

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
BOARD OF MEDICINE
DISCIPLINARY SUBCOMMITTEE

In the Matter of

NAGY ROSTOM KHEIR, M.D.
License No. 43-01-078711,
Respondent.

Docket No. 21-000207
File No. 43-18-149651

FINAL ORDER

On December 18, 2018, the Department of Licensing and Regulatory Affairs (Department), executed an Administrative Complaint charging Respondent with violating the Public Health Code, MCL 333.1101 et seq.

An administrative hearing was held in this matter before an administrative law judge who, on August 9, 2021, issued a Proposal for Decision (PFD), setting forth recommended Findings of Fact and Conclusions of Law.

On August 30, 2021, Respondent filed Respondent's Exceptions to Proposal for Decision.

On September 13, 2021, the Department of Attorney General, Licensing and Regulation division, of behalf of the Department, filed Petitioner's Response to Respondent's Exceptions to Proposal for Decision.

The Michigan Board of Medicine Disciplinary Subcommittee (DSC), having reviewed the administrative record, considered this matter at a regularly scheduled

meeting held in Lansing, Michigan on January 19, 2022, and accepted the administrative law judge's Findings of Fact and Conclusions of Law contained in the PFD.

Therefore, IT IS ORDERED that for violating MCL 333.16221(a) and (b)(i):

Respondent is placed on PROBATION for six (6) months, commencing on the effective date of this Order. The terms of probation shall be as follows:

1. CONTINUING EDUCATION: Respondent shall successfully complete and submit satisfactory evidence of completing a minimum total of 30 hours of continuing education (CE) acceptable to the Board in the area of effective communication skills with patients and families.

This CE **shall not** apply in computing Respondent's current CE requirements for license renewal.

Respondent shall seek and obtain pre-approval of the CE from the Board Chairperson, or their designee.

Respondent shall send requests for pre-approval and proof of the successful completion of the CE to the Department at **BPL-Monitoring@michigan.gov**.

2. COMPLIANCE WITH THE PUBLIC HEALTH CODE: Respondent shall comply with all applicable provisions of the Public Health Code and rules promulgated thereunder.
3. COSTS: Respondent shall be solely responsible for payment of all costs incurred in complying with the terms of this Order.

Respondent shall be automatically discharged from probation after six (6) months, PROVIDED Respondent has paid the fine as set forth below, has complied with the terms of this Order and has not violated the Public Health Code.

Respondent is FINED \$1,000.00, to be paid to the State of Michigan to be paid within six (6) months of the effective date of this Order. Respondent shall **direct payment** to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Compliance Section, P.O. Box 30189, Lansing, MI 48909**. The fine shall be paid by check or money order, made payable to the State of Michigan, and shall clearly display **File Number 43-18-149651**.

If Respondent fails to comply with the terms and conditions of this Order, Respondent's license shall be automatically suspended for a minimum of one (1) day. If, within six (6) months of the suspension of the license, Respondent complies with the terms of this Order, the license shall be automatically reinstated.

If Respondent's license remains suspended for more than six (6) months, reinstatement is not automatic. If Respondent applies for reinstatement of the license, application for reinstatement shall be in accordance with sections MCL 333.16245 and 333.16247.

If Respondent violates any provision of this Order, or fails to complete any term of the Order, the DSC may take disciplinary action pursuant to Mich Admin Code, R 338.1632 and MCL 333.16221(h).

This matter is a public record required to be published and made available to the public pursuant to the Michigan Freedom of Information Act, MCL 15.231 *et seq.*, and this action will be reported to the National Practitioner Data Bank and any other entity as required by state or federal law.

This Order shall be effective 30 days after the date signed by the DSC's Chairperson or authorized representative, as set forth below.

