

**7**

## NEVADA STATE BOARD OF PHARMACY

985 Damonte Ranch Pkwy Ste 206 – Reno, NV 89521

## CONTROLLED SUBSTANCE APPLICATION

Registration Fee: \$200.00 (non-refundable check or credit card only)

(This application cannot be used by PA's or APRN's)

First: Joyce Middle: P Last: Chang Degree: MDPractice Name (if any): Sahara Family & Skin ClinicNevada Address: 7720 W. Sahara Avenue #103 Suite #: 103  
(This must be a practicing address, we will not issue a license to a home address or to a PO Box only)

PO Box: \_\_\_\_\_ SS#: \_\_\_\_\_

E-mail address: gmail.comCity: Las Vegas State: NV Zip Code: 89117Work Telephone: 702.228.9888 Date of Birth: \_\_\_\_\_Fax: \_\_\_\_\_ Sex: ☐ M or ☒ FPractitioner License Number: NV 12643 Specialty: Family Medicine

**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
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?....		<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"/>
If you marked YES to any of the numbered questions (1-3) above, include the following information & provide an explanation and documentation: <u>See attached documentation</u>			
Board Administrative Action:	State	Date:	Case #:
	<u>NV</u>	<u>03/08/2019</u>	<u>NO. 19-333 20-1</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: Juaney Date: 2/6/2020Board Use Only: Date Processed: \_\_\_\_\_ Amount: 200.00cc  
in file

## NEVADA STATE BOARD OF MEDICAL EXAMINERS

9600 Gateway Drive  
Reno, NV 89521

Rachakonda D. Prabhu, M.D.  
*Board President*



Edward O. Cousineau, J.D.  
*Executive Director*

March 8, 2019

Joyce Chang, M.D.  
c/o L. Kristopher Rath, Esq.  
Hutchinson & Steffen  
West Alta Drive, Suite  
Las Vegas, Nevada 89145

**Re: In the Matter of Charges and Complaint Against Joyce Po Kin Chang, M.D.  
BME Case No. 19-33320-1**

Dr. Chang:

On March 1, 2019, the Nevada State Board of Medical Examiners (Board) accepted the Settlement Agreement (Agreement) between you and the Board's Investigative Committee in relation to the formal Complaint filed against you in Case Number 19-33320-1.

In accordance with its acceptance of the Agreement, the Board entered an Order finding you violated Nevada Revised Statute (NRS) 630.306(1)(b)(3), engaging in conduct that violated pharmacy board regulations and NRS 630.3062(1)(a), failure to maintain timely, legible, accurate, and complete medical records pursuant to the Nevada Medical Practice Act. For the same, you shall pay the fees and costs related to the investigation and prosecution of this matter, pay a fine of \$5,000.00, shall take twenty (20) hours of continuing medical education (CME) related to best practices in the prescribing of controlled substances, and you shall be publicly reprimanded.

Accordingly, it is my unpleasant duty as President of the Board to formally and publicly reprimand you for your conduct which has brought professional disrespect upon you and which reflects unfavorably upon the medical profession as a whole.

Sincerely,

Rachakonda D. Prabhu, M.D., President  
Nevada State Board of Medical Examiners

RDP/rgk



## Arizona Medical Board

1740 W. Adams St, Suite 4000, Phoenix, AZ 85007 • website: [www.azmd.gov](http://www.azmd.gov)  
Phone (480) 551-2700 • Toll Free (877) 255-2212 • Fax (480) 551-2707

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Douglas A. Ducey

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Physician Member

### Executive Director

Patricia E. McSorley

October 10, 2019

Joyce P. Chang, MD  
Box  
Las Vegas, NV 89137

RE: Joyce P. Chang, M.D.  
Case # MD-19-0322A

Dear Dr. Chang:

The purpose of this letter is to inform you that during the course of the October 7, 2019 public meeting, the Arizona Medical Board (Board) reviewed the above-referenced complaint and all pertinent evidence and information gathered during the investigation. At the conclusion of its review, the Board voted to issue you this Advisory Letter for action taken by the State of Nevada. While there is insufficient evidence to support disciplinary action, the Board believes that continuation of the activities that led to the investigation may result in further Board action against the licensee.

