

# NEVADA STATE BOARD OF MEDICAL EXAMINERS



## IN THE MATTER OF CHARGES AND COMPLAINT AGAINST **OSAMA OMAR HAIKAL, M.D.** ADJUDICATION PACKET

Case No: 22-9436-1

Date: March 3, 2023

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1 4. On September 7, 2021, the IC Order was delivered to Respondent's address of  
2 record with the Board and was left with an "individual" at 1:26 pm.

3 5. On September 14, 2021, the IC received a letter, dated September 9, 2021, from  
4 Respondent, who stated he would only appear telephonically at either 12:00 p.m. (noon) or at  
5 3:30 p.m., on November 10, 2021.

6 6. On September 14, 2021, the Deputy Chief of Investigations called Respondent's  
7 office and spoke to his office manager. He explained to her that Respondent would not be able to  
8 dictate the time of his appearance and he needed to be available at 1:30 p.m., pursuant to the IC  
9 Order.

10 7. On September 20, 2021, the investigator assigned to both cases, sent a response  
11 letter to Respondent regarding his September 9, 2021, letter, stating that the IC believed  
12 Respondent was given enough notice to rearrange his schedule to take a call from the IC on  
13 November 10, 2021, at 1:30 p.m. This letter was sent via USPS Certified Mail tracking no.  
14 9171969009350252456552 and was left with an individual and delivered on September 23, 2021.

15 8. On October 18, 2021, the IC received a letter from Respondent, dated  
16 October 13, 2021, replying to the investigator's letter dated September 20, 2021. Again,  
17 Respondent reiterated that he would not be available to answer any questions by the IC at  
18 1:30 p.m., but would be available at 12:00 p.m., (noon) or 3:30 p.m., on November 10, 2021.

19 9. On November 10, 2021, Respondent failed to appear telephonically at 1:30 p.m.,  
20 before the IC pursuant to the IC Order and subsequent communications from the Board's  
21 investigative division staff.

22 **COUNT I**

23 **NRS 630.3065(2)(a)-Failing to Comply with an Order of the Investigative Committee**

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

26 11. NRS 630.3065(2)(a) provides that knowingly or willfully failing to comply with an  
27 order of a committee designated by the Board to investigate a complaint against a physician, i.e.,  
28 the IC, is grounds for initiating disciplinary action.





2

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

3  
4 In the Matter of Charges and )  
5 Complaint Against )  
6 OSAMA OMAR HAIKAL, M.D., )  
7 Respondent. )  
8

**CASE NO. 22-9436-1**

**FORMAL HEARING**  
**December 7, 2022**

**FILED**

FEB - 7 2023

NEVADA STATE BOARD OF  
MEDICAL EXAMINERS

By: \_\_\_\_\_

9 **HEARING OFFICER'S SYNOPSIS OF RECORD OF HEARING**

10 A formal hearing on the case noted above was held at the Northern Nevada office of  
11 the Board of Medical Examiners of the State of Nevada ("Board") on December 7, 2022.

12 Donald K. White, Counsel for the Board appeared on behalf of the Investigative Committee  
13 ("IC") of the Board at the Northern Nevada office, and Dr. Haikal appeared via video-  
14 conference from the Board's Southern Nevada office. Dr. Haikal represented himself.

15 **The Evidence**

16 Board Senior Investigator Trent Hiatt testified that he mailed an Order dated  
17 September 2, 2021, which was issued by the Board's IC to Dr. Haikal, requiring him to appear  
18 at a hearing before the IC at 1:30 p.m. on November 10, 2021. The Order authorized Dr.  
19 Haikal to appear telephonically if he chose to do so. Transcript ("T") 10-15.

20 Mr. Hiatt further testified that in response to sending the Order to Dr. Haikal, he  
21 received a return letter from Dr. Haikal dated September 9, 2021, advising the Board that Dr.  
22 Haikal would be available to communicate with the IC on November 10, but not at the time  
23 designated by the IC. Dr. Haikal proposed two alternate times which would accommodate his  
24 schedule. T.15-17. Mr. Hiatt responded to Dr. Haikal's letter with another letter advising Dr.  
25 Haikal that he was provided sufficient time to arrange his schedule to coordinate with the time  
26 set by the IC. That letter referenced NRS 630.3065(2)(a), which states:

27 ///

28



1 The following acts, among others, constitute grounds for initiating disciplinary  
2 action or denying licensure:

\* \* \*

3 2. Except as otherwise provided in NRS 630.2672, knowingly or willfully  
4 failing to comply with:

5 (a) A regulation, subpoena or order of the Board or a committee designated  
6 by the Board to investigate a complaint against a physician;

7 Mr. Hiett received confirmation that Dr. Haikal's office received and signed for the  
8 letter on September 23, 2022. T.17-20. In response, Mr. Hiett received another letter signed  
9 by Dr. Haikal, this one dated October 13, 2021. T.21-22. Again Dr. Haikal reiterated that he  
10 would not be available at the time designated by the IC. T.22-23. In his letter, Dr. Haikal  
11 advised that if the IC deemed his refusal to make himself available at the time designated by  
12 the IC as a violation of NRS 630, then a judge would have to decide who is correct. T.22-24.

13 At the hearing, In his responsive argument to an evidentiary objection, Dr. Haikal  
14 stated what turned out to be his overall defense, i.e., that while he had plenty of notice of the  
15 telephonic hearing with the IC to reschedule patients so as to be able to attend at the time set  
16 by the IC, he did not do so. His rationale for refusing to answer questions at the time set by  
17 the IC was that he needed to accommodate his patients, because, in his opinion, a physician's  
18 responsibility "is to keep his office open for service of his patients." T.29-31, 82.

19 The Hearing Officer mentions here that, throughout the formal hearing, Dr. Haikal was  
20 concerned with what he described as underlying allegations which he stated were made by two  
21 disgruntled employees. Dr. Haikal referred to those allegations as "whistleblower"  
22 complaints. The undersigned Hearing Officer repeatedly assured Dr. Haikal that any such  
23 complaints were not presently before this tribunal, had never been reviewed by this Hearing  
24 Officer, and accordingly were completely irrelevant to this proceeding. Dr. Haikal repeatedly  
25 acknowledged that he understood. However, Dr. Haikal raised the issue a number of times  
26 throughout the hearing. See e.g., T. at 31-34, 37-40, 72, 86.

27 The Board's Deputy Chief of Investigations Johnna LaRue testified that she attempted  
28 to call Dr. Haikal, but was only able to speak with his staff. She left a message that the IC had  
issued an order, including a date and specific time for Dr. Haikal to be available to answer  
questions, and that she wanted to make sure Dr. Haikal appreciated the gravity of the situation.

1 T.45-46.

2 During his examination of Ms. LaRue, Dr. Haikal stated to this Hearing Officer that:

3 the record showed that I was never told why [the Board is] busy at noon or  
4 3:30. It just was because that's what we [the Board] want. That's what we [the  
5 Board] said. And I see that as abuse of power and a form of intimidation.  
T.63

6 On direct examination by counsel for the IC, Dr. Haikal admitted that he in fact knew  
7 the time the IC had ordered that he appear to answer questions, and that he knew such more  
8 than two months prior to the date on which he was to appear. T.67-68. He also gave a  
9 reasonable explanation for why the time designated by the IC would clash with his normal  
10 daily schedule/routine. (T.73-74) But the record is clear that he did not appear as ordered,  
11 and the record is also clear that he does not believe he violated the statute by failing to appear  
12 at the time set by the IC, because he provided two alternate times. T.83, 85.

13 Finally, it should be noted that in his own defense testimony, Dr. Haikal stated that

14 I did not violate the Nevada Statute that you are referring to. I was willing to  
15 answer their questions. The only thing is my patients come ahead of the IC,  
16 and they [the Board] need to realize that.  
T.86.

17 Hearing Officer's Analysis

18 Each of the witnesses who testified at the Hearing was credible. The Hearing Officer  
19 saw no prejudice or bias on the part of any who gave testimony. To be sure, Dr. Haikal  
20 himself did not deny doing the act which the Board's Committee has charged him with -  
21 although he certainly does not believe his refusal to attend the meeting at the ordered time was  
22 in any way wrongful inasmuch as he proposed alternate times that coordinated better for his  
23 ability to see patients.

24 This case is both factually and legally simple. While Dr. Haikal feels completely  
25 justified in not attending a meeting with the IC at the time of day set in its Order - and the  
26 basis for his justification is his duty to his patients - a noble cause to be sure - the reality is that  
27 he did not do what he was ordered to do - despite his admitted knowledge that he knew what  
28 he was ordered to do. Dr. Haikal opines that the IC has abused its power by refusing to

1 reschedule the time to meet with him, and that the Committee does not come before his  
2 patients.

3 While one can argue that a physician's greatest duty is to his/her patients, one must  
4 recognize that without the Board's authorization, a physician is not authorized to treat any  
5 patient in Nevada. And while many practitioners from various professions may decry the  
6 authority held over them by some governing body, and the seeming unfairness of the  
7 practitioner having no input into who serves on that governing body, the law still provides for  
8 the body, and grants the authority that body wields. Hence, if the State of Nevada is to be a  
9 state governed by law, then one must recognize the authority vested in the entities which the  
10 State authorizes and empowers. The Nevada State Board of Medical Examiners is one such  
11 entity. Only a manifest abuse of discretion by the IC would validate a refusal to comply with  
12 its order. The Hearing Officer does not see such an abuse, especially inasmuch as Dr. Haikal  
13 admitted that he had sufficient time to reschedule his patients.

14 It is clear that the Board and its committees have authority to issue orders to govern the  
15 practice of physicians who treat patients in Nevada. The Board's Investigative Committee  
16 issued such an order to Dr. Haikal. Dr. Haikal received and understood the Order, but refused  
17 to honor it. The Order at issue, and the refusal to alter it upon the demand of Dr. Haikal, was  
18 not a manifest abuse of the IC's discretionary authority. The statute referenced and charged  
19 makes such a knowing and willful act grounds for discipline. The Board will have to  
20 determine what that discipline should be. Dr. Haikal can and should be praised for his sense  
21 of duty to his patients. However, he must come to appreciate the legal structure that supports  
22 his ability to see and treat those patients.

23 ///

24 ///

25 ///

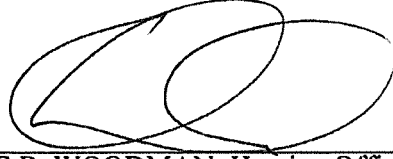
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1           The Investigative Committee did in fact prove the allegations in the Complaint. Dr.  
2 Haikal did knowingly and willfully refuse to follow an order issued by the Board's  
3 Investigative Committee.

4           DATED this 7<sup>th</sup> day of February, 2023.



---

6 CHARLES B. WOODMAN, Hearing Officer  
7 Nevada State Board of Medical Examiners  
8 548 W. Plumb Lane, Suite B  
9 Reno, Nevada 89509  
10 (775) 786-9800  
11 hardywoodmanlaw@msn.com

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**CERTIFICATE OF SERVICE**

I certify that on this day, I personally delivered or mailed, postage pre-paid, at Reno, Nevada, a true file-stamped copy of the foregoing NOTICE AND ORDER SCHEDULING EARLY CASE CONFERENCE addressed as follows:

DONALD K. WHITE, J.D. SENIOR DEPUTY GENERAL COUNSEL  
9600 GATEWAY DRIVE  
RENO, NV 89521

OSAMA OMAR HAIKAL, M.D.  
216 E. DESERT INN RD., SUITE A  
LAS VEGAS, NV 89169

DATED this 7<sup>th</sup> day of February 2023.

  
\_\_\_\_\_  
MEG BYRD, Legal Assistant  
Nevada State Board of Medical Examiners

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BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF NEVADA

In the Matter of Charges )  
and Complaint Against: )  
OSAMA OMAR HAIKAL, M.D., )  
Respondent. )

Case No. 22-9436-1

**FILED**

**DEC 09 2022**

NEVADA STATE BOARD OF  
MEDICAL EXAMINERS

By: 

TRANSCRIPT OF HEARING PROCEEDINGS

Held at the Nevada State Board of Medical Examiners

9600 Gateway Drive

Reno, Nevada

Wednesday, December 7, 2022

JOB NO. 919891  
REPORTED BY:  
NICOLE J. HANSEN  
NV. CCR NO. 446  
CAL. CSR 13909  
RPR, CRR, RMR

1 APPEARANCES:

2

The Hearing Officer:

3

4 CHARLES WOODMAN, ESQ.  
5 584 Plumb Lane, Suite B  
6 Reno, Nevada 89509

6

7 For the Investigative Committee  
8 of the Nevada State Medical  
9 Board of Examiners:

9

10 DONALD K. WHITE, ESQ.,  
11 Senior Deputy General Counsel  
12 Nevada State Board of Medical Examiners  
13 9600 Gateway Drive  
14 Reno, Nevada 89521  
15 dwhite@medboard.nv.gov

13

14 For the Respondent, Osama Omar Haikal, M.D.:

15

IN PRO PER

16

17

18 Also Present:

19

20 MARGARET BYRD  
21 Legal Assistant  
22 Nevada State Board of Medical Examiners  
23 9600 Gateway Drive  
24 Reno, Nevada 89521

23

24



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1 RENO, NEVADA; WEDNESDAY, DECEMBER 7, 2022; 9:22 A.M.  
-o0o-

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4 HEARING OFFICER WOODMAN: So then we are now  
5 on the record in the matter of the charges and complaint  
6 against Dr. Osama Omar Haikal, M.D., Respondent. This is  
7 the Nevada State Board of Medical Examiner's Case Number  
8 22-9436-1.

9 Mr. White is here as counsel for the  
10 Investigative Committee of the Board. I typically refer  
11 to them in an abbreviated fashion as the IC. When I say  
12 that, that's what I'm referring to. We are here with our  
13 reporter in the Board's Northern Nevada office.  
14 Dr. Haikal is appearing via video conference from the  
15 Board's Southern Nevada office.

16 We have discussed a couple of housekeeping  
17 items prior to going on the record. Dr. Haikal has  
18 stated he has no objection to Exhibits 1 through 5  
19 proffered by the IC, so Exhibits 1 through 5 for the IC  
20 will be admitted. Mr. White has stated he has no  
21 objection to Dr. Haikal's Exhibit 1 but will be objecting  
22 to the admission of Dr. Haikal's 2, 3, and 4, so we'll  
23 take those up if and when Dr. Haikal proffers those. So  
24 1 through 5 for the IC are in evidence. Exhibit 1 for

1 Dr. Haikal is in evidence, and we'll address the others  
2 if and when we need to.

3 With that, Dr. Haikal, I just want to let you  
4 know that from what I've heard thus far, I can hear you  
5 fine and that's pretty good because I don't have very  
6 good hearing. But keep in mind that we are now on the  
7 record. We've got a court reporter here with us, so try  
8 not to speak too fast.

9 If at any time Mr. White is asking you  
10 questions, please wait until he finishes asking the  
11 question before you start to answer. Likewise, any time  
12 you might be asking questions of anyone, please do the  
13 same. I'll give instructions where need be, but we just  
14 want our reporter to be able to keep a nice clean record  
15 here. And if anyone is using any medical terminology,  
16 the slower with speak that terminology, the better.

17 And with that, Mr. White, do you intend to  
18 make an opening statement or get right into evidence?

19 MR. WHITE: I did make a quick opening  
20 statement.

21 HEARING OFFICER WOODMAN: All right. And,  
22 Dr. Haikal, just so you know, after Mr. White makes his  
23 opening statement, you'll either be allowed to make an  
24 opening statement right immediately thereafter or you can

1 reserve any opening statement you may want to make until  
2 Mr. White rests his case. And at the same time, you  
3 don't have to make an opening statement, so don't feel  
4 like it's something you have to do. It's your call.

5 With that, Mr. White, please go ahead.

6 MR. WHITE: Thank you. Don White, Senior  
7 Deputy Counsel, on behalf of the Investigative Committee.  
8 Thank you, Hearing Officer Woodman, Madame Court Reporter  
9 and Dr. Haikal. Thank you for participating in this  
10 important proceeding.

11 This hearing is to present evidence to  
12 determine if Dr. Haikal violated the sole count in the  
13 complaint that the Investigative Committee filed on June  
14 23rd, 2022. The complaint contains Count 1: Failing to  
15 comply with an order of the Investigative Committee  
16 pursuant to NRS 630.3065, Subsection 2 Subsection A.  
17 Dr. Haikal has been licensed to practice medicine in the  
18 State of Nevada since December 7th, 1985.

19 Throughout this hearing, the evidence will  
20 show that a Board investigator mailed a letter or  
21 actually a Board order dated September 2nd, 2021, to  
22 Dr. Haikal, an order to appear at an IC meeting on  
23 November 10, 2021, at 1:30 p.m. He had the option to  
24 appear telephonically. You'll learn that.

1 Dr. Haikal responded in a letter dated  
2 September 9th, 2021, and stated that he would be happy to  
3 comply but would appear on his time at either 12:00 p.m.  
4 or 3:30. You'll also see that in the exhibits. Board  
5 Investigator Hiett mailed another letter to Respondent  
6 dated September 20th, 2021, in an effort to clarify the  
7 law for Respondent and explained to him that his  
8 attendance was compulsory. And I just want to note when  
9 we get to this that this was almost two months from the  
10 date of the scheduled appearance.

11 In the letter dated October 13th, 2021,  
12 Dr. Haikal responded to Board Investigator Hiett where he  
13 appears to become more recalcitrant and unpleasant.  
14 Rather than relish the opportunity to have a discussion  
15 at an IC meeting with colleagues who have been appointed  
16 to investigate matters and complaints as members of the  
17 IC, the evidence will show the Respondent dug in his  
18 heels and flat out was going to dictate this meeting on  
19 his terms. Ultimately, he did not appear despite having  
20 nearly two months to arrange his schedule.

21 This matter originated from two other matters  
22 which the IC wanted to talk with Respondent. Those  
23 cases, however, are in no way relevant to this matter of  
24 which we are here today. NRS 630.311 Subsection 1

1 provides in part, except as otherwise provided in NRS  
2 630.323, which doesn't apply here, a Committee designated  
3 by the Board and consisting of members of the Board shall  
4 review each complaint and conduct an investigation to  
5 determine if there is a reasonable basis for the  
6 complaint. The Committee is composed of at least three  
7 members of the Board, at least one of whom is not a  
8 physician. The Committee may issue orders to aid its  
9 investigation including but not limited to compelling a  
10 physician to appear before the Committee.

11 Trent Hiett, Board Investigator on this  
12 matter, will testify as to the authenticity of the  
13 documents he sent and received as he investigated this  
14 case and corresponded with Respondent in an effort to  
15 have him appear at a regularly-scheduled IC meeting.  
16 Johnna LaRue, also Board Investigator, will testify that  
17 she called Respondent's office as part of her duties as  
18 Deputy Chief of Investigations to compel Dr. Haikal to  
19 appear.

20 The testimony and evidence that will be  
21 presented today will establish by a preponderance of the  
22 evidence that Dr. Haikal violated a Board order that he  
23 certainly received and it was timely. NRS 630.3065  
24 Subsection 2 Subsection A provides in part, except as

1 otherwise provided in 630.2672, knowingly or willfully  
2 failing to comply with a regulation, subpoena or order of  
3 the Board or a Committee designated by the Board to  
4 investigate a complaint against a physician constitutes  
5 grounds for initiating disciplinary action. That's why  
6 we're here this morning. If proven, this is a violation  
7 of the Medical Practice Act.

8 On behalf of the Investigative Committee, we  
9 ask the Board to consider the record that will be  
10 presented here and render the appropriate findings and  
11 discipline. Thank you.

12 HEARING OFFICER WOODMAN: Thank you,  
13 Mr. White.

14 Dr. Haikal, do you want to make an opening  
15 statement at this time? Do you want to reserve your  
16 right to do that later?

17 DR. HAIKAL: I will wait for later, if that's  
18 okay with you.

19 HEARING OFFICER WOODMAN: It's absolutely  
20 fine. I have no issues with that whatsoever.

21 So in that case, Mr. White, you can go ahead  
22 and call your first witness.

23 MR. WHITE: I am going to call Trent Hiett,  
24 Senior Investigator, as my first witness. And I think

1 Meg went to go get him right now.

2 HEARING OFFICER WOODMAN: Very good.

3 And, Mr. Hiatt, our reporter will swear you  
4 in.

5

6

TRENT HIETT,

7 having been first duly sworn, was

8 examined and testified as follows:

9

10 MR. WHITE: And before I ask him a question,  
11 I do want to do one more housekeeping thing. I would  
12 invoke the rule of exclusion, so if there are any other  
13 witnesses or anybody present down in Las Vegas that we  
14 can't see, I would just like to have it so that obviously  
15 the result of having that granted if so is to that  
16 certain witnesses don't taint other witnesses' testimony.

17 HEARING OFFICER WOODMAN: Anytime anybody  
18 invokes the rule, unless it's already been waived by  
19 virtue of somebody being a part of a hearing before it's  
20 invoked, I'm happy to order it.

21 Dr. Haikal, do you have any witnesses with  
22 you down in the southern office today?

23 DR. HAIKAL: No, you strike all of them, so I  
24 don't have anyone.



1 HEARING OFFICER WOODMAN: Very good. If  
2 anyone were to show up that you're considering calling as  
3 a witness, please make sure they know that they have to  
4 wait outside until they're actually testifying. So the  
5 rule is in effect.

6 MR. WHITE: Okay. Thank you. I will begin  
7 questioning Mr. Hiatt. Good morning, Mr. Hiatt.

8 THE WITNESS: Good morning.

9

10 DIRECT EXAMINATION

11 BY MR. WHITE:

12 Q Would you please tell the Hearing Officer and  
13 our court reporter your first and last names and spell  
14 them for the record, please.

15 A Trent Hiatt: T-R-E-N-T. The last name:  
16 H-I-E-T-T.

17 Q And where do you work?

18 A The Nevada State Board of Medical Examiners.

19 Q Okay. And what is your title?

20 A Investigator.

21 Q Are you a Senior Investigator?

22 A Yes.

23 Q And do you have any other roles besides doing  
24 investigations as being the Senior Investigator?

1 A No.

2 Q How long have you worked for the Nevada State  
3 Board of Medical Examiners?

4 A Nineteen years.

5 Q Just so you know, we are here today for a  
6 hearing to present evidence so that the Board can  
7 determine if Dr. Haikal violated the Medical Practice  
8 Act. Do you understand that?

9 A Yes.

10 Q Are you the investigator who was assigned to  
11 this case with regards to Dr. Haikal?

12 A Yes.

13 Q As part of your investigation for this case,  
14 were you required to obtain records or any kind of  
15 correspondence?

16 A Yes.

17 Q As part of your investigation for this case,  
18 were you required to serve orders?

19 A Yes.

20 Q I'm going to now focus in on some of the  
21 exhibits that you have in front of you there. I'd like  
22 you to turn to Exhibit 2 and take a look at it for a  
23 moment. And look up when you've had a chance.

24 A Okay.

1 Q Are you familiar with that document?

2 A Yes.

3 Q And what is that document?

4 A It's an order to appear before the  
5 Investigative Committee of the Board.

6 Q Is it signed by you or Dr. Muro?

7 A It's Dr. Muro.

8 Q All right. And what is the date on that  
9 order?

10 A September 2nd of 2021.

11 Q Did you in fact mail this?

12 A Yes.

13 Q I want you to turn to page six of that  
14 exhibit, and I want to draw your attention to lines two  
15 through ten. You'll notice on the left there is this  
16 pleading paper, so on the left, there's numbers. So two  
17 through 10, I'd like you to take a look at. And look up  
18 when you're done.

19 A Okay.

20 Q Now, is this language compelling Dr. Haikal  
21 to appear?

22 A Yes.

23 Q Is it giving him instructions on how he can  
24 appear?

1 A Yes.

2 Q Does it also mention there that he can appear  
3 telephonically?

4 A Yes.

5 Q So he doesn't have to appear in person?

6 A Correct.

7 Q At either the Las Vegas office or the Reno  
8 office, right?

9 A Correct.

10 Q Have you sent these orders out before as part  
11 of your job as an investigator?

12 A Yes.

13 Q Can you estimate how many orders you think  
14 over a 19-year career you've sent out?

15 A Maybe 50, 60. Not sure.

16 Q And what you have in front of you, is this  
17 the same language you use in orders to other licensees to  
18 compel them to appear?

19 A No.

20 Q Is it any different?

21 A No.

22 Q Except maybe just the names?

23 A Just the names and times.

24 Q Okay. I'll have you turn to Exhibit 3,

1 please. Take a look at it and look up when you've had a  
2 chance to review it.

3 A Okay.

4 Q Excuse me for jumping around. I'm going to  
5 jump back to two for a moment. I just want to ask you:  
6 What is the date on page six?

7 A September 2nd, 2021.

8 Q Okay. And it is for a meeting, an IC meeting  
9 where -- When was Dr. Haikal required to appear?

10 A November 10th, 2021, at 1:30 p.m.

11 Q Okay. So fair to say that this is more than  
12 two months before he's ordered to appear that this letter  
13 was dated?

14 A Correct.

15 Q All right. Now I'd like you to turn to  
16 Exhibit 3, please. Are you familiar with that document?

17 A Yes.

18 Q What is that?

19 A It's a letter I received from Dr. Haikal  
20 concerning his appearance, November appearance.

21 Q Now just to be clear, is it addressed to you?

22 A Oh, it's not addressed to me. No. It's  
23 addressed to Dr. Muro, the Chairman.

24 Q That's okay, but you mentioned you received

1 it. Did you receive this letter?

2 A Yes, I received this letter.

3 Q Okay. Is it common for you to receive  
4 letters addressed to IC members, or more particularly in  
5 this case, the IC Chairperson?

6 A Yes.

7 HEARING OFFICER WOODMAN: And I just want to,  
8 for the reporter's advantage, when they talk about  
9 Dr. Muro, that's: M-U-R-O.

10 Q (BY MR. WHITE:) What is that letter dated?

11 A September 9th, 2021.

12 Q So is it fair to say we're still a little  
13 over two months, maybe one day, two months and one day  
14 from the date of the appearance?

15 A Correct.

16 Q In that letter anywhere, can you see where  
17 he, Dr. Haikal, has offered to negotiate or request a  
18 different time for any reason?

19 A He mentions that he'd be happy to comply with  
20 the request at a different time than what was scheduled  
21 for his appearance.

22 Q Okay. What times are those?

23 A At 12:00 noon or 3:30 p.m.

24 Q And he did he provide you a phone number?

1 A He did. Yes.

2 Q And do you see the last line in that letter?

3 A Yes.

4 Q Can you read that?

5 A Thank you very much for your time. And  
6 should you have further questions, please feel free to  
7 contact my office.

8 Q Did you ever contact his office?

9 A No, I did not.

10 Q Did he ever contact you again? Well, let me  
11 rephrase that. Strike that question. Did he call you on  
12 the phone?

13 A No.

14 Q And does it appear that someone signed it?

15 A Yes.

16 Q And the name underneath the signature?

17 A Osama Haikal, M.D.

18 Q Thank you. I'd like to turn your attention  
19 to Exhibit 4, please. Take a look at that for a moment  
20 and then look up when you've had a chance. What is the  
21 date of that? Well, actually, excuse me. Are you  
22 familiar with that document?

23 A Yes.

24 Q What is it?

1           A     It's a letter that I sent to Dr. Haikal  
2     addressing his concerns but just letting him know that  
3     the Investigative Committee, you know, is aware of his  
4     concerns but they believe that he was given enough time  
5     to make arrangements to appear before the Committee or  
6     take a telephone call.

7           Q     And I'll take you through that too, but yeah,  
8     thank you. So it is a letter that you wrote; is that  
9     correct?

10          A     Correct.

11          Q     Okay. And it is to Dr. Haikal?

12          A     Yes.

13          Q     In that letter, do you address and refer to  
14     NRS 630.30652A?

15          A     Yes.

16          Q     And where did you get that language?

17          A     From the statutes that govern the Medical  
18     Board.

19          Q     Did you refer and include that statute in  
20     order to give Respondent notice of the governing statute  
21     regarding this matter?

22          A     Yes.

23          Q     It's signed by you; is that correct?

24          A     Correct.



1 Q Also, you'll notice a number at the top  
2 right. Can you see that?

3 A Yes.

4 Q I'll have you turn to page nine of Exhibit 4,  
5 the very next page. Does that number match the number on  
6 the letter?

7 A Yes, it does.

8 Q What is page nine?

9 A Page nine is just confirmation that the  
10 certified letter was received and signed for by someone  
11 in the office or the address that it was addressed to,  
12 the letter was addressed to.

13 Q And that address, is that Dr. Haikal's  
14 last-known address that we would have --

15 A Yes.

16 Q -- on record?

17 A Yes.

18 Q And when was your letter dated again, if I  
19 didn't cover that?

20 A September 20th, 2021.

21 Q And turning to page nine, can you tell us  
22 when it was delivered?

23 A It was delivered on September 23rd, 2021.

24 Q And is that your signature at the bottom of

1 the letter on page eight?

2 A Yes.

3 Q Now you had mentioned before -- and I'll take  
4 you through it a little bit -- in this letter, did you  
5 explain to Dr. Haikal the IC's feelings towards his  
6 demands to change the time?

7 A Yes.

8 Q And what was the IC's feelings toward that?  
9 Why did they -- Let me word this right. Why did they --  
10 What was their reasoning for explaining to Dr. Haikal  
11 that they weren't going to do the meeting at 12:00 noon  
12 or 3:30? Want me to rephrase the question?

13 A Yes, rephrase.

14 Q That was a bad question. What was the reason  
15 that the IC gave to Dr. Haikal in this letter for not  
16 acquiescing to his demands for a meeting at 12:00 noon or  
17 3:30?

18 A Well, what was given to me when I addressed  
19 in the letter, the Committee understands you may have  
20 obligations but feel you are given enough notice to  
21 rearrange your schedule in order to be available to take  
22 a call from the Committee at the ordered date and time.

23 Q And fair to say by looking at a calendar, if  
24 we had one in front of us, this letter was dated

1 September 20th, and the meeting, which you reiterated in  
2 the letter, is November 10th, 2021 at 1:30; is that  
3 correct?

4 A Correct.

5 Q So are we still almost two months away from  
6 that meeting and compulsory attendance?

7 A About a month and a half.

8 Q I'd like to turn your attention to Exhibit 5.  
9 Same as before. Just take a look at it, review it, and  
10 look up when you've had a chance. Are you familiar with  
11 that document?

12 A Yes.

13 Q What is that document?

14 A It's Dr. Haikal's response to my September --  
15 sorry -- September 20th letter that I sent out. Yes,  
16 September 20th letter.

