BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: Edward Michael Outlaw, M.D. Physician's and Surgeon's Certificate No. C 152719 Respondent	Case No. 800-2019-063062

DECISION

The attached Proposed Decision is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on June 25, 2021.

IT IS SO ORDERED May 26, 2021.

MEDICAL BOARD OF CALIFORNIA

Richard E. Thorp, M.D., Chair
Panel B

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

EDWARD MICHAEL OUTLAW, M.D.,

Physician's and Surgeon's Certificate No. C 152719

Respondent.

Case No. 800-2019-063062

OAH No. 2020090296

PROPOSED DECISION

Jill Schlichtmann, Presiding Administrative Law Judge, State of California, Office of Administrative Hearings, heard this matter on March 4, 2021, by videoconference.

Deputy Attorney General Carolyne Evans, represented complainant William Prasifka, Executive Director of the Medical Board of California.

Respondent Edward Michael Outlaw, M.D., appeared and represented himself.

The matter was submitted for decision on March 4, 2021.

FACTUAL FINDINGS

Background

1. The Medical Board of California (Board) issued Physician's and Surgeon's Certificate No. C 152719 to Michael Edward Outlaw, M.D. (respondent), on November 15, 2017. The certificate is renewed and current with an expiration date of April 30, 2021.

2. On July 28, 2020, complainant William Prasifka, acting in his official capacity as Executive Director of the Board, issued an accusation against respondent. It alleges that respondent's certificate is subject to discipline as a result of disciplinary action taken against his privileges to practice medicine by the Board of Medical Examiners of the State of Nevada (Nevada Board) in 2019. The Nevada Board also imposed discipline on respondent's license in 2012, which is considered only in assessing the appropriate level of discipline to impose in this proceeding.

3. Respondent was licensed as a physician by the Nevada Board on September 8, 2003. Respondent is board certified by the American Board of Physical Medicine and Rehabilitation. Between October 1, 2006, and May 19, 2009, respondent had a private practice focused on pain management located in Las Vegas, Nevada.

2012 Disciplinary Action by Nevada Medical Board

4. In 2010, respondent closed his private practice. He had taken out a loan to start his practice, which he was unable to repay, causing a civil suit to be initiated against him. Respondent had numerous patient medical records stored in his home in Las Vegas when foreclosure proceedings were instituted and he left the home without properly storing or disposing of the patient records.

5. On October 27, 2010, the Nevada Board discovered that respondent had abandoned the patient medical records in the foreclosed, bank-owned property. The records included patient charts, patient identification and demographics, medical histories, charts and films. On July 12, 2011, the Investigative Committee of the Nevada Board filed a complaint against respondent for failing to maintain, timely, legible, accurate and complete medical records (Count I) and for the willful abandonment of medical records (Count II).

6. On March 12, 2012, respondent entered into a Settlement, Waiver and Consent Agreement (consent agreement) with the Nevada Board. Pursuant to the consent agreement, the Nevada Board issued a public reprimand against respondent, and assessed a fine of $2,500. As part of the settlement the Nevada Board agreed to dismiss Count I.

7. Respondent fully complied with the terms of the consent agreement. Respondent reported this disciplinary action when he applied for his California certificate.

2019 Disciplinary Action by Nevada Medical Board

8. On March 19, 2019, the Investigative Committee of the Nevada Board filed two complaints against respondent. The allegations contained in the first complaint (Complaint 1) were that respondent had failed to comply with a lawful order of the Investigative Committee; had failed to notify the Nevada Board of his change in permanent address; and had engaged in disreputable conduct.

9. The second complaint (Complaint 2) alleged that respondent had failed to perform a statutory obligation; engaged in conduct that violated the Nevada

Pharmacy Board regulations; failed to comply with a lawful order of the Investigative Committee; and engaged in disreputable conduct.

10. The Investigative Committee filed a third complaint (Complaint 3) against respondent on November 13, 2019. This complaint alleged that respondent had violated the standards of practice and had failed to maintain proper medical records.

COMPLAINT 1

11. The factual allegations underlying Complaint 1 include respondent's failure to comply with court orders, culminating on May 19, 2015, with a warrant being issued for respondent's arrest by the Eighth Judicial District Court of Clark County, Nevada. The lawsuit was initiated to collect a judgment of $80,504.49, plus interest and fees, owed by respondent to Bankers Healthcare Group, Inc. The court determined that respondent had violated various orders of the court, including failing to abide by an order to show cause filed April 9, 2015. Based on respondent's contempt, the court issued an arrest warrant for respondent. As of March 19, 2019, the date Complaint 1 was filed, the arrest warrant remained outstanding.

12. Also underlying Complaint 1 was the allegation that respondent failed to keep his address current with the Nevada Board, resulting in his failure to respond to various Nevada Board orders. On July 17, 2015, respondent filed a Notification of Address Change with the Nevada Board identifying an address in Las Vegas as his mailing address. In 2016, respondent moved to California; when he moved, he filed a change of address with the post office, but failed to notify the Nevada Board of his new address.

13. On March 15, 2017, the Nevada Board Investigative Committee ordered respondent to appear to testify regarding an ongoing investigation on May 19, 2017.

On March 30, 2017, the Order to Appear was returned to the Investigative Committee, marked return to sender and unable to forward. Respondent did not appear at the Investigative Committee meeting on May 19, 2017, as ordered.

14. On June 7, 2017, respondent filed a renewal application wherein he applied for inactive status and provided his California address.

