

**STATE OF RHODE ISLAND
DEPARTMENT OF HEALTH
BOARD OF MEDICAL LICENSURE AND DISCIPLINE**

**In the matter of:
AFSHIN NASSERI, MD
License #: MD 10174**

**C11-647
C11-709**

CONSENT ORDER

The Board of Medical Licensure and Discipline (hereinafter "Board") received information that alleged that Afshin Nasseri, MD (hereinafter referred to as the "Respondent") has violated Section 5-37-5.1 of the R.I. General Laws, 1956, as amended. An Investigating Committee of the Board was convened to investigate these allegations. The following are the Findings of Fact of the Investigating Committee:

FINDING OF FACTS

1. Respondent is a physician licensed to practice in Rhode Island since 1999. He is a 1993 graduate of University Eugenio María de Hostos Medical School in the Dominican Republic.
2. Respondent entered into a Consent Order with the Board dated June 8, 2007 pursuant to which the Respondent voluntarily surrendered his license to practice medicine.
3. After being treated for health issues, the Respondent was the subject of a Reinstatement Order issued by the Board dated October 10, 2007 pursuant to which his license to practice medicine was reinstated subject to certain conditions set forth in Reinstatement Order.
4. The Board received a complaint from one of his patients who went his office complaining of "shoulder pain", anxiety, and pressure in the chest (described as "an elephant sitting on my chest"). She drove herself to the Respondent's office. While there she received a corticosteroid and two (2) injections of five milligram doses of Midazolam (Versed) in his office.

5. In 2011, the Respondent administered Midazolam (Versed), a benzodiazepine indicated primarily for sedation. It can be used under certain very specific circumstances for acute anxiety and to control acute agitation via intra-muscular injection. The Respondent administered it to eleven (11) different patients in the office setting. The Respondent claims that he administered Midazolam (Versed) for treatment of muscle spasms, panic attacks, anxiety, claustrophobia, racing thoughts, abscess removal and severe needle phobia. Subsequent to the administration of Midazolam (Versed), the patients were instructed to rest on the exam table in the examination room with Dr. Nasseri looking in on them periodically. The office lacked safety equipment such as: monitoring equipment, supplemental oxygen, Flumazenil, (the antidote for Versed), and monitoring personnel to monitor and treat emergencies that may result from administration of Midazolam (Versed). The Respondent claims that he had obtained informed consent verbally from the patients but did not obtain signed informed consent from each patient prior to the administration of Midazolam (Versed) nor is it documented in the patient charts.
6. The Respondent failed to keep separate controlled substance administration logs and has failed to account for (4) four 5 mg. vials of Midazolam (Versed).
7. On August 22, 2011 the Director of Health Summarily Suspended Respondent's license to practice medicine.
8. The Board and the Respondent agree that the administration of Midazolam (Versed) in this setting requires the necessary monitoring equipment, including supplemental oxygen and Flumazenil (the antidote for Versed). The Board concludes that the failure to have such equipment available put the patients at risk and constitutes a violation of RIGL § 5-37-5.1 (19) for failing to adhere to the minimum standards of the acceptable practice of internal medicine.

9.

The parties hereby agree as follows:

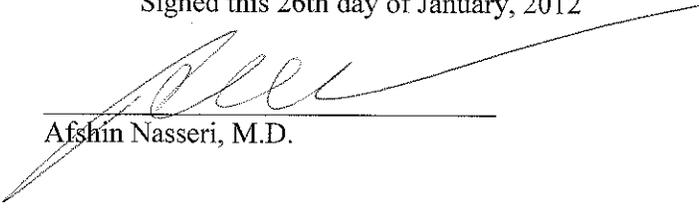
Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board, subject to the conditions set forth below.

- (1) Respondent has read this Consent Order and understands that it is a proposal of an Investigating Committee of the Board and is subject to the final approval of the Board. This Consent Order is not binding on Respondent until final ratification by the Board.
- (2) Respondent hereby acknowledges and waives:
 - a. The right to appear personally or by counselor before the Board;
 - b. The right to produce witnesses and evidence in his behalf at a hearing;
 - c. The right to cross examine witnesses;
 - d. The right to have subpoenas issued by the Board;
 - e. The right to further procedural steps except as specifically contained herein;
 - f. Any and all rights of appeal of this Consent Order;
 - g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review;
 - h. Any objection to the fact that it will be necessary for the Board (but not the Board members appointed to the Hearing Panel by the Hearing Officer) to become acquainted with all evidence pertaining to this matter in order to review adequately this Consent Order; and
 - i. Any objection to the fact that potential bias against Respondent may occur as a result of the presentation of this Consent Order.
- (3) Acceptance of this Consent Order constitutes an admission by Respondent of the Finding of Facts set forth herein.
- (4) This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and by the Board.

- (5) Failure to comply with this Consent Order, when signed and accepted, shall subject Respondent to further disciplinary action.
- (6) The Respondent is suspended from the practice of medicine beginning August 22nd, 2011 until the date of acceptance of this Order by the Department of Health. The Board hereby approves the following monitoring and reporting plan, which shall be in effect for a five (5) year probationary period.
- a. Respondent may continue his private practice of internal medicine subject to the following requirements: (i) Respondent shall refrain from ordering, possessing, or administering any injectable sedatives or hypnotics to patients at his private practice medical office, and (ii) Respondent shall retain Affiliated Monitors, Inc. (“AM”) consistent with a proposal as approved in advance by the board. It will include a chaperoning program and practice monitoring services to the Respondent’s practice for a period of (5) years and may be lifted upon request and approval of the Board.
- Any subsequent change in Respondent’s practice in Rhode Island or the scope of this Consent Order will be subject to the Board’s prior written approval.
- b. Respondent shall not perform any physical examination of female patient without the documented and signed presence of an adult chaperone.
- c. As soon as possible after execution of this Consent Order, the Respondent shall complete an assessment process at the Center for Personalized Education for Physicians (“CPEP”) located in Denver, Colorado. Respondent shall complete all structured educational programs recommended by CPEP as a result of such assessment. Respondent shall work diligently with CPEP to schedule the assessment promptly following entry of this Consent Order, in accordance with CPEP’s and Respondent’s availability.

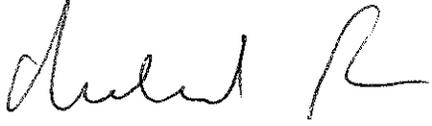
- (7) Respondent's license to practice medicine is reinstated by the Board upon execution of this Consent Order but such reinstatement is contingent upon a successful evaluation by CPEP and further subject to the restrictions contained herein.

Signed this 26th day of January, 2012



Afshin Nasser, M.D.

Ratified on this 26th day of January 2012.

A handwritten signature in black ink, appearing to read "Michael Fine", written over a horizontal line.

Michael Fine, M.D.
Director of Health