

COMP

Peter C. Wetherall, Esq.
Nevada Bar No. 4414
WHITE & WETHERALL, LLP
9345 West Sunset Road, Suite 100
Las Vegas, NV 89148
(702) 838-8500
(702) 837-5081 Fax
pwetherall@whiteandwetherall.com

Kay L. Van Wey, Esq.
Texas Bar No. 20461950
VAN WEY & JOHNSON, LLP
3100 Monticello Avenue, Suite 500
Dallas, Texas 75205
(214) 265-7600
(214) 265-7626 Fax
kvanwey@vanweyjohnson.com
Attorneys for Plaintiffs

DISTRICT COURT

CLARK COUNTY, NEVADA

DONALD L. BAILE, Individually as Spouse
and Heir and as Special Administrator of the
Estate of BARBARA ANN BAILE, Deceased;
and DEBRA BAILE, Individually as Daughter
and Heir of BARBARA ANN BAILE,

Plaintiffs,

vs.

KEVIN RAY BUCKWALTER, M.D.; KEVIN
BUCKWALTER, M.D., LTD., a Nevada
Corporation; and DOES 1-10, inclusive,

Defendants.

Case No.:

A 5 8 8 7 7 8

Dept. No.:

II


Arbitration Exemption Requested:
Medical Negligence Pursuant to
NRS 41.A *et seq*

COMPLAINT

Plaintiffs, DONALD L. BAILE, Individually, and as Special Administrator for the Estate of
BARBARA ANN BAILE, deceased, and DEBRA BAILE, Individually as Heir of BARBARA
ANN BAILE, by and through their attorneys, Peter C. Wetherall, Esq., of White & Wetherall, LLP,

FILED

APR 24 5 28 PM '09


CLERK OF DISTRICT COURT

1 and Kay L. Van Wey, Esq., of Van Wey & Johnson, LLP, hereby aver and allege in support of their
2 Complaint against Defendants as follows:

3 **JURISDICTION AND VENUE**

4 1. At all relevant times, Plaintiff Donald L. Baile (Don Baile) was an adult, competent
5 resident of Clark County, Nevada, and the legal spouse of Decedent Barbara Baile. He sues in his
6 individual capacity as an heir, and as Special Administrator for the Estate of Barbara Baile
7 (appointment pending).

8 2. At all relevant times, Plaintiff Debra Baile (Debra Baile) was an adult, competent
9 resident of Clark County, Nevada, and the natural daughter of Decedent Barbara Baile. She sues in
10 her individual capacity as an heir of Barbara Baile.

11 3. At all relevant times, Defendant Kevin Ray Buckwalter, M.D. (Buckwalter) was a
12 Nevada-licensed provider of health care as defined by NRS 41A.013 and NRS 41A.017, who
13 conducted business as Kevin Buckwalter, M.D., Ltd., practiced medicine in Clark County, Nevada,
14 and held himself out as a competent physician. Kevin Buckwalter, M.D., Ltd. is a domestic
15 professional corporation incorporated in the State of Nevada.

16 4. At all relevant times, Defendant DOES 1-10 were persons, corporations,
17 partnerships, physicians, nurses, or health insurance entities whose negligence (and/or medical
18 malpractice) contributed to causing injury and suffering to Plaintiffs' Decedent, by acquiescing or
19 participating in the tortious acts described herein with constructive or actual knowledge of the harm
20 being done to Plaintiffs' Decedent, by aiding and abetting Dr. Buckwalter's improper prescribing to
21 Plaintiffs' Decedent, by negligently filling Dr. Buckwalter's prescriptions for Plaintiffs' Decedent,
22 by negligently directing Plaintiffs' Decedent to treat with Dr. Buckwalter as a condition of payment
23 of health insurance benefits, or whose relationship to the other Defendants makes them liable under
24

1 an agency or *respondeat superior* theory, but whose identities are as yet unknown. Plaintiffs shall
2 seek leave to amend the Complaint upon identification of said DOES 1 - 10.

3 5. Each and every act which gives rise to this Complaint occurred in Clark County,
4 Nevada.

5 **STATEMENT OF FACTS**

6 6. Barbara Baile began seeing Kevin Ray Buckwalter, M.D. on April 13, 2004 with a
7 chief complaint of "pinched nerves," and pain in her hips and back. Dr. Buckwalter began treating
8 her complaints with narcotic medications, including, but not limited to: Ativan, Fentanyl patches,
9 Valium, Lortab, Restoril, Percocet, and Tylenol with Codeine #4. Many of these drugs are known to
10 cause physical and psychological dependence and constipation. Mrs. Baile frequently complained
11 to Dr. Buckwalter about abdominal pain and constipation, but her complaints were not addressed.
12 Despite her complaints and despite the known potential for constipation associated with some of the
13 drugs he was prescribing, Dr. Buckwalter did not diagnose or treat her condition, but simply
14 continued prescribing drugs to Barbara Baile. Dr. Buckwalter continued prescribing the drugs,
15 knowing they would likely worsen her abdominal pain and constipation.

16 7. Over the course of Barbara Baile's treatment with Dr. Buckwalter, she became
17 physically and psychologically dependent upon the narcotics. Barbara sought help to detoxify from
18 the drugs Dr. Buckwalter had been prescribing. On February 10, 2008, she entered a treatment
19 facility. Unfortunately, before her rehabilitation could get under way, her bowels ruptured and she
20 was rushed to the hospital. The doctors caring for Barbara Baile performed multiple surgeries and
21 valiantly tried to save her life. However, the ruptured bowel caused fecal material to pour out into
22 her abdominal cavity, which resulted in her becoming septic. The doctors tried to repair the damage
23 that had been done to her bladder and small bowel and were required to leave her abdomen open in
24 order to promote healing. She became dependent upon a ventilator to breathe and went into acute

1 renal failure. Barbara fought long and hard during her lengthy hospitalization, but her body
2 deteriorated and she succumbed to the illnesses on April 27, 2008.

3 8. The tragic circumstances leading to Barbara Baile's death were part of a pattern and
4 practice of Dr. Buckwalter which involved the unnecessary and inappropriate prescription of
5 controlled substances.

6 9. Dr. Buckwalter described his medical practice as basically that of common diseases,
7 ranging from diabetes to the common cold, flus, and small injuries. Despite having no known
8 training or experience in the medical specialty of pain management, Dr. Buckwalter treated
9 numerous patients, including Barbara Baile with large quantities and combinations of controlled
10 substances. In many cases, Dr. Buckwalter did not adequately assess the patient's legitimate medical
11 need for the controlled substance, the potential toxic interaction of the drugs he prescribed or the
12 effect of the long term prescription of the controlled substances on the patient. Tragically, several of
13 Dr. Buckwalter's patients unintentionally overdosed and died as a result of his reckless provision of
14 the potentially lethal drugs.

15 10. Dr. Buckwalter routinely failed to maintain adequate medical records of his patients
16 and willfully destroyed and altered the scant medical records he did maintain, thereby concealing his
17 negligence from his patients and those who might endeavor to stop his dangerous prescribing
18 practices. By way of example, Dr. Buckwalter's practice was to not keep a record the individual
19 prescriptions he wrote for his patients, because according to him, he had a routine about the amount
20 of medications that he wrote.

21 11. Dr. Buckwalter contributed to the growing epidemic of prescription drug abuse in
22 this country. Dr. Buckwalter knew that many of the patients who he provided controlled substances
23 to were suffering from emotional problems, prior or ongoing addiction problems, and in some cases
24 that they lacked the judgment to make decisions about what was in their own best interest. These

1 patients relied on Dr. Buckwalter to uphold his Hippocratic oath of "Physician Do No Harm." In
2 sum, they trusted him. Rather than trying to heal his patients, Dr. Buckwalter became little more
3 than a drug dealer in a white lab coat.

4 **FIRST CAUSE OF ACTION**

5 **MEDICAL NEGLIGENCE/WRONGFUL DEATH AGAINST DEFENDANTS KEVIN RAY**
6 **BUCKWALTER, M.D. and KEVIN BUCKWALTER, M.D., LTD.**

7 12. Plaintiffs repeat, re-allege and hereby incorporate each and every allegation
8 contained in the previous paragraphs as though fully set forth herein.

9 13. A physician/patient relationship was formed between Barbara Baile, deceased, and
10 Defendants Kevin Buckwalter, M.D., Individually and d/b/a Kevin Buckwalter, M.D., Ltd., by
11 virtue of medical treatment rendered to Barbara Baile. It was the duty of Defendant Buckwalter to
12 exercise that degree of care and skill in providing medical care to Barbara Baile as is ordinarily
13 exercised by reasonably skilled practitioners of the medical arts and sciences under the same or
14 similar circumstances. Defendant Buckwalter negligently and carelessly committed one or more
15 wrongful acts and omissions. Plaintiffs would show that at the times and on the occasions
16 complained of, Defendant Buckwalter was negligent, and such negligence proximately caused
17 damages and injuries to Decedent, Barbara Baile in the following particulars:

- 18 A. Failing to properly evaluate, assess, diagnose and treat Decedent Barbara
19 Baile's individual medical conditions;
20 B. Prescribing unnecessary or inappropriate medications;
21 C. Failing to keep adequate records of the medications prescribed;
22 D. Prescribing controlled substances without a valid medical purpose;
23 E. Failing to provide critical information about the risks and hazards inherent in
24 the prescriptions, which could have influenced a reasonable person in making
a decision about whether to take such medication(s);
F. Failing to adequately assess and treat Barbara Baile's complaints of
constipation and abdominal pain;

- G. Failing to appropriately treat the signs and symptoms of Barbara Baile associated with the risks and hazards of taking the prescription drugs;
- H. Failing to act as a reasonable and prudent physician would have under the same or similar circumstances; and
- I. Failing to comply with the applicable standard of care as it related to his care and treatment of Barbara Baile.