COMPLAINT 2

15. The factual allegations underlying Complaint 2 involved respondent's abandonment of property in a storage unit in 2016. On May 22, 2010, respondent signed a storage unit rental agreement at Life Storage in Las Vegas. The monthly storage fees were paid from a bank account he kept open for this purpose.

16. On September 4, 2016, the funds in the bank account having been depleted, the fees for the storage unit were unpaid. A lien sale notice was mailed to respondent by the proprietor of Life Storage on November 18, 2016; however, respondent had failed to provide his new address to Life Storage.

17. On June 5, 2017, the Nevada Board was notified that medical records, including patient charts, demographics, medical histories, charts, films and other items, which contained patient identifying information, and for which respondent was responsible, had been abandoned in the Life Storage unit.

18. On June 19, 2017, Nevada Board staff conducted an on-site inspection of the Life Storage unit. The inspection revealed multiple large boxes containing hundreds of patient records, four unlocked filing cabinets, office supplies and a blank prescription pad. Nevada Board staff contacted respondent by telephone and asked him to take immediate possession of the records and/or properly destroy the files that

no longer needed to be retained. Respondent, who was ill at the time, stated that he had thought his mother had taken care of the records; he agreed to make arrangements to destroy the records as he no longer resided in Nevada.

19. On June 20, 2017, the Investigative Committee ordered respondent to produce information concerning the abandoned records.

20. On July 14, 2017, Nevada Board staff returned to reinspect the storage unit. They discovered the medical records remained in the unit. In addition, they discovered an unlocked cabinet contained 10 ampules of fentanyl, 19 ampules of naloxone, five patches of fentanyl, one patch of lidocaine, five sample packs of Celebrex, one bottle of Lyrica, and one bottle of Ultram, among other drugs and devices. The drugs had expired between 2009 and 2011.

21. On July 31 and August 17, 2017, the Investigative Committee ordered respondent to produce records and respond to the allegations concerning the abandoned contents of the storage unit. Respondent did not respond.

COMPLAINT 3

22. In Complaint 3, the Board alleged that respondent had violated the standard of practice adopted by reference to the Model Policy on the Use of Opioid Analgesics in the Treatment of Chronic Pain, and failed to maintain complete medical records relating to the diagnosis, treatment and care of Patient A by failing to document his actions and treatment.

SETTLEMENT AGREEMENT

23. Respondent entered into a settlement agreement with the Investigative Committee, which was adopted by the Nevada Board on December 6, 2019. As part of

the settlement agreement, respondent admitted to all of the allegations contained in Complaint 1, all of the allegations in Complaint 2 and that he had failed to maintain proper medical records as alleged in Complaint 3. Respondent did not admit to the allegation in Complaint 3 that he had violated the standard of practice.

24. Pursuant to the settlement agreement, respondent's Nevada license was placed on probation for a period of five years beginning on December 6, 2019. The terms of probation required respondent to: a) perform 100 hours of community services related to the provision of medical care to the poor or indigent; b) pay a fine of $4,000 within two years; c) pay the costs of investigation and prosecution in the amount of $8,777.84 within two years; d) complete 20 hours of in-person continuing medical education focused on prescribing controlled substances; e) comply with all court orders and complete terms of sanctions imposed on him; and f) not supervise physician assistants. Respondent also received a public reprimand.

Respondent's Evidence

25. Respondent reports that he did not realize that the storage unit contained controlled substances or dangerous drugs. He states that he believed his mother had properly disposed of the medical records, controlled substances and dangerous drugs while he was incapacitated by medical issues; however, he acknowledges that this was his responsibility.

26. Respondent further reports that he was unaware that the bank account used to pay the storage unit fees became depleted of funds, or that a lien sale had been scheduled.

27. Respondent acknowledges that he failed to notify the Nevada Board of his new address when he moved to California in 2016. He provided that address on

June 7, 2017, when he renewed his license in inactive status. Respondent notes that he maintained the same telephone number and email address that the Nevada Board had on record. Respondent provided no explanation for failing to respond to the Nevada Board's requests after they contacted him in June 2017 by telephone concerning the contents of the storage unit. Nor did he explain his failure to respond to the Nevada Board orders on July 31 and August 17, 2017.

28. Respondent states that he did not receive the notices from the civil court concerning the lawsuit for failing to pay his business loan and was unaware a bench warrant had issued. He reports that he later hired an attorney to take care of the outstanding warrant and order to show cause.

29. Respondent is in compliance with the 2019 Nevada Board settlement agreement. He completed 100 hours of community service before the COVID-19 pandemic occurred. He has also completed the required 20 hours of continuing education. Respondent is making timely monthly payments on the fines and costs, with the exception of missing a payment while he was recently hospitalized.

30. Respondent was sincere in expressing his love for the medical profession. He had wanted to become a physician since he was a child. He is proud of his accomplishments and of the care he provided to his patients. Respondent claims that he did not intend to ignore the civil court or Nevada Board orders.

31. After receiving his California certificate, respondent worked for a few months as a pain management physician in this state. In early 2018, he was employed by Apex Medical Group in Los Banos for two to three months. He reports that Apex laid him off due to a lack of funds. In 2019, respondent was employed by LAGS Spine

& Sportscare in Modesto and Merced. Respondent was let go after one month because he was not productive enough due to his health problems.

32. Respondent's mother, Irene Outlaw, testified with candor and credibility at hearing. She acknowledges that when respondent closed his practice, he should have been more careful with the patients' records. She believes respondent opened a private practice too soon, without guidance or mentors, and became overwhelmed with debt. Ms. Outlaw has been paying off respondent's business debt; she believes they still owe approximately $12,000.

