

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

* * * * *

In the Matter of Charges and)
)
Complaint Against)
)
Poupak P. Ziaei, M.D.,)
)
Respondent.)

Case No. 17-32905-1

FILED

APR 11 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 Poupak P. Ziaei, M.D. (hereinafter referred to as Dr. Ziaei 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. 12525). Respondent was issued her license from the Nevada State Board of Medical Examiners on November 14, 2007, pursuant to the provisions of NRS Chapter 630.

2. On March 7, 2014, a Costco employee working in Costco's Loss Prevention Division filed a report with the Las Vegas Metropolitan Police Department regarding a female shopper who hid certain clothing and cosmetic items in her purse. The female shopper paid for grocery items, but exited the store without paying for the items hidden in her purse. The Costco

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 card used by the female shopper belonged to Respondent. After being confronted by the
2 aforementioned Costco employee and another Costco employee, Respondent continued on her
3 way and entered a black BMW vehicle with a Nevada license plate of 374-XBU. The Costco
4 employees took photographs of the female shopper, which Kiarash Mirkia, M.D. (Dr. Mirkia)
5 later identified as his wife, the Respondent.

6 3. On March 10, 2014, Respondent and her husband presented to the Las Vegas
7 Metropolitan Police Department, stating that she was the suspect in a petit larceny from Costco
8 and wished to pursue battery charges against Costco employees. Respondent's identification was
9 verified, and she stated that she arrived at the police department in her black BMW with Nevada
10 plate 374-XBU.

11 4. Respondent denied concealing items upon her person before exiting the store
12 without paying for those items, and claimed that she was approached by a female who claimed to
13 be a Costco employee. She said that the employee attempted to take her into custody, but that
14 Respondent refused. Respondent stated that the employee had pulled upon Respondent's upper
15 body and arm in an unwanted manner.

16 5. A bench warrant was issued for Parinaz Parchehbafziaei, aka Poupak Ziaei, on or
17 about June 30, 2014. A criminal complaint and summons were issued to Parinaz Parchehbafziaie
18 on May 14, 2014 and May 25, 2014, respectively.

19 6. Respondent contends that Parinaz Parchehbafziaie is her sister, and that it was her
20 sister who was the female shopper in question.

21 7. Respondent's sister, Parinaz Parchehbafziaie, had been detained by the Department
22 of Homeland Security on December 31, 2010 and deported on January 20, 2011. Respondent's
23 sister applied for a visa to the United States on or about September 5, 2013, but was denied.

24 8. If the female shopper in question was Respondent's sister, then Respondent's sister
25 had possession of Respondent's Costco card and vehicle, and, upon information and belief,
26 Respondent was aiding and abetting an illegal alien because her sister had no legal right to be in
27 the United States.

28 ///

1 9. Respondent failed to disclose the investigation, criminal complaint and bench
2 warrant on her 2015 Nevada license renewal application.

3 10. From September, 20, 2015 through January 2, 2016, Respondent prescribed
4 phentermine to her husband five times, and carisoprodol to her husband one time. Respondent
5 does not have medical records to support the medical basis for prescribing those substances to her
6 husband.

7 11. In the month of January 2016, Respondent sent multiple e-mails to an adult female,
8 Monica Diosa, whom Respondent contended was having an affair with her husband, Dr. Mirkia.
9 Respondent's e-mails contained threatening, malicious and harassing language, and on at least one
10 occasion, Respondent threatened both Ms. Diosa and her minor child.

11 12. At some point in late 2015 or early 2016, Respondent went to Ms. Diosa's
12 apartment to confront her, and threatened to kill Ms. Diosa and her son.

13 13. Ms. Diosa obtained a temporary protective order against Respondent on or about
14 January 22, 2016, which was served on or about February 1, 2016. The temporary protective
15 order was in force and effect for 30 days from the date of service.

