BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

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In the Matter of Charges and Complaint

Against:

OSAMA OMAR HAIKAL, M.D.,

Respondent.

Case No. 22-9436-1

FILED

JUN 2 3 2022

NEVADA STATE BOARD OF MEDICAL EXAMINERS

COMPLAINT

The Investigative Committee¹ (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.

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¹ 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.

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- On September 7, 2021, the IC Order was delivered to Respondent's address of 4. record with the Board and was left with an "individual" at 1:26 pm.
- On September 14, 2021, the IC received a letter, dated September 9, 2021, from 5. Respondent, who stated he would only appear telephonically at either 12:00 p.m. (noon) or at 3:30 p.m., on November 10, 2021.
- On September 14, 2021, the Deputy Chief of Investigations called Respondent's office and spoke to his office manager. He explained to her that Respondent would not be able to dictate the time of his appearance and he needed to be available at 1:30 p.m., pursuant to the IC Order.
- On September 20, 2021, the investigator assigned to both cases, sent a response 7. letter to Respondent regarding his September 9, 2021, letter, stating that the IC believed Respondent was given enough notice to rearrange his schedule to take a call from the IC on November 10, 2021, at 1:30 p.m. This letter was sent via USPS Certified Mail tracking no. 9171969009350252456552 and was left with an individual and delivered on September 23, 2021.
- On October 18, 2021, the IC received a letter from Respondent, dated 8. October 13, 2021, replying to the investigator's letter dated September 20, 2021. Again, Respondent reiterated that he would not be available to answer any questions by the IC at 1:30 p.m., but would be available at 12:00 p.m., (noon) or 3:30 p.m., on November 10, 2021.
- On November 10, 2021, Respondent failed to appear telephonically at 1:30 p.m., 9. before the IC pursuant to the IC Order and subsequent communications from the Board's investigative division staff.

COUNT I

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

- All the allegations contained in the above paragraphs are hereby incorporated by 10. reference as though fully set forth herein.
- NRS 630.3065(2)(a) provides that knowingly or willfully failing to comply with an 11. order of a committee designated by the Board to investigate a complaint against a physician, i.e., the IC, is grounds for initiating disciplinary action.

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- 12. Respondent failed to comply with the IC's Order for appearance dated September 2, 2021, when he did not answer the IC's telephone call at 1:30 p.m. on November 10, 2021, for his appearance.
- 13. By reason of the foregoing, Respondent is subject to discipline by the Nevada State Board of Medical Examiners as provided in NRS 630.352.

WHEREFORE, the Investigative Committee prays:

- 1. That the Board give Respondent notice of the charges herein against him and give him notice that he may file an answer to the Complaint herein as set forth in NRS 630.339(2) within twenty (20) days of service of the Complaint;
- 2. That the Board set a time and place for a formal hearing after holding an Early Case Conference pursuant to NRS 630.339(3);
- 3. That the Board determine what sanctions to impose if it determines there has been a violation or violations of the Medical Practice Act committed by Respondent;
- 4. That the Board award fees and costs for the investigation and prosecution of this case as outlined in NRS 622.400;
- 5. That the Board make, issue and serve on Respondent its findings of fact, conclusions of law and order, in writing, that includes the sanctions imposed; and
- 6. That the Board take such other and further action as may be just and proper in these premises.

DATED this 23 day of June, 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

Tel: (775) 688-2559

Email: <u>dwhite@medboard.nv.gov</u>

Attorney for the Investigative Committee

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 day of June, 2022.

INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:

Chairman of the Investigative Committee