

ORIGINAL

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA

* * * * *

In The Matter of Charges and)
Complaint Against)
JAMES G. BOYLE, R.R.T.,)
Respondent.)

Case No. 09-33089-1

FILED

JUL 07 2009

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

COMPLAINT

The Investigative Committee of the Nevada State Board of Medical Examiners, composed of Sohail U. Anjum, M.D., Chairman, S. Daniel McBride, M.D., Member, and Van Heffner, Member, by and through Lyn E. Beggs, General Counsel for the Nevada State Board of Medical Examiners, having a reasonable basis to believe that James. G. Boyle, C.R.T., hereinafter referred to as Mr. Boyle, has violated the provisions of NRS Chapter 630, hereby issues its formal Complaint, stating the Investigative Committee's charges and allegations, as follows:

1. Mr. Boyle is currently licensed as a practitioner of respiratory care in active status, and was so licensed by the Nevada State Board of Medical Examiners, hereinafter referred to as "the Board," on October 22, 2007 (License No. RC1428), pursuant to the provisions of Chapter 630 of the Nevada Revised Statutes and the Nevada Administrative Code, and at all times addressed herein was so licensed.

2. Mr. Boyle was convicted of a misdemeanor in California in July 1993 for engaging in the practice of respiratory care without a license after Mr. Boyle continued practicing respiratory care for approximately two and half months after his temporary work permit was invalidated.

3. Mr. Boyle was subsequently licensed to practice respiratory care by the state of California on July 20, 2004 after entering into an agreement with the California Respiratory Care

OFFICE OF THE GENERAL COUNSEL
Nevada State Board of Medical Examiners
1105 Terminal Way #301
Reno, Nevada 89502
(775) 688-2559

1 Board in which he made several admissions relating to the circumstances surrounding his 1993
2 conviction.

3 4. Mr. Boyle was convicted in California in December 1997 of one felony count of
4 assault by means of force likely to produce great bodily injury.

5 5. In 1999, the California Respiratory Care Board filed an accusation against
6 Mr. Boyle containing allegations regarding to Mr. Boyle's criminal convictions as well as alleging
7 that Mr. Boyle failed to notify the California Respiratory Care board of his 1997 conviction on his
8 1998 California renewal application.

9 6. On September 10, 1999, the California Respiratory Care Board revoked
10 Mr. Boyle's license to practice respiratory care in the state of California by default as Mr. Boyle
11 was unable to be contacted by the California Respiratory Care Board as he had failed to update his
12 address with the California Respiratory Care Board.

13 7. Mr. Boyle was subsequently convicted of a misdemeanor offense of disturbing the
14 peace in the state of California in July 2001.

15 8. In April 2005, Mr. Boyle was again convicted of a criminal offense in the state of
16 California and was placed on probation.

17 9. On April 17, 2007, Mr. Boyle signed, dated and had notarized, his application to
18 the Nevada State Board of Medical Examiners for a license to practice respiratory care.

19 10. Mr. Boyle answered negatively to question #12 of the application which reads,
20 "[h]ave you ever been investigated for, charged with, convicted of or plead guilty or nolo
21 contendere to any offense or violation of any federal (including U.S. Military), state or local law,
22 including any foreign country, which is a misdemeanor, gross misdemeanor, court-martial, or
23 felony, excluding any minor traffic offense (driving or in control of a motor vehicle while under
24 the influence is not considered a minor traffic offense) or for any offense which is related to the
25 manufacture, distribution, prescribing, or dispensing of controlled substances?" Mr. Boyle failed
26 to provide any information regarding any of his previous convictions.

27 11. Mr. Boyle answered negatively to question #20 of the application which reads,
28 "[h]as your certification or licensure to provide respiratory care services or any other healing art,

1 been subject to an investigation or ever been subject to being limited, restricted, suspended or
2 revoked in any state, country or U.S. territory?" Mr. Boyle failed to provide any information
3 regarding the revocation of his California license to practice respiratory care.

4 12. As indicated above, Mr. Boyle was issued a license to practice respiratory care in
5 the state of Nevada on October 22, 2007.

6 13. On January 27, 2008, Mr. Boyle renewed his license to practice respiratory care in
7 the state of Nevada via on-line renewal. Again Mr. Boyle answered negatively to questions
8 pertaining to prior criminal convictions and failed to disclose the revocation of his California
9 license to practice respiratory care.

10 **Count I**

11 14. Nevada Administrative Code Section 630.540(1) provides that willfully and
12 intentionally making a false or fraudulent statement in applying for or renewing a license to
13 practice respiratory care is ground for initiating discipline against a licensee.

