



Nevada State Board of Medical Examiners

**IN THE MATTER OF CHARGES AND COMPLAINT AGAINST
ABDEL MALICK KHALEK, M.D.
ADJUDICATION**

Case No: 21-8734-1

Date: December 3, 2021

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1 a controlled substance registration, dispensing practitioner registration or any other kind of license
2 issued by the Pharmacy Board.

3 4. On March 8, 2013, the Board ordered and accepted the voluntary surrender of
4 Bararia's license to practice medicine (License No. 11355), pursuant to NAC 630.240, while
5 under investigation.

6 5. On October 23, 2014, in the matter of *United States of America v. Vinay Bararia*,
7 United States District Court, District of Nevada, Case No. 2:12-cr-00236, the Court entered its
8 Judgment in a criminal case, adjudging Bararia as guilty of violating 21 U.S.C. 841(a)(1) &
9 (b)(1)(C), felony distribution of a controlled substance, and sentenced him to forty-four (44)
10 months of imprisonment, among other sanctions.

11 6. Following Bararia's release from incarceration, on August 26, 2018, Bararia
12 formed Nevada Health Services, LLC, a Nevada Limited-Liability Company, operating a medical
13 practice doing business as Trimcare (Trimcare), located at 5375 South Fort Apache Road, Suites
14 102 and 103, Las Vegas, Nevada 89148.

15 7. Respondent co-owned and/or was employed at Trimcare from at least
16 October 2018 through April 2019.

17 8. Bararia in the course of operating Trimcare, purchased, accessed, stored, possessed,
18 administered, furnished, prescribed and/or dispensed controlled substances and dangerous drugs
19 under Respondent's name, without Respondent having a bona fide therapeutic relationship with
20 patients, without Respondent being present at the time prescriptions were dispensed, and/or
21 otherwise falsely represented himself as a practitioner entitled to write prescriptions in this state.

22 9. Respondent failed to prevent Bararia, in the course of operating Trimcare, to
23 purchase, access, store, possess, administer, furnish, prescribe and/or dispense controlled
24 substances and dangerous drugs under Respondent's name, without Respondent having a bona
25 fide therapeutic relationship with any such patient or being present at the time the prescription was
26 dispensed, and/or otherwise falsely represent himself as a practitioner entitled to write
27 prescriptions in this state.

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1 16. It is a crime to falsify a prescription for a controlled substance. *See* 21 U.S.C. §
2 841(a); 21 U.S.C. § 842(a); NRS 453.331(1)(c), (d), (f), (h) and (i).

3 17. It is a crime to falsely represent oneself as a practitioner entitled to write
4 prescriptions in this state. *See* 21 U.S.C. § 841(a); 21 U.S.C. § 842(a); NRS 639.281(1);
5 NRS 639.2813(1).

6 18. A dispensing practitioner must issue a written prescription for each medication
7 dispensed, verify medications for accuracy prior to dispensing, maintain complete, accurate and
8 readily retrievable records of all controlled substances and dangerous drugs purchased and
9 dispensed, inventory controlled substances at least once every two (2) years, properly store and
10 maintain the inventory, maintain the security of the inventory from unauthorized access, and
11 segregate and/or dispose of adulterated and/or expired dangerous drugs. *See* NRS 453.246;
12 NRS 585.370; NRS 585.420; NRS 639.282; NAC 453.400; NAC 453.410; NAC 453.475;
13 NAC 454.040; NAC 639.475; NAC 639.476; NAC 639.510; NAC 639.601; NAC 639.742,
14 NAC 639.743; NAC 639.745; 21 U.S.C. § 842(a)(5); 21 CFR 1304.11; 21 CFR 1304.21.

15 19. Performing or in any way being a party to any fraudulent or deceitful practice or
16 transaction constitutes unprofessional conduct or conduct contrary to the public interest pursuant
17 to NAC 639.945(1)(h).

18 20. Performing any duties as the holder of a controlled substance registration in an
19 incompetent, unskillful or negligent manner constitutes unprofessional conduct or conduct
20 contrary to the public interest pursuant to NAC 639.945(1)(i).

21 21. Aiding or abetting a person not licensed to practice pharmacy in the State of
22 Nevada constitutes unprofessional conduct or conduct contrary to the public interest pursuant to
23 NAC 639.945(1)(j).

24 22. Dispensing a drug as a dispensing practitioner or prescribing a drug as a
25 prescribing practitioner to a patient with whom the practitioner does not have a bona fide
26 therapeutic relationship constitutes unprofessional conduct or conduct contrary to the public
27 interest pursuant to NAC 639.945(1)(o).

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1 23. Pursuant to NRS 639.23507, a practitioner shall, before issuing an initial
2 prescription for a controlled substance listed in schedule II, III or IV or an opioid that is a
3 controlled substance listed in schedule V and at least once every ninety (90) days thereafter for the
4 duration of the course of treatment using the controlled substance, obtain a patient utilization
5 report regarding the patient from the computerized program established by the Pharmacy Board
6 and the Investigation Division of the Department of Public Safety pursuant to NRS 453.162
7 (hereinafter, the "NPMP"). The practitioner shall:

8 (a) Review the patient utilization report; and

9 (b) Determine whether the patient has been issued another prescription for
10 the same controlled substance that provides for ongoing treatment using
11 the controlled substance.

12 24. Bararia accessed, stored, possessed, administered, furnished, dispensed and
13 prescribed controlled substances and dangerous drugs under Respondent's name and Pharmacy
14 Board credentials, falsely represented himself as a practitioner entitled to write controlled
15 substance prescriptions in this state, falsified prescriptions for controlled substances, was a party
16 with Respondent to fraudulent and deceitful practices and transactions, and with respect to the
17 controlled substances, issued prescriptions for controlled substances without querying the NPMP,
18 without reviewing the NPMP patient utilization report and determining whether the patient had
19 been issued another prescription for the same controlled substance.

20 25. Bararia's conduct constitutes the practice of medicine pursuant to NRS 630.020.

21 26. Respondent failed to secure from Bararia and thereby permitted him to access,
22 store, possess, administer, furnish, dispense and/or prescribe controlled substances and dangerous
23 drugs under Respondent's name and Pharmacy Board credentials, permitted Bararia to falsely
24 represent himself as a practitioner entitled to write controlled substance prescriptions in this state,
25 permitted Bararia to falsify prescriptions for controlled substances, was a party to fraudulent and
26 deceitful practices and transactions, performed duties as the holder of a controlled substance
27 registration in an incompetent, unskillful and negligent manner, aided and abetted Bararia, a
28 person not licensed to practice pharmacy in the State of Nevada, to prescribe and dispense drugs

1 to patients with whom Respondent did not have a bona fide therapeutic relationship, and, with
2 respect to the controlled substances, to prescribe these without querying the NPMP and without
3 reviewing the NPMP patient utilization report and determining whether the patient had been
4 issued another prescription for the same controlled substance.

5 27. Respondent failed to issue a written prescription for each medication dispensed,
6 failed to verify medications for accuracy prior to dispensing, failed to maintain complete, accurate
7 and readily retrievable records of all controlled substances and dangerous drugs purchased and
8 dispensed, failed to inventory controlled substances at least once every two (2) years, failed to
9 properly store and maintain the inventory, failed to maintain the security of the inventory from
10 unauthorized access, and failed to segregate and/or dispose of adulterated and/or expired
11 dangerous drugs.

12 28. By, without limitation, the conduct described herein, Respondent unlawfully
13 prescribed controlled substances and dangerous drugs to others in violation of federal and state
14 laws, including, but not limited to, each of those cited in paragraphs 13-25 above, and any one
15 such violation is independent grounds for initiating disciplinary action pursuant to
16 NRS 630.306(1)(c).

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

19 **COUNT II**

20 **NRS 630.305(1)(e) (Aiding and Assisting the Unlicensed Practice of Medicine)**

21 30. All of the allegations in the above paragraphs are hereby incorporated by reference
22 as though fully set forth herein.

23 31. Pursuant to 630.305(1)(e), aiding, assisting, employing or advising, directly or
24 indirectly, any unlicensed person to engage in the practice of medicine contrary to the provisions
25 of NRS Chapter 630 and the regulations of the Board is grounds for initiating disciplinary action
26 or denying licensure.

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VERIFICATION

STATE OF NEVADA)
 : ss.
COUNTY OF WASHOE)

Mr. M. Neil Duxbury, 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 1st day of February, 2021.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

M. NEIL DUXBURY
M. Neil Duxbury, Chairman

CERTIFICATE OF SERVICE

I hereby certify that I am employed by the Nevada State Board of Medical Examiners and that on the 12th day of February, 2021, I served a file-stamped copy of the COMPLAINT, via U.S. Certified Mail and to the following addresses:

Abdel Malick Khalek, M.D.
320 N. Nellis Blvd., Ste. 6
Las Vegas, NV 89110
**Certified Receipt No.:* 9171 9690 0935 0243 8327 17

Abdel Malick Khalek, M.D.
3430 E. Flamingo Rd., #104
Las Vegas, NV 89121
**Certified Receipt No.:* 9171 9690 0935 0243 8327 24

Abdel Malick Khalek, M.D.
3430 E. Flamingo Rd., #106
Las Vegas, NV 89121
**Certified Receipt No.:* 9171 9690 0935 0243 8327 31

DATED this 12th day of February, 2021.


Mercedes Fuentes, Legal Assistant
Nevada State Board of Medical Examiners

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1 **BEFORE THE BOARD OF MEDICAL EXAMINERS**
2 **OF THE STATE OF NEVADA**

3 * * * * *

4
5 **In the Matter of Charges and**
6 **Complaint Against**

Case No. 21-8734-1

FILED

OCT 21 2021

7 **ABDEL MALICK KHALEK, M.D.,**

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

8 **Respondent.**

By: 

9
10 **FINDINGS AND RECOMMENDATIONS**

11 TO: Aaron Bart Fricke
12 Senior Deputy General Counsel
13 Nevada State Board of Medical Examiners
14 9600 Gateway Drive
Reno, Nevada 89521

15 Abdel Malick Khalek, M.D.
16 320 N. Nellis Blvd., Ste 6
Las Vegas, NV 89509

17 This matter came for hearing on August 26, 2021. Present were Aaron Fricke, Esq. on
18 behalf of the Investigative Committee (the "IC") and the undersigned hearing officer. Respondent
19 Abdel Malick Khalek, M.D. ("Dr. Khalek") did not appear nor otherwise participate.

20 Notice to Dr. Khalek was confirmed on the record. Specifically, proof was submitting
21 indicating that the Scheduling Order, filed May 12, 2021, which contained notice of the hearing
22 was sent by certified mail to Dr. Khalek at his last known address on file with the Nevada State
23 Board of Medical Examiners (the "Board"). See NRS 630.254; NRS 630.255; NRS 630.344; and
24 Volume 1, Exhibits 6-7. While Dr. Khalek had communications with the Board, the record
25 indicates that he did not provide an alternative address, was aware of the proceedings, and did not
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1 engage in the proceedings despite several notices and attempts to contact him.¹ See Volume 1,
2 Exhibits 1-11. No continuance of the hearing was requested by any interested party.

3 With Dr. Khalek having failed to appear and no continuance having been requested nor
4 granted, the matter was heard as scheduled pursuant to NRS 622A.350, which provides:

5 1. If a party fails to appear at a scheduled hearing and a continuance
6 has not been scheduled or granted, any party who is present at the hearing may
7 make an offer of proof that the absent party was given sufficient legal notice. Upon
8 a determination by the regulatory body or hearing panel or officer that the absent
9 party was given sufficient legal notice, the regulatory body or hearing panel or
officer may proceed to consider and dispose of the case without the participation of

10 2. If the licensee fails to appear at a hearing, the regulatory body or
11 hearing panel or officer may accept the allegations against the licensee in the
charging document as true.

12 As well as pursuant to NAC 630.470(2), which provides: "If a licensee fails to appear at a
13 scheduled hearing and no continuance has been requested and granted, the evidence may be heard
14 and the matter may be considered and disposed of on the basis of the evidence before the Board,
15 panel or hearing officer in the manner required by this section."

16 In so proceeding, undersigned heard evidence from the IC in support of the Complaint
17 allegations that consist of: Count I, NRS 630.306(1)(c), Unlawful Prescribing of Controlled
18 Substance and Dangerous Drug; and Count II, NRS 630.305(1)(e), Aiding and Assisting the
19 Unlicensed Practice of Medicine, premised upon controlled substances being addressed by
20 unlicensed practitioner Vinay Kumar Bararia, M.D. by and through credentials held by Dr.
21 Khalek. Through sworn testimony of Senior Investigator for the Nevada State Board of Medical
22 Examiners Kim Friedman, and through the admission of Volume 1, Exhibits 1-11 and Volume II,
23 Exhibits 1-16, the IC established as follows:

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28 ¹ In this respect, there are no filings in the record on behalf of Dr. Khalek including, but not limited to, an Answer to the Complaint.

1 1. Dr. Khalek was employed by Goldsmith Healthcare, Ltd., a medical clinic located
2 in Las Vegas, Nevada, which was sold to Nevada Health Services, LLC in August 2018. *See*
3 Volume II, Exhibit 14.

4 2. Nevada Health Services, LLC did business as “TrimCare” and was owned and
5 operated by Vinay Kumar Bararia, M.D. (“Bararia”), who had surrendered his Nevada medical
6 license in March 2013, in the midst of an indictment in the State of Arizona for seven counts of
7 violating 21 USC §841 and §846 and conspiring to distribute controlled substances, possession of
8 controlled substances with the intent to distribute, and distribution of controlled substances. In
9 relation to such charges, Bararia was convicted on September 18, 2014 of two counts of
10 Distribution of a Controlled Substance, a violation of 21 USC §841(a)(1) and (b)(1)(c). *See*
11 Volume II, Exhibits 2, 4, 6, and 7.

12 3. Financial dealings beyond an employer/employee relationship occurred as between
13 Bararia and Dr. Khalek whereby Dr. Khalek provided Bararia with a cashier’s check for \$75,000
14 issued on October 16, 2018, approximately two months after Bararia’s purchase of Goldsmith
15 Healthcare, Ltd. *See* Volume II, Exhibit 14, Exhibit B. Dr. Khalek indicates the money was
16 provided to Bararia as a loan in support of Bararia’s purchase of Goldsmith Healthcare, Ltd.;
17 however, evidence provided by Dr. Khalek and submitted the IC indicates that the sums were
18 provided in contemplation of a 50/50 partnership in Nevada Health Services, LLC (DBA
19 TrimCare), which is supported by the purchase price for Goldsmith Healthcare, Ltd. being
20 \$150,000,² of which the money provided by Dr. Khalek equals exactly half. *See* Volume II,
21 Exhibit 14, Exhibits C and D, *see also* the August 26, 2021, Transcript of Hearing Proceedings,
22 pp. 105-107. The partnership was never finalized in writing and, in November 2018, Bararia
23 agreed to repay the \$75,000 to Dr. Khalek. *See* Volume II, Exhibit 14, Exhibit D.

24 4. Dr. Khalek continued to work for Nevada Health Services, LLC through April
25 2019 when he quit. *See* Exhibit 14.

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28 ² This figure was stated in argument and not testified to. *See* the August 26, 2021, Transcript of Hearing Proceedings,
p. 19.

1 5. Commencing in late 2018 and through early 2019, prior to leaving Nevada Health
2 Services, LLC, Dr. Khalek began to lodge complaints against Bararia with regulatory agencies
3 such as the Board and the Nevada State Board of Pharmacy, alleging “multiple felonies” being
4 committed by Bararia, which included, but was not limited to, practicing medicine without a
5 license and unlawful distribution of controlled substances. *See, e.g.*, Volume II, Exhibit 11; the
6 August 26, 2021, Transcript of Hearing Proceedings, pp. 63-67.

7 6. Dr. Khalek reported that Bararia was meeting and treating patients unsupervised by
8 a licensed physician and in so doing was improperly utilizing Dr. Khalek’s credentials and access
9 to distribute and prescribe controlled substances. *Id.* Dr. Khalek was aware of the same but failed
10 to stop Bararia from doing so by not seeking to eliminate Bararia’s access to the controlled
11 substances for which Dr. Khalek was responsible and by failing to report his dispensing
12 credentials as compromised, amongst other possible remedies Dr. Khalek could have availed
13 himself of. *Id.* and the August 26, 2021, Transcript of Hearing Proceedings, pp. 67-69.

14 7. Prescription Monitoring Reports related to Nevada Health Services, LLC dated
15 09/01/2018 to 06/04/2019 indicate that 657 prescriptions for controlled substances were issued
16 and attributed to 358 patients of which Dr. Khalek could only account for 57 of the patients. *See*
17 Volume II, Exhibits 14-16. Dr. Khalek reported that he does “not know how the remaining
18 patients may have obtained prescriptions dispensed under his name,” but this is belied by Dr.
19 Khalek’s own reports of Bararia improperly dispensing and prescribing controlled substances and
20 Bararia having Dr. Khalek’s credential information such as Dr. Khalek’s DEA licensing number.
21 *See, e.g.*, Volume II, Exhibits 8 and 11. Dr. Khalek also indicates that he did not want to disturb
22 the status quo, sort to speak, with Bararia pending being paid back the \$75,000. *See* Volume II,
23 Exhibit 16.

24 8. Records submitted and testified to further support that Bararia was permitted to
25 purchase controlled substances for distribution by using of Dr. Khalek’s credentials, which Dr.
26 Khalek would have had to provide to Bararia. *See* Volume II, Exhibits 8-12; the August 26, 2021,
27 Transcript of Hearing Proceedings, pp. 48-57.

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1 9. Testimony was further provided by Ms. Friedman that Dr. Khalek admitted to her
2 that he was aware of Bararia treating patients without supervision despite not being properly
3 licensed or supervised; writing prescriptions for patients seen by Bararia without having seen the
4 patients himself; allowing Bararia to have a key to the controlled substance storage area that held
5 controlled substances that were the charge of Dr. Khalek; and Nevada Health Services, LLC staff
6 having access to an e-prescribing phone whereby controlled substances were prescribed under Dr.
7 Khalek's credentials. *See* the August 26, 2021, Transcript of Hearing Proceedings, pp. 63-66.

8 WHEREFORE the undersigned hearing officer finds as follows:

9 Proper notice of the proceedings, inclusive of the evidentiary hearing, was provided to Dr.
10 Khalek and no continuance of the evidentiary hearing was sought nor granted;

11 Pursuant to NRS 622A.350(2) the undersigned accepts the allegations against Dr. Khalek
12 in the Complaint, filed February 1, 2001, as true;

13 Aside from the authority granted by NRS 622A.350(2), the undersigned hearing officer
14 finds that the IC established a violation of Count I, NRS 630.306(1)(c), Unlawful Prescribing of
15 Controlled Substance and Dangerous Drug, by establishing, as alleged, that Dr. Khalek allowed
16 Bararia to have access to, dispense, and prescribe controlled substances to patients with whom Dr.
17 Khalek had no bona fide therapeutic relationship by using Dr. Khalek's access and credentials,
18 and that Dr. Khalek further failed to monitor and evidence such transactions in accordance with
19 required reporting and record keeping, which compounded the improprieties engaged in by Dr.
20 Khalek with respect thereto. The foregoing establishes that Dr. Khalek administered, dispensed,
21 or prescribed controlled substances to others in a manner not authorized by law as contemplated
22 by NRS 630.306(1)(c).

23 Aside from the authority granted by NRS 622A.350(2), the undersigned hearing officer
24 finds that the IC established a violation of Count II, NRS 630.305(1)(e), Aiding and Assisting the
25 Unlicensed Practice of Medicine, by establishing that Dr. Khalek furnished his credentials to
26 Bararia, an unlicensed person, and knowingly permitted Bararia to utilize the same in treating and
27 dispensing and otherwise prescribing to patients controlled substances nor tracked nor otherwise
28 managed by Dr. Khalek as was Dr. Khalek's obligation. The foregoing establishes that Dr.

1 Khalek aided and assisted Bararia, an unlicensed person, to engage in the practice of medicine
2 contrary to law.

3 BASED UPON THE FOREGOING, it is recommended that the Board find Dr. Khalek in
4 violation of NRS 630.306(1)(c), Unlawful Prescribing of Controlled Substance and Dangerous
5 Drug, as alleged in Count I of the Complaint filed on February 1, 2021; and NRS 630.305(1)(e),
6 Aiding and Assisting the Unlicensed Practice of Medicine, as alleged in Count II of the Complaint
7 filed on February 1, 2021.

8 RESPECTFULLY SUBMITTED this 18th day of October 2021.

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11 _____
12 Patricia Halstead, Esq., Hearing Officer for the
13 Nevada State Board of Medical Examiners
14 615 S. Arlington Ave.
15 Reno, NV 89509
16 (775) 322-2244
17 phalstead@halsteadlawoffices.com
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BEFORE THE BOARD OF MEDICAL EXAMINERS

OF THE STATE OF NEVADA

In the Matter of the Charges)
and Complaint Against:) Case No. 21-8734-1
)
ABDEL MALICK KHALEK, M.D.)
)
Respondent)
)

TRANSCRIPT OF HEARING PROCEEDINGS

Held at the Nevada State Board of Medical Examiners

9600 Gateway Drive

Reno, Nevada

Thursday, August 26, 2021

REPORTED BY:
NICOLE J. HANSEN
NV. CCR NO. 446
CAL. CSR 13909
RPR, CRR, RMR

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APPEARANCES:

The Hearing Officer:

PATRICIA HALSTEAD, ESQ.
Halstead Law Offices
615 South Arlington Avenue
Reno, Nevada 89509

For the Investigative Committee
of the Nevada State Medical
Board of Examiners:

AARON FRICKE, ESQ.
Senior Deputy General Counsel
Nevada State Board of Medical Examiners
9600 Gateway Drive
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Also Present:

MERCEDES FUENTES
Legal Assistant
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I N D E X

THE WITNESS:
KIM FRIEDMAN

PAGE:

Examination by Mr. Fricke

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1 MS. HALSTEAD: We're going to be on the
2 record here for the Board of Medical Examiners for the
3 State of Nevada in the matter of Charges and Complaint
4 against Abdel Malick Khalek, M.D. First name:
5 A-B-D-E-L. Middle name: M-A-L-I-C-K. Last name
6 K-H-A-L-E-K, M.D. It's Case Number 21-8734-1. I'm
7 Patricia Halstead. I'm the hearing officer.

8 If you could please make your appearance,
9 Mr. Fricke, and note for the record who will be in
10 attendance at the hearing with you today.

11 MR. FRICKE: Yes, ma'am. Thank you. Aaron
12 Fricke: A-A-R-O-N F-R-I-C-K-E, general counsel for the
13 Nevada State Board of Medical Examiners. I'll be calling
14 one witness today, Kim Friedman: K-I-M F-R-I-E-D-M-A-N.
15 She's Senior Investigator for the Nevada State Board of
16 Medical Examiners. And that's it.

17 MS. HALSTEAD: Thank you. And I'll note that
18 we're doing this remotely today. I, the hearing officer,
19 Patricia Halstead, along with Mercedes Fuentes and the
20 court reporter are in Reno, and Mr. Fricke and
21 Ms. Friedman are in Las Vegas; correct?

22 And Ms. Fuentes will not be testifying today;
23 is that correct?

24 MR. FRICKE: Unless you'd like her to
25 authenticate her affidavits that were filed in among the

1 pleadings, obviously, affidavits, we can treat them as
2 evidence if you prefer and seek to admit them that way,
3 but she's my employee. Those are averments made in the
4 process of service, so I submit to you whatever you
5 prefer.

6 HEARING OFFICER HALSTEAD: All right. And
7 I'll note that these hearings are governed by
8 non-conformable rules of evidence. The rules of evidence
9 are relaxed for these proceedings, and it's an affidavit
10 properly undertaken by Ms. Fuentes, so I will accept that
11 for purposes of the hearing today.

12 Ms. Friedman, so I don't forget when we're
13 down the road, can you raise your right hand and be sworn
14 since you'll be a witness today.

15 (The witness was sworn.)

16 HEARING OFFICER HALSTEAD: Thank you. So
17 I'll note that we do not have appearance by Dr. Khalek.

18 Mr. Fricke, I'd like you to expand upon that.
19 I will note that there was a complaint that was served.
20 There were some communications. There were some other
21 issues with service. Can you please go through those and
22 make the record of that?

23 MR. FRICKE: Yes, ma'am. So to begin with,
24 I'd like to reference NRS 622A.350, which provides that
25 quote, "If a party fails to appear at a scheduled hearing

1 and a continuance has been scheduled or granted, any
2 party who is present at the hearing may make an offer of
3 proof that the absent party was given sufficient legal
4 notice. Upon a determination by the regulatory body or
5 hearing panel or officer that the absent party has been
6 given sufficient legal notice, the regulatory body or
7 hearing panel or officer may proceed to consider and
8 dispose of the case without the participation of the
9 absent party."

10 And in Sub (2): "If the licensee fails to
11 appear at a hearing, the regulatory body or hearing panel
12 or officer may accept the allegations against the
13 licensee in the charging documents as true."

14 Accordingly, I'd like to make an offer of
15 proof that sufficient legal notice has been given to Dr.
16 Khalek, the respondent in this case, and move that the
17 Board accept the allegations in the complaint as true.
18 Then I'd like to present a prima facie case in support of
19 the complaint so that the Board would have a reasonable
20 basis and evidence to make its conclusions in addition to
21 the fact of the presumptions that 622A.350 permit.

22 With respect to service, I'd direct your
23 attention, Ms. Halstead, to the pleadings in this matter
24 in a binder that has been prepared for you. So by way of
25 background, Dr. Khalek, the events in question here

1 happened at a place called Trimcare on Fort Apache Road.

2 After leaving Trimcare, Dr. Khalek was
3 involved at a clinic and we believe the clinic's called
4 Brain Power. It's now called A New Mind Health Services,
5 and it operates at 320 North Nellis Boulevard, suite 6,
6 Las Vegas, Nevada 89110. That is the last address of
7 record that Dr. Khalek notified the Board of.

8 And I'll direct the Court's attention to NRS
9 630.254, which is a statute that requires physicians -- I
10 won't read it in its entirety, but it requires physicians
11 to have a permanent mailing address on file with the
12 Board quoting, "To which all communications from the
13 Board to the licensee must be sent," unquote.

14 The statute provides in summary that any time
15 you open an office, close an office, change an office,
16 you need to let us know within 30 days. In addition, NRS
17 630.344 provides that service of process under our
18 Chapter 630 must be made on the licensee personally or by
19 registered certified mail with return receipt requested
20 addressed to the licensee as his or her last-known
21 address," unquote.

22 So the record is that the last-known address
23 of Dr. Khalek is that address of 320 North Nellis
24 Boulevard, Suite 6. To the extent that service of the
25 documents were served on that address but Dr. Khalek

1 never actually got them, he has a professional
2 responsibility to make sure that that address is
3 maintained. But we've gone above and beyond that. We
4 ascertained from his licensing file past addresses for
5 offices that he once maintained on Flamingo Road. We
6 attempted to effect service at that address. We also
7 utilized the telephone number that he has on file.

8 And I can ask the hearing officer to take
9 notice of Dr. Khalek's public licensing information. I
10 just checked it yesterday. His address remains 320 North
11 Nellis Boulevard, Suite 6. That's controlled by our
12 licensing department. I have no control over what is in
13 the public information. His telephone number is the
14 telephone number we've referenced. It's on his public
15 information to this very day. So we have attempted
16 repeatedly to contact Dr. Khalek at that telephone
17 number.

18 As Ms. Fuentes' affidavits account dozens of
19 calls to him to try to alert him of the proceedings.
20 Many of those calls were successful, and I don't want to
21 waste everyone's time by reading all 11 exhibits unless
22 you'd like me to. I can go through them for you on the
23 record.

24 HEARING OFFICER HALSTEAD: Let's just do it
25 this way. So you've submitted the first 11 exhibits

1 you're referring to for purposes of notice; correct?

2 MR. FRICKE: Yes.

3 HEARING OFFICER HALSTEAD: And I note some of
4 those are actually already in the record, but do you --
5 for any of those -- I don't know that any of them are.

6 MR. FRICKE: No, thank you very much. For
7 the purposes of an offer of proof, I would submit Exhibit
8 2 -- I'm sorry -- pleading number two, pleading number
9 four, I can state them for the record.

10 HEARING OFFICER HALSTEAD: Right. So here's
11 the deal. I think they're all already filed documents in
12 the record, so to the extent that it would be duplicative
13 to admit them, I will go ahead and do so anyway just so
14 that the record is clear that they are being considered
15 and they are a part of the hearing record today.

16 MR. FRICKE: Thank you. So I can just direct
17 the hearing officer's attention to exhibit pleading
18 number two, the proof of service and the complaint. The
19 first page you will see is the face sheet, the caption.

20 The second page is the proof of service from
21 the U.S. Postal Service, and it shows this C66CV19, which
22 confirms a certified mailing delivery, but I believe
23 because of COVID, they're not required signatures, so I
24 believe we can deduce from this that the documents were
25 delivered via certified mail as required in the statute,

1 and there's tracking information that follows.

2 Then you see another delivery to Las Vegas
3 with another number referenced with another number
4 referenced. This is for the other address at Flamingo,
5 and then you'll see another delivery confirmation
6 certificate of mailing also delivered to that other
7 Flamingo address. Those numbers correspond to the three
8 certified mailing numbers that are on the certificate of
9 service in pleading number one.

10 So in addition -- and so same for the order
11 scheduling the early case conference. Same for the
12 affidavit of Mercedes Fuentes. Same for the scheduling
13 order. Same for the order continuing prehearing
14 conference, and same for the second affidavit of Mercedes
15 Fuentes. So in the affidavit, you see -- and I will
16 submit that I have personally spoken to Dr. Khalek on a
17 few occasions. My interactions with him over the last
18 six months are very similar to Ms. Fuentes' interactions.

19 He knows about -- he acknowledges that he
20 knows about the case and that he's not going to provide
21 us an address to deliver anything. He knows that 320
22 North Nellis Boulevard is no longer his address. He's
23 not going to provide us an address. He says I'll call
24 you back with an address or he says call me back and I'll
25 give you my address, and he hasn't. But we've been

1 contacting him at the telephone number which is his
2 public telephone number on file with the Board and
3 actually public outwardly facing on our website. So I
4 can go detail Ms. Fuentes' interactions in her affidavits
5 if you'd like.

6 HEARING OFFICER HALSTEAD: No, I don't
7 believe that's necessary.

8 MR. FRICKE: So repeatedly for the last seven
9 or eight months, we've been trying to rouse Dr. Khalek to
10 participate. And I would submit to you, Miss Hearing
11 Officer, that if she showed up today, I would -- with or
12 without counsel, I would request a continuance and allow
13 him an opportunity to participate or at least I would
14 grant him one if he wanted, but he seems intent not to
15 participate, and the Board must dispose of its case. So
16 I'd like to proceed if you're satisfied that proof of
17 service has been given to Dr. Khalek.

18 HEARING OFFICER HALSTEAD: I am satisfied
19 with proof of service. I've read all of the proofs of
20 service. I've read Ms. Fuentes's affidavit. I
21 understand that not only has the complaint been served, I
22 went through this with prior orders from my end asking
23 that in addition to any efforts to serve them, they may
24 be electronically served if that information was
25 available. It's my understanding it wasn't.

1 It's been sufficiently demonstrated to me
2 that Dr. Khalek is aware of these proceedings and is
3 taking a position that he's just not going to cooperate
4 or provide any information that would assist you in
5 taking any action further than what you already have, and
6 I think your actions have been sufficient if not more
7 than sufficient to try to get in here and communicate
8 with him. So with that, I would hold that service is
9 sufficient and allow you to proceed with your proffers
10 under NRS 622A.350.

11 I would also note similar to that, Nevada
12 Administrative Code 630.470 provides that if a licensee
13 fails to appear at a scheduled hearing and no continuance
14 has been requested and granted, that evidence may be
15 heard and the matter be considered disposed of on the
16 basis of the evidence before the board, panel or hearing
17 officer in the manner as required by this section.

18 And then Subsection 3 of that provides the
19 notice of hearing complaint, petition, answer, response
20 or written stipulation becomes a part of the record
21 without being read unless a party requests that the
22 document be read verbatim into the record.

23 Mr. Fricke, you're not making that request,
24 are you?

25 MR. FRICKE: No.

1 HEARING OFFICER HALSTEAD: Okay. Then I'm
2 going to go ahead and consider the complaint a part of
3 the record for purposes of this hearing, which I believe
4 it already is without it having being read in.

5 And then, Mr. Fricke, we had acknowledged
6 that there were these problems with Dr. Khalek perhaps
7 not appearing. We discussed that we felt that a proffer
8 of evidence would be sufficient under the rule. Is that
9 how you wish to proceed today?

10 MR. FRICKE: Yes, ma'am. Thank you. I also
11 I think it would be helpful for the Board to have
12 sufficient background so that they can properly
13 characterize and understand what has occurred here. And
14 therefore, when they can make their disciplinary
15 determination, hopefully, if they agree with our
16 presentation so that they can make appropriate sanctions.
17 So I think this would be helpful to the Board.

18 HEARING OFFICER HALSTEAD: Okay. Go ahead
19 and proceed. Thank you.

20 MR. FRICKE: Thank you. And so I'd like to
21 make kind of a thorough opening statement. Then I'd like
22 to have some questions of Ms. Friedman to authenticate
23 our exhibits and to account for her personal recollection
24 of these events, and then I'll make a very brief closing.
25 So I think we can probably get this done in an hour or

1 so.

2 HEARING OFFICER HALSTEAD: Okay. Thank you.

3 MR. FRICKE: Thank you. So to begin, in
4 2011, as a way of background on Dr. Khalek, Dr. Khalek
5 was disciplined for failure to maintain timely, legible,
6 accurate and complete medical records of his care with
7 respect to three patients. That's a violation of NRS
8 630.3062 sub 1.

9 He received a reprimand, paid a fine of
10 \$2,500, and the Board's costs of \$2,084.06, and he was
11 ordered to take six hours of CME regarding medical
12 records and billing. Most licensees go throughout their
13 careers and never are publicly disciplined by the Board.

14 A public disciplinary action is a very
15 serious statement by the Board regarding a failure of
16 physicians' professional responsibilities. So Dr. Khalek
17 should have well understood in 2018 that he had certain
18 professional responsibilities regarding the conduct of
19 his medical practice. Yet for more than seven months in
20 2018 and 2019, while working at a weight loss clinic
21 called Trimcare in Las Vegas, Dr. Khalek knowingly
22 allowed his prescribing credentials and medical license
23 to be misappropriated by an unlicensed person.

24 He allowed hundreds of pill bottles filled
25 with his own store of Phentermine to leave his office in

1 the hands of patients he had never seen, and he did next
2 to nothing about it for months.

3 Dr. Khalek allowed a one Vinay Bararia --
4 that's V-I-N-A-Y B-A-R-A-R-I-A, an unlicensed person, he
5 allowed him access to controlled substances obtained in
6 Dr. Khalek's name, allowed Bararia to dispense from
7 Khalek's store of controlled medications, allowed
8 Dr. Bararia to access Dr. Khalek's Nevada Prescription
9 Monitoring Program or PMP account, and allowed Bararia to
10 report these medications were prescribed by Dr. Khalek
11 when Dr. Khalek himself vehemently insists that he did
12 not prescribe these medications.

13 In this way, Dr. Khalek aided Bararia in the
14 unlicensed practice of medicine, but he also permitted
15 hundreds of supplies of Phentermine and testosterone to
16 leave his medical office with his name on them in the
17 hands of hundreds of unknown patients he had never seen
18 or treated. Dr. Khalek should have known better. He did
19 know better. But let's be clear about who we're talking
20 about.

21 In March 2013, Vinay Bararia, M.D. -- and I
22 don't refer to Bararia as a doctor not out of disrespect,
23 but he's not a licensed physician in our state. Bararia
24 surrendered his license to practice medicine in Nevada in
25 2013. He did so because on March 2nd, 2012, he was

1 arrested and charged in a criminal complaint with felony
2 distribution of controlled substances.

3 After his initial appearance in that criminal
4 case, Bararia was released on personal recognizance bond
5 and placed in Pretrial Services' supervision with several
6 conditions, including first and foremost, the surrender
7 of his DEA registration. He was also strictly prohibited
8 from ordering, possessing, dispensing, or prescribing any
9 controlled substances.

10 Bararia's surrender of his DEA registration
11 plainly stated that he understood that he will not be
12 allowed to order, manufacture, distribute, dispense,
13 administer, prescribe or engage in any other controlled
14 substances activity whatever until such time as he is
15 again properly registered.

16 Nevertheless, on May 2nd, 2012, Bararia was
17 again arrested for violating the conditions of his
18 pretrial release by writing prescriptions for a variety
19 of controlled substances on behalf of several patients.
20 He was detained pending a hearing and then released on
21 the 16th pending trial with the same conditions in place.
22 He chalked it up to a misunderstanding.

23 On June 26th, 2012, Bararia was indicted on
24 seven counts of felony conspiracy to distribute
25 controlled substances, possession of controlled

1 substances with the intent to distribute, and
2 distribution of controlled substances.

3 In October 2012, Dr. Bararia was arrested
4 again for violating the conditions of his pretrial
5 release by repeatedly writing fraudulent prescriptions,
6 by forging scripts and using prescribing credentials of
7 other practitioners including, in this instance, a one
8 Dr. Ivan Goldsmith.

9 Ultimately, in September 2014, Bararia was
10 convicted of felony distribution of a controlled
11 substance and sentenced to 44 months in prison. This
12 background is all public information, some of it
13 available on our own website, so it was obvious -- it
14 should have been obvious to anyone who made even the most
15 basic inquiry that Vinay Bararia has a long and
16 persistent history of abusing not only his own
17 prescribing privileges, but those of others in a criminal
18 fashion.

19 Just one month later -- I'm sorry. Bararia
20 served his sentence, was released from prison under
21 supervised release, and on July 18th, 2018 -- that's July
22 18th, 2018, his supervised release was terminated.
23 Bararia was a free man. And just one month later,
24 Bararia formed a company called Nevada Health Services,
25 LLC and proceeded to purchase Trimcare, the very same

1 weight loss clinic, located at 5375 South Fort Apache
2 Road, Suite 102 and 103 in Las Vegas which is where
3 Dr. Khalek worked at that time.

4 Trimcare, as a weight loss clinic, routinely
5 dispenses Phentermine and testosterone to patients. Both
6 Phentermine and testosterone are controlled substances.
7 Controlled substances, as the hearing officer is no doubt
8 aware, are highly regulated and only available not only
9 by prescription, but by additional authentication and
10 verification of the validity of the prescriptions and the
11 prescriber. And who did he purchase Trimcare from? None
12 other than Dr. Ivan Goldsmith.

13 HEARING OFFICER HALSTEAD: Can you spell that
14 for me, please? Goldsmith.

15 MR. FRICKE: Ivan: I-V-A-N. Goldsmith:
16 G-O-L-D-S-M-I-T-H.

17 HEARING OFFICER HALSTEAD: Thank you.

18 MR. FRICKE: Now, it's important to note for
19 the record that Dr. Goldsmith has his own history of
20 unlawful prescribing of controlled substances which is
21 also public record available on our website. And at that
22 time in 2018, pursuant to the Board 's disciplinary
23 action in another matter, Dr. Goldsmith had placed his
24 license in inactive status. Thus, Dr. Goldsmith was in
25 need of someone to take over his practice, so he sold his

1 practice to Vinay Bararia, an unlicensed person, for
2 \$150,000, which is what we believe the amount was. There
3 are documents that we'll admit that testify to that
4 amount. There may have been other compensation, but we
5 know that there was \$150,000 exchanged.

6 Our respondent, Dr. Khalek, was already
7 employed by Dr. Goldsmith at Trimcare beginning in March
8 2018 when Goldsmith sold Trimcare to Bararia by way of
9 his company, Nevada Health Services, LLC.

10 In October 2018, Dr. Khalek apparently
11 wanting to help out his new boss and wanting to enter
12 into a partnership with Bararia for the ownership of
13 Trimcare, loaned Bararia \$75,000 to assist him in paying
14 Dr. Goldsmith for the purchase of the practice.

15 Bararia even prepared a partnership agreement
16 regarding the ownership of Nevada Health Services, LLC,
17 and that agreement and other documents are in these
18 exhibits we'll seek to admit. And there were various
19 versions of this and terms sheets, and it's obvious that
20 some kind of disagreement regarding the terms arose.

21 Pursuant to another agreement that Dr. Khalek
22 -- so Dr. Khalek actually never signed a partnership
23 agreement with Bararia, but he did sign another agreement
24 where Bararia agreed to pay Dr. Khalek a contract rate of
25 \$10,000 per month as a contractor. But it also states

1 that Khalek would have no ownership interest in Trimcare
2 or Nevada Health Services, LLC, and it also provided that
3 he get his \$75,000 back, which Dr. Khalek had testified
4 -- I'm sorry -- had stated to our investigators that the
5 money was paid back.

6 But then Bararia hires another doctor, a
7 Dr. Robert Chancellor, in an obvious effort to replace
8 Dr. Khalek. Dr. Khalek continued to work. But even
9 after that, he continued to work at Trimcare through
10 April of 2019 when he quit. Dr. Khalek actually put all
11 of the foregoing information in writing in his two
12 separate responses to allegation letters sent to him by
13 the Pharmacy Board, as you will see.

14 However, it's what happened in Trimcare
15 between August 2018 and April 2019 that matters in this
16 case. As one would expect in this kind of arrangement
17 involving a person with Bararia's criminal history and
18 demonstrated criminal inclinations, all does not go well
19 for Dr. Khalek and Trimcare.

20 So backing up our timeline to August of 2018,
21 with Dr. Goldsmith no longer responsible for Trimcare, as
22 he sold it to Bararia, a felon with no medical license
23 ostensibly operating Trimcare, how was Bararia to obtain
24 the controlled substances, Phentermine and testosterone,
25 that were routinely prescribed and dispensed at Trimcare?

1 Well, he did it in September 2018 by taking
2 control of Trimcare and its accounts. Bararia begins
3 ordering Phentermine and other supplies from Calvin Scott
4 Pharmaceuticals, which had long been a supplier of
5 Phentermine to Trimcare. He signs up for a new account
6 with Calvin Scott, uses Dr. Khalek's credentials to
7 obtain the drugs as the provider. He signs up as the
8 manager of Trimcare on behalf of his provider,
9 Dr. Khalek, and he orders the drugs in Khalek's name.

10 Then, according to Dr. Khalek's own written
11 statements and several interviews with our investigators
12 and investigators from the Pharmacy Board, Bararia starts
13 to take over Trimcare. And let's be specific about what
14 he does. Bararia is seeing and treating his own patients
15 without a medical license. Bararia is forging scripts.
16 Bararia uses an existing electronic prescribing system or
17 e-prescribe system and prescribes and dispenses
18 controlled substances using Dr. Khalek's credentials and
19 his secondary authenticator, which he could only have
20 gotten from Dr. Khalek.

21 Khalek tells us this. He tells the Pharmacy
22 Board this. He tells us that Bararia wants to take over
23 to see his own patients and force Dr. Khalek out and
24 replace him with another provider, this Dr. Chancellor,
25 who is an ENT physician and, for the record, who had his

1 own previous medical license revoked in the State of
2 Nevada back in 1999, but whom eventually obtains a new
3 license to practice in 2014.

4 And by the way, Dr. Chancellor agrees to work
5 for Trimcare for the rate of \$40 an hour which is a lot
6 less than \$10,000 per month that Dr. Khalek is supposed
7 to be receiving. So Khalek begins to complain. Now, we
8 can't attribute this to Khalek, but first, on September
9 21st, 2018, our investigators received an anonymous
10 complaint from an anonymous source regarding illegal
11 activity at Trimcare.

12 The anonymous complaint claimed that Vinay
13 Bararia is practicing medicine without a license at
14 Trimcare. Then October 10th, 2018, Dr. Khalek comes to
15 our offices in Las Vegas unannounced. He asks for Don
16 Andreas by name. Don Andreas is the other senior
17 investigator who works in our office with Kim Friedman.
18 He meets with our investigator, both Don and Kim, and
19 another investigator who is no longer with us named Kati
20 Payton. And he proceeds to tell the whole story.

21 He complains that Bararia is taking over,
22 that Bararia is practicing medicine without a license,
23 that Bararia is dispensing controlled substances from
24 Dr. Khalek's store of controlled drugs using Khalek's
25 dispensing license. Dr. Khalek admits that he is aware

1 that Bararia does not have a license to practice
2 medicine, that Bararia had been in federal prison. He
3 explains that he has personally observed Bararia working
4 at Trimcare six days a week, treating patients by
5 himself, going behind closed examination room doors with
6 patients, that Bararia has been writing prescriptions for
7 controlled substances using Khalek's DEA and prescription
8 pad.

9 Dr. Khalek explained on that day that both he
10 and Dr. Bararia had possession of the keys to the
11 dispense account. Now, obviously, having an unlicensed
12 person with keys to a controlled substance cabinet is a
13 violation of Pharmacy Board regulations, but he admits
14 it. He says that "Bararia and I have keys." And he
15 explains that Bararia is dispensing Phentermine from that
16 cabinet to his own patients.

17 And Dr. Khalek also explains and freely
18 admits that he provided his cell phone -- I'm not sure if
19 it was his personally, but there is a cell phone at
20 Trimcare. And he provided his secondary authenticator to
21 that cell phone which runs the e-prescribing application.
22 And he provided it to Bararia as well as to other staff
23 who are also unlicensed so that they could access his
24 credentials and this again, this links directly to the
25 Prescription Monitoring -- the PMP and reports to

1 Dr. Khalek's private PMP dispensary account.

2 In order to be a dispensing prescriber,
3 especially through an e-prescribing system, those
4 e-prescribing systems link directly to the PMP to
5 Dr. Khalek's what they're called PMP clearinghouse
6 account. So it's part of a unified data dump. So he
7 provided his credentials to his phone which provides
8 applicant access to the system which allows whoever has
9 access to that system to report directly to the PMP and
10 the Pharmacy Board about the drugs that are being
11 prescribed and dispensed by the dispenser, Dr. Khalek.

12 Dr. Khalek, just for the record, as the
13 evidence shows, has two accounts. He both has a
14 controlled substances license by the Pharmacy Board and
15 he has as a dispensing practitioner's license which is
16 like running your own pharmacy.

17 And there are a slew of requirements that
18 apply to dispensing practitioners. Basically, you're
19 required to have a legitimate prescription for every drug
20 that's prescribed and dispensed, to have an independent
21 log of the medications that are dispensed from your store
22 to make that PMP report for every drug that's dispensed,
23 etcetera. You're also required to keep the drugs under
24 lock and key. All of this is noted in our complaint.
25 You're required to have all of those controlled drugs in

1 a place where only you and other dispensing practitioners
2 have access. You can't have unlicensed people who have
3 access, etcetera, etcetera. So he tells us this.

4 But Dr. Khalek, in this first meeting with
5 our investigator, is adamant that he will not file a
6 written complaint against Bararia. Instead, he wanted us
7 and he insisted that we, the Medical Board, quote, "Stop
8 Bararia," unquote. He wanted us to somehow stop Bararia
9 from using his prescribing credentials to stop Bararia
10 from dispensing from his store of controlled substances,
11 to stop Bararia from seeing his patients.

12 Now, this all comes down to what could
13 Dr. Khalek have done. Now, Dr. Khalek could have taken
14 possession of all of that Phentermine and testosterone.
15 He had the key after all. He could have called the
16 Pharmacy Board and asked them to impound these
17 medications if he didn't want to do it himself. Dr.
18 Khalek could have reported Dr. Bararia's illegal
19 prescribing activity to the DEA and to the Pharmacy
20 Board. Dr. Khalek could have called Calvin Scott
21 Pharmaceuticals and told them to stop filling orders for
22 and delivering Phentermine directly to Bararia.

23 Khalek could have contacted his e-prescribing
24 provider and tell them to shut down the account or to
25 call the PMP, which is also administered by the Pharmacy

1 Board in a separate department run by a good friend of
2 ours, Darla Zarley. He could have called Darla and told
3 her that Bararia was dispensing from his till. Shut him
4 down. But he didn't do that.

5 Our investigators advised him on October 10th
6 to contact the Pharmacy Board, to contact the DEA,
7 contact Las Vegas Metro if he felt that he needed to
8 report this criminal activity to law enforcement, to
9 report that his credentials had been compromised, that
10 they were being utilized fraudulently by Bararia. But he
11 didn't do that. So that kind of begs the question why
12 didn't he do that.

13 So then again, on November 5th, 2018,
14 Dr. Khalek calls our office. He speaks with Don Andreas.
15 He informs Don that Bararia had hired Robert Chancellor
16 -- note these dates -- November 5th that Bararia had now
17 hired Robert Chancellor as an employee of Trimcare, and
18 be sure that the Board focuses on the fact that it's
19 Bararia, an unlicensed person and a felon who owns the
20 practice, but it's Dr. Chancellor who is his employee.
21 Dr. Khalek explains to us that he's paying Dr. Chancellor
22 \$40 an hour and goes through the whole story again and
23 begs Don Andreas to have us stop Bararia.

24 Meanwhile, the evidence shows that he was
25 actively trying to negotiate a partnership agreement with

1 Bararia for the ownership of Trimcare. So Don advises
2 him again to stop writing prescriptions for Bararia, stop
3 letting him have access to all of these drugs, etcetera,
4 etcetera, call the DEA, call the Pharmacy Board.

5 On November 20th, 2018, Dr. Khalek again
6 shows up to the Las Vegas office unannounced, reports to
7 Don all of the same allegations, the same fraudulent
8 prescribing and dispensing, unlicensed practice by
9 Bararia. Kim Friedman meets with him. Sorry. Kim
10 Friedman meets with him on the 20th.

