



COMMONWEALTH of VIRGINIA

Robert A. Nebiker
Director of the Department

William L. Harp, M.D.
Executive Director of the Board

medbd@dhp.state.va.us

Department of Health Professions Board of Medicine

July 10, 2002

6606 West Broad Street
4th Floor
Richmond, Virginia 23230-1717
(804) 662-9908
FAX (804) 662-9517

Mahmoud Nemazee, M.D.
757 Ocean Avenue, #201
Santa Monica, California 90402

CERTIFIED MAIL
7160 3901 9844 7518 8115

RE: License No.: 0101-047974

Dear Dr. Nemazee:

This letter is official notification that the Virginia Board of Medicine ("Board") has received information from the Compliance Division regarding your compliance with the Board's Order entered June 13, 2002. The Board notes that you paid the monetary penalty of \$1, 000.00 imposed by the Order on July 3, 2002.

Therefore, effective this date, this matter has been closed and our records have been changed to reflect that you now have a full and unrestricted license to practice medicine in the Commonwealth of Virginia.

Pursuant to §2.2-4023 of the *Code of Virginia*, a signed copy of this letter shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

The Board wishes you well in your future endeavors.

Sincerely,

A handwritten signature in black ink, appearing to read "William L. Harp, M.D.", written in a cursive style.

William L. Harp, M.D.
Executive Director
Virginia Board of Medicine

cc: Reneé S. Dixon, Discipline Case Manager, Board of Medicine [85009]
Tamika Hines, Office Manager, Enforcement Division
Patricia Hanchey, Senior Administrative Assistant

VIRGINIA:

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

**IN RE: MAHMOUD NEMAZEE, M.D.
License No.: 0101-047974**

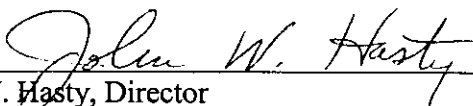
ORDER

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, John W. Hasty, the Director of the Virginia Department of Health Professions, received and acted upon evidence that the license of Mahmoud Nemazee, M.D., to practice medicine and surgery in the State of Maryland was suspended by Consent Order entered March 28, 2001. A certified copy of the Consent Order is attached to this Order and is marked as Commonwealth's Exhibit No. 1.

WHEREFORE, by the authority vested in the Director of the Department of Health Professions pursuant to Section 54.1-2409 of the Code, it is hereby ORDERED that the license of Mahmoud Nemazee, M.D., to practice medicine and surgery in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Upon entry of this Order, the license of Mahmoud Nemazee, M.D., will be recorded as suspended and no longer current. In the event that Dr. Nemazee seeks reinstatement of his license pursuant to Section 54.1-2409 of the Code, he shall be responsible for any fees that may be required for the reinstatement and renewal of his license prior to issuance of his license to resume practice.

Pursuant to Section 9-6.14:14 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection and copying upon request.



John W. Hasty, Director
Department of Health Professions

ENTERED: 6-8-01



COMMONWEALTH of VIRGINIA

Department of Health Professions

John W. Hasty
Director

6606 West Broad Street, Fourth Floor
Richmond, Virginia 23230-1717

<http://www.dhp.state.va.us/>
TEL (804) 662-9900
FAX (804) 662-9943
TDD (804) 662-7197

CERTIFICATION OF DUPLICATE RECORDS

I, John W. Hasty, Director of the Department of Health Professions, hereby certify that the attached Consent Order entered March 28, 2001, regarding Mahmoud Nemazee, M.D., is a true copy of the records received from the Maryland State Board of Physician Quality Assurance.