33. In 2016, respondent experienced serious medical issues including blood clots in his legs and heart disease. His mother was worried about his health and she moved him back to California. She emptied his home and put some of his belongings in the storage unit. Respondent underwent open heart surgery and the family was focused on respondent's health and failed to properly handle his affairs.

34. In October 2020, respondent suffered a significant intercranial hemorrhage. He was initially treated in the intensive care unit, and remained hospitalized for three months. The right side of his cranium was removed to allow doctors to remove blood clots, and was subsequently replaced. Respondent was discharged from the hospital one month before hearing. His mother serves as his primary caregiver. Respondent remains unable to walk, has difficulty speaking clearly, is weak on his left side, and has a device that pumps his blood through his body. Respondent and his mother hope that he will be able to overcome his current impairment and return to the practice of medicine. Respondent acknowledges that at present he is unable to practice medicine due to his impairment.

LEGAL CONCLUSIONS

The Burden and Standard of Proof

1. The burden of proof in this matter is on the Board and the standard of proof is clear and convincing evidence. (*Ettinger v. Bd. of Medical Quality Assurance* (1982) 135 Cal.App.3d 853.)

Cause for Discipline

2. Business and Professions Code section 141, subdivision (a), provides that disciplinary action by another state or any agency of the federal government, for any act substantially related to the practice regulated by the California license may be a ground for disciplinary action. Complainant seeks to impose discipline on respondent's certificate based on the discipline imposed by the Nevada Board in 2019. The facts underlying that discipline were substantially related to the practice of medicine. Cause for discipline exists pursuant to Business and Professions Code section 141, subdivision (a), by reason of the matters set forth in Factual Findings 8 through 24.

3. Business and Professions Code section 2305 provides that discipline imposed by another state or any agency of the federal government on a license to practice medicine, for conduct that would have been grounds for discipline in California, constitutes grounds for discipline for unprofessional conduct. The action taken by the Nevada Board was based on conduct that would have been grounds for discipline in California. Cause therefore exists under Business and Professions Code section 2305 to take disciplinary action against respondent's license, by reason of the matters set forth in Factual Findings 8 through 24.

Disciplinary Considerations

4. Cause for discipline having been established, the issue is the appropriate level of discipline to impose. It is respondent's burden to demonstrate that he is sufficiently rehabilitated so that it would not be contrary to the public interest to allow him to continue to practice medicine in California.

It is acknowledged that respondent has experienced serious health problems since 2016 that have undoubtedly impacted his actions. He is commended for complying with the 2012 consent agreement and the 2019 settlement agreement. In addition, with the assistance of his family, he is making payments on the debt he owes as a result of the civil action taken on his loan default.

5. However, respondent has been disciplined twice by the Nevada Board, and the underlying misconduct has demonstrated a careless and indifferent attitude toward the Nevada Board, and the obligations he owes to his patients and the public. Respondent failed in both 2010 and 2016 to safeguard or properly destroy hundreds of patient records that included private information. In 2010, the records were abandoned in a home under foreclosure; in 2016, they were abandoned in a storage unit that respondent failed to maintain. In 2016, a prescription pad and numerous controlled substances were also discovered unsecured in the abandoned storage unit. When contacted by the Nevada Board staff regarding the discovery, inexplicably, respondent failed to immediately take custody of the property or to respond to subsequent Nevada Board orders for information. Added to this misconduct is respondent's failure to keep his address current with the Nevada Board and his apparent disregard of the debt he owed and subsequent civil action, resulting in a finding of contempt and an arrest warrant being issued, which remained unresolved

for more than three years. The Nevada Board justifiably found this conduct to be disreputable.

Respondent's repeated misconduct, and his recent stroke and level of impairment, raise serious questions about his ability to practice safely and his ability to comply with a probationary grant. While respondent appeared sincere in his desire to overcome his medical impairment and to return to a profession he loves, he did not provide sufficient evidence of rehabilitation, or of the ability to comply with probation terms, to justify allowing him to maintain his certificate at this time. Revocation of respondent's certificate is necessary to protect the public.

ORDER

Physician's and Surgeon's Certificate No. C 152719, issued to respondent Edward Michael Outlaw, M.D., is revoked.

DATE: March 11, 2021

Jill Schlichtmann

JILL SCHLICHTMANN

Presiding Administrative Law Judge

Office of Administrative Hearings

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Attorneys for Complainant

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **Edward Michael Outlaw, M.D.** **10926 Merritt Dr.** **Stockton, CA 95219-7192** **Physician's and Surgeon's Certificate No. C 152719,** Respondent.	Case No. 800-2019-063062 **ACCUSATION**

PARTIES

1. William Prasifka (Complainant) brings this Accusation solely in his official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs (Board).

2. On or about November 15, 2017, the Medical Board issued Physician's and Surgeon's Certificate Number C 152719 to Edward Michael Outlaw, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2021, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

5. Section 2234 of the Code provides that the Board shall take action against any licensee who is charged with "unprofessional conduct," which includes but is not limited to, "[v]iolating . . . any provision of this chapter."

6. Section 2305 of the Code provides, in pertinent part, that the revocation, suspension, or other discipline, restriction, or limitation imposed by another state upon a license to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the federal government, that would have been grounds for discipline in California, shall constitute grounds for disciplinary action for unprofessional conduct.

7. Section 141 of the Code provides:

(a) For any licensee holding a license issued by a board under the jurisdiction of the department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or another country shall be conclusive evidence of the events related therein.