17 Q Is it addressed to you?

18 A It is.

19 Q And what is the date on that letter?

20 A October 13th, 2021.

21 Q So is it fair to say we're still nearly a  
22 full month from the date of Respondent's ordered  
23 attendance?

24 A Yes.

1 Q Who does it appear wrote and sent that  
2 letter? Draw your attention to page 11, the second page  
3 of the letter.

4 A Appears that Osama Haikal, M.D., wrote the  
5 letter, Dr. Haikal.

6 Q Do you see a signature there?

7 A Yes.

8 Q If you need to flip back, I want you to be  
9 able to please tell me: Does it appear to be the same  
10 signature as in Exhibit 3?

11 A Yes.

12 Q Now, are you aware that Ms. LaRue, who will  
13 be a witness today, made a phone call to Dr. Haikal?

14 A Yes.

15 Q Okay. Were you present when she made the  
16 phone call?

17 A I don't believe I was. No.

18 Q So you would not have any personal knowledge  
19 about what was said to Dr. Haikal or his responses?

20 A No.

21 Q Now it does mention that there was a phone  
22 call made by Ms. LaRue. Can you see that?

23 A Yes.

24 Q And since this letter is addressed to you and

1 you've read it, is it fair to say that she did not get  
2 ahold of Dr. Haikal on that telephone call?

3 A Yes.

4 Q In fact, was she required to leave a message  
5 with staff?

6 A Yes.

7 Q I want to draw your attention to page 11,  
8 which is the second page of the letter. And  
9 particularly, I would like you to read out what it states  
10 in this letter or where it starts: "I will not."

11 A The paragraph?

12 Q Yeah. Can you read that? Yeah, that  
13 paragraph.

14 A Uh-huh. I will not be available to answer  
15 any questions by the Investigative Committee for the  
16 Nevada State Board of Medical Examiners at 1:30 p.m. on  
17 Wednesday, November 10th, 2021. However, I am available  
18 to answer any questions the Committee may have Monday  
19 through Thursday of any week at 12:00 noon or 3:30 p.m.

20 Q And then turning your attention to the very  
21 last sentence above his signature, it starts with: "If  
22 you." Could you read that?

23 A Yes. If you continue to consider my refusal  
24 to answer questions at 1:30 in the afternoon as a

1 violation of NRS 630.30652, then we will have to have a  
2 judge decide who is right or wrong.

3 Q How did you take that?

4 A That he was refusing to comply with the Board  
5 order to appear at his scheduled appearance.

6 Q And particularly, how did you take that he is  
7 telling you we can have a judge decide who is right or  
8 wrong? If you can't answer, that's okay.

9 A I'm not sure then. Yeah, I'm not sure I  
10 understand the question.

11 Q Okay. Let me ask you this. Is it common for  
12 you to get hauled into court and answer to a judge --

13 A No.

14 Q -- on a matter like this?

15 A No.

16 MR. WHITE: I will pass the witness. I have  
17 no further questions.

18 HEARING OFFICER WOODMAN: Very good. Thank  
19 you, Mr. White.

20 Dr. Haikal, this is your opportunity to ask  
21 any questions that you have of Mr. Hiatt. Do you want to  
22 ask him questions?

23 DR. HAIKAL: Good morning, Mr. Hiatt.

24 THE WITNESS: Good morning.

1 CROSS-EXAMINATION

2 BY DR. HAIKAL:

3 Q Did you receive any phone call from me  
4 pertinent to this investigation?

5 A No, I don't believe I did.

6 Q So all that we have is a written  
7 correspondence between you and I and once between Dr. --  
8 between me and Dr. Muro. Am I correct?

9 A Correct.

10 Q At any given chance, did I ever mention that  
11 the time frame that the IC through yourself gave me to  
12 appear for questioning November 10th at 1:30, 2021, did I  
13 ever mention that the time frame was restraining, was  
14 very short or very restrictive and inconvenient for me to  
15 rearrange my schedule?

16 A Yes, you did.

17 Q Did I say that the time frame is not enough?

18 A Yes.

19 Q Show me in writing. You have all of the  
20 exhibits there.

21 A Yes.

22 Q Review the exhibits -- you have them in your  
23 hand -- my letters and tell me where -- and I will look  
24 at it here -- did I ever mention that you did not give me

1 enough time to rearrange my schedule?

2 A Can you repeat the question, please?

3 Q Did I ever claim that the two months which  
4 Mr. White has been hammering the point that the IC,  
5 through yourself, had given me plenty of time to arrange  
6 my schedule. This is what Mr. White just tried to  
7 establish through questioning you.

8 My question to you: Did I ever, in my  
9 correspondence to you, claim that the time frame given by  
10 the IC for me to answer the questions November 10th, 2021  
11 at 1:30 is not enough time for me?

12 A No.

13 Q So I never claimed that the time frame was  
14 not enough or not easy for me to arrange my patients'  
15 schedule, have I?

16 A You did state that the time, the 1:30 wasn't  
17 a good time for you to take a phone call.

18 Q Sir, that's not my question.

19 A Okay.

20 Q 1:30, I explained to you I'm not going to  
21 come at 1:30 as opposed to 12:30 and the rational. Have  
22 I ever claimed that you, Mr. Hiett, as well as the IC,  
23 gave me short time to arrange my schedule to appear for  
24 their questioning?



1 A No.

2 Q That is correct, sir. Next, have I ever  
3 claimed, indicated or stated that I would never take  
4 questions from the Investigating Committee of Nevada  
5 State Board of Medical Examiners reference to this  
6 matter?

7 A No.

8 Q Thank you. All right. You answer to  
9 Mr. White's question about my issue with the IC when I  
10 proposed an alternative to the 1:30. I did not ask to  
11 change November 10th. I requested to change the  
12 investigation from 1:30 in the afternoon that day to  
13 12:00 noon/3:30; correct?

14 A Correct.

15 Q You answered Mr. White when he asked you if  
16 you, in writing, gave me a rationale or an explanation  
17 when the IC said no, it has to be 1:30 on November 10th,  
18 2021. Did you give me an explanation why did it have to  
19 be 1:30?

20 A No. No.

21 Q Take your time.

22 A No.

23 Q Take your time. So you never gave an  
24 explanation?

1 A No.

2 Q All right. Explanation came -- and we'll  
3 come to that later -- from Mrs. LaRue or Ms. LaRue, when  
4 she called my office and stated that he cannot dictate  
5 the terms of the investigation. I'll ask you what's your  
6 understanding of the term "dictate" in that regard.

7 A The way you reference it is that you won't  
8 direct the Committee to when your scheduled appearance  
9 time would be like noon or 3:30.

10 Q All right. I'm sorry. Go ahead. I'm sorry.

11 A No, you wouldn't direct the time to be at  
12 noon or 3:30 when they had you scheduled for a 1:30 time  
13 slot.

14 Q All right. That's fair enough. Do you  
15 consider, in your opinion, as a seasoned very  
16 well-experienced investigator -- as Mr. White highlighted  
17 in that and I agree with him -- do you consider a  
18 physician or a person giving alternative 12:00 noon or  
19 3:30 to fit the definition of dictating?

20 A I never make the determination of the time or  
21 to reschedule a time frame. Those requests always go to  
22 my superiors, which they share with the Investigative  
23 Committee.

24 Q That's not my question, sir.

1 A Okay.

2 Q My question is, again, in your opinion, when  
3 a physician responds by giving two alternatives: 12:00  
4 noon or 3:30 the same day that the IC chose to conduct  
5 its investigation fit the definition of dictating the  
6 terms of the investigation? Yes or no?

7 MR. WHITE: I'm going to object as to  
8 speculation.

9 HEARING OFFICER WOODMAN: Dr. Haikal, do you  
10 want to make a response to Mr. White's objection?

11 DR. HAIKAL: I feel that this is important.  
12 However, I will get to that later if you agree,  
13 Mr. Woodman, that the objection should be held. I think  
14 this is very important to the line of questioning that  
15 Mr. White gave to Mr. Hiett that it looks like I was  
16 dictating the terms of the investigation.

17 In my opinion, when a physician dictates,  
18 he's going to say it is noon or the highway. Out of  
19 flexibility, I gave them noon and I gave them 3:30. Not  
20 only that, I went further to explain to them the  
21 rationale of noon or 3:30 as opposed to 1:30.

22 Case in point, you, Mr. Woodman, you were  
23 very kind enough when we initially spoke, Mr. White,  
24 yourself and myself on the phone, you wanted to conduct a

1 prehearing on Tuesday or Thursday, and also you wanted to  
2 conduct the hearing which we have in here today on a  
3 Tuesday or a Thursday. And I requested from you that we  
4 make it on a Wednesday because Wednesday is relatively  
5 easier for me to rearrange my schedule. You were kind  
6 enough to consider and looked at your calendar, and you  
7 came up with the two days, October 26th and today,  
8 December 7th. Kindly, you gave it to me on Wednesday.

9 I requested further from you when you wanted  
10 to have it done in the morning that October 26th and  
11 today, November -- December 7th, to have it in the  
12 morning and the afternoon rather. You replied to me very  
13 politely and efficiently, and I appreciate your  
14 professionalism that the trial may take all day long.  
15 That's reasonable and rational, so I went along with it.

16 The issue here is not -- and I'm not going to  
17 take too much of your time. The issue here is not  
18 whether I had enough time to reschedule my patients. I  
19 explained to the IC that I am not asking 12:00 noon or  
20 3:30 because 1:30 is not good enough as I am playing golf  
21 or having lunch. I said that is to accommodate my  
22 patients.

23 MR. WHITE: I'm going to object now. At this  
24 point, he's testifying.

1 DR. HAIKAL: The responsibility of the  
2 physician is to keep -- the responsibility of the  
3 physician is to keep his office open for service of his  
4 patients.

5 HEARING OFFICER WOODMAN: I appreciate --

6 DR. HAIKAL: And that is the goal. Sorry.

7 HEARING OFFICER WOODMAN: And, Dr. Haikal, I  
8 absolutely understand your point.

9 DR. HAIKAL: All right.

10 HEARING OFFICER WOODMAN: I'm going to  
11 sustain the objection for this reason.

12 DR. HAIKAL: That's okay.

13 HEARING OFFICER WOODMAN: Mr. Hiett's opinion  
14 as to what constitutes dictating the terms or not  
15 dictating the terms probably at the end of the day  
16 doesn't matter whether he thinks you were trying to  
17 dictate the terms or not, but I definitely get the point  
18 you're making. But why don't you go on and ask any other  
19 questions you've got of him.

20 Q (BY DR. HAIKAL:) Thank you.

21 Mr. White did ask Mr. Hiett about asking for  
22 a third party to judge between the IC and myself. And  
23 either I wasn't clear in the statement or Mr. White did  
24 not understand it. He needs to go further where I said

1 Mr. Hiatt was referring to the original two complaints  
2 that came to the IC about my Digestive Disease Center,  
3 which is a center that I am the clinical director of and  
4 I am the owner of that center, and Mr. Hiatt referred to  
5 that issue in writing that it is considered by the IC or  
6 him or both that is a whistleblower issue. Could I have  
7 been a little bit more specific when I made that  
8 statement? Possibly, but that's exactly what Mr. Hiatt  
9 referred to the original --

10 MR. WHITE: I'd object. Is there a question?  
11 I'm going to object. Is there a question?

12 HEARING OFFICER WOODMAN: So, Dr. Haikal,  
13 right now while Mr. Hiatt is on the witness stand, you  
14 just need to be asking him questions. And then what  
15 you're saying right now kind of comes in as argument  
16 later on at the end of the case. But do you have any  
17 more questions for Mr. Hiatt?

18 Q (BY DR. HAIKAL:) One more. Do you still  
19 consider, Mr. Hiatt, the two complaints levied against me  
20 by two disgruntled employees as a whistleblower issue?

21 MR. WHITE: Objection, relevance.

22 DR. HAIKAL: I'm sorry?

23 MR. WHITE: Objection, relevance.

24 HEARING OFFICER WOODMAN: So, Dr. Haikal, how

1 is that question relevant to this case when this case is  
2 purely just about whether or not you complied with or  
3 disobeyed an order from the Board?

4 DR. HAIKAL: It is important to highlight the  
5 fact that Mr. Hiett, in spite of his long experience as  
6 an investigator, misunderstood the nature of the two  
7 complaints, and that's all that it is. If you hold the  
8 objection, I am okay and I don't have any further  
9 question after that. So I'd like to hear your opinion.

10 HEARING OFFICER WOODMAN: Okay. I'm going to  
11 sustain the objection because, Dr. Haikal, part of your  
12 focus is on the underlying complaints that may or may not  
13 be whistleblower. I don't know anything about those  
14 complaints because they're not in front of me.

15 I'm just looking at this case where the one  
16 allegation in the complaint is that you essentially  
17 failed to comply with the IC's order to participate in  
18 that question/answer process at a particular time on a  
19 particular day. And I know the evidence is really clear  
20 that you said hey, I'm not available to do it then, but I  
21 can do it at noon or 3:30. So that's really our only  
22 question today is whether there was noncompliance with an  
23 order, and if so, what the law says about that. So I'll  
24 sustain the objection.

1                   And does that mean, Dr. Haikal, that you  
2 don't have any more cross-examination of Mr. Hiett?

3                   DR. HAIKAL: No, I don't.

4                   HEARING OFFICER WOODMAN: Okay. Mr. White,  
5 any redirect?

6                   MR. WHITE: I just have -- yes, just a couple  
7 of questions. Yes.

8

9

REDIRECT EXAMINATION

10 BY MR. WHITE:

11                   Q     Turning -- I'm going to draw your attention  
12 again to Exhibit 5. Oh, excuse me. I'm sorry. Exhibit  
13 3. I apologize. In the middle of that, there's three  
14 paragraphs you can see; correct?

15                   A     Uh-huh. Correct.

16                   Q     Okay. So if you recall just a moment ago,  
17 Dr. Haikal asked you if he said he would not take  
18 questions, and you said no. Is that correct?

19                   A     Correct.

20                   Q     That he would not take questions from the IC?

21                   A     Correct. I believe yes on that.

22                   Q     And that he pointed to that he had provided  
23 two different times, right?

24                   A     Correct.



1 Q 12:00 noon and 3:30; is that correct?

2 A Oh, correct. Yes.

3 Q Now, I'd like you to read the middle  
4 paragraph there starting: "If neither" and then stop at  
5 the end where it says: "Five witnesses."

6 A If neither of these times is convenient with  
7 you, the Committee can make its decision based on the  
8 information we have provided to you. Knowing the fact  
9 that it is my word against theirs and knowing the fact  
10 that my word has been colloborate -- sorry --  
11 corroborated by the affidavit of five witnesses.

12 Q Okay. So if you can, gathering the meaning  
13 of that paragraph, does it look like he's going to take  
14 questions at 1:30?

15 A No.

16 Q Or meet with the IC on the date and time  
17 ordered?

18 A No.

19 Q In fact, does it look like he has written  
20 here that if you can't meet at his times, then you've got  
21 all you need and I'm not showing up?

22 A Correct.

23 DR. HAIKAL: I object to that, Mr. Woodman.

24 HEARING OFFICER WOODMAN: And what's the

1 basis of the objection, Dr. Haikal?

2 DR. HAIKAL: That's speculative. It's not  
3 listed in there.

4 HEARING OFFICER WOODMAN: Well, and here's  
5 what I want both Mr. White and Dr. Haikal to know, is  
6 that all five of the IC's exhibits are in evidence.  
7 Exhibit 1 from Dr. Haikal is in evidence, and so I'm not  
8 going to cut people off from trying to make the points  
9 they want to make that are relevant to the case, but both  
10 Dr. Haikal and Mr. White can -- since those exhibits are  
11 in evidence, you can argue at the end of the case what  
12 they mean. You can read quotes from them.

13 And I guarantee you before I make any  
14 decisions, I am going to read every line of everything  
15 that's in evidence. So I can certainly read and  
16 determine from at least from my perspective what I think  
17 those exhibits say and mean. But since it's in evidence,  
18 Mr. White, go ahead. I'm going to overrule the  
19 objection.

20 Q (BY MR. WHITE:) Thank you. I'd like to turn  
21 your attention to Exhibit 2, page six, which I'll  
22 represent is the second page of the order. That last  
23 sentence, could you read it to yourself and look up when  
24 you're done, starting with "Compliance" and ending with

1 the NRS?

2 Mr. Heitt, are you familiar with the term  
3 "boilerplate"?

4 A Not --

5 Q Not really?

6 A Not really.

7 Q If not, that's okay. Does that language  
8 there dealing with whistleblower protections, is that in  
9 all orders, if you know?

10 A Yes, all orders to appear. Yes.

11 MR. WHITE: Okay. That's all I have. Thank  
12 you. I'll pass the witness.

13 DR. HAIKAL: So I couldn't hear, Mr. Woodman,  
14 I couldn't hear the question clearly.

15 MR. WHITE: I'll repeat it. Mr. Haikal, I  
16 asked or Dr. Haikal -- excuse me. I asked Mr. Hiett if  
17 the language regarding whistleblower, which is the last  
18 sentence on page six of the order, is in every order to  
19 appear, and his answer was yes. And I'd pass the witness  
20 for recross if necessary.

21 HEARING OFFICER WOODMAN: Dr. Haikal, based  
22 on Mr. White's redirect examination, do you have any  
23 further questions to ask to clarify anything that  
24 Mr. Hiett testified to on redirect questions?

1 DR. HAIKAL: Not exactly. However, I thought  
2 we have, at the conclusion that the whistleblower issue  
3 is irrelevant to this hearing. At least that's what I  
4 understood from you, Mr. Woodman.

5 HEARING OFFICER WOODMAN: It is. I want to  
6 make the record perfectly clear on this. It's clear to  
7 me that there is some investigation that either happened  
8 in the past or might still be ongoing as to whatever  
9 these alleged whistleblower claims are pertaining to  
10 Dr. Haikal's practice.

11 I don't have that case. I don't know  
12 anything about it. I don't know what people claimed Dr.  
13 Haikal did or didn't do that was wrong. And frankly, any  
14 such allegations just don't mean anything to me because  
15 that case isn't in front of me.

16 So, Dr. Haikal, I want to make sure that you  
17 understand that whatever some employee, former employee,  
18 whatever anybody claimed you did or didn't do that they  
19 said was that they felt was inappropriate, that just that  
20 literally factors as a zero to me in this case. As far  
21 as I know, nothing has been decided or proven against  
22 you. And so to me, that really doesn't -- it's like that  
23 case doesn't exist except to the point that during their  
24 investigation of those whatever those allegations were

1 and are, here in this case, we've got the Board issuing  
2 an order, and then the question here is whether or not  
3 you complied or failed to comply with that order. That's  
4 the only thing we're here to talk about today.

5 So, Dr. Haikal, please know that the only way  
6 any of those underlying allegations that at some point  
7 were being investigated -- I don't know if they're still  
8 being investigated or not -- that's the only way that  
9 those underlying investigations and allegations pertain  
10 here today is the fact that they led to an investigation,  
11 and in that investigation, an order was issued, you  
12 respond to that order, said I can't do it at 1:30,  
13 whatever the time was, I can do it at noon. I can do it  
14 at 3:30.

15 So please know that whatever those  
16 allegations were and/or are, if they're still pending,  
17 they prejudice you zero in this case. I don't know what  
18 they are, and I don't care what they are. I mean, I care  
19 in the sense that obviously, they'd have to be dealt with  
20 appropriately so that you're treated fairly, but they  
21 just don't factor in here other than the fact that I know  
22 that's what led to the investigation where this order at  
23 issue emanated and was served on you and then your  
24 response to that and how that all shook out.

1           So I think, Mr. White, can Mr. Hiett be  
2           excused as far as the IC is concerned?

3           MR. WHITE: Certainly. If Dr. Haikal has no  
4           questions, certainly.

5           DR. HAIKAL: Make I make a point? That's  
6           what I understood from you, Mr. Woodman, ten minutes ago,  
7           and that's why I didn't understand why Mr. White is going  
8           to Mr. Hiett and questioning and referring to the  
9           whistleblower was it mentioned everywhere.

10          If it was irrelevant ten minutes ago, it's  
11          irrelevant right now at this point. And I did agree with  
12          your decision, Mr. Woodman. It has nothing to do with  
13          this case. Therefore, Mr. White should not have visited  
14          that issue of whistleblower again with Mr. Hiett. That's  
15          my point. I understood it earlier. I understand it now.

16          HEARING OFFICER WOODMAN: Okay. And point  
17          well-taken, Mr. Haikal.

18          DR. HAIKAL: Thank you, sir.

19          HEARING OFFICER WOODMAN: With that,  
20          Dr. Haikal, no further questions from you of Mr. Hiett?

21          DR. HAIKAL: No, thank you.

22          HEARING OFFICER WOODMAN: All right. Then,  
23          Mr. Hiett, thank you. You're excused, sir.

24          And, Mr. White?

1 How is our reporter doing?

2 THE COURT REPORTER: I'm okay.

3 HEARING OFFICER WOODMAN: Good morning,  
4 ma'am.

5 THE WITNESS: Good morning.

6 HEARING OFFICER WOODMAN: I'm Charles  
7 Woodman, the Hearing Officer assigned to this case.  
8 Before we can get started, we've got to have you sworn,  
9 so you've got your right hand raised. Our reporter will  
10 swear you.

11 MR. WHITE: As a housekeeping matter, I'd  
12 like to at least say that although Mr. Hiett has been  
13 excused, I know that Dr. Haikal also listed him as a  
14 witness for his case-in-chief too.

15 HEARING OFFICER WOODMAN: So he's not going  
16 anywhere, right?

17 MR. WHITE: He's not going anywhere.

18 HEARING OFFICER WOODMAN: So, Dr. Haikal,  
19 just so you know, if you decide you want to call  
20 Mr. Hiett in your defense case, he'll be around and be  
21 available for that.

22 DR. HAIKAL: Thank you.

23 HEARING OFFICER WOODMAN: All right.  
24 Mr. White, you've got a sworn witness.

1 MR. WHITE: Thank you. Good morning,  
2 Ms. LaRue.

3 THE WITNESS: Good morning.  
4

5 DIRECT EXAMINATION

6 BY MR. WHITE:

7 Q Please tell Hearing Officer Woodman and the  
8 reporter your first and last names and spell them,  
9 please, for the record.

10 A First name Johnna: J-O-H-N-N-A. Last name  
11 LaRue: L-A, capital R, u-e.

12 Q And where do you work?

13 A Nevada State Board of Medical Examiners.

14 Q And what is your title?

15 A Deputy Chief of Investigations.

16 Q Do you have any other roles besides doing  
17 investigations?

18 A Compliance Officer.

19 Q And how long have you worked at the Nevada  
20 State Board of Medical Examiners?

21 A Sixteen years and six monthsish.

22 Q Now, do you understand that we're here today  
23 for a hearing to present evidence so that the Board can  
24 determine, based on this evidence, if Dr. Haikal violated



1 the Medical Practice Act? Do you understand that?

2 A Yes.

3 Q Were you the investigator assigned to this  
4 case?

5 A No.

6 Q Did you have an interaction with Dr. Haikal's  
7 office?

8 A Yes.

9 Q Did you ever speak to Dr. Haikal?

10 A Not that I recall. No.

11 Q To the best of your knowledge, did you speak  
12 with somebody on his staff?

13 A Yes, his office manager.

14 Q I'd like to turn your attention to Exhibit 5.  
15 And if you could just take a look at that, review it and  
16 then look up when you're finished.

17 A Okay.

18 Q First ask you: Are you familiar with that  
19 document?

20 A Yes, I've seen it.

21 Q And is it addressed to you?

22 A No, it's not.

23 Q But you say you've seen it?

24 A I have seen it. Yes.

1 Q And what does that document appear to be?

2 A It appears to be a letter to Investigator  
3 Hiett in regards to a phone call that I made to  
4 Dr. Haikal's office explaining the order for appearance  
5 that he received and the previous letter that he had sent  
6 in regards to it.

7 Q There's a date there of September 14th --

8 A Correct.

9 Q -- 2021?

10 A Yes.

11 Q At around 10:00 a.m. Do you recall if that  
12 date and time is at least in the ballpark of when you  
13 made the phone call?

14 A That would be correct.

15 Q Did you ask to speak to Dr. Haikal?

16 A I did.

17 Q Did he come to the phone?

18 A No.

19 Q Were you able to leave a message?

20 A Yes.

21 Q You can see in the third paragraph there, you  
22 can see some words in quotes?

23 A Oh, yes.

24 Q Can you review those? Okay.

1 A Okay. Okay. It's not exactly what I said.

2 Q Well, I'm going to ask you that.

3 A Okay.

4 Q Okay. So did you say those words that are in  
5 quotes?

6 A Not exactly, no.

7 Q If you can remember, what did you say?

8 A I informed the office manager that when the  
9 doctors are issued a Board order with a specific date and  
10 time that Dr. Haikal would not be able to dictate to the  
11 Medical Board's IC Committee what date and time he would  
12 like to appear, that that was an order of the Board and  
13 that he was required to appear at the chosen time.

14 Q In fact, let's turn to page 12 of Exhibit 5.  
15 Does that look more like what you said? Actually, let me  
16 ask you a question. Have you seen this before?

17 A There? No.

18 Q You haven't seen that?

19 A No.

20 Q Okay.

21 A No, the letter -- I've seen the letter but  
22 not this attachment.

23 Q Okay. So is it fair to say you didn't say  
24 that he can't dictate the terms of the investigation? He

1 can't dictate the -- Let me ask another question. Did  
2 you say he can't dictate the terms of or the times when  
3 he shows up?

4 A Correct. That it would not be -- yes, that  
5 would be correct.

6 Q Did you feel it was important to get that  
7 message to Dr. Haikal?

8 A Yes.

9 Q If you can remember, were you at all  
10 concerned that it might not make it to him?

11 A No. The office manager assured me that she  
12 would give the message to Dr. Haikal. I just wanted to  
13 make sure that she understood the gravity of what it was  
14 in reference to.

15 Q There's a sentence here that says: She  
16 became very frustrated. Is it fair to say you were  
17 frustrated?

18 A No, not at all.

19 Q Have you made similar phone calls to other  
20 licensees before? Yes or no?

21 A No.

22 Q Do you feel that there may be doctors or  
23 licensees that have a very busy practice?

24 A Oh, absolutely.

1 Q So at any time, did you demand to talk to  
2 Dr. Haikal?

3 A No.

4 Q So it would be fair to say that did you  
5 understand that he was busy and couldn't come to the  
6 phone?

7 A Yes.

8 MR. WHITE: I have no further questions.  
9 Pass the witness.

10 HEARING OFFICER WOODMAN: Thank you,  
11 Mr. White.

12 Dr. Haikal, questions from you, sir, of  
13 Ms. LaRue?

14 DR. HAIKAL: Good morning, Ms. LaRue.

15 THE WITNESS: Good morning.

16

17 CROSS-EXAMINATION

18 BY DR. HAIKAL:

19 Q Is it common practice from the IC when they  
20 call a physician who cannot come to the phone to discuss  
21 the matter that they want to discuss with the doctor with  
22 the office manager?

23 A No, that wasn't discussed with the office  
24 manager.

1 Q Well, you stated that you told her about the  
2 investigation. Do you feel that my office manager needs  
3 to know that I am being investigated with the IC  
4 regardless of the reason behind the investigation?

5 A I didn't give the reason behind the  
6 investigation. I left a message letting her know that  
7 you couldn't dictate the time of your appearance which  
8 she was aware of. That was my only interaction with her.

9 Q All right. I did receive a message from  
10 Mr. Hiett previously, and as I always busy -- thanks God  
11 -- the message came to me. Mr. Hiett, from the State  
12 Board of Medical Examiners called, asked us to give you  
13 this message. Please return his call. And that's the  
14 end of it. My staff, office manager or others, did not  
15 need to know that there is an investigation. Whether  
16 they dictate the time of the investigation or not, that's  
17 none of their business. The message professionally  
18 should have been --

19 MR. WHITE: Objection. I'm going to object.  
20 There's no question asked. It's a narrative.

21 Q (BY DR. HAIKAL:) The question is: Is it  
22 normal to tell the staff that there is an investigation  
23 about the physician of the practice?

24 A When we interact with office managers, most

1 office managers.

2 Q That's not what I'm asking, ma'am. That's  
3 not what I'm asking. Is it normal -- Your interaction  
4 with staff is irrelevant to me. Is it normal to tell the  
5 officer manager that the doctor is being investigated?  
6 Is that what you do?

7 MR. WHITE: Objection, asked and answered.

8 HEARING OFFICER WOODMAN: Well, Dr. Haikal,  
9 let her go for a little bit.

10 DR. HAIKAL: All right.

11 HEARING OFFICER WOODMAN: I want her to  
12 answer your question. I think it's important. And if  
13 you think that she doesn't answer your question,  
14 obviously, then you can object and you can ask that it be  
15 stricken. But let her answer before you cut her off.

16 Do you want the question asked again or do  
17 you --

18 THE WITNESS: No. No. I understand his  
19 question.

20 HEARING OFFICER WOODMAN: Okay.

21 THE WITNESS: So it is common practice for us  
22 as investigators to contact a physician's office. When a  
23 physician is too busy to speak, we usually speak to the  
24 office manager to leave a message. Most office managers

1 in general -- maybe not in Dr. Haikal's office -- are  
2 aware of the letters that we send because they aren't  
3 sent private or whatever. They go directly to the  
4 office, which means that somebody else is opening the  
5 mail and is aware of what the mail is.

6 So when she responded to me, she very clearly  
7 understood what I was asking and what I was leaving a  
8 message for. There was no confusion about the  
9 information that I was providing. I didn't go into  
10 details in regards to any investigation because it's not  
11 my case.

12 I reiterated a letter that we received that  
13 demanded a different time from what the IC order said, so  
14 I let her know that you wouldn't be able to determine the  
15 time that was noted in the order and that if you didn't  
16 show up that it would be a violation, but that if you  
17 could call me back so we could discuss it further, I  
18 would appreciate it. That was the message I left.

19 Does that answer your question?

20 **Q (BY DR. HAIKAL:) Not exactly. Here is**  
21 **another question. Would you have achieved your goal if**  
22 **you mentioned please have Dr. Haikal return my call and**  
23 **this is my known phone number instead of telling the**  
24 **office manager that there is an investigation, so on and**



1 so forth? So you can answer that question and I'll  
2 follow-up.

3 A I'm a little confused, but I suppose yes  
4 would be the answer to that. You never returned my call,  
5 so I guess that would be a no.

6 Q Do you want me to repeat the question?

7 A No, no. I just my answer would be yes, I  
8 could have but no, I didn't because you never returned my  
9 call.

10 Q But how do you know at that moment that I was  
11 going to return your call or not?

12 A Because if I had asked her to have you return  
13 my call, I would have been able to speak directly to you,  
14 but since you never did, I never got to speak directly to  
15 you.

