

**9**

**9A**

**CONTROLLED SUBSTANCE REGISTRATION APPLICATION**

Nevada State Board of Pharmacy  
985 Damonte Ranch Pkwy, Suite 206 - Reno, NV 89521

**Registration Fee: \$80.00** (non-refundable money order or cashier's check only)  
(This application cannot be used by PA's or APRN's)

First: Alex Middle: K Last: Curtis Degree: MD

SS#: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Practice Name (if any): Humboldt General Hospital

Nevada Address: 118 E. Haskell Street Suite #: \_\_\_\_\_

(This must be a practicing address, we will not issue a license to a home address or to a PO Box only)

City: Winnemucca State: NV Zip Code: 89445

E-mail: \_\_\_\_\_ Contact E-mail: greenje@hghospital.org

Work Telephone: 775-623-5222 x1153 Fax: 775-623-5904

Practitioner License Number: 18959 Specialty: FP/OB

Sex: ☒ M or ☐ F

**You must have a current Nevada license with your respective BOARD before we will process this application. The Nevada license must remain current to keep the controlled substance registration.**

		Yes	No
<b>Been diagnosed or treated for any mental illness, including alcohol or substance abuse, or Physical condition that would impair your ability to perform the essential functions of your license?....</b>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
1.	Been charged, arrested or convicted of a felony or misdemeanor in <u>any</u> state? .....	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.	Been the subject of a board citation or an administrative action whether completed or pending in <u>any</u> state? ...	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.	Had your license subjected to any discipline for violation of pharmacy or drug laws in <u>any</u> state?.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>If you marked YES to any of the numbered questions (1-3) above, include the following information &amp; provide an explanation and documentation:</b>			
Board Administrative Action:		State	Date:
			/ /
		Case #:	
Criminal Action:	State	Date:	Case #:
		County	Court

**It is a violation of Nevada law to falsify this application and sanctions will be imposed for misrepresentation. I hereby certify that I have read this application. I certify that all statements made are true and correct.**

**I understand that Nevada law requires a licensed physician who, in their professional or occupational capacity, comes to know or has reasonable cause to believe, a child has been abused/neglected, to report the abuse/neglect to an agency which provides child welfare services or to a local law enforcement agency.**

Original Signature, no copies or stamps accepted.

08/20/2019

Date

Board Use Only: Date Processed: \_\_\_\_\_ Amount: 80.00

Addendum for the Nevada Controlled Substances application for Alex Curtis, MD

I developed an addiction to opiates in 1991 after lower extremity fracture while stationed at Schofield Barracks, HI. I ultimately left the Army in August 1993 after my drug use escalated to avoid court martial proceedings.

I entered primary at Hazelden Recovery Center, Center City, MN (10/93-11/93) and secondary treatment at Alternatives in Treatment, Boca Raton, FL (01/94-03/94). I subsequently began practicing in Alabama under a standard five year advocacy contract through the Physician Health Program (PHP), formerly known as Physician Recovery Network (PRN), and administered by the Medical Association for the State of Alabama (MASA), starting in May 1995. This was completed without any difficulties or problems, and all drug screens were negative. I extended for an additional eight years, also without any difficulty or problem. I have attached a release of information with PHP. Please be aware that PHP purges most of its records after ten years.

Both the Alabama and Nevada Medical Boards are fully aware of this issue. The Alabama Board of Medical Examiners, under whose auspices I practiced after treatment, has an understanding with MASA and generally does not take action for a first offense as long as the physician remains compliant with PHP.

Please contact me in case of any questions. I am currently in the process of moving and the best way to reach me is by cell phone ( ) or by e-mail at [akcurtis01@gmail.com](mailto:akcurtis01@gmail.com). I will also receive mail at I 89445, on/about 09/01/2019.

**9B**

**NEVADA STATE BOARD OF PHARMACY**  
431 W. Plumb Lane ~ Reno, NV 89509 ~ 775/850-1440

(This application can not be used by PA's or APN's)

**CONTROLLED SUBSTANCE APPLICATION**

Registration Fee: \$80.00 (non-refundable)

First: RAFAEL Middle: \_\_\_\_\_ Last: MIRCHOU Degree: MD  
Practice Name (if any): BEHAVIOR MEDICAL  
Nevada Address: 7488 WEST. SAMARA Suite #: \_\_\_\_\_  
(This must be a practicing address, we will not issue a license to a home address or to a PO Box only)  
PO Box: \_\_\_\_\_ E-mail address: MRAFIO@AOL.COM  
City: LAS VEGAS State: NV Zip Code: 89117  
Nevada Telephone: 702-641-1240 Nevada Fax: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ SS#: \_\_\_\_\_ Sex: (M) or F  
Practitioner License Number: 9244 Specialty: INTERNAL MEDICINE

You must be licensed with your respective BOARD before we will process this application.

- 1) I have \_\_\_ I have not ☒ been diagnosed or treated in the last five years for a mental illness or a physical condition that would impair my ability to perform any of the essential functions of my license, including alcohol or substance abuse.
- 2) I have \_\_\_ I have not ☒ been charged, arrested or convicted of a felony or misdemeanor.
- 3) I have \_\_\_ I have not ☒ been the subject of an administrative action whether completed or pending.
- 4) I have \_\_\_ I have not ☒ had a license suspended, revoked, surrendered or otherwise disciplined, including any action against my license that was not made public.

If you checked "I have" to questions 2, 3 or 4 above, please include the following information and provide an explanation and/or documents.

a) Board Administrative Action and/or State: N Date: \_\_\_\_\_ Case Number: \_\_\_\_\_

b) Criminal Action State: \_\_\_\_\_ Date: \_\_\_\_\_ Case Number: \_\_\_\_\_

County: \_\_\_\_\_ Court: \_\_\_\_\_


I have read all questions, answers and statements and know the contents thereof. I hereby certify, under penalty of perjury, that the information furnished on this application are true, accurate and correct.

Signature \_\_\_\_\_

Date 7/19/19

**Board Use Only**

Received: \_\_\_\_\_ Check Number: \_\_\_\_\_ Amount: 80.00

 NEVADA BOARD OF PHARMACY	<b>CONTROLLED SUBSTANCE</b>  Expires: 10/31/2018  RAFAEL MIRCHOU 7488 W SAHARA AVE LAS VEGAS, NV 89117
License # CS09766 Active	
<b>IDENTIFICATION ONLY</b> <b>DOES NOT MEET POSTING REQUIREMENTS</b>	

**9C**



**CONTROLLED SUBSTANCE REGISTRATION APPLICATION**

Nevada State Board of Pharmacy  
985 Damonte Ranch Pkwy, Suite 206 - Reno, NV 89521

**Registration Fee: \$80.00** (non-refundable money order or cashier's check only)  
(This application cannot be used by PA's or APRN's)

First: ROBERT Middle: \_\_\_\_\_ Last: TOLEDO Degree: DO

SS#: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Practice Name (if any): HENDERSON WELLNESS OBGYN

Nevada Address: 1552 W WARM SPRINGS RD #100 Suite #: \_\_\_\_\_

(This must be a practicing address, we will not issue a license to a home address or to a PO Box only)

City: HENDERSON State: NV Zip Code: 89014

E-mail: drrobertoledo@gmail.com Contact E-mail: drrobertoledo@gmail.com

Work Telephone: 702-933-5544 Fax: 702-992-9954

Practitioner License Number: 1057 Specialty: OB/GYN

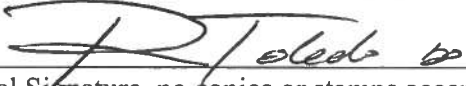
Sex: ☒ M or ☐ F

**You must have a current Nevada license with your respective BOARD before we will process this application. The Nevada license must remain current to keep the controlled substance registration.**

