

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

3 \* \* \* \* \*

4  
5 **In the Matter of Charges and**  
6 **Complaint Against**  
7 **Maryanne D. Phillips, M.D.,**  
8 **Respondent.**

Case No. 18-10032-1

**FILED**

FEB - 9 2018

NEVADA STATE BOARD OF  
MEDICAL EXAMINERS

By: 

9  
10 **COMPLAINT**

11 The Investigative Committee<sup>1</sup> (IC) of the Nevada State Board of Medical Examiners (Board)  
12 hereby issues this formal Complaint (Complaint) against Maryanne D. Phillips, M.D. (Respondent),  
13 a licensed physician in Nevada. After investigating this matter, the IC has a reasonable basis to  
14 believe that Respondent has violated provisions of Nevada Revised Statutes (NRS) chapter 630 and  
15 Nevada Administrative Code (NAC) chapter 630 (collectively Medical Practice Act). The IC  
16 alleges the following facts:

17 1. Respondent is currently licensed in Nevada in active status with conditions  
18 (License No. 7635). She has been licensed by the Board since December 21, 1995.

19 2. Respondent's license is currently in active status with certain conditions placed on  
20 the license pursuant to an order dated December 8, 2017, which removed the probationary status  
21 on her license to practice medicine, restored the license to active status, and placed all remaining  
22 conditions and restrictions associated with a Settlement Agreement dated September 9, 2016, on  
23 her license. Previously, Respondent's license was active-probationary status pursuant to the  
24 September 9, 2016 Settlement Agreement between the Respondent and the Board. At the regularly  
25 scheduled December 1, 2017 Board Meeting, at which Respondent appeared and requested that

26 ///

27  
28 <sup>1</sup> The Investigative Committee of the Nevada State Board of Medical Examiners at the time the filing of this  
Complaint was approved, was composed of Board members Wayne Hardwick, M.D., Chairman, Theodore B. Berndt,  
M.D., member, and Mr. M. Neil Duxbury, public member.

1 her probation be lifted, the Board agreed to lift the probation but place the same conditions of her  
2 probation on her license.

3 3. Respondent does not have a license to prescribe controlled substances issued by the  
4 Nevada State Board of Pharmacy.

5 4. Respondent is not registered with the U.S. Drug Enforcement Agency (DEA) to  
6 prescribe controlled substances.

7 5. On or about April 29, 2016, an investigator for the Board sent an allegation letter to  
8 Respondent, based on information received by the Board, regarding allegations that Respondent  
9 unduly pressures her employees and/or independent contractors to prescribe controlled substances  
10 to her patients for financial gain. It was further alleged that Respondent was operating her  
11 medical practice under the name of Marianne Elias, rather than Maryanne Phillips. It was further  
12 alleged that Respondent was the medical director of Research and Wellness Center or Hormones  
13 Center of Nevada located at 2649 Wigwam Parkway, Suite 101, in Henderson, Nevada 89074. It  
14 was further alleged that Respondent was facilitating her office manager and husband, Donald  
15 Kinsman, to distribute and/or sell controlled substances to patients.

16 6. Respondent provided a response on or about June 1, 2016, in which she denied:  
17 (a) ever having used the name of Marianne Elias; (b) ever having been the medical director of  
18 Research and Wellness Center or Hormones Center of Nevada; (c) actively seeing patients since  
19 May or June of 2014; (d) having an office manager, as she denied having a regular office;  
20 (e) facilitating her husband or anyone to distribute and/or sell controlled substances to patients;  
21 and (f) extorting office staff to prescribe controlled substances that are unwarranted and not  
22 medically necessary, resulting in patient harm, as she denied having office staff.

23 7. A Nevada limited liability company named Research and Wellness Center LLC is  
24 registered with the Nevada Secretary of State. Marianne Elias is listed as the manager of the  
25 company. The company has been in default since October 31, 2016. The address of the manager  
26 is listed as 10920 Southern Highlands Parkway, #2105, Las Vegas, Nevada 89141.

