

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA

* * * * *

In The Matter of Charges and)
Complaint Against)
PAMELA GABRIEL, M.D.,)
Respondent.)

Case No. 10-18713-1

FILED

JUN 01 2010

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

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, by and through Bradley O. Van Ry, Deputy General Counsel, having a reasonable basis to believe that Pamela Gabriel, 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. 9405), and has been so licensed since June 6, 2000 by the Nevada State Board of Medical Examiners pursuant to the provisions of Chapter 630 of the Nevada Revised Statutes.

2. Respondent was licensed to practice medicine in the state of North Carolina on September 19, 1998.

3. On April 2, 2009, the North Carolina Medical Board filed a three-count Notice of Charges and Allegations; Notice of Hearing against Respondent alleging that Respondent engaged in various forms of unprofessional conduct. See Exhibit 1.

4. On October 28, 2009, in lieu of formal disciplinary proceedings, Respondent entered into a Consent Order with the North Carolina Medical Board which resulted in a public reprimand, Respondent was ordered to obey all laws, obey all rules and regulations involving the

1 practice of medicine, to notify the North Carolina Medical Board of any change in her residence
2 within ten (10) days of the change, to meet with the Board or members of the Board for an
3 informal interview at such times as requested by the Board.

4 **Count I**

5 5. All of the above allegations in the above paragraphs are hereby incorporated as if
6 fully set forth herein.

7 6. Nevada Revised Statute Section 630.301(3) provides that any disciplinary action,
8 including, without limitation, the revocation, suspension, modification or limitation of a license to
9 practice any type of medicine, taken by another state is grounds for initiating discipline against a
10 licensee.

11 7. The disciplinary action related to Respondent's license to practice medicine in the
12 state of North Carolina and therefore constitutes a violation of the provisions of NRS §630.301(3).

13 8. By reason of the foregoing, Respondent is subject to discipline by the Nevada State
14 Board of Medical Examiners as provided in Section 630.352 of the Nevada Revised Statutes.

15 **WHEREFORE**, the Investigative Committee prays:

16 1. That the Nevada State Board of Medical Examiners give Dr. Gabriel notice of the
17 charges herein against her and give her notice that she may file an answer to the Complaint herein
18 as set forth in Section 630.339 of the Nevada Revised Statutes within twenty (20) days of service
19 of the Complaint.

20 2. That the Nevada State Board of Medical Examiners set a time and place for a
21 formal hearing after holding an Early Case Conference pursuant to NRS §630.339(3);

22 3. That the Nevada State Board of Medical Examiners determine what sanctions it
23 determines to impose if it determines there has been a violation or violations of the Medical
24 Practice Act (Nevada Revised Statutes Chapter 630) committed by Dr. Gabriel; and

25 4. That the Nevada State Board of Medical Examiners make, issue and serve on
26 Dr. Gabriel its findings of facts, conclusions of law and order, in writing, that includes the
27 sanctions imposed; and

28 ///

OFFICE OF THE GENERAL COUNSEL

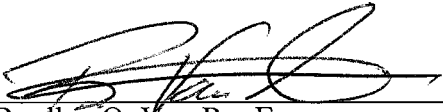
Nevada State Board of Medical Examiners
1105 Terminal Way #301
Reno, Nevada 89502
(775) 688-2559

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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 1st day of June, 2010.

THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

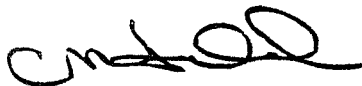
By: 
Bradley O. Van Ry, Esq.
Deputy General Counsel and Attorney for the Investigative Committee

VERIFICATION

1 STATE OF NEVADA)
2 : ss.
3 COUNTY OF DOUGLAS)
4

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

12 Dated this 1st day of June, 2010.



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15 Charles N. Held, M.D.
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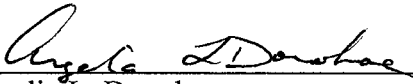
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CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 1st day of June 2010; I served a file copy of the COMPLAINT, Original Settlement, Waiver & Consent Agreement along with Fingerprint Information, by mailing via USPS certified return receipt to the following:

Pamela Gabriel, M.D.
2001 S. Rainbow, Suite A
Las Vegas, NV 89146

Dated this 1st day of June 2010.



Angelia L. Donohoe
Legal Assistant

EXHIBIT

1

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)
)
Pamela Simone Gabriel, M.D.,) NOTICE OF CHARGES
) AND ALLEGATIONS;
) NOTICE OF HEARING
Respondent.)

The North Carolina Medical Board ("Board") has preferred and does hereby prefer the following charges and allegations:

1. The Board is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Article 1 of Chapter 90 of the North Carolina General Statutes.

2. Pamela Simone Gabriel ("Dr. Gabriel") is a physician first licensed to practice medicine and surgery on September 19, 1998, license number 9801270.

