

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

3 * * * * *

4 **In the Matter of Charges and**
5 **Complaint Against**
6 **EDWARD MICHAEL OUTLAW, M.D.,**
7 **Respondent.**

Case No. 19-28023-2

FILED

MAR 19 2019

**NEVADA STATE BOARD OF
MEDICAL EXAMINERS**
By: 

8
9 **COMPLAINT**

10 The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners (Board)
11 hereby issues this formal Complaint (Complaint) against Edward Michael Outlaw, M.D.
12 (Respondent), a physician licensed in Nevada. After investigating this matter, the IC has a
13 reasonable basis to believe that Respondent has violated provisions of Nevada Revised Statutes
14 (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630 (collectively, the Medical
15 Practice Act, or MPA). The IC alleges the following facts:

16 1. Respondent is, and was at all times relevant to this case, a physician licensed to
17 practice medicine in the State of Nevada (License No. 10630). His license was originally issued
18 by the Board on September 8, 2003.

19 2. On or about May 22, 2010, Respondent signed a storage unit rental agreement for
20 storage space #C223 at Life Storage located at 9930 S. Spencer Street, Las Vegas, NV 89183
21 (Life Storage Unit).

22 3. Respondent failed to make payment to Life Storage since September 4, 2016,
23 thereafter placing him in default of his rental agreement.

24 4. A Lien Sale Notice was mailed to Respondent by the proprietor of Life Storage on
25 November 18, 2016.

26 5. On or about June 5, 2017, Board staff received information that medical records,
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28 ¹ The Investigative Committee (IC) of the Nevada State Board of Medical Examiners (Board), at the time this formal
Complaint was authorized for filing, was composed of Board members Wayne Hardwick, M.D., Chairman,
Mr. M. Neil Duxbury, and Aury Nagy, M.D.

1 including patient charts, demographics, medical histories, charts, films and other items, which
2 contained patient personal identifying information, for which Respondent, as a provider of health
3 care and as custodian of records, was responsible, may have been abandoned by Respondent
4 inside the Life Storage Unit.

5 6. On June 19, 2017, Board staff, along with staff from the Nevada State Board of
6 Pharmacy, conducted an on-site initial inspection of the Life Storage Unit. The initial inspection
7 discovered, among other items, the following:

- 8 a. Multiple large boxes containing hundreds of patient records produced by
9 Respondent;
- 10 b. Four unlocked filing cabinets, three of which were inaccessible at the time of
11 initial inspection due to location and placement inside the unit;
- 12 c. Miscellaneous office supplies;
- 13 d. One blank prescription.

14 7. On June 19, 2017, Board staff contacted Respondent by telephone and informed
15 him of the discovery of the abandoned medical records and of his responsibility to immediately
16 take possession of the medical records and/or properly destroy files that no longer needed to be
17 retained. Respondent informed Board staff that he was under the belief that his mother had taken
18 care of those records and that he would make arrangements to have his mother arrange for the
19 records to be destroyed, as he was no longer residing in Nevada.

20 8. On June 20, 2017, the Investigative Committee issued a First Order to Respondent
21 to produce records and respond to a formal Allegation Letter dated the same day regarding
22 possible violations of the MPA related to the medical records and other items abandoned at the
23 Life Storage Unit.

24 9. On June 22, 2017, Life Storage staff informed Board staff that neither Respondent
25 nor his mother had contacted Life Storage to arrange for the custody and/or destruction of the
26 medical records.

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1 10. On July 14, 2017, Board staff, along with staff from the Nevada State Board of
2 Pharmacy, conducted a follow-up inspection of the Life Storage Unit, to include the three file
3 cabinets that were previously inaccessible, and discovered, among other items, the following:

- 4 a. 1 box of 22G 10” Chiba needles
- 5 b. 10 ampules fentanyl citrate 250mcg/5ml (exp 6/09)
- 6 c. 19 ampules naloxone hcl .4mg/ml (exp 2/09)
- 7 d. 9 20g tubes diclofenac sodium gel 1% (exp 7/11)
- 8 e. 5 patches fentanyl 50mcg/h (exp 4/09)
- 9 f. 1 box 22G needles
- 10 g. 1 patch lidocaine 5% (exp 4/10)
- 11 h. 5 sample packs of 3 Celebrex 200mg capsules (exp 4/11)
- 12 i. 1 bottle Lyrica 75mg (14 capsules) (exp 8/11)
- 13 j. 1 bottle Lyrica 50mg (21 capsules) (exp 4/11)
- 14 k. 1 bottle Ultram ER 200mg (4 tablets) (exp 9/09)
- 15 l. 1 vial .9% NaCl (exp 8/09)
- 16 m. 1 vial .5% Marcaine (exp 12/09)

17 Nevada State Board of Pharmacy staff inventoried and took possession of the these dangerous
18 drugs, controlled substances and devices.

