

NEVADA STATE BOARD OF MEDICAL EXAMINERS



IN THE MATTER OF CHARGES AND COMPLAINT AGAINST **RICHARD DAVID WASHINSKY, M.D.** ADJUDICATION

Case No: 23-8462-1

Date: June 7, 2024

INDEX

1. COMPLAINT
2. HEARING OFFICER'S FINDINGS AND RECOMMENDATIONS
3. HEARING TRANSCRIPT
4. EXHIBITS ADMITTED INTO EVIDENCE
5. DOCUMENTS FILED INTO THE DOCKET

1

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA

* * * * *

In the Matter of Charges and Complaint

Case No. 23-8462-1

Against:

FILED

RICHARD DAVID WASHINSKY, M.D.,

OCT 16 2023

Respondent.

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: U. Ma

FIRST AMENDED COMPLAINT

The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners (Board), by and through William P. Shogren, Deputy General Counsel and attorney for the IC, having a reasonable basis to believe that Richard David Washinsky, M.D. (Respondent) violated the provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630 (collectively, the Medical Practice Act), hereby issues its First Amended Complaint (Complaint), stating the IC's charges and allegations as follows:

A. Respondent's Licensure Status

1. Respondent was at all times relative to this Complaint a medical doctor holding an active license to practice medicine in the State of Nevada (License No. 6547). Respondent was originally licensed by the Board on July 1, 1992.

B. Applicable Law

2. Pursuant to NRS 630.3065(2)(a), a licensee shall not knowingly or willfully fail to comply with a subpoena or order of the Investigative Committee (IC) or the Board.

3. Pursuant to NRS 630.311(1), the IC must review each complaint made against a licensee and conduct an investigation to determine if there is a reasonable basis for the complaint.

///

¹ The Investigative Committee of the Nevada State Board of Medical Examiners, at the time this formal Complaint was authorized for filing, was composed of Board members Bret W. Frey, M.D., Col. Eric D. Wade, USAF (Ret.), Carl N. Williams, Jr., M.D., FACS.

1 The IC may issue orders to aid its investigation, including, but not limited to, compelling a
2 licensee to appear before the IC.

3 **C. Respondent's Failure to Comply With an Order for Health Care Records in NSBME**
4 **Investigative File No. 22-21658**

5 4. On June 14, 2022, pursuant to an investigation of Respondent's alleged conduct
6 related to IF 22-21658, an investigator for the Board sent an Allegation Letter to Respondent.
7 Respondent was ordered to respond to the Allegation Letter within thirty (30) days of service.
8 The Allegation Letter was sent to Respondent via USPS first-class mail on or about June 14, 2022,
9 to his permanent mailing address on file at that time with the Board located at 9010 W. Cheyenne
10 Ave., Las Vegas, NV 89129.

11 5. Respondent failed to respond to the Allegation Letter within thirty (30) days.
12 Accordingly, on or about July 14, 2022, an investigator for the Board sent a Second Request
13 Letter, along with a Final Order to Produce Response & Medical Records (IC Order), to
14 Respondent via USPS first-class mail to his permanent mailing address on file with the Board
15 located at 2851 N Tenaya Way #103, Las Vegas, NV 89128. A copy of the Second Request
16 Letter and IC Order was also sent to Respondent's email address on file with the Board.

17 6. Respondent failed to respond to either the Second Request Letter or the IC Order.
18 Accordingly, on or about August 17, 2022, a third and final request letter was sent, along with the
19 original Allegation Letter and the IC Order (collectively referred to as the "Final Documents"), to
20 Respondent via USPS first-class mail to his permanent address on file with the Board located at
21 2851 N Tenaya Way #103, Las Vegas, NV 89128. A copy of the Final Documents was also sent
22 to Respondent's email address on file with the Board.

23 7. Additionally, a copy of the Final Documents was sent to Respondent's permanent
24 address on file with the Board via certified mail located at 2851 N Tenaya Way #103, Las Vegas,
25 NV 89128. The certified mail was returned to sender, without signature.

26 8. To date, Respondent has failed to respond to the IC Order pursuant to an
27 investigation of Respondent's alleged conduct related to IF 22-21658.

28 ///

D. Respondent's Care of Patient A and Failure to Comply With an Order for Health Care Records in NSBME Investigative File No. 22-22199

9. Patient A² was a seventy-nine (79) year-old female at the time of the events at issue.

10. On or about May 6, 2022, Patient A met with Respondent. At this time, Respondent worked for Forte Family Practice. During this meeting, Respondent drafted a hand-written contract, signed by Respondent, stating that Patient A was enrolled in Respondent's Concierge Program, for a fee of six hundred dollars (\$600), and that the fee would cover one year of the program, ending May 6, 2023. Patient A gave Respondent a check in the amount of six hundred dollars (\$600). Respondent represented to Patient A that, as part of the Concierge Program, he would visit Patient A's residence for any physical examinations. Respondent also represented that Patient A could call Respondent's direct phone to have prescriptions filled.

11. On or about July 19, 2022, Patient A attempted to call Respondent multiple times regarding a prescription refill and did not receive a return call. Patient A then called Forte Family Practice, and was told that Respondent no longer worked there, without further explanation. Patient A was also informed that she had been transferred to another physician, without her consent.

12. On November 21, 2022, pursuant to an investigation of Respondent's alleged conduct related to IF 22-22199, an investigator for the Board sent an Allegation Letter to Respondent. Per the Allegation Letter, on or about May 15, 2022, Respondent failed to refill a patient prescription, and Respondent abandoned the patient and billed for services not rendered.

13. Respondent was ordered by the IC to respond to the Allegation Letter within thirty (30) days of service. The Allegation Letter was sent to Respondent via USPS first-class mail on or about November 21, 2022, to his permanent mailing address on file at that time with the Board located at 2851 N Tenaya Way #103, Las Vegas, NV 89128.

14. Respondent failed to respond to the Allegation Letter within thirty (30) days. Accordingly, on or about February 24, 2023, an investigator for the Board sent a Second and Final

² Patient A's true identity is not disclosed herein to protect her privacy, but is disclosed in the Patient Designation served upon Respondent along with a copy of this Complaint.

1 Request Letter, along with an Order to Produce Response & Medical Records (IC Order), to
2 Respondent via USPS first-class mail to his permanent mailing address on file with the Board
3 located at 2851 N Tenaya Way #103, Las Vegas, NV 89128. A copy of the Second and Final
4 Request Letter and IC Order was also sent to Respondent's email address on file with the Board.

5 15. To date, Respondent has failed to respond to the IC Order pursuant to an
6 investigation of Respondent's alleged conduct related to IF 22-22199.

7 **E. Respondent's Failure to Comply with an Order for Appearance at the IC Meeting**

8 16. On or about November 21, 2022, pursuant to NRS 630.311(1), the IC issued an
9 Order for Appearance (Appearance Order) to Respondent via USPS certified mail to his
10 permanent mailing address on file with the Board located at 2851 N Tenaya Way #103, Las
11 Vegas, NV 89128, whereby Respondent was required to appear before the IC on
12 February 17, 2023, to discuss his open investigation before the IC members.

13 17. In its Appearance Order, the IC also stated that it wanted to discuss with
14 Respondent his practice in general, his specialty, the community standard of care regarding his
15 specialty, and Respondent's complaint history with the Board.

16 18. An investigator for the Board also emailed Respondent a courtesy copy of the
17 Appearance Order to Respondent's email on record on November 21, 2022.

18 19. On February 17, 2023, Respondent failed to appear before the IC pursuant to the
19 Appearance Order.

20 **F. Respondent's Failure to Timely Notify the Board of a Change of Permanent Address**

21 20. During all times relevant to this Complaint, Respondent maintained with the Board
22 his permanent mailing address as 2851 N Tenaya Way #103, Las Vegas, NV 8912813.

23 21. On or about July 17, 2023, an employee of the Board sent a copy of the original
24 Complaint in this matter, Case No. 23-8462-1, filed July 17, 2023, to Respondent via USPS
25 Certified Mail to his permanent mailing address on file with the Board located at 2851 N Tenaya
26 Way #103, Las Vegas, NV 8912813.

27 22. On July 28, 2023, the Board received from USPS the previously sent Complaint in
28 its original envelope, with a note stating "RTS [return to sender] no longer at this location."

23. To date, the Board has not received notice or correspondence of any kind from Respondent regarding any change of address of record. Respondent has failed to notify the Board of a change to his permanent mailing address.

COUNT I

**NRS 630.3065(2)(a) - Knowing and Willful Failure to Comply with Investigative
Committee Order**

24. All of the allegations in the above paragraphs are hereby incorporated as if fully set forth herein.

25. NRS 630.3065(2)(a) provides that knowingly or willfully failing to comply with a regulation, subpoena or order of the Board or a committee designated by the Board to investigate a complaint against a physician is grounds for disciplinary action.

26. Respondent knowingly and willingly failed to comply with the IC's Final Order to Produce Response & Medical Records pursuant to an investigation of Respondent's alleged conduct related to IF 22-21658, after being served with the IC Order by mail to Respondent's permanent mailing address on record with the Board (with a courtesy copy sent to Respondent's email address on file with the Board).

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

COUNT II

**NRS 630.3065(2)(a) - Knowing and Willful Failure to Comply with Investigative
Committee Order**

28. All of the allegations in the above paragraphs are hereby incorporated as if fully set forth herein.

29. NRS 630.3065(2)(a) provides that knowingly or willfully failing to comply with a regulation, subpoena or order of the Board or a committee designated by the Board to investigate a complaint against a physician is grounds for disciplinary action.

30. Respondent knowingly and willingly failed to comply with the IC's Order to Produce Response & Medical Records pursuant to an investigation of Respondent's alleged

1 conduct related to IF 22-22199, after being served with the IC Order by mail to Respondent's
2 permanent mailing address on record with the Board (with a courtesy copy sent to Respondent's
3 email address on file with the Board).

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

6 **COUNT III**

7 **NRS 630.3065(2)(a) - Knowing and Willful Failure to Comply with Investigative**
8 **Committee Order**

9 32. All of the allegations in the above paragraphs are hereby incorporated as if fully set
10 forth herein.

11 33. NRS 630.3065(2)(a) provides that knowingly or willfully failing to comply with a
12 regulation, subpoena or order of the Board or a committee designated by the Board to investigate a
13 complaint against a physician is grounds for disciplinary action.

14 34. Respondent knowingly and willingly failed to comply with the IC's Order for
15 Appearance at the IC meeting held on February 17, 2023, as ordered, after being served with said
16 order to Respondent's permanent mailing address of record with the Board (with a courtesy copy
17 sent to Respondent's email address on file with the Board).

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

20 **COUNT IV**

21 **NRS 630.301(9) - Disreputable Conduct**

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

24 37. NRS 630.301(9) provides that engaging in conduct that brings the medical
25 profession into disrepute is grounds for initiating disciplinary action or denying licensure.

26 38. Respondent engaged in conduct that brings the medical profession into disrepute by
27 entering into a contract with Patient A for concierge services, collecting six hundred dollars
28 (\$600) from Patient A, and subsequently not providing services to Patient A.

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

COUNT V

NRS 630.304(7) - Terminating Medical Care without Adequate Notice to a Patient

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

41. NRS 630.304(7) provides that terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient is grounds for initiating disciplinary action.

42. Respondent terminated the medical care of Patient A without adequate notice to Patient A as of July 19, 2022.

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

COUNT VI

NRS 630.306(1)(j) - Failing to Timely Notify the Board of a Change of Permanent Address

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

45. NAC 630.540(23) provides that violating any provision that would subject a practitioner of medicine to discipline pursuant to NRS 630.301 to 630.3065, inclusive, or NAC 630.230, is grounds for disciplinary action against a physician.

46. NRS 630.306(1)(j) provides that failing to comply with the requirements of NRS 630.254 is grounds for initiating disciplinary action.

47. NRS 630.254 provides, in pertinent part:

Each licensee shall maintain a permanent mailing address with the Board to which all communications from the Board to the licensee must be sent. A licensee who changes his or her permanent mailing address shall notify the 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:

(a) May impose upon the licensee a fine not to exceed \$250; and

(b) May initiate disciplinary action against the licensee as provided pursuant to paragraph (j) of subsection 1 of NRS 630.306.

48. Respondent violated NRS 630.254 by failing to maintain a permanent address with the Board, to which all communications to the licensee must be sent.

49. By reason of the foregoing, Respondent is subject to discipline by the Board as provided in NAC 630.555 and NRS 630.352.

WHEREFORE, the Investigative Committee prays:

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

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

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

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

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

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

DATED this 16th day of October, 2023.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 

WILLIAM P. SHOGREN

Deputy General Counsel

9600 Gateway Drive

Reno, NV 89521

Tel: (775) 688-2559

Email: shogrenw@medboard.nv.gov

Attorney for the Investigative Committee

VERIFICATION

STATE OF NEVADA)
: ss.
COUNTY OF WASHOE)

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

DATED this 16TH day of October, 2023.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:



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

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I am employed by the Nevada State Board of Medical Examiners and
3 that on the 16th day of October, 2023, I served a file-stamped copy of the foregoing
4 **COMPLAINT** and required fingerprinting materials, via USPS Certified Mail, postage pre-paid,
5 to the following parties:

6 RICHARD DAVID WASHINSKY, M.D.
7 2851 N. Tenaya Way, #103
8 Las Vegas, NV 89128

9 Tracking No.: 9171 9690 0935 0241 5574 52

10 DATED this 16th day of October, 2023.

11 
12 _____
13 MERCEDES FUENTES
14 Legal Assistant
15 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 In the Matter of Charges and
5 Complaint Against

Case No. 23-8462-1

6 RICHARD DAVID WASHINSKY, M.D.,

7 Respondent.

FILED

MAY 30 2024

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: 

9 **AMENDED FINDINGS AND RECOMMENDATION**
10 **(Addressing Amended Complaint)**

11 TO: William P. Shogren
12 Deputy General Counsel
13 Nevada State Board of Medical Examiners
14 9600 Gateway Drive
15 Reno, Nevada 89521

16 Richard David Washinsky, M.D.
17 Any Address(es) Discovered to be Affiliated

18 This matter came for evidentiary hearing on February 27, 2024. Appearing for the hearing
19 were William P. Shogren on behalf of the Investigative Committee (the "IC") and the undersigned
20 Hearing Officer. Respondent Richard David Washinsky, M.D. ("Respondent") did not appear nor
21 otherwise participate.

22 Notice to Respondent of the date and time of the hearing was confirmed on the record. IC
23 Exhibits 1-21 were marked and admitted and the IC proffered evidence, which demonstrates that,
24 from the inception of the matter, many efforts had been taken to serve and reach out to
25 Respondent that included not only service to his address required to be on file with the Nevada
26 State Board of Medical Examiners but also emails, telephone calls, and publication of notice in
27 Lee County Florida (*see* Exhibit 16), which was undertaken based upon the discovery of a Federal
28 lawsuit against Respondent before the United States District Court for the District of Nevada
 (2:22-CV-01803-APG-VCF), which similarly detailed the plaintiff therein's many attempts to

1 serve Respondent and noted a Fort Myers, Lee County, Florida address for Respondent's brother
2 where Respondent was believed to have lived prior to perhaps moving to Fort Lauderdale,
3 Florida, where confirmation of newer alleged residency was not located in public records. *See*
4 Exhibit 14. Exhibit 13 further reflects that Respondent signed a certified mail receipt for an
5 appearance order on January 10, 2022. Given the foregoing, there can be no question that
6 Respondent was aware of the proceedings and intentionally chose to disregard them.

7 With Respondent having failed to appear and no continuance having been requested nor
8 granted, the matter was considered as scheduled pursuant to NRS 622A.350, which provides:

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

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

19 Given Respondent's failure to appear, the undersigned hereby accepts all allegations
20 against Respondent as provided for in the Amended Complaint, filed on October 16, 2023, and
21 respectfully recommends that the Board uphold the six pleaded charges of: Counts I-III, Knowing
22 and Willful Failure to Comply with Investigative Committee Order, violations of NRS
23 630.3065(2)(a); Count IV, Disreputable Conduct, a violation of NRS 630.301(9); Count V,
24 Terminating Medical Care Without Adequate Notice to a Patient, a violation of NRS 630.304(7);
25 and Count VI, Failing to Timely Notify the Board of a Change of Permanent Address, a violation
26 of NRS 630.306(1)(j). I defer to the Board with respect to any disciplinary action it may deem
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1 appropriate. This Amended Findings and Recommendation shall be considered *nunc pro tunc* to
2 March 11, 2024.

3 DATED this 29th day of May 2024.

4 By:


Patricia Halstead, Esq.
Hearing Officer
(775) 322-2244

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CERTIFICATE OF SERVICE

I certify that on this day, I personally delivered or mailed, postage pre-paid, at Reno, Nevada, a true file-stamped copy of the foregoing AMENDED FINDINGS AND RECOMMENDATION addressed as follows:

William P. Shogren
Deputy General Counsel
Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, Nevada 89521

Richard David Washinsky, M.D.
Any Address(es) Discovered to be Affiliated


via FedEx Overnight
7766 4482 8622
7766 4476 0839

DATED this 31st day of May 2024.

Signature

Print

Title


Mercedes Fuentes
Legal Assistant

3

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA

FILED

MAR 13 2024

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: 

In the Matter of the Case No. 23-8462-1
Charges and Complaint
Against:
RICHARD DAVID WASHINSKY, M.D.,
Respondent.

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TRANSCRIPT OF HEARING PROCEEDINGS

Held at the Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, Nevada

Tuesday, February 27, 2024

Reported by: Brandi Ann Vianney Smith
Job Number: 6386743

Page 1

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A P P E A R A N C E S:

THE HEARING OFFICER: PATRICIA HALSTEAD, ESQ.

FOR THE INVESTIGATIVE WILLIAM SHOGREN, ESQ.
COMMITTEE OF THE NEVADA Deputy General Counsel
STATE BOARD OF MEDICAL Nevada State Board of
EXAMINERS: Medical Examiners
 9600 Gateway Drive
 Reno, NV 89521

ALSO PRESENT:

Mercedes Fuentes, Legal Assistant

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I N D E X

E X H I B I T S (not attached)

ADMITTED

On behalf of the Investigative Committee:

Exhibit 1	Complaint	8
Exhibit 2	First Amended Complaint	8
Exhibit 3	NSBME letter dated 6/14/22	8
Exhibit 4	NSBME letter dated 7/14/22	8
Exhibit 5	Final Order to Produce	8
Exhibit 6	NSBME letter dated 8/17/22	8
Exhibit 7	NSBME letter dated 11/21/22	8
Exhibit 8	NSBME letter dated 11/21/22	8
Exhibit 9	Order to Produce	8
Exhibit 10	CNS handwritten note	8
Exhibit 11	Forte Family Practice medical records	8
Exhibit 12	Order	
Exhibit 13	Donald Andreas email with attachments dated 8/17/22	8
Exhibit 14	casetext United States v. Washinsky	8
Exhibit 15	Copies of mailing labels to Dr. Washinsky	8
Exhibit 16	The News-Press medical group	

1		proof of publication	8
2	Exhibit 17	Mercedes Fuentes email	
3		dated 1/16/24	8
4	Exhibit 18	Mercedes Fuentes email with	
5		attachments dated 12/4/23	8
6	Exhibit 19	Mercedes Fuentes email with	
7		attachments dated 12/12/23	8
8	Exhibit 20	Affidavit of Attempted Service	8
9	Exhibit 21	Second Amended Scheduling Order	
10		with Proof of Service	9

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1 RENO, NEVADA -- FEBRUARY 27, 2024 -- 8:30 A.M.

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5 HEARING OFFICER HALSTEAD: We're going to
6 go on the record. We're on the record in Case No.
7 23-8462-1, In the Matter of Charges and Complaint
8 Against Richard David Washinsky, M.D.

9 At present we have Mr. Shogren on behalf
10 of the IC, and this matter's being recorded.

11 Mr. Shogren, I note that we do not have
12 Dr. Washinsky, can you address for the record,
13 please?

14 MR. SHOGREN: Yes. Good morning. This is
15 William Shogren on behalf of the Nevada Board of
16 Medical Examiners today, here for a hearing.
17 Dr. Washinsky, the respondent, has not appeared
18 today. This hearing was scheduled for 8:30 on
19 February 27th.

20 And before going further, where I would
21 like to start is an offer of proof that's pursuant
22 to NRS 622A.350, subsection 1. I wanted to show
23 that sufficient legal notice was given to
24 Dr. Washinsky of the hearing today, and if that has
25 been determined, you may consider this case without

Page 5

1 his appearance. And I want do that.

2 I have three witnesses listed in the
3 prehearing statement that were disclosed, so I
4 wanted to have witnesses here today, go into that.
5 I was going to have the Chief Investigator, Ernesto
6 Diaz, kind of summarize the nature of the compliant
7 and the Investigation Division's attempts to serve
8 Dr. Washinsky from the onset. I was going to have
9 him testify. I was going to have investigator
10 Alexis Kent also testify about her personal
11 attempts that were made, and then I was going to
12 have Ms. Mercedes Fuentes testify about attempted
13 service of the formal compliant that was filed in
14 this matter and also subsequent documents.

15 I would like to start with Mr. Ernesto
16 Diaz.

17 HEARING OFFICER HALSTEAD: Let me ask you
18 this: You have all the records; right?

19 MR. SHOGREN: Um-hum.

20 HEARING OFFICER HALSTEAD: That have the
21 proofs service and the attempts and the Post Office
22 records of those attempts. Can you just summarize
23 those without putting on all those witnesses?

24 MR. SHOGREN: That's true. I could do
25 that.

1 HEARING OFFICER HALSTEAD: I mean, you can
2 certainly do both, but that would be a waste of
3 time.

4 MR. SHOGREN: True. I just wanted to have
5 one clarification that I wanted to get through with
6 Mr. Diaz's testimony, but we can start with just
7 going through the proof of service attempts.

8 HEARING OFFICER HALSTEAD: Well, why don't
9 we just talk about the proof for the hearing today,
10 and then you can move on from there.

11 MR. SHOGREN: Okay.

12 We have -- it starts with Exhibit 15.
13 Actually, backing up. Sorry. Exhibit 2 is the
14 formal Complaint.

15 HEARING OFFICER HALSTEAD: Well, no. I
16 just asked about the notice for today's hearing.

17 MR. SHOGREN: Um-hum.

18 HEARING OFFICER HALSTEAD: You don't have
19 to start from the beginning. Just address today's
20 hearing for me, and then you can go on and do
21 however it is you want to do.

22 MR. SHOGREN: Today's hearing, that would
23 be exhibit -- starting at Exhibit 18, there was a
24 scheduling order, issued here by Your Honor, and it
25 was sent via certified mail, this is on page 91, to

1 Dr. Washinsky's address which is his address listed
2 with the Board, it's his permanent address, 2851
3 North Tenaya Way, #103, T-E-N-A-Y-A. It was also
4 sent to two other addresses via certified mail that
5 are associated with Dr. Washinsky. There's one at
6 3017 Waterside Circle, Las Vegas, Nevada. And then
7 another copy was sent to an address in Florida, 6501
8 Dabney Street, Fort Meyers, Florida. D-A-B-N-E-Y.

