

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA

* * * * *

In the Matter of Charges and Complaint

Case No. 23-31248-1

Against:

RONALD DAVID SMITH, M.D.,

Respondent.

FILED

AUG - 1 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 Ronald David Smith, 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:

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. 11778). Respondent was originally licensed by the Board on March 18, 2006.

A. Respondent's Criminal Conviction.

2. In the U.S. District Court for the State of Nevada, in Criminal Case No. 2:19-cr-00154-RFB-VCF, entitled "United States of America v. Ronald Smith, M.D., on or about December 9, 2021, the United States Attorney for the District of Nevada filed a Superseding Criminal Information, hereto attached as **Exhibit 1** and incorporated herein by this reference, charging Respondent with *two (2) counts* of Possession of Controlled Substances – Schedule III, in violation of 21 U.S.C. §§ 844(a). It was alleged that Respondent, on or about

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 Victor M. Muro, M.D., Chair, Chowdhury H. Ahsan, M.D., Ph.D., FACC, and Ms. Pamela J. Beal (Public Member).

1 March 12, 2019, and March 26, 2019, knowingly possessed buprenorphine, a Scheduled III
2 controlled substance, which was not obtained directly, or pursuant to a valid prescription or order,
3 from a practitioner, while acting in the course of Respondent's professional practice.

4 3. Pursuant to a Judgment in a Criminal Case filed on January 13, 2023 (Judgment of
5 Conviction), hereto attached as **Exhibit 2** and incorporated herein by this reference, Respondent
6 knowingly and voluntarily pleaded guilty to counts one and two of the Superseding Criminal
7 Information, both counts consisting of Possession of Controlled Substances – Schedule III, in
8 violation of 21 U.S.C. §§ 844(a).

9 **B. Respondent's Stipulation and Order with the Nevada State Board of Pharmacy.**

10 4. Respondent held an active Nevada Controlled Substance Registration, Certificate
11 No. CS13980, issued by the Nevada State Board of Pharmacy (Pharmacy Board).

12 5. On or about October 23, 2020, Respondent was served with the Notice of Intended
13 Action and Accusation (Accusation) by the Pharmacy Board, alleging that Respondent failed to
14 comply with Federal requirements pertaining to controlled substances and that Respondent
15 surrendered his DEA Certificate of Registration for cause. The Accusation further alleged that
16 Respondent's Certificate of Registration with the Pharmacy Board was suspended pursuant to
17 NRS 639.2017 as a result of Respondent's DEA Certificate suspension.

18 6. On or about July 13, 2022, Respondent and the Pharmacy Board entered into a
19 "Stipulation and Order" (Pharmacy Board Stipulation), hereto attached as **Exhibit 3** and
20 incorporated herein by this reference, whereby Respondent admitted that evidence existed, and that
21 Pharmacy Board staff could present such evidence at an administrative hearing, to establish a
22 factual basis for violations against him.

23 7. In the Pharmacy Board Stipulation, Respondent agreed to the revocation of his
24 Certification of Registration No. CS13980 with the Pharmacy Board.

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COUNT I

**NRS 630.301(11)(f) –Violation of Federal Law Regulating the Possession, Distribution or
Use of Any Controlled Substance**

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

9. NRS 630.301(11)(f) provides that conviction of a violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS is grounds for initiating disciplinary action or denying licensure.

10. Respondent was convicted of one (1) count of Possession of Controlled Substances – Schedule III, in violation of 21 U.S.C. §§ 844(a), a misdemeanor.

11. 21 U.S.C. §§ 844(a) is a federal law regulating the possession, distribution or use of any controlled substance.

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

COUNT II

**NRS 630.301(11)(f) –Violation of Federal Law Regulating the Possession, Distribution or
Use of Any Controlled Substance**

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

9. NRS 630.301(11)(f) provides that conviction of a violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS is grounds for initiating disciplinary action or denying licensure.

10. Respondent was convicted of one (1) count of Possession of Controlled Substances – Schedule III, in violation of 21 U.S.C. §§ 844(a), a misdemeanor.

11. 21 U.S.C. §§ 844(a) is a federal law regulating the possession, distribution or use of any controlled substance.

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

COUNT III

NRS 630.301(9) – Disreputable Conduct

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

14. Conduct that brings the medical profession into disrepute is grounds for discipline pursuant to NRS 630.301(9), including, without limitation, conduct that violates any provision of a code of ethics adopted by the Board by regulation based on a national code of ethics.

15. As demonstrated by, but not limited to, the above-outlined facts, Respondent's conduct brings the medical profession into disrepute.

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

COUNT IV

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

Board of Pharmacy

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

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

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

20. NRS 639.2107 provides, in relevant part, that the surrender, revocation or suspension of any certificate, license or registration of a practitioner by the Drug Enforcement Administration operates as an immediate suspension of a certificate, license, registration or permit issued by the Pharmacy Board to possess, administer, prescribe or dispense drugs.

21. Respondent acknowledged the evidence against him would prove violations of NRS Chapter 639 when he entered into the Pharmacy Board Stipulation. Respondent thereby engaged in conduct that violated a provision of Chapter 639 of NRS, or a regulation adopted by the Pharmacy Board pursuant thereto.

