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

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In the Matter of Charges and Complaint

Against:

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TERENCE MICHAEL SCIPIONE, M.D.,

Respondent.

Case No. 24-34000-2

FEB 2 3 2024

**NEVADA STATE BOARD OF** MEDICAL EXAMINERS

### **COMPLAINT**

The Investigative Committee<sup>1</sup> (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 (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:

- Respondent was at all times relative to this Complaint a medical doctor holding an 1. active license to practice medicine in the State of Nevada (License No. 12812). Respondent was originally licensed by the Board on July 11, 2008.
  - Patient A<sup>2</sup> was a thirty (30) year-old male at the time of the events at issue. 2.
- On July 6, 2019, Patient A presented to an urgent care with complaints of 3. abdominal pain, nausea, and vomiting. Patient A reported severe onset and sharp right lower quadrant pain and was sent to the emergency room at a local hospital.
- At the emergency room, testing demonstrated an elevated white blood cell count, and an abdominal computed tomography (CT) scan was ordered to rule out acute appendicitis.

<sup>&</sup>lt;sup>1</sup> 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.).

<sup>&</sup>lt;sup>2</sup> 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.

- 5. Respondent erroneously interpreted Patient A's July 6, 2019, CT scan as negative and documented "a normal appendix is visualized. There is no lymphadenopathy."
- 6. Respondent ignored critical findings evident in laboratory results and imaging which were indicative of appendicitis.
- 7. Patient A was subsequently discharged and later readmitted to the hospital following a rupture of the appendix.

### **COUNT I**

### NRS 630.301(4) - Malpractice

- 8. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.
- 9. NRS 630.301(4) provides that malpractice of a physician is grounds for initiating disciplinary action against a licensee.
- 10. 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."
- 11. 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 rendering medical services to Patient A by failing to correctly interpret Patient A's CT imaging and laboratory results to identify appendicitis.
- 12. By reason of the foregoing, Respondent is subject to discipline by the Board as provided in NRS 630.352.

## WHEREFORE, the Investigative Committee prays:

- 1. That the Board give Respondent notice of the charges herein against him and give 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;
- 2. That the Board set a time and place for a formal hearing after holding an Early Case Conference pursuant to NRS 630.339(3);

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- That the Board determine what sanctions to impose if it determines there has been 3. 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
- That the Board take such other and further action as may be just and proper in these 6. 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: icumings@medboard.nv.gov Attorney for the Investigative Committee

# OFFICE OF THE GENERAL COUNSEL Nevada State Board of Medical Examiners

### 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:

BRET W FREY, M.D.

Chairman of the Investigative Committee