

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

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

Case No. 21-25208-1

6 **Against:**

7 **VIDUR SIDDHANTH MAHADEVA, M.D.,**

8 **Respondent.**

FILED

AUG - 9 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 Robert G. Kilroy, Esq., Senior Deputy General Counsel and attorney for the
13 IC, having a reasonable basis to believe that Vidur Siddhant Mahadeva, M.D. (Respondent)
14 violated the provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative
15 Code (NAC) Chapter 630 (collectively, the Medical Practice Act), hereby issues its Complaint,
16 stating the IC's charges and allegations as follows:

17 1. Respondent was at all times relative to this Complaint a Medical Doctor holding an
18 active license to practice medicine in the State of Nevada (License No. 11257). Respondent was
19 originally licensed by the Board on December 7, 2004.

20 2. On June 2, 2021, the Nevada State Board of Pharmacy (Pharmacy Board) issued its
21 Findings of Fact, Conclusions of Law and Order (Order). See Exhibit 1. The Pharmacy Board
22 Order stated that Respondent violated NRS 639.282(1)(d)², NAC 639.601(1)³, NAC 639.742⁴

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24 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 Rachakonda D. Prabhu, M.D., Chairman,
Ms. April Mastrolucca, and Victor M. Muro, M.D.

25 ² **NRS 639.282 Unlawful possession or sale of certain pharmaceutical preparations, drugs or
chemicals; destruction.**

26 1. Except as otherwise provided in NRS 433.801, 435.700, 449.2485, 638.200, 639.267, 639.2675 and 639.2676,
it is unlawful for any person to have in his or her possession, or under his or her control, for the purpose of resale, or
27 to sell or offer to sell or dispense or give away, any pharmaceutical preparation, drug or chemical which:

(d) Is no longer safe or effective for use, as indicated by the expiration date appearing on its label; or...

³ **NAC 639.601 Prescription drugs: Separation and disposal of certain drugs.** (NRS 639.070)

1. A prescription drug that is outdated, damaged, deteriorated, misbranded or adulterated must be separated from other prescription drugs until it is destroyed or returned to the supplier.

⁴ **NAC 639.742 Dispensing of controlled substances or dangerous drugs: Application by practitioner for certificate of registration; application by facility required under certain circumstances; duties of dispensing practitioner and facility relating to drugs; authority of dispensing practitioner and technician.** (NRS 639.070, 639.0727)

1. Except as otherwise provided in NAC 639.7423, a practitioner who wishes to dispense controlled substances or dangerous drugs must apply to the Board on an application provided by the Board for a certificate of registration to dispense controlled substances or dangerous drugs. A practitioner must submit a separate application for each site of practice, including, without limitation, a telepharmacy, remote site or satellite consultation site, from which the practitioner wishes to dispense controlled substances or dangerous drugs. A certificate of registration to dispense controlled substances or dangerous drugs is a revocable privilege, and no holder of such a certificate of registration acquires any vested right therein or thereunder.

2. Except as otherwise provided in NAC 639.7423, if a facility from which the practitioner intends to dispense dangerous drugs or controlled substances is not wholly owned and operated by the practitioner, the owner or owners of the facility must also submit an application to the Board on a form provided by the Board.

3. Except as otherwise provided in NRS 639.23277 and NAC 639.395, 639.648 and 639.7423, the dispensing practitioner and, if applicable, the owner or owners of the facility, shall ensure that:

- (a) All drugs are ordered by the dispensing practitioner;
- (b) All drugs are received and accounted for by the dispensing practitioner;
- (c) All drugs are stored in a secure, locked room or cabinet to which the dispensing practitioner has the only key or lock combination;
- (d) All drugs are dispensed in accordance with NAC 639.745;
- (e) No prescription is dispensed to a patient unless the dispensing practitioner is on-site at the facility;
- (f) All drugs are dispensed only to the patient personally at the facility;
- (g) The price of each drug dispensed to a patient is separately itemized on any bill or statement provided to the patient;
- (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
- (i) The certificate for each dispensing technician employed at the facility is displayed in the room or cabinet in which drugs are stored.

4. Except as otherwise provided in NAC 639.648 and 639.7423, with regard to the filling and dispensing of a prescription at a facility, only the dispensing practitioner or a dispensing technician may:

- (a) Enter the room or cabinet in which drugs are stored;
- (b) Remove drugs from stock;
- (c) Count, pour or reconstitute drugs;
- (d) Place drugs into containers;
- (e) Produce and affix appropriate labels to containers that contain or will contain drugs;
- (f) Fill containers for later use in dispensing drugs; or
- (g) Package or repackage drugs.

5. Except as otherwise provided in NAC 639.7423, a dispensing practitioner may compound drug products if he or she complies with the provisions of NAC 639.661 to 639.690, inclusive, as if:

- (a) He or she were a pharmacist;
- (b) His or her practice site was a pharmacy; and
- (c) Any dispensing technician involved in the compounding was a pharmaceutical technician.

