

10

Pharmacy Board

From: Paul Edwards
Sent: Friday, September 14, 2018 3:56 PM
To: Shirley Hunting; Pharmacy Board
Cc: Back to Roots
Subject: FW: Justin Curnutt

Candy and Shirley,

Will you please schedule Mr. Curnutt for an appearance at the December meeting? See his email below.

Please contact him directly if you have questions or need anything from him.

Best regards,
To:

Paul Edwards, Esq.
General Counsel
Nevada State Board of Pharmacy

431 W. Plumb Lane
Reno, NV 89509
(775) 850-1440 (phone)
(775) 850-1444 (fax)
E-mail: pedwards@pharmacy.nv.gov
Web page: bop.nv.gov



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From: Paul Edwards
Sent: Friday, September 14, 2018 3:54 PM
To: 'Back to Roots'
Subject: RE: Justin Curnutt

Justin,

I will forward your request to our Licensing Department. They will schedule it and you will receive a notice with the date, time and location. The next available Board Meeting is December 5-6, 2018 in Reno.

Best regards,

S. Paul Edwards, Esq.
General Counsel
Nevada State Board of Pharmacy
431 W. Plumb Lane
Reno, NV 89509
(775) 850-1440 (phone)
(775) 850-1444 (fax)
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From: Back to Roots
Sent: Friday, September 14, 2018 6:06 AM
To: Paul Edwards <pedwards@pharmacy.nv.gov>
Subject: Re: Justin Curnutt

Mr. Edwards,
Could you please schedule me for the Reno board hearing prior to the end of the year. If I need to contact someone else to make this happen then just let me know.
Thanks,
Justin Curnutt

On Mon, Aug 13, 2018 at 11:56 AM Paul Edwards <pedwards@pharmacy.nv.gov> wrote:

From:
Justin,
To:
Subject:

We can bump it out to either meeting. Its up to you. Just let me know whether you want to come to Reno, or if you prefer Las Vegas in January.

Best regards,

S. Paul Edwards, Esq.
General Counsel

Nevada State Board of Pharmacy

431 W. Plumb Lane

Reno, NV 89509

(775) 850-1440 (phone)

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From: Back to Roots
Sent: Saturday, August 11, 2018 10:48 AM
To: Paul Edwards <pedwards@pharmacy.nv.gov>
Subject: Justin Curnutt

Mr. Edwards,

In October I would have 11 months completed of my 12 month stipulation of being an intern pharmacist. I do not want to sit before the board having not completed this stipulation entirely as it would be wasting their time. Is there an option for me to sit before the board in December in Reno? Or would you suggest to wait until January 2019 and sit with them in the Las Vegas board hearing? Just looking for advice.

Thanks,

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



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

Washington, DC 20415

October 3, 2017

Reply to:
Debarring Official
OIG/OPM
1900 E St., NW., Rm. 6400
Washington, DC 20415-1110

Office of the
Inspector General

Justin Daine Curnutt
4531 North Leslie Street
Pahrump, NV 89060

Dear Mr. Curnutt:

On January 8, 2017, the Office of Personnel Management (OPM) proposed your debarment for a period concurrent with your Department of Health and Human Services (DHHS) exclusion. OPM's debarment became effective on February 22, 2017.

DHHS has notified us that they have modified your exclusion. Accordingly, I have terminated OPM's debarment effective August 10, 2017, and all Federal Employees Health Benefit Program (FEHBP) carriers will be notified of the change in your status. In addition, your OPM debarment will be removed from the General Services Administration's government wide System for Award Management (SAM), formerly, Excluded Parties List System or EPLS.

Although your eligibility to participate in the FEHBP has been reinstated effective August 10, 2017, your name will remain on SAM until the next monthly update. You should use this letter to demonstrate that you are eligible to participate in the FEHBP until your name is removed from SAM.

If you have any questions or require additional information, please contact the Administrative Sanctions Group by email at debar@opm.gov, or at (202) 606-2185 or (202) 606-1838.