11 She discusses all of these allegations with
12 him, again advises him to contact the Pharmacy Board,
13 advises him to contact the DEA. Dr. Khalek again refuses
14 to file a complaint.

15 Then again, on November 26th, Dr. Khalek
16 returns to our offices and he hand delivers a copy of an
17 unsigned partnership agreement between Dr. Khalek and
18 Bararia setting forth proposed terms of ownership of
19 Nevada Health Services, LLC, which is doing business as
20 Trimcare. He also provides another document titled,
21 "Points of discussion." Both documents were allegedly
22 created by Bararia, which detail the partnership and
23 payment details and the terms.

24 Dr. Khalek says that he doesn't want to sign
25 these agreements. He informs Ms. Friedman that he is

1 still allowing access to the dispensing and to Khalek's
2 prescription pads, that Bararia is still seeing patients
3 even though he's been -- Khalek tells us that he's told
4 Bararia to stop but that he won't do it and that every
5 time he does tell him, he gets very, very adamant. So
6 Khalek backs down.

7 Khalek again admits that he's fully aware
8 that Bararia is unlicensed, that he doesn't have a CS,
9 etcetera. He's told all of the same things by Kim again.
10 And but he says -- curiously, he says now that Chancellor
11 is employed there, he's not writing any scripts or
12 signing any scripts for Bararia. Chancellor is now doing
13 that and that he stopped do it ten days prior from the
14 date of the 26th. Dr. Khalek then tells Kim that he no
15 longer wants to be an owner or partner of Trimcare, that
16 he's done with it, and he's going to try to sell his
17 portion back to Bararia.

18 So on January 6th, 2019, Dr. Khalek sends an
19 email to the Pharmacy Board which is in the evidence.
20 And I'm going to quote the entire email. This is the
21 first written complaint that Dr. Khalek files, calling to
22 mind that the practice, his involvement with Bararia,
23 began in September.

24 He says, and I quote, "Dr. Vinay Bararia has
25 committed multiple felonies since working with me. He is

1 currently managing patients without a medical license.
2 He has committed HIPAA violations by inputting data into
3 the EMR of patients' records. He also is dispensing
4 controlled medicines to patients without a DEA or
5 dispensing license. As a matter of fact, there are many
6 Phentermine pills missing from our cabinet which myself
7 and Dr. Bararia are the only key holders. He is very
8 brazen whenever I confront him about these violations.
9 He hired an ENT physician, Dr. Robert Chancellor, who
10 presign signs blank prescriptions so Dr. Bararia can
11 prescribe medicines to patients. Thank you for your
12 consideration," end quote. That email is in evidence.

13 So knowing what we know, the Pharmacy Board,
14 all along in complete cooperation with our investigators,
15 Don Andreas and Kim Friedman, they investigate. The
16 Pharmacy Board sends him an allegation letter detailing
17 back to him all of the allegation that Dr. Khalek himself
18 has made to us alleging that Dr. Khalek has aided and
19 abetted Bararia's unlicensed practice of medicine for
20 months; alleges that he's allowed Dr. Bararia to order
21 controlled substances under his credentials, that he has
22 allowed Bararia to access controlled substances by giving
23 him a key, that he allowed Bararia to dispense these
24 controlled substances out of Khalek's dispensing store
25 medications, on and on.

1 Importantly, Pharmacy Board sends him a
2 printout of his own PMP dispensing report. Now I have a
3 copy of that dispensing report, which I printed out
4 today. It's 25 pages. I've included two pages of that
5 in our evidence. We just have to -- to submit it to the
6 board for hearing, we'll have to redact all of the PII,
7 so I'll submit for the record what its contents contain.
8 But there are some things that you can glean from what is
9 in the record, and that is as follows:

10 That from September 1st, 2018, to April 2nd,
11 2019, 358 patients received 657 prescriptions and were
12 dispensed 657 individual supplies of either Phentermine
13 or testosterone, mostly phentermine. Overwhelmingly
14 phentermine. And this was again reported on Dr. Khalek.

15 And again, it's important for the Board to
16 understand how this information gets there. The
17 information on this PMP comes directly from Dr. Khalek's
18 office because he is the dispensing practitioner. He is
19 the pharmacy. So the report is a dispenser activity
20 report not a prescriber activity report, but a dispenser
21 activity report. So this report comes from Khalek's own
22 office, from Khalek's own credentials, saying Dr. Khalek,
23 you've prescribed 657 individual prescriptions to 358
24 individual patients over this period.

25 So in that allegation letter, they include

1 that report, Pharmacy Board Investigator Dena McClish.
2 Her name is stated and spelled in the exhibits. And
3 Dr. Khalek said that he can only account for 57 of them.
4 He claims that he couldn't really tell, however, because
5 he was not allowed access to the records at Trimcare
6 because Bararia was preventing him from accessing them
7 because at the time of this allegation letter, Bararia
8 had already left Trimcare. So he says I know --

9 HEARING OFFICER HALSTEAD: I'm sorry. You
10 mean Khalek had already left Trimcare?

11 MR. FRICKE: I'm sorry. Khalek had already
12 left. Thank you very much.

13 HEARING OFFICER HALSTEAD: Okay. Thank you.

14 MR. FRICKE: Khalek had already left
15 Trimcare. But importantly, this is -- and I'll cite
16 these for the record. And we'll walk through them with
17 our witness. But he says he can only account for 57 or
18 so of these patients, and he denies ever dispensing
19 anything to anyone while at Trimcare. He claims that he
20 quote, "Never touched the Phentermine," unquote. This is
21 bizarre, but that this is what the record is going to
22 show.

23 Again, all Dr. Khalek had to do upon
24 discovering that Bararia was dispensing from his store of
25 medications, that Bararia was misappropriating his

1 credentials, that Bararia with other member of Trimcare
2 staff was accessing the PMP clearinghouse account to
3 report false dispensing data, was to inform, in writing,
4 the Nevada Board of Pharmacy and the DEA. The Pharmacy
5 Board and the DEA would have sent out an alert, shut down
6 all its credentials. And if they didn't find any fault
7 on his fault, they would have probably reissued his
8 credentials and let him go. But he didn't do that.

9 He stayed on at Trimcare through September
10 2018, October, November, December, until he finally sends
11 in that report to the Pharmacy Board in January, but then
12 he continues working there February, March, April.

13 Bizarre.

14 But Dr. Khalek cannot be reasonably seen as a
15 victim here. It's important for the Board to recognize
16 the evidence demonstrates he wanted Trimcare. He wanted
17 to own it or at least own a part of it with Bararia. He
18 said so himself. He wanted to keep making money at
19 Trimcare: \$10,000 a month. He wanted to keep the
20 business going, but he wanted, repeatedly asked our
21 investigators. He wanted a board and the Pharmacy Board
22 to intervene in his business dispute with Bararia, to
23 take action that he would not take himself. He wanted
24 leverage in a business negotiation with Bararia.

25 He didn't care that these prescriptions were

1 fraudulent. He didn't care that the dispensing was
2 fraudulent. He didn't care about his professional
3 responsibilities. He just wanted money.

4 Well, for what it's worth -- and I only note
5 this for the record that the medical board did take
6 action, what action it could, against Vinay Bararia. We
7 sent him a cease and desist and citation letter, which
8 citation will be disposed of in a separate administrative
9 proceeding. Vinay Bararia is not one of our licensees.
10 And as the Board members are no doubt aware and the
11 Hearing Officer is aware, our jurisdiction over the
12 conduct of non-licensees is somewhat limited. It's
13 limited in particular to matters of the unlicensed
14 practice of medicine under NRS 630.400.

15 Now, it's important to note also that 630.400
16 provides that the unlicensed practice of medicine is a
17 crime, a felony, but that is a matter for law enforcement
18 not the medical board. So what we can do is we can order
19 a cease and desist letter, a citation and a fine, if we
20 feel it's necessary, and we can put on a hearing and
21 prove the unlicensed practice of medicine and prove our
22 fine, but the licensee doesn't have a license that we can
23 hold in jeopardy, so it's a process that we rarely
24 pursue. We refer these matters to law enforcement as
25 we're required to do by statute. And we've done that.

1 And that document is a public record.

2 So that's what we've done, the medical board.
3 In contrast, Dr. Khalek did nothing. It is Dr. Khalek
4 that holds a license to practice medicine in the State of
5 Nevada. It's Dr. Khalek that holds a CS license, a
6 controlled substances license. It's Dr. Khalek that
7 holds a dispensing license.

8 These licenses come with responsibilities
9 including the very basic professional responsibility for
10 the prescribing and dispensing of controlled substances
11 done under your credential. Dr. Khalek is alone
12 responsible for his own professional conduct. He is
13 responsible for the proper storage, prescription and
14 dispensing of controlled substances in his own name. The
15 statutes say so. Unfortunately, the record shows that
16 Dr. Khalek has been irresponsible and should be
17 disciplined accordingly. Thank you.

18 HEARING OFFICER HALSTEAD: Thank you. I just
19 want to note for the record this proceeding commenced at
20 8:04. It was scheduled to commence at 8:00. It is now
21 8:57. Well, it just turned 8:58, and Dr. Khalek has
22 still not appeared. He has had no contact with me or
23 asked for any continuance.

24 MR. FRICKE: Thank you, Ms. Halstead. So
25 with that, I'd like to commence questioning of my

1 witness.

2 HEARING OFFICER HALSTEAD: Thank you. And by
3 your witness, you mean your investigator who has been
4 previously sworn; correct?

5 MR. FRICKE: Yes. Thank you very much.

6 HEARING OFFICER HALSTEAD: Thank you. Go
7 ahead.

8 MR. FRICKE: Thank you.

9

10

EXAMINATION

11 BY MR. FRICKE:

12 Q Ms. Friedman, you were sworn. We stated and
13 spelled your name. Miss Friedman, you have in front of
14 you a binder with Exhibits 1 through 16. Have you
15 reviewed all of these documents?

16 A Yes, I have.

17 Q Are you familiar with all of these documents?

18 A Yes, I am.

19 Q Are all of the documents in this binder
20 documents that were obtained in the regular course of
21 your investigation into the conduct of Dr. Abdel Khalek?

22 A Yes, it was.

23 Q Are all of the documents in this binder true
24 and correct copies of the documents that you obtained?

25 A Yes, they are.

1 MR. FRICKE: I would submit that the
2 documents are sufficiently authenticated and are
3 documents that a reasonable person could rely on in the
4 conduct of their business affairs which is the standard
5 for admission of evidence in our proceedings,
6 Ms. Halstead.

7 HEARING OFFICER HALSTEAD: Would you like to
8 move to have 1 through 16 admitted at this time?

9 MR. FRICKE: Yes, I would. Thank you.

10 HEARING OFFICER HALSTEAD: Okay. They are
11 admitted.

12 Q (BY MR. FRICKE:) Thank you. So I'd like to
13 take you through the first few exhibits, Ms. Friedman,
14 and then I'd like to get a little bit of narrative
15 regarding some of the personal interactions that you've
16 had with Dr. Khalek.

17 HEARING OFFICER HALSTEAD: Actually,
18 Mr. Fricke, I'm so sorry to interrupt. I just want to
19 note that we already have a 1 through 11, and we just
20 admitted again a 1 through 16, so I just want to note
21 that the 1 through 11 was pleadings from the record in
22 Volume 1, and the 1 through 16 that we're referring to
23 are the documents that you just questioned Ms. Friedman
24 about that are part of volume two. And I just wanted to
25 state that because the numbers overlap.

1 Q (BY MR. FRICKE:) Thank you very much. So

2 Exhibit 1, Ms. Friedman, what is this?

3 A It's a copy of the license from the Nevada
4 State Board of Pharmacy for Dr. Abdel showing CS license
5 numbers CS 19745.

6 Q And so this document shows his license number
7 and his current status?

8 A Correct.

9 Q Note the date on the top. What's that date?

10 A The license date? I'm sorry. The date on
11 the top that was printed was August 19th, 2021.

12 Q Okay. And what does it show that his license
13 status is?

14 A License status is suspended.

15 Q Okay. So that's his CS license?

16 A Correct.

17 Q And page two, all of these documents are
18 Bates stamped at NSBME with preceding zeros, one, two.
19 So I'll just say page one, page two for the court
20 reporter's convenience. Page two. What is this?

21 A This is a document from the Nevada State
22 Board of Pharmacy showing Dr. Abdel Khalek's practitioner
23 dispensing license.

24 Q That is right. And so PD stands for
25 practitioner dispensing. Is that correct?

1 A Correct.

2 Q **Otherwise known as dispensing license?**

3 A Correct.

4 Q **What's the date at the top?**

5 A This is printed on August 19th, 2021.

6 Q **And what does it show, the status?**

7 A Status is inactive.

8 Q **Inactive. Thank you. So you would conclude**
9 **from these documents that right now, Khalek's CS license**
10 **is suspended and his suspending practitioner license is**
11 **inactive?**

12 A That is correct.

13 Q **So what does that mean to you as an**
14 **investigator?**

15 A That Dr. Khalek cannot write prescriptions
16 for controlled substances nor can he dispense controlled
17 substances.

18 Q **Thank you. Exhibit 2, page three. What is**
19 **this?**

20 A This is an order, a voluntary surrender of
21 license for Dr. Vinay Bararia.

22 Q **And so this is the Dr. Bararia that we've**
23 **been referencing in this case?**

24 A Correct.

25 Q **Do you understand that Dr. Bararia has an**

1 **involvement in Trimcare?**

2 A Yes, I do.

3 **Q What's that understanding?**

4 A My understanding is Dr. Bararia was
5 purchasing the facility from Dr. Goldsmith, who is
6 currently managing operator and owner of Trimcare.

7 **Q And so this document shows what?**

8 A This document shows that Dr. Vinay Bararia
9 does not hold a valid State of Nevada license to practice
10 medicine.

11 **Q Thank you. And so that on March 8th, 2013,**
12 **he surrendered his license to practice in the state; is**
13 **that correct?**

14 A Correct.

15 **Q Exhibit 3, page five. And I'd like Kim to**
16 **review a couple of things in this document that I want to**
17 **direct the Hearing Officer's attention to this document**
18 **because this document recounts in detail incidents that**
19 **occurred. This is an order of the -- I submit to the**
20 **Court that this is a public document. This is the order**
21 **of the U.S. District Court in Bararia's criminal**
22 **prosecution and recounts some of the activities that led**
23 **to the revocation of his pretrial release. And I'll**
24 **direct your attention, Ms. Friedman, to the bottom of**
25 **page eight.**

1 A Okay.

2 Q To the last paragraph. It says: "After
3 Detective Melvin testified, the Government called Donald
4 Andreas, an investigator from the Nevada Board of Medical
5 Examiners, to testify. Dr. Andreas testified that he
6 reviewed the" -- next page -- "the Nevada Prescription
7 Monitoring Program Report for an individual and noticed
8 that a prescription for a controlled substance had been
9 written by Dr. Bararia and then later by Dr. Goldsmith.
10 See Government Exhibit 8."

11 "Andreas testified that both Dr. Goldsmith's
12 staff confirmed that the individual in question was not a
13 patient of Dr. Goldsmith. He also confirmed that the
14 patient had come to Dr. Goldsmith questioning why his
15 medicine had been prescribed under Dr. Goldsmith's name
16 since he was not his physician."

17 "Andreas spoke with the patient, who had
18 indicated that he was a patient of Bararia, that he had
19 been seen by Bararia in July 2012, and that Bararia had
20 called in a prescription for him on July 12th, 2012, and
21 again on October 4th, 2012," end quote.

22 So, Kim, without going through all of the
23 details, as an investigator for the Board, you're aware
24 of Dr. Bararia's criminal history. Correct?

25 A Correct.

1 Q You've reviewed this document?

2 A Correct.

3 Q What is Bararia doing as being as described
4 in this court order that violates his supervised release?

5 A Practicing medicine without a license.

6 Q Is he prescribing without a license?

7 A He's prescribing without a license.

8 Q Is he prescribing in violation of his
9 probation?

10 A He's prescribing in violation of his
11 probation.

12 Q Is he forging scripts?

13 A Yes, he is.

14 Q Is he misrepresenting to other practitioners
15 about what he's -- sorry -- misrepresenting to patients
16 that he's authorized to prescribe?

17 A Yes.

18 Q So and Kim's been an investigator -- you've
19 been an investigator here for how long?

20 A Nine years.

21 Q So you were an investigator when this conduct
22 was before the Board?

23 A Yes.

24 Q When Vinay Bararia was voluntarily
25 surrendering his license in 2013; correct?

1 A Correct.

2 Q So you're intimately familiar with Vinay
3 Bararia's criminal history of fraudulent prescribing;
4 correct?

5 A Yes, I am.

6 Q Again, I'd encourage the Board to read that
7 document in its entirety. Paragraph -- sorry -- Exhibit
8 4, page 16. What is this document?

9 A This is a judgment in a criminal case:
10 United States of America versus Vinay Bararia.

11 Q And what does this document show?

12 A This document shows that Dr. Bararia pled
13 guilty to the counts in the indictment.

14 Q And the counts are?

15 A Distribution of a controlled substance.

16 Q So that's felony distribution of a controlled
17 substance; correct?

18 A Correct.

19 Q And on the next page, page 17 under the title
20 "Imprisonment," what does it say?

21 A "Defendant is hereby committed to the custody
22 of United States Prison to be imprisoned for a total term
23 of 44 months."

24 Q Okay. Thank you. So from this document and
25 your own personal knowledge in dealing with Bararia after

1 this period, what happened to Vinay Bararia?

2 A Vinay Bararia was sent to prison.

3 Q Okay. Also contained in here is an order of
4 forfeiture that went along with that depiction. Page
5 five, please. Page 25.

6 A Okay.

7 Q What is this document?

8 A This is an order granting motion for early
9 termination of supervised release for Dr. Vinay Bararia.

10 Q And so on page 26, this is an order, US
11 District Judge Jennifer A. Dorsey. What's the date?

12 A The date is July 18th, 2018.

13 Q So what do you understood from this document?

14 A My understanding was that Vinay Bararia was
15 released, was granted motion for early termination of
16 supervised release.

17 Q So it's your understanding from this document
18 that Dr. Bararia is no longer subject to probation, that
19 he's been released from his criminal sanctions; is that
20 correct?

21 A That is correct.

22 Q So as of July 18th, 2018. Okay. So it's
23 noting that date, Exhibit 6, page 27, document from the
24 Secretary of State's Office. What is this document or
25 this series of documents, I should say?

1 A It's a series of documents pulled from and
2 received from the Nevada Secretary of State regarding
3 articles of organization, limited liability company for
4 Nevada Health Services, LLC.

5 Q Right. So in here, you'll see the articles
6 of organization, the initial lists and amended lists. Is
7 that correct?

8 A Correct.

9 Q Notice the date that these were received from
10 the Secretary of State's Office on the first page.
11 What's that date?

12 A December 18th, 2018.

13 Q Okay. Again, these were documents that were
14 obtained in your investigation; is that correct?

15 A Correct.

16 Q So we've looked to page 30. So this is the
17 actual articles of organization of a limited liability
18 company that were filed for Nevada Health Services; is
19 that correct?

20 A Yes.

21 Q Who does it say is the registered agent?

22 A Registered agent is Vinay Bararia.

23 Q Who is the name of -- section five of that
24 document, who is the name and address of each manager or
25 managing member?

1 A Vinay Bararia.

2 Q Is anyone else listed?

3 A No.

4 Q On section six, the name and address and
5 signature of organizer, who is that?

6 A Vinay Bararia.

7 Q Okay. And what's the file date?

8 A August 26th, 2018.

9 Q So it's your understanding from this document
10 that he's released from his pretrial -- his probation on
11 July 8th, and August 26th, he creates an LLC called
12 Nevada Health Services, LLC?

13 A Correct.

14 Q If we go to page 32, also filed. This is the
15 initial annual list of managers or managing members.
16 What's the filing date for this document?

17 A August 26th, 2018.

18 Q And this is for the same company?

19 A Correct.

20 Q Nevada Health Services, LLC?

21 A Correct.

22 Q Who are the managing or managing members
23 listed here?

24 A Vinay Bararia.

25 Q Thank you. Now, page 34. This is also the

1 same form, but what was the filing date?

2 A This filing date is on October 18, 2018.

3 Q October 18th, 2018. Interesting. Also for
4 what company?

5 A Nevada Health Services, LLC.

6 Q So this isn't an annual list because he just
7 filed his initial list. This would be the amended list
8 of managers. Who is listed as managers of the company?

9 A Vinay Bararia and Abdel Khalek.

10 Q Abdel Khalek. Is there a signature for Abdel
11 Khalek anywhere on this document?

12 A No.

13 Q Who signed the document?

14 A Vinay Bararia.

15 Q As what's his title?

16 A Manager, managing member or other officer.

17 Q Okay. Page 35, a document. This is the
18 entity details at the very top titled, "Entity Details,
19 Nevada Secretary of State of Nevada." The bottom of the
20 page notes the date there. When was this document
21 printed?

22 A December 18, 2018.

23 Q What does this document show?

24 A This document shows the officers and the
25 registered agent for Nevada Health Services.

1 Q And same registry created as before?

2 A Correct.

3 Q Who are the officers now listed?

4 A Vinay Bararia and Abdel Khalek.

5 Q So Abdel Khalek is shown as a manager of
6 Nevada Health Services, LLC; correct?

7 A Correct.

8 Q Okay. Again, none of those documents purport
9 to show that Dr. Khalek actually signed or submitted any
10 of those documents to the Secretary of State; correct?

11 A Correct.

12 Q Exhibit 7, page 37. The document is entitled
13 on the top: "License Detail." The bottom of the page,
14 what date was this printed out, Miss Friedman?

15 A December 18th, 2018.

16 Q What does this document show?

17 A This document shows a business license for
18 Clark County for Trimcare. Location 5375 South Fort
19 Apache Road, Las Vegas, Nevada 89148. The business
20 owners: Nevada Health Services, LLC.

21 Q So this document shows, to your
22 understanding, that Nevada Health Services owns Trimcare.
23 Is that correct?

24 A Correct.

25 Q And this license category is a professional

1 **services healthcare and social assist category; correct?**

2 A Correct.

3 **Q Exhibit 8, page 38. What is this document?**

4 A This is a new account profile from Calvin
5 Scott Pharmaceuticals.

6 **Q So on the top, this looks like a facsimile
7 transmission record?**

8 A Correct.

9 **Q At the very top. Is it your understanding
10 that -- What's the date there?**

11 A September 25th, 2018.

12 **Q And it says at 16:02 Trimcare; is that
13 correct?**

14 A That's correct.

15 **Q So was it your understanding that this was a
16 document that would have been faxed from Trimcare to
17 Calvin Scott?**

18 A Correct.

19 **Q And is it your understanding that this new
20 account profile and the documents that are going to
21 follow these Exhibits 9 and 10, that these documents were
22 obtained by the Pharmacy Board from Calvin Scott? Is
23 that your understanding?**

24 A Yes.

25 **Q So what does this document that's the first**

1 **page, page 38 say?**

2 A This is a new account profile. Physician or
3 clinic director to complete. And it contains physician
4 name of Abdel Khalek with the clinic name: Trimcare.
5 Address: 5375 South Fort Apache Road, Number 102, Las
6 Vegas, Nevada 89138.

7 **Q And what's the email address?**

8 A The email address is: Einayb@TrimCare.com.

9 **Q So it would be your understanding that this**
10 **document that Dr. Bararia again, who is not a licensed**
11 **physician, is applying to be the manager of Trimcare on**
12 **behalf of Abdel Khalek, the provider; is that correct?**

13 A Correct.

14 **Q And so we skip forward to page 40. Who**
15 **signed this new account profile application?**

16 A Vinay Bararia.

17 **Q And he signs it as administrator; is that**
18 **correct?**

19 A That is correct.

20 **Q And when was the date that it was signed?**

21 A September 25th, 2018.

22 **Q Thank you. Page 41, document entitled:**
23 **"Dispensing Software Setup Form." What does this**
24 **document show?**

25 A This document shows practice information:

1 Nevada Health Services, tradename doing business as
2 Trimcare.

3 Q And you see the DEA number there?

4 A Yes, I do.

5 Q FK2904793? Did I get that correct?

6 A Correct.

7 Q Whose DEA number is that?

8 A That is for Abdel Khalek.

9 Q Thank you. So same address?

10 A Correct. 5375 South Fort Apache Road, Suite
11 103.

12 Q And down here it says facility administrator
13 Vinay Bararia. Is that the same email?

14 A The same email. It's: Vinayb@TrimCare.com.

15 Q Okay. And it says down here -- How did you
16 hear about Calvin Scott?

17 A Previous account.

18 Q Previous account. And this is great. Date
19 you want to have your --

20 A Your site live.

21 Q Your site live.

22 A ASAP.

23 Q "ASAP," it said. Okay. So what are the
24 providers down there, the providers list?

25 A The providers list is Dr. Abdel Khalek and

1 Lindsay Hoffman, PAC.

2 Q And so under Abdel Khalek, you see his DEA
3 number; is that correct?

4 A That is correct.

5 Q On page 42, who signed this document?

6 A Vinay Bararia.

7 Q Same date?

8 A On September 25th, 2018.

9 Q Thank you. Page 43: An authorization for
10 credit card payment. And company, who is the doctor's
11 name?

12 A Dr. Abdel Khalek.

13 Q Who is the contact information?

14 A Vinay Bararia.

15 Q Same telephone number. Who signed the
16 document?

17 A Vinay Bararia's signature.

18 Q Twice?

19 A Correct.

20 Q Right? And signature of the cardholder, same
21 date, and add the signature to accept credit terms;
22 correct?

23 A Correct.

24 Q Thank you. To Exhibit 9. So Exhibit 9
25 through page 44 through 53. What are these documents?

1 A These are invoices from Calvin Scott.

2 Q Thank you. So is it your understanding that
3 the Pharmacy Board made a request for all of the invoices
4 for Trimcare?

5 A Yes.

6 Q So included in their disclosure would have
7 been invoices from Dr. Goldsmith as the prior owner and
8 ostensibly whoever was ordering from Calvin Scott after
9 he sold the practice; is that correct?

10 A Correct.

11 Q So what does this first invoice show?

12 A The first invoice shows that it was billed to
13 Ivan L. Goldsmith, M.D. and shipped to Ivan L. Goldsmith,
14 M.D. at 5375 South Fort Apache Road, Suite 102 and 103.

15 Q And what did Dr. Goldsmith -- and what was
16 the date of this order?

17 A The invoice date is September 17th, 2018.

18 Q Thank you. What did Dr. Goldsmith order?

19 A Phentermine.

20 Q Phentermine. Did he also order some
21 child-resistant containers with labels, 30 count?

22 A Correct.

23 Q And then there's -- just to clarify for
24 everyone's understanding, Phendimetrazine, time release.
25 Is that also noted here?

1 A Yes, it is.

2 Q And is it your understanding that
3 Phendimetrazine is another form of appetite suppressant
4 similar to Phentermine?

5 A Yes.

6 Q In fact, on the PMP, they note them as
7 essentially equivalent; is that correct?

8 A Correct.

9 Q At least they're categorized as the same
10 family of equivalents?

11 A Yes.

12 Q Okay. And so what is the amount there at the
13 bottom?

14 A Total amount is \$945.05.

15 Q Now, I'll submit for the record just briefly
16 page 45 shows Abdel Khalek, Lindsay Hoffman, with a
17 customer ID of Goldsmith. Page 46 is another invoice:
18 Abdel Khalek, Abdel Khalek, Goldsmith, Goldsmith, 48, 49.
19 Now on page 49, I want to show you what on page 49, this
20 is an invoice. What does it say here?

21 A It's an invoice billed to Abdel Khalek
22 shipped to Abdel Khalek.

23 Q And who is the customer ID here? Top left of
24 the --

25 A Oh, so --

1 Q See that right there?

2 A I'm sorry. Abdel Khalek.

3 Q So this is the first invoice that we have
4 that shows that Abdel Khalek is actually the customer?

5 A Correct.

6 Q So maybe that was an oversight. Just going
7 to skip forward before we get into more detail to Exhibit
8 10, page 54. There are four pages here. What do these
9 documents show?

10 A Shows payment type, transaction date,
11 customer order number, transaction type, status, approval
12 code and total amount of invoices.

13 Q And would these be credit card authorization
14 records for the payments that were made to Calvin Scott?

15 A Correct.

16 Q Again, these were documents obtained directly
17 from Calvin Scott, sent to the Pharmacy Board and the
18 Pharmacy Board shared them with us. Correct?

19 A Correct.

20 Q So on the second page here, page 55 on the
21 first set of records, we note the bottom entry. What is
22 that amount there?

23 A The amount is \$945.05.

24 Q And what is who paid that?

25 A Vinay Bararia.

1 Q Via American Express?

2 A Correct.

3 Q What's the date?

4 A On September 21st, 2018.

5 Q So if you could look at the fourth column
6 from the left. What is that number?

7 A 18091969.

8 Q Sorry. Again, that's is it 1809169?

9 A 169.

10 Q I'm sorry. The prints are difficult to read.
11 Is that the invoice number?

12 A Yes.

13 Q For \$945.50?

14 A Correct.

15 Q Okay. If we can flip back to Exhibit 9, page
16 44.

17 A Okay.

18 Q What's the invoice number at the top?

19 A 1809169.

20 Q For the amount?

21 A \$945.05.

22 Q So is it your understanding that Vinay
23 Bararia paid Dr. Goldsmith's last invoice to Calvin
24 Scott?

25 A Yes.

1 Q So back to the invoices. Do we have here on
2 page 44 through 53 a series of invoices for controlled
3 substances shipped from Calvin Scott to Trimcare?

4 A Yes.

5 Q And the dates of these are from -- they begin
6 with that last invoice that was from all Dr. Goldsmith's
7 September 17th, the ship date, through the last date of
8 January 29th, 2019. Is that correct?

9 A That is correct.

10 Q And what drugs were ordered?

11 A Phentermine, Phenter --

12 Q Phendimetrazine?

13 A Thank you.

14 Q Yeah, difficult. And there's another one.
15 You submit that are most of these for Phentermine?

16 A Yes.

17 Q Yeah. I mean, bulk orders of Phentermine. A
18 thousand pills of Phentermine, 37.5 milligrams; is that
19 correct?

20 A Correct.

21 Q But we do have one entry in here just for the
22 record on page 51: Diethylpropion. Is that another kind
23 of appetite suppressant?

24 A Yes.

25 Q Okay. So what can you take away from all of

1 **these invoices and all of the payments from Exhibit 10?**

2 A That Dr. Vinay Bararia was purchasing and
3 paying for all of the Phentermine that was delivered to
4 Trimcare.

5 Q **Thank you. Now we'll go to Exhibit 11, page**
6 **58. What is this document?**

7 A This document is an email that I received
8 from the Nevada State Board of Pharmacy.

9 Q **And at the top of it, who is Paul Edwards?**

10 A Paul Edwards is the general counsel.

11 Q **Oh, he was prior to. He was the general**
12 **counsel of the Pharmacy Board at this time?**

13 A Yes, he was.

14 Q **It's our understanding that Paul is now over**
15 **at the AG's Office. And so what is your understanding**
16 **that Paul Edwards is doing by sending you this email?**

17 A He's sending me a referral for a complaint
18 that was filed with the Pharmacy Board by Dr. Abdel
19 Khalek.

20 Q **On page 59, is that the -- we submit for the**
21 **record Kim was here for my opening statement. We're not**
22 **excluding witnesses. There's no point. But is that the**
23 **statement verbatim that I read in my opening statement?**

24 A Yes, it is.

25 Q **Okay. And I'll note here in this email, what**

1 is the number, the telephone number listed here?

2 A Area code (702) 239-1900.

3 Q And is that the telephone number of record
4 for Dr. Abdel Khalek?

5 A Yes, it is.

6 Q So that's the current number that he has in
7 the public database at the medical board; correct? So is
8 there any doubt in your mind that this email came from
9 Abdel Khalek this contains this information?

10 A No doubt.

11 Q Exhibit 12, please, page 60. I won't go
12 through this in too much detail, but what does this look
13 like to you?

14 A It looks like the email for between
15 investigator with the Nevada State Board of Pharmacy and
16 Calvin Scott Pharmaceutical Company, Laura Phillips,
17 Director of Operations.

18 Q Thank you. And again, this is a document
19 that you received from the investigator to the pharmacy?

20 A Correct.

21 Q So what does it say at the bottom here? I'm
22 just going to read it to you.

23 "Thank you, ma'am. In response to number
24 one, I would ask her what regulation/law, etcetera. Is
25 the clinic/practice manager granted access to a

1 physician's license simply by employing them? Please
2 don't get me wrong, I am simply trying to understand
3 this. Anyone can print a copy of a physician's license
4 off the applicable State Board's website so how are you
5 assured that the physician has actually given
6 permission/authorization or even works at that particular
7 clinic (especially as in this case everything is paid for
8 by an unlicensed individual.)"

9 So what is Dena getting at here in your
10 understanding of this case?

11 A That she was concerned that an unlicensed
12 individual, Dr. Vinay Bararia, was purchasing Phentermine
13 from Calvin Scott by using Dr. Abdel Khalek's
14 credentials.

15 Q And that none of the documents that we've
16 seen has been submitted to Calvin Scott from Trimcare
17 actually contained Khalek's signature; is that correct?

18 A Correct.

19 Q Nevertheless, the Phentermine was being
20 delivered?

21 A Yes, it was.

22 Q On Exhibit 13, I see page 64. What is this
23 document?

24 A This is a response from Dr. -- sorry -- an
25 allegation letter to Dr. Khalek from the investigator,

1 Dena McClish, of the Nevada State Board of Medical
2 Examiners.

3 Q Thank you. And I would submit to the Board
4 that her questions recount to Dr. Khalek all of this
5 information that we've gone over ad nauseam. And I'd
6 just go down to page -- on page 64, one, two, three, the
7 third paragraph.

8 It says: "You have informed staff from
9 multiple agencies that during your time at Trimcare,
10 multiple instances of improper prescribing and dispensing
11 as well as the unlicensed practice of medicine were
12 occurring. To clarify these allegations and other
13 findings, please address the following."

14 She asks him a bunch of questions. Don't let
15 me forget to come back to that point, but let's at this
16 time go away from the exhibits for a moment because we've
17 recounted everything that has occurred up to this point.
18 And also, I'd be remiss if I didn't mention, Kim, is this
19 all the documentation that we have on him in this
20 investigation file?

21 A No, it is not.

22 Q We have easily a thousand pages of documents;
23 correct?

24 A Correct.

25 Q Do we have prescriptions, written

1 **prescriptions?**

2 A Correct.

3 **Q Do we have the medical records?**

4 A Correct.

5 **Q Okay. So we're not submitting all of these**
6 **into evidence today. But tell me about your personal**
7 **interactions with Dr. Khalek in this case. Let me take**
8 **you back to the day of, let's say, about June 26th, 2012.**
9 **Again, prohibited from disclosing the identity of this**
10 **anonymous source. However, on June 26th, 2018, did you**
11 **get an anonymous complaint? Did you receive an anonymous**
12 **complaint?**

13 A Correct.

14 **Q What did it say?**

15 A June or September?

16 **Q June 26th. Sorry. You're right. Correct.**

17 A September.

18 **Q My fault. My fault. Thank you. In**
19 **September, what date was it?**

20 A September 21st.

21 **Q September 21st.**

22 A So we received an anonymous complaint
23 regarding neglect of the medication, the allegations
24 stating that Dr. Vinay Bararia was practicing medicine
25 without a license.

1 Q Where was that happening?

2 A At 5375 South Apache Road. Las Vegas, Nevada
3 89138, Suite 102.

4 Q Okay. That's Trimcare; correct?

5 A That's Trimcare's location.

6 Q So an anonymous complaint about Trimcare. So
7 Don Andreas, was he the one that was primarily in charge
8 of the case?

9 A Yes, he was.

10 Q But you work hand in hand with Don Andreas on
11 dozens and dozens of cases; is that correct?

12 A Yes.

13 Q And again, you're intimately familiar with
14 all of the facts of the case, right?

15 A Yes.

16 Q So is it your understanding that Don logged
17 that complaint and then sent it up probably to our Reno
18 office for processing?

19 A Correct.

20 Q The investigators can't open complaints
21 themselves, can they?

22 A We can't.

23 Q So we just received this information and we
24 referred it up to the Reno office?

25 A Yes. We received it via fax.

1 **Q So let's skip forward to October 10th, 2018.**

2 **What happened?**

3 A So on October 10th, 2018, Dr. Abdel Khalek
4 presented to the Las Vegas office. Present in the office
5 was Investigator Don Andreas, myself, and investigator
6 Kati Payton, who is no longer with the agency.

7 Dr. Khalek, his demeanor was frazzled. He
8 was very concerned. He wanted to speak to Don Andreas
9 immediately. When we sat down and spoke with him. He
10 began to let us know what was transpiring at Trimcare.
11 He let us know that Dr. Bararia was working there, that
12 Dr. Bararia was purchasing Trimcare from Dr. Goldsmith.
13 He was concerned about the activities that had been going
14 on.

15 He stated that Dr. Bararia was actually
16 treating patients privately in examination rooms without
17 Dr. Khalek being present in the room or conducting any
18 sort of examination himself. He stated that Dr. Bararia
19 was writing prescriptions on Dr. Abdel Khalek's
20 prescription pad for these patients. He informed us that
21 he also wrote prescriptions for Dr. Bararia's patients
22 without seeing or having the bona fide patient
23 relationship with any of Dr. Bararia's patients.

24 In addition to that, he stated that
25 Dr. Bararia and Dr. Khalek himself both had keys to

1 access the controlled substances cabinet which contained
2 Phentermine. Dr. Khalek and -- excuse me -- Dr. Khalek
3 would bounce around a lot in his communication with us,
4 so at times, it was hard to get him to tell us a straight
5 story line.

6 Dr. Khalek also stated that he advised
7 Dr. Bararia to destroy any handwritten notes to any of
8 the patients that he had treated that Dr. Khalek had
9 written prescriptions for. Therefore, there would be no
10 trace that he was actually the treating physician for
11 those patients. He stated you need to dictate those
12 notes, not have handwriting, because the Board would be
13 able to know that that was your handwriting.

14 We expressed our concern with the fact that
15 he was allowing this unlicensed practice of medicine to
16 go on, specifically due to the fact that Khalek stated
17 that he was aware that Dr. Bararia did not have a license
18 to practice medicine in the State of Nevada. Dr. Bararia
19 did not have a controlled substances license, and
20 Dr. Bararia did not have a dispensing license.

21 He also was aware that Dr. Bararia served
22 time in federal prison related to federal drug charges.
23 Bararia or Dr. Khalek also stated that staff at Trimcare
24 had access to his e-prescribe phone as well as
25 Dr. Bararia.

1 When questioned about that, Dr. Khalek said,
2 "I just hand the phone over to the front staff when I go
3 out back to have a cigarette, and they do all of the
4 e-prescribing for the Phentermine." It was explained to
5 Dr. Khalek again to make sure that he was aware as a
6 dispensing practitioner that the dispensing practitioner
7 should have the only key to the Phentermine that is
8 locked up.

9 So if I have another dispensing practitioner
10 that works in my clinic, we both have to have our own
11 supply under our own lock and key. We can't even share
12 each other's supplies because you are an individual
13 pharmacy. So we explained to him that you are allowing
14 unlicensed individuals access to controlled substances.
15 You can get in trouble for that. That could be
16 considered diversion, and DEA would want to have a
17 criminal investigation on that.

18 We instructed him to contact DEA. We
19 instructed him to contact the Pharmacy Board to inform
20 them that his DEA license, his prescribing and dispensing
21 license and his controlled substance have been
22 compromised. He stated he would, but he was nervous
23 about doing that.

24 His main concern was that he was trying to
25 get into business with Dr. Bararia, that he had given him

1 a large amount of money, but Dr. Bararia was not giving
2 the money back. Dr. Bararia was not paying him the
3 salary that he promised him. And that's pretty much the
4 gist of the conversation that occurred that day.

5 **Q Thank you. Did he say that he wanted the**
6 **Board to stop Bararia?**

7 A He did. He said well -- we asked him. "We
8 need you to file a complaint. File a complaint with us
9 as well. File a complaint with the Pharmacy Board." He
10 said "No, I don't want to file a complaint. You guys
11 need to go in there and stop him."

12 **Q And not to make a legal opinion, but it's**
13 **your understanding of our process is that the Board**
14 **responds to written complaints; correct?**

15 A That is correct.

16 **Q And so if we receive a complaint from the**
17 **public, although it is your understanding that we can**
18 **initiate an investigation on our own if we're informed of**
19 **something. Is that correct?**

20 A That's correct.

21 **Q But with regard to dispensing of controlled**
22 **substances, your understanding as an investigator for the**
23 **medical board, who is the primary agency that's**
24 **responsible for policing the prescribing and dispensing**
25 **of controlled drugs in the State of Nevada?**

1 A Nevada State Board of Pharmacy.

2 Q And so is it your understanding that we
3 alerted the Pharmacy Board of these activities?

4 A Yes.

5 MR. FRICKE: Okay.

6 HEARING OFFICER HALSTEAD: I'm sorry to
7 interrupt. Can I just go back a little bit? He came to
8 you where? You stated it and I didn't catch it.

9 THE WITNESS: At the Nevada State Board of
10 Medical Examiners Las Vegas Office.

11 HEARING OFFICER HALSTEAD: And who did you
12 say was there?

13 THE WITNESS: Don Andreas: A-N-D-R-E-A-S.
14 And Kati: K-A-T-I Payton: P-A-Y-T-O-N.

15 HEARING OFFICER HALSTEAD: Thank you. This
16 was all stated before, but I wanted to make accurate
17 notes. Thank you.

18 Q (BY MR. FRICKE:) So I can't improve on your
19 testimony, Ms. Friedman, but thank you. Is there
20 anything else that you think we've missed or left out
21 that's important? But let's be clear. So is it your
22 understanding that Khalek was -- so when you admonished
23 him -- strike that.

24 You advised Dr. Khalek to contact the
25 Pharmacy Board; correct?

1 A Correct.

2 Q Is it your understanding that if he had
3 advised the Pharmacy Board of these facts in writing,
4 what would the Pharmacy Board have done?

5 A They would have opened an investigation.

6 Q And if the Pharmacy Board had evidence of
7 diversion by Bararia or misappropriation of credentials,
8 what would they have done?

9 A They would have contacted DEA.

10 Q And would they have sent out an alert to the
11 pharmacies that Dr. Khalek's credentials have been
12 compromised?

13 A They would have sent out a fax to all of the
14 pharmacies.

15 Q Would they have shut down his PMP or
16 contacted the e-prescribing system to perhaps shut that
17 down?

18 A They would have alerted, yes. And they would
19 have gone onsite and done an inspection.

20 Q So did Dr. Khalek indicate to you that he had
21 contacted Calvin Scott and told him to stop filling
22 orders for Phentermine that would be delivered to
23 Bararia?

24 A No.

25 Q Did Dr. Khalek say that he had contacted that

1 e-prescribing provider and told him to shut down his
2 account?

3 A No.

4 Q Did he tell you that he called the PMP and
5 spoke to Darla Zarley over there, Dr. Zarley had told
6 them that Bararia was dispensing from his till? Did he
7 tell you that?

8 A No.

9 Q Okay. Let's talk about the next time. When
10 was the next time that you had or you and your office had
11 interactions with Dr. Khalek?

12 A November 5th, 2018, Dr. Khalek had an
13 interaction with Investigator Don Andreas.

14 Q And what happened?

15 A He spoke to Don again.

16 Q Was it over the phone?

17 A It was over the phone. He informed Don that
18 Dr. Bararia had hired Dr. Chancellor, Robert Chancellor,
19 that he was now paying Dr. Chancellor \$40 an hour to be
20 employed at Trimcare, that Dr. Bararia had opened a bank
21 account at Wells Fargo specifically for payments from
22 federally-funded programs for patients at Trimcare, prior
23 patients that had been treated by Dr. Goldsmith, who was
24 the previous owner of Trimcare. Majority of Trimcare
25 patients pay cash. There were occasional patients that

1 did use federally-funded programs.

2 **Q So did Dr. Khalek -- Did Don advise**
3 **Dr. Khalek anything in that conversation?**

4 A He was concerned because Dr. Bararia's
5 excluded from federally-funded programs due to his
6 charges from the federal drug --

7 **Q Conviction?**

8 A Convictions. Thank you. So Dr. Bararia is
9 excluded from any and all federally-funded programs until
10 2025, which means in essence that if a patient comes into
11 Trimcare and uses any type of Medicare, Medicaid, Tricare
12 to pay for his bill, Dr. Vinay Bararia is in violation of
13 the exclusion.

14 If a patient comes into Trimcare and pays
15 cash, takes a prescription, goes to Walgreens, uses
16 Medicare or Medicaid, Tricare to pay for that
17 prescription, Vinay Bararia is in violation of his
18 exclusion as well. So I know that Don Andreas informed
19 him of that. He said you have a problem now with OIG and
20 --

21 **Q I'm sorry. The Office of the Inspector**
22 **General?**

23 A Yes. Correct. Health and Human Services.
24 And he also informed him again because he asked him if he
25 was continuing to write prescriptions for Bararia.

1 Bararia was still dispensing. Khalek stated yes, he was.
2 So again, Mr. Andreas advised him to cease writing
3 prescriptions, and he needed to contact the Pharmacy
4 Board, and he needed to contact DEA and report this, that
5 he needed to take a key away from Dr. Bararia and
6 suggested maybe even going to Metro to file a criminal
7 complaint.

8 **Q So let's talk about the next time that you**
9 **have an interaction with Dr. Khalek regarding this case.**

10 A The next myself or Andreas? The next time
11 Dr. Khalek again contacted the office on November 2018
12 and he again spoke to Investigator Andreas. Sorry. He
13 came to the office and spoke with Dr. Mr. Andreas.

14 **Q And what did he say?**

15 A Again, he stated that Dr. Bararia was still
16 writing prescriptions, that they were still dispensing
17 out of his dispensing, both the staff and Dr. Bararia.
18 He refused to fill out a complaint with the Nevada State
19 Board of Medical Examiners and was asking Don to go in
20 and conduct an investigation.

21 Don stated again, you need to file a
22 complaint with us. You need to stop doing this. You
23 need to contact the Pharmacy Board and DEA. And I know
24 he said we appreciate you being honest and forthcoming
25 with us, but you continue to not do anything. And it's

1 going to end up being a problem.

2 Q Thank you. So just to clarify with regard to
3 this meeting -- sorry -- the conversation that Don
4 Andreas had with Dr. Khalek on November 5th and then
5 again on November 20th; is that correct?

6 A Yes.

7 Q So one is: How do you know about these
8 conversations? Did you talk to Don Andreas about them?

9 A Yes.

10 Q And Don Andreas file a declaration?

11 A Yes, he did.

12 Q And you've repeatedly discussed these
13 discussions that he had with Khalek since these
14 interactions?

15 A Correct.

16 Q So let's talk about November 26th. What
17 happened on November 26th, 2018?

18 A Dr. Khalek came into the Las Vegas PMP office
19 again. At that time, I was present. He had some
20 documents that he wanted to be delivered to Mr. Andreas.
21 He provided a copy of those documents to me. One was the
22 partnership agreement between Dr. Khalek and Vinay
23 Bararia regarding the terms and conditions of the
24 ownership of Nevada Health Services, LLC, doing business
25 as Direct Care, along with another document titled,

1 "Points for Discussion." Those documents did not contain
2 anyone's signature but Dr. Khalek stated that Dr. Bararia
3 had created these documents.

4 **Q And we'll get to them later. Again, we'll**
5 **get to the exact page. But these are partnership**
6 **agreements and points of discussion documents that are**
7 **contained in the exhibit; correct?**

8 A Correct.

9 **Q And so he hand-delivered these documents to**
10 **you; correct?**

11 A Correct.

12 **Q Put them in your hand; correct?**

13 A Correct.

14 **Q And the ones that you're seeing here are true**
15 **and correct copies of those documents; correct?**

16 A That is correct.

17 **Q What did Dr. Khalek tell you that day?**

18 A So he informed me that he was still writing
19 prescriptions for controlled substances for Dr. Bararia's
20 patients, and I stated to him that we had informed him on
21 multiple times to cease writing prescriptions, to cease
22 allowing Dr. Bararia access to the dispensing cabinet,
23 and to cease Dr. Bararia access to his prescription pad
24 and that Dr. Bararia was unlicensed and he could not
25 treat patients.

1 Dr. Khalek stated to me that Dr. Bararia has
2 shown him a document that he had received from Nevada
3 State Board of Medical Examiners that stated that NSBME
4 gave Dr. Bararia the authority to treat patients as long
5 as there was a licensed practitioner standing in the
6 room.

7 **Q So and just to clarify, Ms. Friedman, have**
8 **you ever seen that document?**

9 A I have not.

10 **Q From any source has anyone ever shown you a**
11 **document from the Board saying that Dr. Bararia is**
12 **permitted under Nevada law to treat patients?**

13 A No.

14 **Q Did he also say that because Dr. Chancellor**
15 **had been hired that he had stopped writing prescriptions;**
16 **that he had written prescriptions up to that point, but**
17 **that he had stopped sometime before that?**

18 A Yes. So when I was discussing with him and
19 stating that we had informed him to stop writing
20 prescriptions, he then stated that while since
21 Dr. Chancellor has been hired, I no longer write
22 prescriptions as of ten days ago because Dr. Bararia is
23 now having Dr. Chancellor write prescriptions for these
24 patients instead of me.