An advisory letter is a non-disciplinary action, and is not subject to review by either the Board or the Courts. See *Murphy v. Board of Medical Examiners of the State of Arizona*, 190 Ariz. 441, 949 P.2d 530 (App. 1997). However, you may file a written response to the letter with the Board within thirty days after its receipt A.R.S. § 32-1451(E)(3). Please do not include medical records or third party opinions as part of your response. Also, please remember that you are responsible for maintaining the confidentiality of any patient's identity. Finally, Board staff requests that the response not disclose the name of any medical consultant who may have reviewed the case or the name of any other healthcare provider associated with the matter in question.

If timely received, the response will be attached to the advisory letter and maintained in your permanent file.

Sincerely,

Michelle Robles  
Board Operations Manager  
E-mail: [board\\_coordinator@azmd.gov](mailto:board_coordinator@azmd.gov)



University of Nevada, Reno  
School of Medicine

## CERTIFICATE OF COMPLETION

The University of Nevada, Reno School of Medicine certifies that

PARTICIPANT NAME: Joyce Chang MD  
LICENSE NUMBER: 12643

has participated in the following educational activity:

COURSE TITLE: Best Practices & Tools for Prescribing  
Controlled Substances  
CONTACT HOURS: 22.00  
DATES: April 26-28, 2019  
LOCATION: Las Vegas, NV  
LEARNING FORMAT: Live activity

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Melissa O'Brien, MS  
Director, CME

The University of Nevada, Reno School of Medicine is accredited by the ACCME to provide continuing medical education for physicians.

This activity was designated for 22.00 hours of *AMA PRA Category 1 Credits™*.

This program meets the Nevada State Board of Medical Examiners' requirement for 2 hours of training related to ethics, pain management, or addiction care during each licensure period.

This program meets the Nevada State Board of Medical Examiners' requirement for 2 hours of training related to the misuse and abuse of controlled substances, the prescribing of opioids, or addiction during each licensure period.

This program meets the Nevada State Board of Medical Examiners' requirement for 2 hours of training related to suicide prevention, intervention and detection every 4 years.

SEP 07 2018

NEVADA STATE BOARD  
OF PHARMACY

## BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 18-029-CS-S
	)	
Petitioner,	)	
v.	)	NOTICE OF INTENDED ACTION
	)	AND ACCUSATION
JOYCE CHANG, MD,	)	
Certificate of Registration Nos. CS15881	)	
PD00340,	)	
	)	
Respondent.	/	

Larry L. Pinson, in his official capacity as Executive Secretary of the Nevada State Board of Pharmacy, makes the following that will serve as both a notice of intended action under NRS 233B.127(3) and as an accusation under NRS 639.241.

## I.

The Nevada State Board of Pharmacy ("Board") has jurisdiction over this matter because at the time of the events alleged herein, Respondent Joyce P. Chang, MD ("Chang") held an active Controlled Substance Registration, Certificate No. CS15881, and an active Practitioner Dispensing Registration, Certificate No. PD00340, both issued by the Board.

FACTUAL ALLEGATIONS

## II.

On May 10, 2018, the Nevada State Board of Medical Examiners ("BME") and investigators from the Board (collectively the "Investigators") conducted a joint investigation at Respondent Chang's medical office.

## III.

The Investigators found evidence of misconduct and violations of federal and state law involving prescription records and the unlawful prescribing and dispensing of controlled substances and dangerous drugs at Chang's medical office.

## IV.

Chang had established a procedure at her medical office wherein she “authorized” her medical assistant (“MA”) to create, sign and issue prescriptions for controlled substances and dangerous drugs on Chang’s behalf for Chang’s patients.

## V.

Chang’s MA routinely created, signed and issued prescriptions for controlled substances and dangerous drugs to Chang’s patients.

## VI.

Chang also “authorized” her MA to sign Chang’s name and issue prescriptions generated by other practitioners who treated Chang’s patients in Chang’s absence.

## VII.

Chang’s MA routinely signed Chang’s name and issued prescriptions generated by other practitioners who treated Chang’s patients in Chang’s absence.

## VIII.

Chang’s MA is not a practitioner. She is not licensed to practice medicine as a physician, physician’s assistant, or advanced practice registered nurse.

