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

\* \* \* \* \*

In the Matter of Charges and Complaint

**Against** 

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ASHER SHAHZAD, M.D.,

Respondent.

Case No. 19-38390-01

FILED

NOV 1 6 2020

NEVADA STATE BOARD OF MEDICAL EXAMINERS
By:

### FIRST AMENDED COMPLAINT

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

- Respondent was at all times relative to this Complaint a licensed medical doctor holding an active license to practice medicine in the State of Nevada (License No. 13790).
   Respondent was originally licensed by the Board on January 5, 2011.
- 2. Patient A was a 25-year-old female at the time of the incidents in question. Her name is not disclosed in this Complaint to protect her identity, but her identity is disclosed in the Patient Designation contemporaneously served on Respondent with a copy of this Complaint.
  - 3. Patient A gave birth to premature twins on or about May 11, 2013.
- 4. Following discharge from the hospital, on or about May 18, 2013, Patient A presented to the emergency department with a fever of 101 degrees Fahrenheit.

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<sup>&</sup>lt;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 Mr. M. Neil Duxbury, Chairman, Aury Nagy, M.D., and Michael C. Edwards, M.D., FACS.

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	5.	On May	23, 2013	8, P	atient A p	oresented w	ith fever,	was seen by	a do	ctor otl	ner th	nan
Respo	ndent, a	nd was re	ferred to	ane	other doc	tor for eval	uation of	possible mas	titis.	The pl	nysic	ian
to whom she was referred evaluated her for mastitis on or about May 29, 2013, and referred her to												
Respo	ondent's	practice	partner	at	Clinical	Infectious	Disease	Specialists,	Dr.	Shah,	for	an
infect	ious dise	ase evalu	ation.									

- 6. From May 31, 2013 through June 12, 2013, Dr. Shah treated Patient A with various antibiotics, including intravenous antibiotic treatment, for an abdominal wound infection and recurring fever after the infection had resolved.
- 7. On June 20, 2013, Patient A was admitted to the hospital with complaints of fever, weakness, dizziness and confusion. She was seen by Respondent. Upon information and belief, Respondent discussed with Patient A and her husband whether she had been screened for tuberculosis; however, Respondent's medical records do not reflect any such conversation.
  - 8. On June 30, 2013, Patient A was transferred to UCLA Medical Center.
- 9. On July 1, 2013, Patient A died. An autopsy confirmed that Patient A had Mycobacterium tuberculosis complex, which was the cause of her death.

### COUNT I

### NRS 630.3062(1)(a)

### (Failure to Maintain Timely, Legible, Accurate and Complete Medical Records)

- All of the allegations contained in the above paragraphs are hereby incorporated by 10. reference as though fully set forth herein.
- 11. NRS 630.3062(1)(a) provides that the failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient is grounds for initiating discipline against a licensee.
- Respondent failed to maintain timely, legible, accurate and complete medical 12. records relating to the diagnosis, treatment and care of Patient A, in that he failed to document discussions he had with Patient A and/or her husband on or about June 20, 2013 regarding tuberculosis risk factors, and whether Patient A had previously been screened for tuberculosis.

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

### WHEREFORE, the IC prays:

- That the Board give Respondent notice of the charges herein against him and give 1. him notice that he may file an answer to the Complaint herein as set forth in NRS 630.339(2) within twenty (20) days of service of the Complaint;
- 2. That the Board set a time and place for a formal hearing after holding an Early Case Conference pursuant to NRS 630.339(3);
- 3. That the Board determine what sanctions to impose if it finds and concludes that there has been a violation or violations of the Medical Practice Act committed by Respondent;
- 4. That the Board make, issue and serve on Respondent its findings of fact, conclusions of law and order, in writing, to include sanctions to be imposed; and
- 5. That the Board take such other and further action as may be just and proper in these premises.

Dated this day of November, 2020.

INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:

Aaron Bart Fricke, Esq., Senior Deputy General Counsel Attorney for the Investigative Committee

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

### **VERIFICATION**

STATE OF NEVADA ) : ss. COUNTY OF WASHOE )

Mr. M. Neil Duxbury, 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 16 day of November, 2020.

INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

**M. N** 

M. Neil Duxbury, Chairman

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

### **CERTIFICATE OF SERVICE**

I hereby certify that I am employed by the Nevada State Board of Medical Examiners and that on the 16th day of November, 2020, I served a file-stamped copy of the foregoing **FIRST AMENDED COMPLAINT**, via U.S. Certified Mail to the following parties:

Asher Shahzad, M.D. c/o Thomas J. Doyle SCHUERING ZIMMERMAN & DOYLE 400 University Avenue Sacramento, CA 95825 \*Certified Mail Receipt No.:

DATED this 16th day of November, 2020.

Mercedes Fuentes, Legal Assistant Nevada State Board of Medical Examiners