

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA

* * * * *

In the Matter of Charges and)
Complaint Against)
Wilson F. Bernales, M.D.)
Respondent.)

Case No. 16-39003-1

FILED

JAN - 3 2017

NEVADA STATE BOARD OF
MEDICAL EXAMINERS
By: 

COMPLAINT

The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners, having a reasonable basis to believe that Wilson F. Bernales, M.D. (hereinafter referred to as Dr. Bernales or Respondent), has 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 formal Complaint, stating the IC's charges and allegations, as follows:

Respondent's Licensure Status

1. Respondent is currently licensed in active status (License No. 14208), and was so licensed on December 16, 2011 by the Nevada State Board of Medical Examiners pursuant to the provisions of NRS Chapter 630. Respondent submitted license renewal applications on or about April 6, 2013, and again on or about May 15, 2015.

2. On or about February 19, 2016, Respondent entered into a Consent Agreement with the New York State Board of Professional Medical Conduct, which precluded him from practicing medicine in New York State and from practicing in any setting where his practice is based solely

¹ The Investigative Committee of the Nevada State Board of Medical Examiners, at the time the filing of this complaint was approved, was composed of Theodore B. Berndt, M.D., Wayne Hardwick, M.D., and Mr. M. Neil Duxbury.

1 on his New York license. On or about March 8, 2016, the New York State Board of Professional
2 Medical Conduct adopted the terms of the consent agreement.

3 3. On or about April 2, 2015, the Virginia Board of Medicine notified Respondent
4 that it would convene a formal hearing to consider his application for licensure and issued a
5 Statement of Particulars alleging grounds for denying the application. The Statement of
6 Particulars alleged that Respondent provided fraudulent, false and misleading information in his
7 application dated October 2, 2012 by submitting two false evaluations that purported to be from
8 past employers and failing to disclose that he had been summarily suspended from the Obstetric
9 Fellowship by the Family Medicine Department at Louisiana State University – Lafayette on or
10 about February 17, 2006. The hearing was initially scheduled for May 14, 2015. However, based
11 on Respondent’s request, the hearing was rescheduled to June 19-20, 2015.

12 4. On or about July 15, 2015, the Virginia Board of Medicine denied Respondent’s
13 application for licensure on the following grounds: (1) submission of fraudulent, false or
14 misleading information by falsifying two evaluations by past employers; (2) engaging in fraud or
15 deceit in the course of obtaining admission to practice medicine by bringing a cell phone and pager
16 into the testing room during the examination, in violation of testing protocols; and (3)
17 incompetence to practice medicine based on his dismissal in January 2002 from the Floyd Medical
18 Center, Family Medicine Residency Program in Rome, Georgia, and his summary suspension on
19 or about February 17, 2006 from the Obstetrics Fellowship in the Department of Family Medicine
20 of the Louisiana State University, University Medical Center in Lafayette.²

21 5. On or about May 15, 2015, Respondent answered no to the following question on
22 the Nevada license renewal application:
23
24

25 ² Other states have brought complaints against Respondent, which are not at issue because they were
26 subsequent to Respondent’s submission of his 2015 renewal application. However, if any of those complaints results
27 in additional disciplinary action, any subsequent failures to timely report the same could be grounds for the initiation
28 of additional disciplinary action by the IC. Other states that have issued complaints include New Mexico, which issued
a Notice of Contemplated Action against Respondent on or about June 14, 2016; the Connecticut Department of
Public Health, which issued a Statement of Charges against Respondent on or about July 5, 2016; and the Florida
Department of Health, which issued two Administrative Complaints against Respondent on or about March 14, 2016
and on or about August 19, 2016.

1 Have you been: a) asked to respond to an investigation; b)
2 notified that you were under investigation for; c) investigated for; d)
3 charged with; or e) convicted of any violation of a statute, rule or
4 regulation governing your practice as a physician by any medical
5 licensing board, hospital, medical society, governmental entity or
6 agency other than the Nevada State Board of Medical Examiners?

7 6. At no time did Respondent disclose the denial of licensure by Virginia, or the
8 Consent Agreement and preclusion from practice in New York.

9 **Count I**

10 7. All of the allegations contained in the above paragraphs are hereby incorporated by
11 reference as though fully set forth herein.

12 8. NRS 630.301(3) provides that any disciplinary action, including the revocation,
13 suspension, modification or limitation of a license to practice any type of medicine taken by
14 another state is grounds for initiating disciplinary action against a licensee.

15 9. Respondent was denied licensure by the Virginia Board of Medicine.

16 10. By reason of the foregoing, Respondent is subject to discipline by the Nevada State
17 Board of Medical Examiners as provided in NRS 630.352.

18 **Count II**

19 11. All of the allegations contained in the above paragraphs are hereby incorporated by
20 reference as though fully set forth herein.

21 12. NRS 630.301(3) provides that any disciplinary action, including the revocation,
22 suspension, modification or limitation of a license to practice any type of medicine taken by
23 another state is grounds for initiating disciplinary action against a licensee.

24 13. Respondent was disciplined by the New York State Board of Professional Medical
25 Conduct as described above and precluded from practicing medicine in the State of New York, and,
26 accordingly, is in violation of NRS 630.301(3).

27 14. By reason of the foregoing, Respondent is subject to discipline by the Nevada State
28 Board of Medical Examiners as provided in NRS 630.352.

