

IN THE SUPREME COURT OF THE STATE OF NEVADA

NEVADA OSTEOPATHIC MEDICAL  
ASSOCIATION, A NEVADA DOMESTIC  
NONPROFIT COOPERATIVE  
CORPORATION; AND BRUCE FONG,  
DO, HMD, AN INDIVIDUAL,

Appellants,

vs.

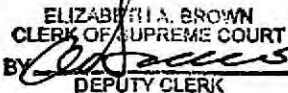
THE HONORABLE STEVE SISOLAK,  
AS GOVERNOR OF THE STATE OF  
NEVADA; NEVADA STATE BOARD OF  
PHARMACY, AN ADMINISTRATIVE  
AGENCY OF THE STATE OF NEVADA;  
AND STATE OF NEVADA, CHIEF  
MEDICAL OFFICER, IHSAN AZZAM,  
PH.D., M.D.,

Respondents.

No. 81734

FILED

NOV 20 2020

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER DISMISSING APPEAL*


This is an appeal from an order denying an emergency petition for a preliminary injunction. Second Judicial District Court, Washoe County; Scott N. Freeman, Judge.

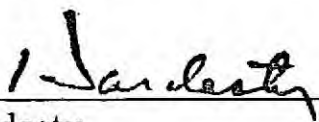
On March 23, 2020, Governor Sisolak issued an emergency regulation limiting Nevada health practitioners from prescribing hydroxychloroquine and chloroquine. Appellants filed an emergency petition for a preliminary injunction to enjoin enforcement of the regulation and to permit them to prescribe the drugs as they deemed necessary. The district court denied the petition, and appellants appeal. Respondents have filed a motion to dismiss the appeal on the ground that the appeal is moot because Governor Sisolak's order expired by operation of law on July 21, 2020, and the issue is no longer viable. *See* NRS 233.0631(4). Appellants


oppose the motion and argue the issues are capable of repetition yet evading review. Respondents have filed a reply.

Having considered the arguments of the parties, this court concludes that the issue on appeal is moot and not subject to an exception. While "other administrative agencies will enact emergency regulations in the future, the issues raised in those potential future cases would not be similar to the issues presented in this appeal." *Indep. Alcohol Distribs. of Nev., Inc. v. State Dep't of Taxation*, Docket No. 73883 (Order Dismissing Appeal, Nov. 28, 2018). The motion to dismiss is granted, and this court

ORDERS this appeal DISMISSED.

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Cadish

cc: Hon. Scott N. Freeman, District Judge  
Joey Gilbert Law  
Humphrey Law PLLC  
Attorney General/Carson City  
Courtney K. Lee  
Attorney General/Las Vegas  
W. Brett Kandt  
Washoe District Court Clerk