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

* * * * *

In the Matter of Charges and)
)
Complaint Against)
)
RICHARD G. MAXWELL, M.D.,)
)
Respondent.)
)

Case No. 13-38462-1

FILED

MAR 19 2013

**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., Deputy General Counsel for the Board and attorney for the IC, having a reasonable basis to believe that Richard G. Maxwell, M.D. (Respondent), violated the provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630 (collectively "Medical Practice Act"), hereby issues its formal Complaint, stating the IC's charges and allegations as follows:

1. Respondent is currently licensed in active status (License No. 13894), and has been licensed by the Board since May 9, 2011, pursuant to the provisions of the Medical Practice Act.
2. Respondent is currently licensed to practice medicine in Nevada, and was so licensed at the time of the incident complained of in this matter in the state of Idaho.
3. Upon information and belief, the Idaho Board of Medicine issued an Order Imposing Fine ("Order") on Respondent on March 12, 2012, for failure to complete an Idacare database profile pursuant to the Patient Freedom of Information Law. (See Exhibit 1.) The Order provided that Respondent shall pay the assessed fine, pay the assessed costs and fees and complete

1 the Idacare databank profile prior to renewal of his license to practice medicine in the state of
2 Idaho.

3 4. Upon information and belief, Respondent has failed to comply with the terms of
4 the Order.

5 5. Respondent's license to practice medicine in Idaho expired June 2012. Respondent
6 failed to renew his license to practice medicine in Idaho. Due to his failure to comply with the
7 March 12, 2012, order and his failure to renew his license to practice medicine, the Idaho Board of
8 Medicine changed the Respondent's licensure status to cancelled. (See Exhibit 2.) To date,
9 Respondent has not renewed his license to practice medicine in Idaho.

10 6. Furthermore, Respondent omitted, failed and/or refused to notify the Board in a
11 timely manner of the actions taken against his medical license by the state of Idaho.

12 **COUNT I**
13 **(Two Violations)**

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

16 8. NRS 630.301(3) provides that any disciplinary action, including, without
17 limitation, the revocation, suspension, modification or limitation of a license to practice any type
18 of medicine, taken by another state is grounds for initiating discipline against a licensee.

19 9. The Order and the cancellation of Respondent's license to practice medicine in the
20 state of Idaho constitute disciplinary actions taken by another state that are grounds for initiating
21 discipline against a licensee.

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

24 **COUNT II**
25 **(Two Violations)**

26 11. All of the allegations in the above paragraphs are hereby incorporated as if fully set
27 forth herein.

28 ///

1 12. NRS 630.306(11) provides that the failure by a licensee to report in writing, within
2 thirty (30) days, any disciplinary action taken against the licensee by another state is grounds for
3 initiating discipline against a licensee.

4 13. Respondent failed to report, in writing, to the Board within thirty (30) days the
5 above-outlined disciplinary actions taken by the state of Idaho against Respondent.

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

8 **WHEREFORE**, the IC prays:

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

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

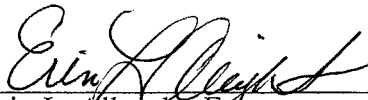
14 3. That the Board determine the sanctions it will impose if it finds Respondent
15 violated the Medical Practice Act;

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

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

20 DATED this 19th day of March, 2013.

21
22 INVESTIGATIVE COMMITTEE OF THE
23 NEVADA STATE BOARD OF MEDICAL EXAMINERS

24 By: 
25 Erin L. Albright, Esq.
26 Deputy General Counsel
27 Attorney for the Investigative Committee
28

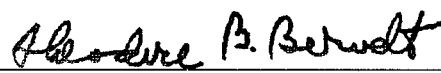
VERIFICATION

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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 19th day of March, 2013.



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 19th day of March 2013; I served a filed copy of the COMPLAINT & FINGERPRINT INFORMATION via USPS e-certified return receipt mail to the following:

Richard Maxwell, M.D.
741 E. Point Hills Cove
Draper, UT 84020

Dated this 19th day of March, 2013.



