

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

3 * * * * *

4 **In The Matter of Charges and**) **Case No. 11-7546-1**
5)
6 **Complaint Against**)
7 **LYNN GREENHOUSE, M.D.,**)
8 **Respondent.**)

FILED

DEC - 1 2011

**NEVADA STATE BOARD OF
MEDICAL EXAMINERS**

By: 

9 _____
10 **COMPLAINT**

11 The Investigative Committee of the Nevada State Board of Medical Examiners, composed
12 at the time of filing was approved by Theodore Berndt, M.D.,
13 Ms. Valerie Clark, BSN, RHU, LUTCF, and Michael Fischer, M.D. having a reasonable basis to
14 believe that Lynn Greenhouse, M.D., hereinafter referred to as "Respondent," has violated the
15 provisions of NRS Chapter 630, hereby issues its formal Complaint, stating the Investigative
16 Committee's charges and allegations, as follows:

17 1. Respondent is currently licensed in active status (License No. 7482), and was so
18 licensed on July 1, 1995 by the Nevada State Board of Medical Examiners pursuant to the
19 provisions of Chapter 630 of the Nevada Revised Statutes.

20 2. Patient A, is a forty-nine-year-old female patient who has been a regular patient of
21 Respondent for several years. Her true identity is not disclosed to protect her privacy, but her
22 identity is disclosed in the Patient Designation served on Respondent along with a copy of this
23 Complaint.

24 3. Between February 2006 and September 2010, Respondent ordered controlled
25 substances and dangerous drugs from Henry Schein, a pharmaceutical wholesaler. Drugs received
26 from Henry Schein must either be administered or dispensed to a patient by an individual licensed
27 to do so in accordance with federal and state laws.

28 ///

1 11. NAC 639.742(1) requires any practitioner who wishes to dispense controlled
2 substances or dangerous drugs to apply to the Board of Pharmacy for a certificate of registration to
3 dispense controlled substances or dangerous drugs.

4 12. Respondent dispensed controlled substances and dangerous drugs to Patient A and
5 possibly other patients but has never held a certificate of registration to dispense controlled
6 substances or dangerous drugs and therefore is in violation of a regulation adopted by the Nevada
7 State Board of Pharmacy and accordingly is in violation of NRS 630.306(2)(c).

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

10 **Count II**

11 14. Nevada Revised Statute (NRS) section 630.306(2)(c) provides that engaging in
12 conduct which is in violation of a regulation adopted by the State Board of Pharmacy is grounds
13 for initiating disciplinary action against a licensee.

14 15. NAC 639.945(1)(g), a regulation adopted by the State Board of Pharmacy, provides
15 that supplying or diverting drugs which are legally sold in pharmacies or by wholesalers, so that
16 unqualified persons can circumvent any law pertaining to the legal sale of such articles is
17 prohibited conduct.

18 16. Respondent supplied Patient A with dexamethasone sodium phosphate, a
19 dangerous drug that Patient A is not licensed to legally procure, for use in Patient A's physical
20 therapy practice and accordingly Respondent's actions are in violation of NAC 639.945(1)(g) and
21 therefore her conduct is in violation of NRS 630.306(2)(c).

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

24 **Count III**

25 18. NRS 630.306(3) provides that administering, dispensing or prescribing any
26 controlled substance, or any dangerous drug to herself or others except as authorized by law is
27 grounds for initiating disciplinary action against a licensee.

28 ///

1 19. Respondent's actions as described in the paragraphs above show that she dispensed
2 both dangerous drugs and controlled substances without a certificate of registration and has failed
3 to comply with the provisions of NAC 639.745 in dispensing any dangerous drugs or controlled
4 substances and is accordingly in violation of NRS 630.306(3).

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

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

8 1. That the Nevada State Board of Medical Examiners give Respondent notice of the
9 charges herein against him and give him notice that he may file an answer to the Complaint herein
10 as set forth in Section 630.339 of the Nevada Revised Statutes within twenty (20) days of service
11 of the Complaint.

12 2. That the Nevada State Board of Medical Examiners set a time and place for a
13 formal hearing after holding an Early Case Conference pursuant to NRS 630.339(3);

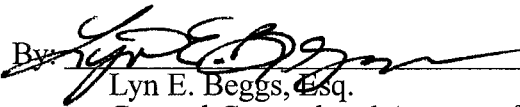
14 3. That the Nevada State Board of Medical Examiners determine what sanctions it
15 determines to impose if it determines there has been a violation or violations of the Medical
16 Practice Act (Nevada Revised Statutes Chapter 630) committed by Respondent; and

17 4. That the Nevada State Board of Medical Examiners make, issue and serve on
18 Respondent its findings of facts, conclusions of law and order, in writing, that includes the
19 sanctions imposed; and

20 5. That the Nevada State Board of Medical Examiners take such other and further
21 action as may be just and proper in these premises.

22 DATED this 15 day of December, 2011.

23
24 INVESTIGATIVE COMMITTEE OF THE
 NEVADA STATE BOARD OF MEDICAL EXAMINERS

25
26 By: 
 Lyn E. Beggs, Esq.
27 General Counsel and Attorney for the Investigative Committee
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

VERIFICATION

STATE OF NEVADA)
 : ss.
COUNTY OF WASHOE)

THEODORE B. BERNDT, M.D., having been duly sworn, hereby deposes and states under penalty of perjury that he is the current 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 1st day of December, 2011.



THEODORE B. BERNDT, M.D.

CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 1st day of December 2011, I served a file copy of the COMPLAINT, PATIENT DESIGNATION & Fingerprint information via USPS e-certified mail to the following:

Shawn K. Jones, Esq.
Wilson Barrows Salyer Jones
442 Court St.
Elko, NV 89801

Dated this 1st day of December 2011.



Angelia L. Donohoe
Legal Assistant

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28