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NEVADA STATE BOARD OF PHARMACY

431 W Plumb Lane – Reno, NV 89509

CONTROLLED SUBSTANCE APPLICATION

Registration Fee: \$80.00 (non-refundable money order only, no cash)

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

First: Jorge Middle: Ysacc Last: Burgos Degree: MDPractice Name (if any): Jorge Burgos, MD, PCNevada Address: 1815 E. Lake Mead Blvd. #314 Suite #: 314

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

PO Box: n/a SS#: _____E-mail address: jorge@jorgeburgos.comCity: North Las Vegas State: NV Zip Code: 89030Work Telephone: 702-227-0022 Date of Birth: _____Fax: 702-227-0084 Sex: ☒ M or ☐ FPractitioner License Number: 10622 Specialty: Internal 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?...					
1. Been charged, arrested or convicted of a felony or misdemeanor in <u>any</u> state?				<input checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>
If you marked YES to any of the numbered questions (1-3) above, include the following information & provide an explanation and documentation:					
Board Administrative Action:	State	Date	Case #:		
<u>Suspension</u>	<u>NV</u>	<u>12/1/2017 to 4/1/2018</u>	<u>17-26547-1</u>		
Criminal Action:	State	Date	Charge	Location	
<u>Conviction</u>	<u>NV</u>	<u>7/27/2017</u>	<u>C-16-319451-1</u>	<u>Clark Las Vegas</u>	

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. Jorge Burgos

Date 1/14/2019

Board Use Only: : Date Processed: _____ Amount: 80.00



NEVADA STATE BOARD OF MEDICAL EXAMINERS

[Search](#)

Licensee Details

Person Information

Name: Jorge Y. BURGOS
Address: 6440 Sky Pointe Dr Ste 140-239
Las Vegas NV 89131
Phone: 7022270022

License Information

License Type: Medical Doctor
License Number: 10622 Status: Active-Probation
Issue Date: 8/27/2003 Expiration Date: 6/30/2019

Scope of Practice

Scope of Practice: Internal Medicine

Education & Training

School: Univ Nacional P H Urena / Sto Domingo, Dominican R
Medical
Degree\Certificate: Doctor
Degree
Date Enrolled:
Date Graduated: 4/21/1991
Scope of Practice:

School: Woodhull Medical Center / Brooklyn, NY
Degree\Certificate: Residency
Date Enrolled: 7/1/1999
Date Graduated: 6/30/2002
Scope of Practice: Internal Medicine

CURRENT EMPLOYMENT STATUS/CONDITIONS/RESTRICTIONS ON LICENSE AND MALPRACTICE INFORMATION

CURRENT CONDITIONS / RESTRICTIONS ON LICENSE #10622 Jorge Y. Burgos, M.D., License status to practice medicine: Active-Probation for 48-months. Dr. Burgos must be supervised at all times during any and all interactions with all female patients. Dr. Burgos successfully complete all requirements as established by the Eighth Judicial District Court and the Nevada Division of Parole and Probation. Dr. Burgos must abstain from personal use or possession of controlled substances and prescription drugs unless such controlled substance or prescription drug is lawfully prescribed to Dr. Burgos for a current bona fide illness or condition by a licensed practitioner. This is a disciplinary action and is reportable to the National Practitioner Databank.

Board Actions

SETTLEMENT AGREEMENT Case No. 17-26547-1 December 4, 2017 On December 1, 2017, the Nevada State Board of Medical Examiners accepted and approved a Settlement Agreement which allowed for an order to be entered finding Dr. Burgos violated NRS 630.301(9), NRS 630.301(11)(d) and NRS 630.301(11)(g), as set forth in the First Amended Complaint, and ordering that his license to practice medicine in the state of Nevada be suspended for a period of 4 months (December 2017 through March 2018), and that the suspension be lifted on April 2, 2018; that his license shall be subject to a term of probation for an indeterminate period of time, and he may petition the Board to lift the probationary condition upon his license after 48 months. In the event Dr. Burgos intends to practice medicine during the probationary period, the following terms and conditions shall apply: (1) Dr. Burgos must be supervised at all times during any and all interactions with female patients, with a formal monitoring agreement with approved and identified monitors, through the entire probationary period or until further order of the Board; (2) Dr. Burgos shall successfully complete all requirements as established by the Eighth Judicial District Court and the Nevada Division of Parole and Probation; (3) Dr. Burgos agrees to abstain from the personal use or possession of controlled substances and prescription drugs, unless such controlled substance or prescription drug is lawfully prescribed to him by a licensed practitioner for a current bona fide illness or condition; he will abstain from the use of any and all other mood-altering substances for any other purpose than the purpose for which the substance is intended; and he will no longer be allowed to prescribe medications to himself; (4) Dr. Burgos shall complete all terms and conditions of any criminal sanctions incurred before or during the period of the Settlement Agreement, including probation or parole, and if, or when, the Nevada Division of Parole and Probation terminates its probationary period of Dr. Burgos, then Dr. Burgos can petition the Board for a termination of the Board's

probationary period. The Board further ordered that Dr. Burgos receive a public reprimand; complete 6 hours of CME, in addition to his statutory CME requirements for licensure; and reimburse the Board's fees and costs incurred in the investigation and prosecution of the case against him. SETTLEMENT AGREEMENT: 9 pages

FIRST AMENDED COMPLAINT Case #17-26547-1 August 11, 2017 The Investigative Committee of the Nevada State Board of Medical Examiners filed a formal complaint against Jorge Ysacc Burgos, M.D. alleging three violations of Nevada Revised Statutes (NRS) Chapter 630. Count I: Alleges a violation of NRS 630.301(9), engaging in conduct that brings the medical profession into disrepute; Count II: Alleges a violation of NRS 630.301(11)(d), conviction of a sexually related crime; Count III: Alleges a violation of NRS 630.301(11)(g), conviction of an offense involving moral turpitude. 5 pages FORMAL COMPLAINT Case #17-26547-1 August 11, 2017 The Investigative Committee of the Nevada State Board of Medical Examiners filed a formal complaint against Jorge Ysacc Burgos, M.D. alleging three violations of Nevada Revised Statutes (NRS) Chapter 630. Count I: Alleges a violation of NRS 630.301(9), engaging in conduct that brings the medical profession into disrepute; Count II: Alleges a violation of NRS 630.301(11)(g), conviction of a sexually related crime; Count III: Alleges a violation of NRS 630.301(11)(g), conviction of an offense involving moral turpitude. 5 pages

Please note that the settlement of a medical malpractice action may occur for a variety of reasons that do not necessarily reflect negatively on the professional competence or conduct of the provider. Therefore, there may be no disciplinary action appearing for a licensee even though there is a closed malpractice claim on file. A payment in the settlement of medical malpractice does not create a presumption that medical malpractice occurred. Sometimes insurance companies settle a case without the knowledge and/or agreement of the physician. This database represents information from insurers to date. Please note: All insurers may not have submitted claim information to the Board.

Close Window

JORGE Y. BURGOS, M.D., P.C.

INTERNAL MEDICINE

January 14, 2019

Nevada State Board of Pharmacy
431 W. Plumb Lane
Reno, NV 89509

Re: Renewal CS 12011/New application

Dear Sir or Madam,

As requested in the Controlled Substance Application form, I am providing the explanation of the affirmative answers in questions 1 and 2.

I was convicted on 7/27/2017 for misdemeanor charges explained in case C-16-319451-1, in Clark County, Las Vegas. As consequence of this conviction, the Nevada Board of Medical Examiners (NBME) executed administrative actions, resulting in an affirmative response to question No. 2.

I have enclosed a letter from the NBME with the specifics of the settlement agreement of my case #17-26547-1. This letter explains the actions taken by the Board and the nature of the criminal case conviction as well. I hope this letter provides sufficient information for your purposes.

I also attached a copy of the letter I sent to you during the four months that my medical license was suspended, as a reference to my commitment to keep the Board of Pharmacy informed of my case. My medical license is currently active.

Please advise if additional information is necessary. You can reach me at 702.227.0022 ext. *815 or directly at my mobile phone

Respectfully,


Jorge Burgos, MD

1815 E. Lake Mead Blvd., Suite 314, North Las Vegas, NV 89030
TEL.: 702.227.0022 FAX: 702.227.0084

NEVADA STATE BOARD OF MEDICAL EXAMINERS

1105 Terminal Way, Suite 301
Reno, NV 89502-2144

Rachakonda D. Prabhu, M.D.
Board President

Edward O. Cousineau, J.D.
Executive Director



December 12, 2017

Jorge Ysacc Burgos, M.D.
c/o Crane Pomerantz, Esq.
SklarWilliams, PLLC
410 S. Rampart Blvd., Suite 350
Las Vegas, NV 89145

Re: Compliance Case #17-26547-1

Dear Dr. Burgos:

On December 1, 2017, the Nevada State Board of Medical Examiners, approved and accepted the Settlement Agreement regarding the complaint filed on Case No. 17-26547-1 finding the following:

- Respondent admits to the following:
- One (1) count of violating NRS 630.301(9) (engaging in conduct that brings the medical profession into disrepute);
- One (1) count of violating NRS 630.301(11)(d) (conviction of a sexually related crime);
- One (1) count of violating NRS 630.301(11)(g) (conviction of an offense involving moral turpitude).