16 Q How do you know that I never did?

17 A Because I never got a voicemail and I've  
18 never spoken to you.

19 Q Ms. LaRue, at the time you left this message,  
20 were you able to ascertain that I would not return your  
21 call? Could you say that he will never return my call  
22 that's why I left that message with the office staff?  
23 Were you certain that I will not return your call at the  
24 time that you left this message on?

1           A     No, I was not certain that you would not  
2     return my call at that particular time.  No.

3           Q     Then the fact that I did not call you or not  
4     is irrelevant to your statement to my office manager.  
5     True or false?

6           A     I suppose that would be true.

7           Q     Very well.  Thank you.  One more thing.  You  
8     assumed that because you send your correspondence to my  
9     office that the office manager and the staff are aware  
10    about everything that goes on.  Thanks God, your  
11    Investigative Committee, when they send me something on  
12    the service on the envelope, it says:  "Personal and  
13    Confidential" and my staff never touch it.  Just put it  
14    on my desk.

15                    So what led you to believe that the office  
16    manager that you spoke to was very well-versed and aware  
17    about the fact that there is an investigation?

18           A     Because when I asked her, she responded that  
19    she was aware.  I asked her if she had any idea why I was  
20    calling.  She was aware.

21           Q     I will take your answer.  However, I usually  
22    do not inform my staff on any of those issues.  I have  
23    not been investigated frequently.  This is my first time.  
24    I will let this go.  I would like to hear from you what's

1 your definition of "immediately"?

2 A Sorry. Could you repeat that?

3 Q Yes. Your understanding when you leave a  
4 message to a busy physician in the morning that's doing  
5 surgery and you say: Have him call us immediately, what  
6 does "immediate" mean in your mind?

7 A As soon as you're available would be what  
8 immediately means to me for a physician who is busy.

9 Q Well, you are probably more versed in the  
10 English language than I am, and I don't think immediately  
11 means as soon as he's available, does it?

12 A I would think that for a busy physician,  
13 immediately would be as soon as you're available.

14 Q No. Sorry. That's not how it is in  
15 medicine. In medicine, immediately means stat. That's  
16 what we call it: Stat, which means drop everything in  
17 your hands and come and take my call or come and help me.  
18 I am dying or stuff like this. That's what we call  
19 immediately.

20 A Okay.

21 Q Not as soon as available.

22 A Okay. It doesn't say "immediately" anywhere.  
23 I don't recall telling her immediately, but it's not even  
24 written on the message either.

1           **Q     It's right there. Right there.**

2           MR. WHITE: I would ask that he refer to --  
3 if he's referring to an exhibit, to maybe point.

4           DR. HAIKAL: Yeah, it's right there.

5           MR. WHITE: Point the witness in the right  
6 direction.

7           THE WITNESS: Oh, okay. I didn't say call  
8 immediately. That was your office manager that wrote  
9 that. I stated you cannot dictate the time of your  
10 meeting, and if you don't show up that you'll violate the  
11 Board order. I didn't say call immediately. She wrote  
12 that. I didn't write that, and I didn't say that.

13          DR. HAIKAL: I cannot argue with you, but  
14 that's the message I was given. I was in the middle of a  
15 procedure, and she came, knocked on the door: Can I talk  
16 to Dr. Haikal? I said, "What's going on?"

17          Usually when we get that, it's some emergency  
18 that's happening, and he said you need to call the State  
19 Board of Medical Examiners, Ms. LaRue immediately. I  
20 said: Return my call. I am very busy, and I cannot take  
21 the call right now. But anyway, if you say that you did  
22 not say immediately, I --

23          THE WITNESS: No. My messages is below "call  
24 immediately." I didn't say call immediately.

1 DR. HAIKAL: All right. Very well. Thank  
2 you.

3 THE WITNESS: You're welcome.

4 DR. HAIKAL: I don't have any further  
5 questions for Ms. LaRue. Thank you.

6 HEARING OFFICER WOODMAN: Thank you,  
7 Dr. Haikal.

8 Any redirect?

9 DR. HAIKAL: Thank you, sir.

10 MR. WHITE: Yes, a little bit of redirect,  
11 please.

12

13 REDIRECT EXAMINATION

14 BY MR. WHITE:

15 Q Ms. LaRue, would you consider the information  
16 you passed to who you thought was the office manager on  
17 the other end of the phone essential?

18 A Yes. Oh, absolutely essential. Yes.

19 Q And by that, I also would ask you kind of  
20 rephrasing what I asked before. You really were  
21 concerned that -- Were you concerned that this message  
22 needed to get to Dr. Haikal?

23 A Yes. Based on the letter that we received in  
24 the office telling us that he would not appear at the

1 date and time that was ordered to him, I thought it was  
2 very important that the information get to Dr. Haikal,  
3 that he be made aware that he didn't get to say the date  
4 and time. We wanted to make sure that he showed up at  
5 the correct time so that this wouldn't happen.

6 **Q Do you think -- looking back on your**  
7 **conversation with the office manager -- do you think you**  
8 **were passing along any information about the underlying**  
9 **investigation?**

10 A No, I didn't give her any information about  
11 the investigation. The only thing I reiterated to her  
12 was the date and time couldn't be dictated. I don't even  
13 think that I gave her a date or a time specifically, just  
14 that the information that he provided to us, he couldn't  
15 dictate. He was going to need to show up at the date and  
16 time that he was ordered, and if he didn't, there could  
17 be, you know, potential disciplinary or violation of a  
18 Board order which is not good which is the whole basis  
19 for the phone call.

20 **Q Turning to Exhibit 5, page 12, which is the**  
21 **message --**

22 A Uh-huh.

23 **Q -- written. Now I understand you didn't**  
24 **write that.**

1 A No.

2 Q And you also didn't say: Call immediately?

3 A No.

4 Q That's just as you just stated and testified  
5 to. But I will ask you this. Does the message contain  
6 any information about the investigation or is it simply  
7 just to return the call?

8 A No, there's no information about the  
9 investigation. There's not even a date and time. It's  
10 just he can't dictate any date and time. He could be in  
11 violation of a Board order. Please give me a, you know,  
12 if he's a no-show. And I asked her just when he was  
13 available if he could call me.

14 Q And again, you made that phone call, as you  
15 testified to before on page 10, that date is correct:  
16 September 14th at around 10:00 a.m.?

17 A I don't know if it was around 10:00 a.m. I  
18 couldn't tell you the time of day, but September 14th  
19 sounds about right.

20 Q September 14th of 2021?

21 A 2021. Yes. That was last year.

22 Q Has Dr. Haikal called you since then?

23 A No, I never received a phone call from  
24 Dr. Haikal.

1 MR. WHITE: Okay. That's all I have.

2 HEARING OFFICER WOODMAN: Dr. Haikal, do you  
3 want to ask Ms. LaRue any questions based on Mr. White's  
4 redirect?

5 DR. HAIKAL: Yes.

6

7

REXCROSS EXAMINATION

8 BY DR. HAIKAL:

9 Q You have the exhibits there, Ms. LaRue, and  
10 you said that you spoke to my office manager telling her  
11 that I could not dictate the date and the time. Where do  
12 you find in my correspondence that I tried to, according  
13 to your quote, dictate the date or the dates?

14 A It's not in this letter. There was a  
15 previous letter that was addressed to Mr. Hiett that was  
16 sent to the Board that specifically gave a time that you  
17 would be available to meet with the Committee.

18 Mr. Hiett was unavailable, so the Chief of  
19 Investigations asked me to contact your office to explain  
20 to you that the date and time that was in the Board order  
21 was the date and time that you needed to be available for  
22 the IC Committee to talk to you and that you couldn't --  
23 so I made the phone call. I don't know if it's in one of  
24 the other exhibits. Am I allowed to look through this



1 packet to see the original letter that was sent?

2 HEARING OFFICER WOODMAN: You've got it in  
3 front of you. No one is going to complain if you take a  
4 look.

5 MR. WHITE: Go ahead.

6 THE WITNESS: Okay. Here it is. It's  
7 Exhibit 3. This was the letter that we received stating  
8 that his request, he would either be available at noon or  
9 at 3:30 p.m., which was not the stated date and time  
10 hence the phone call.

11 Q (BY DR. HAIKAL:) Ms. LaRue, your definition  
12 of dictate when a physician gives an alternative date,  
13 12:00 noon or 3:30, do you consider that dictating the  
14 terms of the investigation?

15 A Yes.

16 Q Why?

17 A Because when the Board orders you with a  
18 specific date and time, that's the specific date and time  
19 that you're supposed to appear before them either via  
20 telephone or in person, and the letter that you stated  
21 said that you would only be available at 12:00 a.m. or at  
22 3:30 or at 12:00 noon or at 3:30 p.m. That's you telling  
23 them. This would be dictating the date and time.

24 Q Do you know why my explanation of proposing

1 to do it at noon as opposed to 3:30?

2 A Your explanation or your reasoning why you're  
3 trying to tell them what time you'll be available is  
4 irrelevant. You received an order from the Board with a  
5 specific date and time.

6 Q That's not what I'm asking you. Irrelevant  
7 is your opinion. I am asking: Do you consider saying I  
8 would be happy to answer your questions that's to the IC  
9 at noon or 3:30 Wednesday, November 10th, 2021 is covered  
10 by the so-called your description of dictating or not?

11 A Yes, you're dictating what time you'll be  
12 available. That's correct.

13 Q So giving two options, you consider it  
14 dictating?

15 A Yes.

16 Q All right. Did you read my rationale why did  
17 I propose 12:00 noon as opposed to 3:30?

18 A There is no rationale about why in this  
19 letter.

20 Q There's another exhibit where I can tell you  
21 what I said.

22 A Okay. Based on the phone call I made to you  
23 was based on this letter specifically where there is no  
24 rationale about why you're choosing to dictate time and

1 date.

2 Q All right. Did you or the IC give any  
3 explanation as why does it have to be at 1:30 except just  
4 because that's what we said? Can you give an explanation  
5 why it has to be 1:30 or to my office staff? We did not  
6 speak with each other.

7 A No, I didn't give an explanation. All I did  
8 was leave the message that you've read previously in  
9 Exhibit 5 on page 12 that you wouldn't be allowed to  
10 dictate the date and time. I wouldn't have provided an  
11 explanation to her. I would have provided an explanation  
12 to you directly, but you never called me back.

13 Q All right. Would you provide it for me right  
14 now?

15 A The explanation is is that the IC --

16 MR. WHITE: Objection, relevance.

17 THE WITNESS: Thank you.

18 MR. WHITE: We never got that far.

19 HEARING OFFICER WOODMAN: Response to the  
20 relevance objection, Dr. Haikal?

21 MR. WHITE: And speculation.

22 DR. HAIKAL: I think I'm not speculating. I  
23 am asking her opinion what's the rationale and  
24 explanation that it has to be at 1:30. They would have

1 gotten the same questions answered at noon, same question  
2 answered at 1:30, same questions answered at 3:30.

3 Why did the IC want it at 1:30 knowing that I  
4 had informed them, as Ms. LaRue said, it's not in the  
5 letter in front of her, but if she goes back one more  
6 letter, she will find out that I said that accommodates  
7 my patients and serves my compliance with the Board order  
8 to answer the question what the IC ordered to answer the  
9 questions.

10 HEARING OFFICER WOODMAN: So, Dr. Haikal, is  
11 your specific question are you asking Ms. LaRue why it  
12 had to be at the time designated by the IC in the order?  
13 Is that the question?

14 DR. HAIKAL: Yes. Yes.

15 HEARING OFFICER WOODMAN: I'm going to let  
16 you answer that question.

17 THE WITNESS: That would -- I can't make that  
18 determination. I am not a Committee member. The  
19 Committee makes the determination of the date and time  
20 they wish you to appear. That's it. I mean, I'm  
21 assuming that they were busy at all of the other times.  
22 I am not a member of the Committee, so I don't make that  
23 determination.

24 HEARING OFFICER WOODMAN: And that's a fair

1 answer. Thank you.

2 Go ahead, Dr. Haikal.

3 Q (BY DR. HAIKAL:) Mr. Woodman, the record  
4 showed that I was never told that they are busy at noon  
5 or at 3:30. It just was because that's what we want.  
6 That's what we said. And I see that as abuse of power  
7 and a form of intimidation. We were informed by Mr. --

8 MR. WHITE: Objection, argumentative.

9 HEARING OFFICER WOODMAN: So, Dr. Haikal,  
10 some of what you're doing is really common when people  
11 represent themselves and don't have an attorney. You're  
12 making a lot of argument that you will absolutely have  
13 the opportunity to make at the end of the case. But  
14 again, I'll kind of repeat something I said earlier.

15 All of the IC's exhibits are in evidence.  
16 I've actually read through them thoroughly. I'm going to  
17 do that probably a few more times before I ever make any  
18 decisions in this case so I know what's in there. And at  
19 the end of the case, when both Mr. White and you have the  
20 opportunity to argue what you think this evidence should  
21 mean to me, you can argue away. But for right now again,  
22 I know what the letters say and what they don't say, and  
23 I absolutely get your point.

24 And if you want to argue that the IC's

1 decision to talk to you at an appointed time was  
2 inappropriate and unfair of them not to flex with your  
3 schedule and move, you know, move it up an hour and a  
4 half or back an hour and a half, you can absolutely make  
5 that argument, but not while you're asking Ms. LaRue  
6 questions.

7 DR. HAIKAL: Thank you.

8 HEARING OFFICER WOODMAN: Do you have any  
9 other questions of Ms. LaRue?

10 DR. HAIKAL: No, I don't. Thank you.

11 HEARING OFFICER WOODMAN: All right. Thank  
12 you.

13

14

FURTHER EXAMINATION

15 BY MR. WHITE:

16 Q I have one just to clarify the record.

17 Ms. LaRue, did you say to the officer manager  
18 that Dr. Haikal is not allowed to dictate the course or  
19 the terms of the investigation or the time?

20 A Just the time specifically.

21 MR. WHITE: Thank you. That's all I have.

22 HEARING OFFICER WOODMAN: All right.

23 Dr. Haikal, will you be asking Ms. LaRue any  
24 questions when you present your case?

1 DR. HAIKAL: I will reserve the right to do  
2 that. At this moment, I don't have any more questions.  
3 However, I have a comment about Mr. White's statement and  
4 her answer. That's not what she said earlier, by the  
5 way. She said they dictate the date and the time. She  
6 did not say anything about just the time of the  
7 investigation just for the record. And she just  
8 mentioned that four or five minutes ago.

9 HEARING OFFICER WOODMAN: Okay. So knowing  
10 that Dr. Haikal might need you for his case, you'll be  
11 around today?

12 THE WITNESS: I'll be available, yes.

13 HEARING OFFICER WOODMAN: Thank you,  
14 Ms. LaRue.

15 THE WITNESS: Am I good?

16 HEARING OFFICER WOODMAN: You're good to go.  
17 Mr. White, do you have other witnesses?

18 MR. WHITE: I will call Dr. Haikal.

19 HEARING OFFICER WOODMAN: Very good. Okay.  
20 Dr. Haikal, I need you to raise your right hand, and our  
21 reporter is going to administer the oath of a witness to  
22 you at this time.

23

24

1 OSAMA OMAR HAIKAL, M.D.,  
2 having been first duly sworn, was  
3 examined and testified as follows:

4

5 HEARING OFFICER WOODMAN: All right,  
6 Mr. White.

7 MR. WHITE: Would you like me to have him  
8 introduce himself and spell his name or --

9 HEARING OFFICER WOODMAN: Only if the  
10 reporter needs it.

11 THE REPORTER: No, thank you.

12 HEARING OFFICER WOODMAN: Go. Go ahead.

13

14 DIRECT EXAMINATION

15 BY MR. WHITE:

16 Q Dr. Haikal, how long have you been licensed  
17 to practice medicine in Nevada?

18 A Since December 5th, 1985, so it looks like  
19 about 38 years or so.

20 Q Are you licensed in any other states?

21 A I used to be licensed in Louisiana, New  
22 Jersey, Indiana, but the license, I let it expire.

23 Q So are you just licensed in Nevada now?

24 A For the time being, yes.



1 Q And what type of medicine do you practice?

2 A I do gastroenterology.

3 Q Now do you do surgeries as part of that?

4 A Surgery and slash procedures, yes.

5 Q Would it be endoscopies that you do? Do you  
6 do those?

7 A That's part of it. Yes.

8 Q And where is your practice located? In what  
9 city?

10 A Here in Las Vegas.

11 Q Okay. Do you have more than one location?

12 A Yes, I do. Three.

13 Q Do you own those? Are you part of a group  
14 that owns it? How does that work?

15 A I own the practice. I'm the head of the  
16 group. I'm the one who started it, so I am the director  
17 of the practice that we have.

18 Q Do you work at all three?

19 A Yes, I do.

20 Q At different times?

21 A Yes. Yes, I do.

22 Q Now, did you receive the first order from the  
23 IC, which is Exhibit 2?

24 A Yes, I did.

1 Q And so is it fair to say based on your  
2 responsive letters that you were aware of the time they  
3 wanted you to meet with them?

4 A Yes, I was.

5 Q And the date?

6 A Yes, I was.

7 Q And you're also aware -- are you aware that  
8 that was -- looking back on it, it was about -- it was  
9 more than two months until the date of your appearance?

10 A Yes, I was.

11 Q And you responded in a letter which is  
12 Exhibit 3; correct?

13 A Yes.

14 Q Looking at page seven of Exhibit 3, is that  
15 your signature at the bottom of the letter?

16 A Yes, it is.

17 Q Anywhere in that letter, did you state that  
18 you were too busy to meet at 1:30 on November 10th?

19 A I did not state it this way. If you read the  
20 first paragraph in my letter, your Exhibit Number 3, it  
21 stated that I'm proposing 12:00 noon or 3:30 by phone to  
22 the 1:30 time ordered by the IC.

23 Q Well, that's not my question though. Did you  
24 state in here that you were too busy to meet at 1:30 on

1 November 10th in your letter dated September 9th?

2 A I did -- no, I did not mention that in this  
3 letter.

4 Q And were you aware that you could also do it  
5 by telephone and not have to appear at an office?

6 A Yes, I was.

7 Q If you know, did you know when you wrote this  
8 letter on or that's dated September 9th, 2021, did you  
9 know what your schedule was for November 10th at 1:30?

10 A No.

11 Q I'd like you to turn to Exhibit 4, please.  
12 Did you receive this letter from Mr. Hiatt?

13 A Yes.

14 Q Okay. And was it clear from this letter that  
15 the Investigative Committee still wanted to talk to you  
16 at 1:30 p.m. on November 10th?

17 A Yes.

18 Q And if you can remember, did you ever call  
19 Board Investigator Hiatt to discuss these matters?

20 A I have not spoken to him.

21 Q Did anybody at your office call him, if you  
22 know?

23 A Not Mr. Hiatt. No.

24 Q Did they call anybody?

1 A They called Ms. LaRue.

2 Q Who called Ms. LaRue?

3 A My office manager who took the message from  
4 her.

5 Q Called Ms. LaRue back?

6 A Yes.

7 Q Now as stated before from Ms. LaRue, I'd like  
8 to just make sure that the record is all clear. Did you  
9 ever talk with Ms. LaRue on the phone?

10 A I did not. No, I have not.

11 Q Did you make yourself available on November  
12 10th for a meeting with the Investigative Committee?

13 A Not at 1:30. No.

14 Q Not at 1:30?

15 A No.

16 Q Okay. Sorry. I don't want to talk over each  
17 other. Did you try and call in at noon?

18 A No, I did not because the correspondence was  
19 that they would not take noon or 3:30. It's 1:30 or the  
20 highway.

21 Q Okay. So that answers my next question. Did  
22 you try to call in at 3:30?

23 A No, I did not.

24 Q I'd ask you to turn to Exhibit 5. Are you

1     **there?**

2             A     Yeah, I'm here.

3             **Q     Did you write this letter?**

4             A     Yes, I did.

5             **Q     And is that your signature on what we have as**  
6 **NSBME page 11?**

7             A     Yes.

8             **Q     And this on page 12, is this an exact copy of**  
9 **the note that was written by somebody at your office?**

10            A     I would say the note that was given to me,  
11 yes, it is.

12            **Q     In that note, do you see anywhere where your**  
13 **office manager or whoever wrote this note wrote anything**  
14 **about an underlying investigation?**

15            A     She mentioned right here in writing: He  
16 cannot dictate the terms of the investigation which means  
17 that the office manager was informed that there is an  
18 investigation of Dr. Haikal.

19            **Q     If I could correct you, where does it say**  
20 **investigation on here? I see the word time.**

21            A     You cannot dictate. Right there. You cannot  
22 dictate the time, and it's violation something.  
23 Arrangement. Have to make arrangement. If you don't  
24 make arrangement, then it's violation of the Board.

1 Yeah, you cannot dictate, I think, the time.

2 Q The time?

3 A Yeah.

4 Q Okay. Let me ask you if you can remember  
5 what you meant by the last part of your letter, and I'm  
6 specifically referring to page 11: That a judge -- I'll  
7 have a judge decide who is right or wrong. What does  
8 that mean?

9 A As I mentioned when I was questioning  
10 Mr. Hiett, the reference to judging is about whether the  
11 investigation that he considered to be a whistleblower is  
12 really his opinion which I disagreed with if he or the IC  
13 do not see what I see about the original complaint, then  
14 we have somebody to judge if it is or if it's not.

15 He felt that it was a whistleblower. I think  
16 it was just disgruntled employee that was disciplined and  
17 they wrote those two letters. That was the reference  
18 that a judge will have to determine if it's a  
19 whistleblower or not.

20 Q So you were going to start a lawsuit? Is  
21 that --

22 A Sorry?

23 Q So you were going to start a lawsuit?

24 A Are you asking me a question?

1 Q Yeah. Were you going to start a lawsuit?

2 A I think it's irrelevant whether I start  
3 something or not.

4 Q Okay. Why couldn't you show up at 1:30?

5 A Because -- That's a very excellent question,  
6 sir, and I'm glad to answer that. Remember when we  
7 spoke, the three of us: You, Mr. Woodman and myself on  
8 Thursday after you finally got the email which was  
9 missing somewhere in there for a month, I told you I  
10 cannot take any calls on Friday because I work from 6:00  
11 o'clock in the morning until about 6:30, 7:00 p.m. in the  
12 afternoon. I'm one of the very few physicians who does  
13 not eat lunch.

14 My schedule, classic, I start at 6:00 o'clock  
15 in the morning and I finish by 12:00, 12:30. I take  
16 about ten minutes to rehydrate and then start my  
17 afternoon. My afternoon goes from 12:30 to about 6:00,  
18 6:30, and then after that, I take care of prescriptions  
19 and phone calls and so on and so forth. Therefore, doing  
20 1:30 in an investigation that I don't know how long it is  
21 going to take will force me to cancel my afternoon that  
22 day which is November 10th.

23 However, my proposed time for the IC as 12:00  
24 noon or 3:30. 12:00 noon will allow me to start my

1 patients maybe an hour earlier and keep going until I  
2 finish the patients.

3 If the Investigative Committee wanted to meet  
4 me at noon, then I would move the patients instead of  
5 coming at 12:30, I'd say come at 1:30. So if I'm behind,  
6 the Investigative Committee take a little longer time for  
7 the questioning, then if I am half an hour later, my  
8 patients, I can start at 2:00 o'clock. Giving my  
9 patients the service for two to three hours is better  
10 than zero hours or do it at 3:30. 3:30 means I can start  
11 seeing patients at noon and finish by 3:00, so my  
12 patients still got served. My office and practice is  
13 open for them. Two-thirds of that day is better than  
14 zero.

15 1:30, for somebody who starts at 12:30 means  
16 I cannot see a patient or two and then interrupt, go and  
17 do answer questions for the IC, and then I don't know  
18 what time they're going to finish and then go and see  
19 patients. I respect my patients to have them sit down  
20 too long in my waiting room. So that's the difference  
21 between 12:00 noon, 3:30 and 1:30.

22 **Q You had mentioned something about Friday at**  
23 **the beginning of your answer.**

24 **A** You know what? Yes. When I explained to you



1 my busy schedule --

2 Q Yeah, but --

3 A -- this past Friday --

4 Q Let me ask you another question. Do you know  
5 that this is a Wednesday? November 10th of 2021 was a  
6 Wednesday?

7 A Yes, sir. You are confusing two issues,  
8 Mr. White. Friday is when I explained to you and  
9 Mr. Woodman my busy schedule.

10 Q Okay.

11 A Last Thursday, when we finally got your -- my  
12 email to you which was somewhere hiding in there as you  
13 explained to me, and we spoke on Thursday, the three of  
14 us, and you wanted to have a conference call on Friday,  
15 and I gave you my Friday schedule. That's the reason I  
16 gave you Friday. I am fully aware of the time and date  
17 ordered by the IC was Wednesday, November 10th, 2021 at  
18 1:30.

19 Q Okay. Thank you. Thank you for your  
20 response.

21 A Thank you.

22 Q You answered at the beginning when I started  
23 asking you questions that you did not know your schedule  
24 on the date you wrote your letter in response, which is

1 Exhibit 3, dated September 9th, 2021, you answered that  
2 you did not know your schedule on November 10th at the  
3 time of that letter. Is that correct?

4 A That is correct. Do you want me to explain  
5 something to you?

6 Q No, that's okay. So your answer that you  
7 were going to have to rearrange my patients on November  
8 10th is not completely true in the fact that you didn't  
9 know your schedule, right?

10 A The difference between not knowing my  
11 schedule and having patients on the computer. I get my  
12 schedule a day or two ahead of my -- that day. So on  
13 Wednesday, November 10th, 2021, I would see my schedule  
14 probably Monday. If I am thoroughly busy on Monday, I'll  
15 see it on Tuesday. So it does not mean that the patients  
16 are not on the schedule. I just don't know about it. I  
17 take it a day at a time.

18 Q Was it possible -- if you can answer this --  
19 was it possible back in September when you received the  
20 order that you could have told your office manager to  
21 block you out from 1:30 on November 10th, 2021?

22 A Of course everything is possible. I block my  
23 schedule today. But that's not the issue that I am  
24 arguing here.

1           **Q     So why didn't you?**

2           A     Because that would deprive my patients of 20  
3 percent of that week time. I am a busy, very busy  
4 physician, and anybody who lives in Las Vegas or State of  
5 Nevada for that matter, our patients are having real hard  
6 time getting access to their physicians. I respect my  
7 patients too much.

8                     And when I propose the solution which as I  
9 mentioned in my letter -- and if you want, I'll find the  
10 exhibit for you -- that doing the investigation either at  
11 noon or 3:30 on Wednesday, November 10th, at noon or  
12 3:30, 2021, will serve both purposes, will serve the  
13 order from the IC to answer their questions and at the  
14 same time satisfy my patients' needs and requirements. I  
15 am a very busy physician. I respect my patients, and I  
16 don't see the need to cancel if I don't have to.

17                     As I mentioned earlier to Mr. Woodman, I  
18 tried to get him to schedule this hearing and the one  
19 before the prehearing in the afternoon and he replied no,  
20 but he gave me an explanation that the whole thing may  
21 take the whole day. Makes sense, so I had to cancel the  
22 day. But if I propose a solution that satisfied both  
23 issues, serve my patients and take care of my  
24 responsibility towards the Board, I thought that was very

1 reasonable for two physicians and certainly the IC  
2 Committee to consider.

3 **Q If you can answer this question. Are you**  
4 **aware that each Investigative Committee has two physician**  
5 **members and they are usually very busy also?**

6 A I wasn't aware about that until you told me  
7 that there are two physicians on the Committee and a  
8 third person who is not a physician.

9 **Q Yes, a public member.**

10 A You told me that.

11 **Q Who is also sometimes pretty busy.**

12 A I'm sure they are all busy. I'm not claiming  
13 that I'm the only busy one. They're all busy. So are  
14 you.

15 MR. WHITE: I don't have any further  
16 questions.

17 HEARING OFFICER WOODMAN: All right.  
18 Dr. Haikal, this is a peculiar situation that we find  
19 ourselves in sometimes. You can either cross-examine  
20 yourself, which means give testimony that you want to  
21 give in response to the questions that Mr. White had  
22 asked you. You can either do that now or you can just  
23 wait, and when he finishes his case and you get to put on  
24 any case you want to put on, you can give that testimony

1 at that time. It's completely up to you and it doesn't  
2 make any difference to me.

3 DR. HAIKAL: I don't think I want to  
4 cross-examine myself.

5 HEARING OFFICER WOODMAN: That's fine and  
6 understood. With that then, we'll relieve you from being  
7 a witness at this time in the IC's case.

8 And, Mr. White, do you have other witnesses?

9 MR. WHITE: No more witnesses. We rest.

10 HEARING OFFICER WOODMAN: Okay. So we have  
11 not given our reporter any kind of a break at all this  
12 morning, which is a crime on my part, and I apologize.

13 Dr. Haikal, this is what I want to do. Let's  
14 go off the record so we can address some housekeeping  
15 issues.

16 (WHEREUPON, an off-the-record discussion ensued.)

17 (Recess.)

18 HEARING OFFICER WOODMAN: Dr. Haikal, I have  
19 your Exhibits 1 through 4 in front of me. Number 1 is  
20 already admitted into evidence by Mr. White's agreement.  
21 Number 2, that is a letter to the Medical Board from Joy  
22 Nigo. Can you tell me why you think that letter is  
23 relevant?

24 DR. HAIKAL: The original complaint was from

1 two disgruntled former employees who used to work at the  
2 Digestive Disease Center as endoscopy technicians and  
3 they claimed that my CRNA, which is Certified Nurse  
4 anesthetist, is stealing the Propofol and I'm covering up  
5 for him. Also, they claimed that I slammed their wrists  
6 and I pulled their fingers, and they went further.

7 One of them went further to claim that I  
8 mentioned that I am going to buy a gun and shoot some of  
9 the current and former employees. Therefore, I cited Joy  
10 Nigo. She is an endoscopy technician, works with them  
11 very closely, has been with my practice for over, I  
12 believe, 16 years or so in order to testify to the  
13 falseness of their claim.

14 HEARING OFFICER WOODMAN: Okay. Very good.  
15 And Exhibit 3 is a letter, To Whom It May Concern, from  
16 Dennis Griggs. Why do you believe that's relevant to our  
17 hearing today?

18 DR. HAIKAL: All right. Dennis Griggs,  
19 again, as I mentioned with Joy, he is a CRNA employed by  
20 the Digestive Disease Center. I am his boss. And I am  
21 his supervisor, as CRNA has a physician M.D. as a  
22 supervisor. They accused him of stealing the Propofol,  
23 and that's a very serious allegation, and they went  
24 further to say I am covering up for him.

