



1 appearing left breast calcifications are seen.” The reading was that of BIRAD two (2): benign  
2 findings.

3 5. It was determined later that Patient A, did in fact have changes to the breast tissue at  
4 that time that had been developing over time. When tests from 2014, 2015, and 2016 were reviewed  
5 and compared with the test from October 10, 2017, the changes were progressive, prominent,  
6 asymmetric and should have been reported as floridly abnormal. There was skin retraction,  
7 progressive reduction in right breast size, progressive asymmetric increased density, progressive  
8 increase in size of the spiculated architectural distortion in the ten o’clock posterior third of the right  
9 breast, and progressive increase in grouped fine rod-like calcifications evident on the examination  
10 of October 10, 2017. The test should have been converted from a screening diagnostic exam to a  
11 diagnostic exam or should have been coded as BIRAD zero (0): incomplete and recommendations  
12 made for completion of a diagnostic examination.

13 6. Over time, there was progressive change in the regional/global asymmetric density  
14 and a progressive volume loss of the right breast.

### 15 COUNT I

#### 16 **NRS 630.301(4) - Malpractice**

17 7. All of the allegations contained in the above paragraphs are hereby incorporated by  
18 reference as though fully set forth herein.

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

21 9. NAC 630.040 defines malpractice as “the failure of a physician, in treating a patient,  
22 to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances.”

23 10. As demonstrated by, but not limited to, the above-outlined facts, Respondent failed  
24 to use the reasonable care, skill or knowledge ordinarily used under similar circumstances when  
25 rendering medical services to Patient A, because Respondent compared images from 2014, 2015,  
26 and 2016, with an image from October 10, 2017, and Respondent should have acknowledged that  
27 the changes were progressive, prominent, asymmetric and should have been reported as floridly  
28 abnormal. The results of the test should have been converted from a preventative screening exam

1 to a diagnostic exam or should have been coded as BIRAD Zero (0): incomplete and  
2 recommendations made for completion of diagnostic examination.

3 11. 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 NRS 630.339(2) within  
8 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 Case  
10 Conference pursuant to NRS 630.339(3);

11 3. That the Board determine what sanctions to impose if it determines there has been a  
12 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 case  
14 as outlined in NRS 622.400;

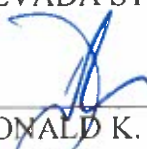
15 5. That the Board make, issue and serve on Respondent its findings of fact, conclusions  
16 of law and order, in writing, that includes the sanctions imposed; and

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

19 DATED this 3<sup>rd</sup> day of October, 2024.

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

22 By:

  
23 DONALD K. WHITE  
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*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 3<sup>rd</sup> day of October, 2024.

INVESTIGATIVE COMMITTEE OF THE  
NEVADA STATE BOARD OF MEDICAL EXAMINERS

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