14. Each of these acts and omissions, singularly or in combination with others, constitute negligence which proximately caused the occurrences made the basis of Plaintiffs' wrongful death action and the injuries and damages to Barbara Baile.

15. At all relevant times, Dr. Buckwalter owed a duty of reasonable and prudent care to Barbara Baile. That duty included, but was not limited to addressing all urgent and potentially life threatening conditions at the time Barbara presented with the symptoms and complaints.

16. As confirmed by the Declaration of Plaintiffs' expert, Andrea M. Trescot, M.D., attached as Exhibit 1 hereto (incorporated by reference as though fully set forth herein), Defendant Buckwalter, breached the requisite standard of care by failing to take an adequate history, failing to keep adequate records of the medications prescribed, failing to acknowledge and properly treat Mrs. Baile's complaints of chronic abdominal pain, failing to perform an adequate physical exam, failing to monitor the effects of the medications prescribed, and failing to tailor the medications for the individual patient, all in violation of the reasonable standard of care.

17. It was highly foreseeable that the prescription of a massive amount of opiates to Mrs. Baile could lead to chronic severe constipation and that failing to diagnose and treat Barbara Baile's constipation could lead to bowel rupture and death. Dr. Buckwalter's acts and omissions were a blatant disregard for the safety of his patient. Had Dr. Buckwalter followed the standard of care set out above, in all medical probability Barbara Baile would not have died.

18. Upon information and belief Dr. Buckwalter has concealed his acts and omissions through failing to maintain accurate and complete medical records relating to prescribing controlled

1 substances for his patients, making incomplete notations in the patient's medical records regarding
2 their care and treatment, and alteration of patient records.

3 19. Further, Dr. Buckwalter's prescribing of controlled substances deviated from the
4 guidelines set forth in the Model Guidelines for the Use of Controlled Substances for the Treatment
5 of Pain. Dr. Buckwalter violated NAC 630.040, which defines malpractice as "the failure of a
6 physician, in treating a patient, to use the reasonable care, skill, or knowledge ordinarily used under
7 similar circumstances." Dr. Buckwalter violated 630.3062(1), the "failure to maintain timely,
8 legible, accurate and complete medical records relating to the diagnosis, treatment and care of a
9 patient." Upon information and belief Dr. Buckwalter violated NAC 630.230(1)(l), which is to
10 "engage in the practice of writing prescriptions for controlled substances to treat acute pain or
11 chronic pain in a manner that deviates from the guidelines set forth in the Model Guidelines for the
12 Use of Controlled Substances for the Treatment of Pain."

13 20. As a direct and proximate result of Defendant Buckwalter's medical
14 negligence/malpractice as herein alleged, Barbara Baile was caused to incur severe and irreparable
15 pain, injury, and prolonged suffering, resulting in her past medical expenses, conscious pain and
16 suffering, loss of quality of life, and subsequent death.

17 21. Plaintiffs Donald L. Baile and Debra Baile are entitled as heirs of Decedent Barbara
18 Ann Baile to the following damages: mental anguish damages for their grief and sorrow,
19 companionship, society, comfort and consortium of the decedent in an amount in excess of
20 \$10,000.00 each.

21 22. Plaintiff Donald L. Baile, in his capacity as Special Administrator for the Estate of
22 Barbara Ann Baile, is entitled to the following damages: medical expenses which the decedent
23 incurred or sustained before her death, funeral and burial expenses; and any penalties, including, but
24

1 not limited to, exemplary or punitive damages, that the decedent would have recovered if she had
2 lived, in an amount in excess of \$10,000.00.

3 **SECOND CAUSE OF ACTION**

4 **DECEPTIVE TRADE PRACTICE – PER NRS 598/NRS 41.600**

5 23. Plaintiffs repeat, re-allege and hereby incorporate each and every allegation
6 contained in the previous paragraphs as though fully set forth herein.

7 24. At all relevant times, Defendant Kevin Buckwalter, M.D. owned and operated a
8 medical clinic and purported to provide general medical care to his patients. Dr. Buckwalter held
9 himself out to the public as being dedicated to patient needs, providing proper medical care, and
10 being one of the area's top family doctors with award winning attention to family care. Further, Dr.
11 Buckwalter attributed his self proclaimed success to his commitment to proper health care and real
12 world experience in providing the best health care possible for his patients. Dr. Buckwalter's
13 patterns and practices regarding the actual medical care (and lack thereof) provided to his patients did
14 not remotely correlate with the practices and reputation he purported to maintain.

15 25. Upon information and belief Defendant Buckwalter routinely engaged in the practice
16 of writing prescriptions for controlled substances to patients without properly performing physical
17 examinations of the patients, without obtaining a complete patient medical history, without
18 maintaining accurate and complete medical records pertaining to his patient's complaints, diagnosis,
19 treatment, and/or prescribing of controlled substances to his patients. Further, Dr. Buckwalter
20 routinely failed to properly monitor the amounts prescribed and/or use of controlled substances by
21 his patients. The foregoing acts of Defendant in knowingly engaging in practices and procedures at
22 his medical clinic which involved the prescribing of controlled substances to patients who did not
23 possess a legitimate medical need for the substances and prescribing excessive doses of narcotics,
24 and which created a foreseeable risk of overdose, life threatening medical risks and hazards, and/or

1 death constitute malpractice, fraudulent concealment, and violations of the Deceptive Trade
2 Practices Act. Eventually, as a result Defendant Buckwalter's habitual substandard practices and
3 procedures, the Nevada State Board of Medical Examiners and Nevada State Board of Pharmacy
4 suspended the controlled substances privileges and controlled substances registration of Defendant
5 Buckwalter.

6 26. The foregoing acts of Defendant Buckwalter constitute violations of Nevada's
7 Deceptive Trade Practices Act, as codified in NRS Chapter 598, in that Defendants:

- 8 A. Knowingly made a false representation as to the characteristics, ingredients,
9 uses, benefits, alterations or quantities of goods or services for sale or lease
10 [NRS 598.0915(5)];
- 11 B. Represented that goods or services for sale or lease were of a particular
12 standard, quality or grade, or that such goods were of a particular style or
13 model, where they knew or should have known that they were of another
14 standard, quality, grade, style or model [NRS 598.0915(7)];
- 15 C. Knowingly made other false representations in a transaction affecting
16 Plaintiff Barbara Baile [NRS 598.0915(15)];
- 17 D. Failed to disclose a material fact in connection with the sale or lease of goods
18 or services [NRS 598.0923(2)].

19 27. As a direct and proximate result of Defendant's violation of Nevada's Deceptive
20 Trade Practices Act as herein alleged, Plaintiffs's Decedent suffered injury and death resulting in
21 damages to her heirs and estate in an amount in excess of \$10,000.00 each.

22 28. Plaintiff Don Baile is over 60 years of age, and therefore entitled to all the rights and
23 remedies set forth in NRS 41.600 and NRS 598.0977.

24 29. Defendants' acts as described herein constitute oppression, fraud or malice (express
or implied) as those terms are defined in NRS 42.005, warranting the imposition of punitive
damages upon them as permitted under NRS 598.0977, for the sake of example and by way of
punishing the Defendant.

1 30. It has been necessary for Plaintiffs to retain the services of counsel to represent them
2 in the above-entitled action and they should be awarded reasonable attorney's fees and costs
3 incurred herein.

4 WHEREFORE, Plaintiffs pray for relief from this Court in the form of a Judgment in their
5 favor and against Defendants, and each of them, for damages as follows:

- 6 1. For general and special damages in an amount in excess of \$10,000.00;
- 7 2. For punitive damages in an amount to be determined;
- 8 3. For costs of suit and reasonable attorney's fees; and

9
10
11
12
13
14
15
16
17
18
19
20
21
22 ///

23 ///

24 ///

1 4. For such other and further relief as the Court may deem just and equitable under the
2 circumstances.

3 DATED this 24th day of April, 2009.

4 WHITE & WETHERALL, LLP

5 by Peter C. Wetherall
6 Peter C. Wetherall, Esq.
7 Nevada Bar No. 4414
8 WHITE & WETHERALL, LLP
9 9345 West Sunset Road, Suite 100
10 Las Vegas, NV 89148
11 Ph. (702) 838-8500
12 Fax (702) 837-5081
13 pwetherall@whiteandwetherall.com

14 VAN WEY & JOHNSON, L.L.P.

15 Kay L. Van Wey
16 Texas Bar No. 20461950
17 3100 Monticello Avenue, Suite 500
18 Dallas, Texas 75205
19 (214) 265-7600 Phone
20 (214) 265-7626 Facsimile
21 kvanwey@vanweyjohnson.com

22 Attorneys for PLAINTIFFS
23 DONALD L. BAILE, Individually as Spouse
24 and Heir, and as Special Administrator for the
 Estate of BARBARA ANN BAILE, and
 DEBRA BAILE, Individually as Daughter and
 Heir of BARBARA ANN BAILE

EXHIBIT 1

EXHIBIT 1

Andrea M. Trescot, MD
3210 Fuhrman Ave E
Seattle, WA 98102
206 660-4596
amt57@aol.com

April 13, 2009

DECLARATION OF ANDREA M. TRESOT PER NRS 53.045

My name is Andrea M. Trescot, M.D. I am a licensed physician. I am currently a professor at the University of Washington School of Medicine in Seattle, Washington. My area of medical specialty is pain management. In light of my background, training and experience, I am qualified to render the opinions set forth in this declaration.

