

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA

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In The Matter of Charges and
Complaint Against
DANA MARKS, M.D.,
Respondent.

Case No. 08-18131-1
FILED 14 JUL 2009
Ann A. Clark
EXECUTIVE DIRECTOR

COMPLAINT

The Investigative Committee of the Board of Medical Examiners of the state of Nevada, composed of Charles N. Held, M.D., Chairman, Cindy Lamerson, M.D. Member, and Jean Stoess, M.A., Member, by and through Lyn E. Beggs, Deputy General Counsel for the Nevada State Board of Medical Examiners, having a reasonable basis to believe that Dana Marks, M.D., hereinafter referred to as "Respondent," has violated the provisions of NRS Chapter 630, hereby issues its formal Complaint, stating the Investigative Committee's charges and allegations, as follows:

1. Respondent is currently licensed in active status, and was so licensed by the Nevada State Board of Medical Examiners, hereinafter referred to as "the Board," pursuant to the provisions of Chapter 630 of the Nevada Revised Statutes, at the time of the incidents in question.

2. K.L. was a twenty-one year old female at the time of the matter in question. Her true identity is not disclosed to protect her privacy, but has been made known to Respondent.

3. K.L. presented to the emergency room of St. Mary's Hospital in January 2007 with her daughter who was examined and treated by Respondent.

4. On or around March 30, 2007, Respondent encountered K.L. again at her place of employment at which time K.L. convinced Respondent to write her a prescription for pain medication for alleged back pain.

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1 Count II

2 16. Nevada Revised Statute Section 630.306(3) provides that prescribing a controlled
3 substance or any dangerous drug as defined by chapter 454 of NRS to himself or others except as
4 authorized by law is grounds for initiating disciplinary action against a licensee.

5 17. Nevada Revised Statute Section 453.381(1) provides that a physician may prescribe or
6 administer controlled substances only for a legitimate medical purpose and in the usual course of his
7 professional practice.

8 18. Respondent's prescribing of controlled substances for K.L. and V.G. were for no
9 legitimate medical purpose and was not done in the usual course of his professional practice as
10 described in the preceding paragraphs.

11 19. By reason of the foregoing, Respondent is subject to discipline by the Nevada State
12 Board of Medical Examiners as provided in Section 630.352 of the Nevada Revised Statutes.

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

14 1. That the Nevada State Board of Medical Examiners fix a time and place for a formal
15 hearing;

16 2. That the Nevada State Board of Medical Examiners give Respondent notice of the
17 charges herein against him, the time and place set for the hearing, and the possible sanctions against
18 him;

19 3. That the Nevada State Board of Medical Examiners determine what sanctions it will
20 impose for the violation or violations committed by Respondent;

21 4. That the Nevada State Board of Medical Examiners make, issue and serve on
22 Respondent its findings of facts, conclusions of law and order, in writing, that includes the sanctions
23 imposed; and

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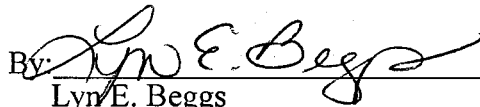
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1 5. That the Nevada State Board of Medical Examiners take such other and further action as
2 may be just and proper in these premises.

3 DATED this 30th day of June, 2008.

4 INVESTIGATIVE COMMITTEE OF
5 THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

6 By: 

7 Lyn E. Beggs
8 Attorney for the Investigative Committee of the Nevada
9 State Board of Medical Examiners

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1 VERIFICATION

2 STATE OF NEVADA)
3) : ss.
4) COUNTY OF DOUGLAS)

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

11 DATED this 14th day of July, 2008.

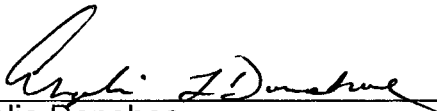
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15 CHARLES N. HELD, M.D.

1 **CERTIFICATE OF MAILING**

2 I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on
3 the 14th day of July 2008, I served a file copy of the COMPLAINT & copy of the SETTELEMNT,
4 WAIVER & CONSENT AGREEMENT, via USPS certified return receipt to the following:

5
6 Osborn, Ohlson & Hall, Chtd.
7 John Ohlson, Esq.
8 555 S. Center Street
9 Reno, NV 89501

10 Dated this 14th day of July 2008.

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Angelia Donohoe
14 Legal Assistant
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