

THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH
STATE OF NEBRASKA

STATE OF NEBRASKA ex rel.,
JON BRUNING, Attorney General,

Plaintiff,

vs.

REYNALDO DE LOS ANGELES, M.D.

Defendant,

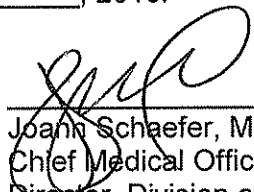
H10-2210

ORDER ON MOTION
TO MODIFY

This matter came on for consideration on July 27, 2010 on the Plaintiff's Motion to Modify its Agreed Settlement in this matter. Counsel for the Defendant has no objections. The Motion to Modify is hereby granted. The Agreed Settlement may be filed as modified.

IT IS SO ORDERED.


DATED this 6 day of August, 2010.



Joann Schaefer, M.D.
Chief Medical Officer
Director, Division of Public Health
Department of Health and Human Services

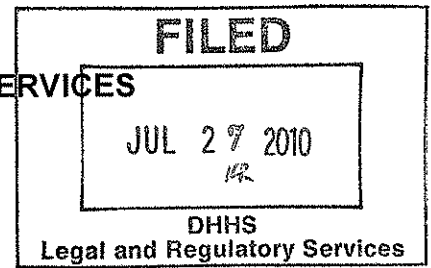
CERTIFICATE OF SERVICE

COMES NOW the undersigned and certifies that on the 9th day of August, 2010, a copy of the foregoing **ORDER ON MOTION TO AMEND** was sent by certified United States mail, postage prepaid, return receipt requested **David A. Domina, Domina Law Group, 2425 S. 144th St., Omaha, NE 68144-3267** and by interagency mail to **Susan M. Ugai**, Assistant Attorney General, 2115 State Capitol, Lincoln, Nebraska.



Keith B. Roland
DHHS Legal and Regulatory Services
P.O. Box 98914
Lincoln, NE 68509-8914
P. (402) 471-7237 F. (402) 742-2376

THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH
STATE OF NEBRASKA



STATE OF NEBRASKA ex rel. JON)
BRUNING, Attorney General,)
)
Plaintiff,)
)
v.)
)
REYNALDO A. DE LOS ANGELES, M.D.,)
)
Defendant.)

H10-2210

MOTION TO MODIFY

COMES NOW the State of Nebraska, and asks for an order modifying the Order on Agreed Settlement of July 13, 2010, for the following reasons:

1. The July 13, 2010, Order adopts the Agreed Settlement which states: "7. The Defendant shall attend and successfully complete an ethics course pre-approved by the Nebraska Board of Medicine and Surgery at his own expense prior to the completion of his probation. Upon successful completion of the course the Defendant shall provide verification of completion to the Board of Medicine."

2. Dr. de los Angeles was not placed on probation, and the language of Paragraph # 7 makes this provision somewhat ambiguous.


3. The parties agree that Paragraph # 7 of the Agreed Settlement should be amended to read: "7. The Defendant shall attend and successfully complete an ethics course pre-approved by the Nebraska Board of Medicine and Surgery at his own expense within one year of from the date the Chief Medical Officer enters an Order accepting this Agreed Settlement. Upon successful completion of the course, the Defendant shall provide verification of completion to the Board of Medicine."

PRAYER

WHEREFORE, the Plaintiff requests that the Chief Medical Officer modify the Order of July 13, 2010, as noted on Paragraph #3 above.

STATE OF NEBRASKA ex rel. JON
BRUNING, Attorney General
Plaintiff,

BY: JON BRUNING, #20351
Attorney General

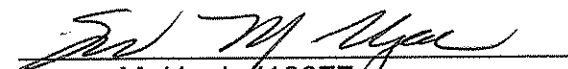
BY: 
Susan M. Ugai, #16677
Assistant Attorney General
2115 State Capitol
Lincoln, Nebraska 68509
402-471-9658

Attorneys for Plaintiff.

CERTIFICATE OF SERVICE

It is hereby certified that a true and accurate copy of the foregoing **Motion to Modify** has been served upon Defendant's attorney of record, David A. Domina, Domina Law Group, 2425 S. 144th St., Omaha, NE 68144-3267, by placing a copy of the same in the United States Mail, first class postage prepaid.

