

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. 23-40388-1

6 **Against:**

7 **JOSHUA PETER SMITH, PA-C,**

8 **Respondent.**

FILED

JUN 28 2023

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 William P. Shogren, Deputy General Counsel and attorney for the IC,
13 having a reasonable basis to believe that Joshua Smith, PA-C (Respondent) violated the provisions
14 of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter
15 630 (collectively, the Medical Practice Act), hereby issues its Complaint, stating the IC's charges
16 and allegations as follows:

17 1. Respondent was at all times relative to this Complaint a physician assistant holding
18 an active license to practice medicine in the State of Nevada (License No. PA1384). Respondent
19 was originally licensed by the Board on October 15, 2012, and was a physician assistant employed
20 at the Family Doctors of Green Valley (Facility) at all times relevant to this Complaint.

21 **COUNT I**

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

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

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28 ¹ The Investigative Committee of the Nevada State Board of Medical Examiners, at the time this formal
Complaint was authorized for filing, was composed of Board members Aury Nagy, M.D., Nicola (Nick) M. Spirtos,
M.D., F.A.C.O.G., and Ms. Maggie Arias-Petrel.

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

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

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

10 6. Respondent admitted to unintentional error by dispensing prescription drugs, which
11 included controlled substances and dangerous drugs, under another doctors dispensing license,
12 registration number PD00143, in violation of NAC 639.742(1) pursuant to the NBOP's
13 Stipulation and Order, *See Exhibit 1*, and without having first obtained his own individual
14 dispensing registration in violation of NAC 639.945(1)(i).

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

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

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

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

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

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

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

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

DATED this 28th day of June, 2023.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: William P. Shogren

WILLIAM P. SHOGREN
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Reno, NV 89521
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Attorney for the Investigative Committee

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VERIFICATION

STATE OF NEVADA)
)
COUNTY OF WASHOE)

Bret W. Frey, M.D., having been duly sworn, hereby deposes and states under penalty of perjury that he is the Chairman of the Investigative Committee of the Nevada State Board of Medical Examiners that authorized the Complaint against the Respondent herein; that he has read the foregoing Complaint; and that based upon information discovered in the course of the investigation into a complaint against Respondent, he believes that the allegations and charges in the foregoing Complaint against Respondent are true, accurate and correct.

DATED this 26 day of June, 2023.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS



By: _____

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

EXHIBIT 1

EXHIBIT 1

FILED

OCT 09 2019

NEVADA STATE BOARD OF PHARMACY

BEFORE THE NEVADA STATE BOARD OF PHARMACY

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

RAVI RAMANATHAN, M.D.,)	
Certificate of Registration Nos. CS14526, and)	
PD00143; and)	STIPULATION AND ORDER
)	(Respondent Smith Only)

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

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

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

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

Respondents.)
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S. Paul Edwards, Esq., prosecuting on behalf of the State of Nevada, Nevada State Board of Pharmacy ("Board") and Joshua Smith, P.A., Certificate of Registration No. 20661 ("Smith" or "Respondent"), acting through his counsel, John Hunt, of Clark Hill, PLLC,

HEREBY STIPULATE AND AGREE THAT:

1. This Stipulation does not apply to Ravi Ramanathan, M.D., Certificate of Registration Nos. CS14526 and PD00143 ("Ramanathan"), Beraldo Vazquez-Correa, M.D., Certificate of Registration Nos. CS04757 and PD00559, Yaakov Dovid Kotlarsky, P.A., Certificate of Registration No. CS22538 and Jennifer Lauren Relph, P.A., Certificate of Registration No. CS20905. The allegations against those Respondents in the Accusation on file in this action and those Respondents' rights accorded to them under Nevada law, including by

the Nevada Administrative Procedure Act and the Nevada Pharmacy Act, are not affected by this agreement.

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

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

4. Respondent Smith filed an *Answer and Notice of Defense* in this action on or about July 19, 2019.

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

6. Respondent is aware of 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 NRS Chapter 233B (Nevada Administrative Procedure Act), NRS Chapter 622A (Administrative Procedure Before Certain Regulatory Bodies), and NRS Chapter 639 (Nevada Pharmacy Act).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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


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

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

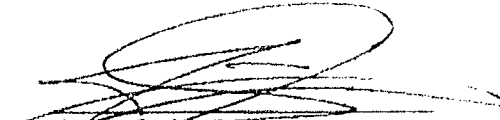
Respondent Joshua Smith has fully considered the charges and allegations contained in the Notice of Intended Action and Accusation on file in this matter and the terms of this Stipulation and freely and voluntarily agrees to the terms set forth herein, and waives certain rights, as stated herein.

Signed this 7th day of October, 2019.

Signed this 7th day of October, 2019.



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

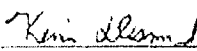


Joshua Smith, P.A.
Certificate of Registration No. CS20661

DECISION AND ORDER

The Nevada State Board of Pharmacy hereby adopts the foregoing Stipulation as its decision as to Respondent Joshua Smith, P.A., Certificate of Registration No. CS20661, and hereby orders that the terms of the foregoing Stipulation be made effective upon execution.

Signed this 9 day of October, 2019



Kevin Desmond, President Pro Tempore
Nevada State Board of Pharmacy