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**BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA**

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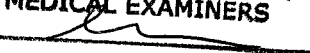
**In the Matter of Charges and)
Complaint Against)
MOHAMED OMAR SALEH, M.D.,)
Respondent.)**

Case No. 13-31149-1

FILED

JAN 10 2013

**NEVADA STATE BOARD OF
MEDICAL EXAMINERS**

By: 

COMPLAINT

The Investigative Committee (IC) of the Nevada State Board of Medical Examiners (Board), composed at the time of filing this Complaint of Theodore B. Berndt, M.D., Chairman, Valerie J. Clark, BSN, RHU, LUTCF, Member, and Michael J. Fischer, M.D., Member, by and through Bradley O. Van Ry, Esq., General Counsel for the Board and Attorney for the IC, having a reasonable basis to believe that Mohamed Omar Saleh, M.D. (Respondent), violated the provisions of Nevada Revised Statutes (NRS) Chapter 630 (Medical Practice Act), hereby issues its formal Complaint, stating the IC's charges and allegations as follows:

1. Respondent is currently licensed in active status (License No. 11784), and has been licensed by the Board since March 17, 2006, pursuant to the provisions of the Medical Practice Act.

2. Respondent is currently licensed to practice medicine in Nevada, and was so licensed in the state of Florida at the time of the incidents complained of in this matter.

3. On September 10, 2010, the Florida Medical Board filed a complaint against Respondent alleging a failure to maintain records and documents pertaining to the diagnosis, treatment and care of patients.

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1 4. From November, 2009, through November 10, 2010, Respondent wrote
2 prescriptions for controlled substances for patients in Nevada despite not having a valid controlled
3 substance registration with the Nevada State Board of Pharmacy. Relatedly, the Nevada State
4 Board of Pharmacy provided notice to pharmacists on November 9, 2010 that
5 Dr. Saleh was not properly licensed to prescribe controlled substances in Nevada.

6 5. On October 25, 2011, Respondent pled guilty to one count of Conspiracy to
7 Commit Unlawful Dispensing of Controlled Substances, a Gross Misdemeanor, in the Clark
8 County District Court.

9 **COUNT I**

10 6. All of the allegations contained in the above paragraphs are hereby incorporated by
11 reference as though fully set forth herein.

12 7. NRS 630.301(3) provides that any disciplinary action, including, without
13 limitation, the revocation, suspension, modification or limitation of a license to practice any type
14 of medicine, taken by another state is grounds for initiating discipline against a licensee.

15 8. The actions of the Florida Medical Board in filing a complaint against Respondent
16 constitutes disciplinary action taken by another state against Respondent that is grounds for
17 initiating discipline against Respondent.

18 9. By reason of the foregoing, Respondent is subject to discipline by the Board as
19 provided in NRS 630.352.

20 **COUNT II**

21 10. All of the allegations contained in the above paragraphs are hereby incorporated by
22 reference as though fully set forth herein.

23 11. NRS 630.301(11)(f) provides that conviction of a violation of any federal or state
24 law regulating the possession, distribution or use of any controlled substance or any dangerous
25 drug is grounds for initiating discipline against a licensee.

26 12. Respondent's guilty plea to Conspiracy to Commit Unlawful Dispensing of
27 Controlled Substances, a Gross Misdemeanor, on October 25, 2011, is a conviction of Nevada
28 state law regulating the possession, distribution or use of any controlled substance.

1 13. By reason of the foregoing, Respondent is subject to discipline by the Board as
2 provided in NRS 630.352.

3 **COUNT III**

4 14. All of the allegations contained in the above paragraphs are hereby incorporated by
5 reference as though fully set forth herein.

6 15. NRS 630.306(3) provides that administering, dispensing or prescribing any
7 controlled substance to others except as authorized by law is grounds for initiating disciplinary
8 action against a licensee.

9 16. NRS 453.226(1) requires that every practitioner or other person who dispenses any
10 controlled substance within this State shall biennially obtain a controlled substance registration
11 issued by the Nevada State Board of Pharmacy in accordance with its regulations.

12 17. Respondent's actions outlined above demonstrate his unlawful prescribing of
13 controlled substances for over one (1) year without proper registration with the Nevada State
14 Board of Pharmacy.

15 18. By reason of the foregoing, Respondent is subject to discipline by the Board as
16 provided in NRS 630.352.

17 **COUNT IV**

18 19. All of the allegations contained in the above paragraphs are hereby incorporated by
19 reference as though fully set forth herein.

20 20. NRS 630.301(9) provides that engaging in conduct that brings the medical
21 profession into disrepute is grounds for initiating disciplinary action against a licensee.

22 21. Respondent's actions in unlawfully writing prescriptions in the state of Nevada for
23 over one (1) year and being convicted for a Gross Misdemeanor in the state of Nevada for writing
24 unlawful prescriptions is conduct that brings the medical profession into disrepute.

25 22. By reason of the foregoing, Respondent is subject to discipline by the Board as
26 provided in NRS 630.352.

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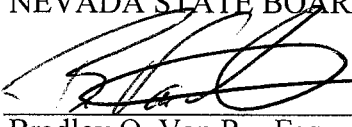
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WHEREFORE, the IC requests:

1. That the Board give Respondent notice of the charges herein against him and give him notice that he may file an answer to the Complaint herein as set forth in NRS 630.339(2) within twenty (20) days of service of the Complaint;
2. That the Board set a time and place for a formal hearing after holding an Early Case Conference pursuant to NRS 630.339(3);
3. That the Board determine the sanctions it will impose if it finds Respondent violated the Medical Practice Act;
4. That the Board make, issue and serve on Respondent, in writing, its findings of fact, conclusions of law and order, which shall include the sanctions imposed; and
5. That the Board take such other and further action as may be just and proper in these premises.

DATED this 10th day of January, 2013.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 
Bradley O. Van Ry, Esq.
General Counsel
Attorney for the Investigative Committee

OFFICE OF THE GENERAL COUNSEL
Nevada State Board of Medical Examiners
1105 Terminal Way #301
Reno, Nevada 89502
(775) 688-2559

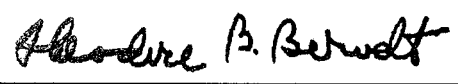
VERIFICATION

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STATE OF NEVADA)
 : ss.
COUNTY OF WASHOE)

Theodore B. Berndt, M.D., hereby deposes and states under penalty of perjury under the laws of the state of Nevada that he is the Chairman of the Investigative Committee of the Nevada State Board of Medical Examiners that authorized the foregoing Complaint against the Respondent herein; that he has read the foregoing Complaint; and that based upon information discovered during the course of the investigation into a complaint against Respondent, that he believes the allegations and charges in the foregoing Complaint against Respondent are true, accurate and correct.

Dated this 10th day of January, 2013.



Theodore B. Berndt, M.D.


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CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 10th day of January 2013; I served a filed copy of the Complaint and Fingerprint information via USPS e- certified return receipt mail to the following:

Mohamed Omar Saleh, M.D.
P.O. Box 10339
Jacksonville, FL 32247

Dated this 10th day of January, 2013.



Angela L. Donohoe
Legal Assistant