22. By reason of the foregoing, Respondent is subject to discipline by the Board as provided in NRS 630.306(1)(b)(3) 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 31st day of July, 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 CLARK)

Victor M. Muro, 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 31st day of July, 2023.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:



VICTOR M. MURO, 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 1st day of August, 2023, I served a file-stamped copy of the foregoing **COMPLAINT**
4 as and required fingerprinting materials, via USPS Certified Mail, postage pre-paid, to the
5 following parties:

6 RONALD DAVID SMITH, M.D.
7 574 Willis Street
8 Bristol, CT 06010

9 *Tracking No.:* 9171 9690 0935 0255 6833 69

10 DATED this 1st day of August, 2023.

11 
12 _____
13 MERCEDES FUENTES
14 Legal Assistant
15 Nevada State Board of Medical Examiners
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EXHIBIT 1

EXHIBIT 1

1 CHRISTOPHER CHIOU
Acting United States Attorney
2 Nevada Bar No. 14853
PETER S. LEVITT
3 Assistant United States Attorney
501 Las Vegas Boulevard South, Suite 1100
4 Las Vegas, Nevada 89101
Tel: (702) 388-6336
5 Fax: (702) 388-6418
peter.s.levitt@usdoj.gov

6 *Attorneys for the United States*

7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 vs.

12 RONALD SMITH, M.D.,

13 Defendant.

Case No.: 2:19-cr-00154-RCB-VCF

SUPERSEDING CRIMINAL
INFORMATION

VIOLATIONS:

21 U.S.C. § 844(a)
Counts One and Two: Possession of
Controlled Substances—Schedule III
(Buprenorphine)

16 THE UNITED STATES ATTORNEY FOR THE DISTRICT OF NEVADA CHARGES
17 THAT:

18 COUNT ONE

Possession of Controlled Substances —Schedule III
21 U.S.C. § 844(a)

20 1. On or about March 12, 2019, in the State and Federal District of Nevada,
21 and elsewhere,

22 RONALD SMITH, M.D.,
23
24

1 defendant herein, did knowingly possess buprenorphine, a Scheduled III controlled
2 substance, that was not obtained directly, or pursuant to a valid prescription or order, from
3 a practitioner, while acting in the course of his professional practice, all in violation of
4 Title 21, United States Code, Section 844(a).

5 COUNT TWO
6 Distribution of Controlled Substances —Schedule III
7 21 U.S.C. § 844(a)

8 2. On or about March 26, 2019, in the State and Federal District of Nevada,
9 and elsewhere,

10 **RONALD SMITH, M.D.,**

11 defendant herein, did knowingly possess buprenorphine, a Scheduled III controlled
12 substance, that was not obtained directly, or pursuant to a valid prescription or order, from
13 a practitioner, while acting in the course of his professional practice, all in violation of
14 Title 21, United States Code, Section 844(a).

15 DATED: this 16th day of November, 2021.

16 CHRISTOPHER CHIOU
17 Acting United States Attorney

18 PETER S. LEVITT
19 Assistant United States Attorney
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23
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EXHIBIT 2

EXHIBIT 2

UNITED STATES DISTRICT COURT

District of Nevada

UNITED STATES OF AMERICA

v.

RONALD SMITH, M.D.

JUDGMENT IN A CRIMINAL CASE

Case Number: 2:19-cr-00154-RFB-VCf

USM Number: 55630-048

PAOLA AREMNI, CJA

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) One and Two of the Superseding Criminal Information filed 12/09/2021.☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
21 U.S.C. §§ 844(a)	Possession of Controlled Substances - Schedule III	3/12/2019	1s
21 U.S.C. §§ 844(a)	Possession of Controlled Substances - Schedule III	3/26/2019	2s

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.☐ The defendant has been found not guilty on count(s) _____☒ Count(s) Any remaining ☐ is ☒ are dismissed on the motion of the United States.

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

1/5/2023

Date of Imposition of Judgment

Signature of Judge

RICHARD F. BOULWARE, II

U.S. District Judge

Name and Title of Judge

1/5/2023

Date

DEFENDANT: RONALD SMITH, M.D.

CASE NUMBER: 2:19-cr-00154-RFB-VCF

PROBATIONYou are hereby sentenced to probation for a term of: Three (3) years per counts one and two, to run concurrently to one another.**MANDATORY CONDITIONS**

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court, not to exceed 104 tests annually.
 - ☒ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
5. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
6. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*
7. ☐ You must make restitution in accordance with 18 U.S.C. §§ 2248, 2259, 2264, 2327, 3663, 3663A, and 3664. *(check if applicable)*
8. You must pay the assessment imposed in accordance with 18 U.S.C. § 3013.
9. If this judgment imposes a fine, you must pay in accordance with the Schedule of Payments sheet of this judgment.
10. You must notify the court of any material change in your economic circumstances that might affect your ability to pay restitution, fines, or special assessments.

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

DEFENDANT: RONALD SMITH, M.D.
CASE NUMBER: 2:19-cr-00154-RFB-VCF

STANDARD CONDITIONS OF SUPERVISION

As part of your probation, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of the time you were sentenced, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. ~~If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.~~
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the specific risks posed by your criminal record and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the specific risks posed by your criminal record.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: RONALD SMITH, M.D.
CASE NUMBER: 2:19-cr-00154-RFB-VCF

SPECIAL CONDITIONS OF SUPERVISION

1. **Employment Restriction** – Prior to engaging in employment in a medical field, the Court and the Probation Officer must be notified as to the nature of that practice. This condition may be requested to be removed after one year.

