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**BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA**

* * * * *

In the Matter of Charges and)
)
Complaint Against)
)
MARYANNE D. PHILLIPS, M.D.,)
)
Respondent.)

Case No. 12-10032-1

FILED

NOV - 5 2012

NEVADA STATE BOARD OF
MEDICAL EXAMINERS
By: 

COMPLAINT

The Investigative Committee (IC) of the Nevada State Board of Medical Examiners (Board), composed at the time of filing of Theodore B. Berndt, M.D., Chairman, Valerie J. Clark, BSN, RHU, LUTCF, Member and Michael J. Fischer, M.D., Member, by and through Erin L. Albright, Esq., Board Deputy General Counsel and attorney for the IC, having a reasonable basis to believe that Maryanne D. Phillips, M.D. (Respondent), violated the provisions of Nevada Revised Statutes (NRS) Chapter 630 (Medical Practice Act), hereby issues its formal Complaint, stating the IC's charges and allegations as follows:

FACTUAL BACKGROUND

The following facts are pertinent to a determination on this matter.

A. Respondent's Licensure Status in Nevada

1. Respondent has been licensed by the Board since December 21, 1995, pursuant to the provisions of the Medical Practice Act.
2. Respondent is currently licensed in active-probation status (License No. 7635) in the state of Nevada.
3. On January 28, 2011, the IC filed a formal Complaint against Respondent charging her with four (4) violations of the Medical Practice Act.

1 4. On June 8, 2012, the Board adopted a Settlement, Waiver and Consent Agreement
2 (Agreement) in which Respondent agreed that the Board may find she violated two (2) counts of
3 the formal Complaint and agreed that her license to practice medicine in the state of Nevada be
4 revoked, with said revocation stayed for thirty-six (36) months subject to the terms and conditions
5 outlined in the Agreement.

6 **B. Respondent's Licensure Status in New Mexico**

7 5. At the time of the incidents complained of in this matter, Respondent was also
8 licensed to practice medicine in the state of New Mexico.

9 6. In December 2009, the New Mexico Medical Board (NM Board) approved an
10 Agreed Order with Respondent. (See a true and correct copy of the Agreed Order attached hereto
11 as Exhibit 1.) Pursuant to the Agreed Order, Respondent agreed to provide quarterly affidavits to
12 the NM Board attesting to her compliance with the terms set forth in the Agreed Order. Id.

13 7. Upon information and belief, Respondent failed to provide any quarterly affidavits
14 to the NM Board attesting to her compliance with the terms set forth in the Agreed Order.

15 8. On August 26, 2011, the NM Board sent a Notice of Contemplated Action (NCA)
16 by certified mail to Respondent. (See a true and correct copy of the NCA attached hereto as
17 Exhibit 2.) An Amended NCA was sent on September 2, 2011, by certified mail to Respondent.
18 (See a true and correct copy and of the Amended NCA attached hereto as Exhibit 3.) As outlined
19 in the NCA and the Amended NCA, the NM Board sought to impose sanctions against
20 Respondent, including, but not limited to, the revocation of Respondent's license to practice
21 medicine in the state of New Mexico, due to her failure to submit quarterly affidavits attesting to
22 her compliance with the terms set forth in the Agreed Order. Id.

23 9. Pursuant to the terms of both Notices, Respondent was required to request a
24 hearing within twenty (20) days after service of each Notice. Id. If Respondent failed to request a
25 hearing, each Notice outlined that the NM Board would impose sanctions against Respondent,
26 including, but not limited, the revocation of Respondent's license to practice medicine in the state
27 of New Mexico. Id.

28 ///

COUNT III

21. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

22. NRS 630.306(2)(a) provides that engaging in any conduct that is intended to deceive is grounds for initiating discipline against a licensee.

23. Respondent's failure to report to the Board the revocation of her license to practice medicine in the state of New Mexico constitutes conduct that is intended to deceive.

