BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

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| In the Matter of Charges and |) | Case No. 17-39985-1 |
|------------------------------|---|--|
| Complaint Against |) | |
| |) | FILED |
| Rita Elaine Starritt, M.D., |) | MAR 0 8 2017 |
| Respondent. | į | NEVADA STATE BOARD OF MEDICAL EXAMINERS |
| |) | 8y: |

COMPLAINT

The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners, hereby issues this formal Complaint against Rita Elaine Starritt, M.D. (hereinafter referred to as Dr. Starritt or Respondent), a licensed physician in Nevada. After investigating this matter, the IC has a reasonable basis to believe that Respondent has violated provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630 (collectively, the Medical Practice Act).

The IC alleges the following facts:

- 1. Respondent is currently licensed in active status (License No. 14540). Respondent was issued her license from the Nevada State Board of Medical Examiners on September 13, 2012, pursuant to the provisions of NRS Chapter 630.
- 2. On July 11, 2016, Respondent entered into a Stipulation and Final Agency Order with the Colorado Medical Board, which was approved by the Colorado Medical Board and became effective on July 14, 2016. The Stipulation and Final Agency Order was based on Respondent's false testimony under oath that she was not an employee or independent contractor

¹ The Investigative Committee of the Nevada State Board of Medical Examiners, at the time the filing of this Complaint was approved, was composed of Wayne Hardwick, M.D., Theodore B. Berndt, M.D., and Mr. M. Neil Duxbury.

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for a weight loss clinic, when in fact she was an independent contractor for the weight loss clinic, serving as its medical director. As the medical director, Respondent delegated the provision of medical services to individuals not licensed to practice medicine and was subject to the requirements of Colorado Medical Board Rule 800, 3 C.C.R. 713-30. Pursuant to Colorado Medical Board Rule 800, the Colorado Medical Board requested that Respondent provide the delagatee's qualifications to the Board. Respondent refused multiple times to provide the requested documentation. Respondent admitted that her refusal to comply with a valid board order or any rule or regulation promulgated by the board in conformance with law constituted unprofessional conduct.

- 3. Respondent received a letter of admonition and her Colorado license to practice medicine was placed on probation for five years, commencing on July 14, 2016. During the period of probation, Respondent is not allowed to delegate the rendering of medical services to a person who is not licensed to practice medicine. Respondent is not authorized to act as a primary supervisor of physician assistants. Respondent is not allowed to delegate the rendering of medical services to a physician assistant or act as a secondary supervisor to a physician assistant, except under certain circumstances. Respondent was further ordered to complete a Professional/Problem Based Ethics Program.
- Respondent did not timely report the July 14, 2016 Stipulation and Final Agency 4. Order to the Nevada State Board of Medical Examiners.

Count I

(NRS 630.301(3))

- 5. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.
- NRS 630.301(3) provides that any disciplinary action, including the revocation, 6. suspension, modification or limitation of a license to practice any type of medicine, taken by another state, is grounds for initiating disciplinary action against a licensee.

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- On July 14, 2016, the Colorado Medical Board entered into a Stipulation and Final 7. Agency Order with Respondent and imposed a five year probation upon Respondent's Colorado medical license.
- The July 14, 2016 Stipulation and Final Agency Order was a disciplinary action taken 8. by another state.
- By reason of the foregoing, Respondent is subject to discipline by the Nevada State 9. Board of Medical Examiners as provided in NRS 630.352.

Count II

(NRS 630.306(1)(k))

- 10. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.
- 11. NRS 630.306(1)(k) provides that failure by a licensee or applicant to report in writing, within 30 days, any disciplinary action taken against the licensee or applicant by another state, the Federal Government or a foreign country, including, without limitation, the revocation, suspension or surrender of a license to practice medicine in another jurisdiction, is grounds for initiating disciplinary action.
 - Respondent was disciplined by the Colorado Medical Board as described above. 12.
- Respondent failed to timely report the disciplinary action taken by the Colorado 13. Medical Board.
 - Accordingly, Respondent is in violation of NRS 630.306(1)(k). 14.
- By reason of the foregoing, Respondent is subject to discipline by the Nevada State 15. Board of Medical Examiners as provided in NRS 630.352.

WHEREFORE, the Investigative Committee prays:

- That the Nevada State Board of Medical Examiners 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;
- That the Nevada State Board of Medical Examiners set a time and place for a 2. 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 to impose if it determines there has been a violation or violations of the Medical Practice Act committed by Respondent;
- 4. That the Nevada State Board of Medical Examiners make, issue and serve on Respondent its findings of fact, conclusions of law and order, in writing, that includes the sanctions imposed; and
- 5. That the 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 March, 2017.

INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: Jasmine F Stille

Robert Kilroy, Eśq.

General Counsel and Attorney for the Investigative Committee

Jasmine K. Mehta, Esq.

Deputy General Counsel and Attorney for the Investigative Committee

OFFICE OF THE GENERAL COUNSEL Nevada State Board of Medical Examiners

VERIFICATION

STATE OF NEVADA) : ss.
COUNTY OF WASHOE)

Wayne Hardwick, 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 gry day of MArch, 2017.

Marye Hardwick, 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 8th day of March 2017; I served a file copy of COMPLAINT & Fingerprint Information, via USPS certified electronic return receipt mail to the following:

Rita Starritt, M.D. 5721 La Jolla Hermosa Ave. La Jolla, CA 92037-7330

Dated this 8th day of March, 2017.

Angelia L. Donohoe Legal Assistant