

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

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4
5 **In the Matter of Charges and Complaint**
6 **Against**
7 **BERNARD KOFI ADDO-QUAYE, M.D.,**
8 **Respondent.**

Case No. 20-19197-1

FILED

AUG 13 2020

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: 

10 **COMPLAINT**

11 The Investigative Committee (IC)¹ of the Nevada State Board of Medical Examiners
12 (Board), by and through Aaron Bart Fricke, Esq., Senior Deputy General Counsel and attorney for
13 the IC, having a reasonable basis to believe that Bernard Kofi Addo-Quaye, M.D. (Respondent),
14 violated the provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative
15 Code (NAC) Chapter 630 (collectively, the Medical Practice Act), hereby issues its Complaint,
16 stating the IC's charges and allegations as follows:

17 1. Respondent was at all times relative to this Complaint a licensed medical doctor
18 holding an active license to practice medicine in the State of Nevada (License No. 9413).
19 Respondent was originally licensed by the Board on June 13, 2000.

20 2. Respondent held, at all times relative to this Complaint, a controlled substance
21 registration, Certificate of Registration No. CS10103, issued by the Nevada State Board of
22 Pharmacy (Pharmacy Board).

23 3. Victor Ronald Bruce, M.D. (Bruce), at all times relative to this Complaint, did not
24 hold a controlled substance registration, or any other kind of license to prescribe controlled
25 substances or dangerous drugs, issued by the Pharmacy Board.

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28 ¹The Investigative Committee of the Nevada State Board of Medical Examiners, at the time this formal Complaint was authorized for filing, was composed of Board members Rachakonda D. Prabhu, M.D., Chairman, Victor M. Muro, M.D., and Ms. April Mastroluca.

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1 4. On October 23, 2014, in the matter of *United States of America v. Victor Bruce*,
2 *MD*, United States District Court, District of Nevada, Case No. 2:13-cr-0041-APG-CWH, the
3 Court entered its Judgment in a Criminal Case, adjudging Bruce guilty of violating 21 USC §§
4 846, 841(a)(1) and (b)(1)(C), conspiracy to distribute oxycodone, and sentencing him to forty-six
5 (46) months of imprisonment, among other sanctions.

6 5. On December 31, 2014, the Board revoked Bruce's previous license to practice
7 medicine (License No. 8652) pursuant to a Settlement Agreement and Order entered by the Board
8 on December 8, 2014.

9 6. Following Bruce's release from incarceration, Bruce submitted to the Board an
10 application for licensure and preceptor plan. After an appearance by Bruce and Respondent before
11 the Board at a public meeting on September 7, 2018, and good case appearing, the Board issued
12 Bruce an "Active-Restricted" license to practice medicine for the express purpose of permitting
13 him to participate in a preceptorship with Respondent, whereby Respondent was to supervise the
14 medical activities of Bruce and report to the Board regarding Bruce's competence to practice
15 medicine. The Board ordered Bruce to complete a one-year preceptorship with Respondent, and
16 explicitly restricted Bruce from prescribing controlled substances for a minimum of twenty-four
17 (24) months or until his probation period lapses, whichever is greater, and subject to prior
18 approval of the Board.

19 7. Respondent, at all times relative to this Complaint, was the proprietor of "Bernard
20 Addo-Quaye, MD PC," dba "TruCare Medical Center" ("TruCare"). TruCare is located at 2290
21 McDaniel Street, Suite 2A, North Las Vegas, Nevada.

22 8. Bruce was engaged as a contractor or otherwise employed by TruCare from
23 September 2018 to present.

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COUNT I

NRS 630.306(1)(c) (Unlawful Prescribing of Controlled Substances and Dangerous Drugs)

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

10. Pursuant to NRS 630.306(1)(c), prescribing any controlled substance or dangerous drug as defined in chapter 454 of NRS to another except as authorized by law is grounds for initiating disciplinary action or denying licensure.

11. Pursuant to NRS 639.235(1), no person other than a practitioner holding a license to practice his or her profession in this State may prescribe or write a prescription.

12. A prescription for a controlled substance may be issued only for a legitimate medical purpose and in the usual course of professional practice by an individual practitioner who holds a DEA registration and is authorized to prescribe controlled substances by the jurisdiction in which he is licensed to practice his profession. 21 CFR § 1306.03(a)(1); NRS 453.381(1).