John W. Hasty

Date: 6/8/01

John W. Hasty

IN THE MATTER OF * BEFORE THE STATE BOARD OF
 MAHMOUD NEMAZEE, M.D. * PHYSICIAN QUALITY ASSURANCE
 LICENSE NUMBER: D38784 * CASE NUMBER: 2001-0109

* * * * *

CONSENT ORDER

PROCEDURAL BACKGROUND

The State Board of Physician Quality Assurance ("the Board"), on September 27, 2000, voted to charge Mahmoud Nemazee, M.D. ("the Respondent"), D.O.B. 07-16-50, License Number: D38784, with violating certain provisions of the Maryland Medical Practice Act ("the Act"), Md. Code Ann., Health Occ. ("H.O.") § 14-101 *et seq.* (Supp. 1999). Specifically, the Board charged the Respondent with violating the following provisions of § 14-404(a) of the Act:

Subject to the hearing provisions of § 14-405 of this subtitle, the Board, on the affirmative vote of a majority of its full authorized membership, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:

- (21) [Was] disciplined by a licensing authority or convicted or disciplined by a court of any state or country or disciplined by any branch of the United States uniformed services or the Veterans' Administration for an act that would be grounds for disciplinary action under this section; [or]
- (36) Willfully makes a false representation when seeking or making application for licensure or any other application related to the practice of medicine.

The applicable underlying grounds for disciplinary action under H.O. § 14-404(a)(21) are as follows:

- (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;



- (3) Is guilty of immoral or unprofessional conduct in the practice of medicine.

On February 7, 2001, a conference with regard to this matter was held before the Case Resolution Conference ("the CRC"). The parties subsequently agreed to enter into this Consent Order, consisting of Procedural Background, Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

The Board finds that:

1. At all times relevant to the charges herein, the Respondent was licensed to practice medicine in the State of Maryland. The Respondent was originally issued a license to practice medicine in the State of Maryland on July 27, 1989.¹
2. In July 1986, the Respondent began a pediatric residency program at Mt. Sinai Medical Center in Cleveland, Ohio. On or about April 30, 1987, the Respondent was terminated as a PL1 house officer at Mt. Sinai for lack of evidence of satisfactory progress in the program. The Respondent invoked his right to an administrative hearing on the dismissal.
3. On or about May 23, 1988, an administrative hearing was held regarding the Respondent's dismissal from the pediatric residency program at Mt. Sinai Medical Center. The Respondent did not appear on the advice of his counsel. The evidence presented at the administrative hearing was found to sustain the Respondent's dismissal from the pediatric residency program at Mt. Sinai.

¹ The Respondent also holds active licenses in Virginia, Utah, and Nevada.

4. On or about July 10, 1989, the Board received the Respondent's Standard Application Form for Initial Medical Licensure that was signed by the Respondent on June 26, 1989.
5. In response to Question 21 that requires the Respondent to disclose whether he has ever been discharged from or had a contract voided by any hospital service or training program or had any restrictions or withdrawals of hospital privileges based upon a disciplinary action, the Respondent indicated "No."
6. On or about January 1, 1992, the Respondent applied to the Medical Board of California for a license to practice medicine. In response to Question 14A that requires the Respondent to disclose whether he had ever withdrawn from or been suspended, dismissed, or expelled from a medical school or postgraduate training program, the Respondent answered "yes" and attached a separate sheet of paper indicating that he "voluntarily withdrew" for "entirely personal reasons" from the pediatric residency program at Mt. Sinai Medical Center. The Respondent claims that he was advised by the attorney representing him at the time that it was acceptable for him to answer in the manner that he did.
7. On or about May 21, 1998, the U.S. Department of Justice, Federal Prison System, Federal Correctional Institute at Terminal Island in San Pedro, California notified the Respondent that he was terminated from the position of Medical Officer because of his "unsatisfactory conduct and performance of duties." The Respondent failed to appeal the termination and it became final.
8. On or about March 18, 1997, evidence was taken at an administrative hearing before the Division of Licensing Medical Board of California concerning the

Application for medical license submitted by the Respondent in California. The Respondent testified, while under oath, that in "ten years of practicing medicine he had never had difficulty with anybody . . . Except Mt. Sinai." In response to a question concerning why he left his position at Terminal Island, the Respondent indicated "it wasn't a lifetime job."