9 HEARING OFFICER HALSTEAD: Let me short
10 circuit this a little. Did you want to admit
11 Exhibits 1 through 20?

12 MR. SHOGREN: Yes. I should have gotten
13 that out of the way first. Yes, I would ask that
14 all Exhibits be admitted, 1 through 20.

15 HEARING OFFICER HALSTEAD: Okay. Exhibits
16 1 through 20 will be admitted.

17 (IC's Exhibits 1 through 20 were
18 admitted.)

19 HEARING OFFICER HALSTEAD: Now, I notice
20 Exhibit 18 that you're going through has a January
21 hearing date, it's February, so that's not the
22 hearing date we're having.

23 I would have had to sent an amended
24 scheduling order. There should be an amended
25 scheduling order changing the date of the hearing

1 only.

2 MR. SHOGREN: Yes, that would be Exhibit
3 19.

4 HEARING OFFICER HALSTEAD: Okay. What
5 about service of the second amended scheduling
6 order? That's the one that continues the hearing
7 date only.

8 Do you want to take a break and go address
9 that?

10 MR. SHOGREN: Yeah.

11 (Recess from 8:39 a.m. to 8:49 a.m.)

12 HEARING OFFICER HALSTEAD: We're back on
13 the record in Case No. 23-8462-1, In the Matter of
14 Charges and Complaint Against Richard David
15 Washinsky, M.D.

16 We took a break to address the service of
17 the Second Amended Scheduling Order. I've been
18 provided with a file-stamped copy as well as proof
19 of service.

20 Mr. Shogren, would you like to have those
21 marked as Exhibit 21?

22 MR. SHOGREN: Yes, I would.

23 HEARING OFFICER HALSTEAD: They will be so
24 marked and admitted.

25 (Exhibit 21 was marked and admitted.)

1 HEARING OFFICER HALSTEAD: With that,
2 Mr. Shogren, do you want to address these documents
3 for the record?

4 MR. SHOGREN: Yes. I do apologize for the
5 confusion. There were multiple amended scheduling
6 orders that are issued here, and this hearing was
7 reset.

8 This newly marked Exhibit 21 is the Second
9 Amended Scheduling order that was issued by Your
10 Honor, it was filed January 18, 2024, and it set a
11 new hearing date for today, February 27, 2024, at
12 8:30 a.m.

13 And per page 3, the Certificate of
14 Service, is that the Board here, through
15 Ms. Fuentes, legal assistant, sent via certified
16 mail a copy of the Second Amended Scheduling Order
17 to two different addresses for Dr. Washinsky.

18 There's the address which I previously
19 mentioned, 2851 North Tenaya Way, Suite 103, Las
20 Vegas, Nevada, 89128. And I wanted to note for the
21 record that is his address that he still has listed
22 with the Board as his permanent address. And also
23 it was sent to an address in Florida, which I
24 mentioned before, 6501 Dabney Street, Fort Meyers,
25 Florida, 33966.

1 And there's also a return envelope,
2 included as an exhibit here, that the certified mail
3 that was sent to the address in Las Vegas was
4 returned to sender, not deliverable as addressed,
5 unable to forward.

6 HEARING OFFICER HALSTEAD: Is there
7 anything that indicates what happened with the
8 Florida one?

9 MR. SHOGREN: To my knowledge -- and I can
10 also have Ms. Fuentes testify to this -- we have not
11 received the letter from Florida -- that was sent to
12 Florida back with no indication of where it is now.

13 HEARING OFFICER HALSTEAD: Okay. Has the
14 notice for today been sent to Dr. Washinsky's last
15 known permanent address on file with the Medical
16 Board?

17 MR. SHOGREN: Yes.

18 HEARING OFFICER HALSTEAD: Okay. Have you
19 had any responses whatsoever from Dr. Washinsky?

20 MR. SHOGREN: I have not.

21 HEARING OFFICER HALSTEAD: And have you
22 also tried to contact him by other means?

23 MR. SHOGREN: I want to say I, personally,
24 throughout this process tried to call Dr. Washinsky
25 multiple times. The first time was prior to the

1 early case conference, which was on or about --
2 maybe attempted to call him on or about November 6,
3 2023. And at the time, I used the number that he
4 had listed with the Board, he provided as his
5 contact number.

6 When I attempted to call him, someone did
7 answer the phone. I asked to speak to
8 Dr. Washinsky, the person on the other line -- on
9 the other side asked who this was, I told them who I
10 was. The person on the other line said, "I don't
11 know anything about that," and hung up on me. I
12 can't say if that was Dr. Washinsky or not, but
13 someone did answer briefly when I attempted to call
14 the number he had listed with the Board.

15 I immediately tried to call that number
16 back and left a voicemail message that date. And
17 then I also tried calling prior to the prehearing
18 conference, the same number, at that time no one
19 answered, and I left the voicemail message.

20 And to my knowledge, Dr. Washinsky has not
21 tried to contact me or anyone else in my office.

22 HEARING OFFICER HALSTEAD: Okay. Have
23 there been any attempts to contact Dr. Washinsky by
24 email?

25 MR. SHOGREN: Yes. Everything that's been

1 filed into this case, starting with the formal
2 Complaint, has also been emailed to Dr. Washinsky's
3 email on file. That would include the formal
4 Complaint, the initial order scheduling the early
5 case conference, and then the subsequent orders up
6 until the Seconded Amended Scheduling Order. Those
7 were all emailed to Dr. Washinsky as well.

8 HEARING OFFICER HALSTEAD: Okay. And I'll
9 note for the record that I was cc'd on some of those
10 emails. Correct me if I'm the wrong, the email that
11 you have on record is rdwashinsky@gmail.com; is that
12 correct?

13 MR. SHOGREN: Yes.

14 HEARING OFFICER HALSTEAD: And I'll note
15 that I was cc'd on the email sending him the Second
16 Amended Scheduling Order, filed January 18, 2024,
17 setting the hearing for today. I can take notice of
18 that notice given I was cc'd.

19 MR. SHOGREN: Okay.

20 HEARING OFFICER HALSTEAD: Any other
21 attempts of contact you would like to put on the
22 record before we move on?

23 MR. SHOGREN: Yes, just one more thing.
24 My office did try to personally serve Dr. Washinsky
25 copies of the First Amended Complaint, the Case

1 Conference Scheduling Order, and the Amended
2 Scheduling Order. This was done on January 10,
3 2024. This was done prior to the Second Amended
4 Scheduling Order.

5 There was an attempt at personal service.
6 I have here, marked as Exhibit 20, an Affidavit of
7 Attempted Service, drafted by Alexsis Kent,
8 investigator.

9 HEARING OFFICER HALSTEAD: Okay. I'll
10 note that I have reviewed Exhibit 20, it's been
11 marked and admitted.

12 Given the exhibits admitted to date, the
13 proffer and the additional record made with Exhibit
14 21, and the statements made on the record, I'll find
15 that service has been proper, that Dr. Washinsky is
16 not here, despite proper service.

17 MR. SHOGREN: Thank you.

18 I believe now that it's been established
19 that proper service has been attempted, he's not
20 here today, so the offer of proof has been made.

21 I note subsection 2 of NRS 622A.350,
22 states: "If a licensee fails to appear at the
23 hearing, the hearing officer may accept the
24 allegations against licensee in the charging
25 documents as true."

1 Based on that position, I would ask that
2 Your Honor accept the allegations in the First
3 Amended Complaint in this matter as true.

4 I don't know if you need to proceed any
5 further than that.

6 HEARING OFFICER HALSTEAD: Well, that's
7 been a debate with your office because there's
8 another statute that contemplates an offer of proof,
9 and so they don't exactly coincide.

10 If you want take a minute, we can go off
11 the record, and I can point out that statute to you
12 and you can decide how you want to proceed.

13 I'm fine entering a default, but I don't
14 know, considering the position your office has taken
15 previously, if you want me to do that specifically
16 or if you want to go check with someone before I do
17 that.

18 MR. SHOGREN: Sure. Yeah, we can go off
19 the record.

20 HEARING OFFICER HALSTEAD: Off the record.

21 (Recess from 8:58 a.m. to 9:25 a.m.)

22 HEARING OFFICER HALSTEAD: We're back on
23 the record in Case No. 23-8462-1, In the Matter of
24 Charges and Complaint Against Richard David
25 Washinsky, M.D. We took a break at a point where

1 Mr. Shogren was asking for a default so he could
2 check on some procedural matters.

3 Having done so, we're now back on the
4 record, and I will turn this back over to
5 Mr. Shogren.

6 MR. SHOGREN: Thank you.

7 Before going forward, I just wanted to
8 make -- note for the record about the exhibits that
9 have already been previously admitted. I want to
10 emphasize that pursuant to statutes, notice of the
11 formal Complaint against Dr. Washinsky was published
12 in a newspaper, that's found on Exhibit 16, this is
13 The New Press Media Group, it was published per this
14 affidavit here on Exhibit 16 between August 29, 2023
15 and September 19, 2023. This was published in
16 Florida, in Fort Meyers, Lee County, Florida.

17 I also wanted to emphasize --

18 HEARING OFFICER HALSTEAD: Before you move
19 on, why was that published in Florida when the last
20 known address that on file with the Board was in Las
21 Vegas?

22 MR. SHOGREN: To my knowledge, based off a
23 search -- a subsequent search of using the CLEAR
24 software from my office that a Florida address was
25 discovered. Also if you go to exhibit -- I want to

1 emphasize Exhibit 14, and this is a filing in a case
2 in United States District Court, District of Nevada,
3 involving Dr. Washinsky as a defendant, the United
4 States is plaintiff, and in this filing United
5 States, the plaintiff, goes into detail about their
6 service attempts of Dr. Washinsky. Through their
7 service attempts, they located a possible address in
8 Fort Meyers, Florida. They attempted personal
9 service there but were unsuccessful, and they also
10 published notice of their complaint in Florida as
11 well, so based off of that.

12 Also one more thing I wanted to emphasize
13 in the exhibits, Exhibit 13, Bates stamped number
14 57, this is a return receipt for certified mail that
15 was sent to Dr. Washinsky. It appears to be signed
16 by him on January 10, 2024. This was also sent upon
17 information and belief in November, this was the
18 order to appear, which was sent to him in November
19 of 2023.

20 Based upon research after the filing of
21 the prehearing statement of these exhibits, this was
22 forwarded to the address in Florida, there on Dabney
23 Street, and apparently signed by him. Based off of
24 that, all of that information is why notice of the
25 complaint was published in Florida.

1 With all that being said, now that an
2 offer of proof has been made, we still want to
3 proceed pursuant NRS 622A.350, subsection 2, which
4 is: "If a licensee fails to appear at the hearing,
5 the hearing officer may accept the allegations
6 against licensee in the charging documents as true."

7 We proffer this is -- the controlling
8 compliant is the First Amended Complaint, which was
9 filed on October 16, 2023, we proffered this as the
10 charging document, and ask that the allegations in
11 this document be accepted as true.

12 HEARING OFFICER HALSTEAD: All right.
13 Thank you, Mr. Shogren. Anything further?

14 MR. SHOGREN: Nothing further.

15 HEARING OFFICER HALSTEAD: Okay. With
16 that, I will enter a default against Dr. Washinsky
17 for his failure to appear, based on the allegations
18 in the Compliant and the statute cited, and I will
19 issue an order accordingly.

20 MR. SHOGREN: Thank you.

21 HEARING OFFICER HALSTEAD: Thank you, Mr.
22 Shogren.

23 We'll be off the record.

24 (Hearing ended at 9:36 a.m.)
25

1 STATE OF NEVADA)
) ss.

2 COUNTY OF WASHOE)
3

4 I, BRANDI ANN VIANNEY SMITH, do hereby
5 certify:

6 That I was present on February 27, 2024,
7 for the hearing at the Nevada State Board of Medical
8 Examiners, 9600 Gateway Drive, Reno, Nevada, and
9 took stenotype notes of the proceedings entitled
10 herein, and thereafter transcribed the same into
11 typewriting as herein appears.

12 That the foregoing transcript is a full,
13 true, and correct transcription of my stenotype
14 notes of said proceedings consisting of 19 pages,
15 inclusive.

16 DATED: At Reno, Nevada, this 10th day of
17 March, 2024.

18
19 /s/ Brandi Ann Vianney Smith
20

21 -----
BRANDI ANN VIANNEY SMITH
22
23
24
25

[1 - appear]

1	2024 1:21 5:1 10:10,11 13:16 14:3 17:16 19:6,17 21 4:9 9:21,25 10:8 14:14 23-8462-1 1:9 5:7 9:13 15:23 27 1:21 5:1 10:11 19:6 27th 5:19 2851 8:2 10:19 29 16:14	8 8 3:6,7,8,9,10 3:11,12,13,13 3:14,15,17,20 3:22,24 4:1,3,5 4:7,8 8/17/22 3:11,20 89128 10:20 89521 2:7 8:30 5:1,18 10:12 8:39 9:11 8:49 9:11 8:58 15:21	10:21,22,23 11:3,15 16:20 16:24 17:7,22 addressed 11:4 addresses 8:4 10:17 admit 8:10 admitted 3:4 8:14,16,18 9:24,25 14:11 14:12 16:9 affidavit 4:8 14:6 16:14 alexis 6:10 14:7 allegations 14:24 15:2 18:5,10,17 amended 3:7 4:9 8:23,24 9:5 9:17 10:5,9,16 13:6,16,25 14:1,3 15:3 18:8 andreas 3:19 ann 1:24 19:4 19:19,21 answer 12:7,13 answered 12:19 apologize 10:4 apparently 17:23 appear 14:22 17:18 18:4,17
1 3:6 5:22 8:11 8:14,16,17 1/16/24 4:3 10 3:15 14:2 17:16 103 8:3 10:19 10th 19:16 11 3:16 11/21/22 3:12 3:13 12 3:18 12/12/23 4:7 12/4/23 4:5 13 3:19 17:13 14 3:21 17:1 15 3:23 7:12 16 3:25 16:12 16:14 18:9 17 4:2 18 4:4 7:23 8:20 10:10 13:16 19 4:6 9:3 16:15 19:14	3 3 3:8 10:13 3017 8:6 33966 10:25 4 4 3:9 5 5 3:10 57 17:14 6 6 3:11 12:2 6/14/22 3:8 622a.350 5:22 14:21 18:3 6386743 1:25 6501 8:7 10:24 7 7 3:12 7/14/22 3:9	9 9 3:14 4:10 91 7:25 9600 1:18 2:7 19:8 9:25 15:21 9:36 18:24 a a.m. 5:1 9:11 9:11 10:12 15:21,21 18:24 accept 14:23 15:2 18:5 accepted 18:11 actually 7:13 additional 14:13 address 5:12 7:19 8:1,1,2,7 9:8,16 10:2,18	
2 2 3:7 7:13 14:21 18:3 20 4:8 8:11,14 8:16,17 14:6 14:10 2023 12:3 16:14,15 17:19 18:9			

[appearance - deputy]

appearance 6:1 appeared 5:17 appears 17:15 19:11 asked 7:16 12:7 12:9 asking 16:1 assistant 2:12 10:15 associated 8:5 attached 3:3 attachments 3:20 4:5,7 attempt 14:5 attempted 4:8 6:12 12:2,6,13 14:7,19 17:8 attempts 6:7,11 6:21,22 7:7 12:23 13:21 17:6,7 august 16:14	belief 17:17 believe 14:18 board 1:1,17 2:6,6 5:15 8:2 10:14,22 11:16 12:4,14 16:20 19:7 brandi 1:24 19:4,19,21 break 9:8,16 15:25 briefly 12:13	check 15:16 16:2 chief 6:5 circle 8:6 circuit 8:10 cited 18:18 clarification 7:5 clear 16:23 cns 3:15 coincide 15:9 committee 2:5 3:5 complaint 1:9 3:6,7 5:7 7:14 9:14 13:2,4,25 15:3,24 16:11 17:10,25 18:8 compliant 6:6 6:13 18:8,18 conference 12:1,18 13:5 14:1 confusion 10:5 consider 5:25 considering 15:14 consisting 19:14 contact 11:22 12:5,21,23 13:21 contemplates 15:8	continues 9:6 controlling 18:7 copies 3:23 13:25 copy 8:7 9:18 10:16 correct 13:10 13:12 19:13 counsel 2:5 county 16:16 19:2 court 17:2
b	c		d
b 3:3 8:8 back 9:12 11:12 12:16 15:22 16:3,4 backing 7:13 based 15:1 16:22 17:11,20 17:23 18:17 bates 17:13 beginning 7:19 behalf 3:5 5:9 5:15	c 2:1 call 11:24 12:2 12:6,13,15 calling 12:17 case 1:9 5:6,25 9:13 12:1 13:1 13:5,25 15:23 17:1 casetext 3:21 cc'd 13:9,15,18 certainly 7:2 certificate 10:13 certified 7:25 8:4 10:15 11:2 17:14 certify 19:5 changing 8:25 charges 1:9 5:7 9:14 15:24 charging 14:24 18:6,10		d 3:1 8:8 dabney 8:8 10:24 17:22 date 8:21,22,25 9:7 10:11 12:16 14:12 dated 3:8,9,11 3:12,13,20 4:3 4:5,7 19:16 david 1:11 5:8 9:14 15:24 day 19:16 debate 15:7 decide 15:12 default 15:13 16:1 18:16 defendant 17:3 deliverable 11:4 deputy 2:5

[despite - halstead]

despite 14:16 detail 17:5 determined 5:25 diaz 6:6,16 diaz's 7:6 different 10:17 disclosed 6:3 discovered 16:25 district 17:2,2 division's 6:7 document 18:10,11 documents 6:14 10:2 14:25 18:6 donald 3:19 dr 3:24 5:12,17 5:24 6:8 8:1,5 10:17 11:14,19 11:24 12:8,12 12:20,23 13:2 13:7,24 14:15 16:11 17:3,6 17:15 18:16 drafted 14:7 drive 1:18 2:7 19:8	13:3,10,15 emailed 13:2,7 emails 13:10 emphasize 16:10,17 17:1 17:12 ended 18:24 enter 18:16 entering 15:13 entitled 19:9 envelope 11:1 ernesto 6:5,15 esq 2:2,5 established 14:18 exactly 15:9 examiners 1:1 1:17 2:6,6 5:16 19:8 exhibit 3:6,7,8 3:9,10,11,12,13 3:14,15,16,18 3:19,21,23,25 4:2,4,6,8,9 7:12 7:13,23,23 8:20 9:2,21,25 10:8 11:2 14:6 14:10,13 16:12 16:14,25 17:1 17:13 exhibits 8:11 8:14,15,17 14:12 16:8 17:13,21	f fails 14:22 18:4 failure 18:17 family 3:16 february 1:21 5:1,19 8:21 10:11 19:6 file 9:18 11:15 13:3 16:20 filed 6:13 10:10 13:1,16 18:9 filing 17:1,4,20 final 3:10 find 14:14 fine 15:13 first 3:7 8:13 11:25 13:25 15:2 18:8 florida 8:7,8 10:23,25 11:8 11:11,12 16:16 16:16,19,24 17:8,10,22,25 foregoing 19:12 formal 6:13 7:14 13:1,3 16:11 fort 8:8 10:24 16:16 17:8 forte 3:16 forward 11:5 16:7 forwarded 17:22	found 16:12 fuentes 2:12 4:2,4,6 6:12 10:15 11:10 full 19:12 further 5:20 15:5 18:13,14
			g gateway 1:18 2:7 19:8 general 2:5 given 5:23 13:18 14:12 gmail.com 13:11 go 5:6 6:4 7:20 9:8 15:10,16 15:18 16:25 goes 17:5 going 5:5,20 6:5,8,9,11 7:7 8:20 16:7 good 5:14 gotten 8:12 group 3:25 16:13
e e 2:1,1 3:1,3 8:3 8:8 early 12:1 13:4 email 3:19 4:2 4:4,6 12:24			h h 3:3 halstead 2:2 5:5 6:17,20 7:1 7:8,15,18 8:9 8:15,19 9:4,12 9:23 10:1 11:6 11:13,18,21

[halstead - new]

12:22 13:8,14 13:20 14:9 15:6,20,22 16:18 18:12,15 18:21 handwritten 3:15 happened 11:7 hearing 1:15 2:2 5:5,16,18 5:24 6:17,20 7:1,8,9,15,16 7:18,20,22 8:9 8:15,19,21,22 8:25 9:4,6,12 9:23 10:1,6,11 11:6,13,18,21 12:22 13:8,14 13:17,20 14:9 14:23,23 15:6 15:20,22 16:18 18:4,5,12,15,21 18:24 19:7 held 1:17 honor 7:24 10:10 15:2 hum 6:19 7:17 hung 12:11	included 11:2 inclusive 19:15 indicates 11:7 indication 11:12 information 17:17,24 initial 13:4 investigation 6:7 investigative 2:5 3:5 investigator 6:5,9 14:8 involving 17:3 issue 18:19 issued 7:24 10:6,9	l labels 3:23 las 8:6 10:19 11:3 16:20 lee 16:16 left 12:16,19 legal 2:12 5:23 10:15 letter 3:8,9,11 3:12,13 11:11 licensee 14:22 14:24 18:4,6 line 12:8,10 listed 6:2 8:1 10:21 12:4,14 little 8:10 located 17:7	matter's 5:10 matters 16:2 mean 7:1 means 11:22 media 16:13 medical 1:1,17 2:6,6 3:16,25 5:16 11:15 19:7 mentioned 10:19,24 mercedes 2:12 4:2,4,6 6:12 message 12:16 12:19 meyers 8:8 10:24 16:16 17:8 minute 15:10 morning 5:14 move 7:10 13:22 16:18 multiple 10:5 11:25
i ic 5:10 ic's 8:17 immediately 12:15 include 13:3	j january 8:20 10:10 13:16 14:2 17:16 job 1:25	m m.d. 1:11 5:8 9:15 15:25 made 6:11 14:13,14,20 18:2 mail 7:25 8:4 10:16 11:2 17:14 mailing 3:23 make 16:8 march 19:17 marked 9:21 9:24,25 10:8 14:6,11 matter 1:9 5:7 6:14 9:13 15:3 15:23	n n 2:1 3:1 8:3,8 nature 6:6 need 15:4 nevada 1:2,17 1:19 2:5,6 5:1 5:15 8:6 10:20 17:2 19:1,7,8 19:16 new 10:11 16:13
	k kent 6:10 14:7 kind 6:6 know 12:11 15:4,14 knowledge 11:9 12:20 16:22 known 11:15 16:20		