I have been asked to review the case of Barbara Baile and comment on the care provided to Ms. Baile by Dr. Kevin Buckwalter. I have been asked to provide my opinions regarding the applicable standard of care, any violations of the standard of care, and any injuries and damages proximately resulting therefrom.

I am over the age of 18 years and competent to make this Declaration. All matters stated herein are within my personal knowledge and are true and correct, and if called upon to testify as a witness, I could and would do so competently under oath.

A true and correct copy of my C.V. is attached to this report. A summary of my professional qualifications follows. My undergraduate training was completed in 1978 at The University of Florida. I was awarded an M.D. degree by The Medical University of South Carolina in 1983. Thereafter, I completed an internship and residency in anesthesiology at the Naval Hospital in Bethesda, Maryland. In 1986 I completed a fellowship in pediatric anesthesiology at Children's Hospital National Medical Center.

From 1983 through 1991 I was an active duty Lt. Commander in the United States Navy. I have the following certifications: Diplomate American Board of Anesthesiology, Special Qualification in Critical Care; Special Qualification in Pain Management; Diplomate American Academy of Pain Management; Diplomate American Board of Pain Medicine; Fellow Interventional Pain Practice (World Institute of Pain); Diplomate, American Board of Interventional Pain Physicians, Competency certification in controlled substance management, Competency certification in coding, compliance, and practice management.

My professional affiliation history is listed below.

Faculty Positions Held (2007-2009)

4/07 – 7/08	Director, Pain Fellowship, anesthesia University of Florida, Gainesville, FL
4/07 – 11/08	Associate professor, Department of Anesthesia University of Florida, Gainesville, FL

- 12/08-present Professor, Department of Anesthesia and Pain Medicine
University of Washington, Seattle, WA
- 3/09-present Director, Pain Fellowship, anesthesia
University of Washington, Seattle, WA

Positions Held (1987-2007)

- 1/87 – 1/91 Staff anesthesiologist, Director pain clinic, Director ICU
Naval Hospital, Jacksonville, FL
- 1/91 – 12/91 Director, pain clinic, White-Wilson Medical Center
Ft. Walton Beach, FL
- 12/91 – 2/94 Owner, North Florida Pain Institute
Gulf Breeze, FL
- 3/94 – 9/96 Partner, Blue Ridge Pain Institute
Staunton, VA
- 9/96 – 7/97 Joint venture, Pain Institute of Northeast Florida
Orange Park, FL
- 7/97 – 4/07 Owner, The Pain Center
Orange Park, FL

Teaching Responsibilities:

- 4/07 – 10/08 Director, Pain Fellowship, anesthesia
University of Florida, Gainesville, FL
- 12/08-present Professor, Dept of Anesthesia and Pain Medicine
University of Washington, Seattle, WA
- 3/09 – present Director, Pain Fellowship, anesthesia and Pain Medicine
University of Washington, Seattle, WA

Special National Responsibilities:

- 6/07 – 6/08 President, American Society of Interventional Pain Physicians
- 6/06 – 6/07 President-elect, American Society of Interventional Pain Physicians
- 6/05 – 6/06 Executive Vice President, American Society of Interventional Pain Physicians
- 11/99 – 11/01 Treasurer, American Society of Interventional Pain Physicians
Inaugural officer
- 11/01 – 6/07 Board of Directors, American Society of Interventional Pain Physicians
- 8/03 – present Examiner, World Institute of Pain

I have published or co-published over three dozen articles on medical subjects ranging in topic from management of chronic pain to diagnostic spinal endoscopy. The primary focus of my medical practice has been as a researcher, clinician, and instructor in pain management. I am licensed in the states of Florida and Washington to practice medicine. I have an active medical practice and have been practicing continuously since 1983. My license to practice medicine has never been suspended revoked or modified. I have voluntarily given up my active medical licenses in states in which I no longer practice. I have lectured and instructed medical students, residents, and physicians on a

multitude of occasions, both nationally and internationally, regarding pain management and related topics.

As a result of my training, education, and over two decades of experience as a pain management specialist, I have become knowledgeable regarding the standard of care for physicians dealing with patients who present with complaints similar to those of Ms. Baile. I am aware of the applicable standards for evaluating, assessing, diagnosing, and treating patients like Ms. Baile who present to a clinic seeking medical advice and treatment for "pinched nerves." The opinions that I express in this report are based upon reasonable medical probability. The standard of care for a physician in this setting is a national standard and does not deviate from region to region within the United States. The standard of care for physicians dealing with patients in pain, such as Dr. Buckwalter, do not differ between board-certified and non-board-certified physicians, or their area of specialization. Any physician of any specialty who prescribes controlled substances needs to adhere to the same standard of care to minimize the danger to patients and provide competent medical care.

All physicians, regardless of their specialized training or particular field of practice are required to be familiar with the known side effects of the drugs they prescribe. In addition, all physicians, regardless of their specialized training or particular field of practice are required to be able to adequately assess a patient who may be experiencing a side effect of the medication they have prescribed and either treat the side effect or refer the patient to a specialist who is qualified to treat the side effect. In particular, when prescribing large amounts of opioids, any physician, regardless of their area of practice is required by the standard of care to be aware that opioids can and do cause constipation, which is sometimes severe and cannot be relieved by over the counter remedies. In such cases, any practitioner, regardless of their training or area of specialization is required to assess and adequately treat a patient for whom they prescribe opioids for constipation. The standard of care in prescribing controlled substances is treated universally in medical texts, journals, and authoritative treatises. The standard of care also requires any physician who prescribes controlled substances to be familiar with the manufacturer's instructions and to heed their warnings.

The materials that I have reviewed in connection with this case are the kinds of material customarily relied upon and utilized by physicians in arriving at medical opinions. In conjunction with this case I have reviewed the following medical records and information:

1. Dr. Buckwalter's medical records on Ms. Baile
2. Pharmacy records 2005-2008
3. Hospital records University Medical Center
4. Hospital records St. Rose Dominican Hospital

I have been provided with the following definitions:

NRS 41A.009 "Medical malpractice" defined. "Medical malpractice" means the failure of a physician, hospital or employee of a hospital, in rendering services, to use the reasonable care, skill or knowledge ordinarily used under similar circumstances.

"Proximate Cause:" A proximate cause of injury, damage, loss, or harm is a cause which, in natural and continuous sequence, produces the injury, damage, loss, or harm, and without which the injury, damage, loss, or harm, would not have occurred. Nev. J.L. 4.04.

"Legal Cause; Definition:" A legal cause of injury, damage, loss, or harm is a cause which is a substantial factor in bringing about the injury, damage, loss, or harm. Nev. J.L. 4.04A.

A brief summary of pertinent facts as well as a chronology of events is as follows:

Ms. Baile presented to Dr. Buckwalter's office on 4/13/04, with complaints of "pinched nerves." Dr. Buckwalter's handwriting is often illegible, but on that initial visit, he wrote on the side and the bottom of the initial intake form (because there was nowhere on his form to record this information) that she was a smoker, and an MRI [illegible] was within normal limits. He listed 2 doctors' names, "mylegious ->WNL", and another doctor's name followed by "pain management." His impression was "HTN, chronic back pain, sciatica, [illegible] B/L, GERD." His plan was "s/p cervical epidural X 4 shots" [which apparently should have been part of the assessment, since she had already undergone these injections], [illegible] 25mg qhs, valium 10mg qhs, and apparently Lorcet 10 q4-6 hrs [the first letters are "Lo"; the rest is illegible without an apparent "b" for Lortab]. There is no recording of the amount prescribed or what the long-term plan might be.

In Dr. Buckwalter's records are copies of the records from Advanced Pain Care dated 10/20/03 and 11/17/03, describing cervical stenosis as the diagnosis, and prescribing the cervical epidurals as well as Lortab 7.5mg 1-2 q 4-6hrs #120 on 10/20/03 and 11/17/03. Also in Dr. Buckwalter's records are copies of lab work ordered by Dr. Falvo, drawn 12/04/04. It is unclear as to when Dr. Buckwalter received these records, or whether he even looked at them, though they are appropriately dated and reviewed by Dr. Falvo. At that time, Dr. Falvo noted that she was hypothyroid and had an elevated sedimentation rate (indicative of an inflammatory condition), and increased her Synthroid as well as ordered further autoimmune testing.

The next record that I have from Dr. Buckwalter is dated 4/29/05, more than a year later. She was seen for a "check up", having recently undergone a left hip replacement. There was no abdominal exam recorded. His plan was illegible, but pharmacy records show that she received #120 Hydrocodone 7.5/500 from Dr. Buckwalter on 3/17/05 (almost a year after he last saw her), as well as #120 Hydrocodone 7.5/500 from Dr. Robert Tait on 4/7/05 and 4/23/05, #10 Duragesic 25mcg

patches from Dr. J.M. Kittleson on 4/15/05 and Lorazepam #60 from Dr. Peprah. Dr. Buckwalter also filled #90 Diazepam 10mg on 5/2/05.

