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**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
NOV 19 2009**

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

FIRST AMENDED COMPLAINT

The Investigative Committee of the Nevada State Board of Medical Examiners, composed of Benjamin J. Rodriguez, M.D., Van Heffner, and Beverly Neyland, M.D., 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 charged with 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

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

3 4. Mr. Boyle pled guilty in California in December 1997 of one felony count of
4 assault by means of force likely to produce great bodily injury. Upon completion of probationary
5 terms, the charge was subsequently reduced to a misdemeanor and was dismissed in 2000.

6 5. In 1999, the California Respiratory Care Board filed an accusation against
7 Mr. Boyle containing allegations regarding to Mr. Boyle's criminal convictions as well as alleging
8 that Mr. Boyle failed to notify the California Respiratory Care Board of his 1997 conviction on his
9 1998 California renewal application.

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

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

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

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

26 10. Mr. Boyle answered negatively to question #20 of the application which reads,
27 "[h]as your certification or licensure to provide respiratory care services or any other healing art,
28 been subject to an investigation or ever been subject to being limited, restricted, suspended or

1 revoked in any state, country or U.S. territory?" Mr. Boyle failed to provide any information
2 regarding the revocation of his California license to practice respiratory care.

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

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

9 **Count I**

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

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

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

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

23 **Count II**

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

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

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

WHEREFORE, the Investigative Committee prays:

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

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

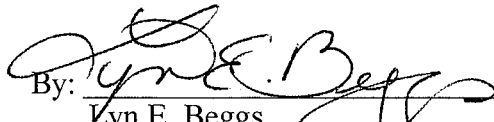
3. That the Nevada State Board of Medical Examiners determine what sanctions it determines to impose for the violation or violations committed by Mr. Boyle; and

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

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 19th day of November, 2009.

THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

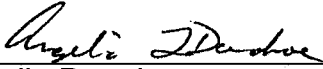
By: 
Lyn E. Beggs
General Counsel and Attorney for the Investigative Committee

CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on the 19th day of November 2009, I served a file copy of the FIRST AMENDED COMPLAINT, by mailing USPS certified mail to the following:

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

Dated this 19th day of November 2009.



Angelia Donohoe
Legal Assistant