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

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In The Matter of Charges and)
Complaint Against)
WILLIAM SHANE KYLE, M.D.,)
Respondent.)

Case No. 11-28683-1

FILED
NOV 29 2011
NEVADA STATE BOARD OF
MEDICAL EXAMINERS
By: _____

COMPLAINT

The Investigative Committee of the Nevada State Board of Medical Examiners, composed at the time filing of Benjamin J. Rodriguez, M.D., Chairman, Beverly A. Neyland, M.D., Member, and Donna A. Ruthe, Member, having a reasonable basis to believe that William Shane Kyle, 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:

1. Respondent's license is currently listed as active status (License No. 10972), and has been so licensed since June 7, 2004 by the Nevada State Board of Medical Examiners pursuant to the provisions of Chapter 630 of the Nevada Revised Statutes.

2. Patient A was a fifty-six (56) year old female at the time of the incidents in question. Her true identity is not disclosed to protect her privacy, but her identity is disclosed in the Patient Designation served on Respondent along with a copy of this Complaint.

3. On February 26, 2007, Patient A presented to Harmon Medical Center (HMC), an urgent care center, with a shoulder dislocation and fracture. She had fallen bluntly on her left shoulder.

4. X-rays confirmed a fracture/dislocation of the left shoulder. Despite this, Respondent did not perform manipulation of the shoulder in order to reduce the disclocation. Respondent did not perform the manipulation due to the existing fracture.

1 5. Respondent immobilized the arm and instructed Patient A to see an orthopaedic
2 specialist within three (3) days. This instruction of delay constitutes malpractice.

3 6. Patient A went for reduction of the dislocation on February 28, 2007. The pain
4 continued, however.

5 7. The pain was later identified as arising from significant nerve damage to the brachial
6 plexus nerve caused by the delay in reduction of the dislocation.

7 **Count I**

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

10 9. Nevada Administrative Code Section 630.040 defines malpractice as the failure of a
11 physician, in treating a patient, to use the reasonable care, skill, or knowledge ordinarily used under
12 similar circumstances.

13 10. Nevada Revised Statute Section 630.301(4) provides that malpractice is grounds for
14 initiating disciplinary action against a licensee.

15 11. Respondent failed to use the reasonable care, skill, or knowledge ordinarily used
16 under the same or similar circumstances by, among other things, when he failed and omitted to
17 advise Patient A to immediately seek a higher level of care for shoulder joint reduction and
18 stabilization.

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

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

22 1. That the Nevada State Board of Medical Examiners give Respondent notice of the
23 charges herein against him and give him notice that he may file an answer to the Complaint herein
24 as set forth in Section 630.339(2) of the Nevada Revised Statutes within twenty (20) days of service
25 of the Complaint;

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

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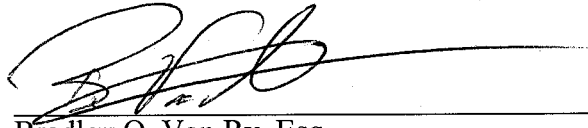
3. That the Nevada State Board of Medical Examiners determine what sanctions it determines to impose if it determines there has been a violation or violations of the Medical Practice Act (Nevada Revised Statutes Chapter 630) committed by Respondent;

4. That the Nevada State Board of Medical Examiners make, issue and serve on Respondent 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 2nd day of November, 2011.

THE INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 
Bradley O. Van Ry, Esq.
Deputy General Counsel and Attorney for the Investigative Committee

VERIFICATION

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STATE OF NEVADA)
 : ss.
COUNTY OF CLARK)

BENJAMIN J. RODRIGUEZ, M.D., having been duly sworn, hereby deposes and states under penalty of perjury that he is the Chairman 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 November, 2011.




BENJAMIN J. RODRIGUEZ, M.D.

CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 29th day of November 2011, I served a file copy of the COMPLAINT, PATIENT DESIGNATION & Fingerprint information via USPS e-certified mail to the following:

William Kyle, M.D.
10561 Jeffreys St., Ste. 100
Henderson, NV 89052

Dated this 29th day of November 2011.



Angelia L. Donohoe
Legal Assistant

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