1           A sixth grader knows if an owner of a surgery  
2 center pays for the Propofol would have to be very stupid  
3 to cover up for the CRNA with his own money. I felt that  
4 the IC should have seen through the nature of the  
5 allegation. I wanted Dennis Griggs to testify to how  
6 they handled Propofol and our surgery center and how  
7 impossible it is for the Propofol to be stolen.

8           HEARING OFFICER WOODMAN: Okay. So,  
9 Dr. Haikal, I know that Mr. White objects to Exhibits 2,  
10 3, and 4, and I am going to sustain his objection because  
11 the irony is that now from looking at those Exhibits 2,  
12 3, and 4, now I at least know a little bit of something  
13 of the underlying charge or at least the allegations  
14 which I didn't know anything about until looking at those  
15 letters. But those are not relevant to the question of  
16 whether or not you complied with or didn't comply with  
17 the IC and the Board's order, and so I'm going to not  
18 admit Exhibits 2, 3, and 4 into evidence, but one is in  
19 by admission because Mr. White agreed to it -- I haven't  
20 even looked at it yet, and it can come up as you testify.

21           But my next question, sir, is did you want to  
22 make an opening statement to kind of introduce your case  
23 in your evidence or do you just want to get straight into  
24 testifying? That's completely up to you.

1 DR. HAIKAL: I will make a very brief opening  
2 statement. And I'm fully aware of the nature of the  
3 hearing of today allegation, and that is pertinent to the  
4 violation of the NRS 630.3065-2-8, and I'm very much  
5 aware of the statute. I looked at it and it does not say  
6 that a physician has to appear at that exact time.

7 I felt I was very reasonable in proposing an  
8 alternative time for the day that they chose which is  
9 noon or 3:30, and I gave them an explanation as to why  
10 which fundamentally is to serve my patients.

11 We physicians, myself and I am sure the two  
12 physicians who sit on the IC Committee understand that  
13 the responsibility of the physician is to keep himself  
14 available to serve his patients. If I propose an  
15 alternative that would serve their goal of answering the  
16 questions in the allegations that I mentioned earlier and  
17 at the same time fulfill my responsibility towards that  
18 patient, I felt at least that they should, knowing that  
19 they are very busy, but again the same argument as  
20 Mr. White tried to pin it on me that I had more than one  
21 and a half to two months to arrange my schedule. They  
22 also had the same time frame to arrange their schedule to  
23 ask me a question either at 12:00 noon or 3:30 the same  
24 date that they chose. I.



1 I felt their insistence was a show of abuse  
2 of power. You do what we tell you to do even though if  
3 you have an alternative that makes more sense than what  
4 they are proposing. Therefore, I don't consider that I  
5 violated this NRS that you mentioned a number. I am  
6 going to read it again.

7 I never stated to the IC through Mr. Hiett or  
8 to Dr. Muro that I will not take the questioning. I just  
9 wanted them to accommodate and understand that my  
10 patients come first as the two doctors of the IC should  
11 realize and understand.

12 Anybody who lives -- I don't know how it is  
13 in Reno, but I'm sure it's very much the same as here in  
14 Las Vegas, we have a terrible time accommodating our  
15 patients. Everybody is very busy. Our patients here in  
16 Southern Nevada, Las Vegas specifically, are suffering  
17 from having lack of access to their physicians.

18 And I do feel that the IC physicians, the  
19 physicians of the IC should be very aware of this fact,  
20 and that if they are not, they need to be reminded that  
21 we have a really hard time accommodating our patients.  
22 We're all very busy. We all here to serve the patients.  
23 And that's the rationale of me feeling I did not violate  
24 any of the conditions of the statute of the Nevada

1 Revised Statutes. And that's it.

2 HEARING OFFICER WOODMAN: Thank you very  
3 much, Dr. Haikal.

4 DR. HAIKAL: Thank you, sir.

5 HEARING OFFICER WOODMAN: And with that, you  
6 are now welcome to testify to give actual evidence in the  
7 case. What you just said in your opening statement isn't  
8 evidence. I did take some notes, but now this part of  
9 what you say will actually be testimonial evidence, and I  
10 just want to remind you you've already been sworn in as a  
11 witness, so you're still under the same oath.

12 DR. HAIKAL: Yes, I do.

13 HEARING OFFICER WOODMAN: And you have the  
14 floor.

15 DR. HAIKAL: Thank you. On the exhibit that  
16 was stricken is Exhibit 1, and as you mentioned that most  
17 of it, we did not have anything to do with the case that  
18 you are hearing today. However, I will refer you to the  
19 last page of my exhibit.

20 HEARING OFFICER WOODMAN: Got it.

21 DR. HAIKAL: Where I admit that the Committee  
22 did give me enough time to arrange my schedule, and  
23 that's the point that Mr. White was trying to hammer on.  
24 I am not arguing that.

1           As I mentioned to him, I do not know my  
2     schedule except for a day or two ahead of time, but  
3     depriving my patients from access to my service, my  
4     practice in order to answer questions in a complaint, two  
5     complaints that I consider to be very false, very  
6     frivolous, and she said/he said and disappointed, to say  
7     the least, with the IC members who failed to see through  
8     those complaints.

9           I never refused to take any questions from  
10    the IC. I only want to accommodate my patient while I am  
11    observing my responsibility towards the Nevada Revised  
12    Statute and the practice of medicine in the State of  
13    Nevada.

14           HEARING OFFICER WOODMAN: Very good,  
15    Dr. Haikal. Is there anything else that you want to say?

16           DR. HAIKAL: I am reading the rest of the  
17    affidavit.

18           HEARING OFFICER WOODMAN: Okay.

19           DR. HAIKAL: Mr. White or the IC can come and  
20    say well, I can have my patients seen by one of my  
21    associates. I have a group of four. My patients don't  
22    like to see any other physicians. Furthermore, my  
23    associates are very much as busy, but they are not as  
24    efficient as I am.

1 I've also requested from the Committee, if  
2 they don't see eye-to-eye with me about 12:00 noon or  
3 3:30 p.m. for me to take the questions the same day that  
4 they chose which is Wednesday, November 10th at 12:30,  
5 2021, that based on the evidence furnished by the two  
6 complainers and my response to those evidence which was  
7 supported by five affidavits from my current employees  
8 that I listed as exhibits for witnesses, I said that they  
9 can go ahead and make judgment with the evidence that  
10 they have.

11 I'm very, very sure that they didn't have any  
12 evidence from the two complainants, but again, I am not  
13 going to divulge that. As you indicated, that has  
14 nothing to do with what we're here for. I did not  
15 violate the Nevada Statute that you are referring to. I  
16 was willing to answer their questions. The only thing is  
17 my patients come ahead of the IC, and they need to  
18 realize that. Thank you, sir.

19 HEARING OFFICER WOODMAN: Thank you very  
20 much, Dr. Haikal.

21 DR. HAIKAL: Thank you.

22 HEARING OFFICER WOODMAN: Mr. White, would  
23 you like to ask questions?

24 MR. WHITE: Yes, please. Thank you. May I

1 have your indulgence for just a minute? I'm trying not  
2 to repeat all of the questions we've already gone through  
3 due to the nature of this.

4 HEARING OFFICER WOODMAN: Well, I know that  
5 that's the trick, right, is to try and cull out what  
6 hasn't been covered at least once or twice.

7 MR. WHITE: Dr. Haikal?

8 THE WITNESS: Yes, sir.

9

10 DIRECT EXAMINATION

11 BY MR. WHITE:

12 Q You're aware that -- well, let me ask you  
13 this question actually, kind of open it up. Have you  
14 ever been called previously to meet with the  
15 Investigative Committee in a closed meeting?

16 A No, I have not.

17 Q You're aware those are closed meetings,  
18 right?

19 A This meeting here?

20 Q No. This is a hearing. The meeting that you  
21 were supposed to show up for with the IC back in November  
22 of 2021.

23 A You call it a closed meeting?

24 Q You're aware it's a closed meeting?

1           A     I have never never had to go through  
2 something like that.

3           Q     Okay. And so you haven't been called to  
4 appear before that before this order came to you. You'd  
5 never been called before the IC?

6           A     No.

7           Q     So would you be aware that you would have had  
8 the opportunity to discuss nearly all of the issues in  
9 your letters with the IC and they would have listened to  
10 you?

11          A     Yes, I am aware of that.

12          Q     But you didn't go?

13          A     I wouldn't go at 1:30, and I would have  
14 answered the issues at 3:30. What difference does it  
15 make as far as the questioning and the answer they will  
16 get? They will get the same answer at 12:00 noon, same  
17 answer at 1:30, same answer at 3:30. The only issue is:  
18 We told you so, and I see that as abuse of power. Yes, I  
19 am aware that I would have discussed everything I wrote  
20 for them and everything that they send to me.

21          Q     So you consider an abuse of power for them to  
22 schedule you to show up at a certain time?

23          A     No, that's not what I'm saying, sir. It's  
24 abuse of power when somebody proposes to them an

1 alternative that takes care of their need to investigate.  
2 I am not denying their right to investigate, but  
3 proposing a different time is not a crime. Proposing  
4 noon as opposed to 3:30 is intended to accommodate my  
5 patients.

6 Mr. White, if it is in the IC's opinion that  
7 keeping my office open for my patient access to my  
8 service, then I am guilty because that's exactly what I  
9 tried to do.

10 I want you to close your eyes and imagine  
11 yourself or your wife or your child, if there are adults  
12 having severe abdominal pain or somebody who is having  
13 diarrhea with rectal bleeding or someone who is throwing  
14 up blood and called their doctor to see him, and he is  
15 sitting there answering questions about allegations that  
16 a six-year-old or a sixth grader for that matter would  
17 have seen through it that it is false and it's a he  
18 said/she said. I'd reiterate again --

19 **Q I'm going to ask you another question. Let**  
20 **me stop you for a second.**

21 A And I repeat again --

22 **Q Let me ask you another question. I'm going**  
23 **to stop you for a second.**

24 A All right.

1 Q We're getting into the underlying cases here  
2 again. You would have had the opportunity. You  
3 understand you would have had the opportunity to discuss  
4 those matters with the IC?

5 A Yes, I would have.

6 Q Okay.

7 A Now the question to you: Does it matter if  
8 it is noon?

9 Q You're not questioning me right now,  
10 Dr. Haikal. I'm not taking questions right now.

11 A All right, sir.

12 Q I'm asking you questions. Okay. You're  
13 aware that you could have done this by a phone call;  
14 correct?

15 A Yes, I am.

16 Q You could have met with the IC on the 10th of  
17 November last year, 2021, at 1:30 by phone call?

18 A Yes, I am.

19 Q That phone call could have taken place. You  
20 could have been standing in your office; correct?

21 A I don't know how long the phone call will  
22 take, so I wasn't going to stand in the office. I was  
23 going to sit down. Yes.

24 Q Okay. Sitting down in your office?



1 A Sorry?

2 Q **Sitting down in your office where you were?**

3 A Sitting down in the office to take the call.  
4 I didn't know how long the call would last.

5 Q **Okay. And it's your feeling, as you just**  
6 **stated, that if an emergency came up, that you would have**  
7 **to stay on that phone call?**

8 A That's what you're saying. That's not what  
9 I'm saying.

10 Q **Well, you said something about rectal**  
11 **bleeding and vomiting and --**

12 A What I'll say -- I'll explain it to you, all  
13 right? If I close my office and that afternoon, November  
14 10th at 1:30, I will not be taking any emergency calls,  
15 my patients stand to suffer. I did not say that I will  
16 interrupt their phone call. I said excuse me, I have to  
17 go and take care of a bleeder.

18 My statement is: Imagine your family or  
19 yourself having severe abdominal pain, which is part of  
20 what I handle, abnormal liver enzymes, diarrhea with  
21 bleeding or vomiting blood, that they won't have access  
22 to your advice on the phone, whether to see them in the  
23 office or refer them to the emergency room or urgent  
24 care. That's what I'm saying.

1 I had to cancel the afternoon if I have to  
2 take the call at 1:30. There's no point of taking the  
3 call at 1:30 and start seeing my patients at 12:30. I'll  
4 see a patient or two between 12:30 and 1:30 and then  
5 interrupt, and I don't know how long it's going to take,  
6 so the easy thing to do, the logical thing to do is to  
7 cancel the afternoon and deprive my patients from that  
8 service.

9 Everybody who lives here in Las Vegas or I'm  
10 sure Reno is the same deal. We try to keep our patients  
11 away from the emergency room, keep them away from the  
12 emergency room by keeping our office open. Remember at  
13 the time of this correspondence and the order and that  
14 thing, we were very much at the height of the COVID.

15 I value my patients' safety and health, and I  
16 would do everything to take care of them as an outpatient  
17 in my practice other than send them -- I will not send to  
18 the emergency room unless it is a life-and-death  
19 situation for them. Then we have to take the chance. We  
20 physicians make the decisions and alternatives and  
21 options and so on and so forth. We try to keep our  
22 patients away from the emergency room, and I am sure they  
23 did it in Reno. I'm sure we did it here in Vegas.  
24 Thanks God it's getting easier, so myself, being

1 available in the afternoon, if I am seeing patients and I  
2 have an emergency, I'm taking their phone calls. I have  
3 them added onto my schedule or, if need be, send them to  
4 the ER.

5 I did not feel that it was appropriate of the  
6 IC to deny my patients the right to have access to me on  
7 Wednesday, November 10th for the afternoon. It does not  
8 make sense to see patients at 12:30 and then interrupt at  
9 1:30 to take the call. That's what I'm saying.

10 Q And you answered one of my questions. I was  
11 going to say to you that there's no way to predict when  
12 an emergency could happen or that you would probably send  
13 them to the ER, but you just stated that you don't. You  
14 try to keep them out of the emergency room. So that  
15 answers my first question. But also, you don't know if  
16 an emergency could happen at noon or 3:30.

17 A It can happen at any time.

18 Q Right.

19 A Yes.

20 Q Yeah. So 1:30, 12:00 o'clock, 3:30?

21 A At 12:00 noon, at 12:00 noon, my schedule  
22 will stay open for the patient this afternoon. I don't  
23 have to cancel if they, the IC, opted to take 12:00 noon  
24 as a time to investigate. I allow in my mind and I don't

1 know, as I mentioned, I have never been in that situation  
2 before. I said it may take an hour, an hour and a half.  
3 I could be wrong, but I said if I start at 12:00 with  
4 them and I will go to 1:00 o'clock or 1:30, then I am  
5 very close to my normal schedule of starting at 12:30.

6 Emergency can happen, but if it happens at  
7 1:00 o'clock and I'm about to be done, then I can handle  
8 it right away. Yes, I cannot predict when an emergency  
9 will happen, but I predict if I have to close my office  
10 or not. I can assure you to take a call at 1:30, I had  
11 to close the office in the afternoon.

12 **Q You just assured me of that except that when**  
13 **you testified before when I was asking you on direct, you**  
14 **do not know what patients were scheduled on November 10th**  
15 **when you wrote your letter. You did not know that?**

16 **A No, I did not. I don't have that access.**

17 **Q Right. And you also stated that you could**  
18 **have rearranged your schedule. It's not impossible. You**  
19 **stated that.**

20 **A I actually would have arranged my schedule if**  
21 **they opted to take my deposition at noon. That's when I**  
22 **arrange my schedule because as I told you earlier, I**  
23 **start at 12:30, so to go at noon, I would have arranged**  
24 **my schedule to start seeing patients at 1:00 or 1:30.**

1           Q     So you're saying -- Let me interrupt you for  
2 one second. Let me ask you another question. So you're  
3 saying that you could have rearranged your schedule for  
4 noon or 3:30, like you had given the IC two alternatives,  
5 demanded those two alternatives, but you could not have  
6 changed it to suit the time that was scheduled in the  
7 order for 1:30. You could not have changed it?

8           A     I think you misunderstand what I'm saying,  
9 Mr. White. To take a phone call from IC at 1:30, there  
10 is no arranging. There is cancelling the afternoon,  
11 period. I don't know what the meeting will take. Can  
12 you tell how long do they take in the meetings? You've  
13 been there before. I don't know.

14                     If they start at 1:30 and they finish at  
15 3:30, there is nothing, no time left before 1:30 to see  
16 patients and no time left after 2:00, 3:00 o'clock. I  
17 don't know what time they finish. But if I took them at  
18 12:00 noon, my calculation was -- and that's pure  
19 calculation on my part that it may take an hour, hour 15.  
20 So I did not have to cancel my afternoon that day of  
21 Wednesday that they choose.

22                     The difference between noon and 3:30 as  
23 opposed to the 1:30 that they wanted is cancelling the  
24 office this afternoon or not. As a physician, I see if I

1 shorten my schedule this afternoon to accommodate their  
2 requirement, 70 percent of my time this afternoon is  
3 better than zero percent, Mr. White.

4 Q I don't know how long they would have talked  
5 to you because it never occurred, but if you're thinking  
6 now as you sit there and as you were thinking when you  
7 wrote the letter that I can do it at noon or 12:30, well,  
8 let's go with the noontime. And you say I don't know if  
9 they're going to speak so me for two hours. Well, now  
10 we're beyond 1:30. If they spoke to you starting at  
11 noon, you're at 2:00 o'clock. So what was your thinking?

12 A My thinking is if my patients start coming to  
13 the office at 1:15, 1:30, then they're going to be  
14 waiting only for a half an hour. I do not know what the  
15 meeting takes. You have more experience in that. You  
16 can tell me the average meeting is five minutes or five  
17 hours. I don't know. As I answered your question  
18 earlier, I have never been asked to do something like  
19 this and I am not familiar with the meeting and how long  
20 it takes.

21 Q I'm going to give you an opportunity as you  
22 sit there aside from your first response to the  
23 Investigative Committee, which was Exhibit 3, a short  
24 letter, I'd like you to point me to any evidence that we

1 have that you were willing to work with the Investigative  
2 Committee and appear for the meeting at the time you were  
3 scheduled which was 1:30.

4 A Did you say Exhibit 3?

5 Q Yeah, Exhibit 3. Aside from that, where you  
6 said I'll give you some alternative times. I'll give you  
7 some alternative times of 12:00 noon and 3:30. Can you  
8 point to any evidence that we have that's been admitted  
9 where you're willing to work with the Investigative  
10 Committee? Do you have record of a phone call? You  
11 don't, right? Because you didn't make any phone calls to  
12 Mr. Hiett or Ms. LaRue?

13 A I did not make phone calls. I like all of my  
14 correspondence to be in writing. I send them a written  
15 thing. I seldom make a phone call, and that's because I  
16 am terribly busy. I ask for my staff to do this and do  
17 that. No, I did not make phone call. I did not see a  
18 need for me to make a phone call to initiate with them.  
19 I made a proposal. When somebody says I'll be more than  
20 happy to take your questions at noon or at 3:30, would  
21 you consider that willingness to answer questions or not?

22 Q Well --

23 A You said I am not here to ask you right now,  
24 but that's my point. That shows my willingness to answer

1 the questions.

2 Q Well, let's talk about your willingness for a  
3 second, Dr. Haikal. Let's talk about that for a second.  
4 Hold on. At the bottom of Exhibit 3, your letter we just  
5 referred to a moment ago, it says: Thank you very much  
6 for your time and should you have further questions,  
7 please feel free to contact my office. Ms. LaRue did  
8 contact your office.

9 A Exhibit 3. Yes, she did. I am not denying  
10 that.

11 Q Yeah. And so let's talk about your  
12 willingness to talk with --

13 A All right.

14 Q -- staff at the Board about rearranging  
15 times. I'll give you a second.

16 A I don't see where.

17 Q Go to Exhibit 3 of our -- of the IC's hearing  
18 exhibits.

19 A Yes. Sorry.

20 Q That's okay.

21 A Yeah. Thank you very much for your time.  
22 Feel free to contact my office. Contact. Did I say by  
23 phone?

24 Q What?



1 A Did I say by phone?

2 Q I'm not answering questions from you, sir. I  
3 don't know what you meant, but contact your office,  
4 right?

5 A Here is the answer to your question in  
6 Exhibit 3 of yours, I said: Thank you very much for your  
7 time and should you have any further questions, please  
8 feel free to contact my office. Contact my office.  
9 That's in writing. I never called them. I never asked  
10 them to call me. That's the answer to your question.

11 Q You were sitting here now and saying that you  
12 meant that they could only contact you in writing?

13 A I didn't say that.

14 Q Oh, okay. I'm not saying that either.

15 A Well, good.

16 Q Okay. So contact your office --

17 A Contact my office.

18 Q Yeah. Let me finish my question.

19 THE COURT REPORTER: One at a time, please.

20 HEARING OFFICER WOODMAN: I was just about to  
21 say so, Mr. White, ask a question. Dr. Haikal, answer  
22 the question and treat each other respectfully in terms  
23 of allowing time so that our court reporter can make a  
24 good record.

1 Q (BY MR. WHITE:) So you invited staff or  
2 whomever you addressed this letter to contact your  
3 office; correct?

4 A Yes.

5 Q Dated September 9th, 2021?

6 A Yes.

7 Q On September 14th, 2021, Ms. LaRue attempted  
8 to contact you and couldn't get through and you never  
9 called her back?

10 A Is this a question or a statement?

11 Q It's a question.

12 A All right.

13 Q It's a leading question.

14 A Phrase it as a question.

15 Q Okay. I'll start over again. You invited,  
16 in your letter, that somebody could contact you at your  
17 office or contact my office. Yes or no?

18 A I said yes.

19 Q Okay. And that was dated September 9, 2021;  
20 correct?

21 A That is correct.

22 Q And then on September 14th, Ms. LaRue called  
23 you; is that correct?

24 A She did. That's what she said. Yes.

1           Q     Well, it's also what you said in Exhibit 5,  
2     that it was on September 14th around 10:00 a.m. It's  
3     your letter. You said that's when she called. So four  
4     days later -- excuse me -- five days later, she contacted  
5     your office after being invited to please feel free to  
6     contact my office. Yes or no?

7           A     Yes, she was, but I didn't say call my  
8     office. I said contact my office.

9           Q     And she did not contact you?

10          A     Well, contact by phone call. And may I  
11     explain something to you, Mr. White?

12          Q     No, not yet. Not yet.

13          A     All right.

14          Q     I'd like to just explore that a little bit.  
15     So when you say "Contact my office," you don't mean by  
16     phone?

17          A     No.

18          Q     How do you mean then?

19          A     I mean take a call -- I'm sorry -- write like  
20     they have done previously. That was not our first  
21     correspondence between them and I.

22          Q     But you didn't write here that they could  
23     only correspond to you in writing?

24          A     I didn't say that, but that's how we

1 corresponded together.

2 Q Well, yes, because the order, the original  
3 order which prompted this whole thing and prompted your  
4 response a few days later is a written order. That's how  
5 they're done. Do you understand that, right?

6 A Yes, I do.

7 Q Okay. So let me go back to my question. Can  
8 you point to any other evidence in here that you were  
9 willing to negotiate the times or explain why you  
10 couldn't make it and at least talk to somebody about it?

11 A The evidence that I have in there is I feel  
12 it's sufficient enough when I'm saying noon or 3:30 --  
13 and the rationale was mentioned to them I don't have to  
14 repeat it over and over again. It was mentioned once. I  
15 am willing to take questions at noon or at 3:30 for the  
16 following reason: To accommodate my patients. And I  
17 said that. Do I have to keep saying that every time I  
18 write to the IC? I don't think so.

19 Q So you don't feel that it was -- you feel it  
20 was an abuse of power for the IC to dictate a time  
21 scheduled and schedule a time in their order, yet when  
22 you give alternative times and stick to that, you don't  
23 feel that that's wrong at all?

24 A I don't see -- I don't think so. I gave

1 alternatives and I gave a reason why behind the noon and  
2 3:30. I want you to see your evidence and see if they  
3 ever give a reason why it has to be at 1:30 in writing.

4 **Q You saw the message from that your staff**  
5 **wrote down from Ms. LaRue; correct?**

6 A Yes, I did.

7 **Q And even after that, you never called?**

8 A I had my office manager call her.

9 **Q Okay. Do you have record of that?**

10 A No, I don't keep a record of my orders to my  
11 staff.

12 **Q Would you staff have written it down?**

13 A They don't. They just act on it.

14 **Q So you weren't concerned enough that you may**  
15 **be violating a court order to make a phone call yourself?**

16 A I was not, sir. I explained to you how busy  
17 I am. I don't have time to sit on the phone. I tell  
18 them call, and they called. And she came back and she  
19 said: I called her and there was no answer. I think  
20 when I get around to even think about making a phone  
21 call, it's already after 5:30, 6:00 o'clock.

22 We work little bit longer hours than they do  
23 at the IC or the State Board. And you notice that there  
24 was a time entry there when she said at I think 4:00

1 somewhere we're referring to the time, the hour of day  
2 that she called. Look at -- Do you see at the bottom,  
3 12:56? And at the top, there was 4:00 p.m., a message  
4 that was given to me. Do you see them?

5 **Q No. You know what? Go ahead and help me**  
6 **out. Which exhibit are you referring to?**

7 A The handwritten message from Mrs. LaRue. You  
8 look at it. The note that was given to me by the staff.  
9 Yeah, this one.

10 **Q Oh, that's -- yeah. Yes, on Exhibit 5, page**  
11 **12.**

12 A Correct. At the right bottom of that  
13 message, there is 1:56.

14 **Q I see 12:56.**

15 A Right. That's when she called. That's what  
16 she told me. Now go up to the top of the same page,  
17 right side, and do you see 4:00 p.m.? See it?

18 **Q Yes.**

19 A Right. These are the two times that she  
20 tried.

21 **Q Why are there two times? I don't understand**  
22 **what you're saying.**

23 A That my office manager tried to return her  
24 call.

1 Q That doesn't show evidence of that.

2 A I'm just telling you what I was told just  
3 like Ms. LaRue when she said --

4 Q But you have no personal knowledge that  
5 that's what we're looking at?

6 A She told me that that's what I told her at  
7 12:56 and I tried again at 4:00 p.m.

8 Q But again, you didn't pick up the phone and  
9 call?

10 A No, I did not.

11 Q So you must have had to explain if your staff  
12 did call back later that day after you, following your  
13 instructions, you must have had to explain why they were  
14 calling the Nevada State Board of Medical Examiners;  
15 correct?

16 A That's not correct. You're wrong.

17 Q You just told her to call and just make a  
18 phone call?

19 A That's it.

20 Q Here's a number. Call and see who answers?

21 A That's all that I know, not who answers.  
22 Mrs. LaRue called at about 9:30 or so, 10:00 o'clock in  
23 the morning, which anybody who works with the medical  
24 professionals know if somebody does surgery, you don't

1 try to get them at 9:30 or 10:00 o'clock in the morning.

2 My staff doesn't need to know any details.

3 My staff, they know one thing: A call is a call. Return  
4 that call with Mrs. LaRue and it's done. She is not  
5 going to have to ask me why Dr. Haikal do you want to  
6 call Mrs. LaRue. It's none of her business, and she is  
7 not hired to do that.

8 **Q Ms. LaRue told you today in testimony that**  
9 **she wanted you to call her?**

10 A Well, that's what Mrs. LaRue said. Yes. And  
11 that's what she said. You're right.

12 MR. WHITE: I have nothing further.

13 HEARING OFFICER WOODMAN: All right.

14 Dr. Haikal, is there anything that you want to testify to  
15 in response to Mr. White's questions?

16 DR. HAIKAL: Yes. And I shared that with  
17 Mr. White previously in conversation. Do you know,  
18 Mr. White, if Ms. LaRue knows what kind of practice do I  
19 have?

20 HEARING OFFICER WOODMAN: And, Dr. Haikal,  
21 you can't really ask counsel questions. This is an  
22 opportunity for you to testify.

23 DR. HAIKAL: I apologize. I apologize.

24 People that work with the medical professionals and the



1 State Board of Medical Examiners here in this State or  
2 any other state -- and that's my opinion -- whether it's  
3 a practice of the IC or not that you need to know the  
4 specialty and the kind of work that this doctor you're  
5 trying to call is.

6           When you call somebody that's a  
7 gastroenterologist that does endoscopy and a colonoscopy  
8 in the morning, as I mentioned in one of those exhibits  
9 that was added by Mr. White, physicians do surgery in the  
10 morning, see patients in the afternoon. And we or  
11 somebody like Ms. LaRue, with her vast experience in the  
12 State Board of Medical Examiners, I would assume that she  
13 would have tried to check out and see what this doctor  
14 does in the morning, so I wouldn't call him at 9:30 or  
15 10:00 o'clock because the odds are almost zero, and you  
16 can count on it that it is zero that you will be able to  
17 get ahold of a busy doctor.

18           Usually or me at least, it is between 12:00  
19 and 12:30 where I have 15, 20 minutes to rehydrate.  
20 That's when I return my calls, and that's why you notice  
21 that 12:56, that's when I give the order to the office  
22 manager again: Please call Ms. LaRue and she would go  
23 and make the phone call. Be aware as an investigator who  
24 is very experienced that the doctor is busy in the

1 morning.

2           You guys close the Board of Medical  
3 Examiners, I think, at 3:00 o'clock. Correct me if I'm  
4 wrong, but they close at 3:00 o'clock. You notice the  
5 second time around, I was able to remember after taking  
6 care of my patients did you get to talk to Ms. LaRue?  
7 No, I did not. Please call her again. So she called at  
8 4:00 p.m., and I assumed that they were done.

9           The fact of the matter is as a seasoned  
10 investigator, you need to know -- and that's for future  
11 reference for the IC -- need to know the specialty of the  
12 doctor. If it's an internist, they see patients morning  
13 and afternoon. However, they may be making rounds in the  
14 hospital, so it is easier to target a certain timetable  
15 to the specialty of that person.

16           You will not get a surgeon or somebody that  
17 does procedures. Hands are not clean to answer a phone  
18 call immediately as it's listed on that exhibit here that  
19 Ms. LaRue denied it, so I am going to leave it alone.  
20 That's why the phone call was not taken and the phone  
21 call was attempted to be returned, and it just at the  
22 time that they could not connect.

23           And then if you think that I come the next  
24 morning and I say call Ms. LaRue, you are wrong because

1 by the next morning, I am gone and forget.

2 Q (BY MR. WHITE:) You forgot that the Board --  
3 that the IC contacted --

4 A Sorry?

5 MR. WHITE: Are you done? I have one more  
6 question then if you're done with your redirect.

7 DR. HAIKAL: I'm not done. No, I am not  
8 done.

9 MR. WHITE: Okay.

10 DR. HAIKAL: All right. Back to the issue of  
11 rearranging the schedule because you or the IC gave me a  
12 notice for two months. I feel that's very irrelevant, as  
13 I mentioned. The computer adds the patient November  
14 10th. I don't know about my schedule until maybe  
15 November 9th or 10th, for that matter, or November 8th, a  
16 day or two before, I know my schedule, and it's too late  
17 to go out. When they gave me the order to answer the  
18 question at 1:30, I did not know my schedule on that  
19 Wednesday.