On 6/16/05, the patient saw Dr. Buckwalter for a "BP check"; at that time, she was still receiving Hydrocodone from Dr. Tait (#120 on 6/06/06, 6/30/05, and 7/19/05), but she obtained Duragesic (Fentanyl) 25mcg from Dr. Buckwalter on 6/17/05. She apparently was given a prescription at that time for blood work (though it was not in his note). There was no abdominal exam recorded. She saw Dr. Buckwalter again on 6/29/05 to "go over labwork"; at this time his assessment included "abd pain" and anemia as well as a pre-op assessment, and he started her on magnesium citrate (a cathartic laxative) and ordered an abdominal series as well as lab work to evaluate the anemia (even though she had blood work on 6/27/05 which showed a serious anemia as well as an elevated thyroid stimulating hormone level). The only recorded exam is under the abdominal section, stating "PE-[illegible]" [perhaps "no change"]; there was no apparent rectal exam, and no discussion of last bowel movement or current opioid use. It was surprising that she also had a CEA level (a test for colon cancer) and a cortisol level (to look for adrenal function) done, apparently also ordered by Dr. Buckwalter without any documentation. The abdominal series showed "moderate fecal material throughout the colon" consistent with "moderated fecal retention" or constipation; in addition, there was noted to be borderline heart enlargement, left hip replacement, right hip DJD, lumbar degenerative changes, and possible lung scarring or collapse.

There was no note in his records of 7/18/05 regarding the results of those studies; she was instead evaluated for a pre-op evaluation of her pending hip replacement, with more blood work ordered, and apparently he gave her a B12 injection (without a B12 level having been evaluated). The only physical exam was again listed under abdomen: "PE -stable." Since there was no previous abdominal exam recorded, "stable" has no meaning. He continued to write #90 Diazepam on 7/24/05. Dr. Kittleson was still writing for Fentanyl 25mcg on 7/29/05.

The next visit was on 11/14/05; there was "no change" in her medications (but no record of what medications she was taking), and the only recorded physical exam was once again under the abdominal section: "PE- no change." His assessment was osteoarthritis, s/p knee replacement, and "s/p lower [illegible] after TKR," though the surgery was actually apparently a hip (and not knee) replacement. His plan was more blood work (unknown type or reason) and x-rays of the right hip and femur (again unknown reason). Meanwhile (and without appointments), she received prescriptions from Dr. Buckwalter for Hydrocodone 7.5/500 (#120 on 8/12/05, 8/30/05 X1, 9/17/05, 10/3/05, 10/19/05 X1, 11/2/05 X1, 11/17/05 X2, 12/2/05 X2, 12/19/05 X1), Duragesic 25mcg (#5 patches on 8/15/05, 9/18/05). Adding that up, she received 17 prescriptions for Hydrocodone in a 4 month period; that would be 2040 pain tablets during that time frame, or an average of 8.5 tablets per day (in addition to the Duragesic patches), having seen her only once in that time frame. She received from Dr. Buckwalter Diazepam 10mg (#90X2 on 10/3/05 and #120 on 12/11/05) and Ativan 1mg (#60 on 12/29/05) - both of which are the same class of medication (sedatives). She also received a prescription from him for Amphetamines 20mg (#90 X1 on 11/9/05 and #60 on

12/11/05), although she continued to receive Dexadrine (another type of stimulant) from Dr. Peprah on 11/17/05.

Dr. Buckwalter saw her again on 1/20/06, again with "no change" in the medications. She was coming for "BP check" as well as evaluation for "surgery in Feb", and apparently she was requesting (or was scheduled for) a B12 injection. There was no exam recorded of the abdomen exam. The impression is a single word which is illegible, and the only apparent plan was a list of medications he was starting for hypertension - Lasix (a diuretic), Labetolol (a beta blocker) and Toprol (another beta blocker). The pharmacy records show that she received prescription from him for Hydrocodone 7.5/500 (#120 X2 on 1/9/06, #120 on 1/31/06, #120 X2 on 2/16/06, #120 X2 on 3/4/06, #120 X3 on 3/16/06, #120 on 4/8/06, and #120 X1 ON 4/19/06), Duragesic 25mcg (#5 on 1/6/06), and Diazepam 10mg (#120 X1 on 3/16/06). During this four month period, she also received 17 Hydrocodone prescriptions (2040 tablets or more than 8 tablets per day).

On 1/31/06, Dr. Germin ordered an MRI of the neck (for "cervical pain", something not listed in Dr. Buckwalter's notes but present in his chart), which showed "mild" central cervical stenosis at C45 and C56 and "mild" foraminal stenosis at C7T1. Someone (Dr. Buckwalter's name is handwritten on one copy of the report) ordered a cervical and pelvic x-ray on 3/18/06, which showed generalized degenerative changes at multiple levels in the neck and bilateral hip replacement, but there was no reason listed in the notes or on the report.

He saw her again on 4/20/06; again there was "no change" in the medications, despite the fact that Dr. Buckwalter himself had changed her medications. She was complaining of right hip pain; the only recorded exam was "R hip - + [illegible], [illegible], [illegible]." There was no abdominal exam. His assessment was "A+W" [I have no idea what this was supposed to mean], "hypothyroid" [or hypo -something illegible], and "R hip pain." He gave her IM Demerol, Toradol, and B12, and prescribed Endocet 10/325 #180.

Dr. Buckwalter saw her again on 5/2/06, once again for a preop visit and to discuss medications. Once again, there was no abdominal exam. His assessment was once again "A+W" as well as R hip pain. Unfortunately, the plan was illegible. He saw her again on 5/11/06, once again for "pre-op" and to refill medications. The only physical exam was the abdominal system, which once again was "no change." His diagnosis was "pre-op", "hypothyroid" and "chronic hip pain." The plan listed was EKG, refill of [illegible], "Dr. Tait", and "d/c (?) Cymbalta" (though I could not find where Cymbalta was started). From May until July, Dr. Buckwalter prescribed Hydrocodone 7.5/500 (#120 X2 on 5/4/06, #120 on 5/22/06, #120 X1 on 6/16/06, and #120 X2 on 7/13/06), and Diazepam 10mg (#120 X2 on 6/7/06). In this 3 month period, she received 9 prescriptions of Hydrocodone, 1080 tablets, or 12 tablets of opioid per day.

On 7/25/06, she saw Dr. Buckwalter; there was "no change" in medications, with a chief complaint of "check BP" because of an ER visit with an elevated blood pressure,

noting that labetalol was making her sick. The only physical exam was abdominal, once again "stable." She was seen again on 8/25/06, for a follow up of stitches (it is unclear how she was injured). There was a well healing laceration, and she received B12 and a tetanus injection. Dr. Buckwalter ordered lab work on 10/12/06 to "rule out infection" (but there was no visit); he ordered a metabolic panel which showed an elevated glucose and alkaline phosphatase (some times a sign of liver problems, but no hematology that I could find), which would have been the expected blood work ordered for an infection. On 10/19/06, she was seen again for "preop", with "no change" in medication. The only physical evaluation was of the right hip, though the exam was illegible. The assessment was right hip chronic pain, and he ordered EKG, chest x-ray, and blood work. Pre-op lab work on Ms. Baile on 10/26/06 showed her to be anemic (H&H 10.6/30.8), and her chest x-ray showed a hiatal hernia and osteopenia.

From July until December, she received Hydrocodone 7.5/500 (#120 X2 on 7/13/06, #120 on 8/4/06), Tylenol #4 (#90 on 8/10/06, #90 on 9/18/06, #90 on 10/12/06, #120 X1 on 11/6/06, #90 X2 on 12/1/06), Fentanyl 75mcg patches [3 times more powerful than she had before] (#5 on 9/7/06), Diazepam 10mg (#120 on 8/24/06, #120 X1 on 11/6/06). This gives her 480 Hydrocodone tablets and 690 Tylenol#4 for the 6 month period, equaling 1170 tablets or 6.5 tablets per day). She also received Dextroamphetamine 6mg (#85 on 9/15/06, #120 on 10/25/06) and Amphetamine 10mg (#60 on 12/7/06) from Dr. Peprah.

She was next seen on 2/7/07, with complaints of right hip pain, radiating up the back into the neck. The only apparent physical exam was of the extremities, [illegible] -> hip B/L. His impression was "s/p hip replacement - chronic pain, DJD [illegible] hips." The plan was "F/U Dr. [illegible], [illegible], and then she received Demerol, Toradol, and B12 IM. On 3/16/07, she was seen with "pain across back." The only exam was of the extremities, which showed [illegible] - + [illegible], [illegible], [illegible]. Dr. Buckwalter's evaluation was "s/p hip replacement, DJD [illegible] spine, DJD hips. His plan was illegible.

From January until June 2007, Dr. Buckwalter wrote for Tylenol #4 (#90 X3 on 1/3/07, #90 on 2/16/07, #90 on 4/2/07, #90 X1 on 4/22/07, #160 on 6/20/07), Hydrocodone 7.5/500 (#120 X2 on 1/8/07, #120 on 2/16/07 [the same day as he prescribed Tylenol #4], #140 on 6/20/07 [the same day as he prescribed Tylenol #4]), Fentanyl 50 mcg [increased from previous injection] (#5 on 1/9/07). In addition, he wrote for Oxycodone 80mg [a huge increase in opioid dose] (#6 on 3/18/07, #10 on 3/24/07, #10 on 4/3/07). He also wrote for Diazepam (#120 X2 on 1/4/07, #120 on 3/12/07, #120 X1 on 6/6/07) as well as Lorazepam 1mg (#150 on 2/5/07). Dr. Peprah was still writing for Dextroamphetamine (#180 X1 on 2/19/07).

