

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

3 * * * * *

4
5 **In the Matter of Charges and Complaint**

Case No. 21-40578-1

6 **Against:**

7 **JENNIFER LAUREN RELPH, PA-C,**

8 **Respondent.**

FILED

SEP 29 2021

NEVADA STATE BOARD OF
MEDICAL EXAMINERS
By: 

9
10 **COMPLAINT**

11 The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners
12 (Board), by and through Donald K. White, J.D., Deputy General Counsel and attorney for the IC,
13 having a reasonable basis to believe that Jennifer Lauren Relph, PA-C (Respondent) violated the
14 provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC)
15 Chapter 630 (collectively, the Medical Practice Act), hereby issues its Complaint, stating the IC's
16 charges and allegations as follows:

17 1. Respondent was at all times relative to this Complaint a physician assistant holding
18 an active license to practice medicine in the State of Nevada (License No. PA1407). Respondent
19 was originally licensed by the Board on January 7, 2013, and was a physician assistant employed at
20 the Family Doctor's of Green Valley (Facility) at all times relevant to this Complaint.

21 **COUNT I**

22 **NRS 630.306(1)(b)(3) - Violation of Statutes and Regulations of the**
23 **Nevada State Board of Pharmacy**

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

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28 ¹ The 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 Wayne Hardwick, M.D., Theodore Berndt,
M.D., and Mr. M. Neil Duxbury.

1 3. Respondent is a practitioner as defined by NRS 639.0125(4)(a-b), as a physician
2 assistant, who holds a license to practice medicine in the State of Nevada.

3 4. NRS 630.306(1)(b)(3) provides that engaging in conduct that violates a provision
4 of chapter 639 of NRS, or a regulation adopted by the State Board of Pharmacy pursuant thereto,
5 that is applicable to a licensee who is a practitioner, as defined in NRS 639.0125, is grounds for
6 initiating discipline against a licensee.

7 5. The Nevada State Board of Pharmacy (NBOP) adopted both NAC 639.742(1) and
8 NAC 639.945(1)(i), which set forth requirements for dispensing prescription drugs, including
9 controlled substances and dangerous drugs.

10 6. Respondent admitted to Unintentional error by dispensing prescription drugs,
11 which included controlled substances and dangerous drugs, under Dr. Ramanathan's dispensing
12 license in violaton of NAC 639.742(1) pursuant to the NBOP's Stipulation and Order, *See Exhibit*
13 *1*, and without having first obtained her own individual dispensing registration in violation of
14 NAC 639.945(1)(i).

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

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

18 1. That the Board give Respondent notice of the charges herein against her and give
19 her notice that she may file an answer to the Complaint herein as set forth in
20 NRS 630.339(2) within twenty (20) days of service of the Complaint;

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

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

25 4. That the Board award fees and costs for the investigation and prosecution of this
26 case as outlined in NRS 622.400;

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

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VERIFICATION

STATE OF NEVADA)
)
COUNTY OF WASHOE)

Bret W. Frey, 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 21st day of September, 2021.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 

BRET W. FREY, M.D.,
Chairman of the Investigative Committee

EXHIBIT 1

FILED

OCT 09 2019

NEVADA STATE BOARD OF PHARMACY

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NOS. 15-047-CS-A-S
	)	15-047-CS-B-S
Petitioner,	)	15-047-CS-C-S
v.	)	15-047-CS-D-S
	)	15-047-CS-E-S

RAVI RAMANATHAN, M.D.,
Certificate of Registration Nos. CS14526, and
PD00143; and

BERALDO VAZQUEZ-CORREA, M.D.,
Certificate of Registration Nos. CS04757 and
PD00559; and

JOSHUA SMITH, P.A.,
Certificate of Registration No. CS20661; and

YAAKOV DOVID KOTLARSKY, P.A.,
Certificate of Registration No. CS22538; and

JENNIFER LAUREN RELPH, P.A.,
Certificate of Registration No. CS20905,

Respondents.

