

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF NEVADA

\* \* \* \* \*

In The Matter of Charges and )  
 )  
Complaint Against )  
 )  
MICHAEL FORREST, P.A.-C, )  
 )  
Respondent. )  
\_\_\_\_\_ )

Case No. 10-18540-1

FILED

AUG - 6 2010

NEVADA STATE BOARD OF  
MEDICAL EXAMINERS  
By: \_\_\_\_\_

COMPLAINT

The Investigative Committee of the Nevada State Board of Medical Examiners, composed at the time filing was approved of Benjamin J. Rodriguez, M.D., Mr. Van Heffner, and Beverly Neyland, M.D., having a reasonable basis to believe that Michael Forrest, P.A.-C hereinafter referred to as Mr. Forrest, has violated the provisions of NRS Chapter 630, hereby issues its formal Complaint, stating the Investigative Committee's charges and allegations, as follows:

1. Mr. Forrest is currently licensed in active-not working status (License No. PA 639), but at all times relevant herein was licensed in active status and was so licensed on March 2, 2000 by the Nevada State Board of Medical Examiners pursuant to the provisions of Chapter 630 of the Nevada Revised Statutes.

2. Patient A was a thirty-two year old male patient at the time he began to see Mr. Forrest. His true identity is not disclosed to protect his privacy, but his identity is disclosed in the Patient Designation served on Mr. Forrest along with a copy of this Complaint.

3. Patient A was first seen as a patient at Banner Churchill Convenience Care Clinic ("Clinic") in April 2003.

4. In June 2005, Patient A injured his back while at work and received some pain medications, x-rays, an MRI and physical therapy which appeared to resolve some of his pain

1 issues. Patient A continued to receive relatively small amounts of narcotic pain medications from  
2 his treating physician at the Clinic.

3 5. In October 2006, Patient A reinjured his back. He was seen by Mr. Forrest and  
4 prescribed a different narcotic pain medication.

5 6. Patient A began to see a different primary treating physician at the Clinic in the  
6 late fall of 2006 and also saw Mr. Forrest on occasion. Patient A was continually prescribed  
7 narcotic pain medications. Referrals were made for Patient A to see a back specialist, whom he  
8 did eventually see. He also began receiving epidurals through Reno Orthopedic Clinic in Reno in  
9 2007 and some diagnostic studies were ordered in 2007.

10 7. In October 2007, Patient A's primary treating physician left the Clinic. Patient A's  
11 last prescription from this physician indicated an increase in the dosage of his narcotic pain  
12 medication.

13 8. Patient A's care was taken over by Mr. Forrest in October 2007. Mr. Forrest began  
14 to increase the amount of narcotic pain medication prescribed to Patient A. At this time,  
15 Mr. Forrest had little or no experience in treating chronic pain patients. Mr. Forrest continued to  
16 see Patient A for his back pain through April 2009 and continued to prescribe narcotic pain  
17 medications to Patient A approximately every three weeks.

18 9. The medical records for Patient A during the time he was seen by Mr. Forrest  
19 appear incomplete and do not include pertinent information regarding the care of Patient A. The  
20 records do not indicate why there was an increase in the amount of narcotic pain medication  
21 prescribed. There is no record of Mr. Forrest ever completing a full physical examination of  
22 Patient A.

23 10. Although Patient A was seen in consultation by some specialists during the time  
24 that he was seen by Mr. Forrest, Mr. Forrest continued to prescribe narcotic pain medication to  
25 Patient A in the same manner and did not develop or change a treatment plan for Patient A's pain.  
26 Mr. Forrest also failed to refer Patient A or transfer his care to a practitioner more experienced or  
27 specialized in the treatment of chronic pain and/or low back pain patients.

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1 11. Although Mr. Forrest had little or no training or experience in treating chronic pain  
2 patients, he failed to consult with his supervising physician during the time that he treated Patient  
3 A with narcotic pain medication.

4 **Count I**

5 12. NAC 630.040 defines malpractice as the failure of a physician, in treating a patient,  
6 to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances.

7 13. NAC 630.380(1)(f) provides that malpractice is grounds for initiating discipline  
8 against a physician assistant licensee.

9 14. Mr. Forrest failed to use the reasonable care, skill, or knowledge ordinarily used  
10 under similar circumstances when he failed to perform a complete examination of Patient A  
11 during the time he treated him; failed to develop or implement an appropriate treatment plan for  
12 Patient A; failed to refer Patient A for continued care to a more appropriate practitioner and failed  
13 to consult his supervising physician regarding the care of Patient A although he had little or no  
14 experience or training in treating chronic pain patients and therefore Mr. Forrest is in violation of  
15 NAC 630.380(1)(f).

