

Paul Edwards

From: Back to Roots <backtorootspahrump@gmail.com>
Sent: Monday, February 26, 2018 3:45 PM
To: Paul Edwards
Subject: Justin Curnutt

Mr. Edwards,

To answer your initial question, I have not worked as an intern pharmacist since my services were no longer needed from Advanced Isotopes of Nevada. I recently acquired the notification from the OIG that I am no longer on their blacklist. Since then I have been seeking employment but to no avail. As such it has been hard to get quarterly reports done through anyone as I am not working anywhere pharmacy related. It would seem that when confronted with the possibility of hiring a graduate intern with a big black mark on his record or a pharmacy school intern, who is subsequently more affordable, then they choose the later. I have offered to be paid less and even free service in order to get more hours and another mentor for the quarterly reports but again to no avail. I did have an opportunity in Wyoming but the WY BOP denied my request to work in their state.

As relating to the ethics course. It has been extremely difficult finding one that would satisfy my particular situation. There are many medical ethics courses some of which cost upwards of \$2,000 which I certainly do not have. Others are relating to human research and ethics toward those matters. Some do not have any way to prove I have completed them (no certifications, homework, tests, etc.) and therefore seem hard to prove it was completed. Other ethics courses offered at UNLV require extensive prerequisite work (about 2 years worth). I recognize that the previous course found <https://thecpt.org/ethical-leadership-certification-program/> talks about how to train staff members and people in ancillary positions however that is speaking to me in the position I am in. This is a 3 phase ethical leadership certification program that would cost \$79 per phase (Which would stretch my finances but is doable). The first phase taught on Ethics and Culture, second phase is Ethics in Leadership, and the third phase is Ethics Strategies and how to implement what I learned into business, work, life, and every other facet of my life. This course would leave me with a certificate at each phase and therefore be trackable. The MIT one highlighted in previous emails is a fantastic fit but has the drawback of not being trackable through testing or certificates but is free. I don't mean to sound so ignorant but am seeking guidance as to what will best satisfy this requirement and demonstrate that I have changed in character and my ethics are above reproach.

Lastly, I have written to the board to request an audience for the April hearing to receive further guidance on how to get my license back in any capacity. I have not yet heard and do not want to miss the deadline for request. Perhaps I am not reaching out to the correct person or people.

Thanks for all you do, I realize I must be a thorn in all of your sides with all my questions but do appreciate your thoroughness and dedication.

Justin Curnutt

From April 2017 Meeting Minutes

Darla Zarley disclosed that Mr. Curnutt was a former student, but stated that she would be able to participate in this matter fairly and without bias.

Justin Curnutt appeared and was sworn by President Basch prior to answering questions or offering testimony.

President Basch stated that Mr. Curnutt appeared before the Board during the January 2017 board meeting. He explained that at that time the Board moved to reinstate Mr. Curnutt's Nevada Pharmacist License pending he comply with a number of restrictions, including to meet with Board Staff to explain the circumstances surrounding all unaccounted for medications.

Mr. Curnutt stated that he has met with Board Staff twice to review the case.

Ken Scheuber, Investigator for the Nevada State Board of Pharmacy, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Scheuber explained after meeting with Mr. Curnutt there are discrepancies regarding two prescriptions.

The Board questioned Mr. Curnutt regarding the two prescriptions in question.

Mr. Curnutt apologized to the Board for his mistake, but was not able to recall the circumstances surrounding the two prescriptions.

The Board expressed concern regarding Mr. Curnutt's lack of personal accountability regarding the case.

Board discussion ensued regarding the restrictions on Mr. Curnutt's Nevada Pharmacist License, status on the OIG Blacklist, and the possibility of having Mr. Curnutt complete a college level ethics course.

Board Action:

Motion: Kirk Wentworth moved to deny Justin Curnutt's Request for Reinstatement of Pharmacist License.

Kirk Wentworth withdrew his motion.

The Board discussed having Mr. Curnutt serve as a Pharmacy Intern.