As a result the Board entered its **ORDER** as follows:

- Respondent agrees to allow his license to practice medicine in the State of Nevada to be suspended (Suspension) for FOUR (4) MONTHS (December 2017, January thru March 2018) following the date of this Agreement's acceptance, adoption and approval by the Board, and Respondent will have his suspended license status lifted on Monday, April 2, 2018;
- Respondent's license shall be subject to a term of probation (Probationary Period) for an indeterminate period of time and he may petition the Board to lift the probationary condition placed upon his license after forty-eight (48) months from the date of the Board's acceptance, adoption and approval of this Agreement;
 - Respondent must be supervised at all times during any and all interactions with all female patients, with a formal monitoring agreement with approved and identified monitors, throughout the entire Probationary Period or until further order of the Board;
 - Respondent shall successfully complete all requirements as established by the Eighth Judicial District Court and the Nevada Division of Parole and Probation;
 - Respondent agrees to abstain from the personal use or possession of controlled substances and prescription drugs, unless such controlled substance or prescription drug is lawfully prescribed to Respondent for a current bona fide

illness or condition by a licensed Practitioner. Respondent shall abstain from the use of any and all other mood-altering substances for any other purpose than the purpose for which the substance is intended. Respondent will no longer be allowed to prescribe medications to himself;

- Respondent shall complete all terms and conditions of any criminal sanctions incurred before or during the period of this Agreement, including probation or parole, and if, or when, the Nevada Division of Parole and Probation terminates its probationary period of Respondent, then Respondent can petition the Board for a termination of the Board's Probationary Period.
- Respondent will pay the costs and expenses incurred in the investigation and prosecution of the above-referenced matter within one hundred twenty (120) days of the Board's acceptance, adoption and approval of this Agreement, the current amount being \$1500.00;
- Respondent shall take six (6) hours of continuing medical education (CME) related to family practice, boundary issues, and professionalism within the work place within twelve (12) months from the date of the Board's acceptance, adoption and approval of this Agreement;
- Respondent shall be issued a Public Letter of Reprimand.

Your compliance with the terms and conditions pertaining to **CME's and Probation Requirements** will be monitored by the Compliance Unit.

Your compliance with the terms and conditions pertaining to **Administrative Costs and Fines** will be monitored by Donya Jenkins, Finance Manager. Please contact Ms. Jenkins at (775) 324-9354 for any questions or concerns regarding payment of costs and fines.

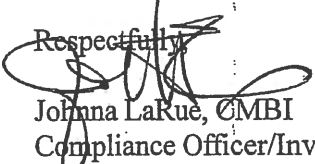
Included in the Order are mandatory actions that you must fulfill some of which include:

- 1.) The costs in the amount of \$1500.00 are due by April 3, 2018.
- 2.) The 6 hours of CME related to family practice, boundary issues, and professionalism within the work place must be completed by December 4, 2018. Please keep in mind that the CME must be pre-approved so you must submit to me a synopsis of the CME well in advance of the due date.

Please contact me, in writing within 21 days and provide the most expeditious method of contacting you. Thereafter, please update me immediately upon any change in your contact information. You may mail the information to the address below, fax it to 775-688-2553 or e-mail it to me at jlalrue@medboard.nv.gov. In addition, any additional information required from you should be submitted to the same contact numbers and address.

If you have any questions please call or write. Thank you for your cooperation on this matter.

Respectfully,


 Johanna LaRue, CMBI
 Compliance Officer/Investigator
 Nevada State Board of Medical Examiners
 1105 Terminal Way, Suite 301
 Reno, NV 89502
 (775) 324-9377

JORGE Y. BURGOS, M.D., P.C.

INTERNAL MEDICINE

December 11, 2017

Nevada State Board of Pharmacy
431 W. Plumb Lane
Reno, NV 89509

RE: Jorge Burgos, MD
Licensee No. CS12011

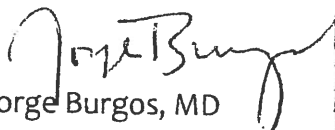
Dear Sir or Madam,

I regret to inform you that my medical license No. 10622 has been temporarily suspended by the Nevada State Board of Medical Examiners (NSBME).

This suspension is stipulated in the Settlement Agreement with the NSBME, Case No. 17-26547-1, for a period of four months, starting on December 1, 2017 and ending on April 1, 2018.

Should you need additional information, please do not hesitate to contact my Office at 702.227.0022 option 5 or myself at

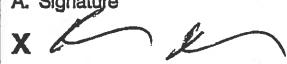
Sincerely,


Jorge Burgos, MD

JB/nb

1815 E. Lake

Tel

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature </p> <p><input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to: Nevada State Board of Pharmacy 431 W. Plumb Lane Reno, NV 89509</p>		<p>B. Received by (Printed Name) Kris May 25/17</p>	<p>C. Date of Delivery 12/14/17</p>
<p>2. Article Number (Transfer from service label) 7017 0530 0000 4715 7861</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) </p>		<p> <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery </p>	

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

RENO NV 89509 OFFICIAL USE

Certified Mail Fee \$3.35
\$
Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$0.00
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.49
\$
Total Postage and Fees \$6.59
\$

Sent To Nevada State Board of Pharmacy
Street and Apt. No., or P.O. Box No. 431 W. Plumb Lane
City, State, ZIP+4® Reno, NV 89509

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions



9B

NEVADA STATE BOARD OF PHARMACY

431 W Plumb Lane – Reno, NV 89509

CONTROLLED SUBSTANCE APPLICATION

Registration Fee: \$80.00 (non-refundable money order only, no cash)

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

First: MEHRAN Middle: _____ Last: SALEK Degree: M.D.

Practice Name (if any): HENDERSON WELLNESS OB GYN

Nevada Address: 1552 W. WARM SPRING HENDERSON NV 89014 Suite #: 100

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

PO Box: N/A

SS#: _____

E-mail address: holly@deserttreatment.com

City: HENDERSON

State: NV

Zip Code: 89014

Work Telephone: 702-933-5544

Date of Birth: _____

Fax: 702-992-9954

Sex: ☒ M or ☐ F

Practitioner License Number: 10490

Specialty: OB GYN

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 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"/>
If you marked YES to any of the numbered questions (1-3) above, include the following information & provide an explanation and documentation:			
Board Administrative Action:	State	Case #:	
Criminal Action:			

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.

Date

Board Use Only: : Date Processed: _____

Amount: 80.00

E-MAILED
jm 2/7

NEVADA STATE BOARD OF PHARMACY

431 W Plumb Lane – Reno, NV 89509

CONTROLLED SUBSTANCE APPLICATION

Registration Fee: \$80.00 (non-refundable money order only, no cash)

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

First: NEHRAN Middle: _____ Last: SALEK Degree: MD

Practice Name (if any): HENDERSON WELLNESS OB GYN

Nevada Address: 1552 W. WARM SPRINGS HENDERSON NV 89014 Suite #: 100

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

PO Box: N/A SS#: _____

E-mail address: holly@deserttreatment.com

City: HENDERSON State: NV Zip Code: 89014

Work Telephone: 702-933-5544 Date of Birth: _____

Fax: 702-992-9954 Sex: ☒ M or ☐ F

Practitioner License Number: 14490 Specialty: OB GYN

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 type="checkbox"/>	<input checked="" type="checkbox"/>
If you marked YES to any of the numbered questions (1-3) above, include the following information & provide an explanation and documentation:			
Board Administrative Action:	State	Case #:	
	<u>NV</u>	<u>A 520279</u>	
Criminal Action:	<u>None</u>		

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.

M. SALEK
Original Signature, no copies or stamps accepted.

2/27/19
Date

Board Use Only : Date Processed: _____ Amount: _____

Summary of events

In December 2004 while working at my practice I received a disturbing phone call from Nevada medical Board of examiners. There was a letter from Dr. Nejad that claimed I had forged his signature and all my documents were false. The board claimed to have a witness too that had seen all the documents himself (However, no witness ever introduced). In a matter of minutes I had to stop working and everything that I have worked for my entire life came to holt. I have summarized the events since that event.