2. **Search and Seizure** – You must submit your person, property, house, residence, vehicle, papers, computers (as defined in 18 U.S.C. § 1030(e)(1)), other electronic communications or data storage devices or media, or office, to a search conducted by a United States Probation Officer. Failure to submit to a search may be grounds for revocation of release. You must warn any other occupants that the premises may be subject to searches pursuant to this condition.

The probation officer may conduct a search under this condition only when reasonable suspicion exists that you have violated a condition of supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.

3. **Community Service** - You must complete 100 hours of community service within your term of probation, 1095 days. The probation officer will supervise the participation in the program by approving the program (agency, location, frequency of participation, etc.). You must provide written verification of completed hours to the probation officer.

DEFENDANT: RONALD SMITH, M.D.
CASE NUMBER: 2:19-cr-00154-RFB-VCF

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
TOTALS	\$ 50.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss***</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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TOTALS	\$ _____	0.00	\$ _____	0.00
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☐ Restitution amount ordered pursuant to plea agreement \$ 0.00

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: RONALD SMITH, M.D.
CASE NUMBER: 2:19-cr-00154-RFB-VCF

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ Lump sum payment of \$ 50.00 due immediately, balance due.
- ☐ not later than _____, or
☐ in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ Joint and Several

Case Number
Defendant and Co-Defendant Names
(including defendant number)

Total Amount

Joint and Several
Amount

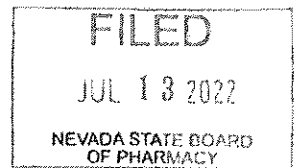
Corresponding Payee,
if appropriate

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVT assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

EXHIBIT 3

EXHIBIT 3



BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

**RONALD SMITH, MD,
Certificate of Registration No. CS13980,**

Respondent.

CASE NO. 20-212-CS-S

STIPULATION AND ORDER

Brett Kandt, General Counsel for Petitioner the Nevada State Board of Pharmacy (Board), and Respondent Ronald Smith, MD, Certificate of Registration No. CS13980, by and through counsel, Mark H. Hutchings, Esq., **HEREBY STIPULATE AND AGREE THAT:**

1. The Board has jurisdiction over Respondent and this matter.
2. On or about October 23, 2020, Respondent was served with the Notice of Intended Action and Accusation (Accusation) on file in this matter together with the Statement to Respondent and Notice of Hearing, and Respondent filed an Answer and Notice of Defense to the Accusation.
3. Respondent is fully aware of the right to seek the advice of counsel in this matter and obtained the advice of counsel prior to entering into this Stipulation.
4. Respondent is aware of the right to a hearing on the matters alleged in the Accusation, the right to reconsideration, the right to appeal and any and all other rights which may be accorded to him pursuant to NRS Chapter 233B (Nevada Administrative Procedure Act), NRS Chapter 622A (Administrative Procedure Before Certain Regulatory Bodies), and NRS Chapter 639 (Nevada Pharmacy Act).
5. Conditioned on the acceptance of this Stipulation by the Board, and with the exception of the right to challenge any determination that Respondent has failed to comply with the provisions of this Stipulation, Respondent hereby freely and voluntarily waives his rights to a

hearing, reconsideration, appeal and any and all other rights related to this action that may be accorded to him by NRS Chapter 233B (Nevada Administrative Procedure Act), NRS Chapter 622A (Administrative Procedure Before Certain Regulatory Bodies), and NRS Chapter 639 (Nevada Pharmacy Act).

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

A. On June 20, 2019, Respondent surrendered his DEA Certificate of Registration No. BS9687116 to the U.S. Drug Enforcement Administration by executing a DEA Form 104, entitled "Surrender for Cause";

B. On or about July 22, 2019, Respondent was served with notice that his surrender for cause operated as an immediate suspension of his Certificate of Registration No. CS13980 with the Board pursuant to NRS 639.2107; and

C. By surrendering his DEA Certificate of Registration No. BS9687116 for cause, Respondent has admitted to failing to comply with the Federal requirements pertaining to controlled substances, has committed an act that would render his registration inconsistent with the public interest, is no longer authorized by Federal law to dispense controlled substances, and is subject to discipline pursuant to NRS 453.236(1) and NRS 453.241(1).

7. In order to resolve this matter without incurring any further costs or the expense associated with a hearing, the Board and Respondent stipulate to the following penalties:

A. The certificate of registration of Respondent Ronald Smith, MD, Certificate of Registration No. CS13980, is hereby revoked pursuant to NRS 453.241(1)(b);

B. Respondent may not possess (except pursuant to the lawful order of a practitioner), administer, prescribe or dispense a controlled substance until he has petitioned the Board for reinstatement pursuant to NRS 639.257 and the Board reinstates his certificate of registration;

C. Pursuant to NRS 622A.410(1) and 639.257(1), Respondent may not petition for reinstatement of his certificate of registration for a period of one (1) year from the effective date of this Order; and

D. In the event Respondent applies for reinstatement of his certificate of registration, or applies for any other certificate, license or permit with the Board, he shall appear before the Board to answer questions and give testimony regarding his application, his compliance with this Order, and the facts and circumstances underlying this matter.