(Added to NAC by Bd. of Pharmacy by R034-02, eff. 5-30-2003; A by R035-06, 9-18-2008; R037-10, 10-15-2010; R098-13, 3-28-2014; R146-17 & R015-18, 5-16-2018)

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1 and/or NAC 639.745⁵ when he permitted unrestricted and unsecured access to the stock of
2 dangerous drugs at his practice and failing to properly segregate and/or dispose of adulterated
3 and/or expired dangerous controlled substances. Also, the Order stated that Respondent
4 performed his duties as the holder of a Nevada controlled substance registration in an
5 incompetent, unskillful or negligent manner and engaged in unprofessional conduct as defined in

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7 ⁵ **NAC 639.745 Duties of certain practitioners concerning dispensing of controlled substances and
8 dangerous drugs; maintenance of records. (NRS 639.070, 639.0727)**

9 1. Except as otherwise provided in NAC 639.7423, each practitioner who is registered with the Board to dispense
10 controlled substances and dangerous drugs, including, without limitation, a dispensing practitioner, and who dispenses
11 such products for use by the practitioner's patients outside his or her presence shall:

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

- 14 (1) The name of the patient and, if not readily available from the practitioner's records, the patient's address;
15 (2) The name, strength and quantity of the prescribed controlled substance or dangerous drug;
16 (3) The directions for use;
17 (4) The date the prescription was issued; and
18 (5) A unique identifying number.

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

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

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

27 (e) Ensure that the package or container in which a controlled substance or dangerous drug is dispensed complies
28 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. Except as otherwise provided in NAC 639.7423, 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;
(2) Set forth on the front of the prescription a certification 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 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.

(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;
(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.

(Added to NAC by Bd. of Pharmacy, eff. 2-6-90; A by R034-02, 5-30-2003; R157-04, 10-22-2004; R037-10, 10-
15-2010; R015-18, 5-16-2018)

1 NAC 639.945(1)(i) and was subject to discipline by the Pharmacy Board pursuant to
2 NRS 453.236(1) and NRS 639.210(4).

3 3. The Pharmacy Board Order revoked Respondent's Certificate of Registration
4 (No. CS11174) pursuant to NRS 453.241.(1)(b)⁶.

5 **COUNT I**

6 **NRS 630.306(1)(b)(3) - (Engaging in Conduct in Violation of Regulations Adopted by the**
7 **State Board of Pharmacy)**

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

10 5. NRS 630.306(1)(b)(3) provides that engaging in conduct that violates a regulation
11 adopted by the State Board of Pharmacy is grounds for initiating disciplinary action.

12 6. Respondent violated regulations NRS 639.282.(1)(d), NAC 639.601(1),
13 NAC 639.742 and/or NAC 639.745 as adopted by the State Board of Pharmacy when he permitted
14 unrestricted and unsecured access to the stock of dangerous drugs at his practice and failing to
15 properly segregate and/or dispose of adulterated and/or expired dangerous drugs.

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

18 **COUNT II**

19 **NRS 630.306(1)(b)(3) - (Engaging in Conduct in Violation of Regulations Adopted by the**
20 **State Board of Pharmacy)**

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

23 9. NRS 630.306(1)(b)(3) provides that engaging in conduct that violates a regulation
24 adopted by the State Board of Pharmacy is grounds for initiating disciplinary action.

25 ⁶ **NRS 453.241 Administrative proceedings to deny, suspend or revoke registration.**

26 1. Administrative proceedings by the Board to deny, suspend or revoke a registration must be initiated,
27 conducted and concluded pursuant to the provisions of NRS 639.241 to 639.257, inclusive, without regard to any
28 criminal prosecution or other proceeding, but instead of the methods of discipline provided in paragraphs (c) and (d)
of subsection 1 of NRS 639.255, the Board shall:

(b) Revoke the registration or a schedule thereof.

1 10. Respondent violated NAC 639.945(1)(i) as adopted by the State Board of
2 Pharmacy when he performed his duties, as the holder of a Nevada controlled substance
3 registration, in an incompetent, unskillful or negligent manner and engaged in unprofessional
4 conduct and was subject to discipline by the Pharmacy Board pursuant to NRS 453.236(1) and
5 NRS 639.210(4).

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

8 **WHEREFORE**, the IC prays:

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

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

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

16 4. That the Board award fees and costs for the investigation and prosecution of this
17 case as provided in NRS 622.400.

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

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

22 DATED this 9 day of August, 2021.

23 INVESTIGATIVE COMMITTEE OF THE
24 NEVADA STATE BOARD OF MEDICAL EXAMINERS

25 By: 

26 ROBERT G. KILROY, J.D.
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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 9th day of August, 2021.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: Victor M. Muro
Victor M. Muro, M.D.
Chairman of the Investigative Committee