Board Action:

Motion: Jason Penrod moved to approve Justin Curnutt's Application for Nevada Pharmacy Intern pending he finds employment at a pharmacy, completes

a Board Staff approved college level ethics course, and complies with all the restrictions placed on his license during the January 2017 board meeting.

Second: Robert Sullivan

Action: Passed unanimously

From January 2017 Meeting Minutes

Darla Zarley disclosed that Justin Curnutt was a former student, but stated that she would be able to participate in this matter fairly and without bias.

Justin Curnutt appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Edwards explained that the Board heard Mr. Curnutt's case during the January 2016 board meeting. He stated that Mr. Curnutt committed prescription fraud and insurance fraud by creating, filling and dispensing multiple fraudulent prescriptions for himself and another staff member. Those fraudulent prescriptions were then billed to an insurance provider.

Mr. Curnutt agreed to Mr. Edwards' summary of the facts. He requested reinstatement of his pharmacist license and described his activities during the last year.

Mr. Curnutt explained that he is active with the Boy Scouts of America and his church community. He also opened a health food store and taught courses on various aspects of maintaining a healthy lifestyle.

Board discussion ensued regarding Mr. Curnutt's status on the OIG Blacklist. Mr. Pinson explained that if he is on that list he would not be allowed be employed by any entity that bills Medicare or Medicaid.

The Board questioned Mr. Curnutt regarding unaccounted for medications that were confiscated. Mr. Curnutt could not provide an explanation for the medications.

The Board discussed the possibility of having a mentor report on Mr. Curnutt's activities as well as other corrective action.

Board Action:

Motion: Kirk Wentworth moved to reinstate Justin Curnutt's Nevada Pharmacist License pending Mr. Curnutt meets with Board Staff to explain the circumstances surrounding all unaccounted for medications that remain at issue in his case. Board Staff is authorized to review and approve Mr. Curnutt's explanation. If Board Staff accepts the explanation Justin Curnutt's license will be reinstated, this will take place no sooner than

February 5, 2017, and be put on a probationary status for a period of no less than two years from the reinstatement date. During the probationary period Mr. Curnutt may not work more than forty hours per week. He may not work as a pharmacist in charge or pharmacy manager of any Nevada pharmacy. He may not work alone and must work at all times under the direct supervision of a Nevada licensed pharmacist. He must engage a peer mentor who must be a Nevada licensed physician or pharmacist, and is subject to Board Staff approval. The mentor must submit quarterly written status reports to the Board's Executive Secretary explaining his or her perception and opinion of his work status, the activities in which he is engaged as part of his personal and professional recovery, his level of compliance with the terms of his probation and any other matters that the mentor deems pertinent. Mr. Curnutt shall inform all current and potential future employers of this disciplinary action. Any violation of the terms of the Board's Order may result in the immediate suspension of his pharmacist license.

Second: Jason Penrod

Action: Passed unanimously

Explanation of Ethics Course:

March 19th, 2018; (11+ months since the April 2017 Board hearing) I have yet to get a "college level ethics course" approved by the Board. Please refer to the last statement, which is underlined, in this document for the intention of this document. This document also serves to show a chronological correspondence between Mr. Edwards and myself.

June 26th, 2017; It took 2 months to investigate and get as close to an adequate "college level ethics course." I submitted various courses with which some were from private companies as well as some from colleges. I was very eager to satisfy this stipulation and put into practice what I had learned throughout the remainder of the year.

June 30th, 2017; I received a response back from Mr. Edwards asking for a bit of time for the Board to investigate these courses. Out of all of them available Mr. Edwards was leaning toward the company, "Illumeo," which offered a 3 part certification course on personal ethics, professional ethics, and work ethics. He stated that, "we will make a final decision and let you know sometime next week," with regard to the ethics courses initially presented.

October 17th, 2017; I had not heard back yet and so inquired once again as to these same courses.

October 18th, 2017; I was told that it was the week of a Board Meeting and therefore to give him some additional time to evaluate the ethics courses as that was a busy week.

November 15th, 2017; I had not heard back yet and so inquired once again. I also asked Mr. Edwards to send me an additional document.

November 15th, 2017; Mr. Edwards sent the document promptly and asked to, "Remind me what ethics courses you are looking at please?"

