

1 BEFORE THE NEVADA STATE BOARD OF OSTEOPATHIC MEDICINE

2 IN THE MATTER OF THE COMPLAINT

3 AGAINST

4 LAMONT A. TYLER, D.O.

5 RESPONDENT

NEVADA STATE BOARD OF
OSTEOPATHIC MEDICINE
AUG 21 2008
FILED

Case No.: AD0808072

Filed:

Cathryn Kelly
Executive Director *Attention Administration*

7 COMPLAINT

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

14 I.

15 General Allegations

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

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

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

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

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

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

(21) have you ever been investigated for, charged with, or convicted of

1 unprofessional conduct, professional incompetence, gross or repeated malpractice or
2 any other violation of state, rule or regulation governing the practice of medicine (to
3 which Dr. Tyler answered no).

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

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

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

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

- 12 (a) Willfully making a false or fraudulent statement in applying for a license
13 to practice osteopathic medicine or in applying for renewal of a license to
14 practice osteopathic medicine. . . .
- 15 (f) Engaging in any:
16 (1) Professional conduct which is intended to deceive or
17 which the board by regulation has determined is unethical;
18 (2) Medical practice harmful to the public or any conduct detrimental
19 to the public health, safety or morals which does not constitute gross or
20 repeated malpractice or professional incompetence.

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

- 22 (1) Engages in sexual misconduct with a patient; . . .
- 23 (9) Engages in any other conduct that the Board determines constitutes
24 unfitness to practice osteopathic medicine.

25 7. That NRS 633.509 states, in essence, that the expiration of a medical license by
26 operation of law or by order of the Board, or a court of law, or the voluntary surrender of a
27 license by a licensee, "does not deprive the Board of jurisdiction to proceed with any
28 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

1 were suspended on **November 3, 2003** pursuant to Rule and Regulation 17.10 of the Bylaws
2 and Rules and Regulations of the Professional Staff" of the healthcare corporation. (Emphasis
3 added.) The document is formally signed by the parties on November 30, 2003; and it is also
4 noted that Dr. Tyler's ceased services with this healthcare facility on October 30, 2003.

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

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

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

28 12. That Dr. Tyler was also licensed in the State of Colorado. Although after the date

1 of the application submission by Dr. Tyler to the Nevada State Board of Osteopathic Medicine,
2 the Colorado State Board of Medical Examiners entered to a "Stipulation & Final Agency
3 Order" that Dr. Tyler would surrender his Colorado medical license although he did not enter
4 into an admission of guilt. Dr. Tyler also agreed "not to apply for a new license issued by the
5 [Colorado] Board." This stipulation and order is dated May 2006.

6 13. That a complaint was lodged with the Nevada State Board of Osteopathic Medicine
7 bringing to light the above-referenced charges and/or allegations, and which also indicated
8 that Dr. Tyler was terminated from the Evanston Northwestern Healthcare Corporation on
9 October 30, 2003.
10

11 **II.**

12 **Unprofessional Conduct**

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

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

24 16. The Nevada application was submitted on November 24, 2003, although actions
25 had already been commenced against Dr. Tyler by the Evanston Northwestern Healthcare
26 Corporation, including termination. By filing the application before all documents were
27 formally executed and formal disciplinary action taken by the proper licensing agency, Dr.
28 Tyler intended to deceive the Nevada State Board of Osteopathic Medicine concerning the

1 employment termination, suspension of privileges, and/or disciplinary actions by the
2 appropriate licensing boards. Such is unprofessional conduct pursuant to NRS 633.131(1)(f).

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

6 18. Based upon the allegations raised above, discipline is warranted pursuant to NRS
7 633.511(1) against Dr. Tyler for violating NRS 633.131, "unprofessional conduct."

8 **III.**

9 **Unethical Conduct**

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

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

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

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

22 **IV.**

23 **Failure to Report**

24 23. The allegations contained in paragraphs 1 through 13 of Section I, General
25 Allegations, inclusive, the allegations contained in paragraphs 14 through 18 of Section II,
26 Unprofessional Conduct, inclusive, and the allegations contained in paragraphs 19 through 22
27 of Section III, Unethical Conduct, inclusive, of this Complaint are incorporated herein by
28 reference, as though each such allegation was more specifically set forth in full herein.

1 24. NRS 633.527(1) imposes a duty upon an osteopathic physician to report to the
2 Nevada State Board (a) any actions for malpractice against him as set forth in a complaint and
3 summons, (b) any claim for malpractice that is submitted to arbitration and/or mediation, any
4 settlement, award, (c) any settlement, award, judgment or other disposition of any action or
5 claim, and (d) if sanctions are imposed against the physician that are reportable to the
6 National Practitioner Data Bank.

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

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

14 27. Based upon the above allegations, and Dr. Tyler's failure to comply with NRS
15 633.527, discipline is warranted pursuant to NRS 633.511(6), i.e., failure to report.

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

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

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

25 3. That an order be entered awarding the Board the sum of \$5,000 as a fine for each
26 violation that occurred, i.e., failure of Dr. Tyler to notify the Board of the malpractice case
27 pending against him in Illinois and the failure to Dr. Tyler to notify the Board of his suspended
28 clinical/hospital privileges in Illinois;

