

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

* * * * *

In the Matter of Charges and Complaint
Against:
ROBERT ANDREW KILPATRICK, M.D.
Respondent.

Case No. 22-20626-1
FILED

AUG 05 2022

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: 

COMPLAINT

The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners (Board), by and through Aaron B. Fricke, J.D., General Counsel and attorney for the IC, having a reasonable basis to believe that Robert Andrew Kilpatrick, 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. 11530). Respondent was originally licensed by the Board on July 20, 2005.

2. Patient A² was a fourteen (14) year-old female at the time of the events at issue.

3. On June 9, 2014, Patient A presented to Sunrise Medical Center (Sunrise) Emergency Department in active labor.

4. On June 10, 2014, Patient A, via spontaneous vaginal delivery, delivered a full term eight (8) lbs., fourteen (14) oz. baby, sustaining a second-degree vaginal tear and perineal laceration, which were repaired by the physician who supervised the delivery.

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 Wayne Hardwick, M.D., Aury Nagy, M.D., and Mr. M. Neil Duxbury.

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

1 5. On June 11, 2014, Patient A was discharged home, with a plan to follow-up in
2 three (3) weeks with her obstetrician.

3 6. Respondent is a Pediatric Emergency Physician, and was working at Sunrise on
4 June 15, 2014, when Patient A, who was five (5) days post-partem, presented to Sunrise
5 Emergency Department at 3:50 a.m. with complaints of abdominal pain, mild vaginal bleeding,
6 and fever at home for two (2) days.

7 7. Respondent examined Patient A and was appropriately concerned about and
8 initiated an evaluation for sepsis, among other possible diagnoses. A Complete Blood Count with
9 differential, and Complete Metabolic Panel were also ordered, among several other tests.

10 8. Patient A was a difficult and doubtful case, as she was, among other factors, post-
11 partem, young age at time of delivery, suffering pelvic pain, fever, hypotension with tachycardia
12 on evaluation, and elevation in white blood cell count with bandemia.

13 9. Respondent did initially consult via telephone with an obstetrician. However,
14 Patient A would have benefited from an in-person consultation at bedside with an obstetrician.

15 10. At approximately 6:00 a.m. on June 15, 2014, Respondent discharged Patient A,
16 with instructions to follow-up within two (2) days with her obstetrician, without first seeking an
17 in-person consultation at bedside with an obstetrician.

18 **COUNT I**

19 **NAC 630.210 – Failure to Seek Consultation in a Doubtful or Difficult Case**

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

22 12. Pursuant to NAC 630.185, NAC 630.185 to 630.230, inclusive, set forth the
23 standards of practice established by the Board.

24 13. Pursuant to NAC 630.210, a physician shall seek consultation with another
25 provider of health care in doubtful or difficult cases whenever it appears that consultation may
26 enhance the quality of medical services.

27 14. As demonstrated by, but not limited to, the above-outlined facts, Respondent failed
28 when rendering medical services to Patient A to seek consultation with an obstetrician at bedside

1 in the doubtful and difficult case presented by Patient A when it was evident that such
2 consultation would enhance the quality of medical services provided to Patient A.

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

5 **WHEREFORE**, the Investigative Committee 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
8 NRS 630.339(2) 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 Early
10 Case Conference pursuant to NRS 630.339(3);

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

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

15 5. That the Board make, issue and serve on Respondent its findings of fact,
16 conclusions of law and order, in writing, that includes the sanctions 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 August, 2022.

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

22 By: 

23 AARON BART FRICKE, J.D.
24 General Counsel
25 9600 Gateway Drive
26 Reno, NV 89521
27 Tel: (775) 688-2559
28 Email: africke@medboard.nv.gov
Attorney for the Investigative Committee

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

VERIFICATION

STATE OF NEVADA)
 : ss.
COUNTY OF WASHOE)

Bret W. Frey, 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 12 day of August, 2022.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 
BRET W. FREY, M.D.
Chairman of the Investigative Committee

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that I am employed by the Nevada State Board of Medical Examiners and that on the 8th day of August, 2022, I served a file-stamped copy of the foregoing **COMPLAINT**, with required fingerprinting materials, via U.S. Certified Mail, with courtesy copy by email, to the following parties:

ROBERT ANDREW KILPATRICK, M.D.
c/o Jessica R. Gandy, Esq.
Messener Reeves LLP
8945 W. Russell Road, Suite 300
Las Vegas, NV 89148
Email: jgandy@messener.com
Tracking No.: 9171 9690 0935 0254 7613 41

DATED this 8th day of August, 2022.


MERCEDES FUENTES
Legal Assistant
Nevada State Board of Medical Examiners