BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

* * * * *

In the Matter of Charges and

Complaint Against

LINDSAY MARIE HOFFMAN, PA-C,

Respondent.

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Case No. 18-34564-1

FILED

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NEVADA STATE BOARD OF

COMPLAINT

The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners (Board) hereby issues this formal Complaint (Complaint) against Lindsay Marie Hoffman, PA-C (Respondent), a physician assistant licensed in Nevada. After investigating this matter, the IC has a reasonable basis to believe that Respondent has violated provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630 (collectively, the Medical Practice Act). The IC alleges the following facts:

Respondent's Violation of Nevada Pharmacy Laws. A.

- Respondent is a physician assistant licensed to practice medicine in the State of 1. Nevada (License No. PA1154). She has been continuously licensed by the Board since January 22, 2009.
- At all times relevant to this Complaint, Respondent was the supervisee and 2. employee of Ivan Lee Goldsmith, M.D.
- At the direction of Dr. Goldsmith and/or upon Respondent's own accord, 3. Respondent dispensed controlled substances and dangerous drugs to patients of Dr. Goldsmith, from Dr. Goldsmith's store of medications, while Dr. Goldsmith was out of the country and otherwise not on-site at the dispensing facility.

¹ The Investigative Committee (IC) of the Nevada State Board of Medical Examiners (Board), at the time this formal Complaint was authorized for filing, was composed of Board members Wayne Hardwick, M.D., Chairman, Mr. M. Neil Duxbury, and Aury Nagy, M.D.

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- 4. At the direction of Dr. Goldsmith and/or upon Respondent's own accord, Respondent prescribed medication to patients of Dr. Goldsmith, without a bona fide therapeutic relationship with said patients.
- 5. At the direction of Dr. Goldsmith and/or upon Respondent's own accord, Respondent failed to maintain accurate and complete records regarding the aforementioned prescribing and dispensing activity.
- 6. No person may prescribe and dispense controlled substances in Nevada except as authorized by law. NRS 453.226; NRS 453.375(1); NRS 453.377; NRS 639.235(1); NAC 639.742(1), (3) and (4); 21 CFR § 1301.11; 21 CFR § 1306.03.
 - 7. NAC 639.742 states in relevant part:
 - 1. A practitioner who wishes to dispense controlled substances or dangerous drugs must apply to the Board on an application provided by the Board for a certificate of registration to dispense controlled substances or dangerous drugs.
 - 3. Except as otherwise provided in NRS 639.23277 and NAC 639.395, the dispensing practitioner and, if applicable, the owner or owners of the facility, shall ensure that:
 - (a) All drugs are ordered by the dispensing practitioner;
 - (b) All drugs are received and accounted for by the dispensing practitioner;
 - (c) All drugs are stored in a secure, locked room or cabinet to which the dispensing practitioner has the only key or lock combination;
 - (d) All drugs are dispensed in accordance with NAC 639.745;
 - (e) No prescription is dispensed to a patient unless the dispensing practitioner is on-site at the facility;
 - (f) All drugs are dispensed only to the patient personally at the facility;
 - 4. With regard to the filling and dispensing of a prescription at a facility, only the dispensing practitioner or a dispensing technician may:
 - (a) Enter the room or cabinet in which drugs are stored;
 - (b) Remove drugs from stock;
 - (c) Count, pour or reconstitute drugs;
 - (d) Place drugs into containers;
 - (e) Produce and affix appropriate labels to containers that contain or will contain drugs;

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(f)	Fill	containers	for	later	use	in	dist	ensing	drugs:	or
(1)	ΓIII	comamers	101	iatti	usc	111	arol	Journaling	urugo,	OI

- Package or repackage drugs. (g)
- NAC 639.945(1) provides, in pertinent part, that the following acts or practices by 8. a holder of any license, certificate or registration issued by the Pharmacy Board or any employee of any business holding any such license, certificate or registration are declared to be, specifically but not by way of limitation, unprofessional conduct and conduct contrary to the public interest:
 - (i) Performing any of his or her duties as the holder of a license, certificate or registration issued by the Board, or as the owner of a business or an entity licensed by the Board, in an incompetent, unskillful or negligent manner.