STIPULATION AND ORDER
(Respondent Relph Only)

S. Paul Edwards, Esq., prosecuting on behalf of the State of Nevada, Nevada State Board of Pharmacy ("Board") and Respondent Jennifer Lauren Relph, P.A., Certificate of Registration No. CS20905 ("Relph" or "Respondent") acting through her counsel, Kathleen Janssen, Esq., of Cook and Kelesis, LTD.,

HEREBY STIPULATE AND AGREE THAT:

1. This Stipulation does not apply to Ravi Ramanathan, M.D., Certificate of Registration Nos. CS14526, and PD00143 ("Ramanathan"), Beraldo Vazquez-Correa, M.D., Certificate of Registration Nos. CS04757 and PD00559, Joshua Smith, P.A., Certificate of Registration No. CS20661, and Yaakov Dovid Kotlarsky, P.A., Certificate of Registration No. CS22538. The allegations against those Respondents in the Accusation on file in this action and

those Respondents' rights accorded to them under Nevada law, including by the Nevada Administrative Procedure Act and the Nevada Pharmacy Act, are not affected by this agreement.

2. The Board has jurisdiction over this matter and these parties.

3. The Board served a *Notice of Intended Action and Accusation* ("Accusation") on Respondents, and each of them, on or about June 1, 2019.

4. Respondent Relph filed an *Answer and Notice of Defense* in this action on or about July 18, 2019.

5. Respondent is fully aware of her right to seek the advice of counsel in this matter and either obtained the advice of counsel prior to entering into this Stipulation, or hereby voluntarily waives that right, for purposes of entering into this Stipulation.

6. Respondent is aware of her right to a hearing on the matters alleged in the Accusation, her right to reconsideration, her right to appeal and any and all other rights which may be accorded to her pursuant to NRS Chapter 233B (Nevada Administrative Procedure Act), NRS Chapter 622A (Administrative Procedure Before Certain Regulatory Bodies), and NRS Chapter 639 (Nevada Pharmacy Act).

7. Conditioned on the acceptance of this Stipulation by the Board, and with the exception of the right to challenge any determination that she has failed to comply with the provisions of Paragraph 9 below, Respondent hereby freely and voluntarily waives her rights to a hearing, reconsideration, appeal and any and all other rights related to this action that may be accorded to her by NRS Chapter 233B (Nevada Administrative Procedure Act), NRS Chapter 622A (Administrative Procedure Before Certain Regulatory Bodies), and NRS Chapter 639 (Nevada Pharmacy Act).

8. In lieu of an evidentiary hearing, Respondent Relph admits to:

a. Unintentional error by dispensing prescription drugs, which included controlled substances and dangerous drugs, under Dr. Ramanathan's dispensing license in violation of NAC 639.742(1).

b. Unintentional error by dispensing prescription drugs, which include controlled substances and dangerous drugs, without having first obtained her own individual dispensing registration in violation of NAC 639.945(1)(i). For those violations, Relph's controlled substance registration is subject to discipline pursuant to NRS 639.210(4) and (12), and NRS 639.255.

9. For the violations described above in paragraph 8 of this Stipulation, Respondent Relph shall:

a. Receive a letter of reprimand associated with the violations admitted herein.

b. Pay a fine of Five Hundred Dollars (\$500.00) associated with the violations admitted herein.

c. Pay Five Hundred Dollars (\$500.00) to partially reimburse the Board's reasonable attorney fees and costs, which were actually incurred in association with the investigation and prosecution of this matter.

10. All other claims against Relph that are expressly stated in the Accusation are hereby dismissed.

11. Relph shall take all necessary action for the dismissal with prejudice of herself from the case Ravi Ramanathan, M.D., et al vs. Nevada State Board of Pharmacy, Eighth Judicial District Court Case No. A-19-802086-W, with each party to bear its/his own attorneys' fees and costs of suit. All filings necessary to effectuate the dismissal of said action by Relph must be filed within five (5) business days of the effective date of this order.

12. The foregoing is for the purposes of this Case No. 15-047-CS only. It shall have no force or effect in any other case before the Board.

13. General Counsel will present this Stipulation to the Board for approval pursuant to NRS 622.330 at the Board's regularly scheduled public meeting on October 9, 2019, in Las Vegas, Nevada. Relph and/or her authorized representative(s) may appear at the meeting to answer questions from the Board Members and/or Board Staff. The Board Members and Staff may discuss and deliberate regarding this Stipulation, even if Respondent or her counsel is not present at the meeting.

