

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF NEVADA

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In The Matter of Charges and )  
Complaint Against )  
DIANNA JEAN THOMAS, M.D., )  
Respondent. )

Case No. 11-10302-1

FILED

OCT - 7 2011

NEVADA STATE BOARD OF  
MEDICAL EXAMINERS

By: 

COMPLAINT

The Investigative Committee of the Nevada State Board of Medical Examiners ("Board"), composed at the time of filing of Benjamin Rodriguez, M.D., Chairman, Beverly A. Neyland, M.D., Member, and Donna A. Ruthe, Member, by and through Bradley O. Van Ry, Deputy General Counsel, having a reasonable basis to believe that Dianna Jean Thomas, 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. 7097), and has been so licensed since June 11, 1994 by the Nevada State Board of Medical Examiners pursuant to the provisions of Chapter 630 of the Nevada Revised Statutes.

2. Patient A was a six (6) year old male at the time of the incidents in question. His true identity is not disclosed to protect his privacy, but his identity is disclosed in the Patient Designation served on Respondent along with a copy of this Complaint.

3. Patient B was a sixteen (16) year old male at the time of the incidents in question. His true identity is not disclosed to protect his privacy, but his identity is disclosed in the Patient Designation served on Respondent along with a copy of this Complaint.

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1 4. Patient C was a four (4) year old male at the time of the incidents in question. His  
2 true identity is not disclosed to protect his privacy, but his identity is disclosed in the Patient  
3 Designation served on Respondent along with a copy of this Complaint.

4 5. On June 30, 2011, the Investigative Committee issued an order to Respondent  
5 pursuant to NRS §630.311(1) ordering her appearance before the committee to address the  
6 pending investigations, her medical practice in general, her specialty, the community standard of  
7 care and her complaint history with the Board. The appearance date and time was scheduled for  
8 Tuesday, August 23, 2011 at 10:30 a.m. at the offices of the Board located at  
9 1105 Terminal Way #301, Reno, NV 89502.

10 6. Service of the order was made by mailing a true copy by the  
11 US Postal Service Certified Mail on July 19, 2011 pursuant to NRS §630.244.

12 7. Acceptance of service was made on behalf of Respondent on July 19, 2011.

13 8. On August 23, 2011, Respondent did not appear before the  
14 Investigative Committee as ordered.

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

18 10. Further, Respondent closed her medical practice and terminated patient care of the  
19 three (3) aforementioned patients without providing adequate notice to those patients.

20 **Count I**

21 11. All of the allegations in the above paragraphs are hereby incorporated as if fully set  
22 forth herein.

23 12. Nevada Revised Statute Section 630.3065(2)(a) provides that the willful failure to  
24 comply with an Order of a committee designated by the Board to investigate a complaint against a  
25 physician is grounds for initiating discipline against a licensee.

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

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1 **Count II**

2 14. All of the allegations in the above paragraphs are hereby incorporated as if fully set  
3 forth herein.

4 15. Nevada Revised Statute Section 630.3062(4) provides that the failure to make the  
5 medical records of a patient available for inspection and copying as provided in NRS 629.061 is  
6 grounds for initiating discipline against a licensee.

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

9 **Count III**

10 17. All of the allegations in the above paragraphs are hereby incorporated as if fully set  
11 forth herein.

12 18. Nevada Revised Statute Section 630.304(7) provides that terminating the medical  
13 care of a patient without adequate notice or without making other arrangements for the continued  
14 care of a patient is grounds for initiating discipline against a licensee.

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

17 **Count IV**

18 20. All of the allegations in the above paragraphs are hereby incorporated as if fully set  
19 forth herein.

20 21. Nevada Revised Statute Section 630.301(9) provides that the engaging in conduct  
21 that brings the medical profession into disrepute is grounds for initiating discipline against a  
22 licensee.

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

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

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

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

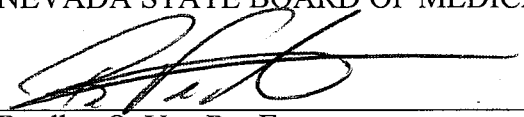
5 3. That the Nevada State Board of Medical Examiners determine what sanctions it  
6 determines to impose if it determines there has been a violation or violations of the  
7 Medical Practice Act (Nevada Revised Statutes Chapter 630) committed by Respondent; and

8 4. That the Nevada State Board of Medical Examiners make, issue and serve on  
9 Respondent its findings of facts, conclusions of law and order, in writing, that includes the  
10 sanctions imposed; and

11 5. That the Nevada State Board of Medical Examiners take such other and further  
12 action as may be just and proper in these premises.

13 DATED this 7<sup>th</sup> day of October, 2011.

14 INVESTIGATIVE COMMITTEE OF THE  
15 NEVADA STATE BOARD OF MEDICAL EXAMINERS

16 By:   
17 \_\_\_\_\_  
18 Bradley O. Van Ry, Esq.  
19 Attorney for the Investigative Committee  
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VERIFICATION

1 STATE OF NEVADA )  
2 : ss.  
3 COUNTY OF CLARK )  
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5 Benjamin Rodriguez, M.D., hereby deposes and states under penalty of perjury under the  
6 laws of the state of Nevada that he is the Chairman of the Investigative Committee of the  
7 Nevada State Board of Medical Examiners that authorized the foregoing Complaint against the  
8 Respondent herein; that he has read the foregoing Complaint; and that based upon information  
9 discovered during the course of the investigation into a complaint against Respondent, that he  
10 believes the allegations and charges in the foregoing Complaint against Respondent are true,  
11 accurate, and correct.

12 Dated this 7<sup>th</sup> day of October, 2011.

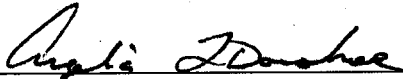
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15 Benjamin Rodriguez, M.D.  
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CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 7<sup>th</sup> day of October 2011, I served a file copy of the COMPLAINT, PATIENT DESIGNATION & Fingerprint information via USPS e-certified mail to the following:

Dianna Thomas, M.D.  
18124 Wedge Pkwy., #233  
Reno, NV 89511

Dated this 7<sup>th</sup> day of October 2011.

  
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Angelia L. Donohoe  
Legal Assistant