[newly - reported]

newly 10:8 news 3:25 newspaper 16:12 north 8:3 10:19 note 3:15 5:11 10:20 13:9,14 14:10,21 16:8 notes 19:9,14 notice 5:23 7:16 8:19 11:14 13:17,18 16:10 17:10,24 november 12:2 17:17,18 nrs 5:22 14:21 18:3 nsbme 3:8,9,11 3:12,13 number 1:25 12:3,5,14,15,18 17:13 nv 2:7	7:15,18 8:9,15 8:19 9:4,12,23 10:1 11:6,13 11:18,21 12:22 13:8,14,20 14:9,23 15:6 15:20,22 16:18 18:5,12,15,21 okay 7:11 8:15 9:4 11:13,18 12:22 13:8,19 14:9 18:15 onset 6:8 order 3:10,14 3:18 4:9 7:24 8:24,25 9:6,17 10:9,16 13:4,6 13:16 14:1,2,4 17:18 18:19 orders 10:6 13:5	phone 12:7 plaintiff 17:4,5 please 5:13 point 15:11,25 position 15:1 15:14 possible 17:7 post 6:21 practice 3:16 prehearing 6:3 12:17 17:21 present 2:11 5:9 19:6 press 3:25 16:13 previously 10:18 15:15 16:9 prior 11:25 12:17 14:3 procedural 16:2 proceed 15:4 15:12 18:3 proceedings 1:15 19:9,14 process 11:24 produce 3:10 3:14 proffer 14:13 18:7 proffered 18:9 proof 4:1,10 5:21 7:7,9 9:18 14:20 15:8	18:2 proofs 6:21 proper 14:15 14:16,19 provided 9:18 12:4 publication 4:1 published 16:11,13,15,19 17:10,25 pursuant 5:21 16:10 18:3 put 13:21 putting 6:23
		r	
		r 2:1 rdwashinsky 13:11 receipt 17:14 received 11:11 recess 9:11 15:21 record 5:6,6,12 9:13 10:3,21 13:9,11,22 14:13,14 15:11 15:19,20,23 16:4,8 18:23 recorded 5:10 records 3:17 6:18,22 reno 1:19 2:7 5:1 19:8,16 reported 1:24	

[research - true]

research 17:20 reset 10:7 respondent 1:12 5:17 responses 11:19 return 11:1 17:14 returned 11:4 reviewed 14:10 richard 1:11 5:8 9:14 15:24 right 6:18 18:12	serve 6:7 13:24 service 4:8,10 6:13,21 7:7 9:5 9:16,19 10:14 14:5,7,15,16,19 17:6,7,9 set 10:10 setting 13:17 shogren 2:5 5:9 5:11,14,15 6:19,24 7:4,11 7:17,22 8:12 9:2,10,20,22 10:2,4 11:9,17 11:20,23 12:25 13:13,19,23 14:17 15:18 16:1,5,6,22 18:13,14,20,22 short 8:9 show 5:22 side 12:9 signed 17:15,23 smith 1:24 19:4 19:19,21 software 16:24 sorry 7:13 speak 12:7 specifically 15:15 ss 19:1 stamped 9:18 17:13 start 5:21 6:15 7:6,19	starting 7:23 13:1 starts 7:12 state 1:2,17 2:6 2:6 19:1,7 statement 6:3 17:21 statements 14:14 states 3:21 14:22 17:2,4,5 statute 15:8,11 18:18 statutes 16:10 stenotype 19:9 19:13 street 8:8 10:24 17:23 subsection 5:22 14:21 18:3 subsequent 6:14 13:5 16:23 sufficient 5:23 suite 10:19 summarize 6:6 6:22 sure 15:18	tenaya 8:3 10:19 testify 6:9,10 6:12 11:10 testimony 7:6 thank 14:17 16:6 18:13,20 18:21 thing 13:23 17:12 three 6:2 time 7:3 11:25 12:3,18 times 11:25 today 5:16,18 5:24 6:4 7:9 10:11 11:14 13:17 14:20 today's 7:16,19 7:22 told 12:9 took 9:16 15:25 19:9 transcribed 19:10 transcript 1:15 19:12 transcription 19:13 tried 11:22,24 12:15,17,21 true 6:24 7:4 14:25 15:3 18:6,11 19:13
s			
s 2:1 3:3 19:19 scheduled 5:18 scheduling 4:9 7:24 8:24,25 9:5,17 10:5,9 10:16 13:4,6 13:16 14:1,2,4 search 16:23,23 second 4:9 9:5 9:17 10:8,16 13:15 14:3 seconded 13:6 sender 11:4 sending 13:15 sent 7:25 8:4,7 8:23 10:15,23 11:3,11,14 17:15,16,18 september 16:15			
	t	t 3:3 8:3 take 9:8 13:17 15:10 taken 15:14 talk 7:9	

[try - yeah]

try 13:24	5:17,24 6:8 8:5
tuesday 1:21	9:15 10:17
turn 16:4	11:19,24 12:8
two 8:4 10:17	12:12,20,23
typewriting	13:7,24 14:15
19:11	15:25 16:11
u	17:3,6,15
	18:16
um 6:19 7:17	washinsky's
unable 11:5	8:1 11:14 13:2
united 3:21	washoe 19:2
17:2,3,4	waste 7:2
unsuccessful	waterside 8:6
17:9	way 8:3,13
used 12:3	10:19
using 16:23	whatsoever
v	11:19
v 3:21	william 2:5
vegas 8:6 10:20	5:15
11:3 16:21	witnesses 6:2,4
vianney 1:24	6:23
19:4,19,21	wrong 13:10
voicemail	x
12:16,19	x 3:1,3
w	y
want 6:1 7:21	y 8:3,8
8:10 9:8 10:2	yeah 9:10
11:23 15:10,12	15:18
15:15,16 16:9	
16:25 18:2	
wanted 5:22	
6:4 7:4,5 10:20	
16:7,17 17:12	
washinsky 1:11	
3:22,24 5:8,12	

4

EXHIBIT 1

EXHIBIT 1

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA

* * * * *

In the Matter of Charges and Complaint

Case No. 23-8462-1

Against:

RICHARD DAVID WASHINSKY, M.D.,

Respondent.

FILED

JUL 17 2023

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: 

COMPLAINT

The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners (Board), by and through William P. Shogren, Deputy General Counsel and attorney for the IC, having a reasonable basis to believe that Richard David Washinsky, M.D. (Respondent) violated the provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630 (collectively, the Medical Practice Act), hereby issues its Complaint, stating the IC's charges and allegations as follows:

A. Respondent's Licensure Status

1. Respondent was at all times relative to this Complaint a medical doctor holding an active license to practice medicine in the State of Nevada (License No. 6547). Respondent was originally licensed by the Board on July 1, 1992.

B. Applicable Law

2. Pursuant to NRS 630.3065(2)(a), a licensee shall not knowingly or willfully fail to comply with a subpoena or order of the Investigative Committee (IC) or the Board.

3. Pursuant to NRS 630.311(1), the IC must review each complaint made against a licensee and conduct an investigation to determine if there is a reasonable basis for the complaint.

///

¹ The Investigative Committee of the Nevada State Board of Medical Examiners, at the time this formal Complaint was authorized for filing, was composed of Board members Bret W. Frey, M.D., Col. Eric D. Wade, USAF (Ret.), Carl N. Williams, Jr., M.D., FACS.

1 The IC may issue orders to aid its investigation, including, but not limited to, compelling a
2 licensee to appear before the IC.

3 **C. Respondent's Failure to Comply With an Order for Health Care Records in NSBME**
4 **Investigative File No. 22-21658**

5 4. On June 14, 2022, pursuant to an investigation of Respondent's alleged conduct
6 related to IF 22-21658, an investigator for the Board sent an Allegation Letter to Respondent.
7 Respondent was ordered to respond to the Allegation Letter within thirty (30) days of service.
8 The Allegation Letter was sent to Respondent via USPS first-class mail on or about June 14, 2022,
9 to his permanent mailing address on file at that time with the Board located at 9010 W. Cheyenne
10 Ave., Las Vegas, NV 89129.

11 5. Respondent failed to respond to the Allegation Letter within thirty (30) days.
12 Accordingly, on or about July 14, 2022, an investigator for the Board sent a Second Request
13 Letter, along with a Final Order to Produce Response & Medical Records (IC Order), to
14 Respondent via USPS first-class mail to his permanent mailing address on file with the Board
15 located at 2851 N Tenaya Way #103, Las Vegas, NV 89128. A copy of the Second Request
16 Letter and IC Order was also sent to Respondent's email address on file with the Board.

17 6. Respondent failed to respond to either the Second Request Letter or the IC Order.
18 Accordingly, on or about August 17, 2022, a third and final request letter was sent, along with the
19 original Allegation Letter and the IC Order (collectively referred to as the "Final Documents"), to
20 Respondent via USPS first-class mail to his permanent address on file with the Board located at
21 2851 N Tenaya Way #103, Las Vegas, NV 89128. A copy of the Final Documents was also sent
22 to Respondent's email address on file with the Board.

23 7. Additionally, a copy of the Final Documents was sent to Respondent's permanent
24 address on file with the Board via certified mail located at 2851 N Tenaya Way #103, Las Vegas,
25 NV 89128. The certified mail was returned to sender without signature.

26 8. To date, Respondent has failed to respond to the IC Order pursuant to an
27 investigation of Respondent's alleged conduct related to IF 22-21658.

28 ///

F. Respondent's Failure to Comply with an Order for Appearance at the IC Meeting

9. On or about November 21, 2022, pursuant to NRS 630.311(1), the IC issued an Order for Appearance (Appearance Order) to Respondent via USPS certified mail to his permanent mailing address on file with the Board located at 2851 N Tenaya Way #103, Las Vegas, NV 89128, whereby Respondent was required to appear before the IC on February 17, 2023, to discuss his open investigation before the IC members.

10. In its Appearance Order, the IC also stated that it wanted to discuss with Respondent his practice in general, his specialty, the community standard of care regarding his specialty, and Respondent's complaint history with the Board.

11. An investigator for the Board also emailed Respondent a courtesy copy of the Appearance Order to Respondent's email on record on November 21, 2023.

12. On February 17, 2023, Respondent failed to appear before the IC pursuant to the Appearance Order.

COUNT I

NRS 630.3065(2)(a) - Knowing and Willful Failure to Comply with Investigative Committee Order

13. All of the allegations in the above paragraphs are hereby incorporated as if fully set forth herein.

14. NRS 630.3065(2)(a) provides that knowingly or willfully failing to comply with a regulation, subpoena or order of the Board or a committee designated by the Board to investigate a complaint against a physician is grounds for disciplinary action.

15. Respondent knowingly and willingly failed to comply with the IC's Final Order to Produce Response & Medical Records pursuant to an investigation of Respondent's alleged conduct related to IF 22-21658, after being served with the IC Order by mail to Respondent's permanent mailing address on record with the Board (with a courtesy copy sent to Respondent's email address on file with the Board).

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

COUNT II

**NRS 630.3065(2)(a) - Knowing and Willful Failure to Comply with Investigative
Committee Order**

17. All of the allegations in the above paragraphs are hereby incorporated as if fully set forth herein.

18. NRS 630.3065(2)(a) provides that knowingly or willfully failing to comply with a regulation, subpoena or order of the Board or a committee designated by the Board to investigate a complaint against a physician is grounds for disciplinary action.

19. Respondent knowingly and willingly failed to comply with the IC's Order for Appearance at the IC meeting held on February 17, 2023 as ordered, after being served with said order to Respondent's permanent mailing address of record with the Board (with a courtesy copy sent to Respondent's email address on file with the Board).

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

WHEREFORE, the Investigative Committee prays:

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

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

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

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

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

///

///

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

3 DATED this 17th day of July, 2023.

4 INVESTIGATIVE COMMITTEE OF THE
5 NEVADA STATE BOARD OF MEDICAL EXAMINERS

6 By: 
7 WILLIAM P. SHOGREN
8 Deputy General Counsel
9 9600 Gateway Drive
10 Reno, NV 89521
11 Tel: (775) 688-2559
12 Email: shogrenw@medboard.nv.gov
13 Attorney for the Investigative Committee

VERIFICATION

STATE OF NEVADA)
 : ss.
COUNTY OF WASHOE)

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

DATED this 17th day of July, 2023.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:



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

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CERTIFICATE OF SERVICE

I hereby certify that I am employed by the Nevada State Board of Medical Examiners and that on the 17th day of July, 2023, I served a file-stamped copy of the foregoing **COMPLAINT** and required fingerprinting materials, via USPS Certified Mail, postage pre-paid, to the following parties:

RICHARD DAVID WASHINSKY, M.D.
2851 N. Tenaya Way, #103
Las Vegas, NV 89128

Tracking No.: 9171 9690 0935 0255 6832 22

DATED this 17th day of July, 2023.


MERCEDES FUENTES
Legal Assistant
Nevada State Board of Medical Examiners

EXHIBIT 2

EXHIBIT 2

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA

* * * * *

In the Matter of Charges and Complaint

Case No. 23-8462-1

Against:

FILED

RICHARD DAVID WASHINSKY, M.D.,

OCT 16 2023

Respondent.

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: USMAE

FIRST AMENDED COMPLAINT

The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners (Board), by and through William P. Shogren, Deputy General Counsel and attorney for the IC, having a reasonable basis to believe that Richard David Washinsky, M.D. (Respondent) violated the provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630 (collectively, the Medical Practice Act), hereby issues its First Amended Complaint (Complaint), stating the IC's charges and allegations as follows:

A. Respondent's Licensure Status

1. Respondent was at all times relative to this Complaint a medical doctor holding an active license to practice medicine in the State of Nevada (License No. 6547). Respondent was originally licensed by the Board on July 1, 1992.

B. Applicable Law

2. Pursuant to NRS 630.3065(2)(a), a licensee shall not knowingly or willfully fail to comply with a subpoena or order of the Investigative Committee (IC) or the Board.

3. Pursuant to NRS 630.311(1), the IC must review each complaint made against a licensee and conduct an investigation to determine if there is a reasonable basis for the complaint.

///

¹ The Investigative Committee of the Nevada State Board of Medical Examiners, at the time this formal Complaint was authorized for filing, was composed of Board members Bret W. Frey, M.D., Col. Eric D. Wade, USAF (Ret.), Carl N. Williams, Jr., M.D., FACS.

1 The IC may issue orders to aid its investigation, including, but not limited to, compelling a
2 licensee to appear before the IC.

3 **C. Respondent's Failure to Comply With an Order for Health Care Records in NSBME**
4 **Investigative File No. 22-21658**

5 4. On June 14, 2022, pursuant to an investigation of Respondent's alleged conduct
6 related to IF 22-21658, an investigator for the Board sent an Allegation Letter to Respondent.
7 Respondent was ordered to respond to the Allegation Letter within thirty (30) days of service.
8 The Allegation Letter was sent to Respondent via USPS first-class mail on or about June 14, 2022,
9 to his permanent mailing address on file at that time with the Board located at 9010 W. Cheyenne
10 Ave., Las Vegas, NV 89129.

11 5. Respondent failed to respond to the Allegation Letter within thirty (30) days.
12 Accordingly, on or about July 14, 2022, an investigator for the Board sent a Second Request
13 Letter, along with a Final Order to Produce Response & Medical Records (IC Order), to
14 Respondent via USPS first-class mail to his permanent mailing address on file with the Board
15 located at 2851 N Tenaya Way #103, Las Vegas, NV 89128. A copy of the Second Request
16 Letter and IC Order was also sent to Respondent's email address on file with the Board.

17 6. Respondent failed to respond to either the Second Request Letter or the IC Order.
18 Accordingly, on or about August 17, 2022, a third and final request letter was sent, along with the
19 original Allegation Letter and the IC Order (collectively referred to as the "Final Documents"), to
20 Respondent via USPS first-class mail to his permanent address on file with the Board located at
21 2851 N Tenaya Way #103, Las Vegas, NV 89128. A copy of the Final Documents was also sent
22 to Respondent's email address on file with the Board.

23 7. Additionally, a copy of the Final Documents was sent to Respondent's permanent
24 address on file with the Board via certified mail located at 2851 N Tenaya Way #103, Las Vegas,
25 NV 89128. The certified mail was returned to sender, without signature.

26 8. To date, Respondent has failed to respond to the IC Order pursuant to an
27 investigation of Respondent's alleged conduct related to IF 22-21658.

28 ///

D. Respondent's Care of Patient A and Failure to Comply With an Order for Health Care Records in NSBME Investigative File No. 22-22199

9. Patient A² was a seventy-nine (79) year-old female at the time of the events at issue.

10. On or about May 6, 2022, Patient A met with Respondent. At this time, Respondent worked for Forte Family Practice. During this meeting, Respondent drafted a hand-written contract, signed by Respondent, stating that Patient A was enrolled in Respondent's Concierge Program, for a fee of six hundred dollars (\$600), and that the fee would cover one year of the program, ending May 6, 2023. Patient A gave Respondent a check in the amount of six hundred dollars (\$600). Respondent represented to Patient A that, as part of the Concierge Program, he would visit Patient A's residence for any physical examinations. Respondent also represented that Patient A could call Respondent's direct phone to have prescriptions filled.

11. On or about July 19, 2022, Patient A attempted to call Respondent multiple times regarding a prescription refill and did not receive a return call. Patient A then called Forte Family Practice, and was told that Respondent no longer worked there, without further explanation. Patient A was also informed that she had been transferred to another physician, without her consent.

12. On November 21, 2022, pursuant to an investigation of Respondent's alleged conduct related to IF 22-22199, an investigator for the Board sent an Allegation Letter to Respondent. Per the Allegation Letter, on or about May 15, 2022, Respondent failed to refill a patient prescription, and Respondent abandoned the patient and billed for services not rendered.

13. Respondent was ordered by the IC to respond to the Allegation Letter within thirty (30) days of service. The Allegation Letter was sent to Respondent via USPS first-class mail on or about November 21, 2022, to his permanent mailing address on file at that time with the Board located at 2851 N Tenaya Way #103, Las Vegas, NV 89128.

14. Respondent failed to respond to the Allegation Letter within thirty (30) days. Accordingly, on or about February 24, 2023, an investigator for the Board sent a Second and Final

² Patient A's true identity is not disclosed herein to protect her privacy, but is disclosed in the Patient Designation served upon Respondent along with a copy of this Complaint.

1 Request Letter, along with an Order to Produce Response & Medical Records (IC Order), to
2 Respondent via USPS first-class mail to his permanent mailing address on file with the Board
3 located at 2851 N Tenaya Way #103, Las Vegas, NV 89128. A copy of the Second and Final
4 Request Letter and IC Order was also sent to Respondent's email address on file with the Board.

5 15. To date, Respondent has failed to respond to the IC Order pursuant to an
6 investigation of Respondent's alleged conduct related to IF 22-22199.

7 **E. Respondent's Failure to Comply with an Order for Appearance at the IC Meeting**

8 16. On or about November 21, 2022, pursuant to NRS 630.311(1), the IC issued an
9 Order for Appearance (Appearance Order) to Respondent via USPS certified mail to his
10 permanent mailing address on file with the Board located at 2851 N Tenaya Way #103, Las
11 Vegas, NV 89128, whereby Respondent was required to appear before the IC on
12 February 17, 2023, to discuss his open investigation before the IC members.

13 17. In its Appearance Order, the IC also stated that it wanted to discuss with
14 Respondent his practice in general, his specialty, the community standard of care regarding his
15 specialty, and Respondent's complaint history with the Board.

16 18. An investigator for the Board also emailed Respondent a courtesy copy of the
17 Appearance Order to Respondent's email on record on November 21, 2022.

18 19. On February 17, 2023, Respondent failed to appear before the IC pursuant to the
19 Appearance Order.

20 **F. Respondent's Failure to Timely Notify the Board of a Change of Permanent Address**

21 20. During all times relevant to this Complaint, Respondent maintained with the Board
22 his permanent mailing address as 2851 N Tenaya Way #103, Las Vegas, NV 8912813.

23 21. On or about July 17, 2023, an employee of the Board sent a copy of the original
24 Complaint in this matter, Case No. 23-8462-1, filed July 17, 2023, to Respondent via USPS
25 Certified Mail to his permanent mailing address on file with the Board located at 2851 N Tenaya
26 Way #103, Las Vegas, NV 8912813.

27 22. On July 28, 2023, the Board received from USPS the previously sent Complaint in
28 its original envelope, with a note stating "RTS [return to sender] no longer at this location."

23. To date, the Board has not received notice or correspondence of any kind from Respondent regarding any change of address of record. Respondent has failed to notify the Board of a change to his permanent mailing address.

COUNT I

**NRS 630.3065(2)(a) - Knowing and Willful Failure to Comply with Investigative
Committee Order**

24. All of the allegations in the above paragraphs are hereby incorporated as if fully set forth herein.

25. NRS 630.3065(2)(a) provides that knowingly or willfully failing to comply with a regulation, subpoena or order of the Board or a committee designated by the Board to investigate a complaint against a physician is grounds for disciplinary action.

26. Respondent knowingly and willingly failed to comply with the IC's Final Order to Produce Response & Medical Records pursuant to an investigation of Respondent's alleged conduct related to IF 22-21658, after being served with the IC Order by mail to Respondent's permanent mailing address on record with the Board (with a courtesy copy sent to Respondent's email address on file with the Board).

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

COUNT II

**NRS 630.3065(2)(a) - Knowing and Willful Failure to Comply with Investigative
Committee Order**

28. All of the allegations in the above paragraphs are hereby incorporated as if fully set forth herein.

29. NRS 630.3065(2)(a) provides that knowingly or willfully failing to comply with a regulation, subpoena or order of the Board or a committee designated by the Board to investigate a complaint against a physician is grounds for disciplinary action.

30. Respondent knowingly and willingly failed to comply with the IC's Order to Produce Response & Medical Records pursuant to an investigation of Respondent's alleged

1 conduct related to IF 22-22199, after being served with the IC Order by mail to Respondent's
2 permanent mailing address on record with the Board (with a courtesy copy sent to Respondent's
3 email address on file with the Board).

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

6 **COUNT III**

7 **NRS 630.3065(2)(a) - Knowing and Willful Failure to Comply with Investigative**
8 **Committee Order**

9 32. All of the allegations in the above paragraphs are hereby incorporated as if fully set
10 forth herein.

11 33. NRS 630.3065(2)(a) provides that knowingly or willfully failing to comply with a
12 regulation, subpoena or order of the Board or a committee designated by the Board to investigate a
13 complaint against a physician is grounds for disciplinary action.

14 34. Respondent knowingly and willingly failed to comply with the IC's Order for
15 Appearance at the IC meeting held on February 17, 2023, as ordered, after being served with said
16 order to Respondent's permanent mailing address of record with the Board (with a courtesy copy
17 sent to Respondent's email address on file with the Board).

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

20 **COUNT IV**

21 **NRS 630.301(9) - Disreputable Conduct**

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

24 37. NRS 630.301(9) provides that engaging in conduct that brings the medical
25 profession into disrepute is grounds for initiating disciplinary action or denying licensure.

26 38. Respondent engaged in conduct that brings the medical profession into disrepute by
27 entering into a contract with Patient A for concierge services, collecting six hundred dollars
28 (\$600) from Patient A, and subsequently not providing services to Patient A.

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

COUNT V

NRS 630.304(7) - Terminating Medical Care without Adequate Notice to a Patient

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

41. NRS 630.304(7) provides that terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient is grounds for initiating disciplinary action.

42. Respondent terminated the medical care of Patient A without adequate notice to Patient A as of July 19, 2022.

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

COUNT VI

NRS 630.306(1)(j) - Failing to Timely Notify the Board of a Change of Permanent Address

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

45. NAC 630.540(23) provides that violating any provision that would subject a practitioner of medicine to discipline pursuant to NRS 630.301 to 630.3065, inclusive, or NAC 630.230, is grounds for disciplinary action against a physician.

