

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. 24-9681-1

6 **Against:**

FILED

7 **SAMUEL ANTONIO MUJICA TRENCHÉ, M.D.,**

MAR 21 2024

8 **Respondent.**

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

9
10 **COMPLAINT**

By: *W. Wade*

11 The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners
12 (Board), by and through Alexander J. Hinman, Deputy General Counsel, and attorney for the IC,
13 having a reasonable basis to believe that Samuel Antonio Mujica Trenche, 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 physician holding an active
18 license to practice medicine in the State of Nevada (License No. 5456). Respondent was originally
19 licensed by the Board on November 22, 1986.

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. CS04095.

22 3. On or about September 1, 2022, Respondent was served with a Notice of Intended
23 Action and Accusation (Accusation) by the Pharmacy Board, alleging that in 2022, while acting as
24 the medical director of Infuze, LLC dba Infuze Wellness Center (Infuze), located at 1590 W.
25 Horizon Parkway, Suite 110, Henderson, Nevada, Respondent violated various statutes and
26 regulations within the Pharmacy Board's jurisdiction.

27
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 11. Respondent acknowledged that the evidence against him was sufficient to establish
2 a factual basis, and thus prove, violations of NRS Chapter 639 when he entered into the Pharmacy
3 Board Stipulation. Respondent thereby engaged in conduct that violated a provision of Chapter
4 639 of NRS, a regulation adopted by the Pharmacy Board pursuant thereto.

5 12. By reason of the foregoing, Respondent is subject to discipline by the Board as
6 provided in NRS 630.306(1)(b)(3) and NRS 630.352

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

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

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

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

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

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

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

21 DATED this 21st day of March, 2024.

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

24 By:



25 ALEXANDER J. HINMAN

26 Deputy General Counsel

27 9600 Gateway Drive

28 Reno, NV 89521

Tel: (775) 688-2559

Email: ahinman@medboard.nv.gov

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 21st day of March, 2024.

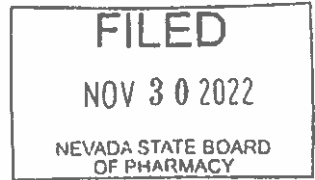
INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

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,

Case No. 22-057-CS-S

Petitioner,

v.

**SAMUEL MUJICA-TRENCHÉ, MD,
Certificate of Registration No. CS04095,**

STIPULATION AND ORDER

Respondent.

Courtney K. Lee, General Counsel for Petitioner the Nevada State Board of Pharmacy (“Board”), and Respondent Samuel Mujica-Trenche, MD (“Mujica-Trenche”), Certificate of Registration No. CS04095, by and through counsel, Marie Ellerton, Esq., of Hall, Prangle & Schoonveld, LLC, **HEREBY STIPULATE AND AGREE THAT:**

1. The Board has jurisdiction over Respondent and this matter.
2. On or about September 1, 2022, Board Staff served Respondent with the Notice of Intended Action and Accusation (“Accusation”) on file in this matter together with the Statement to Respondent and Notice of Hearing.
3. In lieu of filing an Answer through counsel, this agreed Stipulation and Order is presented for the Board’s consideration.
4. Respondent is 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. Respondent is 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 Respondent failed to comply with the provisions of this Stipulation and Order, Respondent 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 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 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 Mujica-Trenche:

A. By allowing RN staff or other unlicensed persons to access, possess, and/or administer dangerous drugs to patients while Dr. Mujica-Trenche was out of the office, and/or failing to ensure all drugs were inaccessible or locked, Mujica-Trenche performed his duties as a holder of Nevada Controlled Substance Registration in an incompetent, unskillful or negligent manner, engaged in unprofessional conduct, conduct contrary to the public interest in violation of NAC 639.742(3); NAC 639.945(1)(i).

B. By permitting RN staff and/or other unlicensed persons at Infuze to possess, prescribe, administer, and/or dispense dangerous drugs without a license or registration to do so, and/or without proper practitioner's orders as alleged herein, Mujica-Trenche aided or abetted a person not licensed to possess, prescribe, administer, and/or dispense in the State of Nevada, engaged in unprofessional conduct, conduct contrary to the public interest in violation of NRS 454.311; NRS 454.316; NAC 639.945(1)(j).

C. By allowing or negligently permitting key access by RN staff or unlicensed persons to access Infuze's medication room or cabinet containing dangerous

drugs, Mujica-Trenche, as the medical director for Infuze during the relevant timeframes, failed to maintain proper locked security of drugs in violation of NAC 639.742(3)(c); NAC 639.745(1)(c).

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. 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:

A. Pay a fine of Five-Thousand Dollars (\$5,000.00) for the alleged violations;
and

B. Pay Five Hundred Dollars (\$500.00) to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

10. Any failure by 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 Respondent consistent with the provisions of NRS Chapter 453 and/or Chapter 639.

11. 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 November 30, 2022. Respondent 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 and/or counsel are not present at the meeting.

12. 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.

13. 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.

14. Upon approval of this Stipulation by the Board, 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.

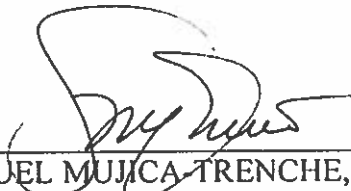
15. Upon approval of this Stipulation by the Board, Respondent shall pay the attorney's fees and costs agreed to herein by *personal check, business check, cashier's check or certified check or money order* made payable to "Nevada State Board of Pharmacy," to be received by the Board's Reno office located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

16. Subject to the approval of this Stipulation by the Board, the Board and Respondent 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.

Respondent has 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 has freely and voluntarily agreed to the terms set forth, and waived certain rights, as stated herein.

AGREED:

Signed this 16 day of Nov, 2022



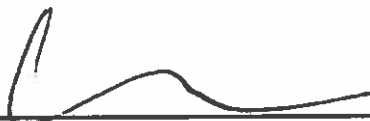
SAMUEL MUJICA-TRENCHÉ, MD
Certificate of Registration No. CS04095

APPROVED AS TO FORM AND
CONTENT this 16 day of Nov, 2022



MARIE ELLERTON, ESQ.
Counsel for Respondent
Samuel Mujica-Trenche, MD

Signed this 16th day of Nov, 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 Samuel Mujica-Trenche, MD, Certificate of Registration No. CS04095. in Case No. 22-057-CS-S, and hereby orders that the terms of the foregoing Stipulation be made effective upon execution below.

IT IS SO ORDERED.

Entered this 30th day of November, 2022.



Helen Park, President
Nevada State Board of Pharmacy