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

* * * * *

**In The Matter of Charges and)
Complaint Against)
WILLIAM MISHLER, M.D.)
Respondent.)**

Case No. 11-5674-1

FILED

JAN 07 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 was approved of Benjamin J. Rodriguez, M.D., Mr. Van Heffner and Beverly Neyland, M.D., having a reasonable basis to believe that William Mishler, M.D., hereinafter referred to as Dr. Mishler, has violated the provisions of NRS Chapter 630, hereby issues its formal Complaint, stating the Investigative Committee's charges and allegations, as follows:

1. Dr. Mishler is currently licensed in active status (License No. 3920), and was originally licensed on January 1, 1980 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 sixty year-old female at the time she presented to Dr. Mishler. Her true identity is not disclosed to protect her privacy, but her identity is disclosed in the Patient Designation served on Dr. Mishler along with a copy of this Complaint.

3. Patient A presented to Dr. Mishler in early February 2006 with complaints of right long finger pain and popping. She was placed in occupational therapy for three weeks and was to be seen again by Dr. Mishler. Long fingers are also known as middle fingers.

4. Patient A returned to Dr. Mishler on February 24, 2006 after doing occupational therapy which had helped, but Patient A was still experiencing some grabbing. Dr. Mishler

1 recommended surgical release and discussed the risks and benefits of surgery with Patient A
2 versus non-surgical options. The medical record clearly indicates the right long trigger finger was
3 discussed.

4 5. On March 9, 2006, Patient A presented to Quail Surgery Center for a right long
5 finger trigger release. The informed consent document signed by Patient A identifies the operation
6 to be conducted to be a right long trigger finger release and documents from the surgery center
7 indicate that the right long finger was marked for surgery. The operative note completed by
8 Dr. Mishler indicates that the pre-, post- and final diagnosis was right long finger trigger finger.

9 6. Patient A returned to Dr. Mishler on March 15, 2006 for follow up. The record for
10 Patient A created that day indicated that the patient is "status post right long finger trigger finger
11 release" and also indicated that the "patient's right long trigger finger is healing quite well."
12 However, handwritten above this statement is "R Ring Finger." Patient was referred to
13 occupational therapy.

14 7. Patient A again returned to Dr. Mishler on March 29, 2006 for further follow up.
15 The medical record created on this date indicates that Patient A is "status post right ring finger
16 trigger release on March 9, 2006." It was noted that Patient A was to complete occupational
17 therapy for her right ring finger and if necessary the long finger.

18 8. Notes from occupational therapy indicate that on March 28, 2006, Patient A noted
19 that her middle finger (long finger) continued to catch and that the incision appeared to be on her
20 ring finger. Further occupational therapy notes indicate that Patient A continued to complain of
21 middle finger triggering and pain.

22 9. All documentation indicates that Patient A's right middle finger was not surgically
23 released as anticipated but rather that a wrong site surgery occurred and Patient A's right ring
24 finger was operated on.

25 Count I

26 10. Nevada Administrative Code section 630.040 defines malpractice as the failure of a
27 physician, in treating a patient, to use the reasonable care, skill or knowledge ordinarily used under
28 similar circumstances.

1 11. Nevada Revised Statutes section 630.301(4) provides that malpractice is grounds
2 for initiating discipline against a licensee.

3 12. Dr. Mishler committed malpractice when he performed surgery on Patient A's right
4 ring finger rather than her right long (middle) finger when her issues were in regard to her right
5 middle finger and she consented to a right long finger trigger release.

6 13. By reason of the foregoing, Dr. Mishler is subject to discipline by the Nevada State
7 Board of Medical Examiners as provided in NRS 630.352.

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

9 1. That the Nevada State Board of Medical Examiners give Dr. Mishler notice of the
10 charges herein against him and give him notice that he may file an answer to the Complaint herein
11 as set forth in Section 630.339 of the Nevada Revised Statutes within twenty (20) days of service
12 of the Complaint.

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

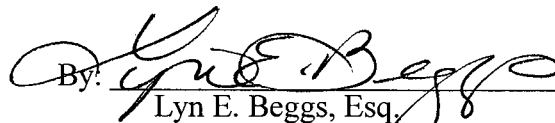
15 3. That the Nevada State Board of Medical Examiners determine what sanctions it
16 determines to impose if it determines there has been a violation or violations of the Medical
17 Practice Act (Nevada Revised Statutes Chapter 630) committed by Dr. Mishler; and

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

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

23 DATED this 7th day of January 2011.

24 THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

25
26 By: 

27 Lyn E. Beggs, Esq.
28 General Counsel and Attorney for the Investigative Committee

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VERIFICATION

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 7th day of January, 2011.



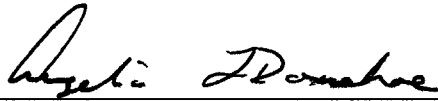
BENJAMIN J. RODRIGUEZ, M.D.

CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 7th day of January 2011; I served a file copy of the Complaint, Patient Designation a Original Settlement, Waiver & Consent Agreement along with Fingerprint Information, by mailing via USPS certified return receipt mail to the following:

William Mishler, M.D.
641 Humboldt St.
Reno, NV 89509

Dated this 7th day of January 2011.



Angelia L. Donohoe
Legal Assistant