9. On or about October 14, 1998, the Respondent submitted an application for medical licensure to the California Medical Board. The Respondent admitted in this application that he had been terminated from his position at Terminal Island during probation.
10. Evidence was taken at an administrative hearing before the Division of Licensing Medical Board of California to determine whether cause existed to deny the Respondent's application for medical licensure in California on September 15, 1999 and December 6, 1999. The Respondent testified at the hearing, while under oath, that he was a resident in pediatrics at Mt. Sinai Medical Center in Cleveland from July 1986 to April 1987, but was terminated for unsatisfactory performance.
11. In August 1999, the Respondent submitted an Application for Renewal of Medical Licensure to the Board. The Respondent indicated "yes" in response to Question 7(a) that requires the Respondent to disclose whether any licensing or disciplinary board of any jurisdiction, including Maryland, or an entity of the armed services denied his application for licensure, reinstatement or renewal, or had taken any action against his license, including but not limited to reprimand, suspension, revocation, a fine, or nonjudicial punishment, or for an act that would be grounds for disciplinary action under Md. Code Ann., H.O. § 14-404.

12. On or about December 29, 1999, the Medical Board of California in a Proposed Decision and Order denied the Respondent's Application for Medical Licensure in California for knowingly making a false statement of fact required to be revealed in the application for licensure and for acts involving fraud, dishonesty, or deceit with the intent to substantially benefit himself. The Decision became effective by operation of law on March 30, 2000.
13. On August 4, 2000, the Superior Court of California found that there was insufficient facts to support a denial of the Respondent's license on the basis of making a false statement of fact required to be revealed in his application for licensure, but upheld the decision of the Medical Board of California to deny the Respondent's license on the basis of acts involving fraud, dishonesty, or deceit with the intent to substantially benefit himself.
14. The 1999 Decision of the Medical Board of California also found that the Respondent's testimony at a prior administrative hearing on March 18, 1997 concerning his application for medical licensure in California was false and misleading because his answers failed to reflect the fact that he was terminated from a position at Terminal Island.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated § 14-404(a)(21) and (36) of the Act.

ORDER

ORDERED that the Respondent's license to practice medicine in the State of Maryland is hereby **SUSPENDED**; and be it further

ORDERED that the Respondent's license to practice medicine will be **SUSPENDED** subject to the completion of the following conditions of probation:

1. The Respondent shall enroll in and successfully complete a Board approved medical ethics course;
2. The Respondent shall register for and successfully complete the Special Purpose Examination (SPEX); and
3. The Respondent shall submit to a psychiatric evaluation by a Board approved Psychiatrist; and be it further


ORDERED that following the Respondent's enrollment in and successful completion of the Board approved medical ethics course, passing of the SPEX, and the psychiatric examination, the Respondent may petition the Board for a termination of suspension and reinstatement of his medical license provided that the Respondent submits the following to the Board Compliance Division: (1) a written petition for reinstatement of medical licensure; (2) written verification of successful completion of the Board approved medical ethics course; (3) documentation showing verification of a psychiatric evaluation by a Board approved psychiatrist; and (4) documentation showing Respondent's passing grade on the SPEX; and be it further

ORDERED that provided that the Respondent complies with the above conditions for reinstatement, the Board, through its Case Resolution Conference, shall consider the Respondent's petition for reinstatement; and be it further

ORDERED that the Respondent shall be responsible for all costs associated with this Consent Order; and be it further

ORDERED that this is a Final Order of the Board of Physician Quality Assurance and as such is a PUBLIC DOCUMENT pursuant to Md. Code Ann., State Gov't § 10-611 *et seq.*

3/28/01
Date



Samir R. Neimat, M.D.
Chair
State Board of Physician Quality Assurance

CONSENT

I, Mahmoud Nemazee, M.D., acknowledge that I am represented by legal counsel, and I have had the opportunity to consult with counsel before entering into this document. By this consent, I hereby admit the Findings of Fact and Conclusions of Law, and submit to the foregoing Consent Order consisting of 8 pages.

I acknowledge the validity of this Consent Order as if entered after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by law. I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I also affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing.

