

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. 23-10986-1

6 **Against:**

FILED

7 **JAMES BENNETT GABROY, M.D.,**

JAN - 9 2024

8 **Respondent.**

**NEVADA STATE BOARD OF
MEDICAL EXAMINERS**

By: 

9
10 **COMPLAINT**

11 The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners
12 (Board) hereby issues this formal Complaint against James Bennett Gabroy, M.D., (Respondent),
13 a licensed physician in Nevada. After investigating this matter, the IC has a reasonable basis to
14 believe that Respondent has violated provisions of Nevada Revised Statutes (NRS) Chapter 630
15 and Nevada Administrative Code (NAC) Chapter 630 (collectively, the Medical Practice Act).

16 The IC alleges the following facts:

17 1. Respondent is currently licensed in active status (License No. 7601). Respondent
18 was issued his license by the Board on October 30, 1995, pursuant to the provisions of
19 NRS Chapter 630.

20 2. On March 3, 2023, Respondent was found to have violated the Medical Practice
21 Act by violating NRS 630.3062(1)(a), Failure to Maintain Timely, Legible, Accurate and
22 Complete Medical Records.

23 3. On March 16, 2023, at 1:26 p.m., Respondent was served via USPS Certified Mail
24 (tracking no. 9171969009350254766902) with the Board's Settlement Agreement and Order
25 (Board's Order), filed March 3, 2023, which provided explicit instructions regarding his specific
26 requirements and deadlines to achieve compliance with Board's Order.

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28 ¹ The Investigative Committee of the Nevada State Board of Medical Examiners, at the time the filing of this
Complaint was approved, was composed of Bret W. Frey, M.D., Col. Eric D. Wade, USAF (Ret.), and Carl N.
Williams, Jr., M.D., FACS.

1 4. The Board's Order clearly stated that Respondent was ordered unequivocally to
2 pay a fine of five thousand dollars (\$5,000) due on or before March 2024 and pay a portion of the
3 costs and expenses actually incurred in the investigation and prosecution of the matter in the
4 amount of ten thousand dollars (\$10,000).

5 5. The Board's Order required that Respondent pay these amounts in twelve (12)
6 monthly payments starting on April 1, 2023.

7 6. Respondent was required to make an initial fine payment totaling four hundred
8 thirteen dollars (\$413) on or before April 1, 2023, with eleven (11) equal payments of four
9 hundred seventeen dollars (\$417) due on or before the first day of each month thereafter, with the
10 final payment due on or before March 1, 2024.

11 7. Likewise, Respondent was required to make an initial costs and expenses payment
12 of eight hundred thirty-one dollars and fifty cents (\$831.50) that was due on or before
13 April 1, 2023, with eleven (11) equal payments of eight hundred thirty-three dollars and fifty cents
14 (\$833.50) due on or before the first day of each month thereafter, with the final payment due on or
15 before March 1, 2024.

16 8. Respondent made five (5) monthly payments (from April 1, 2023, through
17 August 1, 2023) toward the fine, costs and expenses pursuant to the Board's Order.

18 9. Respondent has not made any monthly payments to the Board as required by the
19 Board's Order for September, October, November, and December of 2023.

20 10. Respondent has also not made his monthly payment to the Board as required by the
21 Board's Order for January 2024.

22 11. On or about October 5, 2023, the Board's Chief of Finance and Human Resources
23 Donya Jenkins (Chief Jenkins) contacted Respondent about his overdue payment for
24 September 2023.

25 12. Respondent called Chief Jenkins that same day to discuss the money that he owed
26 the Board. In this telephone conversation, Respondent indicated that he was considering filing
27 bankruptcy.

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1 13. On or about October 6, 2023, Chief Jenkins emailed Respondent regarding this
2 telephone conversation and indicated that he still needed to make the payments to the Board as
3 required by the Board’s Order.

4 14. In that email, Chief Jenkins gave Respondent until October 20, 2023, to make his
5 September 2023 and October 2023 payments or the matter would be referred to the Legal Division
6 for follow-up.

7 15. On or about October 15, 2023, Respondent emailed Chief Jenkins and said that he
8 was filing for bankruptcy, he was unemployed and trying to find work, and asking for “patience
9 and understanding.”

10 16. On or about October 19, 2023, Chief Jenkins emailed Respondent and indicated
11 that he was in violation of a Board Order and the matter would be referred to the Legal Division.

12 17. On or about November 1, 2023, Deputy General Counsel Brandee Mooneyhan
13 (“Deputy General Counsel Mooneyhan”) emailed Respondent and indicated that he was in
14 violation of the Board’s Order which may cause him to receive further disciplinary action.

15 18. Deputy General Counsel Mooneyhan further indicated that Respondent could
16 request in writing that the terms of the Board’s Order be modified.

17 19. Respondent did not respond to this email, and Board staff has received no further
18 communications from Respondent regarding his payments owed to the Board nor any service of
19 documents indicating Respondent has in-fact filed for bankruptcy.

20 20. As of the date of this Complaint, Respondent is behind five (5) payments of fees
21 and fines that were due under the terms of the Board’s Order.

22 21. Further, Respondent still owes the Board two thousand nine hundred nineteen
23 dollars (\$2,919) for the remainder of the fines assessed in the Board’s Order and five thousand
24 five hundred eighty-four dollars (\$5,584) for the remainder of the costs assessed in the Board’s
25 Order.

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COUNT I

NRS 630.3065(2)(a) - Knowing or Willful Failure to Comply with a Board Order

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

23. NRS 630.3065(2)(a) provides that the knowing or willful failure to comply with an order of the Board constitutes grounds for initiating disciplinary action.

24. Respondent knowingly or willfully failed to comply with an order of the Board when he failed to remit payment for fines and costs imposed by the Order and by not responding to communications from Board staff regarding his obligations.

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

WHEREFORE, the Investigative Committee prays:

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;

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

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

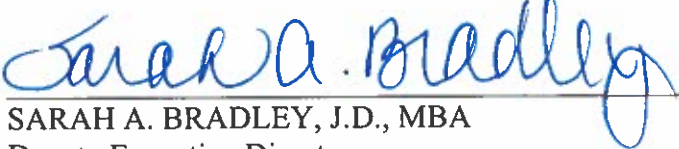
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6. That the Board take such other and further action as may be just and proper in these premises.

DATED this 9th day of January, 2024.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 

SARAH A. BRADLEY, J.D., MBA
Deputy Executive Director
9600 Gateway Drive
Reno, NV 89521
Tel: (775) 688-2559
Email: bradleys@medboard.nv.gov
Attorney for the Investigative Committee

OFFICE OF THE GENERAL COUNSEL
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(775) 688-2559

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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 9th day of January, 2024.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 

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

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CERTIFICATE OF SERVICE

I hereby certify that I am employed by the Nevada State Board of Medical Examiners and that on the 9th day of January, 2024, I served a file-stamped copy of the foregoing **COMPLAINT** via U.S. Certified Mail to:

JAMES B. GABROY, M.D.
10620 Southern Highlands Parkway, Suite 110, Box 782
Las Vegas, Nevada 89141

Tracking No.: 9171 9690 0935 0241 6152 13

JAMES B. GABROY, M.D.
1535 W. Warm Springs Rd., #135
Henderson, Nevada 89014

Tracking No.: 9171 9690 0935 0241 6152 20

DATED this 9th day of January, 2024.



MERCEDES FUENTES
Legal Assistant
Nevada State Board of Medical Examiners