- 1- In late 2005 I traveled to Iran and went to University to obtain a copy of file. University and Dr. Nejad refused to cooperate with me. My request for receiving a copy of my file was rejected. As I was challenging Dr. Nejad and his office, they were accusing me that I have not graduated and they are pressing with their investigation. I had to ask the ministry of health for mediation. I asked for an investigation by the ministry of health and asked to receive a copy of my file and any documents or evidence from the university.
- 2- 2 months after my initial complaint to the ministry of health. The issue was discussed in front of a committee in the ministry of health however, because of a letter from Dr. Nejad and the university to the committee. The committee did not deliver on the issue and said that they could not interfere in internal issues of the university. My further objections did not receive any attention.
- 3- After initial rejection, I tried to take Dr. Nejad and University to criminal court for false accusations and withholding my documents. After several months, I was told that the matter does not belong to criminal court and no crime has been committed.
- 4- In mid 2006, due to lack of progress, I hired a lawyer and after discussion with him, I was told that I needed to take the university to administrative court and prove that I was a graduate of that university. I was also told that the court very rarely vote against a governmental institution. However, we decided to make the complaint to the only court that deals with irregularities inside the governmental institutions.
- 5- Administrative Court of Justice is a highest court in land that individuals can take their grievances against an official governmental entity. We presented our case with supporting documents from hospitals, individual doctors that knew me, official records that I had and much more to this court. The university on the other hand, postponed presenting any document whatsoever but submitted some incoherent letters from doctor Nejad repeating his claims without any evidence. The University made every attempt to postpone the case. They requested postponement three times as allowed by

law to provide more evidence against me but they never presented any evidence. At the end, the judge in the case and his two advisors ruled against the University and ruled that the medical degree to be conferred. The judge also ordered the file to be sent to the University's special committee to rectify the damage to my career.

- 6- The judgment of March 17, 2007 was not given to us till May 2007. With the explicit order of the court regarding the degree we took the decision back to the ministry of health. The ministry of health has a committee for special cases that convenes twice the year. This committee that includes the minister of health or his/her representative ruled in my favor on February 2008 and ordered the University to comply with court order.
- 7- The university did not comply with the court order or the ministry of the health. Dr. Nejad personally appeared in front of the ministry of health and warned that any change in this case irreversibly damage the credibility of the university. However after almost 2 years and many more meeting in the university and under pressure from the ministry of health. The New Dean of the university and a special committee decided to reissue my diploma. However, they recommended to ministry of health that I would be sent to few hospitals for evaluation of my skills since I had not practiced medicine for a few years.
- 8- I have passed all the evaluations set forth by the university. I also met many of current colleagues during that time which led to eventual hiring by the University of Tehran.
- 9- In February 2011, after 7 years of struggle, I received a reissued diploma.
- 10- I was the only teaching professor of Obstetrics and Gynecology that is been allowed to work in his field after the revolution. I am associate professor of Obstetrics and Gynecology in the University of Tehran.
- 11- After the review of all data and also several direct source verification, ECFMG restored my ECFMG certificate in a unanimous Board decision in 2013.
- 12- In 2016, I applied for Nevada license and appeared in front of the board in June 30th, 2018. It was decided that I take the SPEX test and appear in front of the board for a final decision in November meeting.
- 13- I took SPEX in October of 2018 and passed and subsequently and received my unrestricted license to practice medicine on December 5th, 2018.

Department of Justice
Immigration and Naturalization Service

Petition for Name Change

UNITED STATES DISTRICT COURT, DISTRICT OF NEVADA, LAS VEGAS NEVADA

(NAME OF COURT)

As part of the naturalization process, you have the opportunity to legally change your name. Please complete lines 1 - 8 (Type or print clearly).

My full and correct name (current name):

1. MOHAMMAD HASSAN FANI SALEK
(FIRST) (MIDDLE) (LAST)

2. Address: Crescent Meadows Ct Henderson, NV 89052
(Number/Street) (City/State) (Zip Code)

3. Country of Nationality: Iran 4. Date of Birth: _____
(Month) (Day) (Complete Year)

5. Alien Registration Card (Green Card) Number: _____

6. I certify that I am not seeking a change of name for any unlawful purpose such as the avoidance of debt or evasion of law enforcement.

7. I petition the court to change my name to:

MEHRAN SALEK
(FIRST) (MIDDLE) (LAST)

8. Date: 12/15/2005

Mohammad Hassan Fani-Salek
Signature of Petitioner, (current name)

CERTIFICATION OF NAME CHANGE

I CERTIFY THAT THE ABOVE PETITION WAS GRANTED BY THE COURT ON FEB 27 2006
(Date)

LANCE S. WILSON

(Clerk)
(Deputy Clerk)

IMPORTANT INFORMATION

Your copy of this petition, along with your Certificate of Naturalization, which you will receive upon taking the oath of allegiance, will verify that you elected to change your name. Your Certificate of Naturalization bears your new name as changed per Order of the Court.

ani-Salek, Mohammed H., M.D. | License No. 10888
03/17/2006

The Nevada State Board of Medical Examiners entered a Findings of Fact, Conclusions of Law and Order whereby Dr. Fani-Salek was found guilty of violating NRS 630.304(1), i.e., for obtaining a license to practice medicine by fraud, misrepresentation or by false, misleading inaccurate or incomplete statements. The Board ordered that Dr. Fani-Salek's license to practice medicine in the state of Nevada be revoked, that he pay a fine in the amount of \$5,000.00 within ninety (90) days of the Order and that he pay \$10,645.54 for administrative costs due within ninety (90) days of the Order

Nevada
Appellate Courts

Appellate Case Management System

C-Track, the browser based CMS for Appellate Courts

Cases

Disclaimer: The information and documents available here should not be relied upon as an official record of action.

Only filed documents can be viewed. Some documents received in a case may not be available for viewing.

Some documents originating from a lower court, including records and appendices, may not be available for viewing.

For official records, please contact the Clerk of the Supreme Court of Nevada at (775) 684-1600.

Case Information: 48522

Short Caption:	FANI-SALEK VS. STATE, BD. OF MEDICAL EXAM'RS	Court:	Supreme Court
Lower Court Case(s):	Clark Co. - Eighth Judicial District - A520279	Classification:	Civil Appeal - Administrative Agency - General
Disqualifications:		Case Status:	Remittitur Issued/Case Closed
Replacement:		Panel Assigned:	Panel
To SP/Judge:	12/12/2006 / Shirinian, Ara	SP Status:	Completed
Oral Argument:		Oral Argument Location:	
Submission Date:	03/13/2008	How Submitted:	

+ Party Information

Docket Entries

Date	Type	Description	Pending?	Document
12/07/2006	Filing Fee	Filing Fee due.		
12/07/2006	Notice of Appeal Documents	Filed Certified Copy of Notice of Appeal/Settlement. Notice Re Settlement Conference Program and Suspension of Rules mailed to all counsel. (The requesting of transcripts and briefing are stayed pursuant to NRAP 16(a)(1). Docketing Statement Form mailed to counsel for appellant(s).)		06-25026
12/07/2006	Notice/Outgoing	Issued Notice to Pay Supreme Court Filing Fee. Due Date: 10 days		
12/08/2006	Filing Fee	Received Filing Fee Paid		

		on Filing. \$250.00 from Kolesar & Leatham, Chtd. - check no. 17117.	
12/12/2006	Settlement Notice	Issued Notice: Assignment to Settlement Program. Settlement Judge: Ara H. Shirinian.	
12/15/2006	Transcript Request	Filed Certificate of No Transcript Request.	06-25681
12/19/2006	Docketing Statement	Filed Docketing Statement.	06-25889
01/05/2007	Settlement Program Report	Filed ECAR/Appropriate for Settlement Program. This case is appropriate for mediation and a settlement conference will be scheduled.	07-00333
01/22/2007	Settlement Program Report	Filed Interim Settlement Program Report. The settlement conference is continued to the following date: March 15, 2007.	07-01626
03/26/2007	Settlement Program Report	Filed Interim Settlement Program Report. The settlement conference is continued to the following date: May 1, 2007.	07-06764
05/07/2007	Settlement Program Report	Filed Interim Settlement Program Report. The settlement conference is continued to the following date: July 13, 2007.	07-10116
07/20/2007	Settlement Notice	Issued Notice: Final Settlement Report.	07-15936
07/23/2007	Settlement Program Report	Filed Final Report/No Settlement. The parties were unable to agree to a settlement of this matter.	07-16001
07/27/2007	Settlement Order/Procedural	Filed Order: No Settlement/Briefing Reinstated. The parties were unable to agree to a settlement. Appellant: 15 days to request transcripts; 90 days to file and serve opening brief and appendix.	07-16584
09/10/2007	Brief	Filed Opening Brief.	07-19950
09/10/2007	Appendix	Filed Joint Appendix. Vols. 1 through 3.	07-19953
09/10/2007	Notice/Outgoing	Issued Notice to Request Transcripts.	07-19967
09/19/2007	Transcript Request	Filed Certificate of No Transcript Request.	07-20705
10/05/2007	Brief	Filed Answering Brief.	07-22052
10/22/2007	Brief	Filed Reply Brief.	07-23227
03/13/2008	Order/Procedural	Filed Order/Submit on Briefs. Cause appearing, oral argument will not be scheduled and this appeal shall stand submitted for decision to the Southern Nevada Panel as of the	08-06263

		date of this order on the briefs filed herein.	
03/13/2008	Case Status Update	Submitted for Decision.	
05/28/2008	Order/Dispositional	Filed Order of Affirmance. "ORDER the judgment of the district court AFFIRMED." [Copies have been distributed per the ccs listed on the order.] SNP08-JH/RP/MD.	08-13345
06/24/2008	Remittitur	Issued Remittitur.	08-13741
06/24/2008	Case Status Update	Remittitur Issued/Case Closed.	
07/02/2008	Remittitur	Filed Remittitur. Received by County Clerk on June 27, 2008.	08-13741

[Combined Case View](#)

KOLESAR & LEATHAM, CHTD.

