

OFFICE OF THE GENERAL COUNSEL
Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, Nevada 89521
(775) 688-2559

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA

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In the Matter of Charges and
Complaint Against
RAANAN ELAN POKROY, M.D.,
Respondent.

Case No. 19-38366-1

FILED

MAR 21 2019

NEVADA STATE BOARD OF
MEDICAL EXAMINERS
By: *[Signature]*

COMPLAINT

The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners (Board), by and through Aaron Bart Fricke, Esq., Deputy General Counsel and attorney for the IC, having a reasonable basis to believe that Raanan Elan Pokroy, M.D. (Respondent) violated the provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630 (collectively, the Medical Practice Act), hereby issues its Complaint, stating the IC's charges and allegations as follows:

1. Respondent is and at all times relative to this Complaint was a physician holding an active license to practice medicine in the State of Nevada (License No. 13839). Respondent was originally licensed by the Board on March 7, 2011.

A. Respondent's Violations of Nevada Prescribing Laws, and the Nevada State Board of Pharmacy's Disciplinary Action.

2. Respondent held a Controlled Substance Registration, Certificate No. CS25754, issued by the Nevada State Board of Pharmacy (Pharmacy Board) at the time of the events set forth herein in this Section A.

3. Respondent was the proprietor of Reviv LLC, a Nevada Limited-Liability Company (Reviv), which was at all times relevant to this Complaint engaged in the business of offering various elective intravenous therapies and concierge medical services in Nevada.

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.

1 4. On or about December 14, 2018, the Pharmacy Board served Respondent with a
2 Notice of Intended Action and Accusation (Accusation) in Pharmacy Board Case
3 No. 17-098-S (Pharmacy Board Action). On or about March 4, 2019, Respondent entered into a
4 Stipulation and Order with the Pharmacy Board, which became a final Decision and Order of the
5 Pharmacy Board on March 6, 2019 (Pharmacy Board Order). In the Pharmacy Board Order, the
6 Respondent freely and voluntarily waived his rights to a hearing, reconsideration, appeal and any
7 and all other rights related to the Pharmacy Board Action, and Respondent neither contested nor
8 admitted the Pharmacy Board's allegations, which were pled with particularity in the Accusation,
9 to wit, that Respondent:

- 10 a. By allowing Reviv's staff, including Registered Nurses (RNs), none of
11 whom were practitioners and none of whom were licensed to
12 prescribe/order dangerous drugs, to use his authority to obtain, access
13 and/or possess an inventory of dangerous drugs when he was not onsite and
14 without his direct supervision, Respondent violated, or assisted and abetted
15 his staff in violating NRS 454.213.
- 16 b. By allowing Reviv's staff, including RNs, none of whom were practitioners
17 and none of whom were licensed to prescribe dangerous drugs, to use his
18 authority to obtain, access and/or possess an inventory of dangerous drugs
19 when he was not onsite and without his direct supervision, Respondent
20 engaged in unprofessional conduct as defined in
21 NAC 639.945(1)(g), (i) and (k).
- 22 c. By authorizing Reviv's staff, including RNs, none of whom were licensed
23 practitioners, to use his authority to determine that a dangerous drug was
24 medically appropriate and to administer a dangerous drug to Reviv's
25 patients, Respondent violated, and/or aided and abetted Reviv's staff in
26 violating Nevada Law, including NAC 639.945(1)(g), (i), (k) and (o).
- 27 d. By authorizing Reviv's staff, including RNs, none of whom were licensed
28 practitioners, to administer a dangerous drug to patients who had not been

1 examined by a practitioner, with whom he did not have a bona fide
2 therapeutic relationship and for whom he had not made any diagnosis or
3 determination that the dangerous drug was medically necessary,
4 Respondent violated, and/or aided and abetted Reviv's staff in violating
5 Nevada law, including NAC 639.945(l)(g), (i), (k) and (o).

6 e. By purchasing compounded dangerous drugs from a pharmacy not licensed
7 with the Pharmacy Board, Respondent violated, or assisted and abetted that
8 pharmacy in violating NAC 639.6915.

9 5. Pursuant to the Pharmacy Board Order, Respondent stipulated to, and the
10 Pharmacy Board ordered, *inter alia*, the following sanctions and conditions:

11 a. Respondent shall receive a public letter of reprimand from the Pharmacy
12 Board regarding each of the violations set forth in Causes of Action 1
13 through 5, as stated in the Accusation.

14 b. Respondent's Controlled Substance Registration, Certificate No. CS25754,
15 shall be placed on probation, effective immediately, and shall remain on
16 probation for not less than twelve (12) months from the effective date of the
17 Pharmacy Board Order.

