

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

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In the Matter of Charges and Complaint

Case No. 20-32904-1

Against:

KIARASH L. MIRKIA, M.D.,

Respondent.

FILED

NOV 30 2020

**NEVADA STATE BOARD OF
MEDICAL EXAMINERS**

By: 

COMPLAINT

The Investigative Committee (IC)¹ of the Nevada State Board of Medical Examiners (Board), by and through Aaron Bart Fricke, Esq., Senior Deputy General Counsel and attorney for the IC, having a reasonable basis to believe that Kiarash L. Mirkia, M.D. (Respondent), violated the provisions of Nevada Revised Statutes (NRS) Chapter 630 and the Nevada Administrative Code (NAC) Chapter 630 (collectively Medical Practice Act), hereby issues its Complaint (Complaint), stating the IC's charges and allegations as follows:

1. Respondent was at all times relevant to this Complaint a licensed medical doctor holding an active license to practice medicine in the State of Nevada (License No. 12548). Respondent was originally licensed by the Board on December 1, 2007.

2. Patient A was a sixty-four (64) year-old female at the time of the incidents in question. Her name is not disclosed in this Complaint to protect her identity, but is disclosed in the Patient Designation contemporaneously served on Respondent with a copy of this Complaint.

3. Patient A had a history of diabetes and hypertension, and was diagnosed with a pancreatic head tumor abutting the portal vein. She had undergone a laparoscopic cholecystectomy and later endoscopic retrograde cholangio-pancreatography at Mountain View Hospital, at which time a stent was placed in her common bile duct. Patient A's primary care physician referred her to Respondent for evaluation for possible surgical intervention. Respondent

¹ The Investigative Committee of the Nevada State Board of Medical Examiners, at the time this formal Complaint was authorized for filing, was composed of Board members Mr. M. Neil Duxbury, Chairman, Aury Nagy, M.D., and Michael C. Edwards, M.D., FACS.

1 saw Patient A in his clinic, Maya Medical Spa, located at 2660 S Rainbow Blvd, Las Vegas, NV
2 89146, where Respondent determined that she was a candidate for diagnostic laparoscopy and a
3 possible “Whipple” procedure.

4 4. A Whipple procedure, also known as a pancreaticoduodenectomy, is a highly
5 complex and advanced surgical operation to remove the head of the pancreas, the first part of the
6 small intestine (duodenum), the gallbladder and the bile duct.

7 5. On June 12, 2019, Patient A presented to Respondent at Spring Valley Hospital
8 Medical Center for surgery. Respondent performed a diagnostic laparoscopy, and a Whipple
9 procedure, and other surgical interventions to address the hemodynamic instability and
10 hemorrhagic shock that resulted. During the surgery, Respondent was unable to establish
11 hemostasis, and did not utilize the assistance of a vascular surgeon.

12 6. Following the surgery performed by Respondent, Patient A died on June 12, 2019,
13 of hemorrhagic shock.

14 7. On June 13, 2019, Respondent’s privileges and Medical Staff membership were
15 summarily suspended at Spring Valley Hospital Medical Center.

16 **COUNT I**

17 **NRS 630.301(4) (Malpractice)**

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

20 9. NRS 630.301(4) provides that malpractice is grounds for disciplinary action against
21 a licensee.

22 10. NAC 630.040 defines malpractice, for the purposes of NRS Chapter 630, as the
23 failure of a physician, in treating a patient, to use the reasonable care, skill, or knowledge
24 ordinarily used under similar circumstances.

25 11. Respondent failed to use the reasonable care, skill and knowledge ordinarily used
26 under similar circumstances, including but not limited to the conduct described herein, when he
27 performed a Whipple procedure on Patient A unskillfully, in which said conduct caused Patient
28 A’s death.

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12. 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 what sanctions to impose if it finds and concludes that 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, to include sanctions to be imposed; and

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

Dated this 30 day of November, 2020.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

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

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VERIFICATION

STATE OF NEVADA)
 : ss.
COUNTY OF WASHOE)

Mr. M. Neil Duxbury, 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 30th day of November, 2020.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

M. Neil Duxbury

By: _____
M. Neil Duxbury, Chairman