

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

IN THE MATTER OF)	
)	
THE LICENSE OF)	ASSURANCE OF COMPLIANCE
)	
REYNALDO DE LOS ANGELES, MD)	
)	

Reynaldo De Los Angeles, M.D. and the Attorney General's Office for the State of Nebraska enter into this Assurance of Compliance by agreeing as follows:

1. Reynaldo De Los Angeles, M.D., is the holder of a license to practice Medicine and Surgery (#18636), issued by the Nebraska Department of Health and Human Services ("Department").
2. On January 20, 2016, Dr. De Los Angeles was sentenced to five years of probation in United States District Court for the District of Nebraska for Failure to Pay Over Withholding and FICA Taxes in the amount of \$131,775.00. Dr. De Los Angeles withheld \$131,775 from employees of his mental health clinics between 2008 and 2012, but failed to pay the payroll taxes to the Internal Revenue Service.
3. Neb. Rev. Stat. § 38-178(2) (Supp. 2015) provides that a physician's license may be disciplined for immoral or dishonorable conduct evidencing unfitness to practice the profession in Nebraska.
4. Neb. Rev. Stat. § 38-178(5) (Supp. 2015) provides that a physician's license may be disciplined for conviction of a misdemeanor or felony under Nebraska law or federal law and which has a rational connection with the fitness or capacity of the credential holder to practice the profession.
5. Dr. De Los Angeles shall comply with the terms of his probation and shall comply with all state and federal tax laws.

6. Neb. Rev. Stat. § 38-178(21) (Supp.2015) provides that a physician's license may be disciplined for a violation of an assurance of compliance entered into under Neb. Rev. Stat. § 38-1,108 (Reissue 2008).
7. This Assurance of Compliance is not considered disciplinary action against Dr. De Los Angeles' license to practice Medicine and Surgery.
8. This Assurance of Compliance is entered into pursuant to Neb. Rev. Stat. § 38-1,108 (Reissue 2008) and shall become effective ten (10) days from the date signed by the Attorney General.

BY: Reynaldo De Los Angeles M.D.
Reynaldo De Los Angeles, M.D.

State of Nebraska)
) ss.
County of Buffalo)

This Assurance of Compliance is acknowledged before me by Reynaldo De Los Angeles, M.D., on this 25 day of March, 2017.



Shelly D. Fox
Notary Public
My Commission Expires: May 22, 2017

Dated this 29th day of March, 2017.

BY: DOUGLAS J. PETERSON, #18146
Attorney General

BY: Suzanna Glover-Ettrich
Suzanna Glover-Ettrich, #20888
Special Assistant Attorney General
301 Centennial Mall South
Lincoln, NE 68509-5026
(402) 471-4126


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

IN THE MATTER OF THE APPLICATION BY)
REYNALDO DE LOS ANGELES, MD FOR)
REINSTATEMENT OF A LICENSE) ORDER
TO PRACTICE MEDICINE AND SURGERY)

The matter came before the Director of the Division of Public Health on the Recommendation of the Board of Medicine and Surgery. The Director having considered said Recommendation and all supporting documentation, hereby APPROVES the Reinstatement of a credential without probationary terms and conditions and/or limitations to Reynaldo De Los Angeles, MD (#18636) as recommended by the Board of Medicine and Surgery's Findings of Fact, Conclusions of Law, and Recommendation for Reinstatement dated December 12, 2014.

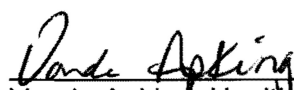
IT IS SO ORDERED.

DATED this 15 day of January, 2015.


Joseph M. Acierno, MD, JD
Acting Chief Executive Officer
Chief Medical Officer
Director, Division of Public Health
Department of Health and Human Services

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of January, 2014 a true and correct copy of the foregoing ORDER was sent by certified United States mail, postage prepaid, return receipt requested to Reynaldo De Los Angeles, MD, 3412 E Cottonwood RD, Kearney, NE 68845, and to Julie Agena, Assistant Attorney General, 2115 State Capitol, via interagency mail.


Vonda Apking, Health Licensing Coordinator
Licensure Unit, Division of Public Health
Department of Health and Human Services

BEFORE THE BOARD OF MEDICINE AND SURGERY
STATE OF NEBRASKA

IN THE MATTER OF THE)	FINDINGS OF FACT,
APPLICATION FOR REINSTATEMENT)	CONCLUSIONS OF LAW AND
OF LICENSE FOLLOWING DISCIPLINARY)	RECOMMENDATION FOR
SUSPENSION OF)	REINSTATEMENT
REYNALDO DE LOS ANGELES, MD)	

On December 5, 2014, the Board of Medicine and Surgery (Board) reviewed, at its regularly scheduled meeting, the Application for Reinstatement of License Following Disciplinary Suspension of Reynaldo De Los Angeles, MD, License # 18636. The Board considered the Application and all supporting documentation.

FINDINGS OF FACT

The Board finds as follows:

1. On October 9, 1991, Dr. De Los Angeles was issued license #18636 to practice medicine and surgery in the State of Nebraska.
2. On July 8, 2010, a Petition for Disciplinary Action was filed against Dr. De Los Angeles' license alleging that he:
 - a. Demonstrated unprofessional conduct by failing to maintain controlled substances purchased with his DEA permit in a controlled premises; and
 - b. Demonstrated unprofessional conduct by giving himself Provigil from his office supply.
3. On July 13, 2010, an Order on Agreed Settlement was issued, in which Dr. De Los Angeles admitted the allegations of the Petition for Disciplinary Action. Sanctions included:
 - a. A civil penalty of \$5,000;
 - b. A limitation of license as follows:
 - i. That he may not keep controlled substances on the premises of his medical practice;
 - ii. That he shall not transport controlled substances between his practice locations.
 - c. Attend and successfully complete an ethics course pre-approved by the Board of Medicine and Surgery.
4. On November 4, 2010, the Oklahoma Board of Medicine indefinitely suspended Dr. De Los Angeles' license for the disciplinary actions taken in Nebraska and for misrepresenting the Nebraska investigation on his renewal application in Oklahoma.

