## 

## 

## 

///

## BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

\* \* \* \* \*

In The Matter of Charges and	) Case No. 11-27793-1	
Complaint Against	) FILED	
DOUGLAS RALPH BUDDE, Jr., M.D.	) MAY - 2 2011	_
Respondent.	) NEVADA STATE BOARD OF MEDICAL EXAMINERS  By:	

## **COMPLAINT**

The Investigative Committee of the Nevada State Board of Medical Examiners, composed at the time filing of Charles N. Held, M.D., Chairman, Theodore B. Berndt, M.D., Member, and Valerie J. Clark, Member, having a reasonable basis to believe that Douglas Ralph Budde, Jr., 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 (License No. 10543), and has been so licensed since July 1, 2003 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 forty-two year (42) old female at the time of the incidents in question. Her true identity is not disclosed to protect her privacy, but her identity is disclosed in the Patient Designation served on Respondent along with a copy of this Complaint.
- 3. From October 2009 to around November 2010, Respondent entered into, and maintained, a personal relationship with Patient A. During the course of this relationship, Respondent called in prescriptions for Patient A despite not having a bona fide therapeutic relationship with her.

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

- 4. Respondent further prescribed, injected and instructed Patient A how to selfadminister a prescription medication. Again, Respondent did not have a bona fide therapeutic relationship at that time or at anytime with Patient A.
- 5. Respondent further failed to record the diagnoses and reasons for the prescriptions for Patient A in a medical record or chart as required by Nevada law.

### Count I

- 6. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.
- Nevada Revised Statute Section 630.306(2)(c) provides that engaging in any conduct 7. which is in violation of a regulation adopted by the State Board of Pharmacy is grounds for initiating disciplinary action against a licensee.
- 8. Nevada Administrative Code Section 639.945(1)(o) & (3) provides that prescribing a drug to a patient with whom the prescribing practitioner does not have a bona fide therapeutic relationship is a violation and unprofessional conduct and conduct contrary to the public interest.
- 9. Respondent prescribed drug(s) to Patient A, as alleged above, without having a bona fide therapeutic relationship with her.
- 10. By reason of the foregoing, Respondent is subject to discipline by the Nevada State Board of Medical Examiners as provided in Section 630.352 of the Nevada Revised Statutes.

### Count II

- 11. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.
- 12. Nevada Revised Statute 630.3062(1) provides that the failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient is grounds for initiating disciplinary action against a licensee.
- 13. Respondent failed to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of Patient A at anytime.
- 14. By reason of the foregoing, Respondent is subject to discipline by the Nevada State Board of Medical Examiners as provided in Section 630.352 of the Nevada Revised Statutes.

# Nevada State Board of Medical Examiners

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

### WHEREFORE, the Investigative Committee prays:

- 1. That the Nevada State Board of Medical Examiners give Respondent notice of the charges herein against him and give him notice that he may file an answer to the Complaint herein as set forth in Section 630.339 of the Nevada Revised Statutes within twenty (20) days of service of the Complaint.
- 2. That the Nevada State Board of Medical Examiners set a time and place for a formal hearing after holding an Early Case Conference pursuant to NRS 630.339(3);
- 3. That the Nevada State Board of Medical Examiners determine what sanctions it determines to impose if it determines there has been a violation or violations of the Medical Practice Act (Nevada Revised Statutes Chapter 630) committed by Respondent; and
- 4. That the Nevada State Board of Medical Examiners make, issue and serve on Respondent its findings of facts, conclusions of law and order, in writing, that includes the sanctions imposed; and
- 5. That the Nevada State Board of Medical Examiners take such other and further action as may be just and proper in these premises.

DATED this  $2^{4}$  day of May, 2011.

THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

Bradley O. Van Ry, Esq.

Deputy General Counsel and Attorney for the Investigative Committee

## OFFICE OF THE GENERAL COUNSEL Nevada State Board of Medical Examiners

## **VERIFICATION**

STATE OF NEVADA	)
COUNTY OF DOUGLAS	: ss.

Charles N. Held, M.D., hereby deposes and states under penalty of perjury under the laws of the state of Nevada that he is the Chairman of the Investigative Committee of the Nevada State Board of Medical Examiners that authorized the foregoing Complaint against the Respondent herein; that he has read the foregoing Complaint; and that based upon information discovered during the course of the investigation into a complaint against Respondent, that he believes the allegations and charges in the foregoing Complaint against Respondent are true, accurate, and correct.

Dated this 2 day of May, 2011.

CHARLES N. HELD, M.D.

# OFFICE OF THE GENERAL COUNSEL Nevada State Board of Medical Examiners 1105 Terminal Way #301 Reno, Nevada 89502 (775) 688-2559

## **CERTIFICATE OF MAILING**

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 3<sup>rd</sup> day of May 2011, I served a file copy of the COMPLAINT, PATIENT DESIGNATION & Fingerprint Information, by mailing via USPS certified return receipt mail to the following:

L. Kristopher Rath, Esq. Hutchison & Steffen, LLC 10080 W. Alta Dr., Ste. 200 Las Vegas, NV 89145

Dated this 3<sup>rd</sup> day of May 2011.

Angelia L. Donohoe Legal Assistant