8. Any failure by Respondent to comply with the terms of this Order may result in issuance by the Executive Secretary of an order to show cause pursuant to NAC 639.965 directing Respondent to appear before the Board at the next regularly scheduled meeting for a show cause hearing. If such a hearing results in a finding of a violation of this Order by Respondent, the Board may impose additional discipline upon Respondent not inconsistent with the provisions of NRS Chapters 453 and 639.

9. General Counsel will present this Stipulation to the Board for approval pursuant to NRS 622.330 at the Board's regularly scheduled public meeting on July 13, 2022. Respondent or his counsel will appear at the meeting to answer questions from the Board Members and/or Board Staff. The Board Members and Staff may discuss and deliberate regarding this Stipulation, even if Respondent is not present at the meeting.

10. The Board has discretion to accept this Stipulation, but it is not obligated to do so. If this Stipulation is approved by the Board, it shall be a public record pursuant to NRS 622.330 and shall be reported to the National Practitioner Data Bank pursuant to 42 U.S.C. § 1396r-2 and 45 CFR Part 60.


11. If the Board rejects any part or all of this Stipulation, and unless they reach an alternative agreement on the record during the hearing, the parties agree that a full hearing on the merits of this matter may be heard by the Board. The terms and admissions herein may not be used or referred to in a full hearing on the merits of this matter.

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

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

AGREED:

Signed this 6th day of June, 2022




RONALD SMITH, MD,
Certificate of Registration No. CS13980

Signed this 6th day of June, 2022



BRETT KANDY, ESQ.
General Counsel
Nevada State Board of Pharmacy

APPROVED AS TO FORM AND CONTENT
this 6th day of June, 2022



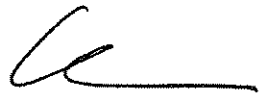
MARK H. HUTCHINGS, ESQ.
Counsel for Respondent

DECISION AND ORDER

The Nevada State Board of Pharmacy hereby adopts the foregoing Stipulation as its decision as to Ronald Smith, MD, Certificate of Registration No. CS13980, in Case No. 20-212-CS-S and hereby orders that the terms of the foregoing Stipulation be made effective upon execution below.

IT IS SO ORDERED.

Entered this 13th day of July, 2022.



Helen Park, Pharm.D.
President
Nevada State Board of Pharmacy

FILED

OCT 23 2020

NEVADA STATE BOARD
OF PHARMACY

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

**RONALD SMITH, MD,
Certificate of Registration No. CS13980,**

Respondent.

CASE NO. 20-212-CS-S

**NOTICE OF INTENDED ACTION
AND ACCUSATION**

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

JURISDICTION

1. The Nevada State Board of Pharmacy (Board) has jurisdiction over this matter because, at the time of the events alleged herein, Respondent Ronald Smith, MD, held a Nevada controlled substance registration, Certificate of Registration No. CS13980, issued by the Board.

FACTUAL ALLEGATIONS

2. On June 20, 2019, Respondent surrendered his DEA Certificate of Registration No. BS9687116 to the U.S. Drug Enforcement Administration by executing a DEA Form 104, entitled "Surrender for Cause" (DEA Surrender for Cause).

3. By executing the DEA Surrender for Cause, Respondent acknowledged in pertinent part the following:

In view of my alleged failure to comply with the Federal requirements pertaining to controlled substances or list I chemicals, and as an indication of my good faith in desiring to remedy any incorrect or unlawful practices on my part, I hereby surrender for cause my Drug Enforcement Administration (DEA) Certification of Registration.

4. On or about July 22, 2019, Board staff served Respondent with notice that his surrender of his DEA Certificate of Registration No. BS9687116 for cause operated as an

immediate suspension of his Certificate of Registration No. CS13980 with the Board pursuant to NRS 639.2107.

FIRST CAUSE OF ACTION

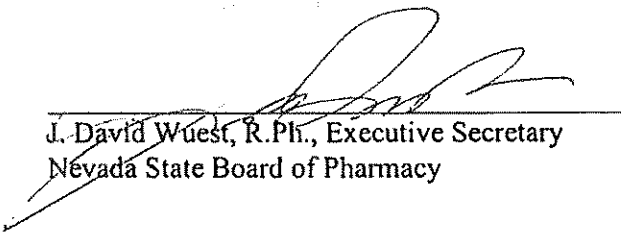
Surrender of DEA Registration for Cause

5. By surrendering his DEA Certificate of Registration No. BS9687116 for cause, Respondent has admitted to failing to comply with the Federal requirements pertaining to controlled substances, has committed an act that would render his registration to dispense controlled substances inconsistent with the public interest, is no longer authorized by Federal law to dispense controlled substances, and is subject to discipline pursuant to NRS 453.236(1) and NRS 453.241(1).

6. By surrendering his DEA Certificate of Registration No. BS9687116 for cause, the suspension of Respondent's Certificate of Registration No. CS13980 pursuant to NRS 639.2107 is subject to review by the Board pursuant to NRS 453.236(1) and NRS 639.255(1)(c).

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

Signed this 7th day of October, 2020.



