

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. 23-10414-1

6 **Against:**

FILED

7 **SASSAN KAVEH, M.D.,**

DEC 26 2024

8 **Respondent.**

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: 

9
10 **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

11 This case was presented for adjudication and decision before the Nevada State Board of
12 Medical Examiners (Board), during a regularly scheduled Board meeting on December 13, 2024,
13 at 8:25 a.m. (Pacific Standard Time), located at 325 E. Warm Springs Road, Suite 225, Las Vegas,
14 NV 89119, video conferenced to 9600 Gateway Drive, Reno, NV 89521. Sassan Kaveh, M.D.,
15 (Respondent) was properly served with a notice of the adjudication, including the date, time, and
16 location. Respondent was present with his attorney, Melanie L. Thomas, Esq. The adjudicating
17 members of the Board participating in these Findings of Fact, Conclusions of Law and Order
18 were: Nick M. Spirtos, M.D., F.A.C.O.G., Ms. Maggie Arias-Petrel, Ms. Pamela J. Beal, Carl N.
19 Williams, Jr., M.D., FACS, Irwin B. Simon, M.D., FACS, Joseph Olivarez, P.A.-C, and Jason B.
20 Farnsworth, RRT, MBA. Matthew P. Feeley, Esq., Deputy Attorney General, served as legal
21 counsel to the Board.

22 The Board, having received and read the formal Complaint (Complaint) and exhibits
23 admitted at the hearing of this matter, the Hearing Officer's Findings and Recommendations,¹ and
24 the transcript of the hearing, made its decision pursuant to its authority and provisions of the
25 Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter
26 630 (collectively, the Medical Practice Act), NRS Chapter 622A, and NRS Chapter 233B, as
27 applicable.

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¹ The Hearing Officer's Findings and Recommendations were prepared by Patricia Halstead, Esq., who was appointed as Hearing Officer under NRS 630.106 in this matter and presided over the hearing.

1 The Board, after due consideration of the record, evidence and law, and being fully
2 advised in the premises, makes its FINDINGS OF FACT, CONCLUSIONS OF LAW AND
3 ORDER in this matter, as follows:

4 **FINDINGS OF FACT**

5 **I.**

6 Respondent held a license to practice medicine in the State of Nevada issued by the Board
7 on July 18, 1997.

8 **II.**

9 On May 8, 2023, the Investigative Committee filed a formal Complaint in
10 Case No. 23-10414-1, alleging one (1) violation of the Medical Practice Act that constitutes
11 grounds for initiating disciplinary action against a licensee, as follows: one (1) count of
12 NRS 630.306(1)(b)(3), Violation of Statutes and Regulations of the Nevada State Board of
13 Pharmacy. The Complaint was served upon Respondent's counsel on May 16, 2023. Respondent
14 filed an Answer to the allegations set forth in the Complaint on June 22, 2023.

15 **III.**

16 On August 8, 2023, at 1:15 p.m., Hearing Officer Nancy Moss Ghushn, Esq., conducted a
17 telephonic Early Case Conference by Zoom in this matter. William P. Shogren, Deputy General
18 Counsel, (Mr. Shogren) was present on behalf of the Investigative Committee (IC) and Melanie L.
19 Thomas, Esq. appeared on behalf of Respondent. At the scheduled Early Case Conference,
20 Hearing Officer Ghushn set the date for the Prehearing Conference, the deadline for the parties to
21 exchange lists of witnesses and documents, and the date for the Hearing.

22 On August 10, 2023, in compliance with NAC 630.465, a Scheduling Order setting the
23 Prehearing Conference and Hearing was filed. Pursuant to that Order, the Prehearing Conference
24 was set for September 11, 2023, at 1:15 p.m. The Scheduling Order was sent to Respondent's
25 counsel by email on August 10, 2023.

26 The IC's Prehearing Conference Statement, along with exhibits intended to be presented at
27 the Hearing, was sent to Respondent's counsel via Fed Ex 2-Day Mail and was served on
28 September 6, 2023.