## IX.

Chang travelled out of the country and was therefore absent from her medical office on the following dates:

- March 18 – March 28, 2016,
- August 13 – August 19, 2016, and
- July 5 – July 17, 2017

Chang’s MA signed Chang’s name and issued approximately two-hundred and seven (207) controlled substance prescriptions while Chang was outside of the country. The MA also signed and issued prescriptions for dangerous drugs while Chang was absent.

## X.

Chang utilized an electronic medical record (EMR) system to chart patient records and electronically process and submit claims for payment to Medicaid and other health plan providers.

## XI.

Chang allowed practitioners who treated her patients during her absence to access her EMR for charting and billing patient visits using her sign-on credentials. The practitioner that actually examined the patient for Chang recorded his or her initials in the EMR under “Reason for Appointment.”

## XII.

Chang caused the practitioners who treated her patients to use her National Provider Identifier (NPI) at least 174 times while she was outside of the country to bill Medicaid and other commercial health insurance plans for services that Chang did not personally provide. Chang received reimbursement for those services.

## XIII.

During the May 2018 investigation at Chang’s medical office, the Investigators found multiple vials, bottles, and/or tubes containing expired medications stored in Chang’s medication room with medications that were not expired.

## XIV.

Pre-filled, unlabeled syringes containing an unidentified drug were stored in the refrigerator at Chang’s medical office.

## XV.

Multiple 30gm tubes containing various strengths of compounded Hydroquinone Tretinoin were stored in the refrigerator at Chang’s medical office with expired compounded creams.

## XVI.

Bags of partially used syringes of expired and unexpired Juvéderm and other unknown substances were stored in the refrigerator at Chang’s medical office.

## XVII.

Chang did not have and was not able to produce patient records documenting patient names and dates for the compounded Hydroquinone Tretinoin and Juvéderm syringes dispensed or administered by her office.



## XVIII.

Chang voluntarily surrendered her Drug Enforcement Administration (“DEA”) registration on or about June 29, 2018. The DEA has not stayed that surrender, and Chang does not currently have a DEA registration.

**APPLICABLE LAW**

## XIX.

No person may prescribe 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.

## XX.

Only a practitioner may issue a prescription for a controlled substance or dangerous drug, which practitioner is responsible for the proper prescribing and dispensing of the drug and is subject to penalties for violating the provisions of law relating to controlled substances. *See* NRS 453.377, NRS 454.215, NRS 639.013, NRS 639.235(1), and 21 C.F.R. §1306.04.

## XXI.

Each written prescription for a controlled substance must contain the handwritten signature of the prescribing practitioner. NRS 639.013(1)(a); NRS 639.235(2); NAC 453.440(1)(c); 21 CFR § 1306.05.

## XXII.

No person may prescribe 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).

## XXIII.

Each written prescription for a dangerous drug must contain the handwritten signature of the prescribing practitioner. NRS 639.013(1)(a); NRS 639.235(2); NRS 454.223; NAC 454.060(1).

## XXIV.

1. Except as authorized by the provisions of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to:
  - (a) Import, transport, sell, exchange, barter, supply, prescribe, dispense, give away or administer a controlled or counterfeit substance;
  - (b) Manufacture or compound a counterfeit substance; or

(c) Offer or attempt to do any act set forth in paragraph (a) or (b).  
NRS 639.321.

## XXV.

NRS 639.331 states in relevant part:

1. It is unlawful for a person knowingly or intentionally to:

....

(c) Assume falsely the title of or represent himself or herself as a registrant or other person authorized to possess controlled substances;

(d) Acquire or obtain or attempt to acquire or obtain possession of a controlled substance or a prescription for a controlled substance by misrepresentation, fraud, forgery, deception, subterfuge or alteration;

(e) Furnish false or fraudulent material information in, or omit any material information from, any application, report or other document required to be kept or filed under the provisions of NRS 453.011 to 453.552, inclusive, or any record required to be kept by those sections;

(f) Sign the name of a fictitious person or of another person on any prescription for a controlled substance or falsely make, alter, forge, utter, publish or pass, as genuine, any prescription for a controlled substance;

....

(i) Make a false representation to a pharmacist for the purpose of obtaining a controlled substance for which a prescription is required.

2. A person who violates this section is guilty of a category C felony and shall be punished as provided in NRS 193.130.

## XXVI.

A label with the proprietary or generic name, strength and expiration date must be affixed to each package or container in which a controlled substance or dangerous drug is administered. NRS 639.2801(7), (8) and (9).