14. Respondent may appear at the October 9, 2019 meeting to answer questions put to her by members of the Board and Board Staff. The Board may discuss and deliberate regarding this Stipulation even if Respondent is absent.

15. The Board has discretion to accept this Stipulation, but it is not obligated to do so. If this Stipulation is approved by the Board it shall be a public record pursuant to NRS 622.330.

16. If the Board adopts the recommendations set forth above, Respondent and the Board each agree to release each other from any and all other claims arising from the facts set forth in the Accusation on file herein, whether known or unknown, which might otherwise have existed on or before the effective date of the Board's Order in this matter.

17. If the Board rejects any part or all of this Stipulation, and unless the parties reach an alternative agreement on the record during the hearing, the parties agree that a full hearing on the merits of this matter may be heard by the Board at a future Board meeting to be held in Las Vegas, Nevada. During such a full hearing before the Board as to this Respondent, the terms and admissions herein may not be used or referenced to establish the merits of this matter.

18. Upon approval of this Stipulation by the Board, Respondent shall pay the fine(s) agreed to herein by *cashier's check* or *certified check* or *money order* made payable to "State of Nevada, Office of the Treasurer," to be received by the Board's Reno office located at 985

Damonte Ranch Pkwy Ste 206, Reno Nevada 89521, within thirty (30) days of the effective date of the Board's Order.

19. Upon approval of this Stipulation by the Board, Respondent shall pay the attorney fees and costs agreed to herein by *cashier's check or certified check or money order* made payable to "Nevada State Board of Pharmacy," to be received by the Board's Reno office located at 985 Damonte Ranch Pkwy Ste 206, Reno Nevada 89521, within thirty (30) days of the effective date of the Board's Order.

20. Any failure by Respondent to comply with the terms of this Stipulation and Order may result in issuance by the Executive Secretary of an order to show cause pursuant to NAC 639.965 directing Respondent to appear before the Board at the next regularly-scheduled meeting for a show cause hearing. If such a hearing results in a finding of a violation of this Order by Respondent, the Board may impose additional discipline upon Respondent not inconsistent with the provisions of NRS Chapter 639.

21. This Order is reportable to the National Practitioner Data Bank pursuant to 42 U.S.C. § 1396r-2 and 45 CFR Part 60, and to other national repositories that record disciplinary action taken against licensees or certificate holders, or to any agency of another state which regulates the practice of pharmacy.

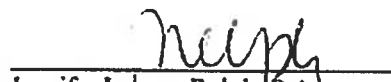
Respondent Jennifer Relph has fully considered the charges and allegations contained in the Notice of Intended Action and Accusation on file in this matter and the terms of this Stipulation and freely and voluntarily agrees to the terms set forth herein, and waives certain rights, as stated herein.

Signed this 7th day of October, 2019.

Signed this 7 day of October, 2019.



S. Paul Edwards, Esq.
General Counsel
Nevada State Board of Pharmacy




Jennifer Lauren Relph, P.A.
Certificate of Registration No. CS20905

DECISION AND ORDER

The Nevada State Board of Pharmacy hereby adopts the foregoing Stipulation as its decision as to Respondent Jennifer Lauren Relph, P.A., Certificate of Registration No. CS20905, and hereby orders that the terms of the foregoing Stipulation be made effective upon execution.

Signed this 9 day of October, 2019



Kevin Desmond, President Pro Tempore
Nevada State Board of Pharmacy

FILED

JUN 01 2019

NEVADA STATE BOARD
OF PHARMACY

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NOS. 15-047-CS-A-S
	)	15-047-CS-B-S
Petitioner,	)	15-047-CS-C-S
v.	)	15-047-CS-D-S
	)	15-047-CS-E-S
RAVI RAMANATHAN, M.D.,)	
Certificate of Registration Nos. CS14526, and)	
PD00143; and)	
	)	NOTICE OF INTENDED ACTION
BERALDO VAZQUEZ-CORREA, M.D.,	)	AND ACCUSATION
Certificate of Registration Nos. CS04757 and)	
PD00559; and)	
)	
JOSHUA SMITH, P.A.,)	
Certificate of Registration No. CS20661; and)	
)	
YAAKOV DOVID KOTLARSKY, P.A.,)	
Certificate of Registration No. CS22538; and)	
)	
JENNIFER LAUREN RELPH, P.A.,)	
Certificate of Registration No. CS20905,)	
)	
Respondents.)	

