

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. 23-11289-2

6 **Against:**

FILED

7 **STEPHEN PAUL DUBIN M.D.,**

OCT 31 2023

8 **Respondent.**

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 Stephen Paul Dubin, 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. 13772). Respondent was
19 originally licensed by the Board on December 3, 2010.

20 2. Respondent, at all times relevant to this Complaint, held an active Certificate of
21 Registration with the Nevada State Board of Pharmacy (Pharmacy Board), No. CS19164.

22 3. On August 13, 2021, the Pharmacy Board filed a Notice of Intended Action and
23 Accusation (Accusation) against Respondent, alleging that between December 18, 2018, and
24 December 20, 2018, while acting as medical director of Jireh Healthcare, Respondent violated
25 various statutes and regulations within the Pharmacy Board's jurisdiction.

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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 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 pre-
2 signed, post-signed, or allowed staff to call in controlled substance prescriptions for patients
3 without Respondent's dated and handwritten signature, while Respondent was engaged in
4 overseas travel.

5 5. On September 7, 2022, the Pharmacy Board issued a Findings of Facts,
6 Conclusions of Law, and Order (Order), hereto attached as **Exhibit 1**. The Pharmacy Board found
7 that Respondent, as medical director with supervisory duties over clinical staff, pre-signed, post-
8 signed, or allowed staff to call in controlled substance prescriptions for patients without
9 Respondent's dated and handwritten signature, while Respondent was engaged in overseas travel.
10 The Pharmacy Board further found that Respondent was a party to a fraudulent or deceitful
11 practice or transaction and engaged in unprofessional conduct and conduct contrary to the public
12 interest. The Pharmacy Board found that Respondent violated NAC 639.945(1)(h)-(i),
13 NRS 453.236(1), NRS 453.331, and was subject to discipline pursuant to NRS 453.236,
14 NRS 453.241, and/or NRS 639.210. The Pharmacy Board also found that Respondent violated,
15 attempted to violate, assisted or abetted in the violation of or conspired to violate various federal
16 laws, and was subject to discipline pursuant to NRS 639.210(11).

17 6. The Pharmacy Board, in its Order, ordered that Respondent be disciplined as
18 follows: (1) that Respondent's controlled substance registration be placed on probation for two (2)
19 years; (2) that Respondent pay fines and costs; (3) that Respondent complete four (4) additional
20 continuing education classes regarding proper prescribing of controlled substances; (4) that
21 Respondent complete one (1) hour of PMP training with Pharmacy Board staff; (5) that
22 Respondent complete one (1) hour of controlled substance prescribing training; and (6) that the
23 Order serve as a public reprimand.

24 **COUNT I**

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

26 **Board of Pharmacy**

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

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

3 9. 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 Pharmacy Board pursuant thereto, that is
5 applicable to a licensee who is a practitioner, as defined in NRS 639.0125, is grounds for initiating
6 discipline against a licensee.

7 10. NAC 639.945(1)(h)-(i) are regulations adopted by the Pharmacy Board pursuant to
8 Chapter 639 of NRS. NRS 639.210(11) is a provision of Chapter 639 of NRS.

9 11. Respondent violated NRS 630.306(1)(b)(3) when the Pharmacy Board issued its
10 Order and found that Respondent violated NAC 639.945(1)(h)-(i) and/or NRS 639.210(11).
11 *See Exhibit 1.*

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

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

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

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

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

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

24 5. That the Board make, issue and serve on Respondent its findings of fact,
25 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 31st day of October, 2023.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:



WILLIAM P. SHOGREN
Deputy General Counsel
9600 Gateway Drive
Reno, NV 89521
Tel: (775) 688-2559
Email: dcontine@medboard.nv.gov
Attorney for the Investigative Committee


1 VERIFICATION

2 STATE OF NEVADA)
3 COUNTY OF CLARK) : ss.

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

10 DATED this 31 day of October, 2023.

11 INVESTIGATIVE COMMITTEE OF THE
12 NEVADA STATE BOARD OF MEDICAL EXAMINERS

13 By: 
14 _____
15 BRET W. FREY, M.D.
16 *Chairman of the Investigative Committee*

OFFICE OF THE GENERAL COUNSEL
Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, Nevada 89521
(775) 688-2559

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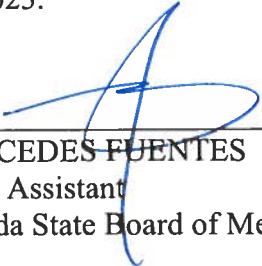
CERTIFICATE OF SERVICE

I hereby certify that I am employed by the Nevada State Board of Medical Examiners and that on the 1st day of November, 2023, I served a file-stamped copy of the foregoing **COMPLAINT** via U.S Certified Mail to:

STEPHEN PAUL DUBIN, M.D.
2359 Cliffwood Dr.
Henderson, NV 89074

Tracking No. 9171 9690 0935 0241 5577 35

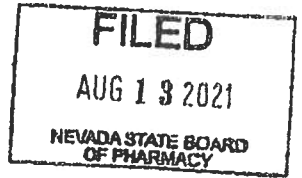
DATED this 1st day of November, 2023.