(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by that board that provides for discipline based upon a

disciplinary action taken against the licensee by another state, an agency of the federal government or another country.

CAUSE FOR DISCIPLINE

(Discipline, Restriction, or Limitation Imposed by Another State)

8. On December 6, 2019, the Nevada State Board of Medical Examiners (Nevada Board) issued a Settlement Agreement (Settlement Agreement), attached herewith as Exhibit 1, regarding Respondent's license to practice medicine in Nevada. The Settlement Agreement states that Respondent subjected his medical license to discipline because he: (1) failed to comply with a Nevada Board order to appear before the Nevada Board; (2) failed to timely notify the Nevada Board of a change of permanent address; (3) engaged in disreputable conduct in that he was found to be in contempt of a Nevada court order and had a warrant out for his arrest in Nevada that he failed to resolve for several years; (4) failed to properly destroy patient medical records; (5) abandoned controlled substances, including dangerous drugs, in a storage unit; (6) failed to comply with a Nevada Board order regarding an investigation and failed to cooperate with the investigation; (7) engaged in disreputable conduct in that he violated numerous board orders and abandoned patient medical records and controlled substances and dangerous drugs; and (8) failed to maintain proper medical records.

As a result of Respondent's unprofessional conduct, the Nevada Board placed Respondent on probation for 5 years, and it further ordered that Respondent complete 100 hours of community service; pay a $4000.00 fine, and complete 20 hours of continuing medical education in prescribing controlled substances. (Exhibit 1).

9. Respondent's foregoing conduct and the actions of the Nevada Board, as set forth in paragraph 8, above, and Exhibit 1, attached, constitute cause for discipline, pursuant to section 2234 and/or section 2305 and/or section 141 of the Code.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate Number C 152719, issued to Edward Michael Outlaw, M.D.;

2. Revoking, suspending or denying approval of Edward Michael Outlaw, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Edward Michael Outlaw, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

4. Taking such other and further action as deemed necessary and proper.

DATED: JUL 28 2020

WILLIAM PRASIFKA
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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EXHIBIT 1

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

* * * * *

In the Matter of Charges and Complaint Against EDWARD MICHAEL OUTLAW, M.D., Respondent.	Case Nos. 19-28023-1 19-28023-2 19-28023-3

FILED
DEC - 9 2019
NEVADA STATE BOARD OF MEDICAL EXAMINERS
By:

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

SETTLEMENT AGREEMENT

The Investigative Committee (IC) of the Nevada State Board of Medical Examiners (Board), by and through Aaron Bart Fricke, Esq., Deputy General Counsel for the Board and attorney for the IC, and Edward Michael Outlaw, M.D. (Respondent), a licensed physician in Nevada, assisted by his attorney, Ogonna Brown, Esq., of the law firm of Lewis Roca Rothgerber Christie LLP, hereby enter into this Settlement Agreement (Agreement) based on the following:[1]

A. Background

1. Respondent is a medical doctor licensed in inactive status (License No. 10630) by the Board pursuant to Chapter 630 of the Nevada Revised Statutes (NRS) and Chapter 630 of the Nevada Administrative Code (NAC) (collectively, the Medical Practice Act). Respondent was originally licensed to practice medicine in Nevada on September 8, 2003.

2. On March 19, 2019, in Case No. 19-28023-1, the IC filed a formal Complaint (Complaint 1) charging Respondent with violating the Medical Practice Act. Specifically, Complaint 1 alleges: Count I, violation of NRS 630.3065(2)(a) (Failing to Comply With a Lawful Order of the Investigative Committee); Count II, violation of NRS 630.306(1)(j) (Failing to Timely Notify the Board of a Change of Permanent Address); Count III, violation of NRS 630.301(9) (Disreputable Conduct). Also on March 19, 2019, in Case No. 19-28023-2, the

[1] All agreements and admissions made by Respondent are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Respondent. Therefore, Respondent's agreements and admissions are not intended or made for any other use, such as in the context of another state or federal government regulatory agency proceeding, state or federal civil or criminal proceeding, any state or federal court proceeding, or any credentialing or privileges matter.

IC filed a formal Complaint (Complaint 2) charging Respondent with violating the Medical Practice Act. Specifically, Complaint 2 alleges: Count I, violation of NRS 630.3065(3) (Failure to Perform a Statutory Obligation); Count II, violation of NRS 630.306(1)(b)(3) (Engaging in Conduct That Violated Pharmacy Board Regulations); Count III, violation of NRS 630.3065(2)(a) (Failing to Comply With a Lawful Order of the Investigative Committee); Count IV, violation of NRS 630.301(9) (Disreputable Conduct). On November 5, 2019, in Case No. 19-28023-3, the IC filed a formal Complaint (Complaint 3) charging Respondent with violating the Medical Practice Act. Specifically, Complaint 3 alleges: Count I, violation of NRS 630.306(1)(b)(2) (Violation of Standards of Practice); Count II, violation of NRS 630.3062(1)(a) (Failure to Maintain Proper Medical Records). Complaints 1, 2 and 3 are hereinafter referred to collectively as the "Complaints."

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

4. Respondent was properly served with a copy of the Complaints, has reviewed and understands the Complaints, and has had the opportunity to consult with competent counsel concerning the nature and significance of the Complaints.

