BEFORE THE NEVADA STATE BOARD OF OSTEOPATHIC MEDICINE

IN THE MATTER OF

CHARLES TRAMMEL, D.O., LIC. # 879

RESPONDENT.

Case No.: A10-00012

Filed: APR - 1 2010

COMPLAINT & REQUEST FOR SUMMARY SUSPENSION

Pursuant to the provisions of Chapter 633 of the Nevada Revised Statutes and by virtue of the authority vested by said chapter, 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 chapter, hereby issues this formal Complaint, stating the Investigative Board Member's charges and allegations, as follows:

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

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

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

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

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

9. That Dr. Trammel was seen by a health care provider pursuant to the request for assessment, which provider assessed that Dr. Trammel was suffering from alcohol dependence, opiate dependence, sedative/hypnotic dependence, and narcissistic traits with avoidance personality features. An in-patient stay/recovery program was recommended and the assessment center/health care provider stated that Dr. Trammel was not ready to return.
to the practice of osteopathic medicine with skill and safety until an in-patient recovery
program had been completed.

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

   11. That Dr. Trammel became uncooperative and a formal Order was entered by the
Board requiring Dr. Trammel to present himself to one of the three programs by March 31,

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

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

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

   15. That a complaint has been filed by a patient that Dr. Trammel did not notify that
patient of his office’s closure and/or the termination of the medical care without first making
other arrangements for the continued medical care of that patient.

   16. That the patient has also complained to the Board that due to the office’s
unexpected closure, she is unable to obtain her medical records.

II.

COUNT ONE (UNPROFESSIONAL CONDUCT)

   17. That the allegations raised in Paragraphs 1 through 16, inclusive, of this Complaint
are incorporated herein by this reference as though such allegations were more fully set forth
herein.

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

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

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

21. That based upon the unprofessional conduct mentioned in this Count One,
discipline of Dr. Trammel is statutorily warranted and factually mandated

III.

COUNT TWO (UNETHICAL CONDUCT)

22. That the allegations set forth in Paragraphs 1 through 21, inclusive, of this
Complaint are incorporated herein by this reference as though such allegations were more
fully set forth herein.

23. That pursuant to the NRS and NAC Chapters 633 provisions cited in Section I,
General Allegations/Jurisdiction (“Section I”) of this Complaint, Dr. Trammel has engaged in
unethical conduct by engaging in behavior that constitutes an unfitness to practice
osteopathic medicine and such unethical conduct included an alcohol and opiate
dependency, sedative/hypnotic dependency, and narcissistic traits with avoidance personality
features.

24. That pursuant to the provisions of NRS and NAC Chapters 633 cited in Section I
of this Complaint, Dr. Trammel has engaged in unethical conduct by abandoning his patients
without any notice whatsoever, abandoning his medical offices leaving patients’ medical
records and medications unprotected.

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

26. That based upon the unethical conduct described in this Count Two, the discipline
of Dr. Trammel is factually warranted and statutorily mandated.

IV.

COUNT THREE (FAILURE TO COMPLY WITH BOARD ORDER)

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

28. That an Order was duly and statutorily issued by the Board for Dr. Trammel's in-
patient participation at one of the three recommended facilities.

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

30. That as of the date of this Complaint, Dr. Trammel has failed to present himself to
one of the three recommended in-patient programs.

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

32. That the assessment of Dr. Trammel indicates that he should not return to the
practice of osteopathic medicine until he completes an in-patient program. Pursuant to NAC
633.370, such an assessment is a rebuttable presumption of professional incompetency
requiring emergency action by the Board and/or initiation of a disciplinary action.

IV.

COUNT FOUR (SUMMARY SUSPENSION)

33. That the allegations set forth in Paragraphs 1 through 32, inclusive, of this
Complaint are incorporated herein by this reference as though such allegations were more
fully set forth herein.
34. That the public health, safety, and welfare imperatively require action and summary suspension of Respondent's license to practice osteopathic medicine in the State of Nevada pending a hearing on this Complaint based upon the unprofessional and unethical conduct described in this complaint along with the recommendation of the assessment center, that until he completes an in-patient program for the treatment of his dependencies, Dr. Trammel may present a risk to the public's health, safety, and welfare. Thus, summary suspension is warranted.

35. That pursuant to SB 76, 2009 Nevada Legislature, effective May 22, 2009, an order of summary suspension may be issued by the Chairman of the governing board, without a hearing, but thereafter the Chairman shall not participate in any further proceedings of the agency relating to that order. A hearing on the summary suspension shall be instituted and determined within 45 days of the order unless the agency and the licensee, Respondent Trammel, mutually agree in writing to a longer period of time. See also NRS 633.581.

IV.

PRAYER

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

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

2. That an order of summary suspension be immediately issued, suspending the osteopathic medical license of Respondent Charles Trammel, D.O., being license No. 879.

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

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

5. That pursuant to NRS 633.651, that the Board issues a public reprimand and that such reprimand shall be posted on the Board's website;

6. That pursuant to NRS 633.651, Dr. Trammel be required to participate in an inpatient program for the correction of his alleged drug and alcohol dependencies; and

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

DATED this ___ day of April, 2010.

NEVADA STATE BOARD OF OSTEOPATHIC MEDICINE

By: [Signature]

C. DEAN MILNE, D.O.,
Investigating Member of the
Nevada Board of Osteopathic Medicine

Submitted by:
NEVADA STATE BOARD OF OSTEOPATHIC MEDICINE

By: [Signature]

Dianna Hegeduis, # 5615
Board Counsel
2660 E. Flamingo Rd., # D
Las Vegas, Nevada 89121
(702) 732-2147