I sign this Consent Order after having an opportunity to consult with counsel, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

Feb 27-01
Date

M. Nemazee MD
Mahmoud Nemazee, M.D.

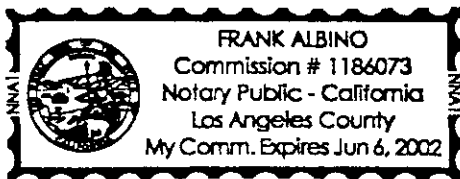
I HEREBY ATTEST AND CERTIFY UNDER PENALTY OF PERJURY ON April 23, 2001 THAT THE FORGOING DOCUMENT IS A FULL, TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE AND IN MY LEGAL CUSTODY.

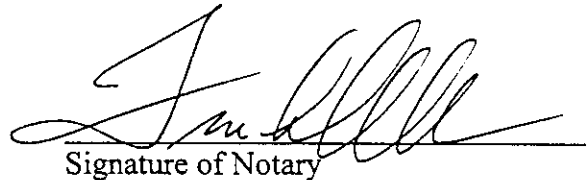
[Signature]
EXECUTIVE DIRECTOR
MARYLAND STATE BOARD OF
PHYSICIAN QUALITY ASSURANCE

STATE OF CALIFORNIA)
) ss.
COUNTY OF Los Angeles)

On March 6, 2001, before me, FRANK ALBINO, a Notary Public in and for said State, personally appeared MAHMOUD NEMAZEE, () personally known to me OR () proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.




Signature of Notary

OPTIONAL SECTION

(Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the document.)

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Capacity(ies) Claimed by Signer(s):

Signer's Name: _____

- Individual
- Corporate Officer
- Title(s): _____
- Partner — Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____

SIGNER IS REPRESENTING:

Signer's Name: _____

- Individual
- Corporate Officer
- Title(s): _____
- Partner — Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____

SIGNER IS REPRESENTING:

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE: MAHMOUD NEMAZEE, M.D.
License No.: 0101-047974

ORDER

In accordance with the provisions of Sections 54.1-110, 54.1-2917, 2.2-4020 and 2.2-4021 of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before the Virginia Board of Medicine ("Board") on June 7, 2002, in Richmond, Virginia. The Board met to consider Dr. Nemazee's petition for the reinstatement of his license to practice medicine in the Commonwealth of Virginia, which was mandatorily suspended by Order of the Department of Health Professions ("DHP") entered June 8, 2001, and to receive and act upon evidence that Dr. Nemazee may have violated certain laws governing the practice of medicine, as set forth in a Notice of Hearing and Statement of Particulars dated May 6, 2002.

Pursuant to Section 2.2-4024.F of the Code, the hearing was held before a panel of the Board with a member of the Board presiding. Howard M. Casway, Assistant Attorney General, was present as counsel to the Board. The proceedings were recorded by a certified court reporter. The case was prosecuted by Martin Kent, Assistant Attorney General. Dr. Nemazee appeared before the Board and was represented by counsel, Stuart H. Dunn, Esquire. Frank Albino, Esquire appeared *pro hac vice* with Mr. Dunn.

FINDINGS OF FACT

Now, having properly considered the evidence and testimony presented, the Board finds the following facts by clear and convincing evidence:

1. On or about June 26, 1986, Dr. Nemazee began pediatric residency training at Mount Sinai Medical Center ("Mt. Sinai"), Cleveland, Ohio. Subsequently, on November 7, 1986 Dr. Nemazee was notified that he was being placed on probation due to inadequate performance. Effective April 30, 1987,

Order - Mahmoud Nemazee, M.D.

Dr. Nemazee was terminated from Mt. Sinai due to insufficient improvement in his work during his probationary period.

