

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

3 * * * *

4
5 **In the Matter of Charges and**
6 **Complaint Against:**
7 **SHERMAN WASHINGTON, M.D.,**
8 **Respondent.**

Case No. 21-41427-1

FILED

AUG 30 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 Aaron Bart Fricke, J.D., General Counsel and attorney for the IC, having a
13 reasonable basis to believe that Sherman Washington, M.D., (Respondent) violated the provisions of
14 Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630
15 (collectively, the Medical Practice Act), hereby issues its Complaint, stating the IC's charges and
16 allegations as follows:

17 1. Respondent was at all times relevant to this Complaint a medical doctor holding an
18 active license to practice medicine in the State of Nevada (License No. 15168). Respondent was
19 originally licensed by the Board on February 7, 2014.

20 **I. STATEMENT OF LAW**

21 **A. "Medical Directors," Medical Assistants, and the Unlicensed Practice of**
22 **Medicine**

23 2. NRS 630.305(1)(e) provides that aiding, assisting, employing or advising, directly or
24 indirectly, any unlicensed person to engage in the practice of medicine, contrary to the provisions of
25 NRS Chapter 630 or the regulations of the Board, is grounds for disciplinary action or denying
26 licensure.

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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 Victor M. Muro, M.D., Chair, Weldon Havins,
M.D., J.D., and Ms. Maggie Arias-Petrel.

- 1 3. Pursuant to NRS 630.020(1)-(4), the “Practice of medicine” means:
- 2 1. To diagnose, treat, correct, prevent or prescribe for any human
- 3 disease, ailment, injury, infirmity, deformity or other condition,
- 4 physical or mental, by any means or instrumentality, including, but not
- 5 limited to, the performance of an autopsy.
- 6 2. To apply principles or techniques of medical science in the
- 7 diagnosis or the prevention of any such conditions.
- 8 3. To perform any of the acts described in subsections 1 and 2 by
- 9 using equipment that transfers information concerning the medical
- 10 condition of the patient electronically, telephonically or by fiber optics,
- 11 including, without limitation, through telehealth, from within or
- 12 outside this State or the United States.
- 13 4. To offer, undertake, attempt to do or hold oneself out as able to do
- 14 any of the acts described in subsections 1 and 2.
- 15 4. NRS 630.400(1)(d) provides that it is unlawful to practice medicine without being
- 16 licensed under NRS Chapter 630.
- 17 5. Pursuant to NRS 630.400(2) and NRS 193.130(c) and (d), the unlawful practice of
- 18 medicine is a felony, punishable by imprisonment in the state prison for a minimum term of not less
- 19 than one (1) year and a maximum term of not more than five (5) years.
- 20 6. Pursuant to the Medical Practice Act, the only means by which a practitioner may
- 21 lawfully aid, assist, employ or advise, directly or indirectly, an unlicensed person to engage in the
- 22 practice of medicine, is by delegating specific tasks to an adequately supervised and trained
- 23 “medical assistant.”
- 24 7. Pursuant to NRS 630.0129, a “medical assistant” means a person who:
- 25 (a) performs clinical tasks under the supervision of a practitioner, and
- 26 (b) does not hold a license, certificate or registration issued by a
- 27 professional licensing or regulatory board in this State to perform such
- 28 clinical tasks; the term does not include a person who performs only
- administrative, clerical, executive or other nonclinical tasks.
8. Pursuant to NRS 630.306(1)(r), a practitioner must adequately supervise his or her
- medical assistants, and failing to do so is grounds for initiating disciplinary action or denying
- licensure.
9. Pursuant to NAC 630.830, a delegating practitioner is professionally responsible for
- the safety and performance of each task which is delegated to a medical assistant. Pursuant to
- NAC 630.810, a delegating practitioner may not delegate tasks to a medical assistant unless: (a) the

1 delegating practitioner knows that the medical assistant possesses the knowledge, skill and training
2 to perform the task safely and properly; (b) the medical assistant is not required to be certified or
3 licensed to perform that task; and (c) the medical assistant is employed by the delegating
4 practitioner or the medical assistant and the delegating practitioner are employed by the same
5 employer.

6 10. Pursuant to NAC 630.830(4), a delegating practitioner shall not delegate or
7 otherwise allow a medical assistant to administer an anesthetic agent which renders a patient
8 unconscious or semiconscious.

9 11. Pursuant to NAC 630.820, a delegating practitioner may not remotely supervise a
10 medical assistant, except in a specific case of emergency in a rural area.²

11 12. Except as otherwise provided in NAC 630.820, pursuant to NAC 630.810, if a
12 medical assistant is delegated a task which involves an “invasive procedure,”³ the delegating
13 practitioner must be immediately available to exercise oversight in-person while the medical
14 assistant performs the task.

15 13. The term “medical director” is not recognized or defined under the Medical Practice
16 Act, and no law authorizes a licensee of the Board to, by calling himself or herself a “medical
17 director,” violate or circumvent the aforementioned statutes and regulations of the Medical Practice
18 Act.

19 14. Accordingly, pursuant to NRS 630.400(1)(d), 630.305(1)(e), and 630.0129, and
20 NAC 630.800-830:

21 a. A practitioner who, whether by serving as a so-called “medical director” or by
22 some other relationship or circumstance, aids, assists, employs or advises, directly or indirectly, any
23 unlicensed person to engage in the practice of medicine, may lawfully do so only by delegating tasks

24
25 ² Remote supervision of a medical assistant is prohibited unless: (a) the patient is located in a rural area; (b)
26 the delegating practitioner is physically located a significant distance from the location where the task is to be
27 performed; (c) the delegating practitioner determines that the exigent needs of the patient require immediate attention;
28 (d) the patient and the delegating practitioner previously established a practitioner-patient relationship; and (e) the
delegating practitioner is immediately available by telephone or other means of instant communication during the
performance of the task by the medical assistant. As used in NAC 630.820, “rural area” means any area in this State
other than Carson City or the City of Elko, Henderson, Reno, Sparks, Las Vegas or North Las Vegas.

³ The Medical Practice Act does not define “invasive procedure,” however, NAC 449.9733 pertaining to
Medical Facilities defines “invasive procedure” as “a medical procedure involving entry into the human body by
puncture or incision or by insertion of an instrument.”

1 to an adequately supervised and properly trained medical assistant, who the delegating practitioner
2 knows possesses the knowledge, skill and training to perform the task safely and properly, and the
3 delegating practitioner is professionally responsible for the safety and performance of each task
4 which is delegated to that medical assistant.

5 b. A practitioner who, whether by serving as a so-called “medical director” or by
6 some other relationship or circumstance, aids, assists, employs or advises, directly or indirectly, any
7 unlicensed person to engage in the practice of medicine, but who has not done so by delegating
8 specific tasks to an adequately supervised and properly trained medical assistant, has violated
9 NRS 630.305(1)(e), and is subject to discipline for aiding and abetting the unlicensed practice of
10 medicine. In addition, the unlicensed person engaged in the practice of medicine has violated
11 NRS 630.400(1)(d), by practicing medicine without a license.