5. On July 1, 2011, the California Board of Medicine revoked Dr. De Los Angeles' license for the disciplinary actions taken in Nebraska.
6. On April 30, 2012, a Petition for Disciplinary Action and Temporary License Suspension was filed alleging that Dr. De Los Angeles demonstrated unprofessional conduct by failing to conform to the standard of care regarding his prescribing, maintenance, and recordkeeping of controlled substances, and by engaging in sexual misconduct.
7. On April 30, 2012, an Order for Temporary License Suspension and Notice of Hearing was issued suspending Dr. De Los Angeles' license on the basis that his continued practice at that time would constitute an imminent danger to public health and safety.
8. On June 26, 2012, an Amended Petition for Disciplinary Action and Temporary License Suspension was filed alleging that Dr. De Los Angeles demonstrated unprofessional conduct by failing to conform to the standard of care.
9. On July 12, 2012, an Order on Agreed Settlement was issued finding that the facts of the Petition are true and suspending Dr. De Los Angeles' license for a period of no less than one year beginning May 2, 2012, the date of his temporary license suspension. The Agreed Settlement states that reinstatement of the license at the end of the one year suspension is at the discretion of the Department and upon approval of the Board of Medicine and Surgery, and that Dr. De Los Angeles shall provide information regarding any remediation completed with his reinstatement application.
10. On December 31, 2012, the Kansas State Board of Healing Arts denied Dr. De Los Angeles' Application for License Designation Change to Active Status. The Kansas Board concluded that Dr. De Los Angeles committed fraud or misrepresentation in the renewal of his Kansas license in 2010 and 2011 in that he failed to report adverse actions to the Kansas Board, namely the discipline of his license in other states.
11. On April 24, 2013, an Application for Reinstatement After Disciplinary Action submitted by Dr. De Los Angeles was received in the Department. Included with the application was Dr. De Los Angeles' Certificate of Completion of The ProBE Program, Professional/Problem-Based Ethics course completed November 19-21, 2010; and Dr. De Los Angeles' AMA Physician's Recognition Award indicating he fulfilled the requirements for such award in continuing medical education, valid January 1, 2012 through January 1, 2014.
12. On November 25, 2013, a Findings of Fact, Conclusions of Law, and Order was issued denying reinstatement and reversed the Board of Medicine Surgery's recommendation to reinstate Dr. De Los Angeles' medical license with a limitation.
13. On October 3, 2014, an Application for Reinstatement Following Disciplinary Suspension submitted by Dr. De Los Angeles was received in the Department. Included with the reinstatement application was proof of attending the Professional Boundaries Inc. (PBI) Prescribing Course regarding Opioids, Pain Management, and Addictions on September 27-28, 2014, for 21 hours of AMA PRA Category 1 Credits.

14. On October 7, 2014, the following information submitted by Dr. De Los Angeles was received in the Department:

- Certificate of Completion of continuing medical education in Chronic Pain Syndromes: Current Concepts and Treatment Strategies on October 2, 2014, for 15 hours of AMA PRA Category 1 Credits;
- Certificate of Completion of continuing medical education in Risk Management on October 2, 2014, for 5 hours of AMA PRA Category 1 Credits;
- Certificate of Completion of continuing medical education in Medical Ethics for Physicians on October 2, 2014, for 5 hours of AMA PRA Category 1 Credits; and
- Certificate of Completion of continuing medical education in Depression and Suicide on October 4, 2014, for 15 hours of AMA PRA Category 1 Credits.

15. On October 22, 2014, the Department received a Certificate of Completion of continuing medical education in Prescription Opioids: Risk Management and Strategies for Safe Use on October 20, 2014, for 15 hours of AMA PRA Category 1 Credit, submitted by Dr. De Los Angeles.

16. On November 17, 2014, the Department received an agenda and description of the Professional Boundaries and Ethics: Maintenance and Accountability Seminars, a 12-week cycle of continuing medical education that Dr. De Los Angeles submitted and began on October 28, 2014, and will complete on January 13, 2015 for 24 hours of AMA PRA Category 1 Credits.

CONCLUSIONS OF LAW

The Board of Medicine and Surgery has jurisdiction over this matter pursuant to Neb. Rev. Stat. § 38-149. The Applicant has met the procedural requirements for consideration of reinstatement. This matter is properly before the Board of Medicine and Surgery for consideration on the merits of the Application for Reinstatement of License Following Disciplinary Suspension. Based on items 11 and 13-16 above, the Applicant has provided proof of addressing the issues that caused his license to be suspended.

RECOMMENDATION

Based upon the foregoing, the Board of Medicine and Surgery hereby recommends to reinstate the Applicant's license to practice medicine and surgery without probationary terms and conditions and/or limitations.

Dated this 12th day of December, 2014.

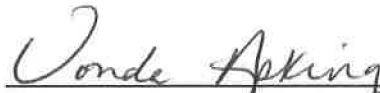
The Board of Medicine and Surgery



Michael J. Bittles, MD, Chairperson

CERTIFICATE OF SERVICE

COMES NOW the undersigned and certifies that on the 12th day of December, 2014, a copy of the foregoing FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION FOR REINSTATEMENT was sent by certified United States mail, postage prepaid, return receipt requested, to Reynaldo De Los Angeles, MD, 3412 E Cottonwood RD, Kearney, NE 68845, and to Julie Akena, Assistant Attorney General, 2115 State Capitol, by interagency mail.



Vonda Apking, Health Licensing Coordinator
Licensure Unit
Division of Public Health
Nebraska Department of Health and Human Services

Nebraska Department of Health & Human Services
Division of Public Health
Licensure Unit
PO Box 94986
Lincoln NE 68509-4986
402/471-2118 or fax 402/471-8614

Request for Reinstatement Before the Chief Medical Officer

IN THE MATTER OF THE APPLICATION)
FOR REINSTATEMENT OF LICENSE)
FOLLOWING DISCIPLINARY)
SUSPENSION OF)
REYNALDO DE LOS ANGELES, MD)

REQUEST REINSTATEMENT
OF CREDENTIAL

I, Reynaldo De Los Angeles, MD, having received notification of the recommendation made by the Board of Medicine and Surgery regarding reinstatement of my license #18636 to practice medicine and surgery, hereby request the Chief Medical Officer to issue my license in accordance with the Board's recommendation for reinstatement.

Signature of Applicant

Date

**BEFORE THE CHIEF MEDICAL OFFICER AND DIRECTOR
OF THE DIVISION OF PUBLIC HEALTH
DEPARTMENT OF HEALTH AND HUMAN SERVICES
STATE OF NEBRASKA**

IN THE MATTER OF THE APPLICATION)	FINDINGS OF FACT,
FOR REINSTATEMENT OF THE LICENSE)	CONCLUSIONS OF LAW
OF REYNALDO DE LOS ANGELES, MD)	AND ORDER
TO PRACTICE MEDICINE AND SURGERY)	

Upon review of the Application for Reinstatement (hereafter "Application") of Reynaldo De Los Angeles, MD (hereafter "De Los Angeles") accompanied by the September 12, 2013 written Findings of Fact, Conclusions of Law and Recommendation for Reinstatement With A Limitation from the Board of Medicine and Surgery (hereafter "Board") and supporting documentation, the Chief Medical Officer and Director of the Division of Public Health (hereafter "Director") makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. On May 10, 2013 at its regularly scheduled meeting the Board considered the Application and supporting documentation filed by De Los Angeles on April 24, 2013. The Board requested an investigation pursuant to NEB. REV. STAT. § 38-149(2). Pursuant to NEB. REV. STAT. § 38-149(3), on the basis of the material submitted by De Los Angeles and the results of the investigation by the department, the Board issued its Findings of Fact, Conclusions of Law and Recommendation for Reinstatement With A Limitation.
2. By request filed September 23, 2013, De Los Angeles requested the Director issue his license in accordance with the Board's recommendation.
3. On October 9, 1991, De Los Angeles' was issued license #18636 to practice medicine and surgery in the State of Nebraska.
4. On July 13, 2010, an Order on Agreed Settlement was issued accepting and adopting the parties' Agreed Settlement filed July 8, 2010. In that Agreed Settlement De Los Angeles admitted the allegations of the Petition for Disciplinary Action filed July 8, 2010. Those admissions included that De Los Angeles:
 - a. demonstrated unprofessional conduct by failing to maintain controlled substances purchased with his DEA permit in a controlled premises; and
 - b. demonstrated unprofessional conduct by giving himself Provigil from his office supply.
5. The Agreed Settlement and Order of July 13, 2010 imposed sanctions on De los Angles that included:
 - a. a civil penalty in the amount of \$5,000, and

