

1 served on Respondent along with a copy of this Complaint. Patient D was a fifty-eight-year-old
2 male at the time of the events at issue. His true identity is not disclosed herein to protect his
3 privacy, but is disclosed in the Patient Designation served on Respondent along with a copy of this
4 Complaint.

5 3. Previous to the preparation of this Complaint, the Board solicited the services of an
6 independent medical expert to review the medical records of several patients previously treated by
7 Respondent. The record review included those of Patients A, B, C and D.

8 4. The expert's review of Patient A's medical records concluded that Respondent's
9 prescribing practices for Patient A were excessive and inconsistent with the appropriate standard
10 of care. Specifically, the expert concluded that Respondent prescribed excessively high doses and
11 amounts of controlled substances to Patient A without considering alternative means of treating
12 the patient's pain or obtaining ancillary diagnostic testing. Further, the medical records for Patient
13 A were lacking in adequate documentation and did not establish sufficient medical justification for
14 Respondent's continued prescribing of controlled substances.

15 5. The expert's review of Patient B's medical records determined that Respondent
16 prescribed a combination of high-dose controlled substances which put Patient B at extreme risk
17 of overdose and/or respiratory arrest, which was inconsistent with the appropriate standard of care.
18 Further, the medical records for Patient B were lacking in adequate documentation and did not
19 establish sufficient medical justification for Respondent's continued prescribing of controlled
20 substances.

21 6. The expert's review of Patient C's medical records determined that Respondent's
22 prescribing of controlled substances to Patient C was inconsistent with the appropriate standard of
23 care, in that Respondent's medical record keeping lacked documentation to support his medical
24 decision making, that Respondent failed to consider other drug classes for pain relief as an
25 alternative to the prescribing of high doses of controlled substances with addictive toxicity, and
26 that Respondent failed to obtain alternate diagnostic testing to justify his continued prescribing of
27 controlled substances.

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COUNT VII

26. All of the above paragraphs are incorporated by reference as though fully set forth herein.

27. Section 630.3062(1) of the Nevada Revised Statutes (NRS) provides that 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.

28. Respondent violated NRS 630.3062(1) when he failed to maintain adequate and complete medical records related to Patient C and is subject to discipline by the Nevada State Board of Medical Examiners as provided in NRS 630.352.

COUNT VIII

29. All of the above paragraphs are incorporated by reference as though fully set forth herein.

30. Section 630.3062(1) of the Nevada Revised Statutes (NRS) provides that 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.

31. Respondent violated NRS 630.3062(1) when he failed to maintain adequate and complete medical records related to Patient D and is subject to discipline by the Nevada State Board of Medical Examiners as provided in NRS 630.352.

WHEREFORE, the Investigative Committee prays:

1. That the Board fix a time and place for a formal hearing;
2. That the Board give Respondent notice of the charges herein against him, the time and place set for the hearing, and the possible sanctions against him;
3. That the Board determine what sanctions it deems appropriate to impose for the violation committed by Respondent; and

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4. That the Board make, issue and serve on Respondent its findings of fact, conclusions of law and order, in writing, that includes the sanctions imposed.

INVESTIGATIVE COMMITTEE OF
THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 

Edward O. Cousineau
Attorney for the Investigative Committee of
the Nevada State Board of Medical Examiners

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VERIFICATION

STATE OF NEVADA)
 : ss.
COUNTY OF WASHOE)

THEODORE B. BERNDT, 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 investigated the complaint against Respondent herein; that he has read the foregoing Complaint; and that based upon the results of the Investigative Committee's investigation into a complaint against Respondent, the allegations and charges in the foregoing Complaint against Respondent are true, accurate and correct.

Dated this 5th day of October, 2011.



THEODORE B. BERNDT, M.D.