25 **Q Did he also say that he doesn't want to be an**

1 **owner or partner of Trimcare anymore?**

2 A Yes. I think there were some financial
3 conflict going on, and he stated he did not want to be
4 associated with that.

5 **Q Did he tell you that he was selling his**
6 **portion back to Bararia?**

7 A Yes, he did.

8 **Q I hesitate to ask you to editorialize, but I**
9 **think it would be funny. Not funny. Strike that for the**
10 **record. I meant to say I think it would be helpful.**
11 **What was your reaction to all of this as an investigator**
12 **for the Board for all of these years?**

13 A I really have not been in a situation where a
14 provider was essentially putting himself in a very
15 serious situation of his license, been informed multiple
16 times that he was aiding and assisting in the unlicensed
17 practice of medicine, informed that there could be
18 criminal actions due to diversion. I just can't put an
19 explanation as to why he admitted all of this stuff, nor
20 can I understand why he continued to allow this to
21 happen.

22 **Q So usually, in your experience, although it's**
23 **irresponsible and in violation of multiple laws, doctors**
24 **usually try to conceal this conduct. Is that correct?**

25 A That's correct. And it started coming down

1 to Dr. Khalek really wanted the business from
2 Dr. Goldsmith. And Dr. Khalek had informed us that he
3 was in somewhat of financial straits because he had
4 undergone cancer treatments. But it was obviously a
5 dispute between the two individuals.

6 MR. FRICKE: Thank you. And please, Madame
7 Court Reporter and Hearing Officer, that was a Freudian
8 slip, my saying that it was funny. I would please
9 request that I strike that from the record. I didn't
10 mean to say that as an aside. None of this is funny.

11 HEARING OFFICER HALSTEAD: Right. Well, I
12 didn't take it in that context, but just so you know, we
13 can't strike things from the record. But I took it as
14 odd not like funny ha-ha.

15 Q (BY MR. FRICKE:) Yes. That's what I meant.
16 Thank you. So you received that email from Paul Edwards
17 on January 6th, 2019?

18 A Correct.

19 Q As you already testified? Do the allegations
20 that are made by Dr. Bararia in that email, do they
21 comport with your understanding of the case already?

22 A You mean Dr. Khalek?

23 Q Yes, Dr. Khalek. From Dr. Khalek, yes.

24 A Correct.

25 Q So basically, it says in that email in

1 writing what he's been telling you for three months.

2 A Correct.

3 Q Not too much more. I direct your attention
4 back to Exhibit 13, page 64. At the bottom of the page,
5 second-to-the-last paragraph, it says a copy of your PMP
6 prescribing and dispensing reports are attached from
7 September 1st, 2018, to June 4th, 2019. I believe that
8 that was a typo on behalf of Miss McClish because the
9 reports actually from April 2nd, 2019 to April 2, 2019.
10 Please examine these reports for accuracy and report and
11 explain any discrepancy. Can you turn to page 69 --
12 sorry -- 68, please.

13 A Okay.

14 Q Now, there's only two pages of this 26-page
15 report. Is this an excerpt of that PMP report?

16 A Yes.

17 Q Basically, the first and last page. Is that
18 correct?

19 A That's correct.

20 Q So again, I have that entire report. And
21 just to prevent the inadvertent disclosure of the 650
22 patient names, we will definitely redact them for the
23 purposes of presentation to the Board as required by
24 statute. But this excerpt does -- and I'm sorry. You've
25 reviewed the entire 25, 26-page report; correct?

1 A Correct.

2 Q The formatting is a little bit different on
3 the copy I printed out just now. And this is a true and
4 correct excerpt of page one and page 25 of that report;
5 correct?

6 A Correct.

7 Q Okay. So on page 68, what does this report
8 show?

9 A This report shows the dispenser activity for
10 Dr. Abdel Khalek.

11 Q Thank you. And so the report criteria
12 halfway through the page in the middle, there's a DEA
13 number in small type listed?

14 A Yes.

15 Q What's that DEA number?

16 A F as in Frank, K as in cat -- F as in Frank,
17 K as in kite, 2904793.

18 Q And whose DEA number is that?

19 A That is Dr. Abdel Khalek's.

20 Q And so is it your understanding that this is
21 the -- Where is this information? What is the source of
22 this information?

23 A From the Nevada Prescription Monitoring
24 Program.

25 Q And where do they get that information?

1 A Directly from the dispenser.

2 Q Directly from the dispenser?

3 A Pharmacy.

4 Q Yes, from the pharmacy. They're treated as a
5 pharmacy even though they're a dispensing practitioner;
6 correct?

7 A Correct.

8 Q So would this come from that e-prescribing
9 system?

10 A Yes.

11 Q And that e-prescribing system would be
12 connected to the PMP clearinghouse account that they have
13 to establish to get to the PMP?

14 A Yes.

15 Q And they're required by law to have that to
16 report?

17 A Yes.

18 Q And they're required for all controlled
19 substances to report to the Pharmacy Board whenever a
20 controlled substance is dispensed from their store;
21 correct?

22 A Correct.

23 Q And so where is -- so there is no doubt that
24 this information came from Dr. Khalek or someone who had
25 access to Khalek's PMP; correct?

1 A Correct.

2 Q And what does it say? How many prescriptions
3 were written between September 1st, 2018, and April 2nd,
4 2019?

5 A 657.

6 Q How many patients?

7 A 358.

8 Q And again, you've reviewed the entire report.
9 On the first page, there's two prescriptions written.
10 What are they for?

11 A Phentermine and testosterone.

12 Q And there's quantities here. The ICD-10
13 codes corresponds to diagnosis; is that correct?

14 A That is correct.

15 Q And so the quantity for the testosterone is
16 how many?

17 A Ten.

18 Q What's the supply?

19 A Ninety.

20 Q So that would be a supply of 90 days?

21 A Correct.

22 Q And then you've got the Phentermine how many?

23 A Forty-five quantity, supply 30 days.

24 Q Thirty days. And who is the prescriber?

25 A Dr. Abdel Khalek.

1 **Q** So it's your understanding -- let's take the
2 Board through the process of what a dispensing
3 practitioner, in the very basic form, what do they have
4 to do when they want to prescribe and dispense a
5 controlled substance to a patient?

6 A They have to examine the patient.

7 **Q** Yes, of course. Yes. Thank you. They have
8 to examine the patient. They have to have a bona fide
9 patient relationship?

10 A Yes, they do.

11 **Q** After that, technically speaking, what do
12 they have to do?

13 A Then they have to do an e-prescribe. They'll
14 get a code that is sent to their phone in order for them
15 to do the e-prescribe which they have to have possession
16 of themselves, and/or they could write a prescription
17 from their own prescription pad signed by themselves for
18 dispensing, and they also have to have a log of what is
19 dispensed out of the cabinet.

20 **Q** Sorry. So that's a separate -- usually a
21 paper log in your experience; correct?

22 A Yes.

23 **Q** And they can be electronic, I believe, but
24 most of time, it's sort of like a physical log kept in a
25 cabinet in the store; correct?

1 A It is. The Pharmacy Board, they do an
2 inspection so they can do the counts.

3 Q Great. And so if you'd turn to page 69.
4 You'll see one, two, three, four, five, six, seven,
5 eight, nine, ten, about 11 patients. And what drugs were
6 these dates correspond to the written date here?

7 A Actually, sorry. Is this sorted by fill date? It looks
8 like it is.

9 A It looks like it was sorted by fill date.
10 Yes.

11 Q So the dates here are September 15th, 2018,
12 through the beginning of the report, September 6th, it
13 looks like, 2018?

14 A Yes.

15 Q So what do you see here? What are the drugs
16 that are being sent out?

17 A Phendimetrazine, Phentermine, testosterone.

18 Q Primarily Phentermine; correct?

19 A Correct.

20 Q Or Phendimetrazine?

21 A Correct.

22 Q Do you see at the bottom here, these drugs
23 are classed into therapeutic classes?

24 A Correct.

25 Q And you'll see items that say Phentermine

1 derivatives?

2 A That is correct.

3 Q How many of those were prescribed?

4 A 591.

5 Q And so 591 are either Phentermine,
6 Phendimetrazine or other sort of amphetamine derivative;
7 correct?

8 A Correct.

9 Q And then you'll see androgens. What do you
10 understand androgens are?

11 A Testosterone.

12 Q Okay. It says that -- I think that says 66.

13 A Yes.

14 Q Okay. Thank you. So to summarize, does this
15 report tell you that there were 657 prescriptions to 358
16 individual patients prescribed by and dispensed by
17 Dr. Khalek; correct?

18 A Yes.

19 Q At least that's what this report should say
20 if Dr. Khalek was following the law; correct?

21 A Correct.

22 Q So Exhibit 14, page 70.

23 HEARING OFFICER HALSTEAD: Before we get into
24 Exhibit 14, I just need to stretch my legs. So do you
25 mind if we take a small break?

1 MR. FRICKE: Not at all.

2 HEARING OFFICER HALSTEAD: Thank you.

3 (Recess.)

4 HEARING OFFICER HALSTEAD: Back on the record
5 in the Matter of the Charges and Complaints against Abdel
6 Khalek, M.D., Respondent, Case Number 21-8734-1. You
7 were in the midst of asking about Exhibit 14.
8 Ms. Friedman is testifying and remains under oath.

9 Q (BY MR. FRICKE:) Thank you.

10 Ms. Friedman, if I could direct your
11 attention to Exhibit 14 again, page 70. What is Exhibit
12 14?

13 A It's a response from Dr. Abdel Khalek to Dena
14 McClish, Investigator for the Nevada State Board of
15 Pharmacy.

16 Q And it's dated November 7th, 2019; is that
17 correct?

18 A Correct.

19 Q And so this is a response to the question
20 that we saw on Exhibit 13, correct, your first question:
21 Please clarify your dates of employment, ownership and
22 practice at Trimcare, etcetera. I'm not going to ask you
23 to recount it in detail, but so it's your understanding
24 that this is Khalek's written response to the Pharmacy
25 Board to the questions that McClish asked; correct?

1 A That's correct.

2 Q And all of these facts that he answered, he
3 recounts back, does this comport with your understanding
4 of what occurred as far as the dates and the money
5 exchanged, etcetera?

6 A Correct.

7 Q Okay. At the bottom of the paragraph of the
8 page of 70, it says: "A copy of your PMP prescribing and
9 dispensing reports are attached. Please examine these
10 reports for accuracy," etcetera. So page 71 is Khalek's
11 response; is that correct?

12 A Correct.

13 Q And without reading the whole thing, what
14 does he say here?

15 A He's saying that he was unable to research
16 and write his own PMP for accuracy, that Trimcare was
17 refusing to release copies of patients' charts to him to
18 verify, and he could only verify the patients -- a few of
19 the patients who have continued to be treated by Bararia
20 himself.

21 Q And so he's trying to recall. So he says
22 that he can't access his own PMP?

23 A That's what he's claiming.

24 Q And so he admits to about 57. He could
25 recall at least 57 of these patients. Is that what he

1 **says?**

2 A Correct.

3 **Q Okay. And at the bottom of page 72, bottom**
4 **of page 72, when asked: "Please explain why you**
5 **continued to allow unlicensed personnel to use your name**
6 **and credentials to perform unauthorized illegal**
7 **activities in a business and medical practice which you**
8 **have ownership in and management of."**

9 HEARING OFFICER HALSTEAD: I'm sorry to
10 interrupt. Can we go back to the other question two?
11 Because you stated that was because he didn't have access
12 to his own PMP report; correct? Was that the testimony?

13 THE WITNESS: He didn't have access to the
14 medical records?

15 HEARING OFFICER HALSTEAD: Right.

16 THE WITNESS: He was unable to research for
17 accuracy and report any discrepancies in the PMP. He's
18 claiming he couldn't obtain copies, but in essence, he's
19 stating also that he didn't access the PMP himself. He
20 couldn't access the PMP.

21 HEARING OFFICER HALSTEAD: Okay. I just want
22 to clarify because there was a question, and I want to
23 make sure I didn't misunderstand it that he couldn't
24 access his PMP. But as I read this, he's talking about
25 the patients' charts that he can't compare to his PMP and

1 he can access his own PMP. Is that an accurate
2 understanding on my part?

3 THE WITNESS: That he said he cannot access
4 the patients' charts. He said he was unable to research
5 for accuracy and report an explanation of any
6 discrepancies in the PMP reports. It is just due to the
7 patient charts.

8 Q (BY MR. FRICKE:) And I'm sorry. I think I
9 might have been assuming facts that aren't on this
10 evidence. In your interactions with Dr. Khalek
11 elsewhere, has Dr. Khalek told you that he has access to
12 his PMP?

13 A Yes.

14 Q Okay. So in his prescribing, there is a
15 report in the PMP that allows you to see whether a PMP
16 has been checked by a provider; is that correct?

17 A That is correct.

18 Q Has Dr. Khalek, with respect to the patients
19 that he prescribed to, was he checking his own PMP?

20 A I do not recall seeing his name listed as a
21 provider who checked new patients' PMP.

22 Q Right. So he was routinely, in your review
23 of evidence, prescribing to his own patients and not
24 checking the PMP before prescribing; correct?

25 A Correct.

1 Q So -- and I'm sorry. That's an inference.
2 Would you infer from that that he -- it's obvious that
3 you can infer that he's not checking it, at least the PMP
4 indicates that. Would you infer from that that perhaps
5 Dr. Khalek doesn't even know what his own credentials to
6 the PMP are?

7 A Perhaps. Yes.

8 Q Okay. Sorry. Thank you. Thank you for that
9 clarification. And so at the bottom of page 72, when
10 asked to please explain why you continue to allow -- I'll
11 quote this. Why did you continue to allow unlicensed
12 personnel, etcetera.

13 He says: "I disagree with the above alleged
14 facts and deny these allegations. I did not" -- in
15 italics -- "allow or continue to allow unlicensed
16 personnel to use my name and credentials to perform
17 unauthorized and illegal activities in a medical practice
18 I had an ownership in and managed. Not only had I left
19 the practice prior to your inspection, but also" --
20 sorry. I'll just stop there. Unquote.

21 Kim, it 's your understanding that the
22 Pharmacy Board subsequent to your -- to his complaint in
23 January, they performed an inspection of Trimcare. Is
24 your understanding of that?

25 A Yes, they did.

1 Q Okay. So is that the inspection they're
2 referring to?

3 A Yes.

4 Q He says, to quote again: "But also, I was
5 not involved in the management of Trimcare. Further, as
6 stated in Exhibit D, 'Dr. Khalek will have no ownership
7 or interest in ownership of Nevada Health Services,
8 LLC,'" unquote.

9 So although he's the only physician employed
10 at Trimcare for September, October, November, December,
11 until Chancellor comes on, all of the Phentermine is
12 being ordered in his name. E-prescribing is his account.
13 The PMP is his account. He says, in his response, that
14 he is not, in quotes, "Not involved in the management of
15 Trimcare." Does that strike you as odd?

16 A Yes.

17 Q Why is it odd?

18 A It's his responsibility for his prescribing
19 and his dispensing.

20 Q And yet, he doesn't -- he's freely admitting
21 that he doesn't have control over it.

22 A Yes.

23 Q The next paragraph -- I'll just read it.

24 Quote, "I do not write or authorize prescriptions for
25 controlled substances for patients with whom I do not

1 have a physician-patient relationship. I made it clear
2 that I did not authorize Dr. Bararia to use my name and
3 credentials to obtain and dispense controlled substances.
4 I also advised that Medicare patients were not to be seen
5 and billed by Dr. Bararia under my NPI/credentials. I
6 brought these issues to the attention of both the Medical
7 Board and the Board of Pharmacy in the hope that they
8 would properly investigate the matter. I also gave my
9 notice and quit my job at Trimcare," unquote.

10 Let's take this apart a little bit. Is it
11 your understanding based upon the evidence -- Is it true
12 that Dr. Khalek does not write or authorize prescriptions
13 for controlled substances for patients with whom he does
14 not have a physician-patient relationship? Is that true?

15 A That's not how he explained it to us.

16 Q So how did he explain it to you?

17 A He explained it the opposite, that he did
18 write prescriptions and dispense for patients that he did
19 not have a bona fide patient relationship with and an
20 unlicensed individual, Bararia, was also treating
21 patients, writing prescriptions and dispensing them.

22 Q Thank you. And also, and the PMP from his
23 own dispenser activity report would have indicated that
24 patients were being prescribed and dispensed from
25 Dr. Khalek's store of controlled substances which

1 patients he did not see. Is that correct?

2 A Correct.

3 Q And he said, "I made it clear that I did not
4 authorize Dr. Bararia to use my name and credentials to
5 obtain and dispense controlled substances." That might
6 be true.

7 To your knowledge based upon all of your
8 interactions with Dr. Khalek and all of your review of
9 the evidence, did Dr. Khalek take any other action to
10 stop Vinay Bararia from obtaining and dispensing
11 controlled substances under Dr. Khalek's name?

12 A No.

13 Q Third sentence: "I also advised that
14 Medicare patients were not to be seen and billed by
15 Dr. Bararia under my NPI/credentials." So again, just to
16 review, why would that be a problem?

17 A Dr. Vinay Bararia is excluded from any
18 federally-funded programs.

19 Q So if you're excluded from the
20 federally-funded programs, you can't -- even though you
21 might have a license to practice medicine, you can't work
22 at a facility that accepts payment from federal or causes
23 payment to be made from any federally-funded program; is
24 that correct?

25 A You can't even be a janitor.

1 Q You can't even been a janitor. And it's your
2 understanding that there are both criminal and civil
3 sanctions that go along with that?

4 A That's correct.

5 Q So in a written response, that would make
6 sense that he would be denying that he was doing that,
7 correct?

8 A Yes.

9 Q Okay. I'm sorry?

10 A Correct.

11 Q Now this last sentence is a bit frustrating.
12 So he says he brought these issues to the attention of
13 the board and hoped that they would properly investigate
14 the matter.

15 Ms. Friedman, are you a sworn peace officer
16 or other law enforcement official in the State of Nevada?

17 A No, I'm not.

18 Q Do you have a weapon issued to you by the
19 Board of Medical Examiners?

20 A No, I do not.

21 Q Do you have handcuffs?

22 A No, I do not.

23 Q Does anyone at the Medical Board have the
24 authority under the law to arrest anyone for anything?

25 A No, we do not.

1 Q Do we have barricades to barricade offices?

2 A No, we do not.

3 Q Do we have chains with locks so that we could
4 lock the doors of medical offices?

5 A No.

6 HEARING OFFICER HALSTEAD: I get your point,
7 Mr. Fricke.

8 Q (BY MR. FRICKE:) Okay. My point being --
9 and you explained -- Did you explain this to Dr. Khalek
10 when he came in and complained about and asked us to stop
11 Bararia?

12 A Yes.

13 Q And in order to stop Bararia physically from
14 doing these things, what did you tell him to do?

15 A Instructed him to contact the Pharmacy Board,
16 to cease writing prescriptions, to cease allowing illegal
17 activity, to contact DEA, if he felt it was criminal, to
18 contact Metro.

19 In addition, we requested that he file a
20 complaint with us. We informed him that if he did not
21 file a complaint with us, if the Medical Board was
22 investigating, that we would not be able to provide him
23 any information because he was not a documented
24 complainant. So we informed him as well to file a
25 complaint with us.

1 Q Thank you. And I'm almost done here.
2 Exhibit 15, page 88. I'll just have you authenticate
3 this. Second allegation letter that Ms. McClish sent
4 Dr. Khalek?

5 A Yes. It looks like she was requesting
6 additional information.

7 Q So she, in here, she kind of reiterates what
8 she asked him before and his response, and she kind of
9 asked him to clarify some things. Is that correct?

10 A Correct.

11 Q So I'll just direct your attention to page
12 91, question 18, third from the bottom. Third paragraph
13 from the bottom. It says: "Please explain how
14 medications dispensed were billed to the patients and/or
15 insurance." Is that correct? Is that what it says?

16 A That's correct.

17 Q So on Exhibit 16, the document dated March
18 11th, 2020, does this look like Dr. Khalek's response to
19 that second allegation letter?

20 A Yes.

21 Q I'll just point out a couple things that are
22 helpful. Page 97. It says: "In my earlier response, I
23 indicated" -- and this is -- sorry -- in reference to
24 question three. Again, as a follow up to the question
25 that I referenced before, please explain why you continue

1 to allow unlicensed personnel to use your name and
2 credentials, etcetera.

3 He says -- expanding on what he said before,
4 that we just went over, he says quote, "In my earlier
5 response, I indicated that I did not allow (or continue
6 to allow) unlicensed personnel to use any name and
7 credentials to perform unauthorized and illegal
8 activities in a medical practice I had an ownership in
9 and managed. I maintained employment through April 2019,
10 because Dr. Bararia was working directly with an under
11 Dr. Chancellor. Dr. Chancellor was responsible for
12 supervising Dr. Bararia, and he was responsible for
13 writing any prescriptions or dispensing any medications
14 needed to treat patients seen by himself and
15 Dr. Bararia."

16 "Dr. Bararia hired Dr. Chancellor for the
17 purpose of writing prescriptions for and seeing
18 Dr. Bararia's patients. I was hoping to recover the
19 money owed to me by Trimcare, and because I had informed
20 the relevant authorities and agencies of Dr. Bararia's
21 concerning conduct, I believed that I had fulfilled my
22 obligations in that regard," end quote, and the paragraph
23 continues.

24 Kim, as an investigator for the Medical
25 Board, what is problematic about what Dr. Khalek is

1 telling us in his written response, telling the Pharmacy
2 Board in his written response?

3 A That the behavior is continuing with
4 Dr. Chancellor now writing prescriptions for patients
5 seen by Dr. Bararia, who is not licensed.

6 Q So Dr. Bararia shouldn't be seeing patients;
7 is that right?

8 A That's right.

9 Q Dr. Bararia shouldn't have patients; is that
10 correct?

11 A That's correct.

12 Q Because the practice of medicine, in the
13 State of Nevada, is defined as diagnosing, treatment,
14 treating, seeing patients, human patients for human
15 diseases. Is that a good paraphrase of the practice of
16 medicine?

17 A Yes.

18 Q Okay. So is Dr. Khalek telling us that for
19 months, he continued knowing that the unlicensed practice
20 of medicine was occurring at Trimcare; correct?

21 A Correct.

22 Q And let me just one -- two last things.
23 Let's go back to that question 18, page 103. And I want
24 -- and this is really important. When asked -- page 18:
25 Please explain how medications dispensed were billed to

1 the patients and/or insurance.

2 His answer to the question 18: "I have no
3 knowledge of this issue." His supplement to the answer
4 and I quote, "I do not have information responsive to
5 this inquiry. While I had a dispensing license for
6 Trimcare, I did not dispense any medication during my
7 time there. There were others employed with dispensing
8 practitioner licenses and there were multiple dispensing
9 technicians."

10 Ms. Friedman, looking at the PMP report, does
11 that response make any sense to you?

12 A No.

13 Q What does the PMP report say?

14 A That Dr. Khalek dispensed.

15 Q Does it also say that he prescribed?

16 A Yes.

17 Q What did he dispense?

18 A Phentermine and testosterone.

19 Q Okay. Let's go to question 19.

20 HEARING OFFICER HALSTEAD: Actually, can I
21 ask a question?

22 MR. FRICKE: Please.

23 HEARING OFFICER HALSTEAD: I don't
24 understand. It's new to me. What is a dispensing
25 technician?

1 THE WITNESS: They have the authority to
2 access the dispensing cabinet on behalf of the dispensing
3 provider.

4 HEARING OFFICER HALSTEAD: And were there
5 dispensing technicians? Do we know? I don't know that
6 it's important necessarily, but I'm curious.

7 THE WITNESS: I don't recall. There was only
8 one other dispensing practitioner there, and that was the
9 PAC, Lindsay Hoffman. But again, she would have her own
10 store, so Dr. Khalek would still be sole and separate.

11 Q (BY MR. FRICKE:) And he would have his own
12 dispensing -- she would have her own dispensing license.

13 A She would have her own dispensing license,
14 and she would keep track of her own medications.

15 Q And she would have -- those dispensing would
16 go through -- those would be reported to the PMP?

17 A To PMP.

18 HEARING OFFICER HALSTEAD: So you weren't
19 aware of any dispensing technicians who would have
20 dispensed on behalf of Dr. Khalek.

21 THE WITNESS: No. They can't dispense on
22 behalf of him. They can only go and grab it for him.

23 HEARING OFFICER HALSTEAD: Right. But, I
24 mean, they would physically go and get it and handle it,
25 but it would be him. He would be the dispensing --

1 THE WITNESS: Correct.

2 HEARING OFFICER HALSTEAD: -- party.

3 THE WITNESS: Correct.

4 HEARING OFFICER HALSTEAD: And you aren't
5 aware?

6 THE WITNESS: I wasn't aware of any -- I'm
7 sorry.

8 HEARING OFFICER HALSTEAD: You were not aware
9 that there were any technicians in that practice?

10 THE WITNESS: I am not.

11 HEARING OFFICER HALSTEAD: Okay.

12 Q (BY MR. FRICKE:) Okay. And I can clarify
13 this issue. So is it your understanding, Ms. Friedman,
14 that dispensing technicians are licensed by the Pharmacy
15 Board?

16 A Yes, they are.

17 Q So they're like a pharmacy tech at a regular
18 pharmacy? Would they be somebody that handles and passes
19 out the drugs that are actually being dispensed by the
20 pharmacist? Is that correct?

21 A Correct.

22 HEARING OFFICER HALSTEAD: Thank you.

23 Q (BY MR. FRICKE:) And so page 103, bottom of
24 the page. It says -- the question posed to Dr. Khalek.

25 "The inventory of controlled substances

1 **appeared to be incomplete. Please provide a copy of your**
2 **most recent inventory of controlled substances from**
3 **Trimcare, i.e. your closing inventory. Please also**
4 **provide copies of any transfers of medications/stock.**
5 (i.e. for Dr. Goldsmith's inventory to yours or yours to
6 Dr. Chancellor's after you left.)"

7 So, Ms. Friedman, would that be the --
8 usually the paper log of the stock or the till, some
9 people call it, of the controlled substances that a
10 dispensing practitioner is required to have?

11 A That is correct. So dispensing practitioner
12 would have that logged so they know exactly how many
13 medications are being transferred to the new dispensing
14 prescriber. It's the same thing that happens when a
15 pharmacy purchases another pharmacy's supply. There has
16 to be a chain of command, how much of the medications is
17 being transferred to the new pharmacy.

18 **Q Thank you. So you've worked for the Medical**
19 **Board roughly ten years, right?**

20 A Correct.

21 **Q How many times have you gone on an inspection**
22 **with Dena McClish or another Pharmacy Board investigator?**

23 A Multiple.

24 **Q Dozens?**

25 A Dozens and dozens.

1 Q Do you and Dena look for that log?

2 A Yes.

3 Q And in your experience, where is that log
4 usually kept?

5 A It's located in the dispensing cabinet.

6 Q And so when somebody takes some controlled
7 substances out of a dispensing cabinet, they usually log
8 in that they're doing that; correct?

9 A So it's logged in. There's stickers that can
10 go on it as well to correspond with the dispensing
11 process.

12 Q So that's what we're talking about. Now this
13 is an important answer: NSBME 104. Answer to Question
14 19. Dr. Khalek's response.

15 "I have no such copies. No inventory was
16 ever given to me," unquote.

17 Ms. Friedman, Dr. Khalek says no inventory
18 was ever given to him. Is it your understanding that
19 it's his responsibility to maintain this log? Is that
20 your understanding?

21 A Yes.

22 Q So this isn't a document that would have been
23 given to him. This would be a document that should be
24 maintained by him; correct?

25 A Correct.

1 Q And then in the supplement to the answer to
2 Question 19, it says quote, "I never touched the
3 Phentermine. Nor did I ask for it and nor did I ever
4 provide it to anyone. I have no additional information
5 to provide," end quote.

6 Now, Dr. Khalek, what is your understanding
7 -- Does this statement by Dr. Khalek again comport with
8 your understanding of what he explained to you in person?

9 A No. He even admitted that he had keys to
10 access the controlled substances dispensing where he
11 stored his Phentermine.

12 Q Right. Okay. And so he's -- I keep asking
13 you questions. There's much more. And I just want to
14 direct your attention to the exhibits that were attached
15 to Dr. Khalek's responses. Actually, the exhibits that
16 followed this second response on page 107 is entity
17 information that corresponds to the information from the
18 Secretary of State. Is that correct?

19 A That's correct.

20 Q On page 107 and what follows. He actually
21 included, in his response on page 114, the same business
22 license detail information for Trimcare that we referred
23 to earlier. Is that correct?

24 A That is correct.

25 Q And moving back to this first response on

1 **Exhibit 14, on page 79, the document entitled, "Addendum**
2 **to Asset Purchase Agreement." Ostensibly, it says**
3 **Goldsmith Health Care, Limited dba Trimcare, hereinafter**
4 **known as seller, and Vinay Bararia, MD and Imran S.**
5 **Chaudhry, hereinafter known as the buyer. What is this**
6 **document in your understanding, Ms. Friedman?**

7 A This is the Purchase Agreement from between
8 Dr. Vinay Bararia, Dr. Ivan Goldsmith.

9 Q **To do what?**

10 A Purchase Trimcare.

11 Q **Signed by both of them?**

12 A Correct.

13 Q **What's the date?**

14 A August 31st, 2018.

15 Q **And then B. These are again, your**
16 **understanding these are documents that were provided by**
17 **the respondent in this case to Dena McClish of the**
18 **Pharmacy Board; correct?**

19 A Correct.

20 Q **What is page 81?**

21 A Oh. It's copy of the cashier's check paid to
22 the order of Nevada Health Services for \$75,000.

23 Q **From? The top left?**

24 A Abdel Khalek.

25 Q **Dated?**

1 A The date on this is --

2 Q To the right above the amount.

3 A Sorry. October 16th, 2018.

4 Q So what is your understanding that this was
5 for, that this cashier's check was for?

6 A This cashier's check, as stated by
7 Dr. Khalek, in discussions with him, that this was to --
8 this is Dr. Bararia to purchase Trimcare.

9 Q Thank you. Page 83. Document entitled,
10 "Partnership Agreement"?

11 A Yes.

12 Q Is this the document that Dr. Khalek
13 presented to you in your -- hand delivered to you in
14 November of 2018?

15 A That is correct.

16 Q And have you seen -- you've seen different
17 versions of this at least with different notes on it; is
18 that correct?

19 A Yes.

20 Q So there were sort of several versions of
21 this floating around and Dr. Khalek apparently presented
22 different copies of this document with different markups
23 on it; correct?

24 A Correct.

25 Q But in every case, it was never signed by

1 **Dr. Khalek or Dr. Bararia; correct?**

2 A Correct. It was never signed.

3 **Q So would this indicate to you that there was**
4 **some kind of negotiations going on that were as yet**
5 **incomplete?**

6 A Correct.

7 **Q Regarding the purchase of Trimcare?**

8 A Correct.

9 **Q Or regarding, I should say, regarding a**
10 **partnership between Khalek and Bararia?**

11 A Correct.

12 **Q Page 85 in a document entitled "Agreement."**
13 **You've seen this document before?**

14 A Yes.

15 **Q What is this document?**

16 A It's an agreement between Dr. Abdel Khalek
17 and Vinay Barbaria that Dr. Bararia would return some of
18 the loaned money, \$75,000, towards the purchase of
19 Dr. Goldsmith Health Care, Limited, doing business as
20 Trimcare.

21 It also states that Dr. Khalek will receive
22 \$15,000 salary as an agreement on December 11th, 2018.
23 He will draw a salary of \$10,000 a month for working six
24 days a week -- I'm sorry -- six hours per day five days a
25 week. It also states that this contract at a rate of

1 \$10,000 per month is for the period starting December
2 11th, 2018, until June 11st, 2019.

3 **Q And is this document signed by both**
4 **Dr. Khalek and Vinay Bararia?**

5 A Yes, it is.

6 **Q And what's the date?**

7 A November 27th, 2018.

8 **Q So what is your understanding of what's**
9 **happening here?**

10 A So it appears that it's more that Dr. Khalek
11 was not going to be an employee slash contractor other
12 than a managing member and owner.

13 MR. FRICKE: All right. Ms. Halstead, I
14 think we've beaten this dead horse plenty. But please,
15 if you have anything that you think that's relevant to
16 the case that I've missed, any questions that you have?

17 HEARING OFFICER HALSTEAD: Just a follow-up
18 question. So was it Dr. Khalek who was saying that
19 \$75,000 was to repay the loan? Was that his
20 representation? Not to you, but to the Pharmacy Board?

21 THE WITNESS: So yes. Dr. Khalek had loaned
22 Dr. Bararia \$75,000 to assist him in purchasing Trimcare.

23 HEARING OFFICER HALSTEAD: And that's what he
24 told who?

25 MR. FRICKE: The Pharmacy Board.

1 HEARING OFFICER HALSTEAD: The Pharmacy
2 Board. But he told you it was for a purchase?

3 THE WITNESS: Yes.

4 HEARING OFFICER HALSTEAD: And there's no
5 documents anywhere that indicate it was a loan?

6 THE WITNESS: No, just for --

7 MR. FRICKE: But I would, on page 70, in
8 Dr. Khalek's first response to Exhibit 14, he claims it
9 was a loan.

10 HEARING OFFICER HALSTEAD: Right. That's the
11 distinction I'm making because -- that's right.

12 MR. FRICKE: But there's no terms of payment,
13 no interest rate.

14 HEARING OFFICER HALSTEAD: Well, and it's not
15 referred to as a loan on page 85. It says it was given
16 by Dr. Khalek towards the purchase of his practice -- of
17 this practice.

18 MR. FRICKE: Yes.

19 HEARING OFFICER HALSTEAD: That's all.

20 MR. FRICKE: Thank you. So there's so much.
21 We have so much evidence that I would like -- I could
22 literally go on and on. I tried to focus on the
23 presentation on what I thought were the most compelling
24 and explicit evidence. So with that, I think if you were
25 done, Ms. Halstead, I think we'll move to briefing.

1 HEARING OFFICER HALSTEAD: I don't have any
2 questions for Ms. Friedman.

3 MR. FRICKE: Okay. Thank you.

4 HEARING OFFICER HALSTEAD: Thank you so much.

5 THE WITNESS: Thank you.

6 MR. FRICKE: So with that, I'd thought I'd
7 make a very brief closing.

8 HEARING OFFICER HALSTEAD: Yes, please.

9 MR. FRICKE: We are here today to make a
10 record to substantiate the allegations made by the
11 investigative committee of the board against the
12 respondent, Dr. Abdel Malick Khalek. And I submit that
13 the allegations in the complaint have been proved
14 abundantly.

15 The respondent was licensed by us.
16 Therefore, we have jurisdiction. The respondent held the
17 CS registrations and dispensing practitioner
18 registrations that have been alleged. Vinay Bararia did
19 not have such licenses or registrations. Vinay Bararia
20 had surrendered his registration in 2013. Bararia was
21 imprisoned for felony conspiracy of -- sorry -- felony
22 distribution of controlled substances.

23 Bararia did create Trimcare -- created Nevada
24 Health Services Limited, which operated Trimcare; that
25 Dr. Khalek was either a co-owner or a contractor or

1 employee of Trimcare from at least October 2018, through
2 April 2019, by his own admissions and all of the
3 evidence. And in the course of his employment there, he
4 did aide and abet Vinay Bararia in the unlicensed
5 practice of medicine.

6 He did permit him to purchase, access, store,
7 possess, administer, furnish, prescribe and dispense
8 controlled substances and dangerous drugs under
9 Dr. Khalek's name without Dr. Khalek having a bona fide
10 therapeutic relationship with these patients, without him
11 being present at the time prescriptions were dispensed
12 and/or otherwise falsely represented himself as a
13 practitioner entitled to write prescriptions.

14 Dr. Khalek did fail to prevent Bararia in the
15 course of operating Trimcare to do these things.
16 Dr. Vinay Bararia did misappropriate respondent's
17 controlled substances registration to unlawfully issue
18 prescriptions for drugs. It did occur with at least 298
19 patients, as indicated by his own PMP dispensing report.

20 And he did fail to issue written
21 prescriptions, fail to maintain complete and accurate and
22 retrievable copies of that log that Ms. Friedman referred
23 to. He failed to properly store and maintain that
24 inventory. He failed to maintain the security of the
25 inventory against unauthorized access and failed to

1 segregate or dispose of adulterated or expired drugs
2 because he didn't do anything. He didn't have access.
3 He said I never touched it. I didn't have access to the
4 log, he claims.

5 So I would submit that Counts 1, unlawful
6 prescribing of controlled substances and dangerous drugs,
7 as articulated in the complaint in specific, that
8 allegation is abundantly proven.

9 Count 2: Aiding and assisting in the
10 unlicensed practice of medicine. I would submit that
11 that allegation is abundantly true. The investigative
12 committee of the board necessarily must treat the actions
13 of individual licensees in separate proceedings.

14 As I mentioned, the Board has issued a cease
15 and desist and citation fine of Mr. Bararia, and that
16 case will pursue in due course. Any other cases with
17 regard to other practitioners' conduct will have to be
18 taken in due course, and those practitioners are
19 permitted to exercise their rights of due process.

20 But with respect to Dr. Khalek, his
21 involvement, his aiding and abetting the unlawful
22 prescribing activity at Trimcare for seven months and
23 more is evident. And I would ask the Board to consider
24 that and to discipline Dr. Khalek with the appropriate
25 sanction. Thank you.

1 HEARING OFFICER HALSTEAD: Thank you,
2 Mr. Fricke. Can I go over something procedurally with
3 you just for, again, my own clarification?

4 MR. FRICKE: Yes.

5 HEARING OFFICER HALSTEAD: So we discussed at
6 the prehearing the potential application of NRS 622A.350.
7 Now Subsection 2 of that provides -- not subsection,
8 regular Section 2 provides: If the licensee fails to
9 appear at a hearing, the regulatory body or hearing panel
10 or officer may accept allegations against the licensee
11 and the charging document as true.

12 Now, we discussed how that could be construed
13 as a default provision. Does your office have a position
14 on that, on interpretation of that?

15 MR. FRICKE: No. There's no public position
16 declared by the Board, either in regulation or otherwise,
17 and to my knowledge, no reported case references
18 622A.350. Not in my legal research.

19 So although the laws been on the books since
20 2005, and that's not uncommon for these administrative
21 provisions, Dr. Khalek would be -- if Dr. Khalek feels
22 that there was not an adequate opportunity for him to
23 exercise his rights in this case, he would be free to
24 file a petition for judicial review as everyone is who is
25 aggrieved by a decision of a board.

1 HEARING OFFICER HALSTEAD: I was actually
2 asking again for my own edification, not with regard to
3 any of his concern about the proceedings. I think that
4 you did a full presentation, which was the prudent thing
5 to do under, you know, given that no one has interpreted
6 that.

7 MR. FRICKE: So no. I guess -- and because I
8 think we're in a bit of unchartered territory, but I
9 would ask the Board that the Board is authorized by that
10 statute to accept the allegations against the licensee
11 and the charging document as true.

12 In addition, we have made an offer of proof
13 of our allegations, so I don't necessarily believe that
14 one cuts off the other. I would just say that that's an
15 inference that the Board is authorized to make if it is
16 your determination and the Board's determination based
17 upon your recommendation that we have offered sufficient
18 evidence of proper service.

19 HEARING OFFICER HALSTEAD: Thank you. Well,
20 and that leads me to my other question because I would
21 have to reconcile that with NAC 630.470, which I pointed
22 out earlier that provides if a licensee fails to appear
23 at a scheduled hearing and no continuance has been
24 requested and granted, the evidence may be heard and the
25 matter may be considered and disposed of on the basis of

1 the evidence before the board, panel or hearing officer
2 in the manner required by this section."

3 That would seem to somewhat conflict as it
4 doesn't seem to apply a default, although it gives
5 discretionary language.

6 MR. FRICKE: And I would agree. I would say
7 that 622A, the entire chapter, was only recently made
8 applicable to our proceedings. The Medical Board, I
9 believe, until 2019, was specifically exempted from that
10 chapter, and it's my understanding that Chapter 622A, as
11 it states in the beginning of that chapter, was made to
12 make regular or more uniform across the various licensing
13 boards, the administrative procedures that are applicable
14 in professional bodies' proceedings.

15 And where those provisions conflict or seem
16 to conflict, we are supposed to rely on NRS 622A. And so
17 I see it as 622A applies the floor and the ceiling of
18 which you cannot go above or below. 622A says what it
19 says. And so if NAC 630 provisions are seen to be in any
20 way in conflict -- and I'm sorry I don't have that
21 reference at the ready, but it does say that in 622A. It
22 says that where these provisions conflict, we are to rely
23 on 622A.

24 HEARING OFFICER HALSTEAD: Thank you. I
25 appreciate you clarifying that for me. It's sort of a

1 non-issue because you've put on your case, but I'm just
2 curious because I want to know what my options are.

3 Is there anything you want to add before you
4 formally close your case?

5 MR. FRICKE: No, ma'am. I'd just like to
6 thank the court reporter for going very long without a
7 break and your assistance with this frustrating procedure
8 and a little bit of difficulty, and I just very much
9 thank you and in keeping this orderly and as fair as a
10 process and we could put on. I just thank you for your
11 time.

12 HEARING OFFICER HALSTEAD: Thank you. I'm
13 going to, with that, I'll conclude the hearing and I
14 appreciate everyone's time and efforts in being here
15 today. Thank you, Mr. Fricke.

16 (The hearing concluded at 10:54 a.m.)

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1 STATE OF NEVADA)
COUNTY OF WASHOE)

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4 I, Nicole J. Hansen, Certified Court Reporter,
5 State of Nevada, do hereby certify:

6 That prior to being examined, the witness in the
7 foregoing proceedings was duly sworn to testify to the
8 truth, the whole truth, and nothing but the truth;

9 That said proceedings were taken before me at
10 the time and places therein set forth and were taken down
11 by me in shorthand and thereafter transcribed into
12 typewriting under my direction and supervision;

13 I further certify that I am neither counsel for,
14 nor related to, any party to said proceedings, not in
15 anywise interested in the outcome thereof.

16 In witness whereof, I have hereunto subscribed
17 my name.

18

19 Dated: September 2, 2021

20

21

22 Nicole J. Hansen

23 Nicole J. Hansen

24 NV. CSR No. 446, RPR, CRR, RMR

25 CA. CSR 13,909

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EXHIBIT 1

EXHIBIT 1



Nevada State Board of Pharmacy

For licensing inquiries please send an email to, pharmacy@pharmacy.nv.gov (mailto:pharmacy@pharmacy.nv.gov).

For current information on [disciplinary actions taken against licensees](#), please send an email to shunting@pharmacy.nv.gov (mailto:shunting@pharmacy.nv.gov).

VERIFY LICENSE

Last Name	First Name	License#	City	State	Country	Discipline	Action
KHALEK	ABDEL	CS19745	LAS VEGAS	NV	United States	None	

License Number : CS19745

Name : KHALEK, ABDEL

License Type : Controlled Substance

License Status : Suspended

License Date : 10/26/2011

Discipline :

Expiration Date : 10/31/2022



Document Type	Date	Name	Other Name	Is Public?	Status	Uploaded By	Link	Actions
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Nevada State Board of Pharmacy

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For current information on disciplinary actions taken against licensees, please send an email to shunting@pharmacy.nv.gov (mailto:shunting@pharmacy.nv.gov).

VERIFY LICENSE

Last Name	First Name	License#	City	State	Country	Discipline	Action
KHALEK	ABDEL	PD00722	LAS VEGAS	NV	United States	None	

License Number : PD00722
Name : KHALEK, ABDEL
License Type : Practitioner Dispensing
License Status : Inactive
License Date : 06/11/2018
Discipline :
Expiration Date : 10/31/2022



Document Type	Date	Name	Other Name	Is Public?	Status	Uploaded By	Link	Actions
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EXHIBIT 2

EXHIBIT 2

1 **BEFORE THE BOARD OF MEDICAL EXAMINERS**
2 **OF THE STATE OF NEVADA**

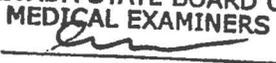
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6 **In the Matter of the License of**)
7)
8 **VINAY KUMAR BARARIA, M.D.,**)
9)
10 **Licensee.**)

License No. 11355

FILED

MAR 13 2013

**NEVADA STATE BOARD OF
MEDICAL EXAMINERS**
By: 

11
12 **ORDER ACCEPTING VOLUNTARY SURRENDER OF LICENSE**

13 The voluntary surrender of the license to practice medicine of
14 Vinay Kumar Bararia, M.D., came on before the Nevada State Board of Medical Examiners,
15 hereinafter "Board," for consideration at a regularly scheduled meeting of the Board on
16 March 8, 2013, at the Board's offices located at 1105 Terminal Way, Suite 301, Reno, Nevada,
17 89502, and by video conference at the offices of the Nevada State Board of
18 Dental Examiners located at 6010 S. Rainbow Boulevard, Building A, Suite 1,
19 Las Vegas, Nevada 89118. Licensee Vinay Kumar Bararia, M.D. (Dr. Bararia) was not present.

20 The members of the Board participating in the decision were:
21 Benjamin J. Rodriguez, M.D., Beverly A. Neyland, M.D., Ms. Donna A. Ruthe,
22 Mrs. Sue Lowden, Bashir Chowdhry, M.D. and Wayne Hardwick, M.D. Harry B. Ward, J.D.,
23 Deputy Attorney General, acted as legal counsel to the Board.

24 The Board, having received Dr. Bararia's wallet license, wall certificate and affidavit and
25 after considering those materials provided, enters the following order:

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IT IS HEREBY ORDERED that the voluntary surrender of Dr. Bararia's license to practice medicine in the state of Nevada is accepted. This voluntary surrender is considered to have been made while under investigation.

Dated this 8th day of March, 2013.

NEVADA STATE BOARD OF MEDICAL EXAMINERS



Benjamin J. Rodriguez, M.D.
President

EXHIBIT 3

EXHIBIT 3

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,
Plaintiff,
vs.
VINAY BARARIA,
Defendant.

Case No. 2:12-cr-00236-MMD-GWF
ORDER

This matter came before the Court on October 25, 2012, for a hearing on the Government's Petition for Action on Conditions of Pretrial Release (#42), filed on October 17, 2012. Defendant Vinay Bararia ("Bararia") made his Initial Appearance on the Government's petition on October 18, 2012, wherein he was detained pending the hearing on the Government's petition. See Mins. of Proceedings (#46).

BACKGROUND

On March 2, 2012, Bararia was charged in a criminal complaint with violating 21 U.S.C. §§846 and 841(a)(1). (#1). He made his Initial Appearance on that same day and was released on a personal recognizance bond pursuant to 18 U.S.C. § 3142 and placed under Pretrial Services supervision with several conditions, including the surrender of his DEA Certificate of Registration. See Order (#5). He was also prohibited "from ordering, possessing, dispensing, or prescribing any controlled substance." *Id.* Bararia executed a "Voluntary Surrender of Controlled Substances Privileges" form specifically indicating that he did "relinquish (his) privilege to handle controlled substances listed in schedules II through V." See Govt. Ex. 1.¹ The form specifically indicates that Bararia "understand(s) that he will not be allowed to order, manufacture, distribute, possess,

¹ The specific exhibits referenced throughout this Order were entered into evidence during the October 25, 2012, revocation hearing.

1 dispense, administer, prescribe, or engage in any other controlled substances activities whatever,
2 until such time as (he is) again properly registered.”

3 Subsequently, on May 2, 2012, Bararia was arrested for violating the conditions of his
4 pretrial release by writing prescriptions for a variety of controlled substances on behalf of several
5 patients. (#14). He was detained pending a hearing on the question of whether his pretrial release
6 should be revoked. *See* Mins. of Proceedings (#19). On May 16, 2012, Bararia appeared before
7 the undersigned for his first revocation hearing. At the hearing, the undersigned found that there
8 was clear and convincing evidence that the conditions of release had been violated, but stopped
9 short of finding that Bararia was a flight risk or danger to the community. Further, Bararia was
10 given the benefit of the doubt that his violation was the result of a misunderstanding. Therefore,
11 the Court did not find that Bararia was unlikely to abide by any condition or combination of
12 conditions of release. Consequently, pretrial release was not revoked and Bararia was released with
13 additional conditions. *See* Mins. of Proceedings (#23) and Order (#24).

14 Thereafter, on June 26, 2012, Bararia was indicted on seven counts of violating 21 U.S.C.
15 §§ 846 and 841 and conspiring to distribute controlled substances, possession of controlled
16 substances with the intent to distribute, and distribution of controlled substances. (#28). He
17 appeared before United States Magistrate Judge Cam Ferenbach for his arraignment and requested
18 that the terms of his pretrial release be modified. *See* Mins. of Proceedings (#32). The request was
19 denied and Bararia was instructed to file a written request. Approximately two (2) months later, on
20 September 21, 2012, Bararia filed a motion to modify the conditions of his release. (#39). A
21 motion hearing was set forth October 19, 2012. However, a few days prior to the hearing, Bararia
22 was arrested for violating the conditions of his pretrial release. Consequently, the hearing was
23 vacated and a hearing to determine whether pretrial release should be revoked set for October 25,
24 2012.²

25 At the outset of the October 25, 2012, hearing, the Government moved for revocation of
26

27 ² Bararia made an initial appearance on the Petition for Action of Conditions of Pretrial Release (#42) on
28 October 18, 2012. He was ordered detained and remanded to custody until his revocation hearing on October 25,
2012. *See* Mins. of Proceedings (#46); Order (#47).

