BEFORE THE NEVADA STATE BOARD OF OSTEOPATHIC MEDICINE

IN THE MATTER OF:  
DAVID ADAMS, D.O.,  
License No. 1074,  

Respondent.  

Case No. AD1706001

COMPLAINT FOR DISCIPLINARY ACTION

The Nevada State Board of Osteopathic Medicine, by and through its investigating board member Ronald Hedger, D.O. hereby makes the following complaint for disciplinary action against Dr. David Adams, D.O. (License No. 1074) pursuant to NRS 633.541(3) and 622A.300(1). This complaint is made and based upon the following facts and causes of action.

I.

David Adams, D.O. is licensed by the Board to practice osteopathic medicine in Nevada (License No. 1074). Dr. Adams is board certified in anesthesiology.

II.

In February 2017, the Board’s office received information upon which the Board’s staff initiated an investigation relating to Dr. Adams’ practice of medicine. The information indicated that Dr. Adams was engaged in the general practice of medicine in addition to his practice as an anesthesiologist in various institutional settings, and the information indicated concerns with Dr. Adams’ practices as a general practitioner.

III.

The Board’s investigation determined that Dr. Adams had a professional relationship of over 15 years with another physician, Dr. Ronald Foote, M.D. On May 30, 2014, Dr. Foote and the Nevada State Board of Medical Examiners (BME) entered into a stipulated indefinite suspension of Dr. Foote’s license on May 30, 2014 that was followed in July 2014 with the commencement of a disciplinary action by the BME against Dr. Foote. The disciplinary action was resolved and the indefinite suspension was modified by a Settlement Agreement and Order Lifting Suspension entered by the BME and Dr. Foote on June 3, 2016. As a result of the disciplinary actions by the BME against Dr. Foote, since May 30, 2014, Dr. Foote did not have a DEA registration or a Nevada Controlled Substances
Registration, meaning that Dr. Foote was prohibited from prescribing, administering, possessing, or distributing controlled substances to his patients.

IV.

When Dr. Foote’s license was restored with conditions in June 2016, Dr. Adams assisted Dr. Foote with Dr. Foote’s general practice out of Dr. Foote’s office at Las Vegas Pain and Wellness Center, 6773 W. Charleston Boulevard in Las Vegas, Nevada. The Board’s investigation determined that the practices developed and implemented by Dr. Foote and Dr. Adams were that Dr. Foote would see a patient at his office, and when Dr. Foote determined that a patient would need medications, he would prescribe any dangerous drugs himself and that Dr. Adams would prescribe any controlled substances for the patient. When Dr. Adams prescribed controlled substances for Dr. Foote’s patients, he did so on a prescription blank indicating that he was doing so as a physician employed at or working from Dr. Foote’s practice, Las Vegas Pain and Wellness Center.

V.

The Board’s investigation determined that Dr. Adams almost never saw, met, touched, or examined any of Dr. Foote’s patients who received Dr. Adams’ controlled substances prescriptions. The Board’s investigation determined that Dr. Adams was in surgeries as an anesthesiologist on dates and times when he purportedly wrote prescriptions for Dr. Foote’s patients. The Board’s investigation determined that Dr. Foote provided Dr. Adams’ prescriptions to Dr. Foote’s patients by filling out prescription blanks from Las Vegas Pain and Wellness Center that Dr. Adams had pre-signed, had left blank, and had provided to Dr. Foote for Dr. Foote to complete and provide to Dr. Foote’s patients. The Board’s investigation determined that Dr. Adams would ratify the controlled substances prescriptions filled out and issued by Dr. Foote by reviewing Dr. Foote’s notes regarding the patients at some time after the prescriptions had been issued. The Board’s investigation determined that Dr. Adams at no time indicated to the Board that he was practicing from Dr. Foote’s practice, Las Vegas Pain and Wellness Center. The Board’s investigation determined that Dr. Adams made no medical notes of his own regarding any of the patients to whom his pre-signed prescriptions were issued by Dr. Foote. The Board’s investigation determined that many of the controlled substances prescriptions were for promethazine HCL and codeine phosphate syrup, a controlled substance in schedule V.
VI.

