BEFORE THE NEVADA STATE BOARD OF OSTEOPATHIC MEDICINE

IN THE MATTER OF THE COMPLAINT
AGAINST
LAMONT A. TYLER, D.O.
RESPONDENT

Case No. AD0808072
Filed:

Executive Director

Pursuant to the provisions of Chapter 633 of the Nevada Revised Statutes, and by virtue of the authority vested in it by said chapter, the Investigative Board Member of the Nevada State Board of Osteopathic Medicine ("Board"), having a reasonable basis to believe that LAMONT ANTHONY TYLER, D.O., hereinafter referred to as "Respondent" or "Dr. Tyler," has violated the provisions of said chapter, hereby issues a formal Complaint, stating the Investigative Board Member's charges and allegations, as follows:

I.

General Allegations

1. That Respondent applied for a license to practice osteopathic medicine in the State of Nevada on November 24, 2003, which application was received by the Board on or about December 1, 2003. Questions asked on that application include, but are not limited to:

(17) have any disciplinary or administrative actions ever been taken against you (to which Dr. Tyler answered no).

(18) have you ever been denied a license, denied permission to practice medicine or denied the right to take an examination (to which Dr. Tyler answered no).

(19) have you ever had your medical license revoked, suspended or limited (to which Dr. Tyler answered no).

(20) have you ever voluntarily surrendered a license to practice in any state (to which Dr. Tyler answered no).

(21) have you ever had staff privileges in a hospital denied, suspended, limited, revoked or non renewed (to which Dr. Tyler answered no). (Emphasis added.)

(21) have you ever been investigated for, charged with, or convicted of
unprofessional conduct, professional incompetence, gross or repeated malpractice or any other violation of state, rule or regulation governing the practice of medicine (to which Dr. Tyler answered no).

2. That Dr. Tyler was licensed by the Board of Osteopathic Medicine of the State of Nevada pursuant to the provisions of Chapter 633 of the Nevada Revised Statutes, i.e., License No. 1153; however, Dr. Tyler's license is current "inactive."

3. That NRS 633.511(1) provides that unprofessional conduct is a ground for the initiation of disciplinary proceedings.

4. That NRS 633.511(5) provides that professional incompetence is a ground for the initiation of disciplinary proceedings.

5. That NRS 633.131(1) defines "Unprofessional conduct," in part, as follows:

   (a) Willfully making a false or fraudulent statement in applying for a license to practice osteopathic medicine or in applying for renewal of a license to practice osteopathic medicine. . . .

   (f) Engaging in any:
   (1) Professional conduct which is intended to deceive or which the board by regulation has determined is unethical;
   (2) Medical practice harmful to the public or any conduct detrimental to the public health, safety or morals which does not constitute gross or repeated malpractice or professional incompetence.

6. That, a licensee engages in unethical conduct pursuant to NAC 633.350 if he:

   (1) Engages in sexual misconduct with a patient; . . .

   (9) Engages in any other conduct that the Board determines constitutes unfitness to practice osteopathic medicine.

7. That NRS 633.509 states, in essence, that the expiration of a medical license by operation of law or by order of the Board, or a court of law, or the voluntary surrender of a license by a licensee, "does not deprive the Board of jurisdiction to proceed with any investigation of, or action or disciplinary proceedings against, the licensee or to render a decision suspending or revoking the license." Thus, the Board continues to have jurisdiction in this matter over Dr. Tyler and his "inactive" osteopathic medical license.

8. That an agreement was entered into between Dr. Tyler and the Evanston Northwestern Healthcare Corporation that acknowledged that "Dr. Tyler's clinical privileges
were suspended on **November 3, 2003** pursuant to Rule and Regulation 17.10 of the Bylaws and Rules and Regulations of the Professional Staff of the healthcare corporation. (Emphasis added.) The document is formally signed by the parties on November 30, 2003; and it is also noted that Dr. Tyler’s ceased services with this healthcare facility on October 30, 2003.

