

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. 22-38761-1**

6 **Against:**

**FILED**

7 **CHRISTOPHER MICHAEL NEVAREZ, M.D.,**

**JUL 27 2022**

8 **Respondent.**

**NEVADA STATE BOARD OF  
MEDICAL EXAMINERS**

By: 

9  
10 **COMPLAINT**

11 The Investigative Committee<sup>1</sup> (IC) of the Nevada State Board of Medical Examiners  
12 (Board), by and through Brandee Mooneyhan, J.D., Deputy General Counsel and attorney for the  
13 IC, having a reasonable basis to believe that Christopher Michael Nevarez, M.D., (Respondent)  
14 violated the provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada  
15 Administrative Code (NAC) Chapter 630 (collectively, the Medical Practice Act), hereby issues  
16 its Complaint, 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. 14036). Respondent was  
19 originally licensed by the Board on July 25, 2011.

20 2. Respondent also holds an active Nevada Controlled Substance Registration,  
21 Certificate No. CS19561, issued by the Nevada State Board of Pharmacy (Pharmacy Board).

22 3. On June 12, 2019, the Pharmacy Board filed a "Notice of Intended Action and  
23 Accusation" (Pharmacy Board Accusation) alleging that in February 2018, Respondent was the  
24 medical director of Push IV, LLC, in Las Vegas, Nevada, and that in such capacity he violated  
25 various statutes and regulations within the Pharmacy Board's jurisdiction.

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28 <sup>1</sup> 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 M. Neil Duxbury, Aury Nagy, M.D., and  
Michael C. Edwards, M.D.

1           4.       In pertinent part, the Pharmacy Board Accusation alleged that Respondent allowed  
2 registered nurses and paramedics employed by Push IV to access and possess dangerous drugs  
3 without the presence or direct supervision of a licensed practitioner.<sup>2</sup>

4           5.       The Pharmacy Board Accusation further alleged that with Respondent’s knowledge  
5 and pursuant to his direction, registered nurses and paramedics employed by Push IV administered  
6 dangerous drugs to patients through intravenous therapy and/or injections without Respondent’s  
7 direct supervision and without Respondent or any other practitioner having examined the patients  
8 or having issued written patient-specific and medication-specific orders.

9           6.       Registered nurses are authorized to possess or administer dangerous drugs pursuant  
10 to a practitioner’s order or “pursuant to a chart order, for administration to a patient at another  
11 location.” *See* NRS 454.213(1)(c).

12           7.       NRS 454.316 renders possession of a dangerous drug unlawful “except that  
13 furnished to the person by a pharmacist pursuant to a legal prescription or by a practitioner.”

14           8.       The Pharmacy Board Accusation asserted that by allowing registered nurses and  
15 paramedics employed by Push IV “to operate Push IV and to use [Respondent’s] authority as a  
16 practitioner to obtain, access, possess and/or store dangerous drugs when he was not on site,  
17 without a proper examination, without direct supervision and before he wrote a patient-specific

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21           <sup>2</sup> A “practitioner” in this context is defined as:

22           1. A physician, dentist, veterinarian or podiatric physician who holds a valid license to practice his  
23 or her profession in this State.

24           2. A pharmacy, hospital or other institution licensed or registered to distribute, dispense, conduct  
25 research with respect to or to administer a dangerous drug in the course of professional practice in  
26 this State.

27           3. When relating to the prescription of poisons, dangerous drugs and devices:

28           (a) An advanced practice registered nurse who holds a certificate from the State Board of Pharmacy  
              permitting him or her so to prescribe; or

              (b) A physician assistant who holds a license from the Board of Medical Examiners and a certificate  
              from the State Board of Pharmacy permitting him or her so to prescribe.

              4. An optometrist who is certified to prescribe and administer pharmaceutical agents pursuant to  
              NRS 636.288 when the optometrist prescribes or administers dangerous drugs which are within the  
              scope of his or her certification.

NRS 454.00958.

1 order,” Respondent violated or assisted and abetted Push IV’s staff in violating NRS 454.213(1),  
2 NRS 454.316 and/or NRS 454.356.<sup>3</sup>

3 9. NAC 639.945(1)(g) provides that supplying drugs that are legally sold in  
4 pharmacies or by wholesalers so that unqualified persons can circumvent any law pertaining to the  
5 legal sale of such drugs constitutes unprofessional conduct and conduct contrary to the public  
6 interest.

7 10. NAC 639.945(1)(i) provides that a Pharmacy Board registration holder performing  
8 his duties in an incompetent, unskillful, or negligent manner constitutes unprofessional conduct  
9 and conduct contrary to the public interest.