3320 West Sahara Avenue, Suite 380

Las Vegas, Nevada 89102

Tel: (702) 362-7800

Fax: (702) 362-94

1 NOAS

Matthew T. Dushoff, Esq.

2 Nevada Bar No. 004975

3 KOLESAR & LEATHAM, CHTD.

3320 W. Sahara Avenue, Suite 380

4 Las Vegas, Nevada 89102

Telephone: (702) 362-7800

5 Attorneys for Petitioner

Mohammad Hassan Fani-Salek, MD

FILED

DEC 4 12 46 PM '06

Shirley E. Longenecker
CLERK

DISTRICT COURT

CLARK COUNTY, NEVADA

FILED

9 MOHAMMAD HASSAN FANI-SALEK, MD,

Case No. A520279

DEC 07 2006

Dept. No. III

10 Petitioner,

11 vs.

No. 48522

JANETTE M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

NOTICE OF APPEAL

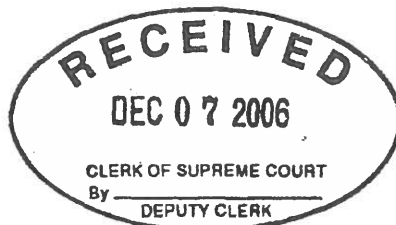
12 BOARD OF MEDICAL EXAMINERS OF
13 THE STATE OF NEVADA; JAVAID
14 ANWAR, MD; JEAN STOESS, MA; CINDY
15 LAMERSON, MD; MARLENE J. KIRCH;
16 BENJAMIN J. RODRIGUEZ, MD; and S.
17 DANIEL MCBRIDE, MD,

Respondents.

18 Notice is hereby given that Mohammad Hassan Fani-Salek, MD, Petitioner above named,
19 hereby appeals to the Supreme Court of Nevada from the Order Denying Petition for Judicial
20 Review entered November 13, 2006, with the written Notice of Entry of Order served on
21 November 21, 2006.

22 DATED this 1 day of December, 2006.

KOLESAR & LEATHAM, CHTD.



By

Matthew T. Dushoff, Esq.

Nevada Bar No. 004975

3320 W. Sahara Avenue, Suite 380

Las Vegas, Nevada 89102

Attorney for Petitioner

Mohammad Hassan Fani-Salek, MD

06-25026

1 ASTA

2 Matthew T. Dushoff, Esq.

3 Nevada Bar No. 004975

4 KOLESAR & LEATHAM, CHTD.

5 3320 W. Sahara Avenue, Suite 380

6 Las Vegas, Nevada 89102

7 Telephone: (702) 362-7800

8 Attorneys for Petitioner

9 Mohammad Hassan Fani-Salek, MD

DISTRICT COURT

CLARK COUNTY, NEVADA

MOHAMMAD HASSAN FANI-SALEK, MD,

Petitioner,

vs.

BOARD OF MEDICAL EXAMINERS OF
THE STATE OF NEVADA; JAVAID
ANWAR, MD; JEAN STOESS, MA; CINDY
LAMERSON, MD; MARLENE J. KIRCH;
BENJAMIN J. RODRIGUEZ, MD; and S.
DANIEL MCBRIDE, MD,

Respondents.

Case No. A520279

Dept. No. III

CASE APPEAL STATEMENT

1. Name of appellant filing this Case Appeal Statement:

Mohammad Hassan Fani-Salek, MD.

2. Identify the judge issuing the decision, judgment or order appealed from:

Judge Douglas W. Herndon.

3. Identify all parties to the proceedings in the District Court:

Mohammad Hassan Fani-Salek, MD; Board of Medical Examiners of the State of
Nevada; Javaid Anwar, MD; Jean Stoess, MA; Cindy Lamerson, MD; Marlene J. Kirch;
Benjamin J. Rodriguez, MD and S. Daniel McBride, MD.

4. Identify all parties involved in this appeal:

Mohammad Hassan Fani-Salek, MD; Board of Medical Examiners of the State of

FILED

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Shirley E. Langston
CLERK

9. Indicate the date the proceedings commenced in the District Court:

April 11, 2006.

DATED this 1 day of December, 2006.

KOLESAR & LEATHAM, CHTD.

By


Matthew T. Dushoff, Esq.

Nevada Bar No. 004975

3320 W. Sahara Avenue, Suite 380

Las Vegas, Nevada 89102

Attorney for Petitioner

Mohammad Hassan Fani-Salek, MD

CERTIFICATE OF SERVICE BY MAIL

I hereby certify that I am an employee of Kolesar & Leatham, Chtd., and that on the 4th day of December, 2006, I did cause to be served **CASE APPEAL STATEMENT** upon the parties listed, a true and correct copy of the foregoing by depositing same into the United States mail, first-class, postage prepaid, addressed as follows:

Nevada State Board of Medical Examiners
Attn: Bonnie Brand, Esq.
1105 Terminal Way, Suite 103
Reno, NV 89502
Attorney for Respondents



An Employee of Kolesar & Leatham, Chtd.

KOLESAR & LEATHAM, CHTD.

3320 West Sahara Avenue, Suite 380

Las Vegas, Nevada 89102

Tel: (702) 362-7800

Fax: (702) 362-94

DATE: 12/04/06
CASE NO. 06-A-520279-J

I N D E X

TIME 12:59 PM
JUDGE: Herndon, Douglas W

Fani-Salek MD, Mohammad [] vs Nevada State Board Of Medical [E]

0001 P1 Mohammad Fani-Salek MD 004975 Dushoff, Matthew
NO. 1 Goodman and Chesnoff
520 S Fourth
Las Vegas, NV 89101

0002 D1 Nevada State Board Of Medical 003321 Brand, Bonnie S.
Examiners NO. 1 3075 W. Plumb Lane
Reno, NV 89509

0003 D Javaid Anwar MD ?????? ## UNKNOWN ##

0004 D Jean Stoess MA ?????? ## UNKNOWN ##

0005 D Cindy Lamerson MD ?????? ## UNKNOWN ##

0006 D Marlene J Kirch ?????? ## UNKNOWN ##

0007 D Benjamin J Rodriguez MD ?????? ## UNKNOWN ##

0008 D S D McBride MD ?????? ## UNKNOWN ##

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0001	04/11/06	JUDR/JUDICIAL REVIEW Fee \$148.00	0001			
0002	04/11/06	IAFD/INITIAL APPEARANCE FEE DISCLOSURE	0001			
0003	04/12/06	CERT/CERTIFICATE OF SERVICE BY MAIL	0002		04/12/06	
0004	04/20/06	STAT/STATEMENT OF INTENT TO PARTICPATE	AL			
0005	05/12/06	NOAS/DESIGNATION OF RECORD FOR JUDICIAL REVIEW	AL			
0006	06/19/06	BREF/PETITIONERS OPENING BRIEF	*D		06/19/06	
0007	07/19/06	BREF/RESPONDENTS ANSWERING BRIEF	AL			
0008	07/27/06	BREF/PETITIONERS REPLY BRIEF	0001			
0009	08/10/06	HEAR/HEARING: PETITION FOR JUDICIAL REVIEW/1	AL	DN	09/26/06	
0010	11/13/06	ORDR/ORDER DENYING PETITION FOR JUDICIAL REVIEW	AL		11/13/06	
0011	11/13/06	JMNT/ORDER DENYING JUDICIAL REVIEW	0001		11/15/06	
0012	11/22/06	NOTC/NOTICE OF ENTRY OF ORDER	AL		11/13/06	

ORIGINAL
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1 ORDR

Nov 13 12 36 PM '06

Shirley S. Rungius
CLERK

DISTRICT COURT

CLARK COUNTY, NEVADA

8 MOHAMMAD HASSAN FANI-SALEK, M.D.,

9 Petitioner,

10 vs.

11 BOARD OF MEDICAL EXAMINERS OF THE
12 STATE OF NEVADA; JAVAID ANWAR, MD;
13 JEAN STOESS, MA; CINDY LAMERSON, MD;
14 MARLENE J. KIRCH; BENJAMIN J. RODRIGUEZ, MD;
and S. DANIEL MCBRIDE, MD,

15 Respondents.

Case No. A520279
Dept. No. 3

**ORDER DENYING
PETITION FOR
JUDICIAL REVIEW**

16 The above-entitled matter came on regularly for oral argument on September 26, 2006.

17 Petitioner was present in court with his counsel, Matthew T. Dushoff, Esq. Respondents were
18 represented in court by Bonnie Brand, General Counsel. The Court, being fully advised in the
premises, and having read all the briefs presented by both parties, makes the following findings and
order:

21 Through the enforcement of mandatory statutory licensing requirements, Respondents are
charged with protecting the public from unqualified physicians.

22 Respondents were faced with a reasonable indication that Petitioner had received his
23 unrestricted Nevada license to practice medicine through fraud or misrepresentation in the application
24 process.

25 Petitioner was given ample time within which to provide the required documentation showing
his compliance with the legal requirements of licensing as a physician in Nevada, but was unable to do
so.