1 Bararia's pretrial release pursuant to 18 U.S.C. § 3148(b). Counsel for the Government argued that
2 revocation was appropriate because Bararia had (1) violated the conditions of his pretrial release
3 and (2) that sufficient evidence exists to provide probable cause to believe that Bararia committed a
4 crime by prescribing controlled substances without a license in violation of 21 U.S.C. §841(a)(1).
5 Bararia conceded a "technical violation" of the conditions of pretrial release, but argued that
6 conditions could be fashioned to assure he was not a flight risk and did not pose a danger to the
7 community.

8 At the October 25, 2012 hearing, the Government called several witnesses in support of its
9 contention that Bararia violated the conditions of his pretrial release. Through the testimony of
10 Detective Jeremy Melvin, Las Vegas Metro Police Department and member of a local DEA task
11 force, the government introduced a copy of a prescription on Bararia's prescription form for one of
12 his patients ("prescription #1"). See Govt. Ex. 3. Prescription #1 is dated May 17, 2012, just one
13 day after Bararia's first revocation hearing, and is for a schedule 3 controlled substance. Based
14 upon comparison with other signatures, Melvin testified that the signature on prescription #1
15 appeared to be Bararia's and was filled at a pharmacy on May 18, 2012. Ex. 3. Detective Melvin
16 further testified that he spoke with the patient for whom the prescription #1 was filled and
17 confirmed that the patient had observed Bararia write the prescription in May 2012. The applicable
18 Nevada Prescription Monitoring Program report confirms that prescription #1 was dated May 17,
19 2012, and was first filled on May 18, 2012. *Id.*

20 The Government also introduced a copy of another prescription dated May 17, 2012 for a
21 different patient for a schedule 3 controlled substance ("prescription #2"), which also appears to be
22 signed by Bararia. See Govt. Ex. 4. The prescription form was obtained at a local Walgreen's
23 pharmacy by Detective Melvin. Detective Melvin testified that he contacted the patient for whom
24 prescription #2 was filled, and that the patient recalled receiving the original prescription from
25 Bararia on May 17, 2012. Prescription #2 was filled on May 18, 2012. Detective Melvin also
26 testified that the patient for whom prescription #2 was filled recalled being unable to refill the
27 prescription the next month and contacting Bararia's office for assistance. The patient recalled that
28 Bararia said that he was having some difficulties authorizing prescriptions and was trying to find

1 another doctor to help him. He also recalled that sometime in June and July of 2012, Bararia
2 injected him with the same controlled substance previously prescribed. The patient further recalled
3 that he was specifically advised by Bararia's office that the difficulties in authorizing the
4 prescription had been resolved, and that a prescription for the same controlled substance had been
5 called in and was available for him for pick up. Detective Melvin also obtained from the pharmacy
6 a copy of the form used when a physician calls in a prescription. The form indicates that the
7 medicine was ordered via telephone by a Dr. Goldsmith. Ex. 4. The patient picked up his
8 prescription on July 18, 2012, but later noticed that the prescribing physician was Dr. Goldsmith,
9 not Bararia. *Id.* Melvin testified that the patient stated that he believed Bararia had found another
10 doctor to assist him and, therefore, refilled the prescription in August and September.

11 It also appears that a third patient obtained a prescription (prescription #3) from Dr.
12 Goldsmith without Goldsmith's approval. *See* Govt. Exs. 5 and 8. Detective Melvin testified that
13 the third patient went to Dr. Goldsmith's office to renew the prescription only to learn that Dr.
14 Goldsmith had never authorized the prescription. The Government introduced a letter from Dr.
15 Goldsmith indicating that he, Dr. Goldsmith, did not write or authorize the prescriptions in question
16 and immediately informed the medical board as well as the pharmacy that he did not issue the
17 prescription. *See* Exs. 5 and 8.

18 Finally, Detective Melvin testified that he reviewed the Nevada Prescription Monitoring
19 Program report and discovered that another patient of Bararia received a prescription (prescription
20 #4) for a Schedule 4 controlled substance from Bararia, and obtained refills of the prescription from
21 a different physician. *See* Govt. Ex. 6. On July 10, 2012, the prescription in question was refilled
22 under the name of Dr. Mashhood. *Id.* Detective Melvin contacted Dr. Mashhood's office and
23 obtained written confirmation that there was no record that Dr. Mashhood had ever seen the patient
24 in question. *See* Govt. Ex. 7. The patient also confirmed that he was not a patient of Dr.
25 Mashhood, and that Bararia had been his doctor for several years and was the only doctor who had
26 ever prescribed that particular medicine to him.

27 After Detective Melvin testified, the Government called Donald Andreas, an investigator
28 for the Nevada Board of Medical Examiners, to testify. Mr. Andreas testified that he reviewed the

1 Nevada Prescription Monitoring Program report for an individual and noticed that a prescription for
2 a controlled substance had been written by Dr. Bararia, and then later by Dr. Goldsmith
3 (prescription #3). *See* Govt. Ex. 8. Andreas testified that he spoke with Dr. Goldsmith's staff and
4 confirmed that the individual in question was not a patient of Dr. Goldsmith. He also confirmed
5 that the patient had come to Dr. Goldsmith's questioning why his medicine had been prescribed
6 under Dr. Goldsmith's name since he was not his physician. Andreas spoke with the patient who
7 indicated that he was a patient of Bararia, that he had seen Bararia in July 2012, and that Bararia
8 had called in a prescription for him on July 12, 2012, and again on October 4, 2012.

9 At the outset of the hearing, Defendant Bararia, through his counsel, conceded that he had
10 prescribed testosterone, a controlled substance, in violation of the conditions of his pretrial release.
11 He argued, however, that the prescriptions were inadvertent because he was unaware that
12 testosterone was a controlled substance. He denies making any other prescriptions and argues that
13 any prescription unrelated to testosterone submitted by the government was part of the course of
14 continued care by other physicians. Bararia also argued that the "proffer" from Dr. Mashhood is
15 unreliable as he clearly was seeing Bararia's patients. *See* Def's. Ex. A; *see also* Ex. D attached to
16 Def's Resp. (#20) (a letter from Dr. Mashhood appearing to indicate that he would see Bararia's
17 patients). Bararia argues that the evidence shows his efforts to maintain continuity of care for his
18 patients by utilizing other physicians, but nothing more. Ultimately, despite conceding a
19 "technical" violation, Bararia argues that he is not flight risk or danger to the community and that
20 adequate, additional conditions can be imposed. Specifically, he requests that he be placed on
21 house arrest so he can sell his medical practice, his home, and spend time with his young family.

22 DISCUSSION

23 Defendant Bararia made his initial appearance in this matter on March 2, 2012, wherein he
24 was released pursuant to 18 U.S.C. § 3142 and placed under Pretrial Services supervision with
25 several conditions. *See* Order (#5). If a condition of pretrial release is violated, a request to revoke
26 is heard under 18 U.S.C. § 3148, not section 3142. The standards under the two sections are
27 markedly different. *United States v. Gill*, 2008 WL 2120069 (E.D. Cal.). Pursuant to 18 U.S.C. §
28 3148, "[a] person who has been released under section 3142 . . . and who has violated a condition

1 of his release, is subject to revocation of release, an order of detention, and a prosecution for
2 contempt of court.” See 18 U.S.C. § 3148(a). Section 3148 further provides that:

3 The judicial officer shall enter an order of revocation and detention if, after a
4 hearing, the judicial officer

5 (1) finds that there is—

6 (A) probable cause to believe that the person has committed a Federal, State,
or local crime while on release; or

7 (B) clear and convincing evidence that the person has violated any other
8 condition of release; and

9 (2) finds that—

10 (A) based on the factors set forth in section 3142(g) of this title, there is no
11 condition or combination of conditions of release that will assure that the
person will not flee or pose a danger to the safety of any other person or the
community; or

12 (B) the person is unlikely to abide by any condition or combination of
13 conditions of release.

14 If there is probable cause to believe that, while on release, the person
15 committed a Federal, State, or local felony, a rebuttable presumption arises
16 that no condition or combination of conditions will assure that the person will
17 not pose a danger to the safety of any other person or the community. If the
18 judicial officer finds that there are conditions of release that will assure that
the person will not flee or pose a danger to the safety of any other person or
the community, and that the person will abide by such conditions, the judicial
officer shall treat the person in accordance with the provisions of section 3142
of this title and may amend the conditions of release accordingly.

19 Section 3148 gives the judicial officer a choice between two alternatives. First, if there is
20 probable cause to believe that a defendant has committed a crime while on release, “a rebuttable
21 presumption arises that no condition or combination of conditions will assure that the person will
22 not pose a danger to the safety of any other person or the community.” 18 U.S.C. § 3148(b)(1)(A).
23 There is no limitation in section 3148(b) regarding the types of categories of Federal, State, or local
24 crimes that will support an order revoking pretrial release. *United States v. Soria*, 2011 WL
25 3651272 *6 (D. Nev.) (citation omitted). Although preferable, the failure of the government to
26 identify the specific crimes allegedly committed while on release is not fatal to revocation. *C.f.*,
27 *Soria*, 2011 WL 3651272 *8.

28 Second, the court may find that there is clear and convincing evidence that the person has

1 violated the terms of release. 18 U.S.C. § 3148(b)(1)(B). If so, the court must determine whether,
2 based on the factors set forth in section 3142(g), “there is no condition or combination of
3 conditions that will assure that the person will not flee or pose a danger to the safety of any other
4 person or the community.” 18 U.S.C. § 3148(b)(2)(A). Alternatively, if there is clear and
5 convincing evidence of a violation and the court determines that “the person is unlikely to abide by
6 any condition or combination of conditions of release” revocation is appropriate. 18 U.S.C. §
7 3148(b)(2)(B).

8 **1. Revocation Pursuant to 18 U.S.C. § 3148(b)(1)(A)**

9 The Court’s first query under the statute is whether there is probable cause to believe
10 Bararia has committed a Federal, State, or local crime while on release. Because no charging
11 documents have been filed, the Court must determine whether the Government presented sufficient
12 evidence at the revocation hearing to support a finding of probable cause to believe that Bararia
13 committed a crime while on release. *Soria*, 2011 WL 3651272 at *7.

14 “[P]robable cause means ‘fair probability, not certainty or even a preponderance of the
15 evidence.’” *United States v. Krupa*, 633 F.3d 1148, 1151 (9th Cir. 2011) (quoting *United States v.*
16 *Gourde*, 440 F.3d 1065, 1069 (9th Cir. 2006) (en banc)). “[W]hether there is a fair probability
17 depends upon the totality of the circumstances, including reasonable inferences, and is a
18 ‘commonsense, practical question,’” for which “[n]either certainty nor a preponderance of the
19 evidence is required.” *Id.* (quoting *United States v. Kelley*, 482 F.3d 1047, 1050 (9th Cir.2007) and
20 *Illinois v. Gates*, 462 U.S. 213, 246 (1983)). Although the Federal Rules of Evidence apply
21 generally at a pretrial hearing, *United States v. Brewer*, 947 F.2d 404, 410 (9th Cir. 1991), “the
22 rules of evidence normally applicable in criminal trials do not operate with full force at hearing
23 before the judge to determine the admissibility of evidence.” *United States v. Matlock*, 415 U.S.
24 164, 172-73 (1974) (footnote omitted). Specifically, it is well established that a judge may consider
25 hearsay statements in determining whether there is probable cause to believe a person has
26 committed a crime. *Cf.*, *United States v. Castillo*, 866 F.2d 1071, 1077 (9th Cir. 1988) (citation
27 omitted).

28 The undersigned has carefully considered the testimony of Detective Melvin and Inspector

1 Andreas, together with the documentary exhibits admitted at the hearing, and finds the evidence
2 sufficient to establish probable cause that Defendant Bararia committed a crime while on pretrial
3 release. Specifically, the undersigned finds that there is probable cause to believe Bararia violated
4 21 U.S.C. 841(a)(1) while on release.

5 When Bararia made his initial appearance on March 2, 2012, he was released subject to
6 several conditions and supervision by Pretrial Services. Those conditions included the voluntary
7 surrender of his DEA certificate of registration and a prohibition from "ordering, possessing,
8 dispensing, or prescribing any controlled substances." Order (#5). Bararia did, in fact, voluntarily
9 surrender the privilege to handle any controlled substances listed in schedules II through V. Ex. 1.
10 In so doing, Bararia expressly acknowledged that he was "not permitted to order, manufacture,
11 distribute, possess, dispense, administer, prescribe, or engage in any other controlled substances
12 activities" until such time as he was again properly registered. *Id.*

13 As previously noted, Bararia conceded during the revocation hearing that he did, in fact,
14 prescribe a controlled substance just one day after the prior revocation hearing. He argues,
15 however, that he was unaware at the time that he was prescribing a controlled substance. Based on
16 the record up to the point of the acknowledged prescriptions, the Court does not find Bararia's
17 argument that he was unaware of he was prescribing a controlled substance credible. Just one day
18 prior, he had been present before the undersigned for his first revocation hearing arguing the same
19 thing – that his continued prescribing activities were the result of a misunderstanding. At that
20 hearing on May 16, 2012, he acknowledged, through his counsel, that he was aware that he cannot
21 prescribe or order within any hospital or his practice. The Court acknowledged the potential for
22 confusion and determined not to revoke Bararia's pretrial release at that time. To ensure
23 understanding, the undersigned had this direct colloquy with Bararia:

24 Court: Now, first of all, Doctor, you will be subject to Pretrial Supervision. If
25 you have questions about what the orders mean or what you can and can't do,
26 don't ask your counsel, because counsel's opinion, while it's important, is not
27 the opinion you should rely on, you should rely on Pretrial Services.

28 Defendant: Yes, sir.

Court: I understand you have surrendered your passport. Is that true?

1 Defendant: Yes, sir.

2 Court: You are to obtain no passport or other travel documents. Your travel is
3 restricted to Clark County, Nevada.

4 Defendant: Yes, sir.

5 Court: You will comply with any sanctions or restrictions imposed by the
6 Nevada State Board of Medical Examiners and the Nevada State Board of
7 Pharmacy. I understand you have already surrendered your certificate of
8 [registration] for the [DEA]. You are prohibited from ordering, possessing,
9 dispensing, or prescribing any controlled substances --

10 Defendant: Uh-huh.

11 Court -- period.

12 Transcript of May 16, 2012 hearing (#37) at 160:21-161:19. Based on these facts, the Court has
13 little trouble finding that there is probable cause to believe Bararia committed a federal crime while
14 on release. His activity, conducted just one day after the first revocation hearing, was in direct
15 contravention of the Court's order and federal law.

16 Moreover, the testimony presented and documentary evidence submitted by the
17 Government at the October 25, 2012 revocation hearing clearly shows probable cause a crime was
18 committed. The testifying agents thoroughly investigated and confirmed the statements and facts
19 obtained from others during the course of their investigation. Detective Melvin obtained a copies
20 of several prescriptions for controlled substances issued after the May 16, 2012 revocation hearing.
21 He confirmed through his own investigation that at least two of the prescriptions were written by
22 Bararia. Melvin independently spoke with the patients for whom the prescriptions were filled
23 confirming that they had observed Bararia write the prescriptions. Melvin also obtained the
24 applicable Nevada Prescription Monitoring Program report to confirm the prescriptions. He also
25 confirmed that at least one of the patients was injected by Bararia with a controlled substance in
26 June and July of 2012.

27 As it relates to providing unauthorized prescriptions in the name of Dr. Goldsmith, there is
28 sufficient evidence, at least to satisfy the probable cause standard, that Bararia unlawfully used
Goldsmith's name to engage in illegal prescription activities after the first revocation hearing.
Melvin confirmed with one of the patients that Goldsmith informed him (the patient) that he

1 (Goldsmith) had never authorized the patient's prescription. The Government also introduced a
2 letter from Dr. Goldsmith indicating that he did not write or authorize the prescriptions in question
3 and immediately informed the medical board as well as the pharmacy that he did not issue the
4 prescription. *See* Exs. 5 and 8. This was independently corroborated by witness Donald Andreas.

5 The email introduced by Bararia (Ex. A) does not effectively rebut the corroborated
6 accusation that Bararia unlawfully used Goldsmith's name to prescribe medication. Indeed, while
7 it is true that Goldsmith may have agreed to see some of Bararia's patients, no evidence was
8 submitted to support the contention that Bararia or his agents were ever given authority to prescribe
9 using Goldsmith's name. The Court further finds that the investigation into prescriptions allegedly
10 issued by Bararia using the name Dr. Mashhood sufficient, for purposes of probable cause, to
11 believe that a crime was committed. Melvin contacted Dr. Mashhood's office and obtained written
12 confirmation that there was no record that Dr. Mashhood had ever seen the patient in question. *See*
13 Govt. Ex. 7. The patient also confirmed that he was not a patient of Dr. Mashhood. The patient
14 further confirmed that Bararia had been his doctor for several years and was the only doctor who
15 had ever prescribed that particular medicine to him.

16 When viewed together, all of the testimony and evidence received by the Court clearly
17 supports the conclusion that there is probable cause to believe Bararia committed a crime while on
18 pretrial release. Having so concluded, a rebuttable presumption is triggered that there is no
19 condition or combination of conditions that will assure the defendant will not pose a danger to the
20 safety of any other person or the community. Bararia has not overcome the presumption in this
21 case. His argument that the conceded unlawful prescriptions were inadvertent is not credible in
22 light of the fact that he was specifically admonished not to fill prescriptions for controlled
23 substances in a revocation hearing conducted one day before two of the prescriptions were issued.
24 Consequently, the Court finds that revocation is appropriate pursuant to 18 U.S.C. § 3148(b)(1)(A).

25 **2. Revocation Pursuant to 18 U.S.C. § 3148(b)(1)(B)**

26 Separately, the Court finds that revocation is also appropriate under section 3148(b)(1)(B).
27 First, there is no debate that Bararia violated the terms of his release. Bararia conceded as much.
28 Once it is clear a defendant has violated the terms of release, the court must determine (1) whether,

1 based on the factors set forth in section 3142(g), there is a condition or combination of conditions
2 that will assure the defendant will not flee and is not a danger to the community or, alternatively,
3 (2) whether the person is unlikely to abide by any condition or combination of conditions. 18
4 U.S.C 3148 §§ (b)(2)(A) and (b)(2)(B).

5 After review, the Court finds that Bararia has demonstrated himself unlikely to abide by any
6 conditions or combination of conditions. This is his second revocation hearing and, despite
7 specific and direct guidance from the Court, he violated the terms of his pretrial release just one day
8 after his first revocation hearing. It appears this conduct continued over the course of several
9 months. Having shown such callous disregard for this Court's prior order, the undersigned can
10 only conclude that any other conditions would be treated with the same disregard. Bararia has
11 determined at every turn to push and exceed the limits of this Court's orders. To argue now that he
12 finally understands is, to put it mildly, not credible. Consequently, revocation is also appropriate
13 under §§ 3148(b)(1)(B) and 3148(b)(2)(B).

14 Based on the foregoing and good cause appearing therefore,

15 **IT IS HEREBY ORDERED** that Defendant Vinay Bararia's pretrial release is revoked.

16 **IT IS FURTHER ORDERED** that Defendant Vinay Bararia be **detained** pending trial in
17 this case.

18 DATED this 7th day of November, 2012.

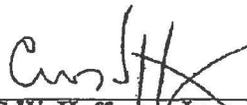
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20 _____
21 **C.W. Hoffman, Jr.**
22 **United States Magistrate Judge**

EXHIBIT 4

EXHIBIT 4

UNITED STATES DISTRICT COURT

District of Nevada

UNITED STATES OF AMERICA
v.
VINAY BARARIA

JUDGMENT IN A CRIMINAL CASE

Case Number: 2:12-CR-236-JAD-GWF

USM Number: 46626-048

Kathleen Bliss, Thomas Mesereau, Cheryl Grames
Defendant's Attorney

THE DEFENDANT:

X pleaded guilty to count(s) TWO OF THE INDICTMENT

pleaded nolo contendere to count(s) which was accepted by the court.

was found guilty on count(s) after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Table with 4 columns: Title & Section, Nature of Offense, Offense Ended, Count. Row 1: 21 USC 841(a)(1) & (b)(1)(C), Distribution of a Controlled Substance, 7/20/2011, 2

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s)

X Count(s) 1, 3, 4, 5, 6 & 7 of the Indictment is X are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

9/16/2014

Date of Imposition of Judgment

Signature of Judge

Handwritten signature of Jennifer A. Dorsey

JENNIFER A. DORSEY, UNITED STATES DISTRICT JUDGE
Name and Title of Judge

September 18, 2014.

Date

DEFENDANT: VINAY BARARIA
CASE NUMBER: 2:12-CR-236-JAD-GWF

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: **FORTY-FOUR (44) MONTHS**

The court makes the following recommendations to the Bureau of Prisons:
The defendant be designated to serve his sentence at Taft, California, or Englewood, Colorado, and be permitted to participate in the Residential Drug Abuse Program.

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at _____ a.m. p.m. on _____.

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on _____.

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

a _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: VINAY BARARIA
CASE NUMBER: 2:12-CR-236-JAD-GWF

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of : **THREE (3) YEARS**

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The Defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court, not to exceed 104 tests annually. Revocation is mandatory for refusal to comply.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. *(Check, if applicable.)*
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. *(Check, if applicable.)*
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*
- The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check, if applicable.)*
- The defendant shall participate in an approved program for domestic violence. *(Check, if applicable.)*

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: VINAY BARARIA
CASE NUMBER: 2:12-CR-236-JAD-GWF

SPECIAL CONDITIONS OF SUPERVISION

1. **POSSESSION OF WEAPONS** - You shall not possess, have under your control, or have access to any firearm, explosive device, or other dangerous weapons, as defined by federal, state, or local law.
2. **WARRANTLESS SEARCH** - You shall submit your person, property, residence, place of business and vehicle under your control to a search, conducted by the United States probation officer or any authorized person under the immediate and personal supervision of the probation officer, at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision; failure to submit to a search may be grounds for revocation; the defendant shall inform any other residents that the premises may be subject to a search pursuant to this condition.
3. **MENTAL HEALTH TREATMENT** - You shall participate in and successfully complete a mental health treatment program, which may include testing, evaluation, and/or outpatient counseling, as approved and directed by the probation office. You shall refrain from the use and possession of beer, wine, liquor, and other forms of intoxicants while participating in mental health treatment. Further, you shall be required to contribute to the costs of services for such treatment, as approved and directed by the probation office based upon your ability to pay.
4. **EMPLOYMENT RESTRICTION** - You shall be restricted from engaging in employment, consulting, or any association with any medical business and shall be prohibited from ordering, possessing, dispensing, or prescribing any controlled substances for a period of three years, without the approval of the probation officer.
5. **REPORT TO PROBATION OFFICER AFTER RELEASE FROM CUSTODY** - You shall report, in person, to the probation office in the district to which you are released within 72 hours of discharge from custody.

Note: A written copy of the conditions of release was provided to the Defendant by the Probation Officer in open Court at the time of sentencing.

ACKNOWLEDGEMENT

Upon finding of a violation of probation or supervised release, I understand that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

(Signed)

Defendant

Date

U.S. Probation/Designated Witness

Date

DEFENDANT: VINAY BARARIA
CASE NUMBER: 2:12-CR-236-JAD-GWF

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$ 0	\$ 0

- The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.
- The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
----------------------	--------------------	----------------------------	-------------------------------

TOTALS	\$ _____	\$ _____
---------------	----------	----------

- Restitution amount ordered pursuant to plea agreement \$ _____
- The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- The court determined that the defendant does not have the ability to pay interest and it is ordered that:
 - the interest requirement is waived for the fine restitution.
 - the interest requirement for the fine restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: VINAY BARARIA
CASE NUMBER: 2:12-CR-236-JAD-GWF

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A Lump sum payment of \$ 100.00 due immediately, balance due
 - not later than _____, or
 - in accordance C, D, E, or F below; or
- B Payment to begin immediately (may be combined with C, D, or F below); or
- C Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

The defendant shall pay the cost of prosecution.

The defendant shall pay the following court cost(s):

The defendant shall forfeit the defendant's interest in the following property to the United States:

SEE ATTACHED FINAL ORDER OF FORFEITURE

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
SEP 16 2014	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,	}	
Plaintiff,	}	
v.	}	2:12-CR-236-JAD-(GWF)
VINAY BARARIA,	}	
Defendant.	}	

FINAL ORDER OF FORFEITURE

On December 19, 2013, the United States District Court for the District of Nevada entered a Preliminary Order of Forfeiture pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2); Title 21, United States Code, Section 853(a)(1) and (a)(2); Title 21, United States Code, Section 881(a)(6) and Title 28, United States Code, Section 2461(c); and Title 21, United States Code, Section 853(p) based upon the plea of guilty by defendant VINAY BARARIA to the criminal offense, forfeiting the property set forth in the Plea Agreement and the Forfeiture Allegations of the Criminal Indictment and shown by the United States to have the requisite nexus to the offense to which defendant VINAY BARARIA pled guilty. Criminal Indictment, ECF No. 28; Change of Plea, ECF No. 182; Preliminary Order of Forfeiture, ECF No. 185; Plea Agreement, ECF No. 186.

This Court finds the United States of America published the notice of forfeiture in accordance with the law via the official government internet forfeiture site, www.forfeiture.gov, consecutively from December 25, 2013, through January 23, 2014, notifying all potential third parties; and notified ...

1 known third parties by personal service or by regular mail and certified mail return receipt requested,
2 of their right to petition the Court. Notice of Filing Proof of Publication, ECF No. 187.

3 On February 11, 2014, Eli Vasquez, CEO, Bank-Fund Staff Federal Credit Union, 1725 I
4 Street NW, Ste. 150, Washington, DC 20006-2406 was served by regular and certified return receipt
5 mail with the Notice and Preliminary Order of Forfeiture. On February 11, 2014, Eli Vasquez, CEO,
6 Bank-Fund Staff Federal Credit Union, P.O. Box 27755, Washington, DC 20038 was served by
7 regular and certified return receipt mail with the Notice and Preliminary Order of Forfeiture. Notice of
8 Filing Service of Process – Mail, ECF No. 189.

9 On February 20, 2014, Ajai Bararia, by and through her counsel, Kathleen Bliss of Lewis
10 Brisbois, Bisgaard & Smith, LLP was served personally with the Notice and Preliminary Order of
11 Forfeiture. On February 20, 2014, Bhavna Bararia, by and through her counsel, Kathleen Bliss of
12 Lewis, Brisbois, Bisgaard & Smith, LLP was served personally with the Notice and Preliminary Order
13 of Forfeiture. On February 20, 2014, Uma Bararia, by and through her counsel, Kathleen Bliss of
14 Lewis, Brisbois, Bisgaard & Smith, LLP was served personally with the Notice and Preliminary Order
15 of Forfeiture. On February 20, 2014, Kathleen Bliss of Lewis, Brisbois, Bisgaard & Smith, LLP was
16 served personally with the Notice and Preliminary Order of Forfeiture. Notice of Filing Service of
17 Process – Personal Service, ECF No. 190.

18 On April 7, 2014, the United States filed a Settlement Agreement for Entry of Order of
19 Forfeiture as to Uma Bararia (ECF No. 197). On April 8, 2014, the Order Granting the Settlement
20 Agreement for Entry of Order of Forfeiture as to Uma Bararia was entered with the court (ECF No.
21 201).

22 On April 7, 2014, the United States filed a Settlement Agreement for Entry of Order of
23 Forfeiture as to Bhavna Bararia (ECF No. 196). On April 8, 2014, the Order Granting the Settlement
24 Agreement for Entry of Order of Forfeiture as to Bhavna Bararia was entered with the court (ECF No.
25 202).

26 ...

1 This Court finds no petition was filed herein by or on behalf of any person or entity and the
2 time for filing such petitions and claims has expired.

3 This Court finds no petitions are pending with regard to the assets named herein and the time
4 for presenting such petitions has expired.

5 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that all right,
6 title, and interest in the property hereinafter described is condemned, forfeited, and vested in the
7 United States of America pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (B); Fed. R. Crim. P.
8 32.2(c)(2); Title 21, United States Code, Section 853(a)(1) and (a)(2); Title 21, United States Code,
9 Section 881(a)(6) and Title 28, United States Code, Section 2461(c); Title 21, United States Code,
10 Section 853(p); and Title 21, United States Code, Section 853(n)(7) and shall be disposed of according
11 to law and the Settlement Agreements (ECF Nos. 201 and 202):

- 12 1. \$49,054.00 in United States Currency;
- 13 2. 2007 Jaguar XK, Vin # SAJWA43B875B07357; and
- 14 3. an *in personam* criminal forfeiture money judgment of \$40,225.00 in United States
15 Currency.

16 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any and all forfeited funds,
17 including but not limited to, currency, currency equivalents, certificates of deposit, as well as any
18 income derived as a result of the United States of America's management of any property forfeited
19 herein, and the proceeds from the sale of any forfeited property shall be disposed of according to law.

20 The Clerk is hereby directed to send copies of this Order to all counsel of record and three
21 certified copies to the United States Attorney's Office.

22 DATED this th ~~16~~ day of ~~August~~, 2014.

23 September

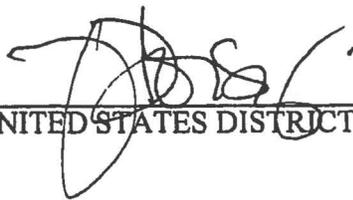
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26 UNITED STATES DISTRICT JUDGE

EXHIBIT 5

EXHIBIT 5

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 United States of America,

Case No.: 2:12-cr-000236-JAD-GWF

4 Plaintiff

5 v.

**Order Granting Motion
For Early Termination of
Supervised Release**

6 Vinay Bararia,

7 Defendant

[ECF No. 231]

8

9 Vinay Bararia was sentenced to forty-four months in prison, followed by three years of
10 supervised release, after he pled guilty to distribution of a controlled substance.¹ With just under
11 five months of supervision remaining, Bararia moves for early termination.² He represents that
12 he has complied with all conditions for more than two years and presents a low risk of
13 recidivism.³ The government opposes the request because Bararia has a balance of more than
14 \$40,000 remaining on his in personam judgment.⁴

15 Title 18 U.S.C. § 3583(e) gives district courts broad discretion in determining whether to
16 grant a motion to terminate supervised release.⁵ The court may terminate supervised release
17 early “if it is satisfied that such action is warranted by the conduct of the defendant released and
18 the interest of justice,” after considering the factors under section 3553.⁶

19

20 ¹ ECF No. 221.

21 ² ECF No. 231.

22 ³ ECF No. 233.

⁴ ECF No. 232.

23 ⁵ See *United States v. Emmett*, 749 F.3d 817, 819 (9th Cir. 2014).

⁶ *Id.*

1 Having considered all of the factors under section 3553, I am satisfied that early
2 termination of Bararia's supervised release term is warranted by his conduct and the interest of
3 justice. He has been compliant with the terms of his supervision for more than two and a half
4 years. He has maintained employment well below his skill level because of the restrictions
5 placed on his field of employment in light of the nature of his conviction. And although he has
6 not made payments toward his judgment, his obligation to satisfy that debt will carry beyond his
7 supervised-release term.

8 Accordingly, IT IS HEREBY ORDERED that the defendant's motion for early
9 termination of his supervised release term [231] is **GRANTED**.

10 Dated: July 18, 2018

11 
12 U.S. District Judge Jennifer A. Dorsey
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EXHIBIT 6

EXHIBIT 6

STATE OF NEVADA

BARBARA K. CEGAVSKE
Secretary of State

KIMBERLEY PERONDI
Deputy Secretary
for Commercial Recordings



Commercial Recordings Division
202 N. Carson Street
Carson City, NV 89701-4201
Telephone (775) 684-5708
Fax (775) 684-7138

OFFICE OF THE
SECRETARY OF STATE

DON ANDREAS
NEVADA HEALTH SERVICES LLC

Job: C20181218-1638
December 18, 2018

NV

Special Handling Instructions:

EMAIL 12/18/18 RA CC ENTIRE FILE C20181218-1638 DANDREAS@MEDBOARD.NV.GOV

Charges

Description	Document Number	Filing Date/Time	Qty	Price	Amount
Entity Copies	20180542521-70		3	\$0.00	\$0.00
Copies - Certification of Document	20180542521-70		3	\$0.00	\$0.00
24-HR Copy Expedite	20180542521-70		1	\$0.00	\$0.00
Total					\$0.00

Payments

Type	Description	Amount
Total		\$0.00

Credit Balance: \$0.00

Job Contents:

NV Corp Certified Copy Request 1
Cover Letter

DON ANDREAS
NEVADA HEALTH SERVICES LLC

NV

STATE OF NEVADA



BARBARA K. CEGAVSKE
Secretary of State

KIMBERLEY PERONDI
*Deputy Secretary
for Commercial Recordings*

Commercial Recordings Division
202 N. Carson Street
Carson City, NV 89701-4201
Telephone (775) 684-5708
Fax (775) 684-7138

OFFICE OF THE
SECRETARY OF STATE

Certified Copy

December 18, 2018

Job Number: C20181218-1638
Reference Number: 20180542521-70
Expedite:
Through Date:

The undersigned filing officer hereby certifies that the attached copies are true and exact copies of all requested statements and related subsequent documentation filed with the Secretary of State's Office, Commercial Recordings Division listed on the attached report.

Document Number(s)	Description	Number of Pages
20180375492-61	Articles of Organization	1 Pages/1 Copies
20180375493-72	Initial List	1 Pages/1 Copies
20180454390-16	Amended List	1 Pages/1 Copies



Respectfully,

Barbara K. Cegavske
Secretary of State

Certified By: Raphael Alves
Certificate Number: C20181218-1638

Commercial Recording Division
202 N. Carson Street
Carson City, Nevada 89701-4201
Telephone (775) 684-5708
Fax (775) 684-7138

STATE OF NEVADA



BARBARA K. CEGAVSKE
Secretary of State

KIMBERLEY PERONDI
*Deputy Secretary
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Fax (775) 684-7138

OFFICE OF THE
SECRETARY OF STATE

Certified Copy

December 18, 2018

Job Number: C20181218-1638
Reference Number: 20180542521-70
Expedite:
Through Date:

The undersigned filing officer hereby certifies that the attached copies are true and exact copies of all requested statements and related subsequent documentation filed with the Secretary of State's Office, Commercial Recordings Division listed on the attached report.

Document Number(s)	Description	Number of Pages
20180375492-61	Articles of Organization	1 Pages/1 Copies



Respectfully,

Barbara K. Cegavske
Secretary of State

Certified By: Raphael Alves
Certificate Number: C20181218-1638

Commercial Recording Division
202 N. Carson Street
Carson City, Nevada 89701-4201
Telephone (775) 684-5708
Fax (775) 684-7138



BARBARA K. CEGAVSKE
 Secretary of State
 202 North Carson Street
 Carson City, Nevada 89701-4201
 (775) 684-5708
 Website: www.nvsos.gov



050106

Articles of Organization Limited-Liability Company

(PURSUANT TO NRS CHAPTER 86)

Filed in the office of <i>Barbara K. Cegavske</i> Barbara K. Cegavske Secretary of State State of Nevada	Document Number 20180375492-61 Filing Date and Time 08/26/2018 11:00 AM Entity Number E0402202018-4
--	---

(This document was filed electronically.)
 ABOVE SPACE IS FOR OFFICE USE ONLY

USE BLACK INK ONLY - DO NOT HIGHLIGHT

1. Name of Limited-Liability Company: <small>(must contain approved limited-liability company wording; see instructions)</small>	NEVADA HEALTH SERVICES LLC	Check box if a Series Limited-Liability Company <input type="checkbox"/>	Check box if a Restricted Limited-Liability Company <input type="checkbox"/>
2. Registered Agent for Service of Process: <small>(check only one box)</small>	<input type="checkbox"/> Commercial Registered Agent: _____ <small>Name</small> <input checked="" type="checkbox"/> Noncommercial Registered Agent <u>OR</u> <input type="checkbox"/> Office or Position with Entity <small>(name and address below) (name and address below)</small> BHAVNA BARARIA <input type="checkbox"/> Registered Agent <u>OR</u> Name of Title of _____ Other Position with Entity _____ Nevada _____ <small>Street Address City State Zip Code</small> _____ Nevada _____ <small>Mailing Address (if different from street address) City State Zip Code</small>		
3. Dissolution Date: <small>(optional)</small>	Latest date upon which the company is to dissolve (if existence is not perpetual): _____		
4. Management: <small>(required)</small>	Company shall be managed by: <input checked="" type="checkbox"/> Manager(s) <u>OR</u> <input type="checkbox"/> Member(s) <small>(check only one box)</small>		
5. Name and Address of each Manager or Managing Member: <small>(attach additional page if more than 3)</small>	1) VINAY BARARIA <small>Name</small> _____ <small>Street Address City State Zip Code</small> 2) _____ <small>Name</small> _____ <small>Street Address City State Zip Code</small> 3) _____ <small>Name</small> _____ <small>Street Address City State Zip Code</small>		
6. Name, Address and Signature of Organizer: <small>(attach additional page if more than 1 organizer)</small>	I declare, to the best of my knowledge under penalty of perjury, that the information contained herein is correct and acknowledge that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State. VINAY BARARIA <input checked="" type="checkbox"/> VINAY BARARIA <small>Name Organizer Signature</small> _____ <small>Address City State Zip Code</small>		
7. Certificate of Acceptance of Appointment of Registered Agent:	I hereby accept appointment as Registered Agent for the above named Entity. <input checked="" type="checkbox"/> BHAVNA BARARIA _____ 8/26/2018 <small>Authorized Signature of Registered Agent or On Behalf of Registered Agent Entity Date</small>		

This form must be accompanied by appropriate fees.

Nevada Secretary of State NRS 86 LLC Articles
 Revised: 10-1-15

STATE OF NEVADA

BARBARA K. CEGAVSKE

Secretary of State

KIMBERLEY PERONDI

*Deputy Secretary
for Commercial Recordings*



Commercial Recordings Division

*202 N. Carson Street
Carson City, NV 89701-4201
Telephone (775) 684-5708
Fax (775) 684-7138*

OFFICE OF THE
SECRETARY OF STATE

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Document Number(s)	Description	Number of Pages
20180375493-72	Initial List	1 Pages/1 Copies



Respectfully,

Barbara K. Cegavske

Barbara K. Cegavske
Secretary of State

Certified By: Raphael Alves
Certificate Number: C20181218-1638

Commercial Recording Division
202 N. Carson Street
Carson City, Nevada 89701-4201
Telephone (775) 684-5708
Fax (775) 684-7138

NSBME 031

INITIAL/ANNUAL LIST OF MANAGERS OR MANAGING MEMBERS AND STATE BUSINESS LICENSE APPLICATION OF:

ENTITY NUMBER

NEVADA HEALTH SERVICES LLC

E0402202018-4

NAME OF LIMITED-LIABILITY COMPANY

FOR THE FILING PERIOD OF **AUG, 2018** TO **AUG, 2019**



USE BLACK INK ONLY - DO NOT HIGHLIGHT

****YOU MAY FILE THIS FORM ONLINE AT www.nvsilverflume.gov****

Return one file stamped copy. (If filing not accompanied by order instructions, file stamped copy will be sent to registered agent.)

Filed in the office of <i>Barbara K. Cegavske</i> Barbara K. Cegavske Secretary of State State of Nevada	Document Number 20180375493-72
	Filing Date and Time 08/26/2018 11:00 AM
	Entity Number E0402202018-4

IMPORTANT: Read instructions before completing and returning this form.

- Print or type names and addresses, either residence or business, for all manager or managing members. A Manager, or if none, a Managing Member of the LLC must sign the form. **FORM WILL BE RETURNED IF UNSIGNED.**
- If there are additional managers or managing members, attach a list of them to this form.
- Return completed form with the fee of \$150.00. A \$75.00 penalty must be added for failure to file this form by the deadline. An annual list received more than 90 days before its due date shall be deemed an amended list for the previous year.
- State business license fee is \$200.00. Effective 2/1/2010, \$100.00 must be added for failure to file form by deadline.
- Make your check payable to the Secretary of State.
- Ordering Copies:** If requested above, one file stamped copy will be returned at no additional charge. To receive a certified copy, enclose an additional \$30.00 per certification. A copy fee of \$2.00 per page is required for each additional copy generated when ordering 2 or more file stamped or certified copies. Appropriate instructions must accompany your order.
- Return the completed form to: Secretary of State, 202 North Carson Street, Carson City, Nevada 89701-4201, (775) 684-5708.
- Form must be in the possession of the Secretary of State on or before the last day of the month in which it is due. (Postmark date is not accepted as receipt date.) Forms received after due date will be returned for additional fees and penalties. Failure to include annual list and business license fees will result in rejection of filing.

(This document was filed electronically.)
ABOVE SPACE IS FOR OFFICE USE ONLY

ANNUAL LIST FILING FEE: \$150.00 LATE PENALTY: \$75.00 (if filing late)

BUSINESS LICENSE FEE: \$200.00 LATE PENALTY: \$100.00 (if filing late)

CHECK ONLY IF APPLICABLE AND ENTER EXEMPTION CODE IN BOX BELOW

NRS 76.020 Exemption Codes

Pursuant to NRS Chapter 76, this entity is exempt from the business license fee. Exemption code:

- 001 - Governmental Entity
- 006 - NRS 680B.020 Insurance Co.

NOTE: If claiming an exemption, a notarized Declaration of Eligibility form must be attached. Failure to attach the Declaration of Eligibility form will result in rejection, which could result in late fees.

NAME VINAY BARARIA	MANAGER OR MANAGING MEMBER		
ADDRESS [REDACTED]	CITY [REDACTED]	STATE [REDACTED]	ZIP CODE [REDACTED]
NAME	MANAGER OR MANAGING MEMBER		
ADDRESS	CITY	STATE	ZIP CODE
NAME	MANAGER OR MANAGING MEMBER		
ADDRESS	CITY	STATE	ZIP CODE
NAME	MANAGER OR MANAGING MEMBER		
ADDRESS	CITY	STATE	ZIP CODE

None of the managers or managing members identified in the list of managers and managing members has been identified with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a manager or managing member in furtherance of any unlawful conduct.

I declare, to the best of my knowledge under penalty of perjury, that the information contained herein is correct and acknowledge that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

X VINAY BARARIA
Signature of Manager, Managing Member or Other Authorized Signature

Title: **MANAGER** Date: **8/26/2018 11:00:20 AM**

Nevada Secretary of State List ManOrMem Revised: 7-1-17

STATE OF NEVADA

BARBARA K. CEGAVSKE
Secretary of State

KIMBERLEY PERONDI
Deputy Secretary
for Commercial Recordings



Commercial Recordings Division
202 N. Carson Street
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OFFICE OF THE
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December 18, 2018

Job Number: C20181218-1638
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Document Number(s)	Description	Number of Pages
20180454390-16	Amended List	1 Pages/1 Copies



Respectfully,

Handwritten signature of Barbara K. Cegavske in cursive.

Barbara K. Cegavske
Secretary of State

Certified By: Raphael Alves
Certificate Number: C20181218-1638

Commercial Recording Division
202 N. Carson Street
Carson City, Nevada 89701-4201
Telephone (775) 684-5708
Fax (775) 684-7138

INITIAL/ANNUAL LIST OF MANAGERS OR MANAGING MEMBERS AND STATE BUSINESS LICENSE APPLICATION OF:

NEVADA HEALTH SERVICES LLC
NAME OF LIMITED-LIABILITY COMPANY

ENTITY NUMBER
E0402202018-4



FOR THE FILING PERIOD OF **AUG. 2018** TO **AUG. 2019**

USE BLACK INK ONLY - DO NOT HIGHLIGHT

****YOU MAY FILE THIS FORM ONLINE AT www.nvsilverflume.gov****

Return one file stamped copy. (If filing not accompanied by order instructions, file stamped copy will be sent to registered agent.)

IMPORTANT: Read instructions before completing and returning this form.

- Print or type names and addresses, either residence or business, for all manager or managing members. A Manager, or if none, a Managing Member of the LLC must sign the form. **FORM WILL BE RETURNED IF UNSIGNED.**
- If there are additional managers or managing members, attach a list of them to this form.
- Return completed form with the fee of \$150.00. A \$75.00 penalty must be added for failure to file this form by the deadline. An annual list received more than 90 days before its due date shall be deemed an amended list for the previous year.
- State business license fee is \$200.00. Effective 2/1/2010, \$100.00 must be added for failure to file form by deadline.
- Make your check payable to the Secretary of State.
- Ordering Copies:** If requested above, one file stamped copy will be returned at no additional charge. To receive a certified copy, enclose an additional \$30.00 per certification. A copy fee of \$2.00 per page is required for each additional copy generated when ordering 2 or more file stamped or certified copies. Appropriate instructions must accompany your order.
- Return the completed form to: Secretary of State, 202 North Carson Street, Carson City, Nevada 89701-4201, (775) 884-5708.
- Form must be in the possession of the Secretary of State on or before the last day of the month in which it is due. (Postmark date is not accepted as receipt date.) Forms received after due date will be returned for additional fees and penalties. Failure to include annual list and business license fees will result in rejection of filing.

Filed in the office of <i>Barbara K. Cegavske</i> Barbara K. Cegavske Secretary of State State of Nevada	Document Number 20180454390-16
	Filing Date and Time 10/18/2018 10:55 AM
	Entity Number E0402202018-4

(This document was filed electronically.)
ABOVE SPACE IS FOR OFFICE USE ONLY

ANNUAL LIST FILING FEE: \$150.00 LATE PENALTY: \$75.00 (if filing late) BUSINESS LICENSE FEE: \$200.00 LATE PENALTY: \$100.00 (if filing late)

CHECK ONLY IF APPLICABLE AND ENTER EXEMPTION CODE IN BOX BELOW

Pursuant to NRS Chapter 76, this entity is exempt from the business license fee. Exemption code:

NOTE: If claiming an exemption, a notarized Declaration of Eligibility form must be attached. Failure to attach the Declaration of Eligibility form will result in rejection, which could result in late fees.

NRS 76.020 Exemption Codes
001 - Governmental Entity
006 - NRS 880B.020 Insurance Co.

NAME VINAY BARARIA	MANAGER OR MANAGING MEMBER		
ADDRESS [REDACTED]	CITY [REDACTED]	STATE [REDACTED]	ZIP CODE [REDACTED]
NAME ABDEL M KHALEK	MANAGER OR MANAGING MEMBER		
ADDRESS [REDACTED]	CITY [REDACTED]	STATE [REDACTED]	ZIP CODE [REDACTED]
NAME [REDACTED]	MANAGER OR MANAGING MEMBER		
ADDRESS [REDACTED]	CITY [REDACTED]	STATE [REDACTED]	ZIP CODE [REDACTED]
NAME [REDACTED]	MANAGER OR MANAGING MEMBER		
ADDRESS [REDACTED]	CITY [REDACTED]	STATE [REDACTED]	ZIP CODE [REDACTED]

None of the managers or managing members identified in the list of managers and managing members has been identified with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a manager or managing member in furtherance of any unlawful conduct.

I declare, to the best of my knowledge under penalty of perjury, that the information contained herein is correct and acknowledge that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

X VINAY BARARIA
Signature of Manager, Managing Member or Other Authorized Signature

Title **MANAGER** Date **10/18/2018 10:55:43 AM**

NEVADA HEALTH SERVICES LLC

Business Entity Information			
Status:	Active	File Date:	8/26/2018
Type:	Domestic Limited-Liability Company	Entity Number:	E0402202018-4
Qualifying State:	NV	List of Officers Due:	8/31/2019
Managed By:	Managers	Expiration Date:	
NV Business ID:	NV20181612084	Business License Exp:	8/31/2019

Additional Information	
Central Index Key:	

Registered Agent Information			
Name:	BHAVNA BARARIA	Address 1:	[REDACTED]
Address 2:		City:	[REDACTED]
State:	[REDACTED]	Zip Code:	[REDACTED]
Phone:		Fax:	
Mailing Address 1:	[REDACTED]	Mailing Address 2:	
Mailing City:	[REDACTED]	Mailing State:	[REDACTED]
Mailing Zip Code:	[REDACTED]		
Agent Type:	Noncommercial Registered Agent		

Financial Information	
No Par Share Count: 0	Capital Amount: \$ 0
No stock records found for this company	

<input checked="" type="checkbox"/> Officers <input type="checkbox"/> Include Inactive Officers	
Manager - VINAY BARARIA	
Address 1: [REDACTED]	Address 2:
City: [REDACTED]	State: NV
Zip Code: [REDACTED]	Country:
Status: Active	Email:
Manager - ABDEL M KHALEK	
Address 1: [REDACTED]	Address 2:
City: [REDACTED]	State: NV
Zip Code: [REDACTED]	Country:
Status: Active	Email:

<input checked="" type="checkbox"/> Actions\Amendments

Action Type:	Articles of Organization		
Document Number:	20180375492-61	# of Pages:	1
File Date:	8/26/2018	Effective Date:	
(No notes for this action)			
Action Type:	Initial List		
Document Number:	20180375493-72	# of Pages:	1
File Date:	8/26/2018	Effective Date:	
(No notes for this action)			
Action Type:	Amended List		
Document Number:	20180454390-16	# of Pages:	1
File Date:	10/18/2018	Effective Date:	
(No notes for this action)			

EXHIBIT 7

EXHIBIT 7

Business License Detail Information

License Number:	2005111.062-190
MJBL Number:	
Business:	Trimcare Suite 102 Suite 102 5375 S Fort Apache Rd Las Vegas, NV 89148
Business Telephone:	(702) 367-0808
License Category:	Professional Services - Healthcare & Social Assist
Status:	Licensed
Date of License:	11/07/2018
Out of Business Date:	
Business Owner(s)	
Nevada Health Services LLC	

[Return to Previous Page](#)
[Return to Business License Database Search Options](#)

EXHIBIT 8

EXHIBIT 8



New Account Profile

Physician or Clinic Director to Complete

Physician's Name: Abdel Khalek Specialty: Internal Medicine
 Clinic Name: Trimcare
 Clinic Address: 5375 S. Fort Apache Rd #102 Las Vegas NV 89148
 Ship-To Address: same
 Phone Number: 702-878-8888 Fax Number: 702-367-1339
 Email Address: vinayb@trimcare.com Website: www.trimcare.com

Licenses

(Please provide a copy of all applicable licenses listed below)

Medical License # (must include a copy): _____
 State Board of Pharmacy License # (must include a copy): _____
 *DEA License # (must include a copy): _____

**(Please note: The address on the DEA License must match the clinic's shipping/dispensing address - if you have multiple dispensing clinics/addresses, you must have a separate DEA License for each location.)*

Clinic Details

Does the Physician stated above currently dispense Controlled Medications? Yes No _____
 If yes, how many years has he/she been dispensing? 1 year

If applicable, please indicate which Schedule Controlled Medications are dispensed:
 II _____ Non-II _____ III _____ Non-III _____ IV V

Please describe how you are currently storing and securing your Controlled Medications:

Have a combination safe

Who has access to this area of interest? _____

How often does your practice conduct a physical inventory of your medications? through computer software

What is your average number of patients seen in a day? 20



What is your average number of prescriptions per day? 8-10/day

What is your average monthly total of dispensed Controlled Medications? 250-300

Does the Physician stated above currently dispense supplements? Yes No

If yes, what supplements are currently being dispensed? proteins powder, vitamins.

