

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. 23-11664-1**

6 **Against:**

**FILED**

7 **RICHARD SY TEH, M.D.**

**JUN 20 2023**

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

17 1. Respondent was at all times relative to this Complaint a medical doctor holding an  
18 active license to practice medicine in the State of Nevada (License No. 8220). Respondent was  
19 originally licensed by the Board on July 1, 1997.

20 2. Respondent also holds active Nevada Controlled Substance Registrations issued by  
21 the Nevada State Board of Pharmacy (Pharmacy Board), specifically, Certificate No. CS19708  
22 and Certificate No. CS31633.

23 3. On May 2, 2022, the Pharmacy Board filed a "Notice of Intended Action and  
24 Accusation" (Pharmacy Board Accusation) alleging that Respondent violated various statutes and  
25 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 Bret W. Frey, M.D., Col. Eric D. Wade,  
USAF (Ret.), and Carl N. Williams, Jr., M.D. FACS.

1           4.       In pertinent part, the Pharmacy Board Accusation alleged that Respondent violated  
2 NRS 453.236(1), NRS 453.331, and NAC 639.945(1)(h), (i), and (j).

3           5.       In pertinent part, NRS 453.236(1)(e) provides that the Pharmacy Board may  
4 suspend or revoke a registration to dispense a controlled substance upon a finding that the  
5 registrant has committed an act that would render such registration inconsistent with the public  
6 interest.

7           6.       NRS 453.331 renders it unlawful for persons to knowingly or intentionally engage  
8 in certain fraudulent acts related to prescriptions, including possessing prescription blanks which  
9 have been signed before being filled out, NRS 453.331(1)(h).

10          7.       NAC 639.945(1)(h) provides that performing or in any way being a party to any  
11 fraudulent or deceitful practice or transaction by a holder of a registration issued by the Pharmacy  
12 Board is unprofessional conduct and conduct contrary to the public interest.

13          8.       NAC 639.945(1)(i) provides that performing any of his duties as the holder of a  
14 registration issued by the Pharmacy Board in an incompetent, unskillful or negligent manner is  
15 unprofessional conduct and conduct contrary to the public interest:

16          9.       NAC 639.945(j) provides that aiding or abetting a person not licensed to practice  
17 pharmacy in the State of Nevada is unprofessional conduct and conduct contrary to the public  
18 interest.

19          10.       On or about September 7, 2022, Respondent and the Pharmacy Board entered into  
20 a “Stipulation and Order” (Pharmacy Board Stipulation) whereby Respondent admitted that the  
21 Pharmacy Board “could present such evidence at an administrative hearing to establish a factual  
22 basis” for certain violations alleged against him in the Pharmacy Board Accusation, including  
23 violations of NRS 453.236(1), NRS 453.331, and NAC 639.945(1)(h), (i), and (j). *See Exhibit 1.*

24          11.       Specifically, Respondent admitted “that evidence exists that he pre-wrote, -signed,  
25 and -dated prescriptions during 2017 to coincide with scheduled patient visits.” *Id.*

26          12.       Pursuant to the Pharmacy Board Stipulation, Respondent agreed that the admitted  
27 violations were “grounds for disciplinary action” by the Pharmacy Board, and he stipulated to  
28 specific penalties therefore. *Id.*

**COUNT I**

**NRS 630.306(1)(b)(3) – Violation of Statutes and Regulations of the Nevada State**

**Board of Pharmacy**

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

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

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

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

17. By pre-writing, -signing, and -dating prescriptions, Respondent violated NRS 639.210(12) by violating laws relating to drugs and/or the distribution of drugs, specifically, NRS 453.236(1) and NRS 454.331.

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

19. By pre-writing, signing, and dating prescriptions, Respondent violated NAC 639.945(1)(h), (i), and (j).

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

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

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

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

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

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

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

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

15 DATED this 20<sup>th</sup> day of June, 2023.

16 INVESTIGATIVE COMMITTEE OF THE  
17 NEVADA STATE BOARD OF MEDICAL EXAMINERS

18 By: Brandee Mooneyhan

19 BRANDEE MOONEYHAN  
20 Deputy General Counsel  
21 9600 Gateway Drive  
22 Reno, NV 89521  
23 Tel: (775) 688-2559  
24 Email: [mooneyhanb@medboard.nv.gov](mailto:mooneyhanb@medboard.nv.gov)  
25 *Attorney for the Investigative Committee*

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**VERIFICATION**

STATE OF NEVADA        )  
                                  : ss.  
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.

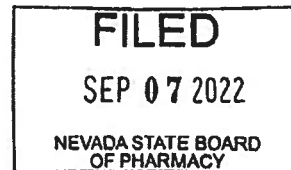
DATED this 20th day of June, 2023.