12 c. A practitioner who delegates a medical task to a medical assistant, whether by
13 serving as a so-called “medical director” or by some other relationship or circumstance, remains
14 professionally responsible for, among other requirements, ensuring the following:

- 15 i. The safety and performance of each task delegated;
- 16 ii. The proper employment relationships between themselves and the
17 medical assistant or their common employer;
- 18 iii. The medical assistant is sufficiently knowledgeable, trained and
19 skilled to perform the tasks delegated to them;
- 20 iv. The medical assistant is adequately supervised, and the practitioner
21 must be nearby to supervise the specific medical tasks delegated, and, if it is an invasive medical
22 task, then the delegating practitioner must be immediately available to exercise oversight in-person
23 while the medical assistant performs the task; and
- 24 v. The medical assistant does not administer an anesthetic agent which
25 renders a patient unconscious or semiconscious.

26 d. A practitioner who delegates a medical task to a medical assistant, whether by
27 serving as a so-called “medical director” or by some other relationship or circumstance, and who
28 violates the aforementioned provisions of the NRS or NAC pertaining to medical assistants, and

1 who fails to adequately supervise that medical assistant as required under the circumstances, has
2 violated NRS 630.306(1)(r), and is subject to discipline for failing to adequately supervise a medical
3 assistant.

4 **B. Cosmetologists, “Medical Spas” and “Medical Aestheticians,” and the**
5 **Unlicensed Practice of Medicine**

6 15. Pursuant to NRS 644A.030 a licensed “cosmetologist” is not authorized by such
7 license to practice medicine in any way. Rather, a licensed cosmetologist is authorized to perform
8 only non-medical, cosmetology services, such as cleansing, stimulating or massaging the scalp or
9 cleansing or beautifying the hair by the use of cosmetic preparations, antiseptics, tonics, lotions or
10 creams, cutting, trimming or shaping the hair, removing hair by the use of depilatories, waxing,
11 tweezing or sugaring, except for the permanent removal of hair with needles, manicuring nails,
12 massaging the skin, giving facials, and other miscellaneous non-medical, cosmetological services.

13 16. Pursuant to NAC 644A.790 a cosmetologist is further explicitly prohibited from
14 performing “invasive procedures,” which mean, for the purposes of professional licensing of
15 cosmetologists, “an act that affects the structure or function of the skin other than the uppermost
16 layers of the skin,” and which, for the sake of regulating the practice of cosmetologists, includes,
17 without limitation, (a) the application of electricity for the sole purpose of contracting a muscle, (b)
18 the application of a topical lotion, cream or other substance which affects anything other than the
19 uppermost layers of the skin, (c) the penetration of the skin by needles, and (d) the abrasion of the
20 skin below the uppermost layers of the skin.

21 17. Further, there is no such license as “medical aesthetician” or “medical cosmetologist”
22 authorized by any Nevada law or issued by any Nevada sanctioned professional licensing body. On
23 the contrary, NAC 644A.870 specifically prohibits cosmetologists and aestheticians from using the
24 terms “expert,” “advanced” or “medical” in connection with any description of their practice in any
25 branch of cosmetology or otherwise holding the licensee out to the public as an expert, advanced or
26 medical practitioner of any branch of cosmetology.

27 18. Accordingly, a Nevada licensed cosmetologist or aesthetician may not refer to
28 himself or herself as a “medical cosmetologist” or “medical aesthetician” in connection with any

1 description of their practice, and may not, in fact, practice medicine in any way or perform invasive
2 medical procedures or medical services of any kind, unless they do so as a “medical assistant” to a
3 Nevada licensed medical professional, i.e., either as medical assistant to a Nevada licensed
4 physician or physician assistant pursuant to NRS 630.0129, et. seq., and NAC 630.800-830, as
5 described above, or similarly as another type of professional “assistant,” “hygienist,” “technician,”
6 or other such designation, who is delegated tasks by and under the direct supervision of a medical
7 professional who is duly licensed pursuant to chapters 631 to 637, inclusive, 639 or 640 of NRS, and
8 who remains professionally responsible for their conduct.

9 19. If a cosmetologist or aesthetician practices medicine in any way, unless he or she acts
10 as a medical assistant and is delegated tasks and is properly supervised by a professional medical
11 practitioner, then he or she is violating NRS 630.400(1)(d) by practicing medicine without a
12 license.

13 **C. Nevada Pharmacy Laws Regarding Controlled Substances, Dangerous Drugs**
14 **and Hypodermic Devices**

15 20. NRS 630.306(1)(b)(3) provides that engaging in conduct that violates a regulation
16 adopted by the Nevada State Board of Pharmacy (Pharmacy Board) is grounds for initiating
17 disciplinary action against a licensee.

18 21. Pursuant to NRS 630.3062(1)(h), fraudulent, illegal, unauthorized or otherwise
19 inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II,
20 III or IV is grounds for initiating disciplinary action or denying licensure.

21 22. Pursuant to 21 Code of Federal Regulations (CFR) §1306.04(a)-(b) and
22 NRS 453.381, a physician or physician assistant may prescribe or administer controlled substances
23 only for a legitimate medical purpose and in the usual course of his or her professional practice. The
24 responsibility for the proper prescribing and dispensing of controlled substances is upon the
25 prescribing practitioner, and a prescription may not be issued in order for an individual practitioner
26 to obtain controlled substances for supplying the individual practitioner for the purpose of general
27 dispensing to patients. *See* 21 CFR §1306.04(a)-(b).

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1 23. Pursuant to NRS 454.201, a “dangerous drug” is any drug, other than a controlled
2 substance, unsafe for self-medication or unsupervised use, and includes, among other things, (1) any
3 drug which has been approved by the Food and Drug Administration for general distribution and
4 bears the legend: “Caution: Federal law prohibits dispensing without prescription,” and (2) any drug
5 which, pursuant to the Board’s regulations, may be sold only by prescription because the Board has
6 found those drugs to be dangerous to public health or safety.

7 24. Pursuant to NRS 454.316 and NRS 454.321, it is unlawful to possess, dispense or
8 furnish a dangerous drug except when furnished to the person by a pharmacist pursuant to a legal
9 prescription from a practitioner.

10 25. Pursuant to NRS 454.009, a “hypodermic” device is any syringe, needle, instrument,
11 device or implement intended or capable of being adapted for the purpose of administering drugs by
12 subcutaneous, intramuscular or intravenous injection.