## XXVII.

Expired medications must be removed from stock and secured in an area where they will not be used to fill prescriptions. NRS 639.282(d); NAC 639.510(3).

## XXVIII.

Each dispensing practitioner shall keep complete, accurate and readily retrievable records of each controlled substance and dangerous drug purchased and dispensed. NAC 639.745.

## XXIX.

A practitioner “who knowingly submits to the State...a charge or claim for drugs or medical supplies furnished to or for a person receiving medical care under any program of public assistance, which is false...is guilty of a category D felony...” NRS 639.2815.

## XXX.

“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).

## XXXI.

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).

## XXXII.

“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).

## XXXIII.

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).

## XXXIV.

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).

## XXXV.

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).

## XXXVI.

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).

## XXXVII.

“The surrender, revocation or a suspension that has not been stayed of any certificate, license or registration of a practitioner, as defined in NRS 453.126, 454.00958 or 639.0125, by a licensing board or the Drug Enforcement Administration operates as an immediate suspension of a certificate, license, registration or permit issued by the Board pursuant to this chapter or chapter 453 or 454 of NRS to possess, administer, prescribe or dispense drugs.” NRS 639.2107.

**FIRST CAUSE OF ACTION**  
**(Surrender of DEA Registration)**

## XXXVIII.

The surrender of Chang’s DEA registration, which has not been stayed, “operates as an immediate suspension” of Chang’s Controlled Substance Registration, Certificate of Registration No. CS15881, which the Board issued pursuant to NRS 453.226 and 453.231, and her Dispensing Practitioner Registration, Certificate of Registration No. PD00340, which the Board issued pursuant to NRS 639.742 *et al.* See NRS 639.2107.

**SECOND CAUSE OF ACTION**  
**(Aiding and Abetting the Unlawful Prescribing of Controlled Substances)**

## XXXIX.

By authorizing her MA, a non-practitioner, to create, falsely sign and issue prescriptions for controlled substances on Chang’s behalf and using Chang’s prescribing privileges, Chang violated and/or aided and abetted her MA in violating federal law, including 21 CFR § 1306.03, 21 CFR § 1306.04, and 21 CFR § 1306.05, and Nevada state law, including NRS 453.321(1)(a), NRS 453.331(1)(c), (d), (f) and (i), NRS 639.2813(1) and NAC 453.440(1)(c). By that conduct, Chang engaged in unlawful and unprofessional conduct and conduct contrary to the public interest as

defined in NAC 639.945(h), (i), (k), and (o). For that conduct, Chang is subject to discipline pursuant to NRS 639.210(1), (4), (11), (12) and (16), and NRS 639.255.

### **THIRD CAUSE OF ACTION**

#### **(Aiding and Abetting the Unlawful Prescribing of Dangerous Drugs)**

XL.

By allowing her MA, a non-practitioner, to create, falsely sign and issue prescriptions for dangerous drugs on Chang's behalf and using Chang's prescribing privileges, Chang violated and/or aided and abetted her MA in violating NRS 454.223(2)(a), NRS 454.311(1) and (2), NRS 639.235(1), NRS 639.2813(1) and NAC 454.060(1). By that conduct, Chang engaged in unlawful and unprofessional conduct and conduct contrary to the public interest as defined in NAC 639.945(h), (i), (k), and (o). For that conduct, Chang is subject to discipline pursuant to NRS 639.210(1), (4), (12) and (16), and NRS 639.255.

### **FOURTH CAUSE OF ACTION**

#### **(Prescribing to Patients Without a Bona Fide Relationship)**

XLI.

By allowing her MA, a non-practitioner, to create, falsely sign and issue prescriptions for controlled substances and dangerous drugs on Chang's behalf and using Chang's prescribing privileges for patients whom Chang had not examined personally, Chang, aided and abetted by her MA, unlawfully prescribed controlled substances and dangerous drugs to patients with whom she did not have a bona fide practitioner/patient relationship in violation of NRS 639.235 and/or NRS 639.23911(1)(a). Chang also engaged in unprofessional conduct as defined in NAC 639.945(1)(o). For her conduct, Chang is subject to discipline pursuant to NRS 639.210(1), (4), (12) and (16), and NRS 639.255.