- b. a limitation of license as follows:
 - i. that De Los Angeles may not keep controlled substances on the premises of his medical practice; and
 - ii. that De Los Angeles shall not transport controlled substances between his practice locations.
- 6. In addition to the sanctions referenced in paragraph 5 above, under the Agreed Settlement and Order of July 13, 2010 and the subsequent Order on Motion to Modify entered August 6, 2010, De Los Angeles was required to attend and successfully complete an ethics course pre-approved by the Board within one year.
- 7. On April 30, 2012, a Petition for Disciplinary Action and Temporary License Suspension was filed and an Order for Temporary License Suspension and Notice of Hearing was issued suspending Dr. De Los Angeles' license on the basis that his continued practice at that time would constitute an imminent danger to public health and safety. On June 26, 2012, an Amended Petition for Disciplinary Action and Temporary License Suspension was filed.
- 8. On July 12, 2012, an Order on Agreed Settlement was issued accepting and adopting the parties' Agreed Settlement filed June 26, 2012. In that Agreed Settlement De Los Angeles consented to a final disciplinary order which finds the allegations of the Amended Petition for Disciplinary Action and Temporary License Suspension to be true. The Chief Medical Officer and Director, Division of Public Health found and adopted the facts set out therein, including:
 - a. the matters set out in paragraphs 4, 5 and 6, above;
 - b. on November 4, 2010, the Oklahoma Board of Medicine indefinitely suspended De Los Angeles' license for the disciplinary actions taken in Nebraska and for misrepresenting the Nebraska investigation on his renewal application in Oklahoma;
 - c. on July 1, 2011, the California Board of Medicine revoked De Los Angeles' license for the disciplinary actions taken in Nebraska; and
 - d. De Los Angeles demonstrated unprofessional conduct by failing to conform to the standards of acceptable and prevailing practice of a profession or the ethics of a profession and conduct or practice outside the normal standard care in the State of Nebraska as more fully set out in the Amended Petition for Disciplinary Action and Temporary License Suspension which is hereby incorporated as if fully set out.
- 9. The July 12, 2012 Order on Agreed Settlement pursuant to the parties' June 26, 2012 Agreed Settlement suspended De Los Angeles' license for a period of *no less than* one (1) year, beginning May 2, 2012, and expressly provided that "[t]he

Defendant [De Los Angeles] acknowledges that reinstatement of his medical license at the end of the one (1) year suspension is at the discretion of the Department and upon approval of the Board of Medicine and Surgery. Defendant shall provide information regarding any remediation completed with his reinstatement application."

10. In addition to the foregoing matters established by the Agreed Settlements for prior disciplinary actions, The Board, in its Finding of Fact, Conclusions of Law and Recommendation With A Limitation, found after review of the reinstatement investigation that on December 31, 2012, the Kansas State Board of Healing Arts denied De Los Angeles' Application for License Designation Change to Active Status. The Kansas board concluded that De Los Angeles committed fraud or misrepresentation in the renewal of his Kansas license in 2010 and 2011 in that he failed to report adverse actions to the Kansas Board, namely the discipline of his license in other states. De Los Angeles did not avail himself of the opportunity for a hearing before the (Nebraska) Board regarding the Board's findings and recommendation and instead requested reinstatement of his license in accordance with the Board's recommendation. After review of the record, the Board's finding of fact on this matter is hereby adopted.
11. On April 24, 2013, an Application for Reinstatement After Disciplinary Action submitted by De Los Angeles was received in the Department. Included with the application was De Los Angeles' Certificate of Completion of The ProBE Program, Professional/Problem-Based Ethics course completed November 19-21, 2010; and De Los Angeles' AMA Physician's Recognition Award indicating he fulfilled the requirements for such award in continuing medical education, valid January 1, 2012 through January 1, 2014.
12. The information submitted by De Los Angeles with his reinstatement application does not relate to "remediation completed" as set out in the July 12, 2012 Order on Agreed Settlement and June 26, 2012 Agreed Settlement; as follows:
 - a. the ProBE program was *completed* by De Los Angeles more than seventeen (17) months *prior* to the April 30, 2012 Petition for Disciplinary Action and Temporary License Suspension and more than nineteen (19) months prior to the June 26, 2012 Amended Petition for Disciplinary Action and Temporary License Suspension;
 - b. De los Angeles' acts of unprofessional conduct forming the basis of De Los Angeles' license suspension began before De Los Angeles completed the ProBE program *and continued after completion*; clearly no remediation was demonstrated; and
 - c. the AMA Physician's Recognition Award indicates De Los Angeles has fulfilled the requirements for such award in continuing medical education, not remediation addressing his demonstrated unprofessional conduct.


CONCLUSIONS OF LAW

1. The Director has jurisdiction in this matter and it is properly before the Director pursuant to NEB. REV. STAT. § 38-149.
2. The Director's decision to reinstate a license to practice medicine and surgery is a discretionary one; an applicant is not entitled to have his or her license reinstated as a matter of right upon satisfying any particular quantum of proof. See, *In re Reinstatement of Navrkal*, 270 Neb. 391, 703 N.W. 2d 247 (2005). As noted above, the parties herein, as did the parties in *Navrkal*, expressly recognized the discretionary nature of reinstatement.
3. There exists no vested right to practice medicine; rather, it is a conditional right subordinate to police power of State to protect and preserve public health. See *State v. Hinze*, 232 Neb. 550, 441 N.W.2d 593 (1989) cited in *Navrkal*.
4. As noted in *Navrkal*, the discretion to reinstate a license to practice medicine and surgery is not boundless. As provided in NEB. REV. STAT. § 38-149(4) the Director may reverse or modify the recommendation of the Board if the Board's recommendation is (a) in excess of statutory authority; (b) made upon unlawful procedure; (c) unsupported by competent, material, and substantial evidence in view of the entire record; or (d) arbitrary or capricious.
5. The record presented contains insufficient evidence to show that De Los Angeles has completed remediation sufficient to address the underlying cause of the suspension. There is inadequate competent, material and substantial evidence of De Los Angeles's fitness to practice in a manner affording protection and preservation of the public's health. The Board's recommendation is unsupported by competent, material, and substantial evidence in view of the entire record, pursuant to Neb. Rev. Stat. § 38-149(4).

ORDER

The recommendation of the Board of Medicine and Surgery is reversed and reinstatement of Dr. De Los Angeles' license is denied.

Dated: 25 day of November, 2013



Joseph M. Acierno, M.D., J.D.
Chief Medical Officer
Director, Division of Public Health
Dept. of Health & Human Services

CERTIFICATE OF SERVICE

COMES NOW the undersigned and certifies that on the 26th day of November, 2013, a copy of the foregoing FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER was sent by certified United States mail, postage prepaid, return receipt requested, to Reynaldo A. De Los Angeles, M.D., 3412 E. Cottonwood Road, Kearney, Nebraska 68845.



Vicki Bumgarner, Health Licensing Coordinator
Licensure Unit
Division of Public Health
Department of Health and Human Services
State of Nebraska

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.