14 15. Mr. Boyle willfully and intentionally made false or fraudulent statements to the
15 Board in applying for licensure to practice respiratory care in Nevada in 2007, and again when he
16 renewed his license in January 2008, when he failed to disclose any of his previous criminal
17 convictions and accordingly he has violated NAC 630.540(1).

18 16. Mr. Boyle willfully and intentionally made false or fraudulent statements to the
19 Board in applying for licensure to practice respiratory care in Nevada in 2007, and again when he
20 renewed his license in January 2008, when he failed to disclose the revocation of his California
21 license to practice respiratory care and accordingly he has violated NAC 540(1).

22 17. By reason of the foregoing, Mr. Boyle is subject to discipline by the Nevada State
23 Board of Medical Examiners as provided in Section 630.355 of the Nevada Administrative Code.

24 **Count II**

25 18. Nevada Administrative Code Section 630.540(11) provides that conviction of a
26 felony, any offense involving moral turpitude or any offense relating to the practice of respiratory
27 care or the ability to practice respiratory care is grounds for initiating discipline against a licensee.

28 ///

1 19. Mr. Boyle was convicted of a felony in December 1997 in California as set forth
2 above, specifically, he was convicted of one count assault by means of force likely to produce
3 great bodily injury and accordingly is in violation of NAC 630.540(11).

4 20. Mr. Boyle was also previously convicted of a misdemeanor in July 1993 in
5 California for practicing respiratory care without a license, this is a misdemeanor that directly
6 pertains to the practice of respiratory care and accordingly he is in violation of NAC 630.540(11).

7 21. By reason of the foregoing, Mr. Boyle is subject to discipline by the Nevada State
8 Board of Medical Examiners as provided in Section 630.355 of the Nevada Administrative Code.

9 **Count III**

10 22. Nevada Administrative Code Section 630.540(12) provides that the revocation of a
11 license to practice respiratory care in any other jurisdiction is grounds for initiating discipline
12 against a licensee.

13 23. Mr. Boyle's license to practice respiratory care in the state of California was
14 revoked by the California Respiratory Care Board in September 1999 and accordingly Mr. Doyle
15 is in violation of NAC 630.540(12).

16 24. By reason of the foregoing, Mr. Boyle is subject to discipline by the Nevada State
17 Board of Medical Examiners as provided in Section 630.355 of the Nevada Administrative Code.

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

19 1. That the Nevada State Board of Medical Examiners fix a time and place for a
20 formal hearing;

21 2. That the Nevada State Board of Medical Examiners give Mr. Boyle notice of the
22 charges herein against him, the time and place set for the hearing, and the possible sanctions
23 against him;

24 3. That the Nevada State Board of Medical Examiners determine what sanctions it
25 determines to impose for the violation or violations committed by Mr. Boyle; and

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

OFFICE OF THE GENERAL COUNSEL

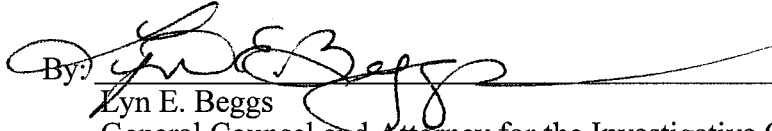
Nevada State Board of Medical Examiners
1105 Terminal Way #301
Reno, Nevada 89502
(775) 688-2559

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

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

DATED this 7th day of July, 2009.

THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 
Lyn E. Beggs
General Counsel and Attorney for the Investigative Committee

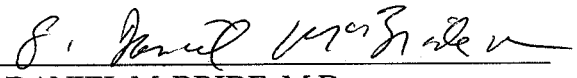
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

VERIFICATION

STATE OF NEVADA)
 : ss.
COUNTY OF CLARK)

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

DATED this 29th day of June, 2009.



S. DANIEL McBRIDE, M.D.

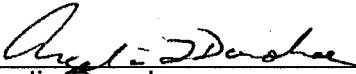
OFFICE OF THE GENERAL COUNSEL
Nevada State Board of Medical Examiners
1105 Terminal Way #301
Reno, Nevada 89502
(775) 688-2559

CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on the 7th day of July 2009, I served a file copy of the COMPLAINT by mailing via USPS certified return receipt to the following:

James Boyle, R.R.T.
6276 E. Rio Grande Dr.
Anaheim Hills, CA 92807

Dated this 7th day of July 2009.



Angelia Donohoe
Legal Assistant

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