### **FIFTH CAUSE OF ACTION**

#### **(Failure to Properly Store Expired Medications)**

XLII.

By failing to segregate expired medications from unexpired medications and secure those expired medications in an area where they could not be used to administer or fill prescriptions, Chang violated NRS 639.282(1)(d), NAC 639.510(3) and NAC 639.601(1). For that conduct, Chang

engaged in unprofessional conduct and conduct contrary to the public interest as defined in NAC 639.945(i). Chang is therefore subject to discipline pursuant to NRS 639.210(4) and (12), and NRS 639.255.

**SIXTH CAUSE OF ACTION**  
**(Failure to Maintain and Produce Records)**

XLIII.

By failing to keep and produce records documenting patient names and dates for the Hydroquinone Tretinoin and/or Juvéderm syringes dispensed or administered by Chang's Office, and by failing to maintain a recordkeeping system with a readily retrievable record of her patients' names and the dates for Hydroquinone Tretinoin and/or Juvéderm injections dispensed or administered by her office, Chang violated NRS 639.234(4) and NAC 639.745(1)(a) and 3. For that conduct, Chang engaged in unprofessional conduct and conduct contrary to the public interest as defined in NAC 639.945(h) and (i), and is subject to discipline pursuant to NRS 639.210(1), (4), (12), and (17), and NRS 639.255.

**SEVENTH CAUSE OF ACTION**  
**(Insurance Fraud)**

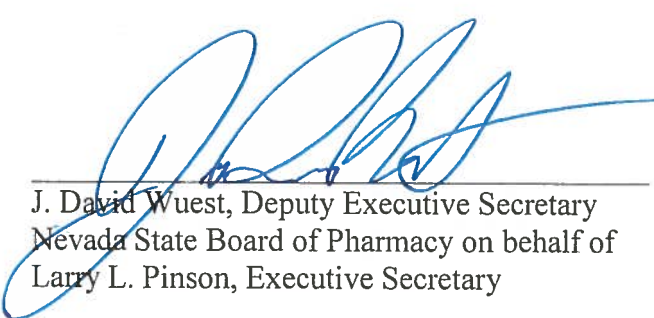
XLIV.

By allowing other practitioners to treat her patients and by billing Medicaid and other commercial health insurance plans using Chang's NPI number, thereby representing falsely that Chang provided the services and prescriptions personally, and by causing Medicaid and other commercial health insurance plans to submit payment to her office for services she did not provide, Chang engaged in fraudulent and unprofessional conduct and conduct contrary to the public interest as defined in NAC 639.945(h). For that conduct, Chang is subject to discipline pursuant to NRS 639.210(1), (4), and (12), NRS 639.255 and/or NAC 639.7105(10)(b).

WHEREFORE it is requested that the Nevada State Board of Pharmacy take appropriate disciplinary action with respect to the certificates of registration of these respondents.

[SIGNATURE ON FOLLOWING PAGE]

Signed this 7<sup>th</sup> day of September 2018.



J. David Wuest, Deputy Executive Secretary  
Nevada State Board of Pharmacy on behalf of  
Larry L. Pinson, Executive Secretary

**NOTICE TO RESPONDENT**

You have the right to show the Nevada State Board of Pharmacy that your conduct, as alleged above, complies with all lawful requirements regarding your certificate of registration. To do so, you must mail to the Board within 20 (twenty) days of your receipt of this Notice of Intended Action and Accusation a written statement showing your compliance.

**FILED**

OCT 10 2018

**BEFORE THE NEVADA STATE BOARD OF PHARMACY**NEVADA STATE BOARD  
OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 18-029-CS-S
	)	
Petitioner,	)	
v.	)	
	)	STIPULATION AND ORDER
JOYCE CHANG, MD,	)	
Certificate of Registration Nos. CS15881	)	
PD00340,	)	
	)	
Respondent.	/	

Brett Kandt, General Counsel for Petitioner the Nevada State Board of Pharmacy (Board), and Respondent JOYCE P. CHANG, MD, Certificate of Registration Nos. CS15881 and PD00340, by and through her counsel, L. Kristopher Rath, Esq., **HEREBY STIPULATE AND AGREE<sup>i</sup> THAT:**