12-1103

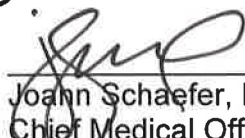
ORDER ON
AGREED SETTLEMENT

A proposed Agreed Settlement was filed with the Department on June 26, 2012.

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 12 day of July, 2012.


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 13th day of July, 2012 a copy of the foregoing **ORDER ON AGREED SETTLEMENT** was sent by United States certified mail, postage prepaid, return receipt requested, to **Melanie Whittamore-Mantzios, Wolfe, Snowden, Hurd, Luers & Ahl, LLP, Wells Fargo Center, 1248 O Street, Suite 800, Lincoln, NE 68508-1424** and by interoffice mail to **Julie Agena**, Assistant Attorney General, 2115 State Capitol, Lincoln, Nebraska.


DHHS Legal Services
P.O. Box 98914
Lincoln NE 68509-8914
P. (402) 471-7237 F. (402) 742-2376

FILED

JUN 26 2012

DHHS
Legal and Regulatory Services

**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.

AGREED SETTLEMENT

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

1. The Defendant, Reynaldo A. De Los Angeles, MD, was issued a license (#18636) to practice as a physician by the Nebraska Department of Health and Human Services Division of Public Health ("Department").
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 Amended Petition for: Disciplinary Action and Temporary License Suspension filed by the Nebraska Attorney General's Office. The Defendant neither admits nor denies the allegations of the Amended Petition for: Disciplinary Action and Temporary License Suspension.
5. The Plaintiff and the Defendant consent to the Chief Medical Officer entering a final disciplinary order which finds the allegations of the Amended Petition for: Disciplinary Action and Temporary License Suspension are true and which places the Defendant's physician license on suspension for a period no less than one (1) year, beginning May 2, 2012, the date of his immediate suspension in this case. The Defendant shall not engage in any conduct which constitutes the practice of medicine and surgery during the suspension of his medical license. Pursuant to Neb. Rev. Stat. § 38-2024 (Reissue 2008), the practice of medicine and surgery is defined as:
 - a. Persons who publicly profess to be physicians or surgeons or publicly profess to assume the duties incident to the practice of medicine, surgery, or any of their branches;
 - b. Person who prescribe and furnish medicine for some illness, disease, ailment, injury, pain, deformity, or any physical or mental condition, or treat the same by surgery;
 - c. Persons holding themselves out to the public as being qualified in the diagnosis or treatment of diseases, ailments, pain, deformity, or any physical or mental condition, or injuries of human beings;

- d. Persons who suggest, recommend, or prescribe any form of treatment for the intended palliation, relief, or cure of any physical or mental ailment of any person;
 - e. Persons who maintain an office for the examination or treatment of persons afflicted with ailments, diseases, injuries, pain, deformity, or any physical or mental condition of human beings;
 - f. Persons who attach to their name the title of M.D., surgeon, physician, physician and surgeon, or any word or abbreviation and who indicate that they are engaged in the treatment or diagnosis of ailments, diseases, injuries, pain, deformity, infirmity, or any physical or mental condition of human beings; and
 - g. Persons who are physically located in another state but who, through the use of any medium, including an electronic medium, perform for compensation any service which constitutes the healing arts that would affect the diagnosis or treatment of an individual located in this state.
6. The Defendant acknowledges that reinstatement of his medical license at the end of the one (1) year suspension is at the discretion of the Department and upon approval of the Board of Medicine and Surgery. Defendant shall provide information regarding any remediation completed with his reinstatement application.
7. The medical license of the State of Nebraska, wall and wallet certificate, now in the possession of the Defendant shall be surrendered to the Department upon the entry of the Chief Medical Officer's Order of Agreed Settlement.

8. The Attorney General's Office has given notice of this Agreed Settlement to the Board of Medicine and Surgery and has received their input in accordance with Neb. Rev. Stat. § 38-190 (Reissue 2008).
9. 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.

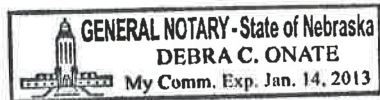
AGREED TO:

BY:

Reynaldo A. De Los Angeles, MD
Defendant

State of Nebraska)
) ss.
County of Buffalo)

Acknowledged before me by Reynaldo A. De Los Angeles, MD, on this 21st
day of June, 2012.



Debra C. Onate
Notary Public
My Commission Expires:

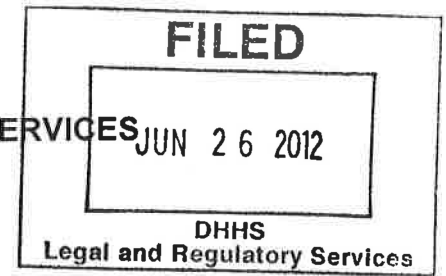
THE STATE OF NEBRASKA, ex rel.
JON BRUNING, Attorney General,
Plaintiff,

BY: JON BRUNING, #20351
Attorney General

BY: Julie L. Avena
Julie L. Avena, #23137
Assistant Attorney General
2115 State Capitol
Lincoln, NE 68509
(402) 471-1815

Attorneys for the Plaintiff.

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.)

AMENDED
PETITION FOR: DISCIPLINARY
ACTION AND TEMPORARY
LICENSE SUSPENSION

The Plaintiff alleges as follows:

1. Jurisdiction is based on Neb. Rev. Stat. §§ 38-183, 38-184 and 38-186 (Reissue 2008).
2. At all times relevant herein, the Defendant, Reynaldo A. De Los Angeles, MD, has been the holder of a license (#18636) issued by the Department of Health and Human Services Division of Public Health ("Department") to practice as a physician.
3. The Department is the agency of the State of Nebraska authorized to enforce the provisions of the Uniform Credentialing Act regulating the practice of medicine and surgery.
4. The Nebraska Board of Medicine and Surgery considered the investigation of this matter and made a disciplinary recommendation to the Attorney General, which recommendation has been considered. Such matters are privileged pursuant to Neb. Rev. Stat. §§ 38-1,105 and 38-1,106 (Reissue 2008).
5. On July 8, 2010, a Petition for Disciplinary Action was filed against the Defendant, alleging that:

- a. He demonstrated unprofessional conduct by failing to maintain controlled substances purchased with his DEA permit in a controlled premises; and
- b. He demonstrated unprofessional conduct by giving himself Provigil from his office supply.

6. On July 13, 2010, an Order on Agreed Settlement was issued, in which the Defendant admitted the allegations of the Petition for Disciplinary Action. Sanctions included:

- a. A Five Thousand Dollar (\$5,000) civil penalty;
- b. Limitation of the Defendant's license in the following ways:
 - i. The Defendant may not keep controlled substances on the premises of his medical practice;
 - ii. The Defendant shall not transport controlled substances between his practice locations.
- c. The Defendant shall attend an ethics course, pre-approved by the Nebraska Board of Medicine and Surgery.

7. On November 4, 2010, the Oklahoma Board of Medicine indefinitely suspended the Defendant's medical license for the disciplinary actions taken in Nebraska and for misrepresenting the Nebraska investigation on his renewal application.

8. On July 1, 2011, the California Board of Medicine revoked the Defendant's medical license for the disciplinary action taken in Nebraska.