13 26. Pursuant to NRS 454.510, it is unlawful for any person to have in his or her
14 possession or under his or her control any hypodermic device that is restricted by federal law to sale
15 by or on the order of a physician, unless the person has acquired possession of such device in
16 accordance with the provisions of NRS 454.480 to 454.530, inclusive, that is, by sale from a
17 licensed pharmacist, on the prescription of a physician or other practitioner, which prescription is
18 filled as required by NRS 639.236, and may be refilled as authorized by the prescriber.

19 27. Accordingly, pursuant to NRS 454.009, 454.201, 454.316, 454.321 and 454.510,
20 any person who is not a practitioner as defined in NRS 639.0125 is not permitted by Nevada law to
21 possess, control, access, prescribe, administer, and/or dispense dangerous drugs or hypodermic
22 devices, except as a medical assistant under the direct supervision of a Nevada licensed physician,
23 physician assistant, or other licensed medical professional, and then, only if otherwise permitted and
24 in compliance with laws of regulating pharmacies and pharmaceuticals.

25 28. NAC 639.742(1) provides that a practitioner who wishes to dispense controlled
26 substances or dangerous drugs must apply to the Pharmacy Board for a certificate of registration to
27 dispense controlled substances or dangerous drugs. A practitioner must submit a separate
28 application for each site of practice, including, without limitation, any remote site or satellite

1 consultation site, from which the practitioner wishes to dispense controlled substances or dangerous
2 drugs.

3 29. NAC 639.742(2) provides that if a facility from which the practitioner intends to
4 dispense dangerous drugs or controlled substances is not wholly owned and operated by the
5 practitioner, the owner or owners of the facility must also submit an application to the Pharmacy
6 Board for a license to do so.

7 30. NAC 639.742(3) provides in pertinent part that a dispensing practitioner and, if
8 applicable, the owner or owners of the facility, shall ensure that:

9 . . . (b) All drugs are received and accounted for by the dispensing
10 practitioner;

11 (c) All drugs are stored in a secure, locked room or cabinet to which
12 the dispensing practitioner has the only key or lock combination;

13 (d) All drugs are dispensed in accordance with NAC 639.745⁴;

14 ⁴ NAC 639.745 Duties of certain practitioners concerning dispensing of controlled substances and dangerous
15 drugs. (NRS 639.070, 639.0727)

16 1. Each practitioner who is registered with the Board to dispense controlled substances and dangerous drugs,
17 including, without limitation, a dispensing practitioner, and who dispenses such products for use by the practitioner's
18 patients outside his or her presence shall:

19 (a) Keep complete, accurate and readily retrievable records of each controlled substance and dangerous drug
20 purchased and dispensed. The record for each such product dispensed to a patient must include:

21 (1) The name of the patient and, if not readily available from the practitioner's records, the patient's address;

22 (2) The name, strength and quantity of the prescribed controlled substance or dangerous drug;

23 (3) The directions for use;

24 (4) The date the prescription was issued; and

25 (5) A unique identifying number.

26 (b) Maintain a separate file for the records concerning the purchase of each controlled substance listed in schedule II
27 and a separate file for the records concerning the dispensing of each controlled substance listed in schedule II. Each
28 prescription for a controlled substance or dangerous drug must be maintained in a separate file pursuant to the
requirements set forth in NAC 453.480.

(c) Keep all controlled substances and dangerous drugs in a locked storage area. Access to the storage area must be
restricted to the persons described in NRS 453.375.

(d) Ensure that each package or container in which a controlled substance is dispensed, except samples in the
manufacturer's packages, is clearly labeled pursuant to the requirements set forth in NRS 639.2801.

(e) Ensure that the package or container in which a controlled substance or dangerous drug is dispensed complies
with all state and federal packaging requirements.

(f) Be deemed to be a pharmacy as that term is used in NAC 639.926 and shall comply with that section.

2. A practitioner may dispense dangerous drugs or controlled substances only after the patient has been informed by
the practitioner that the patient may request a written prescription and have it filled at another location of the patient's
choosing.

3. A record regarding the dispensing of a controlled substance or dangerous drug made and kept pursuant to this
section must be maintained on paper or in a computer. If the record is:

(a) Maintained on paper, the record must:

(1) Include all the information required to be on the prescription pursuant to NRS 639.2353 and NAC 453.440;

1 (e) No prescription is dispensed to a patient unless the dispensing practitioner is on-site at the facility;

2 (f) All drugs are dispensed only to the patient personally at the facility;

3 . . . (h) All drugs are dispensed only for medically necessary purposes and according to prevailing standards of care for practitioners practicing in the specialty claimed or practiced by the dispensing practitioner; and

4
5 (i) The certificate for each dispensing technician employed at the facility is displayed in the room or cabinet in which drugs are stored.

6
7 31. NAC 639.742(4)(a)-(b) provide, in-part, with regard to the filling and dispensing of
8 prescriptions at a facility, only the dispensing practitioner or a dispensing technician may enter the
9 locked room or cabinet in which drugs are stored and/or remove drugs from stock.

10 32. NAC 639.945(1) provides in pertinent part that the following acts or practices by a
11 holder of any license, certificate or registration issued by the Pharmacy Board or any employee of
12 any business holding any such license, certificate or registration are declared to be, specifically but
13 not by way of limitation, unprofessional conduct and conduct contrary to the public interest:

14 ... (g) Supplying or diverting drugs, biologicals, medicines, substances
15 or devices which are legally sold in pharmacies or by wholesalers, so
16 that unqualified persons can circumvent any law pertaining to the legal sale of such articles.

17 . . . (i) Performing any of his or her duties as the holder of a license,
18 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.

19 . . . (n) Dispensing a drug as a dispensing practitioner to a patient
20 with whom the dispensing practitioner does not have a bona fide therapeutic relationship.

21 (o) Prescribing a drug as a prescribing practitioner to a patient with
22 whom the prescribing practitioner does not have a bona fide therapeutic relationship.

23
24 (2) Set forth on the front of the prescription a certification initialed and dated by the patient that the patient has
25 been informed by the practitioner in accordance with subsection 2 and that the patient has agreed to have the practitioner
dispense the controlled substance or dangerous drug; and

26 (3) Be serially numbered and kept in numerical order in a single file for all dispensing practitioners, including,
without limitation, physician assistants and advanced practice registered nurses, practicing at the same location.

27 (b) Maintained in a computer, the record must:

(1) Include all the information required to be on the prescription pursuant to NRS 639.2353 and NAC 453.440;

28 (2) Contain a certification, either in the computer or a separate paper document, initialed and dated by the patient
that the patient has been informed by the practitioner in accordance with subsection 2 and that the patient has agreed to
have the practitioner dispense the controlled substance or dangerous drug; and

(3) Be searchable for any item required by paragraph (a) of subsection 1 to be included in the record.

1 33. NAC 639.945(2) provides that the owner of any business or facility licensed, certified
2 or registered by the Pharmacy Board is responsible for the acts of all personnel in his or her employ.