27 8. On or about October 30, 2015, the Research and Wellness Center LLC entered into  
28 a Lease Agreement with Marlin A, LLC, to lease real property located at 2649 Wigwam Parkway,

1 Suite 101, Henderson, Nevada 89074.

2 9. The Lease Agreement was signed by Donald Kinsman on behalf of the Research  
3 and Wellness Center LLC.

4 10. Upon information and belief, Donald Kinsman is the spouse of Maryanne Phillips.

5 11. Contact names for Research and Wellness Center LLC were listed on the Lease  
6 Agreement as Mari Elias and Blas Elias.

7 12. The Lease Agreement was personally guaranteed by MaryAnne Elias.

8 13. The signature of MaryAnne Elias, aka Maryanne Phillips, on the Guaranty was  
9 notarized, and she provided a copy of her driver's license. The name on the Nevada driver's  
10 license is Maryanne Phillips Elias.

11 14. A cashier's check was provided with the Lease Agreement. On the Remitter  
12 (Purchased by) line, the cashier's check states "Mary Anne Phillips Elias Wellness Ctr."

13 15. On or about January 11, 2016, the Lease Agreement between Research and  
14 Wellness Center LLC and Marlin A, LLC, was amended. The amendment changed the guarantors  
15 from Donald Kinsman and Mary Anne Elias to Donald Kinsman, Mary Anne Elias, and David  
16 Memmoli.

17 16. Maryanne Phillips previously practiced medicine at 2649 Wigwam Parkway, Suite  
18 101, Henderson, Nevada 89074.

19 17. Maryanne Phillips-Elias, MD is listed on the WebMD website as having a practice  
20 with Daniel F. Royal, D.O. at 9065 S. Pecos Road, Suite 250, Henderson, Nevada 89074.

21 18. Dr. Maryanne Phillips was listed on letterhead for Comprehensive Pain  
22 Management and Wellness, located at 9065 S. Pecos Road, Suite 250, Henderson, Nevada 89074,  
23 from November 2013 through September 2015.

24 19. Respondent treated patients as late as December of 2014.

25 20. From on or around November 2015 through May 2016, one or more members of  
26 Respondent's staff and/or independent contractors witnessed Respondent review patients' charts.

27 21. From on or around November 2015 through May 2016, one or more members of  
28 Respondent's staff and/or independent contractors witnessed Respondent remove progress notes

1 and/or other information from patients' charts.

2 22. From on or around November 2015 through May 2016, one or more members of  
3 Respondent's staff and/or independent contractors witnessed Respondent replace information in  
4 patients' charts.

5 **Patient A**

6 23. Patient A's true identity is not disclosed to protect his privacy, but his identity is  
7 disclosed in the Patient Designation served on Respondent, along with a copy of this Complaint.

8 24. In December 2015 or January 2016, Patient A came to Respondent's practice for  
9 treatment of pain. He was seen by an advanced practice registered nurse contracting with  
10 Respondent and/or Research and Wellness Center LLC.

11 25. The advanced practice registered nurse, after having a discussion with Patient A,  
12 prescribed Patient A a different pain management regimen than was requested by Patient A.

13 26. Upon receiving an alternate pain management regimen, Patient A chose to  
14 discontinue care with Respondent's practice.

15 27. Respondent and her husband, Donald Kinsman, subsequently admonished the  
16 advanced practice registered nurse and claimed that because the advanced practice registered  
17 nurse had failed to prescribe Oxycodone to Patient A, they had lost both Patient A and the  
18 additional patients he would have brought into the practice.

19 28. Upon information and belief, Patient A was subsequently told by Respondent  
20 and/or Donald Kinsman that he would be prescribed Oxycodone, and returned to Respondent's  
21 practice. Prior to the office visit, Donald Kinsman informed the advanced practice registered  
22 nurse that Patient A had been using his parents' Oxycodone for his pain management.

23 29. On or about February 15, 2016, Patient A again presented to Respondent's practice.

24 30. The advanced practice registered nurse told Patient A that using his parents'  
25 medication was wrong, to which Patient A replied that he knew.