20 I proposed an alternative for them which will  
21 serve the purpose of the subpoena and serve my  
22 responsibility and duties to the patients. I had also  
23 give them a long time for the two busy physicians and the  
24 IC. I don't know who was going to carry on the

1 questioning and answering session for the IC, but they  
2 also have the same long period of time to arrange their  
3 schedule.

4 The only difference is they had to  
5 accommodate my 12:00 noon or 3:30, which they did not or  
6 will not at least willing to do anything according to all  
7 of those correspondence, I didn't see anywhere in there  
8 to be flexible and accommodating do it that time frame as  
9 opposed to just we said so and that's the way it is, and  
10 that's what I call abuse of power, Mr. White.

11 HEARING OFFICER WOODMAN: Thank you, Doctor.  
12 Is that the conclusion of your redirect of your own  
13 testimony?

14 DR. HAIKAL: Yes, sir. Thank you.

15 HEARING OFFICER WOODMAN: All right. I think  
16 Mr. White may have a question or two for you.

17 **Q (BY MR. WHITE:) You stated by the next**  
18 **morning after Ms. LaRue called your office that you had**  
19 **forgotten about the phone call?**

20 A It's not that I forget. I remind the office  
21 manager to call.

22 **Q You reminded your office manager to call, and**  
23 **you were saying that she called back at 4:00 p.m. You**  
24 **just stated in your redirect that by the next morning,**

1     **you forgot that you needed to call Ms. LaRue.**

2           A     When you start, I did say I forgot to call  
3     this number. We called Ms. LaRue twice the day of our  
4     phone call. And as I mentioned earlier, Mr. White, my  
5     schedule starts at 6:00 o'clock, and the procedures,  
6     surgery, at 12:30 or 12:15. I then hydrate for 15  
7     minutes and then I see patients until about 5:30, 6:00  
8     o'clock, I answer prescription calls and patients' calls  
9     and this kind of thing until about 7:00, 7:30.

10           The last thing would be on my mind while I'm  
11     serving my patients is having to answer a phone call for  
12     investigation of something that I felt and I proved that  
13     it was a he said/she said, and it was a disgruntled  
14     employee.

15           One of those complainers told one of those  
16     people that I wanted to have here as a witness that you  
17     objected to told her she will not rest until she gets my  
18     practice to close down, destroy my practice. That's the  
19     statement. One of the witnesses, I was going to have her  
20     testify to that effect today. So the intention was to  
21     destroy my practice. Therefore, I will not have my  
22     practice close even one afternoon for this frivolous,  
23     vindictive complaint that was levied against my center.

24           **Q     When you refer to your office manager calling**

1 **Ms. LaRue, are you referring to Daphne Phillips?**

2 A No. No. Daphne is my bookkeeper. It was  
3 Anna. Anna.

4 **Q Anna? Okay.**

5 A Yeah.

6 MR. WHITE: I have no further questions.

7 HEARING OFFICER WOODMAN: All right.

8 Dr. Haikal, do you have any other evidence that you want  
9 to introduce today?

10 DR. HAIKAL: No, sir.

11 HEARING OFFICER WOODMAN: Thank you. Any  
12 rebuttal case?

13 MR. WHITE: I do have a rebuttal.

14 HEARING OFFICER WOODMAN: Who are you going  
15 to call?

16 MR. WHITE: I'm going to call Ms. LaRue.

17 HEARING OFFICER WOODMAN: So, Dr. Haikal,  
18 because the Board here, the IC has the burden of proof,  
19 that gives Mr. White the opportunity to put on rebuttal  
20 evidence in an effort to rebut any or all of the  
21 testimony that you've given in your case, so he's going  
22 to call Ms. LaRue back to testify. And just like before,  
23 you'll have the opportunity to cross-examine her.

24 DR. HAIKAL: Thank you.

1 HEARING OFFICER WOODMAN: Ms. LaRue is back.  
2 You're still under the same oath you took this morning.

3 THE WITNESS: Correct.

4 HEARING OFFICER WOODMAN: And Mr. White will  
5 have some questions for you, and then Dr. Haikal may have  
6 some questions.

7 THE WITNESS: Okay.

8

9 REBUTTAL EXAMINATION

10 BY MR. WHITE:

11 Q Ms. LaRue, earlier today when you testified  
12 and I was asking you questions, you had stated that  
13 Dr. Haikal did not contact you at all since you called  
14 his office?

15 A He never returned my phone call.

16 Q Okay. And to this day, he hasn't called you  
17 as far as returning your phone call?

18 A Correct.

19 Q Really, the only question I have is did  
20 anyone else from his office call you and leave a  
21 voicemail, if you know?

22 A I can't recall. To be honest, I can't  
23 recall. It was a year ago, so I received a lot of phone  
24 calls. I can't recall.

1           **Q     Could there have been somebody named Anna**  
2 **calling you?**

3           A     It doesn't ring a bell, but honestly, it's  
4 been over a year, so I couldn't give you a definite yes  
5 or no. I could not recall that.

6           **Q     Okay.**

7           DR. HAIKAL: And it was Anna, Mr. White, not  
8 Ann. It was Anna.

9           MR. WHITE: A-N-N-A?

10          DR. HAIKAL: Correct.

11          THE WITNESS: I speak to hundreds of people.

12          **Q     (BY MR. WHITE:) Yes. That's okay. So in**  
13 **your regular course of your work each day, do you check**  
14 **your voicemails and take down messages?**

15          A     Every day. I have a pad of paper that I  
16 record it on.

17          **Q     And do you jot a note down about what the**  
18 **call is?**

19          A     Yes. For every case, phone numbers that were  
20 left, names of people, case numbers that are left for me,  
21 I have a composition notebook that I keep them in.

22          **Q     And sometimes do you even have a number**  
23 **that's left on your caller ID?**

24          A     Not with the voicemail message, no. But we



1 do have a log in our phone, but it only -- I think it  
2 only records ten, the most recent ten, so I don't usually  
3 check the log. No.

4 **Q Okay. But as you sit here, you cannot tell**  
5 **us whether or not you -- it's been a year, and you cannot**  
6 **tell us whether Anna called you?**

7 A I can't recall if I received a phone call  
8 from an Anna.

9 **Q Or anybody from Dr. Haikal's office?**

10 A I know Dr. Haikal specifically did not call  
11 me back. I can't recall if anyone else did.

12 MR. WHITE: Okay. That's all I have.

13 HEARING OFFICER WOODMAN: Very good.

14 Dr. Haikal, do you want to ask Ms. LaRue any  
15 questions based on what Mr. White had just asked?

16 DR. HAIKAL: No, I can make a comment. I did  
17 not make any phone calls to Ms. LaRue personally. Did  
18 not. However, Anna did try twice, and just like  
19 Ms. LaRue said, immediately was not mentioned. I respect  
20 the fact that it has been a year and she does not recall.  
21 If she does not recall, I can't do anything about it.  
22 But that was given to me as a message by my office  
23 manager.

24 HEARING OFFICER WOODMAN: Very good.

1 MR. WHITE: Would you have returned that  
2 phone call if you'd gotten it?

3 THE WITNESS: Yes.

4 HEARING OFFICER WOODMAN: Very good.  
5 Anything further for Ms. LaRue?

6 MR. WHITE: That's it.

7 HEARING OFFICER WOODMAN: Thanks for coming  
8 back.

9 THE WITNESS: Thank you.

10 HEARING OFFICER WOODMAN: All right. Any  
11 other part of your rebuttal?

12 MR. WHITE: No, I do not have anything else.

13 HEARING OFFICER WOODMAN: All right. So,  
14 Dr. Haikal, just so you know, the evidence now is all in.  
15 It is what it is.

16 Now we have the opportunity for closing  
17 arguments. Again, the IC has the burden of proof here,  
18 so Mr. White gets to argue first and tell me what he  
19 thinks the evidence should mean to me.

20 After he concludes, then you get to argue and  
21 do the same: Tell me what you think the evidence should  
22 mean to me. And then again, with the burden of proof,  
23 Mr. White gets to make a rebuttal argument to yours, and  
24 then we are concluded. So, Mr. White, when you are

1 ready.

2 MR. WHITE: Thank you, Mr. Woodman. On  
3 behalf of the Investigative Committee, I'd like to thank  
4 you, Hearing Officer Woodman, Madame Court Reporter,  
5 Dr. Haikal, and all of the witnesses, for their time and  
6 consideration.

7 As I mentioned in my opening statement, we're  
8 here to present evidence so the Board can determine if  
9 Dr. Haikal violated the Medical Practice Act. You heard  
10 from Mr. Trent Hiett, Senior Investigator. He was tasked  
11 with this case as part of his regular duties as a Board  
12 Investigator. He was assigned this case. He  
13 authenticated some of the evidence. He assembled as he  
14 investigated this matter mostly consisting, obviously, of  
15 correspondence with Dr. Haikal and Mr. Hiett as Mr. Hiett  
16 tried to convey the importance of Dr. Haikal appearing  
17 for the IC meeting at the time designated.

18 You heard from Mr. Hiett that he had sent all  
19 of these letters and received the letters, even the ones  
20 that were addressed to Dr. Muro as IC Chairman and was  
21 corresponded back with Dr. Haikal in an effort to stress  
22 the importance that he show up for the IC meeting at the  
23 designated time and date. You also heard from Mr. Hiett  
24 that he has done this for, oh, 16 years, I think I've

1 written down.

2 HEARING OFFICER WOODMAN: Nineteen, I  
3 believe.

4 MR. WHITE: Oh, 19 years. So he's done a lot  
5 of these. He's done 50 to 60 of these letters out to our  
6 licensees. When the IC orders them to appear, he's sent  
7 50 to 60 of these during his career.

8 You also heard and the evidence shows and  
9 Mr. Hiett corroborated it that it was perfectly fine if  
10 Dr. Haikal needed to appear by phone, and I suppose  
11 essentially could have been standing or sitting down in  
12 his office for however long that the IC needed to speak  
13 with him to do that, and there were instructions to that  
14 effect that.

15 On direct examination, I asked those  
16 questions of Mr. Hiett, and he was able to answer those.  
17 And the language in those letters or those orders is very  
18 typical in that they're informative and provide  
19 everything that the doctor needs to or that any licensee  
20 for that matter to appear and know what is going to  
21 happen and how to either arrange for a telephone call or  
22 appear in person. And really, it's notice too, that  
23 they've been asked to do that and it's sent out quite a  
24 bit of time early. In this case, it was sent out more

1 than two months before Dr. Haikal was asked to appear.

2           You also heard from Ms. LaRue testified with  
3 regards to the phone call that this has become somewhat  
4 important in this matter that she made to Dr. Haikal's  
5 office. Again, totally in an effort to convey to  
6 Dr. Haikal how important it was to appear at the time  
7 designated in the order.

8           You also heard from Dr. Haikal. He did not  
9 dispute what was in the letters he sent. So therefore,  
10 it is not in dispute that he knowingly and willfully  
11 violated an order of the Investigative Committee pursuant  
12 to NRS 630.30652A and that -- I won't go through it  
13 again, but they do have powers to compel that -- well,  
14 they have, also from 630.311, they have the power to  
15 compel a meeting with their licensees, and that when you  
16 don't show up and you don't try and rearrange a time  
17 which wasn't done in this letter, he just demanded his  
18 own times and he couldn't show any other evidence when I  
19 asked him that he tried to arrange a new time or give an  
20 explanation as to why he just couldn't meet at 1:30, he  
21 just demanded that he either meet at 12:00 or 3:30, but  
22 that's in violation of a Board order.

23           The Board order said what it did and, you  
24 know, there was no disputing that. He just wasn't going

1 to listen to that 1:30. That was not going to happen,  
2 despite the fact that he even stated that when he wrote  
3 his letter, he didn't know what his schedule was going to  
4 be like on November 10th.

5 The IC as well as the Board carries  
6 quasi-judicial powers and have statutory authority to  
7 investigate its licensees and compel their attendance at  
8 a meeting. That is, they're carrying out their duties  
9 when they do that.

10 They are also busy people. As we've seen in  
11 testimony, there are two -- and you can see it from  
12 statute too -- there are two physicians that make up the  
13 IC along with a public member. Those doctors are also  
14 very busy in their practices, and they make time to show  
15 up for an IC meeting all day long and invite doctors to  
16 explain to themselves and other licensees also to explain  
17 themselves if they want during as part of their  
18 investigation.

19 Dr. Haikal did not feel compelled enough to  
20 take advantage of that and speak with the IC. It never  
21 happened. He did not show up. But if a judge -- in kind  
22 of in other terms, if a judge orders a party that's in a  
23 trial to appear on a certain date and time, that party  
24 and their lawyer better appear. This situation for what

1 we have here today is really no different.

2 A license is a privilege for which the Nevada  
3 Legislature has afforded statutory powers to the NSBME,  
4 Nevada State Board of Medical Examiners. Those delegated  
5 powers are there so that the Nevada State Board of  
6 Medical Examiners and its committees carry out their duty  
7 to the public in insuring the public is safe and doctors  
8 are investigated when a complaint is filed. But these  
9 meetings also are a way for the doctor to explain -- a  
10 doctor or another licensee to explain their side of the  
11 story. And it's all part of the investigation which they  
12 have a duty to do, to carry out.

13 It's not in dispute that Dr. Haikal is a busy  
14 doctor that wants to treat his patients. That's not what  
15 we're here for. But again, he didn't know his schedule  
16 when he wrote his letter, his first letter in response,  
17 which is Exhibit 3, and he didn't know the schedule for  
18 the 10th of November, 2021. We can go back and forth and  
19 say who needs to rearrange their schedule.

20 Well, when the IC has a duty to investigate  
21 and they put a time down, that's what the time is.  
22 Sometimes those times do get moved around, but in this  
23 situation, just demanding new times is not a way to  
24 negotiate this.

1 Dr. Haikal wanted to talk about his  
2 willingness to that he was open to suggestions and he had  
3 a willingness to negotiate or to talk, but he didn't. We  
4 can see in his letter, his first letter of Exhibit 3, he  
5 states at the bottom that: Please feel free to contact  
6 my office, but when Board staff tries to contact his  
7 office, they never get a phone call back and then he  
8 forgets it the very next morning. And he never did call  
9 them back and he never did show up for the meeting. And  
10 here we are today.

11 So Dr. Haikal knowingly or willfully failed  
12 to comply with that very important IC order, and he  
13 continued to knowingly and willfully fail to comply with  
14 as more requests and letters were sent telling him and  
15 putting him on notice that he could be in violation of  
16 our very complaint here in this case.

17 This is one of the only statutes where the  
18 Investigative Committee must prove knowing or willful  
19 intent that we have in the Nevada Medical Practice Act to  
20 violate that Nevada Medical Practice Act. But his  
21 responses clearly show that he knowingly and wilfully  
22 disregarded the order.

23 So on behalf of the Investigative Committee,  
24 we'd ask the Board to consider the record that was



1 presented here and render the appropriate findings and  
2 discipline. So thank you.

3 HEARING OFFICER WOODMAN: Thank you,  
4 Mr. White.

5 Okay. Dr. Haikal, this is your opportunity  
6 now to argue to me what you believe the evidence that  
7 I've taken today should mean to me.

8 DR. HAIKAL: I disagree with Mr. White's  
9 assertion and repeating the fact that I demanded. As I  
10 mentioned earlier, the person who demands usually does  
11 not give an alternative. It was flexibility. I do  
12 acknowledge the fact as he stated that the two physicians  
13 of the IC Committee are very busy. That's what I expect  
14 that they are.

15 I also acknowledge that they have the power  
16 to investigate. I am not disputing their power slash  
17 responsibility to do investigation. When a physician or  
18 a person for that matter receives a subpoena, in my  
19 opinion, as a person for the law, that individual who  
20 have received a subpoena has three options. Option one:  
21 To comply. Option two: Deny. Option three is to  
22 negotiate the terms of the subpoena.

23 In this situation, I tried to initiate the  
24 time of the investigation, move it either from 1:30 to

1 12:00 noon or from 1:30 to 3:30. Do I consider this to  
2 be a demand? I don't. That is showing willingness to  
3 comply with the subpoena. The sole of the subpoena is to  
4 answer questions. The Investigative Committee was not  
5 about to get a different answer at noon, was not about to  
6 get a different answer at 1:30 or a third answer  
7 different from the first two at 3:30. It's the same  
8 person that's giving the answers, same committee that's  
9 giving the questions. The outcome will be the same.

10 The only thing is which I refer to as abuse  
11 of power while I acknowledge that they have the power,  
12 but they should not abuse this power in forcing somebody  
13 that explained to them and I didn't say because I said  
14 so, it has to be 12:00 or 3:30 because I said so as they  
15 implied. That was the implication that I got or the  
16 assumption that I got from the message of Mrs. LaRue that  
17 he has to call immediately and he cannot dictate the  
18 terms of the investigation or the time of the  
19 investigation.

20 I did not dictate anything. I negotiated  
21 with himself as I did with yourself about the days of  
22 carrying on these investigations Tuesday, Thursday, or  
23 Wednesday, and you were kind enough to accommodate my  
24 schedule for Wednesday.

1 I know that I'm sure the two physicians are  
2 maybe busy or busier than I am. However, my patients  
3 come first, especially if I was able to propose an  
4 alternative which will satisfy my obligation to answer  
5 questions about the investigation to the IC as well as my  
6 prime responsibility towards my patients. Let's not  
7 forget primary responsibility of a physician here is to  
8 his patients, keep his practice and his service available  
9 to his patients at all times that's possible for him.

10 Mr. White mentioned that one of the  
11 responsibilities of the IC and hence the entire State  
12 Board of Medical Examiner is to protect the public. Yes,  
13 it is. And part of the protection of the public is, in  
14 my opinion, preventing my patients or shielding my  
15 patients, sheltering them from having to go to the  
16 emergency room for something that is so minor that can be  
17 taken care of at the office level, and this is part of  
18 responsibility to the patients of this state and  
19 definitely of this city.

20 I mentioned that it was, at the time those  
21 issues were taking place, we were having a real  
22 measurable problem here with COVID. The ER's were very  
23 busy, very dangerous to go there, and the Governor,  
24 current Governor of Nevada, through some of his

1 employees, contacted my office at that time or a little  
2 bit before that to use my facilities, the three  
3 facilities as a diversion ER for hold on, and that  
4 reflects the entire need for the city here to have  
5 emergency room available for very sick people. I agreed  
6 to provide that to the Governor and volunteered my  
7 facilities to be used whenever deemed necessary and  
8 appropriated. My task has been always and will be is to  
9 take care of my patients, make sure that my office is  
10 wide open for them when they need help and my service is  
11 available for them.

12 I did not demand. I did not act stubborn, if  
13 you say, with them. I did not make phone calls, and  
14 that's not because of ignoring anybody. The fact is that  
15 I don't make phone calls because I am too busy to make  
16 calls.

17 If you recall when we had a problem,  
18 Mr. Woodman, where Mr. White did not receive my email and  
19 he explained that it was parked somewhere, I sent the  
20 email and I didn't call or have anybody call him to see  
21 if he received it. I assumed it was received and he was  
22 supposed to follow up, and we discovered that almost five  
23 weeks later.

24 I mentioned something you may have forgotten,

1 Mr. Woodman. At that time, Mr. White asked me: Did you  
2 send the email yourself? I said no. I told Daphne, my  
3 bookkeeper, and gave her a plan to send that email, and I  
4 gave it to her. She put it on the computer and she  
5 emailed it to Mr. White with the understanding that he  
6 would send you something.

7 I made a statement at that time, I said no, I  
8 don't make calls. I don't do Internet. I am very busy  
9 for that. And I tell people: Please do that and they do  
10 it for me.

11 I mailed only one email -- that's you,  
12 Mr. Woodman, this Sunday because of the time restraints,  
13 I received Mr. White's objection to my witnesses Friday,  
14 I think, it came from his office around 4:25. And by the  
15 time I got around to read it as it was printed to me by  
16 my employees, I looked at it at 8:00 o'clock that evening  
17 and that was Friday. Saturday, I do work. Sunday, you  
18 don't work Sunday, so I drafted that email for you, which  
19 is very uncharacteristic for me. Because of the time  
20 restraint, I need to know if I am going to have those  
21 witnesses show up or not and I send it to you Sunday  
22 evening, and I had Daphne try three times with Mr. White  
23 that next morning, Monday, to make sure that the email  
24 was delivered for yourself and for him.

1 I do not believe and I don't think that I  
2 violated the statute that they are claiming that I had.  
3 I gave an option that accommodate my patients and  
4 fulfilled my responsibility to the State Board of Medical  
5 Examiners to answer their questions in a case that I  
6 think should have been dismissed by them, but that's  
7 their opinion. And I appreciate your time and I thank  
8 you for listening.

9 Thank you, Mr. White.

10 HEARING OFFICER WOODMAN: Thank you very  
11 much, Dr. Haikal. And as I stated earlier, this would be  
12 the opportunity for Mr. White to make a rebuttal  
13 argument, and after that, we will be adjourned.

14 MR. WHITE: Thank you, Mr. Woodman. I just  
15 have a short rebuttal. First of all, I would like to  
16 start out by thanking Dr. Haikal again for being here and  
17 participating in this and also for your dedication to  
18 your patients. I don't dispute that. I don't think  
19 anybody put that is in dispute that you have a dedication  
20 to your patients.

21 It's just that we had a matter here that  
22 needed to be addressed, and it's part of the  
23 investigation. That's just what it is. And sometimes  
24 doctors are ordered or invited or whatever you want to

1 use as a word to come and talk to the IC in a closed  
2 meeting so that there can be someone to aid in the  
3 investigation. That never happened. But I do commend  
4 you and your dedication to your patients.

5 Dr. Haikal seems to define abuse of power as,  
6 you know, he has his definition for abuse of power, but  
7 abuse of power is not carrying out the IC -- it's not the  
8 IC carrying out their statutory duties. That's not an  
9 abuse of power. They have to do that. They have  
10 statutory duties and powers assigned to those duties so  
11 that they can get their job done that they've been  
12 appointed for.

13 It's also not Board staff sending letters  
14 over and over again. It's also not phone calls to --  
15 that is not an abuse of power. That's reaching out and  
16 trying to make sure that the Respondent in this case,  
17 Dr. Haikal, understands how important it is to show up  
18 for these Investigative Committee meetings. But that  
19 didn't seem to get through to him. He didn't understand  
20 it. He did not negotiate or present really any kind of  
21 middle road as to why he couldn't be there or maybe  
22 suggest another time and put a reason towards suggesting  
23 another time.

24 He really just said in his letter in Exhibit

1 3 is if neither of these times is convenient with you,  
2 the Committee can make its decision based on information  
3 that we have provided to you. Well, that's not the way  
4 it works. The Committee needed to talk to him in person  
5 and wanted to give him that opportunity. And he didn't  
6 -- also, that didn't land with Dr. Haikal and he never  
7 showed up.

8 I also wanted to say that his statement about  
9 the Government or -- excuse me -- the Governor, I'm not  
10 sure exactly what was stated there, but I just would like  
11 -- I didn't object, but that's facts not in evidence, so  
12 I don't think that should be regarded as anything.

13 HEARING OFFICER WOODMAN: I was waiting -- I  
14 expected you to object for arguing facts not in evidence.  
15 You didn't. Because it wasn't in evidence, I didn't take  
16 any notes on it.

17 MR. WHITE: Okay. And I think, as I stated  
18 before, I think the IC, this is again one of the only  
19 statutes we have where we have to prove some intent that  
20 it was willful and knowingly. I think it's clear from  
21 the letters and the correspondence that it was willful, a  
22 willful and knowing violation of a Board order. Never  
23 appeared, didn't make a phone call to Ms. LaRue, stated  
24 his times, and if you don't like those times that I've



1 stated, go ahead and, you know, work with what I gave  
2 you.

3 That's not how it works with the  
4 Investigative Committee. They do have a duty. This is a  
5 licensee, and they have statutory duties to the public  
6 and that have been designated by the Legislature that  
7 they have to take care of and they weren't able to do  
8 that because Dr. Haikal violated it, violated the order.  
9 Thank you.

10 HEARING OFFICER WOODMAN: Thank you very  
11 much. Give me just one minute here. Okay. Mr. White,  
12 Dr. Haikal, thank you both very much. This was orderly.  
13 There's only one time when it was really excruciatingly  
14 difficult for our court reporter to keep track of  
15 everything that was being said as you talked over each  
16 other. But usually, it takes a lot more admonishments  
17 than just the one time during these the course of these  
18 hearings.

19 Mr. White knows this but, Dr. Haikal, for  
20 your benefit, what I do is I don't finalize any decision  
21 here until I get the transcript from our court reporter,  
22 and that usually takes two or three weeks depending on  
23 her schedule.

24 When I get that, I compare my notes to the

1 entire transcript. I will read the entire transcript. I  
2 usually read it through one time just read it start to  
3 finish, and then I go back a second time and read it and  
4 start making annotations, and then I go back a third time  
5 to compare my notes with the transcript. And from that  
6 third time is when I write out my decision.

7           And I try to use as many direct quotes from  
8 the testimony as well as sections of the different  
9 exhibits in evidence as I can so that people can tell  
10 that I'm doing my very best to go from the evidence and  
11 not simply from, you know, my own individual take on the  
12 evidence. That's a big part of it, obviously, but I want  
13 to make it as clear as I can that I go from what happened  
14 here on the record and not some misinterpretation of  
15 that. So my decision will take a number of weeks to come  
16 out.

17           Again, the main process of putting it  
18 together doesn't start until I get the transcript. And  
19 what I do is when I put my decision together, which  
20 essentially boils down to a recommendation for the Board,  
21 and then they take final action on that at one of their  
22 regularly-scheduled Board hearings.

23           But when I send my decision into the IC's  
24 office, they will file it and they will immediately send

1 you a copy of it. You'll -- depending on what time of  
2 day I send it to them, you'll either have it in a short  
3 period of time from when they receive it or if I send it  
4 in at the end of the day like I sometimes do, you'll  
5 receive it first thing the next morning with the file  
6 stamp on it. And then again, that's my decision. It's  
7 not necessarily the Board's decision. That comes up at  
8 one of their hearings.

9 So with that, I will thank everybody once  
10 again, especially our reporter, who I have not treated  
11 nearly as well as I intended to today because she has  
12 just plowed through without any breaks, and we will go  
13 off the record.

14 (The proceedings concluded at 12:57 p.m.)

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1 STATE OF NEVADA )  
COUNTY OF WASHOE )

2

3

4 I, Nicole J. Hansen, Certified Court Reporter,  
5 State of Nevada, do hereby certify:

6 That prior to being examined, the witness in the  
7 foregoing proceedings was by me duly sworn to testify to  
8 the truth, the whole truth, and nothing but the truth;

9 That said proceedings were taken before me at  
10 the time and places therein set forth and were taken down  
11 by me in shorthand and thereafter transcribed into  
12 typewriting under my direction and supervision;

13 I further certify that I am neither counsel for,  
14 nor related to, any party to said proceedings, not in  
15 anywise interested in the outcome thereof.

16 In witness whereof, I have hereunto subscribed  
17 my name.

18

19 Dated: December 9, 2022

20

21

Nicole J. Hansen

22 Nicole J. Hansen

23 NV. CCR No. 446, RPR, CRR, RMR

24 CA. CSR 13,909

1 HEALTH INFORMATION PRIVACY & SECURITY: CAUTIONARY NOTICE  
2 Litigation Services is committed to compliance with applicable federal  
3 and state laws and regulations ("Privacy Laws") governing the  
4 protection and security of patient health information. Notice is  
5 hereby given to all parties that transcripts of depositions and legal  
6 proceedings, and transcript exhibits, may contain patient health  
7 information that is protected from unauthorized access, use and  
8 disclosure by Privacy Laws. Litigation Services requires that access,  
9 maintenance, use, and disclosure (including but not limited to  
10 electronic database maintenance and access, storage, distribution/  
11 dissemination and communication) of transcripts/exhibits containing  
12 patient information be performed in compliance with Privacy Laws.  
13 No transcript or exhibit containing protected patient health  
14 information may be further disclosed except as permitted by Privacy  
15 Laws. Litigation Services expects that all parties, parties'  
16 attorneys, and their HIPAA Business Associates and Subcontractors will  
17 make every reasonable effort to protect and secure patient health  
18 information, and to comply with applicable Privacy Law mandates,  
19 including but not limited to restrictions on access, storage, use, and  
20 disclosure (sharing) of transcripts and transcript exhibits, and  
21 applying "minimum necessary" standards where appropriate. It is  
22 recommended that your office review its policies regarding sharing of  
23 transcripts and exhibits - including access, storage, use, and  
24 disclosure - for compliance with Privacy Laws.

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**4**

# **EXHIBIT 1**

# **EXHIBIT 1**

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

\* \* \* \* \*

In the Matter of Charges and Complaint

Case No. 22-9436-1

Against:

FILED

OSAMA OMAR HAIKAL, M.D.,

JUN 23 2022

Respondent.

NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: [Signature]

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 Osama Omar Haikal, 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 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. 5309). Respondent was originally licensed by the Board on December 7, 1985.

2. On August 30, 2021, the IC, during a quarterly committee meeting, discussed and determined to order Respondent to appear before the IC, either in person or telephonically, regarding two (2) investigation files.

3. On September 2, 2021, the IC issued an Order for appearance (IC Order) ordering Respondent to appear before the IC at the Board's Las Vegas Office on November 10, 2021, at 1:30 p.m., regarding both investigation files. The Order was sent to Respondent via USPS Certified Mail, tracking no. 9171969009350252156378.

///

<sup>1</sup> The Investigative Committee of the Nevada State Board of Medical Examiners, at the time this formal Complaint was authorized for filing, was composed of Board members Victor M. Muro, M.D., Aury Nagy, M.D., and Ms. Maggie Arias-Petrel.



1 4. On September 7, 2021, the IC Order was delivered to Respondent's address of  
2 record with the Board and was left with an "individual" at 1:26 pm.

3 5. On September 14, 2021, the IC received a letter, dated September 9, 2021, from  
4 Respondent, who stated he would only appear telephonically at either 12:00 p.m. (noon) or at  
5 3:30 p.m., on November 10, 2021.

6 6. On September 14, 2021, the Deputy Chief of Investigations called Respondent's  
7 office and spoke to his office manager. He explained to her that Respondent would not be able to  
8 dictate the time of his appearance and he needed to be available at 1:30 p.m., pursuant to the IC  
9 Order.

10 7. On September 20, 2021, the investigator assigned to both cases, sent a response  
11 letter to Respondent regarding his September 9, 2021, letter, stating that the IC believed  
12 Respondent was given enough notice to rearrange his schedule to take a call from the IC on  
13 November 10, 2021, at 1:30 p.m. This letter was sent via USPS Certified Mail tracking no.  
14 9171969009350252456552 and was left with an individual and delivered on September 23, 2021.