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**



**BEFORE THE NEVADA STATE BOARD OF PHARMACY**

**NEVADA STATE BOARD OF PHARMACY,**

**Petitioner,**

**v.**

**RICHARD S. TEH, MD,  
Certificate of Registration Nos. CS19708,  
CS31633, and**

**CYNTHIA E. TEH, MD,  
Certificate of Registration No. CS09236,**

**Respondents.**

**Case Nos. 20-021-CS-A-S  
20-021-CS-B-S**

**STIPULATION AND ORDER**

Courtney K. Lee, General Counsel for Petitioner the Nevada State Board of Pharmacy (“Board”), and Respondent Richard S. Teh, MD (“Teh 1”), Certificate of Registration Nos. CS19708, CS31633, Respondent Cynthia E. Teh, MD (“Teh 2”), Certificate of Registration No. CS09236, by and through counsel, Crane Pomerantz, Esq., of Clark Hill, **HEREBY**

**STIPULATE AND AGREE THAT:**

1. The Board has jurisdiction over Respondents and this matter.
2. On or about May 25, 2022, Board Staff served Respondents Teh 1 and Teh 2 with the Notice of Intended Action and Accusation (“Accusation”) on file in this matter together with the Statement to Respondents and Notice of Hearing.
3. In lieu of filing Answers through counsel, this agreed Stipulation and Order is presented for the Board’s consideration.
4. Respondents Teh 1 and Teh 2 are fully aware of the right to seek the advice of counsel in this matter and obtained the advice of counsel prior to entering this Stipulation.
5. Respondents are aware of the right to a hearing on the matters alleged in the Accusation, the right to reconsideration, the right to appeal, and any and all other rights which may be accorded 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.

6. Conditioned on the acceptance of this Stipulation by the Board, and with the exception of the right to challenge any determination that any Respondent failed to comply with the provisions of this Stipulation and Order, Respondents hereby freely and voluntarily waive their right 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.

7. Respondent Teh 1 admits that evidence exists, and that Board staff prosecuting this case could present such evidence at an administrative hearing, to establish a factual basis for certain of the violations alleged in the Accusation, that Respondent Teh 1:

A. Pre-signed or pre-wrote controlled substance and/or dangerous drug prescriptions while engaged in overseas travel, provided blank prescription pads to staff and/or allowed staff to complete information on written prescriptions in violation of 21 U.S.C. § 822(a)(2), 21 U.S.C. § 823(f), 21 U.S.C. § 846 and 21 CFR § 1306.03, NRS 453.236(1), NRS 453.331, and NAC 639.945(1)(h), (i), (j).

B. Specifically, Respondent Teh 1 admits that evidence exists that he pre-wrote, -signed, and -dated prescriptions during 2017 to coincide with scheduled patient visits. He did not, however, hand over blank prescriptions to staff or patients and locked the signed prescriptions away so they could only be distributed on the date of the visit.

8. These violations are plead with particularity in the Accusation, and are grounds for disciplinary action pursuant to NRS 453.236, NRS 453.241, NRS 639.210 and/or NRS 639.255.



9. Respondent Teh 2 admits that evidence exists, and that Board staff prosecuting this case could present such evidence at an administrative hearing, to establish a factual basis for certain of the violations alleged in the Accusation, that Respondent Teh 2:

A. Pre-signed or pre-wrote controlled substance and/or dangerous drug prescriptions while engaged in overseas travel, provided blank prescription pads to staff and/or allowed staff to complete information in written prescriptions in violation of 21 U.S.C. § 822(a)(2), 21 U.S.C. § 823(f), 21 U.S.C. § 846 and 21 CFR § 1306.03, NRS 453.236(1), NRS 453.331, and NAC 639.945(1)(h), (i), (j).

B. Specifically, Respondent Teh 2 admits that evidence exists that she pre-wrote, -signed, and -dated prescriptions during 2017 to coincide with scheduled patient visits. She did not, however, hand over blank prescriptions to staff or patients and locked the signed prescriptions away so they could only be distributed on the date of the visit.

10. These violations are plead with particularity in the Accusation, and are grounds for disciplinary action pursuant to NRS 453.236, NRS 453.241, NRS 639.210 and/or NRS 639.255.

11. In order to resolve this matter without incurring any further costs or the expense associated with a hearing, and with Respondent not conceding or admitting to such allegations, the Board and Respondent stipulate to the following penalties and conditions. The registrations of Respondent Richard S. Teh, MD, Certificates of Registration Nos. CS19708, CS31633, are hereby suspended. The suspensions are stayed, and Teh 1 is placed on probation for two (2) years, subject to the following conditions. Teh 1 shall:

A. Accept this Stipulation and Order as a public reprimand regarding Respondent Teh1's duties and responsibilities as a prescribing practitioner;

B. Pay a fine of Four-Thousand Dollars (\$4,000.00) for the alleged violations;

C. Pay Two Thousand Dollars (\$2,000.00) to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter; and

D. Comply with all federal and state statutes and regulations regarding controlled substances and dangerous drugs, and have no additional charges filed against him while on probation.

