

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

3 * * * * *

4
5 **In the Matter of Charges and Complaint**

Case No. 21-4518-1

6 **Against:**

FILED

7 **THEODORE MELVIN THORP, M.D.**

NOV - 3 2021

8 **Respondent.**

**NEVADA STATE BOARD OF
MEDICAL EXAMINERS**

By: _____

9
10 **FIRST AMENDED COMPLAINT**

11 The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners
12 (Board), by and through Aaron Bart Fricke, J.D., General Counsel and attorney for the IC, having a
13 reasonable basis to believe that Theodore Melvin Thorp, M.D., (Respondent) violated the provisions
14 of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC)
15 Chapter 630 (collectively, the Medical Practice Act), hereby issues its First Amended Complaint
16 (Complaint), stating the IC's charges and allegations as follows:

17 1. Respondent was at all times relative to this Complaint a medical doctor holding an
18 active license to practice medicine in the State of Nevada (License No. 2979). Respondent was
19 originally licensed by the Board on July 1, 1975.

20 2. At all times relevant to this Complaint, Respondent was the supervising physician
21 responsible for the medical activities of Robert Joseph Webb, PA, License No. 434 (Webb), a
22 physician assistant licensed by the Board, pursuant to a formal notice of supervision provided to
23 the Board on or about August 27, 2012, and filed in accord with NAC 630.360(4), wherein
24 Respondent certified that he had read and was aware of all provisions of NRS Chapter 630 and
25 NAC Chapter 630 concerning his duties and professional responsibilities as a physician

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28 ¹ The Investigative Committee of the Nevada State Board of Medical Examiners, at the time this formal
Complaint was authorized for filing, was composed of Board members Wayne Hardwick, M.D., Aury Nagy, M.D.
and Mr. M. Neil Duxbury.

1 supervising Webb. Respondent's supervision of Webb terminated August 16, 2019, after the
2 times relevant to this Complaint.

3 3. Pursuant to NAC 630.370, at all times relevant to this Complaint, as Webb's
4 supervising physician, Respondent was responsible for all the medical activities of Webb.

5 4. Pursuant to NAC 630.375, at all times relevant to this Complaint, Webb was
6 considered to be and was deemed the agent of Respondent in the performance of all medical
7 activities.

8 5. At all times relevant to this Complaint, Webb owned, operated and/or served as the
9 medical director of CIMA Medical Center, located at 1321 S Rainbow Blvd., Suite 101,
10 Las Vegas, NV 89146 (CIMA Rainbow).

11 6. At all times relevant to this Complaint, Webb owned, operated and/or served as the
12 medical director of Modern Wellness Clinic, located at 1321 S Rainbow Blvd., Suite 280,
13 Las Vegas, NV 89146 (MWC).

14 7. At all times relevant to this Complaint, Webb owned, operated and/or served as the
15 medical director of CIMA Medical Center, located at 2354 E. Bonanza Road, Las Vegas,
16 NV 89101 (CIMA Bonanza).

17 8. Webb's son, Robert Webb, Jr., was the operations and marketing manager of
18 MWC. Robert Webb, Jr., is not a licensed medical practitioner as defined by NRS 639.0125.

19 9. Webb permitted Robert Webb, Jr., and/or other unauthorized persons, to act under
20 his authority to operate CIMA Bonanza, CIMA Rainbow and MWC to purchase, access, store,
21 possess, administer, furnish, prescribe and/or dispense controlled substances and/or dangerous
22 drugs to patients with whom Webb had not established a *bona fide* therapeutic relationship, before
23 Webb had examined the patients and without his direct supervision, and for whom Webb had
24 neither diagnosed nor determined that a controlled substance or dangerous drug was medically
25 necessary.

26 10. Webb unlawfully issued one hundred eighty-four (184) prescriptions for controlled
27 substances and three hundred ninety-four (394) prescriptions for dangerous drugs while traveling
28 outside of the U.S. from July 8-14, 2017, July 21-August 2, 2017, and March 1-6, 2018, by

1 pre-signing prescriptions, providing his log-on information to e-scribing systems to unauthorized
2 persons, and/or failing to secure his secondary authenticator for e-scribing controlled substances.