15 8. On October 18, 2021, the IC received a letter from Respondent, dated  
16 October 13, 2021, replying to the investigator's letter dated September 20, 2021. Again,  
17 Respondent reiterated that he would not be available to answer any questions by the IC at  
18 1:30 p.m., but would be available at 12:00 p.m., (noon) or 3:30 p.m., on November 10, 2021.

19 9. On November 10, 2021, Respondent failed to appear telephonically at 1:30 p.m.,  
20 before the IC pursuant to the IC Order and subsequent communications from the Board's  
21 investigative division staff.

22 **COUNT I**

23 **NRS 630.3065(2)(a)-Failing to Comply with an Order of the Investigative Committee**

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

26 11. NRS 630.3065(2)(a) provides that knowingly or willfully failing to comply with an  
27 order of a committee designated by the Board to investigate a complaint against a physician, i.e.,  
28 the IC, is grounds for initiating disciplinary action.



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VERIFICATION

STATE OF NEVADA                    )  
  : ss.  
COUNTY OF CLARK                 )

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 23<sup>rd</sup> day of June, 2022.

INVESTIGATIVE COMMITTEE OF THE  
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: *V M Muro*  
VICTOR M. MURO, M.D.  
*Chairman of the Investigative Committee*

# **EXHIBIT 2**

# **EXHIBIT 2**



1 Therefore, it is hereby **ORDERED**, that:

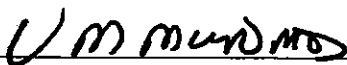
2 You shall appear before the Investigative Committee of the Nevada State Board of  
3 Medical Examiners on **10, November, 2021 at 1:30 pm**, at the offices of the Nevada State  
4 Board of Medical Examiners, located at **325 E. Warm Springs Road, Las Vegas, NV**  
5 **89119**. IC appearances will now be conducted in person; however, the option to participate  
6 telephonically will still be permissible. If you chose to participate telephonically you must  
7 notify the investigator within 7 days of receipt of this order, and provide the investigator with  
8 **ONE** phone number that the IC can call during your scheduled appearance. If you have an  
9 attorney in a different location, you will need to coordinate with your attorney to provide the  
10 IC with only **ONE** phone number to call.

11 Be advised that NRS 630.3065(2) (a) provides in part, that the willful failure to comply  
12 with an Order by the Board or a committee designated by the Board to investigate a complaint  
13 against a physician is grounds for disciplinary action against the licensee:

14 Compliance with this Order is deemed compulsory and shall not be deemed to be  
15 cooperation subject to the whistle-blower protections provided to physicians in NRS 630.364(3).

16 DATED this 2<sup>nd</sup> day of September 2021

17 NEVADA STATE BOARD OF MEDICAL EXAMINERS  
18 INVESTIGATIVE COMMITTEE

19  
20   
21 \_\_\_\_\_  
22 Victor M. Muro, M.D., Chairman,  
23 Nevada State Board of Medical Examiners  
24 Investigative Committee  
25

# **EXHIBIT 3**

# **EXHIBIT 3**

# DIGESTIVE DISEASE SPECIALISTS

**Osama Haikal M.D., LTD.**

Digestive and Liver Diseases/Gastrointestinal Endoscopy

---

Osama Haikal, M.D. Mohammed Shafi, M.D. Michael Zimmerman, M.D. Ghulam Mujtaba, M.D.

September 9, 2021

Victor Muro M.D., Chairman

Nevada State Board of Medical Examiners

9600 Gateway Drive

Reno, NV 89521

RE: BME Case #: [REDACTED]

In receipt of the subpoena from the Investigative Committee of the Nevada State Board of Medical Examiners, I will be more than happy to comply with your request on November 10, 2021 at 12 noon or 3:30 pm at the following telephone number (702) 734-2105.

If neither of these times is convenient with you, the committee can make its decision based on the information we have provided to you, knowing the fact that it is my word against theirs and knowing the fact that my word has been collaborated by the affidavit of 5 witnesses.

Thank you very much for your time and should you have further questions please feel free to contact my office.

Sincerely,



Osama Haikal M.D.

---

2136 E. Desert Inn Rd. Suite A Las Vegas, NV 89169 (702)734-0505  
2700 Crimson Canyon Drive Suite 180 Las Vegas NV 89128 (702) 562-2420  
1647 E. Windmill Lane Suite 100 Las Vegas NV 89123 (702)914-6555

NSBME 007



**EXHIBIT 4**

**EXHIBIT 4**

NEVADA STATE BOARD OF MEDICAL EXAMINERS

9600 Gateway Drive  
Reno, NV 89521

Victor M. Muro, M.D.  
Board President

Edward O. Cousineau, J.D.  
Executive Director



September 20, 2021

9171 9690 0935 0252 1565 52

Osama O. Haikal, M.D.  
2136 E. Desert Inn Road, Suite A  
Las Vegas, NV 89169

Dear Dr. Haikal:

On September 2, 2021, you were sent an Order to appear before the Investigative Committee of the Nevada State Board of Medical examiners.

On September 14, 2021, the Board received your response to the Order from the Investigative Committee. In your response you requested a telephonic appearance on November 10, 2021, at 12 noon or 3:30 pm. The Committee understands you may have obligations, but feels you are given enough of a notice to rearrange your schedule in order to be available to take a call from the Committee at the ordered date and time.

Again, you received an Order to appear (either in person or telephonically) before the Investigative Committee of the Nevada State Board of Medical Examiners on **10, November, 2021 at 1:30 pm.**

Be advised that NRS 630.3065(2) (a) provides in part, that the willful failure to comply with an Order by the Board or a committee designated by the Board to investigate a complaint against a physician is grounds for disciplinary action against the licensee:

Compliance with this Order is deemed compulsory and shall not be deemed to be cooperation subject to the whistle-blower protections provided to physicians in NRS 630.364(3).

Sincerely,

Trent S Hiatt  
Investigator

A handwritten signature in black ink, appearing to read "Trent S Hiatt", is written over a dotted line.

[Track Another Package +](#)

**Tracking Number:** 9171969009350252156552

[Remove X](#)

Your item was delivered to an individual at the address at 12:53 pm on September 23, 2021 in LAS VEGAS, NV 89169.

## **Delivered, Left with Individual**

September 23, 2021 at 12:53 pm  
LAS VEGAS, NV 89169

Feedback

**Get Updates** 

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**Text & Email Updates**



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**Tracking History**



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**Product Information**



**See Less** 

### **Can't find what you're looking for?**

Go to our [FAQs](#) section to find answers to your tracking questions.

# **EXHIBIT 5**

# **EXHIBIT 5**

# DIGESTIVE DISEASE SPECIALISTS

Osama Haikal M.D., LTD.

Digestive and Liver Diseases/Gastrointestinal Endoscopy

Osama Haikal, M.D. Mohammed Shafi, M.D. Michael Zimmerman, M.D. Ghulam Mujtaba, M.D.

October 13, 2021

Nevada State Board of Medical Examiners  
9600 Gateway Drive  
Reno NV 89521

**RECEIVED**

**OCT 18 2021**

**NEVADA STATE BOARD OF  
MEDICAL EXAMINERS**

RE: BME Case# [REDACTED]

Dear Mr Hiatt,

I have received your letter dated September 20, 2021 and also have received a telephone call from an investigator by the name of Johanna LaRue on September 14, 2021 around 10:00 am.

Apparently Ms LaRue did not realize that busy doctors who perform surgery in the morning are busy at that time. She became very frustrated when she was told that I was busy, by my office staff.

Ms LaRue demanded that I was to be given the message to call her immediately, furthermore, she went on to inform my office staff that "I can not dictate the terms of the investigation", thus, violating the confidentiality and the privacy of the investigation.

A copy of the message given to me by my staff is attached to this letter.

In your letter dated September 20, 2021 you indicated that you considered the complaints the board received in reference to case number [REDACTED] as a Whistle blower issue, ignoring the fact that for allegations to be considered a Whistle blower issue, the complaints must be accompanied by concrete evidence of misconduct or wrong doing. I have attached a copy of the requirement for the complaint to be considered a Whistle blower issue, you may find that helpful.

As I mentioned in my previous letter dated September 9, 2021, these two complaints came from disgruntled former employees who were demoted and one of them was stripped of her administrative and managerial duties.

2136 E. Desert Inn Rd. Suite A Las Vegas, NV 89169 (702)734-0505  
2700 Crimson Canyon Drive Suite 180 Las Vegas NV 89128 (702) 562-2420  
1647 E. Windmill Lane Suite 100 Las Vegas NV 89123 (702)914-6555

NSBME 010

It may be beneficial to the investigating committee at the Nevada Stated Board of Medical Examiners to contact the Nevada State Board of Nursing which received a complaint against our CRNA "Dennis Griggs". They investigated the issue and decided that it was a frivolous false claim. They did not rush into issuing unnecessary subpoena. You may benefit from them.

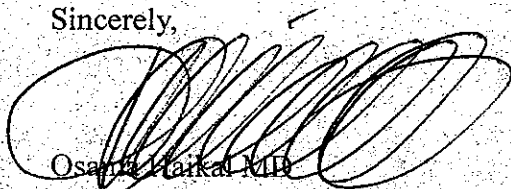
Also, it may be beneficial to the Nevada State Board of Medical Examiners to contact the police sergeant who was contacted by one of the former employees stating that I hire endoscopy technicians who are not certified. The police officer asked her if she was a certified endoscopy technician and she responded no. Then he asked her about who had trained her to be an endoscopy technician and she replied Dr Haikal, which is a fact. The police officer went further and asked her if she would consider herself as qualified as the certified endoscopy technicians and she replied yes. The police officer was very smart to realize that her claim is false and vindictive, therefore, he dismissed it completely which made her very angry.

As I mentioned in my previous letter, this issue is their word against mine and my word has been collaborated by five written statements by my employees.

I will not be available to answer any questions by the investigating committee for the Nevada State Board of Medical Examiners at 1:30 pm on Wednesday November 10, 2021. However, I am available to answer any questions the committee may have Monday through Thursday of any week at 12:00 noon or 3:30 pm.

Any physician knows that doctors who preform surgery in the morning usually see patients in the afternoon. The proposed time of 12:00 noon or 3:30 pm on any of these days will serve both issues of me abiding by the requirement of NRS 630.3065(2) as well as my ability to continue to serve my patients. My patients have the right to have access to my medical care each and every afternoon and I will continue to defend their right. If you continue to consider my refusal to answer questions at 1:30 in the afternoon as a violation of the NRS 630.3065(2) then we will have to have a judge decide who is right or wrong.

Sincerely,



Osama Haikal MD  
2136 E Desert Inn Rd #A  
Las Vegas NV 89169  
702-734-0505

WHT  
Deduction to Board  
for 4 years  
to be made  
for 4 years  
for 4 years

Johnna LaRue  
# 785-324-9377  
Call immediately

You cannot dictate  
the time. Make arrangements  
to meet a Board Order.  
Violation  
is action will be taken  
if no show. @ 10:50  
Today

**LifeCare**  
Specialty Pharmacy

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on the particular statutes at issue. Statutes of limitations are subject to change and apply differently to different circumstances. You should consult with an experienced whistleblower lawyer as soon as you realize that you may have a claim.

#### WHAT IF SOMEONE ELSE ALREADY REPORTED THE SAME FRAUD OR MISCONDUCT?

"First to file" rules can bar a whistleblower claim if another whistleblower has already filed a case or made a submission based on the same facts or evidence. Therefore, it is best to file your claim as soon as possible. Multiple whistleblowers, however, may file a joint claim or separate claims based upon different evidence. First-to-file problems are very fact-specific, so you should discuss the details of your situation with an experienced whistleblower attorney before concluding that your action may be barred by another's prior reporting.

#### WHAT IF THE FRAUD OR MISCONDUCT HAS ALREADY BEEN MADE PUBLIC?

Because whistleblower reward laws are designed to encourage people to come forward with information that is not already public, if there has already been press coverage, a government investigation, or other public disclosure of the fraud or misconduct, a whistleblower's right to claim a reward may be limited. Often, however, the whistleblower has information that reveals a different or additional fraud than the fraud that is public. In addition, the fraud may have become public because of the whistleblower's actions, or there may be other reasons the whistleblower reward laws would still be available. The rules regarding public disclosure have changed over the years, and apply differently to different circumstances and under different reward programs. You should consult with a whistleblower lawyer to determine your options if there has been a prior public disclosure of some or all of the wrongdoing.

#### WHAT KIND OF INFORMATION MUST A WHISTLEBLOWER HAVE?

The cornerstone of any whistleblower claim is proof that fraud or misconduct covered by one of the whistleblower reward programs occurred. A whistleblower need not have witnessed the challenged fraud or misconduct but he or she must have concrete and specific evidence of the fraud. Mere suspicion or belief is not enough. Being able to identify the "who, what, where, when, why and how" of the challenged fraud or misconduct is most helpful. Knowing as many specific facts as possible about the fraud or misconduct will greatly strengthen your claim.

Generally, you will want to provide the government with new information that it does not already have and might not otherwise obtain. The collected evidence cannot primarily (or substantially) come from public sources, such as the press, internet, TV, government records or reports. However, public information may be utilized in certain instances if you provide a unique analysis demonstrating the existence of the fraud or misconduct.

#### WHAT EVIDENCE SHOULD I GATHER?

Gathering evidence of the fraud or misconduct is the first step in bringing your whistleblower claim. Documentary evidence – such as email communications, internal studies, billing records, test results, etc. – is not necessary, but will greatly support any claim you present to the government. Witnessing the conduct first-hand helps but is not required.



# **RESPONDENT'S EXHIBITS**

## **EXHIBIT 1**

## **EXHIBIT 1**

# DIGESTIVE DISEASE SPECIALISTS

Osama Haikal M.D., LTD.

Digestive and Liver Diseases/Gastrointestinal Endoscopy

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Osama Haikal, M.D. Mohammed Shafi, M.D. Michael Zimmerman, M.D. Ghulam Mujtaba, M.D.

July 30, 2022

Nevada State Board of Medical Examiners  
9600 Gateway Dr  
Reno NV 89521

Attn: Donald K White, J.D.

This letter is in reference to the complaint forwarded to us on June 23, 2022 by and through Donald K White, J.D.

The complaint referenced above is pertinent to the State Board of Medical Examiners case numbers [REDACTED]

Dear Mr White,

On March 22, 2021 I did receive a letter from Mr Trent S Hiatt about two complaints against my endoscopy center known as Digestive Disease Center.

Both of the complaints referred to as case number [REDACTED] came from two of the former employees of Digestive Disease Center who were employed as endoscopy technicians.

The two complaints were identical with one exception. Complaint number [REDACTED] stated an issue about the Certified Registered Nurse Anesthetist (CRNA), who is an employee of Digestive Disease Center, claiming that he fills several syringes with propofol and that particular CRNA puts the propofol vials in his personal belongings.

The two complaints share common grounds stating that they were smacked on their hands, their fingers were pulled and their arms were pulled also. They stated that a disturbing statement was made by me about the desire to shoot current and former employees.

On April 1, 2021 I did address both complaints explaining to Mr Hiatt that those complaints were false and unfounded.

---

2136 E. Desert Inn Rd. Suite A Las Vegas, NV 89169 (702)734-0505  
2700 Crimson Canyon Drive Suite 180 Las Vegas NV 89128 (702) 562-2420  
1647 E. Windmill Lane Suite 100 Las Vegas NV 89123 (702)914-6555

My response did include statements and affidavits from five of the employees at Digestive Disease Center supporting my case and denying the two complaints in their entirety. These affidavits came from an endoscopy technician Joy Nigo who has been employed by Digestive Disease Center since April 2006, an affidavit from Daphne Phillips who has been employed by Digestive Disease Center and Digestive Disease Specialists since June 2006, an affidavit from Cindy Rastogi and Dennis Griggs both of whom are CRNS's employed by Digestive Disease Center(s).

**Where as the propofol complaint by one of the former employees, it has been brought to the investigating committee's attention that this issue against the CRNA Dennis Griggs was fully investigated by the Nevada State Board of Nursing and was dismissed completely. The issue of the abuse of propofol at Digestive Disease Center was also investigated by the Nevada Board of Pharmacy and completely dismissed as false allegations.**

As far as the complaint against Digestive Disease Center's hostile work environment (which was raised by the two former employees) is concerned, that issue was raised by a disgruntled employee and that situation was fully explained in writing to the investigating committee. One can't help but wonder if the propofol complaint against Digestive Disease Center and CRNA Dennis Griggs were fully investigated and found to be false why would the investigating committee give credence and credibility to the other issues stated in the two referenced complaints [REDACTED]. The logical thing for the investigating committee to arrive at should have been that hostile work environment complaint is as false as that of the propofol complaint.

Whereas, the investigating committee of the Nevada Board of Medical Examiners decided that our response supported by five affidavits from employees was not good enough for them therefore, they decided to pursue the complaint further. Admittedly it is their prerogative to do that even though we disagree with their decision.

Whereas, the investigating committee went further claiming that these two complaints from our former disgruntled employees were considered to be a Whistle Blower issue.

**We have taken the effort to educate the investigating committee about the difference between a Whistle Blower issue opposed to malicious and vicious unfounded complaint from two disgruntled former employees. Please refer to my response dated October 13, 2021.**

Whereas, the investigating committee decided to conduct its investigation on November 10, 2021 at 1:30 pm (PST). It was clearly explained to the investigating committee that taking their telephone call at 1:30 pm for a physician who performs surgery in the morning and schedules patients in the afternoon starting at 12:30 pm, would require cancelling the entire afternoon appointments.

**It is a fact that the committee did give me enough time to arrange my schedule which is exactly what I intended to do. The investigating committee rejected my suggestion to answer their questions at 12:00 pm or 3:30 pm as this would not require cancelling my afternoon appointments.**

Whereas, the investigating committee was informed that taking their questions at 12:00 or 3:30 pm on November 10, 2021 would allow me to satisfy my patients need of having my schedule open even if it was for a shorter period of time as well as satisfying the requirement of the Nevada Revised Statute 630.3065(2).

**Whereas, the investigating committee disregarded completely my obligations to my patients and insisted that I would have to take their call at 1:30 pm regardless of my patients needs. I did give the investigating committee ample time and notice about my intention to take their call at 12:00 or 3:30 pm any given day Monday through Thursday in order to keep my afternoon open to serve my patients.**

The investigating committee insisted on conducting its investigation on November 10, 2021 at 1:30 pm. I have taken it upon myself to request from the investigating committee to make its determination and decision based on the information that they have in their possession. The investigating committee did not accept my offer.

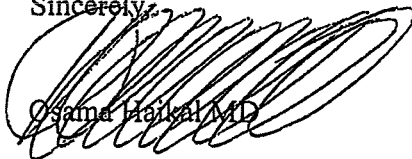
**Whereas, the Nevada Revised Statute 630.3065(2) does not mandate that a physician has to sit down in person or by telephone to answer question in a very frivolous and unfounded case at a time that will interfere with his or her patient care.**

The investigating committee apparently felt that its ego has been bruised and decided to make a phone call to my office on November 10, 2021 at 1:30 pm while I was in the middle of taking care of my patients.

One needs not to remind the investigating committee and yourself that the primary responsibility of a physician who did not commit any crime is to his patients, after all the practice of medicine is about the physicians availability and willingness to deliver healthcare services to his or her patients.

In summary, count I in your letter dated June 23, 2022 is baseless since I was willing to take the investigative committee's call at 12:00 or 3:30 pm that day which doesn't constitute failure or unwillingness to respond to the investigative committee's call ie: no violation to the Nevada Revised Statute 630.3065(2).

Sincerely,



Osama Harkal MD

**5**

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF NEVADA

\* \* \* \* \*

In the Matter of Charges and Complaint

Case No. 22-9436-1

Against:

FILED

OSAMA OMAR HAIKAL, M.D.,

JUN 23 2022

Respondent.

NEVADA STATE BOARD OF  
MEDICAL EXAMINERS

By: 

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 Osama Omar Haikal, 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 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. 5309). Respondent was originally licensed by the Board on December 7, 1985.

2. On August 30, 2021, the IC, during a quarterly committee meeting, discussed and determined to order Respondent to appear before the IC, either in person or telephonically, regarding two (2) investigation files.

3. On September 2, 2021, the IC issued an Order for appearance (IC Order) ordering Respondent to appear before the IC at the Board's Las Vegas Office on November 10, 2021, at 1:30 p.m., regarding both investigation files. The Order was sent to Respondent via USPS Certified Mail, tracking no. 9171969009350252156378.

///

<sup>1</sup> The Investigative Committee of the Nevada State Board of Medical Examiners, at the time this formal Complaint was authorized for filing, was composed of Board members Victor M. Muro, M.D., Aury Nagy, M.D., and Ms. Maggie Arias-Petrel.

1 4. On September 7, 2021, the IC Order was delivered to Respondent's address of  
2 record with the Board and was left with an "individual" at 1:26 pm.

3 5. On September 14, 2021, the IC received a letter, dated September 9, 2021, from  
4 Respondent, who stated he would only appear telephonically at either 12:00 p.m. (noon) or at  
5 3:30 p.m., on November 10, 2021.

6 6. On September 14, 2021, the Deputy Chief of Investigations called Respondent's  
7 office and spoke to his office manager. He explained to her that Respondent would not be able to  
8 dictate the time of his appearance and he needed to be available at 1:30 p.m., pursuant to the IC  
9 Order.

10 7. On September 20, 2021, the investigator assigned to both cases, sent a response  
11 letter to Respondent regarding his September 9, 2021, letter, stating that the IC believed  
12 Respondent was given enough notice to rearrange his schedule to take a call from the IC on  
13 November 10, 2021, at 1:30 p.m. This letter was sent via USPS Certified Mail tracking no.  
14 9171969009350252456552 and was left with an individual and delivered on September 23, 2021.

15 8. On October 18, 2021, the IC received a letter from Respondent, dated  
16 October 13, 2021, replying to the investigator's letter dated September 20, 2021. Again,  
17 Respondent reiterated that he would not be available to answer any questions by the IC at  
18 1:30 p.m., but would be available at 12:00 p.m., (noon) or 3:30 p.m., on November 10, 2021.

19 9. On November 10, 2021, Respondent failed to appear telephonically at 1:30 p.m.,  
20 before the IC pursuant to the IC Order and subsequent communications from the Board's  
21 investigative division staff.

22 **COUNT I**

23 **NRS 630.3065(2)(a)-Failing to Comply with an Order of the Investigative Committee**

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

26 11. NRS 630.3065(2)(a) provides that knowingly or willfully failing to comply with an  
27 order of a committee designated by the Board to investigate a complaint against a physician, i.e.,  
28 the IC, is grounds for initiating disciplinary action.







OFFICE OF THE GENERAL COUNSEL  
Nevada State Board of Medical Examiners  
9600 Gateway Drive  
Reno, Nevada 89521  
(775) 688-2559


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

\* \* \* \* \*

**In the Matter of Charges and Complaint**  
**Against:**  
**OSAMA OMAR HAIKAL, M.D.,**  
**Respondent.**

**Case No. 22-9436-1**

**FILED**  
**JUN 28 2022**  
NEVADA STATE BOARD OF  
MEDICAL EXAMINERS  
By: 

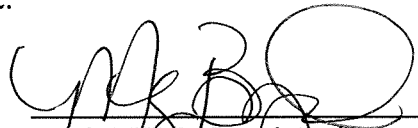
**PROOF OF SERVICE**

I, Meg Byrd, Legal Assistant for the Nevada State Board of Medical Examiners, hereby certify that on June 23, 2022, I mailed by USPS Certified Mail No. 9171969009350254760641 to the following recipient(s):

**Osama Omar Haikal, M.D.**  
**216 E. Desert Inn Rd., Suite A**  
**Las Vegas, NV 89169**

The formal Complaint and fingerprinting package that was confirmed delivered on June 27, 2022.  
*See Exhibit 1.*

DATED this 27th day of June, 2022.

  
\_\_\_\_\_  
MEG BYRD, Legal Assistant  
Nevada State Board of Medical Examiners  
9600 Gateway Drive  
Reno, Nevada 89521

# **EXHIBIT 1**

# **EXHIBIT 1**



June 27, 2022


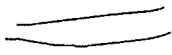
Dear Meg Byrd:

The following is in response to your request for proof of delivery on your item with the tracking number:  
**9171 9690 0935 0254 7606 41.**

**Item Details**

<b>Status:</b>	Delivered, Left with Individual
<b>Status Date / Time:</b>	June 27, 2022, 1:51 pm
<b>Location:</b>	LAS VEGAS, NV 89169
<b>Postal Product:</b>	First-Class Mail®
<b>Extra Services:</b>	Certified Mail™ Return Receipt Electronic

**Recipient Signature**

Signature of Recipient:	 Del
Address of Recipient:	

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,  
United States Postal Service®  
475 L'Enfant Plaza SW  
Washington, D.C. 20260-0004

## Track Another Package +

**Tracking Number:** 9171969009350254760641

[Remove X](#)

Your item was delivered to an individual at the address at 1:51 pm on June 27, 2022 in LAS VEGAS, NV 89169.

**USPS Tracking Plus® Available** ✓

### **Delivered, Left with Individual**

June 27, 2022 at 1:51 pm  
LAS VEGAS, NV 89169

**Get Updates** ✓

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**Text & Email Updates**



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**Return Receipt Electronic**



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**Tracking History**



**June 27, 2022, 1:51 pm**

Delivered, Left with Individual

LAS VEGAS, NV 89169

Your item was delivered to an individual at the address at 1:51 pm on June 27, 2022 in LAS VEGAS, NV 89169.

**June 25, 2022, 12:40 am**

Arrived at USPS Regional Origin Facility

LAS VEGAS NV DISTRIBUTION CENTER

**June 24, 2022**

In Transit to Next Facility

**June 23, 2022, 10:54 pm**

Arrived at USPS Regional Origin Facility  
RENO NV DISTRIBUTION CENTER

**June 23, 2022, 11:14 am**

USPS picked up item  
RENO, NV 89521

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**USPS Tracking Plus®**



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**Product Information**



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**See Less** ^

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Go to our FAQs section to find answers to your tracking questions.

**FAQs**

# DIGESTIVE DISEASE SPECIALISTS

Osama Haikal M.D., LTD.

Digestive and Liver Diseases/Gastrointestinal Endoscopy

---

Osama Haikal, M.D

Mohammed Shafi , M.D.

Michael Zimmerman, M.D

Ghulam Mujtaba, M.D.

**FILED**

**AUG - 8 2022 RECEIVED**

NEVADA STATE BOARD OF  
MEDICAL EXAMINERS **AUG 05 2022**

By: 

**LEGAL DEPT**

July 30, 2022

Nevada State Board of Medical Examiners  
9600 Gateway Dr  
Reno NV 89521

Attn: Donald K White, J.D.

This letter is in reference to the complaint forwarded to us on June 23, 2022 by and through Donald K White, J.D.

The complaint referenced above is pertinent to the State Board of Medical Examiners case numbers 21-20073 and 21-20075.

Dear Mr White,

On March 22, 2021 I did receive a letter from Mr Trent S Hiatt about two complaints against my endoscopy center known as Digestive Disease Center.

Both of the complaints referred to as case number 21-20073 and 21-20075 came from two of the former employees of Digestive Disease Center who were employed as endoscopy technicians.

The two complaints were identical with one exception. Complaint number 21-20075 stated an issue about the Certified Registered Nurse Anesthetist (CRNA), who is an employee of Digestive Disease Center, claiming that he fills several syringes with propofol and that particular CRNA puts the propofol vials in his personal belongings.

The two complaints share common grounds stating that they were smacked on their hands, their fingers were pulled and their arms were pulled also. They stated that a disturbing statement was made by me about the desire to shoot current and former employees.

On April 1, 2021 I did address both complaints explaining to Mr Hiatt that those complaints were false and unfounded.

My response did include statements and affidavits from five of the employees at Digestive Disease Center supporting my case and denying the two complaints in their entirety. These affidavits came from an endoscopy technician Joy Nigo who has been employed by Digestive Disease Center since April 2006, an affidavit from Daphne Phillips who has been employed by Digestive Disease Center and Digestive Disease Specialists since June 2006, an affidavit from Cindy Rastogi and Dennis Griggs both of whom are CRNS's employed by Digestive Disease Center(s).

**Where as the propofol complaint by one of the former employees, it has been brought to the investigating committee's attention that this issue against the CRNA Dennis Griggs was fully investigated by the Nevada State Board of Nursing and was dismissed completely. The issue of the abuse of propofol at Digestive Disease Center was also investigated by the Nevada Board of Pharmacy and completely dismissed as false allegations.**

As far as the complaint against Digestive Disease Center's hostile work environment (which was raised by the two former employees) is concerned, that issue was raised by a disgruntled employee and that situation was fully explained in writing to the investigating committee. One can't help but wonder if the propofol complaint against Digestive Disease Center and CRNA Dennis Griggs were fully investigated and found to be false why would the investigating committee give credence and credibility to the other issues stated in the two referenced complaints 21-20073 and 21-20075. The logical thing for the investigating committee to arrive at should have been that hostile work environment complaint is as false as that of the propofol complaint.

Whereas, the investigating committee of the Nevada Board of Medical Examiners decided that our response supported by five affidavits from employees was not good enough for them therefore, they decided to pursue the complaint further. Admittedly it is their prerogative to do that even though we disagree with their decision.

Whereas, the investigating committee went further claiming that these two complaints from our former disgruntled employees were considered to be a Whistle Blower issue.

**We have taken the effort to educate the investigating committee about the difference between a Whistle Blower issue opposed to malicious and vicious unfounded complaint from two disgruntled former employees. Please refer to my response dated October 13, 2021.**

Whereas, the investigating committee decided to conduct its investigation on November 10, 2021 at 1:30 pm (PST). It was clearly explained to the investigating committee that taking their telephone call at 1:30 pm for a physician who performs surgery in the morning and schedules patients in the afternoon starting at 12:30 pm, would require cancelling the entire afternoon appointments.



**It is a fact that the committee did give me enough time to arrange my schedule which is exactly what I intended to do. The investigating committee rejected my suggestion to answer their questions at 12:00 pm or 3:30 pm as this would not require cancelling my afternoon appointments.**

Whereas, the investigating committee was informed that taking their questions at 12:00 or 3:30 pm on November 10, 2021 would allow me to satisfy my patients need of having my schedule open even if it was for a shorter period of time as well as satisfying the requirement of the Nevada Revised Statute 630.3065(2).