Dr. Buckwalter ordered pelvic films on 5/16/07 (which showed the bilateral hip replacements), as well as blood chemistries, a lipid profile, and CBC on 5/26/07, which showed continued anemia as well as a mildly increased BUN. What is interesting is that this was not in relationship to an office visit, and there was no medical necessity listed. Ms. Baile wasn't seen again until 6/7/07, to "follow up Xray and blood work". Once

again, the only exam was of the extremities (hips), but once again his evaluation was illegible, as was his plan. His assessment was "chronic hip pain, s/p B/L hip replacement, dysphagia, DJD of spine, GERD/esophagitis." Her next to the last visit was 9/17/07, as a follow up from an ER visit. Although illegible, there are 2 letter entries in the categories of head, ears, mouth, neck, and chest. The abdominal exam was "soft, +BS, +[illegible], + [illegible]." His impression was "s/p ER, s/p abd pain, abd pain." Unfortunately, his plan is once again illegible.

Dr. Germin prescribed an MRI of the brain on 1/2/08 because of gait changes, which showed scattered apparent demyelinated regions in the brain. The last visit before her death was on 1/11/08, for an "overall check up." He noted exams of the head [illegible], ears [illegible], mouth [illegible], neck [illegible], chest [illegible], CVS (S1S2), extremities (poor gait - [illegible] - [illegible]). His assessment was "[illegible], s/p hip replacement - bilat, chronic back pain, HTN." And he listed as his plan: F/U - neurologist, [illegible] MRI [illegible].

Dr. Buckwalter once again wrote for multiple opioids: Tylenol #4 (#160 on 7/20/07, #160 X1 on 8/20/07, #160 on 10/25/07), Hydrocodone 7.5/500 (#150 on 9/10/07), Oxycodone 80mg (#45 on 1/11/08). He also wrote for Diazepam 10mg (#120 X2 on 8/20/07, #120 on 11/1/07, #100 on 2/8/08), Dextroamphetamine 10mg (#90 on 11/8/07, #120 on 1/12/08). That equates to 640 tablets of Tylenol #4, 150 tablets of Hydrocodone, and 45 tablets of Oxycodone 80mg (each tablet equal to 20 Percocet 5mg tablets and therefore the equivalent of 900 tablets). Dr. Buckwalter therefore wrote for 1690 tablets in the last 6 months of Ms. Baile's life, or more than 9 tablets per day of pain medications. Ms. Baile died of a bowel rupture due to severe and long-standing constipation from the massive amount of opioids that Dr. Buckwalter prescribed.

Based on my education, training and experience and review of the materials noted above, it is my opinion that the medical care rendered to Barbara Baile by Dr. Kevin Buckwalter fall below the requisite standard of care and constituted malpractice.

Specifically, Dr. Buckwalter failed to monitor the effects of the medications he prescribed, failed to keep adequate records of the medications prescribed, and failed to adequately assess her complaints of abdominal pain. As such, he failed to meet the standard of care that a reasonable doctor would have met. His acts and omissions were a substantial contributing factor in Barbara Baile's colon rupture, sepsis, and death.

The opinions that I have expressed in this report are based on those materials that I have reviewed to date. If I am provided with additional information, I reserve the right to revisit these opinions and modify them if the additional information requires such. This report contains a fair summary of my opinions, as they currently exist.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed this 14 day of April, 2009.

Andrea Prescott, M.D.



CURRICULLUM VITAE
Andrea M. Trescot, MD

Personal Data:

Born: April 13, 1957 (New York, New York)
Married: Husband, Harold Gear
Children: Trescot Joseph (Joe) Gear (1989)
Nicole (Nikki) Gear (1990)

Education (1975-1983)

8/75 – 5/78 University of Florida; BS (honors)
6/79 – 5/83 Medical University of South Carolina; MD

Postgraduate Training (1983-1986)

7/83 – 6/84	Naval Hospital Bethesda	internship
7/84 – 6/86	Naval Hospital Bethesda	anesthesiology residency
7/86 – 12/86	Children's Hospital National Medical Center	fellowship (pediatric anesthesia)

Military Service (1983-1991)

7/79 Commissioned US Navy
7/83 – 1/91 Active duty
Rank: Lt. Commander
Military decorations:
US Navy Achievement Medal
US Navy Marksmanship, .38 cal/.45 cal

Faculty Positions Held (2007-2009)

3/09 – present	Director, Pain Fellowship, anesthesia University of Washington Seattle, WA
12/08 – present	Professor, Department of Anesthesia and Pain Medicine University of Washington Seattle, WA
4/07 – 7/08	Director, Pain Fellowship, anesthesia University of Florida Gainesville, FL
4/07 – 11/08	Associate professor, Department of Anesthesia University of Florida Gainesville, FL

Positions Held (1987-2007)

7/97 – 4/07	Owner, The Pain Center Orange Park, FL
9/96 – 7/97	Joint venture, Pain Institute of Northeast Florida Orange Park, FL
3/94 – 9/96	Partner, Blue Ridge Pain Institute Staunton, VA
12/91 – 2/94	Owner, North Florida Pain Institute Gulf Breeze, FL
1/91 – 12/91	Director, pain clinic, White-Wilson Medical Center Ft. Walton Beach, FL

1/87 – 1/91 Staff anesthesiologist, Director pain clinic, Director ICU
Naval Hospital Jacksonville
Jacksonville, FL

Honors

2004 Outstanding service award, American Society of Interventional Pain Physicians
1991 US Navy Achievement Medal

Board certification

10/88 Diplomate American Board of Anesthesiology:
9/91 Special Qualification in Critical Care
9/93, 1/04 Special Qualification in Pain Management
11/92 Diplomate American Academy of Pain Management
2/95 Diplomate American Board of Pain Medicine
10/02 Fellow Interventional Pain Practice (World Institute of Pain)
5/06 Diplomate, American Board of Interventional Pain Physicians
1/06 Competency certification in controlled substance management
1/06 Competency certification in coding, compliance, and practice management

Medical Professional Licenses

2008 to present Washington state license
1988 to present Florida state license
1985 to 1989 Maryland state license
1999 to 2001 Georgia state license
1994 to 1998 Virginia state license

Professional Organizations:

American Society of Interventional Pain Physicians (life member)
Florida Society of Interventional Pain Physicians
World Institute of Pain
Florida Academy of Pain Medicine
American Academy of Pain Medicine
American Pain Society
International Association for the Study of Pain
American Association of Orthopedic Medicine
Florida Medical Association
Clay County Medical Society
Duval County Medical Society

Teaching Responsibilities:

12/08 - present Professor, Dept of Anesthesia and Pain Medicine
University of Washington
Seattle, WA
3/09 – present Director, Pain Fellowship, anesthesia
University of Washington
Seattle, WA
4/07 – 10/08 Director, Pain Fellowship, anesthesia
University of Florida
Gainesville, FL

Editorial Responsibilities:

1999 - 2002 and Editorial Advisory Board, Pain Physician (publication of

2006 - present the American Society of Interventional Pain Physicians)
 2007 - present Associate Editor Pain Physician

Special National Responsibilities:

6/07 - 6/08 President, American Society of Interventional Pain Physicians
 6/06 - 6/07 President-elect, American Society of Interventional Pain Physicians
 6/05 - 6/06 Executive Vice President, American Society of Interventional Pain Physicians
 11/99 - 11/01 Treasurer, American Society of Interventional Pain Physicians
 Inaugural officer
 11/01 - 6/07 Board of Directors, American Society of Interventional Pain Physicians
 8/03 - present Examiner, World Institute of Pain

Special Local Responsibilities

7/02 - 7/06 President, Florida Society of Interventional Pain Physicians
 7/06 - present Board of Directors, Florida Society of Interventional Pain Physicians
 7/01 - 7/02 President, Florida Academy of Pain Medicine
 7/00 - present Board of Directors, Florida Academy of Pain Medicine
 10/03 - present Florida Medical Association, Medicare Carrier Advisor representative
 1/03 - 6/07 Chairman, Pharmacy and Therapeutics Committee (Orange Park Medical Center)
 1994-1995 President, American Association of University Women (Staunton branch), Staunton, VA

Research Funding

None

BIBLIOGRAPHY

Manuscripts in Refereed Journals:

