

COPY

*Before The Board of Medical Examiners
of The State of Nevada*

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In The Matter of The Complaint

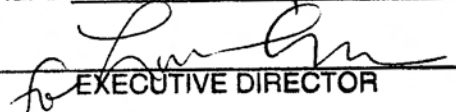
Against

FRANK SHALLENBERGER, M.D.,

Respondent.

NO. Case No. 06-7127-1

FILED 22 May 2006


EXECUTIVE DIRECTOR

COMPLAINT

The Investigative Committee of the Board of Medical Examiners of the State of Nevada, composed of Donald H. Baepler, Ph.D., D.Sc., Chairman, Charles N. Held, M.D., Member, and Cindy Lamerson, M.D., Member, by and through Edward O. Cousineau, Deputy General Counsel for the Nevada State Board of Medical Examiners, having a reasonable basis to believe that FRANK SHALLENBERGER, M.D., hereinafter referred to as "Respondent", has violated the provisions of NRS Chapter 630, hereby issues its formal Complaint, stating the Investigative Committee's charges and allegations, as follows:

1. Respondent is licensed in active status to practice medicine in the state of Nevada, and at all times alleged herein, was so licensed by the Nevada State Board of Medical Examiners, pursuant to the provisions of Chapter 630 of the Nevada Revised Statutes.

2. Patient A, was a seventy-six-year-old male at the time in question, whose true identity is not disclosed to protect his privacy, but whose identity is disclosed in the Patient Designation served on Respondent along with a copy of this Complaint.

3. Patient A had been treated by Respondent for over a decade prior to his presentment to Respondent in late February of 2000. At that time, Patient A complained of abdominal pain and rectal bleeding for several months' precedent to his presentment. Respondent performed a dark field examination of the blood and requested Patient A return in a few weeks for further evaluation. Patient A returned to Respondent in May of 2000. The medical records state Patient A "seems to be getting

1 clinically better.” There is no indication in the medical records that Respondent performed a physical
2 examination or ordered any further diagnostic testing for Patient A at that time.

3 4. Patient A presented to Respondent in late June of 2002 with renewed complaints of
4 rectal bleeding and pain. Respondent made a provisional diagnosis of bleeding secondary to
5 hemorrhoids and recommended suppositories and witch hazel soaks for further treatment of Patient A’s
6 condition. No diagnostic tests were ordered by Respondent for Patient A and there is no indication in
7 the medical records of informed consent to this treatment by Patient A.

8 5. Patient A was again seen by Respondent in November of 2002. The medical records
9 indicate that Patient A was “doing great,” and while the records also indicate that Patient A’s
10 Fibrinogen levels were elevated, nowhere in the medical records does it indicate that Respondent
11 conducted a physical examination of Patient A or ordered additional diagnostic testing for him.

12 6. In April of 2003, the patient was diagnosed with metastatic colon cancer. After surgical
13 intervention by a different practitioner to remove the colon cancer, Respondent treated Patient A by
14 prescribing him Insulin Potentiation Therapy with Laetril. There is no indication in the medical records
15 of informed consent to this treatment by Patient A. Patient A expired approximately six months after
16 the initial diagnosis of cancer was made.

17 7. NRS 630.301(4) provides that it is grounds for initiating disciplinary action if a licensee
18 commits an act of malpractice. NAC 630.040, for the purposes of Chapter 630 of the NRS, defines
19 “malpractice” as the failure of a physician, in treating a patient, to use the reasonable care, skill, or
20 knowledge ordinarily used under similar circumstances.

21 8. In treating Patient A, the Respondent failed to use the reasonable care, skill, or
22 knowledge that would normally be used in similar circumstances in providing care and treatment of
23 Patient A.

24 9. By reason of the foregoing, the Respondent violated NRS 630.301(4), and is subject to
25 discipline as provided by NRS 630.352.

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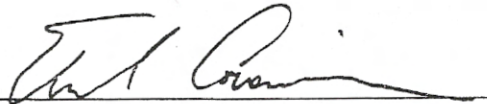
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1 WHEREFORE, the Investigative Committee of the Nevada State Board of Medical Examiners
2 prays that the Nevada State Board of Medical Examiners conduct a hearing on this Complaint as provided
3 by statute, and that the Nevada State Board of Medical Examiners, after such
4 hearing, take such action as may be just and proper pursuant to Nevada Revised Statutes.

5 DATED this 22nd day of May, 2006.

6 INVESTIGATIVE COMMITTEE OF
7 THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

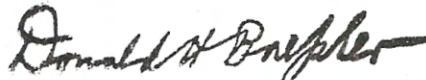
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9 By: 
10 Edward O. Cousineau
11 Attorney for the Investigative Committee of the
12 Nevada State Board of Medical Examiners
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1 VERIFICATION

2 STATE OF NEVADA)
3 : ss.
4 COUNTY OF CLARK)

5 Donald H. Baepler, Ph.D., D.Sc., having been duly sworn, hereby deposes and states under
6 penalty of perjury that he is the Chairman of the Investigative Committee of the Nevada State Board of
7 Medical Examiners that authorized the complaint against the Respondent herein; that he has read the
8 foregoing Complaint; and that based upon information discovered in the course of the investigation into
9 a complaint against Respondent, he believes that the allegations and charges in the foregoing Complaint
10 against Respondent are true, accurate, and correct.

11 Dated this 22nd day of May, 2006.

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15 Donald H. Baepler, Ph.D., D.Sc.
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