OFFICE OF THE GENERAL COUNSEL Nevada State Board of Medical Examiners 9600 Cateway Drive Reno, Nevada 89521 (775) 688-2559

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

* * * * *

In the Matter of Charges and Complaint Against RONALD HOPE FOOTE, M.D.,

Case No. 19-12899-1

FILED

AUG 1 6 2019

NEVADA STATE BOARD OF MEDICAL EXAMINERS
By:

Respondent.

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COMPLAINT

The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners (Board), by and through Aaron Bart Fricke, Esq., Deputy General Counsel and attorney for the IC, having a reasonable basis to believe that Ronald Hope Foote, M.D. (Respondent) violated the provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630 (collectively, the Medical Practice Act), hereby issues its Complaint, stating the IC's charges and allegations as follows:

1. Respondent was all times relative to this Complaint a physician licensed to practice medicine in the State of Nevada (License No. 9240). Respondent was originally licensed by the Board on December 4, 1999. His license expired June 30, 2019.

A. Respondent's Unlawful Possession of a Controlled Substance.

2. Pursuant to and as provided in a Guilty Plea Agreement, filed in the Eighth Judicial District Court of the State of Nevada on November 14, 2018, Respondent pled guilty to POSSESSION OF CONTROLLED SUBSTANCE (Category E Felony - NRS 453.336 - NOC 51127), in Case No. C-18-335993-1, to which Guilty Plea Agreement Respondent consented in writing, which provides in pertinent part that on or between September 13, 2017, and November 29, 2017, within Clark County, Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada, Respondent

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.

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did willfully, unlawfully, feloniously, and knowingly or intentionally possess a controlled substance, to wit: Carisoprodol and/or Oxycodone and/or Methadone and/or Oxymorphone.

- 3. On or between September 13, 2017, and November 29, 2017, Respondent willfully, unlawfully, feloniously, knowingly or intentionally possessed controlled substances, to wit: Carisoprodol, Oxycodone, Methadone and Oxymorphone.
- Respondent unlawfully possessed and sold to patients prescription blanks, which had been signed by another practitioner before being filled out, and which Respondent had no authority to write himself.

Count I

NRS 630.301(9) (Disreputable Conduct)

- 5. All of the allegations in the above paragraphs are hereby incorporated by reference as though fully set forth herein.
- 6. NRS 630.301(9) provides that engaging in conduct that brings the medical profession into disrepute is grounds for initiating disciplinary action.
- 7. Respondent's conduct, including, but not limited to, felony possession of controlled substances, such as Carisoprodol, Oxycodone, Methadone and Oxymorphone, and the unlawful possession and sale of prescription blanks, is conduct that brings the medical profession into disrepute.
- 8. 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)

- 9. All of the allegations in the above paragraphs are hereby incorporated as if fully set forth herein.
- 10. 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.

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- 11. By the conduct set forth herein, Respondent engaged in conduct that violates regulations adopted by the Pharmacy Board including but not limited to NRS 453.331 and 453.336.
- 12: 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 III

NRS 630.306(1)(b)(2) (Violation of Standards of Practice)

- 13. All of the allegations in the above paragraphs are hereby incorporated by reference as though fully set forth herein.
- 14. Respondent treated Patient A for chronic pain with opioid analgesics. Patient A's true identity is not disclosed herein to protect his or her privacy, but is disclosed in the Patient Designation served upon Respondent along with a copy of this Complaint.
- 15. Violation of a standard of practice adopted by the Board is grounds for disciplinary action pursuant to NRS 630.306(1)(b)(2).
- 16. Pursuant to NAC 630.187, the Board adopted by reference the Model Policy on the Use of Opioid Analgesics in the Treatment of Chronic Pain, July 2013, published by the Federation of State Medical Boards of the United States, Inc. (Model Policy).
- 17. Pursuant to NAC 630.230(1)(k), a licensee shall not engage in the practice of writing prescriptions for controlled substances to treat acute pain or chronic pain in a manner that deviates from the Model Policy.
- On information and belief, Respondent wrote prescriptions to Patient A for opioid 18. analgesics to treat chronic pain in a manner that deviated from the Model Policy.
- By reason of the foregoing, Respondent is subject to discipline by the Board as 19. provided in NRS 630.352.

