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FILED

AUG 03 2020

NEVADA STATE BOARD OF PHARMACY

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

VINAY KUMAR BARARIA, MD,

Respondent.

Case Nos. 19-003-S

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

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

1. Pursuant to the authority and jurisdiction conferred upon the Nevada State Board of Pharmacy (Board) by NRS 639.2895 and NRS 233B.121-.126, *inclusive*, an order to cease and desist, citation and fine was served upon Respondent Vinay Kumar Bararia, MD (Bararia) alleging violations of Nevada law as set forth herein.

2. On or about July 17, 2020, Bararia appealed the citation and fine and requested a hearing pursuant to NRS 639.2895(2).

FACTUAL ALLEGATIONS

3. Bararia was not registered with the Board to prescribe or dispense controlled substances or dangerous drugs for Nevada patients at the time of the events alleged herein.

4. Bararia voluntarily surrendered his license to practice medicine, License No. 11355, to the Nevada State Board of Medical Examiners (NSBME) on March 8, 2013, and was sentenced in federal court for distribution of controlled substances in September 2014.

5. Bararia has owned and operated Nevada Health Services, LLC aka Trimcare (Trimcare), located at 5375 South Fort Apache Road, Suites 102 and 103, in Las Vegas, since August 2018.

6. Abdel M. Khalek, MD (Khalek), co-owned and/or was employed at Trimcare from at least October 2018 to April 2019. Khalek held a controlled substance registration,

Certificate of Registration No. CS19745, and dispensing practitioner registration, Certificate of Registration No. PD00722.

3. Robert Chancellor, MD (Chancellor), co-owned and/or was employed by Trimcare from at least November 2018 to the present. Chancellor held a controlled substance registration, Certificate of Registration No. CS22616, and dispensing practitioner registration, Certificate of Registration No. PD27416

4. Lindsay Hoffman, PA-C (Hoffman), was employed by Trimcare from at least August 2018 to present. Hoffman held a controlled substance registration, Certificate of Registration No. CS 18262, and dispensing practitioner registration, Certificate of Registration No. PD

5. Bararia colluded with Khalek, Chancellor and Hoffman in the course of operating Trimcare to purchase, access, store, possess, administer, furnish, prescribe and/or dispense controlled substances and dangerous drugs under another practitioner's name, without the prescribing practitioner having a bona fide therapeutic relationship with patients, without the practitioner being present at the time prescriptions were dispensed, and/or otherwise falsely represent himself as a practitioner entitled to write prescriptions in this state.

APPLICABLE LAW

6. No person other than a practitioner holding a license to practice his or her profession in this State may prescribe or write a prescription. NRS 639.235(1).

7. A prescription for a controlled substance may be issued only for a legitimate medical purpose and in the usual course of his or her professional practice by an individual practitioner who holds a DEA registration and is authorized to prescribe controlled substances by the jurisdiction in which he is licensed to practice his profession. 21 U.S.C. § 822(a)(2); 21 U.S.C. § 823(f); 21 CFR § 1306.03(a)(1); NRS 453.381(1).

8. It is unlawful for a practitioner to prescribe or dispense a controlled substance or dangerous drug except as authorized by law. NRS 453.226(1); NRS 453.321(1)(a); NRS

454.215; NRS 454.301, NRS 639.100(1); NRS 639.23505; NAC 453.410; NAC 639.742; NAC 639.745.

9. It is unlawful for a person to purchase, possess, administer or furnish a dangerous drug except as authorized by law. NRS 454.213(1); NRS 454.221; NRS 454.311; NRS 454.316; NRS 454.321 and/or NRS 454.356.

10. It is a felony offense to falsify a prescription for a controlled substance or otherwise purchase or possess a controlled substance except as authorized by law. 21 U.S.C. § 841(a); 21 U.S.C. § 842(a); NRS 453.331(1)(c), (d), (f), (h) and (i).

11. Falsely representing oneself as a practitioner entitled to write prescriptions in this state is a felony offense. 21 U.S.C. § 841(a); 21 U.S.C. § 842(a); NRS 639.281(1); NRS 639.2813(1).

12. Conspiring to violate the Controlled Substances Act is a felony offense. 21 U.S.C. § 846; NRS 453.401(l)(a).

VIOLATIONS OF LAW ALLEGED

13. Bararia has purchased, accessed, stored, possessed, administered, furnished, prescribed and/or dispensed controlled substances and dangerous drugs and/or otherwise falsely represent himself as a practitioner entitled to write prescriptions in this state. This constitutes a violation of Nevada law, including NRS 453.226, NRS 453.316, NRS 453.321(1)(a), NRS 453.331 (1)(c)(d)(f)&(i), NRS 453.381(1), NRS 453.401(l)(a), NRS 454.213, NRS 454.215, NRS 454.221, NRS 454.311, NRS 454.316, NRS 454.321, NRS 639.100(1), NRS 639.235, NRS 639.23505, NRS 639.281, NRS 639.2813, and NRS 639.310. This also constitutes a violation of 21 U.S.C. § 822(a)(2), 21 U.S.C. § 823(f), 21 U.S.C. § 841(a), 21 U.S.C. § 842(a), 21 U.S.C. § 846 and 21 CFR §§ 1306.03–1306.05.

