

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA

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In the Matter of Charges and
Complaint Against
James B. Gabroy, M.D.,
Respondent.

Case No. 15-10986-1

FILED

OCT 23 2015

NEVADA STATE BOARD OF
MEDICAL EXAMINERS
By: _____

COMPLAINT

The Investigative Committee (IC) of the Nevada State Board of Medical Examiners (Board) hereby issues this formal Complaint (Complaint) against James B. Gabroy (Respondent), a licensed physician in Nevada. After investigating this matter, the IC has a reasonable basis to believe that Respondent has violated provisions of Nevada Revised Statutes (NRS) Chapter 630 and the Nevada Administrative Code (NAC) Chapter 630 (collectively Medical Practice Act). The IC alleges the following facts:

A. Respondent's Licensure Status

1. Respondent was licensed by the Board, pursuant to the provisions of the Medical Practice Act, on October 30, 1995, and is currently licensed in active status (License No. 7601).

B. Respondent's Patients

2. Patient A was a 42-year-old female at the time of the incidents in question. Her true identity is not disclosed in this Complaint to protect her identity, but her identity is disclosed in the Patient Designation contemporaneously served on Respondent with a copy of this Complaint.

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1 3. Patient B was a 60-year-old male at the time of the incidents in question. His true
2 identity is not disclosed in this Complaint to protect his identity, but his identity is disclosed in the
3 Patient Designation contemporaneously served on Respondent with a copy of this Complaint.

4 4. Patient C was a 54-year-old female at the time of the incidents in question. Her
5 true identity is not disclosed in this Complaint to protect her identity, but her identity is disclosed
6 in the Patient Designation contemporaneously served on Respondent with a copy of this
7 Complaint.

8 **C. Standards for Medical Record Documentation**

9 5. Medical records should be complete and legible.

10 6. The documentation of each patient encounter should include: a) the reason for the
11 encounter; b) the findings of the physical examination and prior diagnostic test results; c) the
12 assessment, clinical impression or diagnosis; d) the plan for care; e) the date of the service and
13 legible identify of the observer; f) identification of appropriate risk factors; g) the patient's
14 progress, response to and changes in treatment; and h) any revisions in the diagnosis of the
15 patient.

16 **D. Respondent's Medical Records for Patients A Through C**

17 7. The medical records for Patients A through C are not accurate, legible and/or
18 complete.

19 8. The medical records have dates crossed out and new dates entered. This is present
20 on both progress notes and encounter forms. Some progress notes and encounter forms have two
21 or more dates with neither date crossed out; therefore, it is impossible to determine the date of the
22 encounter and/or office visit.

23 9. Progress notes contain the medical assistant's statement explaining the basis for the
24 patient's appointment; however, there are no subjective statements from Respondent contained on
25 the progress notes.

26 10. Many of the words and phrases written on the progress notes and encounter forms
27 are illegible.

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OFFICE OF THE GENERAL COUNSEL

Nevada State Board of Medical Examiners

1105 Terminal Way #301

Reno, Nevada 89502

(775) 688-2559

1 11. The medical records failed to contain a history, which should include the patient's
2 family history, social history and past medical history.

3 12. NRS 630.3062(1) provides that the failure to maintain timely, legible, accurate and
4 complete medical records relating to the diagnosis, treatment and care of a patient is grounds for
5 initiating discipline against a licensee.

6 13. Based on the foregoing allegations, Respondent failed to maintain timely, legible,
7 accurate and complete medical records relating to the diagnosis, treatment and care of Patients A
8 through C when he crossed out old dates and wrote new dates on the patients' progress notes and
9 encounter forms, when he wrote two or more dates on the patients' progress notes and encounter
10 forms, leaving it difficult to determine the date of the encounter and/or office visit, when he failed
11 to enter his subjective statements regarding the reason for the patients' appointments in the
12 progress notes and encounter forms, when he wrote illegible words and phrases on the patients'
13 progress notes and encounter forms and when he failed to document the patients' family history,
14 social history and past medical history in the patients' medical charts.

15 14. By reason of the foregoing, Respondent is subject to discipline by the Board as
16 provided in NRS 630.352.

17 **WHEREFORE**, the IC prays:

18 1. That the Board give Respondent notice of the charges herein against him and give
19 him notice that he may file an answer to the Complaint herein as set forth in NRS 630.339(2)
20 within twenty (20) days of service of the Complaint;

21 2. That the Board set a time and place for a formal hearing after holding an Early
22 Case Conference pursuant to NRS 630.339(3);

23 3. That the Board determine what sanctions to impose if it finds and concludes that
24 there has been a violation or violations of the Medical Practice Act committed by Respondent;

25 4. That the Board make, issue and serve on Respondent its findings of fact,
26 conclusions of law and order, in writing, to include sanctions to be imposed; and

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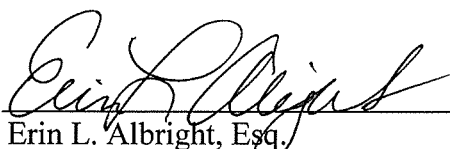
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5. That the Board take such other and further action as may be just and proper in these premises.

DATED this 23rd day of October, 2015.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 
Erin L. Albright, Esq.
General Counsel for the Board
Attorney for the Investigative Committee

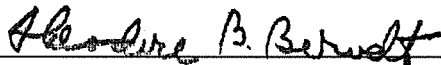
VERIFICATION

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STATE OF NEVADA)
 : ss.
COUNTY OF WASHOE)

Theodore B. Berndt, 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, he believes the allegations and charges in the foregoing Complaint against Respondent are true, accurate and correct.

Dated this 23rd day of October, 2015.



Theodore B. Berndt, M.D.


CERTIFICATE OF MAILING

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I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 27th day of October 2015; I served a file stamp copy of COMPLAINT, PATIENT DESIGNATION & FINGERPRINT INFORMATION, via USPS e-certified return receipt mail to the following:

James Gabroy, M.D.
1535 W. Warm Springs Rd., Ste. 135
Henderson, NV 89011

Dated this 27th day of October, 2015.



Angelia L. Donohoe
Legal Assistant