24. By reason of the foregoing, Respondent is subject to discipline by the Board as provided in NRS 630.352.

WHEREFORE, the Investigative Committee prays:

1. That the Board give Respondent notice of the charges herein against her and give her notice that she may file an answer to the Complaint herein as set forth in NRS 630.339(2) within twenty (20) days of service of the Complaint;

2. That the Board set a time and place for a formal hearing after holding an Early Case Conference pursuant to NRS 630.339(3);

3. That the Board determine the sanctions it will impose if it finds Respondent violated the Medical Practice Act;

4. That the Board make, issue and serve on Respondent, in writing, its findings of fact, conclusions of law and order, which shall include the sanctions imposed; and

5. That the Board take such other and further action as may be just and proper in these premises.

DATED this 5th day of November, 2012.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: Erin Albright
Erin L. Albright, Esq.
Deputy General Counsel
Attorney for the Investigative Committee

OFFICE OF THE GENERAL COUNSEL
Nevada State Board of Medical Examiners
1105 Terminal Way #301
Reno, Nevada 89502
(775) 688-2559

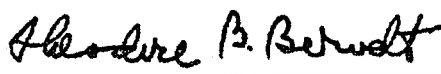
VERIFICATION

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STATE OF NEVADA)
 : ss.
COUNTY OF WASHOE)

Theodore B. Berndt, M.D., hereby deposes and states under penalty of perjury under the laws of the state of Nevada that he is the Chairman of the Investigative Committee of the Nevada State Board of Medical Examiners that authorized the foregoing Complaint against the Respondent herein; that he has read the foregoing Complaint; and that based upon information discovered during the course of the investigation into a complaint against Respondent, that he believes the allegations and charges in the foregoing Complaint against Respondent are true, accurate and correct.

Dated this 5th day of November, 2012.



Theodore B. Berndt, M.D.


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CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 6th day of November 2012, I served a filed copy of the Complaint via USPS e-certified mail return receipt to the following:

Maryanne Phillips, M.D.
7730 W. Sahara Ave., Ste. #109
Las Vegas, NV 89118

Dated this 6th day of November 2012.



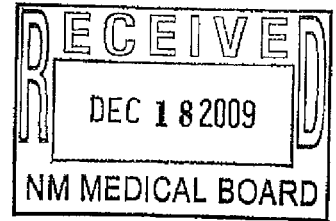
Angelia L. Donohoe
Legal Assistant

EXHIBIT

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EXHIBIT

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BEFORE THE NEW MEXICO MEDICAL BOARD

IN THE MATTER OF

Maryanne DeForest Phillips, M.D.
Medical License # 97-149

Case No. 2009-034

AGREED ORDER

THIS MATTER came before the New Mexico Medical Board ("Board") on November 12, 2009.

Respondent is subject to the jurisdiction of the Board pursuant to the Medical Practice Act, NMSA 1978, §§ 61-6-1 through -35; and the New Mexico Medical Board rules and regulations, Title 16, Chapter 10, NMAC.

WHEREAS the Board has been conducting an investigation regarding Maryann DeForest Phillips, M.D. ("Respondent") based on action being taken against Respondent's license to practice medicine in California; and

WHEREAS Respondent is currently able to practice medicine in the State of California under certain terms and conditions; and

WHEREAS the Board is persuaded that Respondent can safely perform the duties of a physician in New Mexico if under similar certain terms and conditions; and

WHEREAS after consulting with her attorney, Respondent agrees to the entry of this Order; and

WHEREAS Respondent understands that this Order will be reported to the National Practitioner Data Bank and the Health Care Integrity and Protection Data Bank; and

WHEREAS Respondent understands that this Order is made pursuant to the Medical Practice

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Darrin & Carrie Fay

702-450-9344

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Act, NMSA 1978, §§ 61-6-1 through -35 and Board Rule 16.10.5.15 NMAC. Respondent further understands that entering into this Order results in a waiver of her rights under the Uniform Licensing Act and Medical Practice Act, including the right to appeal and any claims she may have regarding these matters; and

WHEREAS this Agreed Order constitutes the entire agreement between the parties.

