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(775) 688-2559

## **BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA**

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In The Matter of Charges and **Complaint Against** 6 **SELWYN ANTHONY KIDNEY, M.D.,** 8 **Respondent.** 



Case No. 11-8696-1

## **COMPLAINT**

The Investigative Committee of the Nevada State Board of Medical Examiners, composed at the time filing of Charles N. Held, M.D., Chairman, Theodore B. Berndt, M.D., Member, and Valerie J. Clark, Member, having reasonable basis believe а to that Selwyn Anthony Kidney, M.D., hereinafter referred to as Respondent, has violated the provisions of NRS Chapter 630, hereby issues its formal Complaint, stating the Investigative Committee's charges and allegations, as follows:

Respondent's license is currently in active status (License No. 6065), and has been 18 1. 19 so licensed since June 9, 1990 by the Nevada State Board of Medical Examiners pursuant to the provisions of Chapter 630 of the Nevada Revised Statutes. 20

2. 21 Respondent's medical staff membership and clinical privileges were summarily suspended on December 2, 2005 by Sunrise Hospital. Respondent was reinstated after compliance 22 23 with conditions and continued monitorship on December 19, 2005.

3. 24 Respondent's medical staff membership and clinical privileges were summarily 25 suspended again on July 3, 2008 by Sunrise Hospital. Respondent was subsequently granted a leave of absence from Sunrise Hospital effective July 30, 2008. 26

27 4. Respondent's Sunrise Hospital medical staff membership and clinical privileges 28 were automatically terminated effective February 1, 2010.

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OFFICE OF THE GENERAL COUNSEL
Nevada State Board of Medical Examiners
Nevada State Board of Medical Examiners
1105 Terminal Way #301
Reno, Nevada 89502
(775) 688-2559
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5. Respondent further was denied reappointment application on October 22, 2009 by
Valley Hospital Medical Center. This was based upon Respondent's omissions and falsifications
of June 30, 2007 and June 10, 2009 reappointment applications. Respondent failed to inform
Valley Hospital Medical Center of the two previous summary suspensions by, and the leave of
absence from, Sunrise Hospital.

6. Respondent further was denied reappointment application on October 27, 2009 by Summerlin Hospital Medical Center. This was based upon Respondent's omissions and falsifications of June 30, 2007 and June 10, 2009 reappointment applications. Respondent failed to inform Summerlin Hospital of the two previous summary suspensions by, and the leave of absence from, Sunrise Hospital.

7. Respondent further was denied reappointment application on October 28, 2009 by
Desert Springs Hospital. This was based upon Respondent's omissions and falsifications of June
30, 2007 and June 10, 2009 reappointment applications. Respondent failed to inform Desert
Springs Hospital of the two previous summary suspensions by, and the leave of absence from,
Sunrise Hospital.

16 8. Respondent failed to notify the Nevada State Board of Medical Examiners of his
17 summary suspensions by, and the leave of absence from, Sunrise Hospital. This failure to notify
18 the Nevada State Board of Medical Examiners includes two renewal applications for licensure
19 with the state of Nevada, 2007 and 2009.

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## Count I

21 9. All of the allegations contained in the above paragraphs are hereby incorporated by
22 reference as though fully set forth herein.

10. Nevada Revised Statute Section 630.304(1) provides that obtaining, maintaining or
renewing or attempting to obtain, maintain or renew a license to practice medicine by bribery,
fraud or misrepresentation or by any false, misleading, inaccurate or incomplete statement is
grounds for initiating discipline against a licensee.

