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

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**In The Matter of Charges and)
Complaint Against)
JOEL WASHINSKY, M.D.,)
Respondent.)**

Case No. 10-8162-1

**FILED
MAY 26 2010**

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

COMPLAINT

The Investigative Committee of the Nevada State Board of Medical Examiners, composed at the time filing was approved of Charles N. Held, M.D., Theodore B. Berndt, M.D. and Ms. Valerie Clark, BSN, RHU, LUTCF, having a reasonable basis to believe that Joel Washinsky, M.D., hereinafter referred to as Dr. Washinsky, has violated the provisions of NRS Chapter 630, hereby issues its formal Complaint, stating the Investigative Committee's charges and allegations, as follows:

1. Dr. Washinsky is currently licensed in active status (License No. 5955), and has been so licensed since December 2, 1989 by the Nevada State Board of Medical Examiners pursuant to the provisions of Chapter 630 of the Nevada Revised Statutes.
2. Dr. Washinsky lists his specialty as internal medicine with the Board and has practiced primarily in the Las Vegas area.
3. Between February 2007 and March 2010, Dr. Washinsky ordered and received at his office, large quantities of hydrocodone/APAP 10/650, hydrocodone/APAP elixir, clonazepam, lorazepam, and temazepam, all of which are controlled substances.
4. Dr. Washinsky reportedly ordered many of these controlled substances to give to his brother. Dr. Washinsky did not maintain any current medical records for his brother, nor did he write any prescriptions for the controlled substances.

1 5. Dr. Washinsky did not keep records regarding his dispensing of these controlled
2 substances as required by NAC 639.745.

3 6. Dr. Washinsky does not hold a certificate of registration to dispense controlled
4 substances or dangerous drugs from the Nevada State Board of Pharmacy.

5 7. On April 20, 2010, Dr. Washinsky was arrested by the Nevada Department of
6 Public Safety in conjunction with the Drug Enforcement Administration (DEA) for sixty-seven
7 (67) felony counts of dispensing controlled substances and/or prescriptions without a license.
8 Dr. Washinsky is currently not in custody.

9 8. During the arrest of Dr. Washinsky he admitted to taking clonazepam and
10 lorazepam, both schedule IV controlled substances, on a continuing basis, without a prescription
11 for said substances and indicated that he may have a dependence on said substances.

12 9. On April 27, 2010, Dr. Washinsky was served with an Order from this Investigative
13 Committee ordering him to submit to a urine and hair drug screen and ordering him to complete an
14 evaluation for drug and/or alcohol dependency with Larry Espardaro at the PRN/PRN of Nevada
15 located at Montevista Hospital in Las Vegas.

16 10. Dr. Washinsky did submit to the urine and hair drug screen as ordered on
17 April 27, 2010. The results from the hair test were positive for opiates, specifically hydrocodone
18 at 2000 pg/mg. The cut off for a positive test is 100 pg/mg. The urine results were negative.

19 11. On May 3, 2010, Dr. Washinsky did appear for the ordered evaluation with
20 Larry Espardaro of PRN/PRN of Nevada. At the time of the evaluation, Mr. Espardaro required
21 Dr. Washinsky to submit to a urine drug screen. The urine screen indicated Dr. Washinsky was
22 positive for opiates.

23 12. During his evaluation with Mr. Espardaro, Dr. Washinsky indicated that he
24 prescribed for himself and that he had no prescribing physician at the time of the interview.

25 **Count I**

26 13. Nevada Revised Statute Section 630.306(8) provides that dependency on controlled
27 substances is grounds for initiating discipline against a licensee.

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1 14. Dr. Washinsky admitted during his arrest to continued use of controlled substances,
2 without a prescription, and indicated that he may have a dependency on said substances.

3 15. Dr. Washinsky submitted to a hair test which indicated positive results for
4 hydrocodone and submitted to a urine test with Larry Espardaro which was positive for opiates.

5 16. Dr. Washinsky's admission and positive drug screens indicate dependency on
6 controlled substances and accordingly he is in violation of Section 630.306(8)

7 17. By reason of the foregoing, Dr. Washinsky is subject to discipline by the Nevada
8 State Board of Medical Examiners as provided in NRS 630.352.

9 **Count II**

10 18. NRS 630.306(2)(c) provides that engaging in any conduct which is in violation of a
11 regulation adopted by the State Board of Pharmacy is grounds for initiating a disciplinary action
12 against a licensee.

13 19. NAC 639.742, a regulation adopted by the State Board of Pharmacy, provides that
14 a practitioner, who wishes to dispense controlled substances or dangerous drugs, must apply to the
15 State Board of Pharmacy for a certificate of registration to dispense controlled substances or
16 dangerous drugs.

17 20. Dr. Washinsky ordered and received large quantities of controlled substances from
18 a pharmaceutical wholesaler and dispensed them to his brother, and possibly others. During the
19 time that Dr. Washinsky received controlled substances; he did not hold a dispensing license in
20 violation of NAC 639.742 and therefore is in violation of NRS 630.306(2).

21 21. By reason of the foregoing, Dr. Washinsky is subject to discipline by the Nevada
22 State Board of Medical Examiners as provided in NRS 630.352.

23 **Count III**

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

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1 23. NAC 639.745(1) provides that a practitioner that dispenses controlled substances
2 and/or dangerous drugs for patient use outside of his presence must keep records of each
3 controlled substance and dangerous drug purchased and dispensed and sets forth what must be
4 contained in those records.

5 24. Although Dr. Washinsky ordered and received large quantities of controlled
6 substances for dispensing, he failed to keep any records as required NAC 639.745(1) and therefore
7 has violated NRS 630.306(3).

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

10 **Count IV**

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

14 27. NRS 453.411(1) provides that it is unlawful for a person to knowingly use or be
15 under the influence of a controlled substance except in accordance with a lawfully issued
16 prescription.

17 28. Dr. Washinsky admitted to using controlled substances without a prescription and
18 subsequently tested positive for controlled substances for which he did not have a lawfully issued
19 prescription in violation of Nevada Revised Statute Section 453.411(1) and accordingly is in
20 violation of Nevada Revised Statute Section 630.360(3).

21 29. By reason of the foregoing, Dr. Washinsky is subject to discipline by the Nevada
22 State Board of Medical Examiners as provided in Section 630.352 of the Nevada Revised Statutes.

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

24 1. That the Nevada State Board of Medical Examiners give Dr. Washinsky notice of
25 the charges herein against him and give him notice that he may file an answer to the Complaint
26 herein as set forth in Section 630.339 of the Nevada Revised Statutes within twenty (20) days of
27 service of the Complaint.

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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

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

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

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

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

DATED this 26th day of May, 2010.

THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

By Lyn E. Beggs
Lyn E. Beggs, Esq.
General Counsel and Attorney for the Investigative Committee

VERIFICATION

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STATE OF NEVADA)
 : ss.
COUNTY OF DOUGLAS)

CHARLES N. HELD, 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 26th day of May, 2010.



CHARLES N. HELD, M.D.


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CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 26th day of May 2010; I served a file copy of the COMPLAINT & Fingerprint Information, by mailing via USPS certified return receipt to the following:

Maria Maskall, Esq.
Lee, Hernandez, Brooks, Garofalo & Blake
7575 Vegas Drive, Ste. 150
Las Vegas, NV 89128

Dated this 26th day of May 2010.



Angelia L. Donohoe
Legal Assistant