If applicable, what is your average monthly total of dispensed supplements products? various

What other medications (controlled and/or supplements) are you interested in dispensing at your clinic, if any? phentermine, phenibut, topiramate, testosterone Magma

Packaging

Are you currently utilizing Custom of Stock labels? (Please circle your answer)

Which is your preferred form of packaging?

Amber Vials (CRC) White Bottle (WBTL) Heat Seal (HS/S) BULK

What is your preferred count per bottle/package? 7 14 21 28 30 56 OTHER:

Is there more than one Physician dispensing at this location? Yes No one doctor & one PA

Do you have more than one clinic location? Yes No

If yes, please list them as well as their addresses and whether or not they dispense medications:

Have there been any disciplinary actions taken against the facility, owners, Physicians, stockholders or employees? Yes No

If yes, please explain:



Are background checks performed on your employees? Yes No

Please include the personnel who will have authorization to place orders, request account information, make payments, request product information and any additional use of the account:

Viceth Ranceses, Consuelo Sanchez

Vinay Barana 
(Signature and Title) administrator

9/25/18
(Date)

209 Eubank Blvd. Albuquerque, NM 87123
info@calvinscottinc.com | (P) (800) 545-6545 | (F) (866) 580-4041
www.calvinscottinc.com



Dispensing Software Set Up Form

PRACTICE INFORMATION

Practice Name: NEVADA HEALTH SERVICES LLC
 Trade Name (DBA): TRIM CARE
 Site DEA #: FK2904793
 Ship to Address: 5375 S. FORT APACHE RD. STE 103
LAS VEGAS, NV 89148
 Bill to Address: same as Above.
 Telephone: 702-878-8888 Fax: 702-367-1339.
 Email: 1 info@trimcare.com
 Medical Director: Abdel Khalek, MD.
 Facility Administrator: VINAY BARARIA Email: vinayb@trimcare.com
 Send Product to the Attention of: Vinay Bararia Invoices To:
 How did you hear about Calvin Scott?: Previous Account.
 Date You Wish to Have Your Site Live: ASAP.

PROVIDERS LIST

Please fill out the form below with all providers that will be dispensing from your site. Please submit a copy of their DEA license and State licenses with attached form. Fax (888) 580-4041
 Providers can be added by a Manager User.

First Name	Last Name	MI	Degree	DEA License #	State License #	NPI #
Abdel	Khalek		MD	FK2904793	6899	1164469938
Lindsay	Hoffman		PA	MH1923-209	PA1154	1477792570

Calvin Scott Inc.
 209 Eubank Blvd. Albuquerque NM. 87123
 (800) 545-8545 | Fx: (888) 580-4041
 www.calvinscottinc.com | sales@calvinscottinc.com

USERS LIST

Please fill out the form below with the Users that will be dispensing from your site. Users can be added and deleted by the Staff Manager at any time.

First Name	Last Name	Manager (M) / Assistant (A)	Can Adjust Inventory?	Financial Reports?	Email Address
Abdel	Khabele	(M) / A	(Yes) No	Yes / No	
Lindsay	Wolfe	(M) / A	(Yes) / No	Yes / No	
		M / A	Yes / No	Yes / No	
		M / A	Yes / No	Yes / No	

Barcode Scanner: Barcode scanners are available for \$50. Please check yes or no if you would like a scanner. Scanner is not required to use the system. The difference can be discussed during a demo or with your sales rep.

Yes

No

Label Printing Options: Patient specific labels can be printed. Please choose either standard label sheets which use a normal printer, or Dymo label option. Dymo prints out small label and does not use ink. Let us know if you have questions.

_____ Label Sheets \$20 per 300 labels

_____ Dymo Labels \$10 per 1,000 labels

SOFTWARE AGREEMENT

These States currently require submitted reports: Alabama, Alaska, Arizona, California, Delaware, Florida, Illinois, Indiana, Idaho, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, New York, New Mexico, Nevada, Oklahoma, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, Washington, West Virginia, New York

Calvin Scott has a right to cancel the client's site with a 30 day given notice.

The undersigned agrees to adhere to all applicable federal, state, and regulatory commissions and laws governing physician dispensing. The undersigned further agrees to assume complete responsibility of medications delivered to his/her own patients, and will take responsible care in the delivery of such medications. Calvin Scott Inc. is not responsible for improper dispensing/delivery of medications and assumes no liability for such action. The undersigned states that the information provided is true and correct to the best of his/her knowledge.

Name: Vincent Barone Title: manager/admin. Date: 9/25/18

Signature: _____

Calvin Scott Inc.
 209 Eubank Blvd. Albuquerque NM. 87123
 (800) 545-6545 | Fx: (866) 580-4041
 www.calvinscottinc.com | sales@calvinscottinc.com



AUTHORIZATION FOR CREDIT CARD PAYMENT

Account Information:

Clinic or Company Name: Nevada Health Services, LLC.

Doctor's Name: Dr. Abdel Khalek

Contact Name: Vinoy Bararia Phone: (702) 876-8888

How did you hear about Calvin Scott?: previous account

Credit Card Information:

We accept Visa, Mastercard and American Express. Sorry no debit transactions.

Continuing Authorization for Calvin Scott Inc., to keep on file and automatically pay invoices as orders are shipped.

Credit Card Type (circle one): VISA MASTERCARD AMEX

Please list the following billing information exactly as it appears on your credit card statement.

Credit Card Number: [REDACTED] EXP: [REDACTED]

Verification Code: (3 digits on the back, or 4 digits on front for AMEX) [REDACTED]

Name as it appears on card: Vinoy Bararia

Billing Address: [REDACTED] Suite Number: [REDACTED]

City: [REDACTED] State: [REDACTED] ZIP: [REDACTED]

The undersigned agrees to have his/her credit card charged as authorized above.

Signature of Cardholder: [Signature] Date: 9/25/18

Calvin Scott Inc. Credit Terms:

Full amount of invoice is due immediately upon shipment of each order, regardless of the account credit limit. Past-due invoices will be assessed a 2% Finance Charge per month and will be placed on a "HOLD" status if any unpaid invoice reaches 15 days past-due. A \$25.00 "Declined Transaction Fee" will be added to the account if not paid in full within 30 days.

Signature to accept credit terms: [REDACTED]

Please mail or fax completed form to: (866) 580-4041
209 Eubank Blvd. Albuquerque, New Mexico, 87123

EXHIBIT 9

EXHIBIT 9

Calvin Scott & Co Inc
 DEA #PC0106989
 209 Eubank NE
 Albuquerque, NM 87123-2745



INVOICE

Invoice Number: 1809169
 Invoice Date: Sep 17, 2018
 Sales Order: 1809169
 Page: 1

Voice: 505-294-8825
 Fax: 505-294-8826

6116 - 6/30/2018

Bill To:
 Ivan L. Goldsmith, M.D.
 5375 S Fort Apache Rd. Ste 103
 Las Vegas, NV 89148

Ship to:
 Ivan L. Goldsmith, MD
 5375 S Fort Apache Rd. 102-103
 BG8080979 9/20 2,2N,3,3N,4,5
 Las Vegas, NV 89148

Customer ID	Customer PO	Payment Terms
Goldsmith, Ivan MD	Connie/Kurt	Credit Card
Sales Rep ID	Shipping Method	Ship Date / Due Date
	Red Label Overnight	9/17/18 / 9/17/18

Quantity	Lot #	Description	Unit Price	Amount
10.000	CRC/L30	Child Resistant Container w/Label 30 Ct.	19.55	195.50
0.300	841V-CS18261-04/21	Phendimetrazine Time-Release Brw/Cir Caps - 105 mg. NDC # 69543-0409-10		
1.000		1 X 10 X 30 CRC/L		
4.000	643K-CS18299-06/21	Phentermine HCL White/Blue Speck Tabs - 37.5 mg NDC # 10702-0025-10	115.00	460.00
1.000		4 X 1 M BULK		
2.000	601K-CS18294-12/20	Phendimetrazine Yellow Tabs - 35 mg NDC # 10702-0077-10	115.00	230.00
1.000		2 X 1 M BULK		
1.000		--- OVERNIGHT SHIPPING ---		
		Shipped on: 09/17/2018		
		Tracking#: 1ZE88280A250432041		
		Service: Next Day Air		
		Total Weight: 4.5		
		Number of Packages: 1		
		Billing Option: Prepaid		
		End Shipment(s)		

ALL CLAIMS FOR DAMAGED OR INCOMPLETE ITEMS MUST BE REPORTED WITHIN 48 HOURS.

Subtotal	888.50
Sales Tax	
Freight	58.55
Total Invoice Amount	945.05
Payment/Credit Applied	
TOTAL	945.05

Check/Credit Memo No:

Overdue invoices are subject to late charges.

Calvin Scott & Co Inc
 DEA #PC0106889
 209 Eubank NE
 Albuquerque, NM 87123-2745



INVOICE

Invoice Number: 1810062
 Invoice Date: Oct 4, 2018
 Sales Order: 1810062
 Page: 1

Voice: 505-294-8826
 Fax: 505-294-8826

6899 - 6/30/2019

Bill To:
 Abdal M. Khalek
 5376 S Fort Apache Rd. Ste 103
 Las Vegas, NV 89148

Ship to:
 Lindsay M. Hoffman, PA
 5376 S Fort Apache Rd. 102-103
 MH1923209 10/20 2,2N,3,3N,4,5,
 Las Vegas, NV 89148

Customer ID	Customer PO	Payment Terms
Goldsmith, Ivan MD	Connie/Kurt	Credit Card
Sales Rep ID	Shipping Method	Ship Date Due Date
	UPS Ground	10/4/18 10/4/18

Quantity	Lot #	Description	Unit Price	Amount
1.000	843K-CS18299-06/21	Phentermine HCL White/Blue Speck Tabs - 37.5 mg NDC # 10702-0025-10	115.00	115.00
1.000		1 X 1 M BULK 1000		
1.000		— GROUND SHIPPING — Shipped on: 10/04/2018 Tracking#: 1ZE88280A851115836 Service: Ground Total Weight: 0.9 Number of Packages: 1 Billing Option: Prepaid End Shipment(s)		
		28400		

ALL CLAIMS FOR DAMAGED OR
 INCOMPLETE ITEMS MUST BE
 REPORTED WITHIN 48 HOURS.

Subtotal	115.00
Sales Tax	
Freight	19.91
Total Invoice Amount	134.91
Payment/Credit Applied	
TOTAL	134.91

Check/Credit Memo No:

Overdue invoices are subject to late charges.

NSBME 045

Calvin Scott & Co Inc
 DEA #PC0106989
 209 Eubank NE
 Albuquerque, NM 87123-2745



INVOICE

Invoice Number: 1810063
 Invoice Date: Oct 4, 2018
 Sales Order: 1810063
 Page: 1

Voice: 505-294-8825
 Fax: 505-294-8826

6899 - 6/30/2019

Bill To:
 Abdel M. Khalek
 5375 S Fort Apache Rd. Ste 103
 Las Vegas, NV 89148

Ship to:
 Abdel M. Khalek
 5375 S Fort Apache Rd. 102-103
 FK2904793 12/20 2,2N,3,3N,4,5
 Las Vegas, NV 89148

Customer ID	Customer PO	Payment Terms
Goldsmith, Ivan MD	Connie/Kurt	Credit Card
Sales Rep ID	Shipping Method	Ship Date
	UPS Ground	10/4/18
		Due Date
		10/4/18

Quantity	Lot #	Description	Unit Price	Amount
4.000	843K-CS18299-08/21	Phentermine HCL White/Blue Speck Tabs - 37.5 mg NDC # 10702-0025-10	115.00	460.00
1.000		4 X 1 M BULK <i>4000</i>		
2.000	901 - Software Label	(2) SOFTWARE LABELS 8-1/2 X 14 PACK OF 300 EACH	20.00	40.00
1.000		* DIETHYLPROPION IS ON BACKORDER - WILL SHIP AS SOON AS IT ARRIVES *		
1.000		--- GROUND SHIPPING --- Shipped on: 10/04/2018 Tracking#: 1ZE86280A860284245 Service: Ground Total Weight: 13.0 Number of Packages: 1 Billing Option: Prepaid End Shipment(s)		
		<i>26900</i>		

ALL CLAIMS FOR DAMAGED OR INCOMPLETE ITEMS MUST BE REPORTED WITHIN 48 HOURS.

Subtotal	500.00
Sales Tax	
Freight	22.22
Total Invoice Amount	522.22
Payment/Credit Applied	
TOTAL	522.22

Check/Credit Memo No:

Overdue Invoices are subject to late charges.

Calvin Scott & Co Inc
 DEA #PC0106989
 209 Eubank NE
 Albuquerque, NM 87123-2745



INVOICE

Invoice Number: 1810085
 Invoice Date: Oct 4, 2018
 Sales Order: 1810085
 Page: 1

Voice: 505-294-8825
 Fax: 505-294-8828

6899 - 6/30/2019

Bill To:
Abdel M. Khalek 5375 S Fort Apache Rd. Ste 103 Las Vegas, NV 89148

Ship to:
Abdel M. Khalek 5375 S Fort Apache Rd. 102-103 FK2804793 12/20 2,2N,3,3N,4,5 Las Vegas, NV 89148

Customer ID:	Customer PO:	Payment Terms:
Goldsmith, Ivan MD	CONNIEKURT	CREDIT CARD
Sales Rep ID:	Shipping Method:	Ship Date:
	UPS Ground	10/4/18
		Due Date:
		10/4/18

Quantity	Lot #	Description	Unit Price	Amount
0.500	704L-CS18325-10/18	Diethylpropion White Round Tablet - 25 mg. NDC #00527-1475-01	176.00	88.00
1.000		5 X .100 BULK		
1.000		SHIP W/ ORDER #1810083		
		500		
		274.00		

ALL CLAIMS FOR DAMAGED OR INCOMPLETE ITEMS MUST BE REPORTED WITHIN 48 HOURS.

Subtotal	88.00
Sales Tax	
Freight	
Total Invoice Amount	88.00
Payment/Credit Applied	
TOTAL	88.00

Check/Credit Memo No:

Overdue invoices are subject to late charges.

NSBME 047

Calvin Scott & Co Inc
 DEA #PC0106989
 209 Eubank NE
 Albuquerque, NM 87123-2745



INVOICE

Invoice Number: 1810349
 Invoice Date: Oct 29, 2018
 Sales Order: 1810349
 Page: 1

Voice: 505-294-8825
 Fax: 505-294-8826

6899 - 6/30/2019

Bill To:
Abdel M. Khalek 6375 S Fort Apache Rd. Ste 103 Las Vegas, NV 89148

Ship to:
Abdel M. Khalek 6375 S Fort Apache Rd. 102-103 FK2904793 12/20 2,2N,3,3N,4,5 Las Vegas, NV 89148

Customer ID:	Customer PO:	Payment Terms:
Goldsmith, Ivan MD	Connie/Kurt	Credit Card
Sales Rep ID:	Shipping Method:	Ship Date:
	UPS Ground	10/29/18
		Due Date:
		10/29/18

Quantity	Lot #	Description	Unit Price	Amount
0.400	704L-CS18326-10/19	Diethylpropion White Round Tablet - 25 mg. NDC #00527-1475-01	176.00	70.40
1.000		4 X .100 BULK 400		
3.000	643K-CS18323-08/21	Phentermine HCL White/Blue Speck Tabs - 37.5 mg NDC # 10702-0025-10	115.00	345.00
1.000		3 X 1 M BULK 3000		
1.000		— GROUND SHIPPING —		
		Shipped on: 10/29/2018		
		Tracking#: 1ZE88280A849123019		
		Service: Ground		
		Total Weight: 2.8		
		Number of Packages: 1		
		Billing Option: Prepaid		
		End Shipment(s)		
		22900		

ALL CLAIMS FOR DAMAGED OR INCOMPLETE ITEMS MUST BE REPORTED WITHIN 48 HOURS.

Subtotal	415.40
Sales Tax	
Freight	20.83
Total Invoice Amount	436.23
Payment/Credit Applied	
TOTAL	436.23

Check/Credit Memo No:

Overdue invoices are subject to late charges.

NSBME 048

Calvin Scott & Co Inc
 DEA #PC0106889
 209 Eubank NE
 Albuquerque, NM 87123-2745



INVOICE

Invoice Number: 1811150
 Invoice Date: Nov 13, 2018
 Sales Order: 1811150
 Page: 1

Voice: 505-294-8825
 Fax: 505-294-8826

6899 - 6/30/2019

Bill To:
 Abdel M. Khalek
 5375 S Fort Apache Rd. Ste 103
 Las Vegas, NV 89148

Ship To:
 Abdel M. Khalek
 5375 S Fort Apache Rd. 102-103
 FK2904783 12/20 2,2N,3,3N,4,5
 Las Vegas, NV 89148

Customer ID	Customer PO	Payment Terms
Khalek, Abdel	Cornie/Kurt	Credit Card
Sales Rep ID	Shipping Method	Ship Date
	Red Label Overnight	11/13/18
		Due Date
		11/13/18

Quantity	Lot #	Description	Unit Price	Amount
4.000	643K-CS18369-09/21	Phentermine HCL White/Blue Speck Tabs - 37.5 mg NDC # 10702-0025-10	115.00	460.00
1.000		4 X 1 M BULK 4000		
1.000	901 - Software Label	(1) SOFTWARE LABELS 8-1/2 X 14 PACK OF 300 EACH	20.00	20.00
1.000		--- OVERNIGHT SHIPPING --- Shipped on: 11/13/2018 Tracking#: 1ZE88280A249395228 Service: Next Day Air Total Weight: 7.5 Number of Packages: 1 Billing Option: Prepaid End Shipment(s)		
		19500		

ALL CLAIMS FOR DAMAGED OR INCOMPLETE ITEMS MUST BE REPORTED WITHIN 48 HOURS.

Subtotal	480.00
Sales Tax	
Freight	72.22
Total Invoice Amount	552.22
Payment/Credit Applied	
TOTAL	552.22

Check/Credit Memo No:

Overdue invoices are subject to late charges.

NSBME 049

Calvin Scott & Co Inc
 DEA #PC0106989
 209 Eubank NE
 Albuquerque, NM 87123-2745



INVOICE

Invoice Number: 1811319
 Invoice Date: Nov 30, 2018
 Sales Order: 1811319
 Page: 1

Voice: 505-294-8825
 Fax: 505-294-8826

6899 - 6/30/2019

Bill To:
 Abdel M. Khalek
 5376 S Fort Apache Rd. Ste 103
 Las Vegas, NV 89148

Ship to:
 Abdel M. Khalek
 5376 S Fort Apache Rd. 102-103
 FK2904793 12/20 2,2N,3,3N,4,5
 Las Vegas, NV 89148

Customer ID: Khalek, Abdel	Customer PO: Connie/Kurt	Payment Terms: Credit Card	
Sales Rep ID:	Shipping Method: UPS Ground	Ship Date: 11/30/18	Due Date: 11/30/18

Quantity	Lot #	Description	Unit Price	Amount
4.000	643K-CS18378-09/21	Phentermine HCL White/Blue Speck Tabs - 37.5 mg NDC # 10702-0025-10	115.00	460.00
1.000		4 X 1 M BULK <i>4000</i>		
2.000	601K-CS18322-06/21	Phendimetrazine Yellow Tabs - 35 mg NDC # 10702-0077-10	115.00	230.00
1.000		2 X 1 M BULK <i>2000</i>		
10.000	CRC/L30	Child Resistant Container w/Label 30 Ct.	22.65	226.50
0.300	640V-CS18381-11/20	Phendimetrazine Time-Release Brn/Clr Caps - 105 mg. NDC # 69543-0409-11		
1.000		1 X 10 X 30 CRCL <i>300</i>		
1.000		--- GROUND SHIPPING ---		
		<i>15500</i>		

ALL CLAIMS FOR DAMAGED OR
 INCOMPLETE ITEMS MUST BE
 REPORTED WITHIN 48 HOURS.

Subtotal	916.50
Sales Tax	
Freight	21.62
Total Invoice Amount	938.12
Payment/Credit Applied	
TOTAL	938.12

Check/Credit Memo No:

Overdue Invoices are subject to late charges.

NSBME 050

Calvin Scott & Co Inc
 DEA #PC0106989
 209 Eubank NE
 Albuquerque, NM 87123-2745



INVOICE

Invoice Number: 1901009
 Invoice Date: Jan 2, 2019
 Sales Order: 1901009
 Page: 1

Voice: 505-294-8825
 Fax: 505-294-8826

6899 - 6/30/2019

Bill To:
 Abdel M. Khalek
 5375 S Fort Apache Rd. Ste 103
 Las Vegas, NV 89148

Ship to:
 Abdel M. Khalek
 5375 S Fort Apache Rd. 102-103
 FK2804783 12/20 2,2N,3,3N,4,5
 Las Vegas, NV 89148

Customer ID	Customer PO	Payment Terms	
Khalek, Abdel	Consuelo/Kurt	Credit Card	
Sales Rep ID	Shipping Method	Ship Date	Due Date
	Red Label Overnight	1/2/19	1/2/19

Quantity	Lot #	Description	Unit Price	Amount
0.200	704L-CS18334-10/19	Diethylpropion White Round Tablet - 25 mg. NDC #00527-1475-01	279.00	56.80
1.000		2 X .100M BULK 200		
3.000	643K-CS18411-10/21	Phentermine HCL White/Blue Speck Tabs - 37.5 mg NDC # 10702-0025-10	105.00	315.00
1.000		3 X 1M BULK 3000		
1.000	901 - Software Label	SOFTWARE LABELS 8-1/2 X 14 PACK OF 300 EACH	20.00	20.00
		NEXT DAY AIR @ GROUND CHARGE Shipped on: 01/02/2019 Tracking#: 1ZE88280A250245155 Service: Next Day Air Total Weight: 7.1 Number of Packages: 1 Billing Option: Prepaid End Shipment(s)		
		9200		

ALL CLAIMS FOR DAMAGED OR INCOMPLETE ITEMS MUST BE REPORTED WITHIN 48 HOURS.	Subtotal	390.80
	Sales Tax	
	Freight	21.48
	Total Invoice Amount	412.28
	Payment/Credit Applied	
Check/Credit Memo No:	TOTAL	412.28

Overdue invoices are subject to late charges.

NSBME 051

Calvin Scott & Co Inc
 DEA #PC0106889
 209 Eubank NE
 Albuquerque, NM 87123-2745



INVOICE

Invoice Number: 1901201
 Invoice Date: Jan 11, 2019
 Sales Order: 1901201
 Page: 1

Voice: 505-294-8826
 Fax: 505-294-8826

6899 - 8/30/2019

Bill To:
Abdel M. Khalek 5375 S Fort Apache Rd. Ste 103 Las Vegas, NV 89148

Ship to:
Abdel M. Khalek 5375 S Fort Apache Rd. 102-103 FK2904793 12/20 2,2N,3,3N,4,5 Las Vegas, NV 89148

Customer ID	Customer PO#	Payment Terms
Khalek, Abdel	Consuelo/Kurt	Credit Card
Sales Rep ID	Shipping Method	Ship Date
	UPS Ground	1/11/19
		Due Date
		1/11/19

Quantity	Lot #	Description	Unit Price	Amount
3.000	843K-CS18421-10/21	Phentermine HCL White/Blue Speck Tabs - 37.5 mg NDC # 10702-0025-10	105.00	315.00
1.000		3 X 1 M BULK 3000		
1.000		--- GROUND SHIPPING ---		
		<i>6000</i>		

ALL CLAIMS FOR DAMAGED OR INCOMPLETE ITEMS MUST BE REPORTED WITHIN 48 HOURS.

Subtotal	315.00
Sales Tax	
Freight	23.55
Total Invoice Amount	338.55
Payment/Credit Applied	
TOTAL	338.55

Check/Credit Memo No:

Overdue invoices are subject to late charges.

NSBME 052

Calvin Scott & Co Inc
 DEA #PC0108989
 208 Eubank NE
 Albuquerque, NM 87123-2745



INVOICE

Invoice Number: 1901386
 Invoice Date: Jan 29, 2019
 Sales Order: 1901386
 Page: 1

Voice: 505-294-8825
 Fax: 505-294-8826

6899 - 6/30/2019

Bill To:
Abdel M. Khalek 5375 S Fort Apache Rd. Ste 103 Las Vegas, NV 89148

Ship to:
Abdel M. Khalek 5375 S Fort Apache Rd. 102-103 FK2804793 12/20 2,2N,3,3N,4,5 Las Vegas, NV 89148

Customer ID	Customer PO	Payment Terms	
Khalek, Abdel	Connie/Kurt	Credit Card	
Sales Rep ID	Shipping Method	Ship Date	Due Date
	2nd Day Air	1/29/19	1/29/19

Quantity	Lot #	Description	Unit Price	Amount
3.000	843K-CS19006-10/21	Phentermine HCL White/Blue Speck Tabs - 37.5 mg NDC # 10702-0025-10	105.00	315.00
1.000		3 X 1 M BULK 3000		
1.000	901 - Software Label	(1) SOFTWARE LABELS 8-1/2 X 14 PACK OF 300 EACH	20.00	20.00
1.000		--- 2-DAY SHIPPING ---		

ALL CLAIMS FOR DAMAGED OR
 INCOMPLETE ITEMS MUST BE
 REPORTED WITHIN 48 HOURS.

Subtotal	335.00
Sales Tax	
Freight	35.61
Total Invoice Amount	370.61
Payment/Credit Applied	
TOTAL	370.61

Check/Credit Memo No:

Overdue invoices are subject to late charges.

NSBME 053

EXHIBIT 10

EXHIBIT 10

Payment Type	Transaction Date	Customer Name	Order Number	Transaction Type	Transaction Status	Approval Code	Total Amount
American Express	2/12/2019 4:15:04 PM	Vinay Bararia	1902040	Prior Auth	Open Batch	140200	\$693.86
American Express	1/31/2019 1:33:30 PM	Vinay Bararia	1901386	Prior Auth	Settled	122763	\$370.61
Virtual Check	1/29/2019 3:12:36 PM	Vinay Bararia	1901386	Prior Auth	Settled		\$370.61
Visa	1/11/2019 5:27:33 PM	Vinay Bararia	1901201	Prior Auth	Settled	022717	\$338.55
American Express	1/11/2019 5:25:45 PM	Vinay Bararia	1901201	Auth Only	Error/Declined	000005	\$338.55
American Express	1/7/2019 3:31:58 PM	Vinay Bararia	1901009	Prior Auth	Settled	115223	\$412.28
American Express	1/3/2019 5:18:07 PM	Vinay Bararia	1901009	Auth Only	Error/Declined	000005	\$412.28
American Express	12/4/2018 3:17:31 PM	Vinay Bararia	1811319	Prior Auth	Settled	147278	\$938.12
American Express	12/4/2018 1:13:12 PM	Vinay Bararia	1811319	Auth Only	Error/Declined	000005	\$938.12
American Express	12/3/2018 3:58:35 PM	Vinay Bararia	1811319	Auth Only	Error/Declined	000005	\$938.12
American Express	11/30/2018 3:17:28 PM	Vinay Bararia	1811319	Auth Only	Error/Declined	000005	\$938.12
American Express	11/26/2018 11:47:18 AM	Vinay Bararia	1811150	Prior Auth	Settled	156594	\$552.22
American Express	11/19/2018 11:40:02 AM	Vinay Bararia	1811150	Auth Only	Error/Declined	000005	\$552.22
American Express	11/16/2018 12:52:40 PM	Vinay Bararia	1811150	Auth Only	Error/Declined	000005	\$552.22

American Express	11/15/2018 12:28:17 PM	Vinay Bararia	1811150	Auth Only	Error/Declined	000005	\$552.22
American Express	11/14/2018 12:44:17 PM	Vinay Bararia	1811150	Auth Only	Error/Declined	000005	\$552.22
American Express	10/30/2018 12:04:48 PM	Vinay Bararia	1810349	Prior Auth	Settled	113550	\$436.23
American Express	10/5/2018 12:31:16 PM	Vinay Bararia	1810063/ 65/62	Prior Auth	Settled	148860	\$745.13
American Express	9/21/2018 2:22:15 PM	Vinay Bararia	1809169	Prior Auth	Settled	103304	\$945.05

MasterCard	7/6/2018 10:53:57 AM	Mona Goldsmith	1807041	Prior Auth	Settled	00702Z	\$252.06
MasterCard	8/14/2018 11:48:01 AM	Mona Goldsmith	1808182	Prior Auth	Settled	04972Z	\$291.96
MasterCard	9/19/2018 1:27:38 PM	Mona Goldsmith	1809169	Prior Auth	Settled	02123Z	\$945.05

Payment Type	Transaction Date	Customer Name	Order Number	Transaction Type	Transaction Status	Approval Code	Total Amount
VirtualCheck	1/31/2019 1:08:01 PM	Ivan Goldsmith	SEVT131 20191080 1	Credit	Settled		\$370.61
MasterCard	1/18/2018 12:03:23 PM	Mona Goldsmith	1801194/ 93	Prior Auth	Settled	09678Z	\$721.86
MasterCard	1/31/2018 11:24:22 AM	Mona Goldsmith	1801363	Prior Auth	Settled	02661Z	\$522.11
MasterCard	2/13/2018 12:06:26 PM	Mona Goldsmith	1802134/ 35/36	Prior Auth	Settled	08777Z	\$649.72
MasterCard	3/2/2018 12:05:46 PM	Mona Goldsmith	1803013	Prior Auth	Settled	06363Z	\$592.45
MasterCard	3/19/2018 1:54:25 PM	Mona Goldsmith	1803240/ 41/42	Prior Auth	Settled	02758Z	\$581.95
MasterCard	4/3/2018 1:24:47 PM	Mona Goldsmith	1804013/ 4014/401 5	Prior Auth	Settled	03388Z	\$534.38
MasterCard	4/19/2018 11:45:39 AM	Mona Goldsmith	1804252	Auth Only	Error/Declined	000005	\$887.70
MasterCard	4/20/2018 11:51:05 AM	Mona Goldsmith	1804252	Auth Only	Error/Declined	000005	\$887.70
MasterCard	4/23/2018 10:09:43 AM	Mona Goldsmith	1804252	Prior Auth	Settled	08323Z	\$887.70
MasterCard	5/7/2018 12:17:59 PM	Mona Goldsmith	1805088/ 89/90	Prior Auth	Settled	02764Z	\$596.06
MasterCard	5/17/2018 11:09:11 AM	Mona Goldsmith	1805251	Prior Auth	Settled	07330Z	\$539.69
MasterCard	6/4/2018 1:20:22 PM	Mona Goldsmith	1806006	Prior Auth	Settled	00684Z	\$361.53
MasterCard	6/20/2018 12:19:31 PM	Mona Goldsmith	1806222	Prior Auth	Settled	07930Z	\$738.01
MasterCard	7/3/2018 11:48:11 AM	Mona Goldsmith	1807010/ 1807004	Prior Auth	Settled	04318Z	\$253.57

EXHIBIT 11

EXHIBIT 11

Kim A. Friedman

From: Paul Edwards
Sent: Monday, January 07, 2019 3:30 PM
To: Kim A. Friedman
Subject: FW: dr. vinay bararia

Kim,

FYI - See the email below.

Best regards,

S. Paul Edwards, Esq.
General Counsel
Nevada State Board of Pharmacy
431 W. Plumb Lane
Reno, NV 89509
(775) 850-1440 (phone)
(775) 850-1444 (fax)
E-mail: pedwards@pharmacy.nv.gov
Web page: bop.nv.gov



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From: Pharmacy Board <pharmacy@pharmacy.nv.gov>
Sent: Monday, January 7, 2019 7:36 AM
To: Paul Edwards <pedwards@pharmacy.nv.gov>
Subject: FW: dr. vinay bararia

From: Joel Dean [<mailto:selibovsky1@gmail.com>]
Sent: Sunday, January 06, 2019 7:09 PM
To: Pharmacy Board <pharmacy@pharmacy.nv.gov>; Shirley Hunting <shunting@pharmacy.nv.gov>
Subject: dr. vinay bararia

Dear Pharmacy board,

This e-mail to you was dictated to me by Dr. Abdel Khalek.

Dr. Vinay Bararia has (is) committed multiple felonies since working with me. He is currently managing patients without a medical license. He has committed HIPAA violations by inputting data into the EMR of patients' records. He also is dispensing controlled medicines to patients without a DEA or dispensing license. As a matter of fact, there are many phentermine pills missing from our cabinet which myself and Dr. Bararia are the only key holders. He is very brazen whenever I confront him about these violations. He hired an ENT physician, Dr. Robert Chancellor who presigns blank prescriptions so Dr. Bararia can prescribe medicines to patients. Thank you for your consideration,

Dr. Abdel Khalek phone # 702-239-1900.

5375 S. Ft. Apache rd. ste. 102
las vegas, NV 89148

e-mail rajputmd@icloud.com



Virus-free. www.avg.com

EXHIBIT 12

EXHIBIT 12

Dena M. McClish

From: Laura Phillips <lphillips@calvinscottinc.com>
Sent: Thursday, February 21, 2019 8:22 AM
To: Dena M. McClish
Subject: RE: Case #19-003

Dear Inspector McClish,

I wanted to respond to let you know that this hasn't come up with any governing entity in the twelve years I have been a Designated Rep. for Calvin Scott. We are currently researching this and although we are not required to have a DEA Power of Atty. (we only carry C III and CIV) we realize that further due diligence on this issue is necessary. I am in the process of writing a new policy and procedure for this and creating a form for our clinics/physicians to sign off on. I will forward these to you when completed.

Best regards,

Laura Phillips
Director of Operations

CalvinScott 

209 Eubank Blvd. NE
Albuquerque, NM 87123
T: (505) 294-8825
F: (505) 294-8826
lphillips@calvinscottinc.com
www.calvinscottinc.com

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From: Dena M. McClish [mailto:dmcclish@pharmacy.nv.gov]
Sent: Tuesday, February 12, 2019 4:52 PM
To: Laura Phillips <lphillips@calvinscottinc.com>
Subject: RE: Case #19-003

Thank you ma'am. In response to #1, I would ask per what regulation/law, etc is the clinic/practice manager granted access to a physician's license simply by employing them? Please don't get me wrong, I am simply trying to understand this. Anyone can print a copy of a physician's license off the applicable State Board's website so how are you assured that the physician has actually given permission/authorization or even works at that particular clinic? (especially as in this case everything is paid for by an unlicensed individual).

NBME 060

Dena M McClish, Investigator

Nevada State Board of Pharmacy
1050 E Flamingo Rd Ste E-217
Las Vegas, NV, 89119



Office: 702.486.6420 ext 154
Cell: 702.494.8672
Fax: 702.486.7903
E-mail: dmcclish@pharmacy.nv.gov
Web Page: www.bop.nv.gov

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From: Laura Phillips [<mailto:lphillips@calvinscottinc.com>]
Sent: Tuesday, February 12, 2019 3:41 PM
To: Dena M. McClish <dmcclish@pharmacy.nv.gov>
Subject: RE: Case #19-003

Hello Inspector McClish,

I will try to best answer your questions here:

1. The software set up and dispensing forms are commonly signed by the practice manager or clinic owner. They employ the physician and are granted access to their license(s). I do not have a document signed by Dr. Khalek but he has authorized the clinic to use his name and DEA license by providing the licenses to him. The clinic and/or licensed physician are required to let us know of any changes, as we wouldn't be able to know otherwise.
2. Connie is Consuelo Sanchez.
3. The dispensing software is hosted by MD Scripts and specific to Calvin Scott however this clinic has the majority of their medication provided by vendors other than us. We provide them with the medications on the invoices, which is like 3 total. The clinic would be able to provide you with the print out of dispenses for the past 6 months on their end. Much of that information is protected under HIPPA and I wouldn't be able to provide it.

Best regards,

Laura Phillips
Director of Operations

Calvin Scott 

200 Eubank Blvd. NE
Albuquerque, NM 87123
T: (505) 294-8825
F: (505) 294-8826

061

lphillips@calvinscottinc.com
www.calvinscottinc.com

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From: Dena M. McClish [mailto:dmcclish@pharmacy.nv.gov]
Sent: Tuesday, February 12, 2019 4:14 PM
To: Laura Phillips <lphillips@calvinscottinc.com>
Subject: RE: Case #19-003

Thank you Ms. Phillips, in looking at this briefly, I do have a few additional questions.

- 1) It appears that the authorization for Dr. Khalek's 'new account profile' and 'software setup' – which I assume also stands as the authorization to order drugs in his name, was signed by a person other than Dr. Khalek (it was signed by Vinay Bararia). Is this common practice and allowable per your policy? I don't see Dr. Khalek's signature on any of the paperwork you sent me so please provide an explanation or other documentation showing how your company received authorization from him to order drugs and other items under his name. If applicable, provide me a copy of your company policy and/or procedure that would outline this.
- 2) I see the name of "Connie" in the PO box for many orders; is this Consuelo Sanchez? –As I don't see a Connie listed anywhere
- 3) Do you provide the dispensing software for this practice as well? If so, please provide me a report of all medications dispensed in the last 6 months.

Again, thank you for your continued cooperation in this matter

Dena M McClish, Investigator
Nevada State Board of Pharmacy
1050 E Flamingo Rd Ste E-217
Las Vegas, NV, 89119



Office: 702.486.6420 ext 154
Cell: 702.494.8672
Fax: 702.486.7903
E-mail: dmcclish@pharmacy.nv.gov
Web Page: www.bop.nv.gov

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This information is provided as a courtesy on behalf of the Nevada State Board of Pharmacy. This information does not constitute legal advice and does not override the specific provisions of Nevada law as applied to a particular set of facts.

From: Laura Phillips [<mailto:lphillips@calvinscottinc.com>]
Sent: Tuesday, February 12, 2019 2:47 PM
To: Dena M. McClish <dmcclish@pharmacy.nv.gov>
Subject: Case #19-003
Importance: High

Dear Investigator McClish,

I received your record request for the clinic located at 5375 S. Fort Apache Rd. 102-103, Las Vegas, NV. I have included all of the invoices, licenses, account set up due diligence forms and method of payment used for this address for 2018-2019. On each invoice in the PO box you can see the name of the person who placed the order into the reporting software on the clinic's site at Calvinscottr.com. That person has been set up as an authorized user on their end. We also list the name of Calvin Scott employee who did the data entry on our end. Kurt, Rachel, Robert and I are the employees here.

Last week was the first we have heard from Dr. Khalek regarding a change in prescriber for this location. The location did send over information for their new provider, Dr. Chancellor. His licensing information provided checks out.

Please let me know if I can clarify anything or if you need further assistance.

Best regards,

Laura Phillips
Director of Operations

CalvinScott 

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From: Laura Phillips
Sent: Tuesday, February 12, 2019 3:32 PM
To: Laura Phillips <lphillips@calvinscottinc.com>
Subject: Message from KMBT_C552

NSBME 063

EXHIBIT 13

EXHIBIT 13



Nevada State Board of Pharmacy

1050 E Flamingo Rd • SUITE E217 • LAS VEGAS, NEVADA 89119-7524

1-800-364-2081 • FAX (702) 486-7903 • www.bop.nv.gov.

CONFIDENTIAL

06/19/2019

Abdel Khalek, M.D.
5495 S Rainbow Blvd #202
Las Vegas, NV 89118

Re: Nevada Board of Pharmacy Investigative Case #19-103

Dear Dr. Khalek,

As you may be aware, the Nevada State Board of Pharmacy (Board) has received information indicating that you may have violated, or may be violating various provisions of the Nevada Revised Statutes (NRS) and/or Nevada Administrative Codes (NAC) as a former practicing physician and/or medical director of Innovative Health and Wellness (DBA Trimcare) and Ageless Aesthetics. The Board has a case open to investigate the matter. Under the authority of NRS 639.234. I am writing to request that you respond to the allegations below and provide copies of certain documents and information relevant to the Board's investigation. Please provide your response and the documents described below within 14 calendar days of this request.

The information suggested improper prescribing and dispensing practices as well as the unlicensed practice of medicine. Specifically, it was alleged that Vinay Bararia has independently evaluated patients and medications have been prescribed and dispensed under one practitioner's name when another practitioner or unlicensed person performed the patient evaluation. It is also alleged that dangerous drugs and controlled substances have been obtained in your name with and without your permission and/or authorization.

You have informed staff from multiple agencies that during your time at Trimcare, multiple instances of improper prescribing and dispensing as well as the unlicensed practice of medicine were occurring. To clarify these allegations and other findings, please address the following:

1) Please clarify your dates of employment, ownership, and practice at the Trimcare facility located at 5375 S Fort Apache Rd #102 and 103. Provide documentation that shows your ownership and dissolution of such. Provide copies of any employment and/or business agreements/arrangements with Vinay Bararia, M.D.

2) A copy of your PMP prescribing and dispensing reports are attached from 09/01/2018 to 06/04/2019. Please examine these reports for accuracy and report and explain any discrepancies.

In October 2018, you were informed by NV Board of Medical Examiners staff to cease writing and/or authorizing prescriptions for controlled substances for patients whom you did not have a

NSBME 064

bona fide patient physician relationship with. On 01/09/2019 you came to the Pharmacy Board office and advised that Bararia was continuing to use your name and credentials to both obtain and dispense controlled substances. You also advised that Medicare patients were being seen and billed under your NPI/credentials even though Bararia is banned from benefiting from federal funds.

3) Please explain why you continued to allow unlicensed personnel to use your name and credentials to perform unauthorized and illegal activities in a business and medical practice which you had ownership in and management of.

During the 01/09/2019 conversation and those with Medical Board staff, you referred to a phone being used by the front office staff to authenticate your credentials when transmitting e-prescriptions. In our inspection of the Trimcare facility on 06/13/2019, a Samsung cell phone was located and observed with the authenticator app currently being used for Dr. Chancellor's credentials.

4) Please clarify if you believe this was the same phone used by office staff to obtain your authenticator code for e-scribing. Please explain who purchased and set up this phone with the authenticator app. Please also explain why you allowed unlicensed personnel to e-scribe schedule II controlled substances on your behalf and why you allowed unlicensed personnel unencumbered access to your prescribing credentials (whether they used your personal phone or the 'office' phone. Please also explain how you ensured the security of this phone and the personnel who may have accessed it.

During our inspection in 06/2019, large bottles of alcoholic beverages were observed in the office and break room refrigerators.

5) As there have been allegations made of the practitioners in this office smelling like alcohol, please advise if alcohol or other intoxicating substances were consumed by you and or other office staff before treating patients and/or dispensing prescriptions.

The office known as Ageless Aesthetics was also inspected in 06/2019

6) Please confirm your relationship with this practice, specifically, provide the dates you were the medical director and what your role was/is in this practice.

In Ageless Aesthetics, Mona Dever-Goldsmith (an unlicensed person) had possession of keys to the medication room/cabinet.

7) Please explain why an unlicensed person had unencumbered access to medications

Dangerous drug invoices for Ageless Aesthetics showed you as the ordering/authorizing physician as late as 05/2019.

8) Please confirm how oversight of medication ordering, storage, and administration is/was provided for this office (Ageless Aesthetics). If you have ceased being the medical director, please explain why dangerous drugs are still being obtained using your credentials.

Please address each of the following issues/violations found during the 06/2019 inspection (some of which were repeated violations from the previous years' inspection):

9) The refrigerator temperature at the time of inspection was 28F yet the refrigerator temperature log consistently showed 42F. There were no temperature logs prior to May 2019.

10) There were absolutely no printed and signed prescriptions for dispensed medications. It appears medications are dispensed to patients from a chart order which may or may not be signed by the practitioner.

11) Dispensed medications are not checked and/or verified by the practitioner prior to patient receipt.

12) The dispensing technician has keys to the medication cabinet and have access to medications when the practitioners are not present.

13) Multiple patient areas/rooms contained expired medications and supplies to include two items expired since 2007 and numerous others expired more than 1 year ago.

14) The triage room and refrigerator contained syringes filled with an unidentified and unlabeled drug (described by staff as B12 and Vitamin D). These syringes were reportedly prepared in a medication stock room which contained alcohol disinfectant that expired in 2017.

15) Professional sample medications are also expired

16) There is no informed consent for dispensed medications (NAC 639.745 (2))

It appears that all dangerous drugs and controlled substances are managed (ordered, stored, dispensed, prescribed) by unlicensed personnel.

17) Provide an explanation as to how you managed the security and access to your medications (for dispensing and administration) as well as prescriptions (both electronic and paper)

18) Please explain how medications dispensed were billed to the patients and/or insurance. (i.e. are they included in a package price or itemized separately?)

19) The inventory of controlled substances appeared to be incomplete. Please provide a copy of your most recent inventory of controlled substances from Trimcare (i.e. closing inventory). Please also provide copies of any transfers of medications/stock (i.e. from Dr. Goldsmith's inventory to yours or yours to Dr. Chancellors after you left).

Please provide the information referenced above and a written response to the foregoing allegations. Include with your response any records or other information you believe will help the Board make a determination in this case. Any written statement must include your handwritten signature attesting that it is true and accurate.

Please feel free to contact me with any questions. I can be reached at (702) 486-6420, Ext. 154.

Respectfully,

Dena McClish, Investigator
Nevada State Board of Pharmacy
1050 E Flamingo Rd Ste E217
Las Vegas, NV 89119
Office: 702-486-6420 ext 154
Fax: 702-486-7903



For help using the application please contact:

775-687-5694

Report Prepared: 05/04/2020

Dispenser Activity Report

Date Range: 09/01/2018 - 04/02/2019

Investigation Type:
 Case Number:
 Primary Drug Category:
 Drug Product Name:
 Case Notes:
 Agency:
 Contact: Dena McClish
 Role: Admin
 Phone: 7758501440
 Email: dmcclish@pharmacy.nv.gov

KHALEK, ABDEL M
 5375 S FORT APACHE RD STE 102
 LAS VEGAS, NV 89148

Report Criteria

Street Address: 5375 S FORT APACHE RD STE 102, City: LAS VEGAS, State: NV, Zip: 89148, DEA Number: FK2904793

Summary

Prescriptions	657
Patients	358
Prescribers	1

Dispenser Activity

Last	First	DOB	Fill Date	Drug Name	ICD-10	Qty	Supply	Written Date	Prescriber Name	Rx #	Pymt Type
████	████	████	04/02/2019	TESTOSTERON CYP 2,000 MG/10 ML	E291	10.0	90	04/02/2019	ABDEL M KHALEK	133651	Private Pay
████	████	████	04/02/2019	PHENTERMINE 37.5 MG TABLET	E089	45.0	30	04/02/2019	ABDEL M KHALEK	133650	Private Pay

Last	First	DOB	Fill Date	Drug Name	ICD-10	Qty	Supply	Written Date	Prescriber Name	Rx #	Pymt Type
[REDACTED]	[REDACTED]	[REDACTED]	09/15/2018	PHENDIMETRAZINE 35 MG TABLET	E669	180.0	30	09/15/2018	ABDEL M KHALEK	131857	Private Pay
[REDACTED]	[REDACTED]	[REDACTED]	09/15/2018	PHENTERMINE 37.5 MG TABLET	E669	60.0	30	09/15/2018	ABDEL M KHALEK	131856	Private Pay
[REDACTED]	[REDACTED]	[REDACTED]	09/15/2018	PHENDIMETRAZINE 35 MG TABLET	E669	120.0	30	09/15/2018	ABDEL M KHALEK	131862	Private Pay
[REDACTED]	[REDACTED]	[REDACTED]	09/14/2018	PHENTERMINE 37.5 MG TABLET	E669	45.0	30	09/14/2018	ABDEL M KHALEK	131848	Private Pay
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	PHENTERMINE 37.5 MG TABLET	E669	60.0	30	09/13/2018	ABDEL M KHALEK	131846	Private Pay
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	PHENTERMINE 37.5 MG TABLET	E669	60.0	30	09/13/2018	ABDEL M KHALEK	131847	Private Pay
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	TESTOSTERON CYP 2,000 MG/10 ML	E291	10.0	70	09/13/2018	ABDEL M KHALEK	131844	Private Pay
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	PHENDIMETRAZINE 35 MG TABLET	E669	60.0	30	09/13/2018	ABDEL M KHALEK	131845	Private Pay
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	PHENDIMETRAZINE 35 MG TABLET	E669	60.0	30	09/11/2018	ABDEL M KHALEK	131822	Private Pay
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	TENUATE 25 MG TABLET	E669	60.0	30	09/11/2018	ABDEL M KHALEK	131820	Private Pay
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	TESTOSTERON CYP 2,000 MG/10 ML	E291	10.0	70	09/06/2018	ABDEL M KHALEK	131748	Private Pay

Prescribers				
Name	Address	City	State	Zip
ABDEL M KHALEK	5375 S FORT APACHE RD STE 102	LAS VEGAS	NV	89148

Therapeutic Class Summary			
Therapeutic Class 4	Script Count	Patient Count	Prescriber Count
AMPHETAMINE DERIVATIVES	591 <i>phentermine</i>	313	1
ANDROGENS	68 <i>testosterone</i>	48	1

Disclaimer:

I understand and agree that by proceeding beyond this page and accessing this Prescription Monitoring Program (PMP) system, I certify that I am active healthcare investigator.

