## 9000 Cateway Drive Reno, Nevada 89521 (775) 688-2559

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

\* \* \* \* \*

In the Matter of Charges and Complaint

Against:

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HAMID SHAKERI, M.D.,

Respondent.

Case No. 22-20775-1

FILED

NOV 1 6 2022

NEVADA STATE BOARD OF MEDICAL EXAMINERS By:

#### SECOND AMENDED COMPLAINT

The Investigative Committee<sup>1</sup> (IC) of the Nevada State Board of Medical Examiners (Board), by and through Donald K. White, J.D., Senior Deputy General Counsel and attorney for the IC, having a reasonable basis to believe that Hamid Shakeri, M.D., (Respondent) violated the provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630 (collectively, the Medical Practice Act), hereby issues its Second Amended Complaint, stating the IC's charges and allegations as follows:

- 1. Respondent was at all times relative to this Complaint a medical doctor holding an active license to practice medicine in the State of Nevada (License No. 11161). Respondent was originally licensed by the Board on September 27, 2004.
- 2. Respondent served under the title of "Medical Director" of Aesthetics Med Spa (AMS) in or about 2016, located at 6295 Sharlands Avenue, Suite 1, Reno, Nevada 89523.
- 3. At all relevant times alleged herein, Aesthetics Med Spa, with a Nevada business license listing of Aesthetics Medical Training LLC (Aesthetics Med Spa) (AMS), was a Nevada limited liability company with its principal place of business located at 6295 Sharlands Avenue, Suite 1, Reno, Nevada 89523.

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<sup>&</sup>lt;sup>1</sup> The Investigative Committee of the Nevada State Board of Medical Examiners, at the time the filing of the original Complaint was approved, was composed of Rachakonda D. Prabhu, M.D., Mr. M. Neil Duxbury and Victor M. Muro, M.D.

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- Jasmine Wells (Wells) was AMS's noncommercial Registered Agent, and sole 4. Officer and Managing Member.
- AMS, through its managing member Wells, advertised itself as a "medical spa" 5. "specializing" in medical procedures, products and treatments including in-part, laser hair removal, Botox, dermal filler injections, Latisse, medical skin peels, as well as non-medical aesthetic and cosmetological services.
  - Respondent was an independent contractor of AMS. 6.
  - 7. Respondent was not a manager, agent, officer or employee of AMS.
- Respondent had no ownership or member interest in AMS, nor did he have 8. contractual authority to manage the affairs of AMS.
- Neither Wells, nor any of AMS's employees or other independent contractors were 9. employed by Respondent during the time Respondent served as Medical Director of AMS.
- At all times relevant to the facts alleged herein, neither Wells, nor any other 10. member, manager, employee or independent contractor of AMS, was licensed by any Nevada professional licensing board in the State of Nevada pursuant to chapters 630 to 637, inclusive, 639 or 640 of the NRS. In fact, only one (1) registered nurse was listed as an employee of the business.
- No person in any way affiliated with or employed by AMS held a Nevada medical 11. license issued by the Board during the time Respondent served under the title Medical Director, other than Respondent himself.
- Wells was at all relevant times a Nevada licensed "Esthetician" (License # A-3199) 12. and listed under the name of "Jasbinder Wells."
- Patient A was a fifty-six (56) year old female patient during the events in question. 13. Her identity is not disclosed herein to protect her privacy but is disclosed in the Patient Designation served upon Respondent, along with a copy of the Complaint, and filed under seal.
- 14. Patient A first visited AMS on April 21, 2016, for a consultation that led to her receiving laser treatments to her face, neck and chest areas.

- 15. Patient A once again visited AMS to receive treatment on both of her forearms on April 26, 2016.
- 16. Ms. Wells, who is a medical assistant, performed the IPL laser treatment on Patient A's forearms when Respondent was not present.<sup>2</sup>
- NRS 630.020 defines the "Practice of Medicine," and provides in-part that it means to (1) diagnose, treat, correct, prevent or prescribe for any human disease, ailment, injury, infirmity, deformity or other condition, physical or mental, by any means or instrumentality, including, but not limited to, the performance of an autopsy.
  - 18. By statute, Ms. Wells was participating in the practice of medicine.
- 19. There is no indication that Respondent was personally present at AMS during Patient A's treatments on April 21, 2016, and April 26, 2016, and therefore, failed to properly supervise Ms. Wells when she diagnosed and treated Patient A.
- 20. Due to the absence of Respondent at AMS on April 21, 2016, and April 26, 2016, no diagnoses or treatments could have been directly supervised or performed by Respondent on Patient A.

#### **COUNT I**

#### NRS 630.306(1)(r) - Failure to Adequately Supervise Medical Assistants

- 21. All of the allegations in the above paragraphs are hereby incorporated as if fully set forth herein.
- 22. NRS 630.306(1)(r) provides that a failure to adequately supervise a medical assistant pursuant to the regulations of the Board is an act that constitutes grounds for initiating disciplinary action.
- 23. By the conduct described herein, Respondent failed to adequately supervise, or supervise in any way, Wells in her performance of medical tasks on April 21, 2016, and April 26, 2016, despite being the Medical Director.

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<sup>&</sup>lt;sup>2</sup> NRS 630.0129 defines a "medical assistant" as: 1) a person who (a) performs clinical tasks under the supervision of a physician or physician assistant, and (b) does not hold a license, certificate or registration issued by a professional licensing or regulatory board in this State to perform such clinical tasks; and 2) the term does not include a person who performs only administrative, clerical, executive or other nonclinical tasks.

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

#### WHEREFORE, the Investigative Committee prays:

- 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 upon the Respondent, in writing, its findings of fact, conclusions of law and order, in writing 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 16th day of November, 2022.

INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:

DONALYD K. WHITE, J.D. Senior Deputy General Counsel

9600 Gateway Drive Reno, NV 89521

Email: dwhite@medboard.nv.gov

Attorney for the Investigative Committee

# OFFICE OF THE GENERAL COUNSEL Nevada State Board of Medical Examiners

#### **VERIFICATION**

STATE OF NEVADA	)
COUNTY OF CLARK	: ss.

Victor M. Muro, 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 16th day of November, 2022.

INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: / m mund mos

Chairman of the Investigative Committee