				Yes	No	
<b>Been diagnosed or treated for any mental illness, including alcohol or substance abuse, or Physical condition that would impair your ability to perform the essential functions of your license?....</b>					<input type="checkbox"/>	<input checked="" type="checkbox"/>
1. Been charged, arrested or convicted of a felony or misdemeanor in <u>any</u> state? .....					<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Been the subject of a board citation or an administrative action whether completed or pending in <u>any</u> state? ...					<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Had your license subjected to any discipline for violation of pharmacy or drug laws in <u>any</u> state?.....					<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>If you marked YES to any of the numbered questions (1-3) above, include the following information &amp; provide an explanation and documentation:</b>						
Board Administrative Action:		State <u>NV</u>	Date <u>08/17/18</u>	Case #: <u>AD16060</u>	<u>NBOM</u> <u>16-013-PD-5 July 2018 BOP</u>	
Criminal Action:	State	Date:	Case #:	County	Court	

**It is a violation of Nevada law to falsify this application and sanctions will be imposed for misrepresentation. I hereby certify that I have read this application. I certify that all statements made are true and correct.**

**I understand that Nevada law requires a licensed physician who, in their professional or occupational capacity, comes to know or has reasonable cause to believe, a child has been abused/neglected, to report the abuse/neglect to an agency which provides child welfare services or to a local law enforcement agency.**

  
Original Signature, no copies or stamps accepted.

9/9/19  
Date

Board Use Only: Date Processed: \_\_\_\_\_ Amount: \_\_\_\_\_

TOLEDO, Robert  
 Application for Controlled Substances Registration  
 Nevada State Board of Pharmacy  
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### Explanations

2. *Been the subject of a board citation or an administrative action whether completed or pending in any state?*

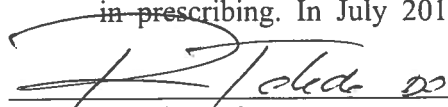
YES.

(a) Nevada State Board of Pharmacy, Case No. 16-013-PD-S, July 2018. Following an investigation and formal hearing, the Nevada State Board of Pharmacy ("BOP") determined I had violated state and federal law by aiding and abetting the unlicensed practice of pharmacy; engaging in unprofessional conduct; engaging in conduct against the public interest; and performing and/or acting as a party to fraudulent and deceitful practices and transactions. I had allowed unlicensed staff to: use my authority to obtain, access, and possess controlled substances and dangerous drugs; prescribe controlled substances and dangerous drugs to patients with whom I had no bona fide relationship using pre-signed, copied, or stamped prescriptions without my valid, handwritten signature; dispense controlled substances and dangerous drugs to patients with whom I had no bona fide relationship using pre-signed, copied, or stamped prescriptions without my valid, handwritten signature; and access my inventory and dispense controlled substances and dangerous drugs while I was not on site to personally check the medications. The medications at issue included weight loss (phentermine) and cosmetic drugs dispensed at a medical spa I co-owned with my wife Holly.

As a result, the BOP revoked my Controlled Substance Registrations (Nos. CS11019, CS17832, CS19754, and CS23073) and my Practitioner Dispensing Registrations (Nos. PD00063 and PD11019) for at least one (1) year. As of July 19, 2019, I was eligible to apply for reinstatement subject to my appearance and testimony before the BOP.

Since the revocation of my certifications, I have complied with the BOP's orders. I have not possessed, prescribed, or dispensed any controlled substances, nor have I requested any other provider to do so on my behalf. I voluntarily closed the medical spa in 2016, and I have refocused my practice to my board certification specialty of obstetrics and gynecology.

While my registration has been revoked, I have undertaken additional education in ~~prescribing~~. In July 2019, I completed the UC San Diego PACE Program

  
 Robert Toledo, D.O.

6/16/19  
 Date

TOLEDO, Robert  
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Physician Prescribing Course<sup>1</sup>, the certificate for which is attached. The Physician Prescribing Course is an intensive, two and one-half day (27.0 CME) course “designed to improve the participant's prescribing behavior by providing education on the legal, biomedical and clinical aspects of prescribing drugs, especially controlled drugs.” I also attended the Touro University CME, 2019 Nevada Laws: Opioids, Pain and Beyond in August 2019, certificate also attached. I believe these courses have helped prepare me to resume prescribe controlled substances, should my registration be reinstated.

(b) Nevada State Board of Osteopathic Medicine, Case no. AD1606001, August 2016. I entered into a settlement agreement with the Nevada State Board of Osteopathic Medicine (NBOM) following an investigation involving the same facts and circumstances as the BOP case above. Pursuant to that agreement, I paid a fine of \$5,000.00, and my administration, prescribing, dispensing, and ordering of prescription drugs was limited to legitimate medical purposes within my OB/Gyn practice.

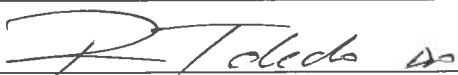
3. *Had your license subjected to any discipline for violation of pharmacy or drug laws in any state?*

YES.

(a) Please see my responses to Question #2 above.

(b) Memorandum of Agreement, DEA, May 2017. Following an investigation by the Drug Enforcement Agency (DEA) into my record-keeping for phentermine prescribed and/or dispensed through my former medical spa, I entered into a settlement with the United States Government. Pursuant to that settlement, I surrendered my DEA Registration No. FT1209635; agreed not to dispense any Schedule II or III controlled substances under DEA Registration No. BT4604965, and paid a fine of \$50,000.00. I retained prescribing authority under DEA Registration No. BT4604965, and prescribing and dispensing authority under DEA Registration No. FT5105792.

<sup>1</sup> <http://www.paceprogram.ucsd.edu/CPD/Prescribing.aspx>

  
 Robert Toledo, D.O.

9/19/19  
 Date

NV STATE BOARD OF  
OSTEOPATHIC MEDICINE  
BEFORE THE NEVADA STATE BOARD OF OSTEOPATHIC MEDICINE

AUG 17 2016

IN THE MATTER OF: )

ROBERT TOLEDO, D.O.  
License No. 1057, )

Respondent. )

Case No. AD1606001

SETTLEMENT AGREEMENT AND  
ORDER

FILED

The Nevada State Board of Osteopathic Medicine (the Board), by and through its investigating board member Nicole Cavenagh, PhD, hereby enters into this settlement agreement with Robert Toledo, D.O. (License No. 1057). Pursuant to chapter 233B and chapter 633 of the Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC), it is hereby stipulated and agreed, by and between the parties in the above-entitled matter that this matter shall be fully and finally settled and resolved upon terms and conditions set out herein.

**PERTINENT FACTS**

1. On January 19, 2002, Dr. Toledo became licensed by the Board to practice as an osteopathic physician in Nevada (License No. 1057). Dr. Toledo's practice address of record with the Board is 1552 West Warm Springs Road, #100 in Henderson, Nevada. The Board's records show that Dr. Toledo is board certified in Obstetrics and Gynecology.

2. On March 30, 2016, the Board's staff and investigative staff from the Nevada State Board of Pharmacy conducted a joint investigation into a business entitled Henderson Wellness & Colonic (HWC) located at 9895 W. Maryland Parkway, Suite C in Las Vegas, Nevada. The business was owned by Dr. Toledo and his wife Nganha "Holly" Cheung and was managed by Dr. Toledo's sister-in-law Kim Le. The business purported to be a medical practice and spa.

3. The Board's investigation determined that HWC maintained a stock of prescription drugs that were readily accessible to all of HWC's staff. The prescription drugs were for weight loss (such as phentermine) or cosmetic purposes (such as Latisse). In practice, a client of HWC appeared at HWC, requested the prescription drugs HWC maintained or

1 "prescribed" without being medically examined by a licensed medical professional, paid the  
 2 appropriate fee, and left with the prescription drug or a "prescription" for the drug. None of the  
 3 employees of HWC were licensed medical professionals. Based upon the client's filling out of  
 4 a form and a cursory taking of vital signs, the staff of HWC would provide the client either  
 5 prescription medications taken from the stock maintained by HWC or would provide a  
 6 "prescription" to the client that had been pre-signed by Dr. Toledo via a stamp. The acts  
 7 performed by the employees of HWC constituted the practice of medicine since they involved  
 8 assessment, diagnosis, and treatment of HWC's clients, and none of the employees of HWC  
 9 were licensed as physicians, physician assistants, or advanced practitioner registered nurses.  
 10 Dr. Toledo did not see any of the clients of HWC in any capacity and did not maintain medical  
 11 charts on any of the clients. All of the prescription drugs dispensed by HWC were obtained  
 12 with Dr. Toledo's knowledge and through the exercise of Dr. Toledo's authority to obtain or  
 13 prescribe such prescription drugs. Dr. Toledo was aware of and condoned the manner by  
 14 which HWC operated.