On November 30, 2017, Dr. Foote’s office was searched pursuant to a warrant by officers and agents from the federal Drug Enforcement Agency (DEA) Tactical Diversion Squad. Based upon the evidence seized and admissions made by Dr. Foote, Dr. Foote was arrested and was booked into the Clark County Detention Center.

VII.

As part of the investigation of Dr. Foote, Dr. Foote was interviewed at length on November 20, 2017, and Dr. Adams was interviewed on December 13, 2017. The interviews and evidence obtained pursuant to the DEA’s investigation showed that Dr. Foote’s examinations of his patients were cursory and inadequate, that based upon these examinations he would render a diagnosis that was merely pretextual, and that based upon the pretextual diagnosis he would then issue prescriptions to the patients for controlled substances using the pre-signed prescription blanks provided to him by Dr. Adams and that Dr. Foote would then collect cash from the patient.

VIII.

The interviews and evidence obtained pursuant to the DEA’s investigation included admissions by Dr. Adams that he knew of Dr. Foote’s practices, that he knowingly provided pre-signed blank prescriptions from Las Vegas Pain and Wellness Center in order for Dr. Foote to facilitate his practices, that some of the pre-signed prescriptions blanks would be prepared by Dr. Adams for promethazine HCL and codeine phosphate syrup 473 ml., and that Dr. Adams acknowledged that he did not know how much 473 ml. actually was or whether that was a large or small quantity.

IX.

The interviews and evidence obtained pursuant to the DEA’s investigation included admissions by Dr. Foote and Dr. Adams that Dr. Adams did not see, touch, or examine any of Dr. Foote’s patients and that Dr. Adams merely relied on Dr. Foote’s notes to serve as the basis for the controlled substances prescriptions that Dr. Adams knew Dr. Foote would prescribe for Dr. Foote’s patients using the pre-signed prescription blanks daily provided by Dr. Adams to Dr. Foote.
X.

The evidence collected from Dr. Foote’s office by the DEA included a signature stamp of Dr. Adams’ signature and several pre-signed prescription blanks from Las Vegas Pain and Wellness Center signed by Dr. Adams. The interviews and evidence obtained pursuant to the DEA’s investigation included an admission by Dr. Adams that he did not know that he could not legally pre-sign prescriptions that would be used by Dr. Foote to prescribe controlled substances to Dr. Foote’s patients.

XI.

On February 14, 2018, a criminal complaint was filed in the Las Vegas Justice Court against Dr. Adams (Case No. 18F02513X), charging Dr. Adams with four counts of conspiracy to violated the controlled substances act (NRS 453.401(1)(a)) and four counts of possession of signed prescription blanks (NRS 453.331(1)(a)). All eight counts are felonies. Dr. Adams’ initial appearance regarding the criminal complaint is scheduled for March 14, 2018.

XII.

Based upon the above facts, on February 26, 2018, the IBM and the Board’s Executive Director issued an Order of Summary Suspension which was subsequently served on Dr. Adams.

FIRST CAUSE OF ACTION

XIII.

In pre-signing prescriptions for controlled substances, Dr. Adams violated Nevada Revised Statutes (NRS) 633.131(1)(f)(2) and/or NRS 633.131(1)(k) and/or NRS 633.131(1)(l) and/or NRS 633.511(1)(a) and/or NRS 633.511(1)(k).

SECOND CAUSE OF ACTION

XIV.

In prescribing controlled substances for patients otherwise than in the course of legitimate professional practice, Dr. Adams violated NRS 633.131(1)(g) and NRS 633.511(1)(a).
THIRD CAUSE OF ACTION

XV.

In prescribing promethazine HCL and codeine phosphate syrup, a controlled substance in schedule V, for patients he did not see, speak with, or examine, and where Dr. Adams’ specialty is anesthesia, Dr. Adams violated NRS 633.131(1)(g) and/or NRS 633.131(1)(k) and/or NRS 633.131(1)(l) and NRS 633.511(1)(a) and NRS 453.256(4) and/or NRS 453.256(5).

FOURTH CAUSE OF ACTION

XVI.