10 11. NAC 639.945(1)(k) provides that performing any act, task, or operation for which a  
11 Pharmacy Board registration is required without the required registration constitutes  
12 unprofessional conduct and conduct contrary to the public interest.

13 12. The Pharmacy Board Accusation asserted that by allowing registered nurses and  
14 paramedics employed by Push IV “to use [Respondent’s] authority as a practitioner to obtain,  
15 access, possess and/or store dangerous drugs when he was not on site, without a proper  
16 examination, without direct supervision and before he wrote a patient-specific order,” Respondent  
17 engaged in or assisted and abetted Push IV’s staff to engage in unprofessional conduct as defined  
18 in NAC 639.945(1)(g), (i), and (k).

19 13. NRS 454.221(1) provides that a person who furnishes any dangerous drug without  
20 the prescription of a practitioner is guilty of a category D felony.

21 14. NAC 639.945(1)(o) provides that prescribing a drug as a prescribing practitioner to  
22 a patient with whom the prescribing practitioner does not have a bona fide therapeutic relationship  
23 constitutes unprofessional conduct and conduct contrary to the public interest.  
24 *See* NAC 639.945(1)(o).

25 15. The Pharmacy Board Accusation asserted that by authorizing registered nurses and  
26 paramedics, employed by Push IV, “to operate Push IV, to administer a dangerous drug to patients  
27 who had not been examined by a practitioner, where he did not have a bona fide therapeutic  
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<sup>3</sup> NRS 454.356 provides that, with limited exceptions specifically provided in statute, a person who violates any provision of NRS 454.181 to 454.371 is guilty of a misdemeanor.

1 relationship and for whom he had not diagnosed or determined that a dangerous drug was  
2 medically necessary,” Respondent violated and/or aided and abetted Push IV’s staff in violating  
3 Nevada law, including NRS 454.221(1), and that he also acted unprofessionally pursuant to  
4 NRS 639.945(1)(k) and (o).

5 16. On or about September 4, 2019, Respondent and the Pharmacy Board entered into  
6 a “Stipulation and Order” (Pharmacy Board Stipulation) whereby Respondent stipulated that the  
7 “facts and violations alleged in the Accusation, if proven, [were] grounds for disciplinary action”  
8 by the Pharmacy Board; that “[b]ecause of his conduct,” Respondent’s controlled substance  
9 registration was “subject to discipline”; and “[i]n light of the allegations set forth in the  
10 Accusation and the foregoing admissions,” he stipulated to specific penalties therefore.  
11 *See Exhibit 1.*

12 **COUNT I**

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

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

17 18. Respondent is a practitioner as defined by NRS 639.0125(1), as a physician who  
18 holds a license to practice medicine in the State of Nevada.

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

23 20. NRS 639.210(12) prohibits violating, attempting to violate, assisting or abetting in  
24 the violation of, or conspiring to violate any provisions of Chapter 639 of NRS or any law or  
25 regulation relating to drugs, the manufacture or distribution of drugs or the practice of pharmacy.

26 21. By failing to ensure that dangerous drugs were legally obtained, accessed,  
27 possessed, stored and/or administered to patients of Push IV, Respondent violated laws relating to

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1 drugs and/or the distribution of drugs, specifically, NRS 454.213(1), NRS 454.221 and/or  
2 NRS 454.316.

3 22. Pursuant to Chapter 639 of the NRS, the Pharmacy Board adopted NAC 639.945,  
4 wherein certain acts or practices by those holding licenses, certificates, or registrations issued by  
5 the Pharmacy Board are declared to be unprofessional conduct and conduct contrary to the public  
6 interest. *See* NRS 639.070; NRS 639.210.

7 23. By engaging in or assisting or abetting the registered nurses and paramedics  
8 employed by Push IV to engage in unprofessional conduct and conduct contrary to the public  
9 interest, Respondent violated regulations adopted by the Pharmacy Board pursuant to Chapter 639  
10 of NRS, specifically, NAC 639.945(1) (g), (i), (k), and (o).

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

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

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

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

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

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

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

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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 27th day of July, 2022.