RECEIVED

NOV 13 2006

CLERK

COUNTY CLERK

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RECEIVED

1 It was not improper for the Board to shift the burden of proof of qualification for licensure to the
2 Petitioner.

3 The reliable, probative and substantial evidence shows that Petitioner was unable to provide the
4 Board of Medical Examiners with adequate direct-source verification of the completion of his education
5 at Shahid Beheshti Medical School in Iran.

6 There are no indications of error of law, unlawful procedure, abuse of discretion, or erroneous,
7 arbitrary or capricious acts by Respondents. Therefore, this court must, and does, accept the evidence
8 as found by Respondents.

9 THEREFORE, IT IS HEREBY ORDERED that the Petition for Judicial Review is denied.

10
11 Signed this 8th day of November 2006

12
13 
14 District Court Judge
15

16 Order Submitted by:

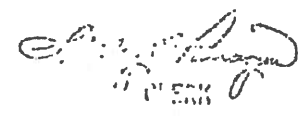
17 Bonnie Brand
18 Nevada Bar Number 3321
19 1105 Terminal Way, Suite 301
20 Reno, Nevada 89502
21 (775) 688-2559, ext. 247
22 Attorney for Respondents
23 Nevada State Board of Medical Examiners, et al.
24
25
26
27
28

8

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FILED

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2540
Bonnie Brand
Nevada Bar Number 3321
1105 Terminal Way, Suite 301
Reno, Nevada 89502
(775) 688-2559, ext. 247

Attorney for Respondent
Board of Medical Examiners of the State of Nevada

DISTRICT COURT
CLARK COUNTY, NEVADA

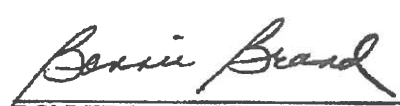
MOHAMMAD HASSAN FANI-SALEK, M.D.,
Petitioner,
vs.
NEVADA STATE BOARD OF MEDICAL
EXAMINERS,
Respondent.

Case No. A520279
Dept. No. 3

NOTICE OF ENTRY OF ORDER

Please take notice that on the 13th day of November 2006, the court entered an Order Dismissing Judicial Review in the above entitled matter. A copy of said Order is attached herewith.

Dated this 21st day of November 2006.


BONNIE S. BRAND
Nevada Bar No. 3321
General Counsel
Nevada State Board of Medical Examiners
P.O. Box 7238
1105 Terminal Way, Suite 301
Reno, Nevada 89510-7238
Telephone: (775) 688-2559

Attorney for Respondent Nevada State
Board of Medical Examiners

COUNTY CLERK

RECEIVED
NOV 22 2006

CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on the 21st day of November 2006, I served a copy of the foregoing NOTICE OF ENTRY, by mailing a true copy by US Postal Service, to the following:

Matthew T. Dushoff, Esq
Kolesar & Leatham, Chtd.
3320 W. Sahara Avenue, Suite 380
Las Vegas, Nevada 89102

Dated this 21st day of November 2006.



Angelia L. Donohoe
Legal Assistant

COPY

1 ORDR

FILED

Nov 13 12 36 PM '06

Linda E. Thompson
CLERK

5 DISTRICT COURT

6 CLARK COUNTY, NEVADA

8 MOHAMMAD HASSAN FANI-SALEK, M.D.,

9 Petitioner,

10 vs.

11 BOARD OF MEDICAL EXAMINERS OF THE
12 STATE OF NEVADA; JAVAID ANWAR, MD;
13 JEAN STOESS, MA; CINDY LAMERSON, MD;
14 MARLENE J. KIRCH; BENJAMIN J. RODRIGUEZ, MD;
15 and S. DANIEL MCBRIDE, MD,

16 Respondents.

Case No. A520279
Dept. No. 3

**ORDER DENYING
PETITION FOR
JUDICIAL REVIEW**

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1 It was not improper for the Board to shift the burden of proof of qualification for licensure to the
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7 arbitrary or capricious acts by Respondents. Therefore, this court must, and does, accept the evidence
8 as found by Respondents.

9 THEREFORE, IT IS HEREBY ORDERED that the Petition for Judicial Review is denied.

10
11 Signed this 8 day of November 2006

12 DOUGLAS W. HERNDON

13 _____
14 District Court Judge
15

16 Order Submitted by:

17 Bonnie Brand
18 Nevada Bar Number 3321
19 1105 Terminal Way, Suite 301
20 Reno, Nevada 89502
21 (775) 688-2559, ext. 247
22 Attorney for Respondents
23 Nevada State Board of Medical Examiners, et al.
24
25
26
27
28

PAGE: 001

MINUTES DATE: 09/12/06

CIVIL COURT MINUTES

06-A-520279-J Fani-Salek MD, Mohammad vs Nevada State Board Of Medical

09/12/06 09:00 AM 00 HEARING: PETITION FOR JUDICIAL REVIEW/1

HEARD BY: Douglas W Herndon, Judge; Dept. 3

OFFICERS: Carol Green, Court Clerk

PARTIES: 0001 P1 Fani-Salek MD, Mohammad
 004975 Dushoff, Matthew

Y

Y

As counsel for the Nevada State Board of Medical Examiners was not present, COURT ORDERED, matter CONTINUED. Mr. Dushoff advised that he will send another notice to the State Board.

CONTINUED TO: 09/26/06 09:00 AM 01

09/26/06 09:00 AM 01 HEARING: PETITION FOR JUDICIAL REVIEW/1

HEARD BY: Douglas W Herndon, Judge; Dept. 3

OFFICERS: Carol Green, Court Clerk

PARTIES: 0001 P1 Fani-Salek MD, Mohammad

Y

 0002 D1 Nevada State Board Of Medical Examiners
 003321 Brand, Bonnie S.

N

Y

Mr. Dushoff advised that they granted his license, then tried to shift the burden to Plaintiff to reprove his license. Stating that 630.348 applies, Mr. Dushoff argued the merits of motion, noting that verification was sent from school and transcripts were sent from school, but had stamps in Farsi. Mr. Brand argued that Plaintiff admitted that documents were provided by Plaintiff's father and that they did not receive anything directly from the school, noting that license was obtained, but it may have been obtained by fraud or misrepresentation. Further, Mr. Brand argued that they gave him a year to provide documentation, and he can reapply with proof to the Board that he graduated as proof of graduation which was submitted is not sufficient. Mr. Dushoff stated that is an absolute misrepresentation and Board and ECFMG requested documents directly from the school. Court stated that when a question is raised regarding the licensing of someone and whether it was done through fraud or misrepresentation, Court does not think it inappropriate for the Board to request additional information. Further, Court cannot disturb fact below and what was done below was proper according to the law. COURT ORDERED, Petition for Judicial Review is DENIED. Mr. Dushoff requested stay of \$10,000 fine. Court directed counsel to file appropriate motion.

PRINT DATE: 12/04/06

PAGE: 001

MINUTES DATE: 09/26/06

eff: 9/1/96

**COUNTY CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT**

**MATTHEW T. DUSHOFF, ESQ.
3320 W. SAHARA AVE., SUITE 380
LAS VEGAS, NV 89102**

DATE: December 5, 2006

CASE: A520279

**RE CASE: MOHAMMAD HASSAN FANI-SALEK, MD vs. BOARD OF
MEDICAL EXAMINERS OF THE STATE OF NEVADA**

NOTICE OF APPEAL FILED: 12/04/06

RULE 3(e) DOCUMENTS TRANSMITTED: 12/05/06

RULE 3(e) DOCUMENTS **NOT** TRANSMITTED/MISSING:
\$250-SUPREME COURT FILING FEE

EXPLANATION OF POSSIBLE DEFICIENCIES:

DOCUMENTS/FEE:

REFER TO:

PROCEDURE:

NOTICE OF APPEAL

NRAP 3(a)

\$24.00 District Court Filing Fee (if applicable).

CASE APPEAL STATEMENT

NRAP 3(a)(1)

To be filed with Notice of Appeal:
Lists information necessary for docketing in the supreme court: district court case number; party names; counsel names; trial judge; whether trial or appellate counsel was appointed; whether appellant is proceeding in forma pauperis; date the proceedings commenced in the district court {NRAP Form 2}*.

COST ON APPEAL BOND

NRAP 7

To be posted with Notice of Appeal
\$250 (Civil) {No Personal Checks}

\$250.00 FILING FEE

NRAP12
NRS 2.250

Check or money order payable to the Clerk of the Supreme Court for the docket filing fee. **Submit with Notice of Appeal*.**

*Must be mailed directly to Supreme Court if not submitted at time of filing Notice of Appeal

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Shirley B. Parraguirre, the duly elected, qualifying and acting Clerk of Clark County, in the State of Nevada, and Ex-Officio Clerk of the District Court, do hereby certify that the foregoing is a true, full and correct copy of the original.

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT
DOCKET ENTRIES; ORDER DENYING PETITION FOR JUDICIAL REVIEW; NOTICE OF ENTRY
OF ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

MOHAMMAD HASSAN FANI-SALEK, M.D.,)

Plaintiff(s),)

vs.)