3. During the times relevant herein, Dr. Gabriel practiced medicine in Nevada.

4. In or about July 2008, the Board received information that Dr. Gabriel had five malpractice settlement payments made on her behalf. Dr. Gabriel however only disclosed one payment on her 2008 annual renewal form.

5. On July 29, 2008, the Board sent a letter to Dr. Gabriel at her last known home address requesting information

regarding the five malpractice payments. Dr. Gabriel did not respond to this letter.

6. On September 9, 2008, the Board sent a second letter to Dr. Gabriel at her last known home address by certified mail again requesting that she provide information about the five malpractice settlements. This letter was returned to the Board unopened.

7. On October 7, 2008, a third letter was sent to Dr. Gabriel at her last known office address by certified mail. This letter asked Dr. Gabriel to provide information about the five malpractice settlements. The return receipt was signed by Dr. Gabriel on October 10, 2008. The Board, however, never received a response from Dr. Gabriel by the due date contained in the letter.

8. On October 6, 2008, prior to the third letter being received by Dr. Gabriel, Board staff called Dr. Gabriel and left a message for Dr. Gabriel. On October 7, 2008, Dr. Gabriel returned the call and said that she would be sending in a response. However, the Board never received a response.

9. On November 13 and November 26, 2008, Board staff sent Dr. Gabriel an email requesting a response to the malpractice payments. Again, no response was ever provided by Dr. Gabriel.

10. On December 10, 2008, Board staff called Dr. Gabriel at her office, her home, and sent her an email, yet never received a response.

11. On December 10, 2008, the Board staff sent yet another certified letter to Dr. Gabriel's home and office addresses. Both return receipts were returned to the Board indicating that Dr. Gabriel received both letters.

12. At present, the Board has received no response from Dr. Gabriel regarding her malpractice payments.

13. Dr. Gabriel's conduct, as described above, constitutes unprofessional conduct, including, but not limited to, departure from, or the failure to conform to, the standards of acceptable and prevailing medical practice, or the ethics of the medical profession, irrespective of whether or not a patient is injured thereby, or the committing of any act contrary to honesty, justice, or good morals, whether the same is committed in the course of the physician's practice or otherwise, and whether committed within or without North Carolina, within the meaning of N.C. Gen. Stat. § 90-14(a)(6), and grounds exist under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, or limit Dr. Gabriel's license to practice medicine issued by the Board or to deny any application she might make in the future.

14. Dr. Gabriel's conduct, as described above, constitutes a failure to respond, within a reasonable period of time and in a reasonable manner as determined by the Board, to inquiries from the Board concerning any matter affecting the license to practice medicine within the meaning of N.C. Gen. Stat. § 90-14(a)(14), and grounds exist under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, or limit Dr. Gabriel's license to practice medicine issued by the Board or to deny any application she might make in the future.

15. By disclosing only one malpractice payments on her 2008 annual license renewal form, instead of all five malpractice payments, Dr. Gabriel made false statements or representations to the Board, or willfully concealed from the Board material information in connection with an annual registration of a license within the meaning of N.C. Gen. Stat. § 90-14(a)(3), and grounds exist under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, or limit Dr. Gabriel's license to practice medicine issued by the Board or to deny any application she might make in the future.

NOTICE TO DR. GABRIEL

Pursuant to N.C. Gen. Stat. § 90-14.2, it is hereby ordered that a hearing on the foregoing Notice of Charges and

Allegations will be held before the Board, or a panel thereof, at 8:00 a.m., Wednesday, June 17, 2009, or as soon thereafter as the Board may hear it, at the offices of the Board at 1203 Front Street, Raleigh, North Carolina, to continue until completed. The hearing will be held pursuant to N.C. Gen. Stat. § 150B-40, 41, and 42, and N.C. Gen. Stat. § 90-14.2, 14.4, 14.5, and 14.6. You may appear personally and through counsel, may cross-examine witnesses and present evidence in your own behalf.

You may, if you desire, file written answers to the charges and complaints preferred against you within 30 days after the service of this notice.

Pursuant to N.C. Gen. Stat. § 150B-40(c)(5), it is further ordered that the parties shall arrange a prehearing conference at which they shall prepare and sign a stipulation on prehearing conference. The prehearing stipulation shall be submitted to the undersigned no later than seven days prior to the hearing date.

The right to be present during the hearing of this case, including any such right conferred or implied by N.C. Gen. Stat. § 150B-40(d), shall be deemed waived by a party or her counsel by voluntary absence from the Board's office at a time when it is known that proceedings, including deliberations, are being conducted, or are about to be conducted. In such event, the

proceedings, including additional proceedings after the Board has retired to deliberate, may go forward without waiting for the arrival or return of counsel or a party.

This the 2nd day of April, 2009.

NORTH CAROLINA MEDICAL BOARD

By:



George L. Saunders, III, M.D.
President