I understand that my use of this PMP system is permitted only in connection with obtaining information for an open investigation, and certify that I am accessing the PMP system for such a purpose.

EXHIBIT 14

EXHIBIT 14

Abdel M. Khalek, M.D.

5495 So. Rainbow Blvd., Ste. 202

Las Vegas, Nevada 89118

702-353-9777 (Office)

702-776-7464 (Fax)

November 7, 2019

Ms. Dena McClish
Investigator
Nevada State Board of Pharmacy
1050 E. Flamingo Rd Suite E217
Las Vegas, Nevada 89119-7524

Re: Nevada Board of Pharmacy Investigative Case #19-103

Dear Ms. McClish:

This correspondence provides my response to yours of June 19, 2019 regarding the various allegations therein. Thank you for providing an extension to respond. I have listed each question in your letter followed by my answer.

- 1) *Please clarify your dates of employment, ownership, and practice at the Trimcare facility located at 5375 S. Fort Apache Rd #102 and 103. Provide documentation that shows your ownership and dissolution of such. Provide copies of any employment and/or business agreements/arrangements with Vinay Bararia, MD.*

Answer to question 1: I was employed by Goldsmith Healthcare, Ltd. from March 2018 to September 2018. Ivan Goldsmith, M.D./Goldsmith Healthcare, Ltd. sold the practice to Vinay Bararia/Nevada Health Services, LLC in August 2018. (See Ex. A). In October 2018, I loaned \$ 75,000.00 to Nevada Health Services, LLC because Dr. Bararia was short on the money to pay Dr. Goldsmith. (See Ex. B). He claimed he was waiting for the money from India. Dr. Bararia prepared a draft partnership agreement regarding the ownership of Nevada Health Services, LLC, but I did not agree to the terms and did not sign it. (See Ex. C). In November 2018, Dr. Bararia paid back the \$75,000.00 to me. He prepared an agreement that was signed on November 27, 2018, which stated upon execution I would have no ownership or interest in the ownership of Nevada Health Services, LLC/Trimcare. (See Ex. D). I was employed there until April 12, 2019, when I quit. In May 2019, my attorney also received correspondence from Dr. Bararia's attorney that confirms "there was never any partnership agreement between Dr. Khalek and my client [Dr. Bararia]." (See Ex. E).

- 2) *A copy of your PMP prescribing and dispensing reports are attached from 09/01/2018 to 06/04/2019. Please examine these reports for accuracy and report and explain any discrepancies.*

Ms. Dena McClish
November 7, 2019
2

Answer to question 2:

At this time I am unable to research for accuracy and report an explanation of any discrepancies in the PMP reports for many patients due to Trimcare's refusal to release copies of the patients' charts to me. I can only verify the information for patients who have continued to treat with me at my new practice after I quit working at Trimcare. Those patients are as follows:

Jackie Bradner
Roy Crewz
Judy Enderson
Charles Frith
Sharen Frith
Michael Hanlon
Joseph Pagnusat
Aracelli Porras
Carl Macher
Sami Sidhm
Donna Tyler

Additionally, there are several patients I recall and I believe the information is accurate but I cannot verify it without the charts. They are as follows:

Josefa Acopiado
Hani Alkhalil
Peter Andrade
Darcy Ashley
Stephen Baca
Simmie Beals
Kristina Bianchi
Stephen Bianchi
Mike Boyd
Colleen Carpenter
Ashley Dane
Jean-Pierr Dussaubat
Isabella Goldsmith
Ivan Goldsmith
Philippe Grolet
Abdul-Malik Hoodbhoy
Mary Hoyt
Katarina Hradilek
Sharmaine Jackson
William Kadera
Janecn Landram

Ms. Dena McClish
November 7, 2019
3

Sean Landram
Laurie Lenoble
James Lynch
Robert Malinowski
Jose Mendoza
Lori Mendoza
Melanie Morgan
Jennifer Mowrer
Ruth Mowrer
Alexandria Neville
Bryson Prisbrey
Nadia Qureshi Com
Pedro Reyes
Stephanie Reyes
Michael Rudolph
Jessica Russo
Sharmain Saldana
Marzena Smith
Nevada Stupak
Revekka Sumner
Darrell Tellis
Phyllis Tellis
Desuree Treadwell
Sharon Wilson
Lisa Zamora

In October 2018, you were informed by NV Board of Medical Examiners staff to cease writing and/or authorizing prescriptions for controlled substances for patients whom you did not have a bona fide patient physician relationship with. On 01/09/2019 you came to the Pharmacy Board office and advised that Bararia was continuing to use your name and credentials to both obtain and dispense controlled substances. You also advised that Medicare patients were being seen and billed under your NPI/credentials even though Bararia is banned from benefiting from federal funds.

- 3) *Please explain why you continued to allow unlicensed personnel to use your name and credentials to perform unauthorized and illegal activities in a business and medical practice which you had ownership in and management of.*

Answer to question 3:

I disagree with the above alleged facts and deny these allegations. I did *not* allow or continue to allow unlicensed personnel to use my name and credentials to perform unauthorized and illegal activities in a medical practice I had an ownership in and managed. Not only had I left the practice prior to your inspection, but also I was not

involved in the management of Trimcare. Further, as stated in Exhibit D, "Dr. Khalek will have no ownership or interest in ownership of Nevada Health Services, LLC/Trimcare."

I do not write or authorize prescriptions for controlled substances for patients with whom I do not have a physician-patient relationship. I made it clear that I did not authorize Dr. Bararia to use my name and credentials to obtain and dispense controlled substances. I also advised that Medicare patients were not to be seen and billed by Dr. Bararia under my NPI/credentials. I brought these issues to the attention of both the Medical Board and the Board of Pharmacy in the hope that they would properly investigate the matter. I also gave my notice and quit my job at Trimcare.

During the 01/09/2019 conversation and those with Medical Board staff, you referred to a phone being used by the front office staff to authenticate your credentials when transmitting e-prescriptions. In our inspection of the Trimcare facility on 06/13/2019, a Samsung cell phone was located and observed with the authenticator app currently being used for Dr. Chancellor's credentials.

Please clarify if you believe this was the same phone used by office staff to obtain your authenticator code for e-scribing. Please explain who purchased and set up this phone with the authenticator app. Please also explain why you allowed unlicensed personnel to e-scribe schedule II controlled substances on your behalf and why you allowed unlicensed personnel unencumbered access to your prescribing credentials (whether they used your personal phone or the 'office' phone. Please also explain how you ensured the security of this phone and the personnel who may have accessed it.

- 4) **Answer to question 4:** I disagree with the alleged facts above. I don't know whose cell phone was found during the inspection that occurred well after I had left employment. I don't know who purchased or set up any phone with the authenticator application. I never authorized any personnel in the front office to use my phone or use my credentials on any other phone. I always stayed in the back and hand wrote my prescriptions and gave them to the patient. I have an Apple iPhone that is password protected. I did not allow unlicensed personnel unencumbered access to my prescribing credentials. I kept my phone on my person.

During our inspection in 06/2019, large bottles of alcoholic beverages were observed in the office and break room refrigerators.

- 5) *As there have been allegations made of the practitioners in this office smelling like alcohol, please advise if alcohol or other intoxicating substances were consumed by you and/or other office staff before treating patients and/or dispensing prescriptions.*

Answer to question 5: I am a Muslim. I don't drink alcohol. When I was at the office I never saw any alcohol. Any alcohol found in the office in June 2019 was not

known to me nor was it mine. I never frequented the break room or refrigerators. I have never consumed alcohol while seeing patients or at any workplace.

- 6) *Please confirm your relationship with this practice, specifically, provide the dates you were the medical director and what your role was/is in this practice.*

Answer to question 6: I was never the Medical Director for either Ageless Aesthetics or Trimcare. Please see my answer to question 1.

In Ageless Aesthetics, Mona Dever-Goldsmith (an unlicensed person) had possession of keys to the medication room/cabinet.

- 7) *Please explain why an unlicensed person had unencumbered access to medications.*

Answer to question 7: Mrs. Goldsmith is listed as having license number TD00275 in the inspection notice included with your letter. She is also listed by the Nevada Secretary of State as a managing member of Trimcare Wellness, LLC and Ageless Aesthetics, LLC. I don't know whether or why an unlicensed person had unencumbered access to medications. I did not have a key to the medication room/cabinet.

Dangerous drug invoices for Ageless Aesthetics showed you as the ordering/authorizing physician as late as 05/2019.

- 8) *Please confirm how oversight of medication ordering, storage, and administration is/was provided for this office (Ageless Aesthetics). If you have ceased being the medical director, please explain why dangerous drugs are still being obtained using your credentials:*

Answer to question 8: I don't know how oversight of medication ordering, storage, and administration is/was provided for Ageless Aesthetics. I am not working with Trimcare or Ageless Aesthetics. I was never the Medical Director for either facility. Any ordering/authorizing of dangerous drugs in May 2019 was done without my knowledge or permission since I left the practice as of April 12, 2019.

Please address each of the following issues/violations found during the 06/2019 inspection (some of which were repeated violations from the previous years' inspection).

- 9) *The refrigerator temperature at the time of inspection was 28F yet the refrigerator temperature log consistently showed 42F. There were no temperature logs prior to May 2019.*

Answer to question 9:

I have no knowledge of this issue. I left employment with Trimcare several months before the inspection.

- 10) *There were absolutely no printed and signed prescriptions for dispensed medications. It appears medications are dispensed to patients from a chart order which may or may not be signed by the practitioner.*

Answer to question 10:

I don't know how they were keeping prescriptions or dispensing medications at that time. I left employment with Trimcare several months before the inspection.

- 11) *Dispensed medications are not checked and/or verified by the practitioner prior to patient receipt.*

Answer to question 11:

I don't know how they were checking or verifying dispensed medications at that time. I left employment with Trimcare several months before the inspection.

- 12) *The dispensing technician has keys to the medication cabinet and have access to medications when the practitioners are not present.*

Answer to question 12:

Please see my answer to question 7.

- 13) *Multiple patient areas/rooms contained expired medications and supplies to include two items expired since 2007 and numerous others expired more than 1 year ago.*

Answer to question 13:

I have no knowledge of this issue. I left employment with Trimcare several months before the inspection.

- 14) *The triage room and refrigerator contained syringes filled with an unidentified and unlabeled drug (described by staff as B12 and Vitamin D). These syringes were reportedly prepared in a medication stock room which contained alcohol disinfectant that expired in 2017.*

Answer to question 14:

I have no knowledge of this issue. I left employment with Trimcare several months before the inspection.

- 15) *Professional sample medications are also expired.*

Answer to question 15:

I have no knowledge of this issue. I left employment with Trimcare several months before the inspection.

- 16) *There is no informed consent for dispensed medications (NAC 639.745 (2))*

It appears that all dangerous drugs and controlled substances are managed (ordered, stored, dispensed, and prescribed), by unlicensed personnel.

Answer to question 16:

Please see my answer to question 8. When I prescribed controlled substances for a patient I gave the patient a written prescription that I wrote and signed. Again, I left employment with Trimcare several months before the inspection.

- 17) *Provide an explanation as to how you managed the security and access to your medications (for dispensing and administration) as well as prescriptions (both electronic and paper)*

Answer to question 17:

Please see my answers to questions 4, 8 and 16.

- 18) *Please explain how medications dispensed were billed to the patients and/or insurance. (i.e. are they included in a package price or itemized separately?)*

Answer to question 18:

I have no knowledge of this issue.

- 19) *The inventory of controlled substances appeared to be incomplete. Please provide a copy of your most recent inventory of controlled substances from Trimcare (i.e. closing inventory). Please also provide copies of any transfers of medications/stock (i.e. from Dr. Goldsmith's inventory to yours or yours to Dr. Chancellors after you left).*

Ms. Dena McClish
November 7, 2019
8

Answer to question 19:

I have no such copies. No inventory was ever given to me.

Sincerely,



Abdel M. Khalek, MD

EXHIBIT “A”

EXHIBIT “A”

ADDENDUM TO ASSET PURCHASE AGREEMENT

This is an addendum to the asset agreement between the Ivan Goldsmith on behalf of Goldsmith Health Care, Ltd. DBA Innovative Care Physicians DBA "Trimcare" hereafter known as the "Seller" and Vinay Bararia, MD and Imran S. Chaudhry hereafter known as the "Buyer" for the purchase of the Business Assets of Goldsmith Health Care conducting business on a leased premise located at 5375 S. Fort Apache Rd, Suite 102 Las Vegas NV 89148.

The original agreement stated the buyers were to be the individual Vinay Bararia, MD and Imran S. Chaudhry. The Buyer is now to be a Management Service Organization by the name of Nevada Health Services, LLC.

The sale of business assets has been concluded on 8/31/2018 with payment in full.

 8.31.2018

Ivan Goldsmith, MD

On Behalf of

 e, Ltd

On behalf of

Nevada Health Services, LLC

8/31/18

EXHIBIT “B”

EXHIBIT “B”

Guaranteed by Wells

000241 11-24
Office AU # 1210(8)
Remitter: A M KHALEK
Purchaser: A M KHALEK
Purchaser Account: [REDACTED]
Operator I.D.: u549433 rem2146
Funding Source: Paper Name(s)
PAY TO THE ORDER OF

CASHIER'S CHECK

NEVADA HEALTH SERVICES

Seventy-five thousand dollars and no cents

Payee Address:
Memo:

WELLS FARGO BANK, N.A.
4875 S FORT APACHE RD
LAS VEGAS, NV 89147
FOR INQUIRIES CALL (480) 394-3122

NOTICE TO PURCHASER - IF THIS INSTRUMENT IS LOST,
STOLEN OR DESTROYED, YOU MAY REQUEST CANCELLATION
AND REISSUANCE, AS A CONDITION TO CANCELLATION AND
REISSUANCE, WELLS FARGO BANK MAY IMPOSE A FEE AND
REQUIRE AN INDEMNITY AGREEMENT AND BOND

Purchaser Copy

SERIAL #: [REDACTED]
ACCOUNT#: [REDACTED]
October 16, 2018

\$75,000.00

VOID IF OVER US \$ 75,000.00

NON-NEGOTIABLE

EXHIBIT “C”

EXHIBIT “C”

Partnership Agreement

Partnership agreement between Abdel M. Khalek, M.D. and Vinay K Bararia, MD. Regarding the terms and conditions of the ownership of Nevada Health Services, LLC/ Trimcare.

Abdel M. Khalek, M.D. and Vinay K Bararia, MD has equal ownership stake in the company. If either one decides to leave the company for any reasons the other person has first right of refusal to buyout the ownership stake in the company in the amount equal to the investment into the company which is \$75,000. *THE FIRST THEN*

Abdel M. Khalek, M.D. we'll draw a salary of \$15,000 a month as he is the physician taking responsibility for treating patients. *all the patients ONLY*

NO Vinay K Bararia, MD we'll draw a salary of \$10,000 a month for the duties of being a practice manager which involves all administrative duties and marketing. He will also consult as a weight loss consultant/nutritionist for the medical weight loss patients evaluated and treated by Dr. Khalek. *NOT Needed*

{ When Dr. Bararia obtains his medical license in the state of Nevada his salary will then be increased to \$15,000 a month as well since he will also be treating patients from that point of time onwards. *only if he gets UNRESTRICTED DEA*

Each partner is equally responsible for any losses incurred by the company as well as will benefit from any profit gained by the company after expenses. *Medicare, Medicaid, Tricare (Hospitals)*

If the company requires more investment to meet expenses, each partner will put in equal amount of investment to meet the expenses of the company. This amount will be considered a loan to the company that will be paid back once the company has the ability to pay back the loan. *Big*

At the end of the financial year *if* there are funds left in the company account it will be equally divided between both partners as dividends.

Abdel M. Khalek MD Date

Vinay K. Bararia, MD Date

EXHIBIT “D”

1

EXHIBIT “D”

Agreement

Agreement between Abdel M. Khalek, M.D. and Vinay K Bararia, MD. Regarding the terms and conditions of the Nevada Health Services, LLC/ Trimcare.

Vinay K Bararia, MD will return the sum of \$75,000 given by Dr. Khalek towards the purchase of this practice from Goldsmith Healthcare, Ltd. This will be done within a timely manner allowing for Dr. Bararia to arrange the funds.

Abdel M. Khalek, M.D. Dr. Khalek will get \$15,000 salary paid to him as per his initial agreement on 12/11/2018. After this he will draw a salary of \$10,000 a month for working 6 hours per day 5 days a week. If there is a decrease in hours worked the monthly salary will be adjusted according to hours worked. This contracted rate of \$10,000.00 per month is for the period starting December 11, 2018 till June 11, 2019.

The accounts receivable for insurance payments prior to collected prior to 12/11/2018 will be shared equally between Dr. Khalek and Dr. Bararia.

Upon execution of this agreement Dr. Khalek will have no ownership or interest in ownership of Nevada Health Services, LLC/ Trim care.



Abdel M. Khalek MD

11.27.2018

Date



Vinay K. Bararia, MD

11/27/18

Date

EXHIBIT “E”

EXHIBIT “E”

E. Brent Bryson, LTD.
ATTORNEYS AT LAW

E. BRENT BRYSON, ESQ.

TELEPHONE 702-364-1234
FACSIMILE 702-364-1442

7730 W. SAHARA AVE., SUITE 109
LAS VEGAS, NEVADA 89117

May 13, 2019

Harold P. Gewerter, Esq.
1212 S. Casino Center Blvd.
Las Vegas, NV 89104

Via E-Mail: Harold@gewerterlaw.com

Re: [REDACTED]

Dear Mr. Gewerter:

This letter serves as actual notice to you that this office represents the legal interests of
/Inay Bararia, [REDACTED]

[REDACTED] Next, you should
nderstand that there was never any partnership agreement between Dr. Khalek and my client.

[REDACTED]

[REDACTED]

Respectfully,

E. Brent Bryson

E. BRENT BRYSON, ESQ.

EXHIBIT 15

EXHIBIT 15



Nevada State Board of Pharmacy

1050 E Flamingo Rd • SUITE E217 • LAS VEGAS, NEVADA 89119-7524

1-800-364-2081 • FAX (702) 486-7903 • www.bop.nv.gov

CONFIDENTIAL

12/19/2019

Abdel Khalek, M.D.
c/o Jill M Chase
Lewis Brisbois
6385 S Rainbow Blvd Ste 600
Las Vegas, NV 89118

Re: Nevada Board of Pharmacy Investigative Case #19-003

Dear Dr. Khalek,

Upon review of your written response dated 11/07/2019, I am now writing to request that you respond to the clarifications/additional information requested below. Please provide your response and the documents described below within 14 calendar days of this request.

The information suggested improper prescribing and dispensing practices as well as the unlicensed practice of medicine. Specifically, it was alleged that Vinay Bararia has independently evaluated patients and medications have been prescribed and dispensed under one practitioner's name when another practitioner or unlicensed person performed the patient evaluation. It is also alleged that dangerous drugs and controlled substances have been obtained in your name with and without your permission and/or authorization.

In your response, you failed to address and/or respond to these allegations. Please include a response to these allegations in your response.

You have informed staff from multiple agencies that during your time at Trimcare, multiple instances of improper prescribing and dispensing as well as the unlicensed practice of medicine were occurring. To clarify these allegations and other findings, please address the following:

1) Please clarify your dates of employment, ownership, and practice at the Trimcare facility located at 5375 S Fort Apache Rd #102 and 103. Provide documentation that shows your ownership and dissolution of such. Provide copies of any employment and/or business agreements/arrangements with Vinay Bararia, M.D.

In your response, you deny any ownership, interest, or management of this practice however State SOS, business licensing records, a written partnership agreement, and prior verbal admittance by you contradict this statement. Please provide any documentation that clearly delineates your interest/responsibility to Nevada Health Services, LLC, dates of such, and/or your disassociation with such.

NSBME 088

2) A copy of your PMP prescribing and dispensing reports are attached from 09/01/2018 to 06/04/2019. Please examine these reports for accuracy and report and explain any discrepancies.

In your response, you claim knowledge of or a probable relationship with 57 of the listed patients. There are 358 patients listed in the dispensing report alone. Please clearly state how you believe the remaining patients may have obtained prescriptions dispensed under your name. Do you believe or have knowledge of Dr. Bararia, Dr. Chancellor, and/or PA-C Hoffman dispensing and/or prescribing medications to patients using your credentials? Did you authorize medications to be dispensed under your name to patients seen/treated/evaluated by Dr. Chancellor and/or Dr. Bararia?

In October 2018, you were informed by NV Board of Medical Examiners staff to cease writing and/or authorizing prescriptions for controlled substances for patients whom you did not have a bona fide patient physician relationship with. On 01/09/2019 you came to the Pharmacy Board office and advised that Bararia was continuing to use your name and credentials to both obtain and dispense controlled substances. You also advised that Medicare patients were being seen and billed under your NPI/credentials even though Bararia is banned from benefiting from federal funds.

3) Please explain why you continued to allow unlicensed personnel to use your name and credentials to perform unauthorized and illegal activities in a business and medical practice which you had ownership in and management of.

In your response, you clearly state that you never allowed this to occur, however, in interviews with the Medical Board, the Pharmacy Board, and a DEA task force officer, you clearly stated you were aware of these fraudulent activities yet you remained in the office. Please clearly state why you maintained employment until 04/2019 if you knew these activities were being performed as early as 11/2018 when you claim to have had no interest, management, or ownership of the business.

During the 01/09/2019 conversation and those with Medical Board staff, you referred to a phone being used by the front office staff to authenticate your credentials when transmitting e-prescriptions. In our inspection of the Trimcare facility on 06/13/2019, a Samsung cell phone was located and observed with the authenticator app currently being used for Dr. Chancellor's credentials.

4) Please clarify if you believe this was the same phone used by office staff to obtain your authenticator code for e-scribing. Please explain who purchased and set up this phone with the authenticator app. Please also explain why you allowed unlicensed personnel to e-scribe schedule II controlled substances on your behalf and why you allowed unlicensed personnel unencumbered access to your prescribing credentials (whether they used your personal phone or the 'office' phone. Please also explain how you ensured the security of this phone and the personnel who may have accessed it.

In your response, you deny these facts. Please clearly state if you deny telling myself and Agent Neal (DEA Task Force) about this phone during the 01/09/2019 interview. You clearly deny authorizing anyone else to use your credentials and authenticator on your or any other phone but you do not clearly state if you were aware of this practice. Please clearly state if you were or were not aware of any other persons

using your credentials and authenticator to send e-scripts. Please also state if you personally sent e-scripts for CII medications or if you allowed a medical assistant or other party to assist you in this process.

The office known as Ageless Aesthetics was also inspected in 06/2019

6) Please confirm your relationship with this practice, specifically, provide the dates you were the medical director and what your role was/is in this practice.

In your response you denied ever being the Medical Director for Ageless Aesthetics. Numerous invoices for dangerous drugs used in this practice (Ageless Aesthetics) were found under your name for various dates to include dates between 09/2018 – 04/2019. A business agreement and copy of payments to you (by Ageless Aesthetics) have been provided. Please clearly state if you had any relationship and/or role in this practice (i.e. did you order medications, supervise injections, see patients, provide oversight, etc). If you maintain that you had no relationship with this portion of the business please explain why there is a signed business agreement and several payments were made to you.

In Ageless Aesthetics, Mona Dever-Goldsmith (an unlicensed person) had possession of keys to the medication room/cabinet.

7) Please explain why an unlicensed person had unencumbered access to medications

Dangerous drug invoices for Ageless Aesthetics showed you as the ordering/authorizing physician as late as 05/2019.

8) Please confirm how oversight of medication ordering, storage, and administration is/was provided for this office (Ageless Aesthetics). If you have ceased being the medical director, please explain why dangerous drugs are still being obtained using your credentials.

In your response, you deny oversight of medication ordering storage and administration. You left the practice in 04/2019 therefore cannot explain any ordering done under your name in May 2019. There were numerous invoices found in your name from the time you were at the practice (09/2018 – 04/2019). Please clearly state if you authorized these medications or had knowledge of them ordering dangerous drugs using your credentials.

Please address each of the following issues/violations found during the 06/2019 inspection (some of which were repeated violations from the previous years' inspection):

In your response for questions 9-19 you simply stated you left Trimcare in 04/2019 therefore had no knowledge or responsibility for practices in 06/2019 (the time of inspection). For all of the below listed violations, please respond in accordance to your time at Trimcare from 09/2018 – 04/2019.

9) The refrigerator temperature at the time of inspection was 28F yet the refrigerator temperature log consistently showed 42F. There were no temperature logs prior to May 2019.

10) There were absolutely no printed and signed prescriptions for dispensed medications. It appears medications are dispensed to patients from a chart order which may or may not be signed by the practitioner.

11) Dispensed medications are not checked and/or verified by the practitioner prior to patient receipt.

12) The dispensing technician has keys to the medication cabinet and have access to medications when the practitioners are not present.

13) Multiple patient areas/rooms contained expired medications and supplies to include two items expired since 2007 and numerous others expired more than 1 year ago.

14) The triage room and refrigerator contained syringes filled with an unidentified and unlabeled drug (described by staff as B12 and Vitamin D). These syringes were reportedly prepared in a medication stock room which contained alcohol disinfectant that expired in 2017.

15) Professional sample medications are also expired

16) There is no informed consent for dispensed medications (NAC 639.745 (2))

It appears that all dangerous drugs and controlled substances are managed (ordered, stored, dispensed, prescribed) by unlicensed personnel.

17) Provide an explanation as to how you managed the security and access to your medications (for dispensing and administration) as well as prescriptions (both electronic and paper)

18) Please explain how medications dispensed were billed to the patients and/or insurance. (i.e. are they included in a package price or itemized separately?)

19) The inventory of controlled substances appeared to be incomplete. Please provide a copy of your most recent inventory of controlled substances from Trimcare (i.e. closing inventory). Please also provide copies of any transfers of medications/stock (i.e. from Dr. Goldsmith's inventory to yours or yours to Dr. Chancellors after you left).

In addition to the above, it has been discovered that you were arrested on 10/24/2018 for DUI-Drugs and traffic offenses. Please explain why this arrest was not disclosed in your application for your controlled substance registration and dispensing practitioner registration renewals dated 10/26/2018. In the arrest report, it shows positive tests for oxycodone, alprazolam, and oxymorphone. In that timeframe, you had personal prescriptions for oxycodone and alprazolam but none for oxymorphone. Please explain how you obtained the oxymorphone.

Please provide the information referenced above and a written response to the foregoing allegations. Include with your response any records or other information you believe will help the Board make a determination in this case. Any written statement must include your handwritten signature attesting that it is true and accurate.

Please feel free to contact me with any questions. I can be reached at (702) 486-6420, Ext. 154.

Respectfully,

**Dena McClish, Investigator
Nevada State Board of Pharmacy
1050 E Flamingo Rd Ste E217
Las Vegas, NV 89119
Office: 702-486-6420 ext 154
Fax: 702-486-7903**

EXHIBIT 16

EXHIBIT 16

Abdel M. Khalek, M.D.
320 North Nellis Boulevard, Suite 6
Las Vegas, Nevada 89110
702-551-2987 (Office)
702-993-3957 (Fax)

March 11, 2020

Ms. Dena McClish
Investigator
Nevada State Board of Pharmacy
1050 E. Flamingo Rd Suite E217
Las Vegas, Nevada 89119-7524

Re: Nevada Board of Pharmacy Investigative Case #19-103

Dear Ms. McClish:

This correspondence provides my response to yours of December 12th and 19th, 2019, requesting supplemental information from my November 7, 2019 response regarding the various allegations in your June 19, 2019 correspondence. Thank you for providing an extension to respond. I have listed each question in your letter followed by my answer.¹

- 1) *Please clarify your dates of employment, ownership, and practice at the Trimcare facility located at 5375 S. Fort Apache Rd #102 and 103. Provide documentation that shows your ownership and dissolution of such. Provide copies of any employment and/or business agreements/arrangements with Vinay Bararia, MD.*

Answer to question 1: I was employed by Goldsmith Healthcare, Ltd. from March 2018 to September 2018. Ivan Goldsmith, M.D./Goldsmith Healthcare, Ltd. sold the practice to Vinay Bararia/Nevada Health Services, LLC in August 2018. (See Ex. A). In October 2018, I loaned \$75,000.00 to Nevada Health Services, LLC because Dr. Bararia was short on the money to pay Dr. Goldsmith. (See Ex. B). He claimed he was waiting for the money from India. Dr. Bararia prepared a draft partnership agreement regarding the ownership of Nevada Health Services, LLC, but I did not agree to the terms and did not sign it. (See Ex. C). In November 2018, Dr. Bararia paid back the \$75,000.00 to me. He prepared an agreement that was signed on November 27, 2018, which stated upon execution I would have no ownership or interest in the ownership of Nevada Health Services, LLC/Trimcare. (See Ex. D). I was employed there until April 12, 2019, when I quit. In May 2019, my attorney also received correspondence from Dr. Bararia's attorney that confirms "there was never any partnership agreement between Dr. Khalek and my client [Dr. Bararia]." (See Ex. E).

¹ For ease of reference, I have added the new information you have requested in italics and bold font, with my response directly following.

Ms. Dena McClish

March 10, 2020

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In your response, you deny any ownership, interest, or management of this practice however State SOS, business licensing records, a written partnership agreement, and prior verbal admittance by you contradict this statement. Please provide any documentation that clearly delineates your interest/responsibility to Nevada Health Services, LLC, dates of such, and/or your disassociation with such.

Answer: In reviewing the Nevada Secretary of State Business Entity Search, it was discovered that I was at one point listed as one of the “Managers” of Nevada Health Services, LLC. **(Exhibit F)**. This was done without my knowledge. Next, in reviewing the Clark County Fictitious Firm Name website, I learned that Dr. Bararia recorded Fictitious Firm Name Certificate for Trimcare, listing himself as the Owner on October 3, 2018. **(Exhibit G)**. Nevada Health Services, LLC filed a Fictitious Firm Name Certificate for Trimcare, listing itself as the Owner on October 31, 2018 (and again on January 29, 2020). **(Exhibit H)**. A business license for Trimcare was obtained by Nevada Health Services, LLC on November 7, 2018. **(Exhibit I)**. None of these filings were done with my knowledge, consent, or participation. I had no involvement in the formation of these entities. Other than the information provided in my earlier response (Exhibits A-E), I have no additional documentation delineating my interest/responsibility to Nevada Health Services, LLC.

- 2) ***A copy of your PMP prescribing and dispensing reports are attached from 09/01/2018 to 06/04/2019. Please examine these reports for accuracy and report and explain any discrepancies.***

Answer to question 2:

At this time I am unable to research for accuracy and report an explanation of any discrepancies in the PMP reports for many patients due to Trimcare’s refusal to release copies of the patients’ chats to me. I can only verify the information for patients who have continued to treat with me at my new practice after I quit working at Trimcare. Those patients are as follows:

Jackie Bradner
Roy Crewz
Judy Enderson
Charles Frith
Sharen Frith
Michael Hanlon
Joseph Pagnusat
Aracelli Porras
Carl Macher
Sami Sidhm
Donna Tyler

Ms. Dena McClish

March 10, 2020

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Additionally, there are several patients I recall and I believe the information is accurate but I cannot verify it without the charts. They are as follows:

Josefa Acopiado
Hani Alkhalil
Peter Andrade
Darcy Ashley
Stephen Baca
Simmie Beals
Kristina Bianchi
Stephen Bianchi
Mike Boyd
Colleen Carpenter
Ashley Dane
Jean-Pierr Dussaubat
Isabella Goldsmith
Ivan Goldsmith
Philippe Grolet
Abdul-Malik Hoodbhoy
Mary Hoyt
Katarina Hradilek
Sharmaine Jackson
William Kadera
Janeen Landram
Sean Landram
Laurie Lenoble
James Lynch
Robert Malinowski
Jose Mendoza
Lori Mendoza
Melanie Morgan
Jennifer Mowrer
Ruth Mowrer
Alexandria Neville
Bryson Prisbrey
Nadia Qureshi Com
Pedro Reyes
Stephanie Reyes
Michael Rudolph
Jessica Russo
Sharmain Saldana
Marzena Smith
Nevada Stupak
Revekka Sumner
Darrell Tellis

Phyllis Tellis
Desaree Treadwell
Sharon Wilson
Lisa Zamora

In your response, you claim knowledge of or a probable relationship with 57 of the listed patients. There are 358 patients listed in the dispensing report alone. Please clearly state how you believe the remaining patients may have obtained prescriptions dispensed under your name. Do you believe or have knowledge of Dr. Bararia, Dr. Chancellor, and/or PA-C Hoffman dispensing and/or prescribing medications to patients using your credentials? Did you authorize medications to be dispensed under your name to patients seen/treated/evaluated by Dr. Chancellor and/or Dr. Bararia?

Answer: I do not know how the remaining patients may have obtained prescriptions dispensed under my name. I do not have actual knowledge of Dr. Bararia, Dr. Chancellor, and/or PA-C Hoffman prescribing medications to these patients using my credentials. I never allowed anyone to dispense, write or e-scribe any prescriptions in my name, including those seen/treated/evaluated by Dr. Chancellor and/or Dr. Bararia.

In October 2018, you were informed by NV Board of Medical Examiners staff to cease writing and/or authorizing prescriptions for controlled substances for patients whom you did not have a bona fide patient physician relationship with. On 01/09/2019 you came to the Pharmacy Board office and advised that Bararia was continuing to use your name and credentials to both obtain and dispense controlled substances. You also advised that Medicare patients were being seen and billed under your NPI/credentials even though Bararia is banned from benefiting from federal funds.

- 3) *Please explain why you continued to allow unlicensed personnel to use your name and credentials to perform unauthorized and illegal activities in a business and medical practice which you had ownership in and management of.*

Answer to question 3:

I disagree with the above alleged facts and deny these allegations. I did *not* allow or continue to allow unlicensed personnel to use my name and credentials to perform unauthorized and illegal activities in a medical practice I had an ownership in and managed. Not only had I left the practice prior to your inspection, but also I was not involved in the management of Trimcare. Further, as stated in Exhibit D, "Dr. Khalek will have no ownership or interest in ownership of Nevada Health Services, LLC/Trimcare."

I do not write or authorize prescriptions for controlled substances for patients with whom I do not have a physician-patient relationship. I made it clear that I did not authorize Dr. Bararia to use my name and credentials to obtain and dispense controlled substances. I also advised that Medicare patients were not to be seen and billed by Dr. Bararia under my NPI/credentials. I brought these issues to the attention of both the Medical Board and the Board of Pharmacy in the hope that they would properly investigate the matter. I also gave my notice and quit my job at Trimcare.

In your response, you clearly state that you never allowed this to occur, however, in interviews with the Medical Board, the Pharmacy Board, and DEA task force officer, you clearly stated you were aware of these fraudulent activities yet you remained in the office. Please clearly state why you maintained employment until 04/2019 if you knew these activities were being performed as early as 11/2018 when you claim to have had no interest, management, or ownership of the business.

Answer: In my earlier response, I indicated that I did not allow (or continue to allow) unlicensed personnel to use my name and credentials to perform unauthorized and illegal activities in a medical practice I had an ownership in and managed. I maintained employment through April 2019, because Dr. Bararia was working directly with and under Dr. Chancellor. Dr. Chancellor was responsible for supervising Dr. Bararia, and he was responsible for writing any prescriptions or dispensing any medications needed to treat patients seen by himself and Dr. Bararia. Dr. Bararia hired Dr. Chancellor for the purpose of writing prescriptions for and seeing Dr. Bararia's patients. I was hoping to recover the money owed to me by Trimcare, and because I had informed the relevant authorities and agencies of Dr. Bararia's concerning conduct, I believed that I had fulfilled my obligations in that regard. I never thought it would take seven months from my reports for the authorities to come in there for the first time. I continued my employment hoping to receive the compensation I was due, while continuing to earn income to support myself by seeing my patients in the practice. I believed that these relevant authorities and agencies were going to intervene with regard to Dr. Bararia based on the information provided, and that if I waited just a little longer, I could continue on with the practice once Dr. Bararia was removed. I believed that someone would intervene soon and put a halt to the concerning activities. Once I realized that I was not going to be paid the money owed to me and that relevant authorities and agencies were not going to intervene and address Dr. Bararia's conduct, I made arrangements to leave the practice.

During the 01/09/2019 conversation and those with Medical Board staff, you referred to a phone being used by the front office staff to authenticate your credentials when transmitting e-prescriptions. In our inspection of the Trimcare facility on 06/13/2019, a Samsung cell phone was located and observed with the authenticator app currently being used for Dr. Chancellor's credentials.

Please clarify if you believe this was the same phone used by office staff to obtain your authenticator code for e-scribing. Please explain who purchased and set up this phone with the authenticator app. Please also explain why you allowed unlicensed personnel to e-scribe schedule II controlled substances on your behalf and why you allowed unlicensed personnel unencumbered access to your prescribing credentials (whether they used your personal phone or the 'office' phone. Please also explain how you ensured the security of this phone and the personnel who may have accessed it.

- 4) **Answer to question 4:** I disagree with the alleged facts above. I don't know whose cell phone was found during the inspection that occurred well after I had left employment. I don't know who purchased or set up any phone with the authenticator application. I never authorized any personnel in the front office to use my phone or use my credentials on any other phone. I always stayed in the back and hand wrote my prescriptions and gave them to the patient. I have an Apple iphone that is password protected. I did not allow unlicensed personnel unencumbered access to my prescribing credentials. I kept my phone on my person.

In your response, you deny these facts. Please clearly state if you deny telling myself and Agent Neal (DEA Task Force) about this phone during the 01/09/2019 interview. You clearly deny authorizing anyone else to use your credentials and authenticator on your or any other phone but you do not clearly state if you were aware of this practice. Please clearly state if you were or were not aware of any other persons using your credentials and authenticator to send e-scripts. Please also state if you personally sent e-scripts for CII medications or if you allowed a medical assistant or other party to assist you in this process.

Answer: I do not recall advising that there was a phone being used for Dr. Chancellor's e-scripts. I do not know the details of who purchased or set up the authenticator application for him. While working at Trimcare, I was not aware of anyone using my credentials and authenticator to send e-scripts. As previously stated, I handwrote all of my prescriptions 99% of the time. On one occasion, I handed my phone to a medical assistant to authorize a prescription while I was present and watching her, while we were in a patient room. I did not otherwise ever authorize or allow a medical assistant or other party to e-scribe CII-CIV medications on my behalf.

During our inspection in 06/2019, large bottles of alcoholic beverages were observed in the office and break room refrigerators.

- 5) *As there have been allegations made of the practitioners in this office smelling like alcohol, please advise if alcohol or other intoxicating substances were consumed by you and or other office staff before treating patients and/or dispensing prescriptions.*

Ms. Dena McClish

March 10, 2020

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Answer to question 5: I am a Muslim. I don't drink alcohol. When I was at the office I never saw any alcohol. Any alcohol found in the office in June 2019 was not known to me nor was it mine. I never frequented the break room or refrigerators. I have never consumed alcohol while seeing patients or at any workplace.

The office known as Ageless Aesthetics was also inspected in 06/2019.

- 6) *Please confirm your relationship with this practice, specifically, provide the dates you were the medical director and what your role was/is in this practice.*

Answer to question 6: I was never the Medical Director for either Ageless Aesthetics or Trimcare. Please see my answer to question 1.

In your response you denied ever being the Medical Director for Ageless Aesthetics. Numerous invoices for dangerous drugs used in this practice (Ageless Aesthetics) were found under your name for various dates to include dates between 09/2018-04/2019. A business agreement and copy of payments to you have been provided. Please clearly state if you had any relationship and/or role in this practice (i.e. did you order medications, supervise injections, see patients, provide oversight, etc.) If you maintain that you had no relationship with this portion of the business please explain why there is a signed business agreement and several payments were made to you.

Answer: I did not order any medications for this practice (Ageless Aesthetics). I did not supervise any injections. I did not provide any oversight to this practice (Ageless Aesthetics). I was asked to see new clients of Ageless Aesthetics, and would only listen to their heart and lungs, ask if they had any medication allergies, or any prior complaints or complications from Botox. I cannot explain why there is a signed business agreement with Ageless Aesthetics, I do not recall ever signing one.

In Ageless Aesthetics, Mona Dever-Goldsmith (an unlicensed person) had possession of keys to the medication room/cabinet.

- 7) *Please explain why an unlicensed person had unencumbered access to medications.*

Answer to question 7: Mrs. Goldsmith is listed as having license number TD00275 in the inspection notice included with your letter. She is also listed by the Nevada Secretary of State as a managing member of Trimcare Wellness, LLC and Ageless Aesthetics, LLC. I don't know whether or why an unlicensed person had unencumbered access to medications. I did not have a key to the medication room/cabinet.

Dangerous drug invoices for Ageless Aesthetics showed you as the ordering/authorizing physician as late as 05/2019.

- 8) *Please confirm how oversight of medication ordering, storage, and administration is/was provided for this office (Ageless Aesthetics). If you have ceased being the medical director, please explain why dangerous drugs are still being obtained using your credentials:*

Answer to question 8: I don't know how oversight of medication ordering, storage, and administration is/was provided for Ageless Aesthetics. I am not working with Trimcare or Ageless Aesthetics. I was never the Medical Director for either facility. Any ordering/authorizing of dangerous drugs in May 2019 was done without my knowledge or permission since I left the practice as of April 12, 2019.

In your response, you deny oversight of medication ordering storage and administration. You left the practice in 04/2019 therefore cannot explain any ordering done under your name in May 2019. There were numerous invoices found in your name from the time you were at the practice (09/2018-04/2019). Please clearly state if you authorized these medications or had knowledge of them ordering dangerous drugs using your credentials.

Answer: I never gave permission to anyone to order controlled substances.

Please address each of the following issues/violations found during the 06/2019 inspection (some of which were repeated violations from the previous years' inspection):

In your response to questions 9-19 you simply stated you left Trimcare in 04/2019 therefore had no knowledge or responsibility for practices in 06/2019 (the time of inspection). For all of the below listed violations, please respond in accordance to your time at Trimcare from 09/2018-04/2019.

- 9) *The refrigerator temperature at the time of inspection was 28F yet the refrigerator temperature log consistently showed 42F. There were no temperature logs prior to May 2019.*

Answer to question 9:

I have no knowledge of this issue. I left employment with Trimcare several months before the inspection.

Supplement to Answer to question 9: I cannot explain why there were no temperature logs available for the period of my employment, nor can I explain why there were none prior to my employment. While I had a dispensing license for Trimcare, I did not dispense any medications during my time there. There were others employed with dispensing practitioner licenses, and there were multiple dispensing technicians.

- 10) *There were absolutely no printed and signed prescriptions for dispensed medications. It appears medications are dispensed to patients from a chart order which may or may not be signed by the practitioner.*

Answer to question 10:

I don't know how they were keeping prescriptions or dispensing medications at that time. I left employment with Trimcare several months before the inspection.

Supplement to Answer to question 10: I cannot explain why there were no printed or signed prescriptions for dispensed medications for the period of my employment, nor can I explain why there were none prior to my employment. While I had a dispensing license for Trimcare, I did not dispense any medications during my time there. There were others employed with dispensing practitioner licenses, and there were multiple dispensing technicians.

- 11) *Dispensed medications are not checked and/or verified by the practitioner prior to patient receipt.*

Answer to question 11:

I don't know how they were checking or verifying dispensed medications at that time. I left employment with Trimcare several months before the inspection.

Supplement to Answer to question 11: I cannot explain this for the period of my employment, nor can I explain this for any period prior to my employment. While I had a dispensing license for Trimcare, I did not dispense any medications during my time there. There were others employed with dispensing practitioner licenses, and there were multiple dispensing technicians.

- 12) *The dispensing technician has keys to the medication cabinet and have access to medications when the practitioners are not present.*

Answer to question 12:

Please see my answer to question 7.

Supplement to Answer to question 12: I cannot explain this for the period of my employment, nor can I explain this for any period prior to my employment. While I had a dispensing license for Trimcare, I did not dispense any medications during my time there. There were others employed with dispensing practitioner licenses, and there were multiple dispensing technicians.

///

- 13) *Multiple patient areas/rooms contained expired medications and supplies to include two items expired since 2007 and numerous others expired more than 1 year ago.*

Answer to question 13:

I have no knowledge of this issue. I left employment with Trimcare several months before the inspection.

Supplement to Answer to question 13: I did not see anything that had been expired since 2007.

- 14) *The triage room and refrigerator contained syringes filled with an unidentified and unlabeled drug (described by staff as B12 and Vitamin D). These syringes were reportedly prepared in a medication stock room which contained alcohol disinfectant that expired in 2017.*

Answer to question 14:

I have no knowledge of this issue. I left employment with Trimcare several months before the inspection.

Supplement to Answer to question 14: I cannot explain this for the period of my employment, nor can I explain this for any period prior to my employment. While I had a dispensing license for Trimcare, I did not dispense any medications during my time there. I did not utilize syringes of B12 or Vitamin D as part of my employment. There were others employed with dispensing practitioner licenses, and there were multiple dispensing technicians. I have no knowledge of this issue.

- 15) *Professional sample medications are also expired.*

Answer to question 15:

I have no knowledge of this issue. I left employment with Trimcare several months before the inspection.

Supplement to Answer to question 15: I am not aware of which professional sample medications the Board is referring. I cannot explain this for the period of my employment, nor can I explain this for any period prior to my employment. I have no knowledge of this issue.

- 16) *There is no informed consent for dispensed medications (NAC 639.745 (2))*

It appears that all dangerous drugs and controlled substances are managed (ordered, stored, dispensed, and prescribed), by unlicensed personnel.

Answer to question 16:

Please see my answer to question 8. When I prescribed controlled substances for a patient I gave the patient a written prescription that I wrote and signed. Again, I left employment with Trimcare several months before the inspection.

Supplement to Answer to question 16: I do not have any knowledge about this issue, other than what I have already shared with the Board. I cannot explain this for the period of my employment, nor can I explain this for any period prior to my employment. While I had a dispensing license for Trimcare, I did not dispense any medications during my time there. There were others employed with dispensing practitioner licenses, and there were multiple dispensing technicians.

- 17) *Provide an explanation as to how you managed the security and access to your medications (for dispensing and administration) as well as prescriptions (both electronic and paper)*

Answer to question 17:

Please see my answers to questions 4, 8 and 16.

Supplement to Answer to question 17: I managed the security and access to electronic and paper prescriptions by hand-writing 99% of my prescriptions and maintaining possession of my personal cell phone from which my credentials could be used to submit e-scripts.

- 18) *Please explain how medications dispensed were billed to the patients and/or insurance. (i.e. are they included in a package price or itemized separately?)*

Answer to question 18:

I have no knowledge of this issue.

Supplement to Answer to question 18: I do not have information responsive to this inquiry. While I had a dispensing license for Trimcare, I did not dispense any medications during my time there. There were others employed with dispensing practitioner licenses, and there were multiple dispensing technicians.

- 19) *The inventory of controlled substances appeared to be incomplete. Please provide a copy of your most recent inventory of controlled substances from Trimcare (i.e. closing inventory). Please also provide copies of any transfers of medications/stock (i.e. from Dr. Goldsmith's inventory to yours or yours to Dr. Chancellors after you left).*

///

Ms. Dena McClish
March 10, 2020
12

Answer to question 19:

I have no such copies. No inventory was ever given to me.

Supplement to Answer to question 19: I never touched the phentermine, nor did I ask for it, and nor did I ever provide it to anyone. I have no additional information to provide.

In addition to the above, it has been discovered that you were arrested on 10/24/2018 for DUI-Drugs and traffic offenses. Please explain why this arrest was not disclosed in your application for your controlled substance registration and dispensing practitioner registration renewals dated 10/26/2018. In the arrest report, it shows positive tests for oxycodone, alprazolam, and oxymorphone. In that timeframe, you had personal prescriptions for oxycodone and alprazolam but none for oxymorphone. Please explain how you obtained the oxymorphone.

Answer: I was diagnosed with stage IV colon cancer in 2009. (Exhibit J). I was prescribed oxycodone, alprazolam, and oxymorphone at various times to help manage the pain related to the cancer. (Exhibit K). The pain management doctor wanted to take off oxycodone and try oxymorphone, but that was after the motor vehicle accident. I was prescribed Opana. I did not like it. I never prescribed this drug to any of my patients. I spoke with our pharmacist and showed him the toxicology report, and he said it was highly unlikely.

The renewal forms were prepared by the Office Manager at Trimcare. I did not know that I had been "arrested" on October 24, 2018. I was never placed in handcuffs, and in my native country an arrest involved placement in handcuffs. The police stated they needed to draw my blood and I complied. Afterwards, we went to the police station so that one of the officers could drive me home. My car was towed from the scene of the accident. Notwithstanding, I was unaware of sufficient information to respond to that question differently had I prepared the renewal paperwork myself. Specifically, there were no police or arrest reports available to me. It was not until August 12, 2019, that a Criminal Complaint was filed against me advising of the charges. I did not have a prescription for oxymorphone until I began treating with Dr. Imas. I was not taking this drug in October 2018.