Dated: January 27, 2022

**MICHIGAN BOARD OF MEDICINE
DISCIPLINARY SUBCOMMITTEE**

By: 
Michael Draminski, Manager
Compliance Section
Bureau of Professional Licensing
Authorized Representative

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ADMINISTRATIVE COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs, by Cheryl Wykoff Pezon, Director, Bureau of Professional Licensing, complains against Respondent as follows:

1. The Michigan Board of Medicine is an administrative agency established by the Public Health Code, MCL 333.1101 *et seq.* Pursuant to MCL 333.16226, the Board's Disciplinary Subcommittee is empowered to discipline persons for violations of the Public Health Code.

2. Respondent is currently licensed to practice medicine in the state of Michigan and has a current controlled substance license.

3. At all relevant times, Pontiac General Hospital (facility) in Pontiac, Michigan, employed Respondent as a psychiatrist.

4. On October 17, 2017, Respondent was the admitting physician for patient O.S. (initials are used to protect the individuals' identities), a 25-year-old male with a long history of Schizoaffective Disorder, Bipolar type. The mother of patient O.S. reported that patient O.S. was aggressive, hostile, speaking incoherently, and not taking his medications. Patient O.S. remained hospitalized until October 31, 2017.

5. On October 19, 2017, social worker A.G. spoke with S.S., patient O.S.'s father/guardian, regarding patient O.S.'s baseline and to gather additional information. S.S. requested a conference with A.G. and Respondent to discuss patient O.S.'s treatment plan and medications.

6. On December 26, 2017, patient O.S. was again admitted to the facility due to violence, agitation at home, and hearing voices after he had an altercation with his father. Patient O.S. remained hospitalized until January 15, 2018.

7. On January 4, 2018, social worker A.G. spoke with S.S. about patient O.S.'s treatment progress. S.S. stated that patient O.S. had decompensated and requested a medication adjustment. Social worker A.G. documented that Respondent was notified.

8. On January 10, 2018, social worker A.G. spoke with S.S. regarding patient O.S.'s treatment progress. S.S. expressed concern with patient O.S.'s safety after a recent physical altercation and concerns with medications. S.S. requested to have patient O.S. transferred to another facility. Social worker A.G. documented that she notified Respondent and he agreed to call S.S.

9. As part of the investigation into Respondent's above conduct, the Department obtained an expert to review the matter. Upon review, the retained expert concluded that Respondent failed to exercise due care and departed from the minimal standards of care when his obligation to meet, communicate, or attempt to communicate with the parent/guardian when requested. The patient's record failed to contain evidence that Respondent, or a physician designee, contacted or attempted to contact the parent/guardian.

COUNT I

Respondent's conduct, as set forth above, evidences a violation of general duty, consisting of negligence or failure to exercise due care, including negligent delegation to or supervision of employees or other individuals, whether or not injury results, in violation of MCL 333.16221(a).

COUNT II

Respondent's conduct, as set forth above, evidences a departure from, or failure to conform to, minimal standards of acceptable and prevailing practice for the health profession, whether or not actual injury to an individual occurs, in violation of MCL 333.16221(b)(i).

COUNT III

Respondent's conduct, as set forth above, evidences a failure to keep and maintain a record for each patient for whom the licensee has provided medical services, including a full and complete record of tests and examinations performed, observations

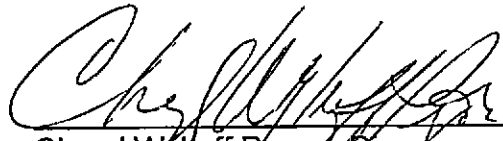
made, and treatments provided, contrary to MCL 333.16213(1), in violation of MCL 333.16221(h).

RESPONDENT IS NOTIFIED that, pursuant to MCL 333.16231(8), Respondent has 30 days from the date of receipt of this Complaint to answer this Complaint in writing and to show compliance with all lawful requirements for licensure. Respondent shall submit the response to the Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, MI 48909.

Respondent's failure to submit an answer within 30 days is an admission of the allegations in this Complaint. If Respondent fails to answer, the Department shall transmit this Complaint directly to the Board's Disciplinary Subcommittee to impose a sanction, pursuant to MCL 333.16231(9).

Dated: _____

12/18/18


Cheryl Wykoff Pezon, Director
Bureau of Professional Licensing

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