

1 3. Respondent's first encounter with Patient A occurred on July 3, 2018, wherein he
2 had a lengthy discussion with Patient A and ordered for a positron emission tomography (PET)
3 scan and bronchoscopy to be performed. Respondent determined the results to be lung cancer and
4 created a plan of care that consisted of further testing to rule out mediastinal disease, which
5 required a bronchoscopy and cervical mediastinoscopy. If the results of these tests were negative
6 for mediastinal disease, Respondent intended to proceed with a right upper lobectomy.

7 4. Patient A underwent the bronchoscopy and cervical mediastinoscopy on
8 July 13, 2018 which included lymph node biopsies. The pathology reports following the tenth
9 (10th) biopsy performed on the patient indicated the lymph nodes were, again, negative for cancer.

10 5. Respondent treated Patient A for lung cancer and removed the right upper portion
11 of Patient's A's lung.

12 6. Respondent's letter to the Board dated September 11, 2019 providing his response
13 to the allegations in this case contained multiple statements regarding a diagnosis of lung cancer
14 for Patient A that are not corroborated by Patient A's medical records.

15 7. Respondent submitted a second letter to the Board dated December 20, 2019,
16 providing additional responses to the allegations in this case that contained multiple statements
17 that are also not corroborated by Patient A's medical records.

18 8. According to testing and his medical records, Patient A did not have lung cancer.

19 9. Malpractice as interpreted by the Board in NAC 630.040 "means the failure of a
20 physician, in treating a patient, to use the reasonable care, skill, or knowledge ordinarily used
21 under similar circumstances."

22 10. Performing a cancer operation in the absence of a cancer diagnosis is not "the
23 reasonable care, skill, or knowledge ordinarily used under similar circumstances" unless there
24 were mitigating circumstances, such as the location of a lesion.

25 11. Patient A's lesion was not located in an area that a lobectomy was necessary in
26 order to receive a cancer diagnosis.

27 12. There was no mention by Respondent in Patient A's medical records that he
28 considered a lesser resection, such as a wedge or segmentectomy.

1 that is not included in Patient A's medical records and/or not supported by the information
2 included in Patient A's medical records.

3 23. By reason of the foregoing, Respondent is subject to discipline by the Board as
4 provided in NRS 630.352.

5 **WHEREFORE**, the IC prays:

6 1. That the Board give Respondent notice of the charges herein against him and give
7 him notice that he may file an answer to the Complaint herein as set forth in NRS 630.339(2)
8 within twenty (20) days of service of the Complaint;

9 2. That the Board set a time and place for a formal hearing after holding an
10 Early Case Conference pursuant to NRS 630.339(3);

11 3. That the Board award fees and costs for the investigation and prosecution of this
12 case as outlined in NRS 622.400;

13 4. That the Board determine what sanctions to impose if it finds and concludes that
14 there has been a violation or violations of the Medical Practice Act committed by Respondent;

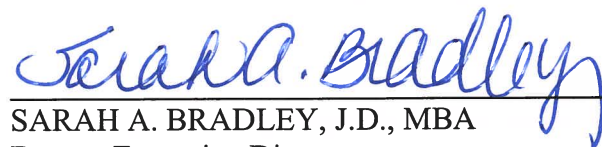
15 5. That the Board make, issue and serve on Respondent its findings of fact,
16 conclusions of law and order, in writing, to include sanctions to be imposed; and

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

19 DATED this 5th day of May, 2021.

20 INVESTIGATIVE COMMITTEE OF THE
21 NEVADA STATE BOARD OF MEDICAL EXAMINERS

22 By:



23 SARAH A. BRADLEY, J.D., MBA

24 Deputy Executive Director

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26 Reno, NV 89521

27 Tel: (775) 688-2559

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Attorney for the Investigative Committee

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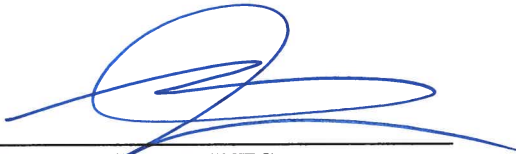
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CERTIFICATE OF SERVICE

I hereby certify that I am employed by the Nevada State Board of Medical Examiners and that on the 6th day of May, 2021, I served a file-stamped copy of the foregoing **COMPLAINT**, via U.S. Certified Mail to the following parties:

MARIE ELLERTON, ESQ.
c/o Arnold Daniel Chung, M.D.
Hall Prangle & Schoonveld, LLC
1140 North Town Center Dr., Ste. 350
Las Vegas, NV 89144
Certified Mail Receipt No.: 9171 9690 0935 0255 6180 88

DATED this 6th day of May, 2021.



MERCEDES FUENTES
Legal Assistant
Nevada State Board of Medical Examiners