

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

3 * * * * *

4 **In The Matter of Charges and**

Case No. 08-28519-1

5 **Complaint Against**

6 **ADEKUNLE AJAYI, M.D.,**

7 **Respondent.**

FILED

AUG 24 2009

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

9
10 **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

11 The above-entitled matter came on regularly for decision before the Nevada State Board
12 of Medical Examiners, hereinafter "Board", on Friday, August 7, 2009, at the Board's offices
13 located at 1105 Terminal Way, Suite 301, Reno, Nevada, 89502, on the Complaint filed herein
14 against Respondent Adekunle Ajayi, M.D., hereinafter "Respondent."

15 The members of the Board participating in the decision were: Charles N. Held, M.D.,
16 Renee West, Jean Stoess, M.A., Van V. Heffner, and Javaid Anwar, M.D., who was present
17 telephonically. Beverly Neyland, M.D. was absent and thus did not participate in the
18 adjudication of the matter. All other remaining members of the Board, being members of the
19 Investigative Committee that issued the complaint in this matter, were excused from participating
20 and took no part in the proceedings of the Board. Keith D. Marcher, Senior Deputy Attorney
21 General, acted as legal counsel to the Board.

22 The Board having received and read the complaint and exhibits admitted in the matter, as
23 well as the Synopsis of Record prepared by the hearing officer who presided over the hearing and
24 the transcript of the hearing, proceeded to make a decision pursuant to the provisions of
25 NRS chapters 233B and 630.

26 The Board after due consideration of the record, evidence and law, and being fully
27 advised in the premises, makes its FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
28 ORDER in this matter as follows:

1 **FINDINGS OF FACT**

2 **I.**

3 Respondent held a license to practice medicine in the State of Nevada at all relevant
4 times.

5 **II.**

6 On May 5, 2008, the Investigative Committee filed the Complaint in this matter alleging a
7 violation of Chapter 630 of the Nevada Revised Statutes.

8 **III.**

9 On March 25, 2009, a hearing was held before an appointed hearing officer on the
10 allegation contained within the Complaint. Respondent was present and represented by counsel,
11 Michael Shannon, Esq. The Investigative Committee was represented by Edward Cousineau,
12 General Counsel for the Board.

13 **IV.**

14 On May 7, 2005, Patient A, a forty-five-year-old female, presented to Montevista
15 Hospital in Las Vegas after being placed on a seventy-two-hour-hold for psychotic behavior.
16 Patient A was seen by Respondent shortly after her admission and Respondent diagnosed her
17 with bipolar type one disorder and manic episode with psychosis. Respondent ordered Patient
18 A's lithium level, to confirm her compliance with her medications. The following day, Patient
19 A's lithium level was reported as 1.0, with a therapeutic range being 0.6 to 1.3. Thereafter,
20 Respondent ordered Patient A's lithium dose to be increased to 1,800mg a day and her Seroquel
21 dose to 600mg a day.

22 On May 9, 10, 11, 12, 2005, Patient A continued to exhibit manic, agitated, irritable
23 conduct and expressed various paranoid delusions, and as a result, Respondent ordered Patient
24 A's Seroquel dose to be increased to 800mg daily and that Patient A's increased lithium level
25 treatment was to continue as previous.

26 On May 16, 2005, Patient A was observed to be unsteady on her feet, as a result, the
27 patient's BUN, creatinine, lithium and Depakote levels were tested. The patient's lithium level
28 was found to be at 2.9, well above 0.6 to 1.3, which is considered to be the therapeutic range.

1 Thereafter, Respondent ordered Patient A's lithium administration ceased and that Patient A's
2 lithium level be retested the following day.

3 On May 17, 2005, Patient A was noted to be confused with slurred speech and an
4 unsteady gait, which was again attributed to lithium toxicity. The patient's BUN, creatinine,
5 lithium and Depakote levels were again tested.

6 On May 18, 2007, Patient A was transferred to an intensive care facility. It was there
7 determined that Patient A was suffering from renal and respiratory failure due to lithium toxicity.

8 **V.**

9 The Board finds by a preponderance of the evidence that Respondent violated NRS
10 630.301(4) and committed malpractice as defined in NAC 630.040 when he initially increased
11 Patient A's lithium dosage in such an acute manner, and thereafter, failed to properly supervise
12 and manage Patient A's lithium treatment course.

13 **VI.**

14 If any of the foregoing Findings of Fact is more properly deemed a Conclusion of Law, it
15 may be so construed.

16 **CONCLUSIONS OF LAW**

17 **I.**

18 The Board has jurisdiction over Respondent.

19 **II.**

20 Respondent was properly served with notice of the hearing via certified mail at the
21 address on file with the Board pursuant to NRS and NAC chapters 630 and NRS chapter 233B.

22 **III.**

23 The Board concludes that that Respondent has violated NRS 630.301(4) as described
24 above and accordingly is subject to discipline pursuant to NRS 630.352.

25 **IV.**

26 If any of the foregoing Conclusions of Law is more properly deemed a Finding of Fact, it
27 may be so construed.

28 ///

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

IT IS HEREBY ORDERED that:

- Dated this 24th day of August, 2009.

NEVADA STATE BOARD OF

Submitted by:
CATHERINE CORTEZ MASTO
Attorney General

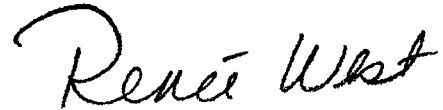
4

CERTIFICATION

I certify that the foregoing is the full and true original FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER on file in the office of the Board of Medical Examiners in the matter of Adekunle Ajayi, M.D., Case no. 08-28519-1.

I further certify that Charles N. Held, M.D., is the President of the Nevada State Board of Medical Examiners and that full force and credit is due to his official acts as such; and that the signature to the foregoing ORDER is the signature of said Charles N. Held, M.D.

IN WITNESS THEREOF, I have herunto set my hand in my official capacity as Secretary-Treasurer of the Nevada State Board of Medical Examiners.



RENEE WEST
Secretary-Treasurer
Nevada State Board of Medical Examiners