**Whereas, the investigating committee disregarded completely my obligations to my patients and insisted that I would have to take their call at 1:30 pm regardless of my patients needs. I did give the investigating committee ample time and notice about my intention to take their call at 12:00 or 3:30 pm any given day Monday through Thursday in order to keep my afternoon open to serve my patients.**

The investigating committee insisted on conducting its investigation on November 10, 2021 at 1:30 pm. I have taken it upon myself to request from the investigating committee to make its determination and decision based on the information that they have in their possession. The investigating committee did not accept my offer.

**Whereas, the Nevada Revised Statute 630.3065(2) does not mandate that a physician has to sit down in person or by telephone to answer question in a very frivolous and unfounded case at a time that will interfere with his or her patient care.**

The investigating committee apparently **felt that its ego** has been bruised and decided to make a phone call to my office on November 10, 2021 at 1:30 pm while I was in the middle of taking care of my patients.

One needs not to remind the investigating committee and yourself that the primary responsibility of a physician who did not commit any crime is to his patients, after all the practice of medicine is about the physicians availability and willingness to deliver healthcare services to his or her patients.

In summary, count I in your letter dated June 23, 2022 is baseless since I was willing to take the investigative committee's call at 12:00 or 3:30 pm that day which doesn't constitute failure or unwillingness to respond to the investigative committee's call ie: no violation to the Nevada Revised Statute 630.3065(2).

Sincerely,

  
Osama Haikal MD

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

3  
4 In the Matter of Charges and )  
5 Complaint Against )  
6 OSAMA OMAR HAIKAL, M.D., )  
7 Respondent. )

CASE NO. 22-9436-1

Early Case Conference: 4:00 P.M.  
August 31, 2022

FILED

AUG 19 2022

NEVADA STATE BOARD OF  
MEDICAL EXAMINERS

By: 

10 **NOTICE AND ORDER SCHEDULING EARLY CASE CONFERENCE**

11 TO: DONALD K. WHITE, J.D., Senior Deputy General Counsel and attorney for the  
12 Investigative Committee of the Nevada State Board of Medical Examiners, 9600  
Gateway Drive, Reno, Nevada 89521

13 OSAMA OMAR HAIKAL, M.D., 216 E. Desert Inn Rd., Suite A, Las Vegas, NV  
14 89169

15 **NOTICE IS HEREBY GIVEN** that on June 23, 2022, a Complaint was filed in the  
16 name of the Investigative Committee of the Nevada State Board of Medical Examiners pursuant  
17 to Chapter 630 of the Nevada Revised Statutes, charging Respondent with violation of the  
18 Medical Practice Act. A true and correct copy of said Complaint was personally served upon  
19 Respondent on June 27, 2022, and is hereby incorporated by this reference.

20 Based upon the calendar of the undersigned Hearing Office this Notice and Order  
21 Scheduling an Early Case Conference is hereby filed.

22 **ACCORDINGLY, NOTICE IS HEREBY GIVEN** that in compliance with NRS  
23 630.339(3)<sup>1</sup>, **an Early Case Conference will be conducted on August 31, 2022, beginning at**

24  
25 <sup>1</sup>3. Within 20 days after the filing of the answer, the parties shall hold an early case conference at which the  
26 parties and the hearing officer appointed by the Board or a member of the Board must preside. At the early case  
conference, the parties shall in good faith:

27 a) Set the earliest possible hearing date agreeable to the parties and the hearing officer, panel of the Board  
or the Board, including the estimated duration of the hearing;

28 b) Set dates:

(1) By which all documents must be exchanged;

(2) By which all prehearing motions and responses thereto must be filed;

1 **the hour of 4:00 P.M.**, in the Conference Room at the Office of the Nevada State Board of  
2 Medical Examiners, located at 9600 Gateway Drive, Reno, Nevada 89521, or as soon thereafter  
3 as it may be heard.

4 **NOTICE IS FURTHER HEREBY GIVEN** that the Early Case Conference shall be  
5 attended by the parties in person or by any party's legal counsel of record and will be conducted  
6 by the undersigned Hearing Officer in order to discuss and designate the dates for the Pre-  
7 Hearing Conference and Hearing and other procedural matters established in NRS 630.339.  
8 Respondent may elect to participate in the Early Case Conference by telephone if prior  
9 arrangements are made with the Deputy General Counsel for the Investigative Committee of the  
10 Nevada State Board of Medical Examiners in sufficient time prior to the time and date fixed to  
11 arrange that alternative means of participation.

12 At the Pre-Hearing Conference, in accordance with NAC 630.465<sup>2</sup>, each party shall  
13 provide the other party with a copy of the list of witnesses each party intends to call to testify,  
14 including therewith, the qualifications of each witness so identified, and a summary of the  
15 testimony of each witness. If a witness is not on the list of witnesses, that witness may not be  
16 allowed to testify at the hearing unless good cause is shown for omitting the witness from said  
17  
18

- 
- 19 (3) On which to hold the prehearing conference; and  
20 (4) For any other foreseeable actions that may be required for the matter;  
21 (c) Discuss or attempt to resolve all or any portion of the evidentiary or legal issues in the matter;  
22 (d) Discuss the potential for settlement of the matter on terms agreeable to the parties; and  
23 (e) Discuss and deliberate any other issues that may facilitate the timely and fair conduct of the matter.

24 <sup>21</sup>. At least 30 days before a hearing but not earlier than 30 days after the date of service upon the physician  
25 or physician assistant of a formal complaint that has been filed with the Board pursuant to NRS 630.311, unless a  
26 different time is agreed to by the parties, the presiding member of the Board or panel of members of the Board or the  
27 hearing officer shall conduct a prehearing conference with the parties and their attorneys. All documents presented  
28 at the prehearing conference are not evidence, are not part of the record and may not be filed with the Board.

2. Each party shall provide to every other party a copy of the list of proposed witnesses and their  
qualifications and a summary of the testimony of each proposed witness. A witness whose name does not appear on  
the list of proposed witnesses may not testify at the hearing unless good cause is shown.

3. All evidence, except rebuttal evidence, which is not provided to each party at the prehearing conference  
may not be introduced or admitted at the hearing unless good cause is shown.

4. Each party shall submit to the presiding member of the Board or panel or to the hearing officer  
conducting the conference each issue which has been resolved by negotiation or stipulation and an estimate, to the  
nearest hour, of the time required for presentation of its oral argument.

1 list.<sup>3</sup>

2 All evidence, except rebuttal evidence, which is not provided to each party at the Pre-  
3 Hearing Conference may not be introduced or admitted at the hearing unless good cause is  
4 shown.

5 **NOTICE IS FURTHER HEREBY GIVEN** that the attorney for the Investigative  
6 Committee and Respondent's legal counsel shall keep the undersigned Hearing Officer advised  
7 of each issue which has been resolved by negotiation or stipulation, if any, and provide at the  
8 Pre-Hearing Conference an estimate, to the nearest hour, of the time required for presentation of  
9 their respective cases.

10 **NOTICE IS FINALLY HEREBY GIVEN** that the possible sanctions authorized by  
11 NRS 630.352 and NRS 622.400 to be imposed on the Respondent based on a sustained charge in  
12 regard to one or more of the issues raised in said Complaint include one or more of the following  
13 sanctions:

- 14 A. Placement on probation for a specified period on any of the conditions specified in  
15 the order;
- 16 B. Administration of a public reprimand;
- 17 C. Suspension of his license for a specified period or until further order of the Board;
- 18 D. Revocation of his license to practice;
- 19 E. A requirement that he participate in a program to correct alcohol or drug  
20 dependence or any other impairment;
- 21 F. A requirement that there be specified supervision of his practice;
- 22 G. A requirement that he perform public service without compensation;
- 23 H. A requirement that he take a physical or mental examination or an examination  
24 testing his medical competence;
- 25 I. A requirement that he fulfill certain training or educational requirements, or both,  
as specified by the Board;

---

26 <sup>3</sup> In identifying a patient as a witness the parties are cautioned to omit from any pleadings filed with the  
27 undersigned administrative hearing officer any addresses, telephone numbers, social security numbers, or other  
28 personal information regarding such individual and to confine their submissions in this regard to the Patient  
Designation of the witness, qualifications for the relevancy of any testimony sought to be elicited from that witness  
and a summary of the anticipated testimony.

- 1 J. Imposition of a fine on you not to exceed \$5,000 for each violation;  
2 K. A requirement that a practitioner licensed by the State Board of Medical  
3 Examiners, pursuant to NRS 622.400 pay all costs incurred by the Board relating  
4 to the disciplinary proceedings as more fully set forth in said statute.

5 DATED this 19 day of August, 2022.



---

6 CHARLES B. WOODMAN, Hearing Officer  
7 Nevada State Board of Medical Examiners  
8 548 W. Plumb Lane, Suite B  
9 Reno, Nevada 89509  
10 (775) 786-9800  
11 hardywoodmanlaw@msn.com

1 **CERTIFICATE OF SERVICE**

2 I certify that on this day, I personally delivered or mailed, postage pre-paid, at Reno,  
3 Nevada, a true file-stamped copy of the foregoing NOTICE AND ORDER SCHEDULING  
4 EARLY CASE CONFERENCE addressed as follows:

5 DONALD K. WHITE, J.D. SENIOR DEPUTY GENERAL COUNSEL  
6 9600 GATEWAY DRIVE  
7 RENO, NV 89521

8 OSAMA OMAR HAIKAL, M.D.  
9 216 E. DESERT INN RD., SUITE A  
10 LAS VEGAS, NV 89169

11 DATED this 22<sup>nd</sup> day of Aug, 2022

12   
13 MEG BYRD, Legal Assistant  
14 Nevada State Board of Medical Examiners

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

FILED

SEP - 6 2022

NEVADA STATE BOARD OF  
MEDICAL EXAMINERS

By: 

3  
4  
5 In the Matter of Charges and )  
6 Complaint Against )  
7 OSAMA OMAR HAIKAL, M.D., )  
8 Respondent. )  
9

CASE NO.: 22-9436-1

10 **NOTICE AND ORDER SCHEDULING PRE-HEARING AND HEARING**

11 TO: DONALD K. WHITE, J.D., Senior Deputy General Counsel and Attorney  
12 for the Investigative Committee of the Nevada State Board of Medical Examiners,  
9600 Gateway Drive, Reno, Nevada 89521

13 OSAMA OMAR HAIKAL, M.D., 216 E. DESERT INN RD., SUITE A, LAS  
14 VEGAS, NV 89169

15 On Wednesday, August 31, 2022, a telephonic Early Case Conference was conducted in  
16 this matter. Donald K. White was present on behalf of the Investigative Committee in the  
17 conference room of the Nevada State Board of Medical Examiners, and Osama Omar Haikal,  
18 M.D., appeared telephonically. The undersigned Hearing Officer appeared telephonically as  
19 well. The parties agreed to dates for the pre-hearing conference, exchange of documents, and the  
20 hearing date.

21 Accordingly, in compliance with NAC 630.465, a **pre-hearing conference will be**  
22 **conducted on Wednesday, October 26<sup>th</sup>, 2022, beginning at the hour of 10:00 A.M., Pacific**  
23 **Standard Time, in the conference room at the Office of the Nevada State Board of Medical**  
24 **Examiners, 9600 Gateway Drive, Reno, Nevada 89521. The conference, to be attended by the**  
25 **parties in person or by counsel,<sup>1</sup> will be conducted before the undersigned hearing officer to**  
26 **assure that all written information and documentation to be presented by the parties at the formal**  
27 **hearing is fully and completely exchanged.**

28 <sup>1</sup>Respondent or Respondent's counsel may participate in the pre-hearing conference by telephone if prior arrangements are made with counsel for the Investigative Committee.

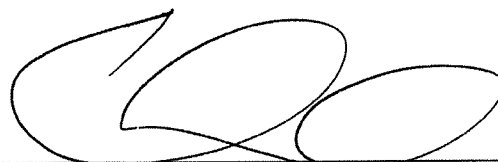
1 At the pre-hearing conference each party is to provide the other party with a copy of the  
2 list of witnesses they intend to call to testify, including their qualifications, as well as a brief  
3 summary of their anticipated testimony. If a witness is not included in the list of witnesses, that  
4 witness may not be allowed to testify at the hearing unless good cause is shown.

5 **The formal hearing in this matter is hereby set for Wednesday, December 7<sup>th</sup>, 2022,**  
6 **commencing at 9:00 A.M.,** at the Office of the Nevada State Board of Medical Examiners, 9600  
7 Gateway Drive, Reno, Nevada 89521. Respondent must be present at the hearing in person.  
8 Following the hearing, the hearing officer will submit to the Board a synopsis of the testimony  
9 taken at the hearing and make a recommendation on the veracity of witnesses if there is  
10 conflicting evidence or if credibility of witnesses is a determining factor, and thereafter the Board  
11 will render its decision. **NAC 630.470.**

12 Any other hearings previously set in this matter which conflict with the hearing schedule  
13 set out herein are vacated.

14 It is further ordered that legal counsel for the Investigative Committee and Respondent  
15 shall keep this hearing officer advised of each issue which has been resolved by negotiation or  
16 stipulation, or any other change in the status of this case.

17  
18 DATED this 2 day of September, 2022.



19  
20 CHARLES B. WOODMAN, ESQ., Hearing Officer

21 Nevada State Board of Medical Examiners  
22 548 W. Plumb Lane, Suite B  
23 Reno, Nevada 89509  
24 (775) 786-9800  
25 hardywoodmanlaw@msn.com  
26  
27  
28



1 **CERTIFICATE OF SERVICE**

2 I certify that on this day, I personally delivered or mailed, postage pre-paid, at Reno,  
3 Nevada, a true file-stamped copy of the foregoing document addressed as follows:

4 DONALD K. WHITE, J.D., Senior Deputy General Counsel and Attorney for the  
5 Investigative Committee of the Nevada State Board of Medical Examiners, 9600  
6 Gateway Drive, Reno, Nevada 89521

7 OSAMA OMAR HAIKAL, M.D., 216 E. DESERT INN RD., SUITE A, LAS  
8 VEGAS, NV 89169

9 DATED this 6<sup>th</sup> day of September, 2022.

10   
11 \_\_\_\_\_  
12 Legal Assistant  
13 Nevada State Board of Medical Examiners



# **EXHIBIT 1**

# **EXHIBIT 1**



September 12, 2022

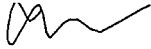
Dear Meg Byrd:

The following is in response to your request for proof of delivery on your item with the tracking number:  
**9171 9690 0935 0254 7615 70.**

**Item Details**

<b>Status:</b>	Delivered, Front Desk/Reception/Mail Room
<b>Status Date / Time:</b>	September 8, 2022, 11:15 am
<b>Location:</b>	LAS VEGAS, NV 89169
<b>Postal Product:</b>	First-Class Mail®
<b>Extra Services:</b>	Certified Mail™ Return Receipt Electronic

**Recipient Signature**

Signature of Recipient:	 Mantel
Address of Recipient:	2301 D Street Las Vegas, NV

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,  
United States Postal Service®  
475 L'Enfant Plaza SW  
Washington, D.C. 20260-0004

**Track Another Package +**

**Tracking Number:** 9171969009350254761570

Remove X

Your item was delivered to the front desk, reception area, or mail room at 11:15 am on September 8, 2022 in LAS VEGAS, NV 89169.

**USPS Tracking Plus<sup>®</sup> Available** ∨

## **Delivered, Front Desk/Reception/Mail Room**

September 8, 2022 at 11:15 am  
LAS VEGAS, NV 89169

Feedback

**Get Updates** ∨

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**Text & Email Updates** ∨

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**Return Receipt Electronic** ∨

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**Tracking History** ^

**September 8, 2022, 11:15 am**

Delivered, Front Desk/Reception/Mail Room  
LAS VEGAS, NV 89169

Your item was delivered to the front desk, reception area, or mail room at 11:15 am on September 8, 2022 in LAS VEGAS, NV 89169.

**September 8, 2022, 9:11 am**

Departed USPS Regional Facility

LAS VEGAS NV DISTRIBUTION CENTER

**September 7, 2022, 3:34 pm**

Arrived at USPS Regional Facility  
LAS VEGAS NV DISTRIBUTION CENTER

**September 6, 2022, 9:34 pm**

Arrived at USPS Regional Facility  
RENO NV DISTRIBUTION CENTER

**September 6, 2022, 8:19 pm**

Accepted at USPS Origin Facility  
RENO, NV 89521

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**USPS Tracking Plus®**



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**Product Information**



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**FAQs**

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

3 \* \* \* \* \*

4  
5 **In the Matter of Charges and Complaint**

Case No. 22-9436-1

6 **Against:**

7 **OSAMA OMAR HAIKAL, M.D.,**

8 **Respondent.**

**FILED**

OCT 18 2022

NEVADA STATE BOARD OF  
MEDICAL EXAMINERS

By: 

9  
10 **PREHEARING CONFERENCE STATEMENT OF THE INVESTIGATIVE**  
11 **COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS**

12 The Investigative Committee (IC) of the Nevada State Board of Medical Examiners  
13 (Board) submits the following Prehearing Conference Statement in accordance with  
14 NAC 630.465 and the Hearing Officer's Scheduling Order filed on September 6, 2022.

15 **I. LIST OF WITNESSES**

16 The IC of the Board lists the following witnesses whom it may call at the hearing on the  
17 charges in the Complaint against Respondent filed herein:

18 a. Trent H. Hiett, Investigator

19 Nevada State Board of Medical Examiners

20 Mr. Hiett is expected to verify documentary evidence obtained during the investigation of  
21 this case and testify regarding the investigation of this matter.

22 b. Johnna S. LaRue, Deputy Chief of Investigations

23 Nevada State Board of Medical Examiners

24 Ms. LaRue is expected to verify documentary evidence obtained during the investigation  
25 of this case and testify regarding the investigation of this matter.

26 c. Osama Omar Haikal, M.D., Respondent

27 Dr. Haikal is expected to testify regarding his actions in this case and to respond to the  
28 allegations in the Complaint.

1 c. All witnesses identified by Respondent in his prehearing conference statement  
 2 and/or in any subsequent amended, revised, or supplemental prehearing conference statement, or  
 3 list of witnesses disclosed by Respondent of persons she may call to testify at the hearing herein.

4 The IC reserves the right to amend and supplement this list as required for prosecution of  
 5 this case.

6 **II. LIST OF EXHIBITS**

7 The IC of the Board lists the following exhibits that it may introduce at the hearing on the  
 8 charges and formal Complaint against the Respondent. Additionally, the IC of the Board reserves  
 9 the right to rely on all exhibits listed in Respondent’s prehearing conference statement and any  
 10 supplement and/or amendment thereof.

EXHIBIT NO.	DESCRIPTION	BATES RANGE (NSBME)
1	NSBME Formal Complaint	001-004
2	IC’s Order to Appear (Dated 9/2/2021)	005-006
3	Respondent’s Response to IC’s Order to Appear (Dated 9/9/2021)	007
4	Investigator Hiett’s Response to Respondent’s Letter dated 9/9/2021 (Dated 9/20/2021)	008-009
5	Respondent’s Reply Letter to Mr. Hiett’s Letter dated 9/20/2021 (Dated 10/13/2021)	010-013

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The IC reserves the right to use any exhibits relied upon or identified by Respondent and reserves the right to amend and supplement this list of exhibits as required.

DATED this 18<sup>th</sup> day of October, 2022.

INVESTIGATIVE COMMITTEE OF THE  
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:

  
\_\_\_\_\_  
DONALD K. WHITE, J.D.  
Senior Deputy General Counsel  
9600 Gateway Drive  
Reno, NV 89521  
Email: [dwhite@medboard.nv.gov](mailto:dwhite@medboard.nv.gov)  
*Attorney for the Investigative Committee*

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**CERTIFICATE OF SERVICE**

I hereby certify that I am employed by the Nevada State Board of Medical Examiners and that on the 19th day of October, 2022, I served a file-stamped copy of the foregoing **PREHEARING CONFERENCE STATEMENT OF THE INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS** with accompanying Exhibits 1-5, via Fed Ex 2-Day with adult signature, to the following parties:

OSAMA OMAR HAIKAL, M.D.  
2136 E. Desert Inn Rd., Suite A  
Las Vegas, NV 89169  
[oasap@aol.com](mailto:oasap@aol.com)  
*Tracking No.: 7702 4868 9419*

DATED this 19<sup>th</sup> day of October, 2022.



MERCEDES FUENTES  
Legal Assistant  
Nevada State Board of Medical Examiners

# **EXHIBIT 1**

# **EXHIBIT 1**

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF NEVADA

\* \* \* \* \*

In the Matter of Charges and Complaint

Case No. 22-9436-1

Against:

FILED

OSAMA OMAR HAIKAL, M.D.,

JUN 23 2022

Respondent.

NEVADA STATE BOARD OF  
MEDICAL EXAMINERS

By: 

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 Osama Omar Haikal, 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 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. 5309). Respondent was originally licensed by the Board on December 7, 1985.

2. On August 30, 2021, the IC, during a quarterly committee meeting, discussed and determined to order Respondent to appear before the IC, either in person or telephonically, regarding two (2) investigation files.

3. On September 2, 2021, the IC issued an Order for appearance (IC Order) ordering Respondent to appear before the IC at the Board's Las Vegas Office on November 10, 2021, at 1:30 p.m., regarding both investigation files. The Order was sent to Respondent via USPS Certified Mail, tracking no. 9171969009350252156378.

///

<sup>1</sup> The Investigative Committee of the Nevada State Board of Medical Examiners, at the time this formal Complaint was authorized for filing, was composed of Board members Victor M. Muro, M.D., Aury Nagy, M.D., and Ms. Maggie Arias-Petrel.

1 4. On September 7, 2021, the IC Order was delivered to Respondent's address of  
2 record with the Board and was left with an "individual" at 1:26 pm.

3 5. On September 14, 2021, the IC received a letter, dated September 9, 2021, from  
4 Respondent, who stated he would only appear telephonically at either 12:00 p.m. (noon) or at  
5 3:30 p.m., on November 10, 2021.

6 6. On September 14, 2021, the Deputy Chief of Investigations called Respondent's  
7 office and spoke to his office manager. He explained to her that Respondent would not be able to  
8 dictate the time of his appearance and he needed to be available at 1:30 p.m., pursuant to the IC  
9 Order.

10 7. On September 20, 2021, the investigator assigned to both cases, sent a response  
11 letter to Respondent regarding his September 9, 2021, letter, stating that the IC believed  
12 Respondent was given enough notice to rearrange his schedule to take a call from the IC on  
13 November 10, 2021, at 1:30 p.m. This letter was sent via USPS Certified Mail tracking no.  
14 9171969009350252456552 and was left with an individual and delivered on September 23, 2021.

15 8. On October 18, 2021, the IC received a letter from Respondent, dated  
16 October 13, 2021, replying to the investigator's letter dated September 20, 2021. Again,  
17 Respondent reiterated that he would not be available to answer any questions by the IC at  
18 1:30 p.m., but would be available at 12:00 p.m., (noon) or 3:30 p.m., on November 10, 2021.

19 9. On November 10, 2021, Respondent failed to appear telephonically at 1:30 p.m.,  
20 before the IC pursuant to the IC Order and subsequent communications from the Board's  
21 investigative division staff.

22 **COUNT I**

23 **NRS 630.3065(2)(a)-Failing to Comply with an Order of the Investigative Committee**

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

26 11. NRS 630.3065(2)(a) provides that knowingly or willfully failing to comply with an  
27 order of a committee designated by the Board to investigate a complaint against a physician, i.e.,  
28 the IC, is grounds for initiating disciplinary action.





**EXHIBIT 2**

**EXHIBIT 2**





1 Therefore, it is hereby **ORDERED**, that:

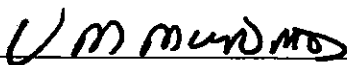
2 You shall appear before the Investigative Committee of the Nevada State Board of  
3 Medical Examiners on **10, November, 2021 at 1:30 pm**, at the offices of the Nevada State  
4 Board of Medical Examiners, located at **325 E. Warm Springs Road, Las Vegas, NV**  
5 **89119**. IC appearances will now be conducted in person; however, the option to participate  
6 telephonically will still be permissible. If you chose to participate telephonically you must  
7 notify the investigator within 7 days of receipt of this order, and provide the investigator with  
8 **ONE** phone number that the IC can call during your scheduled appearance. If you have an  
9 attorney in a different location, you will need to coordinate with your attorney to provide the  
10 IC with only **ONE** phone number to call.

11 Be advised that NRS 630.3065(2) (a) provides in part, that the willful failure to comply  
12 with an Order by the Board or a committee designated by the Board to investigate a complaint  
13 against a physician is grounds for disciplinary action against the licensee:

14 Compliance with this Order is deemed compulsory and shall not be deemed to be  
15 cooperation subject to the whistle-blower protections provided to physicians in NRS 630.364(3).

16 DATED this 2<sup>nd</sup> day of September 2021

17 NEVADA STATE BOARD OF MEDICAL EXAMINERS  
18 INVESTIGATIVE COMMITTEE

19  
20   
21 \_\_\_\_\_  
22 Victor M. Muro, M.D., Chairman,  
23 Nevada State Board of Medical Examiners  
24 Investigative Committee  
25

# **EXHIBIT 3**

# **EXHIBIT 3**

# DIGESTIVE DISEASE SPECIALISTS

**Osama Haikal M.D., LTD.**

Digestive and Liver Diseases/Gastrointestinal Endoscopy

---

Osama Haikal, M.D. Mohammed Shafi, M.D. Michael Zimmerman, M.D. Ghulam Mujtaba, M.D.

September 9, 2021

Victor Muro M.D., Chairman

Nevada State Board of Medical Examiners

9600 Gateway Drive

Reno, NV 89521

RE: BME Case #: 21-20073 & 21-20075

In receipt of the subpoena from the Investigative Committee of the Nevada State Board of Medical Examiners, I will be more than happy to comply with your request on November 10, 2021 at 12 noon or 3:30 pm at the following telephone number (702) 734-2105.

If neither of these times is convenient with you, the committee can make its decision based on the information we have provided to you, knowing the fact that it is my word against theirs and knowing the fact that my word has been collaborated by the affidavit of 5 witnesses.

Thank you very much for your time and should you have further questions please feel free to contact my office.

Sincerely,



Osama Haikal M.D.

---

2136 E. Desert Inn Rd. Suite A Las Vegas, NV 89169 (702)734-0505  
2700 Crimson Canyon Drive Suite 180 Las Vegas NV 89128 (702) 562-2420  
1647 E. Windmill Lane Suite 100 Las Vegas NV 89123 (702)914-6555

NSBME 007

**EXHIBIT 4**

**EXHIBIT 4**

NEVADA STATE BOARD OF MEDICAL EXAMINERS

9600 Gateway Drive  
Reno, NV 89521

Victor M. Muro, M.D.  
Board President

Edward O. Cousineau, J.D.  
Executive Director



September 20, 2021

9171 9690 0935 0252 1565 52

Osama O. Haikal, M.D.  
2136 E. Desert Inn Road, Suite A  
Las Vegas, NV 89169

Dear Dr. Haikal:

On September 2, 2021, you were sent an Order to appear before the Investigative Committee of the Nevada State Board of Medical examiners.

On September 14, 2021, the Board received your response to the Order from the Investigative Committee. In your response you requested a telephonic appearance on November 10, 2021, at 12 noon or 3:30 pm. The Committee understands you may have obligations, but feels you are given enough of a notice to rearrange your schedule in order to be available to take a call from the Committee at the ordered date and time.

Again, you received an Order to appear (either in person or telephonically) before the Investigative Committee of the Nevada State Board of Medical Examiners on **10, November, 2021 at 1:30 pm.**

Be advised that NRS 630.3065(2) (a) provides in part, that the willful failure to comply with an Order by the Board or a committee designated by the Board to investigate a complaint against a physician is grounds for disciplinary action against the licensee:

Compliance with this Order is deemed compulsory and shall not be deemed to be cooperation subject to the whistle-blower protections provided to physicians in NRS 630.364(3).

Sincerely,

Trent S Hiatt  
Investigator

A handwritten signature in black ink, appearing to read "Trent S Hiatt", is written over a horizontal line.

[Track Another Package +](#)

**Tracking Number:** 9171969009350252156552

[Remove X](#)

Your item was delivered to an individual at the address at 12:53 pm on September 23, 2021 in LAS VEGAS, NV 89169.

## **Delivered, Left with Individual**

September 23, 2021 at 12:53 pm  
LAS VEGAS, NV 89169

Feedback

**Get Updates** 

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**Text & Email Updates**



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**Tracking History**



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**Product Information**



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## **Can't find what you're looking for?**

Go to our [FAQs](#) section to find answers to your tracking questions.

# **EXHIBIT 5**

# **EXHIBIT 5**



# DIGESTIVE DISEASE SPECIALISTS

Osama Haikal M.D., LTD.

Digestive and Liver Diseases/Gastrointestinal Endoscopy

Osama Haikal, M.D. Mohammed Shafi, M.D. Michael Zimmerman, M.D. Ghulam Mujtaba, M.D.

October 13, 2021

Nevada State Board of Medical Examiners  
9600 Gateway Drive  
Reno NV 89521

**RECEIVED**

**OCT 18 2021**

**NEVADA STATE BOARD OF  
MEDICAL EXAMINERS**

RE: BME Case# 21-20073 and 21-20075

Dear Mr Hiatt,

I have received your letter dated September 20, 2021 and also have received a telephone call from an investigator by the name of Johanna LaRue on September 14, 2021 around 10:00 am.

Apparently Ms LaRue did not realize that busy doctors who perform surgery in the morning are busy at that time. She became very frustrated when she was told that I was busy, by my office staff.

Ms LaRue demanded that I was to be given the message to call her immediately, furthermore, she went on to inform my office staff that "I can not dictate the terms of the investigation", thus, violating the confidentiality and the privacy of the investigation.

A copy of the message given to me by my staff is attached to this letter.

In your letter dated September 20, 2021 you indicated that you considered the complaints the board received in reference to case number 21-20073 and 21-20075 as a Whistle blower issue, ignoring the fact that for allegations to be considered a Whistle blower issue, the complaints must be accompanied by concrete evidence of misconduct or wrong doing. I have attached a copy of the requirement for the complaint to be considered a Whistle blower issue, you may find that helpful.

As I mentioned in my previous letter dated September 9, 2021, these two complaints came from disgruntled former employees who were demoted and one of them was stripped of her administrative and managerial duties.

2136 E. Desert Inn Rd. Suite A Las Vegas, NV 89169 (702)734-0505  
2700 Crimson Canyon Drive Suite 180 Las Vegas NV 89128 (702) 562-2420  
1647 E. Windmill Lane Suite 100 Las Vegas NV 89123 (702)914-6555

NSBME 010

It may be beneficial to the investigating committee at the Nevada Stated Board of Medical Examiners to contact the Nevada State Board of Nursing which received a complaint against our CRNA "Dennis Griggs". They investigated the issue and decided that it was a frivolous false claim. They did not rush into issuing unnecessary subpoena. You may benefit from them.