#### ACKNOWLEDGMENTS AND APPLICABLE LAW

16 4. In an effort to avoid the cost and uncertainty of a hearing, the parties have agreed to  
 17 settle this matter. In settling this matter, Dr. Toledo does not contest the facts contained in the  
 18 preceding three paragraphs. Dr. Toledo further acknowledges that certain facts contained in  
 19 the preceding three paragraphs could be found to constitute violations of Nevada Revised  
 20 Statutes (NRS) 633.511(1) as unprofessional conduct as further defined in NRS  
 21 633.131(1)(d), (f)(1), (g), (l) and (m), and NRS 633.511(12) and Nevada Administrative Code  
 22 (NAC) 633.350(1)(c) and (e) if this matter went to a Board hearing. Notwithstanding the  
 23 preceding, the Board has agreed not to file an Accusation in this matter and the parties agree,  
 24 instead, that the Board should rule upon this Settlement Agreement and Order as containing  
 25 all necessary elements of due process to authorize the Board to take such action. If the  
 26 Board approves this Settlement Agreement and Order, it shall be deemed and considered  
 27 disciplinary action by the Board against Dr. Toledo.

1           5. Dr. Toledo and Dr. Cavenagh, the Investigating Board Member in this matter, agree  
2 that it is in the best interests of Dr. Toledo and the Board to resolve this matter without a full  
3 hearing on the merits.

4           6. Dr. Toledo is aware of, understands, and has been advised of the effect of this  
5 Settlement Agreement, which he has carefully read and fully acknowledged. Dr. Toledo  
6 acknowledges that he reviewed this Settlement Agreement and that he was provided the  
7 opportunity to review this Settlement Agreement with legal counsel of his own choice, namely  
8 John Cotton of John Cotton & Associates.

9           7. Dr. Toledo has freely and voluntarily entered into the Settlement Agreement, and he  
10 is aware of his rights to contest the charges pending against him. These rights include  
11 representation by an attorney at his own expense, the right to a public hearing on any charges  
12 or allegations formally filed, the right to confront and cross-examine witnesses called to testify  
13 against him, the right to present evidence on his own behalf, the right to testify on his own  
14 behalf, the right to obtain any other type of formal judicial review of this matter, and any other  
15 rights which may be accorded to him pursuant the provisions of Chapters 233B, 622, 622A,  
16 and 633 of the NRS and the NAC. Dr. Toledo is voluntarily waiving all these rights in  
17 exchange for the Board's acceptance of this Settlement Agreement.

18           8. Should the Settlement Agreement be rejected by the Board, it is agreed that  
19 presentation to and consideration by the Board of such proposed Settlement Agreement or  
20 other documents or matters pertaining to the consideration of this Settlement Agreement shall  
21 not unfairly or illegally prejudice the Board or any of its members from further participation,  
22 consideration, adjudication, or resolution of these proceedings and that no Board member  
23 shall be disqualified or challenged for bias. Likewise, should this Settlement Agreement be  
24 rejected by the Board, it is agreed that the terms of the Settlement Agreement, and any facts  
25 contained herein, shall not be used against Dr. Toledo in any future prosecution or other  
26 action by the Board.

27           9. Dr. Toledo for himself, his executors, administrators, successors, and assigns  
28 hereby releases and forever discharges and holds harmless the State of Nevada, the Nevada

1 Board of Osteopathic Medicine and each of their members, agents, investigators and  
2 employees in their individual and representative capacities, from any and all manner of  
3 actions, causes of action, suit, debts, judgments, executions, claims and demands  
4 whatsoever, known and unknown, in law or equity, that Licensee ever had, now has, may  
5 have or claim to have against any or all of the persons or entities named in this paragraph  
6 arising out of or by reason of this investigation, this disciplinary action, this settlement  
7 agreement or its administration.

8       10. In consideration for the execution of this Settlement Agreement, Dr. Toledo hereby  
9 releases and forever discharges the State of Nevada, the Board of Osteopathic Medicine, and  
10 the Nevada Attorney General's Office (as counsel for the Board), and each of their  
11 representatives, investigators, and employees, in their individual and representative capacity  
12 from any and all manner of actions, causes of actions, suits, debts, judgments, executions,  
13 claims and demands whatsoever, known or unknown, in law and in equity, that he may have  
14 had, now has, or claim to have against any and all of the persons and entities named in this  
15 paragraph arising out of or by reason of the investigation of the allegations raised herein and  
16 other matters relating thereto.

17       11. Dr. Toledo acknowledges that the Settlement Agreement shall only become  
18 effective after both the Board and he have duly executed it.

19       12. Dr. Toledo enters into this Settlement Agreement voluntarily after being fully  
20 advised of his rights and as to the consequences of this Settlement Agreement. This  
21 Settlement Agreement embodies the entire agreement reached between the Board and Dr.  
22 Toledo. It may not be altered, amended, or modified without the express consent of the  
23 parties.

24       13. Both parties acknowledge that the Board has jurisdiction to consider and ratify this  
25 Settlement Agreement and order because Dr. Toledo is an osteopathic physician licensed by  
26 the Board. Dr. Toledo expressly, knowingly, and intentionally waives the 21-day notice  
27 requirement contained in the Nevada Open Meeting Law and acknowledges that this  
28

1 Settlement Agreement and order may be presented to the Board for its consideration and  
2 potential ratification at the Board's meeting on August 16, 2016.

3  
4 **AGREED DISCIPLINARY ACTION**

5 THE PARTIES DO HEREBY AGREE as a result of the admissions and  
6 acknowledgements contained in paragraphs 1 through 13 above that the following discipline is  
7 fair and appropriate and should be imposed by the Board by way of resolution of this matter:

8 1. Dr. Toledo shall pay the Board's fees and costs in the investigation and prosecution  
9 of this matter totaling \$791.00, payable by cashier's or certified check or money order made  
10 payable to: "Nevada State Board of Osteopathic Medicine." Payment shall be due within 90  
11 days of the effective date of this Settlement Agreement and Order, but if Dr. Toledo cannot  
12 make payment in full by that time, he may make payment arrangements with and as are  
13 acceptable to the Board's Executive Director.

14 2. Dr. Toledo shall pay a fine of \$5,000.00 in this matter, payable by cashier's or  
15 certified check or money order made payable to: "Nevada State Board of Osteopathic  
16 Medicine." Payment shall be due within 90 days of the effective date of this Settlement  
17 Agreement and Order, but if Dr. Toledo cannot make payment in full by that time, he may  
18 make payment arrangements with and as are acceptable to the Board's Executive Director.

19 3. Dr. Toledo shall not allow any prescription drugs to be ordered, purchased, stored,  
20 or otherwise provided to HWC using his name or authority, and he shall take whatever action  
21 is necessary to assure that no prescription drugs are obtained in his name or authority.

