

**BEFORE THE NEVADA STATE BOARD OF OSTEOPATHIC MEDICINE**

IN THE MATTER OF  
CHARLES TRAMMEL, D.O., LIC. # 879  
RESPONDENT.

Case No.: AD0911004

Filed:

**NV STATE BOARD OF  
OSTEOPATHIC MEDICINE**

JUN 25 2010

**AMENDED COMPLAINT**

**FILED**

Pursuant to the provisions of Chapters 633 of the Nevada Revised Statutes and the Nevada Administrative Code, and by virtue of the authority vested thereby, and NRS 233B.127, C. Dean Milne, D.O., the Investigative Board Member in this matter for the NEVADA STATE BOARD OF OSTEOPATHIC MEDICINE ("Board"), having a reasonable basis to believe that CHARLES TRAMMEL, D.O., hereinafter referred to as "Respondent" or "Dr. Trammel," has violated the provisions of said chapters, hereby issues this formal Amended Complaint, stating the Investigative Board Member's charges and allegations, as follows:

**COUNT ONE – GENERAL ALLEGATIONS/JURISDICTION**

1. That Respondent is licensed in active status to practice osteopathic medicine in the State of Nevada, and at all times alleged herein, was so licensed by the Board of Osteopathic Medicine of the State of Nevada pursuant to the provisions of Chapter 633 of the Nevada Revised Statutes. Respondent was last known to practice medicine in Elko, Elko County, Nevada.

2. That NRS 633.511(1) provides that unprofessional conduct is a ground for the initiation of disciplinary proceedings by this Board.

3. That NRS 633.131(1) defines "unprofessional conduct," in part, as follows:

- (f) Engaging in any . . . conduct detrimental to the public health, safety or morals which does not constitute gross or repeated malpractice or professional incompetence. . . .
- (q) Failure of a licensee to make medical records of a patient available for inspection and copying as provided by NRS 629.061.

4. That other grounds for initiating disciplinary action are contained within NRS

1 633.511, and such grounds include, but are not limited to, terminating the medical care of a  
2 patient without adequate notice or without making other arrangements for the continued care  
3 and treatment of the patient.

4 5. That pursuant to certain provisions of NAC 633.350(9), a licensee engages in  
5 unethical conduct if he engages in any other conduct that the Board determines constitutes  
6 unfitness to practice osteopathic medicine as well as abandons a patient and fails to comply  
7 with an order of the Board.

8  
9 6. That pursuant to NAC 633.370, if a medical competency examination determines that  
10 a licensee is not competent to practice osteopathic medicine with reasonable skill and safety  
11 to patients, the Board will consider that determination to constitute a rebuttal presumption of  
12 professional incompetence with regard to the licensee.

13 7. That pursuant to NRS 633.561, an osteopathic physician licensed by the Nevada  
14 State Board of Osteopathic Medicine shall be "deemed to have given his consent to submit to  
15 a mental or physical examination if directed to do so in writing by the Board." Furthermore,  
16 NRS 633.561 states that should the osteopathic physician fail to submit to the mental and/or  
17 physical examination, such failure "constitutes an admission of the charges against him" and  
18 further disciplinary action may be commenced.

19  
20 8. That pursuant to NRS 633.533, on November 25, 2009, the Board was notified that  
21 Dr. Trammel had lost his hospital privileges at Northeastern Nevada Regional Hospital in  
22 Elko, Nevada, effective October 26, 2009, due to patient care concerns; and the Board  
23 requested that Dr. Trammel submit to a mental/physical examination and/or assessment.

24 9. That Dr. Trammel was seen by an assessment center pursuant to the request of the  
25 Board, which center assessed that Dr. Trammel was suffering from alcohol dependence,  
26 opiate dependence, sedative/hypnotic dependence, and narcissistic traits with avoidance  
27 personality features. An in-patient stay/recovery program was recommended and the  
28

1 assessment center stated that Dr. Trammel was not ready to return to the practice of  
2 osteopathic medicine with skill and safety until an in-patient recovery program had been  
3 completed.

4 10. That Dr. Trammel, for a while cooperated, with the Board in attempting to find a  
5 suitable in-patient program.

6 11. That Dr. Trammel became uncooperative and a formal Order was entered by the  
7 Board requiring Dr. Trammel to present himself to one of the three programs by March 31,  
8 2010, for in-patient treatment.

9 12. That Order was served pursuant to NRS 633.631 upon Dr. Trammel's last known  
10 practice address and that Order was received on March 18, 2010.