INVESTIGATIVE COMMITTEE OF THE  
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: *Brandee Mooneyhan*  
BRANDEE M. MOONEYHAN, J.D.  
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*Attorney for the Investigative Committee*



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# **EXHIBIT 1**

# **EXHIBIT 1**



FILE

SEP 4 2019

2019 09.03.Nevarez Stipulation and Order

NEVADA STATE BOARD  
OF PHARMACY

**BEFORE THE NEVADA STATE BOARD OF PHARMACY**

|  |   |                       |
|--|---|-----------------------|
| NEVADA STATE BOARD OF PHARMACY,          | ) | CASE NOS. 19-090-CS-S |
|  | ) |                       |
| Petitioner,                              | ) |                       |
| v.                                       | ) | STIPULATION AND ORDER |
|  | ) |                       |
| CHRISTOPHER NEVAREZ, M.D.,               | ) |                       |
| Certificate of Registration No. CS19561, | ) |                       |
|  | ) |                       |
| Respondents.                             | ) |                       |
|  | / |                       |

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S. Paul Edwards, Esq., prosecuting for the State of Nevada, Nevada State Board of Pharmacy ("Board"), and Respondent CHRISTOPHER NEVAREZ, M.D., Certificate of Registration No. CS19561 ("Dr. Nevarez"), by and through his counsel of record, Maria Nutile of the law firm Nutile Law

**HEREBY STIPULATE AND AGREE THAT:**

1. The Board has jurisdiction over this matter because at the time of the events alleged herein, Dr. Nevarez held a Controlled Substance Registration, Certificate No. CS19561, issued by the Board.
2. On or about June 12, 2019, Board Staff properly served the *Notice of Intended Action and Accusation* (Accusation) on file in this matter on Dr. Nevarez in compliance with Nevada Revised Statutes (NRS) 233B.127(3) and NRS 639.241.
3. Dr. Nevarez, through his counsel, filed an *Answer and Notice of Defense* with the Board on or about July 5, 2019.
4. Dr. Nevarez is fully aware of his right to seek the advice of counsel in this matter and obtained the advice of counsel prior to signing this Stipulation.
5. Dr. Nevarez is aware of his right to a hearing on the matters alleged in the Accusation, his right to reconsideration, his right to appeal and any and all other rights which

may be accorded to him pursuant to the Nevada Administrative Procedure Act and the Nevada Pharmacy Act.

6. Conditioned on the acceptance of this Stipulation by the Board, and with the exception of the right to challenge any determination that he failed to comply with the provisions of paragraph 10 below, Dr. Nevarez hereby freely and voluntarily waives his right to a hearing, reconsideration, appeal and any and all other rights related to this action that may be accorded to him by the Nevada Administrative Procedure Act and the Nevada Pharmacy Act.

7. The facts and violations alleged in the Accusation are pled with adequate particularity to give Dr. Nevarez notice of the alleged violations.

8. The facts and violations alleged in the Accusation, if proven, are grounds for disciplinary action pursuant to NRS 639.210 and NRS 639.255, *to wit*:

a. By allowing Push IV's Non-practitioner Staff Members to operate Push IV and to use Dr. Nevarez's authority as a practitioner to obtain, access, possess and/or store dangerous drugs when he was not on site, without a proper examination, without direct supervision and before he wrote a patient-specific order, Dr. Nevarez violated, or assisted and abetted Push IV's staff in violating, NRS 454.213(1), NRS 454.316 and/or NRS 454.356.

b. By allowing Push IV's Non-practitioner Staff Members to operate Push IV and to use Dr. Nevarez's authority as a practitioner to obtain, access, possess and/or store dangerous drugs when he was not on site, without a proper examination, without direct supervision and before he wrote a patient-specific order, Dr. Nevarez engaged, or assisted and abetted Push IV's staff to engage, in unprofessional conduct as defined in NAC 639.945(1)(g), (i), and (k).

c. By authorizing Push IV's Non-practitioner Staff Members to use his authority to operate Push IV, to administer a dangerous drug to patients who had not been examined by a practitioner, where he did not have a bona fide therapeutic relationship and for whom he had not diagnosed or determined that a dangerous drug was medically necessary, Dr.

Nevarez violated, and/or aided and abetted Push IV's staff in violating Nevada law, including NRS 454.221(1). He also acted unprofessionally. See NAC 639.945(1)(k) and (o).

d. Board staff hereby withdraws the Fourth Cause of Action alleging violations of NRS 639.233, NRS 639.285 and NAC 639.6915 (purchasing from unlicensed wholesalers).

9. Because of his conduct, Dr. Nevarez's controlled substance registration, Certificate of Registration No. CS19561, is subject to discipline pursuant to NRS 639.210(4) and (12) and/or NRS 639.255.