9. Between April 2007 and August 2011, Patient A saw the Defendant for psychiatric care, including bipolar disorder, schizophrenia, attention deficit disorder,

depression, anxiety and a personality disorder. In addition, the Defendant prescribed medications for complaints of leg discomfort due to varicose veins, restless leg syndrome and lower back pain.

10. Between May 10, 2010, and August 25, 2011, Patient A had the following prescriptions written by the Defendant filled:

- a. Hydrocodone/APAP 7.5/500
 - i. May 10, 2010: 30 pills
 - ii. May 24, 2010: 30 pills
 - iii. June 7, 2010: 30 pills
 - iv. July 8, 2010: 30 pills
 - v. July 28, 2010: 30 pills
 - vi. August 26, 2010: 60 pills
 - vii. September 23, 2010: 60 pills
 - viii. October 21, 2010: 60 pills
 - ix. November 8, 2010: 60 pills
 - x. December 8, 2010: 90 pills
 - xi. December 29, 2010: 90 pills
 - xii. January 20, 2011: 90 pills
 - xiii. February 17, 2011: 90 pills
 - xiv. March 11, 2011: 90 pills
 - xv. March 16, 2011: 30 pills
 - xvi. April 8, 2011: 90 pills
 - xvii. April 28, 2011: 90 pills

- xviii. May 3, 2011: 90 pills
- xix. May 26, 2011: 90 pills
- xx. June 2, 2011: 90 pills
- xxi. June 23, 2011: 90 pills
- xxii. June 30, 2011: 90 pills
- xxiii. July 21, 2011: 90 pills
- xxiv. August 1, 2011: 90 pills
- xxv. August 18, 2011: 90 pills
- xxvi. August 25, 2011: 21 pills

b. Lorazepam .5 mg

- i. May 10, 2010: 45 pills
- ii. May 24, 2010: 45 pills
- iii. June 7, 2010: 45 pills
- iv. June 23, 2010: 45 pills
- v. October 23, 2010: 60 pills
- vi. December 29, 2010: 60 pills

c. Lorazepam 1 mg

- i. January 20, 2011: 90 pills
- ii. February 17, 2011: 90 pills
- iii. March 11, 2011: 90 pills
- iv. April 8, 2011: 90 pills
- v. May 3, 2011: 90 pills
- vi. June 2, 2011: 90 pills

- vii. June 30, 2011: 90 pills
 - viii. July 27, 2011: 90 pills
 - ix. August 25, 2011: 21 pills
- d. Trazadone 100 mg
 - i. August 26, 2010: 30 pills
 - ii. October 21, 2010: 30 pills
 - iii. November 8, 2010: 30 pills
- e. Zolpidem 10 mg
 - i. January 20, 2011: 30 pills
 - ii. February 17, 2011: 30 pills
 - iii. March 11, 2011: 30 pills
 - iv. April 11, 2011: 30 pills
 - v. May 5, 2011: 30 pills
 - vi. June 18, 2011: 30 pills
 - vii. August 10, 2011: 30 pills
- f. Lamotrigine 100 mg
 - i. March 3, 2011: 180 pills
- g. Temazepam 30 mg
 - i. May 26, 2011: 30 pills
 - ii. June 24, 2011: 30 pills
 - iii. August 10, 2011: 30 pills
- h. Estazolam 2 mg
 - i. June 30, 2011: 30 pills

ii. June 27, 2011: 30 pills

i. Seroquel 200 mg

i. August 1, 2011: 5 pills

11. J.M., MD, completed a review of the Defendant's records for Patient A.

Dr. J.M. opined the following:

- a. The Defendant failed to meet the standard of care throughout the entirety of his care for Patient A;
- b. As a board-certified psychiatrist, it would be expected that the Defendant would understand that the diagnosed psychiatric conditions could potentially limit Patient A's ability to objectively identify the distinction between somatic complaints related to a depressive disorder which would not be amenable to treatment with opiates, and leg pain from reported varicose veins. No evidence at any point in the records that the Defendant appropriately performed a physical examination as one component of the initial diagnostic assessment prior to initiating opiates. Leg pain related to varicose veins would not be considered a disease process typically responsive to opiates—there was no discernible diagnosis to support the use of opiates;
- c. Adverse effects of the medications dramatically developed once the patient lost control over the use of the medications. The adverse effects that were seen appeared to primarily relate to the physical and cognitive impairments as the misuse of the medications became more pronounced;

- d. Patient A had many chart notations made that suggest a decrease in the activities of daily living during the course of her hydrocodone and benzodiazepine use. Observed longitudinally, one would expect that the lack of functionality alone, would mandate discontinuation of these medications even absent the development of aberrant medication use behaviors;
- e. The most troubling aspect of Patient A's care received at the hands of the Defendant, with respect to the pain treatment, is the very pronounced and widespread documentation of aberrant behaviors that were either ignored or disregarded for an extended period of time. It would be expected that any provider should have been able to identify these developing aberrant behaviors. It is surprising that a psychiatrist provider witnessed these numerous behaviors consistently over a long period of time without acting upon these observations to change the plan of care;
- f. Perhaps the most troubling aspect of Patient A's care, is a clear indication from the reports of the interview with the Defendant that he had a poor understanding of the relative risk of these medications despite all of the observed aberrant behaviors;
- g. The Defendant consistently failed to meet the standard of care.

12. Neb. Rev. Stat. § 38-178(23) (Reissue 2008) provides that a professional license may be disciplined for unprofessional conduct.

13. Neb. Rev. Stat. § 38-179 defines unprofessional conduct as any departure from or failure to conform to the standards of acceptable and prevailing practice of a

profession or the ethics of the profession, regardless of whether a person, consumer, or entity is injured, or conduct that is likely to deceive or defraud the public or is detrimental to the public interest.

14. Neb. Rev. Stat. § 38-179(15) defines unprofessional conduct as such other acts as may be defined in rules and regulations.

15. 172 NAC 88-013(21) Regulations Governing the Practice of Medicine and Surgery and Osteopathic Medicine and Surgery defines unprofessional conduct as any conduct or practice outside the normal standard of care in the State of Nebraska which is or might be harmful or dangerous to the health of the patient or the public.

16. The Defendant's conduct above is grounds for discipline.

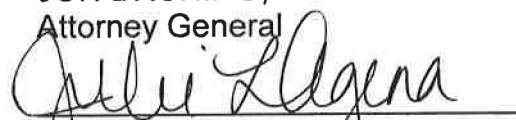
PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays that the Chief Medical Officer set this Amended Petition for: Disciplinary Action and Temporary License Suspension for hearing and enter an order appropriate disciplinary action pursuant to Neb. Rev. Stat. § 38-183 (Reissue 2008), 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:


Julie L. Avena, #23137
Assistant Attorney General
2115 State Capitol
Lincoln, NE 68509-8920
(402) 471-1815

Attorneys for the Plaintiff.

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.)

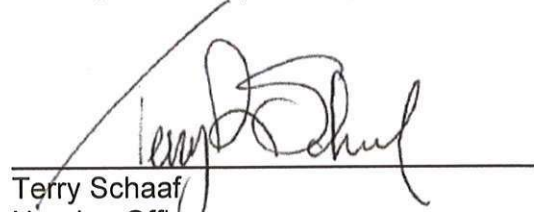
12-1103

ORDER ON MOTION
TO CONTINUE

THIS MATTER came for consideration on Motion of Counsel for the Defendant, for a continuance of the hearing scheduled for June 29, 2012. Counsel for the Plaintiff has no objection. The Hearing Officer being fully advised finds that the motion should be granted.