9. That, in connection with the allegations resulting in Dr. Tyler’s termination and the suspension of his clinic privileges, a lawsuit was filed in the Circuit Court of the 19th Judicial Circuit for Lake County, Illinois, against Dr. Tyler. A complaint filed in that action was provided to this Board with the complaint, as well as a Second Amended Complaint. The original filing date was January 6, 2005 and the 2nd Amended Complaint is dated November 30, 2005. The case number is 05 L 017. Dr. Tyler did not inform the Board of this lawsuit and has never informed the Board whether it was settled.

10. That, although after the date of the submission of his application to the Nevada Board of Osteopathic Medicine, the Illinois Department of Financial & Professional Regulation Division of Professional Regulation entered into a “Consent Order” in which it is alleged that “information has come to the attention of the Department that [Dr. Tyler] had an inappropriate relationship of a sexual nature with a patient” and that Dr. Tyler “presented evidence of having completed a nationally recognized boundaries violation course…” That Consent Order is dated September 2005. Dr. Tyler was placed on probation for a period of three (3) years and other conditions were imposed upon him and his license.

11. That Dr. Tyler is licensed in the State of Indiana and that the Medical Licensing Board of Indiana filed a complaint against Dr. Tyler on April 14, 2006. The complaint stated that Dr. Tyler was “in a physician-patient relationship with the patient in question” from 1997 until October 2003; and that in October 2002, Dr. Tyler “initiated a sexual relationship with” the female patient. The complaint alleges that such conduct violated Indiana’s Code governing the profession of osteopathic medicine. An order was entered that Dr. Tyler’s medical license was placed on “indefinite probation.” That order is dated June 26, 2006, which date is after the application submission by Dr. Tyler to the Nevada State Board of Osteopathic Medicine.

12. That Dr. Tyler was also licensed in the State of Colorado. Although after the date
of the application submission by Dr. Tyler to the Nevada State Board of Osteopathic Medicine, the Colorado State Board of Medical Examiners entered to a “Stipulation & Final Agency Order” that Dr. Tyler would surrender his Colorado medical license although he did not enter into an admission of guilt. Dr. Tyler also agreed “not to apply for a new license issued by the [Colorado] Board.” This stipulation and order is dated May 2006.

13. That a complaint was lodged with the Nevada State Board of Osteopathic Medicine bringing to light the above-referenced charges and/or allegations, and which also indicated that Dr. Tyler was terminated from the Evanston Northwestern Healthcare Corporation on October 30, 2003.

II. Unprofessional Conduct

14. The allegations contained in paragraphs 1 through 13 of Section I, General Allegations, inclusive, of this Complaint are incorporated herein by reference, as though each such allegation was more specifically set forth in full herein.

15. Dr. Tyler “willfully” made a false and/or fraudulent statement to this Board while applying for a license to practice osteopathic medicine in the State of Nevada; and such is unprofessional conduct pursuant to NRS 633.131(1)(a). More specifically, he stated in response to question #21 on his application that his staff privileges in a hospital had never been denied, suspended, limited, revoked, or non-renewed, which such information was false and/or fraudulent. The Nevada application is dated November 24, 2003, and according to the documentation provided with the complaint lodged with the Board, Dr. Tyler’s “clinical privileges were suspended on November 3, 2003 . . . .”

16. The Nevada application was submitted on November 24, 2003, although actions had already been commenced against Dr. Tyler by the Evanston Northwestern Healthcare Corporation, including termination. By filing the application before all documents were formally executed and formal disciplinary action taken by the proper licensing agency, Dr. Tyler intended to deceive the Nevada State Board of Osteopathic Medicine concerning the
employment termination, suspension of privileges, and/or disciplinary actions by the
appropriate licensing boards. Such is unprofessional conduct pursuant to NRS 633.131(1)(f).

17. "Unprofessional conduct" as identified in NRS 633.511(3) includes the suspension
of a license to practice osteopathic medicine in another jurisdiction; and Dr. Tyler’s Colorado
osteopathic medicine license has been suspended.

