BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

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In the Matter of Charges and)		Case No. 13-33315-1
Complaint Against)	FILED
NGOC Q. VO, M.D.,)	MAR 2 2 2013
Respondent.)	NEVADA STATE BOARD OF MEDICAL EXAMINERS

COMPLAINT

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

FACTUAL BACKGROUND

- 1. Respondent is currently licensed in active status (License No. 12533), and has been licensed by the Board since November 28, 2007, pursuant to the provisions of the Medical Practice Act.
- 2. At all times alleged herein, Patient A was a twenty-three (23) year old female pregnant with triplets, Babies A C. Patient A's 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 a copy of this Complaint.

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3.	On or about December 10, 2009, Patient A was admitted with frequent contractions
to Summerlin	Hospital for preeclampsia workup and the administration of betamethasone for feta
lung maturity.	

- 4. Patient A was an in-patient at Summerlin Hospital from December 10, 2009 through January 5, 2010. She was being treated for antepartum management of preterm labor contractions, preeclampsia and monitoring of her triplets growth and fetal well-being.
- 5. On or about January 5, 2010, at approximately 2:45 a.m., Patient A was diaphoretic, pale and experiencing severe pain and pressure in her abdomen and pelvis.
- On or about January 5, 2010, at approximately 7:05 a.m., the fetal monitors were 6. nonreactive for all three (3) fetuses and tachycardic at times for Babies B and C. From approximately 7:28 A.M. until 10:18 a.m., Baby A was not tracing and Baby A's heart rate was absent variability with no and/or late decelerations. At approximately 7:45 a.m. and 8:20 a.m., Baby B was not tracing. At approximately 8:30 a.m., the status of the fetal heart rates for all three (3) babies was changed from Category 1 to Category II.
- On January 5, 2010, at approximately 9:07 a.m., nursing staff left a voice message for Respondent regarding Patient A, which was not returned. At approximately 9:28 a.m., nursing staff again telephoned Respondent. Respondent was informed of Patient A's status and was advised that she should assess Patient A as soon as possible.
- 8. On January 5, 2010, from approximately 9:12 a.m. until 10:18 a.m., Baby A was not tracing.
- 9. At approximately 9:58 a.m. on January 5, 2010, Respondent ordered Patient A undergo a cesarean section. Respondent, however, could not immediately perform the cesarean section because she was waiting for the arrival of her surgical assistant. At approximately 10:45 a.m., Patient A was taken to the operating room for a cesarean section.
- 10. At approximately 11:13 a.m. on January 5, 2010, Baby A was delivered with severely depressed Apgar scores requiring resuscitation. Evidence of a placental abruption was discovered in Baby A's amniotic sac. As a result, Baby A suffered permanent mental and physical damage.

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11. Respondent entered numerous untimed and/or illegible entries into Patient A's chart. Respondent also failed to document that he re-evaluated Patient A or the fetal monitor recordings after 4:00 a.m. on January 5, 2010.

COUNT I

(Malpractice)

- 12. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.
- 13. NRS 630.301(4) provides that malpractice of a physician is grounds for initiating disciplinary action against a licensee.
- 14. Nevada Administrative Code (NAC) 630.040 defines malpractice as the failure of a physician, in treating a patient, to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances.
- 15. Respondent failed to use the reasonable care, skill or knowledge ordinarily used under similar circumstances when she, as outlined above and among other things, failed to recognize the significance of the recorded fetal tachycardia, absent variability, and recurring late decelerations, which represented a significant change in the fetal heart rate pattern, and failed to provide corrective measures for the fetuses. Respondent also failed to use the reasonable care, skill or knowledge ordinarily used under similar circumstances when he ordered the fetal monitors removed despite the presence of late decelerations and non-reactive tracing in the fetuses.
- 16. Respondent also failed to use the reasonable care, skill or knowledge ordinarily used under similar circumstances when he, as outlined above and among other things, failed to communicate with Dr. Vo regarding Patient A's status.
- 17. By reason of the foregoing, Respondent is subject to discipline by the Board as provided in NRS 630.352.

COUNT II

(Records Violation)

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

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19.	NRS 630.3062(1) provides that the failure to maintain timely, legible, accurate and
complete me	dical records relating to the diagnosis, treatment and care of a patient is grounds for
initiating disc	cipline against a licensee.

- 20. Respondent failed to maintain accurate and/or complete medical records relating to the diagnosis, treatment and care of Patient A when he wrote numerous untimed and/or illegible entries into Patient A's medical records and/or failed to document that he re-evaluated Patient A or the fetal monitor recordings after 4:00 a.m. on January 5, 2010.
- 21. By reason of the foregoing, Respondent is subject to discipline by the Board as provided in NRS 630.352.

WHEREFORE, the IC prays:

- 1. That the Board give Respondent notice of the charges herein against him and give him notice that he 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 21^h day of March, 2013.

INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

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
1 2	STATE OF NEVADA) : ss.
3	COUNTY OF WASHOE)
4	Theodore B. Berndt, M.D., hereby deposes and states under penalty of perjury under the
5	laws of the state of Nevada that he is the Chairman of the Investigative Committee of the
6	Nevada State Board of Medical Examiners that authorized the foregoing Complaint against the
7	Respondent herein; that he has read the foregoing Complaint; and that based upon information
8	discovered during the course of the investigation into a complaint against Respondent, that he
9	believes the allegations and charges in the foregoing Complaint against Respondent are true,
10	accurate and correct.
11	Dated this 22 day of Manch, 2013.
12	$AC \rightarrow BC \rightarrow CC$
13	Theodore B. Berndt, M.D.
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OFFICE OF THE GENERAL COUNSEL Nevada State Board of Medical Examiners 1105 Terminal Way #301 Reno, Nevada 89502 (775) 688-2559

CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 22nd day of March 2013; I served a filed copy of the COMPLAINT, PATIENT DESIGNATION and FINGERPRINT INFORMATION via USPS e-certified return receipt mail to the following:

Ngoc Vo, M.D. 5761 S. Fort Apache Las Vegas, NV 89148

Dated this 22nd day of March, 2013.

Angelia L. Donohoe Legal Assistant