3 34. NAC 639.945(3) provides that, for purposes of applying Pharmacy Board
4 regulations:

5 [A] bona fide therapeutic relationship between the patient and
6 practitioner shall be deemed to exist if the patient was examined in
7 person, electronically or telephonically by the practitioner within the
8 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.

9 35. Accordingly, any physician or physician assistant who—whether by serving as a so-
10 called “medical director” of, or by furnishing dangerous drugs or hypodermic devices to, or by some
11 other relationship or circumstance with any “medical spa” wherein dangerous drugs or hypodermic
12 devices are possessed, controlled, accessed, prescribed, administered, and/or dispensed—engages in
13 conduct that violates any regulation adopted by the Pharmacy Board, including but not limited to
14 NAC 639.742(1)-(3), (4)(a)-(b), or 639.945(1)-(3), has violated the Nevada Medical Practice Act
15 and is subject to discipline by the Board.

16 **II. THE PERTINENT HISTORY OF CRIMINAL AND UNPROFESSIONAL CONDUCT**
17 **OF TAMMY LYNN HANKINS, PA-C**

18 36. On or about March 1, 2012, in the Superior Court of the State of Arizona, in and for the
19 County of Mohave (Arizona Court), in Case No. CR-2012-00287, a Grand Jury indicted Tammy Lynn
20 Hankins (Hankins), a physician assistant who at that time held a license to practice medicine in the
21 State of Arizona, on five (5) criminal counts of violations of Arizona law, including COUNT 1:
22 FRAUDULENT SCHEMES AND ARTIFICES, CLASS 2 FELONY; COUNT 2: OBTAIN OR
23 PROCURE THE ADMINISTRATION OF A NARCOTIC DRUG BY FRAUD, CLASS 3 FELONY;
24 COUNT 3: OBTAINING A DANGEROUS DRUG BY FRAUD, CLASS 3 FELONY; COUNT 4:
25 ATTEMPTED OBTAINING A DANGEROUS DRUG BY FRAUD, CLASS 4 FELONY; COUNT 5:
26 ATTEMPTED OBTAINING A DANGEROUS DRUG BY FRAUD, CLASS 4 FELONY.

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1 **Hankins' Arizona Case History**

2 37. On or about November 28, 2012, the Arizona Regulatory Board of Physician Assistants
3 ("Arizona Board"), in Case No. PA-11-0127A, found Hankins, who had been the holder of a license to
4 practice medicine as a physician assistant in the State of Arizona (License No. 2228), guilty of
5 unprofessional conduct. Specifically, the Arizona Board found Hankins guilty with respect to two (2)
6 patients, Patient JC and Patient MW, determining that Hankins deviated from the standard of care by
7 inappropriately and excessively prescribing controlled substances to patients, risking addiction or
8 overdose with a possible fatal outcome.

9 38. For the foregoing misconduct, the Arizona Board found Hankins guilty of
10 unprofessional conduct pursuant to Arizona Revised Statute (ARS) §32-2501(18)(i) ("prescribing or
11 dispensing controlled substances or prescription-only drugs for which the physician assistant is not
12 approved or in excess of the amount authorized pursuant to this chapter"); ARS §32-2501(18)(j) ("any
13 conduct or practice that is or might be harmful or dangerous to the health of a patient or the public");
14 ARS § 32-2501 (18)(p) ("failing or refusing to maintain adequate records on a patient"), and
15 ARS § 32-2501(18)(z) ("failing to furnish legally requested information to the [Arizona Board] or its
16 Investigator in a timely manner."). The Arizona Board also found that a practice restriction was needed
17 in order to protect the public, and ordered that Hankins be issued a Letter of Reprimand, placed on
18 probation for one (1) year with additional conditions and restrictions.

19 **Expiration of Hankins's Arizona License**

20 39. Hankins's license to practice medicine as a physician assistant in the State of Arizona
21 (License No. 2228) was due for renewal by June 1, 2013; Hankins did not renew, and her Arizona
22 license expired by operation of law on May 20, 2014.

23 **Arizona Criminal Conduct by Hankins**

24 40. On or about September 14, 2013, the Arizona Court found that Hankins had knowingly,
25 intelligently and voluntarily pled guilty to the offense of: COUNT 3: OBTAINING A DANGEROUS
26 DRUG BY FRAUD, CLASS 3 FELONY. On or about October 2, 2013, the Arizona Court entered its
27 judgment finding Hankins guilty of the foregoing charge, and sentenced Hankins to a suspended

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1 imposition of sentence and placing the Defendant on probation for a period of four years commencing
2 October 2, 2013, among other conditions of probation.

3 41. On or about January 17, 2014, pursuant to a Petition to Revoke Probation, the Arizona
4 Court ordered that Hankins be held without bond pending hearing on said petition.

5 42. On or about August 11, 2014, the Arizona Court found Hankins guilty of violating her
6 probation for the following crimes: OBTAINING A DANGEROUS DRUG BY FRAUD, CLASS 3
7 FELONY, and SEXUAL CONDUCT WITH A MINOR, CLASS 6 FELONY. For the first crime,
8 Hankins was sentenced to two and one-half (2.5) years with the Arizona Department of Corrections, as
9 a minimum sentence, to date from August 11, 2014, and was given credit for two hundred eight (208)
10 days served prior to sentencing. For the second crime, Hankins was sentenced to one (1) additional
11 year of incarceration, that sentence to run consecutive to the other.

12 43. Hankins was not licensed to practice medicine as a physician assistant in the
13 State of Nevada before March 6, 2020.

14 44. Hankins does not hold an active Drug Enforcement Agency (DEA) registration, and
15 has not held a valid registration since 2016. Hankins also does not hold and has never held an active
16 license or registration with the Pharmacy Board.

17 **III. RESPONDENT'S AIDING AND ABETTING THE UNLICENSED PRACTICE OF**
18 **MEDICINE AT VIDA SPA, AND RELATED VIOLATIONS OF NEVADA**
PHARMACY LAWS

19 45. Vida Spa LLC, a Nevada Limited Liability Company, formed July 22, 2016,
20 managed by Gisselle Platfoot ("Vida Spa"), and also doing business as "Vida Spa" and "Vita
21 Medical Spa Las Vegas," is a self-described "medical spa" located at 3225 S Rainbow Blvd #107
22 and/or #206, Las Vegas, NV 89146.

23 46. At all times relevant to this Complaint, Vida Spa was licensed in Clark County,
24 Nevada, under Clark County Business License No. 2003447.081-172, under the business category of
25 "Cosmetology Establishment - Other Services." The owners listed under this license are Art Matrix,
26 Inc. and Gisselle Platfoot.

27 47. At all times relevant to this Complaint, Vida Spa had no other business licenses
28 except for the Clark County Business License No. 2003447.081-172.

