

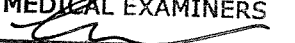
OFFICE OF THE GENERAL COUNSEL  
Nevada State Board of Medical Examiners  
1105 Terminal Way #301  
Reno, Nevada 89502  
(775) 688-2559

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

\* \* \* \* \*

**In the Matter of Charges and  
Complaint Against  
THOMAS DANIEL O'GARA, M.D.,  
Respondent.**

**Case No. 18-9747-1**

**FILED**  
**MAR - 8 2018**  
NEVADA STATE BOARD OF  
MEDICAL EXAMINERS  
By: 

**COMPLAINT**

The Investigative Committee<sup>1</sup> (IC) of the Nevada State Board of Medical Examiners (Board), hereby issues this formal Complaint against Thomas Daniel O’Gara, M.D. (hereinafter referred to as Dr. O’Gara or 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 Nevada Administrative Code (NAC) Chapter 630 (collectively, the Medical Practice Act).

The IC alleges the following facts:

1. Respondent is a medical doctor currently licensed in active status (License No. 5533). Respondent was issued his license from the Board on July 1, 1987, pursuant to NRS Chapter 630.

**Count I – Patient A**

**NRS 630.306(1)(b)(2) (Violation of Standards of Practice)**

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

3. Respondent treated Patient A for chronic pain with opioid analgesics. Patient A’s true identity is not disclosed herein to protect his or her privacy, but is disclosed in the Patient Designation served upon Respondent along with a copy of this Complaint.

<sup>1</sup> The Investigative Committee of the Nevada State Board of Medical Examiners, at the time the filing of a complaint was approved, was composed of Rachakonda D. Prabhu, M.D., Ms. Sandy Peltyn, and Victor M. Muro, M.D.





1 **Count V – Patient C**

2 **NRS 630.306(1)(b)(2) (Violation of Standards of Practice)**

3 20. All of the allegations in the above paragraphs are hereby incorporated by reference  
4 as though fully set forth herein.

5 21. Respondent treated Patient C for chronic pain with opioid analgesics. Patient C's  
6 true identity is not disclosed herein to protect his or her privacy, but is disclosed in the Patient  
7 Designation served upon Respondent along with a copy of this Complaint.

8 22. On information and belief, Respondent wrote prescriptions to Patient C for opioid  
9 analgesics to treat chronic pain in a manner that deviated from the Model Policy.

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

12 **Count VI – Patient C**

13 **NRS 630.3062(1) (Failure to Maintain Complete Medical Records)**

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

16 25. Respondent failed to maintain complete medical records relating to the diagnosis,  
17 treatment and care of Patient C, by failing to document his actions in complying with the Model  
18 Policy, including, but not limited to, failing to document the following: physical examinations  
19 before prescribing opioid analgesics; queries of the PMP before prescribing opioid analgesics;  
20 support for his diagnoses with physical examination findings; treatment objectives to evaluate  
21 treatment progress; monitoring and adapting his treatment plan; progress toward discontinuation  
22 of opioid therapy.

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

25 **Count VII – Patient D**

26 **NRS 630.306(1)(b)(2) (Violation of Standards of Practice)**

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





**Count XII – Patient F**

**NRS 630.3062(1) (Failure to Maintain Complete Medical Records)**

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

46. Respondent failed to maintain complete medical records relating to the diagnosis, treatment and care of Patient F, by failing to document his actions in complying with the Model Policy, including, but not limited to, failing to document the following: physical examinations before prescribing opioid analgesics; queries of the PMP before prescribing opioid analgesics; support for his diagnoses with physical examination findings; treatment objectives to evaluate treatment progress; monitoring and adapting his treatment plan; progress toward discontinuation of opioid therapy.

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

**Count XIII – Patient G**

**NRS 630.306(1)(b)(2) (Violation of Standards of Practice)**

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

49. Respondent treated Patient G for chronic pain with opioid analgesics. Patient G's true identity is not disclosed herein to protect his or her privacy, but is disclosed in the Patient Designation served upon Respondent along with a copy of this Complaint.

50. On information and belief, Respondent wrote prescriptions to Patient G for opioid analgesics to treat chronic pain in a manner that deviated from the Model Policy.

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

**Count XIV – Patient G**

**NRS 630.3062(1) (Failure to Maintain Complete Medical Records)**

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





1 support for his diagnoses with physical examination findings; treatment objectives to evaluate  
2 treatment progress; monitoring and adapting his treatment plan; progress toward discontinuation  
3 of opioid therapy.

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

6 **Count XVII – Patient I**

7 **NRS 630.306(1)(b)(2) (Violation of Standards of Practice)**

8 62. All of the allegations in the above paragraphs are hereby incorporated by reference  
9 as though fully set forth herein.

10 63. Respondent treated Patient I for chronic pain with opioid analgesics. Patient I's  
11 true identity is not disclosed herein to protect his or her privacy, but is disclosed in the Patient  
12 Designation served upon Respondent along with a copy of this Complaint.

