

For Public

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

* * * * *

In the Matter of Charges and)

Complaint Against)

ELY ZASLOW, M.D.,)

Respondent.)

Case No. 09-32802-1

FILED February 4, 2009


CLERK OF THE BOARD

COMPLAINT

The Investigative Committee of the Nevada State Board of Medical Examiners (Board), composed of Charles N. Held, M.D., Chairman, Ms. Jean Stoess, M.A., Member, and Benjamin J. Rodriguez, M.D., Member, at the time of the authorization of filing this formal complaint, by and through Edward O. Cousineau, counsel for the Investigative Committee, having a reasonable basis to believe that Ely Zaslow, M.D., hereinafter referred to as "Respondent," has violated the provisions of NRS Chapter 630, hereby issues its formal Complaint, stating the Investigative Committee's charges and allegations, as follows:

1. Respondent was issued a license to practice medicine in the state of Nevada on August 31, 2007, and at all times alleged herein, Respondent was licensed in active status by the Nevada State Board of Medical Examiners, pursuant to the provisions of Chapter 630 of the Nevada Revised Statutes.

2. Respondent was licensed to practice medicine in the state of North Carolina on December 2, 1986.

3. In May of 2008, the North Carolina Medical Board filed a three-count Notice of Charges and Allegations against Respondent alleging that Respondent engaged in various forms of unprofessional conduct. See Exhibit 1.

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1 4. In July of 2008, in lieu of formal disciplinary proceedings, Respondent entered
2 into a Consent Order with the North Carolina Medical Board which resulted in the suspension of
3 Respondent's medical license, the suspension was stayed with Respondent being required to
4 complete a continuing medical education course on prescription writing, to only prescribe
5 medications for patients in accordance with the North Carolina Medical Board's protocols, to not
6 split fees with a business corporation, and to obey all other laws and regulations related to the
7 practice of medicine.

8 5. Section 630.301(3) of the Nevada Revised Statutes provides that any disciplinary
9 action, including without limitation, the revocation, suspension, modification or limitation of the
10 license to practice any type of medicine by any other jurisdiction is grounds for disciplinary
11 action.

12 6. The disciplinary action related to Respondent's license to practice medicine in the
13 state of North Carolina, constitute violations of the provisions of NRS 630.301(3).

14 7. Based upon the forgoing, Respondent has violated Nevada Revised Statutes
15 630.301(3) and is subject to discipline by the Nevada State Board of Medical Examiners as
16 provided in Nevada Revised Statute 630.352.

17 WHEREFORE, the Investigative Committee prays:

- 18 1. That the Board fix a time and place for a formal hearing;
- 19 2. That the Board give Respondent notice of the charges herein against him, the time
20 and place set for the hearing, and the possible sanctions against him;
- 21 3. That the Board determine what sanctions it determines to impose for the violation or
22 violations committed by Respondent; and


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4. That the Board make, issue and serve on Respondent its findings of facts, conclusions of law and order, in writing, that includes the sanctions imposed.

DATED this 4th day of February, 2009.

INVESTIGATIVE COMMITTEE OF
THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 
Edward O. Cousineau
Attorney for the Investigative Committee of the
Nevada State Board of Medical Examiners

VERIFICATION

STATE OF NEVADA)
 : ss.
COUNTY OF DOUGLAS)

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 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 4th day of February, 2009.

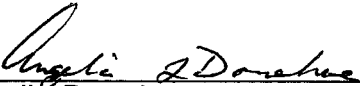

Charles N. Held, M.D.

CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on the 4TH day of February 2009, I served a file copy of the COMPLAINT & original SETTLEMENT, WAIVER & CONSENT AGREEMENT, by mailing via USPS certified return receipt to the following:

Ely Zaslow, M.D.
128 Hawk Ridge
Asheville, NC 28804

Dated this 4th day of February 2009.



Angelia Donohoe
Legal Assistant

EXHIBIT

1

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)
)
Ely D. Zaslow, M.D.,) NOTICE OF CHARGES AND
) ALLEGATIONS; NOTICE OF
Respondent.) HEARING
)

The North Carolina Medical Board (hereinafter Board) has preferred and does hereby prefer the following charges and allegations:

1. The Board is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Article 1 of Chapter 90 of the North Carolina General Statutes.

2. Dr. Zaslow is a physician first licensed by the Board on December 2, 1986, License No. 30885.

3. During the times relevant herein, Dr. Zaslow practiced medicine in Asheville, North Carolina.

Allegations

4. In or about May 2007, Dr. Zaslow, as an independent contractor, provided medical services through Secure Telemedicine, a business corporation located in Miami, Florida that renders medical services in North Carolina, including prescriptions, via the telephone.

