## IBEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

\* \* \* \* \*

In the Matter of Charges and Complaint

Against:

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

KEVIN CORBRIDGE HYER, M.D.,

Respondent.

Case No. 24-8515-1

**FILED** 

OCT - 3 2024

NEVADA STATE BOARD OF MEDICAL EXAMINERS By:

#### **COMPLAINT**

The Investigative Committee<sup>1</sup> (IC) of the Nevada State Board of Medical Examiners (Board), by and through Donald K. White, Senior Deputy General Counsel and attorney for the IC, having a reasonable basis to believe that Kevin Corbridge Hyer, 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. 5979). Respondent was originally licensed by the Board on December 2, 1989.
  - 2. Patient  $A^2$  was a seventy (70) year-old female at the time of the events at issue.
- 3. On October 10, 2017, Patient A underwent a yearly preventative mammogram test which was read and interpreted by Respondent in Las Vegas, Nevada.
- 4. Respondent, a radiologist, interpreted the scans as "No suspicious findings. No significant interval change is seen. Postoperative distortion in the right breast seen. Some benign-

<sup>&</sup>lt;sup>1</sup> 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 Bret W. Frey, M.D., Carl N. Williams, Jr., M.D., and Col. Eric D. Wade, USAF (Ret.).

<sup>&</sup>lt;sup>2</sup> 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.

appearing left breast calcifications are seen." The reading was that of BIRAD two (2): benign findings.

- 5. It was determined later that Patient A, did in fact have changes to the breast tissue at that time that had been developing over time. When tests from 2014, 2015, and 2016 were reviewed and compared with the test from October 10, 2017, the changes were progressive, prominent, asymmetric and should have been reported as floridly abnormal. There was skin retraction, progressive reduction in right breast size, progressive asymmetric increased density, progressive increase in size of the spiculated architectural distortion in the ten o'clock posterior third of the right breast, and progressive increase in grouped fine rod-like calcifications evident on the examination of October 10, 2017. The test should have been converted from a screening diagnostic exam to a diagnostic exam or should have been coded as BIRAD zero (0): incomplete and recommendations made for completion of a diagnostic examination.
- 6. Over time, there was progressive change in the regional/global asymmetric density and a progressive volume loss of the right breast.

#### 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.
- 9. NAC 630.040 defines malpractice as "the failure of a physician, in treating a patient, to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances."
- 10. As demonstrated by, but not limited to, the above-outlined facts, Respondent failed to use the reasonable care, skill or knowledge ordinarily used under similar circumstances when rendering medical services to Patient A, because Respondent compared images from 2014, 2015, and 2016, with an image from October 10, 2017, and Respondent should have acknowledged that the changes were progressive, prominent, asymmetric and should have been reported as floridly abnormal. The results of the test should have been converted from a preventative screening exam

25

26

27

28

1

2

3

4

5

6

7

8

9

10

to a diagnostic exam or should have been coded as BIRAD Zero (0): incomplete and recommendations made for completion of diagnostic examination.

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

#### WHEREFORE, the Investigative Committee prays:

- That the Board give Respondent notice of the charges herein against him and give 1. 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;
- That the Board set a time and place for a formal hearing after holding an Early Case 2. Conference pursuant to NRS 630.339(3);
- That the Board determine what sanctions to impose if it determines there has been a 3. violation or violations of the Medical Practice Act committed by Respondent;
- That the Board award fees and costs for the investigation and prosecution of this case 4. as outlined in NRS 622.400;
- That the Board make, issue and serve on Respondent its findings of fact, conclusions 5. of law and order, in writing, that includes the sanctions imposed; and
- That the Board take such other and further action as may be just and proper in these 6. premises.

DATED this 3dd day of October, 2024.

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

# OFFICE OF THE GENERAL COUNSEL Nevada State Board of Medical Examiners

#### 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 3rd day of October, 2024.

INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:

FREY, M.D.

Chairman of the Investigative Committee