22 4. Dr. Toledo may not administer, prescribe, dispense, order, or otherwise be involved  
23 with prescription drugs for purposes unrelated to his practice of obstetrics and gynecology at  
24 HWC or any other site until January 2, 2017. Dr. Toledo may administer, prescribe, dispense,  
25 order, or otherwise be involved with prescription drugs at HWC or any other site after January  
26 2, 2017 only if he does so in compliance with subparagraphs 5(a), (b), and (c) below at HWC  
27 or any other site.  
28



1           5. Dr. Toledo may administer, prescribe, dispense, order, or otherwise be involved with  
2 any controlled substances or dangerous drugs from his primary practice site so long as he  
3 does so in accordance with the following conditions:

4           (a) Dr. Toledo obtains a DEA registration and Nevada CS registration at the site. Dr.  
5 Toledo shall also register the site as a practice site with the Board. If Dr. Toledo desires to  
6 dispense controlled substances or dangerous drugs from the site, he must also obtain a  
7 Nevada dispensing practitioner's registration. Dr. Toledo shall provide written evidence of his  
8 registrations to the Board office.

9           (b) Dr. Toledo must personally see and assess each patient at the site to determine  
10 that the patient has a legitimate medical condition or diagnosis for which a particular controlled  
11 substance or dangerous drug is appropriate. Dr. Toledo must make a medical record  
12 regarding each patient he sees and assesses at the site, which record must include the basic  
13 physical examination information, Dr. Toledo's assessment, diagnoses, and controlled  
14 substances or dangerous drugs administered. The medical records made pursuant to this  
15 subparagraph must be maintained at the site. Dr. Toledo may employ a physician assistant or  
16 advanced practitioner of nursing under his supervision to see and assess the patients of the  
17 site and to make and maintain the records in the same manner as is required of Dr. Toledo  
18 under this paragraph.

19           (c) Dr. Toledo shall provide to the Board office his policy and procedures or protocols  
20 that will be used at his primary practice location for the seeing, assessment, diagnosis,  
21 administering, prescribing, and dispensing of controlled substances and dangerous drugs to  
22 patients at the site. The policy and procedures or protocol must be in compliance with all laws  
23 related to the administering, prescribing, and dispensing of prescription drugs and controlled  
24 substances, including but not limited to NRS and NAC chapters 453, 454, 633, and 639 and  
25 shall address those concerns raised in this matter including (1) limiting access to dangerous  
26 drugs stored in his practices' drug rooms; (2) assuring that controlled substances are properly  
27 and lawfully stored and secured; (3) limiting access to controlled substances; (4) packaging,  
28 repacking, and labeling of prescription drugs; and (5) assuring that all patients are examined

1 and that all necessary documentation is made to support the prescription, dispensing, and  
2 refilling of dangerous drugs and controlled substances. The Board is aware that Dr. Toledo  
3 has been working simultaneously with the Nevada State Board of Pharmacy and has been  
4 developing policies and procedures or protocols in conjunction with the Nevada State Board of  
5 Pharmacy. To satisfy the terms of this subparagraph, Dr. Toledo may present to the IBM  
6 those policies and procedures or protocols developed with the Nevada State Board of  
7 Pharmacy so long as those policies and procedures or protocols address the five concerns  
8 addressed in this paragraph. The policies and procedures or protocols, whether those agreed  
9 to with the Nevada State Board of Pharmacy or developed independent of the Nevada State  
10 Board of Pharmacy, must be submitted to the IBM no later than 30 days after the effective  
11 date of this Settlement Agreement and Order.

12 6. If Dr. Toledo desires in the future to administer, prescribe, or dispense dangerous  
13 drugs or controlled substances from a site other than his primary practice site, Dr. Toledo  
14 must notify the Board's office at least 30 days before he commences practice at the site. Dr.  
15 Toledo may not commence any practice at a site other than his primary practice site and HWC  
16 until he satisfies the IBM that his practice at the site other than his primary practice site or  
17 HWC will conform with all applicable Nevada and federal laws and the requirements of  
18 paragraph 4 herein.

19 7. The parties acknowledge that the Board must report this Settlement Agreement to  
20 the National Practitioners Data Bank ("Data Bank").

21 8. Dr. Toledo shall meet with the Board or its representatives upon request and shall  
22 cooperate with such representatives in their supervision, monitoring, investigation, or auditing  
23 to assure compliance with the terms and conditions of this order. Dr. Toledo shall pay any  
24 and all reasonable and necessary costs incurred by the Board resultant from this paragraph.

25 9. In the event Dr. Toledo fails to materially comply with any term of this Settlement  
26 Agreement, Dr. Toledo agrees his license in the State of Nevada shall be automatically  
27 suspended without any action of the Board other than the issuance of an Order of Suspension  
28 by the Executive Director. Upon complying with the term, Dr. Toledo's license in the State of

1 Nevada will be automatically reinstated, assuming all other provisions of the Settlement  
 2 Agreement are in compliance. Additionally, Dr. Toledo's failure to comply with any term or  
 3 condition of this Settlement Agreement may result in discipline by the Board, up to and  
 4 potentially including revocation of his license. Board Staff may take any and all actions it  
 5 deems necessary to collect any sums ordered that remain unpaid. If Board Staff is required to  
 6 pursue judicial action to effect such collections, it shall be entitled to recover its attorney's fees  
 7 and costs incurred in pursuing such judicial action.

8 Signed this 20 day of July, 2016.

9 Respondent Robert Toledo

Nevada State Board of Osteopathic Medicine

11 By \_\_\_\_\_

By

12 Robert Toledo, D.O.  
 13 Respondent

14 Nicole Cavenagh, Ph.D.  
 15 Investigating Board Member

1           7. The parties acknowledge that the Board must report this Settlement Agreement to the  
2 National Practitioners Data Bank ("Data Bank").


3           8. Dr. Toledo shall meet with the Board or its representatives upon request and shall cooperate  
4 with such representatives in their supervision, monitoring, investigation, or auditing to assure compliance  
5 with the terms and conditions of this order. Dr. Toledo shall pay any and all reasonable and necessary  
6 costs incurred by the Board resultant from this paragraph.

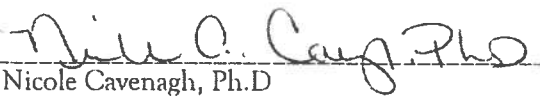
7           9. In the event Dr. Toledo fails to materially comply with any term of this Settlement Agreement,  
8 Dr. Toledo agrees his license in the State of Nevada shall be automatically suspended without any action  
9 of the Board other than the issuance of an Order of Suspension by the Executive Director. Upon  
10 complying with the term, Dr. Toledo's license in the State of Nevada will be automatically reinstated,  
11 assuming all other provisions of the Settlement Agreement are in compliance. Additionally, Dr. Toledo's  
12 failure to comply with any term or condition of this Settlement Agreement may result in discipline by the  
13 Board, up to and potentially including revocation of his license. Board Staff may take any and all actions  
14 it deems necessary to collect any sums ordered that remain unpaid. If Board Staff is required to pursue  
15 judicial action to effect such collections, it shall be entitled to recover its attorney's fees and costs incurred  
16 in pursuing such judicial action.

17           Signed this 20 day of July, 2016.

18 Respondent Robert Toledo

Nevada State Board of Osteopathic Medicine

19  
20 By   
21 Robert Toledo, D.O.  
22 Respondent

23  
24 By   
25 Nicole Cavenagh, Ph.D  
26 Investigating Board Member  
27  
28

ORDER

WHEREAS, on August 16, 2016, the Nevada State Board of Osteopathic Medicine approved and adopted the terms and conditions set forth in the Agreed Settlement and Order with Robert Toledo, D.O. IT IS SO ORDERED.

SIGNED AND EFFECTIVE this 16 day of August, 2016.

NEVADA STATE BOARD OF OSTEOPATHIC MEDICINE

  
Ronald Hedger, D.O.  
Chairman

In the Matter of

Robert Toledo, D.O.

### MEMORANDUM OF AGREEMENT

This Memorandum of Agreement is entered into between the United States of America (United States), acting through the United States Attorney's Office for the District of Nevada and the Drug Enforcement Administration (DEA), and Robert Toledo, D.O. (Toledo). This Memorandum is based on the following:

1. Toledo is licensed to practice medicine in Nevada and is registered with the DEA as a practitioner with Registration Nos. FT1209635 (9895 S. Maryland Pkwy.); BT4604965 (1552 W. Warm Springs Rd.); and FT5105792 (8455 S. Eastern Ave.).