J. David Wuest, in his official capacity as Executive Secretary of the Nevada State Board of Pharmacy, makes the following that will serve as both a notice of intended action under Nevada Revised Statutes (NRS) 233B.127(3), and as an accusation under NRS 622A.300(1), NRS 639.241 and NAC 639.7445.

I.

The Nevada State Board of Pharmacy ("Board") has jurisdiction over this matter and each of these Respondents because at the time of the events alleged herein, Respondents, and each of them, held a registration issued by the Board:

1. Ravi Ramanathan, M.D. (“Ramanathan”), held a Controlled Substance Registration, Certificate No. CS14526, and a Practitioner Dispensing Registration, Certificate No. PD00143;

2. Beraldo Vazquez-Correa, M.D. (“Vazquez-Correa”), held a Controlled Substance Registration, Certificate of Registration Nos. CS04757. He obtained a Dispensing Practitioner Registration, Certificate of Registration No. PD00559, on September 29, 2015, while this case was under investigation.

3. Joshua Smith, P.A. (“Smith”), held a Controlled Substance Registration, Certificate of Registration No. CS20661. Ramanathan was Smith’s supervising physician;

4. Yaakov Dovid Kotlarsky, P.A. (“Kotlarsky”), held a Controlled Substance Registration, Certificate of Registration No. CS22538. Ramanathan was Kotlarsky’s supervising physician;

5. Jennifer Lauren Relph, P.A. (“Relph”), held a Controlled Substance Registration, Certificate of Registration No. CS20905. Ramanathan was Relph’s supervising physician;

Additionally, non-respondents Jasmine Martinez, D.T. (“Martinez”), held a Dispensing Technician Registration, Certificate of Registration No. TD01349; and Daisy Ibarra, D.T. (“Ibarra”), held a Dispensing Technician Registration, Certificate of Registration No. TD01192.

FACTUAL ALLEGATIONS

II.

In July and August 2015, Ramanathan owned and/or operated a medical clinic called Family Doctors of Green Valley (the “Clinic”) in Las Vegas, Nevada. Ramanathan held a Controlled Substance Registration and a Dispensing Practitioner Registration at that time.

III.

Dr. Vazquez-Correa and physician’s assistants Smith, Kotlarsky and Relph were licensed practitioners who worked at the Clinic. Each of them held a Controlled Substance Registration, but none of them held a Nevada Dispensing Practitioner Registration at that time. Vazquez-Correa obtained a Nevada Dispensing Practitioner Registration on September 29, 2015.

IV.

Martinez and Ibarra were dispensing technicians who worked with Ramanathan and the other respondent practitioners at the Clinic.

Unlawful Dispensing

V.

Ramanathan did not require Vazquez-Correa, Smith, Kotlarsky, or Relph to obtain a Dispensing Practitioner Registration while they worked at the Clinic.

VI.

Ramanathan instructed and allowed Vazquez-Correa, Smith, Kotlarsky, and Relph to each write prescriptions using their own name, and then fill their patients' prescriptions using Ramanathan's Dispensing Practitioner Registration and using prescription drugs from Ramanathan's prescription drug inventory.

VII.

Vazquez-Correa, Smith, Kotlarsky, and Relph followed that pattern, including between July 24, 2015, and August 10, 2015, when Ramanathan was not present at the Clinic, including at times when he was out of the Country.

VIII.

Between July 24, 2015, and August 10, 2015, Vazquez-Correa, Smith, Kotlarsky, and Relph wrote a total of 213 prescriptions for controlled substances. They dispensed prescription drugs to fill those 213 prescriptions from Ramanathan's inventory in Ramanathan's absence.

IX.

Vazquez-Correa, Smith, Kotlarsky, and Relph reported to the Nevada Prescription Monitoring Program ("PMP") that *Ramanathan* wrote each of those 213 prescriptions, and that *Ramanathan* dispensed the medication.

X.