19 11. On July 31, 2017, the Investigative Committee issued a Second Order to
20 Respondent to produce records and respond to the Allegation Letter regarding possible violations
21 of the MPA related to the medical records and other items abandoned at the Life Storage Unit.

22 12. On August 17, 2017, the Investigative Committee issued a Third Order to
23 Respondent to produce records and respond to the Allegation Letter regarding possible violations
24 of the MPA related to the medical records and other items abandoned at the Life Storage Unit.

25 13. Respondent failed to comply with the First Order, Second Order or Third Order,
26 and provided no response to the Allegation Letters.

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COUNT I

NRS 630.3065(3) (Failure to Perform a Statutory Obligation)

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

15. NRS 630.3065(3) provides that knowingly or willfully failing to perform a statutory obligation imposed upon a licensed physician is grounds for initiating disciplinary action.

16. NRS 603A.200 provides that any business that maintains records which contain personal information concerning the customers of the business shall take reasonable measures to ensure the destruction of those records when the business decides that it will no longer maintain the records.

17. Respondent knowingly and willfully failed to perform his statutory obligations under NRS 603A.200.

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

COUNT II

NRS 630.306(1)(b)(3) (Engaging in Conduct That Violated Pharmacy Board Regulations)

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

20. NRS 630.306(1)(b)(3) provides that engaging in conduct that violates a regulation adopted by the Pharmacy Board is grounds for initiating disciplinary action.

21. By the conduct set forth herein, Respondent engaged in conduct that violates regulations adopted by the Pharmacy Board, specifically including but not limited to NAC 453.400, NAC 454.040 and NAC 639.945 (1)(i).

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

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COUNT III

NRS 630.3065(2)(a)

(Failing to Comply With a Lawful Order of the Investigative Committee)

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

24. NRS 630.3065(2)(a) provides that knowingly or willfully failing to comply with an order of a committee designated by the Board to investigate a complaint against a physician, i.e., the IC, is grounds for initiating disciplinary action.

25. Respondent knowingly and willfully failed to comply with the IC's Orders dated June 20, 2017, July 31, 2017, and August 17, 2017, respectively.

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

COUNT IV

NRS 630. 301(9) (Disreputable Conduct)

27. All of the allegations in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

28. NRS 630.301(9) provides that engaging in conduct that brings the medical profession into disrepute is grounds for initiating disciplinary action.

29. Respondent's conduct including, but not limited to, violating numerous orders of a the IC, failing to properly destroy and dispose of patient medical records, and abandoning patient medical records, controlled substances and dangerous drugs in a storage unit is conduct that brings the medical profession into disrepute.

30. By reason of the foregoing, Respondent 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 Board give Respondent notice of the charges herein and give notice that an answer to the Complaint herein may be filed as set forth in NRS 630.339(2) within twenty (20) days of service of the Complaint;

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

DATED this 19 day of March, 2019.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 
Aaron Bart Fricke, Esq., Deputy General Counsel
Attorney for the Investigative Committee

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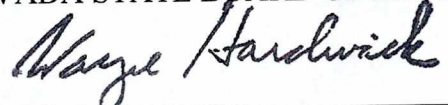
VERIFICATION

1 STATE OF NEVADA)
2 : ss.
3 COUNTY OF WASHOE)

4 Wayne Hardwick, M.D., having been duly sworn, hereby deposes and states under penalty
5 of perjury that he is the Chairman of the Investigative Committee of the Nevada State Board of
6 Medical Examiners that authorized the Complaint against the Respondent herein; that he has read
7 the foregoing Complaint; and that based upon information discovered in the course of the
8 investigation into a complaint against Respondent, he believes that the allegations and charges in
9 the foregoing Complaint against Respondent are true, accurate and correct.

10 DATED this 19th day of March, 2019.

11 INVESTIGATIVE COMMITTEE OF THE
12 NEVADA STATE BOARD OF MEDICAL EXAMINERS

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Wayne Hardwick, M.D., Chairman