderate toxic granulation and few Dohle bodies; eighteen percent (18%) metamyelocytes; elevated creatinine; decreased electrolytes; elevated liver transaminases and elevated total bilirubin. After reviewing the results of the lab work, Respondent advised Patient A to stop drinking alcohol, provided her with a prescription for Percodan and discharged the patient home.

6. 21 Approximately fifteen (15) hours after Respondent discharged Patient A from the 22 hospital, Patient A returned to the emergency department at Renown. At this time, Patient A had developed leukopenia with evidence of multi-organ dysfunction and coagulopathy. Patient A was 23 24 subsequently diagnosed with streptococcal toxic shock syndrome secondary to a retained tampon.

7. 25 Further, Respondent's medical records for Patient A are inaccurate, incomplete, illegible and/or untimely. For example, Patient A's medical records lack documentation 26 27 demonstrating that Respondent reviewed Patient A's medical records from her August 30, 2010 emergency room visit. 28

1	<u>COUNT I</u>
2	(Medical Records Violation)
3	8. All of the allegations in the above paragraphs are hereby incorporated as if fully set
4	forth herein.
5	9. NRS 630.3062(1) provides that the failure to maintain timely, legible, accurate and
6	complete medical records relating to the diagnosis, treatment and care of a patient is grounds for
7	initiating discipline against a licensee.
8	10. Respondent failed to maintain timely medical records relating to the diagnosis,
9	treatment and care of Patient A when he wrote incomplete, untimed and/or illegible entries in
10	Patient A's chart.
11	11. By reason of the foregoing, Respondent is subject to discipline by the Board as
12	provided in NRS 630.352.
13	<u>COUNT II</u>
14	(Malpractice)
15	12. All of the allegations contained in the above paragraphs are hereby incorporated by
16	reference as though fully set forth herein.
17	13. Nevada Administrative Code (NAC) 630.040 defines malpractice as the failure of a
18	physician, in treating a patient, to use the reasonable care, skill, or knowledge ordinarily used
19	under similar circumstances.
20	14. NRS 630.301(4) provides that malpractice of a physician is grounds for initiating
21	disciplinary action against a licensee.
22	15. As demonstrated by, but not limited to, the above-outlined facts, Respondent failed
23	to use reasonable care, skill or knowledge ordinarily used under similar circumstances when
24	treating Patient.
25	16. By reason of the foregoing, Respondent is subject to discipline by the Board as
26	provided in NRS 630.352.
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1	WHEREFORE, the IC prays:				
2	1. That the Board give Respondent notice of the charges herein against him and give				
3	him notice that he may file an answer to the Complaint herein as set forth in NRS 630.339(2)				
4	within twenty (20) days of service of the Complaint;				
5	2. That the Board set a time and place for a formal hearing after holding an				
6	Early Case Conference pursuant to NRS 630.339(3);				
7	3. That the Board determine the sanctions it will impose if it finds Respondent				
8	violated the Medical Practice Act;				
9	4. That the Board make, issue and serve on Respondent, in writing, its findings of				
10	fact, conclusions of law and order, which shall include the sanctions imposed; and				
11	5. That the Board take such other and further action as may be just and proper in these				
12	premises.				
13	DATED this 25 day of June, 2013.				
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15	INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS				
16	$\partial \mathcal{A}_{i}$				
17	By:				
18	General Counsel Attorney for the Investigative Committee				
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## VERIFICATION

## STATE OF NEVADA COUNTY OF CLARK

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Dated this 25th day of June

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 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.

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Benjamin J. Rodriguez, M.D.

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	1	CERTIFICATE OF SERVICE	
	2	I hereby certify that I am employed by Nevada State Board of Medical Examiners and that	
	3	on 26 <sup>th</sup> day of June 2013; I served a filed copy of the COMPLAINT, PATIENT DESIGNATION	
	4	& FINGERPRINT INFORMATION, via USPS e-certified return receipt mail to the following:	
	5	Gary G. Gansert, M.D.	
	6	832 Willow St. Reno, NV 89502	
	7	Dated this 26th, day of June 2013.	
	8	$\beta = \frac{1}{2013}$	
	9	Angelie I Donchue	
SEL	10	Angelia L. Donohoe Legal Assistant	
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