

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. 24-11896-1

6   **Against:**

**FILED**

7   **VINCENT PETER NALBONE, M.D.,**

**DEC 11 2024**

8   **Respondent.**

NEVADA STATE BOARD OF  
MEDICAL EXAMINERS

By: 

9  
10                                   **COMPLAINT**

11                   The Investigative Committee<sup>1</sup> (IC) of the Nevada State Board of Medical Examiners  
12 (Board), by and through Ian J. Cumings, Senior Deputy General Counsel and attorney for the IC,  
13 having a reasonable basis to believe that (Respondent) violated the provisions of Nevada Revised  
14 Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630 (collectively,  
15 the Medical Practice Act), hereby issues its Complaint, stating the IC's charges and allegations as  
16 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. 8303). Respondent was  
19 originally licensed by the Board on July 11, 1997. Respondent's specialty is listed as  
20 otolaryngology on the Board's website.

21                   2.       Patient A<sup>2</sup> was a sixty-five (65) year-old female at the time of the events at issue.

22                   3.       Patient A initially presented to Respondent on June 17, 2014, with nasal pain and  
23 rhinosinusitis symptoms.

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27                   <sup>1</sup> The Investigative Committee of the Nevada State Board of Medical Examiners, at the time this formal  
28 Complaint was authorized for filing, was composed of Board members Victor M. Muro, M.D., Aury Nagy, M.D. and  
Ms. Maggie Arias-Petrel.

<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.

1           4.       Patient A saw Respondent on six (6) more occasions between April 27, 2015, and  
2 March 21, 2016, wherein Respondent recommended sinus surgery to address Patient A's chronic  
3 sinusitis.

4           5.       On March 14, 2016, Patient A underwent a Computed Tomography (CT) scan  
5 which demonstrated clear frontal and sphenoid sinuses, mild mucosal thickening of the ethmoid  
6 air cells, a left Haller cell with osteomeatal thickening, a right concha bullosa and left nasal  
7 septum deviation.

8           6.       On April 4, 2016, Patient A underwent a bilateral ethmoidectomy, bilateral  
9 maxillary antrostomy, bilateral nasal polypectomy, septoplasty, and right turbinate reduction,  
10 performed by Respondent.

11          7.       Following the April 4, 2016, procedure, Patient A continued to develop worsening  
12 facial pain, headaches, nasal congestion, and nasal discharge.

13          8.       Patient A was seen by Respondent on eleven (11) occasions between  
14 April 18, 2016, and October 4, 2016, for nasal debridement. Cultures were obtained from  
15 Patient A on September 20, 2016, and September 29, 2016, which grew abundant Staphylococcus  
16 Aureus with no white blood cells.

17          9.       Respondent's records for these visits were incomplete, and did not include  
18 evaluations for chronic conditions that would require modification in management. Moreover,  
19 Respondent failed to order appropriate CT imaging to evaluate the etiology of Patient A's  
20 worsening condition.

21          10.      On October 24, 2016, Patient A sought a second opinion with another  
22 otolaryngologist. Patient A then underwent a nasal endoscopy by this physician where it was  
23 discovered that a foreign body was discovered in Patient A's nasal cavity, which was determined  
24 to be a surgical sponge left from the prior surgery, performed by Respondent, and was promptly  
25 removed.

26          11.      On November 21, 2016, Patient A underwent a subsequent CT scan, which  
27 revealed a second surgical sponge retained near Patient A's nasal septum that was overgrown by  
28 nasal epithelium. Patient A required additional surgery to remove the retained sponge.

1 COUNT I

2 **NRS 630.301(4) - Malpractice**

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

5 13. NRS 630.301(4) provides that malpractice of a physician is grounds for initiating  
6 disciplinary action against a licensee.

7 14. NAC 630.040 defines malpractice as “the failure of a physician, in treating a  
8 patient, to use the reasonable care, skill, or knowledge ordinarily used under similar  
9 circumstances.”

10 15. As demonstrated by, but not limited to, the above-outlined facts, Respondent failed  
11 to use the reasonable care, skill or knowledge ordinarily used under similar circumstances when  
12 rendering medical services to Patient A by failing to determine why Patient A’s symptoms  
13 continued to worsen over the six-month postoperative period without relief.

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

16 COUNT II

17 **NRS 630.301(4) - Malpractice**

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

20 18. NRS 630.301(4) provides that malpractice of a physician is grounds for initiating  
21 disciplinary action against a licensee.

22 19. NAC 630.040 defines malpractice as “the failure of a physician, in treating a  
23 patient, to use the reasonable care, skill, or knowledge ordinarily used under similar  
24 circumstances.”

25 20. As demonstrated by, but not limited to, the above-outlined facts, Respondent failed  
26 to use the reasonable care, skill or knowledge ordinarily used under similar circumstances when  
27 rendering medical services to Patient A by failing to order a postoperative CT scan despite an  
28 inordinate number of postoperative visits and debridement.



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

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

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

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

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

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

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

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

17 DATED this 11<sup>th</sup> day of December, 2024.

18 INVESTIGATIVE COMMITTEE OF THE  
19 NEVADA STATE BOARD OF MEDICAL EXAMINERS

20 By: \_\_\_\_\_

21 IAN J. CUMINGS  
22 Senior Deputy General Counsel  
23 9600 Gateway Drive  
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27 *Attorney for the Investigative Committee*  
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VERIFICATION

STATE OF NEVADA            )  
  : ss.  
COUNTY OF CLARK         )

Chowdhury H. Ahsan, M.D., Ph.D., FACC, 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 11<sup>th</sup> day of December, 2024.

INVESTIGATIVE COMMITTEE OF THE  
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:   
\_\_\_\_\_  
CHOWDHURY H. AHSAN, M.D., PH.D., FACC  
*Chairman of the Investigative Committee*