### OFFICE OF THE GENERAL COUNSEL Nevada State Board of Medical Examiners 9600 Gateway Drive Reno, Nevada 89521

### BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

\* \* \* \* \*

In the Matter of Charges and

Case No. 19-11531-1

Complaint Against

STEPHEN WINSLOW GORDON, M.D.,

Respondent.

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NEVADA STATE BOARD OF MEDICAL EXAMINERS

### **COMPLAINT**

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

1. Respondent is, and was at all times relevant to this case, a physician licensed to practice medicine in the State of Nevada (License No. 7986). His license was originally issued by the Board on September 23, 1996.

### A. Respondent's Treatment of Patient A

- 2. Patient A was a healthy, well-developed 38-year-old female when she presented to Respondent for liposuction, liposculpture, fat grafting, and panniculectomy procedures on or about January 3, 2014 (the Operation).
- 3. Respondent performed the Operation on January 3, 2014, and caused multiple extraneous injuries to Patient A.
- 4. During the Operation, Patient A went into respiratory distress, was transported to the nearest hospital emergency department, and died shortly thereafter.

<sup>&</sup>lt;sup>1</sup> The Investigative Committee (IC) of the Nevada State Board of Medical Examiners (Board), at the time this formal Complaint was authorized for filing, was composed of Board members Theodore B. Berndt, M.D., Chairman, Michael J. Fischer, M.D., and Ms. Valerie J. Clark.

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5. Patient A died of exsanguination, caused by perforation/puncture of various internal organs, which injuries were caused by Respondent, or were caused by others acting at his direction, the safety and performance of such tasks Respondent is professionally responsible for pursuant to NAC 630.830.

### **COUNT I**

### NRS 630.301(4) (Malpractice)

- 6. All of the allegations in the above paragraphs are hereby incorporated as if fully set forth herein.
- 7. Malpractice is grounds for disciplinary action against a licensee pursuant to NRS 630.301(4).
- 8. NAC 630.040 defines malpractice as a practitioner's failure to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances when treating a patient.
- 9. As demonstrated by, but not limited to, the above-outlined facts, Respondent committed malpractice with respect to his treatment of Patient A.
- 10. By reason of the foregoing, Respondent is subject to discipline by the Board as provided in NRS 630.352.

### WHEREFORE, the Investigative Committee prays:

- 1. That the Board give Respondent notice of the charges herein and give notice that an answer to the Complaint herein may be filed 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 what sanctions to impose if it determines there has been a violation or violations of the Medical Practice Act 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.

# OFFICE OF THE GENERAL COUNSEL Nevada State Board of Medical Examiners

Nevada State Board of Medical Examiners 9600 Gateway Drive Reno, Nevada 89521 (775) 688-2559 DATED this  $28^{\circ}$  day of February, 2019.

INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:

Aaron Bart Fricke, Esq., Deputy General Counsel Attorney for the Investigative Committee

## OFFICE OF THE GENERAL COUNSEL Novada State Road of Medical Feominage

### **VERIFICATION**

STATE OF NEVADA	)
	: ss.
COUNTY OF WASHOE	)

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

DATED this Athday of February, 2019.

INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

Wayne Hardwick, M.D., Chairman