

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

3 * * * * *

4
5 **In the Matter of Charges and Complaint**

Case No. 20-8616-1

6 **Against**

7 **MORTON ISAAC HYSON, M.D.,**

8 **Respondent.**

FILED

NOV 16 2020

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: _____

9
10 **COMPLAINT**

11 The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners
12 (Board), by and through Robert Kilroy, Esq., General Counsel and attorney for the IC, having a
13 reasonable basis to believe that Morton Isaac Hyson, M.D. (Respondent) violated the provisions of
14 Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630
15 (collectively, the Medical Practice Act), hereby issues its Complaint, stating the IC's charges and
16 allegations as follows:

17 1. Respondent was at all times relative to this Complaint a medical doctor holding an
18 active license to practice medicine in the State of Nevada (License No. 6062). Respondent was
19 originally licensed by the Board on July 1, 1990.

20 2. On August 21, 2017, Respondent entered into a Stipulation and Order (Order),
21 requiring a female chaperone for all medical encounters with female patients. Wherein this Order
22 required Respondent to inform the IC within 24 hours if there is a change in the identity of the female
23 chaperone. Respondent agreed and acknowledged that said terms and conditions of the Order shall be
24 considered grounds for initiation of disciplinary action pursuant to NRS 630.3065(2)(a) if Respondent
25 knowingly or willfully failed to comply with the aforementioned Order's terms and conditions.

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28 ¹ The Investigative Committee of the Nevada State Board of Medical Examiners, at the time this formal
Complaint was authorized for filing, was composed of Board members Wayne Hardwick, M.D., Chairman, Mr. M.
Neil Duxbury, and Aury Nagy, M.D.

1 **A. Respondent's Treatment of Patient A**

2 3. Patient A's true identity is not disclosed herein to protect her privacy, but is
3 disclosed in the Patient Designation served upon Respondent along with a copy of this Complaint.

4 4. Pursuant the Nevada Prescription Monitoring Program (PMP), Respondent wrote a
5 prescription for Patient A on Saturday, September 9, 2017. There was no medical record for the
6 aforementioned prescription.

7 **COUNT I**

8 **NRS 630.3062(1)(a) (Failure to Maintain Proper Medical Records)**

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

11 6. NRS 630.3062(1)(a) provides that the failure to maintain timely, legible, accurate
12 and complete medical records relating to the diagnosis, treatment and care of a patient is grounds
13 for initiating discipline against a licensee.

14 7. Respondent failed to maintain complete medical records relating to the diagnosis,
15 treatment and care of Patient A, by failing to document his actions when he prescribed the
16 aforementioned prescription without any medical record.

17 8. By reason of the foregoing, Respondent is subject to discipline by the Nevada State
18 Board of Medical Examiners as provided in NRS 630.352.

19 **B. Respondent's Treatment of Patient B**

20 9. Patient B's true identity is not disclosed herein to protect his or her privacy, but is
21 disclosed in the Patient Designation served upon Respondent along with a copy of this Complaint.

22 10. Pursuant the Nevada Prescription Monitoring Program (PMP), Respondent wrote a
23 prescription for Patient B on Friday, September 15 2017. There was no medical record for the
24 aforementioned prescription. On August 9, 2017, there was a patient encounter with Patient B and
25 Respondent, but the female chaperone listed in the medical record was not employed at the time of
26 this encounter, yet her name is stated as present, in the medical records.

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COUNT II

NRS 630.3062(1)(a) (Failure to Maintain Proper Medical Records)

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

12. NRS 630.3062(1)(a) provides that the failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient is grounds for initiating discipline against a licensee.

13. Respondent failed to maintain complete medical records relating to the diagnosis, treatment and care of Patient B, by failing to document his actions when he prescribed the aforementioned prescription without any medical record.

14. By reason of the foregoing, Respondent is subject to discipline by the Nevada State Board of Medical Examiners as provided in NRS 630.352.

COUNT III

NRS 630.3065(2)(a) (Failure to Comply with Order)

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

16. The Order required Respondent to inform the IC of any change in the female chaperon. Patient B's medical record indicated a chaperone was present who was in fact not employed by Respondent to fulfill the aforementioned chaperon.

17. Pursuant to NRS 630.3065(2)(a), the following acts constitute grounds for initiating disciplinary action, knowingly or willfully failing to comply with the Order, which required informing the IC of any change in the chaperone's employment. Here, Respondent's medical record for Patient B indicated a chaperone who was not employed at the time of the encounter stated in the medical records. The IC was never informed.

18. By reason of the foregoing, Respondent is subject to discipline by the Nevada State Board of Medical Examiners as provided in NRS 630.352.

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WHEREFORE, the Investigative Committee prays:

1. That the Board give Respondent notice of the charges herein against him and give him notice that he may file an answer to the Complaint herein as set forth in NRS 630.339(2) within twenty (20) days of service of the Complaint;
2. That the Board set a time and place for a formal hearing after holding an Early Case Conference pursuant to NRS 630.339(3);
3. That the Board determine what sanctions to impose if it determines there has been a violation or violations of the Medical Practice Act committed by Respondent;
4. That the Board make, issue and serve on Respondent its findings of fact, conclusions of law and order, in writing, that includes the sanctions imposed; and
5. That the Board take such other and further action as may be just and proper in these premises.

DATED this 16 day of Novmeber, 2020.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 
Robert Kilroy, Esq., General Counsel
Attorney for the Investigative Committee

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VERIFICATION

STATE OF NEVADA)
 : ss.
COUNTY OF WASHOE)

Mr. M. Neil Duxbury, 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 16 day of November, 2020.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: M. Neil Duxbury
M. Neil Duxbury, Chairman


OFFICE OF THE GENERAL COUNSEL
Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, Nevada 89521
(775) 688-2559

CERTIFICATE OF SERVICE

I hereby certify that I am employed by the Nevada State Board of Medical Examiners and that on the 16th day of November, 2020, I served a file-stamped copy of the foregoing **COMPLAINT**, via U.S. Certified Mail to the following parties:

Katherine L. Turpen, Esq.
c/o Morton Isaac Hyson, M.D.
JOHN H. COTTON & ASSOCIATES
7900 West Sahara Avenue, Suite 200
Las Vegas, Nevada 89117
Certified Mail Receipt No.: 9171 96900935 0241 6195 11

DATED this 16th day of November, 2020.


Mercedes Fuentes, Legal Assistant
Nevada State Board of Medical Examiners

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