

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

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. 23-7127-1

6 **Against:**

FILED

7 **FRANK ANTHONY SHALLENBERGER, M.D.,**

APR 21 2023

8 **Respondent.**

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 Donald K. White, Senior Deputy General Counsel and attorney for the
13 IC, having a reasonable basis to believe that Frank Anthony Shallenberger, M.D. (Respondent)
14 violated the provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada
15 Administrative Code (NAC) Chapter 630 (collectively, the Medical Practice Act), hereby issues
16 its Complaint, stating the IC's charges and 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. 4951). Respondent was
19 originally licensed by the Board on January 7, 1984.

20 **PATIENT A**

21 2. Patient A² was a sixty-nine (69) year-old female of which Respondent had a close
22 personal relationship at the time of the events at issue. Her name is not disclosed in this
23 Complaint to protect her identity, but is disclosed in the Patient Designation contemporaneously
24 served on Respondent with a copy of this Complaint.

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27 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 Rachakonda D. Prabhu, M.D., Ms. Sandy
Peltyn and Victor M. Muro, M.D.

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

1 diagnosis of a condition or ailment for which TMP would be an appropriate medication therapy.
2 Additionally, Respondent only checked Patient A's testosterone levels twice during the the eight
3 (8) year period, the last time being in 2010, when it was four (4) times higher than the upper limit.

4 11. By reason of the foregoing, Respondent is subject to discipline by the Board as
5 provided in NRS 630.352.

6 **COUNT II**

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

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

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

13 14. Respondent failed to maintain accurate and complete medical records relating to
14 the diagnosis, treatment and care of Patient A, by failing to correctly document his actions when
15 he prescribed a schedule IV controlled substance to Patient A.

16 15. By reason of the foregoing, Respondent is subject to discipline by the Board as
17 provided in NRS 630.352.

18 **PATIENT B**

19 16. Patient B² was a twenty-seven (27) year old female of which Respondent had a
20 close personal relationship at the time of the events at issue.

21 17. On December 6, 2016, Respondent prescribed zolpidem tartrate, a schedule IV
22 controlled substance. However, there are no medical records to substantiate an actual
23 physician-patient relationship existed nor did Respondent provide any clinical reasoning for his
24 prescription of the schedule IV controlled substance. Specifically, there was no record of this
25 patient having been seen at Respondent's clinic even though a prescription sleep aid was provided
26 to Patient B and signed by Respondent.

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1 27. NRS 630.301(4) provides that malpractice of a physician is grounds for initiating
2 disciplinary action against a licensee.

3 28. NAC 630.040 defines malpractice as “the failure of a physician, in treating a
4 patient, to use the reasonable care, skill, or knowledge ordinarily used under similar
5 circumstances.”

6 29. Respondent failed to use the reasonable care, skill or knowledge ordinarily used
7 under similar circumstances when rendering medical services to Patient C. He did not order
8 baseline laboratory tests prior to initiation of prescriptions for TMP. Respondent wrote
9 prescriptions for testosterone for Patient C without a diagnosis of a condition or ailment for which
10 TMP would be an appropriate medication therapy.

11 30. By reason of the foregoing, Respondent is subject to discipline by the Board as
12 provided in NRS 630.352.

13 **PATIENT D**

14 31. Patient D is Respondent himself.

15 32. Respondent prescribed himself an eighty-one (81) day supply of testosterone
16 cypionate, a schedule III controlled substance. No accompanying medical records indicating a
17 clinical evaluation was performed nor was a diagnosis identified for this medication.
18 Additionally, there is no baseline diagnostic report provided in the medical records file which is
19 necessary before providing supplemental hormones such as testosterone.

20 33. On March 15, 2016, Respondent prescribed himself zolpidem tartrate, a schedule
21 IV medication. Again, there are no medical records indicating clinical evaluation and justification
22 for writing this prescription.

23 **COUNT V**

24 **NRS 630.3062(1)(a) - Failure to Maintain Complete Medical Records**

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

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- 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 award fees and costs for the investigation and prosecution of this case as outlined in NRS 622.400;
- 5. 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
- 6. That the Board take such other and further action as may be just and proper in these premises.

DATED this 21st day of April, 2023.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 
DONALD K. WHITE
Senior Deputy General Counsel
9600 Gateway Drive
Reno, NV 89521
Tel: (775) 688-2559
Email: dwhite@medboard.nv.gov
Attorney for the Investigative Committee

1 VERIFICATION

2 STATE OF NEVADA)
3) : ss.
4 COUNTY OF CLARK)

5 Victor M. Muro, M.D., having been duly sworn, hereby deposes and states under penalty
6 of perjury that he is the Chairman of the Investigative Committee of the Nevada State Board of
7 Medical Examiners that authorized the Complaint against the Respondent herein; that he has read
8 the foregoing Complaint; and that based upon information discovered in the course of the
9 investigation into a complaint against Respondent, he believes that the allegations and charges in
10 the foregoing Complaint against Respondent are true, accurate and correct.

11 DATED this 21st day of April, 2023.

12 INVESTIGATIVE COMMITTEE OF THE
13 NEVADA STATE BOARD OF MEDICAL EXAMINERS

14 By: U M Muro MD
15 VICTOR M. MURO, M.D.
16 *Chairman of the Investigative Committee*
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