2. On or about July 27, 1989, Dr. Nemazee was granted a license to practice medicine in the State of Maryland. In seeking said licensure, on or about June 26, 1989, Dr. Nemazee submitted the Standard Application Form for Initial Medical Licensure to the State Board of Physician Quality Assurance ("Maryland Board"). Question 21 of said application required the disclosure of whether an applicant has ever been discharged from or had a contract voided by any hospital service or training program or had any restrictions or withdrawals of hospital privileges based upon a disciplinary action. Dr. Nemazee responded, "No" to this question, and failed to disclose his termination from Mt. Sinai Medical Center.

3. On or about September 13, 1989, Dr. Nemazee was issued a license to practice medicine in the State of Utah.

4. On or about April 18, 1991, Dr. Nemazee submitted an Application for a License to Practice Medicine/Osteopathy in the Commonwealth of Virginia to the Virginia Board of Medicine ("Virginia Board"). Dr. Nemazee failed to disclose information or gave false answers to four (4) of the questions on said application with the intent to deceive.

a. Question 2 requests that applicants list all "professional activities since graduation, including internships, hospital affiliations and absences from work." Dr. Nemazee listed only a residency at the Greater Baltimore Medical Center ("Greater Baltimore"), Baltimore, Maryland from 1988 to 1991, failing to disclose his employment at Mt. Sinai.

b. Also in relation to Question 2, Dr. Nemazee failed to disclose any employment activities during the period between his termination from Mt. Sinai and his employment at Greater Baltimore. In a March 16, 1992 letter to the Board, Dr. Nemazee explained that he was "overseas [taking] care of personal affairs" between May 1987 and May 1988. When

compared to his 2002 Application for Reinstatement of his Virginia license, he indicated that he was “unemployed [and] waiting for acceptance into new residency program” from April 1987 until February 1988 when he began working at Greater Baltimore; however, records indicate that he actually began working at Greater Baltimore on June 24, 1988.

c. Question 5 requests applicants to “list all jurisdictions in which [they] have been issued a license to practice medicine...” Despite having been previously licensed in Maryland and Utah, Dr. Nemazee failed to provide an answer to this question and informed the Board of said licensure by letter dated May 9, 1991.

d. Question 9 asks, in part, whether an applicant has ever “voluntarily surrendered [their] clinical privileges while under investigation, been censured or warned, or requested to withdraw from the staff of any hospital, nursing home, or other health care facility, or health care provider.” Dr. Nemazee answered “No” to this question and failed to disclose his termination from Mt. Sinai.

5. On or about March 4, 1992, Dr. Nemazee submitted an Application for Physician and Surgeon’s Examination or Licensure to the Medical Board of California (“California Board”). Question 14A on said application required disclosure of whether an applicant had ever withdrawn from or been suspended, dismissed, or expelled from a medical school or postgraduate training program. Dr. Nemazee responded, “Yes” to this question, but falsely indicated that in 1987 he “voluntarily withdrew” from the pediatric residency program at Mt. Sinai for “entirely person reasons” and failed to disclose his termination. On December 23, 1996, the California Board, having learned the true events that occurred at Mt. Sinai “through information submitted by representatives of Mt. Sinai Hospital and through court records” issued a letter to Dr. Nemazee denying his application for licensure due to “the filing of a false application.”

Order - Mahmoud Nemazee, M.D.

6. On or about May 31, 1992 Dr. Nemazee began work as the Chief of Health Programs at the Federal Correctional Institute at Terminal Island ("Terminal Island"), San Pedro, California. On May 21, 1993, while still in his probationary period, Dr. Nemazee was given notice that he would be removed from his position at Terminal Island, due to his "unsatisfactory conduct and performance of duties..."

7. On or about October 2, 1993, the Nevada State Board of Medical Examiners ("Nevada Board") issued Dr. Nemazee license to practice medicine in the State of Nevada.

8. On or about March 18, 1997, during an administrative hearing before the California Board regarding Dr. Nemazee's 1996 denial of licensure, he provided false and/or misleading information. Specifically, Dr. Nemazee testified that in "ten years of practicing medicine he had never had difficulty with anybody... except Mt. Sinai." Additionally, upon being asked why he left his position at Terminal Island, Dr. Nemazee responded that he left the facility because the position "wasn't a lifetime job."

