

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

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6 **In the Matter of Charges and )**  
7 **Complaint Against )**  
8 **JOHN A. ANSON M.D., )**  
9 **Respondent. )**  
10 \_\_\_\_\_ )  
11

**Case No. 13-11582-1**

**FILED**

**SEP 27 2013**

**NEVADA STATE BOARD OF  
MEDICAL EXAMINERS**  
By: \_\_\_\_\_

12 **COMPLAINT**

13 The Investigative Committee (IC) of the Nevada State Board of Medical Examiners (Board),  
14 composed of Benjamin J. Rodriguez, M.D., Beverly A. Neyland, M.D., and Ms. Donna A. Ruthe, at  
15 the time the complaint was authorized for filing, by and through Edward O. Cousineau, Esq., Deputy  
16 Executive Director for the Board and counsel for the IC, having a reasonable basis to believe that  
17 John A. Anson, M.D., hereinafter referred to as "Respondent," has violated the provisions of Nevada  
18 Revised Statutes (NRS) Chapter 630, hereby issues its formal Complaint, stating the IC's charges and  
19 allegations, as follows:

20 1. Respondent is licensed in active status to practice medicine in the state of Nevada,  
21 and at all times alleged herein, was so licensed by the Board, pursuant to the provisions of  
22 Chapter 630 of the NRS.

23 2. Patient A was a sixty-year-old female at the time of the events at issue. Her true  
24 identity is not disclosed herein to protect her privacy, but is disclosed in the Patient Designation  
25 served on Respondent along with a copy of this Complaint.

26 3. Patient A, who had a history of previous back surgeries, was admitted and  
27 underwent a surgical procedure at Southern Hills Hospital in Las Vegas, Nevada, on  
28 November 5, 2009. The procedure was performed by Respondent and resulted in the removal of

1 previously surgically implanted instrumentation at the C5-C6 levels. Thereafter, Respondent  
2 performed an anterior cervical discectomy with fusion and placed new instrumentation in Patient  
3 A, at the C5-C7 levels.

4 4. On November 7, 2009, while still hospitalized, Patient A underwent a CT scan of  
5 the thorax, which revealed midline lower cervical and upper gas lucencies and edema,  
6 subcutaneous fat stranding and gas along the interior chest wall, and edema along the anterior  
7 fusion plate. Patient A was diagnosed with pneumonia.

8 5. On November 10, 2009, again still hospitalized, Patient A experienced a coughing  
9 fit, which was followed by increased neck swelling and dysphagia. A second CT scan was  
10 performed in response, which revealed a large amount of gas within the neck anterior to the  
11 original surgical site. The reviewing radiologist report stated that, “[b]ased on the large amount of  
12 gas present, considerations would include the possibility of injury to the airway or esophagus.”

13 6. On November 11, 2009, Patient A was suffering leukocytosis. Despite this  
14 circumstance and evidence of postoperative complications, i.e., a high fever, concerning CT scan  
15 findings, and ongoing wound drainage, Patient A was discharged on November 12, 2009 with oral  
16 antibiotics and a diagnosis of pneumonia.

17 7. On November 16, 2009, Patient A was readmitted to the hospital, diagnosed with  
18 an esophageal fistula, and ultimately underwent an extended corrective surgical and recovery  
19 course.

20 8. It is now alleged by the IC that Respondent failed to use the reasonable care, skill  
21 or knowledge, ordinarily used in similar circumstances in his treatment of Patient A when he  
22 failed to surgically explore whether there had been an injury to Patient A due to her leukocytosis,  
23 fever symptoms, wound drainage, and disconcerting CT scan findings.

24 9. NRS 630.301(4) provides that malpractice, defined as the failure to use the  
25 reasonable care, skill or knowledge ordinarily used in similar circumstances, is grounds for  
26 initiating disciplinary action.

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10. Based upon the foregoing, Respondent committed malpractice in the course of providing care and treatment to Patient A and is subject to discipline by the Board as provided in NRS 630.352.

**WHEREFORE**, the Investigative Committee prays:

1. That the Nevada State Board of Medical Examiners fix a time and place for a formal hearing;
2. That the Nevada State Board of Medical Examiners give Respondent notice of the charges herein against him, the time and place set for the hearing, and the possible sanctions against him;
3. That the Board determine what sanctions it deems appropriate to impose for the violation committed by Respondent; and
4. That the Board make, issue and serve on Respondent its findings of fact, conclusions of law and order, in writing, that includes the sanctions to be imposed.

DATED this 26<sup>th</sup> day of September, 2013.

By:   
Edward O. Cousineau, Esq.  
Attorney for the Investigative Committee of the  
Nevada State Board of Medical Examiners

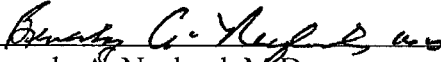
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VERIFICATION

STATE OF NEVADA        )  
                                  : ss.  
COUNTY OF CLARK        )

Beverly A. Neyland, M.D., having been duly sworn, hereby deposes and states under penalty of perjury that she is the Chairman of the Investigative Committee of the Nevada State Board of Medical Examiners that authorized the Complaint against the Respondent herein; that she has read the foregoing Complaint; and that based upon information discovered in the course of the investigation into a complaint against Respondent, she believes that the allegations and charges in the foregoing Complaint against Respondent are true, accurate, and correct.

Dated this 26<sup>th</sup> day of September, 2013.

  
Beverly A. Neyland, M.D.

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

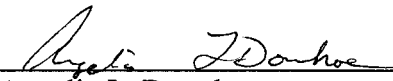
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**CERTIFICATE OF SERVICE**

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 27<sup>th</sup> day of September 2013; I served a filed copy of the COMPLAINT, PATIENT DESIGNATION and Fingerprint Information, via USPS e-certified return receipt mail to the following:

John A. Anson, M.D.  
8530 W. Sunset Rd., #250  
Las Vegas, NV 89113

Dated this 27<sup>th</sup> day of September, 2013.

  
\_\_\_\_\_  
Angelia L. Donohoe  
Legal Assistant