46. NRS 630.306(1)(j) provides that failing to comply with the requirements of NRS 630.254 is grounds for initiating disciplinary action.

47. NRS 630.254 provides, in pertinent part:

Each licensee shall maintain a permanent mailing address with the Board to which all communications from the Board to the licensee must be sent. A licensee who changes his or her permanent mailing address shall notify the 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:

(a) May impose upon the licensee a fine not to exceed \$250; and

(b) May initiate disciplinary action against the licensee as provided pursuant to paragraph (j) of subsection 1 of NRS 630.306.

48. Respondent violated NRS 630.254 by failing to maintain a permanent address with the Board, to which all communications to the licensee must be sent.

49. By reason of the foregoing, Respondent is subject to discipline by the Board as provided in NAC 630.555 and NRS 630.352.

WHEREFORE, the Investigative Committee prays:

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

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

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

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

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

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

DATED this 16th day of October, 2023.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:



WILLIAM P. SHOGREN

Deputy General Counsel

9600 Gateway Drive

Reno, NV 89521

Tel: (775) 688-2559

Email: shogrenw@medboard.nv.gov

Attorney for the Investigative Committee

VERIFICATION

STATE OF NEVADA)
: ss.
COUNTY OF WASHOE)

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

DATED this 16TH day of October, 2023.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:



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

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CERTIFICATE OF SERVICE

I hereby certify that I am employed by the Nevada State Board of Medical Examiners and that on the 16th day of October, 2023, I served a file-stamped copy of the foregoing **COMPLAINT** and required fingerprinting materials, via USPS Certified Mail, postage pre-paid, to the following parties:

RICHARD DAVID WASHINSKY, M.D.
2851 N. Tenaya Way, #103
Las Vegas, NV 89128

Tracking No.: 9171 9690 0935 0241 5574 52

DATED this 16th day of October, 2023.



MERCEDES FUENTES
Legal Assistant
Nevada State Board of Medical Examiners

EXHIBIT 3

EXHIBIT 3

NEVADA STATE BOARD OF MEDICAL EXAMINERS

325 E. Warm Springs Road, Suite 225
Las Vegas, NV 89119

Victor M. Muro, M.D.
Board President



Edward O. Cousineau, J.D.
Executive Director

June 14, 2022

Richard Washinsky, M.D.
9010 W. Cheyenne Ave.
Las Vegas, NV 89129

RE: BME CASE #: 22-21658

PATIENT: [REDACTED]

Dear Dr. Washinsky:

We have received information and a complaint regarding your medical treatment of the above named patient. The complaint alleges your care and treatment of the patient may have fallen below the standard of care.

It is alleged:

1. The patient presented to you on or around June 3, 2022, for headaches.
2. You failed to treat the patient for a sinus infection and your demeanor was rude and unprofessional.

According to these allegations, you may have violated the Nevada Medical Practice Act, Nevada Revised Statutes, Chapters 629 and 630, and Nevada Administrative Code, Chapters 629 and 630 (NMPA).

In order to determine whether or not there has been a violation of the NMPA, **please provide a written response to each allegation noted above, as well as complete health care records for the aforesaid patient[s]. Include copies of any imaging, x-ray or other films that were produced during treatment of this patient.** Please include any further information you believe would be useful for the Board to make a determination in this matter. **Please reply to this request within 30 calendar days.**

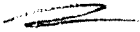
Please return the health care records with the signed Custodian of Records Affidavit, enclosed herewith. If you are not a custodian of the patient records, please indicate where the health care records can be obtained.

The Nevada State Board of Medical Examiners investigates all information received concerning possible violations of the NMPA. We make no determination as to whether or not there has been a violation of the NMPA until a thorough investigation is completed. As a physician under investigation by the Board, you are required by the NMPA to provide the requested information, and your cooperation is not subject to the whistle-blower protections provided to physicians in

NRS 630.364(3).

Please be advised that if the particular allegations referenced above did occur, and depending on the facts and circumstances, then you may have violated the NMPA, specifically including but not limited to: NAC 630.040, NRS 630.301(4)(6), NRS 630.306(1)(b)(2).

Respectfully,



Don Andreas, CMBI
Sr. Investigator
Las Vegas Office

EXHIBIT 4

EXHIBIT 4

NEVADA STATE BOARD OF MEDICAL EXAMINERS

325 E. Warm Springs Road, Suite 225
Las Vegas, NV 89119

Victor M. Muro, M.D.
Board President

Edward O. Cousineau, J.D.
Executive Director



Second Request

July 14, 2022

Richard Washinsky, M.D.
9010 W. Cheyenne Ave.
Las Vegas, NV 89129

RE: BME CASE #: 22-21658

PATIENT: [REDACTED]

Dear Dr. Washinsky:

This is the **second request** for your reply and a copy of the health care records regarding the patient associated with this case. Please provide the requested reply to the allegations and the copy of the related health care records. You received an Order to produce such records with the letter dated June 14, 2022, but have not yet complied. Failure to comply with an Order of the Board constitutes grounds for initiating disciplinary action. See NRS 630.3065. **Please reply to this request within 15 days.**

Be advised that your failure to produce and make available health care records to an authorized representative or Investigator of the Board, as prescribed by Nevada law is grounds for the Investigative Committee to initiate a Formal Complaint against you, which may result in disciplinary action or denial of licensure (NRS 629.061; 630.3062(4); 630.352).

Providing the requested information is deemed a professional obligation of any physician under investigation by the Board and shall not be deemed to be cooperation subject to the whistle-blower protections provided to physicians in NRS 630.364(3).

Enclosed is a copy of the original letter and Order to Produce Medical Records sent to you on June 14, 2022.

Should you have any questions you may contact me at 702-486-3338.

Respectfully,

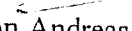

Don Andreas
Sr. Investigator
Las Vegas Office

EXHIBIT 5

EXHIBIT 5

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In the Matter of the Investigation of:)
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)
 Richard Washinsky, MD) Case No. 22-21658
)
)
 License No. **8462**)
)
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The Investigative Committee (IC) of the Board of Medical Examiners of the State of Nevada sends greetings to:

Pursuant to the authority of Nevada Revised Statute (NRS) 630.311(1), the IC directs you to produce and deliver to the Nevada State Board of Medical Examiners, the materials as set forth in this Order:

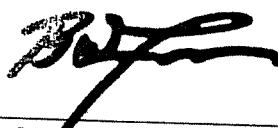
- Said records shall be provided to an investigator of the Nevada State Board of Medical Examiners **within 5 days of service** of this Order (Investigation Division, ATTN: Don Andreas 325 East Warm Springs Road #225, Las Vegas, NV 89119, Nevada State Board of Medical Examiners). **Failure to respond to the allegations and produce said records in the aforesaid manner may subject you to potential disciplinary action, to include a violation of NRS 630.3065(2)(a) and**

1 NRS 630.3062(4); further, the Investigative Committee may seek administrative sanctions as
2 set forth in NRS 630.352.

3 Additionally, compliance with this order is deemed compulsory and shall not be deemed to
4 be cooperation subject to the protections provided to a physician pursuant to NRS 630.364(3).

5 Dated this 17th day of July, 2022.

6
7 NEVADA STATE BOARD OF MEDICAL EXAMINERS
8 INVESTIGATIVE COMMITTEE

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10 _____
11 Bret Frey, MD, Chairman
12 Nevada State Board of Medical Examiners
13 Investigative Committee
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EXHIBIT 6

EXHIBIT 6

NEVADA STATE BOARD OF MEDICAL EXAMINERS

325 E. Warm Springs Road, Suite 225
Las Vegas, NV 89119

Victor M. Muro, M.D.
Board President

Edward O. Cousineau, J.D.
Executive Director



Final Request

August 17, 2022

Richard Washinsky, M.D.
2851 N Tenaya Way #103
Las Vegas, NV 89128

RE: BME CASE #: 22-21658

PATIENT: [REDACTED]

Dear Dr. Washinsky:

This is the **final request** for your reply and a copy of the health care records regarding the patient associated with this case. Please provide the requested reply to the allegations and the copy of the related health care records. You received an Order to produce such records with the letter dated June 14, 2022 & July 14, 2022, but have not yet complied. Failure to comply with an Order of the Board constitutes grounds for initiating disciplinary action. See NRS 630.3065. **Please reply to this request within 5 days.**

Be advised that your failure to produce and make available health care records to an authorized representative or Investigator of the Board, as prescribed by Nevada law is grounds for the Investigative Committee to initiate a Formal Complaint against you, which may result in disciplinary action or denial of licensure (NRS 629.061; 630.3062(4); 630.352).

Providing the requested information is deemed a professional obligation of any physician under investigation by the Board and shall not be deemed to be cooperation subject to the whistle-blower protections provided to physicians in NRS 630.364(3).

Enclosed is a copy of the original letter and Order to Produce Medical Records sent to you on June 14, 2022 & July 14, 2022.

Should you have any questions you may contact me at 702-486-3338.

Respectfully,

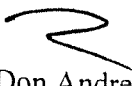

Don Andreas
Sr. Investigator

EXHIBIT 7

EXHIBIT 7

NEVADA STATE BOARD OF MEDICAL EXAMINERS

325 E. Warm Springs Road, Suite 225
Las Vegas, NV 89119

Aury Nagy, M.D.
Board President



Edward O. Cousineau, J.D.
Executive Director

November 21, 2022

Richard Washinsky, M.D.
2851 N Tenaya Way #103
Las Vegas, NV 89128

RE: BME CASE #: 22-22199

PATIENT: [REDACTED]

Dear Dr. Washinsky:

We have received information and a complaint regarding your medical treatment of the above named patient. The complaint alleges your care and treatment of the patient may have fallen below the standard of care.

It is alleged:

1. The patient presented to you on or around May 15, 2022, for a prescription refill and you abandoned the patient and billed for services not rendered.
2. You failed to provide the patient her medical services and she was left without medical treatment and her prescription.

According to these allegations, you may have violated the Nevada Medical Practice Act, Nevada Revised Statutes, Chapters 629 and 630, and Nevada Administrative Code, Chapters 629 and 630 (NMPA).

In order to determine whether or not there has been a violation of the NMPA, **please provide a written response to each allegation noted above, as well as complete health care records for the aforesaid patient[s]. Include copies of any imaging, x-ray or other films that were produced during treatment of this patient.** Please include any further information you believe would be useful for the Board to make a determination in this matter. **Please reply to this request within 30 calendar days.**

Please return the health care records with the signed Custodian of Records Affidavit, enclosed herewith. If you are not a custodian of the patient records, please indicate where the health care records can be obtained.

The Nevada State Board of Medical Examiners investigates all information received concerning possible violations of the NMPA. We make no determination as to whether or not there has been a violation of the NMPA until a thorough investigation is completed. As a physician under investigation by the Board, you are required by the NMPA to provide the requested information,

and your cooperation is not subject to the whistle-blower protections provided to physicians in NRS 630.364(3).

Please be advised that if the particular allegations referenced above did occur, and depending on the facts and circumstances, then you may have violated the NMPA, specifically including but not limited to: NAC 630.040, NRS 630.301(4), NRS 630.304(7), NRS 630.306(1)(b)(2).

Respectfully,



Don Andreas, CMBI
Sr. Investigator
Las Vegas Office

EXHIBIT 8

EXHIBIT 8

NEVADA STATE BOARD OF MEDICAL EXAMINERS

325 E. Warm Springs Road, Suite 225
Las Vegas, NV 89119

Aury Nagy, M.D.
Board President

Edward O. Cousineau, J.D.
Executive Director



Second & Final Request

November 21, 2022

Richard Washinsky, M.D.
2851 N Tenaya Way #103
Las Vegas, NV 89128

RE: BME CASE #: 22-22199

PATIENT: [REDACTED]

Dear Dr. Washinsky:

This is the **final request** for your reply and a copy of the health care records regarding the patient associated with this case. Please provide the requested reply to the allegations and the copy of the related health care records. You received an Order to produce such records with the letter dated November 21, 2022, but have not yet complied. Failure to comply with an Order of the Board constitutes grounds for initiating disciplinary action. See NRS 630.3065. **Please reply to this request within 10 days.**

Be advised that your failure to produce and make available health care records to an authorized representative or Investigator of the Board, as prescribed by Nevada law is grounds for the Investigative Committee to initiate a Formal Complaint against you, which may result in disciplinary action or denial of licensure (NRS 629.061; 630.3062(4); 630.352).

Providing the requested information is deemed a professional obligation of any physician under investigation by the Board and shall not be deemed to be cooperation subject to the whistle-blower protections provided to physicians in NRS 630.364(3).

Enclosed is a copy of the original letter and Order to Produce Medical Records sent to you on November 21, 2022.

Should you have any questions you may contact me at 702-486-3338.

Respectfully,

A handwritten signature in dark ink, appearing to be "Don Andreas".

Don Andreas
Sr. Investigator

EXHIBIT 9

EXHIBIT 9

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In the Matter of the Investigation of:)
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) Case No. 22-22199
Richard Washinsky, MD)
)
License No. **8462**)
_____)

The Investigative Committee (IC) of the Board of Medical Examiners of the State of Nevada sends greetings to:

Pursuant to the authority of Nevada Revised Statute (NRS) 630.311(1), the IC directs you to produce and deliver to the Nevada State Board of Medical Examiners, the materials as set forth in this Order:

- Said records shall be provided to an investigator of the Nevada State Board of Medical Examiners **within 5 days of service** of this Order (Investigation Division, ATTN: Don Andreas 325 East Warm Springs Road #225, Las Vegas, NV 89119, Nevada State Board of Medical Examiners).

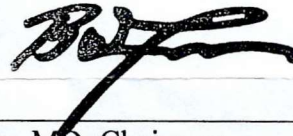
NSBME 028 Rev. 03-10-2021

1 **NRS 630.3062(4); further, the Investigative Committee may seek administrative sanctions as**
2 **set forth in NRS 630.352.**

3 Additionally, compliance with this order is deemed compulsory and shall not be deemed to
4 be cooperation subject to the protections provided to a physician pursuant to NRS 630.364(3).

5 Dated this 21st day of November, 2022.

6 NEVADA STATE BOARD OF MEDICAL EXAMINERS
7 INVESTIGATIVE COMMITTEE

8 

9 _____
10 Bret Frey, MD, Chairman
11 Nevada State Board of Medical Examiners
12 Investigative Committee
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EXHIBIT 10

EXHIBIT 10

RECEIVED

NOV 14 2022

NEVADA STATE BOARD
MEDICAL EXAMINERS



Clinical Neurology Specialists

www.cnsnevada.com

702-804-1212

5-6-2022

Contract

Mr + Mrs. [REDACTED]

We enrolled in Dr. Washinski's
Conierge Program.

Fee. \$600.00

This fee is for one year
ending 5-6-2023

702-401-6925

Michael Washinski

EXHIBIT 11

EXHIBIT 11

MEDICAL RECORDS

This exhibit contains personal medical information, records of a patient or other personal identifying information that is confidential and otherwise protected from disclosure to the public pursuant to NRS 622.310.

EXHIBIT 12

EXHIBIT 12

* * * * *

ORDER

At the time of your appearance, please be prepared to discuss the facts involved in the above referenced case(s) and also be prepared to answer questions regarding your practice in general, your specialty, the community standard of care regarding your specialty, and your complaint history with the Board. You have been previously notified of all prior complaints files in which you have been named.

1 Therefore, it is hereby **ORDERED**, that:

2 You shall appear before the Investigative Committee of the Nevada State Board of
3 Medical Examiners on Friday February 17, 2023 at 8:30AM, at the offices of the Nevada
4 State Board of Medical Examiners, located at 9600 Gateway Drive Reno, NV 89121. At said
5 appearance you shall be expected to discuss the matters set forth above with the members of
6 the Investigative Committee

7 At said appearance you shall be expected to discuss the matters set forth above with the
8 members of the Investigative Committee.

9 Be advised that NRS 630.3065(2)(a) provides in part, that the willful failure to comply
10 with an Order of the Board or a committee designated by the Board to investigate a complaint
11 against a physician is grounds for disciplinary action against the licensee:

12 Compliance with this Order is deemed compulsory and shall not be deemed to be
13 cooperation subject to the whistle-blower protections provided to physicians in NRS 630.364(3).

14 DATED this 21st of November 2022

15 NEVADA STATE BOARD OF MEDICAL EXAMINERS
16 INVESTIGATIVE COMMITTEE

17 

18 _____
19 Bret Frey, M.D., Chairman
20 Nevada State Board of Medical Examiners
21 Investigative Committee
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EXHIBIT 13

EXHIBIT 13

Donald A. Andreas

From: Donald A. Andreas
Sent: Wednesday, August 17, 2022 11:52 AM
To: 'rdwashinsky@gmail.com'
Subject: FW: Final request
Attachments: Final request.pdf

Importance: High

Don Andreas
Sr. Investigator
Las Vegas Office
NV State Board of Medical Examiners

325. E. Warm Springs Road #225
Las Vegas, NV 89119
702-486-3338 Office
702-486-3301 Fax

-----Original Message-----

From: LVCopier2@medboard.nv.gov <LVCopier2@medboard.nv.gov>
Sent: Wednesday, August 17, 2022 11:44 AM
To: Donald A. Andreas <dandreas@medboard.nv.gov>
Subject: Final request

Please open the attached document. It was scanned and sent to you using a Xerox Multifunction Printer.

Attachment File Type: pdf, Multi-Page

Multifunction Printer Location: machine location not set
Device Name: XRX9C934E730345

For more information on Xerox products and solutions, please visit <http://www.xerox.com>

Donald A. Andreas

From: Donald A. Andreas
Sent: Thursday, July 14, 2022 12:32 PM
To: rdwashinsky@gmail.com
Subject: FW: 2nd request
Attachments: 2nd request.pdf

Don Andreas
Sr. Investigator
Las Vegas Office
NV State Board of Medical Examiners

325. E. Warm Springs Road #225
Las Vegas, NV 89119
702-486-3338 Office
702-486-3301 Fax

-----Original Message-----

From: LVCopier@medboard.nv.gov <LVCopier@medboard.nv.gov>
Sent: Thursday, July 14, 2022 10:28 AM
To: Donald A. Andreas <dandreas@medboard.nv.gov>
Subject: 2nd request

Please open the attached document. It was scanned and sent to you using a Xerox multifunction device.

Attachment File Type: pdf, Multi-Page

multifunction device Location: machine location not set
Device Name: NBOME

For more information on Xerox products and solutions, please visit <http://www.xerox.com>

[Track Another Package +](#)**Tracking Number:** 70183090000000667779[Remove X](#)

Your package is moving within the USPS network and is on track to be delivered to its final destination. It is currently in transit to the next facility.

USPS Tracking Plus® Available ✓

In Transit to Next Facility

September 6, 2022

Feedback

Get Updates ✓

Text & Email Updates ✓

Tracking History ^**September 6, 2022**

In Transit to Next Facility

Your package is moving within the USPS network and is on track to be delivered to its final destination. It is currently in transit to the next facility.

September 4, 2022, 12:55 am

Departed USPS Regional Facility

LAS VEGAS NV DISTRIBUTION CENTER

September 3, 2022, 4:03 pm

Arrived at USPS Regional Facility

LAS VEGAS NV DISTRIBUTION CENTER

September 2, 2022, 10:02 pm

Departed USPS Regional Facility

PHOENIX AZ DISTRIBUTION CENTER ANNEX

September 1, 2022, 4:06 pm

Arrived at USPS Regional Facility

PHOENIX AZ DISTRIBUTION CENTER ANNEX

August 30, 2022, 9:23 am

Departed USPS Regional Facility

LAS VEGAS NV DISTRIBUTION CENTER

August 27, 2022, 8:21 am

Forwarded

LAS VEGAS, NV

August 26, 2022, 9:48 am

Arrived at USPS Regional Facility

LAS VEGAS NV DISTRIBUTION CENTER

August 25, 2022, 7:53 am

Departed USPS Regional Facility

MILWAUKEE WI PROCESSING CENTER

August 24, 2022, 7:58 pm

Arrived at USPS Regional Facility

MILWAUKEE WI PROCESSING CENTER

August 23, 2022, 4:41 pm

Arrived at USPS Regional Facility

MADISON WI DISTRIBUTION CENTER

USPS Tracking Plus®



NEVADA STATE BOARD
OF MEDICAL EXAMINERS
325 E. Warm Springs Road, Suite 225
Las Vegas, Nevada 89119



7018 3090 0000 0066 7779

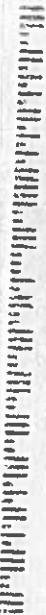


-R-T-S-

891285043-IN

09/02/22

RETURN TO SENDER
UNABLE TO FORWARD
RETURN TO SENDER



CONFIDENTIAL

RECEIVED

SEP 06 2022

NEVADA STATE BOARD OF
MEDICAL EXAMINERS



NSBME 052

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Richard Washinsky, M.D.
2851 N Tenaya Way #103
Las Vegas, NV 89128



9590 9402 5781 0034 9196 38

2. Article Number (Transfer from service label)

7018 3090 0000 0066 7779

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$ 4.00

Extra Services & Fees (check box, add fee as appropriate)

- ☒ Return Receipt (hardcopy) \$ 3.25
- ☐ Return Receipt (electronic) \$
- ☐ Certified Mail Restricted Delivery \$
- ☐ Adult Signature Required \$
- ☐ Adult Signature Restricted Delivery \$

Postage

\$ 0.81

Total Postage and Fees

\$ 8.06

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

Postmark
Here

7018 3090 0000 0066 7779

NSBME 053

Donald A. Andreas

From: Donald A. Andreas
Sent: Monday, November 21, 2022 2:19 PM
To: rdwashinsky@gmail.com
Subject: FW: Board to appear
Attachments: Board to appear.pdf

Dr. Washinsky, please confirm receipt and your attendance. Thanks

Don Andreas
Sr. Investigator
Las Vegas Office
NV State Board of Medical Examiners

325. E. Warm Springs Road #225
Las Vegas, NV 89119
702-486-3338 Office
702-486-3301 Fax

-----Original Message-----

From: LVCopier@medboard.nv.gov <LVCopier@medboard.nv.gov>
Sent: Monday, November 21, 2022 1:46 PM
To: Donald A. Andreas <dandreas@medboard.nv.gov>
Subject: Board to appear

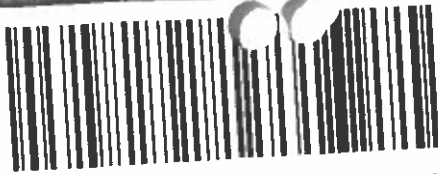
Please open the attached document. It was scanned and sent to you using a Xerox multifunction device.

Attachment File Type: pdf, Multi-Page

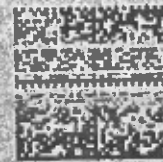
multifunction device Location: machine location not set
Device Name: NBOME

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CERTIFIED MAIL



7022 0410 0003 3072 3291



UNITED STATES POSTAGE

PITNEY BOWES

000202388 NOV 21 2022
MAILED FROM ZIP CODE 89119

Richard Washinsky, M.D.