16 14. On or about March 4, 2016, a maintenance worker for the apartment complex
17 where Ms. Diosa resides observed Respondent and Dr. Mirkia driving around the complex on
18 several occasions, walking about the complex and taking photos around the apartment unit
19 occupied by Ms. Diosa.

20 15. On November 17, 2016, pursuant to NRS 630.318, the IC ordered Respondent to
21 undergo a psychiatric examination by a psychiatrist due to reasonable questions existing as to
22 Respondent's competency, demeanor and possible mental and/or physical impairments, to the
23 extent that such affect her ability to practice medicine with reasonable skill and safety to patients.

24 16. Respondent presented for and was evaluated by a psychiatrist on November 28,
25 2016.

26 17. Based on information obtained by the IC, the IC has reason to believe that
27 Respondent is unable to practice medicine with reasonable skill and safety because of illness, a
28 mental or physical condition or the use of alcohol, drugs, narcotics or any other substance.

1 18. On or about September 12, 2016, Respondent was found guilty in Las Vegas
2 Municipal Court of having a suspended or revoked vehicle registration and expired license plates.

3 19. On or about December 1, 2016, a bench warrant was issued by the Las Vegas
4 Municipal Court for the arrest of Respondent for failure to pay the fine and costs imposed on
5 September 12, 2016.

6 20. Respondent has not reported to the Board the criminal actions and convictions
7 against her regarding her having a suspended or revoked vehicle registration and expired license
8 plates.

9 21. On February 6, 2017, a criminal complaint was filed against Respondent in the Las
10 Vegas Municipal Court regarding allegations of battery and domestic violence. On or about
11 February 22, 2017, the summons for the complaint was served on Respondent.

12 22. Respondent has not reported to the Board the criminal actions against her regarding
13 battery and domestic violence.

14 **Count I**

15 **NRS 630.304(1) - Renewing license by fraud or misrepresentation**

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

18 24. NRS 630.304(1) provides that obtaining, maintaining or renewing or attempting to
19 obtain, maintain or renew a license to practice medicine by bribery, fraud or misrepresentation or
20 by any false, misleading, inaccurate or incomplete statement is grounds for initiating disciplinary
21 action.

22 25. Respondent answered "no" on her license renewal application dated June 20, 2015,
23 to the question asking whether she had been arrested, investigated for, charged with, convicted of,
24 or plead guilty or nolo contendere to any offense or violation of any federal (including the
25 Uniform Code of Military Justice), state or local law, or the laws of any foreign country, which is
26 a misdemeanor, gross misdemeanor, felony, violations of the Uniform Code of Military Justice, or
27 synonymous thereto in a foreign jurisdiction, excluding any minor traffic offense.

28 ///

1 35. In her response to the IC's allegation letter, Respondent claimed that her sister,
2 who was deported at the time and was denied entry to the United States, was the person who
3 engaged in shoplifting at Costco, despite the photographic evidence to the contrary and her
4 admission to a police officer several days after the Costco incident that she had been present at
5 Costco and wanted to lodge a complaint for battery.

6 36. Accordingly, Respondent made false statements to the IC and investigative staff.

7 37. 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 **Count IV**

10 **NRS 630.306(1)(I) – Failure to report criminal action**

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

13 39. NRS 630.306(1)(I) provides that failure to report in writing, within 30 days, any
14 criminal action taken or conviction obtained against the licensee or applicant, other than a minor
15 traffic violation, in this State or any other state or by the Federal Government, a branch of the
16 Armed Forces of the United States or any local or federal jurisdiction of a foreign country is
17 grounds for initiating disciplinary action.

18 40. Respondent failed to report to the Board within 30 days, that on or about
19 September 12, 2016, Respondent was found guilty of having a suspended or revoked vehicle
20 registration and expired license plates.

21 41. Respondent failed to report within 30 days that a bench warrant was issued for her
22 on or about December 1, 2016.

