

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

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

* * * * *

**In the Matter of Charges and
Complaint Against
MICHELLE L. STACEY, M.D.,
Respondent.**

Case No. 14-29866-1

FILED

JUN 13 2014

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., Valerie J. Clark, BSN, RHU, LUTCF and Michael J. Fischer, M.D., by and through Erin L. Albright, Esq., Board General Counsel and attorney for the IC, having a reasonable basis to believe that Michelle L. Stacey, 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:

FACTUAL BACKGROUND

The following facts are pertinent to a determination on this matter.

A. Respondent's Licensure Status in Nevada

1. Respondent has been licensed by the Board since May 17, 2005, pursuant to the provisions of the Medical Practice Act.
 2. Respondent is currently licensed in active status (License No. 11436).
 3. Respondent's specialties listed with the Board are Family Practice and Obstetrics.
- Respondent is not certified by the American Board of Medical Specialties, or any other entity, in pain management.

1 **B. Respondent's Supervision of David R. Armitage, PA-C**

2 4. At all times alleged herein, Respondent was the supervising physician for David R.
3 Armitage, Physician Assistant-Certified (Mr. Armitage).

4 5. Upon information and belief, at all times alleged herein, Respondent failed to
5 review and initial any medical charts for patients treated by Mr. Armitage.

6 6. Upon information and belief, at all times alleged herein, Respondent never
7 consulted with Mr. Armitage regarding his care and treatment of the patients at issue.

8 7. Upon information and belief, at times alleged herein, Mr. Armitage performed
9 medical services that were not approved by Respondent.

10 8. Upon information and belief, at all times alleged herein, Respondent failed to
11 develop and carry out a program to ensure the quality of care provided by Mr. Armitage.

12 9. Upon information and belief, at all times alleged herein, Respondent failed to
13 assess a representative sample of the referrals or consultations made by Mr. Armitage with other
14 health professionals as required by the condition of the patient.

15 10. Upon information and belief, at all times alleged herein, Respondent failed to
16 maintain accurate records and documentation regarding the program she developed to ensure the
17 quality of care provided by Mr. Armitage.

18 **COUNT I**

19 **(Failure to Supervise Physician Assistant Three Counts)**

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

22 12. NRS 630.275(8) provides that the Board shall adopt regulations regarding the
23 licensure of a physician assistant, including, but not limited to, the supervision of medical services
24 of a physician assistant by a supervising physician.

25 13. NRS 630.306(2)(b) provides that engaging in any conduct that the Board has
26 determined is a violation of the standards of practice established by regulation of the Board is
27 grounds for initiating disciplinary action against a licensee.

28 ///

1 14. NAC 630.185 provides that NAC 630.185 through NAC 630.230, inclusive, set
2 forth the standards of practice established by the Board.

3 15. NAC 630.230(1)(i) provides that a physician shall not fail to provide adequate
4 supervision of a physician assistant.

5 16. NAC 630.370(1)(b) provides that a supervising physician shall ensure that the
6 physician assistant performs only those medical services that have been approved by his or her
7 supervising physician.

8 17. NAC 630.370(2) provides that the supervising physician shall review and initial
9 selected charts of the patients of the physician assistant.

10 18. NAC 630.370(5) provides that a physician who supervises a physician assistant
11 shall develop and carry out a program to ensure the quality of care provided by a physician
12 assistant. The program must include, without limitation, an assessment of the medical
13 competency of the physician assistant; a review and initialing of selected charts; an assessment of
14 a representative sample of the referrals or consultations made by the physician assistant with other
15 health professionals as required by the condition of the patient; direct observation of the ability of
16 the physician assistant to take a medical history from and perform an examination of patients
17 representative of those cared for by the physician assistant; and maintenance by the supervising
18 physician of accurate records and documentation regarding the program for each physician
19 assistant supervised.

20 19. Respondent violated NAC 630.370(1)(b) by failing to ensure that Mr. Armitage
21 performed only those medical services that were approved by her.

22 20. Respondent violated NAC 630.370(2) by failing to review and initial selected
23 charts of patients of Mr. Armitage.

24 21. Respondent violated NAC 630.370(5) by failing to develop and carry out a
25 program to ensure the quality of care provided by Mr. Armitage.

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

28 ///

COUNT II

(Unprofessional Conduct)

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

24. NRS 630.306(16) provides that engaging in any act that is unsafe or unprofessional conduct in accordance with regulations adopted by the Board is grounds for initiating disciplinary action against a licensee.

25. NAC 630.230(1)(i) provides that failure to provide adequate supervision of a physician assistant constitutes unprofessional conduct.

26. Respondent violated NAC 630.230(1)(i) when she failed to adequately supervise Mr. Armitage as outlined above.

27. By failing to adequately supervise Mr. Armitage, Respondent engaged in unprofessional conduct.

28. By reason of the foregoing, Respondent is subject to discipline by the Board as provided in NRS 630.652.

WHEREFORE, the Investigative Committee prays:

1. That the Board give Respondent 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 NRS 630.339(2) within twenty (20) days of service of the Complaint;

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

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

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

///

///

///

OFFICE OF THE GENERAL COUNSEL


Nevada State Board of Medical Examiners
1105 Terminal Way #301
Reno, Nevada 89502
(775) 688-2559

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

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

DATED this 13th day of June, 2014.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 
Erin L. Albright, Esq.
General Counsel
Attorney for the Investigative Committee

OFFICE OF THE GENERAL COUNSEL
Nevada State Board of Medical Examiners
1105 Terminal Way #301
Reno, Nevada 89502
(775) 688-2559

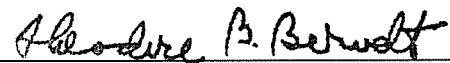
VERIFICATION

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

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 Chair 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, t he believes the allegations and charges in the foregoing Complaint against Respondent are true, accurate and correct.

Dated this 13th day of June, 2014.



Theodore B. Berndt, M.D.


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

CERTIFICATE OF SERVICE

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 13th day of June 2014; I served a filed copy of COMPLAINT, PATIENT DESIGNATION & FINGERPRINT INFORMATION, via USPS e-certified mail to the following:

Michelle Stacey, M.D.
PO Box 15645
Las Vegas, NV 89114-5645

Dated this 13th day of June, 2014.



Angelia L. Donohoe
Legal Assistant