AND GOOD CAUSE APPEARING,

IT IS HEREBY ORDERED that Respondent is on probation until she has successfully completed the terms and conditions set forth in the California Medical Board Order and her license has been fully restored in that state.

IT IS FURTHER ORDERED that Respondent shall remain compliant at all times with the terms and conditions set forth in the California Medical Board Order.

IT IS FURTHER ORDERED that for as long as Respondent is under this Agreed Order, she shall not supervise Physician Assistants in the State of New Mexico.

IT IS FURTHER ORDERED that Respondent will provide quarterly affidavits to the Board attesting to her compliance with the terms set forth in this Agreed Order.

IT IS FURTHER ORDERED that Respondent may request to be released from this Agreed Order only after her license has been fully restored in the State of California.

If the Board has reasonable cause to believe that Respondent has violated any of the terms of this Agreed Order, the Board may immediately and summarily suspend her license to practice medicine as a physician in New Mexico. A breach of any term of this Agreed Order shall constitute conduct unbecoming in a person licensed to practice medicine as set forth in NMSA, 1978, § 61-6-15(D)(29). The Board shall, within 10 days of a summary suspension, issue a Notice of Contemplated Action, and Respondent will be entitled to a formal hearing in accordance with the

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Uniform Licensing Act, NMSA 1978, §§ 61-1-1 through -33.

IT IS SO AGREED TO by Maryanne DeForest Phillips, M.D., Respondent, and the New Mexico Medical Board.

Dated: November 18, 2009

Dec 21/09

NEW MEXICO MEDICAL BOARD

By:

[Signature]
Paul Kovnat, Chair

[Signature]
Maryanne DeForest Phillips, M.D.
Respondent

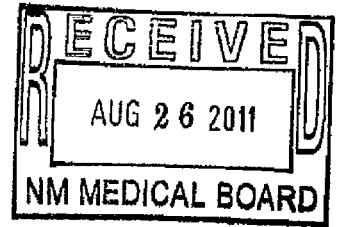
Dated: November 18, 2009

EXHIBIT

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EXHIBIT

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BEFORE THE NEW MEXICO MEDICAL BOARD

IN THE MATTER OF)	
)	
MARYANNE D. PHILLIPS, MD)	
License No. 97-149)	No. 2011-030
)	
Respondent.)	

NOTICE OF CONTEMPLATED ACTION

YOU ARE HEREBY NOTIFIED that pursuant to provisions of §61-1-4 NMSA 1978 of the Uniform Licensing Act (ULA), the New Mexico Medical Board ("Board") has before it sufficient evidence that, if not rebutted or explained, will justify the Medical Board imposing sanctions that could include restricting, revoking or suspending your license to practice medicine in the State of New Mexico.

1. Respondent is subject to action by the Board pursuant to §61-1-1 et seq. NMSA 1978 and §61-6-1 et seq. NMSA 1978.

2. This contemplated action is based on the following allegations:

A. In December 2009 the Board approved an Agreed Order with Respondent which provided, in part, that Respondent would provide quarterly affidavits to the Board attesting to her compliance with the terms set forth in the Agreed Order. To date, Respondent has submitted none of the affidavits required by the Agreed Order. The Agreed Order further provides that a breach thereof shall constitute conduct unbecoming in a person licensed to practice medicine as set forth in NMSA 1979 §61-6-15(D)(29).

These allegations, if proven, would be a violation of §61-6-15(D) (29) NMSA 1978, conduct unbecoming in a person licensed to practice.

