

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

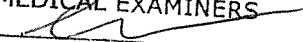
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6 **In the Matter of the Investigation of** )  
7 )  
8 **DANA R. MARKS, M.D.,** )  
9 )  
10 **License No. 9358** )

**Case No. 14-18131-1**

**FILED**

**SEP 19 2014**

NEVADA STATE BOARD OF  
MEDICAL EXAMINERS  
By: 

11 **ORDER OF SUMMARY SUSPENSION**

12 Prior to the preparation of this Order of Summary Suspension, Nevada State Board of  
13 Medical Examiners (Board) staff presented evidence and information to an Investigative  
14 Committee (IC) of the Board, composed of Theodore B. Berndt, M.D., Valerie J. Clark, BSN,  
15 RHU, LUTCF, and Michael J. Fischer, M.D., regarding Dana R. Marks, M.D. (Dr. Marks). Upon  
16 review of the evidence and information presented by Board staff, the IC hereby **IMMEDIATELY**  
17 **SUSPENDS** Dr. Marks's license to practice medicine in the state of Nevada pursuant to Nevada  
18 Revised Statute (NRS) 630.326(1) and NRS 630.318(1), based upon the following preliminary  
19 findings:

- 20 1. Dr. Marks is a physician licensed to practice medicine in the state of Nevada  
21 (License No. 9358). He was originally licensed by the Board on May 1, 2000.
- 22 2. On or about August 30, 2014, Dr. Marks failed to appear for a 6:00 p.m. work shift  
23 at Banner Churchill Community Hospital.
- 24 3. After waiting for one hour to hear from Dr. Marks regarding his failure to appear  
25 for work, staff at the hospital called law enforcement to perform a welfare check on Dr. Marks.
- 26 4. At approximately 7:00 p.m., law enforcement proceeded to Dr. Marks's apartment  
27 in Fallon, NV to perform a welfare check. After Dr. Marks failed to respond to law enforcement

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1 knocking on his front door, law enforcement performed a breach entry. Dr. Marks was found  
2 alive but sleeping.

3 5. At approximately 8:30 p.m., Dr. Marks appeared at the hospital to work his 6:00  
4 p.m. shift.

5 6. Hospital staff were concerned that Dr. Marks was intoxicated and asked him to  
6 submit to an alcohol and drug test.

7 7. At approximately 9:30 p.m., Dr. Marks voluntarily submitted to an alcohol and  
8 drug test.

9 8. Dr. Marks's alcohol and drug test demonstrated that Dr. Marks's blood alcohol  
10 content was .223, which is nearly three times the legal limit.

11 9. Dr. Marks currently holds an active license to practice medicine in Nevada and is  
12 on staff at Humboldt General Hospital.

13 10. Based on the foregoing, the IC reasonably determines and believes that the health,  
14 safety and welfare of the public is at imminent risk and that a summary suspension of  
15 Dr. Marks's license to practice medicine in the state of Nevada is necessary to remove the risk of  
16 imminent harm to the health, safety and welfare of the public.

17 11. Based on the foregoing, the IC believes a reasonable question exists as to the  
18 competency of Dr. Marks to practice medicine with reasonable skill and safety to his patients.

19 Accordingly, pursuant to NRS 630.326(1) and NRS 630.318(1):

20 **IT IS HEREBY ORDERED** that the license to practice medicine in the state of Nevada  
21 of Dr. Marks, (License No. 9358) is **HEREBY SUSPENDED** until further order of the IC or  
22 Board; and

23 **IT IS FURTHER ORDERED** that pursuant to NRS 630.326(2), a hearing on this matter  
24 is set for the **15<sup>th</sup> day of October, 2014, at 10:00 a.m.**, at the Board's office located at 1105  
25 Terminal Way, Ste. 301, Reno, NV 89502, to determine whether this suspension may continue,  
26 unless the parties mutually agree in writing to a divergent time frame; and

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**IT IS FURTHER ORDERED** that Dr. Marks undergo a drug and alcohol evaluation performed by Murray Brooks, LADC (Dr. Brooks), as detailed below, no later than September 30, 2014; and

**IT IS FURTHER ORDERED** that Dr. Marks shall execute a release in favor of the Board and its IC to allow Dr. Brooks to provided the results of the evaluation directly to the Board and its IC; and

**IT IS FURTHER ORDERED** that, pursuant to Nevada Administrative Code 630.080, Dr. Marks shall pay for the costs and fees of the ordered evaluation.

**BE ON NOTICE** that NRS 630.318(3) provides that failure of a physician licensed by the Board to submit to an evaluation ordered by the Board or its IC constitutes an admission of the charges against the physician.

**BE ON NOTICE** that failure to comply with this Order is grounds for the initiation of disciplinary action pursuant to NRS 630.3065(2). Compliance with this Order is deemed compulsory and shall not be deemed to be cooperation subject to the protections provided to physicians in NRS 630.364(3).

DATED this 19<sup>th</sup> day of September, 2014.

INVESTIGATIVE COMMITTEE OF THE  
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: Theodore B. Berndt  
Theodore B. Berndt, M.D.  
Chairman, Investigative Committee