BEFORE THE BOARD OF MEDICAL EXAMINERS 1 **OF THE STATE OF NEVADA** 2 * * * * * 3 4 5 6 In the Matter of Charges and Case No. 13-9584-1 7 FILED **Complaint Against** 8 MAY 1 5 2013 **THOMAS JOE SANDERS, M.D.,** 9 NEVADA STATE BOARD OF MEDIÇAL EXAMINERS 10 **Respondent.** 11 **COMPLAINT** 12 The Investigative Committee (IC) of the Nevada State Board of Medical Examiners 13 (Board), composed at the time of filing this Complaint of Benjamin J. Rodriguez, M.D., 14 Chairman, Beverly A. Neyland, M.D., Member, and Donna A. Ruthe, Member, by and through 15 Bradley O. Van Ry, Esq., General Counsel for the Board and attorney for the IC, having a 16 17 reasonable basis to believe that Thomas Joe Sanders, M.D. (Respondent), violated the provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) 18 Chapter 630 (collectively, the Medical Practice Act), hereby issues its formal Complaint, stating 19 the IC's charges and allegations as follows: 20 Respondent was first licensed by the Board on July 2, 1986 (License No. 5393) 21 1. 22 pursuant to the provisions of the Medical Practice Act. Respondent's license is currently suspended by IC order dated November 14, 2012. 23 2. 24 Upon information and belief, Board staff discovered that Respondent was diverting controlled substances for his own use, in violation of state and federal law, as recently as 25 June 2012. 26 27 ///

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Additionally, on or about October 21, 2012, Respondent's Drug Enforcement
 Administration (DEA) Certificate of Registration, AS1561023, was suspended by the
 United States Department of Justice, DEA.
 Additionally, Respondent's controlled substances registration number in Nevada
 was no longer efficacious as of November 6, 2012.

5. As a result, Respondent's license to practice medicine in Nevada was summarily
7 suspended by order of the IC on or about November 14, 2012.

<u>COUNT I</u>

6. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

7. NRS 630.306(3) provides that administering, dispensing or prescribing any
controlled substance, or any dangerous drug as defined in chapter 454 of NRS, to or for himself,
except as authorized by law, is grounds for initiating discipline against a licensee.

8. The actions of Respondent, as outlined above, constitute administering, dispensing
or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS,
to or for himself, except as authorized by law, and is grounds for initiating discipline against
Respondent.

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

WHEREFORE, the IC requests:

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

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

3. That the Board determine the sanctions it will impose if it finds Respondent
violated the Medical Practice Act;

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4. That the Board make, issue and serve on Respondent, in writing, its findings of fact, conclusions of law and order, which shall include the sanctions imposed; and 5. That the Board take such other and further action as may be just and proper in these premises. DATED this <u>1</u> day of May, 2013. INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS By: Bradley O. Van Ry, Esq. General Counsel Attorney for the Investigative Committee 1105 Terminal Way #301 Reno, Nevada 89502 (775) 688-2559

OFFICE OF THE GENERAL COUNSEL

Nevada State Board of Medical Examiners

VERIFICATION

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STATE OF NEVADA COUNTY OF CLARK

Benjamin J. Rodriguez, 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 15^{4} day of M_{A_2} , 2013.

Benjamin J. Rodriguez, M.D.