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

In the Matter of the Accusation Against:	)	
	)	
	)	
JENNIFER MCKIM WILSON, M.D.	)	**File No. 800-2016-026194**
	)	
Physician's and Surgeon's Certificate No. A 77016	)	
	)	
Respondent	)	
	)	

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order for Public Reprimand 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 September 8, 2017.

IT IS SO ORDERED August 10, 2017.

MEDICAL BOARD OF CALIFORNIA

By: Michelle Anne Bholat MD

Michelle Anne Bholat, M.D., Chair
Panel B

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General
JOSHUA M. TEMPLET
Deputy Attorney General
State Bar No. 267098
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 703-5529
Facsimile: (415) 703-5480
Attorneys for Complainant

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

In the Matter of the Accusation Against: **JENNIFER MCKIM WILSON, M.D.** **P.O. Box 21418** **Reno, NV 89515** **Physician's and Surgeon's Certificate No. A77016** Respondent.	Case No. 800-2016-026194 OAH No. 2017010697 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER FOR PUBLIC REPRIMAND**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled proceedings that the following matters are true:

PARTIES

1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board of California (Board). She brought this action solely in her official capacity and is represented in this matter by Xavier Becerra, Attorney General of the State of California, by Joshua M. Templet, Deputy Attorney General.

2. Respondent Jennifer McKim Wilson, M.D. (Respondent) is represented in this proceeding by attorney Edward J. Lemons, Lakeridge Centre, 6005 Plumas Street, Third Floor, Reno, NV 89519-6069.

3. On November 2, 2001, the Board issued Physician's and Surgeon's Certificate No. A77016 to Jennifer McKim Wilson, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2016-026194, and will expire on May 31, 2018, unless renewed.

JURISDICTION

4. Accusation No. 800-2016-026194 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on December 7, 2016. Respondent timely filed her Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 800-2016-026194 is attached as **Exhibit A** and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2016-026194. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order for Public Reprimand.

7. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

9. Respondent understands and agrees that the charges and allegations in Accusation No. 800-2016-026194, if proven at a hearing, constitute cause for imposing discipline upon her Physician's and Surgeon's Certificate.

10. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up her right to contest those charges.

11. Respondent agrees that her Physician's and Surgeon's Certificate is subject to discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

12. This stipulation shall be subject to approval by the Medical Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order for Public Reprimand shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

13. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order for Public Reprimand, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

A. Public Reprimand

IT IS HEREBY ORDERED that Respondent Jennifer McKim Wilson, M.D., holder of Physician's and Surgeon's Certificate No. A77016, shall be and hereby is **publicly reprimanded**

pursuant to Business and Professions Code section 2227. This Public Reprimand is issued as a result of the following conduct by Respondent as set forth in Accusation No. 800-2016-026194:

> Respondent failed to document ordering a chest x-ray and an electrocardiogram for a patient who presented to her in Nevada, in March 2012, with symptoms of potential congestive heart failure. As a result of this medical records violation, the Nevada Board of Medical Examiners disciplined Respondent on September 9, 2016.

B. Medical Recordkeeping Course

Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a course in medical record keeping approved in advance by the Board or its designee. Respondent shall provide the approved course provider with any information and documents that the approved course provider may deem pertinent. Respondent shall participate in and successfully complete the classroom component of the course not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully complete any other component of the course within one (1) year of enrollment. The medical record keeping course shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

A medical record keeping course taken after the acts that gave rise to the charges in the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted towards the fulfillment of this condition if the course would have been approved by the Board or its designee had the course been taken after the effective date of this Decision.

Respondent shall submit a certification of successful completion to the Board or its designee not later than 15 calendar days after successfully completing the course, or not later than 15 calendar days after the effective date of the Decision, whichever is later.