2. DEA conducted an investigation concerning the receipt and distribution of and record-keeping for Phentermine, a Schedule IV Controlled Substance, that was prescribed or dispensed by Toledo or his employees in Las Vegas and Henderson, Nevada during the period from January 1, 2014 through March 30, 2016 (the Covered Conduct). Based upon that investigation, DEA alleges that the Covered Conduct constituted civil violations of the Controlled Substances Act, 21 U.S.C. § 801 et seq., and related regulations.

3. The parties wish to compromise and settle this matter to avoid the uncertainties and expense of litigation. The parties intend to enter into an Agreement that will resolve the issues between them based upon the above-described investigation, in lieu of pursuing a civil penalty action pursuant to the Controlled Substances Act. Nothing in this Agreement constitutes an admission of liability by Toledo.

NOW THEREFORE, for and in consideration of the mutual promises and consideration described below, the United States and Toledo agree as follows:

4. Toledo agrees to pay the United States \$50,000 in civil penalties (the Settlement Amount), within 30 days of the signing of this Memorandum of Agreement. Payment shall be made by wire transfer to the United States Department of Justice, based upon instructions to be provided by the United States Attorney's Office for the District of Nevada.

5. Toledo agrees to the following:

- a. Toledo will immediately surrender DEA Registration No. FT1209635.
- b. Toledo will not dispense any Schedule II or III controlled substances under DEA Registration No. BT4604965 at any time. Toledo will continue to be able to prescribe all controlled substances otherwise permitted under state and federal law under DEA Registration No. BT4604965
- c. Toledo will abide by all federal, state, and local laws and regulations relating to the prescribing and dispensation of Controlled Substances under DEA Registration Nos. BT4604965 and FT5105792.
- d. Toledo will remain licensed by the Nevada State Board of Osteopathic Medicine and the Nevada State Board of Pharmacy.


6. The address where Toledo will maintain any and all medical records that he is required to maintain under Title 21 of the United States Code is 1552 W. Warm Springs Rd., Henderson, NV 89014 (the "Designated Address."). For a period of two years from the date on which Toledo executes this Memorandum, Toledo agrees that DEA personnel may enter the Designated Address at any time during regular business hours, without prior notice and without an Administrative Inspection Warrant or other documentation permitting entry, to verify compliance with this Memorandum of Agreement. Toledo represents that he will currently maintain the required medical records at the Designated Address. Toledo further agrees to notify the DEA of any change in the Designated Address within 30 days after any such change. Any rights DEA may have to inspect records under this Memorandum are in addition to, and not exclusive of, any rights conferred by Title 21 or other Federal law.

7. This Memorandum of Agreement will be considered fully executed upon the last party's signature, and the Effective Date of this Memorandum of Agreement will be the date of the last signature.

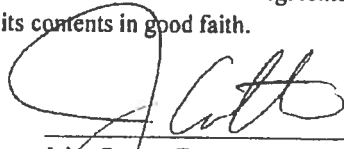
8. Violation of this Memorandum of Agreement will constitute additional grounds for the revocation of any or all of Toledo's Certificates of Registration, and any such violation may result in an action to revoke such registrations. If any other offense or violation by Toledo is charged, nothing in this Memorandum of Agreement shall be construed as a waiver on the part of the United States to utilize the results of the investigation referred to herein as grounds for revocation or denial of a DEA registration, either by itself or in conjunction with other grounds, in the event that future administrative proceedings become necessary. Nothing in this

Agreement shall constitute a release by the United States of any civil or criminal liability of Toledo other than civil liability for the Covered Conduct.

9. The United States enters into this Memorandum of Agreement with the understanding that Toledo will abide by its contents in good faith.

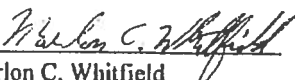
  
Robert Toledo, D.O.

Dated: 05/17/2017

  
John Cotton, Esq.  
Attorney for Rogelio Toledo, M.D.

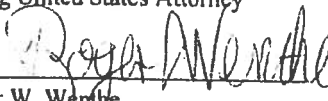
Dated: 05/18/2017

DRUG ENFORCEMENT  
ADMINISTRATION

By:   
Marlon C. Whitfield  
Diversion Program Manager  
Los Angeles Field Division

Dated: 05/23/17

STEVEN W. MYHRE  
Acting United States Attorney

By:   
Roger W. Wenthe  
Assistant United States Attorney

Dated: 5/25/17



FILED

JUL 25 2018

## BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD  
OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 16-013-PD-S
	)	
Petitioner,	)	
v.	)	
	)	
ROBERT TOLEDO, D.O.,	)	FINDINGS OF FACT,
Certificate of Registration Nos. CS11019,	)	CONCLUSIONS OF LAW
CS17832,	)	AND ORDER
CS19754,	)	
CS23073,	)	
PD00063, and	)	
PD11019,	)	
	)	
Respondent.	/	

This matter came before the Nevada State Board of Pharmacy (Board) at its regularly scheduled meeting on Wednesday, July 18, 2018, in Las Vegas, Nevada. Brett Kandt, Esq., appeared and prosecuted the case before the Board. Respondent Robert Anthony Toledo, D.O. (Toledo), Certificate of Registration Nos. CS11019, CS17832, CS19754, CS23073, PD00063 and PD11019, appeared with counsel, John Cotton, Esq. The Board heard the case and, based on the evidence presented, the Board makes the following Findings of Fact, Conclusions of Law and Order.

**FINDINGS OF FACT**

The allegations against Toledo, as stated in the Accusation on file herein, and upon which Toledo admits and the Board makes findings of fact, are as follows:

1. Toledo held active Controlled Substance Registrations, Certificate Nos. CS11019, CS17832, CS19754, and CS23073, and Practitioner Dispensing Registrations, Certificate Nos. PD00063 and PD11019, issued by the Board at the time of the events set forth herein.

2. Toledo also held an active license issued by the Nevada State Board of Osteopathic Medicine to practice osteopathic medicine in Nevada (License No. 1057), and owned and operated Henderson Wellness Medical Spa & Colonics (HWMS), located at 9895 Maryland Parkway, #C, Las Vegas, Nevada.

3. On March 30, 2016, investigators from the Board and the Nevada State Board of Osteopathic Medicine conducted a joint investigation of HWMS.

4. When the investigators arrived at HWMS, there was no one present there who was licensed to possess, access, order, prescribe or dispense dangerous drugs or controlled substances.
5. Toledo arrived at HWMS approximately thirty (30) minutes after the investigators arrived and initiated their investigation.
6. Prior to Toledo's arrival on March 30, 2016, Toledo's staff wrote and dispensed prescriptions for two (2) walk in patients without Toledo present at HWMS.
7. Toledo's HWMS staff assisted each of the two (2) patients to complete a Medical Weight Loss Program – Progress Note, and, in Toledo's absence, signed the Medical Weight Loss Program – Progress Notes with a stamp of Toledo's signature.
8. Without Toledo present, his HWMS staff created a prescription for each patient, prescription numbers 11211 for patient W.H., and 11212 for patient L.V., by stamping Phentermine 37.5 MG and instructions for use on a copied prescription blank bearing Toledo's pre-signed signature.
9. Toledo's staff accessed HWMS's inventory of controlled substances and dangerous drugs and dispensed Phentermine 37.5 MG tablets to each patient without Toledo present and without Toledo or any licensed practitioner examining the patient to establish a bona fide therapeutic relationship between Toledo and the patient.
10. Phentermine is a schedule IV-controlled substance.
11. Toledo established a system at HWMS wherein he directed his staff to routinely possess, prescribe and dispense controlled substances and dangerous drugs to patients on his behalf and in his absence without a bona fide relationship between Toledo and the patient, at significant risk of harm to the public.
12. HWMS had five (5) manila folders onsite that each contained copies of pre-signed prescription blanks which were pre-written for a dangerous drug and each bearing Toledo's copied signature. When a patient visited HWMS for a prescription, an unlicensed staff member wrote in the patient's name and information.