Sincerely,

A handwritten signature in black ink, appearing to read "J. David Cope".

J. David Cope
Debarring Official



DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF INSPECTOR GENERAL

WASHINGTON, DC 20201



AUG 10 2017

Justin Daine Curnutt
aka Justin D. Curhott
4531 North Leslie Street
Pahrump, NV 89060

Dear Justin Daine Curnutt:

RE: OI File No. H-16-41267-9

Your request for the reinstatement of your eligibility to participate as a provider of items and services covered by the title XVIII (Medicare) program has been approved. The reinstatement is effective with the date of this notice.

We have notified the appropriate State agencies of this action. However, the States are not obligated to reinstate you to their programs if they have imposed a longer period of exclusion under their own authority.

We recommend that you contact the Medicare carrier to determine your options for participating in that program.

Although your right to participate in the Federal health care programs has been reinstated effective with the date of this letter, your name will remain on the List of Excluded Individuals/Entities (LEIE) until the next monthly update. You can access the LEIE online at <http://oig.hhs.gov/exclusions/index.asp>. You should use this letter to demonstrate that your right to participate in the Federal health care programs has been reinstated until your name is removed from the LEIE.

Sincerely,

Thomas J. Sowinski
Reviewing Official
Health Care Program Exclusions



NEVADA STATE BOARD OF PHARMACY

OFFICE OF THE GENERAL COUNSEL

WRITER'S DIRECT DIAL: (775) 850-1440 • E-MAIL: PEDWARDS@PHARMACY.NV.GOV • FAX: (775) 850-1444

April 19, 2017

BY CERTIFIED U.S. MAIL AND ELECTRONIC MAIL

Justin Curnutt
2341 Postal Dr.
Pahrump, NV 89048
nukemrx@gmail.com

RE: Revised Conditions for Reinstatement of Pharmacist License No. 18338

Dear Mr. Curnutt:

As you are aware, the Nevada State Board of Pharmacy (Board) met on Wednesday, April 12, 2017, in Las Vegas, Nevada. Board Staff asked that you appear at the meeting for further consideration of your petition for reinstatement of your pharmacist license.

In particular, you were asked at a prior meeting to "meet with Board Staff and explain the circumstances surrounding all unaccounted for medications that remain at issue in your case." Your explanation was "subject to Board Staff's review and approval." Board Staff did not accept your explanation as adequate and brought the matter back before the Board. The Board granted the petition subject to the following revised conditions:

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 one (1) year;
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 Board Staff;
 - 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;
 - c. You may be employed and work on a full time basis, but you may not work more than forty (40) hours per week;

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

e. You may not work alone. You must work at all times 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.

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 condition the Board deems appropriate at that time.

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.

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.

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.

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.

Best regards,



S. Paul Edwards
General Counsel
Nevada State Board of Pharmacy

Cc: Larry Pinson, Pharm.D. Executive Secretary, Nevada State Board of Pharmacy; David Wuest, R.Ph., Deputy Executive Director, Nevada State Board of Pharmacy

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

JUSTIN CURNUTT, RPH
Certificate of Registration No. 18338

ISABEL ROMERO, PT
Certificate of Registration No. PT13592

LORI BRANDON, PT
Certificate of Registration No. PT09558

Respondents.

) CASE NOS. 15-051-RPH-S
) 15-051-PT-A-S
) 15-051-PT-B-S

) FINDINGS OF FACT,
) CONCLUSIONS OF LAW
) AND ORDER

This matter came before the Nevada State Board of Pharmacy (Board) at its regularly scheduled meeting held on Wednesday, January 13, 2016, in Las Vegas, Nevada. S. Paul Edwards, Esq., appeared before the Board in his capacity as its General Counsel. Respondent Justin Curnutt, RPh., Certificate of Registration No. 18338, appeared with his counsel, David E. Krawczyk, Esq., of Dempsey, Roberts & Smith, Ltd.; Respondent Lori Brandon, PT, Certificate of Registration No. PT13592, appeared with her counsel, Patricia A. Marr, Esq., of Patricia A. Marr, Ltd.; and Respondent Isabel Romero, PT, Certificate of Registration No. PT09558, appeared without counsel at the hearing.