3 11. Webb possessed pre-drawn, unlabeled syringes containing dangerous drugs
4 intended for micronutrient infusion therapies.

5 12. Webb failed to ensure that dangerous drugs stored at CIMA Bonanza, CIMA
6 Rainbow and MWC were kept in a locked storage area with access restricted to authorized
7 persons, and failed to properly store, segregate and/or dispose of adulterated and/or expired drugs.

8 13. NRS 630.306(1)(b)(3) provides that engaging in conduct that violates a provision
9 of chapter 639 of NRS, or a regulation adopted by the Pharmacy Board pursuant thereto, is
10 grounds for initiating disciplinary action.

11 14. All controlled substances and dangerous drugs in the possession of a physician
12 assistant must be kept in a locked storage area with access restricted to authorized persons.
13 *See* 21 CFR § 1301.71; NAC 639.285.

14 15. Performing or in any way being a party to any fraudulent or deceitful practice or
15 transaction constitutes unprofessional conduct or conduct contrary to the public interest pursuant
16 to NAC 639.945(1)(h) and is grounds for suspension or revocation of any license or registration
17 issued by the Pharmacy Board. *See* NRS 639.210(4).

18 16. Performing any duties as the holder of a controlled substance registration or a
19 dispensing practitioner registration in an incompetent, unskillful or negligent manner constitutes
20 unprofessional conduct or conduct contrary to the public interest pursuant to NAC 639.945(1)(i)
21 and is grounds for suspension or revocation of any license or registration issued by the Pharmacy
22 Board. *See* NRS 639.210(4).

23 17. Aiding or abetting a person not licensed to practice pharmacy in the State of
24 Nevada constitutes unprofessional conduct or conduct contrary to the public interest pursuant to
25 NAC 639.945(1)(j) and is grounds for suspension or revocation of any license or registration
26 issued by the Pharmacy Board. *See* NRS 639.210(4).

27 18. Pursuant to the Board's Order of September 10, 2021, in Case No. 21-130-1, Webb
28 admitted, and the Board formally found, that Webb engaged in conduct that violated statutes and

1 regulations of the Nevada State Board of Pharmacy (Pharmacy Board) as alleged in the complaint
2 filed therein, for which misconduct Webb was formally disciplined by the Board.

3 19. Including but not limited to the conduct described herein, Webb engaged in
4 conduct that violates statutes and regulations adopted by the Pharmacy Board, specifically
5 including but not limited to NAC 639.285, and NAC 639.945(1)(h)-(j).

6 20. Pursuant to NAC 630.370 and 630.375, as Webb's supervising physician,
7 Respondent is professionally responsible for his agent, Webb, violating statutes and regulations
8 adopted by the Pharmacy Board, specifically including but not limited to NAC 639.285, and
9 NAC 639.945(1)(h)-(j).

10 **COUNT I**

11 **NAC 630.230(1)(i) – Failure to Provide Adequate Supervision of a Physician Assistant**

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

14 22. Pursuant to NAC 630.230(1)(i), it is a standard of practice that a physician shall
15 not fail to provide adequate supervision of a physician assistant.

16 23. Pursuant to NRS 630.301(1)(b)(2), engaging in any conduct which the Board has
17 determined is a violation of the standards of practice established by regulation of the Board is
18 grounds for initiating disciplinary action or denying licensure.

19 24. Demonstrated by but not limited to the conduct described herein, Respondent failed
20 to provide adequate supervision of his physician assistant, Webb.

21 25. By reason of the foregoing, Respondent is subject to discipline by the Nevada State
22 Board of Medical Examiners as provided in NRS 630.352.

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

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

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

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3. That the Board 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 Board award fees and costs for the investigation and prosecution of this case as outlined in NRS 622.400;

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

6. That the Board take such other and further action as may be just and proper in these premises.

DATED this 3 day of November, 2021.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 

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VERIFICATION

STATE OF NEVADA)
 : ss.
COUNTY OF WASHOE)

Bret W. Frey, 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 3 day of November, 2021.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:



BRET W. FREY, M.D.
Chairman of the Investigative Committee