

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

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5   **In the Matter of Charges and**  
6   **Complaint Against**  
7   **Sheldon Paul, M.D.,**  
8   **Respondent.**

Case No. 15-11328-1

**FILED**

**AUG 31 2015**

**NEVADA STATE BOARD OF  
MEDICAL EXAMINERS**

By: \_\_\_\_\_

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10                                   **COMPLAINT**

11                   The Investigative Committee<sup>1</sup> (IC) of the Nevada State Board of Medical Examiners (Board)  
12 hereby issues this formal Complaint (Complaint) against Sheldon Paul, M.D. (Respondent), a  
13 licensed physician in Nevada. After investigating this matter, the IC has a reasonable basis to  
14 believe that Respondent has violated provisions of Nevada Revised Statutes (NRS) chapter 630 and  
15 Nevada Administrative Code (NAC) chapter 630 (collectively Medical Practice Act). The IC  
16 alleges the following facts:

17                   1. Respondent is currently licensed in Nevada in active status (license no. 9007), and has  
18 been so licensed by the Board since July 1, 1999.

19                   2. Patient A was 37 weeks pregnant at the onset of the incidents in question. Her true  
20 identity is not disclosed in any public document to protect her privacy, but her identity is disclosed  
21 to Respondent in the Patient Designation served on Respondent along with a copy of this  
22 Complaint.

23                   3. On or about July 19, 2010, Patient A presented to Respondent for a Cesarean section.  
24 Patient A had requested a tubal ligation during the Cesarean section for future pregnancy  
25 prevention. The informed consent form, which was signed by both Patient A and Respondent on  
26 July 19, 2010, identifies the authorized procedure to be a "Repeat cesarean section with bilateral

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28 <sup>1</sup> The Investigative Committee (IC) of the Nevada State Board of Medical Examiners (Board) was composed of Board members Theodore B. Berndt, M.D., Chairman, Valerie J. Clark, BSN, RHU, LUTCF, Member, and Michael J. Fischer, M.D., Member at the time the IC voted to file this Complaint. As of July 8, 2015, Ms. Clark is no longer a member of the IC or Board.

1 tubal ligation.”

2 4. In February 2011, Patient A took a pregnancy test, which returned positive. Patient A  
3 presented to Respondent, who explained that bilateral tubal ligations can fail. Thereafter,  
4 Patient A never returned to Respondent.

5 5. Patient A visited her Patient Advocate, and discovered that the tubal ligation was never  
6 performed. It was later confirmed by a subsequent health care provider on physical inspection  
7 during Patient A’s fourth Cesarean section that the tubal ligation was never performed.

8 6. Respondent stated that he performed the Cesarean section and that he believes he  
9 performed the tubal ligation. Respondent acknowledges that the medical records reflect consent  
10 to the tubal ligation, but that there is no evidence that the tubal ligation was actually performed—  
11 neither he nor the nurses noted anything regarding a tubal ligation in the medical records.

12 7. Malpractice is grounds for the Board to initiate disciplinary action against a licensee in  
13 Nevada. NRS 630.301(4).

14 8. “‘Malpractice’ means the failure of a physician, in treating a patient, to use the reasonable  
15 care, skill, or knowledge ordinarily used under similar circumstances.” NAC 630.040.

16 9. Based on the facts, Respondent committed malpractice by not performing a procedure he  
17 agreed to perform.

18 10. By reason of the foregoing, Respondent is subject to discipline by the Board as provided in  
19 NRS 630.352.

20 **WHEREFORE**, the IC prays that the Board:

21 1. Give Respondent notice of the charges set forth in this Complaint;

22 2. Give Respondent notice that Respondent may file an answer to the Complaint as set forth  
23 in NRS 630.339(2) within 20 days of service of the Complaint;

24 3. Set a time and place for a formal hearing after holding an  
25 Early Case Conference pursuant to NRS 630.339(3);

26 4. Determine the sanctions it will impose if it finds Respondent violated the Medical Practice  
27 Act;

28 5. Make, issue, and serve on Respondent, in writing, its findings of fact, conclusions of law


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and order, which shall include the sanctions, if imposed; and

6. Take such other and further action as may be just and proper in this matter.

Dated this 31<sup>st</sup> day of August, 2015.

INVESTIGATIVE COMMITTEE OF THE  
NEVADA STATE BOARD OF MEDICAL EXAMINERS

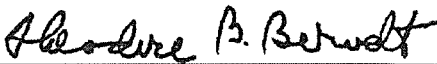
By:   
\_\_\_\_\_  
Alexia M. Emmermann, Esq.  
General Counsel  
Attorney for the Investigative Committee

VERIFICATION

1 STATE OF NEVADA )  
2 : 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 Nevada  
6 State Board of Medical Examiners that authorized the foregoing Complaint against the  
7 Respondent herein; that he has read the foregoing Complaint; and based upon information  
8 discovered during the course of the investigation into a complaint against Respondent, he believes  
9 the allegations and charges in the foregoing Complaint against Respondent are true, accurate and  
10 correct.

11 Dated this 28<sup>th</sup> day of August, 2015.

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14 Theodore B. Berndt, M.D.  
15 Chairman, Investigative Committee  
16 Nevada State Board of Medical Examiners  
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**CERTIFICATE OF MAILING**

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 31<sup>st</sup> day of August 2015; I served a file stamp copy of COMPLAINT, PATIENT DEISNGATION & FINGERPRINT INFORMATION via USPS e-certified return receipt mail to the following:

Sheldon Paul, M.D.  
517 Rose St.  
Las Vegas, NV 89106

Dated this 31<sup>st</sup> day of August, 2015.

  
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Angelia L. Donohoe  
Legal Assistant