1 48. Gisselle Platfoot, manager of Vida Spa, at all times relevant to this Complaint, did
2 not hold a license to practice medicine or any healing art as a “provider of health care,” as defined in
3 NRS 629.031, from any occupational licensing board in the State of Nevada, and was not otherwise
4 a practitioner as defined in NRS 639.0125.

5 49. Vida Spa is “a facility that provides health care, other than a medical facility”.
6 See NRS 449.442. At all times relevant to this Complaint, neither Respondent, Hankins, Vida Spa,
7 nor Gisselle Platfoot held a permit pursuant to NRS 449.442 to perform general anesthesia,
8 conscious sedation or deep sedation. Additionally, neither Respondent, Hankins, Vida Spa, nor
9 Gisselle Platfoot held a current accreditation by a nationally recognized organization approved by
10 the State Board of Nevada Bureau of Healthcare Quality and Compliance.

11 50. At all times relevant to this Complaint, Vida Spa was not a “medical facility,” as
12 defined in NRS 449.0151, and not “the office” of a physician or physician assistant licensed
13 pursuant to NRS chapter 630 or 633, qualified dentist, advanced practice registered nurse or
14 podiatric physician, as provided in NRS 454.217.

15 51. On March 24, 2021, the Pharmacy Board issued a Citation and Order to Cease and
16 Desist (Platfoot Citation) to Vida Spa and Gisselle Platfoot, whereby the Pharmacy Board
17 determined that Vida Spa and Gisselle Platfoot were possessing, administering, prescribing and/or
18 dispensing controlled substances and/or dangerous drugs for Nevada patients from Vida Spa in
19 violation of federal and state law. Specifically, the Platfoot Citation states that Vida Spa and
20 Gisselle Platfoot did not have a dispensing registration and are therefore prohibited from possessing,
21 dispensing and/or administering controlled substances and/or dangerous drugs. The Platfoot
22 Citation finds that Vida Spa and Gisselle Platfoot violated, attempted to violate, assisted or abetted
23 in the violation of or conspired to violate, without limitation, NRS 453.226, NRS 453.316,
24 NRS 453.321(1)(a), NRS 453.331 (l)(c)(d)(t)&(i), NRS 453.381(1), NRS 453.401(l)(a),
25 NRS 639.0727, NRS 639.100(1), NRS 639.23505, NRS 639.281, NRS 639.2813, NRS 639.310,
26 NAC 639.742, 21 U.S.C. § 822(a)(2), 21 U.S.C. § 823(f), 21 U.S.C. § 841(a), 21 U.S.C. § 842(a), 21
27 U.S.C. § 846 and 21 CFR §§ 1306.03-1306.05. The Platfoot Citation orders Vida Spa and Gisselle
28 Platfoot, pursuant to NRS 639.2895(1), to immediately cease and desist possessing, administering,

1 prescribing and/or dispensing controlled substances for Nevada patients, and also assessed an
2 administrative fine of five thousand dollars (\$5,000.00) pursuant to NRS 639.2895(3).

3 52. Respondent was the so-called “medical director” of Vida Spa, from on or about
4 September 9, 2019, through on or about November 1, 2019.

5 53. During Respondent’s service as “medical director” of Vida Spa, which was licensed
6 only as a “cosmetology establishment,” Hankins, Gisselle Platfoot, and Vida Spa’s employees and
7 agents provided medical treatment and/or prescriptions and/or administered dangerous drugs and
8 hypodermic devices and/or dispensed dangerous drugs and hypodermic devices to at least seven (7)
9 patients, as set forth below, which conduct by Hankins, Gisselle Platfoot and Vida Spa’s employees
10 and agents constitutes the practice of medicine in Nevada:

11 **PATIENT A**

12 54. Patient A⁵ was a fifty-seven (57) year-old female at the time of the events at issue.

13 55. At all times relevant to Hankins’s treatment of Patient A, Respondent was the so-
14 called “medical director” of Vida Spa.⁶

15 56. On October 9, 2019, Hankins, who did not have her own DEA registration and
16 controlled substance license issued by the Pharmacy Board, utilized the prescribing credentials of
17 Respondent, to issue fraudulent prescriptions to Patient A for Tramadol (a Schedule IV Controlled
18 Substance) 50 mg tablets, 24 ct. for 3 days, and Diazepam (a Schedule IV Controlled Substance)
19 10 mg tablets, 8 ct. for 3 days; these prescriptions were called-in to the pharmacy by Hankins, or by
20 a Vida Spa employee or agent acting at Hankins’s direction, and the prescriptions were filled the
21 same day.

22 57. Hankins instructed Patient A to take Schedule IV controlled substances in a manner
23 that materially deviated from the issued prescriptions; Hankins instructed Patient A to take
24 Tramadol 50mg, 2 tablets, and Diazepam 10 mg, 1 tablet, at 2:00 p.m., on October 10, 2019, for the
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27 ⁵ Patients A’s true identity is not disclosed herein to protect her privacy, but is disclosed in the Patient
28 Designation served upon Respondent along with a copy of this Complaint, along with identifying information for all
other patients B through G referred to herein.

⁶ It is inferred that Respondent was Hankins’ “Supervising Physician.” However, there is no evidence clinically,
practically nor by credentials that this relationship with Hankins existed.

1 purpose of conscious sedation for an invasive, surgical, liposuction procedure Hankins planned to
2 perform on Patient A at Vida Spa at 3:00 p.m. that day.

3 58. Hankins wrote the prescriptions for these controlled substances and instructed Patient
4 A to deviate from the issued prescription in order to conceal the purpose of the medications, which
5 was conscious sedation, and thereby to conceal a violation by Vida Spa of NRS 449.442(1)-(2).

6 59. Respondent did not see or treat Patient A, did not direct or supervise Hankins in her
7 treatment of Patient A, and did not specifically direct Hankins to issue prescriptions to Patient A.

8 60. On October 10, 2019, at Vida Spa, at approximately 3:00 p.m., Hankins performed a
9 liposuction procedure on the arms of Patient A. Hankins administered tumescent anesthesia with
10 Lidocaine and Epinephrine to Patient A, which Hankins obtained, without a patient-specific
11 prescription or an order from a licensed practitioner for Patient A, from a general store of controlled
12 substances and dangerous drugs obtained and maintained by Vida Spa in violation of federal and
13 state law.

14 61. Hankins was not supervised by any licensed physician while performing this invasive
15 surgical procedure on Patient A at Vida Spa.

16 **PATIENT B**

17 62. Patient B was a thirty-one (31) year-old female at the time of the events at issue.

18 63. At all times relevant to Hankins's treatment of Patient B, Respondent was the so-
19 called "medical director" of Vida Spa.