2851 N Tenaya Way #103

Las Vegas, NV 89128

CONFIDENTIAL

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Richard Washinsky, M.D.
2851 N Tenaya Way #103
Las Vegas, NV 89128



9590 9402 5781 0034 9196 38

2. Article Number (Transfer from service label)

7018 3090 0000 0066 7779

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature

☐ Adult Signature Restricted Delivery

☒ Certified Mail®

☐ Certified Mail Restricted Delivery

☐ Collect on Delivery

☐ Collect on Delivery Restricted Delivery

☐ Insured Mail

☐ Insured Mail Restricted Delivery (over \$500)

☐ Priority Mail Express®

☐ Registered Mail™

☐ Registered Mail Restricted Delivery

☐ Return Receipt for Merchandise

☐ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

U.S. Postal Service™

CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$ 4.00

Extra Services & Fees (check box, add fee as appropriate)

☒ Return Receipt (hardcopy) \$ 3.25

☐ Return Receipt (electronic) \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$

☐ Adult Signature Restricted Delivery \$

Postage

\$ 0.81

Total Postage and Fees

\$ 8.06

Sent To

Richard Washinsky, M.D.

Street and Apt. No., or PO Box No.

2851 N Tenaya Way #103

City, State, ZIP+4®

Las Vegas, NV 89128

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

Postmark
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NSBME 056

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Richard Washinsky, M.D.
2851 N. Penaya Way #103
Las Vegas, NV 89128



9590 9402 7421 2055 3289 75

2. Article Number (Transfer from service label)

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COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Handwritten Signature]

☐ Agent

☒ Addressee

B. Received by (Printed Name)

R Washinsky

C. Date of Delivery

1/10

☒ Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No



3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt



Richard Washinsky, M.D.
2851 N Tenaya Way #103
Las Vegas, NV 89128

CONFIDENTIAL

Donald A. Andreas

From: Donald A. Andreas
Sent: Thursday, February 23, 2023 2:46 PM
To: 'rdwashinsky@gmail.com'
Subject: Final request
Attachments: Scanned from a Xerox multifunction device.pdf

Don Andreas
Sr. Investigator
Las Vegas Office
NV State Board of Medical Examiners

325. E. Warm Springs Road #225
Las Vegas, NV 89119
702-486-3338 Office
702-486-3301 Fax

-----Original Message-----

From: LVCopier@medboard.nv.gov <LVCopier@medboard.nv.gov>
Sent: Thursday, February 23, 2023 2:09 PM
To: Donald A. Andreas <dandreas@medboard.nv.gov>
Subject: Scanned from a Xerox multifunction device

Please open the attached document. It was scanned and sent to you using a Xerox multifunction device.

Attachment File Type: pdf, Multi-Page

multifunction device Location: machine location not set
Device Name: NBOME

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NEVADA STATE BOARD
OF MEDICAL EXAMINERS
325 E. Warm Springs Road, Suite 225
Las Vegas, Nevada 89119



7022 0410 0002 9966 0804

Richard Washinsky, M.D.
2851 N Tenaya Way #103
Las Vegas, NV 89128

CONFIDENTIAL



PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Richard Nashinsky, M.D.
2851 N. Penanga Way #103
Las Vegas, NV 89128



9590 9402 6856 1104 7104 69

2. Article Number (Transfer from service label)

7022 0410 0002 9966 0804

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Insured Mail (over \$500)
<input type="checkbox"/> Insured Mail	
<input type="checkbox"/> Insured Mail Restricted Delivery	

Domestic Return Receipt

U.S. Postal Service™

CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at www.usps.com®

OFFICIAL USE

Certified Mail Fee	\$ 4.15
Extra Services & Fees (check box, add fee as appropriate)	
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$ 3.35
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ 0.60
Total Postage and Fees	\$ 8.10

Postmark Here

Sent To Richard Nashinsky, M.D.
Street and Apt. No., or PO Box No. 2851 N. Penanga Way #103
City, State, ZIP+4® Las Vegas, NV 89128

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

4080 9966 2000 0140 2202

Donald A. Andreas

From: Donald A. Andreas
Sent: Monday, November 21, 2022 10:09 AM
To: rdwashinsky@gmail.com
Subject: FW: Scanned from a Xerox Multifunction Printer
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Don Andreas
Sr. Investigator
Las Vegas Office
NV State Board of Medical Examiners

325. E. Warm Springs Road #225
Las Vegas, NV 89119
702-486-3338 Office
702-486-3301 Fax

-----Original Message-----

From: LVCopier2@medboard.nv.gov <LVCopier2@medboard.nv.gov>
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NEVADA STATE BOARD OF MEDICAL EXAMINERS

325 E. Warm Springs Road, Suite 225
Las Vegas, NV 89119

Aury Nagy, M.D.
Board President

Edward O. Cousineau, J.D.
Executive Director



Second & Final Request

November 21, 2022

Richard Washinsky, M.D.
2851 N Tenaya Way #103
Las Vegas, NV 89128

RE: BME CASE #: 22-22199

PATIENT: [REDACTED]

Dear Dr. Washinsky:

This is the **final request** for your reply and a copy of the health care records regarding the patient associated with this case. Please provide the requested reply to the allegations and the copy of the related health care records. You received an Order to produce such records with the letter dated November 21, 2022, but have not yet complied. Failure to comply with an Order of the Board constitutes grounds for initiating disciplinary action. See NRS 630.3065. **Please reply to this request within 10 days.**

Be advised that your failure to produce and make available health care records to an authorized representative or Investigator of the Board, as prescribed by Nevada law is grounds for the Investigative Committee to initiate a Formal Complaint against you, which may result in disciplinary action or denial of licensure (NRS 629.061; 630.3062(4); 630.352).

Providing the requested information is deemed a professional obligation of any physician under investigation by the Board and shall not be deemed to be cooperation subject to the whistle-blower protections provided to physicians in NRS 630.364(3).

Enclosed is a copy of the original letter and Order to Produce Medical Records sent to you on November 21, 2022.

Should you have any questions you may contact me at 702-486-3338.

Respectfully,

A handwritten signature in black ink, appearing to be "Don Andreas".

Don Andreas
Sr. Investigator

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
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1. Article Addressed to:

Richard Nashinsky, M.D.
2851 N. Penaya Way #103
Las Vegas, NV 89128



9590 9402 6856 1104 7104 69

2. Article Number (Transfer from service label)

7022 0410 0002 9966 0804

PS Form 3811, July 2020 PSN 7530-02-000-9053

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☐ Adult Signature Required \$

☐ Adult Signature Restricted Delivery \$

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Total Postage and Fees \$ 8.10

Sent To Richard Nashinsky, MD

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City, State, ZIP+4® Las Vegas, NV 89128

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7022 0410 0002 9966 0804

Donald A. Andreas

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Sent: Monday, November 21, 2022 10:09 AM
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Sr. Investigator
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EXHIBIT 14

EXHIBIT 14

Search all cases and statutes...

JX

[Opinion](#) Case details

From Casetext: Smarter Legal Research

United States v. Washinsky

United States District Court, District of Nevada

Apr 27, 2023

2:22-cv-01803-APG-VCF (D. Nev. Apr. 27, 2023)

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2:22-cv-01803-APG-VCF

04-27-2023

United States of America, Plaintiff, v. Richard Washinsky, M.D., Defendant.

JASON M. FRIERSON LINDSAY AGER

CAM FERENBACH, UNITED STATES MAGISTRATE JUDGE

JASON M. FRIERSON

LINDSAY AGER

UNITED STATES' MOTION TO EXTEND TIME TO SERVE

NSBME 066

(SECOND REQUEST)

CAM FERENBACH, UNITED STATES MAGISTRATE JUDGE

Under [Federal Rule of Civil Procedure 4\(m\)](#), the United States respectfully requests a 60-day extension of time to serve process on defendant Richard Washinsky, M.D. The United States has attempted 13 times, across six addresses, to serve Dr. Washinsky personally, without success. The United States' multiple attempts to locate and serve Dr. Washinsky equate to good cause for granting an extension. Accordingly, the Court should grant the United States' motion.

I. Background

On October 27, 2022, the United States filed a complaint against Dr. Washinsky alleging violations of the Controlled Substances Act, [21 U.S.C. § 801](#) et seq., and its implementing regulations, [21 C.F.R. § 1301](#) et seq. (Compl. (ECF No. 1).) Within a week of filing the complaint, on November 4, 2022, the United States attempted to serve Dr. Washinsky. (See Affidavit of Due Diligence (ECF No. 5-1).) After attempting service at five locations within
2 ten weeks, the United States' process server failed to locate and serve Dr. Washinsky. (*Id.* at 2.) In addition to the numerous attempts described above, the United States' process server searched the county assessor, DMV, voter registration, and telephone directory for information relating to Dr. Washinsky. (*Id.*) Despite these efforts, the United States was unable to locate and serve Dr. Washinsky in Nevada. (*Id.*)

Based on information that Dr. Washinsky might be residing in Fort Meyers, Florida, the United States requested its first service extension, which the Court granted. (Order (ECF No. 6).) The United States retained a process server in Fort Meyers, who attempted service two times at Dr. Washinsky's brother's house in Fort Meyers but was unable to serve Dr. Washinsky at that address. (See Verified Return of Non-Service, attached as Exhibit 1.) Dr. Washinsky's brother informed the process server that Dr. Washinsky is now living in Fort Lauderdale, but the process server was unable to locate a potential address using a skip trace. (*Id.*) Dr. Washinsky's brother also provided a telephone number for Dr. Washinsky. (*Id.*) The United States Attorney's Office conducted additional open-source research for a potential

NSBME 067

address for Dr. Washinsky in Fort Lauderdale and was unable to locate one. (Decl. of Lindsay Ager, attached as Exhibit 2.) But the United States is continuing to monitor public databases for a new address in Fort Lauderdale or elsewhere. (*Id.*)

II. Analysis

A. Extension of Time to Serve

Under [Federal Rule of Civil Procedure 4\(m\)](#), a defendant must be served within 90 days after the complaint is filed. [Fed.R.Civ.P. 4\(m\)](#). If the defendant is not served within the 90-day period, the plaintiff can ask the court to extend the time for service. *Id.* The court must extend the time for service if the plaintiff shows good cause for the failure to serve the defendant within 90 days. *Lemoge v. United States*, [587 F.3d 1188, 1198](#) (9th Cir. 2009) (citing prior version of [Rule 4\(m\)](#) with a 120-day deadline); [Fed.R.Civ.P. 4\(m\)](#). Courts determine on a case-by-case basis whether the party attempting service has shown good cause. *In re Sheehan*, [253 F.3d 507, 512](#) (9th Cir. 2001). Generally, good cause is demonstrated “where a plaintiff has shown diligent efforts to effect service.” *Signature Surgery Ctr. LLC v. Cel*
3 *Servs. Grp., Inc.*, [No. 2:21-CV-00215-JCM-EJY, 2022 WL *3 1432444, at *1](#) (D. Nev. Apr. 5, 2022). It is within the court’s discretion whether to extend the time for service. *Lemoge*, [587 F.3d at 1198](#).

B. Given the United States’ diligence, there is good cause to extend the service deadline.

The United States has been diligent in its attempts to serve Dr. Washinsky. Since filing the complaint, the United States has tried 13 times, across six different addresses, to locate and serve Dr. Washinsky in Las Vegas, Nevada, and Fort Meyers, Florida. The United States seeks additional time to attempt to pinpoint an address in Fort Lauderdale, Florida, where Dr. Washinsky’s brother stated Dr. Washinsky is living. Although a skip trace and other open-source research did not pinpoint a Fort Lauderdale address, it is possible the address is too new to be showing in public records. The United States has set up “alerts” in multiple databases and would like to continue to monitor those databases for a new address. The United States also monitors the Nevada State Board of Medical Examiners’ website for

updates to Dr. Washinsky's public address, as he is a medical doctor with an active license in the State of Nevada. Additionally, the United States' process server will attempt to contact Dr. Washinsky at the telephone number provided by Dr. Washinsky's brother to determine if Dr. Washinsky will agree to meet the process server to accept service of process.

III. Conclusion

The United States' multiple attempts to locate and serve Dr. Washinsky demonstrate good cause for an extension of the service deadline. Given its ongoing efforts to personally serve Dr. Washinsky, the United States respectfully requests that the Court grant its 60-day motion to extend the time limit for service from April 25, 2023, until June 26, 2023.

4 IT IS SO ORDERED. *4

Index of Exhibits

● **Exhibit 1** Verified Return of Non-Service

5 ● **Exhibit 2** Declaration of Lindsay Ager *5

EXHIBIT 1

6 **Verified Return of Non-Service** *6

VERIFIED RETURN OF NON-SERVICE Job # FM32603

Client Info:

Lindsay Ager, AUSA United States Attorney's Office

Lindsay Ager, AUSA United States Attorney's Office

501 Las Vegas Boulevard South, Suite 1100

Las Vegas, NV 89101

Case Info:

PLAINTIFF: DISTRICT COURT

United States of America

-versus- Court Case # 2:22-cv-01803-APG-VCF

DEFENDANT:

Richard Washinsky, M.D.

Service Info:

Received by Mark Zammett: on March, 21st 2023 at 03:44 PM

Service: I Non-Served **Dr. Richard Washinsky**

SUMMONS IN A CIVIL ACTION; COMPLAINT

At Residence 6501 DABNEY ST. FORT MYERS, FL 33966

On 4/10/2023 at 12:26 AM

Manner of Service:

[X] **Non-service:** After due search, careful inquiry and diligent attempts at the address(es) listed below, I have been unable to effect the process upon the person/entity being served because of the following reason(s):

[X] Other: Skip Trace/Research done, no viable addresses found in Florida, only older Nevada addresses found along with the Dabney St. address, which is the subject's brother's address.

Service was Attempted on:

(1) 3/22/2023 at 11:30 AM, by Mark Zammett Loc: 6501 Dabney St., Fort Myers, FL 33966

Notes: Server attempted - Not answering, Toyota Tundra plate: PINCHYS
Left a card.

(2) 3/23/2023 at 08:21 PM, by Mark Zammett Loc: 6501 Dabney St., Fort Myers, FL 33966

Notes: Server attempted: Alan Washinky says his brother now lives in Fort Lauderdale. His phone number is 702-401-6925.

I **Mark Zammatt** acknowledge that I am 18 years or older, authorized to serve process, in good standing in the jurisdiction wherein the process was served, and I have no interest in the above action. Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

Mark Zammatt

Lic # 157433

Accurate Serve Fort Myers

4600 Summerlin Road, Suite C2-411

Fort Myers, FL 33919

Phone: (239) 822-7299

Our Job # **FM32603** Client Ref # **RE: Fr Process**

7 **Srvr Re: [EXTERNAL] Re: Process Server** *7

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Richard Washinsky, M.D.

9010 W. Cheyenne Ave.

Las Vegas, Nevada 89129

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) - or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in [Fed.R.Civ.P. 12 \(a\)\(2\)](#) or (3) - you must serve on the plaintiff an answer to the attached complaint or a motion under [Rule 12 of the Federal Rules of Civil Procedure](#). The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Lindsay Ager, AUSA

United States Attorney's Office

District of Nevada

501 Las Vegas Boulevard South, Suite 1100

Las Vegas, Nevada 89101

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or
8 motion with the court. *8

EXHIBIT 2

9 Declaration of Lindsay Ager *9

1. I, Lindsay Ager, am the Assistant United States Attorney in the United States Attorney's Office for the District of Nevada assigned to this case. I make this declaration under [28 U.S.C. § 1746](#) based on my recollection and the knowledge and information available to me as an Assistant United States Attorney.
2. I made this declaration in support of the United States' Motion to Extend Time to Serve.
3. In connection with this case, the United States Attorney's Office has conducted searches in Thompson Reuter's CLEAR investigation software and the LexisNexis Public Records database to attempt to locate addresses to personally serve Dr. Washinsky, including addresses in Las Vegas, Nevada, Fort Meyers, Florida, and Fort Lauderdale, Florida. The United States has set up "alerts" in those databases to notify the United States of new
10 information. The *10 United States also monitors the Nevada State Board of Medical Examiners' website for updates to Dr. Washinsky's public address, as he is a medical doctor with an active license in the State of Nevada. This research is in addition to the "skip traces" the Nevada- and Florida-based process servers performed.

4. Given that neither the process server's "skip trace" nor the United States' research has located a potential address for Dr. Washinsky in Fort Lauderdale, the United States seeks to continue to monitor these sources, in addition to the other steps described in the United States' motion, in case Dr. Washinsky is a new resident of Fort Lauderdale and the sources the United States is monitoring have not yet been updated to reflect the new address.

5. I declare under the penalty of perjury that the foregoing is true and correct.

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EXHIBIT 15

EXHIBIT 15

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OF MEDICAL EXAMINERS
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2851 N. Tenaya Way, #103
Las Vegas, NV 89128

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RETURN TO SENDER
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2772 QW MEDICAL EXAMINERS
CHICAGO IL 60611
62/42/20102225
NSBME 076

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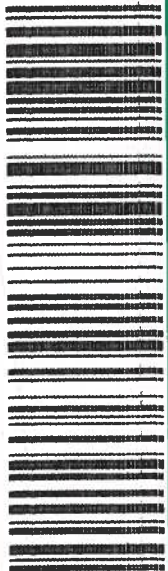
TO
RICHARD DAVID WASHINSKY, M.D.
2851 N. Tenaya Way, #103
Las Vegas, NV 89128

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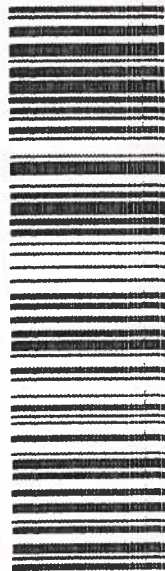
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3017 Waterside Cir.
Las Vegas, NV 89117

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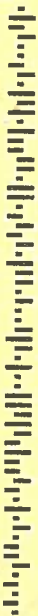
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89117

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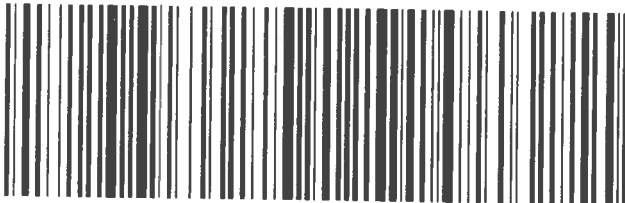
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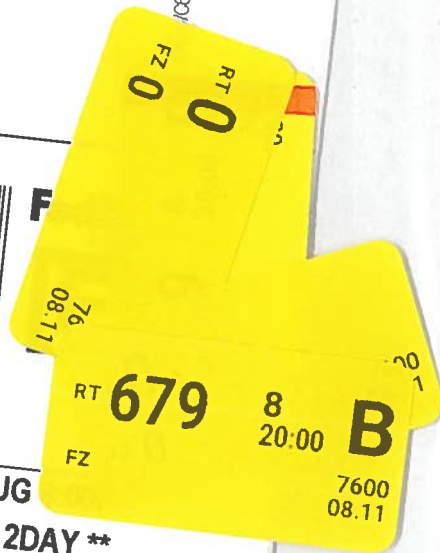
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FID: 30

EXHIBIT 16

EXHIBIT 16

The News-Press
media group
 news-press.com A GANNETT COMPANY

FILED**OCT - 6 2023****NEVADA STATE BOARD OF
MEDICAL EXAMINERS**By: 

Attn:

**NEVADA STATE BOARD OF MEDICAL
 9600 GATEWAY DR
 RENO, 89521**

State of Wisconsin, County of Brown:

Before the undersigned authority personally appeared

Richard David Washinsky, who on oath says that
 he or she is a Legal Assistant of the News-Press, a daily
 newspaper published at Fort Myers in Lee County, Florida; that
 the attached copy of advertisement, being a Legal Ad in the
 matter of

Legal Notices

In the Twentieth Judicial Circuit Court was published in said
 newspaper editions dated or by publication on the newspaper's
 website, if authorized, on:

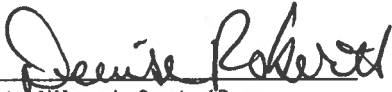
08/29/2023, 09/05/2023, 09/12/2023, 09/19/2023

Affiant further says that the said News-Press is a paper of
 general circulation daily in Lee County and published at Fort
 Myers, in said Lee County, Florida, and that the said newspaper
 has heretofore been continuously published in said Lee County,
 Florida each day and has been entered as periodicals matter at
 the post office in Fort Myers, in said Lee County, Florida, for a
 period of one year next preceding the first publication of the
 attached copy of advertisement; and affiant further says that
 he or she has never paid nor promised any person, firm or
 corporation any discount, rebate, commission or refund for the
 purpose of securing this advertisement for publication in the
 said newspaper.

Sworn to and Subscribed before me this 5th of October 2023,
 by legal clerk who is personally known to me.



Affiant



Notary State of Wisconsin, County of Brown

4-6-21

My commission expires

DENISE ROBERTS
 Notary Public
 State of Wisconsin

of Affidavits: 1

This is not an invoice**NEVADA STATE BOARD OF MEDICAL EXAMINERS**

To: Richard David Washinsky, M.D., Respondent

Case No. 23-8462-1

You are hereby notified that the Investigative Committee of the Nevada State Board of Medical Examiners filed a formal complaint against you alleging violations of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630 (collectively, the Medical Practice Act). The Complaint was mailed via USPS e-certified return receipt mail to you at your address of record with the Board: 2851 N. Tenaya Way, #103, Las Vegas, Nevada 89128. The Complaint was returned to the Board as undeliverable and provided an address of 3017 Waterside Cr., Las Vegas, Nevada 89117. The Board attempted service at this address to no avail. The Board received a Fort Meyers address, but upon research has shown that this is not a viable address for you.

You are further notified that you may be subject to sanctions enunciated in NRS 630.352, which includes the potential for revocation of your license to practice medicine in the state of Nevada.

In accord with NRS 630.344, if this Complaint cannot be served on Respondent personally, or by registered or certified mail with return receipt requested addressed to the Respondent at his last known address set forth above, and if said notice by mail is returned undelivered, the Board shall cause notice to be published once a week for four consecutive weeks in a newspaper published in county of the last known address. Proof of such service or publication of notice must be filed with the Board.

Dated this 23rd day of August, 2023

Signed: William P. Shogren
 Deputy General Counsel
 Nevada State Board of Medical Examiners
 9600 Gateway Drive
 Reno, Nevada 89521

Ad #5808816 August 29, Sept. 5, 12, 19/2023

EXHIBIT 17

EXHIBIT 17

Archived: Tuesday, January 16, 2024 9:57:06 AM

From: [Mercedes Fuentes](#)

Sent: Friday, November 3, 2023 2:44:00 PM

To: [Patricia Halstead](#); [William Shogren](#); rdwashinsky@gmail.com

Subject: RE: Hearing Officer Appointment - Richard David Washinsky, M.D., Case No. 23-8462-1

Sensitivity: Normal

Attachments:

[Order Scheduling Early Case Conference.pdf](#) 

Good Afternoon All,

Here is the file-stamped copy.

