BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

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In the Matter of Charges and Complaint

SAMUEL RODOLFO CHACON, M.D.,

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Against:

Respondent.

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Case No. 23-12762-1

SEP - 5 2023

NEVADA STATE BOARD OF MEDICAL EXAMINERS

COMPLAINT

The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners (Board), by and through its counsel, Ian J. Cumings, Deputy General Counsel and attorney for the IC, having a reasonable basis to believe that Samuel Rodolfo Chacon, 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 physician holding an active license to practice medicine in the State of Nevada (License No. 9105). Respondent was originally licensed by the Board on July 27, 1999, with a specialty in Obstetrics/Gynecology.
 - Patient A² was a twenty-six (26) year-old female at the time of the events at issue. 2.
- 3. On January 26, 2022, Patient A established care with Respondent for routine gynecological care.
- On September 8, 2022, Patient A was seen by Respondent who diagnosed her with a twin pregnancy via ultrasound testing.

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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 Aury Nagy, M.D., Chairman, Nicola (Nick) Spirtos, M.D., F.A.C.O.G., and Ms. Maggie Arias-Petrel.

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

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- 5. On October 26, 2022, Patient A was seen by a perinatologist at a high-risk pregnancy center due to her twin pregnancy and diagnosed with gestational diabetes. Patient A's pregnancy continued to be monitored with serial ultrasounds.
- 6. On November 22, 2022, Respondent lost his hospital privileges at Renown Regional Medical Center (Renown Hospital) following a voluntary surrender of his clinical privileges while under, or to avoid, an investigation relating to his professional competence or his conduct.
- On February 8, 2023, Patient A underwent ultrasound testing at the high-risk 7. pregnancy center which indicated Twin A was growth restricted. Following Twin A's diagnosis of growth restriction, Patient A was recommended to deliver sometime between thirty-six (36) and thirty-seven (37) weeks of gestation by her perinatologist and to continue to receive ultrasound testing every two (2) weeks to monitor her pregnancy.
- 8. On March 30, 2023, at thirty-six (36) weeks pregnant, Patient A underwent further ultrasound testing that was performed by the perinatologist which demonstrated little growth from the previous ultrasound on March 13, 2023. The perinatologist recommended delivery between thirty-six weeks (36) and thirty-six weeks and three days (36.3) weeks.
- 9. On March 30, 2023, Patient A was seen by Respondent who performed a membrane sweep on Patient A to help induce labor. As Respondent did not have hospital privileges and was unable to fully induce labor in Patient A nor deliver Patient A's children, he instructed her to present to the emergency department at Renown Hospital should she go into labor.
- 10. Respondent failed to refer Patient A to an appropriate care provider or physician group who could properly induce Patient A for delivery of her pregnancy, despite his knowledge of the perinatologist's delivery recommendation.
- On April 1, 2023, Patient A had yet to go into labor, and presented to Renown 11. Hospital for delivery of her children within the recommended time given to her by the perinatologist. Patient A ultimately delivered her children by cesarean section on April 2, 2023, at Renown Hospital by a physician with privileges at the hospital.

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COUNT I

NRS 630.301(4) - Malpractice

- 12. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.
- 13. NRS 630.301(4) provides that malpractice of a Physician is grounds for initiating disciplinary action against a licensee.
- 14. NAC 630.040 defines malpractice as "the failure of a physician, in treating a patient, to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances."
- 15. As demonstrated by, but not limited to, the above-outlined facts, Respondent failed to use the reasonable care, skill or knowledge ordinarily used under similar circumstances when he rendered medical services to Patient A by failing to make arrangements for Patient A's delivery of her high-risk her twin pregnancy following the loss of his hospital privileges on November 22, 2022. Moreover, Respondent committed malpractice by continuing to see Patient A for obstetrical care without having a relationship with any physician or physician group to appropriately deliver Patient A's pregnancy.
- 16. By reason of the foregoing, Respondent is subject to discipline by the Board as provided in NRS 630.352.