13. The copies of pre-signed prescriptions in the five manila folders at HWMS included:
  - Latisse – 14 pre-signed copied prescription blanks.
  - Obagi CRS – 11 pre-signed copied prescription blanks.
  - Obagi Nuderm – 21 pre-signed copied prescription blanks.
  - Obagi Clenziderm – 13 pre-signed copied prescription blanks.
  - Rx Sheets – 17 pre-signed copied prescription blanks for use when staff wrote for Phentermine and other prescription medications other than the Latisse and Obagi products.
14. Toledo maintained a stock of controlled substances and dangerous drugs that were readily accessible to HWMS staff in Toledo's absence.
15. The acts performed by Toledo's HWMS staff constituted the practice of medicine since they involved assessment, diagnosis, and treatment of HWMS's patients.
16. None of Toledo's HWMS staff were licensed to practice medicine as a physician, physician's assistant, or advanced practice registered nurse.
17. Toledo did not examine any of the patients of HWMS in any capacity and did not maintain medical charts on any patients of HWMS.
18. Toledo's HWMS staff possessed the controlled substances and dangerous drugs they dispensed with Toledo's knowledge and consent and through the exercise of Toledo's authority to obtain and/or prescribe controlled substances and dangerous drugs.
19. On August 16, 2016, the Nevada State Board of Osteopathic Medicine approved and entered a Settlement Agreement and Order *In the Matter of Robert Toledo, D.O.*, Case No. AD1606001.
20. Toledo entered into a Memorandum of Agreement with the U.S. Drug Enforcement Administration in May of 2017 after an audit revealed that from January 1, 2014 through November 28, 2016, Toledo dispensed 32,245 more Phentermine tablets than he was able to validate through invoice purchases.

### CONCLUSIONS OF LAW

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

1. The Board has jurisdiction over this matter and this respondent because at the time of the events herein, Toledo held active registrations issued by the Board to prescribe and dispense controlled substances and dangerous drugs.
2. The applicable law in this matter is as follows:
  - a. No person may possess a controlled substance or dangerous drug in Nevada except as authorized by law. NRS 453.336; NRS 453.338; NRS 453.373; NRS 454.213; NRS 454.316; NRS 454.321.
  - b. No person may prescribe and dispense controlled substances in Nevada except as authorized by law. NRS 453.226; NRS 453.375(1); NRS 453.377; NRS 639.235(1); NAC 639.742(1), (3) and (4); 21 CFR § 1301.11; 21 CFR § 1306.03.
  - c. A physician may prescribe and dispense controlled substances only for a legitimate medical purpose and in the usual course of his professional practice. NRS 453.381(1); 21 CFR § 1306.04.
  - d. Each written prescription for a controlled substance must contain the handwritten signature of the prescribing practitioner. NRS 639.013(1)(a); NRS 639.2353(2); NAC 453.440(1)(c); 21 CFR § 1306.05.
  - e. No person may prescribe and dispense dangerous drugs in Nevada except as authorized by law. NRS 454.213; NRS 454.215; NRS 639.235(1); NAC 639.742(1), (3) and (4).
  - f. Each written prescription for a dangerous drug must contain the handwritten signature of the prescribing practitioner. NRS 639.013(1)(a); NRS 639.2353(2); NRS 454.223; NAC 454.060(1).
  - g. A dispensing practitioner must secure all controlled substances and dangerous drugs in his inventory in a locked storage area to which the dispensing practitioner has the only key or lock combination. NRS 453.375; NAC 453.400; NAC 453.410(1)(d); NAC 639.742(3)(c) and (4)(a); NAC 639.745(1)(c).

- h. A dispensing practitioner shall ensure that no prescription for a controlled substance or dangerous drug is dispensed to a patient unless the dispensing practitioner is on-site at the facility. NAC 639.742(3)(e).
- i. “Performing or in any way being a party to any fraudulent or deceitful practice or transaction” constitutes “unprofessional conduct and conduct contrary to the public interest.” NAC 639.945(1)(h).
- j. A licensee “[p]erforming any of his or her duties as the holder of a license, certificate or registration issued by the Board . . . in an incompetent, unskillful or negligent manner” constitutes “unprofessional conduct and conduct contrary to the public interest.” NAC 639.945(1)(i).
- k. “Aiding or abetting a person not licensed to practice pharmacy in the State of Nevada” constitutes “unprofessional conduct and conduct contrary to the public interest.” NAC 639.945(1)(j).
- l. “Prescribing a drug as a prescribing practitioner to a patient with whom the prescribing practitioner does not have a bona fide therapeutic relationship” constitutes “unprofessional conduct and conduct contrary to the public interest.” NAC 639.945(1)(o).
- m. The Board may suspend or revoke a registration issued pursuant to NRS 453.231 to prescribe or otherwise dispense a controlled substance upon a finding that the registrant has committed an act that would render registration inconsistent with the public interest. NRS 453.236(1)(d) and NRS 453.241(1).
- n. Engaging in conduct that constitutes unprofessional conduct or that is contrary to the public interest is grounds for suspension or revocation of any license issued by the Board. NRS 639.210(4).
- o. Violating any provision of the Federal Food, Drug and Cosmetic Act or any other federal law or regulation relating to prescription drugs is grounds for suspension or revocation of any license issued by the Board. NRS 639.210(11).
- p. Violating, attempting to violate, assisting or abetting in the violation of or conspiring to violate any law or regulation relating to drugs, the manufacture or distribution of drugs

or the practice of pharmacy is grounds for suspension or revocation of any license issued by the Board. NRS 639.210(12).

3. By allowing his HWMS staff, none of whom were practitioners licensed to possess controlled substances, to use his authority to access and possess an inventory of controlled substances, Toledo aided and abetted his HWMS staff in the unlicensed practice of pharmacy in violation of NRS 453.338(1) and engaged in unprofessional conduct and conduct contrary to the public interest as defined in NAC 639.945(g), (h), (i), (j) and (k) and NRS 633.131(d). For that conduct, Toledo is subject to discipline pursuant to NRS 639.210(1), (4), (12) and (16), and NRS 639.255.

4. By allowing his HWMS staff, none of whom were practitioners licensed to possess dangerous drugs, to use his authority to obtain and possess an inventory of dangerous drugs, Toledo aided and abetted his HWMS staff in the unlicensed practice of pharmacy in violation of NRS 454.213; NRS 454.311 and NRS 454.316 and engaged in unprofessional conduct and conduct contrary to the public interest as defined in NAC 639.945(g), (h), (i), (j) and (k) and NRS 633.131(d). For that conduct, Toledo is subject to discipline pursuant to NRS 639.210(1), (4), (12) and (16), and NRS 639.255.

5. By allowing his HWMS staff, none of whom were practitioners licensed to prescribe controlled substances, to issue prescriptions for controlled substances using pre-signed and copied prescription blanks or a stamp of Toledo's signature to patients with whom Toledo had no bona fide therapeutic relationship, Toledo violated and/or aided and abetted his HWMS staff in violating 21 CFR § 1306.03; 21 CFR § 1306.04; 21 CFR § 1306.05; NRS 453.321(1)(a); NRS 453.331(1)(b), (c), (d), (f) and (h), NRS 453.381(1); NRS 639.2813(1) and NAC 453.440(1)(c). Toledo has therefore engaged in unprofessional conduct and conduct contrary to the public interest as defined in NAC 639.945(g), (h), (i), (k), (n) and (o) and NRS 633.131(d). For that conduct, Toledo is subject to discipline pursuant to NRS 639.210(1), (4), (11), (12) and (16), and NRS 639.255.

