

1 4. At the direction of Dr. Goldsmith and/or upon Respondent's own accord,
2 Respondent prescribed medication to patients of Dr. Goldsmith, without a bona fide therapeutic
3 relationship with said patients.

4 5. At the direction of Dr. Goldsmith and/or upon Respondent's own accord,
5 Respondent failed to maintain accurate and complete records regarding the aforementioned
6 prescribing and dispensing activity.

7 6. No person may prescribe and dispense controlled substances in Nevada except as
8 authorized by law. NRS 453.226; NRS 453.375(1); NRS 453.377; NRS 639.235(1);
9 NAC 639.742(1), (3) and (4); 21 CFR § 1301.11; 21 CFR § 1306.03.

10 7. NAC 639.742 states in relevant part:

11 1. A practitioner who wishes to dispense controlled substances or
12 dangerous drugs must apply to the Board on an application provided
13 by the Board for a certificate of registration to dispense controlled
substances or dangerous drugs.

14 3. Except as otherwise provided in NRS 639.23277 and
15 NAC 639.395, the dispensing practitioner and, if applicable, the
owner or owners of the facility, shall ensure that:

- 16 (a) All drugs are ordered by the dispensing practitioner;
- 17 (b) All drugs are received and accounted for by the
dispensing practitioner;
- 18 (c) All drugs are stored in a secure, locked room or
cabinet to which the dispensing practitioner has the only key
or lock combination;
- 19 (d) All drugs are dispensed in accordance with
20 NAC 639.745;
- 21 (e) No prescription is dispensed to a patient unless the
dispensing practitioner is on-site at the facility;
- 22 (f) All drugs are dispensed only to the patient personally
at the facility;

23 4. With regard to the filling and dispensing of a prescription at a
24 facility, only the dispensing practitioner or a dispensing technician
may:

- 25 (a) Enter the room or cabinet in which drugs are stored;
- 26 (b) Remove drugs from stock;
- 27 (c) Count, pour or reconstitute drugs;
- 28 (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 dispensing drugs; or
- (g) Package or repackage drugs.

8. NAC 639.945(1) provides, in pertinent part, that the following acts or practices by 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.

9. NAC 639.945(3) provides that, for purposes of applying Pharmacy Board 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)

10. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

11. Pursuant to NRS 630.306(1)(c), dispensing 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.

12. Pursuant to NAC 630.380(1)(m), violating a provision of NRS 630.301 to 630.3065, inclusive, is grounds for discipline.

1 13. Pursuant to NAC 630.380(1)(h), dispensing any controlled substance otherwise
2 than as authorized by law and the supervising physician of the physician assistant is grounds for
3 discipline.

4 14. By dispensing controlled substances and dangerous drugs to Dr. Goldsmith's
5 patients from Dr. Goldsmith's store of medications when Dr. Goldsmith was not on-site at his
6 medical facility, Respondent violated NRS 639.742 and NAC 639.945(1).

7 15. By reason of the foregoing, Respondent is subject to discipline by the Board as
8 provided in NRS 630.352.

9 **Count II**

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

11 16. All of the allegations contained in the above paragraphs are hereby incorporated by
12 reference as though fully set forth herein.

13 17. Pursuant to NRS 630.306(1)(c), prescribing any controlled substance, or any
14 dangerous drug as defined in chapter 454 of NRS, to others except as authorized by law is grounds
15 for discipline.

16 18. Pursuant to NAC 630.380(1)(m), violating a provision of NRS 630.301 to
17 630.3065, inclusive, is grounds for discipline.

18 19. By prescribing medications to Dr. Goldsmith's patients without a bona fide
19 therapeutic relationship with said patients, Respondent violated NAC 639.945.

20 20. By reason of the foregoing, Respondent is subject to discipline by the Board as
21 provided in NRS 630.352.

22 **Count III**

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

24 21. All of the allegations contained in the above paragraphs are hereby incorporated by
25 reference as though fully set forth herein.

26 22. NRS 630.3062(1)(a) provides that the failure to maintain timely, legible, accurate
27 and complete medical records relating to the diagnosis, treatment and care of a patient is grounds
28 for initiating discipline against a licensee.

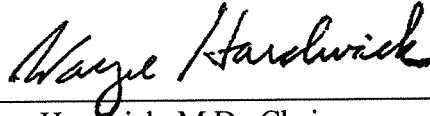
VERIFICATION

1 STATE OF NEVADA)
2 : ss.
3 COUNTY OF WASHOE)

4 Wayne Hardwick, M.D., having been duly sworn, hereby deposes and states under penalty
5 of perjury that he is the Chairman of the Investigative Committee of the Nevada State Board of
6 Medical Examiners that authorized the Complaint against the Respondent herein; that he has read
7 the foregoing Complaint; and that based upon information discovered in the course of the
8 investigation into a complaint against Respondent, he believes that the allegations and charges in
9 the foregoing Complaint against Respondent are true, accurate and correct.

10 DATED this 29th day of October, 2018.

11 INVESTIGATIVE COMMITTEE OF THE
12 NEVADA STATE BOARD OF MEDICAL EXAMINERS

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Wayne Hardwick, M.D., Chairman
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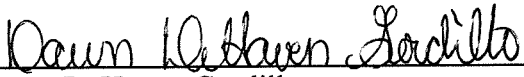
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CERTIFICATE OF MAILING

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 DeHaven Gordillo
Legal Assistant