

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE: MARIO H. GOMEZ, M.D.
License No.: 0101-042524

CONSENT ORDER

The Virginia Board of Medicine ("Board") and Mario H. Gomez, M.D. ("Dr. Gomez"), as evidenced by their signatures affixed below, agree to enter into this Consent Order affecting the license of Dr. Gomez to practice medicine and surgery in the Commonwealth of Virginia.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Board adopts the following findings and conclusions in this matter:

1. Dr. Gomez was issued license number 0101-042524 by the Board to practice medicine and surgery in the Commonwealth of Virginia on July 1, 1988. Said license was summarily restricted by Order of the Department of Health Professions, entered August 9, 2015.

2. Dr. Gomez violated the Board Order entered July 24, 2008 ("Board Order") and Section 54.1-2915.A(3), (4), (13), and (16) of the Code of Virginia (1950), as amended ("Code") in that, despite the permanent restriction imposed under the Board Order requiring him to refrain from providing pain management treatment or services to patients, as well as the requirement that he transfer the care and treatment of all such patients within thirty days, he continued to prescribe medications to patients, as set forth below:

a. After entry of the Board Order, he failed to transfer the care of Patient A, a female in her 70's to whom he regularly prescribed Tylenol #3 (a C-III narcotic) for chronic headache pain, and in fact continued to prescribe Tylenol #3 to Patient A thereafter, providing the patient with at least 26 prescriptions (with refills) for a total of approximately #2,260 dosage units of Tylenol #3 for more than six years after entry of the Board Order (from on or about 2008 to May 8, 2015). He repeatedly documented in his treatment notes that he was prescribing this medication for Patient A's headache or migraine pain or chronic pain. Moreover, in an interview with a Department of Health Professions' Investigator ("Investigator") on or about January 8, 2015, he acknowledged that:

“[He had] always been afraid the prescribing to [Patient A] would be considered a violation of the [Board] Order” and that he “justified it [prescribing Tylenol #3 to Patient A] because of her generalized complaints of ‘discomfort’ not specifically for pain management. [He] thought about the risk versus benefit of prescribing related to the Board Order and determined the medication brings her [Patient A] a better quality of life and it is not for pain management. In this case [he was] willing to take the risk....”

b. He reported to the Investigator that he sometimes provided opiate prescriptions for treatment of pain to patients during hospitalization (if they were already on pain medication) and also at the time of their hospital discharge (allegedly until the patients could be seen by their regular pain management physicians). For example:

i. Upon Patient B’s discharge from the hospital on or about June 10, 2010, he prescribed (and documented in his patient discharge summary that he had prescribed) Patient B #82 Norco 10/325 (C-III) for chronic pain issues.

ii. Upon the September 16, 2013 hospital discharge of Patient C, a 45-year-old male diagnosed with opioid dependence and antisocial personality, he prescribed the patient #40 Methadone 10mg (C-II), to be taken five times per day “for pain” (as documented on his signed script and in his discharge summary).

3. Dr. Gomez violated Section 54.1-2915.A(1) and (16) of the Code in that he falsely and deceptively informed a DHP Investigator that he continuously prescribed Patient A Tylenol #3 over the course of more than six years for reasons other than treatment of a pain condition despite the fact that he repeatedly documented in the patient’s record that he was prescribing her this medication for migraine/headache pain.

4. Dr. Gomez violated Sections 54.1-2915.A(17) and (18) and 54.1-3408.01 of the Code in

that, by his own admission, from approximately October to December 2014, he wrote scripts on prescription pads or electronically that did not have his correct phone number on them, e.g., prescriptions for Vyvanse (C-II) written for Patient D on or about October 23 and 30, 2014.

CONSENT

I, Mario H. Gomez, M.D., by affixing my signature hereto, acknowledge that:

1. I have been advised specifically to seek the advice of counsel prior to signing this document and am represented by Gerald C. Canaan, II, Esquire;
2. I am fully aware that without my consent, no legal action can be taken against me, except pursuant to the Virginia Administrative Process Act, § 2.2-4000.A et seq. of the Code of Virginia;
3. I have the following rights, among others:
 - a. the right to an informal conference before the Board;
 - b. the right to appear in person or by counsel, or other qualified representative before the agency; and
4. I waive all rights to an informal conference;
5. I neither admit nor deny the truth of the Findings of Fact and Conclusions of Law contained herein and agree not to contest them or any sanctions imposed hereunder in any future judicial or administrative proceedings where the Board is a party; and
6. I consent to the following Order affecting my license to practice medicine and surgery in the Commonwealth of Virginia.

ORDER

WHEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, and with the consent of the licensee, it is hereby ORDERED that Mario H. Gomez, M.D., be, and hereby is, PERMANENTLY RESTRICTED from prescribing, dispensing, or administering Schedule II and Schedule III controlled substances except amphetamines, dextroamphetamines, methylphenidate, dexmethylphenidate, dextroamphetamine and amphetamine mixtures, lisdexamfetamine, and methamphetamine used for the treatment of Attention Deficit Disorder and Attention Deficit Hyperactivity Disorder:

Dr. Gomez shall maintain a course of conduct in his practice of medicine and surgery commensurate with the requirements of Title 54.1, Chapter 29 of the Code and all laws of the Commonwealth.

Violation of this Consent Order may constitute grounds for the suspension or revocation of Dr. Gomez's license. In the event Dr. Gomez violates the terms and conditions of this Order, an administrative proceeding may be convened to determine whether such action is warranted.

Pursuant to Section 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD:

For William L. Harp, M.D.
William L. Harp, M.D.
Executive Director
Virginia Board of Medicine
11/12/2015
ENTERED

SEEN AND AGREED TO:

Mario H. Gomez
Mario H. Gomez, M.D.

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF Henrico, TO WIT:

Subscribed and sworn to before me, the undersigned Notary Public, in and for the Commonwealth of Virginia, at large, this 11th day of November, 2015, by Mario H. Gomez, M.D.



Kimberly Gilbert Beasley
Notary Public

Registration Number: 114588

My commission expires: 8/31/17