1. The Board has jurisdiction over Respondent and this matter.
2. On or about September 7, 2018, Board Staff properly served the Notice of Intended Action and Accusation (Accusation) on file in this matter on Respondent, together with a Statement to Respondent and Notice of Hearing.
3. In lieu of filing an Answer to the Accusation, Respondent has entered into this Stipulation.
4. Respondent is fully aware of her right to seek the advice of counsel in this matter and obtained the advice of counsel prior to entering into this Stipulation.
5. Respondent is aware of her right to a hearing on the matters alleged in the Accusation, her right to reconsideration, her right to appeal and any and all other rights which may be accorded to her pursuant to NRS Chapter 233B (Nevada Administrative Procedure Act),

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<sup>i</sup> All agreements and admissions made by Respondent are solely for final disposition of this matter before the Board and any subsequent related administrative proceedings before the Board or civil litigation involving the Board and Respondent. Therefore, Respondent's agreements and admissions are not intended or made for any other use, such as in the context of another State or Federal government regulatory agency proceeding, any State or Federal civil or criminal proceeding, and State or Federal court proceeding, and/or any credentialing and/or privileges matter.



NRS Chapter 622A (Administrative Procedure Before Certain Regulatory Bodies), and NRS Chapter 639 (Nevada Pharmacy Act).

6. Conditioned on the acceptance of this Stipulation by the Board, and with the exception of her right to challenge any future determination that Respondent has failed to comply with the provisions of Paragraph 9 below, Respondent hereby freely and voluntarily waives her rights to a hearing, reconsideration, appeal and any and all other rights related to this action that may be accorded to her by NRS Chapter 233B (Nevada Administrative Procedure Act), NRS Chapter 622A (Administrative Procedure Before Certain Regulatory Bodies), and NRS Chapter 639 (Nevada Pharmacy Act).

7. Respondent does not contest nor admit the allegations in the Accusation, *to wit*, that Respondent:

A. Aided and abetted the unlawful prescribing of controlled substances in violation of federal law, including 21 CFR § 1306.03, 21 CFR § 1306.04, and 21 CFR § 1306.05, and Nevada law, including NRS 453.321(1)(a), NRS 453.331(1)(c), (d), (f) and (i), NRS 639.2813(1) and NAC 453.440(1)(c);

B. Aided and abetted the unlawful prescribing of dangerous drugs in violation of NRS 454.223(2)(a), NRS 454.311(1) and (2), NRS 639.235(1), NRS 639.2813(1) and NAC 454.060(1);

C. Unlawfully prescribed controlled substances and dangerous drugs to patients with whom she did not have a bona fide practitioner/patient relationship in violation of NRS 639.235 and/or NRS 639.23911(1)(a);

D. Failed to segregate expired medications from unexpired medications and secure those expired medications in an area where they could not be used to administer or fill prescriptions in violation of NRS 639.282(1)(d), NAC 639.510(3) and NAC 639.601(1);

E. Failed to keep and produce records documenting patient names and dates for Hydroquinone Tretinoin and/or Juvéderm syringes dispensed or administered by her office, and failed to maintain a recordkeeping system with a readily retrievable record of her patients'

names and the dates for Hydroquinone Tretinoin and/or Juvéderm injections dispensed or administered by her office, in violation of NRS 639.234(4) and NAC 639.745(1)(a) and 3; and

F. Engaged in conduct violative of NAC 639.945(1)(h) by allowing other practitioners to treat her patients and bill Medicaid and other commercial health insurance plans using Respondent's National Provider Identifier, thereby representing falsely that Respondent provided the services and prescriptions personally, and causing Medicaid and other commercial health insurance plans to submit payment to her office for services she did not provide.

8. Those violations are plead with particularity in the Accusation and are grounds for action pursuant to NRS 639.210 and NRS 639.255.

9. In order to resolve this matter without incurring any further costs or the expense associated with a hearing, and without Respondent admitting to the allegations in the Accusation, the Board and Respondent stipulate to the following penalties:

A. Respondent Joyce P. Chang's Controlled Substance Registration, Certificate No. CS15881, and Practitioner Dispensing Registration, Certificate No. PD00340, are each revoked effective upon approval of this Stipulation by the Board.