13 64. On information and belief, Respondent wrote prescriptions to Patient I for opioid  
14 analgesics to treat chronic pain in a manner that deviated from the Model Policy.

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

17 **Count XVIII – Patient I**

18 **NRS 630.3062(1) (Failure to Maintain Complete Medical Records)**

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

21 67. Respondent failed to maintain complete medical records relating to the diagnosis,  
22 treatment and care of Patient I, by failing to document his actions in complying with the Model  
23 Policy, including, but not limited to, failing to document the following: physical examinations  
24 before prescribing opioid analgesics; queries of the PMP before prescribing opioid analgesics;  
25 support for his diagnoses with physical examination findings; treatment objectives to evaluate  
26 treatment progress; monitoring and adapting his treatment plan; progress toward discontinuation  
27 of opioid therapy.

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

3 **Count XIX – Patient J**

4 **NRS 630.306(1)(b)(2) (Violation of Standards of Practice)**

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

7 70. Respondent treated Patient J for chronic pain with opioid analgesics. Patient J’s  
8 true identity is not disclosed herein to protect his or her privacy, but is disclosed in the Patient  
9 Designation served upon Respondent along with a copy of this Complaint.

10 71. On information and belief, Respondent wrote prescriptions to Patient J for opioid  
11 analgesics to treat chronic pain in a manner that deviated from the Model Policy.

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

14 **Count XX – Patient J**

15 **NRS 630.3062(1) (Failure to Maintain Complete Medical Records)**

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

18 74. Respondent failed to maintain complete medical records relating to the diagnosis,  
19 treatment and care of Patient J, by failing to document his actions in complying with the Model  
20 Policy, including, but not limited to, failing to document the following: physical examinations  
21 before prescribing opioid analgesics; queries of the PMP before prescribing opioid analgesics;  
22 support for his diagnoses with physical examination findings; treatment objectives to evaluate  
23 treatment progress; monitoring and adapting his treatment plan; progress toward discontinuation  
24 of opioid therapy.

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

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1 **Count XXI – Patient K**

2 **NRS 630.306(1)(b)(2) (Violation of Standards of Practice)**

3 76. All of the allegations in the above paragraphs are hereby incorporated by reference  
4 as though fully set forth herein.

5 77. Respondent treated Patient K for chronic pain with opioid analgesics. Patient K’s  
6 true identity is not disclosed herein to protect his or her privacy, but is disclosed in the Patient  
7 Designation served upon Respondent along with a copy of this Complaint.

8 78. On information and belief, Respondent wrote prescriptions to Patient K for opioid  
9 analgesics to treat chronic pain in a manner that deviated from the Model Policy.

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

12 **Count XXII – Patient K**

13 **NRS 630.3062(1) (Failure to Maintain Complete Medical Records)**

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

16 81. Respondent failed to maintain complete medical records relating to the diagnosis,  
17 treatment and care of Patient K, by failing to document his actions in complying with the Model  
18 Policy, including, but not limited to, failing to document the following: physical examinations  
19 before prescribing opioid analgesics; queries of the PMP before prescribing opioid analgesics;  
20 support for his diagnoses with physical examination findings; treatment objectives to evaluate  
21 treatment progress; monitoring and adapting his treatment plan; progress toward discontinuation  
22 of opioid therapy.

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

25 **Count XXIII – Patient L**

26 **NRS 630.306(1)(b)(2) (Violation of Standards of Practice)**

27 83. All of the allegations in the above paragraphs are hereby incorporated by reference  
28 as though fully set forth herein.



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3. That the Nevada State Board of Medical Examiners determine what sanctions to impose if it determines there has been a violation or violations of the Medical Practice Act committed by Respondent;


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

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 8 day of March, 2018.

INVESTIGATIVE COMMITTEE OF  
THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: \_\_\_\_\_

  
Robert Kilroy, Esq., General Counsel  
Aaron Bart Fricke, Esq., Deputy General Counsel  
Attorneys for the Investigative Committee

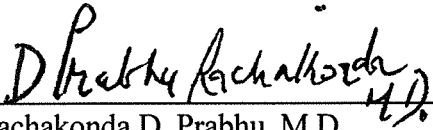
VERIFICATION

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STATE OF NEVADA            )  
  : ss.  
COUNTY OF CLARK         )

Rachakonda D. Prabhu, M.D., having been duly sworn, hereby deposes and states under penalty of perjury that he is the Chairman of the Investigative Committee of the Nevada State Board of Medical Examiners that authorized the Complaint against the Respondent herein; that he has read the foregoing Complaint; and that based upon information discovered in the course of the investigation into a complaint against Respondent, he believes that the allegations and charges in the foregoing Complaint against Respondent are true, accurate, and correct.

DATED this 8<sup>th</sup> day of March, 2018.

  
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Rachakonda D. Prabhu, M.D.