

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. 24-28841-2

6 **Against:**

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

8 **Respondent.**

**FILED**

**MAY - 9 2024**

**NEVADA STATE BOARD OF  
MEDICAL EXAMINERS**  
By: 

9  
10 **COMPLAINT**

11 The Investigative Committee<sup>1</sup> (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 A<sup>2</sup> was a seventy-four (74) year-old male at the time of the events at issue.

21 3. On June 28, 2018, Patient A presented to Respondent's practice with complaints of  
22 back pain following a consultation with a neurosurgeon. Respondent offered to inject Patient A  
23 with umbilical stem cells in the lower lumbar region of his spine.

24 4. On July 27, 2018, Respondent performed intra-discal injections with umbilical  
25 stem cells from L3-L5, and bilateral facet injections from L2-L3 and L5-S1.

26  
27 <sup>1</sup> 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. Spirtos,  
M.D., F.A.C.O.G., and Ms. Maggie Arias-Petrel.

<sup>2</sup> 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 5. Prior to the injections, Respondent failed to perform and/or document an  
2 appropriate examination to support the performance of stem cell injections in Patient A's spine  
3 including documentation of a previous history of conservative treatment, diagnostic disc  
4 injections, and a review of the MRI imaging in the medical record.

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

12 7. On September 17, 2018, the manufacturer of the stem cell product utilized by  
13 Respondent announced that the stem cells were tainted with E. coli.

14 8. Patient A ultimately required hospitalization for difficulty standing and severe back  
15 pain. An MRI image of Patient A's lumbar spine demonstrated osteomyelitis in the bone at the  
16 disc spaces where the stem cell product was injected, and Patient A was diagnosed with E. Coli  
17 bacteremia and sepsis.

18 **COUNT I**

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

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

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

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

27 12. As demonstrated by, but not limited to, the above-outlined facts, Respondent failed  
28 to use the reasonable care, skill or knowledge ordinarily used under similar circumstances when

1 rendering medical services to Patient A by failing to thoroughly examine and obtain informed  
2 consent prior to administering a non-FDA-approved stem cell product into Patient A's spine.

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

5 **COUNT II**

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

7 14. All of the allegations contained in the above paragraphs are hereby incorporated by  
8 reference as though fully set forth herein.

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

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

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

20 **COUNT III**

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

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

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

27 ///  
28 ///

1           20.     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           21.     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     
25   \_\_\_\_\_  
26   IAN J. CUMINGS  
27   Senior Deputy General Counsel  
28   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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28


**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 9<sup>th</sup> day of May, 2024.

INVESTIGATIVE COMMITTEE OF THE  
NEVADA STATE BOARD OF MEDICAL EXAMINERS

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