

1 hydrocodone prescriptions for the past several months and Ms. Atkins admitted to Board staff that
2 she occasionally used the substance for various ailments.

3 5. In September 2008, Ms. Atkins was allowed to change drug treatment programs
4 and was ordered by an Investigative Committee of the Board to present to the PRN program
5 through Monte Vista Hospital and enter into a contract for drug treatment and monitoring.

6 Ms. Atkins signed a treatment contract with the PRN program on October 15, 2008.

7 6. In June 2009, the PRN program terminated Ms. Atkins for failing to follow her
8 contract with the program.

9 7. A recent drug utilization profile indicates that Ms. Atkins has been receiving
10 prescriptions for hydrocodone between January 2009 through October 2009.

11 **Count I**

12 8. Nevada Revised Statute Section 630.3065(2)(a) provides that willful failure to
13 comply with an order of the Board or of an investigative committee of the Board is grounds for
14 initiating discipline against a licensee.

15 9. Nevada Administrative Code Section 630.540(23) provides that disciplinary action
16 may be initiated against a respiratory therapist licensee if they have violated any provision that
17 would subject a practitioner of medicine to discipline pursuant to NRS 630.301 to 630.3065
18 inclusive.

19 10. Ms. Atkins failed to follow the contract she entered into with the PRN program
20 through Monte Vista Hospital and thus has violated NRS 630.3065(2)(a) and accordingly is
21 subject to discipline by the Nevada State Board of Medical Examiners as provided in Section
22 630.555 of the Nevada Administrative Code.

23 **Count II**

24 11. Nevada Revised Statute Section 630.306(1) provides that the inability to practice
25 medicine with reasonable skill and safety because of use of narcotics is grounds for initiating
26 discipline against a licensee.

27 12. Nevada Administrative Code Section 630.540(23) provides that disciplinary action
28 may be initiated against a respiratory therapist licensee if they have violated any provision that

1 would subject a practitioner of medicine to discipline pursuant to NRS 630.301 to 630.3065
2 inclusive.

3 13. Ms. Atkins has not completed a treatment program for the use of narcotic
4 prescription medication and continues to utilize them creating an inability to practice respiratory
5 care with reasonable skill and safety and thus has violated NRS 630.306(1) and accordingly is
6 subject to discipline by the Nevada State Board of Medical Examiners as provided in Section
7 630.555 of the Nevada Administrative Code.

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

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

11 2. That the Nevada State Board of Medical Examiners give Ms. Atkins notice of the
12 charges herein against her, and when appropriate, the time and place set for the hearing, and the
13 possible sanctions against her;

14 3. That the Nevada State Board of Medical Examiners determine what sanctions it
15 wishes to impose for the violation or violations committed by Ms. Atkins;

16 4. That the Nevada State Board of Medical Examiners make, issue and serve on
17 Ms. Atkins its findings of facts, conclusions of law and order, in writing, that includes the
18 sanctions imposed; and

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

21 DATED this 5th day of January, 2010.

22 THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

23 By: 

24 Lyn E. Beggs, Esq.


25 General Counsel and Attorney for the Investigative Committee

CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 5th day of January 2010, I served a file copy of the COMPLAINT, along with copy of appointment letter and Fingerprint Information, by mailing USPS certified mail to the following:

Marilyn Atkins, R.R.T.
5216 Falls Meadows Ave.
Las Vegas, NV 89130

Dated this 5th day of January 2010.



Angelia L. Donohoe
Legal Assistant

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28