12. In order to resolve this matter without incurring any further costs or the expense associated with a hearing, and with Respondent not conceding or admitting to such allegations, the Board and Respondent stipulate to the following penalties and conditions. The registration of Respondent Cynthia E. Teh, MD, Certificate of Registration No. CS09236, is hereby suspended. The suspension is stayed, and Teh 2 is placed on probation for two (2) years, subject to the following conditions. Teh 2 shall:

A. Accept this Stipulation and Order as a public reprimand regarding Respondent Teh 2's duties and responsibilities as a prescribing practitioner;

B. Pay a fine of Four-Thousand Dollars (\$4,000.00) for the alleged violations;

C. Pay Two Thousand Dollars (\$2,000.00) to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter; and

D. Comply with all federal and state statutes and regulations regarding controlled substances and dangerous drugs, and have no additional charges filed against her while on probation.

13. In addition, Board inspectors shall conduct scheduled quarterly inspections of Respondents' practice for a period of 12 months from the effective date of this Order, and

Respondents shall bear and reimburse the Board for inspection costs in an amount not to exceed \$500 per quarterly inspection.

14. If each Respondent complies with the terms of probation, at the end of the probationary period, each Respondent's controlled substance registration, nos. CS19708, CS31633, and CS09236 shall be fully restored.

15. Any failure by any Respondent to comply with the terms of this Order may result in issuance by the Executive Secretary of an order to show cause pursuant to NAC 639.965 directing that 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 that Respondent consistent with the provisions of NRS Chapter 453 and/or Chapter 639.

16. 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 September 7, 2022. Respondents will appear in person 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(s) or counsel are not present at the meeting.

17. 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 and shall be reported to the National Practitioner Data Bank pursuant to 42 USC § 1396r-2 and 45 CFR Part 60.

18. If the Board rejects any part or all of this Stipulation, and unless they 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 the same day or at a later date. The terms and admissions herein may not be used or referred to in a full hearing on the merits of this matter.

19. Upon approval of this Stipulation by the Board, each Respondent shall pay the fines agreed to herein by *personal check, business check, 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 Parkway – Suite 206, Reno, Nevada 89521, within thirty (30) of the effective date of this Order.

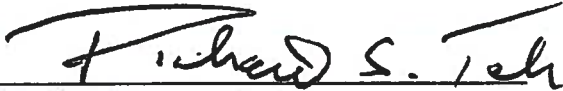
20. Upon approval of this Stipulation by the Board, each Respondent shall pay the attorney's fees and costs agreed to herein by *personal check, business check, cashier's check or certified check or money order* made payable to "Nevada State Board of Pharmacy," to be received by the Board's Reno office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

21. Subject to the approval of this Stipulation by the Board, the Board and Respondents agree to release one another from any and all additional claims arising from the facts set forth in the Accusation on file herein, whether known or unknown that might otherwise have existed on or before the effective date of this Order.

Respondents have fully considered the charges and allegations contained in the *Notice of Intended Action and Accusation* in this matter, and the terms of this Stipulation, and have freely and voluntarily agreed to the terms set forth, and waived certain rights, as stated herein.

**AGREED:**

Signed this 7 day of Sept, 2022



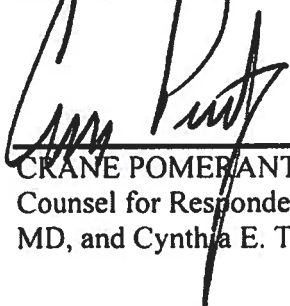
RICHARD S. TEH, MD  
Certificate of Registration Nos. CS19708,  
CS31633

Signed this 7 day of Sept, 2022



CYNTHIA E. TEH, MD  
Certificate of Registration No. CS09236

APPROVED AS TO FORM AND  
CONTENT this 7<sup>th</sup> day of Sept, 2022



CRANE POMERANTZ, ESQ.  
Counsel for Respondents Richard S. Teh,  
MD, and Cynthia E. Teh, MD

Signed this 7<sup>th</sup> day of Sept, 2022



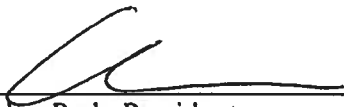
COURTNEY K. LEE, ESQ.  
General Counsel  
Nevada State Board of Pharmacy

**ORDER**

The Nevada State Board of Pharmacy hereby adopts the foregoing Stipulation as to Respondent Richard S. Teh, MD, Certificate of Registration Nos. CS19708, CS31633, and Respondent Cynthia E. Teh, MD, Certificate of Registration No. CS09236, in Case Nos. 20-021-CS-A-S, 20-021-CS-B-S, and hereby orders that the terms of the foregoing Stipulation be made effective upon execution below.

**IT IS SO ORDERED.**

Entered this 7<sup>th</sup> day of September, 2022.

  
\_\_\_\_\_  
Helen Park, President  
Nevada State Board of Pharmacy