11 13. That Dr. Trammel has failed to timely comply with the Board's Order by not  
12 presenting himself to one of the three recommended places of treatment.

13 14. That on March 24, 2010, the Board was notified that Dr. Trammel had vacated his  
14 medical office, leaving behind patients' medical records and various medications.

15 15. That a complaint was filed by a patient that Dr. Trammel did not notify that patient  
16 of his office's closure and/or the termination of the medical care without first making other  
17 arrangements for the continued medical care of that patient; and since that first patient's  
18 complaint, numerous other patients have indicated that they too cannot obtain their medical  
19 records from Dr. Trammel.

20 16. That the first patient also complained to the Board that due to the office's  
21 unexpected closure, she is unable to obtain her medical records; and numerous other  
22 patients have made similar complaints.

23 17. That Dr. Trammel convinced the IBM in this matter and Board staff that, due to  
24 financial concerns, a seven-week long out-patient program at Scripps LaJolla would be  
25 sufficient; and the IBM amended his order to allow Dr. Trammel to participate in this out-  
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27  
28

1 patient program.

2 18. That on May 4, 2010, the Scripps LaJolla program notified the Board that  
3 Trammel's involvement with that out-patient program had been terminated due to positive lab  
4 reports for drug and/or alcohol use.

5 19. That the Board and the IBM insisted and/or informed Dr. Trammel telephonically  
6 and via email communications that he would now have to enroll in an in-patient program as  
7 previously ordered by the Board.

8 20. That as of the date of this Amended Complaint, Dr. Trammel has failed to comply  
9 with that order and has not enrolled in an in-patient program.  
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11 **II.**

12 **COUNT TWO (UNPROFESSIONAL CONDUCT)**

13 21. That the allegations raised in Paragraphs 1 through 20, inclusive, of this Amended  
14 Complaint are incorporated herein by this reference as though such allegations were more  
15 fully set forth herein.

16 22. That the Board has a reasonable basis to believe that Dr. Trammel has engaged  
17 in conduct detrimental to the public's health and safety by his alleged alcohol and opiate  
18 dependence as well as his sedative/hypnotic dependence, narcissistic traits, and avoidant  
19 personality features; and such is unprofessional conduct.

20 23. That Dr. Trammel has unexpectedly vacated his office, removing furniture but  
21 abandoning patients' medical records and medications without making arrangements to  
22 provide patients their medical records and arrange for their continued medical care and  
23 treatment; and by abandoning his patients without notice and any apparent concern for their  
24 continued medical care, Dr. Trammel has engaged in unprofessional conduct.

25 24. That Dr. Trammel's conduct described immediately above along with the facts that  
26 Dr. Trammel failed to notify the Board of his office closure and identify the physician who will  
27 assume custody and control of the patients' medical records. Dr. Trammel has engaged in  
28 unprofessional conduct.

1 25. That based upon the unprofessional conduct mentioned in this Count Two,  
2 discipline of Dr. Trammel is statutorily warranted and factually mandated

3 III.

4 COUNT THREE (UNETHICAL CONDUCT)

5 26. That the allegations set forth in Paragraphs 1 through 25, inclusive, of this  
6 Amended Complaint are incorporated herein by this reference as though such allegations  
7 were more fully set forth herein.

8 27. That pursuant to the NRS and NAC Chapters 633 provisions cited in Count I,  
9 General Allegations/Jurisdiction ("Count I") of this Amended Complaint, Dr. Trammel has  
10 engaged in unethical conduct by engaging in behavior that constitutes an unfitness to practice  
11 osteopathic medicine and such unethical conduct included an alcohol and opiate  
12 dependency, sedative/hypnotic dependency, and narcissistic traits with avoidance personality  
13 features.

14 28. That pursuant to the provisions of NRS and NAC Chapters 633 cited in Count I of  
15 this Amended Complaint, Dr. Trammel has engaged in unethical conduct by abandoning his  
16 patients without any notice whatsoever, abandoning his medical offices leaving patients'  
17 medical records and medications unprotected.

18 29. That Dr. Trammel has engaged in unethical conduct by his intentional and callous  
19 disregard of his patients' continued medical care and treatment, as well as their privacy by  
20 discarding and abandoning his patients' medical records.

21 30. That based upon the unethical conduct described in this Count Three, the  
22 discipline of Dr. Trammel is factually warranted and statutorily mandated.