5. Respondent is hereby advised of his rights regarding this administrative matter, and of his opportunity to defend against the allegations in the Complaints. Specifically, Respondent has certain rights in this administrative matter as set out by the United States Constitution, the Nevada Constitution, the Medical Practice Act, the Nevada Open Meeting Law (OML), which is contained in NRS Chapter 241, and the Nevada Administrative Procedure Act (APA), which is contained in NRS Chapter 233B. These rights include the right to a formal hearing on the allegations in the Complaints, the right to representation by counsel, at his own expense, in the preparation and presentation of his defense, the right to confront and cross-examine the witnesses and evidence against him, the right to written findings of fact, conclusions of law and order reflecting the final decision of the Board, and the right to judicial review of the Board's order, if the decision is adverse to him.

6. Respondent understands that, under the Board's charge to protect the public by regulating the practice of medicine, the Board may take disciplinary action against Respondent's

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license, including license probation, license suspension, license revocation and imposition of administrative fines, as well as any other reasonable requirement or limitation, if the Board concludes that Respondent violated one or more provisions of the Medical Practice Act.

7. Respondent understands and agrees that this Agreement, by and between Respondent and the IC, is not with the Board, and that the IC will present this Agreement to the Board for consideration in open session at a duly noticed and scheduled meeting. Respondent understands that the IC shall advocate for the Board's approval of this Agreement, but that the Board has the right to decide in its own discretion whether or not to approve this Agreement. Respondent further understands and agrees that if the Board approves this Agreement, then the terms and conditions enumerated below shall be binding and enforceable upon him and the Board.

B. Terms & Conditions

NOW, THEREFORE, in order to resolve the matters addressed herein, i.e., the matters with regard to the Complaints, Respondent and the IC hereby agree to the following terms and conditions:

1. **Jurisdiction**. Respondent was all times relevant to the Complaints a physician licensed to practice medicine in Nevada subject to the jurisdiction of the Board as set forth in the Medical Practice Act.

2. **Representation by Counsel/Knowing, Willing and Intelligent Agreement**. Respondent acknowledges he is represented by counsel, and wishes to resolve the matters addressed herein with said counsel. Respondent agrees that if representation by counsel in this matter materially changes prior to entering into this Agreement and for the duration of this Agreement, that counsel for the IC will be timely notified of the material change. Respondent agrees that he knowingly, willingly and intelligently enters into this Agreement after deciding to have a full consultation with and upon the advice of legal counsel.

3. **Waiver of Rights**. In connection with this Agreement, and the associated terms and conditions, Respondent knowingly, willingly and intelligently waives all rights in connection with this administrative matter. Respondent hereby knowingly, willingly and intelligently waives all rights arising under the United States Constitution, the Nevada Constitution, the Medical

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Practice Act, the OML, the APA, and any other legal rights that may be available to him or that may apply to him in connection with the administrative proceedings resulting from the Complaints filed in this matter, including defense of the Complaints, adjudication of the allegations set forth in the Complaints, and imposition of any disciplinary actions or sanctions ordered by the Board. Respondent agrees to settle and resolve the allegations of the Complaints as set out by this Agreement, without a hearing or any further proceedings and without the right to judicial review.

4. **Acknowledgement of Reasonable Basis to Proceed**. As of the time of entering into this Settlement Agreement, the allegations of the Complaints remain unproven. Respondent acknowledges that the IC believes it has a reasonable basis to allege that Respondent engaged in conduct that is grounds for discipline pursuant to the Medical Practice Act. The IC acknowledges Respondent is not admitting that the IC's claims/counts as alleged in the Complaints have merit and Respondent is agreeing to resolve this matter to avoid the costs of hearing and potential subsequent litigation. Respondent asserts if this matter were to proceed to hearing, he has evidence, witnesses, expert witness(es) and defenses to the counts/claims alleged in the Complaints, but for the purposes of resolving the matter and for no other purpose, Respondent waives the presentation of evidence, witnesses, expert witnesses, and defenses in order to effectuate this Agreement.

5. **Consent to Entry of Order**. In order to resolve the Complaints pending against Respondent, Respondent hereby agrees that the Board may issue an order finding that Respondent engaged in conduct that is grounds for discipline pursuant to the Medical Practice Act. Accordingly, the following terms and conditions are hereby agreed upon:

a. Respondent admits to all Counts, I through III, of Complaint 1; Respondent admits to all Counts, I through IV, of Complaint 2; Respondent admits to Count II of Complaint 3;

b. Respondent's license to practice medicine in the State of Nevada shall be placed on probation for a period of five (5) years from the date of the Board's acceptance, adoption and approval of this Agreement (Probationary Period). During the Probationary Period, Respondent's license shall be subject to revocation for noncompliance with this Agreement as provided herein. Respondent shall complete the following terms and conditions and demonstrate compliance to the

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good faith satisfaction of the Board within the Probationary Period. If Respondent fails to demonstrate compliance with the terms and conditions of this Agreement, or otherwise violates the terms of this Agreement or the Medical Practice Act, then the IC shall be authorized to immediately suspend Respondent's license to practice medicine in Nevada, pending a duly noticed Order To Show Cause Hearing to take place before a duly appointed Hearing Officer within sixty (60) days of the suspension. The Hearing shall be conducted pursuant to NRS 622A.300(4)-(5), the Hearing Officer shall prepare written findings and recommendations and serve the findings and recommendations on the Respondent and Board within sixty (60) days, and the Board shall review the case and render its final determination at the next regularly scheduled quarterly Board meeting that the matter can be properly noticed in accord with Nevada law. If a violation of this Agreement or the Medical Practice Act is proved, then pursuant to the express terms of this Agreement, the probation shall be rescinded, and Respondent's license shall be revoked. In such case, pursuant to NRS 622A.410(1), Respondent may not apply for reinstatement of his medical license for a period of five (5) years from the date of the Board's final order of revocation. If Respondent successfully completes the Probationary Period, demonstrates compliance with the terms and conditions of this Agreement, and otherwise fulfills all terms of this Agreement, and does not otherwise commit any new violations of the Medical Practice Act, then, at that time, the order of probation shall be terminated. The following terms and conditions shall apply during Respondent's Probationary Period:

(1) Respondent shall perform one hundred (100) hours of community service, without compensation, related to the provision of medical care to the poor or indigent. The community service shall be completed within one hundred eighty (180) days of the Board's acceptance, adoption and approval of this Agreement. The community service shall be performed at the direction of a recognized not-for-profit organization, and proof of completion from said organization shall be provided to the satisfaction of the Board within ninety (90) days of their completion;

(2) Respondent shall pay a fine of $500 per count admitted to hereby, consisting of eight (8) counts, for a total of $4,000, within two (2) years of the Board's acceptance,

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adoption and approval of this Agreement. The foregoing fine shall be paid in twenty-four (24) equal monthly installments of $166.66, the first payment to be made on or before December 31, 2019;

(3) Respondent shall pay the costs and expenses incurred in the investigation and prosecution of the above-referenced matter within two (2) years of the Board's acceptance, adoption and approval of this Agreement, the current amount being $8,777.84, not including any costs that may be necessary to finalize this Agreement. The foregoing costs shall be paid in twenty-four (24) equal monthly installments of $365.75, the first payment to be made on or before December 31, 2019;

(4) Respondent shall complete twenty (20) hours of live, in-person and comprehensive continuing medical education (CME) focused specifically on best practices in the prescribing of controlled substances within six (6) months of the date of the Board's acceptance, adoption and approval of this Agreement. The aforementioned hours of CME shall be in addition to any CME requirements that are regularly imposed upon Respondent as a condition of licensure in the State of Nevada and shall be approved by the Board to meet this requirement prior to their completion, and proof of completion shall be provided to the Board within ninety (90) days of their completion;

(5) Respondent shall comply with all court orders and complete all conditions or terms of sanctions imposed on him by the courts of the State of Nevada, specifically including but not limited to those of the Eighth Judicial District Court of Clark County, Nevada, in Case No. A-13-683202-F. Respondent shall provide proof of compliance with this term upon request of the Board and to the satisfaction of the Board;

(6) Respondent shall not supervise or formally agree to supervise any physician assistant in the State of Nevada, and shall not formally agree to supervise or enter into a collaboration agreement with an advanced practice registered nurse in the State of Nevada.

c. This Agreement shall be reported to the appropriate entities and parties as required by law, including, but not limited to, the National Practitioner Data Bank.

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d. Respondent shall receive a Public Letter of Reprimand.

e. All other claims or issues arising from the Complaints shall be dismissed with prejudice.

6. **Release From Liability**. In execution of this Agreement, Respondent understands and agrees that the State of Nevada, the Board, and each of its members, staff, counsel, investigators, experts, peer reviewers, committees, panels, hearing officers, consultants and agents are immune from civil liability for any decision or action taken in good faith in response to information acquired by the Board. NRS 630.364(2)(a). Respondent agrees to release the State of Nevada, the Board, and each of its members, staff, counsel, investigators, experts, peer reviewers, committees, panels, hearing officers, consultants and agents from any and all manner of actions, causes of action, suits, debts, judgments, executions, claims and demands whatsoever, known and unknown, in law or equity, that Respondent ever had, now has, may have or claim to have, against any or all of the persons, government agencies or entities named in this paragraph arising out of, or by reason of, this investigation, this Agreement or the administration of the case referenced herein.

7. **Procedure for Adoption of Agreement**. The IC and counsel for the IC shall recommend approval and adoption of the terms and conditions of this Agreement by the Board in resolution of the Complaints. In the course of seeking Board acceptance, approval and adoption of this Agreement, counsel for the IC may communicate directly with the Board staff and the adjudicating members of the Board.

Respondent acknowledges that such contacts and communications may be made or conducted ex parte, without notice or opportunity to be heard on his part until the public Board meeting where this Agreement is discussed, and that such contacts and communications may include, but may not be limited to, matters concerning this Agreement, the Complaints and any and all information of every nature whatsoever related to this matter. The IC and its counsel agree that Respondent and/or his counsel may appear at the Board meeting where this Agreement is discussed and, if requested, respond to any questions that may be addressed to the IC or the IC's counsel.

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8. **Effect of Acceptance of Agreement by Board**. In the event the Board accepts, approves and adopts this Agreement, the Board shall issue a final order, making this Agreement an order of the Board, and, pending full compliance with the terms herein, the case shall be closed and the remaining counts of the Complaints, if any, shall be dismissed with prejudice.

9. **Effect of Rejection of Agreement by Board**. In the event the Board does not accept, approve and adopt this Agreement, this Agreement shall be null, void and of no force and effect except as to the following agreement regarding adjudications: (1) Respondent agrees that, notwithstanding rejection of this Agreement by the Board, nothing contained in this Agreement and nothing that occurs pursuant to efforts of the IC to seek the Board's acceptance of this Agreement shall disqualify any member of the adjudicating panel of the Board from considering the Complaints and from participating in disciplinary proceedings against Respondent, including adjudication of this case; and (2) Respondent further agrees that he shall not seek to disqualify any such member absent evidence of bad faith.