Respectfully,

Mercedes Fuentes

Legal Assistant to:

Sarah A. Bradley, J.D., MBA, Deputy Executive Director

Brandee Mooneyhan, Deputy General Counsel

William P. Shogren, 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: Patricia Halstead <phalstead@halsteadlawoffices.com>

Sent: Monday, October 30, 2023 6:03 PM

To: William Shogren <shogrenw@medboard.nv.gov>; rdwashinsky@gmail.com

Cc: Mercedes Fuentes <fuentesm@medboard.nv.gov>

Subject: RE: Hearing Officer Appointment - Richard David Washinsky, M.D., Case No. 23-8462-1

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please see the attached order scheduling an Early Case Conference, which will be filed and served upon Dr. Washinsky at the last known addresses known to or otherwise provided to the Medical Board.

Kindest regards,

Patricia Halstead, Esq.
615 S. Arlington Avenue
Reno, NV 89509
(775) 322-2244
(775) 465-4144 - facsimile
www.halsteadlawoffices.com

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From: Patricia Halstead
Sent: Monday, October 30, 2023 5:44 PM
To: Mercedes Fuentes <fuentesm@medboard.nv.gov>
Cc: William Shogren <shogrenw@medboard.nv.gov>; rdwashinsky@gmail.com
Subject: RE: Hearing Officer Appointment - Richard David Washinsky, M.D., Case No. 23-8462-1

The ECC will be scheduled on Monday, November 6, 2023 at 1:00 p.m. to be held by conference call unless I hear mutually from the parties with an agreement otherwise. An order will follow to be served upon Dr. Washinsky at his last known address.

Kindest regards,

Patricia Halstead, Esq.
615 S. Arlington Avenue
Reno, NV 89509
(775) 322-2244
(775) 465-4144 - facsimile
www.halsteadlawoffices.com

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From: Mercedes Fuentes <fuentesm@medboard.nv.gov>
Sent: Tuesday, October 24, 2023 3:01 PM
To: Patricia Halstead <phalstead@halsteadlawoffices.com>
Cc: William Shogren <shogrenw@medboard.nv.gov>; rdwashinsky@gmail.com
Subject: Hearing Officer Appointment - Richard David Washinsky, M.D., Case No. 23-8462-1

Good Afternoon Ms. Halstead,

Please see the attached letter from our Executive Director appointing you as Hearing Officer for this matter. The Respondent in this matter, Dr. Washinsky, has not been able to be served personally or by certified mail, therefore the Complaint was published pursuant to NRS 630.355(1). Attached is the IC's Complaint as well as the Affidavit of Publication completing serving Respondent on September 19, 2023. The Answer date was calculated to be October 9, 2023. To date the Board has not received a response regarding this Complaint or any participation from Respondent. Counsel for this matter is William P.

NSBME 083

Shogren and I am his assistant. With the Answer being due on or before October 9, 2023, an ECC will need to be scheduled by October 30, 2023.

Mr. Shogren is available for an ECC these proposed dates and times:

October 30, 2023 – 10:00 a.m. – 3:30 p.m.

November 1, 2023 – 10:00 a.m. – 3:30 p.m.

November 6, 2023 – 10:00 a.m. – 3:30 p.m.

Please do not hesitate to reach out to our office should you have any questions or concerns or if you require any of these materials by mail.

Respectfully,

Mercedes Fuentes

Legal Assistant to:

Sarah A. Bradley, J.D., MBA, Deputy Executive Director

Brandee Mooneyhan, Deputy General Counsel

William P. Shogren, 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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Transaction Record



TRACKING NO.:
773972692083

SHIP DATE:
Nov 3, 2023

ESTIMATED SHIPPING CHARGES:
112.23 USD

From address

Mercedes Fuentes
Nevada State Board of Med Exam
9600 Gateway Drive
89502 NV Reno
US
Phone: 7753249380
fuentesm@medboard.nv.gov

To address

Richard David Washinsky, M.D.
2851 N. Tenaya Way, #103
89128 NV LAS VEGAS
US
Phone: 7026494297

Package information

Pieces	Weight	Dimensions (LxWxH)	Declared value	Package options
1 x	0.50 lb			n/a
Package type: Your Packaging		Service: FedEx Nacional 8:30 a.m.		Pickup / drop-off type: Drop off package at a FedEx location
Special Services: Adult signature required				

Billing information

Bill transportation cost to: *****680
Bill duties, taxes and fees to:
Your reference:

P.O. No.:
Invoice No.:
Department No.:

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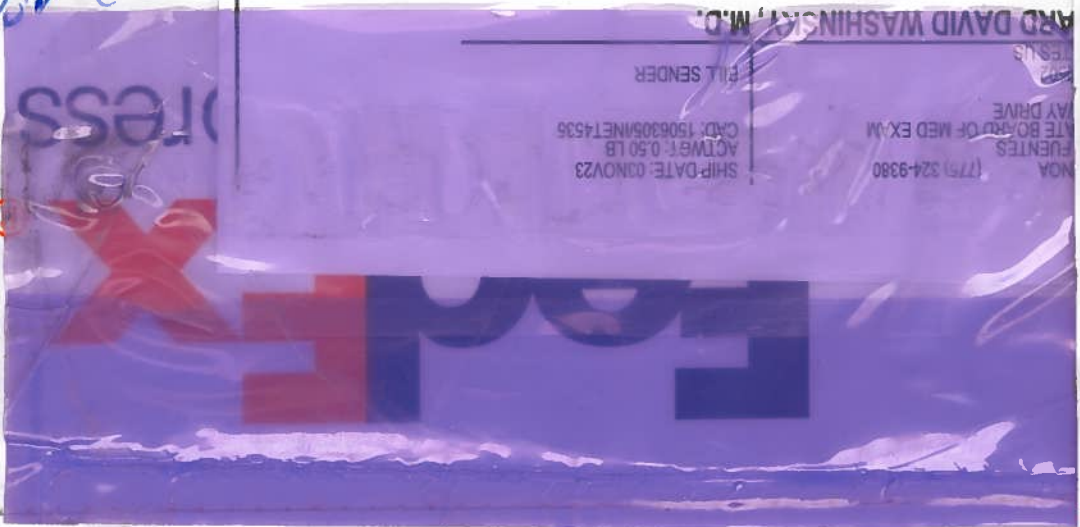
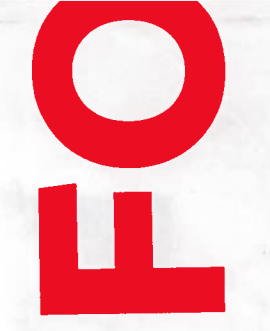
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- ☐ Recipient was not in when we attempted delivery, and we were not authorized to leave shipment without a signature.
- ☐ Recipient's address on your shipment was incorrect and/or incomplete, and we were unable to obtain the correct address.
- ☐ Other: _____
- ☒ Shipper requested return: _____
- ☐ Shipper returned if undelivered after 5 days.
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96 VGTA

89134 NV-US
LAS

8:00A
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ASR

418194 06Nov2023 VGTA 581C5/F002/C008

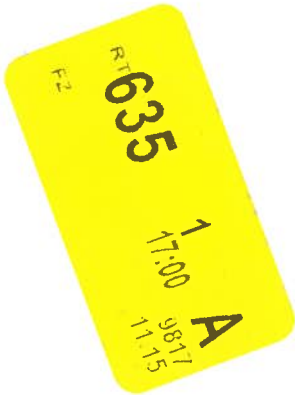


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VGTA CUSTOMER SERVICE
FEDEX EXPRESS
1121 W CHEYENNE AVE

SHIP DATE 13NOV23
ACTWGT 1.00 LB
CAD: 257517879/NET4680

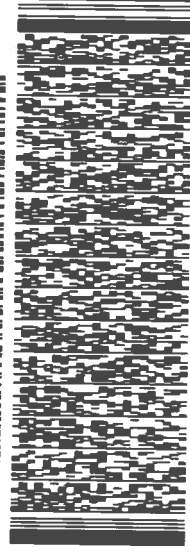
NORTH LAS VEGAS, NV 89030
UNITED STATES US

BILL RECIPIENT

TO **MERCEDES FUENTES**
NEVADA STATE BOARD OF MED EXAM
9600 GATEWAY DRIVE

RENO NV 89502

(775) 324-9380 REF: 77397262083
INV: PO. DEPT.



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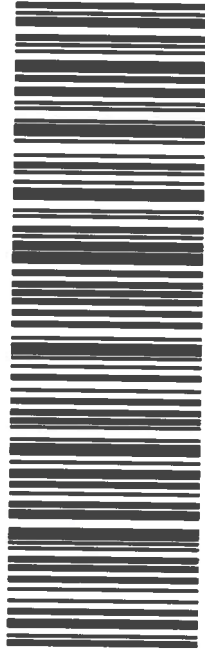


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773972658662

SHIP DATE:
Nov 3, 2023

ESTIMATED SHIPPING CHARGES:
23.26 USD

From address

Mercedes Fuentes
Nevada State Board of Med Exam
9600 Gateway Drive
89502 NV Reno
US
Phone: 7753249380
fuentesm@medboard.nv.gov

To address

Richard David Washinsky, M.D.
3017 Waterside Cir.
89117 NV LAS VEGAS
US
Phone: 7026494297

Package information

Pieces	Weight	Dimensions (LxWxH)	Declared value	Package options
1 x	0.50 lb			n/a
Package type: FedEx Envelope		Service: FedEx Nacional 10:30 a.m.		Pickup / drop-off type: Drop off package at a FedEx location
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EXHIBIT 18

EXHIBIT 18

Archived: Monday, December 4, 2023 2:13:56 PM
From: [Mercedes Fuentes](#)
Sent: Monday, December 4, 2023 2:13:00 PM
To: rdwashinsky@gmail.com
Subject: Richard David Washinsky, M.D., Case No. 23-8462-1 - Scheduling Order
Sensitivity: Normal
Attachments:
[007 - Scheduling Order.pdf](#) 

Good Afternoon,

Please see attached **Scheduling Order**, filed November 15, 2023. Original copies were sent to you by Certified Mail on November 15, 2023. **Please note that there is a Hearing scheduled in this matter on January 25, 2024 at 8:30 a.m.**

Respectfully,

Mercedes Fuentes

Legal Assistant to:
Sarah A. Bradley, J.D., MBA, Deputy Executive Director
William P. Shogren, 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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2851 N. Tenaya Way, #103
Las Vegas, NV 89128



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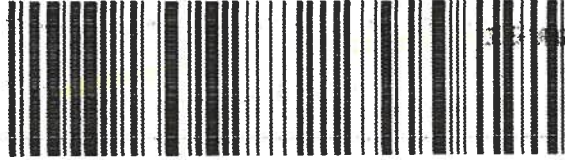
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**BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA**

In the Matter of Charges and

Case No. 23-8462-1

Complaint Against

Hearing Date: January 25, 2024 @ 8:30 a.m.

RICHARD DAVID WASHINSKY, M.D.,

Respondent.

FILED

NOV 15 2023

NEVADA STATE BOARD OF
MEDICAL EXAMINERS
By: _____

SCHEDULING ORDER

TO: William P. Shogren
Deputy General Counsel
Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, Nevada 89521

Richard David Washinsky, M.D.
3017 Waterside Cr.
Las Vegas, NV 89117

Richard David Washinsky, M.D.
2851 N. Tenaya Way #103
Las Vegas, NV 89128

Richard David Washinsky, M.D.
Any Other Address Discovered to be Affiliated

NSBME 091

On November 6, 2023, an Early Case Conference was conducted in this matter and held

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Reno, Nevada 89521

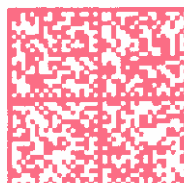


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Las Vegas, NV 89117



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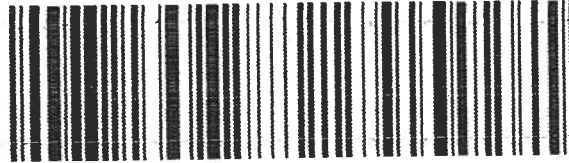
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3017 Waterside Cir.
Las Vegas, NV 89117

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RICHARD DAVID WASHINSKY, M.D.
3017 WATERSIDE CIR
LAS VEGAS NV 89117

8911742277
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**BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA**

In the Matter of Charges and
Complaint Against

Case No. 23-8462-1

Hearing Date: January 25, 2024 @ 8:30 a.m.

RICHARD DAVID WASHINSKY, M.D.,
Respondent.

FILED

NOV 15 2023

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: _____

SCHEDULING ORDER

TO: William P. Shogren
Deputy General Counsel
Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, Nevada 89521

Richard David Washinsky, M.D.
3017 Waterside Cr.
Las Vegas, NV 89117

Richard David Washinsky, M.D.
2851 N. Tenaya Way #103
Las Vegas, NV 89128

Richard David Washinsky, M.D.
Any Other Address Discovered to be Affiliated

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RICHARD DAVID WASHINSKY, M.D.
6501 Dabney St.
Fort Meyers, FL 33966



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11/15/2023 ZIP 89521
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US POSTAGE

EXHIBIT 19

EXHIBIT 19

Archived: Tuesday, December 12, 2023 10:27:17 AM
From: [Mercedes Fuentes](#)
Sent: Tuesday, December 12, 2023 10:27:00 AM
To: [Patricia Halstead](#); [William Shogren](#); rdwashinsky@gmail.com
Subject: RE: Richard David Washinsky, M.D., Case No. 23-8462-1
Sensitivity: Normal
Attachments:
[Amended Scheduling Order.pdf](#) 

Good Morning All,

Please see attached **Amended Scheduling Order**, filed December 11, 2023.

Respectfully,

Mercedes Fuentes

Legal Assistant to:

Sarah A. Bradley, J.D., MBA, Deputy Executive Director

William P. Shogren, 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: Patricia Halstead <phalstead@halsteadlawoffices.com>
Sent: Monday, December 11, 2023 12:48 PM
To: William Shogren <shogrenw@medboard.nv.gov>; rdwashinsky@gmail.com
Cc: Mercedes Fuentes <fuentesm@medboard.nv.gov>
Subject: RE: Richard David Washinsky, M.D., Case No. 23-8462-1

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please see the attached Amended Scheduling Order, which will be filed and served by the Medical Board.

Kindest regards,

Patricia Halstead, Esq.
615 S. Arlington Avenue
Reno, NV 89509
(775) 322-2244
(775) 465-4144 - facsimile
www.halsteadlawoffices.com

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From: Patricia Halstead
Sent: Thursday, December 7, 2023 1:45 PM
To: William Shogren <shogrenw@medboard.nv.gov>; rdwashinsky@gmail.com
Cc: Mercedes Fuentes <fuentesm@medboard.nv.gov>
Subject: RE: Richard David Washinsky, M.D., Case No. 23-8462-1

It is on my desk to address. Given there is no objection, it will be granted.

Kindest regards,

Patricia Halstead, Esq.
615 S. Arlington Avenue
Reno, NV 89509
(775) 322-2244
(775) 465-4144 - facsimile
www.halsteadlawoffices.com

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From: William Shogren <shogrenw@medboard.nv.gov>
Sent: Thursday, December 7, 2023 1:42 PM
To: Patricia Halstead <phalstead@halsteadlawoffices.com>; rdwashinsky@gmail.com
Cc: Mercedes Fuentes <fuentesm@medboard.nv.gov>
Subject: RE: Richard David Washinsky, M.D., Case No. 23-8462-1

Good afternoon Ms. Halstead,

I am just following up on the email below regarding a requested continuance for the prehearing date. Thank you.

William P. Shogren, J.D.
Deputy General Counsel
Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, NV 89521
(775) 324-9366

From: William Shogren
Sent: Tuesday, December 5, 2023 2:30 PM
To: Patricia Halstead <phalstead@halsteadlawoffices.com>; rdwashinsky@gmail.com
Cc: Mercedes Fuentes <fuentesm@medboard.nv.gov>
Subject: Richard David Washinsky, M.D., Case No. 23-8462-1

Good afternoon,

I am emailing the parties regarding the upcoming prehearing and hearing dates for this matter. Right now, the prehearing conference is scheduled for December 14th, and the hearing is scheduled for January 25th. I am now requesting a continuance for the prehearing date, which likely would necessitate a continuance for the hearing date as well. The IC may have discovered new evidence regarding this matter, which would need to be timely considered prior to the filing of a prehearing statement. Additionally, I currently have two hearings scheduled for the week of December 11th, sandwiched in between the prehearing on this matter, and preparation for these matters has consumed most of my time. Therefore, I would like to see if Ms. Halstead and Dr. Washinsky are amenable to continuing the prehearing date from December 14th to a date past January 9th, 2024. I am available any time between January 10th and the 19th. Three dates that would work best for me are:

- January 11th at any time
- January 12th at any time
- January 17th at any time

Thank you.

William P. Shogren, J.D.
Deputy General Counsel
Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, NV 89521
(775) 324-9366
shogrenw@medboard.nv.gov

NEVADA STATE BOARD
OF MEDICAL EXAMINERS

9600 Gateway Drive
Reno, Nevada 89521

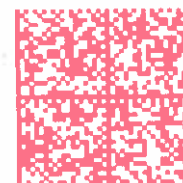


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US POSTAGE

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RECEIPT REQUESTED

RICHARD DAVID WASHINSKY, M.D.
2851 N. Tenaya Way, #103
Las Vegas, NV 89128

ELECTRONIC RETURN
RECEIPT REQUESTED

NEVADA STATE BOARD
OF MEDICAL EXAMINERS
9600 Gateway Drive
Reno, Nevada 89521



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OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

CERTIFIED MAIL™



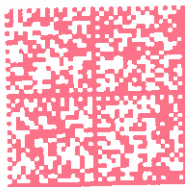
9171 9690 0935 0241 5624 01

quadrant

FIRST-CLASS MAIL
IMI

\$007.18⁰

12/12/2023 ZIP 89521
043M31221511



US POSTAGE

ELECTRONIC RETURN
RECEIPT REQUESTED

RICHARD DAVID WASHINSKY, M.D.
6501 Dabney St.
Fort Meyers, FL 33966

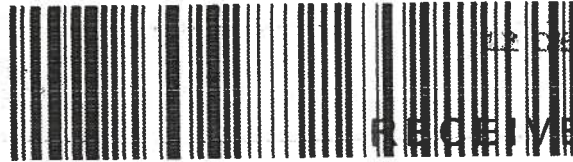
ELECTRONIC RETURN
RECEIPT REQUESTED

NEVADA STATE BOARD
OF MEDICAL EXAMINERS
9600 Gateway Drive
Reno, Nevada 89521



PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

CERTIFIED MAIL™



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JAN 02 2024

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

RICHARD DAVID WASHINSKY, M.D.
6501 Dabney St.
Fort Meyers, FL 33905

ELECTRONIC RETURN
RECEIPT REQUESTED

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FIRST CLASS MAIL
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12/12/2023 ZIP 89521
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US POSTAGE

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RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

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339661120

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

In the Matter of Charges and

Case No. 23-8462-1

Complaint Against

Hearing Date: January 25, 2024 @ 8:30 a.m.

RICHARD DAVID WASHINSKY, M.D.,

Respondent.

AMENDED SCHEDULING ORDER

TO: William P. Shogren
Deputy General Counsel
Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, Nevada 89521

Richard David Washinsky, M.D.
Any Address(es) Discovered to be Affiliated

FILED

DEC 11 2023

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By:

At the request of Mr. Shogren, noting that Dr. Washinsky has not appeared in this matter,
the pre-hearing conference previously scheduled for December 14, 2023, is hereby continued to
January 17, 2024, beginning at the hour of 10:00 a.m. Pacific Standard Time and will be held at

EXHIBIT 20

EXHIBIT 20

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

* * * * *

In the Matter of Charges and Complaint

Case No. 23-8462-1

Against:

RICHARD DAVID WASHINSKY, M.D.,

Respondent.

AFFIDAVIT OF ATTEMPTED SERVICE

I, Alexis Kent, Investigator, as an employee of the Nevada State Board of Medical Examiners, being first duly sworn, declare under penalty of perjury under the laws of the State of Nevada that the following assertions are true to the best of my knowledge:

On January 10, 2024, I attempted to serve copies of the Complaint, the First Amended Complaint, the Order Scheduling Early Case Conference, the Scheduling Order, and the Amended Scheduling Order to Respondent, Richard David Washinsky, M.D. at the following locations.

1. Respondent's public address and mailing address of record with the Board, located at 2851 N. Tenaya Way, Ste. 103, Las Vegas, NV 89128, Valhalla Wellness and Medical Centers.

Comments: Arrived at Valhalla Wellness and Medical Centers at approximately 12:50 p.m. and spoke with the front desk employee, Milia, who advised that Dr. Washinsky is no longer employed with the company despite his name being listed on the door.

2. Respondent's most recent address listed while running a CLEAR trace report, located at 412 St. Andrews Court, Las Vegas, NV 89144.

Comments: Arrived at the guard gate at approximately 1:20 p.m. and spoke with Security Supervisor Cynthia Houston who advised that Dr. Washinsky no longer owns or resides in the house and has reportedly left the country.

3. Respondent's second most recent address listed while running a CLEAR trace report,
located at 3017 Waterside Circle, Las Vegas, NV 89117.

Comments: Attempted to serve the paperwork at approximately 1:37
p.m. However, the community is gated and Dr. Washinsky was not
on the resident list.

Service of these document copies were not successfully executed.

Further your Affiant sayeth naught.



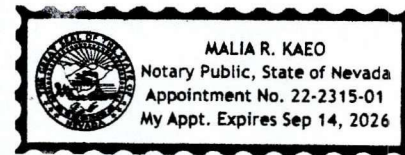
ALEXIS KENT
Investigator

STATE OF Nevada)
COUNTY OF Clark) ss.

SUBSCRIBED and SWORN to before me by
Alexis Kent on this 10th day of

January 2024.


Notary Public



5

The News-Press
media group
 news-press.com A GANNETT COMPANY

FILED**OCT - 6 2023****NEVADA STATE BOARD OF
MEDICAL EXAMINERS**By: 

Attn:

**NEVADA STATE BOARD OF MEDICAL
 9600 GATEWAY DR
 RENO, 89521**

State of Wisconsin, County of Brown:

Before the undersigned authority personally appeared

Richard David Washinsky, who on oath says that
 he or she is a Legal Assistant of the News-Press, a daily
 newspaper published at Fort Myers in Lee County, Florida; that
 the attached copy of advertisement, being a Legal Ad in the
 matter of

Legal Notices

In the Twentieth Judicial Circuit Court was published in said
 newspaper editions dated or by publication on the newspaper's
 website, if authorized, on:

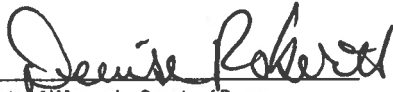
08/29/2023, 09/05/2023, 09/12/2023, 09/19/2023

Affiant further says that the said News-Press is a paper of
 general circulation daily in Lee County and published at Fort
 Myers, in said Lee County, Florida, and that the said newspaper
 has heretofore been continuously published in said Lee County,
 Florida each day and has been entered as periodicals matter at
 the post office in Fort Myers, in said Lee County, Florida, for a
 period of one year next preceding the first publication of the
 attached copy of advertisement; and affiant further says that
 he or she has never paid nor promised any person, firm or
 corporation any discount, rebate, commission or refund for the
 purpose of securing this advertisement for publication in the
 said newspaper.