20 64. On October 7, 2019, Hankins, who did not have her own DEA registration and
21 controlled substance license issued by the Pharmacy Board, utilized the prescribing credentials of
22 Respondent, to issue fraudulent prescriptions to Patient B for Tramadol 50 mg tablets (a Schedule
23 IV Controlled Substance), 20 ct. for 3 days, Promethazine 25 mg tablets, 12 ct. for 2 days,
24 Sulfameth/Trimethprim 800/160 mg tablets, 20 ct. for 10 days; these prescriptions were called-in to
25 the pharmacy by Hankins, or by a Vida Spa employee or agent acting at Hankins's direction, and the
26 prescriptions were filled the same day.

27 65. Respondent did not see or treat Patient B, did not direct or supervise Hankins in her
28 treatment of Patient B, and did not specifically direct Hankins to issue prescriptions to Patient B.

1 66. On October 8, 2019, at Vida Spa, Hankins performed a liposuction procedure on the
2 arms of Patient B. Hankins administered tumescent anesthesia with Lidocaine and Epinephrine to
3 Patient B, which Hankins obtained, without a patient-specific prescription or an order from a
4 licensed practitioner for Patient B, from a general store of controlled substances and dangerous
5 drugs obtained and maintained by Vida Spa in violation of federal and state law.

6 67. Hankins was not supervised by any licensed physician while performing this invasive
7 surgical procedure on Patient B at Vida Spa.

8 **PATIENT C**

9 68. Patient C was a forty-three (43) year-old female at the time of the events at issue.

10 69. At all times relevant to Hankins's treatment of Patient C, Respondent was the so-
11 called "medical director" of Vida Spa.

12 70. On October 9, 2019, Hankins, who did not have her own DEA registration and
13 controlled substance license issued by the Pharmacy Board, utilized the prescribing credentials of
14 Respondent, to issue fraudulent prescriptions to Patient C for Tramadol (a Schedule IV Controlled
15 Substance) 50 mg tablets, 24 ct. for 3 days, Diazepam (a Schedule IV Controlled Substance) 10 mg
16 tablets, 12 ct. for 4 days, Promethazine 25 mg tablets, 20 ct. for 5 days, and Sulfameth/Trimethprim
17 800/160 mg tablets, 20 ct. for 10 days; these prescriptions were called-in to the pharmacy by
18 Hankins, or by a Vida Spa employee or agent acting at Hankins's direction, and the prescriptions
19 were filled the same day.

20 71. Hankins instructed Patient C to take the Schedule IV controlled substances in a
21 manner that materially deviated from the issued prescriptions; Hankins instructed Patient C to take
22 Tramadol 50mg, 2 tablets, and Diazepam 10 mg, 1 tablet, one hour in advance of an invasive,
23 surgical liposuction procedure Hankins planned to perform on Patient C at Vida Spa on October 9,
24 2019, for the purpose of conscious sedation.

25 72. Hankins wrote the prescriptions for these controlled substances and instructed
26 Patient C to deviate from the issued prescription in order to conceal the purpose of the medications,
27 which was conscious sedation, and thereby to conceal an apparent violation by Vida Spa of
28 NRS 449.442(1)-(2).

1 purpose of the medications, which was conscious sedation, and thereby to conceal an apparent
2 violation by Vida Spa of NRS 449.442(1)-(2).

3 81. Respondent did not see or treat Patient D, did not direct or supervise Hankins in her
4 treatment of Patient D, and did not specifically direct Hankins to issue prescriptions to Patient D.

5 82. On October 13, 2019, at Vida Spa, Hankins performed a liposuction procedure on the
6 abdomen and medial inferior upper arms of Patient D. Hankins administered tumescent anesthesia
7 with Lidocaine and Epinephrine to Patient D, which Hankins obtained, without a patient-specific
8 prescription or an order from a licensed practitioner for Patient D, from a general store of controlled
9 substances and dangerous drugs obtained and maintained by Vida Spa in violation of federal and
10 state law.

11 83. Hankins was not supervised by any licensed physician while performing this invasive
12 surgical procedure on Patient D at Vida Spa.

13 **PATIENT E**

14 84. Patient E was a thirty-three (33) year-old female at the time of the events at issue.

15 85. At all times relevant to Hankins's treatment of Patient E, Respondent was the so-
16 called "medical director" of Vida Spa.

17 86. On October 8, 2019, Hankins, who did not have her own DEA registration and
18 controlled substance license issued by the Pharmacy Board, utilized the prescribing credentials of
19 Respondent, to issue a fraudulent prescription to Patient E for Tramadol (a Schedule IV Controlled
20 Substance) 50 mg tablets, 20 ct. for 4 days, which prescription was filled the same day.

21 87. Respondent did not see or treat Patient E, did not direct or supervise Hankins in her
22 treatment of Patient E, and did not specifically direct Hankins to issue a prescription to Patient E.

23 88. On October 8, 2019, at Vida Spa, Hankins performed a liposuction procedure on the
24 arms of Patient E. Hankins administered tumescent anesthesia with Lidocaine and Epinephrine to
25 Patient E, which Hankins obtained, without a patient-specific prescriptions or an order from a
26 licensed practitioner for Patient E, from a general store of controlled substances and dangerous
27 drugs obtained and maintained by Vida Spa in violation of federal and state law.

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1 89. Hankins was not supervised by any licensed physician while performing this invasive
 2 surgical procedure on Patient E at Vida Spa.

3 **PATIENT F**

4 90. Patient F was a male of unknown age at the time of the events at issue.

5 91. At all times relevant to Hankins’s treatment of Patient F, Respondent was the so-
 6 called “medical director” of Vida Spa.

7 92. On October 24, 2019, Hankins obtained, without a patient-specific prescription or an
 8 order from a licensed practitioner for Patient F, “Botox,” a neuromodulator that is derived from
 9 Clostridium botulinum or is biosimilar to or the bioequivalent of such a neuromodulator, and
 10 “Versa,” a hyaluronic acid dermal filler, both of which are dangerous drugs as defined by
 11 NRS 454.201, from Vida Spa’s general store of controlled substances and dangerous drugs used for
 12 general administration and dispensing to patients.

13 93. Respondent did not see or treat Patient F, and did not direct or supervise Hankins in
 14 her treatment of Patient F.

15 94. On October 24, 2019, at Vida Spa, Hankins injected, and thereby administered
 16 pursuant to NRS 454.191, the aforementioned Botox and Versa into various locations on the face of
 17 Patient F.

18 95. Hankins was not supervised by any licensed physician while performing this injection
 19 procedure on Patient F at Vida Spa.

20 **PATIENT G**

21 96. Patient G was a sixty-six (66) year-old female at the time of the events at issue.

22 97. At all times relevant to Hankins’s treatment of Patient G, Respondent was the so-
 23 called “medical director” of Vida Spa.

