

1 BEFORE THE ARIZONA MEDICAL BOARD

2 In the Matter of

3 **SHERIF NASEF, M.D.**

4 Holder of License No. 27906
5 For the Practice of Allopathic Medicine
6 In the State of Arizona

Case No. MD-09-0951A

**ORDER FOR LETTER OF REPRIMAND
AND PROBATION AND CONSENT TO
THE SAME**

7 Sherif Nasef, M.D. ("Respondent") elects to permanently waive any right to a
8 hearing and appeal with respect to this Order for Letter of Reprimand and Probation;
9 admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of
10 this Order by the Board.

11 **FINDINGS OF FACT**

12 1. The Board is the duly constituted authority for the regulation and control of
13 the practice of allopathic medicine in the State of Arizona.

14 2. Respondent is the holder of license number 27906 for the practice of
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-09-0951A after receiving complaints
17 regarding Respondent's prescribing practices. Specifically, it was alleged that Respondent
18 signed blank prescriptions, allowed his medical staff to improperly prescribe medication,
19 and prescribed narcotics without performing examinations.

20 4. Three patients' charts were reviewed for quality of care concerns.
21 Respondent was found to have met the standard of care in all three. However, during an
22 investigational interview, Respondent admitted to signing blank prescriptions and
23 prescribing a medication to patient KG without performing a physical examination.
24 Respondent admitted that he allowed medical assistants to write prescriptions and see
25 patients in his absence, and that Respondent signed 15-20 blank prescriptions before

1 leaving on a two-week vacation. Several prescriptions were written by a medical assistant
2 in Respondent's absence.

3 **CONCLUSIONS OF LAW**

4 1. The Board possesses jurisdiction over the subject matter hereof and over
5 Respondent.

6 2. The conduct and circumstances described above constitute unprofessional
7 conduct pursuant to A.R.S. § 32-1401(27)(k) (“[s]igning a blank, undated or predated
8 prescription form.”).

9 3. The conduct and circumstances described above constitute unprofessional
10 conduct pursuant to A.R.S. §32-1401(27)(ii) (“[I]ack of or inappropriate direction,
11 collaboration or direct supervision of a medical assistant or a licensed, certified or
12 registered health care provider employed by, supervised by or assigned to the physician.”).

13 4. The conduct and circumstances described above constitute unprofessional
14 conduct pursuant to A.R.S. §32-1401(27)(ss) (“[p]rescribing, dispensing or furnishing a
15 prescription medication or a prescription-only device as defined in section 32-1901 to a
16 person unless the licensee first conducts a physical examination of that person or has
17 previously established a doctor-patient relationship.”).

18 **ORDER**

19 IT IS HEREBY ORDERED THAT:

20 1. Respondent is issued a Letter of Reprimand and Probation.

21 2. Respondent is placed on probation for one year with the following terms and
22 conditions:

23 a. Continuing Medical Education

24 Respondent shall within six months of the effective date of this Order
25 obtain 20 hours of Board Staff pre-approved Category I Continuing Medical Education

1 (CME) in Ethics. Respondent shall within thirty days of the effective date of the Order
2 submit his request for CME to the Board for pre-approval. Upon completion of the CME,
3 respondent shall provide Board Staff with satisfactory proof of attendance. The CME hours
4 shall be in addition to the hours required for the biennial renewal of medical license. The
5 Probation shall terminate upon successful completion of the CME.

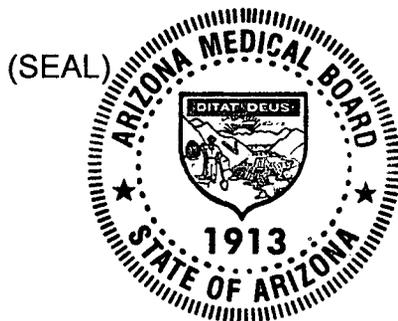
6 b. Obey All Laws

7 Respondent shall obey all state, federal and local laws, all rules
8 governing the practice of medicine in Arizona, and remain in full compliance with any court
9 ordered criminal probation, payments and other orders.