1. Trescot AM: Headache management in an interventional pain practice. *Pain Physician* 3:197-200, 2000.
2. Manchikanti L, Trescot AM, et al: Interventional techniques in the management of chronic pain. *Pain Physician* 4: 24-94, 2001.
3. Manchikanti L, Trescot AM, et al: Evidence-based practice guidelines for interventional techniques in the management of chronic spinal pain. *Pain Physician* 6: 3-81, 2003.
4. Atluri S, Trescot AM et al: Guidelines for the use of controlled substances in the management of chronic pain. *Pain Physician* 6: 233-257, 2003.
5. Trescot AM: Cryoanalgesia in interventional pain management. *Pain Physician* 6: 345-360, 2003.
6. Trescot AM: Local Anesthetic "Resistance". *Pain Physician* 6: 291-293, 2003.
7. Boswell MV, Hansen HC, Trescot AM, Hirsch JA: Epidural steroids in the management of chronic spinal pain and radiculopathy. *Pain Physician* 6: 319-334, 2003.
8. Trescot AM: Diagnostic spinal endoscopy. *Seminars in Anesthesia, Perioperative Medicine, and Pain*. (invited review) Sept 2003; 186-196.
9. Trescot AM: Headache: Is it a migraine? Think again. *Techniques in Regional Anesthesia and Pain Management*. (invited review) Sept 2005; 68-72.
10. Trescot AM, Boswell MV, Atluri SL, Hansen HC, et al: Opioid guidelines in the management of chronic non-cancer pain. *Pain Physician* 9:1-40, 2006.
11. Trescot AM: Nonopioid pain medications. *J Florida Medical Association* 90(2):18-20, 2006.
12. Trescot AM: Opioid pharmacology. *J Florida Medical Association* 90(2):10-17, 2006.
13. Abdi S, Datta S, Trescot AM, et al: Epidural steroids in the management of chronic spinal pain: a systemic review of effectiveness and complications. *Pain Physician* 10(1):185-212, 2007.
14. Trescot AM, Chopra P, Abdi A, et al.: Systemic review of effectiveness and complications of adhesiolysis in the management of chronic spinal pain: an update. *Pain Physician* 10(1):129-146, 2007.
15. Datta S, Everett C, Trescot AM, et al: An updated systemic review of the diagnostic utility of selective nerve root blocks. *Pain Physician* 10(1):113-128, 2007.
16. Boswell MV, Trescot AM, Datta S, et al: Interventional techniques: evidence-based practice guidelines in the management of chronic spinal pain. *Pain Physician* 10(1):7-111, 2007.
17. Trescot AM, Helm S, Hansen H, Benyamin R, Glaser S, Adlaka R, Patel S, Manchikanti L. Opioids in the management of chronic non-cancer pain: an update of American Society of the Interventional Pain Physicians' (ASIPP) guidelines. *Pain Physician* 11:S5-62, 2008.
18. Trescot AM, Glaser SE, Hansen H, Benyamin R, Patel S, Manchikanti L. Effectiveness of opioids in the treatment of no-cancer pain. *Pain Physician* 11:S181-200, 2008.
19. Benyamin R, Trescot AM, Datta S, Buenaventura R, Adlaka R, Seghal N, Glaser SE, Vallejo R. Opioid complications and side effects. *Pain Physician* 11:S105-120, 2008.
20. Helm S, Trescot AM, Colson J, Seghal N, Silverman S. Opioid antagonists, partial agonists, and agonists/antagonists: the role of office-based detoxification. *Pain Physician* 11:S100-105, 2008.
21. Manchikanti L, Atluri S, Trescot AM, Giordano J. Monitoring opioids adherence in chronic pain patients: tools, techniques, and utility. *Pain Physician* 11:S155-180, 2008.
22. Trescot AM, Datta S, Lee M, Hansen H. Opioid pharmacology. *Pain Physician* 11:S133-153, 2008.
23. Manchikanti L, Singh V, Derby R, Helm S, Trescot AM, Staats PS, Prager JP, Hirsh JA. Review of occupational medicine practice guidelines for interventional pain management and potential implications. *Pain Physician* 11(3):271-289, 2008.
24. Manchikanti L, Singh V, Helm S, Trescot AM, Hirsch JA. A critical appraisal of 2007 American College of Occupational and Environmental Medicine (ACOEM) practice

guidelines for interventional pain management: an independent review utilizing AGREE, AMA, IOM, and other criteria. *Pain Physician* 11(3):291-310, 2008.

25. Racz GB, Heavner JF, Trescot AM. Percutaneous lysis of adhesions – evidence for safety and efficacy. *Pain Practice* 8(4):277-286, 2008

Book Chapters:

26. Saberski L, Trescot AM, Klein D: Cryoneurolysis. In Waldman SD, Winnie AP (ed.): Interventional Pain Management. W.B. Saunders, Orlando, FL 1996
27. Trescot AM, Noback CR: Cryoanalgesia in low back pain. In Manchikanti L, Fellows B, Shipman C (ed.): Low Back Pain Diagnosis and Treatment, Amer Soc Interventional Pain Physicians Press, Paducah, KY 2002
28. Trescot AM, Hansen HC: Chapter 5 - Documentation for hospital outpatient department. In Manchikanti L (ed.): Principles of Documentation, Billing, Coding, & Practice Management, Amer Soc Interventional Pain Physicians Publishing, Paducah, KY 2005 pp. 27-30
29. Trescot AM, Hansen HC: Chapter 4 - Documentation in an interventional pain management office. In Manchikanti L (ed.): Principles of Documentation, Billing, Coding, & Practice Management, Amer Soc Interventional Pain Physicians Publishing, Paducah, KY 2005 pp. 21-26
30. Trescot AM: Chapter 72 - Cryoanalgesia. In Boswell M (ed.): Weiner's Pain Management: A Practical Guide for Clinicians 7th edition. CRC Press, Taylor and Francis Group, Boca Raton, FL 2006 pp.1057-1077
31. Manchikanti L, Trescot AM, et al: Chapter 57 - Evidence-based practice guidelines for interventional techniques in the management of chronic spinal pain. In Boswell M (ed.): Weiner's Pain Management: A Practical Guide for Clinicians 7th edition. CRC Press, Taylor and Francis Group, Boca Raton, FL 2006. pp.847-878
32. Trescot AM: Chapter 15 - General Principles of Radiofrequency. In Manchikanti L and Singh V (ed): Interventional Pain Techniques in Chronic Spinal Pain, Amer Soc Interventional Pain Physicians Publishing, Paducah, KY 2007 pp. 221-226
33. Trescot AM, Hansen HC: Chapter 21 - Atlanto-Occipital and Atlanto-Axial Interventions. In Manchikanti L and Singh V (ed): Interventional Pain Techniques in Chronic Spinal Pain, Amer Soc Interventional Pain Physicians Publishing, Paducah, KY 2007pp.321-330
34. Trescot AM, Gonzales C: Chapter 3 -Fluoroscopy in non-spinal pain. In Manchikanti L and Singh V (ed): Interventional Techniques in Chronic Non-spinal Pain. American Society of Interventional Pain Physicians Publishing, Paducah, KY 2009
35. Trescot AM, Hansen HC: Chapter 6 - Neurolytic agents: pharmacology and clinical applications. In Manchikanti L and Singh V (ed): Interventional Techniques in Chronic Non-spinal Pain. American Society of Interventional Pain Physicians Publishing, Paducah, KY 2009
36. Trescot AM, Hansen HC: Chapter 7 - Radiofrequency neurolysis. In Manchikanti L and Singh V (ed): Interventional Techniques in Chronic Non-spinal Pain. American Society of Interventional Pain Physicians Publishing, Paducah, KY 2009
37. Trescot AM: Chapter 8 – Cryoneurolysis. In Manchikanti L and Singh V (ed): Interventional Techniques in Chronic Non-spinal Pain. American Society of Interventional Pain Physicians Publishing, Paducah, KY 2009
38. Linetsky FS, Trescot AM, Manchikanti L: Chapter 9 - Regenerative injection therapy. In Manchikanti L and Singh V (ed): Interventional Techniques in Chronic Non-spinal Pain. American Society of Interventional Pain Physicians Publishing, Paducah, KY 2009
39. Hansen HC, Trescot AM: Chapter 11 - Stellate Ganglion. In Manchikanti L and Singh V (ed): Interventional Techniques in Chronic Non-spinal Pain. American Society of Interventional Pain Physicians Publishing, Paducah, KY 2009
40. Trescot AM, Irwin D: Chapter 22 - Occipital neuralgia. In Manchikanti L and Singh V (ed): Interventional Techniques in Chronic Non-spinal Pain. American Society of Interventional Pain Physicians Publishing, Paducah, KY 2009
41. Trescot AM: Chapter 26 – Interventions in managing female pelvic pain. In Manchikanti L and Singh V (ed): Interventional Techniques in Chronic Non-spinal Pain. American Society of Interventional Pain Physicians Publishing, Paducah, KY 2009

Non-peer reviewed articles

Trescot AM, Glick DM, Klein DS: Evaluation and treatment of peroneal neuropathy. 8th World Congress on Pain, Aug 1996

Trescot AM, Saberski L, Klein DS : Interventional pain management: applications of cryoablative procedures. *The Pain Clinic* 3(4):11-13. 2001.

Trescot AM: Pseudosciatica. *The Pain Clinic* 3(6): 21-25 2001

Abstracts:

- 1979 Hall NR, Lewis JK, Schimpff RD, Smith RT, Trescot AM, Gray SE, Wensel SE, Abrams WC, Zornetzer SF: Effects of diencephalic and brainstem lesions on haemopoietic stem cells. Society for Neuroscience (abstracts).
- 1988 Rice LJ, Trescot AM: Regional versus general anesthesia: What do primary physicians select for their own surgery? American Society of Regional Anesthesia abstracts.
- 1988 Rice LJ, Trescot AM: Regional versus general anesthesia: What do anesthesiologists select for their own surgery? American Society of Regional Anesthesia abstracts.
- 1994 Trescot AM, Klein DS: Parenteral vitamins for treatment of fibromyalgia-a double blind study. American Association of Pain Management abstract.
- 1994 Klein DS, Trescot AM: Splenius capitis tendonitis- diagnosis and treatment. American Association of Pain Management abstract.
- 1994 Klein DS, Trescot AM: Sartorius tendonitis- differential diagnosis, pathology and treatment. American Association of Pain Management abstract.
- 1994 Klein DS, Trescot AM: Transdermal guanethidine for RSD, pilot study. American Pain Society abstract.
- 1994 Klein DS, Trescot AM: Transdermal guanethidine for fibromyalgia. American Pain Society abstract.
- 1994 Klein DS, Trescot AM: Dorsal median nerve cryoanalgesia. American Pain Society abstract.
- 1995 Trescot AM, Klein DS, Edwards LW: Superior gluteal nerve pathology as a cause of sciatica. American Association of Pain Management abstracts.
- 1995 Trescot AM, Klein DS, Edwards LW: Peripheral nerve irritation or entrapment as a cause of lower extremity RSD. American Association of Pain Management abstracts.
- 1995 Trescot AM, Klein DS, Edwards LW: Low back pain treated with phenol cluneal neuroablation. American Pain Society abstracts.
- 1995 Trescot AM, Klein DS, Edwards LW: Proximal auriculotemporal neuralgia. American Pain Society abstracts.
- 1995 Trescot AM, Klein DS, Edwards LW: Zygomatic facial neuralgia. American Pain Society abstracts.