DATED this 26th day of July, 2010.


Susan M. Ugai, #16677
Assistant Attorney General

DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH
STATE OF NEBRASKA

LICENSURE UNIT

JUL 14 2010

RECEIVED

STATE OF NEBRASKA ex rel.,)
JON BRUNING, Attorney General,)
)
Plaintiff,)
)
vs.)
)
REYNALDO DE LOS ANGELES, M.D.)
)
Defendant.)

H10-2210


ORDER ON
AGREED SETTLEMENT

A proposed Agreed Settlement was filed with the Department on July 8, 2010.

ORDER

1. The Agreed Settlement is adopted, attached hereto and incorporated by reference.
2. The facts as set out in the petition are taken as true and adopted herein.
3. The parties shall comply with all of the terms of the Agreed Settlement.

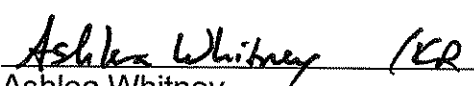
DATED this 13 day of July, 2010.



Joann Schaefer, M.D.
Chief Medical Officer
Director, Division of Public Health
Department of Health and Human Services

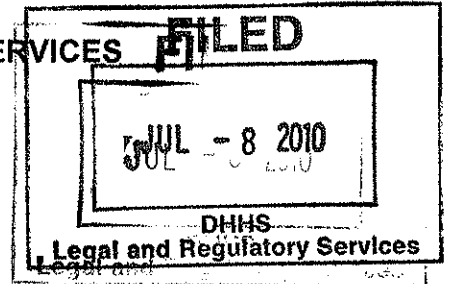
CERTIFICATE OF SERVICE

COMES NOW the undersigned and certifies that on the 14th day of July, 2010 a copy of the foregoing **ORDER ON AGREED SETTLEMENT** was sent by United States certified mail, postage prepaid, return receipt requested, to **David A. Domina, Domina Law Group, 2425 S. 144th Street, Omaha, NE 68144-3267** and by interoffice mail to **Susan M. Ugai, Assistant Attorney General, 2115 State Capitol, Lincoln, Nebraska.**



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THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH
STATE OF NEBRASKA



STATE OF NEBRASKA ex rel. JON)
BRUNING, Attorney General,)

Plaintiff,)

vs.)

REYNALDO A. DE LOS ANGELES, M.D.,)

Defendant.)

AGREED SETTLEMENT

The Plaintiff and the Defendant, Reynaldo A. De Los Angeles, M.D., in consideration of the mutual covenants and agreements contained herein, agree as follows:

1. The Defendant, Reynaldo A. De Los Angeles, M.D., was issued a license (#18636) by the Nebraska Department of Health and Human Services Division of Public Health ("Department") to practice as a physician in the State of Nebraska. The license is currently held by the Defendant.

2. Before disciplinary measures may be taken against the Defendant's license, the Defendant is entitled to a hearing as provided by law. The Defendant waives the right to a hearing. The Defendant waives any right to judicial review of an order by the Department's Chief Medical Officer which approves the terms of this Agreed Settlement.

3. No coercion, threats, or promises, other than those stated herein, were made to the Defendant to induce him to enter into this Agreed Settlement.

4. The Defendant acknowledges that he has read the Petition for Disciplinary Action filed by the Attorney General's Office. The Defendant admits the allegations of the Petition for Disciplinary Action.

5. The Plaintiff and the Defendant consent to the Chief Medical Officer entering a disciplinary order which imposes a civil penalty in the amount of Five Thousand Dollars (\$5,000.00). The civil penalty shall be payable in full within six (6) months from the date the Chief Medical Officer enters a disciplinary order in accordance with this Agreed Settlement. In the event the Defendant fails to pay the civil penalty in full by the stated deadline, the Chief Medical Officer may summarily suspend the Defendant's license, which suspension shall remain in effect until the civil penalty is paid in full.

6. The Plaintiff and the Defendant consent to the Chief Medical Officer entering a disciplinary order limiting the Defendant's medical license under the following conditions:

a. The Defendant may not keep controlled substances on the premises of his medical practice.

b. The Defendant shall not transport controlled substances between his practice locations.

c. The limitation may be removed or modified only the Defendant first petitioning the Board of Medicine and Surgery to recommend removal or modification of the limitation, the Board of Medicine and Surgery recommending removal or modification of the limitation, and the Department's Chief Medical Officer entering an order, in her discretion, which agrees with the Board of Medicine and Surgery's recommendation.