Specific instances in July and August 2015, in which Vazquez-Correa, Smith, Kotlarsky, and Relph followed the pattern described above to dispense controlled substances to their patients from Ramanathan's inventory include:

Smith, PA-C – Smith saw patient M.J. on July 24, 2015, and August 18, 2015. After each examination, Smith wrote a prescription for M.J. for a schedule II-controlled substance. Smith filled each of those prescriptions from Ramanathan's prescription drug inventory and reported to the PMP that Ramanathan both prescribed the medication and dispensed it. Ramanathan was not on site.

Relph, PA-C – Relph saw patient M.D. on July 29, 2015, and wrote a prescription for a schedule IV-controlled substance. Relph dispensed the medication to M.D. from Ramanathan's prescription drug inventory. She reported to the PMP that Ramanathan prescribed the medication and dispensed it. Ramanathan was not on site.

Kotlarsky, PA-C – Kotlarsky saw patient S.A.H. on August 5, 2015, and wrote a prescription for a schedule IV-controlled substance. Kotlarsky dispensed the medication to S.A.H. from Ramanathan's prescription drug inventory. He reported to the PMP that Ramanathan prescribed the medication and dispensed it. Ramanathan was not in the office when Kotlarsky filled that prescription.

Vazquez-Correa, M.D. - Ramanathan's unlawful dispensing practices were not confined to the July 24, through August 10, 2015. time period. On July 17, 2015, Vazquez-Correa wrote a prescription for a schedule IV-controlled substance for Ramanathan for personal use. Vazquez-Correa and/or Ramanathan dispensed that medication to Ramanathan and reported to the PMP that Ramanathan prescribed and dispensed the medication.

Inadequate Inventory Controls

XI.

Ramanathan failed to keep a record of his opening inventory of controlled substances. He could not produce that record when requested during an August 2014 inspection.

XII.

During the August 2014 inspection, the Board Inspector directed Ramanathan to complete an inventory of the controlled substances in his possession. Ramanathan purportedly complied, as evidenced by an inventory report he later provided to the Board inspector dated August 26, 2014. Ramanathan could not produce that inventory report the following year when asked by a Board Inspector during a September 2015 annual inspection.¹

XIII.

During an audit of Ramanathan's controlled substance inventory by the Drug Enforcement Administration ("DEA") in 2015, DEA found a variance of 83,241 tablets/capsules (approximately 3,228 bottles) between the inventory that Ramanathan purchased, and the inventory that he could account for at the time of the audit. A summary of the variance is as follows:

	Tablets/Capsules	Bottles
Shortage	76,821	3,085
Overage	<u>6,420</u>	<u>143</u>
Total Variance	83,241	3,228

XIV.

As a result of those variances, on or about March 3, 2016, Ramanathan entered into a Memorandum of Understanding with the United States of America, represented by the United States Attorney's Office for the District of Nevada and DEA, in which he agreed to resolve allegations that he violated Federal law (the Controlled Substance Act, 21 U.S.C. § 842(a)(5)) "from about August 8, 2014, through on or about December 5, 2015, by failing to properly maintain required records regarding certain controlled substances."

¹ Board Staff provided Ramanathan a copy of his own August 26, 2014 Inventory Report from the Board's files on or about October 26, 2015, after Ramanathan failed to produce it from his records.

XIV.

To resolve those charges, Ramanathan agreed to “pay civil penalties in the amount of \$75,000.00 to the United States” and “not to dispense, or have any employee or independent contractor dispense, any controlled substance at any future time.”

XV.

Ramanathan failed to record the quantities of schedule II-controlled substances that he received on some of his DEA Form-222, as he was required to do. He also failed to sign at least one DEA Form-222.

XVI.

Ramanathan gave unlawful access to his prescription drug inventory to his non-practitioner staff members. Instances of that access include:

1. Ramanathan gave a key and access to his drug storage room when he was not on site at the Clinic to Martinez, a Dispensing Technician, who is not a licensed practitioner or registered nurse and who does not otherwise have authority to have independent access to or possession of dangerous drugs or controlled substances.
2. Ramanathan gave a key to the front door of the Clinic, the building alarm code, and access to a lock box that contained a key to the Clinic drug room to employee Sheila Gool, who was not a licensed practitioner or registered nurse, and who did not otherwise have authority to have access to or possession of dangerous drugs or controlled substances.
3. Ramanathan gave Martinez the code to the Clinic’s safe where he stored a portion of his schedule II-controlled substance inventory, which included Norco and Xanax. Martinez and/or Gool had access to those medications when Ramanathan was not on site.
4. Ramanathan’s staff, including Martinez and Ibarra, kept quantities of controlled substances in their desks and in other unsecure locations at the Clinic as a convenience, which they could access when Ramanathan was not on site.