6. By allowing his HWMS staff, none of whom were practitioners licensed to prescribe dangerous drugs, to issue prescriptions for dangerous drugs using pre-signed and copied prescription

blanks or a stamp of Toledo's signature to patients with whom Toledo had no bona fide therapeutic relationship, Toledo violated and/or aided and abetted HWMS's staff in violating NRS 454.221(1), NRS 454.223, NRS 454.311(1) and (2), NRS 454.316; NRS 639.2813(1); NAC 454.060(1) and NRS 639.235(1). Toledo has therefore engaged in unprofessional conduct and conduct contrary to the public interest as defined in NAC 639.945(g), (h), (i), (k), (n) and (o) and NRS 633.131(1)(d). For that conduct, Toledo is subject to discipline pursuant to NRS 639.210(1), (4), (12) and (16), and NRS 639.255.

7. By allowing his HWMS staff, none of whom were practitioners licensed to prescribe dangerous drugs, to dispense controlled substances and/or dangerous drugs using pre-signed and copied prescription blanks or a stamped signature to patients with whom Toledo had no bona fide therapeutic relationship, Toledo violated and/or aided and abetted his HWMS staff in violating 21 CFR § 1306.03; 21 CFR § 1306.04; 21 CFR § 1306.05; NRS 639.235(1); NRS 639.284(2) and NRS 639.285. Toledo has therefore engaged in unprofessional conduct and conduct contrary to the public interest as defined in NRS 639.945(g), (h), (i), (j), (k), (n) and (o). For that conduct, Toledo is subject to discipline pursuant to NRS 639.210(1), (4), (11), (12) and (16), NRS 639.255 and NAC 639.7445.

8. By allowing his HWMS staff, none of whom were practitioners licensed to prescribe controlled substances, to possess and dispense controlled substances to patients with whom he had no bona fide therapeutic relationship, Toledo aided and abetted HWMS's staff in violating 21 CFR § 1301.11; NRS 639.100(1); NRS 453.316(1); and NRS 453.331(1)(b), (c), (d), (f) and (h). Toledo has therefore engaged in unprofessional conduct and conduct contrary to the public interest as defined in NRS 639.945(g), (h), (i), (j), (k), (n) and (o). For that conduct, Toledo is subject to discipline pursuant to NRS 639.210(1), (4), (11), (12) and (16), NRS 639.255 and NAC 639.744

9. By allowing his HWMS staff, none of whom were practitioners licensed to prescribe dangerous drugs, to possess and dispense dangerous drugs to patients with whom he had no bona fide therapeutic relationship, Toledo aided and abetted HWMS's staff in violating NRS 639.100(1); NRS 454.215 and NRS 454.321. Toledo has therefore engaged in unprofessional conduct and conduct contrary to the public interest as defined in NRS 639.945(g), (h), (i), (j), (k), (n) and (o). For that

conduct, Toledo is subject to discipline pursuant to NRS 639.210(1), (4), (12) and (16), NRS 639.255 and NAC 639.7445.

10. By allowing his HWMS staff, none of whom were practitioners licensed to possess, prescribe and dispense controlled substances or dangerous drugs, to possess, prescribe and dispense controlled substances and dangerous drugs under his authority, Toledo performed and/or was a party to fraudulent and deceitful practices and transactions and engaged in unprofessional conduct and conduct contrary to the public interest pursuant to NAC 639.945(1)(h), and is subject to discipline pursuant to NRS 639.210(4) and NRS 639.255.

11. By dispensing, and/or by allowing his unlicensed HWMS staff to dispense, controlled substances to patients without Toledo's valid handwritten signature on each written prescription, Toledo acted in violation of 21 CFR § 1306.05; NRS 639.2353(2); NAC 453.440(1)(c); and NAC 453.410(1)(b)(8), and is subject to discipline pursuant to NRS 639.210(1), (4), (11), (12) and (16), NRS 639.255 and NAC 639.7445.

12. By dispensing, and/or by allowing his unlicensed HWMS staff to dispense, dangerous drugs to patients without Toledo's valid handwritten signature on each written prescription, Toledo acted in violation of NRS 454.223(2)(a); NRS 639.2353(2); and NAC 454.060(1), and is subject to discipline pursuant to NRS 639.210(1), (4), (12) and (16), NRS 639.255 and NAC 639.7445.

13. By allowing his unlicensed HWMS staff access to his inventory of controlled substances and dangerous drugs when he was not on site at his facility, Toledo violated NRS 453.375; NAC 453.400; NAC 453.410(1)(d); NAC 639.742(3)(c) and (4)(a), and NAC 639.745(1)(c), and is subject to discipline under NRS 639.210(11) and (12), NRS 639.255 and NAC 639.7445.

14. By allowing his unlicensed HWMS staff to dispense controlled substances and dangerous drugs to patients when he was not on-site at his facility, Toledo violated and/or aided and abetted his HWMS staff in violating 21 CFR § 1301.11 and NAC 639.742(3)(e), and is subject to discipline pursuant to NRS 639.210(11) and (12), NRS 639.255 and NAC 639.7445.

15. By allowing his unlicensed HWMS staff to dispense prescriptions for controlled substances and dangerous drugs without Toledo first personally checking the medications and



initialing them before they were dispensed, Toledo violated 21 CFR § 1306.05 and NAC 639.743(2)(a) and/or (b). Toledo is therefore subject to discipline pursuant to NRS 639.210(11) and (12), NRS 639.255 and NAC 639.7445.

16. By providing pre-signed prescription blanks and/or a stamp of his signature to his HWMS staff, none of whom were practitioners licensed to prescribe controlled substances, and by facilitating the issuance of prescriptions for controlled substances to patients with whom Toledo does not have a bona fide therapeutic relationship, Toledo committed an act that would render his Nevada Controlled Substance Registration inconsistent with the public interest pursuant to NRS 453.231 and is subject to discipline pursuant to NRS 453.236(1)(d) and NRS 453.241(1).

### **ORDER**

#### **THEREFORE, THE BOARD HEREBY ORDERS AS FOLLOWS:**

1. Respondent Robert Anthony Toledo's Controlled Substance Registrations, Certificate Nos. CS11019, CS17832, CS19754, and CS23073, and Practitioner Dispensing Registrations, Certificate Nos. PD00063 and PD11019, are each revoked effective as of the date of the hearing, July 18, 2018.

2. Unless and until Toledo applies for reinstatement of one or more of his controlled substance registrations and/or his dispensing practitioner registrations, and the Board reinstates his registration(s), Toledo:

a. May not possess any controlled substance other than a controlled substance that was lawfully prescribed to him by a licensed practitioner and lawfully dispensed to him for his own personal use to treat a documented medical necessity.

b. May not possess any controlled substance for office use or for patient use and must immediately and lawfully dispose of any and all controlled substances in his possession and/or control, other than a controlled substance lawfully prescribed and dispensed to him for his own personal use.

c. May not prescribe any controlled substance.

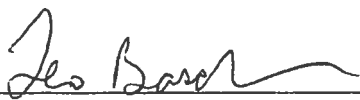
d. May not dispense any controlled substance or dangerous drug.

3. Toledo may not apply for reinstatement of his controlled substance or dispensing practitioner registrations until after "a period of not less than 1 year has lapsed since the date of revocation," as required by NRS 639.257(1).

4. In the event Toledo applies for reinstatement, or for any other registration or certificate 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.

**IT IS SO ORDERED.**

Entered this 25 day of July, 2018.

  
\_\_\_\_\_  
Leo Basch, President  
Nevada State Board of Pharmacy



**Maria Nutile, Esq.\***  
**Bridget Kelly, Esq.**

\* licensed in NV, AZ and CO

September 9, 2019

**VIA FEDEX**  
**VIA EMAIL**  
**pharmacy@pharmacy.nv.gov**

Candy M. Nally  
 Licensing Specialist  
 Nevada State Board of Pharmacy  
 985 Damonte Ranch Pkwy, Ste. 206  
 Reno, NV 89521

***Re: Application for Reinstatement***  
***Robert Toledo, D.O.***

Dear Ms. Nally:

This firm represents Dr. Robert Toledo. Enclosed please find Dr. Toledo's application for reinstatement of his Controlled Substance Registration ("Registration") with the Nevada State Board of Pharmacy ("BOP").