Based on the evidence presented during the hearing, the Board issues the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. The Board has jurisdiction over these matters.
2. The Board served a Notice of Intended Action and Accusation (Accusation) on each of the Respondents, by certified mail, on or about December 9, 2015, which each Respondent received.

3. The respondents each filed an Answer and Notice of Defense in response to the Accusation.

4. Based on the evidence introduced during the hearing, including admissions and testimony given during the hearing, the Board fines as follows:

Unlawful Activity by Ms. Romero, PT

5. In June 2015, Smith's Pharmacy (Smith's) terminated Ms. Romero from her employment as a pharmaceutical technician at Smith's Pharmacy #341.

6. Smith's terminated Ms. Romero for attempting to falsify a prescription for a dangerous drug (oral contraceptives) for herself.

7. Ms. Romero attempted to falsify that prescription by completing a "Confidential Prescription Authorization Request" form authorizing an initial fill of Gildess Fe 1-20 tablets, with eleven (11) refills.

8. Ms. Romero patterned that request after a previous legitimate prescription from her physician.

9. Ms. Romero wrote the initials "H.D." on the request form to falsely indicate that another pharmaceutical technician received a call from Ms. Romero's physician and completed the authorization form.

10. There is no evidence that H.D. was actually involved in Ms. Romero's actions.

11. When pharmaceutical technician Ms. Brandon stepped away from her computer terminal, Ms. Romero scanned the falsified request form at Ms. Brandon's terminal under Ms. Brandon's credentials.

12. Ms. Brandon observed Ms. Romero performing a function at her terminal and discovered that Ms. Romero had scanned in the falsified prescription for herself.

13. Ms. Brandon reported the incident to Mr. Curnutt, the pharmacist on duty at the time.

14. When Mr. Curnutt confronted Ms. Romero, she admitted to her wrongdoing and cancelled the prescription at Mr. Curnutt's direction.

15. Smith's did not dispense any medication pursuant to that authorization.

16. After telling Ms. Romero to cancel her falsified prescription, Mr. Curnutt further told her that if she had asked, he would have written a prescription for her oral Contraceptive.

17. Since it was 9:00 p.m. at the time, Mr. Curnutt said that he would write a prescription for Ms. Romero the following morning using the name of "any doctor". That did not ultimately occur.

Unlawful Activities By Mr. Curnutt, R.Ph., and Ms. Brandon, PT

18. Upon receiving a report regarding Ms. Romero's termination, Board Staff initiated an investigation of all Smith's Pharmacy #341 employee prescription records.

19. Those records revealed questionable phoned-in and/or faxed prescriptions for Mr. Curnutt and Ms. Brandon that were processed during the approximate time period of February 4, 2014, to August 31, 2015.

20. As part of his analysis, the Board Investigator consulted with the prescribers named on the questionable prescriptions.

21. The investigation turned up evidence that Mr. Curnutt and Ms. Brandon assisted each other in falsifying and filling multiple prescriptions for themselves and each other.

22. Ms. Brandon falsified “Confidential Prescription Authorization Request” forms for some of Mr. Curnutt’s prescriptions, generally purporting to authorize an initial fill with multiple refills.

23. Ms. Brandon falsely documented either Dr. Freeman or Dr. Stoughton as the prescriber on those requests.

24. Similarly, Mr. Curnutt created “phoned in” prescriptions for Ms. Brandon and himself. He placed his initials on the written authorization requests under the “prescriber’s” name, indicating that he accepted the prescription order(s) by phone.

25. On the requests for Ms. Brandon, Mr. Curnutt falsely documented Dr. Reddy as the prescribing physician.

26. Table I below lists the fraudulent prescriptions filled for Mr. Curnutt. There are forty (40) prescriptions listed.

Table I: Fraudulent Prescriptions Filled For Justin Curnutt, R.Ph.