Failure to enroll, participate in, or successfully complete the medical recordkeeping course within the designated time period shall constitute unprofessional conduct and grounds for further disciplinary action.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order for Public Reprimand and have fully discussed it with my attorney, Edward J. Lemons. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order for Public Reprimand voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 5/30/17

JENNIFER MCKIM WILSON, M.D.
Respondent

I have read and fully discussed with Respondent Jennifer McKim Wilson, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order for Public Reprimand. I approve its form and content.

DATED: May 31, 2017

EDWARD J. LEMONS
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order for Public Reprimand is hereby respectfully submitted for consideration by the Medical Board of California.

Dated: 5/31/2017

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General

JOSHUA M. TEMPLET
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2016-026194

KAMALA D. HARRIS
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General
JOSHUA M. TEMPLET
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E-mail: Joshua.Templet@doj.ca.gov
Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO Dec. 7 2016
BY _____ ANALYST

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

In the Matter of the Accusation Against: **Jennifer McKim Wilson, M.D.** **P.O. Box 21418** **Reno, NV 89515** **Physician's and Surgeon's Certificate No. A77016,** Respondent.	Case No. 800-2016-026194 **A C C U S A T I O N**

Complainant alleges:

PARTIES

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

2. On November 2, 2001, the Medical Board issued Physician's and Surgeon's Certificate Number A77016 to Jennifer McKim Wilson, M.D. (Respondent). The certificate was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2018, unless renewed.

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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 unless otherwise indicated.

4. Section 2004 provides that the Board shall have the responsibility for the enforcement of the disciplinary and criminal provisions of the Medical Practice Act.

5. Section 2227 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.

6. Section 2234 states:

> The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:
>
> (a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter.
>
> . . . .

7. Section 141 states:

> (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.

8. Section 2305 states:

> The revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license or certificate 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 of a licensee under this chapter [Chapter 5, the Medical Practice Act] shall

constitute grounds for disciplinary action for unprofessional conduct against the licensee in this state.

CAUSE FOR DISCIPLINE

(Discipline, Restriction or Limitation Imposed by another State)

9. On October 16, 2014, the Nevada Board of Medical Examiners (Nevada Board) filed a Complaint against Respondent, alleging as follows: On March 25, 2012, a patient presented to the emergency department of St. Mary's Regional Hospital, in Nevada. Radiologist interpretations of both an abdominal ultrasound and a computerized tomography (CT) scan of the patient indicated a "right pleural effusion" and a "small amount of ascites." Blood testing revealed an elevation of transaminases in her liver. The patient returned to the emergency department the next day, where she was treated by Respondent. She presented with new onset of peripheral edema, a mildly diminished pulse oximetry, persistent tachycardia, and a cough that had lasted for three weeks.

10. According to the Complaint, "[g]iven the known presence of pleural effusion, ascites and transaminitis, coupled with laboratory evidence of renal insufficiency, Respondent should have considered congestive heart failure as the possible etiology of [the patient's] symptoms." The patient's medical chart lacks any evidence demonstrating that Respondent carried out the standard diagnostic evaluation for possible congestive heart failure by ordering a chest x-ray and an electrocardiogram. Accordingly, the Complaint alleges that Respondent failed to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances when she failed to order this diagnostic testing. The Complaint also alleges that Respondent failed to maintain accurate and/or complete medical records relating to the diagnosis, treatment, and care of the patient.

11. On September 9, 2016, the Nevada Board entered a Settlement Agreement (Nevada Settlement Agreement) with Respondent, in which Respondent admitted to the medical records violation alleged in the Complaint. As part of the Nevada Settlement Agreement, Respondent consented to the following discipline:

- Reimbursement of the costs of investigation and prosecution;

- Completion of five hours of continuing medical education related to medical records, emergency-related practices, and preventing malpractice, to be approved by the Nevada Board prior to completion; and
- Reporting of the agreement as discipline to the National Practitioner Data Bank.

The Nevada Complaint and the Nevada Settlement Agreement are attached as **Exhibit A** and incorporated herein.

