


COPY

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA

* * * * *

In the Matter of Charges and
Complaint Against
JOHN THALGOTT, M.D.,
Respondent.

NO. Case No. 08-9484-1
FILED 26 June 2008

EXECUTIVE DIRECTOR

COMPLAINT

The Investigative Committee of the Nevada State Board of Medical Examiners, composed of Charles N. Held, M.D., Cindy Lamerson, M.D., and Jean Stoess, M.A., by and through Edward Cousineau, Deputy General Counsel for the Investigative Committee, having a reasonable basis to believe that John Thalgott, 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 currently 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. On or about January 9, 2008, a Criminal Indictment was filed in the United States District Court, District of Nevada (Case No. 02:07-cr-0039-JLQ-LRL), against two Defendants, Howard Awand, Esq. and Noel Gage, Esq., alleging various charges including mail fraud, wire fraud and conspiracy.

3. One of the bases for the criminal charges levied against Mr. Gage by the government was his alleged fraudulent conduct involving his representation of a client who suffered permanent paralysis after undergoing spinal surgery which was performed by Respondent, and who was later treated for associated complications by a host of other practitioners, including Respondent's former

1 practice associate, Dr. Mark Kabins. The government's contention in this regard was that Mr. Gage
2 had entered into a conspiracy that provided that in exchange for Mr. Gage not bringing civil causes of
3 action against Respondent and Dr. Kabins regarding their care and treatment of Mr. Gage's client,
4 which could have potentially had a negative impact on their malpractice insurance, Respondent and Dr.
5 Kabins would refer business, i.e. potential malpractice litigation matters, to Mr. Gage in the future.

6 4. Respondent's testimony was significant to establish elements of the government's case
7 and as a result, he was granted prosecutorial "use" immunity by the United States Attorney's Office in
8 exchange for his testimony against Mr. Gage at the criminal trial.

9 5. The trial of the two Defendants was severed after the aforementioned Criminal
10 Indictment filing and the criminal proceeding solely against Mr. Gage took place from February 19,
11 2008 to March 11, 2008.

12 6. On or about February 21, 2008, Respondent testified at the criminal proceeding
13 regarding his involvement in the alleged criminal enterprise. During this testimony, Respondent
14 indicated under oath that he lied under oath previously when he attended a deposition where
15 Respondent and Dr. Kabins were deposed by Mr. Gage as possible witnesses in civil court filings
16 against other medical providers in the care and treatment of Mr. Gage's client. Specifically,
17 Respondent's deposition testimony placed blame for Mr. Gage's client's paralysis on other practitioners
18 involved in the client's care and treatment, and not Dr. Kabins. Further, Respondent testified that the
19 disingenuous deposition testimony was offered to protect himself and Dr. Kabins from being sued for
20 medical malpractice by Mr. Gage, and thereby negating the potential for Respondent's and Dr. Kabins'
21 malpractice insurance to be negatively affected by their associated medical conduct.

22 COUNT I

23 7. All of the allegations in the above paragraphs are incorporated herein as if set forth in full.

24 8. Section 630.301(9) of the Nevada Revised Statutes provides that engaging in conduct that
25 brings the medical profession into disrepute is grounds for discipline.

26 9. Respondent violated Section 630.301(9) when he knowingly and purposefully
27 misrepresented his professional medical opinion during a sworn deposition and later acknowledged this
28 disreputable conduct during his sworn testimony in a United States District Court proceeding.

COUNT II

10. All of the allegations in the above paragraphs are incorporated herein as if set forth in full.


11. Section 630.306(2)(a) of the Nevada Revised Statutes provides that engaging in any conduct which is intended to deceive is grounds for disciplinary action.

12. Respondent violated Section 630.306(2)(a) when he knowingly and purposefully misrepresented his professional medical opinion during a sworn deposition and later acknowledged this deceitful conduct during his sworn testimony in a United States District Court proceeding.

13. By reason of the foregoing, Respondent is subject to discipline by the Nevada State Board of Medical Examiners as provided in NRS 630.352.

WHEREFORE, the Investigative Committee prays that the Nevada State Board of Medical Examiners conduct a hearing on the Complaint herein as provided by statute, find and determine that Respondent has violated one or more provisions of the Medical Practice Act (NRS Chapter 630), enter findings of fact, conclusions of law, and an order imposing sanctions upon Respondent according to NRS 630.352 and take such other and further action as may be just and proper in these premises

DATED this 26th day of June 2008.

By: 
Edward Cousineau
Attorney for the Investigative Committee of the
Nevada State Board of Medical Examiners

VERIFICATION

STATE OF NEVADA)
: ss.
COUNTY OF DOUGLAS)

Charles N. Held, 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 26th day of June, 2008.

[Handwritten signature]

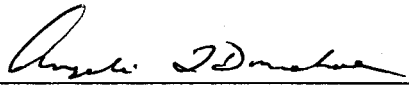
Charles N. Held, M.D.

1 **CERTIFICATE OF MAILING**

2 I hereby certify that I am employed by Nevada State Board of Medical Examiners and
3 that on the 26th day of June 2008, I served a file copy of the COMPLAINT, NOTICE OF
4 PREHEARING & HEARING & copy of the appointment letter, via USPS certified return receipt
5 to the following:

6 Bailus Cook & Kelesis, LTD.
7 George Kelesis, Esq.
8 400 South 4th St., Ste. 300
9 Las Vegas, NV 89101

10 Dated this 26th day of June 2008.

11
12 
13 _____
14 Angelia Donohoe
15 Legal Assistant
16
17
18
19
20
21
22
23
24
25
26
27
28