10 c. Tolling

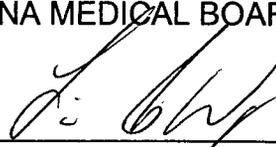
11 In the event Respondent should leave Arizona to reside or practice
12 outside the State or for any reason should Respondent stop practicing medicine in
13 Arizona, Respondent shall notify the Executive Director in writing within ten days of
14 departure and return or the dates of non-practice within Arizona. Non-practice is defined
15 as any period of time exceeding thirty days during which Respondent is not engaging in
16 the practice of medicine. Periods of temporary or permanent residence or practice outside
17 Arizona or of non-practice within Arizona, will not apply to the reduction of the probationary
18 period.

19 DATED AND EFFECTIVE this 11TH day of AUGUST, 2010.



22 ARIZONA MEDICAL BOARD

23 By


24 Lisa S. Wynn
25 Executive Director

CONSENT TO ENTRY OF ORDER

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2 1. Respondent has read and understands this Consent Agreement and the
3 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent
4 acknowledges he has the right to consult with legal counsel regarding this matter.

5 2. Respondent acknowledges and agrees that this Order is entered into freely
6 and voluntarily and that no promise was made or coercion used to induce such entry.

7 3. By consenting to this Order, Respondent voluntarily relinquishes any rights to
8 a hearing or judicial review in state or federal court on the matters alleged, or to challenge
9 this Order in its entirety as issued by the Board, and waives any other cause of action
10 related thereto or arising from said Order.

11 4. The Order is not effective until approved by the Board and signed by its
12 Executive Director.

13 5. All admissions made by Respondent are solely for final disposition of this
14 matter and any subsequent related administrative proceedings or civil litigation involving
15 the Board and Respondent. Therefore, said admissions by Respondent are not intended
16 or made for any other use, such as in the context of another state or federal government
17 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
18 any other state or federal court.

19 6. Upon signing this agreement, and returning this document (or a copy thereof)
20 to the Board's Executive Director, Respondent may not revoke the consent to the entry of
21 the Order. Respondent may not make any modifications to the document. Any
22 modifications to this original document are ineffective and void unless mutually approved
23 by the parties.

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1 7. This Order is a public record that will be publicly disseminated as a formal
2 disciplinary action of the Board and will be reported to the National Practitioner's Data
3 Bank and on the Board's web site as a disciplinary action.

4 8. If any part of the Order is later declared void or otherwise unenforceable, the
5 remainder of the Order in its entirety shall remain in force and effect.

6 9. If the Board does not adopt this Order, Respondent will not assert as a
7 defense that the Board's consideration of the Order constitutes bias, prejudice,
8 prejudgment or other similar defense.

9 10. Any violation of this Order constitutes unprofessional conduct and may result
10 in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order, probation,
11 consent agreement or stipulation issued or entered into by the board or its executive
12 director under this chapter") and 32-1451.

13 11. Respondent acknowledges that, pursuant to A.R.S. § 32-2533(E), he cannot
14 act as a supervising physician for a physician assistant while his license is under
15 probation.

16 12. ***Respondent has read and understands the conditions of probation.***

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18 _____
SHERIF NASEF, M.D.

DATED: 6-29-10

19
20 EXECUTED COPY of the foregoing mailed
this 29th day of June, 2010 to:

21 
Daniel P. Jantsch
22 Olson, Jantsch & Bakker
7243 N. 16th Street
23 Phoenix, AZ 85020

24 ORIGINAL of the foregoing filed
25 this 1st day of August, 2010 with:

Arizona Medical Board

1 9545 E. Doubletree Ranch Road
2 Scottsdale, AZ 85258

Chris Bump

3 Arizona Medical Board Staff

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