Angelia L. Donohoe
Legal Assistant

EXHIBIT

1

Jean R. Uranga
URANGA & URANGA
714 North 5th Street
P.O. Box 1678
Boise, Idaho 83701
Telephone: (208) 342-8931
Facsimile: (208) 384-5686
Idaho State Bar No. 1763

Attorneys for the Board

IDAHO BOARD OF MEDICINE
I certify that this document is a true
and correct copy of the original on
file in this office.

RECEIVED

Handwritten signature
Name/Title

April 10, 2012
Date

IDAHO STATE BOARD
OF MEDICINE

BEFORE THE IDAHO STATE BOARD OF MEDICINE

In the Matter of:)
RICHARD G. MAXWELL, M.D.,)
License No. M-8610,)
Respondent.)

Case No. 2012-BOM-7002
ORDER IMPOSING FINE

Based upon Respondent's failure to comply with the statutory requirements to complete an Idacare database profile pursuant to the Patient Freedom of Information Law, Title 54, Chapter 45, Idaho Code, Respondent was ordered to personally appear before the Idaho State Board of Medicine at its scheduled Board meeting on March 2, 2012 at 9:00 o'clock a.m., to show cause why the Board should not enter an Order assessing a fine of \$50 per day, together with costs and attorney's fees incurred in pursuing Respondent's compliance. Respondent failed to appear at the hearing as ordered. The Board took official notice of the fact that Respondent has failed and refused to comply with the statutory requirements of the Patient Freedom of Information Law and has failed to show cause why an

Order should not be entered assessing fines of \$50 per day, plus costs and attorney's fees.

Based upon the foregoing, IT IS HEREBY ORDERED as follows:

1. Effective the date this Order is signed, Respondent is hereby assessed a fine of \$50 per day for each day that Respondent fails to complete Respondent's Idacare database profile as required by Title 54, Chapter 45, Idaho Code.

2. Respondent is further assessed costs and attorney's fees in the amount of \$250.

IT IS FURTHER ORDERED That Respondent shall be required to pay all outstanding fines, pay the costs and attorney's fees, and complete the Idacare databank profile prior to renewal of Respondent's license to practice medicine and surgery in the State of Idaho.

DATED This 12 day of March, 2012.

IDAHO STATE BOARD OF MEDICINE


LEO HARF, M.D.
Chairman

EXHIBIT

2

State of Idaho
Board Of Medicine
Public Record Information - Detail

Public Record Information - Subscriber Services

Dr. RICHARD GERALD MAXWELL

[Click here to RENEW this License.](#)

[Close this License/Registration.](#)

Business Phone:	(801) 550 - 9010	License Status:	Cancelled
Address Of Record:	14587 S 790 W UNIT A STE 200		
City/State/Zip:	BLUFFDALE UT 84065	Method:	Exam
Country:	USA	Practice:	
Board:	BOARD OF MEDICINE	Locumtenens:	No
Type:	PHYSICIAN AND SURGEON	Inside State:	No
Number:	M-8610	Outside State:	No
Profession:	Medicine		
Date of Issue:	9/14/2002		
Expiration Date:	8/1/2012		

Specialties

Code	Primary	Specialty	Year	Status
AN	Yes	Anesthesiology		Active

Disciplinary History

Effective Date	Action No	Action
3/12/2012	BOM-2012-572	Fine

License Verification and Disclaimer

This verification service provides current data extracted by the Idaho Board Of Medicine (IBOM) from its own database. The data in this web site is provided by and controlled entirely by the IBOM and therefore constitutes a primary source verification of licensure status as authentic as a direct inquiry to the IBOM. The information provided through the verification service is all of the information pertinent and available in that field of information in the IBOM database. The data is updated daily. No responsibility is assured or implied for errors or omissions created by technical difficulties. No one shall be entitled to claim detrimental reliance thereon. For information regarding those categories not included in the database and/or concerns about transmissions errors, inconsistencies, or other data issues that may be identified from time to time, contact the IBOM.