B. In January 2011, Respondent entered into a Settlement Agreement with the Nevada Board of Medical Examiners pursuant to which she was, among other things, to

receive a public reprimand and be placed on probation. The factual basis for the action by the Nevada Board was Respondent's writing prescriptions for controlled substances for her husband, who was not her patient.

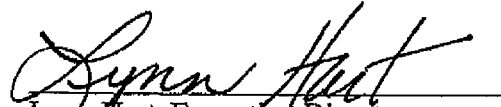
3. Please take notice that pursuant to §61-1-4, you may secure a hearing before the Board by depositing in the mail within twenty (20) days after service of this notice a certified return receipt requested letter addressed to the Board and containing a request for a hearing. If you do not request a hearing within twenty (20) days after service of this notice as described above, the Board will take the contemplated action, i.e., imposing sanctions that could include the revocation or suspension of your license to practice medicine in the State of New Mexico, and there will be no judicial review of their decision.

4. Pursuant to §61-1-8 NMSA 1978, you have the right to be represented by counsel or by a licensed member of your profession or both, and to present all relevant evidence by means of witnesses, books, papers, documents and other evidence; to examine all opposing witnesses who may appear on any matter relevant to the issues and have subpoenas duces tecum issued as of right prior to the commencement of the hearing, to compel the attendance of witnesses and the production of relevant books, papers, documents and other evidence upon making a written request therefore to the Board. The issuance of such subpoenas after commencement of the hearing rests with the discretion of the Board or Hearing Officer.

5. The issuance of this Notice of Contemplated Action is not a disciplinary event reportable to any data bank but is a public document open to public inspection

Dated this 26th day of August, 2011.

NEW MEXICO MEDICAL BOARD

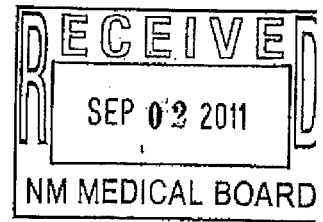

Lynn Hart, Executive Director

EXHIBIT

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BEFORE THE NEW MEXICO MEDICAL BOARD

IN THE MATTER OF)
MARYANNE D. PHILLIPS, MD)
License No. 97-149) No. 2011-030
Respondent.)

AMENDED NOTICE OF CONTEMPLATED ACTION

YOU ARE HEREBY NOTIFIED that pursuant to provisions of §61-1-4 NMSA 1978 of the Uniform Licensing Act (ULA), the New Mexico Medical Board ("Board") has before it sufficient evidence that, if not rebutted or explained, will justify the Medical Board imposing sanctions that could include restricting, revoking or suspending your license to practice medicine in the State of New Mexico.

1. Respondent is subject to action by the Board pursuant to §61-1-1 et seq. NMSA 1978 and §61-6-1 et seq. NMSA 1978.

2. This contemplated action is based on the following allegations:

A. In December 2009 the Board approved an Agreed Order with Respondent which provided, in part, that Respondent would provide quarterly affidavits to the Board attesting to her compliance with the terms set forth in the Agreed Order. To date, Respondent has submitted none of the affidavits required by the Agreed Order. The Agreed Order further provides that a breach thereof shall constitute conduct unbecoming in a person licensed to practice medicine as set forth in NMSA 1979 §61-6-15(D)(29).

These allegations, if proven, would be a violation of §61-6-15(D) (29) NMSA 1978, conduct unbecoming in a person licensed to practice.

B. In January 2011, Respondent entered into a Settlement Agreement with the Nevada Board of Medical Examiners pursuant to which she was, among other things, to

receive a public reprimand and be placed on probation. The factual basis for the action by the Nevada Board was Respondent's writing prescriptions for controlled substances for her husband, who was not her patient. Respondent failed to inform the Board of the action by the Nevada Board.

These allegations, if proven, would be a violation of §61-6-15(D)(21) NMSA 1978, failure to report to the Board any adverse action taken against Respondent by another licensing jurisdiction.

