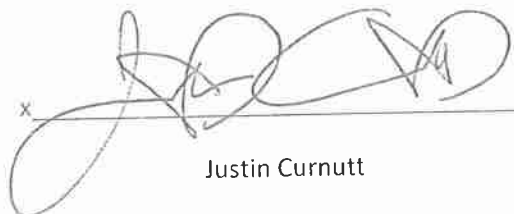


Nevada State Board of Pharmacy:

I request the opportunity to be on the board agenda for this upcoming January 2017 meeting in Las Vegas. I would like to appear before this board to have my license revocation re-evaluated from 1 year ago. Herein is submitted documentation which the board might be interested in seeing.

x 

12/10/16

Justin Curnutt

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

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

Petitioner,

v.

JUSTIN CURNUTT, RPH  
Certificate of Registration No. 18338

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

ISABEL ROMERO, PT  
Certificate of Registration No. PT13592

LORI BRANDON, PT  
Certificate of Registration No. PT09558

Respondents.

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.**

<b>Prescriber</b>	<b>Rx No.</b>	<b>Medication</b>	<b>Quantity</b>	<b>No. of Fills</b>
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 medications<sup>1</sup> 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.

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<sup>1</sup> Rx No. 6128205: Acyclovir 400 mg, #30 filled 12/14/2014;  
E o f B

## 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.

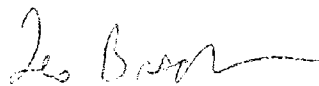
57. For the violations found under the Fifth Cause of Action, the registration of Respondent Lori Brandon, PT, Certificate of Registration No. PT13592, is revoked effective as of the day of the hearing.

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.



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Leo Basch, President  
Nevada State Board of Pharmacy

Nevada State Board of Pharmacy:

I respectfully come before you in January to petition for my license to be re-instated. Since revocation of my license I have reflected on the errors in judgement I had made and realize the harm I have done. I accept 100% what I have done and have strived to better myself spiritually, morally, and ethically.

Since my license revocation January 13<sup>th</sup> 2016 I have dedicated my time to bettering myself and the Pahrump community at large. These include:

- 1- Done 60+ CE
- 2- Attended marriage and self-help classes and seminars
- 3- Given free health seminars on the local radio stations
- 4- Participated in various health and wellness events
- 5- Keynote speaker at the annual NV TOPS (Taking Off Pounds Sensibly) Convention
- 6- Asked by my church to take a leadership position within the Boy Scouts of America
  - a. I exemplified through words and deeds, to these young men, that the errors in judgement that I personally made have caused severe consequences to me and my family's lives.
  - b. Endured a 56 mile hike throughout a whole week through Zion National Park
- 7- The local detention center invited me to better educate their personnel on how to obtain their health goals naturally. I spoke with over 150 staff members and excited them about becoming healthy.
- 8- I opened up a health and wellness center which is dedicated to helping educate the residents of Pahrump to obtain their health goals. Some of the classes I have taught include:
  - a. Blood Sugar Regulation
  - b. Weight Management
  - c. Thyroid Health
  - d. Natural Pain Relief
  - e. Misc. Workshops (i.e. Kombucha, Kefir, Sour Dough)
  - f. Auto-immune Health
  - g. Aging Gracefully
  - h. Cooking Made Healthier and Simpler
  - i. Supplementation Smartly
- 9- I recently started a non-profit organization called Pahrump Academy of Learning. This with the intention of educating the community on everything from self-reliance to health education and afterschool programs to trade skills education.

I have worked with a therapist in order to re-establish my moral bearings. I have learned an incredible amount about myself through this experience while working with him.

Included in this packet are letters from people that I have worked with closely this past year. My hope is that you can see that I can be trusted once again with the rights and responsibilities of a pharmacist. I have also included the CEs that I have done in order to stay current on the knowledge I might have otherwise missed out on by not being involved in pharmacy for 1 entire year. I own up to all my mistakes and will do everything within my capability to assure that this will never happen again.

