

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 **DONALD DEAN YARBRO, JR., M.D.,** )  
9 **Respondent.** )

Case No. 12-6960-1

**FILED**

**JAN 23 2014**

NEVADA STATE BOARD OF  
MEDICAL EXAMINERS

By: 

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12 **FIRST AMENDED COMPLAINT**

13 The Investigative Committee (IC) of the Nevada State Board of Medical Examiners  
14 (Board), comprised of Theodore B. Berndt, M.D., Chairman, Valerie J. Clark, BSN, RHU,  
15 LUTCF, Member, and Michael J. Fischer, M.D., Member, by and through Bradley O. Van Ry,  
16 Esq., Board General Counsel and attorney for the IC, having a reasonable basis to believe that  
17 Donald Dean Yarbrow, Jr., M.D. (Respondent), has violated the provisions of Nevada Revised  
18 Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630, collectively  
19 the Medical Practice Act (MPA), hereby issues its First Amended Complaint, stating the IC's  
20 charges and allegations, as follows:

21 1. Respondent is currently licensed in active status (License No. 4777), and he has  
22 been so licensed by the Board since April 9, 1983, pursuant to the provisions of the MPA.

23 2. Patient A was a forty-six (46)-year-old female at the time of the incidents in question.  
24 Her true identity is not disclosed to protect her privacy, but her identity was disclosed in the  
25 Patient Designation served on Respondent along with a copy of the formal Complaint.

26 3. On or about March 30, 2011, Patient A suffered a fall from a sixteen (16)-foot  
27 ladder and injured her right leg and knee. She presented to Concentra Medical Center for  
28 diagnosis, treatment and care.



Count II

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

15. 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 disciplinary action against a licensee.

16. Respondent's failure to note an unexpected artifact in the record, as detailed above, constitutes a failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient.

17. 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 First Amended Complaint herein as set forth in NRS 630.339 within twenty (20) days of service of the First Amended 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);

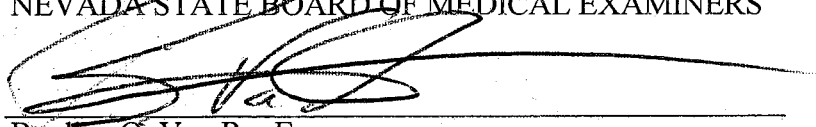
3. That the Board determine what sanctions it will impose if it determines there has been a violation or violations of the MPA committed by Respondent;

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 imposed; and,

5. That the Board take such other and further action as may be just and proper in these premises.

DATED this 23<sup>rd</sup> day of January, 2014.

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 First Amended Complaint against the Respondent herein; that he has read the foregoing First Amended 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 First Amended Complaint against Respondent are true, accurate and correct.

Dated this 24<sup>th</sup> day of JANUARY, 2014.

*Theodore B. Berndt*  
THEODORE B. BERNDT, M.D.

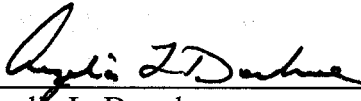
**CERTIFICATE OF MAILING**

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 24<sup>th</sup> day of January 2014; I served a filed copy of the FIRST AMENDED COMPLAINT, via USPS to the following:

David J. Mortensen, Esq.  
7401 West Charleston Blvd.  
Las Vegas, NV 89117-1401

Pat Dolan, J.D., Hearing Officer  
7980 Meadow Vista Court  
Reno, NV 89511

Dated this 24<sup>th</sup> day of January, 2014.

  
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Angella L. Donohoe  
Legal Assistant