Sworn to and Subscribed before me this 5th of October 2023,
 by legal clerk who is personally known to me.



Affiant



Notary State of Wisconsin, County of Brown

4-6-21

My commission expires

DENISE ROBERTS
 Notary Public
 State of Wisconsin

of Affidavits: 1

This is not an invoice**NEVADA STATE BOARD OF MEDICAL EXAMINERS**

To: Richard David Washinsky, M.D., Respondent

Case No. 23-8462-1

You are hereby notified that the Investigative Committee of the Nevada State Board of Medical Examiners filed a formal complaint against you alleging violations of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630 (collectively, the Medical Practice Act). The Complaint was mailed via USPS e-certified return receipt mail to you at your address of record with the Board: 2851 N. Tenaya Way, #103, Las Vegas, Nevada 89128. The Complaint was returned to the Board as undeliverable and provided an address of 3017 Waterside Cr., Las Vegas, Nevada 89117. The Board attempted service at this address to no avail. The Board received a Fort Meyers address, but upon research has shown that this is not a viable address for you.

You are further notified that you may be subject to sanctions enunciated in NRS 630.352, which includes the potential for revocation of your license to practice medicine in the state of Nevada.

In accord with NRS 630.344, if this Complaint cannot be served on Respondent personally, or by registered or certified mail with return receipt requested addressed to the Respondent at his last known address set forth above, and if said notice by mail is returned undelivered, the Board shall cause notice to be published once a week for four consecutive weeks in a newspaper published in county of the last known address. Proof of such service or publication of notice must be filed with the Board.

Dated this 23rd day of August, 2023

Signed: William P. Shogren
 Deputy General Counsel
 Nevada State Board of Medical Examiners
 9600 Gateway Drive
 Reno, Nevada 89521

Ad #5808816 August 29, Sept. 5, 12, 19/2023

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA

* * * * *

In the Matter of Charges and Complaint

Case No. 23-8462-1

Against:

RICHARD DAVID WASHINSKY, M.D.,

Respondent.

FILED

JUL 17 2023

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: 

COMPLAINT

The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners (Board), by and through William P. Shogren, Deputy General Counsel and attorney for the IC, having a reasonable basis to believe that Richard David Washinsky, M.D. (Respondent) violated the provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630 (collectively, the Medical Practice Act), hereby issues its Complaint, stating the IC's charges and allegations as follows:

A. Respondent's Licensure Status

1. Respondent was at all times relative to this Complaint a medical doctor holding an active license to practice medicine in the State of Nevada (License No. 6547). Respondent was originally licensed by the Board on July 1, 1992.

B. Applicable Law

2. Pursuant to NRS 630.3065(2)(a), a licensee shall not knowingly or willfully fail to comply with a subpoena or order of the Investigative Committee (IC) or the Board.

3. Pursuant to NRS 630.311(1), the IC must review each complaint made against a licensee and conduct an investigation to determine if there is a reasonable basis for the complaint.

///

¹ The Investigative Committee of the Nevada State Board of Medical Examiners, at the time this formal Complaint was authorized for filing, was composed of Board members Bret W. Frey, M.D., Col. Eric D. Wade, USAF (Ret.), Carl N. Williams, Jr., M.D., FACS.

1 The IC may issue orders to aid its investigation, including, but not limited to, compelling a
2 licensee to appear before the IC.

3 **C. Respondent's Failure to Comply With an Order for Health Care Records in NSBME**
4 **Investigative File No. 22-21658**

5 4. On June 14, 2022, pursuant to an investigation of Respondent's alleged conduct
6 related to IF 22-21658, an investigator for the Board sent an Allegation Letter to Respondent.
7 Respondent was ordered to respond to the Allegation Letter within thirty (30) days of service.
8 The Allegation Letter was sent to Respondent via USPS first-class mail on or about June 14, 2022,
9 to his permanent mailing address on file at that time with the Board located at 9010 W. Cheyenne
10 Ave., Las Vegas, NV 89129.

11 5. Respondent failed to respond to the Allegation Letter within thirty (30) days.
12 Accordingly, on or about July 14, 2022, an investigator for the Board sent a Second Request
13 Letter, along with a Final Order to Produce Response & Medical Records (IC Order), to
14 Respondent via USPS first-class mail to his permanent mailing address on file with the Board
15 located at 2851 N Tenaya Way #103, Las Vegas, NV 89128. A copy of the Second Request
16 Letter and IC Order was also sent to Respondent's email address on file with the Board.

17 6. Respondent failed to respond to either the Second Request Letter or the IC Order.
18 Accordingly, on or about August 17, 2022, a third and final request letter was sent, along with the
19 original Allegation Letter and the IC Order (collectively referred to as the "Final Documents"), to
20 Respondent via USPS first-class mail to his permanent address on file with the Board located at
21 2851 N Tenaya Way #103, Las Vegas, NV 89128. A copy of the Final Documents was also sent
22 to Respondent's email address on file with the Board.

23 7. Additionally, a copy of the Final Documents was sent to Respondent's permanent
24 address on file with the Board via certified mail located at 2851 N Tenaya Way #103, Las Vegas,
25 NV 89128. The certified mail was returned to sender without signature.

26 8. To date, Respondent has failed to respond to the IC Order pursuant to an
27 investigation of Respondent's alleged conduct related to IF 22-21658.

28 ///

F. Respondent's Failure to Comply with an Order for Appearance at the IC Meeting

9. On or about November 21, 2022, pursuant to NRS 630.311(1), the IC issued an Order for Appearance (Appearance Order) to Respondent via USPS certified mail to his permanent mailing address on file with the Board located at 2851 N Tenaya Way #103, Las Vegas, NV 89128, whereby Respondent was required to appear before the IC on February 17, 2023, to discuss his open investigation before the IC members.

10. In its Appearance Order, the IC also stated that it wanted to discuss with Respondent his practice in general, his specialty, the community standard of care regarding his specialty, and Respondent's complaint history with the Board.

11. An investigator for the Board also emailed Respondent a courtesy copy of the Appearance Order to Respondent's email on record on November 21, 2023.

12. On February 17, 2023, Respondent failed to appear before the IC pursuant to the Appearance Order.

COUNT I

NRS 630.3065(2)(a) - Knowing and Willful Failure to Comply with Investigative Committee Order

13. All of the allegations in the above paragraphs are hereby incorporated as if fully set forth herein.

14. NRS 630.3065(2)(a) provides that knowingly or willfully failing to comply with a regulation, subpoena or order of the Board or a committee designated by the Board to investigate a complaint against a physician is grounds for disciplinary action.

15. Respondent knowingly and willingly failed to comply with the IC's Final Order to Produce Response & Medical Records pursuant to an investigation of Respondent's alleged conduct related to IF 22-21658, after being served with the IC Order by mail to Respondent's permanent mailing address on record with the Board (with a courtesy copy sent to Respondent's email address on file with the Board).

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

COUNT II

**NRS 630.3065(2)(a) - Knowing and Willful Failure to Comply with Investigative
Committee Order**

17. All of the allegations in the above paragraphs are hereby incorporated as if fully set forth herein.

18. NRS 630.3065(2)(a) provides that knowingly or willfully failing to comply with a regulation, subpoena or order of the Board or a committee designated by the Board to investigate a complaint against a physician is grounds for disciplinary action.

19. Respondent knowingly and willingly failed to comply with the IC's Order for Appearance at the IC meeting held on February 17, 2023 as ordered, after being served with said order to Respondent's permanent mailing address of record with the Board (with a courtesy copy sent to Respondent's email address on file with the Board).

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

WHEREFORE, the Investigative Committee prays:

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

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

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

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

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

///

///

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

3 DATED this 17th day of July, 2023.

4 INVESTIGATIVE COMMITTEE OF THE
5 NEVADA STATE BOARD OF MEDICAL EXAMINERS

6 By: 
7 WILLIAM P. SHOGREN
8 Deputy General Counsel
9 9600 Gateway Drive
10 Reno, NV 89521
11 Tel: (775) 688-2559
12 Email: shogrenw@medboard.nv.gov
13 Attorney for the Investigative Committee

VERIFICATION


STATE OF NEVADA)
 : ss.
COUNTY OF WASHOE)

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

DATED this 17th day of July, 2023.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:



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

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CERTIFICATE OF SERVICE

I hereby certify that I am employed by the Nevada State Board of Medical Examiners and that on the 17th day of July, 2023, I served a file-stamped copy of the foregoing **COMPLAINT** and required fingerprinting materials, via USPS Certified Mail, postage pre-paid, to the following parties:

RICHARD DAVID WASHINSKY, M.D.
2851 N. Tenaya Way, #103
Las Vegas, NV 89128

Tracking No.: 9171 9690 0935 0255 6832 22

DATED this 17th day of July, 2023.


MERCEDES FUENTES
Legal Assistant
Nevada State Board of Medical Examiners

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA

* * * * *

In the Matter of Charges and Complaint

Case No. 23-8462-1

Against:

RICHARD DAVID WASHINSKY, M.D.,

Respondent.

FILED

JUL 20 2023

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 July 17, 2023, I sent the **COMPLAINT**, as well as required fingerprinting card with instructions to:

RICHARD DAVID WASHINSKY, M.D.
2851 N. Tenaya Way, #103
Las Vegas, NV 89128

via USPS Certified Mail Tracking number 9171969009350255683222 and was delivered on July 19, 2023, at 12:45 p.m.. See **Exhibit 1**.

DATED this 20th day of July, 2023.


MERCEDES FUENTES

Legal Assistant
Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, Nevada 89521

EXHIBIT 1

EXHIBIT 1



July 20, 2023

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 6832 22.


Item Details

Status:	Delivered, Front Desk/Reception/Mail Room
Status Date / Time:	July 19, 2023, 12:45 pm
Location:	LAS VEGAS, NV 89128
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™
	Return Receipt Electronic

Shipment Details

Weight:	0.6oz
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Recipient Signature

Signature of Recipient:	
Address of Recipient:	2851W Lenger

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

Tracking Number:

Remove X

9171969009350255683222

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item was delivered to the front desk, reception area, or mail room at 12:45 pm on July 19, 2023 in LAS VEGAS, NV 89128.

Get More Out of USPS Tracking:

USPS Tracking Plus[®]

Delivered

Delivered, Front Desk/Reception/Mail Room

LAS VEGAS, NV 89128

July 19, 2023, 12:45 pm

Departed USPS Regional Facility

LAS VEGAS NV DISTRIBUTION CENTER

July 19, 2023, 8:20 am

Arrived at USPS Regional Facility

LAS VEGAS NV DISTRIBUTION CENTER

July 18, 2023, 3:41 pm

Arrived at USPS Regional Facility

RENO NV DISTRIBUTION CENTER

July 17, 2023, 10:25 pm

Accepted at USPS Origin Facility

RENO, NV 89521

July 17, 2023, 9:10 pm

Feedback

● Hide Tracking History

Text & Email Updates	▼
Return Receipt Electronic	▼
USPS Tracking Plus®	▼
Product Information	▼
See Less ^	

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Enter tracking or barcode numbers

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Contact USPS Tracking support for further assistance.

FAQs

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA

* * * * *

In the Matter of Charges and Complaint

Case No. 23-8462-1

Against:

FILED

RICHARD DAVID WASHINSKY, M.D.,

OCT 16 2023

Respondent.

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: USMAE

FIRST AMENDED COMPLAINT

The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners (Board), by and through William P. Shogren, Deputy General Counsel and attorney for the IC, having a reasonable basis to believe that Richard David Washinsky, M.D. (Respondent) violated the provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630 (collectively, the Medical Practice Act), hereby issues its First Amended Complaint (Complaint), stating the IC's charges and allegations as follows:

A. Respondent's Licensure Status

1. Respondent was at all times relative to this Complaint a medical doctor holding an active license to practice medicine in the State of Nevada (License No. 6547). Respondent was originally licensed by the Board on July 1, 1992.

B. Applicable Law

2. Pursuant to NRS 630.3065(2)(a), a licensee shall not knowingly or willfully fail to comply with a subpoena or order of the Investigative Committee (IC) or the Board.

3. Pursuant to NRS 630.311(1), the IC must review each complaint made against a licensee and conduct an investigation to determine if there is a reasonable basis for the complaint.

///

¹ The Investigative Committee of the Nevada State Board of Medical Examiners, at the time this formal Complaint was authorized for filing, was composed of Board members Bret W. Frey, M.D., Col. Eric D. Wade, USAF (Ret.), Carl N. Williams, Jr., M.D., FACS.

1 The IC may issue orders to aid its investigation, including, but not limited to, compelling a
2 licensee to appear before the IC.

3 **C. Respondent's Failure to Comply With an Order for Health Care Records in NSBME**
4 **Investigative File No. 22-21658**

5 4. On June 14, 2022, pursuant to an investigation of Respondent's alleged conduct
6 related to IF 22-21658, an investigator for the Board sent an Allegation Letter to Respondent.
7 Respondent was ordered to respond to the Allegation Letter within thirty (30) days of service.
8 The Allegation Letter was sent to Respondent via USPS first-class mail on or about June 14, 2022,
9 to his permanent mailing address on file at that time with the Board located at 9010 W. Cheyenne
10 Ave., Las Vegas, NV 89129.

11 5. Respondent failed to respond to the Allegation Letter within thirty (30) days.
12 Accordingly, on or about July 14, 2022, an investigator for the Board sent a Second Request
13 Letter, along with a Final Order to Produce Response & Medical Records (IC Order), to
14 Respondent via USPS first-class mail to his permanent mailing address on file with the Board
15 located at 2851 N Tenaya Way #103, Las Vegas, NV 89128. A copy of the Second Request
16 Letter and IC Order was also sent to Respondent's email address on file with the Board.

17 6. Respondent failed to respond to either the Second Request Letter or the IC Order.
18 Accordingly, on or about August 17, 2022, a third and final request letter was sent, along with the
19 original Allegation Letter and the IC Order (collectively referred to as the "Final Documents"), to
20 Respondent via USPS first-class mail to his permanent address on file with the Board located at
21 2851 N Tenaya Way #103, Las Vegas, NV 89128. A copy of the Final Documents was also sent
22 to Respondent's email address on file with the Board.

23 7. Additionally, a copy of the Final Documents was sent to Respondent's permanent
24 address on file with the Board via certified mail located at 2851 N Tenaya Way #103, Las Vegas,
25 NV 89128. The certified mail was returned to sender, without signature.

26 8. To date, Respondent has failed to respond to the IC Order pursuant to an
27 investigation of Respondent's alleged conduct related to IF 22-21658.

28 ///

D. Respondent's Care of Patient A and Failure to Comply With an Order for Health Care Records in NSBME Investigative File No. 22-22199

9. Patient A² was a seventy-nine (79) year-old female at the time of the events at issue.

10. On or about May 6, 2022, Patient A met with Respondent. At this time, Respondent worked for Forte Family Practice. During this meeting, Respondent drafted a hand-written contract, signed by Respondent, stating that Patient A was enrolled in Respondent's Concierge Program, for a fee of six hundred dollars (\$600), and that the fee would cover one year of the program, ending May 6, 2023. Patient A gave Respondent a check in the amount of six hundred dollars (\$600). Respondent represented to Patient A that, as part of the Concierge Program, he would visit Patient A's residence for any physical examinations. Respondent also represented that Patient A could call Respondent's direct phone to have prescriptions filled.

11. On or about July 19, 2022, Patient A attempted to call Respondent multiple times regarding a prescription refill and did not receive a return call. Patient A then called Forte Family Practice, and was told that Respondent no longer worked there, without further explanation. Patient A was also informed that she had been transferred to another physician, without her consent.

12. On November 21, 2022, pursuant to an investigation of Respondent's alleged conduct related to IF 22-22199, an investigator for the Board sent an Allegation Letter to Respondent. Per the Allegation Letter, on or about May 15, 2022, Respondent failed to refill a patient prescription, and Respondent abandoned the patient and billed for services not rendered.

13. Respondent was ordered by the IC to respond to the Allegation Letter within thirty (30) days of service. The Allegation Letter was sent to Respondent via USPS first-class mail on or about November 21, 2022, to his permanent mailing address on file at that time with the Board located at 2851 N Tenaya Way #103, Las Vegas, NV 89128.

14. Respondent failed to respond to the Allegation Letter within thirty (30) days. Accordingly, on or about February 24, 2023, an investigator for the Board sent a Second and Final

² Patient A's true identity is not disclosed herein to protect her privacy, but is disclosed in the Patient Designation served upon Respondent along with a copy of this Complaint.

1 Request Letter, along with an Order to Produce Response & Medical Records (IC Order), to
2 Respondent via USPS first-class mail to his permanent mailing address on file with the Board
3 located at 2851 N Tenaya Way #103, Las Vegas, NV 89128. A copy of the Second and Final
4 Request Letter and IC Order was also sent to Respondent's email address on file with the Board.

5 15. To date, Respondent has failed to respond to the IC Order pursuant to an
6 investigation of Respondent's alleged conduct related to IF 22-22199.

7 **E. Respondent's Failure to Comply with an Order for Appearance at the IC Meeting**

8 16. On or about November 21, 2022, pursuant to NRS 630.311(1), the IC issued an
9 Order for Appearance (Appearance Order) to Respondent via USPS certified mail to his
10 permanent mailing address on file with the Board located at 2851 N Tenaya Way #103, Las
11 Vegas, NV 89128, whereby Respondent was required to appear before the IC on
12 February 17, 2023, to discuss his open investigation before the IC members.

13 17. In its Appearance Order, the IC also stated that it wanted to discuss with
14 Respondent his practice in general, his specialty, the community standard of care regarding his
15 specialty, and Respondent's complaint history with the Board.

16 18. An investigator for the Board also emailed Respondent a courtesy copy of the
17 Appearance Order to Respondent's email on record on November 21, 2022.

18 19. On February 17, 2023, Respondent failed to appear before the IC pursuant to the
19 Appearance Order.

20 **F. Respondent's Failure to Timely Notify the Board of a Change of Permanent Address**

21 20. During all times relevant to this Complaint, Respondent maintained with the Board
22 his permanent mailing address as 2851 N Tenaya Way #103, Las Vegas, NV 8912813.

23 21. On or about July 17, 2023, an employee of the Board sent a copy of the original
24 Complaint in this matter, Case No. 23-8462-1, filed July 17, 2023, to Respondent via USPS
25 Certified Mail to his permanent mailing address on file with the Board located at 2851 N Tenaya
26 Way #103, Las Vegas, NV 8912813.

27 22. On July 28, 2023, the Board received from USPS the previously sent Complaint in
28 its original envelope, with a note stating "RTS [return to sender] no longer at this location."

23. To date, the Board has not received notice or correspondence of any kind from Respondent regarding any change of address of record. Respondent has failed to notify the Board of a change to his permanent mailing address.

COUNT I

**NRS 630.3065(2)(a) - Knowing and Willful Failure to Comply with Investigative
Committee Order**

24. All of the allegations in the above paragraphs are hereby incorporated as if fully set forth herein.

25. NRS 630.3065(2)(a) provides that knowingly or willfully failing to comply with a regulation, subpoena or order of the Board or a committee designated by the Board to investigate a complaint against a physician is grounds for disciplinary action.

26. Respondent knowingly and willingly failed to comply with the IC's Final Order to Produce Response & Medical Records pursuant to an investigation of Respondent's alleged conduct related to IF 22-21658, after being served with the IC Order by mail to Respondent's permanent mailing address on record with the Board (with a courtesy copy sent to Respondent's email address on file with the Board).

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

COUNT II

**NRS 630.3065(2)(a) - Knowing and Willful Failure to Comply with Investigative
Committee Order**

28. All of the allegations in the above paragraphs are hereby incorporated as if fully set forth herein.

29. NRS 630.3065(2)(a) provides that knowingly or willfully failing to comply with a regulation, subpoena or order of the Board or a committee designated by the Board to investigate a complaint against a physician is grounds for disciplinary action.

30. Respondent knowingly and willingly failed to comply with the IC's Order to Produce Response & Medical Records pursuant to an investigation of Respondent's alleged

1 conduct related to IF 22-22199, after being served with the IC Order by mail to Respondent's
2 permanent mailing address on record with the Board (with a courtesy copy sent to Respondent's
3 email address on file with the Board).

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

6 **COUNT III**

7 **NRS 630.3065(2)(a) - Knowing and Willful Failure to Comply with Investigative**
8 **Committee Order**

9 32. All of the allegations in the above paragraphs are hereby incorporated as if fully set
10 forth herein.

11 33. NRS 630.3065(2)(a) provides that knowingly or willfully failing to comply with a
12 regulation, subpoena or order of the Board or a committee designated by the Board to investigate a
13 complaint against a physician is grounds for disciplinary action.

14 34. Respondent knowingly and willingly failed to comply with the IC's Order for
15 Appearance at the IC meeting held on February 17, 2023, as ordered, after being served with said
16 order to Respondent's permanent mailing address of record with the Board (with a courtesy copy
17 sent to Respondent's email address on file with the Board).

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

20 **COUNT IV**

21 **NRS 630.301(9) - Disreputable Conduct**

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

24 37. NRS 630.301(9) provides that engaging in conduct that brings the medical
25 profession into disrepute is grounds for initiating disciplinary action or denying licensure.

26 38. Respondent engaged in conduct that brings the medical profession into disrepute by
27 entering into a contract with Patient A for concierge services, collecting six hundred dollars
28 (\$600) from Patient A, and subsequently not providing services to Patient A.

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

COUNT V

NRS 630.304(7) - Terminating Medical Care without Adequate Notice to a Patient

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

41. NRS 630.304(7) provides that terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient is grounds for initiating disciplinary action.

42. Respondent terminated the medical care of Patient A without adequate notice to Patient A as of July 19, 2022.

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

COUNT VI

NRS 630.306(1)(j) - Failing to Timely Notify the Board of a Change of Permanent Address

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

45. NAC 630.540(23) provides that violating any provision that would subject a practitioner of medicine to discipline pursuant to NRS 630.301 to 630.3065, inclusive, or NAC 630.230, is grounds for disciplinary action against a physician.

46. NRS 630.306(1)(j) provides that failing to comply with the requirements of NRS 630.254 is grounds for initiating disciplinary action.

47. NRS 630.254 provides, in pertinent part:

Each licensee shall maintain a permanent mailing address with the Board to which all communications from the Board to the licensee must be sent. A licensee who changes his or her permanent mailing address shall notify the 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:

(a) May impose upon the licensee a fine not to exceed \$250; and

(b) May initiate disciplinary action against the licensee as provided pursuant to paragraph (j) of subsection 1 of NRS 630.306.

48. Respondent violated NRS 630.254 by failing to maintain a permanent address with the Board, to which all communications to the licensee must be sent.

49. By reason of the foregoing, Respondent is subject to discipline by the Board as provided in NAC 630.555 and NRS 630.352.