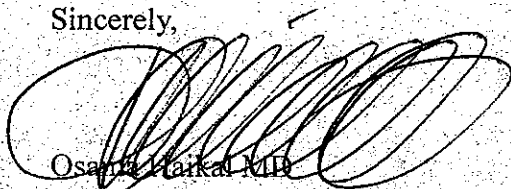
Also, it may be beneficial to the Nevada State Board of Medical Examiners to contact the police sergeant who was contacted by one of the former employees stating that I hire endoscopy technicians who are not certified. The police officer asked her if she was a certified endoscopy technician and she responded no. Then he asked her about who had trained her to be an endoscopy technician and she replied Dr Haikal, which is a fact. The police officer went further and asked her if she would consider herself as qualified as the certified endoscopy technicians and she replied yes. The police officer was very smart to realize that her claim is false and vindictive, therefore, he dismissed it completely which made her very angry.

As I mentioned in my previous letter, this issue is their word against mine and my word has been collaborated by five written statements by my employees.

I will not be available to answer any questions by the investigating committee for the Nevada State Board of Medical Examiners at 1:30 pm on Wednesday November 10, 2021. However, I am available to answer any questions the committee may have Monday through Thursday of any week at 12:00 noon or 3:30 pm.

Any physician knows that doctors who preform surgery in the morning usually see patients in the afternoon. The proposed time of 12:00 noon or 3:30 pm on any of these days will serve both issues of me abiding by the requirement of NRS 630.3065(2) as well as my ability to continue to serve my patients. My patients have the right to have access to my medical care each and every afternoon and I will continue to defend their right. If you continue to consider my refusal to answer questions at 1:30 in the afternoon as a violation of the NRS 630.3065(2) then we will have to have a judge decide who is right or wrong.

Sincerely,



Osama Haikal MD  
2136 E Desert Inn Rd #A  
Las Vegas NV 89169  
702-734-0505

MT  
Dedicated to  
Quality  
Pharmacy  
+ Patient  
Care  
Since 1961  
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Johnna LaRul  
#785-324-9377  
Call immediately

You cannot dictate  
the time. Make arrangements  
to meet a Board Order.  
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is action will be taken  
if no show. @ 10:50  
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on the particular statutes at issue. Statutes of limitations are subject to change and apply differently to different circumstances. You should consult with an experienced whistleblower lawyer as soon as you realize that you may have a claim.

#### WHAT IF SOMEONE ELSE ALREADY REPORTED THE SAME FRAUD OR MISCONDUCT?

"First to file" rules can bar a whistleblower claim if another whistleblower has already filed a case or made a submission based on the same facts or evidence. Therefore, it is best to file your claim as soon as possible. Multiple whistleblowers, however, may file a joint claim or separate claims based upon different evidence. First-to-file problems are very fact-specific, so you should discuss the details of your situation with an experienced whistleblower attorney before concluding that your action may be barred by another's prior reporting.

#### WHAT IF THE FRAUD OR MISCONDUCT HAS ALREADY BEEN MADE PUBLIC?

Because whistleblower reward laws are designed to encourage people to come forward with information that is not already public, if there has already been press coverage, a government investigation, or other public disclosure of the fraud or misconduct, a whistleblower's right to claim a reward may be limited. Often, however, the whistleblower has information that reveals a different or additional fraud than the fraud that is public. In addition, the fraud may have become public because of the whistleblower's actions, or there may be other reasons the whistleblower reward laws would still be available. The rules regarding public disclosure have changed over the years, and apply differently to different circumstances and under different reward programs. You should consult with a whistleblower lawyer to determine your options if there has been a prior public disclosure of some or all of the wrongdoing.

#### WHAT KIND OF INFORMATION MUST A WHISTLEBLOWER HAVE?

The cornerstone of any whistleblower claim is proof that fraud or misconduct covered by one of the whistleblower reward programs occurred. A whistleblower need not have witnessed the challenged fraud or misconduct but he or she must have concrete and specific evidence of the fraud. Mere suspicion or belief is not enough. Being able to identify the "who, what, where, when, why and how" of the challenged fraud or misconduct is most helpful. Knowing as many specific facts as possible about the fraud or misconduct will greatly strengthen your claim.

Generally, you will want to provide the government with new information that it does not already have and might not otherwise obtain. The collected evidence cannot primarily (or substantially) come from public sources, such as the press, internet, TV, government records or reports. However, public information may be utilized in certain instances if you provide a unique analysis demonstrating the existence of the fraud or misconduct.

#### WHAT EVIDENCE SHOULD I GATHER?

Gathering evidence of the fraud or misconduct is the first step in bringing your whistleblower claim. Documentary evidence – such as email communications, internal studies, billing records, test results, etc. – is not necessary, but will greatly support any claim you present to the government. Witnessing the conduct first-hand helps but is not required.

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

3 \* \* \* \* \*

4  
5 **In the Matter of Charges and Complaint**

Case No. 22-9436-1

6 **Against:**

**FILED**

7 **OSAMA OMAR HAIKAL, M.D.,**

**OCT 26 2022**

8 **Respondent.**

NEVADA STATE BOARD OF  
MEDICAL EXAMINERS  
By: 


9  
10 **PROOF OF SERVICE**

11 I, Mercedes Fuentes, Legal Assistant for the Nevada State Board of Medical Examiners,  
12 hereby certify that on October 19, 2022, I mailed by Fed Ex 2-Day Mail, adult signature required,  
13 tracking number 770248689419 to the following recipient(s):

14 OSAMA OMAR HAIKAL, M.D.  
15 216 E. Desert Inn Rd., Suite A  
Las Vegas, NV 89169

16 the Prehearing Conference Statement of the Investigative Committee of the Nevada State Board of  
17 Medical Examiners with accompanying Exhibits 1-5, that was confirmed delivered on  
18 October 21, 2022 at 12:49 p.m.. See Exhibit 1.

19 DATED this 25<sup>th</sup> day of October, 2022.

20  
21   
22 **MERCEDES FUENTES**  
Legal Assistant  
Nevada State Board of Medical Examiners  
23 9600 Gateway Drive  
24 Reno, Nevada 89521  
25  
26  
27  
28

OFFICE OF THE GENERAL COUNSEL  
Nevada State Board of Medical Examiners  
9600 Gateway Drive  
Reno, Nevada 89521  
(775) 688-2559

# **EXHIBIT 1**

# **EXHIBIT 1**



October 26, 2022

Dear Customer,

The following is the proof-of-delivery for tracking number: 770248689419

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**Delivery Information:**

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<b>Status:</b>	Delivered	<b>Delivered To:</b>	Receptionist/Front Desk
<b>Signed for by:</b>	R.RASHADA	<b>Delivery Location:</b>	
<b>Service type:</b>	FedEx 2Day		
<b>Special Handling:</b>	Deliver Weekday; Adult Signature Required		LAS VEGAS, NV,
		<b>Delivery date:</b>	Oct 21, 2022 12:49

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**Shipping Information:**

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<b>Tracking number:</b>	770248689419	<b>Ship Date:</b>	Oct 20, 2022
		<b>Weight:</b>	0.5 LB/0.23 KG
<b>Recipient:</b>		<b>Shipper:</b>	
LAS VEGAS, NV, US,		Reno, NV, US,	

Signature image is available. In order to view image and detailed information, the shipper or payor account number of the shipment must be provided.

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

\*\*\*\*\*

IN MATTER OF CHARGES AND COMPLAINT  
AGAINST  
OSAMA OMAR HAIKAL, MD  
RESPONDENT

Case No.: 22-9436-1

**FILED**

**DEC 02 2022**

NEVADA STATE BOARD OF  
MEDICAL EXAMINERS

By: 

**PREHEARING CONFERENCE STATEMENT OF THE RESPONDENT**

**OSAMA HAIKAL, MD**

Osama Haikal, MD of Digestive Disease Specialists submits the following Prehearing Conference Statement in accordance with NAC 630.465 and the Hearing Officer's Scheduling Order filed on September 6, 2022.

**I. LIST OF WITNESSES**

Osama Haikal, MD lists the following witnesses whom he may call at the hearing on the charges in the complaint filed against him:

a. Sharon Mann, RN

Ms Mann will testify in regards to the working atmosphere at Digestive Disease Center(s).

b. Dennis Griggs, CRNA

Mr Griggs will address the complaint regarding the Propofol.

c. Cynthia Reyes

Ms Reyes will testify in regards to the working atmosphere at Digestive Disease Center(s).



- 1 d. Joy Nigo  
2 Ms Nigo will testify in regards to the working atmosphere at Digestive Disease  
3 Center(s).
- 4 e. Daphne Phillips  
5 Ms Phillips will testify in regards to the working atmosphere at Digestive Disease  
6 Center(s).
- 7 f. Trent S. Hiatt  
8 Mr Hiatt will testify about the difference between a Whistle Blower and a  
9 disgruntled employee.
- 10 g. Johnna S. LaRue  
11 Ms LaRue will testify regarding the phone call that she made to the office of  
12 Osama Haikal, MD.
- 13 h. Victor Muro, MD  
14 Dr Muro will testify regarding the necessity of issuing a subpoena and his  
15 unwillingness to negotiate the terms of the subpoena.

16 All witnesses identified by the Investigative Committee in their prehearing conference  
17 statement and /or any subsequent amended, revised, or supplemental prehearing conference  
18 statement, or list of witnesses disclosed by the Investigative Committee of persons they may  
19 call to testify at the hearing herein.

20 **II. LIST OF EXHIBITS**

21 Osama Haikal, MD lists the following exhibits that he may introduce at the hearing on  
22 the charges and formal Complaint filed against him. Additionally, Osama Haikal, MD reserves  
23 the right to rely on all exhibits listed in the State Board of Medical Examiners prehearing  
24 conference statement and any supplement and/or amendment thereof.

25 **EXHIBIT DESCRIPTION**  
26 **NO.**

---

- 27 1 Response to Formal Complaint dated July 30, 2022  
28 2 Letter from Joy Nigo regarding working conditions  
3 Letter from Dennis Griggs regarding working conditions  
4 Letter from Daphne Phillips regarding working conditions

1 Osama Haikal, MD reserves the right to use any exhibits relied upon or identified by  
2 the Nevada State Board of Medical Examiners and reserves the right to amend and supplement  
3 this list of exhibits as required.

4 DATED this 27<sup>th</sup> day of October, 2022.

5 OSAMA HAIKAL, MD  
6 DIGESTIVE DISEASE SPECIALISTS

7 

8 OSAMA HAIKAL, MD  
9 2136 E Desert Inn Rd, Suite A  
10 Las Vegas NV 89169  
11 702-734-0505

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# **EXHIBIT 1**

# **EXHIBIT 1**

# DIGESTIVE DISEASE SPECIALISTS

Osama Haikal M.D., LTD.

Digestive and Liver Diseases/Gastrointestinal Endoscopy

---

Osama Haikal, M.D.    Mohammed Shafi , M.D.    Michael Zimmerman, M.D    Ghulam Mujtaba, M.D.

July 30, 2022

Nevada State Board of Medical Examiners  
9600 Gateway Dr  
Reno NV 89521

Attn: Donald K White, J.D.

This letter is in reference to the complaint forwarded to us on June 23, 2022 by and through Donald K White, J.D.

The complaint referenced above is pertinent to the State Board of Medical Examiners case numbers 21-20073 and 21-20075.

Dear Mr White,

On March 22, 2021 I did receive a letter from Mr Trent S Hiatt about two complaints against my endoscopy center known as Digestive Disease Center.

Both of the complaints referred to as case number 21-20073 and 21-20075 came from two of the former employees of Digestive Disease Center who were employed as endoscopy technicians.

The two complaints were identical with one exception. Complaint number 21-20075 stated an issue about the Certified Registered Nurse Anesthetist (CRNA), who is an employee of Digestive Disease Center, claiming that he fills several syringes with propofol and that particular CRNA puts the propofol vials in his personal belongings.

The two complaints share common grounds stating that they were smacked on their hands, their fingers were pulled and their arms were pulled also. They stated that a disturbing statement was made by me about the desire to shoot current and former employees.

On April 1, 2021 I did address both complaints explaining to Mr Hiatt that those complaints were false and unfounded.

---

2136 E. Desert Inn Rd. Suite A Las Vegas, NV 89169 (702)734-0505  
2700 Crimson Canyon Drive Suite 180 Las Vegas NV 89128 (702) 562-2420  
1647 E. Windmill Lane Suite 100 Las Vegas NV 89123 (702)914-6555

My response did include statements and affidavits from five of the employees at Digestive Disease Center supporting my case and denying the two complaints in their entirety. These affidavits came from an endoscopy technician Joy Nigo who has been employed by Digestive Disease Center since April 2006, an affidavit from Daphne Phillips who has been employed by Digestive Disease Center and Digestive Disease Specialists since June 2006, an affidavit from Cindy Rastogi and Dennis Griggs both of whom are CRNS's employed by Digestive Disease Center(s).

**Where as the propofol complaint by one of the former employees, it has been brought to the investigating committee's attention that this issue against the CRNA Dennis Griggs was fully investigated by the Nevada State Board of Nursing and was dismissed completely. The issue of the abuse of propofol at Digestive Disease Center was also investigated by the Nevada Board of Pharmacy and completely dismissed as false allegations.**

As far as the complaint against Digestive Disease Center's hostile work environment (which was raised by the two former employees) is concerned, that issue was raised by a disgruntled employee and that situation was fully explained in writing to the investigating committee. One can't help but wonder if the propofol complaint against Digestive Disease Center and CRNA Dennis Griggs were fully investigated and found to be false why would the investigating committee give credence and credibility to the other issues stated in the two referenced complaints 21-20073 and 21-20075. The logical thing for the investigating committee to arrive at should have been that hostile work environment complaint is as false as that of the propofol complaint.

Whereas, the investigating committee of the Nevada Board of Medical Examiners decided that our response supported by five affidavits from employees was not good enough for them therefore, they decided to pursue the complaint further. Admittedly it is their prerogative to do that even though we disagree with their decision.

Whereas, the investigating committee went further claiming that these two complaints from our former disgruntled employees were considered to be a Whistle Blower issue.

**We have taken the effort to educate the investigating committee about the difference between a Whistle Blower issue opposed to malicious and vicious unfounded complaint from two disgruntled former employees. Please refer to my response dated October 13, 2021.**

Whereas, the investigating committee decided to conduct its investigation on November 10, 2021 at 1:30 pm (PST). It was clearly explained to the investigating committee that taking their telephone call at 1:30 pm for a physician who performs surgery in the morning and schedules patients in the afternoon starting at 12:30 pm, would require cancelling the entire afternoon appointments.

**It is a fact that the committee did give me enough time to arrange my schedule which is exactly what I intended to do. The investigating committee rejected my suggestion to answer their questions at 12:00 pm or 3:30 pm as this would not require cancelling my afternoon appointments.**

Whereas, the investigating committee was informed that taking their questions at 12:00 or 3:30 pm on November 10, 2021 would allow me to satisfy my patients need of having my schedule open even if it was for a shorter period of time as well as satisfying the requirement of the Nevada Revised Statute 630.3065(2).

**Whereas, the investigating committee disregarded completely my obligations to my patients and insisted that I would have to take their call at 1:30 pm regardless of my patients needs. I did give the investigating committee ample time and notice about my intention to take their call at 12:00 or 3:30 pm any given day Monday through Thursday in order to keep my afternoon open to serve my patients.**

The investigating committee insisted on conducting its investigation on November 10, 2021 at 1:30 pm. I have taken it upon myself to request from the investigating committee to make its determination and decision based on the information that they have in their possession. The investigating committee did not accept my offer.

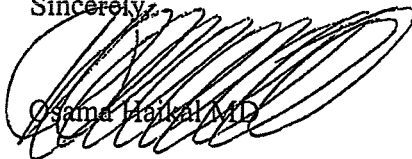
**Whereas, the Nevada Revised Statute 630.3065(2) does not mandate that a physician has to sit down in person or by telephone to answer question in a very frivolous and unfounded case at a time that will interfere with his or her patient care.**

The investigating committee apparently felt that its ego has been bruised and decided to make a phone call to my office on November 10, 2021 at 1:30 pm while I was in the middle of taking care of my patients.

One needs not to remind the investigating committee and yourself that the primary responsibility of a physician who did not commit any crime is to his patients, after all the practice of medicine is about the physicians availability and willingness to deliver healthcare services to his or her patients.

In summary, count I in your letter dated June 23, 2022 is baseless since I was willing to take the investigative committee's call at 12:00 or 3:30 pm that day which doesn't constitute failure or unwillingness to respond to the investigative committee's call ie: no violation to the Nevada Revised Statute 630.3065(2).

Sincerely,



Osama Harkal MD

# **EXHIBIT 2**

# **EXHIBIT 2**

Joy Nigo

8161 Palace Monaco Ave  
Las Vegas, Nv 89117

April 4, 2021

Nevada State Board of Medical Examiners  
9600 Gateway Dr.  
Reno, NV 89521

Re: BME case# 21-20075

My name is Joy Nigo. I am an employee at the Digestive Disease Center. My position at this company is an endoscopy technician, which means I assist Doctors during procedures.

I have been working at this company since 2006 to present. I worked with Doctor Haikal and other doctors in this company. DigestiveDisease Center is not a hostile environment to work at. I have not seen any of the doctors smack, pull fingers or arms of any endoscopy technicians. They also have not made any disturbing statements about shooting the employees.

Sincerely,

Joy Nigo



# **EXHIBIT 3**

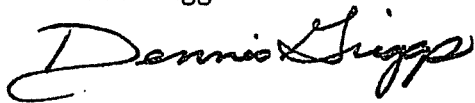
# **EXHIBIT 3**

TO WHOM IT MAY CONCERN:

I am responding as a witness concerning a former endoscopy technician at the Digestive Disease Center. My name is Dennis Griggs the anesthesia provider for the center. I would like to address the allegations the former employee stated in her unemployment document, concerning gun violence, (AK 47) and threatening employees. I have provided anesthesia for 6 years for Dr. Haikal and have never witnessed any conversations concerning the above topics. As the anesthesia provider we represent the eyes, ears and patient advocate while the patient is under anesthesia. Absolutely nothing occurs in the OR without anesthesia knowing everything that transpires in the room including any conversation.

Dr. Haikal is a true professional and treats his patients and staff with respect and the utmost courtesy.

Dennis Griggs

A handwritten signature in black ink that reads "Dennis Griggs". The signature is written in a cursive style with a large, stylized initial "D".

# **EXHIBIT 4**

# **EXHIBIT 4**

April 15, 2021

To Whom It May Concern,

My name is Daphne Phillips and I am employed by Dr Osama Haikal as the bookkeeper. I have been employed with this company since June 2006.

At this time, I sit on the Disgestive Disease Center side and am a part of the group of technicians that are employed here also. I intermingle with them and can overhear their conversations.

I have not overheard or been told that Dr Haikal has threatened any of them nor have I heard Dr Haikal threaten any of them. Nor has Dr Haikal threatened me in any way nor have I ever feared coming to work for him.

Sincerely,

A handwritten signature in cursive script that reads "Daphne Phillips". The signature is written in dark ink and is positioned below the typed name "Daphne Phillips".

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

3                                   \* \* \* \* \*

4 **In the Matter of Charges and Complaint**

Case No. 22-9436-1

5 **Against:**

**FILED**

6 **OSAMA OMAR HAIKAL, M.D.,**

**DEC 02 2022**

7 **Respondent.**

NEVADA STATE BOARD OF  
MEDICAL EXAMINERS

By: 

9                                   **THE INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF**  
10 **MEDICAL EXAMINERS' MOTION TO STRIKE RESPONDENT'S WITNESSES**

11                                   The Investigative Committee (IC) of the Nevada State Board of Medical Examiners  
12 (Board), by and through its attorney of record, Donald K. White, J.D., Senior Deputy General  
13 Counsel hereby requests certain witnesses identified by the Respondent in his Prehearing  
14 Conference Statement be stricken and not allowed to testify in the administrative hearing of this  
15 matter.

16                                   **MEMORANDUM OF POINTS AND AUTHORITIES**

17 **I. INTRODUCTION**

18                                   Respondent emailed his Prehearing Conference Statement the day following the  
19 Prehearing Conference on October 26, 2022, as we agreed to verbally. However, the IC did not  
20 realize that Respondent had sent the document until December 1, 2022, when it was discussed  
21 during a conference call between Respondent, Mr. Woodman, and Mr. White. The email and  
22 attached document were quarantined by Barracuda as part of an email protection program utilized  
23 by the Board. As the Hearing Officer on this matter, Mr. Woodman granted leave to file this  
24 abbreviated motion and a response from Respondent.

25 **II. ARGUMENT**

26                                   Respondent should be precluded from calling the witnesses and utilizing as evidence those  
27 documents listed as Exhibit Nos. 2, 3, and 4 disclosed in Respondent's Prehearing Conference  
28 Statement because the testimony is irrelevant, immaterial, unduly repetitious, and may violate

1 attorney work product privileges, attorney-client communications, and statutes governing  
2 confidentiality of certain Board matters.<sup>1</sup>

3 As this is an abbreviated Motion to Strike Witnesses, I will address each witness  
4 individually in short fashion as follows:

5 a. Sharon Mann, RN: it is stated that Ms. Mann will testify in regard to the  
6 working atmosphere at Digestive Disease Center(s). Ms. Mann's proposed testimony is irrelevant  
7 to this matter. Nothing in the charging document concerns the working atmosphere at Digestive  
8 Disease Center(s).

9 b. Dennis Griggs, CRNA: it is stated that Mr. Griggs will address the  
10 complaint regarding the Propofol. Mr. Griggs' proposed testimony is irrelevant to this matter.  
11 Nothing in the charging document concerns anything involving Propofol.

12 c. Cynthia Reyes: it is stated that Ms. Reyes will testify in regard to the  
13 working atmosphere at Digestive Disease Center(s). Ms. Reyes' proposed testimony is irrelevant  
14 to this matter. Nothing in the charging document concerns the working atmosphere at Digestive  
15 Disease Center(s).

16 ///

17  
18 <sup>1</sup> NRS 233B.123 Evidence. In contested cases:

19 1. Irrelevant, immaterial or unduly repetitious evidence must be excluded. Evidence may be admitted, except  
20 where precluded by statute, if it is of a type commonly relied upon by reasonable and prudent persons in the conduct  
21 of their affairs. Agencies shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers  
22 may be made and must be noted in the record. Subject to the requirements of this subsection, when a hearing will be  
23 expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received  
24 in written form.

25 2. Documentary evidence may be received in the form of authenticated copies or excerpts. Upon request, parties  
26 must be given an opportunity to compare the copy with the original.

27 3. Every witness shall declare, by oath or affirmation, that he or she will testify truthfully.

28 4. Each party may call and examine witnesses, introduce exhibits, cross-examine opposing witnesses on any  
matter relevant to the issues even though the matter was not covered in the direct examination, impeach any witness,  
regardless of which party first called the witness to testify, and rebut the evidence against him or her.

5. Notice may be taken of judicially cognizable facts and of generally recognized technical or scientific facts  
within the specialized knowledge of the agency. Parties must be notified either before or during the hearing, or by  
reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they  
must be afforded an opportunity to contest the material so noticed. The experience, technical competence and  
specialized knowledge of the agency may be utilized in the evaluation of the evidence.

1           d.       Joy Nigo: it is stated that Ms. Nigo will testify in regard to the working  
2 atmosphere at Digestive Disease Center(s). Ms. Nigo's proposed testimony is irrelevant to this  
3 matter. Nothing in the charging document concerns the working atmosphere at Digestive Disease  
4 Center(s).

5           e.       Daphne Phillips: it is stated that Ms. Phillips will testify in regard to the  
6 working atmosphere at Digestive Disease Center(s). Ms. Phillips' proposed testimony is  
7 irrelevant to this matter. Nothing in the charging document concerns the working atmosphere at  
8 Digestive Disease Center(s).

9           f.       Trent S. Hiatt: no objection

10          g.       Johnna S. LaRue: no objection

11          h.       Victor Muro, M.D.: Dr. Muro is a member of the Board and the chairman  
12 of an Investigative Committee (IC). As a member of the IC (and the Board), Dr. Muro has agreed  
13 to discharge certain statutory duties delegated by the legislature. Dutifully obliging to carry out  
14 those statutory requirements does not and should not subject him to testifying in a matter before  
15 the Board. Mr. Hiatt and Ms. LaRue present a different situation because they are employed as  
16 staff for the Board.

17           If, after investigation, the IC determines to file a formal complaint with the Board, such a  
18 formal complaint and the related disciplinary proceedings are prosecuted by counsel for the IC.  
19 Naturally, communications between the IC and its counsel, as well as the mental impressions,  
20 conclusions, opinions, and legal theories of counsel concerning the matter are privileged and  
21 confidential. *See* NRS 49.095; NRCP 26(b)(3)(B). NRS 360.336(3)(c) extends this  
22 confidentiality not only to communications between the Board and its committees, but any  
23 communications between the Board and its staff, investigators, experts, committees, panels,  
24 hearing officers, advisory members, consultants, or counsel for the Board.

25           Finally, NRS 630.311 provides that, 1) Except as otherwise provided in NRS 630.323, a  
26 committee designated by the Board and consisting of members of the Board shall review each  
27 complaint and conduct an investigation to determine if there is a reasonable basis for the  
28 complaint. The committee must be composed of at least three (3) members of the Board, at least

1 one (1) of whom is not a physician. The committee may issue orders to aid its investigation  
2 including, but not limited to, compelling a physician to appear before the committee. 2) If, after  
3 conducting an investigation, the committee determines that there is a reasonable basis for the  
4 complaint and that a violation of any provision of this chapter has occurred, the committee may  
5 file a formal complaint with the Board. 3) The proceedings of the committee are confidential and  
6 are not subject to the requirements of NRS 241.020. Within twenty (20) days after the conclusion  
7 of each meeting of the committee, the Board shall publish a summary setting forth the proceedings  
8 and determinations of the committee. The summary must not identify any person involved in the  
9 complaint that is the subject of the proceedings.


10 **III. CONCLUSION**

11 For the foregoing reasons, the IC requests that Respondent be precluded from submitting  
12 the testimony or documents that are addressed above in Respondent's Prehearing Conference  
13 Statement. The IC respectfully requests that, if necessary, a hearing be held to narrow the scope  
14 and number of witnesses and issues.

15 DATED this 2nd day of December, 2022.

16 INVESTIGATIVE COMMITTEE OF THE  
17 NEVADA STATE BOARD OF MEDICAL EXAMINERS

18 By:

19   
20 DONALD K. WHITE, J.D.  
21 Senior Deputy General Counsel  
22 9600 Gateway Drive  
23 Reno, NV 89521  
24 Email: [dwhite@medboard.nv.gov](mailto:dwhite@medboard.nv.gov)  
25 *Attorney for the Investigative Committee*



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**CERTIFICATE OF SERVICE**

I hereby certify that I am employed by the Nevada State Board of Medical Examiners and that on the 2nd day of December, 2022, I served a file-stamped copy of the foregoing **MOTION TO STRIKE CERTAIN WITNESSES** via Email, to the following parties:

OSAMA HAIKAL, M.D.  
216 E. Desert Inn Rd., Suite A  
Las Vegas, NV 89169  
Email: [oasap@aol.com](mailto:oasap@aol.com)

CHARLES WOODMAN, ESQ.  
The Law Offices of Charles Woodman, Esq.  
548 W. Plumb Lane, Suite B  
Reno, NV 89509  
Email: [hardywoodmanlaw@msn.com](mailto:hardywoodmanlaw@msn.com); [tiffany@woodmanlawgroup.com](mailto:tiffany@woodmanlawgroup.com)

DATED this 2<sup>nd</sup> day of December, 2022.



MEG BYRD  
Legal Assistant  
Nevada State Board of Medical Examiners

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

3 \* \* \* \* \*

4 **In the Matter of Charges and Complaint**

Case No. 22-9436-1

5 **Against:**

**FILED**

6 **OSAMA OMAR HAIKAL, M.D.,**

**DEC 07 2022**

7 **Respondent.**

NEVADA STATE BOARD OF  
MEDICAL EXAMINERS

By: 

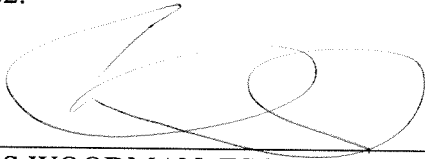
9 **ORDER GRANTING THE INVESTIGATIVE COMMITTEE'S**  
10 **MOTION TO STRIKE RESPONDENT'S WITNESSES**

11 On December 2, 2022, counsel for the Investigative Committee (IC) of the Nevada State  
12 Board of Medical Examiners (Board), filed a Motion to Strike Respondent's Witnesses  
13 ("Motion"). Respondent replied to the Motion by email, which is filed into the record as  
14 Respondent's Opposition.

15 Having considered the presentations of both parties, it is apparent that Respondent may not  
16 fully appreciate that this hearing is solely related to his alleged failure to appear pursuant to the  
17 Order of the Investigative Committee of the Board. Rather, it appears that witnesses identified by  
18 Respondent to which Counsel for the IC objects are expected to give testimony which is not  
19 relevant to the allegations in the Complaint. Irrelevant testimony should not be admitted into  
20 evidence. Wherefore, with good cause appearing,

21 **IS HEREBY ORDERED** that the IC's Motion to Strike Respondent's Witnesses is  
22 granted.

23 DATED this 7 day of December, 2022.

24   
25 \_\_\_\_\_  
26 CHARLES WOODMAN, ESQ.  
27 *Hearing Officer*  
28

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I am employed by the Nevada State Board of Medical Examiners and  
3 that on the 7th day of December, 2022, I served a file-stamped copy of the foregoing **ORDER**  
4 **GRANTING MOTION TO STRIKE RESPONDENT'S WITNESSES** via hand-delivery to  
5 the following parties:

6 OSAMA HAIKAL, M.D.  
7 216 E. Desert Inn Rd., Suite A  
8 Las Vegas, NV 89169  
*Respondent*

9 DON K. WHITE, J.D.  
10 Senior Deputy General Counsel  
11 Nevada State Board of Medical Examiners  
12 9600 Gateway Drive  
13 Reno, NV 89521  
*Attorney for the Investigative Committee*

14 CHARLES WOODMAN, ESQ.  
15 The Law Offices of Charles Woodman, Esq.  
16 548 W. Plumb Lane, Suite B  
17 Reno, NV 89509  
*Hearing Officer*

18 DATED this 7th day of December, 2022.

19   
20 \_\_\_\_\_  
21 MEG BYRD  
22 Legal Assistant  
23 Nevada State Board of Medical Examiners  
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