9. On or about October 14, 1998, Dr. Nemazee submitted a second application for licensure to the California Board, in which he properly documented his termination from Terminal Island. Due to his failure to disclose the termination in a March 5, 1995 application update submitted to the California Board, as well as his false testimony regarding that matter at the 1997 administrative hearing, the California Board denied Dr. Nemazee licensure to practice in that jurisdiction by Proposed Decision and Order entered December 29, 1999. By Order entered on September 20, 2000, said finding by the California Board was stricken, but the denial of license was upheld, by the Superior Court of Sacramento, County, California.

10. By Consent Order entered March 28, 2001, the Maryland Board suspended Dr. Nemazee's license to practice medicine in that jurisdiction, based on Dr. Nemazee's "conduct, as determined by the Medical Board of California" and his misrepresentations in his original application for licensure to the Maryland Board. Said suspension was subject to the following terms and conditions:

- a. Successful completion of a Maryland Board approved medical ethics course;
- b. Successful completion of the Special Purpose Examination (SPEX); and
- c. Submission to a psychiatric evaluation by a Maryland Board approved psychiatrist.

11. By Stipulation and Order entered October 5, 2001, the Division of Occupational & Professional Licensing of the Department of Commerce of the State of Utah suspended Dr. Nemazee's license to practice medicine in that jurisdiction based on the action taken by the Maryland Board.

12. By Order entered March 2, 2002, the Nevada State Board suspended Dr. Nemazee's license to practice medicine in that state. This action was based on disciplinary action taken by the Maryland and Virginia Boards and a finding that Dr. Nemazee failed to report his suspension by the Virginia Board to the Nevada Board within the required thirty (30) day time period.

13. On or about January 23, 2002, the Maryland Board entered an Order Terminating Suspension and Order of Reinstatement, which reinstated Dr. Nemazee's license to practice in that jurisdiction on terms. On or about March 13, 2002, the California Board granted Dr. Nemazee an unrestricted license to practice medicine in that jurisdiction. In April 2002, the Utah Board discontinued Dr. Nemazee's probation and reinstated his license to practice medicine in that jurisdiction. By Order entered June 5, 2002, the Nevada Board reinstated Dr. Nemazee's license to practice medicine in the state of Nevada.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that Dr. Nemazee is in violation of Sections 54.1-2909.A (1), 54.1-2909.B (1) and 54.1-2915.A (1), (6) and (3), as further defined in Sections 54.1-2914.A (7) of the Code of Virginia (1950), as amended.

ORDER

WHEREFORE, it is hereby ORDERED that the license of Dr. Nemazee to practice medicine in the Commonwealth of Virginia be, and hereby is, REINSTATED, and his license shall be restored to a

Order - Mahmoud Nemazee, M.D.

full and unrestricted status with all attendant rights and privileges.

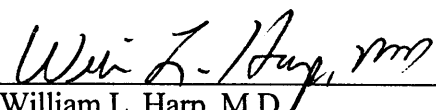
It is further ORDERED that Dr. Nemazee shall be issued a REPRIMAND, and that a MONETARY PENALTY of \$1,000.00 is imposed upon him. This monetary penalty shall be paid within sixty (60) days of entry of this Order.

Violation of this Order shall constitute grounds for the revocation of the license of Dr. Nemazee. In the event Dr. Nemazee violates any of the terms and conditions of this Order, a formal administrative hearing will be convened to determine whether his license shall be revoked.

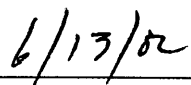
As provided by Rule 2A:2 of the Supreme Court of Virginia, Dr. Nemazee has thirty (30) days from the date of service (the date he actually received this decision or the date it was mailed to him, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with William L. Harp, M.D., Executive Director, Board of Medicine. In the event that this decision is served by mail, three (3) days are added to that period.

Pursuant to Section 2.2-4023 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection and copying upon request.

FOR THE BOARD



William L. Harp, M.D.
Executive Director
Virginia Board of Medicine



ENTERED