


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

3 * * * * *

4 In The Matter of Charges and)
5 Complaint Against)
6 **RANDALL FOSTER, M.D.,**)
7)
8 Respondent.)
9 _____)

Case No. 08-5334-1
NO. _____
FILED December 1, 2008

CLERK OF THE BOARD

10 **ORDER FOR SUMMARY SUSPENSION OF RESPONDENT'S ABILITY TO**
11 **PRESCRIBE, ADMINISTER, OR DISPENSE CONTROLLED SUBSTANCES**

12 This matter came on for hearing at an emergency meeting of the Nevada State Board of
13 Medical Examiners (Board) convened pursuant to NRS 241.020 and conducted telephonically on
14 the 1st day of December, 2008, to consider the request for summary suspension of Respondent's
15 ability to prescribe, administer, or dispense controlled substances filed herein on
16 December 1, 2008 by the Board's Investigative Committee. A quorum of the members of the
17 Board who constitute the adjudicative panel in this case, consisting of Charles N. Held, M.D.,
18 Benjamin J. Rodriguez, M.D., Ms. Renee West, Javaid Anwar, M.D. and Ms. Jean Stoess, M.A.,
19 Board Members, were present telephonically. Also present telephonically was Christine Guerci-
20 Nyhus, Chief Deputy Attorney General as counsel for the Board. Edward O. Cousineau, General
21 Counsel for the Board, appeared as counsel for the Investigative Committee.

22 The adjudicative panel reviewed the Investigative Committee's Complaint, the request for
23 summary suspension contained therein, and the attached exhibit. Upon review of the Complaint,
24 request for summary suspension and attached exhibit, as well as the argument and presentation of
25 counsel for the Investigative Committee, the adjudicative members of the Board find and
26 conclude by a preponderance of evidence:

27 1. That Respondent, Dr. Randall Foster, is a physician licensed to practice medicine
28 in the State of Nevada and possesses the ability to prescribe controlled substances without
limitation.

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

1 2. That the medical records of Patients A, B, C, and D addressed in the underlying
2 complaint lack evidence of sufficient physical examinations, consistent documentation of vital
3 signs being monitored throughout the patient’s treatment course, or medical justification for the
4 continued prescribing of controlled substances.

5 3. That Patient A was provided prescriptions for opiates on a regular basis by
6 Dr. Foster for nearly six years and during that time Dr. Foster documented only one limited
7 physical exam. Furthermore, Dr. Foster continued to prescribe significant amounts of opiates for
8 Patient A after Patient A wrote him a letter admitting she, Patient A, was struggling with
9 addiction to the prescribed medications and that she was taking the medications only to avoid
10 withdrawal symptoms. Patient A’s addiction likely contributed to Patient A’s overall
11 dissatisfaction with her life and may have contributed to her committing suicide.

12 4. That unforeseen circumstances have arisen and exist that pose a risk of
13 impairment of the health and safety of the public and that require immediate Board action,
14 especially because the Board’s investigation is ongoing, and which involves conduct which is
15 based upon conduct similar to the conduct described in this Order. Therefore, allowing
16 Dr. Foster to continue to prescribe, administer, or dispense controlled substances presents an
17 unacceptable risk to the citizens of Nevada.

18 Now therefore, pursuant to NRS 233B.127:

19 **IT IS HEREBY ORDERED** that the ability of Randall Foster, M.D., to prescribe,
20 administer, or dispense controlled substances in the state of Nevada is hereby suspended pending
21 proceedings for disciplinary action pursuant to the Complaint filed herein and issuance of a final
22 order, or until further order of this Board.

23 Dated this 1st day of December, 2008.

24 NEVADA STATE BOARD OF MEDICAL EXAMINERS

25
26 By: _____
27 Charles N. Held
28 President