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

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

* * * *

In the Matter of Charges and Complaint

Against:

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ABDOLLAH ASSAD, M.D.,

Respondent.

Case No. 24-28982-1

FILED

AUG 14 2024

NEVADA STATE BOARD OF MEDICAL EXAMINERS

COMPLAINT

The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners (Board), by and through Ian J. Cumings, Senior Deputy General Counsel and attorney for the IC, having a reasonable basis to believe that Abdollah Assad, 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. 10883). Respondent was originally licensed by the Board on April 8, 2004.
 - 2. Patient A^2 was a thirty-one (31) year-old female at the time of the events at issue.
- 3. During the relevant time period, Patient A was a long-established psychiatric patient of Respondent, having regular visits being under Respondent's care and treatment since June 23, 2011. During these regular visits, Respondent documented a history of anxiety and problematic relationships that included her difficult relationship with her boyfriend on repeated occasions. Respondent's records from these visits are handwritten and largely illegible.

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 Chowdhury H. Ahsan, M.D., Ph.D, FACC, Ms. Pamela J. Beal and Irwin B. Simon, M.D., FACS.

² Patient A's true identity is not disclosed herein to protect her privacy, but is disclosed in the Patient Designation served upon Respondent along with a copy of this Complaint.

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- On September 28, 2020, Respondent documented a telephone visit with Patient A 4. who informed Respondent that she was moving out of the state. During this telephone visit, Respondent prescribed Latuda, Xanax, and Adderall for her.
- On or about October 12, 2020, Respondent was contacted by Patient A who was 5. staying in a motel and admitted to having attempted suicide. Respondent did not instruct Patient A to go to an emergency room, call an ambulance, or call police but instead came to the motel and picked up Patient A.
- Respondent did not take Patient A to the hospital, nor attempt to initiate a legal 6. 2000 mandatory hold to observe Patient A after her attempted suicide. Instead, Respondent took Patient A to another motel, and engaged in sexual intercourse with her, despite his awareness of troublesome relationships in the past and her obvious fragile state.
- 7. On October 16, 2020, following the sexual encounter, Respondent continued to prescribe Adderall to Patient A, and documented that Patient A was going to seek a new physician. Respondent did not refer Patient A to a new psychiatrist or make arrangements for the transfer of her care.

COUNT I

NRS 630.301(4) - Malpractice

- 8. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.
- 9. NRS 630.301(4) provides that malpractice of a physician is grounds for initiating disciplinary action against a licensee.
- NAC 630.040 defines malpractice as "the failure of a physician, in treating a 10. patient, to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances."
- As demonstrated by, but not limited to, the above-outlined facts, Respondent failed 11. to use the reasonable care, skill or knowledge ordinarily used under similar circumstances when rendering medical services to Patient A by engaging in sexual intercourse and having an 111

inappropriate sexual relationship with Patient A while still continuing to see her as his patient and prescribe her Adderall.

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

COUNT II

NRS 630.304(5) - Influencing a Patient to Engage in Sexual Activity

- 13. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.
- 14. NRS 630.304(5) provides that influencing a patient in order to engage in sexual activity with the patient or others is grounds for initiating disciplinary action.
- 15. As demonstrated by, but not limited to, the above-outlined facts, Respondent influenced Patient A by failing to properly admit her to an appropriate care facility or get Patient A emergency assistance following a suicide attempt despite her documented history of troubled relationships, but instead took Patient A to a motel and engaged in sexual intercourse with her.
- 16. By reason of the foregoing, Respondent is subject to discipline by the Board as provided in NRS 630.352.

COUNT III

NRS 630.301(5) - Engaging in Sexual Activity with a Patient

- 17. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.
- 18. NRS 630.301(5) provides that engaging by a practitioner in any sexual activity with a patient who is currently being treated by the practitioner constitutes grounds for initiating disciplinary action.
- 19. As demonstrated by, but not limited to, the above-outlined facts, Respondent engaged in sexual intercourse with Patient A and subsequently continued to prescribe controlled substances to her as her physician.

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

COUNT IV

NRS 630.306(1)(p) - Unsafe or Unprofessional Conduct

- 21. All of the allegations in the above paragraphs are hereby incorporated as if fully set forth herein.
- 22. Engaging in any act that is unsafe or unprofessional conduct in accordance with regulations adopted by the Board is grounds for disciplinary action against a licensee pursuant to NRS 630.306(1)(p).
- 23. As demonstrated by, but not limited to, the above-outlined facts, Respondent's conduct was unprofessional and violated the physician-patient relationship when Respondent engaged in sexual intercourse with Patient A, a vulnerable psychiatric patient.
- 24. By reason of the foregoing, Respondent is subject to discipline by the Board as provided in NRS 630.352.

COUNT V

NRS 630.304(7) - Terminating Medical Care without Adequate Notice to a Patient

- 25. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.
- 26. NRS 630.304(7) provides that terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient is grounds for initiating disciplinary action.
- 27. Respondent terminated the medical care of Patient A without adequate notice when he discontinued care of Patient A on October 16, 2020. Respondent noted Patient A's intention to seek another provider but failed to coordinate her care or provide a referral to an appropriate physician following his October 16, 2020, prescription of Adderall.
- 28. By reason of the foregoing, Respondent is subject to discipline by the Board as provided in NRS 630.352.

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COUNT VI

NRS 630.301(7) - Violation of Patient Trust and Exploitation of Physician and Patient Relationship for Financial or Personal Gain

- All of the allegations contained in the above paragraphs are hereby incorporated by 29. reference as though fully set forth herein.
- NRS 630.301(7) provides that "engaging in conduct that violates the trust of a 30. patient and exploits the relationship between the physician and the patient for financial or other personal gain" is grounds for initiating discipline against a licensee.
- As demonstrated by, but not limited to, the above-outlined facts, Respondent 31. violated the trust of a patient and exploited the relationship between the Respondent and Patient A by gaining intimate knowledge of Patient A during psychiatric treatment, and subsequently engaging in a sexual relationship with Patient A while she was in a vulnerable state.
- 32. By reason of the foregoing, Respondent is subject to discipline by the Board 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;
- That the Board set a time and place for a formal hearing after holding an Early 2. 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;
- That the Board award fees and costs for the investigation and prosecution of this 4. case as outlined in NRS 622.400;
- That the Board make, issue and serve on Respondent its findings of fact, 5. conclusions of law and order, in writing, that includes the sanctions imposed; and

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6. That the Board take such other and further action as may be just and proper in these premises.

DATED this // day of August, 2024.

INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:

IAN J. CUMINGS

Senior Deputy General Counsel

9600 Gateway Drive

Reno, NV 89521

Tel: (775) 688-2559

Email: <u>icumings@medboard.nv.gov</u>
Attorney for the Investigative Committee

OFFICE OF THE GENERAL COUNSEL

Nevada State Board of Medical Examiners 9600 Gateway Drive Reno, Nevada 89521

VERIFICATION

STATE OF NEVADA)
	: ss.
COUNTY OF CLARK)

Chowdhury H. Ahsan, M.D., Ph.D., FACC, 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 Hay of August, 2024.

INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:

CKOWDHURY H. AHSAN, M.D., PH.D., FACC Chairman of the Investigative Committee