13. It is a crime to falsify a prescription for a controlled substance. 21 U.S.C. § 841(a); 21 U.S.C. § 842(a); NRS 453.331(1)(c), (d), (f), (h) and (i).

14. It is a crime to falsely represent oneself as a practitioner entitled to write prescriptions in this state. 21 U.S.C. § 841(a); 21 U.S.C. § 842(a); NRS 639.281(1); NRS 639.2813(1).

15. It is a crime to conspire to violate the Uniform Controlled Substances Act. 21 U.S.C. § 846; NRS 453.401(1)(a).

16. Performing or in any way being a party to any fraudulent or deceitful practice or transaction constitutes unprofessional conduct or conduct contrary to the public interest pursuant to NAC 639.945(1)(h).

17. Performing any duties as the holder of a controlled substance registration in an incompetent, unskillful or negligent manner constitutes unprofessional conduct or conduct contrary to the public interest pursuant to NAC 639.945(1)(i).

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1 18. Aiding or abetting a person not licensed to practice pharmacy in the State of
2 Nevada constitutes unprofessional conduct or conduct contrary to the public interest pursuant to
3 NAC 639.945(1)(j).

4 19. Prescribing a drug as a prescribing practitioner to a patient with whom the
5 practitioner does not have a bona fide therapeutic relationship constitutes unprofessional conduct
6 or conduct contrary to the public interest pursuant to NAC 639.945(1)(o).

7 20. Pursuant to NRS 639.23507, a practitioner shall, before issuing an initial
8 prescription for a controlled substance listed in schedule II, III or IV or an opioid that is a
9 controlled substance listed in schedule V and at least once every 90 days thereafter for the
10 duration of the course of treatment using the controlled substance, obtain a patient utilization
11 report regarding the patient from the computerized program established by the Pharmacy Board
12 and the Investigation Division of the Department of Public Safety pursuant to NRS 453.162
13 (hereinafter, the "NPMP"). The practitioner shall:

14 (a) Review the patient utilization report; and

15 (b) Determine whether the patient has been issued another prescription for the
16 same controlled substance that provides for ongoing treatment using the controlled
17 substance.

18 21. Respondent was out of the country from September 1, 2019, to
19 September 20, 2019, when Bruce treated multiple patients at TruCare, and provided prescriptions
20 to patients for controlled substances including, without limitation, Focalin and Androgel, and
21 dangerous drugs including, without limitation, Citalopram, Cyanocobalamin, and Fluticasone
22 Propionate, using Respondent's registration with the Pharmacy Board, and without supervision by
23 or consultation with Respondent and, with respect to the controlled substances prescribed, without
24 querying the NPMP, without reviewing the NPMP patient utilization report and determining
25 whether the patient had been issued another prescription for the same controlled substance.

26 22. As the proprietor of TruCare and as the preceptor of Bruce, Respondent permitted
27 Bruce to access, store, possess, administer, furnish and prescribe controlled substances and
28 dangerous drugs under Respondent's name and Pharmacy Board credentials, permitted Bruce to

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1 falsely represent himself as a practitioner entitled to write controlled substance prescriptions in
2 this state, permitted Bruce to falsify prescriptions for controlled substances, conspired with Bruce
3 to violate the Uniform Controlled Substances Act, was a party to fraudulent and deceitful practices
4 and transactions, performed duties as the holder of a controlled substance registration in an
5 incompetent, unskillful and negligent manner, aided and abetted Bruce, a person not licensed to
6 practice pharmacy in the State of Nevada, in prescribing drugs to patients with whom Respondent
7 did not have a bona fide therapeutic relationship.

8 23. As a contractor or employee of TruCare and as the preceptee of Addo-Quaye,
9 Respondent did access, store, possess, administer, furnish and prescribe controlled substances and
10 dangerous drugs under Addo-Quaye's name and Pharmacy Board credentials, did falsely represent
11 himself as a practitioner entitled to write controlled substance prescriptions in this state, did falsify
12 prescriptions for controlled substances, did conspire with Addo-Quaye to violate the Uniform
13 Controlled Substances Act, and was a party to fraudulent and deceitful practices and transactions.