10. **Binding Effect**. If approved by the Board, Respondent understands that this Agreement is a binding and enforceable contract upon Respondent and the Board.

11. **Forum Selection Clause**. The parties agree that in the event either party is required to seek enforcement of this Agreement in district court, the parties consent to such jurisdiction and agree that exclusive jurisdiction shall be in the Second Judicial District Court, State of Nevada, Washoe County.

12. **Attorneys' Fees and Costs**. The parties agree that in the event an action is commenced in district court to enforce any provision of this Agreement, the prevailing party shall be entitled to recover reasonable attorneys' fees and costs.

13. **Failure to Comply With Terms**. Should Respondent fail to comply with any term or condition of this Agreement once the Agreement has been accepted, approved and adopted by the Board, the IC shall be authorized to immediately suspend Respondent's license to practice medicine in Nevada pending an Order To Show Cause Hearing on immediate revocation of his license, which will be duly noticed. Failure to comply with the terms of this Agreement, including failure to pay any fines, costs, expenses or fees owed to the Board, is a failure to comply with an

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order of the Board, which may result in additional disciplinary action being taken against Respondent. NRS 630.3065(2)(a). Further, Respondent's failure to remit payment to the Board for monies agreed to be paid as a condition of this Agreement may subject Respondent to civil collection efforts.

Dated this 20 day of November, 2019.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

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

Dated this 12th day of November, 2019.

LEWIS ROCA ROTHGERBER CHRISTIE LLP

By: _____
Ogonna Brown, Esq.
Attorneys for Respondent

Dated this 12 day of Nov, 2019.

_____
Edward Michael Outlaw, M.D., Respondent

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

IT IS HEREBY ORDERED that the foregoing Settlement Agreement (19-28023-1, 19-28023-2, 19-28023-3) is approved and accepted by the Nevada State Board of Medical Examiners on the 6th day of December, 2019, with the final total amount of costs due of $8,777.84.

D Prabhu Rachakonda MD

Rachakonda D. Prabhu, M.D., President
NEVADA STATE BOARD OF MEDICAL EXAMINERS

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

STATE OF NEVADA
BOARD OF MEDICAL EXAMINERS
I certify, as Official Custodian of the records, that this document is a true and correct copy of the original on file in this office.

Signed: _____
Executive Director

Date: 1/7/20

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

* * * * *

In the Matter of Charges and Complaint Against EDWARD MICHAEL OUTLAW, M.D., Respondent.	Case No. 19-28023-1

FILED
MAR 19 2019
NEVADA STATE BOARD OF MEDICAL EXAMINERS
By:

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

COMPLAINT

The Investigative Committee[1] (IC) of the Nevada State Board of Medical Examiners (Board) hereby issues this formal Complaint (Complaint) against Edward Michael Outlaw, M.D. (Respondent), a physician licensed in Nevada. After investigating this matter, the IC has a reasonable basis to believe that Respondent has violated provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630 (collectively, the Medical Practice Act). The IC alleges the following facts:

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

2. On or about May 19, 2015, a warrant for the arrest of Respondent was issued by the Eighth Judicial District Court of Clark County, Nevada, in Case No. A-13-683202-F (Civil Case). The Civil Case is a lawsuit to collect on a judgment of $80,504.49, plus interest and fees, owed by Respondent to Bankers Healthcare Group, Inc. The court in the Civil Case determined that Respondent had "violated various Orders of this Court, including his failure to abide by the Court's Amended Order to Show Cause filed April 9, 2015 and has otherwise been found to be in contempt," and the court therefore ordered Respondent to be arrested by any available sheriff, marshall, or other peace officer in Nevada. As of the time of this Complaint, the warrant for the

[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, Theodore B. Berndt, M.D., and Mr. M. Neil Duxbury.

arrest of Respondent is still outstanding, and the judgment remains unsatisfied.

3. On July 17, 2015, Respondent filed a Notification of Address Change with the Board, pursuant to NRS 630.254, instructing the Board to address all communications from the Board to the licensee at 601 S. Rancho Road, Suite A3, Las Vegas, NV 89106.

4. On or about October 31, 2016, Respondent's Controlled Substance License with the Nevada State Board of Pharmacy expired.

5. On March 15, 2017, pursuant to NRS 630.311(1), the Investigative Committee (IC) of the Board ordered Respondent to appear before it to give testimony regarding an ongoing investigation on Friday, May 19, 2017 (IC Order to Appear). The IC Order to Appear was sent via certified mail to 601 S. Rancho Rd., Suite A3, Las Vegas, NV 89106, as previously instructed by Respondent.

6. On March 30, 2017, the IC Order to Appear was returned to the IC marked "Return to Sender, Not Deliverable as Addressed Unable to Forward."

7. Respondent did not appear at the May 19, 2017 meeting of the IC as ordered.

8. On June 7, 2017, Respondent filed with the Board a Renewal Application, wherein he applied to renew his license in "Inactive" status, paid the applicable fee, and informed the Board that his new address was 10926 Merritt Drive, Stockton, CA 95219.

9. On or about November 15, 2017, the California Medical Board issued a license to Respondent, which license is currently active.

COUNT I

NRS 630.3065(2)(a)

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

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

11. 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.

12. Respondent knowingly and willfully failed to comply with the IC Order to Appear.

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13. 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)(j)

(Failing to Timely Notify the Board of a Change of Permanent Address)

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

15. NRS 630.306(1)(j) provides that failing to comply with the requirements of NRS 630.254 is grounds for initiating disciplinary action.