14. Khalek, Chancellor and Hoffman have been charged in a corresponding administrative action, Case Nos. 19-003-A-S, 19-003-B-S, and 19-003-C-S.

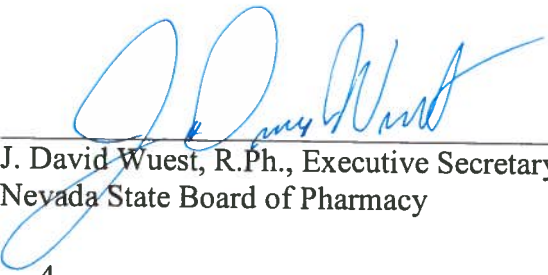
NOTICE OF HEARING

You have the right to show the Nevada State Board of Pharmacy that your conduct, as alleged above, complies with all lawful requirements. NRS 639.2895(2). You have the right to a hearing before the Board to answer the allegations and present evidence and argument on all issues involved, either personally or through counsel. NRS 233B.121. If you fail to appear at the hearing and the Board finds that you were given sufficient legal notice of the hearing, the Board may accept the allegations as true and may proceed to consider the case and render a decision.

The Board has scheduled your hearing on this matter for Wednesday, September 2, 2020, at 9:00 a.m. or soon thereafter. The hearing will occur at the at the Hilton Garden Inn located at 7830 South Las Vegas Blvd., Las Vegas, Nevada.

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

DATED this 3rd day of August, 2020.



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

CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada State Board of Pharmacy, and that on this 4th day of August, 2020, I served a true and correct copy of the foregoing document by Certified U.S. Mail to the following:

Vinay Kumar Bararia, MD
5375 S. Ft. Apache Rd., Ste. 103
Las Vegas, NV 89148

Vinay Kumar Bararia, MD
6850 N DURANGO DR #205
Las Vegas, NV 89149

E. Brent Bryson, Esq.
7730 W. Sahara Avenue – Suite 109
Las Vegas, NV 89117


SHIRLEY HUNTING

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AUG 03 2020

NEVADA STATE BOARD
OF PHARMACY

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

VICTOR BRUCE, MD,

Respondent.

Case No. 19-242-D-S

STATEMENT TO THE
RESPONDENT AND
NOTICE OF HEARING

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

1. Pursuant to the authority and jurisdiction conferred upon the Nevada State Board of Pharmacy ("Board") by NRS 639.2895 and NRS 233B.121-.126, *inclusive*, an order to cease and desist, citation and fine was served upon Respondent Victor Bruce, MD ("Bruce") alleging violations of Nevada law as more specifically set forth herein.

2. On or about July 27, 2020, Bruce, through counsel John A. Hunt, Esq. from the law firm of Clark Hill PLC, appealed the citation and fine and requested a hearing pursuant to NRS 639.2895(2).

FACTUAL ALLEGATIONS

3. Bruce was not registered with the Board to prescribe or dispense controlled substances for Nevada patients at the time of the events alleged herein. Although Bruce was permitted to prescribe dangerous drugs, he did so unlawfully under another practitioner's credentials.

4. On October 23, 2014, Bruce pled guilty to count (1) of the Indictment and adjudicated guilty of 21 USC §§ 846, 841(a)(1) and (b)(1)(C), conspiracy to distribute oxycodone, in the criminal case, *United States of America v. Victor Bruce, MD*, United States District Court, District of Nevada, Case No. 2:13-cr-0041-APG-CWH.

5. The judgment in the criminal case sentenced Bruce to forty-six (46) months of

imprisonment beginning on January 16, 2015, and upon release from imprisonment, set forth supervised release for three (3) years, subject to certain conditions.

6. On December 31, 2014, Bruce agreed to have his license to practice medicine revoked, License No. 8652, pursuant to a settlement agreement with the Investigative Committee of the Nevada State Board of Medical Examiners (“NSBME”).

7. Bruce currently holds a restricted license to practice medicine, reinstated by NSBME on September 7, 2018, License No. 18273, where he was required to complete a 1-year preceptorship with Bernard Addo-Quaye, MD. Bruce was and is restricted from prescribing controlled substances for a minimum of twenty-four (24) months or until his probation period lapses, whichever is greater. Bruce, at the time in question, was restricted from prescribing controlled substances.

8. Bruce was employed by Bernard Addo-Quaye, MD PC (“Addo-Quaye”) dba TruCare Medical Center (“TruCare”), located at 2290 McDaniel Street, Suite 2A, North Las Vegas, Nevada, from approximately September 2018 to present.

9. Addo-Quaye was out of the country from September 1, 2019 – September 20, 2019.

10. Bruce continued to treat patients at TruCare unlawfully utilizing Addo-Quaye’s credentials to handwrite prescriptions, and e-scribe prescriptions for controlled substances and dangerous drugs.