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

25 **Count V**

26 **NRS 630.306(1)(I) – Failure to report criminal action**

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

1 44. NRS 630.306(1)(l) provides that failure to report in writing, within 30 days, any
2 criminal action taken or conviction obtained against the licensee or application, other than a minor
3 traffic violation, in this State or any other state or by the Federal Government, a branch of the
4 Armed Forces of the United States or any local or federal jurisdiction of a foreign country is
5 grounds for initiating disciplinary action.

6 45. Respondent failed to report to the Board within 30 days, that on or about February
7 6, 2017, a criminal complaint was filed in Las Vegas Municipal Court against Respondent for
8 battery and domestic violence, and was served on her on or about February 22, 2017.

9 46. By reason of the foregoing, Respondent is subject to discipline by the Nevada State
10 Board of Medical Examiners as provided in NRS 630.352.

11 **Count VI**

12 **NRS 630.301(9) – Engaging in conduct that brings the medical profession into disrepute**

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

15 48. NRS 630.301(9) provides that engaging in conduct that brings the medical
16 profession into disrepute, including, without limitation, conduct that violates any
17 provision of a code of ethics adopted by the Board by regulation based on a national code of
18 ethics, is grounds for initiating disciplinary action.

19 49. Respondent sent threatening and harassing e-mails to a woman whom Respondent
20 believed was having an affair with Respondent's husband and threatened physical violence to both
21 the woman and the woman's minor son. Respondent went to the woman's apartment and
22 confronted the woman, and has been observed at least once visiting the apartment complex where
23 the woman lives, after the woman had obtained a temporary restraining order against Respondent.

24 50. A licensed physician threatening physical violence and harassing a woman and her
25 minor child is conduct that brings the medical profession into disrepute.

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

28 ///

Count VII

NRS 630.306(1)(b)(1) – Engaging in conduct which is intended to deceive

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

53. NRS 630.306(1)(b)(1) provides that engaging in any conduct that is intended to deceive is grounds for initiating disciplinary action.

54. In her response to the IC’s allegation letter, Respondent denied sending harassing and threatening e-mails to a woman Respondent believed was having an affair with Respondent’s husband, confronting said woman at the woman’s apartment, and threatening physical violence to the woman and the woman’s minor son.

55. Accordingly, Respondent made false statements to the IC and investigative staff.

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

Count VIII

NRS 630.306(1)(b)(3) – Engaging in conduct which is in violation of a regulation adopted by the State Board of Pharmacy

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

58. NRS 630.301(1)(b)(3) provides that engaging in conduct that violates a regulation adopted by the State Board of Pharmacy is grounds for initiating disciplinary action.

59. Respondent prescribed phentermine, a Schedule IV controlled substance pursuant to NAC 453.540(5), to her husband without medical records that reflect a medical basis for doing so.

60. Respondent prescribed phentermine, a Schedule IV controlled substance pursuant to NAC 453.540(5), to her husband without medical records that reflect a bona fide patient relationship with her husband, in violation of NAC 639.945(1)(o), which prohibits prescribing a drug as a prescribing practitioner to a patient with whom the prescribing practitioner does not have a bona fide therapeutic relationship.

1 61. By reason of the foregoing, Respondent is subject to discipline by the Nevada State
2 Board of Medical Examiners as provided in NRS 630.352.

3 **Count IX**

4 **NRS 630.306(1)(b)(3) - Engaging in conduct which is in violation of a regulation**
5 **adopted by the State Board of Pharmacy**

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

8 63. NRS 630.301(1)(b)(3) provides that engaging in conduct that violates a regulation
9 adopted by the State Board of Pharmacy is grounds for initiating disciplinary action.

10 64. Respondent prescribed carisoprodol, also known as Soma, a Schedule IV
11 controlled substance pursuant to NAC 453.540(3), to her husband without medical records that
12 reflect a medical basis for doing so.