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

NOTICE TO RESPONDENT

You have the right to show the Nevada State Board of Pharmacy that your conduct, as alleged above, complies with all lawful requirements. NRS 233B.127(3). You have the right to a hearing before the Board to answer the Notice of Intended Action and Accusation and present evidence and argument on all issues involved, either personally or through counsel. NRS 233B.121; NRS 233B.127(3); NRS 622A.300(1) and (3); NRS 639.241. To do so, you must complete and file two (2) copies of the Answer and Notice of Defense served herewith, to be received by the Board's Reno office located at 985 Damonte Ranch Parkway -- Suite 206, Reno, Nevada 89521, within twenty (20) days of your receipt of this Notice of Intended Action and Accusation. NRS 622A.320; NRS 639.243. Your failure to timely file an Answer and Notice of Defense constitutes an admission of the charges and waiver of the right to a hearing. NRS 639.244. If you fail to appear at the hearing and the Board finds that you were given sufficient legal notice of the hearing, the Board may accept the allegations as true and may proceed to consider the case and render a decision. NRS 622A.350.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

CASE NO. 20-212-CS-S

Petitioner,

v.

**RONALD SMITH, MD,
Certificate of Registration No. CS13980,**

Respondent.

**STATEMENT TO
THE RESPONDENT
AND NOTICE OF HEARING**

TO THE RESPONDENT ABOVE-NAMED: PLEASE TAKE NOTICE THAT:

I.

Pursuant to the authority and jurisdiction conferred upon the Nevada State Board of Pharmacy (Board) by NRS 639.241 to NRS 639.2576, inclusive, and NRS chapter 233B and 622A, a Notice of Intended Action and Accusation has been filed with the Board by the Petitioner, J. David Wuest, Executive Secretary for the Board, alleging grounds for imposition of disciplinary action by the Board against you, as is more fully explained and set forth in the Notice of Intended Action and Accusation served herewith and hereby incorporated reference herein.

II.

You have the right to show the Nevada State Board of Pharmacy that your conduct, as alleged above, complies with all lawful requirements. NRS 233B.127(3). You have the right to a hearing before the Board to answer the Notice of Intended Action and Accusation and present evidence and argument on all issues involved, either personally or through counsel. NRS 233B.121; NRS 233B.127(3); NRS 622A.300(1) and (3); NRS 639.241. To do so, you must complete and file two (2) copies of the Answer and Notice of Defense served herewith, to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within twenty (20) days of your receipt of this Statement and Notice, and of the Notice of Intended Action and Accusation served within. NRS 622A.320; NRS 639.243.

III.

The Board has scheduled your hearing on this matter for Wednesday, December 2, 2020, 9:00 a.m. or soon thereafter. Pursuant to Governor Steve Sisolak's Emergency Directive 006, there will be no physical location for this meeting. The meeting can be listened to or viewed live over Zoom.

Via Videoconference at Zoom: <https://zoom.us/j/5886256671>

or

Via Teleconference at 1 (669) 900-6833

Meeting ID: 588 625 6671

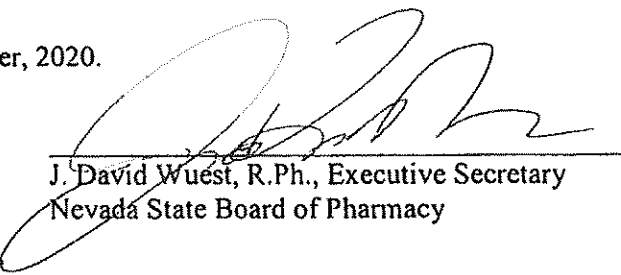
IV.

Pursuant to NRS 241.033 and 241.034, please be advised that the hearing is a public meeting, and the Board may, without further notice, take administrative action against you if the Board determines that such administrative action is warranted after considering your character, alleged misconduct, professional competence, or physical or mental health. The Board at its discretion may go into closed session to consider your character, alleged misconduct, professional competence, or physical or mental health. You may attend any closed session, have an attorney or other representative of your choosing present during any closed session, and present written evidence, provide testimony, and present witnesses relating to your character, alleged misconduct, professional competence, or physical or mental health during any closed session.

V.

Your failure to timely file an Answer and Notice of Defense constitutes an admission of the charges and waiver of the right to a hearing. NRS 639.244. If you fail to appear at the hearing and the Board finds that you were given sufficient legal notice of the hearing, the Board may accept the allegations as true and may proceed to consider the case and render a decision. NRS 622A.350.

DATED this 23rd day of October, 2020.


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

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

**RONALD SMITH, MD,
Certificate of Registration No. CS13980,**

Respondent.

CASE NO. 20-212-CS-S

**ANSWER AND NOTICE
OF DEFENSE**

Respondent above named, in answer to the Notice of Intended Action and Accusation filed in the above-entitled matter before the Nevada State Board of Pharmacy, declares:

1. That her objection to the Notice of Intended Action and Accusation as being incomplete or failing to state clearly the charges against her, is hereby interposed on the following grounds: (State specific objections or insert "none").

2. That, in answer to the Notice of Intended Action and Accusation, she admits, denies and alleges as follows:

I hereby declare, under penalty of perjury, that the foregoing Answer and Notice of Defense, and all facts therein stated, are true and correct to the best of my knowledge.

DATED this _____ day of _____, 2020.