COUNT II

NRS 630.306(1)(b)(2) - Violation of Standards of Practice Established by Regulation -Failure to Consult

- 17. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.
- 18. Violation of a standard of practice adopted by the Board is grounds for disciplinary action pursuant to NRS 630.306(1)(b)(2).
- NAC 630.210 requires a physician to "seek consultation with another provider of 19. health care in doubtful or difficult cases whenever it appears that consultation may enhance the quality of medical services."

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20. Respondent failed to timely seek consultation with an appropriate care provider in
regard to Patient A's medical condition from November 22, 2022, through April 2, 2023 to
address the doubtfulness of the diagnosis of Patient A's medical condition and such a timely
consultation would have confirmed or denied such a diagnosis and may have enhanced the quality
of medical care provided to Patient A with regard to the delivery of Patient A's twin pregnancy.

21. By reason of the foregoing, Respondent is subject to discipline by the Nevada State Board of Medical Examiners as provided in NRS 630.352.

COUNT III

NRS 630.306(1)(g) - Continual Failure to Exercise Skill or Diligence

- 22. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.
- 23. Continual failure by the Respondent to exercise the skill or diligence or use the methods ordinarily exercised under the same circumstances by physicians in good standing practicing in the same specialty or field is grounds for disciplinary action against a licensee pursuant to NRS 630.306(1)(g)
- Respondent continually failed to exercise skill or diligence as demonstrated by his 24. continuing prenatal care of Patient A without making arrangements or an appropriate referral for the delivery of Patient A's high-risk pregnancy.
- 25. By reason of the foregoing, Respondent is subject to discipline by the Board as provided in NRS 630.352

COUNT IV

NRS 630.306(1)(p) - Unsafe or Unprofessional Conduct

- 26. All of the allegations in the above paragraphs are hereby incorporated as if fully set forth herein.
- 27. Engaging in any act that is unsafe or unprofessional conduct in accordance with regulations adopted by the Board is grounds for disciplinary action against a licensee pursuant to NRS 630.306(1)(p).

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2	conduct was unsafe and unprofessional when he continued to provide obstetrical care to Patient A		
3	without making the proper arrangements with an obstetrical care provider who possessed		
4	privileges to practice to deliver Patient A's pregnancy, exposing Patient A and her children to an		
5	unacceptable and high-risk of complications during delivery. Respondent's conduct was unsafe		
6	and unprofessional.		
7	29. By reason of the foregoing, Respondent is subject to discipline by the Board as		
8	provided in NRS 630.352.		
9	WHEREFORE, the Investigative Committee prays:		
10	1. That the Board give Respondent notice of the charges herein against him and give		
11	him notice that he may file an answer to the Complaint herein as set forth in		
12	NRS 630.339(2) within twenty (20) days of service of the Complaint;		
13	2. That the Board set a time and place for a formal hearing after holding an Early		
14	Case Conference pursuant to NRS 630.339(3);		
15	3. That the Board determine what sanctions to impose if it determines there has been		
16	a violation or violations of the Medical Practice Act committed by Respondent;		
17	4. That the Board award fees and costs for the investigation and prosecution of this		
18	case as outlined in NRS 622.400;		
19	5. That the Board make, issue and serve on Respondent its findings of fact,		
20	conclusions of law and order, in writing, that includes the sanctions imposed; and		
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As demonstrated by, but not limited to, the above-outlined facts, Respondent's

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

DATED this 5th day of September, 2023.

INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:

IAN J. CUMINGS Deputy General Counsel 9600 Gateway Drive Reno, NV 89521

Tel: (775) 688-2559

Email: <u>icumings@medboard.nv.gov</u>
Attorney for the Investigative Committee

OFFICE OF THE GENERAL COUNSEL

Nevada State Board of Medical Examiners 9600 Gateway Drive Reno, Nevada 89521 (775) 688-2559

VERIFICATION

STATE OF NEVADA)
COUNTY OF CLARK	: ss.
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Aury Nagy, 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 5th day of September, 2023.

INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:

AURY NAGY, M.D.

Chairman of the Investigative Committee