December 9th, 2017; I responded by reiterating all I had communicated on June 26th, 2017.

January 18th, 2018; I had not heard back and submitted to Mr. Edwards an email restating my desire to get a course approved and completed.

February 13th, 2018; Mr. Edwards responded back and stated that either of the 2 ethics courses that were initially proposed on June 26th, 2017 were "fine" and could have the Board look at them. He also gave input and direction as to what he thought the Board would regard as more on point but stated that he could see what they thought of the 2 initial courses.

For about a week I searched for medical ethics courses that were "college level," as directed by Mr. Edwards, while waiting to hear if the Board had authorized or denied the initial courses. I found various medical ethics courses regarding ethics in medical studies, ethics in surgery, nurse ethics, ethics with opiate prescribing, ethics in just about everything MD related that did not pertain to my particular issues.

February 26th, 2018; I responded back offering the above results about the medical ethics courses not seeming adequate and asked for him to continue to pursue the initial 2 courses proposed on June 26th, 2017 to be approved, or not, by the Board as time is now upon us for me to get something done. If they were not approved by the Board then at least I could have some direction as a NO answer is still a step in the right direction.

March 5th, 2018; I asked Mr. Edwards to get the initial course by MIT approved as I could not find a medical ethics course that was adequate in my opinion. I ruled out the company I had initially found with the 3 tiered certification

program," Illumeo," because it was not a college level ethics course and assumed this is what Mr. Edwards was referring to when he made mention that it was not on point.

March 13th, 2018; Mr. Edwards responded back stating that my 2 initial courses were not on point and that if I really wanted to get them approved by the Board then he would make the request. Almost 1 year in and I was given a recommendation from Mr. Edwards to look at the "Professional Boundaries Inc." ethics course. Mr. Edwards inferred that someone had done that course to satisfy a disciplinary action.

In Summary:

I was under the assumption that the 2 courses initially found would work by the encouraging emails at the beginning of last year by Mr. Edwards. I did not find out until February 2018 that the initial courses were less than adequate. Almost a year into trying to get a course approved I was informed that they were not on point. He also gave me an inclination on March 13th, 2018 as to what someone else had done and the Board approved of regarding an ethics course. The course looks amazing; however, it is \$1,875 for the course. I am currently in hardship and unfortunately cannot afford such a course.

Last year there were mentions made that I could take a UNLV or Roseman sponsored ethics course, that would not cost much money, if offered and approved. I looked into such courses through UNLV and they had so many prerequisite courses that it would take me years to get to the ethics course of choice. Roseman on the other hand has not offered such a course. It seems that I have been making suggestions and nothing has been passed along in order to meet an agreement on an ethics course. I have striven to get everything done within my purview. I have taken various ethics courses to not only satisfy the requirement for the stipulation but to also gain an understanding of how far I had strayed and to put the ethics to use in my life.

I realize the Board is busy and has little time for trivial issues but in this case my trivial issue was a specific stipulation from the Board (i.e. to get the ethics course approved by the Board) in order to obtain my licensure back. Please allow me an opportunity to become a pharmacist once more and accept my humble attempt at completing various ethics courses. I would more than happily finish any other ethics course the Board approves, regardless of cost, if I were allowed my pharmacist license back.

My attempt at sitting before the Board is to either:

- 1- Have the Board grant my license back while accepting my modest attempt at completing the ethics courses and therefore satisfying stipulation number 3;

or

- 2- To comply with the final paragraph in the document issued last year entitled: Revised Conditions of Pharmacist License No. 18338, about all of the stipulations set forth stating, "A hearing before the Board would be required to amend them [the conditions]," and therefore to get the Board to grant my license back as a pharmacist with a new stipulation of completing the ethics course set forth by the Professional Board Inc. at first availability.

Thank you,

Justin Curnutt

Stipulation Overview 2017-2018

Objective:

To obtain my pharmacist license.

Summary of Qualifications:

As per April 2017 document entitled: Revised Conditions for Reinstatement of Pharmacist License No. 18338; which has been provided for your convenience.