Graciously,

x  12/12/16  
Justin Curnutt



# PAHRUMP VALLEY COUNSELING

David Lory VanDerBeek, LMFT  
3370 South Highway 160, Ste. 12  
Pahrump, NV 89048  
(702) 274-1571  
(775) 751-8650 – fax

Date: 12-08-2016

Client Summary: Justin Curnutt

Date of Birth:

Dear Nevada State Board of Pharmacy,

Mr. Curnutt has been under therapist's observation since January 2014 providing therapist with clinically significant experience of his progress and emotional and mental evolution throughout the changes in his professional status and the associated life-altering challenges and hardships. Mr. Curnutt requested that the therapist provide a clinical summary of observations to provide to the Nevada State Board of Pharmacy prior to his request for consideration for reinstatement as a licensed pharmacist.

Recommendation: From a mental health standard, therapist recommends the Nevada State Board reinstate Mr. Curnutt fully as a licensed pharmacist or with a license for a probatory period preliminary to full reinstatement as a professional pharmacist if further supervision is deemed necessary.

#### Background:

Mr. Curnutt worked for Smith's pharmacy. He accepted a leadership role filling in for a pharmacist who was out with medical issues. He was working full-time for Smith's and did some specialty work for additional hours. He did "a lot of extra hours" up to 80-90 hours per week. He has also suffered eczema since age 12 and he has flares usually each year. He was seeing a local dermatologist to get prescription steroids and antibiotics for his condition. When he was working so many hours, he did not feel able to take time off to see his doctor to authorize a refill. He authorized a refill for himself. He refilled it for himself monthly at one point to ensure he would always have a supply as necessary. At that time, he rationalized the balance between the letter and spirit of the laws governing his profession. The letter of the

law meant having a prescription from a doctor. The spirit of the law meant using the medication responsibly as needed. He always felt he was being responsible with the medication.

Mr. Curnutt also explained that he authorized prescriptions for a pharmacy technician without notifying a doctor and he did not report a pharmacy technician for falsifying a prescription for herself. He also acknowledged lying to his district manager about his authorization of his own prescription when confronted. When his district manager chose to investigate further and found that Mr. Curnutt had been dishonest and reported him to the State Board of Pharmacy leading to their own investigation in which he admitted to his conduct and resulting in his license being revoked. He accepted that the discipline had to be harsh because doctors' names were used fraudulently. He indicated that the Board said he could reapply for a license one year from the date his license was revoked. He has completed 60 continuing education credits in pharmaceutical education. He wants his license back to achieve his career goals. He has worked so hard for a pharmacy degree, ten years of his life. He feels he lost his identity.

Mr. Curnutt reports he has never used illegal drugs, had a drug addiction, or been in drug treatment. He has never been arrested for possession of illegal drugs. He has never seen a doctor as a result of a negative reaction to any prescribed drug or abuse of any prescription drug. He has had no legal problems or criminal history aside from speeding tickets. He has no history of violence or abuse as a perpetrator or victim. He describes his upbringing as good in a church going family. His parents are honest and his father lives by reputation. Therapist has contact with several people in the community including friends, relatives, and church members who have had associations with Mr. Curnutt discovering nothing contraindicating any of his self-reports.

#### Multifactorial Impacts:

The revocation of his professional license has had significant impact on many areas of Mr. Curnutt's life as evidenced in the following areas.

Professional: Mr. Curnutt's original intention as a pharmacist was to help people. As a professional, he feels like he let the industry down. He recalls that the most trusted of healthcare professionals is a pharmacist and he sees that he has lost his own credibility. "Who is going to trust me now? Who is going to take what I say worth any grain of salt now? How can I teach people?" He is disappointed in himself and feels that he let everybody down. He feels a lot of people were disappointed in him. He had a number of people who came to his pharmacy with whom he felt connected. Many people requested him by name and those connections were lost. He did not think of them as medical patients, but as friends. He really loves Pahrump and wants to help this valley. He has chosen to stay. He wants to contribute to providing better service and health outcomes. He has always been willing to take extra time with medical patients who were very distraught about their diagnoses.

