

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. 24-28841-1

6 **Against:**

FILED

7 **POUYA MOHAJER, M.D.,**

MAY - 9 2024

8 **Respondent.**

NEVADA STATE BOARD OF
MEDICAL EXAMINERS
By: _____

9
10 **COMPLAINT**

11 The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners
12 (Board), by and through Ian J. Cumings, Senior Deputy General Counsel and attorney for the IC,
13 having a reasonable basis to believe that Pouya Mohajer, M.D. (Respondent) violated the
14 provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code
15 (NAC) Chapter 630 (collectively, the Medical Practice Act), hereby issues its Complaint, stating
16 the IC's charges and allegations as follows:

17 1. Respondent was at all times relative to this Complaint a medical doctor holding an
18 active license to practice medicine in the State of Nevada (License No. 10841). Respondent was
19 originally licensed by the Board on March 12, 2004.

20 2. Patient A² was a thirty-two (32) year-old male at the time of the events at issue.

21 3. On June 29, 2018, Patient A presented to Respondent's practice with complaints of
22 lower back pain. Respondent injected Patient A with umbilical stem cells in the lower lumbar
23 region of his spine.

24 4. Prior to the injections, Respondent failed to perform and/or document an
25 appropriate examination to support the performance of stem cell injections in Patient A's spine,
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27 ¹ The Investigative Committee of the Nevada State Board of Medical Examiners, at the time this formal
28 Complaint was authorized for filing, was composed of Board members Aury Nagy, M.D., Nicola (Nick) M. Spirto,
M.D., F.A.C.O.G., and Ms. Maggie Arias-Petrel.

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

1 including documentation of a previous history of conservative treatment, diagnostic disc
2 injections, or a review of the MRI imaging in the medical record.

3 5. The stem cell product utilized by Respondent was comprised of non-autologous
4 umbilical stem cells which were not FDA-approved. Prior to injecting Patient A with the non-
5 FDA-approved stem cell treatment, Respondent failed to obtain an appropriate informed consent
6 from Patient A which should have did not indicate the diagnosis, provided the specific anticipated
7 procedure to be performed, and state adequately and clearly that the product being utilized was
8 non-FDA-approved. Additionally, Respondent did not inform Patient A that the FDA had not
9 approved stem cell therapy for the treatment of any orthopedic condition.

10 6. Following the June 29, 2018, stem cell injection Patient A began to develop
11 extreme pain at the injection site.

12 7. On August 13, 2018, Patient A was admitted to the hospital for difficulty standing
13 and severe back pain. An MRI of Patient A's lumbar spine demonstrated osteomyelitis in the
14 bone at the disc spaces where the stem cell product was injected.

15 8. On September 17, 2018, the manufacturer of the stem cell product utilized by
16 Respondent announced that the stem cells were tainted with E. coli.

17 9. Following the announcement by the manufacturer, Respondent did not document in
18 Patient A's medical record that Patient A was made aware of the tainted stem cell product.

19 **COUNT I**

20 **NRS 630.301(4) - Malpractice**

21 10. All of the allegations contained in the above paragraphs are hereby incorporated by
22 reference as though fully set forth herein.

23 11. NRS 630.301(4) provides that malpractice of a physician is grounds for initiating
24 disciplinary action against a licensee.

25 12. NAC 630.040 defines malpractice as "the failure of a physician, in treating a
26 patient, to use the reasonable care, skill, or knowledge ordinarily used under similar
27 circumstances."

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1 13. As demonstrated by, but not limited to, the above-outlined facts, Respondent failed
2 to use the reasonable care, skill or knowledge ordinarily used under similar circumstances when
3 rendering medical services to Patient A by failing to thoroughly examine and obtain informed
4 consent prior to administering a non-FDA-approved stem cell product into Patient A's spine.

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

7 **COUNT II**

8 **NRS 630.306(1)(f) – Lack of Informed Consent**

9 15. All of the allegations contained in the above paragraphs are hereby incorporated by
10 reference as though fully set forth herein.

11 16. NRS 630.306(1)(f) provides that performing, without first obtaining the informed
12 consent of the patient or the patient's family, any procedure or prescribing any therapy which by
13 the current standards of the practice of medicine is experimental. These consents regularly
14 include the goals, benefits, risks, and alternatives for the treatment being offered.

15 17. As demonstrated by, but not limited to, the above-outlined facts, Respondent failed
16 to obtain proper informed consent prior to rendering medical services to Patient A. Respondent
17 failed to appropriately include pertinent information in Patient A's informed consent, and the form
18 that was provided was misleading about whether or not the FDA had approved the stem cell
19 injection for the treatment of orthopedic conditions.

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

22 **COUNT III**

23 **NRS 630.3062(1)(a) - Failure to Maintain Complete Medical Records**

24 19. All of the allegations contained in the above paragraphs are hereby incorporated by
25 reference as though fully set forth herein.

26 20. NRS 630.3062(1)(a) provides that the "failure to maintain timely, legible, accurate
27 and complete medical records relating to the diagnosis, treatment and care of a patient" constitute
28 grounds for initiating discipline against a licensee.

1 21. Respondent failed to maintain complete medical records relating to the diagnosis,
2 treatment and care of Patient A, by failing to correctly document his actions when he treated
3 Patient A, whose medical records were not timely, legible, accurate, and complete.

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

6 **WHEREFORE**, the Investigative Committee prays:

7 1. That the Board give Respondent notice of the charges herein against him and give
8 him notice that he may file an answer to the Complaint herein as set forth in
9 NRS 630.339(2) within twenty (20) days of service of the Complaint;

10 2. That the Board set a time and place for a formal hearing after holding an Early
11 Case Conference pursuant to NRS 630.339(3);

12 3. That the Board determine what sanctions to impose if it determines there has been
13 a violation or violations of the Medical Practice Act committed by Respondent;

14 4. That the Board award fees and costs for the investigation and prosecution of this
15 case as outlined in NRS 622.400;

16 5. That the Board make, issue and serve on Respondent its findings of fact,
17 conclusions of law and order, in writing, that includes the sanctions imposed; and

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

20 DATED this 9th day of May, 2024.

21 INVESTIGATIVE COMMITTEE OF THE
22 NEVADA STATE BOARD OF MEDICAL EXAMINERS

23 By: 
24 _____

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VERIFICATION

STATE OF NEVADA)
 : ss.
COUNTY OF CLARK)

Aury Nagy, 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 9th day of May, 2024.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 
AURY NAGY, M.D.
Chairman of the Investigative Committee