- 1- Effective April 12, 2017- the date of the meeting- the board declined to reinstate your pharmacist license. The board did, however, grant you an intern pharmacist license for a period of not less than (1) year.

Response: Completed as of the date of this board hearing April 11-12, 2018.

- 2- While you are working as an intern pharmacist:
 - a. You must work under the supervision of a preceptor as required by NAC 639.262, et al. Your preceptor and the pharmacy where you propose to work are subject to prior approval by the Board Staff;

Response: Chris Southwick of Advanced Isotopes of Nevada was authorized to be a preceptor for the duration of employment at that facility.

- b. Your preceptor/intern supervisor must submit quarterly written status reports to the Board's Executive Secretary explaining his or her perception and opinion of your work status, the activities in which you are engaged as part of your personal and professional development, and any other matters that the preceptor/supervisor deems pertinent;

Response: To the best of my knowledge those reports were submitted for the duration of employment at that facility.

- c. You may be employed and work on a full time basis, but you may not work more than forty (40) hours per week;

Response: I did not work more than 40 hours in any one week during the year as an intern pharmacist.

- d. You may not work as a pharmacist in charge or managing pharmacist in any Nevada-pharmacy; and

Response: I did not work as a pharmacist in charge or managing pharmacist during the year.

- e. You may not work alone. You must work at all times under the direct supervision of a Nevada-licensed pharmacist.

Response: I did not work alone at any point during the year within a pharmacy; always under the direct supervision of a Nevada-licensed pharmacist.

- 3- Before you are eligible to have your pharmacist license reinstated, you must find and complete a college level ethics course. That course is subject to prior Board Staff approval.

Response: As of submitting these documents on March 13, 2018 I have yet to get an ethics course approved by Board Staff. Please refer to document entitled: Explanation of Ethics Course.

In a proactive attempt to show Board Staff I am willing to do whatever it takes, I have completed various "college level" ethics courses throughout the year. This was done not only to satisfy the stipulation but to begin to implement the ideas and theories into my daily life.

- MIT Course Number: 24.231 entitled "Ethics" Referenced at: Julia Markovits. *24.231 Ethics*. Fall 2009. Massachusetts Institute of Technology: MIT OpenCourseWare, <https://ocw.mit.edu>. License: Creative Commons BY-NC-SA.
- MIT Course Number: HST.935 entitled "Narrative Ethics: Literary Texts and Moral Issues in Medicine" Referenced at: Martha Montello. *HST.935 Narrative Ethics: Literary Texts and Moral Issues in Medicine*. January IAP 2007. Massachusetts Institute of Technology: MIT OpenCourseWare, <https://ocw.mit.edu>. License: Creative Commons BY-NC-SA.

- 4- Once reinstated, your license will be put in a probationary status for a period of not less than two (2) years from the reinstatement date, and may be subject to any the Board deems appropriate at that time.

Response: Not applicable.

- 5- You must inform all current and future employers of this disciplinary action (BOP v. Curnutt, Case No. 15-051-RPH-S), including the facts and circumstances of the case, i.e., that the Board revoked your pharmacist license as a result of your conviction in this matter.

Response: Doing.

- 6- You will not violate, attempt to violate, assist or abet anyone in the violation of or conspire to violate any of the provisions of Nevada Revised Statutes (NRS) Chapter 453, 454, 585 or 639, or any other state or federal law or regulation relating to drugs, the possession, manufacture or distribution of drugs or the practice of pharmacy.

Response: Doing.

7- After not less than one (1) year, you may petition the Board for full reinstatement of your pharmacist license. The Board may, at its sole discretion, comply with such a request, but it is under no obligation to do so.

Response: Doing.

8- Any violation of the terms of the Board's Order, as explained above, may result in the immediate suspension of your intern pharmacist license.

These conditions are not negotiable. A hearing before the Board would be required to amend them. You may contact me, Dr. Pinson, the Board's Executive Secretary, or Mr. Wuest, the Board's Deputy Executive Secretary, if you have questions. A copy of the recording from the hearing in this matter is available upon request.

Submitted in concurrence with this document is the OIG Blacklist reversal and PCMA document.

Thanks,

Justin Curnutt