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

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1	<u>Count II</u>
2	12. All of the allegations in the above paragraphs are hereby incorporated as if fully set
3	forth herein.
4	13. Nevada Revised Statute Section 630.301(9) provides that the engaging in conduct
5	that brings the medical profession into disrepute is grounds for initiating discipline against a
6	licensee.
7	14. Respondent's actions and/or omissions, among other things, in the three (3)
8	aforementioned hospital privileges' matters constitutes conduct that brings the medical profession
9	into disrepute; Respondent's continual failure to notify the Board of any adverse actions against
10	him by any medical facility over the course of five (5) years constitutes conduct that brings the
11	medical profession into disrepute.
12	15. By reason of the foregoing, Respondent is subject to discipline by the Nevada State
13	Board of Medical Examiners as provided in Section 630.352 of the Nevada Revised Statutes.
14	<u>Count III</u>
15	16. All of the allegations contained in the above paragraphs are hereby incorporated by
16	reference as though fully set forth herein.
17	17. Nevada Revised Statute Section 630.306(2)(a) provides that engaging in any
18	conduct which is intended to deceive is grounds for initiating discipline against a licensee.
19	18. Respondent's actions, among other things, in the three (3) aforementioned hospital
20	privileges' matters constitutes engaging in conduct which is intended to deceive.
21	19. By reason of the foregoing, Respondent is subject to discipline by the Nevada State
22	Board of Medical Examiners as provided in Section 630.352 of the Nevada Revised Statutes.
23	WHEREFORE, the Investigative Committee prays:
24	1. That the Nevada State Board of Medical Examiners give Respondent notice of the
25	charges herein against him and give him notice that he may file an answer to the Complaint herein
26	as set forth in Section 630.339 of the Nevada Revised Statutes within twenty (20) days of service
27	of the Complaint.
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2. That the Nevada State Board of Medical Examiners set a time and place for a 1 2 formal hearing after holding an Early Case Conference pursuant to NRS §630.339(3); 3. That the Nevada State Board of Medical Examiners determine what sanctions it 3 determines to impose if it determines there has been a violation or violations of the Medical 4 Practice Act (Nevada Revised Statutes Chapter 630) committed by Respondent; and 5 4. That the Nevada State Board of Medical Examiners make, issue and serve on 6 7 Respondent its findings of facts, conclusions of law and order, in writing, that includes the 8 sanctions imposed; and That the Nevada State Board of Medical Examiners take such other and further 9 5. action as may be just and proper in these premises. 10 DATED this 3 day of January, 2011. 11 12 THE NEVADA STATE BOARD OF MEDICAL EXAMINERS 13 (775) 688-2559 14 Bv: ų 15 Bradley O. Van Ry, Esq. Deputy General Counsel and Attorney for the Investigative 16 Committee 17 18 19 20 21 22 23 24 25 26 27 28

## VERIFICATION

(775) 688-2559

STATE OF NEVADA

COUNTY OF DOUGLAS

Charles N. Held, M.D., hereby deposes and states under penalty of perjury under the laws of the state of Nevada that he is the Chairman of the Investigative Committee of the Nevada State Board of Medical Examiners that authorized the foregoing Complaint against the Respondent herein; that he has read the foregoing Complaint; and that based upon information discovered during the course of the investigation into a complaint against Respondent, that he believes the allegations and charges in the foregoing Complaint against Respondent are true, accurate, and correct.

Dated this <u>3</u> day of January, 2011.

SS.

Charles N. Held, M.D.

	1 2	<b>CERTIFICATE OF MAILING</b> I hereby certify that I am employed by Nevada State Board of Medical Examiners and	
	3	that on 3 <sup>rd</sup> day of January 2011; I served a file copy of the Complaint & Fingerprint Information,	
	4	by mailing via USPS certified return receipt mail to the following:	
	5	Selwyn Kidney, M.D.	
	6	2245 N. Green Valley Pkwy., Ste. 441 Henderson, NV 89014	
	7		
Ц	8 9	Dated this 3 <sup>rd</sup> day of January 2011.	
OFFICE OF THE GENERAL COUNSEL Nevada State Board of Medical Examiners 1105 Terminal Way #301 Reno, Nevada 89502 (775) 688-2559	10		
CE OF THE GENERAL COU Nevada State Board of Medical Examiners 1105 Terminal Way #301 Reno, Nevada 89502 (775) 688-2559	11	Angelia Domhae	
<b>VERAL</b> Medical Ex Way #301 la 89502 2559	12	Angelia L. Donohoe Legal Assistant	
LE GENEF 30ard of Medi ferminal Way 10, Nevada 895 (775) 688-2559	13		
<sup>7</sup> THE GENERA itate Board of Medical i105 Terminal Way #3 Reno, Nevada 89502 (775) 688-2559	14		
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