12. Respondent's conduct and the action of the Nevada Board as set forth above constitute unprofessional conduct within the meaning of section 2305 and conduct subject to discipline within the meaning of section 141(a).

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 A77016, issued to Jennifer McKim Wilson, M.D.;

2. Revoking, suspending or denying approval of Jennifer McKim Wilson, M.D.'s authority to supervise physician assistants, pursuant to section 3527 of the Code;

3. Ordering Jennifer McKim Wilson, 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: December 7, 2016

KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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EXHIBIT A

ORIGINAL

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

* * * * *

In the Matter of Charges and Complaint Against JENNIFER McKIM WILSON, M.D., Respondent.	)	**Case No. 14-21994-1**

FILED
OCT 16 2014
NEVADA STATE BOARD OF MEDICAL EXAMINERS
By:

COMPLAINT

The Investigative Committee (IC) of the Nevada State Board of Medical Examiners (Board), composed of Beverly A. Neyland, M.D., Bashir Chowdhry, M.D., and Sandy Peltyn, by and through Erin L. Albright, Esq., General Counsel and attorney for the IC, having a reasonable basis to believe that Jennifer McKim Wilson, M.D. (Respondent), violated the provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630 (collectively, the Medical Practice Act), hereby issues its Complaint, stating the IC's charges and allegations as follows:

1. Respondent is currently licensed in active status (License No. 10019), and has been so licensed by the Board since November 2, 2001, pursuant to the provisions of the Medical Practice Act.

2. Patient A was a twelve (12)-year-old female at the time of the incidents in question. Her true identity is not disclosed in this Complaint to protect her identity, but her identity is disclosed in the Patient Designation contemporaneously served on Respondent with this Complaint.

3. On or about March 25, 2012, Patient A presented to the emergency department of St. Mary's Regional Hospital (ER).

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OFFICE OF THE GENERAL COUNSEL
Nevada State Board of Medical Examiners
1105 Terminal Way #301
Reno, Nevada 89502
(775) 688-2559

4. During this ER visit, a computerized tomography scan of Patient A's abdomen/pelvis was performed and interpreted by a radiologist as "small right pleural effusion; small amount of ascites; small cyst of the right kidney."

5. During this ER visit, an abdominal ultrasound was performed and interpreted by a radiologist as "small amount of ascites; right pleural effusion."

6. During this ER visit, blood work showed Patient A's total bilirubin was elevated at 2.0, with aminotransferase of 205, alanin aminotransferase of 337 and alkaline phosphatase of 66. Patient A's white blood cell count was 13.1 with normal differential and elevated hemoglobin of 15.4. Patient A had a decreased carbon dioxide level of 16 and a mildly elevated creatinine level of 1.13.

7. On or about March 26, 2012, Patient A presented to the ER for the second day in a row with twenty-four (24) hours of new onset peripheral edema, a mildly diminished pulse oximetry, persistent tachycardia and a cough that has lasted for three (3) weeks.

8. During this ER visit, Patient A was cared for and treated by Respondent.

9. During this ER visit, Respondent reviewed the records from Patient A's March 25, 2012 ER visit.

10. Given the known presence of pleural effusion, ascites and transaminitis, coupled with laboratory evidence of renal insufficiency, Respondent should have considered congestive heart failure as the possible etiology of Patient A's symptoms.

11. The standard diagnostic evaluation for possible congestive heart failure is a chest x-ray and electrocardiogram.

12. Patient A's medical chart lacks any evidence demonstrating that Respondent ordered Patient A undergo a chest x-ray during Patient A's March 25, 2012 ER visit.

13. Patient A's medical chart lacks any evidence demonstrating that Respondent ordered Patient A undergo an electrocardiogram during Patient A's March 25, 2012 ER visit.

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COUNT I

(Medical Records Violation)

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

15. NRS 630.3062(1) provides that the failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient is grounds for initiating discipline against a licensee.