3. Please take notice that pursuant to §61-1-4, you may secure a hearing before the Board by depositing in the mail within twenty (20) days after service of this notice a certified return receipt requested letter addressed to the Board and containing a request for a hearing. If you do not request a hearing within twenty (20) days after service of this notice as described above, the Board will take the contemplated action, i.e., imposing sanctions that could include the revocation or suspension of your license to practice medicine in the State of New Mexico, and there will be no judicial review of their decision.

4. Pursuant to §61-1-8 NMSA 1978, you have the right to be represented by counsel or by a licensed member of your profession or both, and to present all relevant evidence by means of witnesses, books, papers, documents and other evidence; to examine all opposing witnesses who may appear on any matter relevant to the issues and have subpoenas duces tecum issued as of right prior to the commencement of the hearing, to compel the attendance of witnesses and the production of relevant books, papers, documents and other evidence upon making a written request therefore to the Board. The issuance of such subpoenas after commencement of the hearing rests with the discretion

of the Board or Hearing Officer.

5. The issuance of this Notice of Contemplated Action is not a disciplinary event reportable to any data bank but is a public document open to public inspection

Dated this 2nd day of September, 2011.

NEW MEXICO MEDICAL BOARD



Lynn Hart, Executive Director

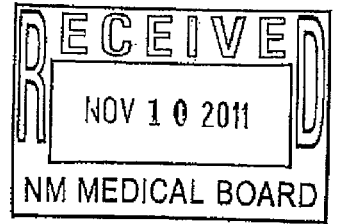
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BEFORE THE NEW MEXICO MEDICAL BOARD



IN THE MATTER OF)
)
MARYANNE D. PHILLIPS, MD)
License No. 97-149) No. 2011-030
)
Respondent.)

DEFAULT DECISION AND ORDER

THIS MATTER came before the New Mexico Medical Board (the "Board") on November 10, 2011 for decision on the Notice of Contemplated Action ("NCA") authorized by the Board against Maryanne D. Phillips, M.D. ("Respondent").

The Administrative Prosecutor presented to the Board a copy of the NCA sent by certified mail on August 26, 2011 marked as Exhibit 1 and an amended NCA sent by certified mail on September 2, 2011 marked as Exhibit 2. The allegations set forth against Respondent were:

. In December 2009 the Board approved an Agreed Order with Respondent which provided, in part, that Respondent would provide quarterly affidavits to the Board attesting to her compliance with the terms set forth in the Agreed Order. To date, Respondent has submitted none of the affidavits required by the Agreed Order. The Agreed Order further provides that a breach thereof shall constitute conduct unbecoming in a person licensed to practice medicine as set forth in NMSA 1979 §61-6-15(D)(29).

Also, in January 2011, Respondent entered into a Settlement Agreement with the Nevada Board of Medical Examiners pursuant to which she was, among other things, to receive a public reprimand and be placed on probation. The factual basis for the action by the Nevada Board was Respondent's writing prescriptions for controlled substances

for her husband, who was not her patient. Respondent failed to inform the Board of the action by the Nevada Board which is a violation of §61-6-15(D)(21) NMSA 1978; failure to report to the Board any adverse action taken against Respondent by another licensing jurisdiction.

The NCA notified Respondent that if she did not request a hearing within twenty (20) days after service of the NCA the Board would take the contemplated action, i.e., imposing sanctions that could include the denial of your application for a license to practice medicine in the State of New Mexico, and there will be no judicial review of their decision.

Exhibit 3 was a settlement agreement between Dr. Phillips and the Medical Board of Nevada that she failed to report.

Exhibit 4 was a copy of the Agreed Order she entered into with the Board in 2009.

WHEREAS, a quorum of the Board being present and a vote being duly taken, it is the decision of the Board that Respondent's license to practice medicine in New Mexico be, and hereby is, REVOKED effective the date hereof.

Dated: November 10, 2011

FOR THE BOARD


STEVEN WEINER, M.D. Chair