(775) 688-2559

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

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In The Matter of Charges and)	
Complaint Against)	G N 44 10000 1
MARYANNE D. PHILLIPS, M.D.)	Case No. 11-10032-1 FILED
Respondent.)	JAN 2 8 2011
		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 Charles N. Held, M.D., Theodore B. Berndt, M.D. and Ms. Valerie Clark, BSN, RHU, LUTCF, having a reasonable basis to believe that Mary Anne D. Phillips, M.D., hereinafter referred to as Dr. Phillips, has violated the provisions of NRS Chapter 630, hereby issues its formal Complaint, stating the Investigative Committee's charges and allegations, as follows:

- 1. Dr. Phillips is currently licensed in active status (License No. 7635), and was originally licensed on December 21, 1995 by the Nevada State Board of Medical Examiners pursuant to the provisions of Chapter 630 of the Nevada Revised Statutes.
 - 2. Dr. Phillips primarily practices in the area of pain management.
- 3. Patient A is a forty-nine-year-old male. His true identity is not disclosed to protect his privacy, but his identity is disclosed in the Patient Designation served on Dr. Phillips along with a copy of this Complaint.
- 4. Patient A was initially treated by Dr. Phillips in California; however after relocating to Nevada, he began to see her in Nevada as well for treatment of lower back and hip pain.
- 5. Dr. Phillips prescribed controlled substances for pain to Patient A between November 2003 and April 2010, primarily Norco.

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ϵ	6.	Patient A resides in Reno, Nevada and has resided there for	or several years; h	iowever			
he did	continu	ne to see Dr. Phillips in person in Las Vegas on multiple	le occasions. Pa	atient A			
continued to receive prescriptions for controlled substances for pain from Dr. Phillips until early							
2010; ho	owever	, he has not seen Dr. Phillips in person for over two years.	He would talk w	ith			
Dr. Phil	lips by	telephone and prescriptions would be called into his chosen	n pharmacy.				

- 7. Although Dr. Phillips maintained records for Patient A during the time she prescribed controlled substances to him, her records indicate that Patient A was seen in person and his vitals were taken.
- 8. On April 15, 2010, Dr. Phillips wrote a prescription for Oxycodone for Patient A which was filled at a Walgreens Pharmacy in North Las Vegas. The prescription was picked up by Dr. Phillips' husband. Patient A had no knowledge that this prescription was written and he did not authorize anyone to pick up such a prescription for him.
- 9. Dr. Phillips' medical records for Patient A include an entry dated April 15, 2010, indicating that she saw Patient A on that day.
- Patient A was verified to be out of the country on April 15, 2010. Patient A 10. departed the United States on April 5, 2010 and did not return until May 10, 2010.
- 11. Patient B is a forty-nine-year-old male. Patient B was a patient at the Las Vegas Pain Institute (LVPI) starting in 2007 for treatment of neck and arm pain related to a work accident. Patient B began to see Dr. Phillips at LVPI in early 2008.
- 12. Dr. Phillips prescribed controlled substances for pain for Patient B between March 2008 and January 2010 while Patient B was being treated by other practitioners and receiving controlled substances from those other practitioners.
- 13. On February 14 2009, Dr. Phillips and Patient B were married and remain married to date.

Count I

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

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15	Dr. Phillips engaged in deceptive conduct when she prepared a medical record	for
treatment	rovided to Patient A on April 15, 2010 and wrote a prescription for controlled substar	nces
for him w	ich was picked up by Patient B, her husband, when Patient A was out of the country	y or
April 15,	010.	

By reason of the foregoing, Dr. Phillips is subject to discipline by the Nevada State 16. Board of Medical Examiners as provided in NRS 630.352.

Count II

- 17. NRS 630.306(2)(c) provides that a violation of a regulation adopted by the State Board of Pharmacy is grounds for initiating discipline against a licensee.
- 18. NAC 639.945(1)(o) prohibits prescribing a drug as a prescribing practitioner to a patient with whom the prescribing practitioner does not have a bona fide therapeutic relationship as defined by NAC 639.945(3)(a) and (b).
- 19. Dr. Phillips violated NAC 639.945(1)(o) when she prescribed controlled substances for Patient A over an extended period of time but failed to physically examine Patient A for approximately two years and therefore did not have a bona fide therapeutic relationship with him.
- 20. By her violation of NAC 639.945(1)(o), Dr. Phillips is in violation of NRS 630.306(2)(c) and is therefore subject to discipline by the Nevada State Board of Medical Examiners as provided in NRS 630.352.

Count III

- 21. NRS 630.306(3) provides that prescribing any controlled substance to others except as authorized by law is grounds for initiating discipline against a licensee.
- 22. NRS 453.381(1) prohibits the prescribing of a schedule II controlled substance to a spouse except in cases of emergency.
- Dr. Phillips violated NRS 453.381(1) when she prescribed schedule II controlled 23. substances to Patient B between February 2009 and January 2010 after they were married.
- 24. By her violation of NRS 453.381(1), Dr. Philips is in violation of NRS 630.306(3) and is therefore subject to discipline by the Nevada State Board of Medical Examiners as provided in NRS 630.352.

1105 Terminal Way #307 (775) 688-2559

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Count IV

- 25. NRS 630.3062(1) provides that the failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient is grounds for initiating discipline against a physician.
- 26. Dr. Phillips violated NRS 630.3062(1) when she failed to keep accurate records for Patient A when she failed to note in her records that she did not see Patient A in person and instead spoke with him by phone and when she created a fraudulent record for Patient A on April 15, 2010 indicating that she had seen Patient A when in fact he was out of the country.
- 27. By reason of the foregoing, Dr. Phillips is subject to discipline by the Nevada State Board of Medical Examiners as provided in NRS 630.352.

WHEREFORE, the Investigative Committee prays:

- 1. That the Nevada State Board of Medical Examiners give Dr. Phillips 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 Section 630.339 of the Nevada Revised Statutes within twenty (20) days of service of the Complaint:
- 2. That the Nevada State Board of Medical Examiners set a time and place for a formal hearing after holding an Early Case Conference pursuant to NRS 630.339(3);
- 3. That the Nevada State Board of Medical Examiners determine what sanctions it determines to impose if it determines there has been a violation or violations of the Medical Practice Act (Nevada Revised Statutes Chapter 630) committed by Dr. Phillips; and
- 4. That the Nevada State Board of Medical Examiners make, issue and serve on Dr. Phillips its findings of facts, conclusions of law and order, in writing, that includes the sanctions imposed; and

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

DATED this day of January 2011.

NEVADA STATE BOARD OF MEDICAL EXAMINERS INVESTIGATIVE COMMITTEE

By Lyn E. Beggs, Esq. General Counsel

VERIFICATION

STATE OF NEVADA) : ss. COUNTY OF DOUGLAS)

CHARLES N. HELD, 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 28th day of JANUARY, 2011.

CHARLES N. HELD, M.D.

OFFICE OF THE GENERAL COUNSEL Nevada State Board of Medical Examiners

CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 28th day of January 2011; I served a file copy of the Complaint, Patient Designation & Fingerprint Information by mailing via USPS Certified Return Receipt mail to the following:

Maryanne D. Phillips, M.D. 7835 S Rainbow Blvd Las Vegas, NV 89139

Dated this 28th day of January 2011.

Angelia L. Donohoe Legal Assistant