MERCEDES FUENTES
Legal Assistant
Nevada State Board of Medical Examiners

EXHIBIT 1

EXHIBIT 1



BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

CASE NO. 20-020-CS-S

Petitioner,

v.

NOTICE OF INTENDED ACTION
AND ACCUSATION

STEPHEN DUBIN, MD,
Certificate of Registration No. CS19164,

Respondent.

J. David Wuest, in his official capacity as Executive Secretary of the Nevada State Board of Pharmacy, makes the following that will serve as both a notice of intended action under NRS 233B.127(3) and as an accusation under NRS 622A.300(1) and NRS 639.241.

JURISDICTION

1. The Nevada State Board of Pharmacy ("Board") has jurisdiction over this matter because at the time of the events alleged herein, Respondent Stephen P. Dubin, MD ("Dubin"), held a controlled substance registration, Certificate of Registration No. CS19164, issued by the Board.

FACTUAL ALLEGATIONS

2. Respondent Dubin is/was the medical director of a home hospice company, Jireh Healthcare ("Jireh"), located at 2320 Paseo Del Prado, Suite B101, Las Vegas, Nevada 89102.

3. Jireh employs registered nurses and/or physician assistants, who are agents or staff members for Dubin, to travel to patients' homes to provide in-home hospice services.

4. Respondent Dubin did not travel to patients' homes to examine patients in person nor did Dubin directly consult with patients by other electronic or remote device.

5. The United States Department of Justice filed a referral for civil prosecution against Respondent Dubin for prescribing controlled substances prescriptions while out of the country.

6. Dubin was outside of the United States from December 17-24, 2018.
7. On December 18, 2018, Dubin's agent or staff member "Honey" called in a controlled substance schedule IV prescription for patient A.D. for Alprazolam 1 mg tablet, quantity 15.
8. On December 19, 2018, Dubin's agent or staff member "Speedy" called in a controlled substance schedule II prescription for patient M.G. for oxycodone 10-325 mg tablets, quantity 60.
9. On December 19, 2018, Dubin's agent or staff member "Speedy" called in a controlled substance schedule IV prescription for patient M.H. for Lorazepam 0.5 mg tablets, quantity 45.
10. Patient D.B. started care with Jireh on December 20, 2018 and was discharged on December 22, 2018 because he passed away, all during the time when Dubin was out of the country.
11. On December 20, 2018, Dubin's agent or staff member "Honey" called in a controlled substance schedule II prescription for patient D.B. for Morphine Sulfate 20 mg/ml, quantity 30.
12. On December 20, 2018, Dubin's agent or staff member "Honey" called in a controlled substance schedule IV prescription for patient D.B. for Lorazepam 2mg/ml, quantity 30.
13. All of the foregoing controlled substance prescriptions were telephoned by Dubin's agent(s) or staff member(s) to Trinity Pharmacy during a time when Dubin was out of the country.

APPLICABLE LAW

14. No person other than a practitioner holding a license to practice his or her profession in this State may prescribe or write a prescription. NRS 639.235(1).

15. A prescription for a controlled substance may be issued only for a legitimate medical purpose and in the usual course of his or her professional practice by an individual practitioner who holds a DEA registration and is authorized to prescribe controlled substances by the jurisdiction in which he is licensed to practice his profession. 21 USC § 822(a)(2); 21 USC § 823(f); 21 CFR § 1306.03(a)(1); NRS 453.331; NRS 453.431; NRS 453.381(1).

16. It is unlawful for a practitioner to prescribe a controlled substance except as authorized by law. NRS 453.226(1); NRS 453.256; NRS 453.321(1)(a); NRS 453.431; NRS 639.100(1); NRS 639.235; NRS 639.23505; NRS 639.2353; NRS 639.2355; NRS 639.239145(2)(a); NAC 453.410; NAC 453.420; NAC 453.440; NAC 453.450; NAC 639.742; NAC 639.745.

17. It is a felony offense to falsify a prescription for a controlled substance or otherwise purchase or possess a controlled substance except as authorized by law. 21 USC § 841(a); 21 USC § 842(a); NRS 453.331(1)(c), (d), (f), (h) and (i).

18. Conspiring to violate the Controlled Substances Act is a felony offense. 21 USC § 846; NRS 453.401(1)(a).

19. Performing or in any way being a party to any fraudulent or deceitful practice or transaction constitutes unprofessional conduct or conduct contrary to the public interest pursuant to NAC 639.945(1)(h), and is grounds for suspension or revocation of any license or registration issued by the Board. NRS 639.210(4).