Case No: A520279

Dept No: III

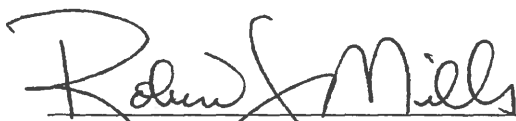
BOARD OF MEDICAL EXAMINERS OF THE)
STATE OF NEVADA; JAVAID ANWAR,)
M.D.; JEAN STOESS, M.A.; CINDY)
LAMERSON, M.D.; MARLENE J. KIRCH;)
BENJAMIN J. RODRIGUEZ, M.D.; S.)
DANIEL MCBRIDE, M.D.,)

Defendant(s),)

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 5 day of December 2006.

Shirley B. Parraguirre, Clark County Clerk


Robin J. Mills, Deputy Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

MOHAMMAD HASSAN FANI-SALEK,
M.D.,
Appellant,
vs.

No. 48522

BOARD OF MEDICAL EXAMINERS OF
THE STATE OF NEVADA; JAVAID
ANWAR, M.D.; JEAN STOESS, MA;
CINDY LAMERSON, M.D.; MARLENE
J. KIRCH; BENJAMIN J. RODRIGUEZ,
M.D.; AND S. DANIEL MCBRIDE, M.D.,
Respondents.

FILED

MAY 28 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order denying a petition for judicial review. Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

The parties are familiar with the facts, and we do not recount them except as pertinent to this disposition.

In this appeal, this court must determine whether respondent Board of Medical Examiners of the State of Nevada's decision to revoke appellant Doctor Mohammad Hassan Fani-Salek's license to practice medicine was arbitrary or capricious. We conclude that the Board's decision was not arbitrary or capricious because substantial evidence demonstrated that Dr. Fani-Salek's medical license was not lawfully acquired in the first place.

“This court has previously noted that in reviewing an administrative decision, this court’s role is ‘identical to that of the district court.’”¹ We must “review the evidence presented to the agency in order to determine whether the agency’s decision was arbitrary or capricious and was thus an abuse of the agency’s discretion.”²

Dr. Fani-Salek argues that the Board’s decision to revoke his medical license was arbitrary or capricious, and thus, an abuse of discretion because the Board relied upon uncorroborated hearsay evidence. In Real Estate Division v. Jones, we concluded that the “revocation or suspension of a lawfully acquired license constitutes an abuse of discretion by the disciplining authority unless the record reflects support in the form of sufficient competent evidence. Uncorroborated hearsay evidence does not measure up to the required standard.”³

In this case, the Board’s decision to revoke Dr. Fani-Salek’s license was based largely upon several letters it received from Dr. Tabatabaei Nejad, the director of educational affairs and graduate studies at Shaheed Beheshti University of Medical Sciences and Health Services. Dr. Nejad’s letters suggest that Dr. Fani-Salek failed to complete his educational requirements and has acquired his Nevada medical license

¹Weaver v. State, Dep’t of Motor Vehicles, 121 Nev. 494, 498, 197 P.3d 193, 196 (2005) (quoting United Exposition Service Co. v. SIIS, 109 Nev. 421, 423, 851 P.2d 423, 424 (1993)).

²Id. (quoting United Exposition Service Co., 109 Nev. at 423, 851 P.2d at 424).

³98 Nev. 260, 264, 645 P.2d 1371, 1373 (1982) (citing Biegler v. Nevada Real Est. Div., 95 Nev. 691, 695, 601 P.2d 419, 422 (1979)).

through the use of false or misleading documents. Dr. Fani-Salek argues that Dr. Nejad's letters constitute uncorroborated hearsay evidence, and thus, the Board's reliance upon these letters, in revoking his medical license, was an abuse of discretion.

We need not address whether these letters constitute uncorroborated hearsay evidence because substantial evidence supports the Board's finding that Dr. Fani-Salek's medical license was not lawfully acquired in the first place. Under Nevada law, the revocation or suspension of a license constitutes an abuse of discretion only when the license was lawfully acquired.⁴ In this case, Dr. Fani-Salek admitted to violating the Board's direct source verification policy by having his transcripts sent through his parents rather than directly from the medical school. In addition, Dr. Fani-Salek provided the Board with misleading information regarding his whereabouts from 1991 to 1995. Therefore, we conclude that there is substantial evidence in the record to support the Board's finding that Dr. Fani-Salek violated NRS 630.304(1) by acquiring his medical license through the use of false or misleading documents.⁵ Accordingly, we conclude the decision to revoke Dr. Fani-Salek's license was not arbitrary or capricious.

⁴See id. (concluding that "revocation or suspension of a lawfully acquired license constitutes an abuse of discretion by the disciplining authority") (emphasis added); cf. Schireson v. Shafer, 47 A.2d 665, 667 (Pa. 1946) (concluding that "[t]he power of the state to require a license implies the power to revoke a license which has been improperly issued").

⁵See NRS 630.304(1).

Dr. Fani-Salek also argues that judicial review is warranted because the Board improperly shifted the burden of proof and required him to prove that he graduated from medical school.⁶ The standards for revocation of a medical license state in pertinent part:

2. The Board shall not revoke a license . . . unless the Board finds by a preponderance of the evidence that the licensee committed a material violation of:

(a) Any provision of NRS 630.161 or 630.301 to 630.3065, inclusive; or

(b) Any condition, restriction or limitation imposed on the license.⁷

Specifically, NRS 630.165(5) provides that “[t]he applicant bears the burden of proving and documenting his qualifications for licensure.”⁸ In this case, the Board was concerned with the documents and affidavits submitted by Dr. Fani-Salek supporting his application for licensure. Therefore, we conclude that the Board did not improperly shift the burden of proof because the initial burden was on Dr. Fani-Salek to authenticate his documentation and qualifications for licensure.⁹ This he failed to do. Accordingly we,

⁶See NRS 630.348.

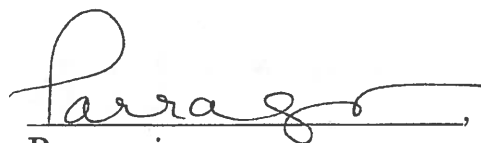
⁷NRS 630.348(2).

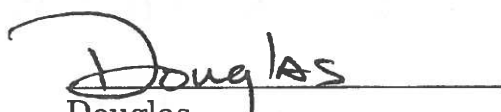
⁸NRS 630.165(5).

⁹Id.

ORDER the judgment of the district court AFFIRMED.

 J.
Hardesty

 J.
Parraguirre

 J.
Douglas

cc: Hon. Douglas W. Herndon, District Judge
Ara H. Shirinian, Settlement Judge
Kolesar & Leatham, Chtd.
Bonnie S. Brand
Eighth District Court Clerk

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

*** MINUTES ***

OPEN SESSION BOARD MEETING

Held in the Conference Room at the Offices of the
Nevada State Board of Medical Examiners
9600 Gateway Drive, Reno, Nevada 89521

and Videoconferenced to

the Conference Room at the Offices of the Nevada State Board
of Medical Examiners/Nevada State Board of Dental Examiners
6010 S. Rainbow Boulevard, Building A, Suite 1, Las Vegas, Nevada 89118

FRIDAY, JUNE 1, 2018 – 8:30 a.m.

Board Members Present

Rachakonda D. Prabhu, M.D., President
Wayne Hardwick, M.D., Vice President
Mr. M. Neil Duxbury, Secretary-Treasurer
Ms. Sandy Peltyn
Victor M. Muro, M.D.
Ms. April Mastroluca
Aury Nagy, M.D.
Michael C. Edwards, M.D., FACS
Weldon Havins, M.D., J.D.

Board Members Absent

None

Telephone 775-688-2559 • Fax 775-688-2321 • www.medboard.nv.gov • nsbme@medboard.nv.gov

Dr. Hardacre explained that she had appeared before the Board a year ago, seeking a medical license after taking a few years off, and presented a preceptorship plan, which the Board approved, to practice for a year under Dr. Hutson's guidance. That has been completed, so she was requesting that the condition be removed so she would have a true active license in the state of Nevada.

Dr. Hutson said they had practiced together over the last year, and she couldn't think of anyone she would rather be in practice with than Dr. Hardacre. Their practice is set up as a gynecology and urogynecology practice. Dr. Hutson focuses mostly on doing minimally-invasive surgery and in-office procedures, and brought Dr. Hardacre on to see new patients as consults coming in, and then she would operate on them. So Dr. Hardacre is doing in-office clinic gynecology, and Dr. Hutson does the surgery part of it, as well as some office gynecology. The practice model has worked amazingly well and has been very successful. Patients love Dr. Hardacre; Dr. Hutson loves practicing with her and has learned so much from her. Dr. Hutson said she thinks a year preceptorship was too much as far as determining whether Dr. Hardacre is ready to see patients and is doing a good job at what she is doing. She gives Dr. Hardacre a 12 out of 10 rating and asked that the Board lift her conditions because she is doing a fantastic job and she thinks the state of Nevada is lucky to have her.

Dr. Hardwick asked if it was correct that the preceptorship was originally for 12 months, but they wanted to end the preceptorship at 9 months. Dr. Hutson stated it was.

