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

* * * * *

In The Matter of Charges and)
Complaint Against)
CARLOS INOCENCIO, M.D.,)
Respondent.)
Case No. **09-22388-1**

FILED
DEC 23 2009
NEVADA STATE BOARD OF
MEDICAL EXAMINERS

COMPLAINT

The Investigative Committee of the Nevada State Board of Medical Examiners (Board), composed of Charles N. Held, M.D., Ms. Renee West, and Theodore B. Berndt, M.D., by and through Edward O. Cousineau, General Counsel for the Board, having a reasonable basis to believe that Carlos Inocencio, M.D. (Respondent), has engaged in conduct that is grounds for discipline pursuant to the provisions of NRS Chapter 630, hereby alleges, charges and complains against Respondent as follows:

1. Respondent was actively licensed to practice medicine by the Board on September 6, 2001, pursuant to the provisions of Chapter 630 of the Nevada Revised Statutes, and at all times addressed herein was so licensed. Respondent practices medicine in Las Vegas and his indicated specialty to the Board is Family Practice.

2. Patient A was a forty-six-year-old female at the time of the events at issue. Her true identity is not disclosed herein to protect her privacy, but is disclosed in the Patient Designation served on Respondent along with a copy of this Complaint. Patient B was a twenty-seven-year-old male at the time of the events at issue. His true identity is not disclosed herein to protect his privacy, but is disclosed in the Patient Designation served on Respondent along with a copy of this Complaint.

3. Previous to the preparation of this Complaint, the Nevada State Board of Medical Examiners has solicited the services of an independent medical expert to review the medical

OFFICE OF THE GENERAL COUNSEL

Nevada State Board of Medical Examiners

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1 records of several patients treated by Respondent. The record review included those of both
2 Patient A and Patient B.

3 4. The expert's review of Patient A's medical records concluded that Respondent
4 was practicing far outside his scope of family practice and that he should not be acting in the
5 capacity of a pain management specialist, that his prescribing patterns of controlled substances
6 for her was reckless and irresponsible, and that they likely resulted in Patient A becoming
7 addicted to medication that ultimately led to her demise. Specifically, the expert found that
8 Respondent was noticed that Patient A was obtaining prescriptions from multiple providers, yet
9 he continued to prescribe controlled substances to her. This was in spite of the fact that
10 Respondent had a pain management agreement with Patient A, which was repeatedly violated by
11 Patient A. Respondent failed to document the basis for his medical decision making in the same
12 manner as would have been used by a provider of primary care and pain management when
13 prescribing controlled substances. Finally, the expert concluded that the reviewed medical
14 records lack evidence of sufficient physical examinations for the patients, consistent
15 documentation of vital signs being monitored throughout the patient's treatment course, or
16 medical justification for the continued prescribing of controlled substances, all of which are
17 required under the appropriate standard of care.

18 5. The expert's review of Patient B's medical records determined that Respondent
19 was practicing far outside his scope of family practice and that he should not be acting in the
20 capacity of a pain management specialist, that he over-prescribed controlled substances for
21 Patient B for a prolonged period of time despite evidence that Patient B was over-medicating and
22 not taking his medications appropriately, and that a few days before Patient B's death,
23 Respondent increased Patient B's dosage of methadone, and at the same time continued to
24 prescribe Patient B Fentanyl patches and high doses of Percocet and Ambien CR, which
25 unquestionably contributed to Patient B's death. Finally, the expert determined that Respondent
26 failed to perform sufficient physical examinations or consider appropriate referrals for Patient B
27 that would have justified the continued prescribing of controlled substances for Patient B, all of
28 which are required under the appropriate standard of care.

1 6. NRS 0.031 defines Controlled Substances as a drug, immediate precursor or other
2 substance with is listed in schedule I, II, III, IV or V for control by the State Board of Pharmacy
3 pursuant to NRS 453.146 and NAC 453.510 to NAC 453.550.

4 7. As a standard of practice, the Nevada State Board of Medical Examiners has
5 adopted the Model Guidelines for the Use of Controlled Substances for the Treatment of Pain
6 under NAC 630.187. The guidelines require before a physician may prescribe controlled
7 substances for a patient, he must perform an evaluation of the patient, take a complete medical
8 history, perform a physical examination of the patient, formulate a treatment plan, conduct
9 periodic reviews for adjustments and stated treatment objectives, and all must be fully
10 documented in the patient's medical records.

11 COUNT I

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

14 9. Respondent's prescribing of controlled substances for Patient A constitutes
15 malpractice. Malpractice is defined at NAC 630.040 as "the failure of a physician, in treating a
16 patient, to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances."

17 10. By reason of the foregoing, Respondent has violated NRS 630.301(4), and is subject
18 to discipline as provided by NRS 630.352.

19 COUNT II

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

22 12. Respondent's prescribing of controlled substances for Patient B constitutes
23 malpractice. Malpractice is defined at NAC 630.040 as "the failure of a physician, in treating a
24 patient, to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances."

25 13. By reason of the foregoing, Respondent has violated NRS 630.301(4), and is subject
26 to discipline as provided by NRS 630.352.

27 COUNT III

28 14. All of the above paragraphs are incorporated by reference as though fully set forth

1 herein.

2 15. NAC 630.230(1)(l) provides that a physician shall not engage in the practice of
3 writing prescriptions for controlled substances to treat acute pain or chronic pain in a manner that
4 deviates from the guidelines set forth in the Model Guidelines for the Use of Controlled
5 Substances for the Treatment of Pain adopted by reference in NAC 630.187.

6 16. Respondent's prescribing of controlled substances to Patient A deviated from the
7 guidelines set forth in the Model Guidelines for the Use of Controlled Substances for the
8 Treatment of Pain.

9 17. By reason of the foregoing, Respondent has violated NAC 630.187, and
10 NAC 630.230(1)(l), and is subject to discipline as provided by NRS 630.352.

11 **COUNT IV**

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

14 19. NAC 630.230(1)(l) provides that a physician shall not engage in the practice of
15 writing prescriptions for controlled substances to treat acute pain or chronic pain in a manner that
16 deviates from the guidelines set forth in the Model Guidelines for the Use of Controlled
17 Substances for the Treatment of Pain adopted by reference in NAC 630.187.

18 20. Respondent's prescribing of controlled substances to Patient B deviated from the
19 guidelines set forth in the Model Guidelines for the Use of Controlled Substances for the
20 Treatment of Pain.

21 21. By reason of the foregoing, Respondent has violated NAC 630.187, and
22 NAC 630.230(1)(l), and is subject to discipline as provided by NRS 630.352.

23 **WHEREFORE**, the Investigative Committee of the Nevada State Board of Medical
24 Examiners prays as follows:

25 INVESTIGATIVE COMMITTEE OF
26 THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

27 By: 

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

CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 23rd day of December 2009, I served a file copy of the COMPLAINT, PATIENT DESIGNATION, FINGERPRINT INFORMATION, and copy of appointment letter by mailing USPS certified mail to the following:

Carlos Inocencio, M.D.
650 N. Nellis
Las Vegas, NV 89110

Dated this 23rd day of December 2009.



Laurie L. Munson