5. Dr. Zaslow authorized prescriptions, including prescriptions for controlled substances, for numerous patients without a physical examination and without any prior physician-patient relationship between Dr. Zaslow and the patients that might have permitted, depending on good medical practice, issuing a new prescription without a physical examination.

6. During May 2007, Secure Telemedicine, through Dr. Zaslow, rendered medical care to patients in North Carolina, and, thus, Secure Telemedicine engaged in the unauthorized practice of medicine.

7. During May 2007, Dr. Zaslow permitted Secure Telemedicine to bill patients for medical services rendered by Dr. Zaslow, and a portion of the fees collected from such patients was used to pay Dr. Zaslow's compensation while the remainder was used to pay other expenses of Secure Telemedicine.

8. Presently, Dr. Zaslow, as an independent contractor, provides medical services through CallMD, a business corporation located in Frisco, TX that renders medical services, including prescriptions, via the telephone.

9. As an independent contractor for CallMD, Dr. Zaslow authorizes prescriptions for patients without a physical examination and without any prior physician-patient relationship between Dr. Zaslow and the patients that might have permitted,

depending on good medical practice, issuing a new prescription without a physical examination.

10. CallMD, through Dr. Zaslow, is rendering medical care to patients in North Carolina, and, thus, CallMD is engaging in the unauthorized practice of medicine.

11. Dr. Zaslow permits CallMD to bill patients for medical services rendered by Dr. Zaslow, and a portion of the fees collected from such patients was used to pay Dr. Zaslow a consulting fee while the remainder was used to pay other expenses of CallMD.

Charge 1

12. Paragraphs one through seven are re-alleged and incorporated herein by reference.

13. By prescribing medications to patients without a physical examination and in the absence of a prior physician-patient relationship, Dr. Zaslow engaged and is engaging in unprofessional conduct within the meaning of N.C. Gen. Stat. § 90-14(a)(6).

Charge 2

14. Paragraphs one through seven are re-alleged and incorporated herein by reference.

15. By assisting in the unauthorized practice of medicine by Secure Telemedicine and CallMD, Dr. Zaslow engaged and is engaging in unprofessional conduct, within the meaning of N.C.

Gen. Stat. § 90-14(a)(6).

Charge 3

16. Paragraphs one through seven are re-alleged and incorporated herein by reference.

17. By splitting with Secure Telemedicine and CallMD the fees he generated from practicing medicine, Dr. Zaslow engaged and is engaging in unprofessional conduct, within the meaning of N.C. Gen. Stat. § 90-14(a)(6).

NOTICE TO DR. ZASLOW

Pursuant to N.C. Gen. Stat. § 90-14.2, it is hereby ordered that a hearing on the foregoing Notice of Charges and Allegations will be held before the Board at 8:00 a.m. on June 18, 2008, or as soon as thereafter as the Board may hear it, at 1203 Front Street, Raleigh, North Carolina, to continue until completed. The hearing will be held pursuant to N.C. Gen. Stat. § 150B-40, 41, and 42, and N.C. Gen. Stat. § 90-14.2, 14.4, 14.5, and 14.6. You may appear personally and through counsel, may cross-examine witnesses and present evidence in your own behalf.

You may, if you desire, file written answers to the charges and complaints preferred against you within 30 days after the service of this notice.

Pursuant to N.C. Gen. Stat. § 150B-40(c)(5), it is further ordered that the parties shall arrange a prehearing conference at which they shall prepare and sign a stipulation on prehearing

conference substantially in the form attached hereto. The prehearing stipulation shall be submitted to the undersigned no later than seven days prior to the hearing date.

The right to be present during the hearing of this case, including any such right conferred or implied by N.C. Gen. Stat. § 150B-40(d), shall be deemed waived by a party or his counsel by voluntary absence from the Board's office at a time when it is known that proceedings, including deliberations, are being conducted, or are about to be conducted. In such event the proceedings, including additional proceedings after the Board has retired to deliberate, may go forward without waiting for the arrival or return of counsel or a party.

This the 9th day of May, 2008.

NORTH CAROLINA MEDICAL BOARD

By:

Janelle A Rhyne MD, FACP

Janelle Rhyne, M.D.
President

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Charges and Allegations was enclosed in a certified, return receipt requested, post-paid envelope addressed to Ely D. Zaslow, MD, 128 Hawk Ridge, Asheville, NC 28804 and delivered to a post office for mailing certified mail return receipt requested as required by N.C. Gen. Stat. § 90-14.3.

This the 9th day of May, 2008.



Brian L. Blankenship