18 c. The probationary status of Respondent's controlled substance registration is
19 subject to the following terms and conditions. Respondent agrees to and
20 shall:

21 i. Immediately establish and put into practice policies and procedures
22 within his offices/clinics to ensure that:

23 1. A bona fide relationship between the patient and the
24 practitioner ordering a controlled substance or dangerous
25 drug exists before any controlled substance or dangerous
26 drug is ordered or administered,

27 2. The practitioner who examines the patient and orders the
28 controlled substance or dangerous drug maintains exclusive

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possession and control of the medication until after he or she creates a patient-specific and medication-specific order for the administration of the medication,

3. To the extent a controlled substance or dangerous drug called for in an order is put into the possession and control of anyone other than a practitioner, the ordering practitioner personally gives possession and control of the controlled substance or dangerous drug to the non-practitioner and only gives the non-practitioner the specific medication in the specific quantity needed to fill the order,
4. Respondent and his offices/clinics will purchase medications only from a Nevada-licensed and federally registered outsourcing facility, and
5. Respondent and the staff at his office/clinic comply with all other federal and state laws regarding the possession, control and administration of controlled substances and dangerous drugs.

d. Each of Respondent's offices/clinics may be subject to quarterly unannounced inspections by Pharmacy Board staff for one (1) year at Respondent's expense.

6. Pursuant to NRS 630.346(4), in any disciplinary hearing, a certified copy of the record of a licensing agency showing a conviction or plea of nolo contendere or the suspension, revocation, limitation, modification, denial or surrender of a license to practice medicine is conclusive evidence of its occurrence.

7. On information and belief, the allegations of the Pharmacy Board as pled with particularity in the Accusation are true and correct.

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1 18. By the conduct described herein, Respondent as proprietor of Reviv failed to
2 adequately supervise his medical assistants in the performance of medical tasks by, *inter alia*,
3 authorizing Reviv's staff to administer a dangerous drug to patients who had not been examined
4 by Respondent and with whom he did not have a bona fide therapeutic relationship and for whom
5 he had not made any diagnosis or determination that the dangerous drug was medically necessary.

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

8 **Count VI**

9 **NRS 630.305(1)(e) (Aiding Practice by Unlicensed Person)**

10 20. All of the allegations in the above paragraphs are hereby incorporated as if fully set
11 forth herein.

12 21. NRS 630.305(1)(e) provides that the aiding, assisting, employing or advising,
13 directly or indirectly, any unlicensed person to engage in the practice of medicine contrary to the
14 provisions of NRS Chapter 630 or the regulations of the Board is an act, among others, that
15 constitutes grounds for initiating disciplinary action.

16 22. By the conduct described herein, to the extent that Respondent either did not
17 delegate medical tasks to Reviv staff as medical assistants, or to the extent that their actions were
18 not authorized by Respondent, Respondent nonetheless aided, assisted and advised unlicensed
19 persons, both directly and indirectly, in their engaging in the practice of medicine contrary to the
20 provisions of NRS Chapter 630 or the regulations of the Board by, *inter alia*, authorizing Reviv's
21 staff to administer a dangerous drug to patients who had not been examined by Respondent and
22 with whom he did not have a bona fide therapeutic relationship and for whom he had not made
23 any diagnosis or determination that the dangerous drug was medically necessary.

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

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Count V

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

24. All of the allegations in the above paragraphs are hereby incorporated as if fully set forth herein.

25. 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 an act, among others, that constitutes grounds for initiating disciplinary action.

26. Pursuant to NAC 630.830, as delegating practitioner, Respondent is professionally responsible for the safety and performance of each task which is delegated to a medical assistant.

27. Respondent and his medical assistants failed to maintain timely, legible, accurate and complete medical records by failing to include patient histories, clinical notes, examination findings, tests performed, procedures performed, dangerous drugs and hypodermic devices used, administered or prescribed, or therapeutic procedures performed that can be attributed to Respondent, among other omissions.

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

WHEREFORE, the Investigative Committee prays:

1. That the Board give Respondent notice of the charges herein against him and give him notice that he 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;

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

3. That the Board determine what sanctions to impose if it determines there has been a violation or violations of the Medical Practice Act committed by Respondent;

4. That the Board make, issue and serve on Respondent its findings of fact, conclusions of law and order, in writing, that includes the sanctions imposed; and

5. That the Board take such other and further action as may be just and proper in these premises.

1 DATED this 21 day of March, 2019.

2 INVESTIGATIVE COMMITTEE OF THE
3 NEVADA STATE BOARD OF MEDICAL EXAMINERS

4 By: 
5 Aaron Bart Fricke, Esq., Deputy General Counsel
6 Attorney for the Investigative Committee
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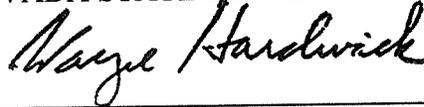
VERIFICATION

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 21st day of March, 2019.

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

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Wayne Hardwick, M.D., Chairman