IT IS THEREFORE ORDERED that the hearing in this matter is hereby continued until **September 20, 2012 at 9:00 a.m.** Central Time. Report to the DHHS Division of Public Health hearing room located in the Gold's Building, 1050 N Street, Suite 113, Lincoln, Nebraska.

DATED this 29th day of June 2012


Terry Schaaf
Hearing Officer

CERTIFICATE OF SERVICE

COMES NOW the undersigned and certifies that on the 29th day of June 2012, a copy of the foregoing **ORDER ON MOTION TO CONTINUE** was sent by certified United States mail, postage prepaid, return receipt requested, to **Melanie Whittamore-Mantzios, Wolfe, Snowden, Hurd, Luers & Ahl, LLP, Wells Fargo Center, 1248 O Street, Suite 800, Lincoln, NE 68508-1424** and by interagency mail to **Julie Agena**, Assistant Attorney General, 2115 State Capitol Building, Lincoln, Nebraska.


DHHS Legal Services
P.O. Box 98914
Lincoln NE 68509-8914
P. (402) 471-7237 F. (402) 742-2376

FILED
JUN 26 2012
DHHS
Legal and Regulatory Services

12-1103

MOTION TO CONTINUE

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

Defendant.


Dated this 25th day of June, 2012.

BY:

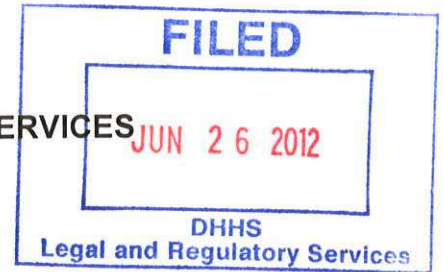
Attorneys for Plaintiff.

CERTIFICATE OF SERVICE

It is hereby certified that on June 25, 2012, a true and accurate copy of the foregoing **Motion to Continue** has been served upon **Melanie Whittamore-Mantzios, WOLFE SNOWDEN HURD LUERS & AHL, LLP, Wells Fargo Center, 1248 O Street, Suite 800, Lincoln NE 68508-1424**, by regular United States mail, postage prepaid, of a copy of the same.


Julie L. Avena
Assistant Attorney General

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.)

AMENDED
PETITION FOR: DISCIPLINARY
ACTION AND TEMPORARY
LICENSE SUSPENSION

The Plaintiff alleges as follows:

1. Jurisdiction is based on Neb. Rev. Stat. §§ 38-183, 38-184 and 38-186 (Reissue 2008).
2. At all times relevant herein, the Defendant, Reynaldo A. De Los Angeles, MD, has been the holder of a license (#18636) issued by the Department of Health and Human Services Division of Public Health ("Department") to practice as a physician.
3. The Department is the agency of the State of Nebraska authorized to enforce the provisions of the Uniform Credentialing Act regulating the practice of medicine and surgery.
4. The Nebraska Board of Medicine and Surgery considered the investigation of this matter and made a disciplinary recommendation to the Attorney General, which recommendation has been considered. Such matters are privileged pursuant to Neb. Rev. Stat. §§ 38-1,105 and 38-1,106 (Reissue 2008).
5. On July 8, 2010, a Petition for Disciplinary Action was filed against the Defendant, alleging that:

- a. He demonstrated unprofessional conduct by failing to maintain controlled substances purchased with his DEA permit in a controlled premises; and
- b. He demonstrated unprofessional conduct by giving himself Provigil from his office supply.

6. On July 13, 2010, an Order on Agreed Settlement was issued, in which the Defendant admitted the allegations of the Petition for Disciplinary Action. Sanctions included:

- a. A Five Thousand Dollar (\$5,000) civil penalty;
- b. Limitation of the Defendant's license in the following ways:
 - i. The Defendant may not keep controlled substances on the premises of his medical practice;
 - ii. The Defendant shall not transport controlled substances between his practice locations.
- c. The Defendant shall attend an ethics course, pre-approved by the Nebraska Board of Medicine and Surgery.

7. On November 4, 2010, the Oklahoma Board of Medicine indefinitely suspended the Defendant's medical license for the disciplinary actions taken in Nebraska and for misrepresenting the Nebraska investigation on his renewal application.

8. On July 1, 2011, the California Board of Medicine revoked the Defendant's medical license for the disciplinary action taken in Nebraska.

9. Between April 2007 and August 2011, Patient A saw the Defendant for psychiatric care, including bipolar disorder, schizophrenia, attention deficit disorder,

depression, anxiety and a personality disorder. In addition, the Defendant prescribed medications for complaints of leg discomfort due to varicose veins, restless leg syndrome and lower back pain.

10. Between May 10, 2010, and August 25, 2011, Patient A had the following prescriptions written by the Defendant filled:

- a. Hydrocodone/APAP 7.5/500
 - i. May 10, 2010: 30 pills
 - ii. May 24, 2010: 30 pills
 - iii. June 7, 2010: 30 pills
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- b. Lorazepam .5 mg
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 - i. June 30, 2011: 30 pills

ii. June 27, 2011: 30 pills

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i. August 1, 2011: 5 pills

11. J.M., MD, completed a review of the Defendant's records for Patient A.

Dr. J.M. opined the following:

- a. The Defendant failed to meet the standard of care throughout the entirety of his care for Patient A;
- b. As a board-certified psychiatrist, it would be expected that the Defendant would understand that the diagnosed psychiatric conditions could potentially limit Patient A's ability to objectively identify the distinction between somatic complaints related to a depressive disorder which would not be amenable to treatment with opiates, and leg pain from reported varicose veins. No evidence at any point in the records that the Defendant appropriately performed a physical examination as one component of the initial diagnostic assessment prior to initiating opiates. Leg pain related to varicose veins would not be considered a disease process typically responsive to opiates—there was no discernible diagnosis to support the use of opiates;
- c. Adverse effects of the medications dramatically developed once the patient lost control over the use of the medications. The adverse effects that were seen appeared to primarily relate to the physical and cognitive impairments as the misuse of the medications became more pronounced;

- d. Patient A had many chart notations made that suggest a decrease in the activities of daily living during the course of her hydrocodone and benzodiazepine use. Observed longitudinally, one would expect that the lack of functionality alone, would mandate discontinuation of these medications even absent the development of aberrant medication use behaviors;
- e. The most troubling aspect of Patient A's care received at the hands of the Defendant, with respect to the pain treatment, is the very pronounced and widespread documentation of aberrant behaviors that were either ignored or disregarded for an extended period of time. It would be expected that any provider should have been able to identify these developing aberrant behaviors. It is surprising that a psychiatrist provider witnessed these numerous behaviors consistently over a long period of time without acting upon these observations to change the plan of care;
- f. Perhaps the most troubling aspect of Patient A's care, is a clear indication from the reports of the interview with the Defendant that he had a poor understanding of the relative risk of these medications despite all of the observed aberrant behaviors;
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12. Neb. Rev. Stat. § 38-178(23) (Reissue 2008) provides that a professional license may be disciplined for unprofessional conduct.