18. Based upon the allegations raised above, discipline is warranted pursuant to NRS
633.511(1) against Dr. Tyler for violating NRS 633.131, "unprofessional conduct."

III.

Unethical Conduct

19. The allegations contained in paragraphs 1 through 13 of Section I, General
Allegations, inclusive, and the allegations contained in paragraphs 14 through 18 of Section II,
Unprofessional Conduct, inclusive, of this Complaint are incorporated herein by reference, as
though each such allegation was more specifically set forth in full herein.

20. Based upon the documentation provided with the complaint lodged with this Board,
Dr. Tyler engaged in sexual misconduct with a female patient commencing in October 2002,
and continued as that patient’s physician from 1997 through 2003.

21. It is unethical conduct, pursuant to NAC 633.350, to engage in sexual misconduct
with a patient, and such conduct constitutes an unfitness to practice osteopathic medicine in
the State of Nevada.

22. Based upon the allegations raised above, discipline is warranted against Dr. Tyler
pursuant to NRS 633.511(5) as such unethical behavior indicates professional incompetence.

IV.

Failure to Report

23. The allegations contained in paragraphs 1 through 13 of Section I, General
Allegations, inclusive, the allegations contained in paragraphs 14 through 18 of Section II,
Unprofessional Conduct, inclusive, and the allegations contained in paragraphs 19 through 22
of Section III, Unethical Conduct, inclusive, of this Complaint are incorporated herein by
reference, as though each such allegation was more specifically set forth in full herein.
24. NRS 633.527(1) imposes a duty upon an osteopathic physician to report to the Nevada State Board (a) any actions for malpractice against him as set forth in a complaint and summons, (b) any claim for malpractice that is submitted to arbitration and/or mediation, any settlement, award, (c) any settlement, award, judgment or other disposition of any action or claim, and (d) if sanctions are imposed against the physician that are reportable to the National Practitioner Data Bank.

25. The voluntary suspension of Tyler’s license in the State of Colorado is a reportable event to the National Practitioner Data Bank; and Dr. Tyler failed to inform this Board regarding same.

26. Pursuant to NRS 633.527, Dr. Tyler as an osteopathic physician with an inactive license in the State of Nevada had a duty to notify the Board of the complaint filed in the Lake County, Illinois Circuit Court, and he failed to do so; and he has never notified the Board whether this matter was resolved.

27. Based upon the above allegations, and Dr. Tyler’s failure to comply with NRS 633.527, discipline is warranted pursuant to NRS 633.511(6), i.e., failure to report.

WHEREFORE, the Investigative Member of the Board of Osteopathic Medicine prays as follows:

1. That the Nevada State Board of Osteopathic Medicine conduct a hearing on this Complaint as provided by statute;

2. That, pursuant to NRS 633.651, Respondent, Lamont A. Tyler, D.O., be publicly reprimanded and/or the license of said Respondent, Lamont A. Tyler, D.O., be revoked, suspended, limited, or placed on probation with conditions and terms as the Nevada State Board of Osteopathic Medicine may deem just and proper and which are not inconsistent with law;

3. That an order be entered awarding the Board the sum of $5,000 as a fine for each violation that occurred, i.e., failure of Dr. Tyler to notify the Board of the malpractice case pending against him in Illinois and the failure to Dr. Tyler to notify the Board of his suspended clinical/hospital privileges in Illinois;
4. That this matter be turned over to the District Attorney's Office for criminal
prosecution pursuant to NRS 633.741 for prosecution of a category D felony; and

5. That Respondent Lamont A. Tyler, D.O., be ordered to pay reasonable attorney's
fees and costs of the investigation and the administrative and disciplinary proceedings
pursuant to NAC 633.470.

DATED this 21 day of August, 2008.

NEVADA STATE BOARD OF
OSTEOPATHIC MEDICINE

By: DANIEL CURTIS, D.O., Chairman &
Investigating Member of the
Nevada Board of Osteopathic Medicine

Submitted by:
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