- (n) Dispensing a drug as a dispensing practitioner to a patient with whom the dispensing practitioner does not have a bona fide therapeutic relationship.
- (o) Prescribing a drug as a prescribing practitioner to a patient with whom the prescribing practitioner does not have a bona fide therapeutic relationship.
- NAC 639.945(3) provides that, for purposes of applying Pharmacy Board 9. regulations, a bona fide therapeutic relationship between the patient and practitioner shall be deemed to exist if the patient was examined in person, electronically or telephonically by the practitioner within the 6 months immediately preceding the date the practitioner dispenses or prescribes a drug to the patient and, as a result of the examination, the practitioner diagnosed a condition for which a given drug therapy is prescribed.

Count I

NRS 630.306(1)(c) (Unauthorized Dispensing)

- All of the allegations contained in the above paragraphs are hereby incorporated by 10. reference as though fully set forth herein.
- Pursuant to NRS 630.306(1)(c), dispensing any controlled substance, or any 11. dangerous drug as defined in chapter 454 of NRS, to others except as authorized by law is grounds for discipline.
- Pursuant to NAC 630.380(1)(m), violating a provision of NRS 630.301 to 12. 630.3065, inclusive, is grounds for discipline.

- 13. Pursuant to NAC 630.380(1)(h), dispensing any controlled substance otherwise than as authorized by law and the supervising physician of the physician assistant is grounds for discipline.
- 14. By dispensing controlled substances and dangerous drugs to Dr. Goldsmith's patients from Dr. Goldsmith's store of medications when Dr. Goldsmith was not on-site at his medical facility, Respondent violated NRS 639.742 and NAC 639.945(1).
- 15. By reason of the foregoing, Respondent is subject to discipline by the Board as provided in NRS 630.352.

Count II

NRS 630.306(1)(c) (Unauthorized Prescribing)

- 16. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.
- 17. Pursuant to NRS 630.306(1)(c), prescribing any controlled substance, or any dangerous drug as defined in chapter 454 of NRS, to others except as authorized by law is grounds for discipline.
- 18. Pursuant to NAC 630.380(1)(m), violating a provision of NRS 630.301 to 630.3065, inclusive, is grounds for discipline.
- 19. By prescribing medications to Dr. Goldsmith's patients without a bona fide therapeutic relationship with said patients, Respondent violated NAC 639.945.
- 20. By reason of the foregoing, Respondent is subject to discipline by the Board as provided in NRS 630.352.

Count III

NRS 630.3062(1)(a) (Failure to Maintain Complete Medical Records)

- 21. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.
- 22. NRS 630.3062(1)(a) 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.

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- Respondent failed to maintain complete and accurate medical records relating to 23. the diagnosis, treatment and care of the patients to whom Respondent dispensed and prescribed controlled substances and dangerous drugs as described in this Section A.
- By reason of the foregoing, Respondent is subject to discipline by the Board as 24. provided in NRS 630.352.

WHEREFORE, the Investigative Committee prays:

- That the Board give Respondent notice of the charges herein against her and give 1. her notice that she 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;
- That the Board set a time and place for a formal hearing after holding an Early 2. Case Conference pursuant to NRS 630.339(3);
- That the Board determine what sanctions to impose if it determines there has been 3. a violation or violations of the Medical Practice Act committed by Respondent;
- That the Board make, issue and serve on Respondent its findings of fact, 4. conclusions of law and order, in writing, that includes the sanctions imposed; and
- That the Board take such other and further action as may be just and proper in these 5. premises.

DATED this 20 day of October, 2018.

INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:

Aaron Bart Fricke, Esq., Deputy General Counsel Attorney for the Investigative Committee

OFFICE OF THE GENERAL COUNSEL Nevada State Board of Medical Examiners

Nevada State Board of Medical Examiners 9600 Gateway Drive

VERIFICATION

STATE OF NEVADA)		
	: ss		
COUNTY OF WASHOE)		

Wayne Hardwick, 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 <u>29th</u> day of October, 2018.

INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

Wayne Hardwick, M.D., Chairman

OFFICE OF THE GENERAL COUNSEL Nevada State Board of Medical Examiners

CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on the 30th day of October 2018; I served a filed copy of the COMPLAINT and Fingerprint information via USPS e-certified, return receipt mail to the following:

Lindsay Hoffman, PA-C 5375 S. Fort Apache Rd. Ste. 102 Las Vegas, NV 89148

Dated this 30th day of October, 2018.

Dawn De Haven Gordillo

Legal Assistant