14 24. Respondent unlawfully prescribed controlled substances including, without
15 limitation, Focalin and Androgel, and dangerous drugs including, without limitation, Citalopram,
16 Cyanocobalamin and Fluticasone Propionate, to multiple patients with whom he did not have a
17 bona fide therapeutic relationship from September 1, 2019, to September 20, 2019, by providing
18 his blank prescription pads to Bruce, providing his log-on information to e-scribing systems to
19 Bruce, and/or failing to secure from Bruce his secondary authenticator for e-scribing controlled
20 substance and dangerous medications, when Respondent was not present at TruCare, and when
21 Respondent was not physically located within the United States of America.

22 25. By, without limitation, the conduct described herein, Respondent unlawfully
23 prescribed controlled substances and dangerous drugs to others in violation of federal and state
24 laws, including, but not limited to, each of those cited in paragraphs 11-20 above, and any one
25 such violation is independent grounds for initiating disciplinary action pursuant to
26 NRS 630.306(1)(c).

27 26. By reason of the foregoing, Respondent is subject to discipline by the Board as
28 provided in NRS 630.352.

COUNT II

NRS 630.306(1)(b)(1) (Deceptive Conduct)

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

28. Pursuant to 630.306(1)(b)(1), engaging in any conduct which is intended to deceive is grounds for initiating disciplinary action or denying licensure.

29. By, without limitation, the conduct described herein, Respondent engaged in conduct intended to deceive the Board and the Pharmacy Board, among other authorities and parties.

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

COUNT III

NRS 630.301(9) (Disreputable Conduct)

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

32. Pursuant to NRS 630.301(9), conduct that brings the medical profession into disrepute is grounds for initiating disciplinary action or denying licensure.

33. By, without limitation, the conduct described herein, Respondent engaged in conduct that brings the medical profession into disrepute.

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

COUNT IV

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

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

36. NRS 630.3062(1)(a) provides that the failure to maintain accurate and complete medical records relating to the diagnosis, treatment and care of a patient is grounds for initiating disciplinary action against a licensee.

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1 37. By, without limitation, the conduct described herein, Respondent failed to maintain
2 accurate and complete medical records regarding the treatment of patients by Bruce from
3 September 1, 2019, to September 20, 2019, the prescription of controlled substances and
4 dangerous drugs to patients during this period, and Respondent's supervision of and consultation
5 with Bruce regarding patients and prescribing during this period.

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

8 **WHEREFORE**, the IC prays:

9 1. That the Board give Respondent notice of the charges herein against him and give
10 him notice that he may file an answer to the Complaint herein as set forth in NRS 630.339(2)
11 within twenty (20) days of service of the Complaint;

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


14 3. That the Board determine what sanctions to impose if it finds and concludes that
15 there has been a violation or violations of the Medical Practice Act committed by Respondent;

16 4. That the Board make, issue and serve on Respondent its findings of fact,
17 conclusions of law and order, in writing, to include sanctions to be imposed; and

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

20 DATED this 13 day of August, 2020.

21 INVESTIGATIVE COMMITTEE OF THE
22 NEVADA STATE BOARD OF MEDICAL EXAMINERS

23 By: 
24 Aaron Bart Fricke, Esq., Senior Deputy General Counsel
25 Attorney for the Investigative Committee
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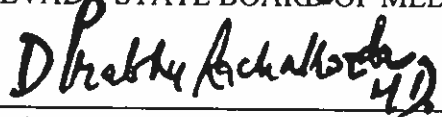
VERIFICATION

STATE OF NEVADA)
 : ss.
COUNTY OF CLARK)

Rachakonda D. Prabhu, 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 13th day of August, 2020.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS



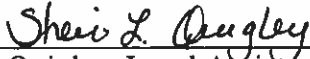
Rachakonda D. Prabhu, M.D., Chairman

CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on the 13th day of August, 2020, I served a filed copy of the formal COMPLAINT, via USPS e-certified, return receipt mail to the following:

Bernard Kofi Addo-Quaye, M.D.
2290 McDaniel Street, Suite 2A
Las Vegas, NV 89030

Dated this 13th day of August, 2020.



Sheri L. Quigley, Legal Assistant