23 IV.

24 COUNT FOUR (FAILURE TO COMPLY WITH BOARD ORDER)

25 31. The allegations set forth in Paragraphs 1 through 30, inclusive, of this Amended  
26 Complaint are incorporated herein by this reference as though such allegations were more  
27 fully set forth herein.

28 32. That an Order was duly and statutorily issued by the Board for Dr. Trammel's in-

1 patient participation at one of the three recommended facilities.

2 33. That the Order was served on Dr. Trammel's office on March 18, 2010, via  
3 certified mail pursuant to NRS 633.631.

4 34. That as of the date of this Amended Complaint, Dr. Trammel has failed to present  
5 himself to one of the three recommended in-patient programs; and furthermore, was  
6 terminated from an out-patient program administered through Scripps-McDonald, LaJolla,  
7 California, due to positive drug and/or alcohol testing.

8 35. That Dr. Trammel's failure to comply with the Board's Orders violates the Board's  
9 statutes and regulations and more specifically NRS 633.561, namely, that such a failure to  
10 comply constitutes an "admission of the charges against him," and discipline is statutorily  
11 required and mandated.

12 36. That the assessment of Dr. Trammel indicates that he should not return to the  
13 practice of osteopathic medicine until he completes an in-patient program. Pursuant to NAC  
14 633.370, such an assessment is a rebuttable presumption of professional incompetency  
15 warranting a disciplinary action.

16 V.

17 COUNT FIVE (FINGERPRINT)

18 37. That the allegations set forth in Paragraphs 1 through 36, inclusive, of this  
19 Amended Complaint are incorporated herein by this reference as though such allegations  
20 were more fully set forth herein.

21 38. That NRS 633.625 states, in applicable part, as follows:

22 1. Any osteopathic physician against whom the Board initiates disciplinary  
23 action pursuant to this chapter shall, within 30 days after the osteopathic  
24 physician's receipt of notification of the initiation of the disciplinary action, submit  
25 to the Board a complete set of his fingerprints and written permission authorizing  
26 the Board to forward the fingerprints to the Central Repository for Nevada  
Records of Criminal History for submission to the Federal Bureau of Investigation  
for its report.

27 2. The willful failure of an osteopathic physician to comply with the  
28 requirements of subsection 1 constitutes additional grounds for disciplinary  
action and the revocation of the license of the osteopathic physician. . . .  
(Emphasis added.)

1 39. That Respondent was initially served with the original Complaint in this matter in  
2 April 3, 2010, via certified mail as well as via regular mail.

3 40. That as of the date of this Amended Complaint, Respondent has failed to submit  
4 his fingerprints as required by NRS 633.625; and based upon such statutory violation,  
5 discipline is warranted, i.e., the revocation of Respondent's osteopathic medicine license.

6  
7 **VI.**

8 **COUNT SIX (FAILURE TO REPORT –**  
9 **UNPROFESSIONAL CONDUCT)**

10 41. That the allegations set forth in Paragraphs 1 through 40, inclusive, of this  
11 Amended Complaint are incorporated herein by this reference as though such allegations  
12 were more fully set forth herein.

13 42. That NRS 633.527 states as follows:

- 14 1. An osteopathic physician **shall report** to the Board:  
15 (a) Any action for malpractice against the osteopathic physician not later than  
16 45 days after the osteopathic physician receives service of a summons  
17 and complaint for the action;  
18 (b) Any claim for malpractice against the osteopathic physician that is  
19 submitted to arbitration or mediation not later than 45 days after the  
20 claim is submitted to arbitration or mediation;  
21 (c) Any settlement, award, judgment or other disposition of any action or claim  
22 described in paragraph (a) or (b) not later than 45 days after the  
23 settlement, award, judgment or other disposition; and  
24 (d) Any sanctions imposed against the osteopathic physician that are  
25 reportable to the National Practitioner Data Bank not later than 45  
26 days after the sanctions are imposed.  
27 2. If the Board finds that an osteopathic physician has violated any  
28 provision of this section, the Board may impose a fine of not more than  
\$5,000 against the osteopathic physician for each violation, in addition  
to any other fines or penalties permitted by law.  
3. All reports made by an osteopathic physician pursuant to this section  
are public records.  
(Added to NRS by 2003, 3441) (Emphasis added.)

43. The loss of privileges at the Northeastern Nevada Regional Hospital is a "sanction"  
that is reportable to the National Practitioner Data Bank; and based upon the above-  
mentioned statute, Dr. Trammel was under a mandatory - statutory duty to report the same

1 within forty-five (45) days of such a sanction.