26 31. After discussion with Patient A, during which time Patient A returned the other  
27 prescriptions, admitted to not filling them, said that only the Oxycodone worked, and repeatedly  
28 asked whether he would get a prescription for Oxycodone, the advanced practice registered nurse

1 determined that Patient A was exhibiting drug-seeking behaviors and refused to prescribe  
2 Oxycodone.

3 32. Patient A stated that he had wasted his time and left Respondent's practice.

4 33. On or about February 15, 2016, Donald Kinsman confronted the advanced practice  
5 registered nurse about why he had not prescribed Oxycodone to Patient A. The advanced practice  
6 registered nurse responded that Patient A had gone without a prescription for two weeks, which  
7 demonstrated he did not really need pain medication. He indicated that in his experience, patients  
8 in pain will typically try any pain management regimen in hopes of obtaining pain relief, rather  
9 than go without any pain medication at all because it is not Oxycodone.

10 34. On or about March 1, 2016, a member of Respondent's staff witnessed Respondent  
11 remove the advanced practice registered nurse's note from the examination of Patient A that took  
12 place on or about February 15, 2016, and replace that day's note with a note Respondent then  
13 wrote herself.

14 35. Upon information and belief, Respondent has signed off the chart notes entered by  
15 the advanced practice registered nurse for Patient A.

16 36. On or about May 9, 2017, the IC issued an Order to Produce Medical Records  
17 regarding Patient A to Respondent. The Order required Respondent to produce the records within  
18 10 days of service.

19 37. Respondent previously provided health care records for patients of Research and  
20 Wellness Center LLC; however, Respondent has not complied with the May 9, 2017 Order to  
21 Produce Medical Records.

22 38. On or about May 17, 2017, Respondent sent a message by electronic mail to the  
23 IC's investigative staff that she vaguely remembered a patient by the name of the patient  
24 requested, but was in California most of the time and had not treated a pain patient since 2014.

25 39. In response to a question from investigative staff as to who currently was the  
26 custodian of records for Research and Wellness Center LLC, on or about May 20, 2017,  
27 Respondent sent a message by electronic mail to investigative staff that she was no longer the  
28 custodian of records and that Research and Wellness Center LLC was no longer in existence.

1           40.    In response to additional correspondence from investigative staff requesting the  
2 identity of the current custodian of records, on or about May 24, 2017, Respondent sent a message  
3 by electronic mail, stating the following, verbatim:

4                   This is not a patient I have seen in five years and the Research and  
5 Wellness was not a pain clinic and it was only established for a year in  
6 later part of 2015 for a research project for a topical cream and only in  
7 existence for a year Davison has now taken over that research They no  
8 longer need an MD to work on the project. I'm training for a cancer  
9 research project but I don't need Research and Wellness LLC to do it the  
10 larger pharmaceutical companies are in charge of any further research.  
11 And just so you have the correct information I was not the manager of  
12 Research and Wellness Center because it is not a Center it is Research and  
13 Wellness LLC and it is Not the same as Wellness Center which was  
14 primary care including weight loss B12 shots nutritional pain treatment as  
15 needed counseling infusion therapy and I believe even history and  
16 physicals only for marijuana patients (started by Memmoli whose no  
17 longer there ) my DEA license was Retired in may 2014 by me because I  
18 did not need it for the research and you might be confusing me with Kim  
19 Phillips who worked a the same location in 2014 that I previously was at,  
20 most of the records in 2016 were put into EMR and I obviously did not  
21 need paper records to do anesthesia at a hospital. Unfortunately some of  
22 the providers actually took some of the paper record that were there like  
23 Dr Foote in 2012. The original practice was Dr Nagy's and I worked for  
24 him on a salary basis and all persons working there were his employees or  
25 independent contractors and there were issues with several of them so I  
26 left and came back for a while in 2013-14 until Dr Emmerling took over  
27 patient care . Most of the charts were with him that were paper and  
28 transcribed into EMR. It is physically impossible to know where every

1 patient I ever saw for Dr Nagy is. I would suggest you check the PNP and  
2 see who saw them three years ago and contact them?