Individual: As an individual growing up, his father is financially successful. After he lost his license, he could have "run to Idaho and lived in my parents' basement." He knows he could get a job at a company in a different industry. He knows he can advance on a corporate ladder. He feels that he has an internal feeling of investment in this community. His father was raised in the Pahrump Valley. It has been financially difficult to stay, because he has a mortgage payment. He lost his license a year after buying a home here. It would have been the easy route to file bankruptcy and walk away from everything and live in his parents' basement. His parents are not lending him money. They expect him to make it on his own. He has feared losing his home, because his business is not yet providing for the needs of his family. He has faced the constant calls of creditors and a lien has been placed on his home. The financial pain has felt crippling. However, on a deeper level, he has felt that it was and is important that he go through the full consequences of his mistakes and the disciplinary process of the Board with faith that he will never repeat the same mistakes again. His father taught him growing up the maxim: "It takes a lifetime to build a reputation and seconds to break it down." After Mr. Curnutt meeting in which his license was revoked, he and his father cried together. His father was sorry for him as a provider for his family. Mr. Curnutt chose not to "cop out" and instead chose to struggle through the pain and the repercussions of his behavior. He wants to rebuild his name and himself. He is now glad everything happened. In the beginning, he recalls having a lot of pent up emotion about losing his license. He has worked hard to forgive and be himself. Rather than living in guilty, therapy has helped him completely committed to accepting 100% responsibility for everything he has learned, how he reacts, and what he creates in his life now.

Family: As strange as it might sound, he feels for his family, this has been a good learning experience. He was "losing" himself in work working 80-90 hours a week. He was not dedicating time to his wife and children as a priority. He has now had lots of time to be with them and work with them at his vitamin and herbal supplement store. His mother gave him feedback that he was "big headed." His mother felt this experience is what he needed. The experience has been strenuous on the family finances and holidays and birthdays are not material, but it has still been a family builder as they have grown emotionally closer.

Father: This has been difficult because he has been the sole income provider for his family with his wife as a full-time homemaker. He feels worthless at times because he is not able to provide well. They have used welfare services. He and his wife have three children and his wife is pregnant with their fourth child due on January 7<sup>th</sup>, 2017.

Husband: His wife is used to him being very confident. Through this hardship, his wife has appreciated seeing his vulnerable side. He has felt tension in his marriage. They have nine years married together. After he lost his license he recalls going through a severe depression. He has never had something this traumatic in his life. He used to be a morning person, but he no longer knew what to wake up to. After some time, his wife questioned what he was going to do with his life. He already had a building sitting empty that had been intended for a pharmacy, which had been vacant for ten months. He began developing the property for

natural wellness. He wanted to assist in the health field while not practicing as a pharmacist in any capacity in strict accordance to the revocation of his license.

Conclusion:

Mr. Curnutt feels that the therapy sessions have helped to confirm the things he had not previously known about himself. He has never realized before these challenging experiences how much he has needed help, guidance, and mentoring. When he was working so much before, he did not have time to reflect on himself. In therapy, the discussion of real self-love for himself as opposed to his previous conception of "self-love" characterized by thoughts including "look at me," "keeping up with the Joneses," "we're fine" or "we don't need help." He has had to ask his church and family for help with the basic needs of life. He felt too proud in the past to accept or ask for help. His sense of self-love now is that his situation does not define him. His financial situation does not define him. His core spirituality defines him regardless of his circumstances. Self-love now means never compromising his own morals and having the necessary boundaries to prevent things from ever "falling apart this way again."

Therapeutic success was based on the goal of achieving the mental state expressing that Mr. Curnutt feels he loves himself so much that he would never jeopardize himself or his family's life situation as he did. The pain of the experience has taught him many lessons. He hopes he can prove to the State Board that he is worthy of their forgiveness and that if he is able to regain his license the Board will never ever have to again worry about the integrity of his work. Therapist agrees with Mr. Curnutt's current assessment of himself and therapeutic goal achievement.

Warm regards,



David Lory VanDerBeek, LMFT



Nevada Board of Pharmacy,

My name is Steve Jolley. I am Justin's clerical leader and we have had discussions at length regarding his personal accountability and this situation. I am impressed with Justin and how he takes responsibility for the mistakes he made. I do not hesitate for even a moment to recommend that Justin have his license reinstated.

He is an honest father, honorable friend, and upholds his church responsibilities with integrity and the highest work ethic. He has shown exemplary character by serving the community even more since his revocation. Again, I give him high recommendations.

For further questions feel free to reach out to me

A handwritten signature in black ink, appearing to read 'Steve Jolley', written over a horizontal line.

Bishop Steven Jolley, DPT, CEO

921 Hwy 160 ste 409  
Pahrump NV 89048