1 The Prehearing Conference was held telephonically as noticed and ordered, at which time,
2 legal counsel for the IC, Mr. Shogren, appeared and Ms. Thomas appeared on behalf of
3 Respondent.

4 A request for a continuance by Respondent's counsel was granted and an Amended
5 Scheduling Order was filed November 29, 2023, moving the Hearing to December 15, 2023, at
6 9:00 a.m. The Amended Scheduling Order was sent to Respondent's counsel via email on
7 November 30, 2023.

8 On December 18, 2023, an Order Granting Respondent's Request to Stay Hearing was
9 issued and filed by the Hearing Officer and was served by certified mail and email upon
10 Respondent's counsel.

11 On March 19, 2024, Patricia Halstead, Esq. was appointed as hearing officer to oversee the
12 matter, as the prior Hearing Officer no longer served as a Hearing Officer for the Board.

13 On April 15, 2024, an Order Scheduling Evidentiary Hearing was issued setting the formal
14 hearing date for June 13 and 14, 2024 starting at 8:30 a.m. each day, and was served by certified
15 mail and email upon Respondent's counsel on April 15, 2024.

16 On May 15, 2024, an Order Continuing Scheduling Evidentiary Hearing was issued and
17 filed, moving the formal hearing date to August 29 and 30, 2024, starting at 8:30 a.m. each day,
18 and was served by certified mail and email upon Respondent's counsel on May 16, 2024.

19 **IV.**

20 On August 29, 2024, as duly noticed and ordered, a contested case hearing was held before
21 the Hearing Officer to receive evidence and to hear arguments of both parties. Legal counsel for
22 the IC, Mr. Shogren, appeared and Ms. Thomas and Respondent also appeared.

23 The Hearing Officer received the complete record of proceedings, including the transcript
24 of the testimony received and the exhibits admitted. The Hearing Officer issued her Findings and
25 Recommendations, which were filed September 27, 2024. This matter was scheduled for final
26 adjudication on December 13, 2024, at a regularly scheduled Board meeting. A copy of the
27 Hearing Officers Findings and Recommendations was served upon Respondent's counsel via
28 email and certified mail.

1 On November 12, 2024, a notice of the adjudication was sent to Respondent's counsel via
2 email and certified mail.

3 A copy of the adjudication materials, as well as the Investigative Committee's
4 Memorandum of Costs and Disbursements and Attorney's Fees was sent via Fed Ex 2-Day mail to
5 Respondent's counsel on December 5, 2024.

6 **V.**

7 Pursuant to NRS 622A.300(5)(a), the Findings and Recommendations of the Hearing
8 Officer are hereby approved by the Board and are hereby specifically incorporated and made part
9 of this Order by reference. A copy of the Findings and Recommendations filed
10 September 27, 2024, in this matter are attached hereto as **Exhibit 1**.

11 **VI.**

12 The Board hereby finds that Count I, as set forth in the Complaint, and as recapitulated in
13 Paragraph II above, has been established by a preponderance of the evidence.

14 **VII.**

15 If any of the foregoing Findings of Fact is more properly deemed a Conclusion of Law, it
16 may be so construed.

17 **CONCLUSIONS OF LAW**

18 **I.**

19 The Board has jurisdiction over Respondent's medical license and the Complaint, and an
20 adjudication of this matter by the Board members as set forth herein is proper.

21 **II.**

22 Respondent was timely and properly served with the Complaint, and all notices and orders
23 in advance of the hearing and adjudication thereon, in accordance with NAC Chapter 630,
24 and NRS Chapters 630, 241, 622A and 233B, and all legal requirements of due process.

25 **III.**

26 With respect to the allegations of the Complaint, the Board concludes that Respondent has
27 violated the Medical Practice Act, as alleged in the Complaint, as follows: one (1) count of

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1 NRS 630.306(1)(b)(3), Violation of the Statutes and Regulations of the Nevada Board of
2 Pharmacy. Accordingly, Respondent is subject to discipline pursuant to NRS 630.352.