3 If you need a copy of my previous contract with Dr Nagy or the state  
4 information on Research and Wellness LLC I will provide it. I did  
5 neuroanesthesia for Dr Nagy and he decided he wanted a private pain  
6 clinic to refer his surgical patients to but it didn't work out. I apologize for  
7 any problems his former employees might have given you but like I said I  
8 had no control over him or them I just saw patients!

9 41. To date, Respondent has not provided the information requested in the Order to  
10 Produce Medical Records.

11 **Count I:**

12 **NRS 630.306(1)(b)(1): Engaging in Conduct Intended to Deceive**

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

15 43. NRS 630.306(1)(b)(1) provides that engaging in any conduct which is intended to  
16 deceive is grounds for initiating disciplinary action.

17 44. Respondent denied to the IC ever having used the name of Marianne Elias, though  
18 she has used various forms of the name Maryanne Phillips, MaryAnne Phillips, Mary Anne  
19 Phillips, Maryanne Phillips-Elias, Mary Anne Phillips Elias, Marianne Elias, Mari Tiffany  
20 Phillips-Elias, Mari Elias and Maryanne Elias on her driver's license, lease agreement, guaranty of  
21 lease agreement, list of officers for Research and Wellness Center LLC, emails, and on websites  
22 advertising her services.

23 45. Respondent denied to the IC ever having been the medical director of Research and  
24 Wellness Center LLC or Hormones Center of Nevada, though a Marianne Elias is listed as the  
25 manager of Research and Wellness Center LLC and that entity signed a lease agreement, which  
26 MaryAnne Elias personally guaranteed.

27 ///

28 ///









1 Chronic Pain, adopted by reference in NAC 630.187, brings the medical profession into disrepute.

2 72. By reason of the foregoing, Respondent is subject to discipline by the Nevada State  
3 Board of Medical Examiners as provided in NRS 630.352.

4 **Count VII:**

5 **NRS 630.304(6): Attempting by Way of Intimidation, Coercion or Deception, to Obtain or**  
6 **Retain a Patient or to Discourage the Use of a Second Opinion**

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

9 74. NRS 630.304(6) provides that attempting directly or indirectly, by way of  
10 intimidation, coercion or deception, to obtain or retain a patient or to discourage the use of a  
11 second opinion is grounds for disciplinary action.

12 75. Respondent coerced and/or intimidated an advanced practice registered nurse  
13 working in her office to prescribe opioids to Patient A in order to obtain that Patient, who would  
14 supposedly bring in more patients.

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

17 **Count VIII:**

18 **NRS 630.305(1)(a): Receiving From Any Person Compensation Which is Intended or Tends**  
19 **to Influence the Physician's Objective Evaluation or Treatment of a Patient**

20 77. All of the allegations contained in the above paragraphs are hereby incorporated by  
21 reference as though fully set forth herein.

22 78. NRS 630.305(1)(a) provides that directly or indirectly receiving from any person,  
23 corporation or other business organization any fee, commission, rebate or other form of  
24 compensation which is intended or tends to influence the physician's objective evaluation or  
25 treatment of a patient is grounds for disciplinary action.

26 79. Respondent, in order to receive compensation from Patient A, exerted pressure,  
27 coercion and/or intimidation upon an advanced practice registered nurse working in her office to  
28 prescribe opioids to Patient A.





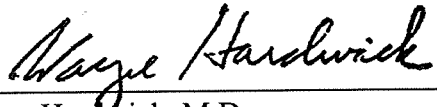
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**VERIFICATION**

STATE OF NEVADA        )  
                                  : ss.  
COUNTY OF WASHOE    )

Wayne Hardwick, 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 based upon information discovered during the course of the investigation into a complaint against Respondent, he believes the allegations and charges in the foregoing Complaint against Respondent are true, accurate and correct.

DATED this 9<sup>th</sup> day of February, 2018.

  
\_\_\_\_\_  
Wayne Hardwick, M.D.  
Chairman, Investigative Committee  
Nevada State Board of Medical Examiners