16. As demonstrated by, but not limited to, the above-outlined facts, Respondent failed to maintain accurate and/or complete medical records relating to the diagnosis, treatment and care of Patient A when she failed to record in Patient A's medical records that he ordered Patient A undergo a chest x-ray.

17. As demonstrated by, but not limited to, the above-outlined facts, Respondent failed to maintain accurate and/or complete medical records relating to the diagnosis, treatment and care of Patient A when she failed to record in Patient A's medical records that he ordered Patient A undergo an electrocardiogram.

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

COUNT II

(Malpractice)

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

20. NRS 630.301(4) provides that malpractice of a physician is grounds for initiating disciplinary action against a licensee.

21. NAC 630.040 defines malpractice as the failure of a physician, in treating a patient, to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances.

22. As demonstrated by, but not limited to, the above-outlined facts, Respondent failed to use reasonable care, skill or knowledge ordinarily used under similar circumstances when she

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failed to order the necessary diagnostic testing (i.e., chest x-ray and electrocardiogram) to determine whether Patient A's symptoms resulted from congestive heart failure.

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

WHEREFORE, the Investigative Committee prays:

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

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

3. That the Board determine the sanctions it will impose if it finds Respondent violated the Medical Practice Act;

4. That the Board make, issue and serve on Respondent, in writing, its findings of fact, conclusions of law and order, which shall include 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 16th day of October, 2014.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: _____
Erin L. Albright, Esq.
General Counsel
Attorney for the Investigative Committee

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: 10/5/16

OFFICE OF THE GENERAL COUNSEL
Nevada State Board of Medical Examiners
1105 Terminal Way #301
Reno, Nevada 89502
(775) 688-2559

VERIFICATION

STATE OF NEVADA)
: ss.
COUNTY OF CLARK)

Beverly A. Neyland, M.D., hereby deposes and states under penalty of perjury under the laws of the state of Nevada that she is the Chairwoman of the Investigative Committee of the Nevada State Board of Medical Examiners that authorized the foregoing Complaint against the Respondent herein; that she has read the foregoing Complaint; and based upon information discovered during the course of the investigation into a complaint against Respondent, she believes the allegations and charges in the foregoing Complaint against Respondent are true, accurate and correct.

Dated this 16th day of October, 2014.

Beverly A. Neyland MD

Beverly A. Neyland, M.D.

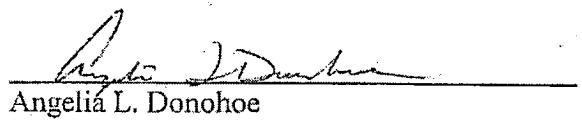
OFFICE OF THE GENERAL COUNSEL
Nevada State Board of Medical Examiners
1105 Terminal Way #301
Reno, Nevada 89502
(775) 688-2559

CERTIFICATE OF SERVICE

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 17th day of October 2014; I served a filed copy of COMPLAINT, PATIENT DESIGNATION and FINGERPRINT INFORMATION, USPS e-certified return receipt mail to the following:

Jennifer McKim Wilson, M.D.
280 Island Ave., Apt. 801
Reno, NV 89501

Dated this 17th day of October, 2014.



Angelia L. Donohoe
Legal Assistant

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Nevada State Board of Medical Examiners
1105 Terminal Way #301
Reno, Nevada 89502
(775) 688-2559

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

* * * * *

In the Matter of Charges and Complaint Against JENNIFER McKIM WILSON, M.D., Respondent.	Case No. 14-21994-1 FILED SEP 09 2016 NEVADA STATE BOARD OF MEDICAL EXAMINERS By:

OFFICE OF THE GENERAL COUNSEL
Nevada State Board of Medical Examiners
2105 Terminal Way #301
Reno, Nevada 89502
(775) 688-2559

SETTLEMENT AGREEMENT

The Investigative Committee (IC) of the Nevada State Board of Medical Examiners (Board) and Jennifer McKim Wilson, M.D. (Respondent), a licensed physician in Nevada, represented by legal counsel, Edward J. Lemons, Esq., of Lemons, Grundy & Eisenberg, hereby enter into this Settlement Agreement (Agreement) based on the following:[1]

A. Background

1. Respondent is a physician licensed 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), to practice medicine in Nevada since November 2, 2001 (License No. 10019).