13 65. Respondent prescribed carisoprodol, also known as Soma, a Schedule IV
14 controlled substance pursuant to NAC 453.540(3), to her husband without medical records that
15 reflect a bona fide patient relationship with her husband, in violation of NAC 639.945(1)(o) which
16 prohibits prescribing a drug as a prescribing practitioner to a patient with whom the prescribing
17 practitioner does not have a bona fide therapeutic relationship.

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

20 **Count X**

21 **NRS 630.306(1)(b)(3) – Engaging in conduct which is in violation of a regulation**
22 **adopted by the State Board of Pharmacy**

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

25 68. NRS 630.301(1)(b)(3) provides that the engaging in conduct which is in violation
26 of a regulation adopted by the State Board of Pharmacy is grounds for initiating disciplinary
27 action.

28 ///

1 77. By reason of the foregoing, Respondent is subject to discipline by the Nevada State
2 Board of Medical Examiners as provided in 630.352.

3 **Count XII**

4 **NRS 630.306(1)(a) – Inability to practice medicine with reasonable skill and safety**

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

7 79. NRS 630.306(1)(a) provides that inability to practice medicine with reasonable
8 skill and safety because of illness, a mental or physical condition or the use of alcohol, drugs,
9 narcotics or any other substance is grounds for initiating disciplinary action.

10 80. Based on information obtained by the IC, Respondent is unable to practice
11 medicine with reasonable skill and safety because of illness, a mental or physical condition or the
12 use of alcohol, drugs, narcotics or any other substance.

13 81. By reason of the foregoing, Respondent is subject to discipline by the Nevada State
14 Board of Medical Examiners as provided in NRS 630.352.

15 **Count XIII**

16 **NRS 630.306(1)(m) – Failure to be found competent to practice medicine as a result of an**
17 **examination to determine medical competency pursuant to**
18 **NRS 630.318**

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

21 83. NRS 630.306(1)(m) provides that failure to be found competent to practice
22 medicine as a result of an examination to determine medical competency pursuant to
23 NRS 630.318 is grounds for initiating disciplinary action.

24 84. Based on information obtained by the IC, Respondent was found incompetent to
25 practice medicine as a result of an examination pursuant to NRS 630.318.

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

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

WHEREFORE, the Investigative Committee prays:

1. That the Nevada State Board of Medical Examiners give Respondent notice of the charges herein against her and give her notice that she 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 Nevada State Board of Medical Examiners set a time and place for a formal hearing after holding an Early Case Conference pursuant to NRS 630.339(3);
3. That the Nevada State Board of Medical Examiners determine what sanctions to impose if it determines there has been a violation or violations of the Medical Practice Act committed by Respondent;
4. That the Nevada State Board of Medical Examiners make, issue and serve on Respondent its findings of fact, conclusions of law and order, in writing, that includes the sanctions imposed; and
5. That the Nevada State Board of Medical Examiners take such other and further action as may be just and proper in these premises.

DATED this 11th day of April, 2017.

INVESTIGATIVE COMMITTEE OF
THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: Jasmine K. Mehta
Robert Kilroy, Esq.
General Counsel and Attorney for the Investigative Committee
Jasmine K. Mehta, Esq.
Deputy General Counsel and Attorney for the Investigative Committee

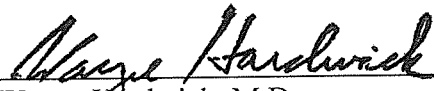
VERIFICATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 11th day of April, 2017.

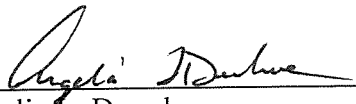

Wayne Hardwick, M.D.

CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 11th day of April 2017; I served a file copy of COMPLAINT & Fingerprint Information, via USPS certified electronic return receipt mail to the following:

Poupak Ziaei, MD
8300 Swan Lake Ave.
Las Vegas, NV 89128

Dated this 11th day of April, 2017.



Angelia L. Donohoe
Legal Assistant

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28