13. Neb. Rev. Stat. § 38-179 defines unprofessional conduct as any departure from or failure to conform to the standards of acceptable and prevailing practice of a

profession or the ethics of the profession, regardless of whether a person, consumer, or entity is injured, or conduct that is likely to deceive or defraud the public or is detrimental to the public interest.

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16. The Defendant's conduct above is grounds for discipline.

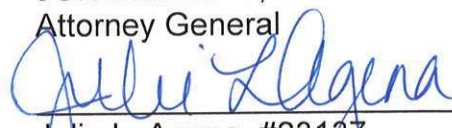
PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays that the Chief Medical Officer set this Amended Petition for: Disciplinary Action and Temporary License Suspension for hearing and enter an order appropriate disciplinary action pursuant to Neb. Rev. Stat. § 38-183 (Reissue 2008), 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:



Julie L. Agena, #23137
Assistant Attorney General
2115 State Capitol
Lincoln, NE 68509-8920
(402) 471-1815

Attorneys for the Plaintiff.

**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.)**

**ORDER FOR TEMPORARY
LICENSE SUSPENSION AND
NOTICE OF HEARING**

THIS MATTER came on for consideration before the Nebraska Department of Health and Human Services Public Health Division's Chief Medical Officer on Plaintiff's Petition: Disciplinary Action and Temporary License Suspension ("Petition") and upon the affidavit in support of the request for temporary suspension. The Deputy Chief Medical Officer finds that there is reasonable cause to believe that grounds exist under NEB. REV. STAT. §§ 38-183 and 38-178 (Reissue 2008) for the suspension of the license of the Defendant to practice as physician on the basis that the Defendant's continued practice at this time would constitute an imminent danger to public health and safety.

IT IS THEREFORE ORDERED:

1. The license of the Defendant, Reynaldo A. De Los Angeles, to practice as a physician is suspended effective upon service of this Order upon the Defendant in accordance with NEB. REV. STAT. § 38-183 (Reissue 2008).

2. Pursuant to NEB. REV. STAT. § 38-183, the hearing on the merits of the allegations of the Petition shall be held on the 14th day of May, 2012, beginning at 9:00

a.m. at the DHHS Hearing Room, Gold's Galleria, 1033 O Street, Suite 113, Lincoln, NE, Vital Records Entrance, corner of 11th & N Streets.


3. Terry Schaaf is the designated Hearing Officer with authority over the hearing as provided by Title 184 – Nebraska Administrative Code, Chapter 1 – Rules of Practice and Procedure of the Department of Health for Administrative Hearings.

4. The Defendant shall have the opportunity to appear and defend against the Petition at such time and place. The Defendant is further notified that he may present such witnesses and such evidence at said time and place as he may care to present in answer to the allegations of the Petition, and he may be represented by legal counsel at said hearing. Hearings are conducted according to NEB. REV. STAT. §§ 38-186 and 84-901, et seq. (Reissue 2008; 2006 Cum. Supp.), and the Rules of Practice and Procedure of the Department 184 NAC 1. If auxiliary aids or reasonable accommodations are needed for participation in the hearing, please call Ashlea Whitney, (402) 471- 0384, or for persons with hearing impairments, (402) 471-9570 TDD, or the Nebraska Relay System, (800) 833-7352 TDD, prior to the hearing date.

5. The Hall County, Nebraska, Sheriff is appointed, pursuant to 184 NAC 006.01E, to personally serve the Defendant with copies of this Order and the Petition.

DATED this 30 day of April, 2012.

BY:


Joseph Acierno, M.D., J.D.
Deputy Chief Medical Officer
Nebraska Department of Health & Human Services
Division of Public Health

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 AND TEMPORARY
LICENSE SUSPENSION

The Plaintiff alleges as follows:

ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

1. Jurisdiction is based on Neb. Rev. Stat. §§ 38-183, 38-184 and 38-186 (Reissue 2008).
2. At all times relevant herein, the Defendant, Reynaldo A. De Los Angeles, MD, has been the holder of a license (#18636) issued by the Department of Health and Human Services Division of Public Health ("Department") to practice as a physician.
3. The Department is the agency of the State of Nebraska authorized to enforce the provisions of the Uniform Credentialing Act regulating the practice of medicine and surgery.
4. The Nebraska Board of Medicine and Surgery considered the investigation of this matter and made a disciplinary recommendation to the Attorney General, which recommendation has been considered. Such matters are privileged pursuant to Neb. Rev. Stat. §§ 38-1,105 and 38-1,106 (Reissue 2008).
5. On July 8, 2010, a Petition for Disciplinary Action was filed against the Defendant, alleging that:

- a. He demonstrated unprofessional conduct by failing to maintain controlled substances purchased with his DEA permit in a controlled premises; and
- b. He demonstrated unprofessional conduct by giving himself Provigil from his office supply.

6. On July 13, 2010, an Order on Agreed Settlement was issued, in which the Defendant admitted the allegations of the Petition for Disciplinary Action. Sanctions included:

- a. A Five Thousand Dollar (\$5,000) civil penalty;
- b. Limitation of the Defendant's license in the following ways:
 - i. The Defendant may not keep controlled substances on the premises of his medical practice;
 - ii. The Defendant shall not transport controlled substances between his practice locations.
- c. The Defendant shall attend an ethics course, pre-approved by the Nebraska Board of Medicine and Surgery.

7. On November 4, 2010, the Oklahoma Board of Medicine indefinitely suspended the Defendant's medical license for the disciplinary actions taken in Nebraska and for misrepresenting the Nebraska investigation on his renewal application in Oklahoma.

8. On July 1, 2011, the California Board of Medicine revoked the Defendant's medical license for the disciplinary action taken in Nebraska.

9. Between April 2007 and August 2011, Patient A saw the Defendant for psychiatric care, including bipolar disorder, schizophrenia, attention deficit disorder, depression, anxiety and a personality disorder. In addition, the Defendant prescribed

medications for complaints of leg discomfort due to varicose veins, restless leg syndrome and lower back pain.

10. Patient A reported that during appointments, the Defendant would touch her breasts and her buttocks, and would kiss her. Patient A stopped seeing the Defendant in August 2011 and went to treatment for addiction to medications that were prescribed by the Defendant.

11. Between May 10, 2010, and August 25, 2011, Patient A filled prescriptions written by the Defendant for:

- a. Hydrocodone/APAP 7.5/500: 1791 pills
- b. Lorazepam .5 mg: 300 pills
- c. Lorazepam 1 mg: 741 pills
- d. Trazadone 100 mg: 90 pills
- e. Zolpidem 10 mg: 210 pills
- f. Lamotrigine 100 mg: 180 pills
- g. Temazepam 30 mg: 90 pills
- h. Estazolam 2 mg: 60 pills
- i. Seroquel 200 mg: 5 pills

12. In December 2011, the Defendant was interviewed by a Department Investigator:

- a. The Defendant stated that he often gave Patient A medication samples in addition to prescriptions;
- b. The Defendant reported that he asked Patient A to obtain a primary care physician, but he did not stop prescribing for her when she failed to obtain another doctor;

- c. The Defendant reported that he feared Patient A having withdrawal from the medications, so he kept writing her prescriptions;
- d. The Defendant reported that Patient A told him at times that her medication had been stolen or she lost the prescription or the prescription was destroyed, so he wrote her another prescription without verifying whether she had actually filled the original prescription;
- e. On August 25, 2011, Patient A came to his office for an “emergency office visit” and the Defendant wrote in her medical records that “She seemed to be high. I do not know what, but definitely something wrong”. The Defendant faxed prescription to the pharmacy for Lortab and Ativan for Patient A, but knew “the pharmacy would stop it”.

