BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

* * * * *

In the Matter of Charges and Complaint

Against:

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TERENCE MICHAEL SCIPIONE, M.D.,

Respondent.

Case No. 24-34000-1

FILED

FEB 2 3 2024

NEVADA STATE BOARD OF MEDICAL EXAMINERS

COMPLAINT

The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners (Board), by and through Ian J. Cumings, Senior Deputy General Counsel and attorney for the IC, having a reasonable basis to believe that Terence Michael Scipione, 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. 12812). Respondent was originally licensed by the Board on July 11, 2008.
 - 2. Patient A² was a forty-two (42) year-old female at the time of the events at issue.
- 3. On January 18, 2019, Patient A presented to the emergency room with tachycardia and painful urination. Patient A's clinical presentation was further complicated because she was pregnant during the events in question.

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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 Bret W. Frey, M.D., Carl N. Williams, Jr., M.D., FACS, and Col. Eric D. Wade, USAF (Ret.).

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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	4.	A urinary analysis of Patient A performed in the emergency room demonstrated a
high wh	hite blo	ood cell count present in Patient A's urine. A limited ultrasound was then obtained
which v	vas int	erpreted by Respondent.

- CT imaging and notes from a radiology technician demonstrated an echogenic 5. kidney with dilation and perinephric fluid (fluid collected around the kidney), shadowing a kidney stone inferior to the pelvis.
- Respondent's interpretation of Patient A's CT diagnosed Patient A with mild right 6. hydronephrosis with no biliary dilation or gallstones and a 2cm parapelvic cyst.
- Respondent failed to diagnose or document the existence of a 1.11cm kidney stone 7. contiguous with the pelvis, causing kidney obstruction and pyelonephritis (infection of the kidney).
- The delay in diagnosing Patient A's kidney obstruction ultimately led to Patient A 8. developing rapid onset sepsis resulting in the loss of her pregnancy and the amputation of all ten (10) toes.

COUNT I

NRS 630.301(4) - Malpractice

- All of the allegations contained in the above paragraphs are hereby incorporated by 9. reference as though fully set forth herein.
- NRS 630.301(4) provides that malpractice of a physician is grounds for initiating 10. disciplinary action against a licensee.
- NAC 630.040 defines malpractice as "the failure of a physician, in treating a 11. patient, to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances."
- As demonstrated by, but not limited to, the above-outlined facts, Respondent failed 12. to use the reasonable care, skill or knowledge ordinarily used under similar circumstances when rendering medical services to Patient A, by failing to correctly interpret Patient A's CT and not discovering or documenting the existence of a 1.11cm kidney stone causing kidney obstruction.

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By reason of the foregoing, Respondent is subject to discipline by the Board as 13. provided in NRS 630.352.

COUNT II

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

- All of the allegations contained in the above paragraphs are hereby incorporated by 14. reference as though fully set forth herein.
- NRS 630.3062(1)(a) provides that the "failure to maintain timely, legible, accurate 15. and complete medical records relating to the diagnosis, treatment and care of a patient" constitute grounds for initiating discipline against a licensee.
- Respondent failed to maintain complete medical records relating to the diagnosis, 16. treatment and care of Patient A, by failing to correctly interpret and document relevant CT findings in Patient A's radiology report.
- By reason of the foregoing, Respondent is subject to discipline by the Board as 17. provided in NRS 630.352.

WHEREFORE, the Investigative Committee prays:

- That the Board give Respondent notice of the charges herein against him and give 1. him notice that he may file an answer to the Complaint herein as set forth in NRS 630.339(2) within twenty (20) days of service of the Complaint;
- That the Board set a time and place for a formal hearing after holding an Early 2. Case Conference pursuant to NRS 630.339(3);
- 3. That the Board determine what sanctions to impose if it determines there has been a violation or violations of the Medical Practice Act committed by Respondent;
- That the Board award fees and costs for the investigation and prosecution of this 4. case as outlined in NRS 622.400;
- That the Board make, issue and serve on Respondent its findings of fact, 5. conclusions of law and order, in writing, that includes the sanctions imposed; and

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OFFICE OF THE GENERAL COUNSEL Nevada State Board of Medical Examiners 9600 Gateway Drive Reno, Nevada 89521

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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 23 day of February, 2024.

INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:

IAN J. CUMINGS

Senior 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

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 23 day of February, 2024.

INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:

Chairman of the Investigative Committee