In aiding and assisting Dr. Foote in Dr. Foote’s providing of prescriptions for controlled substances where Dr. Adams knew that Dr. Foote was prohibited from writing such prescriptions himself by providing Dr. Foote pre-signed prescriptions that he knew Dr. Foote would complete and issue to Dr. Foote’s patients, Dr. Adams violated NRS 633.131(1)(k) and NRS 633.131(1)(l) and NRS 633.511(1)(a).

FIFTH CAUSE OF ACTION

XVII.

In failing to make and maintain any records related to the patients to whom controlled substances prescriptions were issued in Dr. Adams by Dr. Foote through the use of prescriptions pre-signed by Dr. Adams, Dr. Adams violated NRS 633.131(1)(m) and/or NRS 633.131(1)(k) and NRS 633.511(1)(a) and Nevada Administrative Code (NAC) 633.350(1)(e).

SIXTH CAUSE OF ACTION

XVIII.

In failing to notify the Board that he was practicing from Dr. Foote’s practice, Las Vegas Pain and Wellness Center, at 6773 W. Charleston Boulevard, in Las Vegas, Nevada, including but not limited to writing prescriptions for controlled substances from that address, Dr. Adams violated NRS 633.131(1)(k) and/or NRS 633.511(1)(a) and NAC 633.260.
SEVENTH CAUSE OF ACTION

XIX.

In issuing prescriptions for controlled substances on prescription blanks that indicated that he was employed by or working from Las Vegas Wellness and Pain Center where Dr. Adams had not notified that he was doing, Dr. Adams violated NRS 633.131(1)(a) and/or NRS 633.131(1)(f)(1) and/or NRS 633.131(1)(f)(2), and/or 633.131(1)(k) and NRS 633.511(1)(a).

Wherefore, it is hereby requested that appropriate discipline be entered against Dr. Adams based upon this Complaint pursuant to NRS 633.651.

Signed this 27 day of February, 2018.

By

Ronald Hedger, D.O.
Investigating Board Member
NOTICE OF HEARING AND
STATEMENT OF RESPONDENT'S RIGHTS

As the Respondent in this action, you have the following rights:

1. A hearing regarding this matter will be held before Hearing Officer Jill Greiner at the following date and place:

   March 26, 2018 at 9:00 a.m., and possibly soon thereafter.

   Board Conference Room
   2275 Corporate Circle, Suite 210
   Henderson, Nevada 89074

   The intent of the hearing of this matter is to determine whether the allegations made against you in the above Complaint have been proven by a preponderance of the evidence, and if so, what discipline is appropriate. All documents you wish to file in this matter must be filed with the Board’s office located at 2275 Corporate Circle, Suite 210, Henderson, Nevada 89074.

2. You may appear at the hearing of this matter. You may be represented by your counsel of choice. The hearing shall be conducted at an open and public hearing of the Board and shall be conducted in conformance with NRS chapters 233B, 622A, and 633 and NAC chapter 633, including your right to present testimony and evidence in support of your case and your right to cross-examine witnesses presented by the Board’s staff.

3. Pursuant to NRS 622A.320(1), you may file an Answer to the above Complaint in this matter. To do so, you must file your Answer in writing with the Board’s office within 20 days of your receipt of the above Complaint. Your failure to timely file an Answer to the Complaint may be deemed by the Hearing Officer or the Board to be an admission to the contents of the Complaint.

4. You may request that the Board issue subpoenas to compel the attendance of witnesses or the production of evidence at the hearing of the matter pursuant to NRS 633.281.

5. Should you choose not to appear at the hearing of the matter, the Board may enter a default against you and still proceed with the hearing of the matter in your absence pursuant to NRS 622A.350.

7. You may seek to negotiate a settlement regarding this matter. If you desire to discuss a potential settlement of the matter, you may contact Louis Ling, Board Counsel, at (775) 233-9099 or at louisling@me.com.
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License No. 1074 )
RESPONDENT. )

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of February, 2018, I served a copy of the ABOVE Notice with attachment upon the parties to this matter, via personal service.

David Adams, D.O.

[Signature]
An employee of the Nevada State Board of Osteopathic Medicine