

1 **BEFORE THE BOARD OF MEDICAL EXAMINERS**
2 **OF THE STATE OF NEVADA**

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6 **In the Matter of Charges and**)
7 **Complaint Against**)
8 **DIANNA JEAN THOMAS, M.D.,**)
9 **Respondent.**)
10 _____)

Case No. 11-10302-1

FILED

SEP 13 2012

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: 

11 **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

12 The above-entitled matter came on regularly for decision before the Nevada State Board of
13 Medical Examiners (Board), on Friday, September 7, 2012, at the Board's offices located at 1105
14 Terminal Way, Suite 301, Reno, Nevada, 89502, and by video conference at the offices of the Nevada
15 State of Medical Examiners/Dental Examiners located at 6010 S. Rainbow Boulevard, Building A,
16 Suite 1, Las Vegas, on the Complaint filed herein against Dianna Jean Thomas, M.D., hereinafter
17 "Respondent," who was not present at the Board meeting.

18 The members of the Board participating in the decision were:
19 Theodore B. Berndt, M.D., Valerie J. Clark, BSN, RHU, LUTCF, Michael J. Fischer, M.D.,
20 Sue Lowden, Bashir Chowdhry, M.D. and Wayne Hardwick, M.D. Harry B. Ward, Esq.,
21 Deputy Attorney General, acted as legal counsel to the Board.

22 The Board, having received and read the Complaint and exhibits admitted in this matter, as well
23 as the Synopsis of Record prepared by the hearing officer who presided over the hearing and the
24 transcript of the hearing, proceeded to make a decision pursuant to the provisions of Nevada Revised
25 Statutes (NRS) Chapters 233B and 630.

26 The Board, after due consideration of the record, evidence and law, and being fully advised in
27 the premises, makes its **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER** in this
28 matter as follows:

1 **FINDINGS OF FACT**

2 **I.**

3 Respondent held a license to practice as a physician in the state of Nevada at all relevant times.

4 **II.**

5 On October 7, 2011, the Investigative Committee (IC) filed the Complaint in this matter alleging
6 violations of Chapter 630 of the NRS and Chapter 630 of the Nevada Administrative Code ("NAC").

7 **III.**

8 On May 30, 2012, a hearing was held before an appointed hearing officer on the allegations
9 contained within Counts I, II and IV of the Complaint. Count III of the Complaint was dismissed by the
10 IC at the hearing. Respondent was not present or represented by counsel. The IC was represented by
11 Bradley O. Van Ry, Esq., Deputy General Counsel for the Board.

12 **IV.**

13 Patient A was a six (6)-year-old male at the time of the incidents in question. Patient B was a
14 sixteen (16)-year-old male at the time of the incidents in question. Patient C was a four (4)-year-old male
15 at the time of the incidents in question.

16 On June 30, 2011, the IC issued an Order to Respondent pursuant to
17 NRS 630.311(1), ordering her appearance before the IC to address the pending investigations, her
18 medical practice in general, her specialty, the community standard of care and her complaint history
19 with the Board. The appearance date and time was scheduled for Tuesday, August 23, 2011 at
20 10:30 a.m., at the offices of the Board located at 1105 Terminal Way Suite 301, Reno, NV 89502.

21 Service of the Order was made by mailing a true copy through US Postal Service certified mail
22 on July 19, 2011, pursuant to NRS 630.244.

23 Respondent did not appear before the IC as ordered on August 23, 2011.

24 As to Patients A, B and C, Respondent received numerous requests for the medical files/records
25 of each patient. At no time has Respondent made the medical records of Patients A, B and C available
26 for inspection or copying as required by law.

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1 V.

2 The Board finds by a preponderance of the evidence that Respondent violated
3 NRS 630.3065(2)(a) when she willfully failed to comply with an order to appear before the IC.

4 VI.

5 The Board finds by a preponderance of the evidence that Respondent violated NRS 630.3062(4)
6 by failing to make the medical records of Patients A, B and/or C available for inspection and copying as
7 provided in NRS 629.061.

8 VII.

9 The Board finds by a preponderance of the evidence that Respondent violated NRS 630.301(9)
10 by engaging in conduct that brought the medical profession into disrepute.

11 VIII.

12 If any of the foregoing Findings of Fact is more properly deemed a Conclusion of Law, it may be
13 so construed.

14 CONCLUSIONS OF LAW

15 I.

16 The Board has jurisdiction over Respondent.

17 II.

18 Respondent was properly served with notice of the hearing via certified mail at the address on
19 file with the Board pursuant to NRS Chapter 630 and NRS Chapter 233B.

20 III.

21 The Board concludes that Respondent violated NRS 630.3065(2)(a), as described above and as
22 alleged in Count I of the Complaint, and, that accordingly, she is subject to discipline pursuant to
23 NRS 630.352.

24 IV.

25 The Board concludes that Respondent violated NRS 630.3062(4), as described above and as
26 alleged in Count II of the Complaint, and, that accordingly, she is subject to discipline pursuant to
27 NRS 630.352.

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V.

The Board concludes that Respondent violated NRS 630.301(9), as described above and as alleged in Count IV of the Complaint, and, that accordingly, she is subject to discipline pursuant to NRS 630.352.

VI.

If any of the foregoing Conclusions of Law is more properly deemed a Finding of Fact, it may be so construed.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, and good cause appearing therefore,

IT IS HEREBY ORDERED that:

1. Respondent's license to practice medicine is hereby suspended until further order of the Board. Prior to any consideration by the Board of lifting the suspension on the license, Respondent shall undergo a full psychological assessment and evaluation and provide the results to the Board;

2. Respondent shall be issued a public reprimand;

3. Respondent shall pay a fine of \$6,000.00 to the Board within ninety (90) days of the entry of these Findings of Fact, Conclusions of Law and Order; and

4. Respondent shall pay all costs of the investigation and prosecution, in the amount of \$2,617.34, to the Board within ninety (90) days of the entry of these Findings of Fact, Conclusions of Law and Order.

DATED this 13th day of September, 2012.

NEVADA STATE BOARD OF MEDICAL EXAMINERS



Benjamin J. Rodriguez, M.D., President
Nevada State Board of Medical Examiners

1 **CERTIFICATION**

2 I certify that the foregoing is the full and true original
3 **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER** on file in the office of the
4 Board of Medical Examiners in the matter of DIANNA JEAN THOMAS, M.D., Case No. 11-10302-1.

5 I further certify that BENJAMIN J. RODRIGUEZ, M.D., is the President of the
6 Nevada State Board of Medical Examiners and that full force and credit is due to his official acts as
7 such; and that the signature to the foregoing **ORDER** is the signature of said
8 BENJAMIN J. RODRIGUEZ, M.D.

9 IN WITNESS THEREOF, I have hereunto set my hand in my official capacity as
10 Secretary-Treasurer of the Nevada State Board of Medical Examiners.

11 DATED this 13th day of September, 2012.

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13 VALERIE J. CLARK, BSN, RHU, LUTCF
14 Secretary-Treasurer
15 Nevada State Board of Medical Examiners