National/ International Invitational Lectures:

- "Clinical workshop on Cryoanalgesia". Sixth World Congress of Pain. Atlanta, GA. April 1994.
- "Advances in the management of head pain, orofacial pain, and temporomandibular disorders". University of Medicine and Dentistry of New Jersey. March, 1996
- "Splenius capitis fibromyalgia – diagnosis and treatment". American Back Society. Annual meeting. San Francisco, CA. December 1996.
- "Cryoneuroablation", (cadaver course). Southeast Seminars. Orlando, FL. Nov 1997.
Course Creator and Director
- "Cryoneuroablation and spinal endoscopy" (cadaver course). Southeastern Seminars. Scottsdale, AZ. Jan 1998
Course Director
- "Cryoneuroablation", (cadaver course). Uniformed Services University of the Health Sciences. Bethesda, MD. March 1998.
Course Creator and Clinical Coordinator
- "Cryoanalgesia in the treatment of chronic pain". (cadaver course). Naval Medical Center of San Diego, San Diego, CA. Feb 1999.
Course Creator and Clinical Coordinator
- "Interventional pain management, techniques & technologies". Uniformed Services University of the Health Sciences. Washington, DC. June 1999.
Principle instructor.
- "Role of cryoneurolysis in spinal pain". Association of Pain Management Anesthesiologists First Annual Meeting. Washington, DC. Nov 1999.
- "Cryoanalgesia in the treatment of chronic pain". (cadaver course). Naval Medical Center of San Diego. San Diego, CA. Feb 2000.
Course Creator and Director
- "Pseudosciatica". John J. Bonica Pain Conference. Vail, CO. March 2000
- "Spinal cord stimulation: past, present, and future". American Society of Interventional Pain Physicians Annual Meeting. Washington, DC. Sept 2000.
- "Cryoanalgesia in the treatment of chronic pain". (cadaver course). Naval Medical Center of San Diego. San Diego, CA. Feb 2001.
Course Director

- *"Cryoneurolysis". American Society of Interventional Pain Physicians and American Academy of Minimally Invasive Spinal Medicine and Surgery Symposium. Las Vegas, NV. April 2001*
- *Neurolysis – fire or ice?". American Society of Interventional Pain Physicians Annual Meeting. Washington DC. Sept 2002.*
- *"Intrathecal pumps". Comprehensive Interventional Cadaver Workshop: Memphis, TN, Oct 2002.*
- *"Regenerative injection therapy". Interventional Pain Management Symposium. San Diego, CA. March 2003*
- *"Spinal endoscopy". Minimally Invasive Spine Update. Keystone, CO. March 2003.*
- *"Common sense and medicolegal aspects of interventional procedures – watch what you wish for". American Association of Orthopedic Medicine. Orlando, FL. May 2003.*
- *"Advances in gynecologic pain management." "Surgical pain Prevention" 8th Annual Practical Obstetrics & Gynecology Update. Sea Grove Beach, FL. June 2003.*
- *"Pseudosciatica - fire and ice". Eighth Annual Advanced Interventional Pain Conference. Budapest, Hungary. Aug 2003.*
- *"Peripheral and cranial nerve blocks". Comprehensive Pain Board Review Symposium. Middleton, WI. Aug 2003.*
- *"Diagnosis of CRPS"; "Medical treatment of CPRS"; "Targeted steroids". American Society of Interventional Pain Physicians Annual Meeting. Washington, DC, Sept 2003.*
- *"Anatomy of head and neck"; "Systemic opioid pharmacology"; "Headache and face pain"; "Pain management in pregnancy and nursing". Comprehensive Pain Medicine Board Review Course. Washington, DC. Sept 2003.*
- *"Spinal endoscopy". Minimally Invasive Spine Update. Park City, Utah. March 2004.*
- *"Neuropathic pain". American Association of Orthopedic Medicine. La Jolla, CA. April 2004.*
- *"Politics and preservation of pain management"; "Art and science of pain management"; "Headache management"; "Nonopioid techniques", "Managing spinal pain". American Society of Interventional Pain Physicians Semi-Annual Meeting. Phoenix, AZ May 2004.*
- *"Opioid pharmacology"; "Intrathecal implants"; "Neuropathic pain", "Headache and facial pain"; "Pain management in pregnancy". American Society of Interventional Pain Physicians Comprehensive Pain Medicine Board Review Course St. Louis, MO. Aug 2004.*

- *"Interventional management of headaches". 2nd Annual New Advances in Pain Management, Illinois State University. Normal, IL. Aug 2004.*
- *"Interventions for cervicogenic headaches". World Institute of Pain 3rd World Congress on Pain. Barcelona, Spain. Sept 2004.*
Interventional procedures for head and neck (organizer - topical seminar)
- *"Adhesiolysis: catheter or endoscopic". American Society of Interventional Pain Physicians 6th Annual Meeting. Washington, DC. Sept 2004.*
- *"Pelvic pain". World Institute of Pain. San Juan, Puerto Rico. Jan 2005.*
- *"Cryoneurolysis". American Society of Interventional Pain Physicians Semi-Annual Meeting. New Orleans, LA. April, 2005.*
- *"Opioid pharmacology"; "Pain management in pregnancy". American Society of Interventional Pain Physicians Comprehensive Pain Medicine Board Review Course. St. Louis, MO. Aug 2005.*
Course director
- *"Pseudosciatica – fire and ice"; World Institute of Pain. Budapest, Hungary. Sept 2005.*
- *"Cryoneurolysis". American Society of Interventional Pain Physicians 7th Annual Meeting. Washington, DC. Sept 2005.*
- *"Opioid pharmacology". Clinical Competency Control Substance and Practice Management Course. Washington, DC. Sept 2005.*
Course director
- *"Cryoanalgesia". American Association of Pain Management Annual Meeting. San Diego, CA. Sept 2005.*
- *"Upper and lower extremity anatomy". American Society of Interventional Pain Physicians/World Institute of Pain. Memphis, TN, Mar 2006.*
- *"Epidemiology of pain"; "Drug interactions"; "Practical approaches to opioids". Controlled Substance Management and Coding; Compliance, and Practice Management. American Society of Interventional Pain Physicians. Chicago, IL. May 2006.*
Course director
- *"Political realities". American Society of Interventional Pain Physicians 8th Annual Meeting. Washington, DC. June 2006.*
- *"Adhesiolysis". Comprehensive Lumbar, Thoracic and Cervical Cadaver Workshop. Memphis, TN. July 2006.*
- *"Opioid pharmacology"; "Adjuvant pharmacology"; "Electrostimulation"; "Sympathetic/neurolytic blocks"; "Pain management in pregnancy". American Society of Interventional Pain Physicians Comprehensive Pain Medicine Board Review Course. St. Louis, MO. Aug 2006.*
Course director
- *"Pseudosciatica – fire and ice". World Institute of Pain. Budapest, Hungary. Sept 2006.*

- "Fluoroscopy and needle placement"; "Adhesiolysis"; "Intrathecal infusion systems". Interventional Techniques Review Course and Comprehensive Interventional Cadaver Workshop. Memphis, TN. Oct 2006.
Course director
- "Lumbar facet and radiofrequency"; "Lumbar discectomy"; "Percutaneous adhesiolysis"; "Intrathecal pumps". Interventional Techniques Review Course and Comprehensive Interventional Cadaver Workshop. Memphis, TN. Dec 2006.
Course director
- "Upper and lower extremity anatomy"; Comprehensive Lumbar, Thoracic, and Cervical Cadaver Workshop. American Society of Interventional Pain Physicians/World Institute of Pain. Memphis, TN. Mar 2007.
- "Epidemiology and physiology of pain"; Overview of Opioids Controlled Substance and Practice Management Compliance Course. American Society of Interventional Pain Physicians. Orlando, FL. April 2007.
Course director
- "Spinal cord stimulators"; "Imaging for chronic pain". Texas Tech 24th Annual Pain Symposium. Lubbock, TX. June 2007.
- "Shaping the political future". American Society of Interventional Pain Physicians 9th Annual Meeting. Washington, DC. June 2007.
- "Epidemiology of chronic pain and an overview of management modalities"; "Opioid pharmacology"; "Anatomy and nerve blocks of the lower extremity"; "Epidural injections and adhesiolysis"; "Fluoroscopy in interventional pain management"; "Pharmacology of psychotherapeutic and adjuvant drugs"; "Pharmacology of NSAIDs"; "Headache physiology"; "Pharmacology and interventional pain management"; "Pain management in pregnancy and nursing". Comprehensive Pain Medicine and Interventional Pain Management Board Review Course. American Society of Interventional Pain Physicians. Nashville, TN. Aug 2007.
Course director
- "Interventional Techniques for Cancer Pain". Second Annual Chronic Pain Management Fall Symposium for Primary Care. Duke University School of Medicine. Durham, NC. Sept 2007.
- "Drugs for interventional techniques: contrast, local anesthetics, and steroids"; "Thoracic epidural"; "Cervical epidural"; "Sacroiliac joint injections"; "Lumbar facet joint blocks"; "Nucleoplasty". Interventional Techniques Review Course and Interventional Cadaver Workshop. American Society of Interventional Pain Physicians. Memphis, TN. Oct 2007.
Course director
- "NASPER: Why has the National All Schedules Prescription Electronic Reporting not been implemented?". Testimony before the US Congress, Energy and Commerce Committee. Washington, DC. Oct 2007.
- "Spinal cord stimulation"; "Epidemiology of neuropathic pain"; "Practical spinal cord stimulations". Interventional Cadaver Workshop. American Society of Interventional Pain Physicians. Memphis, TN. Nov 2007.