RONALD SMITH, MD

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

* * * * *

In the Matter of Charges and Complaint

Case No. 23-31248-1

Against:

RONALD DAVID SMITH, M.D.,

Respondent.

FILED

DEC 01 2023

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: 

SETTLEMENT AGREEMENT

The Investigative Committee (IC) of the Nevada State Board of Medical Examiners (Board), by and through William P. Shogren, Deputy General Counsel for the Board and attorney for the IC, and Ronald David Smith, M.D. (Respondent), a licensed physician in Nevada, assisted by his attorney, Jeffrey J. Whitehead, Esq., of the law firm of Whitehead & Burnett, hereby enter into this Settlement Agreement (Agreement) based on the following:¹

A. BACKGROUND

1. Respondent is a medical doctor currently licensed in active status by the Board pursuant to Chapter 630 of the Nevada Revised Statutes (NRS) and Chapter 630 of the Nevada Administrative Code (NAC) (collectively, the Medical Practice Act) to practice medicine in Nevada. His license was originally issued on March 18, 2006 (License No. 11778).

2. On August 1, 2023, in Case No. 23-31248-1, the IC filed a formal Complaint (Complaint) charging Respondent with violating the Medical Practice Act. Specifically, the Complaint alleges two (2) violations of NRS 630.301(11)(f), Violation of Federal Law Regulating the Possession, Distribution or Use of Any Controlled Substance (Counts I and II); one (1) violation of NRS 630.301(9), Disreputable Conduct (Count III); and one (1) violation of

¹ All agreements and admissions made by Respondent are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Respondent. Therefore, Respondent's agreements and admissions are not intended or made for any other use, such as in the context of another state or federal government regulatory agency proceeding, state or federal civil or criminal proceeding, any state or federal court proceeding, or any credentialing or privileges matter.

OFFICE OF THE GENERAL COUNSEL

Nevada State Board of Medical Examiners

9600 Gateway Drive

Reno, Nevada 89521

(775) 688-2559

1 NRS 630.306(1)(b)(3), Violation of Statutes and Regulations of the Nevada State Board of
2 Pharmacy (Count IV).

3 3. Respondent was properly served with a copy of this Complaint, has reviewed and
4 understands this Complaint, and has had the opportunity to consult with competent counsel
5 concerning the nature and significance of this Complaint.

6 4. Respondent is hereby advised of his rights regarding this administrative matter, and
7 of his opportunity to defend against the allegations in the Complaint. Specifically, Respondent has
8 certain rights in this administrative matter as set out by the United States Constitution, the Nevada
9 Constitution, the Medical Practice Act, the Nevada Open Meeting Law (OML), which is
10 contained in NRS Chapter 241, and the Nevada Administrative Procedure Act (APA), which is
11 contained in NRS Chapter 233B and 622A. These rights include the right to a formal hearing on
12 the allegations in the Complaint, the right to representation by counsel, at his own expense, in the
13 preparation and presentation of his defense, the right to confront and cross-examine the witnesses
14 and evidence against him, the right to written findings of fact, conclusions of law and order
15 reflecting the final decision of the Board, and the right to judicial review of the Board's order, if
16 the decision is adverse to him.

17 5. Respondent understands that, under the Board's charge to protect the public by
18 regulating the practice of medicine, the Board may take disciplinary action against Respondent's
19 license, including license probation, license suspension, license revocation and imposition of
20 administrative fines, as well as any other reasonable requirement or limitation, if the Board
21 concludes that Respondent violated one or more provisions of the Medical Practice Act.

22 6. Respondent understands and agrees that this Agreement, by and between
23 Respondent and the IC, is not with the Board, and that the IC will present this Agreement to the
24 Board for consideration in open session at a duly noticed and scheduled meeting. Respondent
25 understands that the IC shall advocate for the Board's approval of this Agreement, but that the
26 Board has the right to decide in its own discretion whether or not to approve this Agreement.
27 Respondent further understands and agrees that if the Board approves this Agreement, then the
28 terms and conditions enumerated below shall be binding and enforceable upon him and the Board.

1 **B. TERMS & CONDITIONS**

2 **NOW, THEREFORE**, in order to resolve the matters addressed herein, i.e., the matters
3 with regard to the Complaint, Respondent and the IC hereby agree to the following terms and
4 conditions:

5 1. **Jurisdiction.** Respondent is, and at all times relevant to the Complaint has been, a
6 physician licensed to practice medicine in Nevada subject to the jurisdiction of the Board as set
7 forth in the Medical Practice Act.

8 2. **Representation by Counsel/Knowing, Willing and Intelligent Agreement.**
9 Respondent acknowledges he is represented by counsel, and wishes to resolve the matters
10 addressed herein with said counsel. Respondent agrees that if representation by counsel in this
11 matter materially changes prior to entering into this Agreement and for the duration of this
12 Agreement, that counsel for the IC will be timely notified of the material change. Respondent
13 agrees that he knowingly, willingly and intelligently enters into this Agreement after deciding to
14 have a full consultation with and upon the advice of legal counsel.