24 98. On October 29, 2019, Hankins obtained, without a patient-specific prescription or an
 25 order from a licensed practitioner for Patient G, “Xeomin,” a neuromodulator that is derived from
 26 Clostridium botulinum or is biosimilar to or the bioequivalent of such a neuromodulator, and
 27 “Versa,” a hyaluronic acid dermal filler, both of which are dangerous drugs as defined by

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1 NRS 454.201, from Vida Spa's general store of controlled substances and dangerous drugs used for
2 general administration and dispensing to patients.

3 99. Respondent did not see or treat Patient G, did not direct or supervise Hankins in her
4 treatment of Patient G.

5 100. On October 24, 2019, at Vida Spa, Hankins injected, and thereby administered
6 pursuant to NRS 454.191, the aforementioned Xeomin and Versa into various locations on the face
7 of Patient G.

8 101. Hankins was not supervised by any licensed physician while performing this injection
9 procedure on Patient G at Vida Spa.

10 **IV. RESPONDENT'S MEDICAL DIRECTORSHIP OF VIDA SPA**

11 102. At all times relevant to this Complaint, Hankins did not consult with Respondent
12 regarding any procedures she performed or participated in while "medical director" of Vida Spa.

13 103. At all times relevant to this Complaint, Respondent did not review or sign any charts
14 for Hankins and was not present during any procedures she performed.

15 104. At all times relevant to this Complaint, Respondent provided his prescribing
16 credentials and permitted Hankins, Gisselle Platfoot or Vida Spa's employees and agents to
17 prescribe controlled substances to patients under his DEA registration and controlled substance
18 license issued by the Pharmacy Board.

19 105. At all times relevant to this Complaint, Respondent was not present at Vida Spa
20 during its regular business hours, nor during any times relevant to this Complaint.

21 106. Despite Hankins's public history of criminal and unprofessional conduct, and
22 incarceration, Respondent, as "medical director" of Vida Spa, did not investigate or exercise
23 ordinary and reasonable diligence to determine whether Hankins was authorized to practice
24 medicine at Vida Spa, and took no action to prohibit the unlicensed practice of medicine at Vida Spa
25 by Hankins, Gisselle Platfoot, and Vida Spa's employees and agents.

26 107. Respondent did not inform the Board that Hankins was practicing medicine at Vida
27 Spa without a license.

28 108. Respondent was an independent contractor of Vida Spa.

1 109. Respondent was not a manager, officer or employee of Vida Spa.

2 110. Respondent had no ownership or member interest in Vida Spa, nor did he have
3 authority, by contract or otherwise, to manage the affairs of Vida Spa.

4 111. Neither Gisselle Platfoot nor any of Vida Spa's employees, agents or other
5 independent contractors were employed by Respondent during the time Respondent served as
6 "medical director" of Vida Spa.

7 112. Respondent has held a valid controlled substance registration issued by the Pharmacy
8 Board (License No. CS24310) since March 3, 2016.

9 113. At all times relevant to this Complaint, Respondent did not hold a dispensing
10 practitioner license issued by the Pharmacy Board.

11 114. Respondent did not apply to the Pharmacy Board for a certificate of registration to
12 dispense controlled substances or dangerous drugs at Vida Spa.

13 115. While "medical director" of Vida Spa, Respondent permitted Gisselle Platfoot and
14 Vida Spa's employees and agents to utilize his medical license and controlled substance registration
15 to prescribe and procure dangerous drugs and controlled substances, which are available only by
16 prescription.

17 116. While "medical director" of Vida Spa, Respondent permitted dangerous drugs and
18 controlled substances to be left unlocked and readily accessible at Vida Spa in the sole possession,
19 custody and control of Gisselle Platfoot and Vida Spa's employees and agents, and beyond the
20 supervision or restraint of Respondent.

21 117. All of the dangerous drugs and controlled substances left in the custody and control
22 of Gisselle Platfoot and Vida Spa's employees and agents were at no time stored in a secure, locked
23 room or cabinet accessible only by Respondent. Gisselle Platfoot and Vida Spa's employees and
24 agents had unrestricted access to dangerous drugs, controlled substances, hypodermic devices and
25 other dangerous medical devices and poisonous substances.

26 118. Gisselle Platfoot and Vida Spa's employees and agents possessed, controlled, stored,
27 prescribed, administered and/or dispensed controlled substances, dangerous drugs and hypodermic
28 devices without a dispensing license as required by the Pharmacy Board.

1 119. Respondent was not present when Hankins, Gisselle Platfoot, and Vida Spa's
2 employees and agents possessed, controlled, stored, prescribed, administered and/or dispensed
3 controlled substances, dangerous drugs and hypodermic devices obtained using Respondent's
4 medical license and controlled substance registration.

5 120. Respondent neither received nor accounted for the controlled substances, dangerous
6 drugs and hypodermic devices possessed, controlled, stored, prescribed, administered and/or
7 dispensed by Gisselle Platfoot and Vida Spa's employees and agents.

8 121. Respondent did not have a bona fide therapeutic relationship with any of the seven
9 (7) patients to whom Hankins, Gisselle Platfoot, and Vida Spa's employees and agents provided
10 medical treatment(s) and/or prescriptions and/or administered dangerous drugs and hypodermic
11 devices and/or dispensed dangerous drugs and hypodermic devices.

12 122. Respondent did not personally write a prescription or order for any controlled
13 substances and/or dangerous drugs to any of the seven (7) patients to whom Hankins, Gisselle
14 Platfoot, and Vida Spa's employees and agents provided medical treatment and/or prescriptions
15 and/or administered dangerous drugs and hypodermic devices and/or dispensed dangerous drugs and
16 hypodermic devices.

17 123. Respondent was not on-site at Vida Spa or otherwise immediately available when
18 Hankins, Gisselle Platfoot, and Vida Spa's employees or agents provided medical treatment and/or
19 issued prescriptions for, administered and dispensed controlled substances, dangerous drugs and
20 hypodermic devices to these seven (7) patients.

21 124. Respondent did not personally administer or dispense at Vida Spa, or personally
22 direct any of Gisselle Platfoot, Hankins or any other of Vida Spa's employees or agents to
23 administer or dispense at Vida Spa, and did not exercise sufficient control of Vida Spa operations to
24 ensure that dangerous drugs and controlled substances were administered and dispensed only for
25 medically necessary purposes and according to prevailing standards of care.

26 125. Respondent supplied controlled substances, dangerous drugs and hypodermic devices
27 to Gisselle Platfoot, Hankins, and Vida Spa's employees or agents and permitted unqualified
28 persons to circumvent laws pertaining to the legal sale of such articles, and allowed others to utilize

1 his medical credentials and controlled substance registration to administer, dispense and prescribe
2 controlled substances, dangerous drugs and hypodermic devices to those whom he did not have a
3 bona fide therapeutic relationship.