I attest that the foregoing is true and accurate.

Sincerely,

Abdel M. Khalek, MD
Encl.

Ms. Dena McClish
March 10, 2020
12

Answer to question 19:

I have no such copies. No inventory was ever given to me.

Supplement to Answer to question 19: I never touched the phentermine, nor did I ask for it, and nor did I ever provide it to anyone. I have no additional information to provide.

In addition to the above, it has been discovered that you were arrested on 10/24/2018 for DUI-Drugs and traffic offenses. Please explain why this arrest was not disclosed in your application for your controlled substance registration and dispensing practitioner registration renewals dated 10/26/2018. In the arrest report, it shows positive tests for oxycodone, alprazolam, and oxymorphone. In that timeframe, you had personal prescriptions for oxycodone and alprazolam but none for oxymorphone. Please explain how you obtained the oxymorphone.

Answer: I was diagnosed with stage IV colon cancer in 2009. (Exhibit J). I was prescribed oxycodone, alprazolam, and oxymorphone at various times to help manage the pain related to the cancer. (Exhibit K). The pain management doctor wanted to take off oxycodone and try oxymorphone, but that was after the motor vehicle accident. I was prescribed Opana. I did not like it. I never prescribed this drug to any of my patients. I spoke with our pharmacist and showed him the toxicology report, and he said it was highly unlikely.

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I attest that the foregoing is true and accurate.

Sincerely,



Abdel M. Khalek, MD
Encl.

EXHIBIT F

ENTITY INFORMATION

ENTITY INFORMATION

Entity Name: NEVADA HEALTH SERVICES LLC	Entity Number: E0402202018-4
Entity Type: Domestic Limited- Liability Company (88)	Entity Status: Active
Formation Date: 08/28/2018	NV Business ID: NV20181812084
Termination Date: Perpetual	Annual Report Due Date: 8/31/2020
Series LLC: <input type="checkbox"/>	Restricted LLC: <input type="checkbox"/>

REGISTERED AGENT INFORMATION

Name of Individual or Legal Entity: BHAVNA BARARIA	Status: Active
CRA Agent Entity Type:	Registered Agent Type: Non-Commercial Registered Agent
NV Business ID:	Office or Position:
Jurisdiction:	
Street Address: 9335 BRONZE RIVER AVE, LAS VEGAS, NV, 89149, USA	
Mailing Address: 9335 BRONZE RIVER AVE, LAS VEGAS, NV, 89149	
Individual with Authority to Act:	
Fictitious Website or Domain Name:	

OFFICER INFORMATION

VIEW HISTORICAL DATA

Title	Name	Address	Last Updated	Status
Manager	VINAY BARARIA	5375 S Fort Apache Rd Suite 102-103, Las Vegas, NV, 89148, USA	06/20/2019	Active
Manager	ROBERT CHANCELLOR	5375 S FORT APACHE RD SUITE 102, LAS VEGAS, NV, 89148, USA	03/07/2019	Active
Manager	VINAY BARARIA	9335 BRONZE RIVER AVE, LAS VEGAS, NV, 89149, USA	03/07/2019	InActive
Manager	ABDEL M KHALEK	3001 LAKE EAST DR APT 1216, LAS VEGAS, NV, 89117, USA	03/07/2019	InActive
Manager	VINAY BARARIA	9335 BRONZE RIVER AVE, LAS VEGAS, NV, 89149, USA	03/07/2019	InActive

Page 1 of 1, records 1 to 5 of 5

[Filing History](#) [Name History](#) [Mergers/Conversions](#)

[Return to Search](#) [Return to Results](#)

EXHIBIT G

HELP

Instrument Number: 201810031170174

Search Results

Record Date: 10/3/2018

Book Type: FFN - FICTITIOUS FIRM NAMES

Instrument #: 201810031170174

Number of Pages: 1

Doc Type: FFN - FFN
CERTIFICATE

Business Name: TRIMCARE

Mailing Addr 1: 5375 S. FORT
APACHE ROAD

Mailing City: LAS VEGAS

Mailing State: NV

Mailing Zip: 89148

Owner Name: BARARIA, VINAY

Expiration Date: 10/3/2023

EXHIBIT H

20070719100129290

20071108100199040

20071108100199050

20110304100036870

201810031170174

201810311171563

HELP

Instrument Number: 201810311171563

Search Results

Record Date: 10/31/2018

Book Type: FFN - FICTITIOUS FIRM NAMES

Instrument #: 201810311171563

Number of Pages: 1

Doc Type: FFN - FFN
CERTIFICATE

Business Name: TRIMCARE

Mailing Addr 1: 5375 S. FORT
APACHE ROAD

Mailing Addr 2: SUITE 102

Mailing City: LAS VEGAS

Mailing State: NV

Mailing Zip: 89148

Owner Name: NEVADA HEALTH SERVICES LLC

Expiration Date: 10/31/2023

20070719100129290

20071108100199040

20071108100199050

20110304100036870

201810031170174

201810311171563

202001291001530

HELP

**Instrument
Number:**

202001291001530

Search Results

Record Date: 1/29/2020

Book Type: FFN - FICTITIOUS FIRM NAMES

Instrument #: 202001291001530

Number of Pages: 1

Doc Type: FFN - FFN
CERTIFICATE

Business Name: TRIMCARE

Mailing Addr 1: 5375 S. FORT
APACHE RD. STE 102

Mailing City: LAS VEGAS

Mailing State: NV

Mailing Zip: 89148

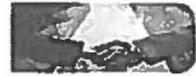
Owner Name: NEVADA HEALTH SERVICES LLC

Expiration Date: 1/29/2025

EXHIBIT I



Business License: Services



License Search

Business License Detail Information

License Number:	2005111.062-190
MJBL Number:	
Business:	Trimcare Suite 102 Suite 102 5375 S Fort Apache Rd Las Vegas, NV 89148
Business Telephone:	(702) 367-0808
License Category:	Professional Services - Healthcare & Social Assist
Status:	Licensed
Date of License:	11/07/2018
Out of Business Date:	
Business Owner(s)	
Nevada Health Services LLC	

[Return to Previous Page](#)
[Return to Business License Database Search Options](#)

EXHIBIT J



JOHNS HOPKINS MEDICINE
 1500 Orleans Street
 Baltimore, MD 21287-0010
 Amb Encourager Report

Abdel, Abdel
 MRN: JH74164371 DOB: 8/31/1942 Sex: M
 Adm #: HIST200910JH74564371
 Visit date: 10/29/2009

Imaging - All Orders and Results (continued)

CT Abdomen Pelvis WO Contrast

Rad Conversion Interface on 10/26/09 2032
 Rad Conversion Interface 10/26/09 2032

Status: Completed

CT Abdomen Pelvis WO Contrast

Result status: Final result

Accession Number: 8706178

Referring Dept: JH RADIOLOGY SIEMENS

The Russell H. Morgan Department Of Radiology
 and Radiological Science
 The Johns Hopkins Hospital, Baltimore, MD 21287

EXAM: ABDOMEN PELVIS

Exam Date: 10/29/2009 00:30 ORD #93001 Accession #8706178
 Patient Number: 4564371
 Age: 67 Sex: M Race: O
 Referring: MICHAEL ANDREW, PHD MD

EXAM: 0509140 - CT ABD W/PELVIS W/O CONTR - Oct 29 2009 00:30
 8706178

RESULT
 INDICATION: Colon cancer

TECHNIQUE: CT abdomen and pelvis with oral and intravenous contrast. Images from an outside facility dated 10/29/09 are submitted for review. Images obtained in the precontrast, venous phase and delayed phase of contrast administration.

FINDINGS
 LUNG BASES: Small calcified granuloma left lung base. No nodules or effusions.

ABDOMEN: 3.3 x 0.8 cm mass in segment 7 of the liver. The spleen, pancreas, kidneys, and adrenals are unremarkable. There is no mesenteric or retroperitoneal lymphadenopathy. No free air or free fluid.

PELVIS: There is an area of focal thickening of the mid to distal sigmoid colon. There is an adjacent 7 mm lymph node. Few other lymph nodes are seen in the vicinity that appear to be round in morphology and measure up to 5 mm. The prostate is enlarged measuring 5.3 x 5 cm. The seminal vesicles are unremarkable. The small bowel loops are normal. No inguinal lymphadenopathy.

No suspicious lytic or blastic lesions in the osseous structures.

IMPRESSION:
 Enlargement of wall thickness in the mid to distal sigmoid colon may represent the sigmoid colon cancer. Adjacent lymphadenopathy.



JOHNS HOPKINS
1970 Orleans Street
Baltimore, MD 21287-3010
An Encounter Report

Order: 406
MRN: JHT4884371 DOB: 08/11/1942 SEX: M
Acc# HIST200910JHT4884371
Visit date: 10/28/2009

Imaging - All Orders and Results (continued)

CT Abdomen Pelvis WO Contrast (continued)

suspicious for regional metastases. Additionally, a hepatic lesion in segment 7 of the liver is suspicious for metastatic disease.

Updated Oct 28 2009 1:27PM

AT F. CAHERR MD

IMAGES AND INTERPRETATION PERSONALLY READ BY

AT F. CAHERR MD

HOSPITAL ENCOUNTER NOTES

Progress Notes filed by Michael Andrew Chott, MD at 2/23/2013 6:19 AM

Author: Michael Andrew Chott, MD	Service: —	Auth: T. Chott, Physician
Date: 2/23/2013 6:19 AM	Encounter: 102850009	Status: Signed
File: Transcription Copy for Referral		

Name: Khabib, Abdul
Address: 28 Congress Street
Las Vegas NV 89102
Phone: 702/247-1116
DOB: 08/11/1942
Race: Cuban
Gender: Male
Primary Provider: Chott, Michael Andrew
Other Providers:
101-2841100
Document No:

REASON FOR VISIT:

Dr. Khabib is a 67-year-old gentleman, an internist from Las Vegas, who presented with acute abdominal pain.

HISTORY OF PRESENT ILLNESS:

Dr. Khabib has had a long history of good health, presented with a 2-day history of acute abdominal pain.



JOHNS HOPKINS
HOSPITAL

1101 N. MICHIGAN STREET
600 N. LEAS STREET
Baltimore, MD 21287-7000
AMC Enclosure Room

ROCK AVE
MPL 107264371 MOB 6011144 Ser W
App # M1205701744227
Visit Date 10/23/09

HOSPITAL ENCOUNTER NOTES (continued)

Progress Notes filed by Michael Andrew Chou, MD at 2/23/2013 6:19 AM (continued)

In the stool. This proctored colonoscopy performed twice, which revealed a colonic mass in the region of the sigmoid colon. This biopsy confirmed adenocarcinoma, extending beyond the mucosa revealing a circumferential thickening of the submucosa. Biopsy also revealed a solitary lesion in the segment of the lower colon with consistency similar to the sigmoid adenocarcinoma. Biopsy revealed a mass in this area, but where it could be seen the lesion was not seen on the lower

Colonoscopy history: Unremarkable for any major medical illnesses. Family history: Significant for an appropriate age. Family history: Significant for colorectal cancer.

Social history: He is a consistent physician in the Las Vegas area. He lives with his wife. They have two sons. He smokes daily tobacco and does not drink alcohol. Review of systems is negative for any weight loss, weight gain, fever, night sweats, or change in appetite. Skin is negative for any rashes, eruptions, or lesions. Heart is negative for any murmurs, gallops, or rubs. Lungs are negative for any wheezes, crackles, or rales. Abdomen is negative for any masses, tenderness, or distention. Neurological is negative for any weakness, numbness, or tingling. Musculoskeletal is negative for any pain, swelling, or deformity. Hematologic is negative for any anemia, leukocytosis, or leukopenia. Endocrine is negative for any diabetes. Allergic is negative for any allergies. Immunologic is negative for any autoimmune disease. Infectious is negative for any fever, cough, or sputum.



JOHN HOPKINS UNIVERSITY
 1800 Orleans Street
 Baltimore MD 21287-0010
 Amb Encounter Report

Amraka Abdo
 MPA, JH-7656437 • DOB 9/11/1962 SEX M
 Acct# HIST200910JH74564374
 Visit date 10/29/2009

HOSPITAL ENCOUNTER NOTES (continued)

Progress Notes filed by Michael Andrew Choti, MD at 2/23/2013 6:19 AM (continued)

Unremarkable for:

phlebotomy, TVE, or pain. Infection is negative for SBE prophylaxis.

Medications:

Levetiracetam and Fentanyl.

Assessment:

None.

Other Findings:

In general examination, this is a healthy-appearing gentleman in an upright position.

He weighs 156 pounds, blood pressure 170/55, temperature 98.5, heart rate 100.

There is no evidence of jaundice or scleral icterus. There is no lymphadenopathy or cervical.

enlargement, nor any of regional nodes. There is no evidence of thyroid disease or

thyroid enlargement. There are no cervical bruits. His chest is clear to auscultation.

Respiratory throughout all lung fields, as well as to percussion. He has no S3 or rales. His heart has a regular rate and rhythm, with no murmurs, rubs or gallops.

His abdomen is soft, nontender, well-healed appendectomy scars noted. There are no

palpable masses noted. No evidence of fecal colic noted. He has no evidence of lower

extremity edema, cyanosis, or clubbing. He has no neurological deficits noted.

Before the imaging studies included the CT scan were performed. It had approximately 1 cm

mass was noted in the posterior right hemisphere, primarily in segment 7, consistent with a

solitary metastasis. No other lesions are noted in the liver. He does have

in the distal sigmoid colon consistent with a primary tumor.

Assessment:

In summary, this 67-year-old gentleman presents with dizziness, postural

hypotension, and weight loss. He has a primary tumor in the sigmoid colon and a

EXHIBIT K

CVS Pharmacy

KHALEK, ABDEL
964 COAT BRIDGE ST
LAS VEGAS,NV,89145

Private and Confidential
Intended for Addressee Only

10/24/19

Dear Patient:

Enclosed is your Patient Prescription record, as recently requested from CVS Pharmacy.

If you have questions about this record, please go to www.CVS.com/privacy for further information or contact the Privacy Office at 1.800.287.2414.

5

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. 21-8734-1

6 **Against:**

FILED

7 **ABDEL MALICK KHALEK, M.D.,**

FEB - 1 2021

8 **Respondent.**

**NEVADA STATE BOARD OF
MEDICAL EXAMINERS**
By: 

9
10 **COMPLAINT**

11 The Investigative Committee (IC)¹ of the Nevada State Board of Medical Examiners
12 (Board), by and through Aaron Bart Fricke, Esq., Senior Deputy General Counsel and attorney for
13 the IC, having a reasonable basis to believe that Abdel Malick Khalek, M.D. (Respondent), violated
14 the provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code
15 (NAC) Chapter 630 (collectively, the Medical Practice Act), hereby issues its Complaint, stating the
16 IC's charges and allegations as follows:

17 1. Respondent was at all times relative to this Complaint a licensed medical doctor
18 holding an active license to practice medicine in the State of Nevada (License No. 6899).
19 Respondent was originally licensed by the Board on August 14, 1993.

20 2. Respondent held at all times relative to this Complaint a controlled substance
21 registration, Certificate of Registration No. CS 19745, and a dispensing practitioner registration,
22 Certificate of Registration No. PD00722, issued by the Nevada State Board of Pharmacy
23 (Pharmacy Board).

24 3. Vinay Kumar Bararia, M.D. ("Bararia"), at all times relative to this Complaint, did
25 not hold license to practice medicine in the State of Nevada issued by the Board, and did not hold

26 ///

27
28 ¹The 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 Mr. M. Neil Duxbury, Chairman, Aury Nagy,
M.D., and Michael C. Edwards, M.D., FACS.

1 a controlled substance registration, dispensing practitioner registration or any other kind of license
2 issued by the Pharmacy Board.

3 4. On March 8, 2013, the Board ordered and accepted the voluntary surrender of
4 Bararia's license to practice medicine (License No. 11355), pursuant to NAC 630.240, while
5 under investigation.

6 5. On October 23, 2014, in the matter of *United States of America v. Vinay Bararia*,
7 United States District Court, District of Nevada, Case No. 2:12-cr-00236, the Court entered its
8 Judgment in a criminal case, adjudging Bararia as guilty of violating 21 U.S.C. 841(a)(1) &
9 (b)(1)(C), felony distribution of a controlled substance, and sentenced him to forty-four (44)
10 months of imprisonment, among other sanctions.

11 6. Following Bararia's release from incarceration, on August 26, 2018, Bararia
12 formed Nevada Health Services, LLC, a Nevada Limited-Liability Company, operating a medical
13 practice doing business as Trimcare (Trimcare), located at 5375 South Fort Apache Road, Suites
14 102 and 103, Las Vegas, Nevada 89148.

15 7. Respondent co-owned and/or was employed at Trimcare from at least
16 October 2018 through April 2019.

17 8. Bararia in the course of operating Trimcare, purchased, accessed, stored, possessed,
18 administered, furnished, prescribed and/or dispensed controlled substances and dangerous drugs
19 under Respondent's name, without Respondent having a bona fide therapeutic relationship with
20 patients, without Respondent being present at the time prescriptions were dispensed, and/or
21 otherwise falsely represented himself as a practitioner entitled to write prescriptions in this state.

22 9. Respondent failed to prevent Bararia, in the course of operating Trimcare, to
23 purchase, access, store, possess, administer, furnish, prescribe and/or dispense controlled
24 substances and dangerous drugs under Respondent's name, without Respondent having a bona
25 fide therapeutic relationship with any such patient or being present at the time the prescription was
26 dispensed, and/or otherwise falsely represent himself as a practitioner entitled to write
27 prescriptions in this state.

28 ///

1 16. It is a crime to falsify a prescription for a controlled substance. *See* 21 U.S.C. §
2 841(a); 21 U.S.C. § 842(a); NRS 453.331(1)(c), (d), (f), (h) and (i).

3 17. It is a crime to falsely represent oneself as a practitioner entitled to write
4 prescriptions in this state. *See* 21 U.S.C. § 841(a); 21 U.S.C. § 842(a); NRS 639.281(1);
5 NRS 639.2813(1).

6 18. A dispensing practitioner must issue a written prescription for each medication
7 dispensed, verify medications for accuracy prior to dispensing, maintain complete, accurate and
8 readily retrievable records of all controlled substances and dangerous drugs purchased and
9 dispensed, inventory controlled substances at least once every two (2) years, properly store and
10 maintain the inventory, maintain the security of the inventory from unauthorized access, and
11 segregate and/or dispose of adulterated and/or expired dangerous drugs. *See* NRS 453.246;
12 NRS 585.370; NRS 585.420; NRS 639.282; NAC 453.400; NAC 453.410; NAC 453.475;
13 NAC 454.040; NAC 639.475; NAC 639.476; NAC 639.510; NAC 639.601; NAC 639.742,
14 NAC 639.743; NAC 639.745; 21 U.S.C. § 842(a)(5); 21 CFR 1304.11; 21 CFR 1304.21.

15 19. Performing or in any way being a party to any fraudulent or deceitful practice or
16 transaction constitutes unprofessional conduct or conduct contrary to the public interest pursuant
17 to NAC 639.945(1)(h).

18 20. Performing any duties as the holder of a controlled substance registration in an
19 incompetent, unskillful or negligent manner constitutes unprofessional conduct or conduct
20 contrary to the public interest pursuant to NAC 639.945(1)(i).

21 21. Aiding or abetting a person not licensed to practice pharmacy in the State of
22 Nevada constitutes unprofessional conduct or conduct contrary to the public interest pursuant to
23 NAC 639.945(1)(j).

24 22. Dispensing a drug as a dispensing practitioner or prescribing a drug as a
25 prescribing practitioner to a patient with whom the practitioner does not have a bona fide
26 therapeutic relationship constitutes unprofessional conduct or conduct contrary to the public
27 interest pursuant to NAC 639.945(1)(o).

28 ///

1 23. Pursuant to NRS 639.23507, a practitioner shall, before issuing an initial
2 prescription for a controlled substance listed in schedule II, III or IV or an opioid that is a
3 controlled substance listed in schedule V and at least once every ninety (90) days thereafter for the
4 duration of the course of treatment using the controlled substance, obtain a patient utilization
5 report regarding the patient from the computerized program established by the Pharmacy Board
6 and the Investigation Division of the Department of Public Safety pursuant to NRS 453.162
7 (hereinafter, the "NPMP"). The practitioner shall:

8 (a) Review the patient utilization report; and

9 (b) Determine whether the patient has been issued another prescription for
10 the same controlled substance that provides for ongoing treatment using
11 the controlled substance.

12 24. Bararia accessed, stored, possessed, administered, furnished, dispensed and
13 prescribed controlled substances and dangerous drugs under Respondent's name and Pharmacy
14 Board credentials, falsely represented himself as a practitioner entitled to write controlled
15 substance prescriptions in this state, falsified prescriptions for controlled substances, was a party
16 with Respondent to fraudulent and deceitful practices and transactions, and with respect to the
17 controlled substances, issued prescriptions for controlled substances without querying the NPMP,
18 without reviewing the NPMP patient utilization report and determining whether the patient had
19 been issued another prescription for the same controlled substance.

20 25. Bararia's conduct constitutes the practice of medicine pursuant to NRS 630.020.

21 26. Respondent failed to secure from Bararia and thereby permitted him to access,
22 store, possess, administer, furnish, dispense and/or prescribe controlled substances and dangerous
23 drugs under Respondent's name and Pharmacy Board credentials, permitted Bararia to falsely
24 represent himself as a practitioner entitled to write controlled substance prescriptions in this state,
25 permitted Bararia to falsify prescriptions for controlled substances, was a party to fraudulent and
26 deceitful practices and transactions, performed duties as the holder of a controlled substance
27 registration in an incompetent, unskillful and negligent manner, aided and abetted Bararia, a
28 person not licensed to practice pharmacy in the State of Nevada, to prescribe and dispense drugs

1 to patients with whom Respondent did not have a bona fide therapeutic relationship, and, with
2 respect to the controlled substances, to prescribe these without querying the NPMP and without
3 reviewing the NPMP patient utilization report and determining whether the patient had been
4 issued another prescription for the same controlled substance.

5 27. Respondent failed to issue a written prescription for each medication dispensed,
6 failed to verify medications for accuracy prior to dispensing, failed to maintain complete, accurate
7 and readily retrievable records of all controlled substances and dangerous drugs purchased and
8 dispensed, failed to inventory controlled substances at least once every two (2) years, failed to
9 properly store and maintain the inventory, failed to maintain the security of the inventory from
10 unauthorized access, and failed to segregate and/or dispose of adulterated and/or expired
11 dangerous drugs.

12 28. By, without limitation, the conduct described herein, Respondent unlawfully
13 prescribed controlled substances and dangerous drugs to others in violation of federal and state
14 laws, including, but not limited to, each of those cited in paragraphs 13-25 above, and any one
15 such violation is independent grounds for initiating disciplinary action pursuant to
16 NRS 630.306(1)(c).

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

19 **COUNT II**

20 **NRS 630.305(1)(e) (Aiding and Assisting the Unlicensed Practice of Medicine)**

21 30. All of the allegations in the above paragraphs are hereby incorporated by reference
22 as though fully set forth herein.

23 31. Pursuant to 630.305(1)(e), aiding, assisting, employing or advising, directly or
24 indirectly, any unlicensed person to engage in the practice of medicine contrary to the provisions
25 of NRS Chapter 630 and the regulations of the Board is grounds for initiating disciplinary action
26 or denying licensure.

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VERIFICATION

STATE OF NEVADA)
 : ss.
COUNTY OF WASHOE)

Mr. M. Neil Duxbury, 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 1st day of February, 2021.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

M. NEIL DUXBURY
M. Neil Duxbury, Chairman

CERTIFICATE OF SERVICE

I hereby certify that I am employed by the Nevada State Board of Medical Examiners and that on the 12th day of February, 2021, I served a file-stamped copy of the COMPLAINT, via U.S. Certified Mail and to the following addresses:

Abdel Malick Khalek, M.D.
320 N. Nellis Blvd., Ste. 6
Las Vegas, NV 89110
**Certified Receipt No.:* 9171 9690 0935 0243 8327 17

Abdel Malick Khalek, M.D.
3430 E. Flamingo Rd., #104
Las Vegas, NV 89121
**Certified Receipt No.:* 9171 9690 0935 0243 8327 24

Abdel Malick Khalek, M.D.
3430 E. Flamingo Rd., #106
Las Vegas, NV 89121
**Certified Receipt No.:* 9171 9690 0935 0243 8327 31

DATED this 12th day of February, 2021.


Mercedes Fuentes, Legal Assistant
Nevada State Board of Medical Examiners

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**BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA**

* * * * *

In the Matter of Charges and Complaint

Case No. 21-8734-1

Against:

ABDEL MALICK KHALEK, M.D.,

Respondent.

FILED

MAR - 2 2021

**NEVADA STATE BOARD OF
MEDICAL EXAMINERS**

By: 

PROOF OF SERVICE

COMPLAINT



February 18, 2021

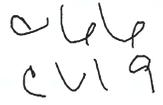
Dear Mercedes Fuentes:

The following is in response to your request for proof of delivery on your item with the tracking number:
9171 9690 0935 0243 8327 17.

Item Details

Status:	Delivered, Left with Individual
Status Date / Time:	February 18, 2021, 2:50 pm
Location:	LAS VEGAS, NV 89110
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Recipient Signature

Signature of Recipient:	
Address of Recipient:	

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004



[FAQs >](#)

Track Another Package +

Tracking Number: 9171969009350243832717

[Remove X](#)

Your item was delivered to an individual at the address at 2:50 pm on February 18, 2021 in LAS VEGAS, NV 89110.

Delivered

February 18, 2021 at 2:50 pm
Delivered, Left with Individual
LAS VEGAS, NV 89110

Feedback

Get Updates 

Text & Email Updates 

Return Receipt Electronic 

Tracking History 

February 18, 2021, 2:50 pm

Delivered, Left with Individual
LAS VEGAS, NV 89110

Your item was delivered to an individual at the address at 2:50 pm on February 18, 2021 in LAS VEGAS, NV 89110.

February 17, 2021, 8:59 pm

Departed USPS Regional Facility
LAS VEGAS NV DISTRIBUTION CENTER

February 17, 2021, 4:54 pm

Arrived at USPS Regional Facility
LAS VEGAS NV DISTRIBUTION CENTER

February 16, 2021, 11:02 pm

Arrived at USPS Regional Facility
RENO NV DISTRIBUTION CENTER

February 16, 2021, 1:19 pm

USPS picked up item
RENO, NV 89521

February 13, 2021

Pre-Shipment Info Sent to USPS, USPS Awaiting Item

Product Information



Feedback

See Less ^

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs



February 18, 2021

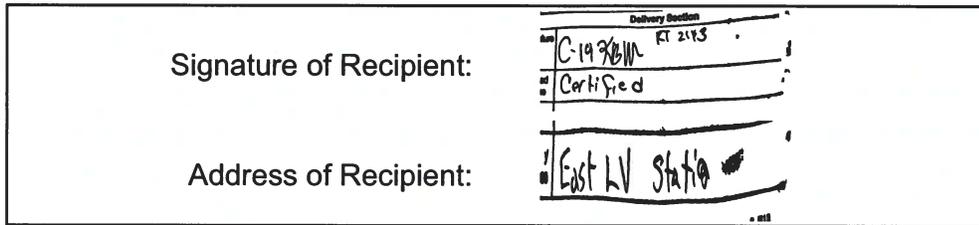
Dear Mercedes Fuentes:

The following is in response to your request for proof of delivery on your item with the tracking number:
9171 9690 0935 0243 8327 24.

Item Details

Status:	Delivered, Front Desk/Reception/Mail Room
Status Date / Time:	February 18, 2021, 8:12 am
Location:	LAS VEGAS, NV 89121
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Recipient Signature



Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
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Washington, D.C. 20260-0004

Track Another Package +

Tracking Number: 9171969009350243832724

[Remove X](#)

Your item was delivered to the front desk, reception area, or mail room at 8:12 am on February 18, 2021 in LAS VEGAS, NV 89121.

Delivered

February 18, 2021 at 8:12 am
Delivered, Front Desk/Reception/Mail Room
LAS VEGAS, NV 89121

Feedback

Get Updates ✓

Text & Email Updates ✓

Return Receipt Electronic ✓

Tracking History ^

February 18, 2021, 8:12 am

Delivered, Front Desk/Reception/Mail Room
LAS VEGAS, NV 89121

Your item was delivered to the front desk, reception area, or mail room at 8:12 am on February 18, 2021 in LAS VEGAS, NV 89121.

February 17, 2021, 9:00 pm

Departed USPS Regional Facility
LAS VEGAS NV DISTRIBUTION CENTER

February 17, 2021, 4:54 pm

Arrived at USPS Regional Facility
LAS VEGAS NV DISTRIBUTION CENTER

February 16, 2021, 11:02 pm

Arrived at USPS Regional Facility
RENO NV DISTRIBUTION CENTER

February 16, 2021, 1:19 pm

USPS picked up item
RENO, NV 89521

February 13, 2021

Pre-Shipment Info Sent to USPS, USPS Awaiting Item

Product Information



Feedback

See Less ^

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs



February 18, 2021

Dear Mercedes Fuentes:

The following is in response to your request for proof of delivery on your item with the tracking number:
9171 9690 0935 0243 8327 31.

Item Details

Status:	Delivered, Front Desk/Reception/Mail Room
Status Date / Time:	February 18, 2021, 8:14 am
Location:	LAS VEGAS, NV 89121
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Recipient Signature

Signature of Recipient:	 Certified
Address of Recipient:	

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004



[FAQs >](#)

Track Another Package +

Tracking Number: 9171969009350243832731

[Remove X](#)

Your item was delivered to the front desk, reception area, or mail room at 8:14 am on February 18, 2021 in LAS VEGAS, NV 89121.

Delivered

February 18, 2021 at 8:14 am
Delivered, Front Desk/Reception/Mail Room
LAS VEGAS, NV 89121

[Feedback](#)

Get Updates 

Text & Email Updates 

Return Receipt Electronic 

Tracking History 

February 18, 2021, 8:14 am

Delivered, Front Desk/Reception/Mail Room
LAS VEGAS, NV 89121

Your item was delivered to the front desk, reception area, or mail room at 8:14 am on February 18, 2021 in LAS VEGAS, NV 89121.

February 17, 2021, 8:58 pm

Departed USPS Regional Facility
LAS VEGAS NV DISTRIBUTION CENTER

February 17, 2021, 4:54 pm

Arrived at USPS Regional Facility
LAS VEGAS NV DISTRIBUTION CENTER

February 16, 2021, 11:02 pm

Arrived at USPS Regional Facility
RENO NV DISTRIBUTION CENTER

February 16, 2021, 1:19 pm

USPS picked up item
RENO, NV 89521

February 13, 2021

Pre-Shipment Info Sent to USPS, USPS Awaiting Item

Product Information

Feedback
∨

See Less ^

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs

1 **BEFORE THE BOARD OF MEDICAL EXAMINERS**
2 **OF THE STATE OF NEVADA**

3 * * * * *

FILED

APR 12 2021

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: _____

4
5
6 **In the Matter of Charges and**

Case No. 21-8734-1

7 **Complaint Against**

Early Case Conference Date: May 6, 2021
@ 10:00 a.m.

8 **ABDEL MALICK KHALEK, M.D.,**

9 **Respondent.**
10

11 **ORDER SCHEDULING EARLY CASE CONFERENCE¹**

12 TO: Aaron Bart Fricke
13 Senior Deputy General Counsel
14 Nevada State Board of Medical Examiners
15 9600 Gateway Drive
Reno, Nevada 89521

16 Abdel Malick Khalek, M.D.
17 320 N. Nellis Blvd., Ste 6
18 Las Vegas, NV 89509

19 **NOTICE IS HEREBY GIVEN** that, in compliance with NRS 630.339(3), **an Early Case**
20 **Conference will be conducted on May 6, 2021, beginning at the hour of 10:00 a.m.** The Early
21 Case Conference will be held via conference call. The conference call number is 1-717-275-8941
22 and the access code is 8792457.²

23 ¹ The date allotted to file an answer pursuant to NRS 630.339 has passed, i.e. March 10, 2021, which is why this Order
24 is being issued absent an answer having been filed.

25 ² NRS 630.339(3) provides as follows:

26 Within 20 days after the filing of the answer, the parties shall hold an early case conference at which the
27 parties and the hearing officer appointed by the Board or a member of the Board must preside. At the early
case conference, the parties shall in good faith:

- 28 (a) Set the earliest possible hearing date agreeable to the parties and the hearing officer, panel of the Board or
the Board, including the estimated duration of the hearing:

1 The scheduled Early Case Conference shall be attended by the parties in person or by any
2 party's legal counsel of record and will be conducted by the undersigned Hearing Officer to discuss
3 and designate the dates for the Pre-Hearing Conference and Hearing and the other procedural
4 matters established in NRS 630.339.

5 At the Pre-Hearing Conference, in accordance with NAC 630.465,³ each party shall provide
6 the other party with a copy of the list of witnesses they intend to call to testify, including therewith,
7 the qualifications of each witness so identified, and a summary of the testimony of each witness. If
8 a witness is not on the list of witnesses, that witness may subsequently not be allowed to testify at
9 the Hearing unless good cause is shown for omitting the witness from said list.⁴ Likewise, all
10

11 (b) Set dates:

- 12 (1) By which all documents must be exchanged;
13 (2) By which all prehearing motions and responses thereto must be filed;
14 (3) On which to hold the prehearing conference; and
15 (4) For any other foreseeable actions that may facilitate the timely and fair conduct of the matter.

16 (c) Discuss or attempt to resolve all or any portion of the evidentiary or legal issues in the matter;

17 (d) Discuss the potential for settlement of the matter on terms agreeable to the parties; and

18 (e) Discuss and deliberate any other issues that may facilitate the timely and fair conduct of the matter.

19 ³ NAC 630.465 provides as follows:

20 1. At least 30 days before a hearing but not earlier than 30 days after the date of service upon the physician or
21 physician assistant of a formal complaint that has been filed with the Board pursuant to NRS 630.311, unless
22 a different time is agreed to by the parties, the presiding member of the Board or panel of members of the
23 Board or the hearing officer shall conduct a prehearing conference with the parties and their attorneys. All
24 documents presented at the prehearing conference are not evidence, are not part of the record and may not be
25 filed with the Board.

26 2. Each party shall provide to every other party a copy of the list of proposed witnesses and their qualifications
27 and a summary of the testimony of each proposed witness. A witness whose name does not appear on the list
of proposed witnesses may not testify at the hearing unless good cause is shown.

3. All evidence, except rebuttal evidence, which is not provided to each party at the prehearing conference
may not be introduced or admitted at the hearing unless good cause is shown.

4. Each party shall submit to the presiding member of the Board or panel or to the hearing officer conducting
the conference each issue which has been resolved by negotiation or stipulation and an estimate, to the nearest
hour, of the time required for presentation of its oral argument.

⁴ In identifying a patient as a witness the parties are cautioned to omit from any pleadings filed with undersigned Hearing
Officer any addresses, telephone numbers, social security numbers or other personal information regarding such

1 evidence, except rebuttal evidence, that is not provided to each party at the Pre-Hearing Conference
2 may also not be introduced or admitted at the Hearing unless good cause is shown.

3 It is further ordered that legal counsel for the Nevada State Board of Medical Examiners and
4 the Respondent shall keep undersigned Hearing Officer advised of each issue which has been
5 resolved by negotiation or stipulation, if any. At the Early Case Conference the parties must also
6 provide an estimate, to the nearest hour, of the time required for presentation of their respective
7 cases.

8 **ACCORDINGLY, NOTICE IS HEREBY GIVEN** that the possible sanctions
9 authorized by NRS 630.352, NAC 630.555, and NRS 622.400 upon a finding of guilt to one or
10 more of the Counts raised in said Board Complaint include the following:

11 A. Placement on probation for a specified period on any of the conditions specified
12 in an order issued by the Board;

13 B. Administration of a public reprimand;

14 C. Placement of a limitation on Respondent's practice, or exclusion of one or more
15 specified branches of medicine from Respondent's practice;

16 D. Suspension of Respondent's license for a specified period or until further order
17 of the Board;

18 E. Revocation of Respondent's license to practice medicine;

19 F. A requirement that Respondent participate in a program to correct alcohol or
20 drug dependence or any other impairment;

21 G. A requirement that there be specified supervision of Respondent's practice;

22 H. A requirement that Respondent perform public service without compensation;

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individual and to confine their submissions in this regard to the name of the witness, the relevancy of any testimony
sought to be elicited from that witness and a summary of their anticipated testimony.

1 I. A requirement that Respondent take a physical or mental examination, or an
2 examination testing Respondent's competence;

3 J. A requirement that Respondent fulfill certain training or educational
4 requirements, or both, as specified by the Board;

5 K. A fine not to exceed \$5,000.00;

6 L. A requirement that the Respondent pay all costs incurred by the Board relating
7 to this disciplinary proceeding, as more fully set forth in NRS 622.400.
8

9 DATED this 7th day of April 2021.

10
11 By:



Patricia Halstead, Esq.
Hearing Officer
(775) 322-2244

CERTIFICATE OF SERVICE

I hereby certify that I am employed by the Nevada State Board of Medical Examiners and that on the 12th day of April, 2021, I served a true and correct file-stamped copy of the foregoing **ORDER SCHEDULING EARLY CASE CONFERENCE**, to the following parties:

AARON B. FRICKE, ESQ.
9600 Gateway Drive
Reno, Nevada 89521
via electronic mail to: africke@medboard.nv.gov

ABDEL MALICK KHALEK, M.D.
320 N. Nellis Blvd., Ste. 6
Las Vegas, NV 89110
via U.S Certified Mail **9171 9690 0935 0243 8358 00**

ABDEL MALICK KHALEK, M.D.
3430 E. Flamingo Rd., #104
Las Vegas, NV 89121
via U.S Certified Mail **9171 9690 0935 0243 8357 94**

ABDEL MALICK KHALEK, M.D.
3430 E. Flamingo Rd., #106
Las Vegas, NV 89121
via U.S Certified Mail:

with a courtesy copy via electronic mail to: **9171 9690 0935 0243 8357 87**

PATRICIA HALSTEAD, ESQ., Hearing Officer
phalstead@halsteadlawoffices.com

DATED this 12th day of April, 2021.


MERCEDES FUENTES, Legal Assistant
Nevada State Board of Medical Examiners

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. 21-8734-1

6 **Against:**

FILED

7 **ABDEL MALICK KHALEK, M.D.,**

MAY - 3 2021

8 **Respondent.**

**NEVADA STATE BOARD OF
MEDICAL EXAMINERS**
By: 

9
10 **AFFIDAVIT OF MERCEDES FUENTES**

11 STATE OF NEVADA)
12 COUNTY OF WAHOE) ss.

13 I, MERCEDES FUENTES, Legal Assistant at the Nevada State Board of Medical
14 Examiners, hereby deposes and states under penalty of perjury under the laws of the State of
15 Nevada that the following assertions are true and correct to the best of my knowledge, except as to
16 those matters stated upon information and belief and that as to those such matters I believe them to
17 be true.

18 1. At all times herein I was and am employed by the Nevada State Board of Medical
19 Examiners (Board) as a Legal Assistant.

20 2. On April 12, 2021, I placed for mailing a file-stamped copy of the Order Setting
21 Early Case Conference (Order), in Case No. 21-8734-1, to Abdel Malick Khalek, M.D.
22 (Respondent), at his last known address reported to the Board of 320 N. Nellis Blvd., Ste. 6,
23 Las Vegas, Nevada 89110, Certified Mailing Receipt No. 9171969009350243835800. A copy of
24 the Certificate of Service for the Order with tracking is attached hereto as **Exhibit 1**.

25 3. On April 12, 2021, I called Respondent at his telephone number of (702) 239-1900
26 at 2:44 PM to inquire about Respondent's current mailing address. There was no answer and a
27 detailed message was left, requesting his response. See **Exhibit 2**. This phone number was given

28 ///

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

1 to me by Aaron B. Fricke, J.D., on April 5, 2021 via email after he had spoken with Respondent.
2 *See Exhibit 3.*

3 4. On April 23, 2021, I again attempted to reach Respondent using the same telephone
4 number at 11:12 AM. Respondent answered the phone and confirmed his identity. I informed
5 him of who I was and that I was requesting a current mailing address to serve the Order and
6 informed the Respondent of the Early Case Conference date and time for his attendance.
7 Respondent asked for me to call him back "Monday, at any time". *See Exhibit 4.*

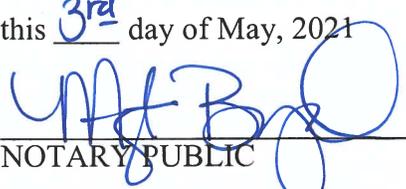
8 5. On April 26, 2021, I attempted to call Respondent at 10:29 AM and there was no
9 answer. A message was left indicating that I was calling again as requested by him and asked that
10 Respondent call me back and I left my contact number again. *See Exhibit 5.*

11 6. On April 26, 2021, I called Respondent at 12:21 PM in which he answered his
12 phone. He confirmed his identity and I informed him I was from the legal department at the
13 Board and was calling to obtain a current mailing address in which to send the Order. Respondent
14 informed me that he did not, at this time, have an address to provide and that he would call me
15 back to give me an address. I informed Respondent that the Early Case Conference was scheduled
16 for May 6, 2021, at 10:00 AM, and that the call in number was 1 (717) 275-8941 with an access
17 code of 8792457. I further confirmed that Respondent had the accurate details and had him repeat
18 the details back to me. *See Exhibit 5.*

19 7. To this date, I have not received any further communication from Respondent.
20 Further your affiant sayeth naught.

21
22 By: 
23 MERCEDES FUENTES
24 Legal Assistant
Nevada State Board of Medical Examiners

25 SUBSCRIBED and SWORN to before me
26 this 3rd day of May, 2021

27 
28 _____
NOTARY PUBLIC



CERTIFICATE OF SERVICE

I hereby certify that I am employed by the Nevada State Board of Medical Examiners and that on the 4th day of May, 2021, I served a true and correct file-stamped copy of the foregoing **AFFIDAVIT OF MERCEDES FUENTES**, to the following parties:

AARON B. FRICKE, ESQ.
9600 Gateway Drive
Reno, Nevada 89521
via electronic mail to: africke@medboard.nv.gov

ABDEL MALICK KHALEK, M.D.
320 N. Nellis Blvd., Ste. 6
Las Vegas, Nevada 89110
via U.S Certified Mail: **9171 9690 0935 0255 6180 02**

PATRICIA HALSTEAD, ESQ.
615 S. Arlington Avenue
Reno, Nevada 89509
courtesy copy by email to: phalstead@halsteadlawoffices.com

DATED this 4th day of May, 2021.


MERCÉDES FUENTES
Legal Assistant
Nevada State Board of Medical Examiners

EXHIBIT 1

EXHIBIT 1

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

CERTIFICATE OF SERVICE

I hereby certify that I am employed by the Nevada State Board of Medical Examiners and that on the 12th day of April, 2021, I served a true and correct file-stamped copy of the foregoing **ORDER SCHEDULING EARLY CASE CONFERENCE**, to the following parties:

AARON B. FRICKE, ESQ.
9600 Gateway Drive
Reno, Nevada 89521
via electronic mail to: africke@medboard.nv.gov

ABDEL MALICK KHALEK, M.D.
320 N. Nellis Blvd., Ste. 6
Las Vegas, NV 89110
via U.S Certified Mail. 9171 9690 0935 0243 8358 00

ABDEL MALICK KHALEK, M.D.
3430 E. Flamingo Rd., #104
Las Vegas, NV 89121
via U.S Certified Mail. 9171 9690 0935 0243 8357 94

ABDEL MALICK KHALEK, M.D.
3430 E. Flamingo Rd., #106
Las Vegas, NV 89121
via U.S Certified Mail:

with a courtesy copy via electronic mail to: 9171 9690 0935 0243 8357 87

PATRICIA HALSTEAD, ESQ., Hearing Officer
phalstead@halsteadlawoffices.com

DATED this 12th day of April, 2021.


MERCEDES FUENTES, Legal Assistant
Nevada State Board of Medical Examiners

Track Another Package +

Tracking Number: 9171969009350243835800

[Remove X](#)

The delivery status of your item has not been updated as of April 16, 2021, 12:56 am. We apologize that it may arrive later than expected.

Awaiting Delivery Scan

April 16, 2021 at 12:56 am

Feedback

Get Updates ∨

Text & Email Updates



Return Receipt Electronic



Tracking History



April 16, 2021, 12:56 am

Awaiting Delivery Scan

The delivery status of your item has not been updated as of April 16, 2021, 12:56 am. We apologize that it may arrive later than expected.

April 15, 2021, 6:56 am

Out for Delivery

LAS VEGAS, NV 89110

April 15, 2021, 6:45 am

Arrived at Post Office
LAS VEGAS, NV 89115

April 15, 2021, 3:34 am

Departed USPS Regional Facility
LAS VEGAS NV DISTRIBUTION CENTER

April 14, 2021, 4:58 pm

Arrived at USPS Regional Facility
LAS VEGAS NV DISTRIBUTION CENTER

April 13, 2021, 9:45 pm

Arrived at USPS Regional Facility
RENO NV DISTRIBUTION CENTER

April 13, 2021, 11:34 am

USPS picked up item
RENO, NV 89521

April 13, 2021

Pre-Shipment Info Sent to USPS, USPS Awaiting Item

Feedback

Product Information



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Go to our FAQs section to find answers to your tracking questions.

FAQs

Track Another Package +

Tracking Number: 9171969009350243835794

[Remove X](#)

Your package will arrive later than expected, but is still on its way. It is currently in transit to the next facility.

In Transit, Arriving Late

April 19, 2021

Feedback

Get Updates v

Text & Email Updates



Return Receipt Electronic



Tracking History



April 19, 2021

In Transit, Arriving Late

Your package will arrive later than expected, but is still on its way. It is currently in transit to the next facility.

April 15, 2021, 8:33 am

Departed USPS Regional Facility

LAS VEGAS NV DISTRIBUTION CENTER

Track Another Package +

Tracking Number: 9171969009350243835787

Remove X

Your package will arrive later than expected, but is still on its way. It is currently in transit to the next facility.

In Transit, Arriving Late

April 19, 2021

Feedback

Get Updates v

Text & Email Updates



Return Receipt Electronic



Tracking History



April 19, 2021

In Transit, Arriving Late

Your package will arrive later than expected, but is still on its way. It is currently in transit to the next facility.

April 15, 2021, 8:33 am

Departed USPS Regional Facility

LAS VEGAS NV DISTRIBUTION CENTER

EXHIBIT 2

EXHIBIT 2

Mercedes Fuentes

From: Mercedes Fuentes
Sent: Monday, April 12, 2021 2:47 PM
To: Aaron B. Fricke
Subject: RE: Khalek - ECC

Got it! He didn't answer so I left a message asking him to call me back 😊

Mercedes Fuentes

Legal Assistant to Sarah A. Bradley, Deputy Executive Director
Legal Assistant to Aaron B. Fricke, Senior Deputy General Counsel
Nevada State Board of Medical Examiners
9600 Gateway Drive, Reno, NV 89521
Tel: (775) 324-9380
Fax: (775) 688-2321
fuentesm@medboard.nv.gov



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From: Aaron B. Fricke <africke@medboard.nv.gov>
Sent: Monday, April 12, 2021 2:38 PM
To: Mercedes Fuentes <fuentesm@medboard.nv.gov>
Subject: RE: Khalek - ECC

Please send it to his address of record. Call that telephone number I used to contact him last week, and ask him where he'd like us to send it. 😊

Aaron Bart Fricke, J.D.
Senior Deputy General Counsel
Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, NV 89521
702.486.3813
africke@medboard.nv.gov

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From: Mercedes Fuentes <fuentesm@medboard.nv.gov>
Sent: Monday, April 12, 2021 2:37 PM
To: Aaron B. Fricke <africke@medboard.nv.gov>
Subject: Khalek - ECC

Aaron,

Today I received the original Order and therefore had it filed. How would you like for me to proceed with service of this Order upon Dr. Khalek?

I know he doesn't have an address or email...

Please advise.

Thank you! ☺

Mercedes Fuentes

Legal Assistant to Sarah A. Bradley, Deputy Executive Director
Legal Assistant to Aaron B. Fricke, Senior Deputy General Counsel
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9600 Gateway Drive, Reno, NV 89521
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EXHIBIT 3

EXHIBIT 3

Mercedes Fuentes

From: Aaron B. Fricke
Sent: Monday, April 05, 2021 2:11 PM
To: Mercedes Fuentes
Subject: Khalek

M – Memo to file

I spoke to Khalek at 702-239-1900. He says he had a stroke, but he's fine now. He's out of the hospital. He doesn't have an attorney, and doesn't want one. He wants to deal directly with me and the Board. He doesn't have email, and doesn't want one. He doesn't have a current mailing address, but he's working on getting one. I gave him my number, and he said he'd call me back with his mailing address when he gets it.

I told him that I would prefer to have a waiver of counsel in writing before I discuss the case further with him. When he gets me his mailing address, I'll send him a written waiver for him to sign.