Count III

1
2 15. All of the allegations contained in the above paragraphs are hereby incorporated by
3 reference as though fully set forth herein.

4 16. NRS 630.304(1) provides that obtaining, maintaining or renewing or attempting to
5 obtain, maintain or renew a license to practice medicine by bribery, fraud or misrepresentation or
6 by any false, misleading, inaccurate or incomplete statement is grounds for initiating disciplinary
7 action.

8 17. Respondent's denial of the question set forth in Paragraph 5, asking whether he had
9 been: a) asked to respond to an investigation; b) notified that he was under investigation for; c)
10 investigated for; d) charged with; or e) convicted of any violation of a statute, rule or regulation
11 governing his practice as a physician by any medical licensing board, on his 2015 renewal
12 application was a false, misleading, inaccurate or incomplete statement on his renewal application
13 because he falsely denied that he had been asked to respond to an investigation, was notified that
14 he was under investigation, and, in fact, was under investigation by the Virginia Board of
15 Medicine at the time he submitted his Nevada license renewal application.

16 18. By reason of the foregoing, Respondent is subject to discipline by the Nevada State
17 Board of Medical Examiners as provided in NRS 630.352.

Count IV

18
19 19. All of the allegations contained in the above paragraphs are hereby incorporated by
20 reference as though fully set forth herein.

21 20. NRS 630.306(1)(k) provides that failure by a licensee or applicant to report in
22 writing, within 30 days, any disciplinary action taken against the licensee or applicant by another
23 state, the Federal Government or a foreign country, including, without limitation, the revocation,
24 suspension or surrender of a license to practice medicine in another jurisdiction is grounds for
25 initiating disciplinary action.

26 21. Respondent failed to report within 30 days the denial of licensure by the Virginia
27 Board of Medicine.

28 ///

1 22. By reason of the foregoing, Respondent is subject to discipline by the Nevada State
2 Board of Medical Examiners as provided in NRS 630.352.

3 **Count V**

4 23. All of the allegations contained in the above paragraphs are hereby incorporated by
5 reference as though fully set forth herein.

6 24. NRS 630.306(1)(k) provides that failure by a licensee or applicant to report in
7 writing, within 30 days, any disciplinary action taken against the licensee or applicant by another
8 state, the Federal Government or a foreign country, including, without limitation, the revocation,
9 suspension or surrender of a license to practice medicine in another jurisdiction is grounds for
10 initiating disciplinary action.

11 25. Respondent failed to report within 30 days the disciplinary action imposed by the
12 New York State Board of Professional Medical Conduct precluding him from practicing in the
13 State of New York.

14 26. By reason of the foregoing, Respondent is subject to discipline by the Nevada State
15 Board of Medical Examiners as provided in NRS 630.352.

16 **WHEREFORE**, the Investigative Committee prays:

17 1. That the Nevada State Board of Medical Examiners give Respondent notice of the
18 charges herein against him and give him notice that he may file an answer to the Complaint herein
19 as set forth in NRS 630.339(2) within twenty (20) days of service of the Complaint.

20 2. That the Nevada State Board of Medical Examiners set a time and place for a
21 formal hearing after holding an Early Case Conference pursuant to NRS 630.339(3);

22 3. That the Nevada State Board of Medical Examiners determine what sanctions to
23 impose if it determines there has been a violation or violations of the Medical Practice Act
24 committed by Respondent; and
25

26 4. That the Nevada State Board of Medical Examiners make, issue and serve on
27 Respondent its findings of fact, conclusions of law and order, in writing, that includes the
28 sanctions imposed; and

1 5. That the Nevada State Board of Medical Examiners take such other and further
2 action as may be just and proper in these premises.

3 DATED this 3rd day of January, 2017.

4 INVESTIGATIVE COMMITTEE OF
5 THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

6
7 By: Jasmine K Mehta
8 Robert Kilroy, Esq.
9 General Counsel and Attorney for the Investigative Committee
Jasmine K. Mehta, Esq.
Deputy General Counsel and Attorney for the Investigative
Committee

10 VERIFICATION

11 STATE OF NEVADA)
12 : ss.
13 COUNTY OF WASHOE)

14 Wayne Hardwick, M.D., having been duly sworn, hereby deposes and states under penalty
15 of perjury that he is the Chairman of the Investigative Committee of the Nevada State Board of
16 Medical Examiners that authorized the Complaint against the Respondent herein; that he has read
17 the foregoing Complaint; and that based upon information discovered in the course of the
18 investigation into a complaint against Respondent, he believes that the allegations and charges in
19 the foregoing Complaint against Respondent are true, accurate, and correct.

20 DATED this 3rd day of JANUARY, 2017.

21
22 Wayne Hardwick
23 Wayne Hardwick, M.D.

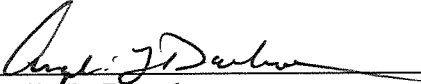
CERTIFICATE OF MAILING

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 3rd day of January 2017; I served a file copy of COMPLAINT & Fingerprint information, via USPS certified return receipt mail to the following:

Wilson F. Bernales, M.D.
1539 N. Hazeltine Dr.
Fayetteville, AR 72704-6164

Dated this 3rd day of January, 2017.



Angelia L. Donohoe
Legal Assistant