

1 JUSTICE COURT OF THE STATE OF NEVADA
2 IN AND FOR THE COUNTY OF CLARK

FILED

2000 MAY -8 P 2: 44

JUDICE COURT
LAS VEGAS NEVADA

3 STATE OF NEVADA,)
4)
5 Plaintiff,)
6 PATRICIA ELLA CAIN,)
7 Defendant.)

CASE NO. 00FO7978X

DEPT NO. 7

CRIMINAL COMPLAINT

8 STATE OF NEVADA)
9) ss.
COUNTY OF CLARK)

10 Personally appeared before the undersigned notary public this 8th day of May
11 2000, April Lavergne, an Investigator for the Office of the Attorney General, Medicaid Fraud Control
12 Unit, who being first duly sworn and within her knowledge, information, and belief, complains and
13 charges PATRICIA ELLA CAIN (CAIN), the above named Defendant with having committed the
14 offense of:

15 1. NEGLECT of an OLDER PERSON, one count, a Felony in violation of NRS 200.5099(2)
16 and (7) and NRS 200.5092(4).

17 Said offense committed in the following manner to wit:

18 **COUNT I (Felony- Class B)**
19 **NEGLECT of an OLDER PERSON**
20 **NRS 200.5092(4), 200.5099(2) and (7) penalty**

21 That within her knowledge, information, and belief, CAIN, a professional caretaker who
22 had assumed responsibility, legally, voluntarily, or pursuant to a contract to care for an older person,
23 David age 69, acted unreasonably with knowledge or with reason to have known that her
24 actions or omissions neglected the older person causing him to suffer substantial bodily harm or
permitted or allowed the older person to suffer substantial bodily harm in the following matter:

25 At all times stated herein, CAIN was employed as a registered nurse at Integrated Health
26 Services (IHS), 2170 East Harmon Avenue, Las Vegas, Clark County, Nevada, and IHS was under
27 contract with Nevada Division of Health Care Financing and Policy to receive Medicaid funds for
28 providing services to Medicaid patients.

Attorney General's Office
555 E. Washington, Suite 3900
Las Vegas, NV 89101

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1 On or about August 7, 1998, G. received a percutaneous endoscopic gastrostomy tube
2 ("peg" tube) while at Desert Springs Hospital. On August 8, 1998, C was admitted to IHS. On or
3 about August 8, 1998, C's peg tube became dislodged. CAIN replaced the peg tube with a foley
4 catheter. CAIN failed to adequately assess G prior to the replacement. CAIN failed to contact a
5 physician or obtain a physician's order prior to the replacement. CAIN failed to adequately assess
6 C after the replacement. CAIN failed to document or chart the replacement activities. CAIN
7 knew or should have known that her actions in replacing the peg feeding tube with the foley catheter
8 and failure to adequately assess and document same was contrary to the Nevada State Board of
9 Nursing's Nurse Practice Act, and IHS protocols.

10 CAIN's activities resulted in the foley catheter being inserted into C's peritoneum
11 (abdominal cavity) and not the stomach. CAIN's failure to chart her activities deprived her co-workers
12 of accurate information concerning Mr. C's medical needs. A subsequent attempt to feed the
13 patient resulted in the food substance entering the peritoneum and not the stomach. This caused
14 substantial bodily harm as C went into medical distress with a substantial risk of death, a
15 protracted loss or impairment of a bodily function, member, or prolonged physical pain.

16 All of which constitutes a felony offense of NEGLECT of an OLDER PERSON in violation of
17 NRS 200.5099(2) and (7), and 200.5092 (4).

18 All of which is contrary to the form, force and effects of the statutes in such cases made and
19 provided, against the peace and dignity of the State of Nevada.

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1 Said complainant therefore prays that a Summons be issued for the appearance of Defendant
2 PATRICIA ELLA CAIN, and that she may be dealt with according to law.

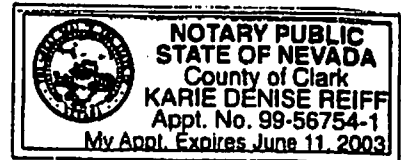
3 Dated this 8th day of May, 2000.

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5 By: April Lavergne
6 April Lavergne
7 Investigator

8 SUBSCRIBED and SWORN to before me this

9 8th day of May, 2000.

10 Karie Denise Reiff
11 Notary Public in and for the County of
12 Clark, State of Nevada



13
14 SUBMITTED BY:
15 FRANKIE SUE DEL PAPA
16 Attorney General

17 By: Mark Kemberling
18 Mark Kemberling
19 Deputy Attorney General
20 Bar No. 5388
21 555 E. Washington Ave., #3900
22 Las Vegas, Nevada 89101
23 (702) 486-3777

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27 Justice Court OOF07978X

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