7. The Defendant shall attend and successfully complete an ethics course pre-approved by the Nebraska Board of Medicine and Surgery at his own expense prior

Limitation?

to the completion of his probation. Upon successful completion of the course the Defendant shall provide verification of completion to the Board of Medicine.

8. In the event the Defendant violates any of the above terms, the Chief Medical Officer, after motion by the Attorney General and a hearing, may take further disciplinary action against the Defendant's license to practice as a physician, including revocation of his license.

9. The Attorney General's Office has given notice of this Agreed Settlement to the Board of Medicine and has received their input in accordance with NEB. REV. STAT. §§ 38-190 (Reissue 2008) and 71-161.03 (Reissue 2003).

10. If this Agreed Settlement is not approved by the Chief Medical Officer, this Agreed Settlement shall become null and void and will not be admissible for any purpose at any hearing that may be held on this matter.

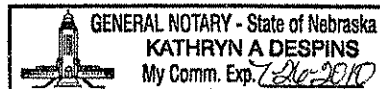
AGREED TO:

BY: *Reynaldo A. De Los Angeles*
Reynaldo A. De Los Angeles, M.D.
Defendant.

State of Nebraska)
County of Hall) ss.

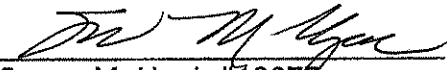
Acknowledged before me by Reynaldo A. De Los Angeles, M.D., on this 12th day of May, 2010.

Kathryn A. Despins
Notary Public
My Commission Expires:



THE STATE OF NEBRASKA, ex rel.
JON BRUNING, Attorney General,
Plaintiff,

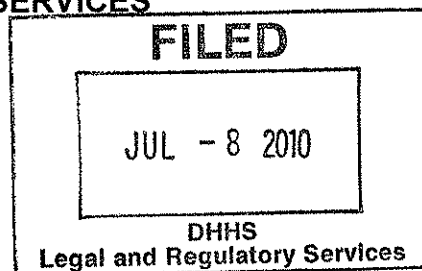
BY: JON BRUNING, #20351
Attorney General

BY: 
Susan M. Ugai, #16677
Assistant Attorney General
2115 State Capitol
Lincoln, NE 68509
(402) 471-9658

Attorneys for Plaintiff.

34-1696a.1-3

THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH
STATE OF NEBRASKA



STATE OF NEBRASKA, ex rel. JON)
BRUNING, Attorney General,)
)
Plaintiff,)
)
vs.)
)
REYNALDO A. DE LOS ANGELES,)
M.D.,)
)
Defendant.)

PETITION FOR
DISCIPLINARY ACTION

The Plaintiff alleges as follows:

ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

1. Jurisdiction is based on NEB. REV. STAT. §§ 38-183, 38-184, 38-186 (Reissue 2008), and 71-150 (Reissue 2003).
2. At all times relevant herein, the Defendant, Reynaldo A. De Los Angeles, M.D., has been the holder of license #18636 which was issued by the Nebraska Department of Health and Human Services Division of Public Health ("Department") for his practice as a medical doctor.
3. The Department is the agency of the State of Nebraska authorized to enforce the laws of Nebraska regulating the practice of medicine.
4. The Nebraska Board of Medicine and Surgery considered the investigation of this matter and made its recommendation to the Attorney General, which recommendation has been considered. Such matters are privileged pursuant to NEB. REV. STAT. §§ 38-1,105, 38-1,106 (Reissue 2008), 71-168.01(7) and 71-168.01(8) (Reissue 2003).

5. The Defendant was stopped by the Hall County Sheriff's Office on August 31, 2007. A search of the vehicle found the following drugs in a Uroxatral medication bottle in the back seat of the vehicle:

Provigil	200 mg	7 tablets
Viagra	100 mg	3 tablets
Viagra	50 mg	3 tablets
Cialis	20 mg	5 tablets
Cialis	10 mg	4 tablets

A 7 tablet blister pack of Provigil, 200 mg, was also found in the back seat of the vehicle.