2. On October 16, 2014, in Case No. 14-21994-1, the IC filed a formal Complaint (Complaint) charging Respondent with Medical Practice Act violations. Specifically, this Complaint alleges: one (1) count of violating of NRS 630.301(4) (malpractice) and one (1) count of violating

[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.

NRS 630.3062(1) (medical records). By reason of the foregoing, Respondent is subject to discipline by the Board as provided in NRS 630.352.

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

4. Respondent is hereby advised of her rights regarding this administrative matter, and her opportunity to defend against the allegations in the Complaint. Specifically, Respondent has certain rights in this administrative matter as set out by the United States Constitution, the Nevada Constitution, the Medical Practice Act, 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 Complaint, the right to representation by counsel, at her own expense, in the preparation and presentation of her defense, the right to confront and cross-examine the witnesses and evidence against her, 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 her.

5. 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 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.

6. 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 her and the Board.

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OFFICE OF THE GENERAL COUNSEL
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B. Terms & Conditions

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

1. **Jurisdiction**. Respondent is, and at all times relevant to the Complaint has been, 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 understands that she may retain and consult counsel prior to entering into this Agreement at her own expense. Respondent acknowledges that she is represented by counsel, and wishes to resolve the matters addressed herein with 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 Practice Act, 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 Complaint filed in this matter, including defense of the Complaint, adjudication of the allegations set forth in the Complaint, and imposition of any disciplinary actions or sanctions ordered by the Board. Respondent agrees to settle and resolve the allegations of the Complaint 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**. 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 Board acknowledges Respondent

is admitting that the Board's claims/counts as alleged in the Complaint 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, she has evidence, witnesses, expert witness(es) and defenses to the counts/claims alleged in Complaint, 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 this Complaint pending against Respondent without incurring any further costs or the expense associated with a hearing, 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 the allegation of one (1) violation of NRS 630.3062(1) (medical records violation) on or about March 25, 2012.

B. Respondent will pay the costs and expenses incurred in the investigation and prosecution of the above-referenced matter within thirty (30) days of the Board's acceptance, adoption and approval of this Agreement, the current amount being $5,100.00, not including any costs that may be necessary to finalize this Agreement.

C. Respondent shall take five (5) hours of continuing medical education (CME) related to electronic medical records, emergency related practices, and preventing malpractice within twelve (12) months from 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 prior to their completion.

D. 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.

E. Count II of the Complaint 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,

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Reno, Nevada 89502
(775) 688-2559

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 this Complaint. 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 her part until the public Board meeting while this Agreement is discussed, and that such contacts and communications may include, but not be limited to, matters concerning this Agreement, the Complaint and any and all information of every nature whatsoever related to this matter. The IC and its counsel agree that Respondent 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.

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.

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,

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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 this Complaint 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, 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 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.

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Dated this 16 day of August, 2016.

By: _____
Robert Kilroy, Esq.
Attorney for the Investigative Committee

By: _____
Edward Lemons, Esq.
Attorney for the Respondent

UNDERSTOOD AND AGREED:

_____
JENNIFER MCKIM WILSON, M.D., Respondent
Dated this 15th day of August, 2016.

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: 10/5/16

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IT IS HEREBY ORDERED that the foregoing Settlement Agreement is approved and accepted by the Nevada State Board of Medical Examiners on the 9th day of September 2016, with the final total amount of costs due of $5,100.00.

Michael J. Fischer, M.D., President
NEVADA STATE BOARD OF MEDICAL EXAMINERS