

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

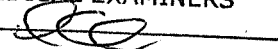
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5 **In the Matter of:**)
6 **Participation of Licensee as a**)
7 **Shareholder, Officer or Managing Member of**)
8 **Any Medical Marijuana Cultivation Facility,**)
9 **Dispensary or other Establishment or Entity**)
10 **Authorized Under NRS 453A.**)

No. 14-1 Adv. Op.

FILED

JUN 17 2014

NEVADA STATE BOARD OF
MEDICAL EXAMINERS
By: 

11 **ADVISORY OPINION OF THE BOARD OF MEDICAL EXAMINERS**
12 **JUNE 2014**

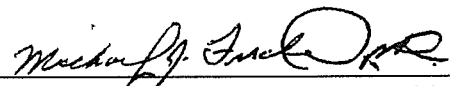
13 All licensees of the Nevada State Board of Medical Examiners (Board) are hereby advised
14 that participating as a shareholder, officer or managing member of any medical marijuana
15 cultivation facility, dispensary or other establishment or entity authorized under Nevada Revised
16 Statutes (NRS) Chapter 453A is currently a violation of federal law under the Controlled
17 Substances Act, 28 U.S.C. 801 et seq., because marijuana: 1) is classified as a Schedule I drug; 2)
18 has not been fully evaluated and approved by the Food and Drug Administration for medicinal
19 purposes, i.e., contraindications, dosages, potency, quantity and side effects; 3) lacks accepted
20 safety standards for use; and 4) has a high potential for abuse.

21 Board licensees are further advised that licensees will not be investigated by the Board
22 based solely on their participation as a shareholder, officer or managing member of any medical
23 marijuana cultivation facility, dispensary or other establishment or entity authorized under NRS
24 Chapter 453A. However, if the Board receives a complaint alleging misconduct or other possible
25 violations regarding a licensee's participation as a shareholder, officer or managing member of
26 any medical marijuana cultivation facility; dispensary or other establishment or entity authorized
27 under NRS Chapter 453A, the Board is obligated by law to investigate the allegations contained in
28 the Complaint. Additionally, if a licensee is convicted of violating the Controlled Substances Act,
or any other federal or state law regarding the possession, distribution or use of any controlled

1 substance or any dangerous drug as defined in Chapter 454 of the NRS, the Board is obligated by
2 law to investigate the matter (NRS 630.301(11)(f)). Thus, licensees are further advised, whether
3 they participate or not as a shareholder, officer or managing member of any medical marijuana
4 cultivation facility, dispensary or other establishment or entity authorized under NRS Chapter
5 453A, that they may be subject to potential disciplinary action by the Board for the following
6 violations: 1) directly or indirectly receiving from any person, corporation or other business
7 organization any fee, commission, rebate or other form of compensation which is intended or
8 tends to influence the physician's objective evaluation or treatment of a patient – NRS
9 630.305(1)(a); 2) referring a patient to a health facility or commercial establishment in which the
10 licensee has a financial interest – NRS 630.305(1)(c); 3) failing to disclose to a patient any
11 financial or other conflict of interest – NRS 630.305(1)(g); 4) administering, dispensing or
12 prescribing any controlled substance, or any dangerous drug to or for himself/herself or others
13 except as authorized by law – NRS 630.306(3); and 5) willful failure to perform a statutory or
14 other legal obligation imposed upon a licensed physician – NRS 630.3065(3).

15 Board licensees act at their own legal peril as a shareholder, officer or managing member
16 of any medical marijuana cultivation facility, dispensary or other establishment or entity
17 authorized under NRS Chapter 453A. Accordingly, all licensees of the Board are encouraged to
18 consult with their own legal counsel to explore all possible legal and/or criminal implications of
19 such actions and/or relationships.

20 NEVADA STATE BOARD OF MEDICAL EXAMINERS

21
22 By: 
23 Michael G. Fischer, M.D., President
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