5. Ramanathan did not take an inventory to validate the accuracy of his remaining inventory after he became aware that his staff kept supplies of medications outside of the Clinic's locked storage area.

XVII.

During an August 8, 2014 annual inspection a Board inspector cautioned Ramanathan about allowing his staff access to his inventory of medications when he was not on site at the Clinic. Ramanathan acknowledged with his signature the inspector's written statement that: "Discussed and practitioner [Ramanathan] understands access to medications is only available when he is physically present at the facility."

XVIII.

During an annual inspection on September 1, 2015, a Board inspector again noted in the inspection report that "Dispensing tech Jasmine Martinez has access to all controlled substances and dangerous drugs" and "Dr. Ramanathan informed in 2014 inspection that access to dispensing meds [sic] can only occur when he is physically present in the facility. Dr. Ramanathan has continued to allow staff access to narcotics and dangerous drugs while he was not on site and/or out of the country."

XIX.

Ramanathan failed to store the schedule II-controlled substance prescriptions he dispensed separately from the prescriptions for schedule III, IV and V controlled substances and dangerous drugs he dispensed.

XX.

On November 13, 2017, while the Board's investigation was on-going, Ramanathan surrendered his Dispensing Practitioner Registration, Certificate of Registration No. PD00143. Dispensing Technicians (Respondent) Jasmin Martinez and Dan M. Beatty, Certificates of Registration Nos. TD01349 and TD01390, respectively, surrendered their registrations at the same time.

FIRST CAUSE OF ACTION

(Violation of Federal Law)

Ramanathan

XXI.

The Board may suspend or revoke any certificate, license, registration or permit issued pursuant to this chapter [639], and deny the application of any person for a certificate, license, registration or permit, if the holder or applicant:

....

6. Has been convicted of a violation of any law or regulation of the Federal Government or of this or any other state related to controlled substances, dangerous drugs, drug samples, or the wholesale or retail distribution of drugs; [or]

....

11. Has violated any provision of the Federal Food, Drug and Cosmetic Act or any other federal law or regulation relating to prescription drugs.

NRS 639.210(6) and (12). By entering into the Memorandum of Understanding with the United States of America on or about March 14, 2016, to resolve felony charges arising from the DEA's allegation that he violated the Controlled Substance Act, 12 C.F.R. § 842(a)(5), Ramanathan became subject to discipline pursuant to NRS 639.210(6) and (11). *See also* NRS 453.236(1)(b) and (d); NRS 453.241(1); NRS 639.006; and NRS 639.2121.

SECOND CAUSE OF ACTION

(Surrender of Dispensing Practitioner Registration)

Ramanathan

XXII.

The surrender by Ramanathan of his Dispensing Practitioner Registration, Certificate of Registration No. PD00143,² during this contested case with an open Board investigation constitutes discipline against him and "operates as an immediate suspension" of each registration issued to him by the Board, including his Dispensing Practitioner Registration, Certificate of Registration No. PD00143 and his Controlled Substance Registration, Certificate of Registration No. CS14526. *See* NRS 233B.121(6) and NRS 639.2107.

² The Board issued Certificate of Registration No. PD00143 pursuant to NRS 639.742, *et al.*

THIRD CAUSE OF ACTION

(Aiding and Abetting the Unlawful Dispensing of Controlled Substances and Dangerous Drugs)
Ramanathan

XXIII.

By allowing Vazquez-Correa, Smith, Kotlarsky and Relph to dispense controlled substances and dangerous drugs from the Clinic without each holding his/her own Dispensing Practitioner Registration, and by supplying each of them the prescription drugs they dispensed, Ramanathan violated and/or aided and abetted them in violating NRS 453.316(1), NRS 639.100(1), NRS 639.284(2), NRS 639.285 and NAC 639.742(1).

FOURTH CAUSE OF ACTION

(Unlawful Dispensing of Controlled Substances and Dangerous Drugs)
Vazquez-Correa, Smith, Kotlarsky, and Relph

XXIV.