11. Bruce colluded with Addo-Quaye to access, store, possess, administer, furnish, and/or prescribe controlled substances and/or dangerous drugs under practitioner Addo-Quaye’s name, without Addo-Quaye as the prescribing practitioner having a bona fide therapeutic relationship with patients, and/or Bruce otherwise falsely represented himself as a practitioner entitled to write prescriptions for controlled substances in this state.

APPLICABLE LAW

12. No person other than a practitioner holding a license to practice his or her profession in this State may prescribe or write a prescription. NRS 639.235(1).
13. A prescription for a controlled substance may be issued only for a legitimate medical purpose and in the usual course of his or her professional practice by an individual practitioner who holds a DEA registration and is authorized to prescribe controlled substances by the jurisdiction in which he is licensed to practice his profession. 21 U.S.C. § 822(a)(2); 21 U.S.C. § 823(f); 21 CFR § 1306.03(a)(1); NRS 453.381(1).
14. It is unlawful for a practitioner to prescribe or dispense a controlled substance or dangerous drug except as authorized by law. NRS 453.226(1); NRS 453.321(1)(a); NRS 454.215; NRS 454.301, NRS 639.100(1); NRS 639.23505; NAC 453.410; NAC 639.742; NAC 639.745.
15. It is unlawful for a person to purchase, possess, administer or furnish a dangerous drug except as authorized by law. NRS 454.213(1); NRS 454.221; NRS 454.311; NRS 454.316; NRS 454.321 and/or NRS 454.356.
16. It is a felony offense to falsify a prescription for a controlled substance or otherwise purchase or possess a controlled substance except as authorized by law. 21 U.S.C. § 841(a); 21 U.S.C. § 842(a); NRS 453.331(1)(c), (d), (f), (h) and (i).
17. Falsely representing oneself as a different practitioner entitled to write prescriptions in this state is a felony offense. 21 U.S.C. § 841(a); 21 U.S.C. § 842(a); NRS 639.281(1); NRS 639.2813(1).
18. Conspiring to violate the Controlled Substances Act is a felony offense. 21 U.S.C. § 846; NRS 453.401(l)(a).
19. Violations of state and federal laws as stated in the foregoing, constitute bases for discipline pursuant to NRS 639.210(4) and (12).

VIOLATIONS OF LAW ALLEGED

20. Bruce has accessed, stored, possessed, administered, furnished, and/or prescribed controlled substances and dangerous drugs and/or otherwise falsely represented himself as Addo-Quaye, a practitioner entitled to write controlled substance prescriptions in this state. This constitutes a violation of Nevada law, including NRS 453.226, NRS 453.316, NRS 453.321(1)(a), NRS 453.331 (1)(c)(d)(f)&(i), NRS 453.381(1), NRS 453.401(1)(a), NRS 454.213, NRS 454.215, NRS 454.221, NRS 454.311, NRS 454.316, NRS 454.321, NRS 639.100(1), NRS 639.235, NRS 639.23505, NRS 639.281, NRS 639.2813, and NRS 639.310. This also constitutes a violation of 21 U.S.C. § 822(a)(2), 21 U.S.C. § 823(f), 21 U.S.C. § 841(a), 21 U.S.C. § 842(a), 21 U.S.C. § 846, and 21 CFR §§ 1306.03–1306.05.

21. Addo-Quaye has been charged in a corresponding administrative action, Case No. 19-242-A-S.

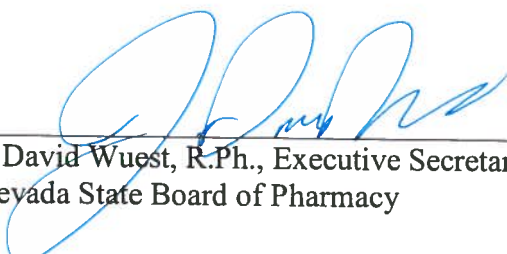
NOTICE OF HEARING

You have the right to show the Nevada State Board of Pharmacy that your conduct, as alleged above, complies with all lawful requirements. NRS 639.2895(2). You have the right to a hearing before the Board to answer the allegations and present evidence and argument on all issues involved, either personally or through counsel. NRS 233B.121. If you fail to appear at the hearing and the Board finds that you were given sufficient legal notice of the hearing, the Board may accept the allegations as true and may proceed to consider the case and render a decision.

The Board has scheduled your hearing on this matter for Wednesday, September 2, 2020, at 9:00 a.m. or soon thereafter. The hearing will occur at the at the Hilton Garden Inn located at 7830 South Las Vegas Blvd., Las Vegas, Nevada.

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

DATED this 3rd day of August, 2020.



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


CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada State Board of Pharmacy, and that on this 4th day of August, 2020, I served and a true and correct copy of the foregoing document by Certified U.S. Mail to the following:

Victor Bruce, MD
2290 McDaniel, Ste. #2A
N. Las Vegas, NV 89030

Victor Bruce, MD
3330 S HUALAPAI WAY #120
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Clark Hill PLC
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