

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

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

Case No. 22-8110-1

6 **Against:**

7 **JAMES BENTLEY MANNING, M.D.,**

8 **Respondent.**

FILED

FEB 14 2022

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: 

9
10 **COMPLAINT**

11 The Investigative Committee (IC)¹ of the Nevada State Board of Medical Examiners
12 (Board), by and through Ian J. Cumings, Esq., Deputy General Counsel and attorney for the IC,
13 having a reasonable basis to believe that James Bentley Manning, M.D. (Respondent) violated the
14 provisions of Nevada Revised Statutes (NRS) Chapter 630 and the Nevada Administrative Code
15 (NAC) Chapter 630 (collectively Medical Practice Act), hereby issues its Complaint (Complaint),
16 stating the IC's charges and allegations as follows:

17 1. Respondent was at all times relative to this Complaint, a physician licensed to
18 practice medicine in the in the State of Nevada (License No. 5684). Respondent was originally
19 licensed by the Board on July 1, 1988.

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

21 2. Patient A was a 75-year-old female when she presented to Respondent for medical
22 care on April 16, 2015. Patient A's true identity is not disclosed herein to protect her privacy, but
23 is disclosed in the Patient Designation served upon Respondent along with a copy of this
24 Complaint.

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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 Mr. M. Neil Duxbury, Chair, Aury Nagy,
M.D., and Michael C. Edwards, M.D., FACS.

1 3. Patient A presented to Respondent with marked stiffness, weakness, and pain with
2 motion in her left shoulder. Respondent diagnosed Patient A with a chronic large rotator cuff tear,
3 and advanced degenerative joint disease of the left shoulder.

4 4. On July 2, 2015, Respondent performed a preoperative history and physical for
5 Patient A. Respondent documented a normal neurologic examination with sensation grossly intact
6 in all dermatomes, and intact motor function in all groups. Respondent discussed treatment
7 options and risks of surgery with Patient A, who elected to undergo a left reverse total shoulder
8 arthroplasty. Respondent scheduled Patient A for surgery on July 6, 2015.

9 5. On July 6, 2015, Respondent performed a left reverse total shoulder arthroplasty
10 (Operation 1), on Patient A. During Operation 1, the left axillary artery was damaged. A vascular
11 surgeon was called in intraoperatively to repair the artery. The vascular surgeon attempted to
12 close the damaged artery with a mattress suture but the vessel tore. Ultimately, a purse string
13 suture was utilized, and an additional two (2) ties were placed around the artery to control the
14 bleeding, leaving the artery occluded by suture. Respondent failed to note the tearing or
15 additional suturing required to close the artery in his postoperative report. Operation 1 was then
16 completed without further complications.

17 6. Respondent failed to document or obtain a postoperative physical exam of Patient
18 A following Operation 1 and failed to ascertain the significance of the blood vessel following the
19 procedure.

20 7. On July 22, 2015, Respondent had the first postoperative visit with Patient A who
21 complained of numbness in her hand. Respondent failed to document or perform a thorough and
22 appropriate motor, sensory, and vascular exam of the operative extremity.

23 8. Patient A was seen again on August 5, 2015, and August 27, 2015, with continued
24 complaints and numbness in the left hand and weakness. Respondent noted Patient A had
25 “atypical pain.” Respondent failed to document or perform a thorough and appropriate motor,
26 sensory, and vascular exam of the operative extremity post-operatively and failed to workup
27 Patient A’s numbness and “atypical pain.”

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

4 24. Respondent failed to maintain proper medical records relating to the diagnosis,
5 treatment, and care of Patient A, by failing to correctly document the details of a vascular injury
6 sustained by Patient A during Operation 1, and the subsequent complications in the repair of the of
7 that injury.

8 25. By reason of the foregoing, Respondent is subject to discipline by the Board as
9 provided in NRS 630.352.

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

11 1. That the Board give Respondent notice of the charges herein against him and give
12 him notice that he may file an answer to the Complaint herein as set forth in
13 NRS 630.339(2) within twenty (20) days of service of the Complaint;

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

16 3. That the Board determine what sanctions to impose if it determines there has been
17 a violation or violations of the Medical Practice Act committed by Respondent;

18 4. That the Board award fees and costs for the investigation and prosecution of this
19 case as outlined in NRS 622.400;

20 5. That the Board make, issue and serve on Respondent its findings of fact,
21 conclusions of law and order, in writing, that includes the sanctions imposed; and

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6. That the Board take such other and further action as may be just and proper in these premises.

DATED this 14th day of February, 2022.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 

IAN J. CUMINGS, Esq.
Deputy General Counsel
9600 Gateway Drive
Reno, NV 89521
Tel: (775) 688-2559
Email: icumings@medboard.nv.gov
Attorney for the Investigative Committee

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VERIFICATION

STATE OF NEVADA)
 : ss.
COUNTY OF WASHOE)

Bret W. Frey, 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 14th day of Feb., 2022.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 

BRET W. FREY, M.D.
Chairman of the Investigative Committee