4 126. Respondent failed to ensure that he had the required ownership or employment
5 relationship with respect to Vida Spa and its employees and agents for any of them to be, in fact, his
6 medical assistants as defined by NRS 630.0129 and to comply with the requirements
7 of NAC 630.800-840.

8 127. Respondent also failed to ensure that he had the legal and practical control of Vida
9 Spa's operations to effectively control the conduct of Hankins, Gisselle Platfoot and Vida Spa's
10 employees and agents in performance of all medical activities as his medical assistants or otherwise,
11 in order to prevent prohibited conduct and ensure that his medical assistants possessed the knowledge,
12 skill and training to perform their tasks safely and properly.

13 COUNT I

14 **NRS 630.301(4) – Malpractice**

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

17 129. NRS 630.301(4) provides that malpractice of a physician is grounds for initiating
18 disciplinary action against a licensee.

19 130. NAC 630.040 defines malpractice as “the failure of a physician, in treating a patient,
20 to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances.”

21 131. As demonstrated by, but not limited to, the above-outlined facts, Respondent failed to
22 use the reasonable care, skill or knowledge ordinarily used under similar circumstances when
23 serving as “medical director” of Vida Spa, by, among other failures, aiding and abetting the
24 unlicensed practice of medicine by Hankins, Platfoot and others in rendering medical services to
25 Patient A, B, C, D, E, F and G, by permitting unlicensed individuals, Hankins, Gisselle Platfoot, and
26 other Vida Spa employees and agents, to provide prescriptions and/or administer dangerous drugs
27 and hypodermic devices and/or dispense dangerous drugs and hypodermic devices to patients, by
28 providing his prescribing credentials and permitting Hankins, Gisselle Platfoot or Vida Spa's

1 employees and agents to prescribe controlled substances to patients under his DEA registration and
2 controlled substance license issued by the Pharmacy Board, and by not being present at Vida Spa
3 during its regular business hours, nor during any times relevant to this Complaint.

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

6 **COUNT II**

7 **NRS 630.305(1)(e) – Aiding the Unlicensed Practice of Medicine**

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

10 134. Including, but not limited to the conduct set forth herein, Respondent, aided, assisted,
11 and advised, directly and indirectly, unlicensed persons, including, but not limited to Hankins and
12 Gisselle Platfoot, to engage in the practice of medicine on patients at Vida Spa, specifically including
13 but not limited to Patients A, B, C, D, E, F and G, which conduct was contrary to the provisions of
14 NRS Chapter 630 and the regulations of the Board,

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

17 **COUNT III**

18 **NRS 630.306(1)(b)(3) – Engaging in Conduct that Violated Pharmacy Board Regulations**

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

21 137. NRS 630.306(1)(b)(3) provides that engaging in conduct that violates a regulation
22 adopted by the Pharmacy Board is grounds for initiating disciplinary action.

23 138. Including but not limited to the conduct described herein, Respondent engaged in
24 conduct that violates regulations adopted by the Pharmacy Board, specifically including but not
25 limited to NAC 639.742(1)-(3), (4)(a)-(b), 639.945(1)-(3), and NAC 639.742(1).

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

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1 COUNT IV

2 **NRS 630.3062(1)(h) – Fraudulent, Illegal, Unauthorized and Otherwise Inappropriate**
3 **Prescribing of Controlled Substances**

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

6 141. Pursuant to NRS 630.3062(1)(h), fraudulent, illegal, unauthorized or otherwise
7 inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II,
8 III or IV is grounds for disciplinary action or denying licensure.

9 142. As demonstrated by, but not limited to, providing his prescribing credentials and
10 permitting Hankins, Gisselle Platfoot or Vida Spa’s employees and agents to prescribe controlled
11 substances to patients under his DEA registration and controlled substance license issued by the
12 Pharmacy Board, by not being present at Vida Spa during its regular business hours, nor during any
13 times relevant to this Complaint, by not investigating or exercising ordinary and reasonable
14 diligence in his supervision of unlicensed persons at Vida Spa, by not taking any action to prohibit
15 fraudulent prescribing under his own credentials at Vida Spa, by not informing the Board, Pharmacy
16 Board and/or DEA that fraudulent prescriptions were being issued by Hankins under his credentials,
17 among other conduct, Respondent issued fraudulent, illegal, unauthorized and otherwise
18 inappropriate prescriptions for schedule II and IV controlled substances, Oxycodone-acetaminophen
19 and Alprazolam, respectively, to Patients A, B, C, D and E, who were patients he did not see,
20 examine or diagnose, and with whom he did not have a bona fide therapeutic relationship.

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

23 COUNT V

24 **NRS 630.306(1)(p) – (Unsafe or Unprofessional Conduct)**

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

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1 145. Engaging in any act that is unsafe or unprofessional conduct in accordance with
2 regulations adopted by the Board is grounds for disciplinary action against a licensee pursuant to
3 NRS 630.306(1)(p).

4 146. Pursuant to NAC 630.230(1)(g)-(i), it is unprofessional conduct to allow any person
5 to act as a medical assistant in the treatment of a patient of the physician, unless the medical
6 assistant has sufficient training to provide the assistance, to fail to provide adequate supervision of a
7 medical assistant who is supervised by the physician, including, without limitation, supervision
8 provided in the manner described in NAC 630.810 or 630.820, and to fail to provide adequate
9 supervision of a physician assistant.

10 147. As demonstrated by, but not limited to, the above-outlined facts, Respondent violated
11 NAC 630.230(1)(g)-(i).

12 148. Respondent's conduct was unsafe and unprofessional.

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

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

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

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

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

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

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

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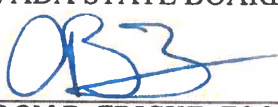
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6. That the Board take such other and further action as may be just and proper in these premises.

DATED this 30th day of August, 2021.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 

AARON B. FRICKE, ESQ.
General Counsel
9600 Gateway Drive
Reno, Nevada 89521
Tel: (702) 486-3813
Email: africke@medboard.nv.gov
Attorney for the Investigative Committee

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VERIFICATION

STATE OF NEVADA)
 : ss.
COUNTY OF CLARK)

Victor M. Muro, 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 30 day of August, 2021.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 
VICTOR M. MURO, M.D.
Chairman of the Investigative Committee

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CERTIFICATE OF SERVICE

I hereby certify that I am employed by the Nevada State Board of Medical Examiners and that on the 31st day of August, 2021, I served a file-stamped copy of the foregoing **COMPLAINT**, via U.S. Certified Mail to the following parties:

SHERMAN WASHINGTON, M.D.
Complete Medical Center
1820 E. Lake Mead Blvd., Ste. M
North Las Vegas, NV 89030
Certified Mail Receipt No.: 9171 9690 0935 0252 1563 23

DATED this 31st day of August, 2021.



MERCEDES FUENTES
Legal Assistant
Nevada State Board of Medical Examiners