10. In light of the allegations set forth in the Accusation and the foregoing admissions, and in lieu of other discipline, the Board and Dr. Nevarez stipulate to the following penalties Dr. Nevarez shall:

a. Receive a public letter of reprimand regarding each of the violations set forth in Causes of Action 1 through 4, as stated in the Accusation,

b. Pay a fine of Five Hundred Dollars (\$500.00) per cause of action for each of the three remaining causes of action stated in the Accusation on file herein, for a total fine of One Thousand Dollars (\$1,500.00), related to the violations at issue in this matter.

c. Pay One Thousand Five Hundred Dollars (\$1,500.00) to partially offset the Board's attorney's fees, costs and expenses incurred while investigating and prosecuting this matter.

d. Notify and seek approval from the Board before becoming the medical director of or practicing in any practice in which a substantial portion of the practice is providing injections and/or intravenous (IV) infusions of vitamins or fluids for rehydration. Board Staff has authority to grant such permission after a review and inspection of the practice and its policies and procedures, to the extent necessary as determined by Board Staff at its sole discretion.

e. Comply with all other federal and state laws regarding the possession, control and administration of controlled substances and dangerous drugs.

11. The parties will present this Stipulation and Order to the Board for approval during a hearing at the Board's regularly scheduled meeting on Wednesday, <sup>September</sup> ~~October~~ 4, 2019, in Reno, Nevada. *APL* *BJL*

12. Dr. Nevarez and/or his counsel will appear at the hearing to answer questions from the Board Members and/or Board Staff.

13. The Board Members and Board Staff may discuss and deliberate regarding this Stipulation and the underlying case during the hearing even if Dr. Nevarez or his counsel are not present at the meeting.

14. The Board has discretion to accept this Stipulation, but it is not obligated to do so.

15. If the Board rejects all or any part 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 conducted by the Board. That hearing shall occur at the Board's October 2019 Board Meeting in Las Vegas, Nevada.

16. The terms and admissions stated herein may not be used or referred to if the Board conducts a full hearing on the merits of this matter.

17. Upon approval of this Stipulation by the Board, Respondent shall pay the fines 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 985 Damonte Ranch Parkway, Suite 206, Reno, Nevada, 90521, within thirty (30) days of the effective date of the Board's Order.

18. Respondent shall pay the attorney's 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 985 Damonte Ranch Parkway, Suite 206, Reno, Nevada, 90521, within thirty (30) days of the effective date of the Board's Order.

19. In the event Dr. Nevarez is unable to pay the fines and attorney's fees and costs stated above within the 30-day time frame as ordered, the Board hereby grants Board Staff authority to establish a payment plan with Dr. Nevarez that will allow him to pay through

instalments over a period of up to twelve (12) months from the effective date of this Stipulation and Order.

20. Any failure by Respondent to satisfy the obligations stated herein may result in additional discipline, up to and including suspension or revocation of Respondent's registration.

21. Nothing in this Stipulation and the attached Order shall be deemed in any way to limit, impair or alter any potential discipline or order by any other federal or state entity.

22. Nothing in this Stipulation and the attached Order in any way limits or impairs the Board and Board Staff's authority to conduct investigations, inspect and review records as provided in NRS Chapters 453, 454 and 639, and NAC Chapters 453, 454 and 639, or otherwise provided in the NRS or NAC.


Respondent Dr. Nevarez has fully considered the allegations and charges contained in the *Notice of Intended Action and Accusation* on file in this matter and the terms of the foregoing *Stipulation* and has freely and voluntarily agreed to the terms set forth herein, and waived certain rights, as stated herein.

**AGREED:**

Signed this 3<sup>rd</sup> day of September 2019

Signed this 3<sup>rd</sup> day of September 2019

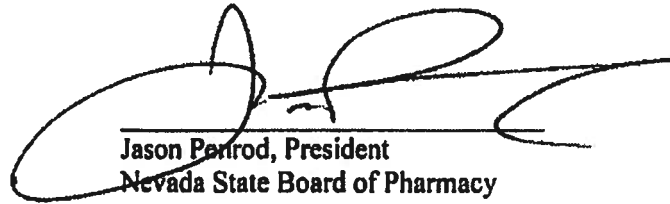
  
CHRISTOPHER NEVAREZ, M.D.,  
Certificate of Registration No. CS19561

  
S. PAUL EDWARDS, ESQ.  
General Counsel  
Nevada State Board of Pharmacy

**DECISION AND ORDER**

The Nevada State Board of Pharmacy hereby adopts the foregoing Stipulation as its decision as to Respondent Christopher Nevarez, M.D., Certificate of Registration Nos. CS19561, in Case No. 19-090-CS-S, and hereby orders that the terms of the foregoing Stipulation be made effective upon execution below.

4 SEP 2019  
Dated

  
Jason Perrod, President  
Nevada State Board of Pharmacy