15 3. **Waiver of Rights.** In connection with this Agreement, and the associated terms
16 and conditions, Respondent knowingly, willingly and intelligently waives all rights in connection
17 with this administrative matter. Respondent hereby knowingly, willingly and intelligently waives
18 all rights arising under the United States Constitution, the Nevada Constitution, the Medical
19 Practice Act, the OML, the APA, and any other legal rights that may be available to him or that
20 may apply to him in connection with the administrative proceedings resulting from the Complaint
21 filed in this matter, including defense of the Complaint, adjudication of the allegations set forth in
22 the Complaint, and imposition of any disciplinary actions or sanctions ordered by the Board.
23 Respondent agrees to settle and resolve the allegations of the Complaint as set out by this
24 Agreement, without a hearing or any further proceedings and without the right to judicial review.

25 4. **Acknowledgement of Reasonable Basis to Proceed.** As of the time of entering
26 into this Settlement Agreement, the allegations of the Complaint remain unproven. Respondent
27 acknowledges that the IC believes it has a reasonable basis to allege that Respondent engaged in
28 conduct that is grounds for discipline pursuant to the Medical Practice Act. The IC acknowledges

Respondent is not admitting that the IC's claims/counts as alleged in the Complaint have merit and Respondent is agreeing to resolve this matter to avoid the costs of hearing and potential subsequent litigation. Respondent asserts if this matter were to proceed to hearing, he has evidence, witnesses, expert witness(es) and defenses to the counts/claims alleged in the Complaint, but for the purposes of resolving the matter and for no other purpose, Respondent waives the presentation of evidence, witnesses, expert witnesses, and defenses in order to effectuate this Agreement.

5. **Consent to Entry of Order.** In order to resolve this Complaint pending against Respondent, Respondent hereby agrees that the Board may issue an order finding that Respondent engaged in conduct that is grounds for discipline pursuant to the Medical Practice Act. Accordingly, the following terms and conditions are hereby agreed upon:

a. Respondent admits to Counts I and II, two (2) violations of NRS 630.301(11)(f), Violation of Federal Law Regulating the Possession, Distribution or Use of Any Controlled Substance, and Count III, one (1) violation of NRS 630.301(9), Disreputable Conduct.

b. Respondent's license shall be subject to a term of probation (Probationary Period) upon the Board's acceptance, adoption and approval of this Agreement for an indeterminate period of time, not to exceed sixty (60) months. Respondent may petition the Board to lift the probationary status and the conditions placed upon his license if or when he successfully completes his probationary term for his underlying criminal conviction in case 2:19-cr-00154-RFB-VCF. The following terms and conditions shall apply during Respondent's Probationary Period:

i. Respondent shall successfully complete all requirements as established by the United States District Court, District of Nevada, and the United States Probation Office, for his underlying criminal conviction in case 2:19-cr-00154-RFB-VCF.

ii. Respondent agrees to abstain from the personal use or possession of controlled substances and prescription drugs, unless such controlled substance or prescription drug is lawfully prescribed to Respondent for a current bona fide illness or condition by a licensed

1 practitioner. Respondent shall abstain from the use of any and all other mood-altering substances
2 for any other purpose than the purpose for which the substance is intended.

3 iii. Respondent shall complete all terms and conditions of any criminal
4 sanctions incurred before or during the period of this Agreement, including probation or parole,
5 and if, or when, the United States Probation Office terminates its probationary period of
6 Respondent, then Respondent can petition the Board for a termination of the Board's Probationary
7 Period. Respondent agrees that if he fails to complete his criminal probation or is dishonorably
8 discharged from criminal probation, the IC shall be authorized to immediately suspend
9 Respondent's license to practice medicine in Nevada pending an Order to Show Cause Hearing,
10 which will be duly noticed.

11 iv. If Respondent fails to complete his criminal probation or is
12 dishonorably discharged from criminal probation, Respondent shall notify the Board in writing
13 within forty-eight (48) hours.

14 c. Respondent shall pay the costs and expenses incurred in the investigation
15 and prosecution of this matter within sixty (60) days of the Board's acceptance, adoption and
16 approval of this Agreement in the amount of seven hundred twenty-four dollars ninety-seven cents
17 (\$724.97).

18 d. Respondent shall pay a fine of two thousand dollars (\$2,000) within sixty
19 (60) days of the Board's acceptance, adoption and approval of this Agreement.

20 e. The Respondent shall perform eight (8) hours of Continued Medical
21 Education (CME) related to the subject of best practices in prescribing. These eight (8) hours of
22 CME shall be in addition to the required CMEs regularly imposed upon Respondent as a condition
23 of licensure in the State of Nevada pursuant to NAC 630.153(1), and shall be approved by the
24 Board prior to their completion. These CME hours must be completed within six (6) months of
25 the Board's acceptance, adoption and approval of this Agreement.

26 f. This Agreement shall be reported to the appropriate entities and parties as
27 required by law, including, but not limited to, the National Practitioner Data Bank.

28 g. Respondent shall receive a Public Letter of Reprimand.

1 h. The remaining count of the Complaint (Count IV), and any other claims
2 arising from the Board's corresponding investigative case file(s), shall be dismissed with
3 prejudice.