2 44. That NRS 633.533(3) states:

3 **Any hospital**, clinic or other medical facility licensed in this State, or  
4 **medical society, shall report to the Board any change in an osteopathic**  
5 **physician's privileges to practice osteopathic medicine** while the osteopathic  
6 physician is under investigation and the outcome of any disciplinary action  
7 taken by that facility or society against the osteopathic physician concerning the  
8 care of a patient or the competency of the osteopathic physician within 30 days  
9 after the change in privileges is made or disciplinary action is taken. . . .  
10 (Emphasis added.)

11 45. That although the hospital complied with its mandatory reporting pursuant to NRS  
12 633.533(3), Dr. Trammel did not timely comply with NRS 633.527 and totally failed to notify  
13 the Board, separately and specifically, regarding the sanction / change of privilege with the  
14 hospital.

15 46. That Dr. Trammel was sued in San Bernardino County, California for an incident  
16 that occurred on February 11, 2005 and that lawsuit was settled on or about October 12,  
17 2009. Pursuant to NRS 633.527, Dr. Trammel was statutorily mandated to report both the  
18 commencement of the medical malpractice case as well as its resolution; and he has failed to  
19 do so within forty-five days (45) of such events as statutorily required. Thus, Dr. Trammel is  
20 woefully in violated of NRS 633.527.

21 47. That NRS 633.131 states that it is unprofessional conduct to willfully make "a false  
22 or fraudulent statement or submit[t] a forged or false document in applying for a license to  
23 practice osteopathic medicine or in applying for renewal of a license to practice osteopathic  
24 medicine."

25 48. That the renewal applications for all years since 2006 have inquired (in Question  
26 #4) as to the existence of any claims or lawsuits for medical malpractice, as well as any  
27 judgments or settlements; and Dr. Trammel has responded "no" in each and every renewal  
28 application to Question 4. Because of the existence of the lawsuit filed in California, the  
correct answer should have been "yes." By incorrectly responding to Question 4 in the



1 various renewal applications, Dr. Trammel has engaged in unprofessional conduct and  
2 discipline is warranted.

3 49. That the renewal applications for all years have inquired of the licensee as to the  
4 status of any change in privilege at any hospital; and in all applicable years, Dr. Trammel has  
5 responded "no" when the correct response should have been "yes" because of the loss of  
6 privileges at Northeastern Nevada Regional Hospital. By incorrectly responding to the  
7 questions regarding sanctions in the applicable renewal applications, Dr. Trammel has  
8 engaged in unprofessional conduct, and discipline is warranted.  
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10 **VII.**  
11 **PRAYER**

12 WHEREFORE, the Investigative Member of the Board prays as follows:

13 1. That the Nevada State Board of Osteopathic Medicine schedule a hearing pursuant  
14 to the Board's authority found in NRS and NAC chapters 633, as well as NRS chapter 233B,  
15 NRS chapter 622, and NRS chapter 622A, and that the osteopathic medical license of  
16 Respondent Charles Trammel be revoked and that Respondent Trammel not be allowed to  
17 reapply for licensure in this state for a period of not less than 10 years.

18 2. That Respondent Charles Trammel, D.O., be ordered to pay reasonable fees and  
19 costs incurred during the investigation of this matter, as well as all fees and costs incurred in  
20 the administrative/disciplinary proceedings, including but not limited to attorney's fees and  
21 costs;

22 3. That pursuant to NRS 633.651, that a fine be imposed against the Respondent not  
23 to exceed the sum of \$5,000 per violation;

24 4. That pursuant to NRS 633.651, that the Board issue a public reprimand and that  
25 such reprimand shall be posted on the Board's website for at least one (1) year;

26 5. That pursuant to NRS 633.651, Dr. Trammel be required to participate in an in-  
27 patient program for the correction of his alleged drug and alcohol dependencies prior to Dr.  
28 Trammel seeking relicensure in the State of Nevada; and

1           7. And for such other and further relief that the Board deems appropriate under the  
2 facts and circumstances of this case.

3           DATED this \_\_\_\_\_ day of June, 2010.

4                                   NEVADA STATE BOARD OF  
5                                   OSTEOPATHIC MEDICINE

6                                   By: Dean Milne Sor:  
7   C. DEAN MILNE, D.O.,  
8   Investigating Member of the  
9   Nevada Board of Osteopathic Medicine

9           Submitted by:  
10           NEVADA STATE BOARD OF  
11           OSTEOPATHIC MEDICINE

12           By: Dianna Hegedus  
13                   Dianna Hegedus, # 5816  
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