

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. 23-12518-1

6 **Against:**

**FILED**

7 **AJUMOBI CHARLES AGU, M.D.,**

SEP 19 2023

8 **Respondent.**

NEVADA STATE BOARD OF  
MEDICAL EXAMINERS

By:           *Small*          

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10                                   **FIRST AMENDED COMPLAINT**

11                   The Investigative Committee<sup>1</sup> (IC) of the Nevada State Board of Medical Examiners  
12 (Board) hereby issues this formal Complaint against Ajumobi Charles Agu, M.D., (Respondent), a  
13 licensed physician in Nevada. After investigating this matter, the IC has a reasonable basis to  
14 believe that Respondent has violated provisions of Nevada Revised Statutes (NRS) Chapter 630  
15 and Nevada Administrative Code (NAC) Chapter 630 (collectively, the Medical Practice Act).

16                   The IC alleges the following facts:

17                   1.       Respondent is currently licensed in suspended status (License No. 8857).  
18 Respondent was issued his license by the Board on November 23, 1998, pursuant to the provisions  
19 of NRS Chapter 630.

20                   2.       On November 15, 2022, Respondent entered into a Settlement Agreement  
21 (Agreement) with the IC, and the Board accepted, approved, adopted, and subsequently filed the  
22 Agreement on December 2, 2022.

23                   3.       Per the terms of the Agreement, Respondent was to submit to and pass all five (5)  
24 sections of the Ethics and Boundaries Assessment Services (EBAS) examination within sixty (60)  
25 days of the Board's acceptance, adoption, and approval of the Agreement. The Agreement was

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28                   <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 Bret W. Frey, M.D., Carl N. Williams, Jr.,  
M.D., FACS, and Col. Eric D. Wade, USAF (Ret.).

1 accepted, approved and adopted on December 2, 2022, which required completion of the terms in  
2 the Agreement on or before January 31, 2023.

3 4. Additionally, Respondent was to perform ten (10) hours of Continuing Medical  
4 Education relating to the best practices in medical record keeping within six (6) months from the  
5 date of the Board's acceptance, adoption, and approval of the Agreement or June 2, 2023.

6 5. Respondent registered for the EBAS examination on March 14, 2023, for an  
7 April 25, 2023, exam date.

8 6. On March 17, 2023, Board staff received notice from EBAS that the Respondent  
9 failed all five (5) sections of the EBAS examination he took on April 25, 2023.

10 7. On June 28, 2023, Respondent furnished a certificate of completion for the  
11 aforementioned ten (10) hours of Continuing Medical Education with a completion date of  
12 June 26, 2023, twenty-four (24) days after the deadline for completion.

13 8. On June 30, 2023, following the Respondent's failure to comply with the terms of  
14 the Agreement, his license to practice medicine was summarily suspended. On July 6, 2023,  
15 Respondent was served with an Order of Suspension and Notice of Hearing and on July 14, 2023,  
16 Respondent was served with the Complaint.

17 9. An Order to Show Cause Hearing was conducted on July 27, 2023, which was  
18 attended by Respondent and Counsel for the IC where it was found that the IC had met its burden  
19 of proof to maintain the suspension of Respondent's license to practice medicine.

20 10. On consideration of the testimony provided at the Order to Show Cause hearing,  
21 on August 10, 2023, the IC elected to lift the suspension of Respondent's license.

22 11. On or about August 29, 2023, a prescriber activity report from the Nevada State  
23 Board of Pharmacy was retrieved that indicated that Respondent was, in fact, practicing medicine  
24 while his license was suspended.

25 12. Despite the Respondent's prohibition from the practice of medicine during the  
26 period of his suspension from July 6, 2023, through August 10, 2023, Respondent continued to  
27 engage in the practice of medicine without an active Nevada medical license, in violation of the

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1 IC's Order of Suspension, by writing no less than fifty-eight (58) prescriptions for controlled  
2 substances.

3 **COUNT I**

4 **NRS 630.3065(2)(a) - Knowing or Willful Failure to Comply with a Board Order**

5 13. All of the allegations in the above paragraphs are hereby incorporated by reference  
6 as though fully set forth herein.

7 14. NRS 630.3065(2)(a) provides that the knowing or willful failure to comply with an  
8 order of the Board constitutes grounds for initiating disciplinary action.

9 15. Respondent knowingly or willfully failed to comply with an order of the Board  
10 when he failed all five (5) sections of the EBAS examination. Additionally, Respondent did not  
11 timely complete his CME hours by the June 2, 2023, deadline and completed them instead on  
12 June 26, 2023, twenty-four (24) days after the date ordered by the Board.

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

15 **COUNT II**

16 **NRS 630.3065(2)(a) - Knowing or Willful Failure to Comply with a Board Order**

17 17. All of the allegations in the above paragraphs are hereby incorporated by reference  
18 as though fully set forth herein.

19 18. NRS 630.3065(2)(a) provides that the knowing or willful failure to comply with an  
20 order of the Board constitutes grounds for initiating disciplinary action.

21 19. Respondent knowingly or willfully failed to comply with an order of the Board  
22 when he continued to practice medicine from July 6, 2023, through August 10, 2023, by  
23 prescribing controlled substances to patients despite the June 30, 2023, Order of Suspension.

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

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**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 19<sup>th</sup> day of September, 2023.

INVESTIGATIVE COMMITTEE OF THE  
NEVADA STATE BOARD OF MEDICAL EXAMINERS

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

IAN J. CUMINGS  
Deputy General Counsel  
9600 Gateway Drive  
Reno, NV 89521  
Tel: (775) 688-2559  
Email: [icumings@medboard.nv.gov](mailto:icumings@medboard.nv.gov)  
*Attorney for the Investigative Committee*

OFFICE OF THE GENERAL COUNSEL  
Nevada State Board of Medical Examiners  
9600 Gateway Drive  
Reno, Nevada 89521  
(775) 688-2559

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VERIFICATION

STATE OF NEVADA        )  
                                  : ss.  
COUNTY OF CLARK     )

Bret W. Frey, 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 19<sup>th</sup> day of September, 2023.

INVESTIGATIVE COMMITTEE OF THE  
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:   
\_\_\_\_\_  
BRET W. FREY, M.D.  
*Chairman of the Investigative Committee*