B. Unless and until Respondent applies for reinstatement of her controlled substance registration and/or her dispensing practitioner registration, and the Board reinstates her registration(s), Chang:

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

2) 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 her possession and/or control, other than a controlled substance lawfully prescribed and dispensed to her for her own personal use.

3) May not prescribe any controlled substance.

4) May not dispense any controlled substance or dangerous drug.

5) The provisions of Paragraph 9.B.(1) through 9.B.(4), inclusive, do not apply to any other practitioners who work at Dr. Chang's clinic or medical offices, whether employed by Dr. Chang's professional corporation or associated with Dr. Chang's professional corporation via independent contractor agreements, who hold their own active controlled substance and dispensing practitioner registrations issued by the Board.

C. Pursuant to NRS 639.257(1), Respondent may apply for reinstatement of her controlled substance and/or dispensing practitioner registrations after one (1) year has elapsed from the date of revocation.

D. In the event Respondent applies for reinstatement, or for any other registration or certificate with the Board, she shall appear before the Board to answer questions and give testimony regarding her application, her compliance with this Order, and the facts and circumstances underlying this matter. The Board may consider the testimony and information provided at said appearance, and in the event of denial of Respondent's application for reinstatement shall specify on the record the reasons therefor pursuant to NRS 639.138.

E. Respondent shall pay an administrative fee of Three-Thousand Dollars (\$3,000.00) to partially reimburse the Board for reasonable attorney's fees and costs incurred in investigating and prosecuting this matter. Respondent shall pay the administrative fee by *cashier's check* or *certified check* or *money order* made payable to "Nevada State Board of Pharmacy," to be received by the Board's Reno office located at 431 W. Plumb Lane, Reno, Nevada 89509, within thirty (30) days of approval of this Stipulation by the Board.

10. Any failure by Respondent to comply with the terms of this Stipulation and Order may result in issuance by the Executive Secretary of an order to show cause directing Respondent to appear before the Board at the next regularly-scheduled meeting for a show cause hearing. If such a hearing results in a finding of a violation of this Stipulation and Order by Respondent, the Board may impose additional discipline upon Respondent not inconsistent with the provisions of NRS Chapter 639.

11. General Counsel will present this Stipulation to the Board for approval pursuant to NRS 622.330 at the Board's regularly scheduled public meeting on October 10, 2018, in Las Vegas, Nevada. Respondent will appear at the meeting to answer questions from the Board Members and/or Board Staff. The Board Members and Staff may discuss and deliberate regarding this Stipulation, even if Respondent or her counsel are not present at the meeting.

12. The Board has discretion to accept this Stipulation, but it is not obligated to do so. If this Stipulation is approved by the Board it shall be a public record pursuant to NRS 622.330.


13. If the Board rejects any part or all of this Stipulation, and unless they reach an alternative agreement on the record during the hearing, the parties agree that a full hearing on the merits of this matter may be heard by the Board at a future Board meeting. The terms and admissions herein may not be used or referred to in a full hearing on the merits of this matter.


14. Subject to the approval of this Stipulation by the Board, the Board and Respondent agree to release each other from any and all additional claims arising from the facts set forth in the Accusation on file herein, whether known or unknown that might otherwise have existed on or before the effective date of this Order.

Respondent has fully considered the charges and allegations contained in the *Notice of Intended Action and Accusation* in this matter, and the terms of this Stipulation, and has freely and voluntarily agreed to the terms set forth herein, and waived certain rights, as stated herein.


AGREED:

Signed this 10<sup>th</sup> day of October, 2018

  
 JOYCE CHANG, MD  
 Certificate of Registration Nos. CS15881  
 PD00340

 '07/10/2018  
 L. Kristopher Rath (5749)  
 Counsel for Dr. Chang


Signed this 10<sup>th</sup> day of October, 2018

  
 BRETT KANDT, Esq.  
 General Counsel  
 Nevada State Board of Pharmacy

### DECISION AND ORDER

The Nevada State Board of Pharmacy hereby adopts the foregoing Stipulation as its decision as to Respondent Joyce P. Chang, MD, Certificate of Registration Nos. CS15881 and PD00340, in Case No. 18-029-CS-S and hereby orders that the terms of the foregoing Stipulation be made effective upon execution below.

10/10/18  
 Dated

  
 Leo Basch, President  
 Nevada State Board of Pharmacy