6. A search of the trunk of the car revealed six tablets of Provigil, 200 mg, in a blister pack of seven, and one tablet of blood pressure medication found in a blister pack.

Two small canisters contained the following loose medications:

Provigil	200 mg	30 tablets
Viagra	100 mg	3 tablets
Viagra	50 mg	2 tablets
Cialis	20 mg	1 tablet
Cialis	10 mg	1 tablet

7. The Defendant indicated he was transporting these medications from his Grand Island office to his Kearney office. The Defendant's Grand Island office is the controlled premises listed on his D.E.A. permit.

8. The Defendant kept Provigil, Ambien (Schedule IV drugs), and Lunesta in his office to sample the drugs to his patients. The Defendant did not keep records of the controlled substances stored at his offices in Grand Island and Kearney.

9. The Defendant admitted he appropriated doses of Provigil for his own personal use, without a prescription.

FIRST CAUSE OF ACTION

10. Paragraphs 1 through 9 are incorporated herein by reference.

11. NEB. REV. STAT. §§ 38-178(17) (Reissue 2008) and 71-147(17) (2006 Cum.Supp.) provide that a professional license may be disciplined for a violation of the Uniform Controlled Substance Act.

12. The Defendant violated NEB. REV. STAT. § 28-411 (Reissue 2008) by failing to keep a record of such controlled substances received by him and a record of such controlled substances administered or professionally used by him, other than by medical order issued by a practitioner authorized to prescribe.

13. The Defendant violated NEB. REV. STAT. § 28-428 (Reissue 2008) and the Uniform Controlled Substance Act by not maintaining controlled substances purchased with his D.E.A. permit in a controlled premises.

14. The Defendant's conduct is unprofessional conduct and is grounds for discipline.

SECOND CAUSE OF ACTION

14. Paragraphs 1 through 13 are incorporated herein by reference.

15. NEB. REV. STAT. §§ 38-178(23) (Reissue 2008) and 71-147 (10) (2006 Cum. Supp.) provides that a professional license may be disciplined, revoked, or suspended for unprofessional conduct.

16. NEB. REV. STAT. §§ 38-179 (Reissue 2008) and 71-148 (Reissue 2003) define unprofessional conduct as any departure from or failure to conform to the standards of acceptable and prevailing practice of a profession or occupation or the ethics of the profession or occupation regardless of whether a person, patient or entity is injured, or conduct that is likely to deceive or defraud the public or is detrimental to the public interest.

17. NEB. REV. STAT. §§ 38-179(15) (Reissue 2008) and 71-148(22) (Reissue 2003) define unprofessional conduct as such other acts as may be defined in rules and regulations adopted and promulgated by the board of examiners in the profession of the applicant, licensee, certificate holder or registrant with the approval of the Department.

18. Title 172 Chapter 88-013.1 Regulations Governing the Practice of Medicine and Surgery defines unprofessional conduct as any departure from or failure to conform to the ethics of the medical profession, as found in the American Medical Association's Code of Medical Ethics and Opinions.

19. The American Medical Association's Code of Medical Ethics and Opinions § 8.19 Self-Treatment or Treatment of Immediate Family Members also provides: "Physicians generally should not treat themselves . . . Except in emergencies, it is not appropriate for physicians to write prescriptions for controlled substances for themselves".

20. The Defendant's conduct of giving himself Provigil from his office supply is unprofessional conduct and is grounds for discipline.

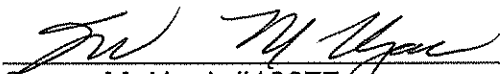
PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays that the Chief Medical Officer set this matter for hearing, order appropriate disciplinary action pursuant to NEB. REV. STAT. §§ 38-183

(Reissue 2008) and 71-155 (Reissue 2003), and tax the costs of this action to the Defendant.

STATE OF NEBRASKA ex rel. JON BRUNING,
Attorney General,
Plaintiff,

BY: JON BRUNING, #20351
Attorney General

BY: 
Susan M. Ugai, #16677
Assistant Attorney General
2115 State Capitol
Lincoln, NE 68509
(402) 471-2682

Attorneys for the Plaintiff.