

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

3 * * * * *

4
5 **In the Matter of Charges and Complaint**

Case No. 21-10032-1

6 **Against:**

7 **MARYANNE DEFOREST PHILLIPS, M.D.,**

8 **Respondent.**

FILED

AUG 17 2021

**NEVADA STATE BOARD OF
MEDICAL EXAMINERS**

By: 

9
10 **COMPLAINT**

11 The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners (Board)
12 by and through Donald K. White, J.D., Deputy General Counsel and attorney for the IC, having a
13 reasonable basis to believe that Maryanne D. Phillips, M.D., (Respondent) violated the provisions of
14 Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630
15 (collectively Medical Practice Act), hereby issues its Complaint, stating the IC's charges and
16 allegations as follows:

17 1. Respondent was at all times relevant to this Complaint, a medical doctor holding an
18 active license to practice medicine in the State of Nevada (License No. 7635). Respondent was
19 originally licensed by the Board on December 21, 1995.

20 2. Respondent does not have a license to prescribe controlled substances issued by the
21 Nevada State Board of Pharmacy (NSBOP).

22 3. Respondent is not registered with the U.S. Drug Enforcement Agency (DEA) to
23 prescribe controlled substances.

24 4. Vida Spa LLC, is a Nevada limited liability company, formed on July 22, 2016,
25 and managed by Gisselle Platfoot, also doing business as "Vida Spa" and "Vita Medical Spa Las

26 ///

27 _____
28 ¹ The Investigative Committee of the Nevada State Board of Medical Examiners at the time the Summary
Suspension in this matter was authorized, consisted of Board members Victor M. Muro, M.D., Chair,
Weldon Havins, M.D., J.D., and Ms. Maggie Arias-Petrel. Pursuant to NRS 630.326, a formal Complaint must be
pending at the time of the summary suspension hearing in order to continue the suspension of the Respondent.

1 Vegas.” Vida Spa is a self-described “medical spa” located 3225 S. Rainbow Blvd #107 and/or
2 #206, Las Vegas, Nevada 89146. (Collectively, “Vida Spa”).

3 5. Vida Spa is, and was at all times relevant to this complaint, licensed in Clark
4 County, Nevada, under Clark County Business License No. 2003447.081-172, under the business
5 category of “Cosmetology Establishment - Other Services.” The owners listed under this license
6 are Art Matrix, Inc. and Gisselle Platfoot.

7 6. Gisselle Platfoot, Manager of Vida Spa, did not, at all times relevant to this
8 Complaint, hold a license to practice any healing art as a “provider of health care,” defined in
9 NRS 629.031, from any occupational licensing board in the State of Nevada.

10 7. Vida Spa is “a facility that provides health care, other than a medical facility”.
11 See NRS 449.442. Neither Respondent, Vida Spa, nor Gisselle Platfoot held, or currently holds,
12 the requisite permit, pursuant to NRS 449.442, to perform general anesthesia, conscious sedation
13 or deep sedation at Vida Spa. Additionally, neither Respondent, Vida Spa, nor Gisselle Platfoot
14 hold a current accreditation by a national recognized organization approved by the Nevada State
15 Board of Health (BOH) to perform general anesthesia, conscious sedation or deep sedation at
16 Vida Spa.

17 8. On March 24, 2021, the NSBOP issued two (2) separate Citations and Orders to
18 Cease and Desist, to Respondent, Vida Spa and Gisselle Platfoot, respectively, whereby the
19 NSBOP separately determined that Respondent, Vida Spa and Gisselle Platfoot were possessing
20 administering, prescribing and/or dispensing controlled substances and/or dangerous drugs for
21 Nevada patients from Vida Spa, in violation of state and federal law.

22 9. The NSBOP’s Citation to Respondent states that Respondent is possessing,
23 administering, prescribing and/or dispensing controlled substances and dangerous drugs for
24 Nevada patients from her practice in violation of federal and state law.

25 10. Specifically, this citation notes that her controlled substance registration was
26 suspended, and that she is prohibited from possessing and/or administering controlled substances.