13. J.M., MD, completed a review of the Defendant’s medical records for Patient A. Dr. J.M. opined the following:

- a. The Defendant failed to meet the standard of care throughout the entirety of his care for Patient A;
- b. As a board-certified psychiatrist, it would be expected that the Defendant would understand that the diagnosed psychiatric conditions could potentially limit Patient A’s ability to objectively identify the distinction between somatic complaints related to a depressive disorder which would not be amenable to treatment with opiates, and leg pain from reported varicose veins. No evidence at any point in the records that the Defendant appropriately performed a physical examination as one component of the initial diagnostic assessment prior to initiating opiates. Leg pain related to varicose veins would not be considered a disease

process typically responsive to opiates—there was no discernible diagnosis to support the use of opiates;

- c. Patient A had many chart notations made that suggest a decrease in the activities of daily living during the course of her hydrocodone and benzodiazepine use. Observed longitudinally, one would expect that the lack of functionality alone, would mandate discontinuation of these medications even absent the development of aberrant medication use behaviors;
- d. The most troubling aspect of Patient A's care received at the hands of the Defendant, with respect to the pain treatment, is the very pronounced and widespread documentation of aberrant behaviors that were either ignored or disregarded for an extended period of time. It would be expected that any provider should have been able to identify these developing aberrant behaviors. It is surprising that a psychiatrist provider witnessed these numerous behaviors consistently over a long period of time without acting upon these observations to change the plan of care;
- e. There is a clear indication from the reports of the interview with the Defendant that he had a poor understanding of the relative risk of these medications despite all of the observed aberrant behaviors.

FIRST CAUSE OF ACTION

- 14. Paragraphs 1 through 13 are incorporated herein by reference.
- 15. Neb. Rev. Stat. § 38-178(23) (Reissue 2008) provides that a professional license may be disciplined for unprofessional conduct.

16. Neb. Rev. Stat. § 38-179 defines unprofessional conduct as any departure from or failure to conform to the standards of acceptable and prevailing practice of a profession or the ethics of the profession, regardless of whether a person, consumer, or entity is injured, or conduct that is likely to deceive or defraud the public or is detrimental to the public interest.

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18. 172 NAC 88-013(21) Regulations Governing the Practice of Medicine and Surgery and Osteopathic Medicine and Surgery defines unprofessional conduct as any conduct or practice outside the normal standard of care in the State of Nebraska which is or might be harmful or dangerous to the health of the patient or the public.

19. The Defendant's conduct above is grounds for discipline.

SECOND CAUSE OF ACTION

20. Paragraphs 1 through 19 are incorporated herein by reference.

21. Neb. Rev. Stat. § 38-178(23) (Reissue 2008) provides that a professional license may be disciplined for unprofessional conduct.

22. Neb. Rev. Stat. § 38-179(15) (Reissue 2008) defines 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.

23. Title 172 Chapter 88-013(25) Regulations Governing the Practice of Medicine and Surgery defines unprofessional conduct as the commission of any act of sexual misconduct, or exploitation related to the person's practice of medicine and surgery. Sexual misconduct in the practice of medicine means violation of the

physician-patient relationship through which the physician uses said relationship to induce or attempt to induce the patient to engage, or to engage or attempt to engage the patient, in sexual activity; committing any act which may reasonably be interpreted as intended for the sexual arousal or gratification of the practitioner, the patient, or both.

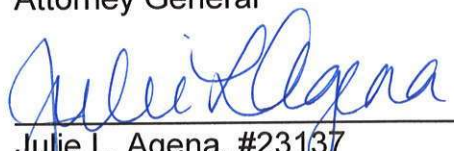
24. The Defendant's conduct above is unprofessional conduct and grounds for discipline.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays that the Deputy Chief Medical Officer set this Petition for: Disciplinary Action and Temporary License Suspension for hearing and enter an order appropriate disciplinary action pursuant to Neb. Rev. Stat. § 38-183 (Reissue 2008), 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: 
Julie L. Agena, #23137
Assistant Attorney General
2115 State Capitol
Lincoln, NE 68509-8920
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Attorneys for the Plaintiff.

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,

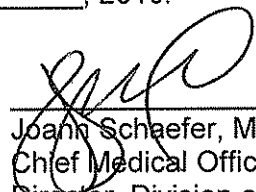
H10-2210

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

FILED

SERVICES

JUL 27 2010

HR

DHHS

Legal and Regulatory Services

Defendant.

MOTION TO MODIFY

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:

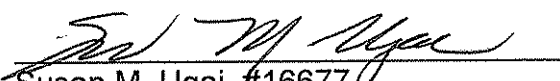

Susan M. Ugai, #16677
Assistant Attorney General
2115 State Capitol
Lincoln, Nebraska 68509
402-471-9658

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

LICENSURE UNIT

JUL 14 2010

RECEIVED

H10-2210

**ORDER ON
AGREED SETTLEMENT**

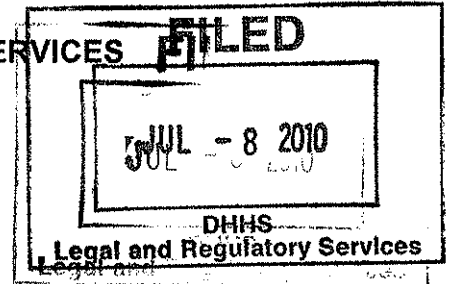
ORDER

- DATED this 13 day of July, 2010.

CERTIFICATE OF SERVICE

Ashlea Whitney (CR)
Ashlea Whitney
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,)

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

Question?

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:

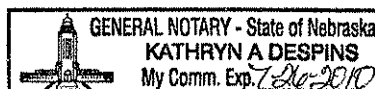
Reynaldo A. De Los Angeles
Reynaldo A. De Los Angeles, M.D.
Defendant.

State of *Nebraska*)
County of *Hall*) ss.

Acknowledged before me by Reynaldo A. De Los Angeles, M.D., on this

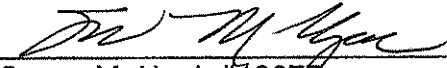
12th day of *May*, 2010.

Kathryn A. Despins
Notary Public
My Commission Expires:



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

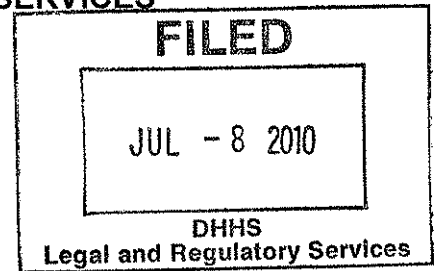
BY: JON BRUNING, #20351
Attorney General

BY: 
Susan M. Ugai, #16674
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.

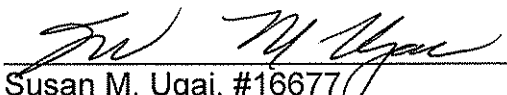
PRAYER FOR RELIEF

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.