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

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COPY

In The Matter of Charges and

**Complaint Against** 

CHARLES MAHAKIAN, M.D.,

**Respondent.** 

Case No. 09-9495-1

FILED

JUN 0 8 2009 NEVADA STATE BOARD OF MEDICAL EXAMINERS

## **COMPLAINT**

12 The Investigative Committee of the Nevada State Board of Medical Examiners, composed of Charles N. Held, M.D., Chairman, Jean Stoess, M.A., Member, and Benjamin Rodriguez, M.D., 13 14 Member, by and through Lyn E. Beggs, General Counsel for the Nevada State Board of Medical Examiners, having a reasonable basis to believe that Charles Mahakian, M.D., hereinafter referred 16 to as Dr. Mahakian, has violated the provisions of NRS Chapter 630, hereby issues its formal Complaint, stating the Investigative Committee's charges and allegations, as follows:

1. Dr. Mahakian is currently licensed in active status, and was so licensed by the 18 19 Nevada State Board of Medical Examiners, hereinafter referred to as "the Board," on 20 September 13, 1986 (License No. 5441), pursuant to the provisions of Chapter 630 of the Nevada 21 Revised Statutes, and at all times addressed herein was so licensed.

2. 22 Person A was a thirty-five year old female at the beginning of the matter in 23 question. Her true identity is not disclosed to protect her privacy, but has been made known to Dr. Mahakian. 24

3. Person A was hired by Dr. Mahakian as a part time employee in his office. During 25 the course of her employment, Person A asked Dr. Mahakian to refill a prescription of Prozac for her 26 27 which Dr. Mahakian proceeded to do.

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**OFFICE OF THE GENERAL COUNSEL** Nevada State Board of Medical Examiners 1105 Terminal Way #30 Reno, Nevada 89502 (775) 688-2559 1

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4. 1 Subsequently, between July 2006 and August 2008, Dr. Mahakian proceeded to prescribe multiple controlled substances for Person A including, but not limited to, Clonazepam, 2 3 Ambien, Zolpidem, Lortab, Alprazolam and Temazepam as indicated by a Patient Drug Utilization Report for Person A. 4

5. Person A was not a patient of Dr. Mahakian and he kept no medical records documenting any diagnosis, treatment or care of Person A during the time in which Dr. Mahakian was prescribing controlled substances for her.

## **Count I**

6. 9 Nevada Revised Statute Section 630.306(2)(c) provides that engaging in conduct which is in violation of a regulation adopted by the State Board of Pharmacy is grounds for 10 initiating disciplinary action against a licensee.

7. Nevada Administrative Code Section 639.945(1)(0) prohibits the prescribing of a drug as a prescribing practitioner to a patient with whom the prescribing practitioner does not have a bona fide therapeutic relationship.

8. Dr. Mahakian violated NRS 630.306(2)(c) when he prescribed multiple medications to Person A, an individual with whom he did not have a bona fide therapeutic relationship.

9. 18 By reason of the foregoing, Dr. Mahakian is subject to discipline by the Nevada State Board of Medical Examiners as provided in Section 630.352 of the Nevada Revised Statutes. 19

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## **Count II**

10. 21 Nevada Revised Statute Section 630.3062(1) provides that failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care 22 of a patient is grounds for initiating disciplinary action against a licensee. 23

Dr. Mahakian kept no medical records regarding any diagnosis, treatment or care of 24 11. Person A although he prescribed multiple controlled substances for Person A between 25 July 2006 and August 2008 as indicated by a Patient Drug Utilization report for Person A. 26

12. 27 By reason of the foregoing, Dr. Mahakian is subject to discipline by the Nevada 28 State Board of Medical Examiners as provided in Section 630.352 of the Nevada Revised Statutes.

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		1	WHEREFORE, the Investigative Committee prays:
GENERAL COUNSEL ed of Medical Examiners		2	1. That the Nevada State Board of Medical Examiners fix a time and place for a
		3	formal hearing;
		4	2. That the Nevada State Board of Medical Examiners give Dr. Mahakian notice of
		5	the charges herein against him, the time and place set for the hearing, and the possible sanctions
		6	against him;
		7	3. That the Nevada State Board of Medical Examiners determine what sanctions it
		8	determines to impose for the violation or violations committed by Dr. Mahakian; and
		9	4. That the Nevada State Board of Medical Examiners make, issue and serve on
		10	Dr. Mahakian its findings of facts, conclusions of law and order, in writing, that includes the
		11	sanctions imposed; and
		12	5. That the Nevada State Board of Medical Examiners take such other and further
NER/		13	action as may be just and proper in these premises.
GEN		14	DATED this $\underline{X'}$ day of June, 2009.
OF THE		15	THE NEVADA STATE BOARD OF MEDICAL EXAMINERS
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		18	By: // // // // // // // // // // // // //
		19	General Counsel and Attorney for the Investigative Committee
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	1	VERIFICATION
	2	STATE OF NEVADA )
	3	COUNTY OF DOUGLAS
	4 5	CHARLES N HELD MD begins have the state of the state of
	6	CHARLES N. HELD, 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
	7	Board of Medical Examiners that authorized the complaint against the Respondent herein; that he
	8	has read the foregoing Complaint; and that based upon information discovered in the course of the
	9	investigation into a complaint against Respondent, he believes that the allegations and charges in
SEL	10	the foregoing Complaint against Respondent are true, accurate, and correct.
COUNSEI miners	11	DATED this grand day of June, 2009.
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