Ms. Mastroluca asked what Dr. Hardacre's future plans were.

Dr. Hardacre said she planned to continue working with Dr. Hutson.

Ms. Daniels complimented Dr. Hutson regarding the timeliness and thoroughness of her reports.

Dr. Hardwick moved that the Board lift the condition on Dr. Hardacre's license and complete the preceptorship at this point. Dr. Nagy seconded the motion, and it passed unanimously.

Agenda Item 8

CONSIDERATION OF REQUEST OF MEHRAN SALEK, M.D., FKA MOHAMMAD FANI-SALEK, M.D., FOR REMOVAL OF THE "REVOKED" LICENSURE STATUS ON HIS MEDICAL LICENSE AND AUTHORIZING THE BOARD TO PROCESS HIS CURRENTLY PENDING APPLICATION FOR LICENSURE

Maria Nutile, Esq. appeared with Dr. Salek as his legal counsel.

Ms. Nutile stated that even though the agenda item said "removal of the revoked licensure status," they really didn't have any hope for that; what they were looking for was a pathway for Dr. Salek to be able to reapply again to the Board. She said she had been involved in the case for 14 years, and then provided background regarding the matter, including the following. Dr. Salek completed his education in Iran, then residency training first in New York and then in Nevada, and was granted an unrestricted license to practice medicine in Nevada in 2004. He had been practicing for about 6 months when he was notified the Board had received letters from a Dr. Nejad in Iran with allegations he hadn't completed his medical training.

Ms. Nutile explained that Dr. Salek had completed his schooling. However, in Iran, after that, you are required to work for the Iranian government for a period of time from 3 to 5 years.

Dr. Salek only worked for a year and a half because if you don't want to work the rest of the time, you can pay the University, which he did. Eventually, he made his way to the U.S., where he finished residency and obtained his medical license. Ms. Nutile said she spoke with Bonnie Brand, General Counsel for at the Board at the time, who said the Board had received the letters and didn't want Dr. Salek to practice. Ms. Nutile advised Dr. Salek not to practice, and he agreed he would not do so. Ms. Brand said the Board would allow Dr. Salek get something to show that he graduated, even though he already had the certificates from the Educational Commission for Foreign Medical Graduates (ECFMG), and such. Relations between the U.S. and Iran were strained, and to this day, are strained. Someone contacted the Board and said he/she would go to Iran and talk to Dr. Nejad, and apparently did so. However, the name of that person was never disclosed to Dr. Salek, and that person never testified at the Board hearing. Ms. Nutile then read excerpts from Synopsis of the hearing officer who presided over the hearing, which included that he found "respondent's argument that Iran and the United States do not have the best relationship believable," "and therefore believable that Iran/Dr. Nejad may not be credible, especially since respondent was to provide medical services for some period in Iran after his graduation; respondent testified he did not fulfill this obligation." Ms. Nutile said additionally, the hearing officer found to be credible the declaration provided in support of Dr. Salek from an Arizona physician who had gone to the same school as Dr. Salek and graduated with him. However, that physician was not at the hearing. Ultimately, the hearing officer left the decision to the Board's discretion. The Board revoked Dr. Salek's license in 2005. Ms. Nutile said they realize the Board had the discretion to revoke Dr. Salek's license, but they believe there were other reasons. One was the President of the Board at that time was an OB/GYN with whom Dr. Salek had done a rotation at UMC, and they did not have the best relationship. He tried to get Dr. Salek ousted from the program because his work visa had expired. Dr. Salek appealed to the Nevada Supreme Court in 2006, and the Nevada Supreme Court upheld the Board's decision.

Ms. Nutile explained that the Ministry of Health in Iran investigated the matter of Dr. Salek's educational documents, but to complete its investigation, it needed Dr. Salek's file from the University, and the University, specifically Dr. Nejad, refused to release the file. Dr. Salek sued the University and, in 2007, the court ordered the University to turn over the file. It took until 2010 for the Ministry of Health to get the file, and in 2011, Dr. Salek's diploma was conferred. Dr. Salek was hired by the University of Tehran as an Associate Professor of OB/GYN and taught residents. At the same time, he started his private practice in Iran. In 2015, he stopped working at the University and continued solely with his private practice.

Ms. Nutile stated that in 2006, ECFMG revoked Dr. Salek's certificate due to the Board's action. After his diploma was issued and he obtained his license in Iran, Dr. Salek went to the ECFMG. The ECFMG held a hearing and rescinded the revocation, meaning that his certificate from 1999 still stands. Dr. Salek tried to reapply for a license in Nevada; however, due to changes in the regulation in 2007 regarding Step 3 of the United States Medical Licensing Examination (USMLE), Dr. Salek no longer meets the criteria to do so.

Mr. Cousineau explained the regulation allows 3 attempts to pass Step 3 and Dr. Salek took it 5 times, and that is why staff did not believe Dr. Salek was eligible for licensure.

Ms. Nutile said technically on its face, Dr. Salek wasn't eligible; however, at the time he took Step 3 of the USMLE, he would have had no way of knowing that if he took it 4 times, rather than 3, he wouldn't be able to apply to a particular state, and had his license not been revoked, he wouldn't be in this situation. She said he has tried to obtain a license in other states and the revocation in Nevada was an issue.

Ms. Nutile read NRS 630.160(2)(c), regarding examinations which provide eligibility for licensure, and stated the first two are no longer available, so there really was no other pathway. She said if you hold a license in another state, the number of times you take Step 3 of the USMLE doesn't matter because you can get a license by endorsement, but if you hold a license in another country, you can't apply for licensure by endorsement. So they were asking for some combination to be put together for a pathway for Dr. Salek to reapply. She said they think the whole purpose behind the number of times someone takes the USMLE is to show competency, and Dr. Salek could show his clinical competency. He has been practicing for the last 7 years and taught for 3 or 4 of those years as an associate professor.

Mr. Cousineau said he wanted the Board to understand that what they were referring to relates specifically to subsection (3) of NRS 630.160(2)(c), the USMLE requirement. He said based on statute and regulation, there is no legal way to give Dr. Salek an opportunity to obtain licensure other than to allow Dr. Salek to sit for the SPEX examination, and the Board has to sponsor an individual to sit for that examination.

Ms. Nutile said she would not concede there is no legal way because she thinks the statute trumps the regulation and the Board has discretion; however, Dr. Salek would be very willing to demonstrate his competency by sitting for the SPEX examination; he is not opposed to that.

Discussion ensued regarding whether it would be appropriate for the Board to rescind revocation of Dr. Salek's license.

Mr. Cousineau asked Dr. Salek whether he would be able to sit for his ABMS boards with a revocation, and Dr. Salek said he could.

Mr. Cousineau asked whether, if Dr. Salek took the SPEX examination and received his license in Nevada, he would be willing to not practice medicine until he passed his ABMS Boards.

Dr. Salek stated the ABMS would be next year.

Discussion ensued regarding how the Board should proceed.

Dr. Muro moved that the Board sponsor Dr. Salek to sit for the SPEX examination. Dr. Hardwick seconded the motion.

Mr. Cousineau stated that Dr. Salek would have to come back before the Board after that.

Ms. Nutile said they understood that.

A vote was taken on the motion, and it passed unanimously.

Agenda Item 9

CONSIDERATION OF RECOMMENDATIONS FROM THE NEVADA STATE BOARD OF MEDICAL EXAMINERS R100-17 SUBCOMMITTEE REGARDING PROPOSED REGULATION R100-17 AND TO CLARIFY IMPLEMENTATION OF ASSEMBLY BILL 474 (2017)

Ms. Mehta explained that the Board approved formation of a subcommittee with respect to the disciplinary regulation the Board was required to implement under AB 474 regarding prescription of controlled substances. There was a lot of concern voiced by licensees regarding ambiguity in the law and being required to answer for failure to comply when there were so many

9C

NEVADA STATE BOARD OF PHARMACY

431 W Plumb Lane – Reno, NV 89509

CONTROLLED SUBSTANCE APPLICATION

Registration Fee: \$80.00 (non-refundable money order only, no cash)

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

First: David Middle: James Last: Smith Degree: MD
 Practice Name (if any): Neuropathy and Pain Centers of America
 Nevada Address: 8084 W. Sahara Ave Ste B Suite #: B
(This must be a practicing address, we will not issue a license to a home address or to a PO Box only)
 PO Box: Las Vegas, Nevada 89117 SS#: _____
 E-mail address: _____
 City: Las Vegas State: NV Zip Code: 89117
 Work Telephone: 702 257 7246 Date of Birth: _____
 Fax: 702 586 2071 Sex: ☒ M or ☐ F
 Practitioner License Number: 17853 Specialty: Interventional Pain

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 type="checkbox"/>	<input checked="" type="checkbox"/>
If you marked YES to any of the numbered questions (1-3) above, include the following information & provide an explanation and documentation:						
Board Administrative Action:	State		Case #:			
	CA	ACCUSATION	800-2015-013651			
Criminal Action:						

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.

David J. Smith
 Original Signature, no copies or stamps accepted.