20. Performing any duties as the holder of a controlled substance registration in an incompetent, unskillful or negligent manner constitutes unprofessional conduct or conduct contrary to the public interest pursuant to NAC 639.945(1)(i), and is grounds for suspension or revocation of any license or registration issued by the Board. NRS 639.210(4).

21. Prescribing a drug as a practitioner to a patient with whom the practitioner does not have a bona fide therapeutic relationship pursuant to NRS 639.235(2)(a), NRS

639.239145(2)(a) constitutes unprofessional conduct or conduct contrary to the public interest pursuant to NAC 639.945(1)(n) and (o), and is grounds for suspension or revocation of any license or registration issued by the Board. NRS 639.210(4).

22. Aiding or abetting a person not licensed to practice pharmacy in the State of Nevada constitutes unprofessional conduct or conduct contrary to the public interest pursuant to NAC 639.945(1)(j), and is grounds for suspension or revocation of any license or registration issued by the Board. NRS 639.210(4).

23. Violating any provision of the Federal Food, Drug and Cosmetic Act or any other federal law or regulation relating to prescription drugs is grounds for suspension or revocation of any license or registration issued by the Board. NRS 639.210(11).

24. Violating, attempting to violate, assisting or abetting in the violation of or conspiring to violate any law or regulation relating to drugs is grounds for suspension or revocation of any license or registration issued by the Board. NRS 639.210(12).

25. The Board may suspend or revoke a registration issued pursuant to NRS 453.231 to prescribe or otherwise dispense a controlled substance upon a finding that the registrant has committed an act that would render registration inconsistent with the public interest. NRS 453.236(1)(d) and NRS 453.241(1).

FIRST CAUSE OF ACTION

Unprofessional Conduct – Party to a Fraudulent/Deceitful Practice/Transaction

26. By pre-signing, post-signing, or allowing staff to call in controlled substance schedule II prescriptions for patients without Dubin's dated and handwritten signature while Dubin was engaged in overseas travel, Dubin was a party to a fraudulent or deceitful practice or transaction and engaged in unprofessional conduct and conduct contrary to the public interest in violation of NAC 639.945(1)(h)(i), NRS 453.236(1), NRS 453.331, and is subject to discipline pursuant to NRS 453.236, NRS 453.241, and/or NRS 639.210.

SECOND CAUSE OF ACTION

Unprofessional Conduct – Incompetent, Unskillful or Negligent Performance of Duties

27. By pre-signing, post-signing, or allowing staff to call in controlled substance schedule II prescriptions for patients without Dubin's dated and handwritten signature while Dubin was engaged in overseas travel, and when no bona fide therapeutic relationships with patients were established, Dubin performed his duty as a holder of a Nevada Controlled Substance Registration in an incompetent, unskillful or negligent manner and engaged in unprofessional conduct in violation of NRS 453.331, and NAC 639.945(1)(i), and (o), and is subject to discipline pursuant to NRS 453.236(1) and NRS 639.210.

THIRD CAUSE OF ACTION

Violations of the Federal and State Controlled Substances Act

28. By pre-signing, post-signing, or permitting his staff to telephone controlled substances schedule II prescriptions without Dubin's dated and handwritten signature, Dubin violated, attempted to violate, assisted or abetted in the violation of or conspired to violate 21 USC § 822(a)(2), 21 USC § 823(f), 21 USC § 841(a), 21 USC § 842(a), 21 USC § 846 and 21 CFR §§ 1306.03–1306.05, NRS 453.331, and is subject to discipline pursuant to NRS 453.236(1) and NRS 639.210(11).

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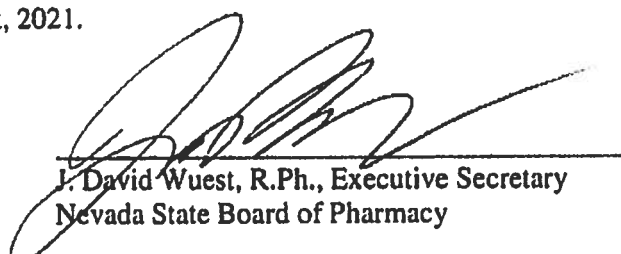
FOURTH CAUSE OF ACTION

Commission of Acts that Render Registration Inconsistent with the Public Interest

29. As set forth herein, Dubin has committed acts that render his registration to prescribe controlled substances inconsistent with the public interest pursuant to NRS 453.231, and is subject to discipline pursuant to NRS 453.236(1)(d) and NRS 453.241(1).

WHEREFORE it is requested that the Nevada State Board of Pharmacy take appropriate disciplinary action with respect to the certificate of registration of this Respondent.

DATED this 13th day of August, 2021.



J. David Wuest, R.Ph., Executive Secretary
Nevada State Board of Pharmacy