BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

* * * * *

In the Matter of Charges and Complaint

Against:

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WA'EL HISHAM MILYANI, M.D.,

Respondent.

Case No. 23-47427-1

FILED

JUN 2 9 2023

NEVADA STATE BOARD OF MEDICAL EXAMINERS

COMPLAINT

The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners (Board), by and through Ian J. Cumings, Deputy General Counsel and attorney for the IC, having a reasonable basis to believe that Wa'el Hisham Milyani, M.D. (Respondent) violated the provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630 (collectively, the Medical Practice Act), hereby issues its Complaint, stating the IC's charges and allegations as follows:

- 1. Respondent was at all times relative to this Complaint a medical doctor holding an active license to practice medicine in the State of Nevada (License No. 17362). Respondent was originally licensed by the Board on August 25, 2017, with dermatopathology listed as his specialty.
 - 2. Patient A^2 was a seventeen (17) year-old female at the time of the events at issue.
- 3. On January 19, 2018, Patient A underwent an inguinal lymph node biopsy to examine abnormal growth of her lymph nodes. An intact 3.7 cm inguinal lymph node was sampled and tested.

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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 Victor M. Muro, M.D., Chowdhury H. Ashan, M.D., Ph.D., FACC, and Ms. Pamela Beal.

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

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- 4. On January 23, 2018, test results were erroneously interpreted by Respondent as benign reactive lymph node tissue.
- 5. On June 13, 2018, at the request of Patient A's primary care provider due to persistent symptomology, another pathologist reviewed the original materials and tests from the biopsy which had occurred from January 19, 2018. Upon review, it was determined the sampled inguinal lymph node showed evidence of Hodgkin Lymphoma and the case was referred for additional consultation.
- 6. On June 19, 2018, Pathologists at UCLA confirmed a diagnosis of Stage 2 Hodgkin Lymphoma of mixed cell types.

COUNT I

NRS 630.301(4) - Malpractice

- 7. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.
- 8. NRS 630.301(4) provides that malpractice of a Physician is grounds for initiating disciplinary action against a licensee.
- NAC 630,040 defines malpractice as "the failure of a physician, in treating a 9. patient, to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances."
- As demonstrated by, but not limited to, the above-outlined facts, Respondent failed 10. to use the reasonable care, skill or knowledge ordinarily used under similar circumstances when rendering medical services to Patient A by failing to identify concerning pathology present in Patient A's biopsy and thereby delaying her diagnosis and treatment.
- By reason of the foregoing, Respondent is subject to discipline by the Board as 11. provided in NRS 630.352.

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COUNT II

NRS 630.306(1)(b)(2) - Violation of Standards of Practice Established by Regulation – Failure to Consult

- 12. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.
- 13. Violation of a standard of practice adopted by the Board is grounds for disciplinary action pursuant to NRS 630.306(1)(b)(2).
- 14. NAC 630.210 requires a physician to "seek consultation with another provider of health care in doubtful or difficult cases whenever it appears that consultation may enhance the quality of medical services."
- 15. Respondent failed to timely seek consultation with regard to Patient A's medical condition on January 23, 2018. Respondent should have consulted with an appropriate care provider to address the doubtfulness of the diagnosis of Patient A's medical condition and such a timely consultation would have confirmed or denied such a diagnosis and may have enhanced the quality of medical care provided to Patient A regarding a diagnosis of Hodgkin Lymphoma.
- 16. By reason of the foregoing, Respondent is subject to discipline by the Board as provided in NRS 630.352.

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 award fees and costs for the investigation and prosecution of this case as outlined in NRS 622.400;

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OFFICE OF THE GENERAL COUNSEL Nevada State Board of Medical Examiners 9600 Gateway Drive Reno, Nevada 89521

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- 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 24 day of June, 2023.

INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:

IAN J. CUMINGS
Deputy General Counsel
9600 Gateway Drive
Reno, NV 89521

Tel: (775) 688-2559

Email: <u>icumings@medboard.nv.gov</u>
Attorney for the Investigative Committee

OFFICE OF THE GENERAL COUNSEL Nevada State Board of Medical Examiner

VERIFICATION

STATE OF NEVADA)
	: SS
COUNTY OF CLARK)

Victor M. Muro, 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 June, 2023.

INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

m mund mo By:

> VICTOR M. MURO, M.D. Chairman of the Investigative Committee