Prescriber	Rx No.	Medication	Quantity	No. of Fills
Brian Freeman, DDS	6128204	Amoxicillin 500mg	24 capsules	4
	6128205	Acyclovir 400mg	30 tablets	4
	6149267	Amoxicillin 500mg	80 capsules	6
Ned Stoughton, MD	6114710	Cephalexin 500mg	30 capsules	2
	6114711	Methylprednisolone 4mg Dosepk	21 tablets	2
	6128207	Fluocinonide 0.05% Ointment	60 gm	5
	6128208	Methylprednisolone 4mg Dosepk	21 tablets	4
	6160595	Prednisone 20mg	21 tablets	1
	6171348	Prednisone 20mg	40 tablets	5
Michael Reiner, MD	6128225	Albuterol 0.083% INH SOL	25 vials	4
Tammy Reynolds, MD	6135314	Lidocaine HCL 1%	200 ml	1
	6135314	Lidocaine HCL 1%	400 ml	2

27. Table II lists the fraudulent prescriptions processed for Ms. Brandon's benefit. There are five (5) unlawful prescriptions listed.

Table II: Fraudulent Prescriptions Filled For Lori Brandon, P.T.

Prescriber	Rx No.	Medication	Quantity	No. of Fills
Santosh Reddy, MD	6118208	Cephalexin 500mg	80 capsules	3
	6140691	Cephalexin 500mg	80 capsules	2

28. Mr. Curnutt and Ms. Brandon submitted at least some, if not all, of the foregoing fraudulent prescriptions for payment to their respective insurance providers.

29. Mr. Curnutt and Ms. Brandon's respective insurance providers paid for, at least in part, some of the fraudulent prescriptions submitted to them.

30. Drs. Freeman, Stoughton, Reiner, and Reynolds have each signed a declaration affirming that they did not authorize the prescriptions listed on Table I for Mr. Curnutt.

31. Dr. Reddy signed a declaration that he did not authorize the prescriptions for Ms. Brandon listed on Table II.

32. Mr. Curnutt admitted to falsifying several prescriptions for himself and for Ms. Brandon.

33. Mr. Curnutt wrote prescriptions for Ms. Brandon because she was experiencing pain from an abscessed tooth.

34. On September 28, 2015, Mr. Curnutt, at the suggestion of the Board Investigator, delivered the medications he purported to have in his possession to the Board Office in Las Vegas.

35. With Mr. Curnutt present, the Board Investigator inventoried the medications and impounded them.

36. There were discrepancies in the quantities of medications Mr. Curnutt returned. For instance, as to seven of the medications, Mr. Curnutt returned *less* product than Smith's records show were dispensed to him.

37. Mr. Curnutt has not accounted for that missing medication.

38. As to one medication, Mr. Curnutt returned *more* product than Smith's records show were dispensed to him.

39. Mr. Curnutt has not explained how the additional product came into his possession.

40. Additionally, Mr. Curnutt returned two medications¹ that *were not documented* in his prescription profile.

41. Mr. Curnutt has not explained how those medications came into his possession.

42. During Ms. Brandon's interview with the Board Investigator, and in a subsequent written statement, Ms. Brandon confessed to falsifying several prescriptions for Mr. Curnutt.

43. Ms. Brandon admits that Mr. Curnutt wrote and filled fraudulent prescriptions for her.

44. On September 19, 2015, Ms. Brandon delivered to the Board Office the remaining medications that she had in her possession.

45. In Ms. Brandon's presence, the Board Investigator inventoried the medications and impounded them.

¹ Rx No. 6128205: Acyclovir 400 mg. #30 filled 12/14/2014;
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CONCLUSIONS OF LAW

Based upon the forgoing findings of fact, the Board concludes as a matter of law:

46. The Nevada State Board of Pharmacy (Board) has jurisdiction over this matter because, at the time of the events alleged in the Accusation, Respondent Justin Curnutt was a pharmacist licensed with the Board, Respondent Lori Brandon was a pharmaceutical technician registered with the Board, and Respondent Isabel Romero, was a registered pharmaceutical technician with the Board.