27 11. The NSBOP determined in this citation that Respondent has violated, attempted to
28 violate, assisted or abetted in the violation of or conspired to violate, without limitation,

1 NRS 453.226, NRS 453.316, NRS 453.321(1)(a), NRS 453.331(1)(c),(d),(f) & (i),
2 NRS 453.381(1), NRS 453.401(1)(a), NRS 639.100(1), NRS 639.23505, NRS 639.281,
3 NRS 639.2813, NRS 639.310, 21 U.S.C. § 822(a)(2), 21 U.S.C. § 823(f), 21 U.S.C. § 841(a),
4 21 U.S.C. § 842(a), 21 U.S.C. § 846 and 21 CFR §§ 1306.03–1306.05.

5 12. The Citation ordered Respondent to immediately Cease and Desist possessing,
6 administering, prescribing and/or dispensing controlled substances for Nevada patients from her
7 practice, and also assessed an administrative fine of five thousand dollars (\$5,000.00).

8 13. In addition to the violations of various state and federal laws pertaining to the
9 possessing, dispensing, and/or administering controlled substances and/or dangerous drugs that
10 are the subject of the NSBOP citations, between the dates of on or about April 13, 2021, to on or
11 about June 23, 2021, Respondent performed invasive surgical procedures, such as liposuction and
12 fat grafting, at Vida Spa.

13 14. As stated above, Vida Spa is not an accredited surgical facility and does not have a
14 permit and has never obtained a permit from the BOH to offer the service of general anesthesia,
15 conscious sedation or deep sedation to patients, pursuant to NRS 449.442(1).

16 15. Between, on or about April 13, 2021 and on or about June 23, 2021, Respondent
17 administered Propofol for the purposes of general anesthesia, conscious sedation or deep sedation
18 for the aforementioned invasive surgical procedures, at least seventy-two (72) times to at least
19 seventy-two (72) individual patients, all in violation of NRS 630.373, which provides in pertinent
20 part, that, in the State of Nevada, a physician shall not administer or supervise directly the
21 administration of general anesthesia, conscious sedation or deep sedation to patients unless the
22 general anesthesia, conscious sedation or deep sedation is administered:

- 23 a. In an office of a physician or osteopathic physician which holds a permit
24 pursuant to NRS 449.435 to 449.448, inclusive;
- 25 b. In a facility which holds a permit pursuant to NRS 449.435 to 449.448,
26 inclusive; and
- 27 c. In a medical facility as that term is defined in NRS 449.0151.

28 ///

1 16. Neither Vida Spa nor its proprietors hold any such permits issued by the BOH, and
2 Vida Spa is not a medical facility as defined by NRS 449.0151.

3 17. Respondent, in an effort to conceal her illegal conduct, violated
4 NRS 630.3062(1)(a) by falsifying her health care records for all fifty-nine (59) patients by failing
5 to note that she had administered Propofol, in an attempt to conceal the fact that Propofol was
6 being administered for the purpose of general anesthesia, conscious sedation or deep sedation at
7 an unpermitted and unaccredited facility, in violation of NRS 630.373.

8 18. Because Respondent omitted information from the health care records for all fifty-
9 nine (59) patients, these records were not timely, accurate, legible, or complete in violation of
10 NRS 630.3062(1)(a).

11 19. Respondent violated the standards of practice pursuant to NRS 630.306(1)(b)(2)
12 and NAC 630.230(1)(a), by falsifying her patients' records of health care, which is grounds for
13 disciplinary action in each of the fifty-nine (59) instances.

14 20. Respondent further violated NRS 630.306(1)(p), which provides that engaging in
15 any act that is considered unsafe or unprofessional conduct, in accordance with regulations
16 adopted by the Board, constitutes grounds for initiating disciplinary action, when she falsified
17 medical records for the purpose of concealing the use of Propofol for general anesthesia,
18 conscious sedation or deep sedation at Vida Spa, an unpermitted and unaccredited facility in
19 violation of NRS 630.373(1), which is unsafe and unprofessional conduct, in each of the fifty-nine
20 (59) instances.

21 **COUNTS 1-72**

22 **NRS 630.373 – Administering General Anesthesia, Conscious Sedation, or Deep Sedation at**
23 **an Unaccredited Location**

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

26 22. NRS 630.373 provides in pertinent part that, [a] physician shall not administer or
27 supervise directly the administration of general anesthesia, conscious sedation or deep sedation to
28 patients unless the general anesthesia, conscious sedation or deep sedation is administered: (a) In

1 an office of a physician or osteopathic physician which holds a permit pursuant to NRS 449.435 to
2 449.448, inclusive; (b) In a facility which holds a permit pursuant to NRS 449.435 to 449.448,
3 inclusive, and (c) in a medical facility as that term is defined in NRS 449.0151.