Pursuant to the BOP's Order dated July 25, 2018, Case no. 16-013-PD-S ("Order"), Dr. Toledo was eligible to apply for reinstatement as of July 19, 2019, and is required to appear before the BOP for consideration of his application. Dr. Toledo respectfully requests that his application be considered at the next meeting of the BOP in Las Vegas on October 9, 2019.

As Dr. Toledo explains in his application, he has complied with the Order in all respects. Although not required, Dr. Toledo has also completed the intensive UCSD PACE Physician Prescribing Course, as well as the Touro University CME on Nevada opioid prescribing laws. He wishes to have his Registration reinstated so that he may again participate in all aspects of obstetrics and gynecology practice, including surgery and hospital coverage which require controlled substance prescribing authority.

C. M. Nally  
September 9, 2019  
Page 2

Should you have any questions, I may be reached at 702.307.4871 or [bridget@nutilelaw.com](mailto:bridget@nutilelaw.com).

Sincerely,

NUTILE LAW

A handwritten signature in black ink that reads "Bridget Kelly". The script is cursive and fluid, with the first name "Bridget" and last name "Kelly" clearly distinguishable.

Bridget Kelly, Esq.

cc: Brett Kandt, Esq.  
S. Paul Edwards, Esq.  
Robert Toledo, D.O.  
Maria Nutile, Esq.

# UC San Diego

## SCHOOL OF MEDICINE

### Physician Certificate of Credit

The University of California, San Diego School of Medicine Continuing Medical Education certifies that

**Robert A. Toledo, D.O.**

has participated in the live activity titled **Physician Assessment and Clinical Education Program**

#### **Physician Prescribing Course**

at the **Double Tree by Hilton in San Diego, CA** on **July 22-24, 2019** and is  
awarded **27 AMA PRA Category 1 Credit(s)<sup>TM</sup>**.

**CREDITS CLAIMED:** 27

Type of Credit Approved:	Maximum Number of Credits Approved:
AMA PRA Category 1 Credit <sup>TM</sup>	<u>27</u>

*Physicians should claim only the credit commensurate with the extent of their participation in the activity.*

William A. Norcross MD

**William A. Norcross, M.D.**

**Professor and Director**

**Physician Assessment and Clinical Education Program**

R. Toledo D.O.

**Participant Signature**

# **T**ouro University Nevada

## College of Osteopathic Medicine

Certifies that

**Rob Toledo, DO**

participated in the continuing medical education live activity

“Nevada Laws 2019; Opioids, Pain and Beyond”

and is eligible for *Three (3) AMA PRA Category 1 Credit(s)™ or (3) AOA Category 1A.*

Date completed: August 17, 2019

Today's date: 8/17/19

*Wolfgang Gilliar, D.O.*

Wolfgang Gilliar, D.O.  
Dean, College of Osteopathic Medicine

*D. Selleck*

Denise Selleck, CAE  
Continuing Professional Development Manager

CME Accreditation This activity has been planned and implemented in accordance with the Essential Areas and policies of the Accreditation Council for Continuing Medical Education through the joint providership of Touro University Nevada College of Osteopathic Medicine. Touro University Nevada College of Osteopathic Medicine is accredited by the ACCME and the AOA to provide continuing medical education for physicians.

CME Designation

Touro University Nevada College of Osteopathic Medicine designates this live educational activity for a maximum of (3) AMA PRA Category 1 Credit(s)™ or (3) AOA Category 1A.. Physicians should only claim credit commensurate with the extent of their participation in the activity.

**9D**

**CONTROLLED SUBSTANCE REGISTRATION APPLICATION**

Nevada State Board of Pharmacy  
985 Damonte Ranch Pkwy, Suite 206 - Reno, NV 89521

**Registration Fee: \$80.00 (non-refundable money order or cashier's check only)**  
(This application cannot be used by PA's or APRN's)

First: Michael Middle: (No Middle name) Last: Wassef Degree: DDS

SS#: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Practice Name (if any): Boca Dental and Braces

Nevada Address: 5642 S. Eastern Avenue Suite #: B

(This must be a practicing address, we will not issue a license to a home address or to a PO Box only)

City: Las Vegas State: Nevada Zip Code: 89119

E-mail: doctor.wassef@me.com Contact E-mail: doctor.wassef@me.com

Work Telephone: (702) 456-0005 Fax: (602) 603-5585

Practitioner License Number: 7214 - Dentist Specialty: General Dentistry

Sex: ☒ M or ☐ F

### Dear Sir or Madame: Please see attached

**You must have a current Nevada license with your respective BOARD before we will process this application. The Nevada license must remain current to keep the controlled substance registration.**

				Yes	No
<b>Been diagnosed or treated for any mental illness, including alcohol or substance abuse, or Physical condition that would impair your ability to perform the essential functions of your license?....</b>					
1. Been charged, arrested or convicted of a felony or misdemeanor in <u>any</u> state? .....				<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Been the subject of a board citation or an administrative action whether completed or pending in <u>any</u> state? ...				<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Had your license subjected to any discipline for violation of pharmacy or drug laws in <u>any</u> state?.....				<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>If you marked YES to any of the numbered questions (1-3) above, include the following information &amp; provide an explanation and documentation:</b>					
Board Administrative Action:	State	Date:	Case #:		
	Arizona	Please see attached	Please see attached.		
Criminal Action:	State	Date:	Case #:	County	Court
	None				

**It is a violation of Nevada law to falsify this application and sanctions will be imposed for misrepresentation. I hereby certify that I have read this application. I certify that all statements made are true and correct.**

**I understand that Nevada law requires a licensed physician who, in their professional or occupational capacity, comes to know or has reasonable cause to believe a child has been abused/neglected, to report the abuse/neglect to an agency which provides child welfare services or to a local law enforcement agency.**

Original Signature, no copies or stamps accepted.

August 22, 2019

Date

Board Use Only: Date Processed: \_\_\_\_\_ Amount: \$80.00



Michael Wassef, D.D.S.  
W. Molly Lane  
Peoria, AZ 85383  
[Doctor.wassef@me.com](mailto:Doctor.wassef@me.com)  
(Cell)

### **Explanation to questions on the Controlled Substance Application**

**August 22, 2019**

#### **Answer to question No. 2:**

Yes, I have had Board administrative actions in the past in AZ. There was also Board action in NJ about 25 years ago.

Case Numbers in AZ:

220211  
250238  
100060  
201300233  
201400061  
201400250

In NJ there was an action where I believe I had to pay a \$500 fine about 25 years ago. I am not 100% sure, as that was before the NPDB I believe.

#### **Answer to question No. 3:**

Yes, in 2002 due to a chronic back problem (Case No. 220211 in AZ); I developed a dependency to Vicodin, and wrote scripts and picked them up for my use. By God's grace, I went into 30 days of inpatient treatment, successfully completed the treatment, and surrendered my dental and DEA licenses.

I then entered a 5-year MATP (Monitored After-Treatment Program) run by the AZ Dental Board and re-entered practice. The MATP included random UAs, individual and group therapy bi-weekly sessions and AA Meetings. I successfully completed the 5-year MATP program, have had no issues or sanctions on my DEA license since then, it's been over 17 years ago.

If you have any questions at all, please feel free to contact me. Please also feel free to inquire of the NV State Board of Dental Examiners, specifically Ms. Shaffer-Kugel (the Executive Director) and Ms. Bernstein-Chapman (Board's Legal Counsel); as they are very familiar with the uniqueness and gross irregularities in how I was treated by the AZ Dental Board.

Thank you for your time and efforts on my behalf. Wishing you and your loved ones health and happiness.

Sincerely,



Michael Wassef, D.D.S.