12/10/18
 Date

Board Use Only : Date Processed: _____ Amount: 80.00

103567



NEVADA STATE BOARD OF MEDICAL EXAMINERS

Search

Licensee Details

Person Information

Name: David James
SMITH
3703
Address: Camino Del
Rio South
Ste. 210
San Diego
CA 92108
Phone: 6196405555

License Information

License Type: Medical Doctor
License Number: 17853 Status: Active
Issue Date: 4/16/2018 Expiration Date: 6/30/2019

Scope of Practice

Scope of Practice: Physical Medicine / Rehab

Education & Training

School: Northwestern University SOM / Chicago, IL
Medical
Degree\Certificate: Doctor
Degree
Date Enrolled:
Date Graduated: 3/25/1988
Scope of Practice:

School: Univ of California VA Med Ctr / Los Angeles, CA
Degree\Certificate: Internship
Date Enrolled: 6/24/1988
Date Graduated: 6/23/1989
Scope of Practice: Internal Medicine

School: Univ of California VA Med Ctr / Los Angeles, CA
Degree\Certificate: Residency
Date Enrolled: 7/1/1989
Date Graduated: 6/30/1992
Scope of Practice: Physical Med/Rehab

School: Physical Med/Rehab
 Degree\Certificate: American Board
 Date Enrolled:
 Date Graduated: 5/19/1993
 Scope of Practice: Physical Med/Rehab

School: Physical Med/Rehab
 Degree\Certificate: Am Bd Recertification
 Date Enrolled:
 Date Graduated: 7/1/2003
 Scope of Practice: Physical Med/Rehab

School: Physical Med/Rehab
 Degree\Certificate: Am Bd Recertification
 Date Enrolled:
 Date Graduated: 7/1/2013
 Scope of Practice: Physical Med/Rehab

CURRENT EMPLOYMENT
 STATUS/CONDITIONS/RESTRICTIONS ON LICENSE AND
 MALPRACTICE INFORMATION
 NONE

Board Actions

NONE

Please note that the settlement of a medical malpractice action may occur for a variety of reasons that do not necessarily reflect negatively on the professional competence or conduct of the provider. Therefore, there may be no disciplinary action appearing for a licensee even though there is a closed malpractice claim on file. A payment in the settlement of medical malpractice does not create a presumption that medical malpractice occurred. Sometimes insurance companies settle a case without the knowledge and/or agreement of the physician. This database represents information from insurers to date. Please note: All insurers may not have submitted claim information to the Board.

Close Window

EXPLANATION CONCERNING ACCUSATION
DAVID J. SMITH, M.D.

On April 27, 2018, the Medical Board of California (“MBC”) filed an Accusation against my California license to practice medicine in connection with three patients. The allegations of the Accusation and my explanation of the care provided follow.

Patient L.T.

MBC Allegations. The MBC received a complaint that Patient L.T. died on April 19, 2015, of a drug overdose and the complaining party (the patient’s ex-wife who is also a physician) believed that Dr. Smith prescribed too many pain medications. The case was reviewed by two experts on behalf of the MBC. *One expert opined that there were no departures from the standard of care.* So the MBC engaged another expert. That expert was critical of my office’s chart notes which had some errors resulting from repopulation of data. Some notes were missing from five years ago because of a transition of EMR. The MBC provided an autopsy report that identified the patient’s cause of death was “mixed medication intoxication (fentanyl, oxycodone, oxymorphone, and diazepam)”.

My Response. I treated Patient L.T. over ten years in connection with chronic pain resulting from a back injury which occurred in his work as a firefighter. I offered the patient multimodal treatment, including referrals for surgery and depression. However, the patient was managed medically with medication.

I attempted to obtain help for this patient when he showed signs of abuse of his medications and, as a means of managing the risk he presented, transitioned him from his medications to a Butrans patch which has a safer side effect profile than other opioids. I discharged Patient L.T. after repeated violations of his opioid agreement, some of which were detected by the appropriate use of random, compliance laboratory testing.

With respect to the medications found in the patient at the time of his death, they were prescribed by physicians at the Veteran’s Administration facility where he was being treated 16 months after his discharge from my care.

Patient B.H.

MBC Allegations. The MBC received a complaint from a hospitalist during the patient’s in-patient admission for treatment of a condition unrelated to my care concerning management of Patient B.H.’s intrathecal pain pump. The Accusation filed by the MBC generally alleges that the concentrations of medication in the pain pump were excessive or that the pump was otherwise inappropriately managed.

My Response. I have been treating Patient B.H. for a number of years and she is supportive and grateful for my care. With her treatment, her function has improved with management of her chronic pain. She has had no adverse consequences of any kind from her treatment.

The MBC focus on the management of the patient's intrathecal pain pump is misplaced and based upon a lack of understanding of the application of intrathecal pain pumps for pain control. Apparently, both the complainant and the MBC are unaware that the Medtronic intrathecal pain pump used by me contained three medications used in combination to control Patient B.H.'s pain. The complainant attempted, without properly consulting me, to fill the patient's pain pump and he appears to have believed that because of his failure to consult me and to properly analyze the concentrations of medication in the patient's pump he may have improperly dosed the patient. The complaint should have either engaged me so that I could manage the patient's pump or should have at least spoken to me at length concerning the contents of the pump and how to properly fill it.

Patient M.K.

MBC Allegations. The MBC alleges that I prescribed excessive numbers of drugs, failed to document review of systems, failed to include a well-defined chief complaint, failed to accurately report information concerning prescribed medication, and failed to check CURES for patient drug compliance. The patient died from a drug overdose.

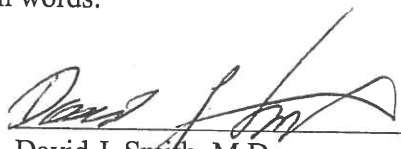
My Response. I began treating Patient M.K. in January of 2010 for consequences of a work injury and continued caring for her until 2012. During that time, I consistently checked CURES, as the the routine in my practice, and performed randomized drug tests. I am perplexed by the MBC allegations because they run counter to what is clearly documented in the patient chart and otherwise. A review of the CURES reports for the time in which I treated the patient show that she was only receiving controlled substances from me consistent with her opioid contract. The patient's complex history and chief complaints were amply noted in the chart patient.

Simultaneous with my care (largely because of the vocational nature of the injuries that caused her pain complaints), the patient was treated by a number of other physicians and healthcare professionals. Among others, the patient was evaluated by a psychologist and three orthopedic surgeons (including one who was her primary treating physician). The patient was also independently evaluated by another pain management physician as a part of an Agreed Medical Evaluation.

We attempted a number of non-prescription drug modalities to control the patient's use of opioids to control her pain. We attempted epidurals and considered a spinal cord stimulator. The patient was obese and I consistently recommended weight loss, including evaluation of weight loss surgery. Requests for intensive psychotherapy were denied by her insurer, although she did have some brief psychological care. During my care, the patient underwent a lumbar spine fusion.

I have read the foregoing narrative and agree that the contents of the "FACTS" section stated above are provided in my own words.

DATE: ___December 12, 2018_



David J. Smith, M.D.

STATE OF CALIFORNIA
DECEB
The Medical Board of California
2005 Evergreen Street, Suite 1200
Sacramento, CA 95815
DEPARTMENT OF CONSUMER AFFAIRS



PHYSICIAN AND SURGEON

CERTIFICATE NO.

G66777

EXPIRATION

01/31/2019

DAVID JAMES SMITH

210

3703 CAMINO DEL RIO SOUTH

SAN DIEGO CA 92108

ORIGINAL

ISSUANCE DATE

08/21/1989

RECEIPT NO.

100023954

DAVID JAMES SMITH
#210
3703 CAMINO DEL RIO SOUTH
SAN DIEGO CA 92108

categories of public and disciplinary information on licensees, including links to other informational Web sites. This information is updated on a regular basis. The Board's Web site can be accessed on the Internet at www.mbc.ca.gov

as your Address of Record changed?

Your address changes prior to your next renewal, please be sure to inform the Board *in writing* of your new address. California law requires that you report your address change to the Board within 30 days of the change. If your address of record you wish to report is a post office box (PO Box), the law requires that you provide a (separate) street address. The timely reporting of your change of address to the Board ensures that any correspondence and billings to you, such as your next renewal notice, continue uninterrupted. Change of Address forms can be downloaded from the Board's Web site under Forms/Publications or at www.mbc.ca.gov/forms-pubs.html.

The Board is required to provide the address of record of its licensees to anyone who may inquire. You should carefully consider the address of record provided, as you may wish to utilize a home or office address or may choose:

A post office box as the address of record to be listed for public information; however, a (separate) street address must also be provided to the Board which will be regarded as a confidential address; **OR**, Your employer's address, billing address or the address of a family member or friend. Please ensure that you receive permission from the appropriate party for the use of an address other than your own.

Here is your new pocket certificate.

Please carry it with you at all times.

If you have any problems or questions regarding your certificate, please contact the Medical Board of California at:

3703 Camino Del Rio South, Suite 1200
San Diego, CA 92108

(619) 263-2382 (800) 633-2322