In the meantime, let's get that HO appointed and the ECC order sent out and get this on calendar. 😊

Aaron Bart Fricke, J.D.
Senior Deputy General Counsel
Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, NV 89521
702.486.3813
africke@medboard.nv.gov

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EXHIBIT 4

EXHIBIT 4

Mercedes Fuentes

From: Mercedes Fuentes
Sent: Friday, April 23, 2021 11:18 AM
To: Aaron B. Fricke
Subject: FW: Khalek - ECC

Khalek never called me back so I called him right now and asked for an address and he told me to call him back on Monday.

When I call him on Monday I will also give him the teleconference details to him in case the mailing does not get there in time.

Just wanted to give an update.

Mercedes Fuentes

Legal Assistant to Sarah A. Bradley, Deputy Executive Director
Legal Assistant to Aaron B. Fricke, Senior Deputy General Counsel
Legal Assistant to Brandee M. Mooneyhan, Deputy General Counsel
Nevada State Board of Medical Examiners
9600 Gateway Drive, Reno, NV 89521
Tel: (775) 324-9380
Fax: (775) 688-2321
fuentesm@medboard.nv.gov



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From: Mercedes Fuentes
Sent: Monday, April 12, 2021 2:47 PM
To: Aaron B. Fricke <africke@medboard.nv.gov>
Subject: RE: Khalek - ECC

Got it! He didn't answer so I left a message asking him to call me back 😊

Mercedes Fuentes

Legal Assistant to Sarah A. Bradley, Deputy Executive Director

Legal Assistant to Aaron B. Fricke, Senior Deputy General Counsel
Nevada State Board of Medical Examiners
9600 Gateway Drive, Reno, NV 89521
Tel: (775) 324-9380
Fax: (775) 688-2321
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From: Aaron B. Fricke <africke@medboard.nv.gov>
Sent: Monday, April 12, 2021 2:38 PM
To: Mercedes Fuentes <fuentesm@medboard.nv.gov>
Subject: RE: Khalek - ECC

Please send it to his address of record. Call that telephone number I used to contact him last week, and ask him where he'd like us to send it. 😊

Aaron Bart Fricke, J.D.
Senior Deputy General Counsel
Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, NV 89521
702.486.3813
africke@medboard.nv.gov

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From: Mercedes Fuentes <fuentesm@medboard.nv.gov>
Sent: Monday, April 12, 2021 2:37 PM
To: Aaron B. Fricke <africke@medboard.nv.gov>
Subject: Khalek - ECC

Aaron,

Today I received the original Order and therefore had it filed. How would you like for me to proceed with service of this Order upon Dr. Khalek?

I know he doesn't have an address or email...

Please advise.

Thank you! ☺

Mercedes Fuentes

Legal Assistant to Sarah A. Bradley, Deputy Executive Director
Legal Assistant to Aaron B. Fricke, Senior Deputy General Counsel
Nevada State Board of Medical Examiners
9600 Gateway Drive, Reno, NV 89521
Tel: (775) 324-9380
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EXHIBIT 5

EXHIBIT 5

Mercedes Fuentes

From: Mercedes Fuentes
Sent: Monday, April 26, 2021 12:44 PM
To: Aaron B. Fricke
Subject: Khalek - 21-8734-1

Aaron,

I called Dr. Khalek back as he requested on Friday at the number he provided you (702-239-1900). I called at 10:30 AM and left a voice message with no return call and then again at 12:21 PM in which he did answer and confirmed his identity. Dr. Khalek would not provide me an address to send documents to and then told me to send it to his "Illinois address" I informed him I do not have that address on record and if he could provide it. He said he would call me back when gets there but he is not in Illinois at the moment. I further informed him that he had an ECC on May 6 and gave him the call-in details since I have nowhere to send the order to. I confirmed he had the correct number and time. He further proceeded to tell me he is unaware of any Complaint filed against him and he also stated that he has never talked to you either. I gave him your phone number so that he may receive some clarification.

Just wanted to give you an update.

Thanks,

Mercedes Fuentes

Legal Assistant to Sarah A. Bradley, Deputy Executive Director
Legal Assistant to Aaron B. Fricke, Senior Deputy General Counsel
Legal Assistant to Brandee M. Mooneyhan, Deputy General Counsel
Nevada State Board of Medical Examiners
9600 Gateway Drive, Reno, NV 89521
Tel: (775) 324-9380
Fax: (775) 688-2321
fuentesm@medboard.nv.gov



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EXHIBIT 1

EXHIBIT 1



May 11, 2021

Dear Mercedes Fuentes:

The following is in response to your request for proof of delivery on your item with the tracking number:
9171 9690 0935 0255 6180 02.

Item Details

Status:	Delivered, Front Desk/Reception/Mail Room
Status Date / Time:	May 6, 2021, 3:40 pm
Location:	LAS VEGAS, NV 89110
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Recipient Signature

Signature of Recipient:	
Address of Recipient:	

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

Track Another Package +

Tracking Number: 9171969009350255618002

Remove X

Your item was delivered to the front desk, reception area, or mail room at 3:40 pm on May 6, 2021 in LAS VEGAS, NV 89110.

Delivered, Front Desk/Reception/Mail Room

May 6, 2021 at 3:40 pm
LAS VEGAS, NV 89110

Feedback

Get Updates v

Text & Email Updates



Return Receipt Electronic



Tracking History



May 6, 2021, 3:40 pm

Delivered, Front Desk/Reception/Mail Room
LAS VEGAS, NV 89110

Your item was delivered to the front desk, reception area, or mail room at 3:40 pm on May 6, 2021 in LAS VEGAS, NV 89110.

May 6, 2021, 8:33 am

Departed USPS Regional Facility
LAS VEGAS NV DISTRIBUTION CENTER

May 5, 2021, 4:56 pm

Arrived at USPS Regional Facility
LAS VEGAS NV DISTRIBUTION CENTER

May 4, 2021, 10:37 pm

Arrived at USPS Regional Facility
RENO NV DISTRIBUTION CENTER

May 4, 2021, 9:22 pm

Accepted at USPS Origin Facility
RENO, NV 89521

Product Information



See Less ^

Feedback

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs

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**BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA**

* * * * *

In the Matter of Charges and

Case No. 21-8734-1

Complaint Against

**Prehearing Conference Date: July 20,
2021 @ 10:00 a.m.**

ABDEL MALICK KHALEK, M.D.,

FILED

Respondent.

MAY 12 2021

SCHEDULING ORDER

**NEVADA STATE BOARD OF
MEDICAL EXAMINERS**
By: 

TO: Aaron Bart Fricke
Senior Deputy General Counsel
Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, Nevada 89521

Abdel Malick Khalek, M.D.
320 N. Nellis Blvd., Ste 6
Las Vegas, NV 89509

On May 6, 2021, an Early Case Conference was conducted in this matter and held via conference call. Participating in the Early Case Conference were Aaron Bart Fricke, Esq. on behalf of the Investigative Committee and the undersigned Hearing Officer. Dr. Khalek did not appear not otherwise participate.

Prior to the Early Case Conference an Affidavit from Mercedes Fuentes, an employee of the Nevada State Board of Medical Examiners (the "Medical Board"), was submitted to the undersigned Hearing Officer indicating that a copy of the Order Scheduling Early Case Conference, filed on April 12, 2021 (the "Order"), was mailed certified to Dr. Khalek at his last known address on April 12, 2021. The tracking information submitted by Ms. Fuentes indicates that as of April 16, 2021, the Order delivery was "Awaiting Delivery Scan." Undersigned's

1 follow up on the tracking number of today's date, May 6, 2021, indicates that the Order was
2 delivered on April 16, 2021.

3 In addition to the delivery information, Ms. Fuentes indicates in her Affidavit that she had
4 attempted to speak with Dr. Khalek and verbally confirm his address with no success despite
5 having spoken with Dr. Khalek who requested she call back and who, after she called back,
6 indicated he did not have an address to provide. There has also been no indication made to the
7 undersigned Hearing Officer that Dr. Khalek has provided a new or updated address to the
8 Medical Board for use in relation to these proceedings, of which Dr. Khalek is aware by and
9 through confirmed delivery of the Complaint in addition to various communications with the
10 Medical Board.¹

11 Based upon the confirmed delivery of the Order to Dr. Khalek's last and only known
12 address, the Early Case Conference was conducted for the purpose of establishing dates for the
13 exchange of documents, filing of motions and responses, the prehearing conference, and the
14 evidentiary hearing. Accordingly, in compliance with NAC 630.465, a pre-hearing conference
15 will be conducted on July 20, 2021, at 10:00 a.m., Pacific Standard Time. The pre-hearing
16 conference will be held via conference call. The conference call number is 1-717-275-8941 and
17 the access code is 8792457. The pre-hearing conference shall be attended by the parties in person
18 and/or by and through counsel and will be conducted before the undersigned Hearing Officer to
19 assure that all written information and documentation to be presented by the parties at the formal
20 hearing is fully and completely exchanged.

21
22
23 _____
¹ NRS 630.254(1) explicitly provides:

24 Each licensee shall maintain a permanent mailing address with the Board to which all communications from the
25 Board to the licensee must be sent. A licensee who changes his or her permanent mailing address shall notify the
26 Board in writing of the new permanent mailing address within 30 days after the change. If a licensee fails to notify the
Board in writing of a change in his or her permanent mailing address within 30 days after the change, the Board:

27 (a) May impose upon the licensee a fine not to exceed \$250; and

28 (b) May initiate disciplinary action against the licensee as provided pursuant to paragraph (j) of subsection 1 of
NRS 630.306.

1 At the pre-hearing conference each party is to provide the other party with a copy of the
2 list of witnesses he intends to call to testify, including the witness' qualifications as well as a brief
3 summary of the witness' anticipated testimony. If a witness is not included in the list of
4 witnesses, that witness may not be allowed to testify at the hearing unless good cause is shown.
5 Likewise, all documentation sought to be relied upon at the formal hearing shall be exchanged at
6 or before the pre-hearing conference. If at the formal hearing any party seeks to rely upon
7 documentation not previously produced at or before the pre-hearing conference, such
8 documentation will not be permitted unless good cause is shown.

9 Any and all pre-hearing motions shall be due to the undersigned hearing officer by 5:00
10 p.m., June 21, 2021, and shall be properly served on all parties. Any and all responses thereto
11 shall be due to the undersigned hearing officer by 5:00 p.m. July 5, 2021 and shall be properly
12 served on all parties. Any and all replies shall be due to the undersigned hearing officer by 5:00
13 p.m. July 12, 2021 and shall be properly served on all parties.

14 The formal hearing in this matter is scheduled for August 26, 2021, starting at 8:00 a.m.
15 and carrying through to August 27, 2021 if necessary. Pending further notice, the hearing will be
16 held in person at the Office of the Nevada State Board of Medical Examiners, 9600 Gateway
17 Drive, Reno, Nevada 89521. Respondent must personally participate in the hearing. Following
18 the hearing, the undersigned Hearing Officer will submit to the Medical Board a synopsis of the
19 testimony taken and make a recommendation on the veracity of witnesses if there is conflicting
20 evidence or if credibility of witnesses is a determining factor, and thereafter the Board will render
21 its decision. NAC 630.470.

22 It is further ordered that legal counsel for the Investigative Committee and Respondent
23 shall keep this hearing officer apprised of each issue that has been resolved by negotiation or
24 stipulation or any other change in the status of this case.

25 Given service of process for the Complaint against Dr. Khalek has been effectuated in this
26 matter in accordance with NRS 630.344, in conjunction with the fact that Dr. Khalek is aware of
27 the proceedings and has not indicated a change of address, the Medical Board cannot be faulted
28 for any claimed lack of notice of the Order. Having been properly served with the Complaint, it is

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incumbent upon Dr. Khalek to pay head to the proceedings and to further honor his obligations as imposed by NRS 630.254. Nonetheless, if the Medical Board has an electronic mail address for Dr. Khalek, or can obtain one from a third-party source, the undersigned Hearing Officer requests that Dr. Khalek be noticed thereby in addition to any future service by mail.

DATED this 6th day of May 2021.



Patricia Halstead, Esq., Hearing Officer for the
Nevada State Board of Medical Examiners
615 S. Arlington Ave.
Reno, NV 89509
(775) 322-2244
phalstead@halsteadlawoffices.com

CERTIFICATE OF SERVICE

I hereby certify that I am employed by the Nevada State Board of Medical Examiners and that on the 14th day of May, 2021, I served a true and correct file-stamped copy of the foregoing **SCHEDULING ORDER**, to the following parties:

AARON B. FRICKE, ESQ.
9600 Gateway Drive
Reno, Nevada 89521
via electronic mail to: africke@medboard.nv.gov

ABDEL MALICK KHALEK, M.D.
320 N. Nellis Blvd., Ste. 6
Las Vegas, NV 89110
via U.S Certified Mail: **9171 9690 0935 0255 6181 01**

ABDEL MALICK KHALEK, M.D.
3430 E. Flamingo Rd., #104
Las Vegas, NV 89121
via U.S Certified Mail: **9171 9690 0935 0255 6181 18**

ABDEL MALICK KHALEK, M.D.
3430 E. Flamingo Rd., #106
Las Vegas, NV 89121
via U.S Certified Mail: **9171 9690 0935 0255 6181 25**

with a courtesy copy via electronic mail to:

PATRICIA HALSTEAD, ESQ., Hearing Officer
phalstead@halsteadlawoffices.com

DATED this 14th day of May, 2021.


MERCEDES FUENTES, Legal Assistant
Nevada State Board of Medical Examiners

EXHIBIT 1

EXHIBIT 1



May 21, 2021

Dear Mercedes Fuentes:

The following is in response to your request for proof of delivery on your item with the tracking number:
9171 9690 0935 0255 6181 01.

Item Details

Status:	Delivered, Front Desk/Reception/Mail Room
Status Date / Time:	May 17, 2021, 1:27 pm
Location:	LAS VEGAS, NV 89110
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Recipient Signature

Signature of Recipient:	
Address of Recipient:	3 rd Wells 6

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

Track Another Package +

Tracking Number: 9171969009350255618101

[Remove X](#)

Your item was delivered to the front desk, reception area, or mail room at 1:27 pm on May 17, 2021 in LAS VEGAS, NV 89110.

Delivered, Front Desk/Reception/Mail Room

May 17, 2021 at 1:27 pm
LAS VEGAS, NV 89110

Feedback

Get Updates v

Text & Email Updates



Return Receipt Electronic



 Confirmation

Your Proof of Delivery record is complete and will be processed shortly.

Your confirmation will be sent to the following:

fuentesm@medboard.nv.gov

Tracking History



May 17, 2021, 1:27 pm

Delivered, Front Desk/Reception/Mail Room

LAS VEGAS, NV 89110

Your item was delivered to the front desk, reception area, or mail room at 1:27 pm on May 17, 2021 in LAS VEGAS, NV 89110.

May 17, 2021, 3:05 am

Departed USPS Regional Facility
LAS VEGAS NV DISTRIBUTION CENTER

May 15, 2021, 5:40 pm

Arrived at USPS Regional Facility
LAS VEGAS NV DISTRIBUTION CENTER

May 14, 2021, 10:52 pm

Arrived at USPS Regional Facility
RENO NV DISTRIBUTION CENTER

May 14, 2021, 9:37 pm

Accepted at USPS Origin Facility
RENO, NV 89521

Feedback

Product Information



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Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs

1 **BEFORE THE BOARD OF MEDICAL EXAMINERS**
2 **OF THE STATE OF NEVADA**

FILED

3 *****

JUL 19 2021

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

4
5 **In the Matter of Charges and**

Case No. 21-8734-1

By: 

6 **Complaint Against**

Prehearing Conference Date: July 27,
2021 @ 10:00 a.m.

7 **ABDEL MALICK KHALEK, M.D.,**

8 **Respondent.**
9

10 **ORDER CONTINUING PREHEARING CONFERENCE**

11 TO: Aaron Bart Fricke
12 Senior Deputy General Counsel
13 Nevada State Board of Medical Examiners
14 9600 Gateway Drive
 Reno, Nevada 89521

15 Abdel Malick Khalek, M.D.
16 320 N. Nellis Blvd., Ste 6
 Las Vegas, NV 89509

17 The pre-hearing conference scheduled for this matter on July 20, 2021 at 10:00 a.m. as set
18 forth in the Scheduling Order filed on May 12, 2021, is hereby continued to July 27, 2021 at
19 10:00 a.m. With the exception of this stated pre-hearing conference continuance, the remainder of
20 the Scheduling Order filed on May 12, 2021 remains in effect pending further order.

21 DATED this 19th day of July 2021.

22
23 
24 Patricia Halstead, Esq., Hearing Officer for the
25 Nevada State Board of Medical Examiners
26 615 S. Arlington Ave.
27 Reno, NV 89509
28 (775) 322-2244
phalstead@halsteadlawoffices.com

CERTIFICATE OF SERVICE

I hereby certify that I am employed by the Nevada State Board of Medical Examiners and that on the 19th day of July, 2021, I served a true and correct file-stamped copy of the foregoing **ORDER CONTINUING PREHEARING CONFERENCE**, to the following parties:

AARON B. FRICKE, ESQ.
9600 Gateway Drive
Reno, Nevada 89521
via electronic mail to: africke@medboard.nv.gov

ABDEL MALICK KHALEK, M.D.
320 N. Nellis Blvd., Ste. 6
Las Vegas, NV 89110
via U.S Certified Mail: 9171 9690 0935 0255 6177 46

ABDEL MALICK KHALEK, M.D.
3430 E. Flamingo Rd., #104
Las Vegas, NV 89121
via U.S Certified Mail: 9171 9690 0935 0255 6177 53

ABDEL MALICK KHALEK, M.D.
3430 E. Flamingo Rd., #106
Las Vegas, NV 89121
via U.S Certified Mail: 9171 9690 0935 0255 6177 60

with a courtesy copy via electronic mail to:

PATRICIA HALSTEAD, ESQ., Hearing Officer
phalstead@halsteadlawoffices.com

DATED this 19th day of July, 2021.


MERCEDES FUENTES
Legal Assistant
Nevada State Board of Medical Examiners

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

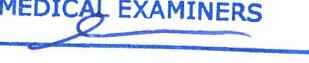
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**BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA**

* * * * *

In the Matter of Charges and Complaint
Against:
ABDEL MALICK KHALEK, M.D.,
Respondent.

Case No. 21-8734-1

FILED
JUL 27 2021
**NEVADA STATE BOARD OF
MEDICAL EXAMINERS**
By: 

PROOF OF SERVICE

I, Mercedes Fuentes, Legal Assistant for the Nevada State Board of Medical Examiners, hereby certify that on the 19th day of July, 2021, I mailed by USPS Certified Mail a file-stamped copy of the **ORDER CONTINUING PREHEARING CONFERENCE**, filed in this matter, to Abdel Malick Khalek, M.D., at the following last known and reported addresses: 320 N. Nellis Blvd., Ste. 6, Las Vegas, NV 89110 (Tracking No. 9171 9690 0935 0255 6177 46); Flamingo Rd., #104, Las Vegas, NV 89121, (Tracking No. 9171 9690 0935 0255 6177 53); and 3430 E. Flamingo Rd., #106, Las Vegas, NV 89121 (Tracking No. 9171 9690 0935 0255 6177 60).

Proof of delivery and service is attached hereto as **Exhibit 1 & 2**. Tracking for the 320 N. Nellis Blvd., address came back as undeliverable (Exhibit 3), however service has been satiated with delivery to the other last known addresses for Respondent.

DATED this 27th day of July, 2021.



MERCEDES FUENTES
Legal Assistant
Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, Nevada 89521

EXHIBIT 1

EXHIBIT 1



July 27, 2021

Dear Mercedes Fuentes:

The following is in response to your request for proof of delivery on your item with the tracking number:
9171 9690 0935 0255 6177 53.

Item Details

Status:	Delivered, Front Desk/Reception/Mail Room
Status Date / Time:	July 24, 2021, 1:44 pm
Location:	LAS VEGAS, NV 89121
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Recipient Signature

Signature of Recipient:	<i>C. Fuentes</i> <i>C. Fuentes</i>
Address of Recipient:	<i>34136</i> <i>Alameda 104</i>

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

Track Another Package +

Tracking Number: 9171969009350255617753

[Remove X](#)

Your item was delivered to the front desk, reception area, or mail room at 1:44 pm on July 24, 2021 in LAS VEGAS, NV 89121.

Delivered, Front Desk/Reception/Mail Room

July 24, 2021 at 1:44 pm
LAS VEGAS, NV 89121

[Feedback](#)

Get Updates 

Text & Email Updates



Return Receipt Electronic



Tracking History



July 24, 2021, 1:44 pm

Delivered, Front Desk/Reception/Mail Room
LAS VEGAS, NV 89121

Your item was delivered to the front desk, reception area, or mail room at 1:44 pm on July 24, 2021 in LAS VEGAS, NV 89121.

July 24, 2021, 3:45 am

Departed USPS Regional Facility
LAS VEGAS NV DISTRIBUTION CENTER

July 22, 2021
In Transit to Next Facility

July 20, 2021, 5:07 pm
Arrived at USPS Regional Facility
LAS VEGAS NV DISTRIBUTION CENTER

July 19, 2021, 11:53 pm
Arrived at USPS Regional Facility
RENO NV DISTRIBUTION CENTER

July 19, 2021, 10:38 pm
Accepted at USPS Origin Facility
RENO, NV 89521

Product Information

Feedback
∨

See Less ^

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs

EXHIBIT 2

EXHIBIT 2



July 27, 2021

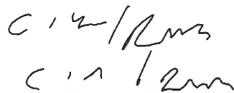
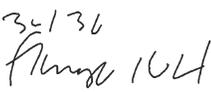
Dear Mercedes Fuentes:

The following is in response to your request for proof of delivery on your item with the tracking number:
9171 9690 0935 0255 6177 60.

Item Details

Status:	Delivered, Front Desk/Reception/Mail Room
Status Date / Time:	July 24, 2021, 1:44 pm
Location:	LAS VEGAS, NV 89121
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Recipient Signature

Signature of Recipient:	
Address of Recipient:	

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

Track Another Package +

Tracking Number: 9171969009350255617760

[Remove X](#)

Your item was delivered to the front desk, reception area, or mail room at 1:44 pm on July 24, 2021 in LAS VEGAS, NV 89121.

Delivered, Front Desk/Reception/Mail Room

July 24, 2021 at 1:44 pm
LAS VEGAS, NV 89121

[Feedback](#)

Get Updates 

Text & Email Updates 

Return Receipt Electronic 

Tracking History 

July 24, 2021, 1:44 pm

Delivered, Front Desk/Reception/Mail Room
LAS VEGAS, NV 89121

Your item was delivered to the front desk, reception area, or mail room at 1:44 pm on July 24, 2021 in LAS VEGAS, NV 89121.

July 24, 2021, 3:45 am

Departed USPS Regional Facility
LAS VEGAS NV DISTRIBUTION CENTER

July 22, 2021
In Transit to Next Facility

July 20, 2021, 5:11 pm
Arrived at USPS Regional Facility
LAS VEGAS NV DISTRIBUTION CENTER

July 19, 2021, 11:57 pm
Arrived at USPS Regional Facility
RENO NV DISTRIBUTION CENTER

July 19, 2021, 10:42 pm
Accepted at USPS Origin Facility
RENO, NV 89521

Product Information



Feedback

See Less ^

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs

EXHIBIT 3

EXHIBIT 3

Track Another Package +

Tracking Number: 9171969009350255617746

[Remove X](#)

We attempted to deliver your package at 6:11 pm on July 21, 2021 in LAS VEGAS, NV 89110 but could not access the delivery location. We will redeliver on the next business day.

Delivery Attempted - No Access to Delivery Location

July 21, 2021 at 6:11 pm
LAS VEGAS, NV 89110

Feedback

Get Updates v

Text & Email Updates



Return Receipt Electronic



Tracking History



July 21, 2021, 6:11 pm

Delivery Attempted - No Access to Delivery Location
LAS VEGAS, NV 89110

We attempted to deliver your package at 6:11 pm on July 21, 2021 in LAS VEGAS, NV 89110 but could not access the delivery location. We will redeliver on the next business day.

July 21, 2021, 8:11 am

Departed USPS Regional Facility
LAS VEGAS NV DISTRIBUTION CENTER

July 21, 2021, 7:02 am
Out for Delivery
LAS VEGAS, NV 89110

July 21, 2021, 6:51 am
Arrived at Post Office
LAS VEGAS, NV 89115

July 20, 2021, 5:07 pm
Arrived at USPS Regional Facility
LAS VEGAS NV DISTRIBUTION CENTER

July 19, 2021, 11:53 pm
Arrived at USPS Regional Facility
RENO NV DISTRIBUTION CENTER

July 19, 2021, 10:38 pm
Accepted at USPS Origin Facility
RENO, NV 89521

Feedback

Product Information



See Less ^

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs

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. 21-8734-1

6 **Against:**

FILED

7 **ABDEL MALICK KHALEK, M.D.,**

JUL 27 2021

8 **Respondent.**

**NEVADA STATE BOARD OF
MEDICAL EXAMINERS**
By: 

9
10 **AFFIDAVIT OF MERCEDES FUENTES**

11 STATE OF NEVADA)
12 COUNTY OF WAHOE) ss.

13 I, MERCEDES FUENTES, Legal Assistant at the Nevada State Board of Medical
14 Examiners, hereby deposes and states under penalty of perjury under the laws of the State of
15 Nevada that the following assertions are true and correct to the best of my knowledge, except as to
16 those matters stated upon information and belief and that as to those such matters I believe them to
17 be true.

18 1. At all times herein I was and am employed by the Nevada State Board of Medical
19 Examiners (Board) as a Legal Assistant.

20 2. On May 7, 2021, at 9:54 a.m., I received a phone call from Abdel Malick
21 Khalek, M.D. (Respondent), to my work phone number. Respondent asked me who I was and
22 where I work, and that he was calling my number because he had seen it in his missed calls. I
23 informed Respondent of my name, title and place of employment. I further informed him that we
24 had previously spoken on the phone regarding the Complaint and Order Scheduling Early Case
25 Conference filed in this case. Respondent stated that he did not know who I was and asserted that
26 he had never talked to me before and then disconnected the call.

27 3. On May 12, 2021, I called Respondent at his known telephone number of
28 (702) 239-1900 at 12:23 p.m., to inform him of the Scheduling Order filed in his case.

1 Respondent answered the call and confirmed his identity. I asked him if there was an address he
2 could provide me with to send the Scheduling Order and pleadings in this case. Respondent
3 answered “send it to my St. Louis address”. I informed him that the St. Louis address was not on
4 record with the Board, the address on file is 320 N. Nellis Blvd., Ste. 6, Las Vegas, Nevada.
5 Respondent informed me that he was currently staying with someone and would return to
6 St. Louis “in a few days”, and would, at that time, formally change his address of record. I asked
7 Respondent if I could call him Friday [May 14, 2021] so he may provide me with his new address,
8 to which he agreed and informed me that between 9:00 a.m. and 11:00 a.m. would be the best
9 times to call.

10 4. On May 14, 2021, at 10:59 a.m., I called Respondent at (702) 239-1900, as had
11 been agreed upon on our call May 12, 2021. There was no answer, and I left a voicemail detailing
12 my name, call-back number and the call was regarding my attempt to acquire an address to mail
13 the documents of this case. To this date I have not received a call back from this message.

14 5. On May 21, 2021, at 1:11 p.m., I called Respondent at (702) 239-1900.
15 Respondent answered the phone and confirmed his identity. I informed Respondent that I had
16 called him back as requested on May 14, 2021 and left a voicemail. I asked again if there was an
17 address he could provide me to send documents to, Respondent stated that he did not have an
18 address to provide. Subsequently, I provided details of the scheduled Pre-Hearing date and time,
19 with the call-in information for Respondent to participate. Respondent confirmed the information
20 I provided. I further informed Respondent of the deadline that pre-hearing motions would be due
21 and the expected contents of the pre-hearing motions. Once again, Respondent confirmed that he
22 understood and stated he would give me a call back to provide an address, so that I may send him
23 documents.

24 6. On July 19, 2021, at 1:59 p.m., I called Respondent at (702) 239-1900. There was
25 no answer. I left a voicemail detailing my name, call back number and details of the new
26 pre-hearing conference, including the date, time and call-in number. I further requested he return
27 my call, so that he may provide me an address to send the filed pleadings in this case.

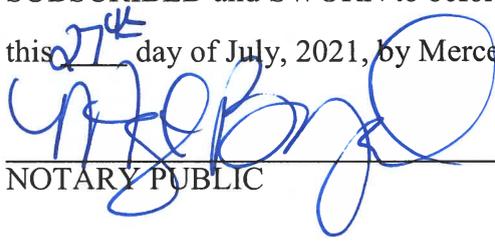
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7. To this date, I have not received any further communication from Respondent.
Further your affiant sayeth naught.

By: 
MERCEDES FUENTES
Legal Assistant
Nevada State Board of Medical Examiners

SUBSCRIBED and SWORN to before me
this 27th day of July, 2021, by Mercedes Fuentes.


NOTARY PUBLIC



CERTIFICATE OF SERVICE

I hereby certify that I am employed by the Nevada State Board of Medical Examiners and that on the 29th day of July, 2021, I served a true and correct file-stamped copy of the foregoing **AFFIDAVIT OF MERCEDES FUENTES**, to the following parties:

ABDEL MALICK KHALEK, M.D.
320 N. Nellis Blvd., Ste. 6
Las Vegas, NV 89110
via U.S Certified Mail: **9171 9690 0935 0255 6178 83**

ABDEL MALICK KHALEK, M.D.
3430 E. Flamingo Rd., #104
Las Vegas, NV 89121
via U.S Certified Mail: **9171 9690 0935 0255 6178 90**

ABDEL MALICK KHALEK, M.D.
3430 E. Flamingo Rd., #106
Las Vegas, NV 89121
via U.S Certified Mail: **9171 9690 0935 0255 6179 06**

with a courtesy copy via electronic mail to:

PATRICIA HALSTEAD, ESQ., Hearing Officer
phalstead@halsteadlawoffices.com

DATED this 29th day of July, 2021.


MERCEDES FUENTES
Legal Assistant
Nevada State Board of Medical Examiners

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. 21-8734-1

6 **Against:**

7 **ABDEL MALICK KHALEK, M.D.,**

8 **Respondent.**

FILED

AUG 10 2021

**NEVADA STATE BOARD OF
MEDICAL EXAMINERS**

By: 

9
10 **PROOF OF SERVICE**

11 I, Mercedes Fuentes, Legal Assistant for the Nevada State Board of Medical Examiners,
12 hereby certify that on the 29th day of July, 2021, I mailed by USPS Certified Mail a file-stamped
13 copy of the **AFFIDAVIT OF MERCEDES FUENTES**, filed in this matter, to Abdel Malick
14 Khalek, M.D., at the following last known and reported addresses: 320 N. Nellis Blvd., Ste. 6,
15 Las Vegas, NV 89110 (Tracking No. 9171 9690 0935 0255 6178 83); Flamingo Rd., #104, Las
16 Vegas, NV 89121, (Tracking No. 9171 9690 0935 0255 6178 90); and 3430 E. Flamingo Rd., #106,
17 Las Vegas, NV 89121 (Tracking No. 9171 9690 0935 0255 6179 06).

18 Proof of delivery and service is attached hereto as **Exhibit 1 & 2**. Tracking for the
19 320 N. Nellis Blvd., address came back as undeliverable (Exhibit 3), however service has been
20 satiated with delivery to the other last known addresses for Respondent.

21 DATED this 10th day of August, 2021.

22
23 
24 **MERCEDES FUENTES**

Legal Assistant

Nevada State Board of Medical Examiners

9600 Gateway Drive

Reno, Nevada 89521

EXHIBIT 1

EXHIBIT 1



August 10, 2021

Dear Mercedes Fuentes:

The following is in response to your request for proof of delivery on your item with the tracking number:
9171 9690 0935 0255 6178 90.

Item Details

Status:	Delivered to Agent for Final Delivery
Status Date / Time:	August 2, 2021, 3:09 pm
Location:	LAS VEGAS, NV 89121
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Recipient Signature

Signature of Recipient: (Authorized Agent)	C 19 / KM C 19 / KM
Address of Recipient:	3430 Flamingo 104

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

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Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

Track Another Package +

Tracking Number: 9171969009350255617890

[Remove X](#)

Your item has been delivered to an agent for final delivery in LAS VEGAS, NV 89121 on August 2, 2021 at 3:09 pm.

Delivered to Agent for Final Delivery

August 2, 2021 at 3:09 pm
LAS VEGAS, NV 89121

Feedback

Get Updates 

Text & Email Updates 

Return Receipt Electronic 

Tracking History 

August 2, 2021, 3:09 pm

Delivered to Agent for Final Delivery

LAS VEGAS, NV 89121

Your item has been delivered to an agent for final delivery in LAS VEGAS, NV 89121 on August 2, 2021 at 3:09 pm.

August 2, 2021, 3:52 am

Departed USPS Regional Facility

LAS VEGAS NV DISTRIBUTION CENTER

August 1, 2021

In Transit to Next Facility

July 31, 2021, 12:48 pm

Arrived at USPS Regional Facility

LAS VEGAS NV DISTRIBUTION CENTER

July 29, 2021, 9:59 pm

Arrived at USPS Regional Facility

RENO NV DISTRIBUTION CENTER

July 29, 2021, 8:44 pm

Accepted at USPS Origin Facility

RENO, NV 89521

Product Information



Feedback

See Less ^

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs

EXHIBIT 2

EXHIBIT 2



August 10, 2021

Dear Mercedes Fuentes:

The following is in response to your request for proof of delivery on your item with the tracking number:
9171 9690 0935 0255 6179 06.

Item Details

Status:	Delivered to Agent for Final Delivery
Status Date / Time:	August 2, 2021, 3:09 pm
Location:	LAS VEGAS, NV 89121
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Recipient Signature

Signature of Recipient: (Authorized Agent)	C 19 / KM3 C 19 / KM3
Address of Recipient:	3438 Flamingo 104

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

Track Another Package +

Tracking Number: 9171969009350255617906

[Remove X](#)

Your item has been delivered to an agent for final delivery in LAS VEGAS, NV 89121 on August 2, 2021 at 3:09 pm.

Delivered to Agent for Final Delivery

August 2, 2021 at 3:09 pm
LAS VEGAS, NV 89121

Feedback

Get Updates v

Text & Email Updates



Return Receipt Electronic



Tracking History



August 2, 2021, 3:09 pm

Delivered to Agent for Final Delivery
LAS VEGAS, NV 89121

Your item has been delivered to an agent for final delivery in LAS VEGAS, NV 89121 on August 2, 2021 at 3:09 pm.

August 2, 2021, 3:52 am

Departed USPS Regional Facility
LAS VEGAS NV DISTRIBUTION CENTER

August 1, 2021

In Transit to Next Facility

July 31, 2021, 12:47 pm

Arrived at USPS Regional Facility
LAS VEGAS NV DISTRIBUTION CENTER

July 29, 2021, 8:53 pm

Arrived at USPS Regional Facility
RENO NV DISTRIBUTION CENTER

July 29, 2021, 7:38 pm

Accepted at USPS Origin Facility
RENO, NV 89521

Product Information



Feedback

See Less ^

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs

EXHIBIT 3

EXHIBIT 3

Track Another Package +

Tracking Number: 9171969009350255617883

[Remove X](#)

Your package will arrive later than expected, but is still on its way. It is currently in transit to the next facility.

In Transit, Arriving Late

August 6, 2021

Feedback

Get Updates v

Text & Email Updates



Return Receipt Electronic



Tracking History



August 6, 2021

In Transit, Arriving Late

Your package will arrive later than expected, but is still on its way. It is currently in transit to the next facility.

August 3, 2021, 8:21 am

Departed USPS Regional Facility

LAS VEGAS NV DISTRIBUTION CENTER

August 2, 2021, 7:31 am

Out for Delivery

LAS VEGAS, NV 89110

August 2, 2021, 7:20 am

Arrived at Post Office

LAS VEGAS, NV 89115

July 31, 2021, 12:47 pm

Arrived at USPS Regional Facility

LAS VEGAS NV DISTRIBUTION CENTER

July 29, 2021, 8:49 pm

Arrived at USPS Regional Facility

RENO NV DISTRIBUTION CENTER

July 29, 2021, 7:34 pm

Accepted at USPS Origin Facility

RENO, NV 89521

Feedback

Product Information



See Less ^

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs

**BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA**

FILED

* * * * *

SEP 10 2021

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

In the Matter of Charges and Complaint

Case No. 21-10032-1 *Curt Wood*

Against:

ABDEL MALICK KHALEK, M.D.,

**Hearing Date: August 26, 2021
Time: 8:00 a.m. PST**

Respondent.

~~PROPOSED~~ **INVESTIGATIVE COMMITTEE'S EXHIBIT
LIST FOR HEARING**

EXHIBIT NO.	DESCRIPTION	BATES RANGE (NSBME)	Admitted
1	Respondent's Nevada Pharmacy License Status, dated August 19, 2021	001-002	001-002
2	Bararia's Voluntary Surrender of Medical License, filed March 13, 2013	003-004	003-004
3	U.S.D.C. Order, Revoking Bararia's Pretrial Release, filed November 7, 2012	005-015	005-015
4	U.S.D.C. Judgment of Conviction of Bararia, filed September 18, 2014	016-024	016-024
5	U.S.D.C. Order Granting Early Termination, filed Supervised Release, September 19, 2018	025-026	025-026
6	Nevada Secretary of State Filings for "Nevada Health Services LLC," dated December 18, 2018	027-036	027-036
7	Clark County Business License Detail Information, dated December 18, 2018	037	037
8	Calvin Scott Pharmaceuticals, Application for "Trimcare," filed September 25, 2018	038-043	038-043
9	Calvin Scott Pharmaceuticals, Invoices to Trimcare, September 2018 through January 2019	044-053	044-053
10	Calvin Scott Pharmaceuticals, Invoices to Trimcare, January 2018 through February 2019	054-057	054-057

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

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EXHIBIT NO.	DESCRIPTION	BATES RANGE (NSBME)	Admitted
11	Email Complaint from Respondent, NSBME received January 7, 2019	058-059	058-059
12	Email Correspondence Between Calvin Scott's Director of Operations and NSBOP, dated February 12-21, 2019	060-063	060-063
13	NSBOP First Allegation Letter to Respondent, with Exhibits, dated June 19, 2019	064-069	064-069
14	Respondent's Response to NSBOP First Allegation Letter, with Exhibits, dated November 7, 2019	070-087	070-087
15	NSBOP Second Allegation Letter to Respondent, dated December 19, 2019	088-092	088-092
16	Respondent's Response to NSBOP Second Allegation Letter, with Exhibits, dated March 11, 2020	093-123	093-123

1 **BEFORE THE BOARD OF MEDICAL EXAMINERS**
2 **OF THE STATE OF NEVADA**

3 * * * * *

4
5 **In the Matter of Charges and**
6 **Complaint Against**

Case No. 21-8734-1

FILED

OCT 21 2021

7 **ABDEL MALICK KHALEK, M.D.,**

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

8 **Respondent.**

By: 

9
10 **FINDINGS AND RECOMMENDATIONS**

11 TO: Aaron Bart Fricke
12 Senior Deputy General Counsel
13 Nevada State Board of Medical Examiners
14 9600 Gateway Drive
Reno, Nevada 89521

15 Abdel Malick Khalek, M.D.
16 320 N. Nellis Blvd., Ste 6
Las Vegas, NV 89509

17 This matter came for hearing on August 26, 2021. Present were Aaron Fricke, Esq. on
18 behalf of the Investigative Committee (the "IC") and the undersigned hearing officer. Respondent
19 Abdel Malick Khalek, M.D. ("Dr. Khalek") did not appear nor otherwise participate.

20 Notice to Dr. Khalek was confirmed on the record. Specifically, proof was submitting
21 indicating that the Scheduling Order, filed May 12, 2021, which contained notice of the hearing
22 was sent by certified mail to Dr. Khalek at his last known address on file with the Nevada State
23 Board of Medical Examiners (the "Board"). See NRS 630.254; NRS 630.255; NRS 630.344; and
24 Volume 1, Exhibits 6-7. While Dr. Khalek had communications with the Board, the record
25 indicates that he did not provide an alternative address, was aware of the proceedings, and did not
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1 engage in the proceedings despite several notices and attempts to contact him.¹ See Volume 1,
2 Exhibits 1-11. No continuance of the hearing was requested by any interested party.

3 With Dr. Khalek having failed to appear and no continuance having been requested nor
4 granted, the matter was heard as scheduled pursuant to NRS 622A.350, which provides:

5 1. If a party fails to appear at a scheduled hearing and a continuance
6 has not been scheduled or granted, any party who is present at the hearing may
7 make an offer of proof that the absent party was given sufficient legal notice. Upon
8 a determination by the regulatory body or hearing panel or officer that the absent
9 party was given sufficient legal notice, the regulatory body or hearing panel or
officer may proceed to consider and dispose of the case without the participation of

10 2. If the licensee fails to appear at a hearing, the regulatory body or
11 hearing panel or officer may accept the allegations against the licensee in the
charging document as true.

12 As well as pursuant to NAC 630.470(2), which provides: "If a licensee fails to appear at a
13 scheduled hearing and no continuance has been requested and granted, the evidence may be heard
14 and the matter may be considered and disposed of on the basis of the evidence before the Board,
15 panel or hearing officer in the manner required by this section."

16 In so proceeding, undersigned heard evidence from the IC in support of the Complaint
17 allegations that consist of: Count I, NRS 630.306(1)(c), Unlawful Prescribing of Controlled
18 Substance and Dangerous Drug; and Count II, NRS 630.305(1)(e), Aiding and Assisting the
19 Unlicensed Practice of Medicine, premised upon controlled substances being addressed by
20 unlicensed practitioner Vinay Kumar Bararia, M.D. by and through credentials held by Dr.
21 Khalek. Through sworn testimony of Senior Investigator for the Nevada State Board of Medical
22 Examiners Kim Friedman, and through the admission of Volume 1, Exhibits 1-11 and Volume II,
23 Exhibits 1-16, the IC established as follows:

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28 ¹ In this respect, there are no filings in the record on behalf of Dr. Khalek including, but not limited to, an Answer to the Complaint.

1 1. Dr. Khalek was employed by Goldsmith Healthcare, Ltd., a medical clinic located
2 in Las Vegas, Nevada, which was sold to Nevada Health Services, LLC in August 2018. *See*
3 Volume II, Exhibit 14.

4 2. Nevada Health Services, LLC did business as “TrimCare” and was owned and
5 operated by Vinay Kumar Bararia, M.D. (“Bararia”), who had surrendered his Nevada medical
6 license in March 2013, in the midst of an indictment in the State of Arizona for seven counts of
7 violating 21 USC §841 and §846 and conspiring to distribute controlled substances, possession of
8 controlled substances with the intent to distribute, and distribution of controlled substances. In
9 relation to such charges, Bararia was convicted on September 18, 2014 of two counts of
10 Distribution of a Controlled Substance, a violation of 21 USC §841(a)(1) and (b)(1)(c). *See*
11 Volume II, Exhibits 2, 4, 6, and 7.

12 3. Financial dealings beyond an employer/employee relationship occurred as between
13 Bararia and Dr. Khalek whereby Dr. Khalek provided Bararia with a cashier’s check for \$75,000
14 issued on October 16, 2018, approximately two months after Bararia’s purchase of Goldsmith
15 Healthcare, Ltd. *See* Volume II, Exhibit 14, Exhibit B. Dr. Khalek indicates the money was
16 provided to Bararia as a loan in support of Bararia’s purchase of Goldsmith Healthcare, Ltd.;
17 however, evidence provided by Dr. Khalek and submitted the IC indicates that the sums were
18 provided in contemplation of a 50/50 partnership in Nevada Health Services, LLC (DBA
19 TrimCare), which is supported by the purchase price for Goldsmith Healthcare, Ltd. being
20 \$150,000,² of which the money provided by Dr. Khalek equals exactly half. *See* Volume II,
21 Exhibit 14, Exhibits C and D, *see also* the August 26, 2021, Transcript of Hearing Proceedings,
22 pp. 105-107. The partnership was never finalized in writing and, in November 2018, Bararia
23 agreed to repay the \$75,000 to Dr. Khalek. *See* Volume II, Exhibit 14, Exhibit D.

24 4. Dr. Khalek continued to work for Nevada Health Services, LLC through April
25 2019 when he quit. *See* Exhibit 14.

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28 ² This figure was stated in argument and not testified to. *See* the August 26, 2021, Transcript of Hearing Proceedings,
p. 19.

1 5. Commencing in late 2018 and through early 2019, prior to leaving Nevada Health
2 Services, LLC, Dr. Khalek began to lodge complaints against Bararia with regulatory agencies
3 such as the Board and the Nevada State Board of Pharmacy, alleging “multiple felonies” being
4 committed by Bararia, which included, but was not limited to, practicing medicine without a
5 license and unlawful distribution of controlled substances. *See, e.g.*, Volume II, Exhibit 11; the
6 August 26, 2021, Transcript of Hearing Proceedings, pp. 63-67.

7 6. Dr. Khalek reported that Bararia was meeting and treating patients unsupervised by
8 a licensed physician and in so doing was improperly utilizing Dr. Khalek’s credentials and access
9 to distribute and prescribe controlled substances. *Id.* Dr. Khalek was aware of the same but failed
10 to stop Bararia from doing so by not seeking to eliminate Bararia’s access to the controlled
11 substances for which Dr. Khalek was responsible and by failing to report his dispensing
12 credentials as compromised, amongst other possible remedies Dr. Khalek could have availed
13 himself of. *Id.* and the August 26, 2021, Transcript of Hearing Proceedings, pp. 67-69.

14 7. Prescription Monitoring Reports related to Nevada Health Services, LLC dated
15 09/01/2018 to 06/04/2019 indicate that 657 prescriptions for controlled substances were issued
16 and attributed to 358 patients of which Dr. Khalek could only account for 57 of the patients. *See*
17 Volume II, Exhibits 14-16. Dr. Khalek reported that he does “not know how the remaining
18 patients may have obtained prescriptions dispensed under his name,” but this is belied by Dr.
19 Khalek’s own reports of Bararia improperly dispensing and prescribing controlled substances and
20 Bararia having Dr. Khalek’s credential information such as Dr. Khalek’s DEA licensing number.
21 *See, e.g.*, Volume II, Exhibits 8 and 11. Dr. Khalek also indicates that he did not want to disturb
22 the status quo, sort to speak, with Bararia pending being paid back the \$75,000. *See* Volume II,
23 Exhibit 16.

24 8. Records submitted and testified to further support that Bararia was permitted to
25 purchase controlled substances for distribution by using of Dr. Khalek’s credentials, which Dr.
26 Khalek would have had to provide to Bararia. *See* Volume II, Exhibits 8-12; the August 26, 2021,
27 Transcript of Hearing Proceedings, pp. 48-57.

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1 9. Testimony was further provided by Ms. Friedman that Dr. Khalek admitted to her
2 that he was aware of Bararia treating patients without supervision despite not being properly
3 licensed or supervised; writing prescriptions for patients seen by Bararia without having seen the
4 patients himself; allowing Bararia to have a key to the controlled substance storage area that held
5 controlled substances that were the charge of Dr. Khalek; and Nevada Health Services, LLC staff
6 having access to an e-prescribing phone whereby controlled substances were prescribed under Dr.
7 Khalek's credentials. *See* the August 26, 2021, Transcript of Hearing Proceedings, pp. 63-66.

8 WHEREFORE the undersigned hearing officer finds as follows:

9 Proper notice of the proceedings, inclusive of the evidentiary hearing, was provided to Dr.
10 Khalek and no continuance of the evidentiary hearing was sought nor granted;

11 Pursuant to NRS 622A.350(2) the undersigned accepts the allegations against Dr. Khalek
12 in the Complaint, filed February 1, 2001, as true;

13 Aside from the authority granted by NRS 622A.350(2), the undersigned hearing officer
14 finds that the IC established a violation of Count I, NRS 630.306(1)(c), Unlawful Prescribing of
15 Controlled Substance and Dangerous Drug, by establishing, as alleged, that Dr. Khalek allowed
16 Bararia to have access to, dispense, and prescribe controlled substances to patients with whom Dr.
17 Khalek had no bona fide therapeutic relationship by using Dr. Khalek's access and credentials,
18 and that Dr. Khalek further failed to monitor and evidence such transactions in accordance with
19 required reporting and record keeping, which compounded the improprieties engaged in by Dr.
20 Khalek with respect thereto. The foregoing establishes that Dr. Khalek administered, dispensed,
21 or prescribed controlled substances to others in a manner not authorized by law as contemplated
22 by NRS 630.306(1)(c).

23 Aside from the authority granted by NRS 622A.350(2), the undersigned hearing officer
24 finds that the IC established a violation of Count II, NRS 630.305(1)(e), Aiding and Assisting the
25 Unlicensed Practice of Medicine, by establishing that Dr. Khalek furnished his credentials to
26 Bararia, an unlicensed person, and knowingly permitted Bararia to utilize the same in treating and
27 dispensing and otherwise prescribing to patients controlled substances nor tracked nor otherwise
28 managed by Dr. Khalek as was Dr. Khalek's obligation. The foregoing establishes that Dr.

1 Khalek aided and assisted Bararia, an unlicensed person, to engage in the practice of medicine
2 contrary to law.

3 BASED UPON THE FOREGOING, it is recommended that the Board find Dr. Khalek in
4 violation of NRS 630.306(1)(c), Unlawful Prescribing of Controlled Substance and Dangerous
5 Drug, as alleged in Count I of the Complaint filed on February 1, 2021; and NRS 630.305(1)(e),
6 Aiding and Assisting the Unlicensed Practice of Medicine, as alleged in Count II of the Complaint
7 filed on February 1, 2021.

8 RESPECTFULLY SUBMITTED this 18th day of October 2021.

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11 _____
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