FIRST CAUSE OF ACTION

(Prescription Fraud - Isabel Romero, PT)

47. By creating and attempting to process a fraudulent prescription for a dangerous drug, Gildess Fe 1-20 tablets, without a lawful prescription or authorization from a practitioner, Isabel Romero, PT, violated Nevada Administrative Code (NAC) 639.945(1) (h) and (k).

SECOND CAUSE OF ACTION

(Prescription Fraud - Justin Curnutt, R.Ph.)

48. In creating fraudulent prescriptions for various dangerous drugs for himself and for Ms. Brandon, as detailed herein, including Tables I and II, Justin Curnutt, R.Ph., violated NAC 639.945(1)(h) and (k).

THIRD CAUSE OF ACTION

(Prescription Fraud - Justin Curnutt, R.Ph.)

49. In filling and dispensing multiple fraudulent prescriptions for various dangerous drugs for himself and Ms. Brandon without a lawful prescription or authorization from a practitioner, as detailed herein, including Tables I and II, Justin Curnutt, R.Ph., violated NAC 639.945(1) (h) and (k).

FOURTH CAUSE OF ACTION

(Insurance Fraud - Justin Curnutt, R.Ph.)

50. By processing multiple fraudulent prescriptions for various dangerous drugs without a lawful prescription or authorization from a practitioner, and by billing those prescriptions to an insurance provider, Justin Curnutt, R.Ph., violated Nevada Administrative Code (NAC) 639.945(1)(h) and (k).

FIFTH CAUSE OF ACTION
(Prescription Fraud - Lori Brandon, PT)

51. By creating multiple fraudulent prescriptions for various dangerous drugs without a lawful prescription or authorization from a practitioner as detailed herein, including Tables I and II, Lori Brandon, P.T., violated Nevada Administrative Code (NAC) 639.945(1) (h) and (k).

SIXTH CAUSE OF ACTION
(Insurance Fraud - Lori Brandon, PT)

52. By processing multiple fraudulent prescriptions for various dangerous drugs without a lawful prescription or authorization from a practitioner, and by billing those prescriptions to an insurance provider, Lori Brandon, P.T., violated Nevada Administrative Code (NAC) 639.945(1) (h) and (k).

THEREFORE, THE BOARD HEREBY ORDERS:

53. For the violations found under the First Cause of Action, the registration of Respondent Isabel Romero, PT, Certificate of Registration No. PT09558, is revoked effective as of the day of the hearing.

54. For the violations found under the Second Cause of Action, the license of Respondent Justin Curnutt, RPh., Certificate of Registration No. 18338, is revoked effective as of the day of the hearing.

55. For the violations found under the Third Cause of Action, the license of Respondent Justin Curnutt, RPh., Certificate of Registration No. 18338, is revoked effective as of the day of the hearing.

56. For the violations found under the Fourth Cause of Action, the license of Respondent Justin Curnutt, RPh., Certificate of Registration No. 18338, is revoked effective as of the day of the hearing.

57. For the violations found under the Fifth Cause of Action, the registration of Respondent Lori Brandon, PT, Certificate of Registration No. PT13592, is revoked effective as of the day of the hearing.

58. Related to the Fifth Cause of Action, the registration of Respondent Lori Brandon, PT, Certificate of Registration No. PT13592, is revoked effective as of the day of the hearing.

59. The Respondents, and each of them, are prohibited from working in any facility licensed by the Board, including a pharmacy, in any capacity, unless and until he or she has applied to the Board for reinstatement of his or her license/registration and the Board reinstates the same.

60. In the event any of the Respondents applies for reinstatement, or for any other registration or certificate with the Board, he or she shall appear before the Board to answer questions and give testimony regarding the application and the facts and circumstances underlying this matter.

Signed this 4 day of February, 2016.



Leo Basch, President
Nevada State Board of Pharmacy