

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:**

FILED

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

SEP 16 2021

8 **Respondent.**

NEVADA STATE BOARD OF
MEDICAL EXAMINERS
By: 

9
10 **FIRST AMENDED 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
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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., Chairman,
Weldon Havins, M.D., J.D., and Ms. Maggie Arias-Petrel.

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 nationally 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
11 or about) June 23, 2021, Respondent performed invasive surgical procedures, such as liposuction
12 and fat grafting, at Vida Spa.

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

16 15. On or about April 13, 2021 through, approximately, 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-one (71) 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.

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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 at least sixty-one (61) patients of the
5 seventy-one (71) treated by failing to note that she had administered Propofol, in an attempt to
6 conceal the fact that Propofol was being administered for the purpose of general anesthesia,
7 conscious sedation or deep sedation at an unpermitted and unaccredited facility, in violation of
8 NRS 630.373.

9 18. Respondent omitted information from the health care records for at least sixty-one
10 (61) patients causing these records to be untimely, inaccurate, illegible, or incomplete in violation
11 of NRS 630.3062(1)(a).

12 19. Respondent violated the standards of practice pursuant to NRS 630.306(1)(b)(2)
13 and NAC 630.230(1)(a), by falsifying her patients' records of health care, which is grounds for
14 disciplinary action in each of the sixty-one (61) instances.

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

22 COUNTS 1-71

23 PATIENTS A - SSS

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

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

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1 22. NRS 630.373 provides in pertinent part that:

2 [a] physician shall not administer or supervise directly the administration of
3 general anesthesia, conscious sedation or deep sedation to patients unless
4 the general anesthesia, conscious sedation or deep sedation is administered:
5 (a) In an office of a physician or osteopathic physician which holds a
6 permit pursuant to NRS 449.435 to 449.448, inclusive; (b) In a facility
 which holds a permit pursuant to NRS 449.435 to 449.448, inclusive, and
 (c) in a medical facility as that term is defined in NRS 449.0151.

7 23. Respondent administered Propofol to at least seventy-one (71) patients each in
8 violation of NRS 630.373.

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

11 **COUNTS 72-132**

12 **PATIENTS A - III**

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

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

16 26. Violation of NRS 630.3062(1)(a) is grounds for disciplinary action to fail to
17 maintain timely, legible, accurate and complete medical records relating to the diagnosis,
18 treatment and care of a patient.

19 27. Respondent, in an effort to conceal her illegal conduct, violated
20 NRS 630.3062(1)(a), when she falsified the medical records of at least sixty-one (61) patients for
21 the purpose of concealing the use of Propofol for general anesthesia, conscious sedation or deep
22 sedation at Vida Spa, an unpermitted and unaccredited facility.

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

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COUNTS 133-193

PATIENTS A - III

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

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

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

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

32. Respondent, in an effort to conceal her illegal conduct, violated standards of practice pursuant to NRS 306.306(1)(b)(2) and NAC 630.230(1)(a), by falsifying her records of health care for at least sixty-one (61) patients, for the purpose of concealing the use of Propofol for general anesthesia, conscious sedation or deep sedation at Vida Spa, an unpermitted and unaccredited facility, which is grounds for disciplinary action or denial of licensure.

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

COUNTS 194-254

PATIENTS A - III

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

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

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

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

37. Respondent falsified medical records for at least sixty-one (61) patients, for the purpose of concealing the use of Propofol for general anesthesia, conscious sedation or deep

1 sedation at Vida Spa, an unpermitted and unaccredited facility in violation of NRS 630.373(1),
2 which is unsafe and unprofessional conduct.

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

5 **COUNT 255**

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

7 39. NRS 630.305(1)(e) provides that aiding, assisting, employing or advising, directly
8 or indirectly, any unlicensed person to engage in the practice of medicine contrary to the
9 provisions of this chapter or the regulations of the Board constitutes grounds for initiating
10 disciplinary action or denying licensure.

11 40. Respondent, who performed liposuction and administered Propofol for general
12 anesthesia, conscious sedation or deep sedation at Vida Spa, aided the unlicensed practice of
13 medicine when she allowed Giselle Platfoot, Manager of Vida Spa, who holds no professional
14 license to practice medicine, to manipulate and diagnose patients who were seeking Liposuction
15 and other medical procedures at Vida Spa.

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

18 **COUNT 256**

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

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

22 43. Respondent falsified medical records for at least sixty-one (61) patients, for the
23 purpose of concealing the use of Propofol for general anesthesia, conscious sedation or deep
24 sedation at Vida Spa, an unpermitted and unaccredited facility in violation of NRS 630.373(1),
25 which is unsafe and unprofessional conduct.

26 44. Respondent administered Propofol to at least seventy-one (71) patients all in
27 violation of NRS 630.373.

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

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

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

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

9 2. That the Board set a time and place for a formal hearing after holding an Early
10 Case Conference pursuant to NRS 630.339(3);

11 3. That the Board determine what sanctions to impose if it determines there has been
12 a violation or violations of the Medical Practice Act committed by Respondent;


13 4. That the Board award fees and costs for the investigation and prosecution of this
14 case as outlined in NRS 622.400;

15 5. That the Board make, issue and serve on Respondent its findings of fact,
16 conclusions of law and order, in writing, that includes the sanctions imposed; and

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

19 DATED this 16th day of September, 2021.

20 INVESTIGATIVE COMMITTEE OF THE
21 NEVADA STATE BOARD OF MEDICAL EXAMINERS

22 By:  _____

23 DONALD K. WHITE, J.D.
24 Deputy General Counsel
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26 Reno, NV 89521
27 Tel: (775) 688-2559
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 Attorney for the Investigative Committee

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VERIFICATION

STATE OF NEVADA)
 : ss.
COUNTY OF CLARK)

Victor M. Muro, 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 First Amended 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 16th day of September, 2021.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: V M Muro MD
VICTOR M. MURO, M.D.
Chairman of the Investigative Committee