3 **IV.**

4 The Board finds that, pursuant to NRS 622.400, recovery from Respondent of reasonable
5 attorneys' fees and costs incurred by the Board as part of its investigation and disciplinary
6 proceedings against Respondent is appropriate. The Board has reviewed the Investigative
7 Committee's Memorandum of Costs and Disbursements and Attorneys' Fees; and the Board finds
8 them to be the actual fees and costs incurred by the Board as part of its investigative,
9 administrative and disciplinary proceedings against Respondent, and finds them to be reasonable
10 and necessary based on: (1) the abilities, training, education, experience, professional standing
11 and skill demonstrated by Board staff and attorneys; (2) the character of the work done, its
12 difficulty, its intricacy, its importance, the time and skill required, the responsibility imposed and
13 the prominence and character of the parties where, as in this case, they affected the importance of
14 the litigation; (3) the work actually performed by the Board's attorneys and staff, and the skill,
15 time and attention given to that work; and (4) the product of the work and benefits to the Board
16 and the people of Nevada that were derived therefrom.

17 **V.**

18 If any of the foregoing Conclusions of Law is more properly deemed a Finding of Fact, it
19 may be so construed.

20 **ORDER**

21 Based upon the foregoing Findings of Fact and Conclusions of Law, and good cause
22 appearing therefore,

23 IT IS HEREBY ORDERED that:

24 1. Respondent is hereby ordered to reimburse the Board the reasonable and necessary
25 costs and expenses actually incurred in the investigation and prosecution of this case in the amount of
26 nine thousand six hundred forty-nine dollars and eighty-one cents (\$9,649.81), which amount
27 Respondent shall pay within sixty (60) days of service of this Order;

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2. Pursuant to NRS 630.352(4)(e), a written public reprimand shall be issued to Respondent; and

3. Respondent's discipline shall be reported to the appropriate entities, including the National Practitioner Databank (NPDB), as required by law.

IT IS SO ORDERED.

DATED this 26th day of December, 2024.

NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 

NICK M. SPIRTOS, M.D., F.A.C.O.G.
President of the Board

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CERTIFICATION

I certify that the foregoing is the full and true original **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER** on file in the office of the Board of Medical Examiners in the matter of **SASSAN KAVEH, M.D.**, Case No. 23-10414-1.

I further certify that Nick M. Spirtos, M.D., F.A.C.O.G., is the President of the Nevada State Board of Medical Examiners and that full force and credit is due to his official acts as such; and that the signature to the foregoing **ORDER** is the signature of the said Nick M. Spirtos, M.D., F.A.C.O.G.

IN WITNESS THEREOF, I have hereunto set my hand in my official capacity as Secretary-Treasurer of the Nevada State Board of Medical Examiners.

DATED this 26th day of December, 2024.

NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: Maggie Arias-Petrel
MAGGIE ARIAS-PETREL
Secretary-Treasurer and Public Member of the Board

EXHIBIT 1

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**BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA**

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In the Matter of Charges and
Complaint Against

Case No. 23-10414-1

SASSAN KAVEH, M.D.,

Respondent.

FILED

SEP 27 2024

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: _____

TO: William P. Shogren
Deputy General Counsel
Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, Nevada 89521

Sassan Kaveh, M.D.
c/o Melanie L. Thomas, Esq.
Lewis Brisbois Bisgaard & Smith, LLP
6385 S. Rainbow Blvd., Ste 600
Las Vegas, NV 89118

FINDINGS AND RECOMMENDATION

This matter came for hearing on August 29, 2024. Participating in the hearing were William P. Shogren on behalf of the Investigative Committee of the Nevada State Board of Medical Examiners (the "IC"); Melanie Thomas, Esq. on behalf of Sassan Kaveh, M.D. ("Respondent"), and Respondent. IC witnesses called to testify were Ernesto Diaz, the IC Chief of Investigations, and Respondent. Respondent also testified on his own behalf. All witnesses were sworn. The rule of exclusion was invoked by Respondent.