4 6. **Release from Liability.** In execution of this Agreement, Respondent understands
5 and agrees that the State of Nevada, the Board, and each of its members, staff, counsel,
6 investigators, experts, peer reviewers, committees, panels, hearing officers, consultants and agents
7 are immune from civil liability for any decision or action taken in good faith in response to
8 information acquired by the Board. NRS 630.364(2)(a). Respondent agrees to release the State of
9 Nevada, the Board, and each of its members, staff, counsel, investigators, experts, peer reviewers,
10 committees, panels, hearing officers, consultants and agents from any and all manner of actions,
11 causes of action, suits, debts, judgments, executions, claims and demands whatsoever, known and
12 unknown, in law or equity, that Respondent ever had, now has, may have or claim to have, against
13 any or all of the persons, government agencies or entities named in this paragraph arising out of,
14 or by reason of, this investigation, this Agreement or the administration of the case referenced
15 herein.

16 7. **Procedure for Adoption of Agreement.** The IC and counsel for the IC shall
17 recommend approval and adoption of the terms and conditions of this Agreement by the Board in
18 resolution of this Complaint. In the course of seeking Board acceptance, approval and adoption of
19 this Agreement, counsel for the IC may communicate directly with the Board staff and the
20 adjudicating members of the Board.

21 Respondent acknowledges that such contacts and communications may be made or
22 conducted ex-parte, without notice or opportunity to be heard on his part until the public Board
23 meeting where this Agreement is discussed, and that such contacts and communications may
24 include, but may not be limited to, matters concerning this Agreement, the Complaint and any and
25 all information of every nature whatsoever related to this matter. The IC and its counsel agree that
26 Respondent and/or Counsel for the Respondent may appear at the Board meeting where this
27 Agreement is discussed and, if requested, respond to any questions that may be addressed to the
28 IC or the IC's counsel.

1 8. **Effect of Acceptance of Agreement by Board.** In the event the Board accepts,
2 approves and adopts this Agreement, the Board shall issue a final order, making this Agreement
3 an order of the Board, and, pending full compliance with the terms herein, the case shall be closed
4 and all remaining claims arising out of the Complaint shall be dismissed with prejudice.

5 9. **Effect of Rejection of Agreement by Board.** In the event the Board does not
6 accept, approve and adopt this Agreement, this Agreement shall be null, void and of no force and
7 effect except as to the following agreement regarding adjudications: (1) Respondent agrees that,
8 notwithstanding rejection of this Agreement by the Board, nothing contained in this Agreement
9 and nothing that occurs pursuant to efforts of the IC to seek the Board's acceptance of this
10 Agreement shall disqualify any member of the adjudicating panel of the Board from considering
11 this Complaint and from participating in disciplinary proceedings against Respondent, including
12 adjudication of this case; and (2) Respondent further agrees that he shall not seek to disqualify any
13 such member absent evidence of bad faith.

14 10. **Binding Effect.** If approved by the Board, Respondent understands that this
15 Agreement is a binding and enforceable contract upon Respondent and the Board.

16 11. **Forum Selection Clause.** The parties agree that in the event either party is
17 required to seek enforcement of this Agreement in district court, the party's consent to such
18 jurisdiction and agree that exclusive jurisdiction shall be in the Second Judicial District Court,
19 State of Nevada, Washoe County.

20 12. **Attorneys' Fees and Costs.** The parties agree that in the event an action is
21 commenced in district court to enforce any provision of this Agreement, the prevailing party shall
22 be entitled to recover reasonable attorneys' fees and costs.

23 13. **Failure to Comply with Terms.** Should Respondent fail to comply with any term
24 or condition of this Agreement once the Agreement has been accepted, approved and adopted by
25 the Board, the IC shall be authorized to immediately suspend Respondent's license to practice
26 medicine in Nevada pending an Order to Show Cause Hearing, which will be duly noticed.
27 Failure to comply with the terms of this Agreement, including failure to pay any fines, costs,
28 expenses or fees owed to the Board, is a failure to comply with an order of the Board, which may

OFFICE OF THE GENERAL COUNSEL

Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, Nevada 89521
(775) 688-2559

1 result in additional disciplinary action being taken against Respondent. NRS 630.3065(2)(a).
2 Further, Respondent's failure to remit payment to the Board for monies agreed to be paid as a
3 condition of this Agreement may subject Respondent to civil collection efforts.

4 DATED this 29 day of September, 2023. DATED this 29 day of September, 2023.

5 INVESTIGATIVE COMMITTEE OF THE
6 NEVADA STATE BOARD OF MEDICAL
7 EXAMINERS

WHITEHEAD & BURNETT

8 By: Will Shogren

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

By: Jeff

JEFFREY J. WHITEHEAD, ESQ.
6980 O'Bannon Drive
Las Vegas, NV 89117
Tel: (702) 267-6500
Email: jeff@whiteheadburnett.com
Attorney for Respondent

13 DATED this 29 day of September, 2023.

15 By: Ronald David Smith

16 RONALD DAVID SMITH, M.D.,
17 Nevada License No. 11778
18 Respondent

OFFICE OF THE GENERAL COUNSEL

Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, Nevada 895521
(775) 688-2559

ORDER

IT IS HEREBY ORDERED that, the foregoing Settlement Agreement (Case Nos. 23-31248-1) was approved and accepted by the Nevada State Board of Medical Examiners on the 1st day of December, 2023.

DATED this 1st day of December, 2023.

NEVADA STATE BOARD OF MEDICAL
EXAMINERS

By: 
NICK M. SPIRTOS, M.D., F.A.C.O.G.
Board President