By dispensing controlled substances and dangerous drugs from the Clinic, including from Ramanathan's inventory, without holding a Dispensing Practitioner Registration, Vazquez-Correa, Smith, Kotlarsky, and Relph each violated NRS 453.316(1), NRS 639.100(1), NRS 639.284(2), NRS 639.285 and NAC 639.742(1).

FIFTH CAUSE OF ACTION

(Violations of Law Regarding Dispensing of Prescription Drugs)
Ramanathan

XXV.

Ramanathan violated Nevada law with regard to dispensing controlled substances and dangerous drugs. In particular, Ramanathan violated:

1. NAC 639.742(3)(b) by failing to ensure at the Clinic that "[a]ll drugs [were] received and accounted for by the dispensing practitioner [Ramanathan]";
2. NAC 639.742(3)(d) by failing to ensure at the Clinic that "[a]ll drugs are dispensed in accordance with NAC 639.745";
3. NAC 639.742(3)(e) by allowing prescriptions to be dispensed at the Clinic to patients when he was not on-site at the facility; and

4. NAC 639.745(1)(c) by failing to ensure that all controlled substances and dangerous drugs at the Clinic were kept in a locked area, with restricted access only to the persons described in NAC 453.375.

SIXTH CAUSE OF ACTION

(Unprofessional Conduct)

Ramanathan

XXVI.

Ramanathan engaged in unprofessional conduct as defined in NAC 639.945(1) by

1. Supplying drugs, medicines and/or substances which are legally sold in pharmacies or by wholesalers so that unqualified persons—Dr. Vazquez-Correa, and physician assistants Smith, Kotlarsky, and Relph—could and did circumvent Nevada’s laws and regulations pertaining to the legal sale of such articles. (*See* NAC 639.945(1)(g));

2. Aiding and abetting Vazquez-Correa, Smith, Kotlarsky, and Relph in the unlicensed practice of pharmacy and in “[p]erforming any act, task or operation [including dispensing prescription drugs] for which licensure, certification or registration is required without the required license, certificate or registration.” (*See* NAC 639.945(1)(j) and (k));

3. Performing his duties as the holder of a Dispensing Practitioner registration and as the holder of a Controlled Substance Registration in an incompetent, unskillful or negligent manner. (*See* NAC 639.945(1)(i)); and

4. “Dispensing a drug as a dispensing practitioner to a patient with whom the dispensing practitioner does not have a bona fide therapeutic relationship.” (NAC 639.945(1)(n)).

SEVENTH CAUSE OF ACTION

(Unprofessional Conduct)

Vazquez-Correa, Smith, Kotlarsky, and Relph

XXVII.

Vazquez-Correa, Smith, Kotlarsky, and Relph each engaged in unprofessional conduct as defined in NAC 639.945(1) by:

1. Diverting prescription drugs, medicines and/or substances which are legally sold in pharmacies or by wholesalers so that they, as unqualified persons, could circumvent Nevada's laws and regulations pertaining to the legal sale of such articles. (*See* NAC 639.945(1)(g));
2. Performing their duties as holders of a Controlled Substance Registration in an incompetent, unskillful or negligent manner. (*See* NAC 639.945(1)(i)); and
3. Dispensing prescription drugs, including controlled substances, "for which licensure, certification or registration is required without the required license, certificate or registration." (*See* NAC 639.945(1)(i)).

EIGHTH CAUSE OF ACTION

(Allowing Access to Controlled Substances and Dangerous Drugs by Unauthorized Persons)

Ramanathan

XXVIII.

Ramanathan unlawfully allowed access by unqualified individuals to the controlled substances and dangerous drugs in his inventory by:

1. Allowing the Clinic's staff access to its drug storage room and safe and thereby failing to ensure that "[a]ll drugs [were] stored in a secure, locked room or cabinet to which the dispensing practitioner has the only key or lock combination." (*See* NAC 639.742(3)(c)) and NAC 639.745(1)(c); *see also* NRS 453.375, NRS 453.400 and NRS 453.410(1)(d)).
2. Allowing his Dispensing Technicians, including Martinez and Ibarra, access to his drug storage room and safe and to perform dispensing functions when unaccompanied by Ramanathan and without Ramanathan's presence on site at the clinic. (*See* NAC 639.743(1)) and NAC 639.742(4); and
3. Allowing his staff to dispense controlled substances and dangerous drugs without him personally checking the medication prior to dispensing and recording that verification on the label and in his records. (*See* NAC 639.743(2)(a) and (b)).