The Complaint alleges a single count of violation of NRS 630.306(1)(b)(3), *Violation of Statutes and Regulations of the Nevada State Board of Pharmacy*. The charge is premised upon Respondent having entered into a Stipulation and Order with the Nevada State Board of Pharmacy (the "Pharmacy Board"), filed on October 15, 2021, by which Respondent stipulated that he violated specified Nevada statutes, inclusive of NRS Chapter 639, and/or Nevada administrative

1 code provisions by dispensing a dangerous drug to a patient without a valid dispensing
2 practitioner registration; that Respondent redispensed unused medication and thus a misbranded,
3 mislabeled, and potentially adulterated drug; and that Respondent did so as the holder of a Nevada
4 controlled substance registration in an incompetent, unskillful, or negligent manner, engaged in
5 unprofessional conduct, and committed an act that renders registration inconsistent with the public
6 interest. *See* IC Exhibit 5 (the "Stipulation"). As part of the Stipulation, Respondent accepted a
7 public reprimand by the Pharmacy Board, was to pay a fine, was to reimburse the Pharmacy
8 Board for fees and costs, and was ordered to comply with all federal and state statutes and
9 regulations regarding controlled substances and dangerous drugs. *Id.*


10 Prior to the hearing, Respondent, through motion practice, took issue with the procedural
11 manner by which the charge against him was initiated and pursued. Written rulings as to the same
12 were undertaken by a prior hearing officer who denied relief based thereon. As such, the hearing
13 was limited to the merits of the charge, although Respondent addressed the underlying motion
14 arguments in opening statement; to a limited extent, due to being restricted by the undersigned,
15 through questioning; and in closing.

16 With respect to the scope of the hearing, the merits of the underlying charge were
17 unequivocally established and never directly challenged. In particular, NRS 630.306(1)(b)(3)
18 provides that engaging in any conduct that is a violation of NRS Chapter 639 or a regulation
19 adopted by the State Board of Pharmacy pursuant thereto, which is applicable to a licensee who is
20 a practitioner as defined in NRS 639.0125, constitute grounds for initiating disciplinary action or
21 denying licensure. Based upon being deemed a practitioner as defined by NRS 639.0125, which
22 was never disputed, and having violated a provision (or provisions) of NRS Chapter 639 as
23 stipulated to by Respondent before the Pharmacy Board, Respondent is, in turn, in violation of
24 NRS 630.306(1)(b)(3) as alleged.

25 As and for a recommendation for discipline, given Respondent's violation rests initially
26 with the Pharmacy Board and the current violation is a direct result thereof with no additional or
27 separately alleged violation beyond that already addressed by the Pharmacy Board; in light of the
28 Pharmacy Board having already disciplined Respondent for the violation underlying the charge; in

1 consideration of Respondent's self-reporting by and through correspondence from Respondent's
2 counsel, dated November 10, 2021 (*see* IC Exhibit 4);¹ and in consideration of efforts by
3 Respondent to address the violation, which Respondent testified includes having undertaken
4 continuing medical education "in relation to the investigation" of the charge (*see* Hearing
5 Transcript, p. 97, lines 19-22), undersigned respectfully submits that Respondent's discipline
6 should be reflective of the discipline imposed by the Pharmacy Board absent imposition of a fine,
7 which would be unnecessarily duplicative, that being administration of a public reprimand; a
8 requirement that Respondent pay all costs incurred by the Board relating to its disciplinary
9 proceedings; and that Respondent be mandated to comply with all federal and state statutes and
10 regulations regarding controlled substances and dangerous drugs.

11 RESPECTFULLY SUBMITTED this 26th day of September 2024.

12
13 
14 _____
15 Patricia Halstead, Esq., Hearing Officer for the
16 Nevada State Board of Medical Examiners
17 615 S. Arlington Ave.
18 Reno, NV 89509
19 (775) 322-2244
20 phalstead@halsteadlawoffices.com
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28 ¹ Whether or not the self-reporting led to the IC charge or it came to fruition by other means was a topic of limited inquiry at the hearing but goes to the underlying motion arguments, which had been denied.