

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA


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In the Matter of Charges and
Complaint Against:
MARK JASON ROSEN, M.D.,
Respondent.

Case No. 21-10020-1

FILED

JUL - 8 2021

NEVADA STATE BOARD OF
MEDICAL EXAMINERS
By: 

COMPLAINT

The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners (Board), by and through Robert G. Kilroy, Esq., Senior Deputy General Counsel and attorney for the IC, having a reasonable basis to believe that Mark Jason Rosen, M.D. (Respondent) violated the provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630 (collectively, the Medical Practice Act), hereby issues its Complaint, stating the IC's charges and allegations as follows:

1. Respondent was at all times relative to this Complaint a Medical Doctor holding an active license to practice medicine in the State of Nevada (License No. 6850). Respondent was originally licensed by the Board on July 31, 1993. Respondent's specialty is Orthopedic Surgery on the Board's website.

2. On December 28, 2014, Patient A² presented to Summerlin Hospital with left hip pain. Respondent confirmed the diagnosis of a left intertrochanteric hip fracture. Respondent, without verifying for the correct screw, took a "right" femoral nail with a proximal interlocking screw from the surgical staff. Respondent notes within Patient A's medical records, the operative note, that there was some difficulty with a distal placement of the intramedullary rod (the bow in the

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 Rachakonda Prabhu, M.D., Ms. April Mastrolucca, and Victor M. Muro, M.D.

² Patient A's true identify is not disclosed herein to protect her privacy, but is disclosed in the Patient Designation, which is served upon Respondent along with a copy of this Complaint.

1 rod was of the “opposite” direction). Respondent further noted that the rod was placed into the
2 appropriate depth and the hip screws being placed without difficulty. Subsequently, Respondent
3 was informed that he was given the wrong (for a right hip) type of nail for Patient A’s procedure on
4 her left hip. Respondent noted that a fluoroscopy test confirmed that the left hip rod (upon which
5 the wrong nail was placed therein) was the appropriate depth. Respondent apprised the patient’s
6 family that there was a “right” nail placed within Patient A’s left hip. Respondent believed that
7 replacing the “right” nail with a “left” nail would be too difficult and advised that the current hip
8 should be allowed to heal. Respondent did not treat Patient A subsequently.

9 **COUNT I**

10 **NRS 630.301(4) (Malpractice)**

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

13 4. NRS 630.301(4) provides that malpractice of a physician is grounds for initiating
14 disciplinary action against a licensee.

15 5. NAC 630.040 defines malpractice as the failure of a physician, in treating a patient,
16 to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances.

17 6. As demonstrated by, but not limited to, the above-outlined facts, Respondent failed
18 to use the reasonable care, skill or knowledge ordinarily used under similar circumstances when
19 he provided medical services to Patients A, because Respondent failed to reasonably confirm the
20 correct “left” nail for placement in Patient A’s surgically repaired left hip.

21 7. By reason of the foregoing, Respondent is subject to discipline by the Board as
22 provided in NRS 630.352.

23 **COUNT II**

24 **NRS 630.3062(1)(a) (Failure to Maintain Complete Medical Records)**

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

27 9. NRS 630.3062(1)(a) provides that the failure to maintain timely, legible, accurate
28 and complete medical records relating to the diagnosis, treatment and care of a patient is grounds

1 for initiating disciplinary action against a licensee.

2 10. Respondent failed to maintain complete medical records relating to the diagnosis,
3 treatment and care of Patient A failing to document his actions when he placed the wrong nail into
4 Patient A's surgically repaired left hip.

5 11. By reason of the foregoing, Respondent is subject to discipline by the Board as
6 provided in NRS 630.352.

7 **WHEREFORE**, the Investigative Committee prays:

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

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

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

15 4. That the Board award fees and costs for the investigation and prosecution of this
16 case as outlined in NRS 622.400;

17 5. That the Board make, issue and serve on Respondent its findings of fact,
18 conclusions of law and order, in writing, that includes the sanctions imposed; and

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

21 DATED this 8th day of July, 2021.

22 INVESTIGATIVE COMMITTEE OF THE
23 NEVADA STATE BOARD OF MEDICAL EXAMINERS

24 By:



25 ROBERT G. KILROY, J.D.
26 Senior Deputy General Counsel
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27 Tel: (775) 688-2559
27 Email: rkilroy@medboard.nv.gov
28 *Attorney for the Investigative Committee*

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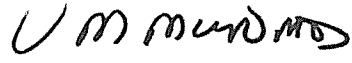
VERIFICATION

STATE OF NEVADA)
 : ss.
 COUNTY OF CLARK)

Victor M. Muro, 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 8th day of July, 2021.

INVESTIGATIVE COMMITTEE OF THE
 NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 
 VICTOR M. MURO, M.D., *Chairman*