4 23. Respondent administered Propofol to at least seventy-two (72) patients all in
5 violation of NRS 630.373.

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

8 **COUNTS 73-131**

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

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

12 26. NRS 630.3062(1)(a) provides that it is grounds for disciplinary action to fail to
13 maintain timely, legible, accurate and complete medical records relating to the diagnosis,
14 treatment and care of a patient.

15 27. Respondent, in an effort to conceal her illegal conduct, violated
16 NRS 630.3062(1)(a), when she falsified the medical records of at least fifty-nine (59) patients for
17 the purpose of concealing the use of Propofol for general anesthesia, conscious sedation or deep
18 sedation at Vida Spa, an unpermitted and unaccredited facility.

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

21 **COUNTS 132-190**

22 **NRS 630.3062(1)(b)(2) – Violation of Standards of Practice**

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

25 30. NRS 630.306(1)(b)(2) provides that engaging in any conduct which the Board has
26 determined is a violation of the standards of practice established by regulation of the Board
27 constitutes grounds for initiating disciplinary action.

28 ///

1 31. NAC 630.230(1)(a) provides that it is prohibited professional conduct to falsify
2 records of health care.

3 32. Respondent, in an effort to conceal her illegal conduct, violated standards of
4 practice pursuant to NRS 306.306(1)(b)(2) and NAC 630.230(1)(a), by falsifying her records of
5 health care for at least fifty-nine (59) patients, for the purpose of concealing the use of Propofol
6 for general anesthesia, conscious sedation or deep sedation at Vida Spa, an unpermitted and
7 unaccredited facility, which is grounds for disciplinary action or denial of licensure.

8 33. 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.

10 **COUNTS 191-249**

11 **NRS 630.306(1)(p) – Engaging in Unsafe or Unprofessional Conduct**

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

14 35. NRS 630.306(1)(p) provides that engaging in any act that is unsafe or
15 unprofessional conduct in accordance with regulations adopted by the Board constitutes grounds
16 for initiating disciplinary action.

17 36. NAC 630.230(1)(a) prohibits falsifying records of health care.

18 37. Respondent falsified medical records for at least fifty-nine (59) patients, for the
19 purpose of concealing the use of Propofol for general anesthesia, conscious sedation or deep
20 sedation at Vida Spa, an unpermitted and unaccredited facility in violation of NRS 630.373(1),
21 which is unsafe and unprofessional conduct.

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

24 **COUNT 250**

25 **NRS 630.305(1)(e) – Aiding the Unlicensed Practice of Medicine**

26 39. NRS 630.305(1)(e) provides that aiding, assisting, employing or advising, directly
27 or indirectly, any unlicensed person to engage in the practice of medicine contrary to the

28 ///

1 provisions of this chapter or the regulations of the Board constitutes grounds for initiating
2 disciplinary action or denying licensure.

3 40. Respondent, who performed liposuction and administered Propofol for general
4 anesthesia, conscious sedation or deep sedation at Vida Spa, aided the unlicensed practice of
5 medicine when she allowed Giselle Platfoot, manager of Vida Spa who holds no professional
6 license to practice medicine, to manipulate and diagnose patients who were seeking Liposuction
7 and other procedures at Vida Spa.

8 41. 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.

10 **COUNT 251**

11 **NRS 630.301(9) – Engaging in Conduct that Brings the Medical Profession into Disrepute**

12 42. NRS 630.301(9) provides that it is grounds for disciplinary action for a physician
13 to engage in conduct that brings the medical profession into disrepute.

14 43. Respondent falsified medical records for at least fifty-nine (59) patients, for the
15 purpose of concealing the use of Propofol for general anesthesia, conscious sedation or deep
16 sedation at Vida Spa, an unpermitted and unaccredited facility in violation of NRS 630.373(1),
17 which is unsafe and unprofessional conduct.

18 44. Respondent administered Propofol to at least seventy-two (72) patients all in
19 violation of NRS 630.373.

20 45. These actions constitute conduct that brings the medical profession into disrepute
21 in violation of NRS 630.301(9).

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

24 **WHEREFORE**, the Investigative Committee prays:

25 1. That the Board give Respondent notice of the charges herein against her and give
26 her notice that she may file an answer to the Complaint herein as set forth in
27 NRS 630.339(2) within twenty (20) days of service of the Complaint;

28 ///

