

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

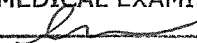
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**In the Matter of Charges and
Complaint Against
Kiarash L. Mirkia, M.D.,
Respondent.**

Case No. 17-32904-1

FILED

SEP 27 2017

NEVADA STATE BOARD OF
MEDICAL EXAMINERS
By: 

COMPLAINT

The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners, hereby issues this formal Complaint against Kiarash L. Mirkia, M.D. (hereinafter referred to as Dr. Mirkia or Respondent), a licensed physician in Nevada. After investigating this matter, the IC has a reasonable basis to believe that Respondent has violated provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630 (collectively, the Medical Practice Act).

The IC alleges the following facts:

1. Respondent is currently licensed in active status (License No. 12548). Respondent was issued his license from the Nevada State Board of Medical Examiners on December 1, 2007, pursuant to NRS Chapter 630.

A. Respondent's Misrepresentations in Renewing His License

2. On August 6, 2013, Sunrise Hospital & Medical Center (Sunrise Hospital) summarily suspended Respondent's medical staff member and clinical privileges at Sunrise Hospital. The basis for this suspension was a complaint received by Sunrise Hospital alleging Respondent engaged in inappropriate behavior of a sexual nature on hospital premises.

¹ The Investigative Committee of the Nevada State Board of Medical Examiners, at the time the filing of this Complaint was approved, was composed of Wayne Hardwick, M.D., Theodore B. Berndt, M.D., and Mr. M. Neil Duxbury.

1 which prohibits prescribing a drug as a prescribing practitioner to a patient with whom the
2 prescribing practitioner does not have a bona fide therapeutic relationship.

3 18. By reason of the foregoing, Respondent is subject to discipline by the Nevada State
4 Board of Medical Examiners as provided in NRS 630.352.

5 **Count IV**

6 **NRS 630.306(1)(b)(3)**

7 **(Engaging in Conduct in Violation of Regulations Adopted by the State Board of Pharmacy)**

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

10 20. NRS 630.306(1)(b)(3) provides that engaging in conduct that violates a regulation
11 adopted by the State Board of Pharmacy is grounds for initiating disciplinary action.

12 21. NRS 639.23507 mandates that a practitioner, before prescribing a controlled
13 substance listed in schedule II, III or IV, obtain a patient utilization report regarding the patient
14 from the computerized program established by the State Board of Pharmacy and the Investigation
15 Division of the Department of Public Safety pursuant to NRS 453.162 if: (a) the patient is a new
16 patient of the practitioner; or (b) the prescription is for more than seven days and is part of a new
17 course of treatment for the patient.

18 22. Respondent prescribed Phentermine, a Schedule IV controlled substance pursuant
19 to NAC 453.540(5), to Ziaei for a period of more than seven days without obtaining and without
20 attempting to obtain a patient utilization report.

21 23. By reason of the foregoing, Respondent is subject to discipline by the Nevada State
22 Board of Medical Examiners as provided in NRS 630.352.

23 **Count V**

24 **NRS 630.3062(1)**

25 **(Failure to Maintain Timely, Legible, Accurate and Complete Medical Records)**

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

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1 25. NRS 630.3062(1) provides that failure to maintain timely, legible, accurate and
2 complete medical records relating to the diagnosis, treatment and care of a patient is grounds for
3 initiating disciplinary action.

4 26. Respondent treated Ziaei for various, unspecified, non-emergent medical
5 conditions and repeatedly prescribed several drugs, including a controlled substance, without
6 maintaining medical records of any kind related to his diagnosis, treatment and care.

7 27. By reason of the foregoing, Respondent is subject to discipline by the Nevada State
8 Board of Medical Examiners as provided in NRS 630.352.

9 **WHEREFORE**, the Investigative Committee prays:

10 1. That the Nevada State Board of Medical Examiners give Respondent notice of the
11 charges herein against him and give him notice that he may file an answer to the Complaint herein
12 as set forth in NRS 630.339(2) within twenty (20) days of service of the Complaint;

13 2. That the Nevada State Board of Medical Examiners set a time and place for a
14 formal hearing after holding an Early Case Conference pursuant to NRS 630.339(3);


15 3. That the Nevada State Board of Medical Examiners determine what sanctions to
16 impose if it determines there has been a violation or violations of the Medical Practice Act
17 committed by Respondent;

18 4. That the Nevada State Board of Medical Examiners make, issue and serve on
19 Respondent its findings of fact, conclusions of law and order, in writing, that includes the
20 sanctions imposed; and

21 5. That the Nevada State Board of Medical Examiners take such other and further
22 action as may be just and proper in these premises.

23 DATED this 27 day of September, 2017.

24 INVESTIGATIVE COMMITTEE OF
25 THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

26 By:  _____
27 Robert Kilroy, Esq., General Counsel
28 Aaron Bart Fricke, Esq., Deputy General Counsel
 Attorneys for the Investigative Committee


VERIFICATION

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STATE OF NEVADA)
 : ss.
COUNTY OF WASHOE)

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

DATED this 27th day of September, 2017.



Wayne Hardwick, M.D.

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

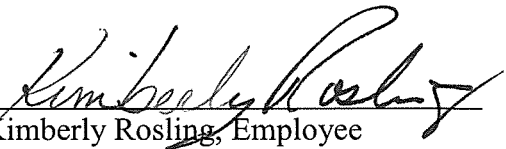
CERTIFICATE OF SERVICE

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I hereby certify that I am employed by the Nevada State Board of Medical Examiners and that on the 27th day of September, 2017, I served a file-stamped copy of the COMPLAINT and FINGERPRINT INFORMATION, via USPS e-certified return receipt mail (9171 9690 0935 0096 3210 24) to the following:

Kirash L. Mirkia, M.D.
9050 West Warm Springs Road, Suite 2179
Las Vegas, NV 89148

DATED this 27th day of September, 2017.


Kimberly Rosling, Employee