WHEREFORE, the Investigative Committee prays:

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

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

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

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

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

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

DATED this 16th day of October, 2023.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:



WILLIAM P. SHOGREN

Deputy General Counsel

9600 Gateway Drive

Reno, NV 89521

Tel: (775) 688-2559

Email: shogrenw@medboard.nv.gov

Attorney for the Investigative Committee

VERIFICATION

STATE OF NEVADA)
: ss.
COUNTY OF WASHOE)

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

DATED this 16TH day of October, 2023.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:



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

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I am employed by the Nevada State Board of Medical Examiners and
3 that on the 16th day of October, 2023, I served a file-stamped copy of the foregoing
4 **COMPLAINT** and required fingerprinting materials, via USPS Certified Mail, postage pre-paid,
5 to the following parties:

6 RICHARD DAVID WASHINSKY, M.D.
7 2851 N. Tenaya Way, #103
8 Las Vegas, NV 89128

9 Tracking No.: 9171 9690 0935 0241 5574 52

10 DATED this 16th day of October, 2023.

11
12 
13 MERCEDES FUENTES
14 Legal Assistant
15 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 In the Matter of Charges and

Case No. 23-8462-1

5 Complaint Against

Hearing Date: February 27, 2024 @ 8:30
a.m.

6 RICHARD DAVID WASHINSKY, M.D.,

7 Respondent.
8

9 **SECOND AMENDED SCHEDULING ORDER**
10 **(Continuance of Hearing Date Only)**

11 TO: William P. Shogren
12 Deputy General Counsel
13 Nevada State Board of Medical Examiners
14 9600 Gateway Drive
 Reno, Nevada 89521

FILED

JAN 18 2024

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: 

15 Richard David Washinsky, M.D.
16 Any Address(es) Discovered to be Affiliated

17 On January 26, 2024, a Pre-Hearing Conference was conducted in this matter and held via
18 conference call. Participating in the Pre-Hearing Conference were William Shogren on behalf of
19 the Investigative Committee (the "IC") and the undersigned Hearing Officer. Respondent did not
20 appear and efforts to reach him throughout the proceeding have continued to be of no avail.

21 Based upon an unopposed request by the IC to continue the hearing previously scheduled
22 in this matter for January 25, 2024, the hearing is hereby rescheduled to **February 27, 2024,**
23 **starting at 8:30 a.m. PST.** All other matters as addressed in the Scheduling Order, filed

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November 15, 2023, and the Amended Scheduling Order filed on December 11, 2023, remain as provided for therein.

DATED this 17th day of January 2024.

By:



Patricia Halstead, Esq.
Hearing Officer
(775) 322-2244

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CERTIFICATE OF SERVICE

I certify that on this day, I personally delivered or mailed, postage pre-paid, at Reno, Nevada, a true file-stamped copy of the foregoing SECOND AMENDED SCHEDULING ORDER addressed as follows:

William P. Shogren
Deputy General Counsel
Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, Nevada 89521

Richard David Washinsky, M.D.

9171 9690 0935 0241 6153 50

Any Address(es) Discovered to be Affiliated

6501 Dabney St., Fort Myers, FL 33966
2851 N. Tenaya Way, #103, Las Vegas, NV 89128

DATED this 19th day of January 2024. 9171 9690 0935 0241 6153 67

Signature

Mercedes Fuentes

Print

Legal Assistant

Title

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

3 * * * * *

4 In the Matter of Charges and

Case No. 23-8462-1

5 Complaint Against

Early Case Conference Date: November 6,
2023 @ 1:00 p.m.

6 RICHARD DAVID WASHINSKY, M.D.,

7 Respondent.
8

9 **ORDER SCHEDULING EARLY CASE CONFERENCE**

10 TO: William P. Shogren
11 Deputy General Counsel
12 Nevada State Board of Medical Examiners
13 9600 Gateway Drive
14 Reno, Nevada 89521

14 Richard David Washinsky, M.D.
15 3017 Waterside Cr.
16 Las Vegas, NV 89117

17 Richard David Washinsky, M.D.
18 2851 N. Tenaya Way #103
19 Las Vegas, NV 89128

FILED

NOV 01 2023

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: Wm. A. L.

19 **NOTICE IS HEREBY GIVEN** that, in compliance with NRS 630.339(3), **an Early Case**
20 **Conference will be conducted on November 6, 2023 beginning at the hour of 1:00 p.m.** The
21 Early Case Conference will be held via conference call. The conference call number is 1-605-
22 475-2200 and the access code is 8792457.¹

23 _____
24 ¹ NRS 630.339(3) provides as follows:

25 Within 20 days after the filing of the answer, the parties shall hold an early case conference at which the
26 parties and the hearing officer appointed by the Board or a member of the Board must preside. At the early
27 case conference, the parties shall in good faith:

27 (a) Set the earliest possible hearing date agreeable to the parties and the hearing officer, panel of the Board or
28 the Board, including the estimated duration of the hearing:

(b) Set dates:

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
3 discuss and designate the dates for the Pre-Hearing Conference and Hearing and the other
4 procedural matters established in NRS 630.339. The parties must also provide an estimate, to the
5 nearest hour, of the time required for presentation of their respective cases.

6 At the Pre-Hearing Conference, in accordance with NAC 630.465,² each party shall provide
7 the other party with a copy of the list of witnesses they intend to call to testify, including
8 therewith, the qualifications of each witness so identified and a summary of the testimony of each
9 witness. If a witness is not on the list of witnesses, that witness may subsequently not be allowed
10 to testify at the Hearing unless good cause is shown for omitting the witness from said list.³

- 11
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- 12
- 13 (1) By which all documents must be exchanged;
 - 14 (2) By which all prehearing motions and responses thereto must be filed;
 - 15 (3) On which to hold the prehearing conference; and
 - 16 (4) For any other foreseeable actions that may facilitate the timely and fair conduct of the matter.

- 17 (c) Discuss or attempt to resolve all or any portion of the evidentiary or legal issues in the matter;
- 18 (d) Discuss the potential for settlement of the matter on terms agreeable to the parties; and
- 19 (e) Discuss and deliberate any other issues that may facilitate the timely and fair conduct of the matter.

20 ² NAC 630.465 provides as follows:

- 21 1. At least 30 days before a hearing but not earlier than 30 days after the date of service upon the physician or
22 physician assistant of a formal complaint that has been filed with the Board pursuant to NRS 630.311, unless
23 a different time is agreed to by the parties, the presiding member of the Board or panel of members of the
24 Board or the hearing officer shall conduct a prehearing conference with the parties and their attorneys. All
25 documents presented at the prehearing conference are not evidence, are not part of the record and may not be
26 filed with the Board.
- 27 2. Each party shall provide to every other party a copy of the list of proposed witnesses and their qualifications
28 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.

³ 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 Likewise, all evidence, except rebuttal evidence, that is not provided to each party at the Pre-
2 Hearing Conference may also not be introduced or admitted at the Hearing unless good cause is
3 shown.

4 Counsel for the Nevada State Board of Medical Examiners and the Respondent shall keep
5 undersigned Hearing Officer advised of each issue which has been resolved by negotiation or
6 stipulation, if any.

7 **ACCORDINGLY, NOTICE IS HEREBY GIVEN** that the possible sanctions
8 authorized by NRS 630.352, NAC 630.555, and NRS 622.400 upon a finding of guilt to one or
9 more of the Counts raised in said Board Complaint include the following:

10 A. Placement on probation for a specified period on any of the conditions specified in
11 an order issued by the Board;

12 B. Administration of a public reprimand;

13 C. Placement of a limitation on Respondent's practice, or exclusion of one or more
14 specified branches of medicine from Respondent's practice;

15 D. Suspension of Respondent's license for a specified period or until further order of
16 the Board;

17 E. Revocation of Respondent's license to practice medicine;

18 F. A requirement that Respondent participate in a program to correct alcohol or drug
19 dependence or any other impairment;

20 G. A requirement that there be specified supervision of Respondent's practice;

21 H. A requirement that Respondent perform public service without compensation;

22 I. A requirement that Respondent take a physical or mental examination, or an
23 examination testing Respondent's competence;

24 J. A requirement that Respondent fulfill certain training or educational requirements,
25 or both, as specified by the Board;

26 K. A fine not to exceed \$5,000.00;


27 _____
28 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 the anticipated testimony.

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L. A requirement that the Respondent pay all costs incurred by the Board relating to this disciplinary proceeding, as more fully set forth in NRS 622.400.

DATED this 30th day of October 2023.

By:



Patricia Halstead, Esq.
Hearing Officer
(775) 322-2244

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CERTIFICATE OF SERVICE

I certify that on this day, I personally delivered or mailed, postage pre-paid, at Reno, Nevada, a true file-stamped copy of the foregoing ORDER SCHEDULING EARLY CASE CONFERENCE addressed as follows:

William P. Shogren
Deputy General Counsel
Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, Nevada 89521

Richard David Washinsky, M.D.
3017 Waterside Cr.
Las Vegas, NV 89117

Fed Ex 7739 7265 8662

Richard David Washinsky, M.D.
2851 N. Tenaya Way #103
Las Vegas, NV 89128

Fed Ex 7739 7269 2083

DATED this 3rd day of November 2023.

Signature

Mercedes Fuentes

Print

Legal Assistant

Title

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

3 * * * * *

4 In the Matter of Charges and
5 Complaint Against

Case No. 23-8462-1

Hearing Date: January 25, 2024 @ 8:30 a.m.

6 RICHARD DAVID WASHINSKY, M.D.,
7 Respondent.

FILED

NOV 15 2023

NEVADA STATE BOARD OF
MEDICAL EXAMINERS
By: _____

9 **SCHEDULING ORDER**

10 TO: William P. Shogren
11 Deputy General Counsel
12 Nevada State Board of Medical Examiners
13 9600 Gateway Drive
14 Reno, Nevada 89521

15 Richard David Washinsky, M.D.
16 3017 Waterside Cr.
17 Las Vegas, NV 89117

18 Richard David Washinsky, M.D.
19 2851 N. Tenaya Way #103
20 Las Vegas, NV 89128

21 Richard David Washinsky, M.D.
22 Any Other Address Discovered to be Affiliated

23 On November 6, 2023, an Early Case Conference was conducted in this matter and held
24 via conference call. Participating in the Early Case Conference were William Shogren on behalf
25 of the Investigative Committee (the "IC") and the undersigned Hearing Officer. Respondent did
26 not appear and efforts to reach him throughout the proceeding have been to no avail, resulting in
27 publication of notice of the Complaint, which took place by and through the News-Press, a daily
28 newspaper published in Lee County, Florida, such publication taking place on August 29, 2023;
 September 5, 2023, and September 9, 2023, and Lee County, Florida being the last location where
 Respondent was known to be residing. Per the IC efforts have also been made to contact

1 Respondent through address searches, email, and by telephone with Mr. Shogren reaching an
2 unidentified individual and being hung up on when Mr. Shogren identified himself.

3 In the absence of Respondent, dates for the pre-hearing conference, which encompasses
4 the exchange of witnesses and documents, and the hearing date were discussed and determined.
5 Accordingly, in compliance with NAC 630.465, a pre-hearing conference will be conducted on
6 **December 14, 2023**, at 10:00 a.m., Pacific Standard Time, and will be held via a conference call.
7 Unless directed otherwise prior to the scheduled date and time of the pre-hearing conference, the
8 conference call number will be 1-605-475-2200 and the access code will be 8792457. The parties
9 shall participate in the conference call and the conference will be conducted before the
10 undersigned hearing officer.

11 By the pre-hearing conference, each party shall provide the other party with a copy of the
12 list of witnesses such party intends to call to testify, including the witness' qualifications as well
13 as a brief summary of the witness' anticipated testimony. If a witness is not included in the list of
14 witnesses, that witness may not be allowed to testify at the hearing unless good cause is shown.
15 Likewise, all documentation sought to be relied upon at the formal hearing shall be exchanged. If
16 at the formal hearing any party seeks to rely upon documentation not previously produced as
17 ordered, such documentation will not be permitted unless good cause is shown.

18 The formal hearing in this matter is hereby scheduled for **January 25, 2024**, starting at
19 8:30 a.m. Unless otherwise ordered, all parties and witness shall attend the hearing from the Reno
20 office of the Nevada State Board of Medical Examiners, 9600 Gateway Drive, Reno, Nevada
21 89521.

22 Following the hearing, the undersigned hearing officer will submit to the Board written
23 findings and recommendations pursuant to NRS 622A.300 that, pursuant to NAC 630.470, will
24 include a synopsis of the testimony taken at the hearing as well as a recommendation on the
25 veracity of witnesses if there is conflicting evidence or if credibility of witnesses is a determining
26 factor. Thereafter the Board will render its decision. NAC 630.470.


27 Should either party request a briefing schedule for motions or deem a status conference
28 necessary at any juncture of the proceeding, such party shall email the undersigned hearing

1 officer, cc'ing the other party through the other party's known email, and request a status
2 conference and state the basis for the request.

3 Both parties shall keep the undersigned hearing officer apprised of each issue that has been
4 resolved by negotiation or stipulation or any other change in the status of this case.

5 DATED this 14th day of November 2023.

6 By:


Patricia Halstead, Esq.
Hearing Officer
(775) 322-2244

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CERTIFICATE OF SERVICE

I certify that on this day, I personally delivered or mailed, postage pre-paid, at Reno, Nevada, a true file-stamped copy of the foregoing SCHEDULING ORDER addressed as follows:

William P. Shogren
Deputy General Counsel
Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, Nevada 89521

Richard David Washinsky, M.D.
3017 Waterside Cr.
Las Vegas, NV 89117

9171 9690 0935 0241 5579 26

Richard David Washinsky, M.D.
2851 N. Tenaya Way #103
Las Vegas, NV 89128

9171 9690 0935 0241 5579 33

Richard David Washinsky, M.D.
Any Other Address Discovered to be Affiliated

9171 9690 0935 0241 5579 40

DATED this 15th day of November 2023.

Signature

Mercedes Fuentes
Print

Legal Assistant
Title

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

3 * * * * *

4 In the Matter of Charges and

Case No. 23-8462-1

5 Complaint Against

Hearing Date: January 25, 2024 @ 8:30 a.m.

6 RICHARD DAVID WASHINSKY, M.D.,

7 Respondent.
8

9 **AMENDED SCHEDULING ORDER**

10 TO: William P. Shogren
11 Deputy General Counsel
12 Nevada State Board of Medical Examiners
13 9600 Gateway Drive
14 Reno, Nevada 89521
15 Richard David Washinsky, M.D.
16 Any Address(es) Discovered to be Affiliated

FILED

DEC 11 2023


NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: 

16 At the request of Mr. Shogren, noting that Dr. Washinsky has not appeared in this matter,
17 the pre-hearing conference previously scheduled for December 14, 2023, is hereby continued to
18 January 17, 2024, beginning at the hour of 10:00 a.m., Pacific Standard Time, and will be held via
19 a conference call. Unless directed otherwise prior to the scheduled date and time of the pre-
20 hearing conference, the conference call number will be 1-605-475-2200 and the access code will
21 be 8792457. The parties shall participate in the conference call by and through counsel and the
22 conference will be conducted before the undersigned hearing officer. All other matters as set
23 forth in the Scheduling Order filed on November 15, 2023, remain as ordered.

24 DATED this 11th day of December 2023.

25 By:

26 
27 Patricia Halstead, Esq.
28 Hearing Officer
 (775) 322-2244

CERTIFICATE OF SERVICE

I certify that on this day, I personally delivered or mailed, postage pre-paid, at Reno, Nevada, a true file-stamped copy of the foregoing AMENDED SCHEDULING ORDER addressed as follows:

William P. Shogren
Deputy General Counsel
Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, Nevada 89521

Richard David Washinsky, M.D.

2851 N. Tenaya Way. # 103
Las Vegas, NV 89128

9171 9690 0935 0241 5623 95

Richard David Washinsky, M.D.

6501 Dabney St.
Fort Meyers, FL 33966

9171 9690 0935 0241 5624 01

DATED this 12th day of December 2023.

Signature

Mercedes Fuentes

Print

Legal Assistant

Title

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

* * * * *

In the Matter of Charges and Complaint

Case No. 23-8462-1

Against:

FILED

RICHARD DAVID WASHINSKY, M.D.,

JAN 16 2024

Respondent.

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: 

**PREHEARING CONFERENCE STATEMENT OF THE INVESTIGATIVE COMMITTEE
OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS**

The Investigative Committee (IC) of the Nevada State Board of Medical Examiners (Board) submits the following Prehearing Conference Statement in accordance with NAC 630.465 and the Hearing Officer's Amended Scheduling Order filed on December 11, 2023.

I. LIST OF WITNESSES

The IC of the Board lists the following witnesses whom it may call at the hearing on the charges in the Complaint against Respondent filed herein:

- a. Ernesto Diaz, Chief of Investigators
Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, NV 89521

Mr. Diaz, or his designee, is expected to verify documentary evidence obtained during the investigation of this case and testify regarding the investigation of this matter.

- b. Alexis Kent, Investigator
Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, NV 89521

Ms. Kent, or her designee, is expected to testify regarding her attempts to serve Dr. Washinsky notices of hearing in this matter.

///

c. Mercedes Fuentes, Legal Assistant
Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, NV 89521

Ms. Fuentes, or her designee, is expected to testify regarding attempts to serve Dr. Washinsky notice of the complaint and other filed pleadings associated with this matter.

d. Richard D. Washinsky, M.D.
2851 N. Tenaya Way, #103
Las Vegas, NV 89128

6501 Dabney St.
Fort Meyers, FL 33966

Dr. Washinsky is expected to testify regarding the facts and circumstances surrounding the formal Complaint in this matter.

e. All witnesses identified by Respondent in his prehearing conference statement and/or in any subsequent amended, revised, or supplemental prehearing conference statement, or list of witnesses disclosed by Respondent of persons he may call to testify at the hearing herein.

The IC reserves the right to amend and supplement this list as required for prosecution of this case.

II. LIST OF EXHIBITS

The IC of the Board lists the following exhibits that it may introduce at the hearing on the charges and formal Complaint against the Respondent. Additionally, the IC of the Board reserves the right to rely on all exhibits listed in Respondent's prehearing conference statement and any supplement and/or amendment thereof.

EXHIBIT NO.	DESCRIPTION	BATES RANGE (NSBME)
1	Complaint and Certificate of Service, Dated July 17, 2023	001 - 007
2	First Amended Complaint and Certificate of Service, Dated October 16, 2023	008 - 017
3	Allegation Letter to Respondent, Dated June 14, 2022	018 - 019

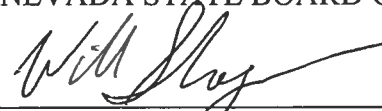
EXHIBIT NO.	DESCRIPTION	BATES RANGE (NSBME)
4	Second Request Letter to Respondent, Dated July 14, 2022	020 - 021
5	Final Order to Produce Response & Medical Records, Dated July 17, 2022	022 - 023
6	Final Request Letter, Dated August 17, 2022	024
7	Allegation Letter to Respondent, Dated November 21, 2022	025 - 026
8	Second Request Letter to Respondent, dated November 21, 2022	027
9	Order to Produce Response & Medical Records, Dated November 21, 2022	028 - 029
10	Copy of Contract Between Dr. Washinsky and Patient A, Dated May 6, 2022	030
11	Patient A Medical Records from Forte Family Practice	031 - 045
12	Order for Appearance, Dated November 21, 2022	046 - 047
13	Investigators' Service Attempts to Dr. Washinsky	048 - 065
14	United States v. Washinsky, 2:22-cv-01803-APG-VCF (D. Nev. Apr. 27, 2023)	066 - 074
15	IC's Service Attempts for Formal Complaint	075 - 080
16	Affidavit of Publication from The News-Press, Dated October 6, 2023	081
17	IC's Service Attempts for Order Scheduling Early Case Conference	082 - 088
18	IC's Service Attempts for Scheduling Order	089 - 094
19	IC's Service Attempts for Amended Scheduling Order	095 - 100
20	Affidavit of Service of Notice of Hearing, Dated January 10, 2024	101 - 102

1 The IC reserves the right to use any exhibits relied upon or identified by Respondent and
2 reserves the right to amend and supplement this list of exhibits as required.

3 DATED this 16th day of January, 2024.

4
5 INVESTIGATIVE COMMITTEE OF THE
6 NEVADA STATE BOARD OF MEDICAL EXAMINERS

7 By:



8 WILLIAM P. SHOGREN

9 Deputy General Counsel

10 9600 Gateway Drive

11 Reno, NV 89521

12 Tel: (775) 688-2559

13 Email: wshogren@medboard.nv.gov

14 *Attorney for the Investigative Committee*

CERTIFICATE OF SERVICE

I hereby certify that I am employed by the Nevada State Board of Medical Examiners and that on the 16th day of January, 2024, I served a file-stamped copy of the foregoing **PREHEARING CONFERENCE STATEMENT OF THE INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS** and required fingerprinting materials via email and Fed Ex First Overnight to the following parties:

RICHARD DAVID WASHINSKY, M.D.
2851 N. Tenaya Way, #103
Las Vegas, NV 89128
Tracking No.: 7748 3216 0669

RICHARD DAVID WASHINSKY, M.D.
6501 Dabney St.
Fort Meyers, FL 33966
Tracking No.: 7748 3222 3288

rdwashinsky@gmail.com

PATRICIA HALSTEAD, ESQ.
615 S. Arlington Avenue
Reno, NV 89509
Tracking No.: 7748 3226 0525
phalstead@halsteadlawoffices.com

DATED this 16th day of January, 2024.



MERCEDES FUENTES
Legal Assistant
Nevada State Board of Medical Examiners

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA

* * * * *

In the Matter of Charges and Complaint

Case No. 23-8462-1

Against:

RICHARD DAVID WASHINSKY, M.D.,

Respondent.

FILED

JAN 16 2024

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: 

AFFIDAVIT OF ATTEMPTED SERVICE

I, Alexis Kent, Investigator, as an employee of the Nevada State Board of Medical Examiners, being first duly sworn, declare under penalty of perjury under the laws of the State of Nevada that the following assertions are true to the best of my knowledge:

On January 10, 2024, I attempted to serve copies of the Complaint, the First Amended Complaint, the Order Scheduling Early Case Conference, the Scheduling Order, and the Amended Scheduling Order to Respondent, Richard David Washinsky, M.D. at the following locations.

1. Respondent's public address and mailing address of record with the Board, located at 2851 N. Tenaya Way, Ste. 103, Las Vegas, NV 89128, Valhalla Wellness and Medical Centers.

Comments: Arrived at Valhalla Wellness and Medical Centers at approximately 12:50 p.m. and spoke with the front desk employee, Milia, who advised that Dr. Washinsky is no longer employed with the company despite his name being listed on the door.

2. Respondent's most recent address listed while running a CLEAR trace report, located at 412 St. Andrews Court, Las Vegas, NV 89144.

Comments: Arrived at the guard gate at approximately 1:20 p.m. and spoke with Security Supervisor Cynthia Houston who advised that Dr. Washinsky no longer owns or resides in the house and has reportedly left the country.

3. Respondent's second most recent address listed while running a CLEAR trace report,
located at 3017 Waterside Circle, Las Vegas, NV 89117.

Comments: Attempted to serve the paperwork at approximately 1:37
p.m. However, the community is gated and Dr. Washinsky was not
on the resident list.

Service of these document copies were not successfully executed.

Further your Affiant sayeth naught.



ALEXIS KENT
Investigator

STATE OF Nevada)
COUNTY OF Clark) ss.

SUBSCRIBED and SWORN to before me by
Alexis Kent on this 10th day of

January 2024.


Notary Public