- "Head and neck interventions"; "Abdominal and extremity interventions". ASSR 2008 Annual Symposium. American Society of Spinal Radiology. Indian Wells, CA. Feb 2008.
- "Fluoroscopy and radiation safety". Comprehensive Lumbar, Thoracic, and Cervical Cadaver Workshop. American Society of Interventional Pain Physicians/World Institute of Pain. Memphis, TN, Mar 2008.
- "Evidence-based primer for interventional pain management". American Conference on Pain Medicine. New York, NY. April 2008.
- "Intrathecal medications". Texas Tech 25th Annual Pain Symposium. Lubbock, TX. June 2008.
- "Shaping the political future". American Society of Interventional Pain Physicians 10th Annual Meeting (program director). Washington, DC. June 2008.
- "Injection complications". World Institute of Pain. London, England. June 2008.
- "Cryoanalgesia". International Spine Injection Society (ISIS) annual meeting. Las Vegas, NV. July 2008.
- "Epidemiology of chronic pain"; "Opioid pharmacology"; "Pharmacology of psychotherapeutic and adjuvant drugs"; "Headaches and facial pain"; "Drug interactions"; "Opioid effectiveness"; "Evidence basis of opioid treatment"; "Controlled substance regulations"; "Urine drug testing". Comprehensive Pain Medicine and Interventional Pain Management Board Review Course: American Society of Interventional Pain Physicians. St. Louis, MI. Aug 2008.
Course director
- "Imaging in interventional pain"; "Office based interventional pain practice". World Institute of Pain. Budapest, Hungary. Sept 2008.
- "Nerve entrapments". "RIT workshop", "Imaging in pain medicine". Egypt Society for the Management of Pain. Cairo, Egypt. Nov 2008
- "Interventional Headache Management". World Institute of Pain. New York, NY. March 2009

Cadaver Courses

- Comprehensive Interventional Pain Management Course. US Uniform Health services. Bethesda, MD June 2000
Instructor
- Comprehensive Interventional Cadaver Workshop. American Society of Interventional Pain Physicians. Memphis, TN, Oct 2002.
Instructor
- Comprehensive Cervical/Thoracic Cadaver Workshop. American Society of Interventional Pain Physicians. Memphis, TN. Oct 2003.
Instructor

- Comprehensive Interventional Cadaver Workshop. American Society of Interventional Pain Physicians /Fellow of Interventional Pain Practice. Memphis, TN. March 2004.
Instructor/board examiner
- Comprehensive Lumbar Cadaver Workshop. American Society of Interventional Pain Physicians. Memphis, TN. June 2004.
Instructor
- Comprehensive Lumbar, Thoracic, and Cervical Cadaver Workshop. American Society of Interventional Pain Physicians. Memphis, TN. March 2005.
Instructor
- Comprehensive Lumbar, Thoracic, and Cervical Cadaver Workshop. American Society of Interventional Pain Physicians. Memphis, TN. May 2005.
Instructor
- Comprehensive Lumbar, Thoracic, and Cervical Cadaver Workshop. American Society of Interventional Pain Physicians. Memphis, TN. Oct 2005.
Instructor
- Comprehensive Lumbar, Thoracic, and Cervical Cadaver Workshop. American Society of Interventional Pain Physicians/World Institute of Pain, Memphis, TN. Mar 2006.
Instructor
- Comprehensive Lumbar, Thoracic, and Cervical Cadaver Workshop. American Society of Interventional Pain Physicians. Memphis, TN. Dec 2005.
Instructor
- American Society of Interventional Pain Physicians/World Institute of Pain. Fellow of Interventional Pain Practice. Memphis, TN. March 2006.
Board examiner
- Comprehensive Lumbar, Thoracic and Cervical Cadaver Workshop. American Society of Interventional Pain Physicians. Memphis, TN. July 2006.
Instructor
- Interventional Techniques Review Course and Comprehensive Interventional Cadaver Workshop. American Society of Interventional Pain Physicians. Memphis, TN. Oct 2006.
Course director
- World Institute of Pain. Budapest, Hungary. Sept 2006.
Instructor
- Interventional Techniques Review Course and Comprehensive Interventional Cadaver Workshop. American Society of Interventional Pain Physicians. Memphis, TN. Dec 2006,
Course director
- Comprehensive Lumbar, Thoracic, and Cervical Cadaver Workshop. American Society of Interventional Pain Physicians/World Institute of Pain. Memphis, TN. Mar 2007.
Instructor

- American Society of Interventional Pain Physicians/World Institute of Pain. Fellow of Interventional Pain Practice. Memphis, TN. March 2007.
Instructor/board examiner
- Interventional Cadaver Workshop – Spinal Cord Stimulation. American Society of Interventional Pain Physicians. Memphis, TN. Nov 2007.
Instructor
- Comprehensive Lumbar, Thoracic, and Cervical Cadaver Workshop. American Society of Interventional Pain Physicians/World Institute of Pain. Memphis, TN. Mar 2008.
Instructor
- American Society of Interventional Pain Physicians/World Institute of Pain. Fellow of Interventional Pain Practice (board examiner). Memphis, TN. March 2008.
Instructor/board examiner
- World Institute of Pain. London, England. June 2008.
Instructor
- World Institute of Pain. Budapest, Hungary. Sept 2008.
Instructor
- Comprehensive Lumbar, Thoracic, and Cervical Cadaver Workshop. American Society of Interventional Pain Physicians/World Institute of Pain. Memphis, TN. Mar 2009.
Instructor
- World Institute of Pain. New York, NY. March 2009.
Instructor
- World Institute of Pain. Fellow of Interventional Pain Practice (board examiner). New York, NY. March 2009.
Instructor/board examiner

Regional Invitational Lectures

- “Epiduroscopy and other new pain techniques”. Jacksonville Area Society of Post-Anesthetic Nurses. Jacksonville, FL March 1997.
- “Willow bark – anti-inflammatories for the 21st century”. Baptist Medical Center. Jacksonville, FL. March 1999.
- “Pain management”. Bays Medical Society. Panama City, FL. April 2000.
- “Pain and quality of life issues”. Northwest Florida Chapter, The Oncology Nursing Society. Pensacola, FL. March 2000.
- “Pseudosciatica”. Baptist/St. Vincent Family Practice. Jacksonville, FL. March 2000.

- "Scopes – where are we now?". PainMatters 2000. World Golf Village, FL. June 2000.
- "Pain management: traditional & nontraditional modalities. Florida Academy of Family Physicians. Savannah, GA. Feb 2001
- "Pharmaceuticals – what's the latest?". PainMatters 2001. World Golf Village, FL. July 2001
- "Management of peripheral nerve entrapments". Florida Academy of Pain Medicine. Tampa, FL. June 2001.
- "Chronic pain control – pearls & pitfalls". Florida Academy of Family Physicians. St. Petersburg, FL. Nov 2001.
- "Compliance planning and implementation"; "Fire and Ice – A Comparison of Radiofrequency and Cryoneurolysis". Florida Academy of Pain Medicine. Orlando, FL. May 2002.
- "Interventional pain techniques." Florida Society of Anesthesiologists. World Golf Village, FL. June 2002.
- "Creating a pain management service". "Advances in Pain Management". Florida Association of Nurse Anesthetists. Jacksonville, FL. Oct 1993.
- "Interventional pain management – power over pain". Georgia Academy of Family Physicians. Atlanta, GA. Nov 2002.
- "Pain management treatment options therapy". Florida Society of Health-Systems Pharmacists. Jacksonville, FL Dec 2000.
- "Pseudosciatica". Florida Academy of Pain Management. Clearwater Beach, FL. May 2003.
- "Appropriate opioid prescribing". Grand Rounds, St. Vincent's Hospital. Jacksonville, FL. July 2003.
- "Updates in pain management". Bays Medical Society Meeting. Sandestin, FL. Oct 2003.
- "Interventional pain management". Florida Society of PACU Nurses. Orlando, FL. Nov 2003.
- "Interventional headache management". Florida Academy of Pain Medicine. Miami, FL. June 2004.
- "Cryoablation workshop". Florida Academy of Pain Medicine. Orlando, FL. July 2005.
- "Pseudosciatica/ fire and ice". Florida Workers Compensation Symposium. Orlando, FL. Aug 2006.
- "Universal precautions in opioid prescribing". FPI 2007 Annual Pain Summit. Florida Pain Initiative. Orlando, FL. Oct 2007.