

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

3 * * * * *

4
5 **In the Matter of Charges and Complaint**

Case No. 24-240-1

6 **Against:**

FILED

7 **JOSEPH PATRICK EAFRATE, PA-C,**

JAN 30 2024

8 **Respondent.**

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: 

9
10 **COMPLAINT**

11 The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners
12 (Board), by and through its counsel, Alexander J. Hinman, Deputy General Counsel and attorney for
13 the IC, having a reasonable basis to believe that Joseph Patrick Eafrate, PA-C (Respondent) violated
14 the provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code
15 (NAC) Chapter 630 (collectively, the Medical Practice Act), hereby issues its Complaint, stating the
16 IC's charges and allegations as follows:

17 1. Respondent was at all times relative to this Complaint a physician assistant holding
18 an active license to practice medicine in the State of Nevada (License No. 482). Respondent was
19 originally licensed by the Board on July 25, 1995.

20 2. Patient A² was a fifty-two (52) year-old male at the time of the events at issue and
21 had multiple medical problems including Diabetes Mellitus Type 2, Hypertension, morbid obesity,
22 GERD, elevated triglycerides, decreased vitamin D level, increased liver function tests, fatty liver
23 disease and right ear pain.

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

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

1 3. On or about October 27, 2017, Patient A presented to Respondent at the Forte
2 Family Practice office (hereinafter, the "Practice"), and was diagnosed with otitis media in his
3 right ear.

4 4. Patient A had been an existing patient of the Practice and had informed the Practice
5 that he was allergic to Penicillin on multiple occasions, which was recorded multiple times in his
6 medical records maintained by the Practice.

7 5. On the October 27, 2017, visit, Respondent prescribed Patient A oral Amoxicillin
8 for treatment of otitis media. Patient A filled this prescription at a pharmacy and took the
9 Amoxicillin as prescribed by Respondent.

10 6. Within thirty (30) minutes of taking the prescribed Amoxicillin, Patient A began
11 experiencing shortness of breath, and presented to North Vista Hospital. There, he was diagnosed
12 with anaphylactic shock, angioedema, and respiratory failure. Hospital staff administered
13 IM epinephrine, Solu-medrol, Pepcid, and Benadryl.

14 7. Patient A was then admitted to the ICU at North Vista Hospital, and subsequently
15 was diagnosed with diabetic ketoacidosis ("DKA"). Patient A was hospitalized for three (3) days.

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 of a physician assistant is grounds for
21 initiating disciplinary action against a licensee.

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

25 11. As demonstrated by, but not limited to, the above-outlined facts, Respondent failed
26 to use the reasonable care, skill or knowledge ordinarily used under similar circumstances when
27 rendering medical services to Patient A when he prescribed Amoxicillin, despite Patient A's
28 documented allergy to Penicillin.

1 12. By reason of the foregoing, Respondent is subject to discipline by the Board as
2 provided in NRS 630.352.

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

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

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

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

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

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

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

17 DATED this 30th day of January, 2024.

18 INVESTIGATIVE COMMITTEE OF THE
19 NEVADA STATE BOARD OF MEDICAL EXAMINERS

20 By:



21 ALEXANDER J. HINMAN

22 Deputy General Counsel

23 9600 Gateway Drive

24 Reno, NV 89521

25 Tel: (775) 688-2559

26 Email: ahinman@medboard.nv.gov

27 *Attorney for the Investigative Committee*

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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 30th day of January, 2024.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 

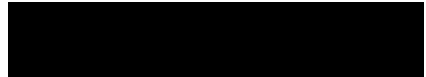
BRET W. FREY, M.D.
Chairman of the Investigative Committee

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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 2nd day of February, 2024, I served a file-stamped copy of the foregoing **COMPLAINT and PATIENT DESIGNATION** via U.S Certified Mail to:

JOSEPH PATRICK EAFRATE, PA-C



Tracking No.: 9171 9690 0935 0241 6157 25

DATED this 2nd day of February, 2024.



MERCEDES FUENTES
Legal Assistant
Nevada State Board of Medical Examiners