COUNT IV

NRS 630.3062(1)(a) (Failure to Maintain Proper Medical Records)

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

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- 21. NRS 630.3062(1)(a) provides that the failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient is grounds for initiating discipline against a licensee.
- 22. Respondent failed to maintain complete medical records relating to the diagnosis, treatment and care of Patient A, by failing to document his actions in complying with the Model Policy, including, but not limited to, failing to document the following: physical examinations before prescribing opioid analgesics; support for his diagnoses with physical examination findings; treatment objectives to evaluate treatment progress; monitoring patient compliance with testing and adapting his treatment plan based on patient compliance; progress toward discontinuation of opioid therapy.
- 23. By reason of the foregoing, Respondent is subject to discipline by the Board as provided in NRS 630.352.

COUNT V

NRS 630.306(1)(b)(2) (Violation of Standards of Practice)

- 24. All of the allegations in the above paragraphs are hereby incorporated by reference as though fully set forth herein.
- 25. Violation of a standard of practice adopted by the Board is grounds for disciplinary action pursuant to NRS 630.306(1)(b)(2).
- 26. Respondent treated Patient B for chronic pain with opioid analgesics. Patient B's true identity is not disclosed herein to protect his or her privacy, but is disclosed in the Patient Designation served upon Respondent along with a copy of this Complaint.
- 27. On information and belief, Respondent wrote prescriptions to Patient B for opioid analgesics to treat chronic pain in a manner that deviated from the Model Policy.
- 28. By reason of the foregoing, Respondent is subject to discipline by the Board as provided in NRS 630.352.

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COUNT VI

NRS 630.3062(1)(a) (Failure to Maintain Proper Medical Records)

- 29. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.
- 30. NRS 630.3062(1)(a) provides that the failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient is grounds for initiating discipline against a licensee.
- 31. Respondent failed to maintain complete medical records relating to the diagnosis, treatment and care of Patient B, by failing to document his actions in complying with the Model Policy, including, but not limited to, failing to document the following: physical examinations before prescribing opioid analgesics; support for his diagnoses with physical examination findings; treatment objectives to evaluate treatment progress; monitoring patient compliance with testing and adapting his treatment plan based on patient compliance; progress toward discontinuation of opioid therapy.
- By reason of the foregoing, Respondent is subject to discipline by the Board as 32. provided in NRS 630.352.

COUNT VII

NRS 630.306(1)(b)(2) (Violation of Standards of Practice)

- 33. All of the allegations in the above paragraphs are hereby incorporated by reference as though fully set forth herein.
- 34. Violation of a standard of practice adopted by the Board is grounds for disciplinary action pursuant to NRS 630.306(1)(b)(2).
- 35. Respondent treated Patient C for chronic pain with opioid analgesics. Patient C's true identity is not disclosed herein to protect his or her privacy, but is disclosed in the Patient Designation served upon Respondent along with a copy of this Complaint.
- 36. On information and belief, Respondent wrote prescriptions to Patient C for opioid analgesics to treat chronic pain in a manner that deviated from the Model Policy.

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

COUNT VIII

NRS 630.3062(1)(a) (Failure to Maintain Proper Medical Records)

- 38. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.
- 39. NRS 630.3062(1)(a) provides that the failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient is grounds for initiating discipline against a licensee.
- 40. Respondent failed to maintain complete medical records relating to the diagnosis, treatment and care of Patient C, by failing to document his actions in complying with the Model Policy, including, but not limited to, failing to document the following: physical examinations before prescribing opioid analgesics; support for his diagnoses with physical examination findings; treatment objectives to evaluate treatment progress; monitoring patient compliance with testing and adapting his treatment plan based on patient compliance; progress toward discontinuation of opioid therapy.
- 41. By reason of the foregoing, Respondent is subject to discipline by the Board as provided in NRS 630.352.

WHEREFORE, the Investigative Committee prays:

- That the Board give Respondent notice of the charges herein against him and give him notice that he 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 what sanctions to impose if it determines there has been a violation or violations of the Medical Practice Act committed by Respondent;
- That the Board make, issue and serve on Respondent its findings of fact, 4. conclusions of law and order, in writing, that includes the sanctions imposed; and

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

DATED this 6 day of August, 2019.

INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:

Aaron Bart Fricke, Esq., Deputy General Counsel 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 _/6th day of August, 2019.

INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

Wayne Hartwick, M.D., Chairman