16 15. By reason of the foregoing, Mr. Forrest is subject to discipline by the Nevada State  
17 Board of Medical Examiners as provided in NAC 630.410.

18 **Count II**

19 16. NAC 630.380(1)(n) provides that the violation of NRS 630.301 to NRS 630.3065,  
20 inclusive, by a physician assistant, is grounds for initiating disciplinary action against a physician  
21 assistant licensee.

22 17. NRS 630.3065(1) provides that failure to maintain timely, legible, accurate and  
23 complete medical records relating to the diagnosis, treatment and care of a patient is grounds for  
24 discipline.

25 18. Mr. Forrest failed to maintain complete medical records regarding the diagnosis,  
26 treatment and care of Patient A when he failed to document any physical examination of Patient A,  
27 the reasoning for the increase in the amount of narcotics prescribed or any plan of treatment for  
28 Patient A and therefore Mr. Forrest is in violation of NRS 630.3065(1).

1 19. By reason of the foregoing, Mr. Forrest is subject to discipline by the Nevada State  
2 Board of Medical Examiners as provided in NAC 630.410.

3 **Count III**

4 20. NAC 630.380(1)(m) provides that violation of a provision of NAC 630.230 by a  
5 physician assistant is grounds for initiating disciplinary action against a physician assistant.

6 21. NAC 630.230(1)(l) prohibits the writing of prescriptions for controlled substances  
7 to treat acute pain or chronic pain in a manner that deviates from the guidelines set forth in the  
8 Model Guidelines for the Use of Controlled Substances for the Treatment of Pain adopted by the  
9 Board.

10 22. Mr. Forrest deviated from the Model Guidelines when he failed to do an evaluation  
11 of Patient A, failed to develop a treatment plan and failed to perform periodic reviews of Patient  
12 A's treatment and failed to keep accurate and complete records regarding his care and treatment.  
13 Accordingly, Mr. Forrest is in violation of NAC 630.230(1)(l).

14 23. By reason of the foregoing, Mr. Forrest is subject to discipline by the Nevada State  
15 Board of Medical Examiners as provided in NAC 630.410.

16 **WHEREFORE**, the Investigative Committee prays:

17 1. That the Nevada State Board of Medical Examiners give Mr. Forrest notice of the  
18 charges herein against him and give him notice that he may file an answer to the Complaint herein  
19 as set forth in Section 630.339 of the Nevada Revised Statutes within twenty (20) days of service  
20 of the Complaint.

21 2. That the Nevada State Board of Medical Examiners set a time and place for a  
22 formal hearing after holding an Early Case Conference pursuant to NRS 630.339(3);

23 3. That the Nevada State Board of Medical Examiners determine what sanctions it  
24 determines to impose if it determines there has been a violation or violations of the Medical  
25 Practice Act (Nevada Revised Statutes Chapter 630) committed by Mr. Forrest; and

26 4. That the Nevada State Board of Medical Examiners make, issue and serve on  
27 Mr. Forrest its findings of facts, conclusions of law and order, in writing, that includes the  
28 sanctions imposed; and

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5. That the Nevada State Board of Medical Examiners take such other and further  
action as may be just and proper in these premises.

DATED this 6<sup>th</sup> day of August, 2010.

THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: *Lyn E. Beggs*  
Lyn E. Beggs, Esq.  
General Counsel and Attorney for the Investigative Committee

VERIFICATION

STATE OF NEVADA           )  
  ): ss.  
COUNTY OF CLARK       )

BENJAMIN J. RODRIGUEZ, M.D., having been duly sworn, hereby deposes and states  
under penalty of perjury that he is the Chairman of the Investigative Committee of the Nevada  
State Board of Medical Examiners that authorized the complaint against the Respondent herein;  
that he has read the foregoing Complaint; and that based upon information discovered in the  
course of the investigation into a complaint against Respondent, he believes that the allegations  
and charges in the foregoing Complaint against Respondent are true, accurate, and correct.

DATED this 6<sup>th</sup> day of August, 2010.

*BJ Rodriguez*  
BENJAMIN J. RODRIGUEZ, M.D.

OFFICE OF THE GENERAL COUNSEL

Nevada State Board of Medical Examiners

1105 Terminal Way #301

Reno, Nevada 89502

(775) 688-2559

CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 6<sup>th</sup> day of August 2010; I served a file copy of the Complaint, Patient Designation and the Fingerprint Information by mailing via USPS certified return receipt mail to the following:

Michael Forrest, P.A.-C.  
21 Lewis Lane  
Fallon, NV 89406

Dated this 6<sup>th</sup> day of August 2010.



Angelia L. Donohoe  
Legal Assistant