NINTH CAUSE OF ACTION

(Dispensing a Controlled Substance for Self-Use)

Ramanathan

XXIX.

Ramanathan violated NRS 453.256(7) on or about July 17, 2015, when he dispensed a schedule IV-controlled substance for his own use.

TENTH CAUSE OF ACTION
(Failure to Keep and Provide Records)
Ramanathan

XXX.

Ramanathan violated NRS 639.234(4) and NAC 639.745(1)(a) by failing to keep complete, accurate and readily retrievable records of each controlled substance and dangerous drug he purchased for dispensing, including his failure to keep and provide to a Board inspector a copy of inventory reports at his August 2014 and September 2015 annual inspections and his failure to maintain inventory records that resulted in the DEA finding a variance of 83,241 tablets during its 2015 audit.

Ramanathan violated NAC 639.745(1)(b) by failing to maintain separate files for his purchase and sale of schedule II-controlled substances and schedule III, IV and V-controlled substances as required by NAC 453.480.

Ramanathan violated NAC 639.945(1)(m) by failing to provide to a Board Inspector during the August 2014 and September 2015 annual inspections the inventory records the Board Inspector requested. *See also* NRS 639.210(17).

Ramanathan violated NAC 453.485 when he failed to record and maintain records of the controlled substances that he received for the Clinic using the form number 222 of the DEA.

ELEVENTH CAUSE OF ACTION
(Reporting Inaccurate Information to the Prescription Monitoring Program)
Ramanathan, Vazquez-Correa, Smith, Kotlarsky, and Relph

XXXI.

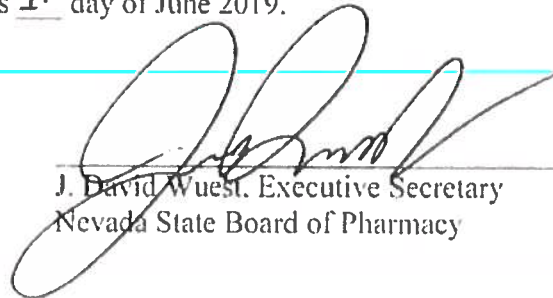
Ramanathan, Vazquez-Correa, Smith, Kotlarsky, and Relph each violated NAC 639.926 by reporting inaccurate prescriber and inaccurate dispensing practitioner information to the PMP

for at least 213 controlled substance prescriptions dispensed by Vazquez-Correa, Smith, Kotlarsky, and Relph between July 24, 2015, and August 10, 2015.³

XXXII.

For the conduct set forth herein, including in the factual allegations and in each of the eleven Causes of Action, Ramanathan, Vazquez-Correa, Smith, Kotlarsky, Relph, Martinez and Ibarra, and each of them, engaged in unprofessional conduct and conduct contrary to the public interest as defined in NAC 639.945(1)(g), (i), (j), (k), (n) and/or (m), and/or are subject to discipline pursuant to NRS 639.210(1), (4), (6), (9), (11), (12), (16) and (17), and NRS 639.255.

Signed this 1st day of June 2019.



J. David Wuest, Executive Secretary
Nevada State Board of Pharmacy

NOTICE TO RESPONDENT

You have the right to show the Nevada State Board of Pharmacy that your conduct, as alleged above, complies with all lawful requirements. NRS 233B.127(3). You have the right to a hearing before the Board to answer the Notice of Intended Action and Accusation and present evidence and argument on all issues involved, either personally or through counsel. NRS 233B.121; NRS 233B.127(3); NRS 622A.300(1) and (3); NRS 639.241. To do so, you must complete and file two (2) copies of the Answer and Notice of Defense served herewith, to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within twenty (20) days of your receipt of this Notice of Intended Action and Accusation. NRS 639.320; NRS 639.243.

³ A Dispensing Practitioner is deemed to be a pharmacy for purposes of reporting to the PMP pursuant to NAC 639.926. See NAC 639.745(1)(f).