16. NRS 630.254 provides, in pertinent part:

> Each licensee shall maintain a permanent mailing address with the Board to which all communications from the Board to the licensee must be sent. A licensee who changes his or her permanent mailing address shall notify the Board in writing of the new permanent mailing address within 30 days after the change. If a licensee fails to notify the Board in writing of a change in his or her permanent mailing address within 30 days after the change, the Board:
>
> (a) May impose upon the licensee a fine not to exceed $250; and
>
> (b) May initiate disciplinary action against the licensee as provided pursuant to paragraph (j) of subsection 1 of NRS 630.306.

17. Respondent violated NRS 630.254 by failing to notify the Board of his new permanent mailing address within 30 days of him changing it.

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 III

NRS 630.301(9) (Disreputable Conduct)

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

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

21. Respondent's conduct, including, but not limited to, violating numerous orders of the Eighth Judicial District Court of Nevada, being found in contempt of that court and having an

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outstanding warrant issued for Respondent's arrest in the state, failing for more than three years not only to resolve the arrest warrant but also to answer for the judgment for unpaid debt, and absconding from the state to avoid the foregoing, is conduct that brings the medical profession into disrepute.

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.

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;

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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OFFICE OF THE GENERAL COUNSEL
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9600 Gateway Drive,
Reno, Nevada 89521
(775) 688-2559

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 19th day of March, 2019.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

Wayne Hardwick

Wayne Hardwick, M.D., Chairman

STATE OF NEVADA
BOARD OF MEDICAL EXAMINERS
I certify, as Official Custodian of the records, that this document is a true and correct copy of the original on file in this office.

Signed: _____
Executive Director

Date: 1/7/20

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

* * * * *

In the Matter of Charges and Complaint Against EDWARD MICHAEL OUTLAW, M.D., Respondent.	**Case No. 19-28023-2**

FILED
MAR 19 2019
NEVADA STATE BOARD OF MEDICAL EXAMINERS
By: _____

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

COMPLAINT

The Investigative Committee[1] (IC) of the Nevada State Board of Medical Examiners (Board) hereby issues this formal Complaint (Complaint) against Edward Michael Outlaw, M.D. (Respondent), a physician licensed in Nevada. After investigating this matter, the IC has a reasonable basis to believe that Respondent has violated provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630 (collectively, the Medical Practice Act, or MPA). The IC alleges the following facts:

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

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

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

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

5. On or about June 5, 2017, Board staff received information that medical records,

[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.

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

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

a. Multiple large boxes containing hundreds of patient records produced by Respondent;

b. Four unlocked filing cabinets, three of which were inaccessible at the time of initial inspection due to location and placement inside the unit;

c. Miscellaneous office supplies;

d. One blank prescription.

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

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

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

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

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

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

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

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

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

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///

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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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Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, Nevada 89521
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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;

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

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

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 19th day of March, 2019.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

Wayne Hardwick

Wayne Hardwick, M.D., Chairman

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

STATE OF NEVADA
BOARD OF MEDICAL EXAMINERS
I certify, as Official Custodian of the records, that this document is a true and correct copy of the original on file in this office.
Signed: _____
Executive Director
Date: 1/7/20

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

* * * * *

In the Matter of Charges and Complaint Against EDWARD MICHAEL OUTLAW, M.D., Respondent.	**Case No. 19-28023-3**

FILED
NOV 13 2019
NEVADA STATE BOARD OF MEDICAL EXAMINERS
By: _____

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

COMPLAINT

The Investigative Committee[1] (IC) of the Nevada State Board of Medical Examiners (Board) hereby issues this formal Complaint (Complaint) against Edward Michael Outlaw, M.D. (Respondent), a physician licensed in Nevada. After investigating this matter, the IC has a reasonable basis to believe that Respondent has violated provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630 (collectively, the Medical Practice Act, or MPA). The IC alleges the following facts:

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

COUNT I

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

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

3. 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.

[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 Mr. M. Neil Duxbury, Chairman, Aury Nagy, M.D., and Michael C. Edwards, M.D., FACS.

4. Violation of a standard of practice adopted by the Board is grounds for disciplinary action pursuant to NRS 630.306(1)(b)(2).

5. 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).

6. 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.

7. On information and belief, Respondent wrote prescriptions to Patient A for opioid analgesics to treat chronic pain in a manner that deviated from the Model Policy.

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

COUNT II

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

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

10. 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 disciplinary action against a licensee.

11. 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; urine toxicology screen results and monitoring patient compliance with testing and adapting his treatment plan based on patient compliance; querying the Nevada Prescription Monitoring Program; patient progress toward discontinuation of opioid therapy.

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

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(775) 688-2559

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;

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 13 day of November, 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
9600 Gateway Drive
Reno, Nevada 89521
(775) 688-2559

VERIFICATION

STATE OF NEVADA)
: ss.
COUNTY OF WASHOE)

Mr. M. Neil Duxbury, 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 13th day of November, 2019.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

M. Neil Duxbury

M. Neil Duxbury, Chairman

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

CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 12th day of November, 2019; I served a filed copy of the COMPLAINT (19-28023-3), via USPS e-certified return receipt mail to the following:

Edward Michael Outlaw, M.D.
c/o Oganna M. Brown, Esq.
Lewis Roca Rothgerber Christie
3993 Howard Hughes Parkway, Ste 600
Las Vegas, NV 89169

Dated this 13th day of November, 2019.

Dawn DeHaven Gordillo

Dawn DeHaven Gordillo

Legal Assistant

OFFICE OF THE GENERAL COUNSEL
Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, Nevada 89521
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