BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:	)	
Labeed Sami Nouri, M.D.	)	Case No. 800-2017-031782
Physician's and Surgeon's Certificate No. C 144916	)	
Respondent	)	

DECISION

The attached Stipulated Settlement and Disciplinary Order for Public Reprimand is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on March 29, 2018.

IT IS SO ORDERED February 27, 2018.

MEDICAL BOARD OF CALIFORNIA

By: Kristina Lawson
Kristina D. Lawson, J.D., Chair
Panel B

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General
KEITH C. SHAW
Deputy Attorney General
State Bar No. 227029
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 703-5385
Facsimile: (415) 703-5480
Attorneys for Complainant

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **LABEED SAMI NOURI, M.D.** 3058 Metropolitan Pkwy, Suite 204 Sterling Heights, MI 48310-3671 **Physician's and Surgeon's Certificate No. C 144916** Respondent.	Case No. 800-2017-031782 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER FOR PUBLIC REPRIMAND**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled proceedings that the following matters are true:

PARTIES

1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board of California (Board). She brought this action solely in her official capacity and is represented in this matter by Xavier Becerra, Attorney General of the State of California, by Keith C. Shaw, Deputy Attorney General.

2. Respondent Labeed Sami Nouri, M.D. (Respondent) is representing himself in this proceeding and has chosen not to exercise his right to be represented by counsel.

JURISDICTION

3. On or about September 1, 2016, the Board issued Physician's and Surgeon's Certificate No. C 144916 to Labeed Sami Nouri, M.D. The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2017-031782, and will expire on December 31, 2019, unless renewed.

4. Accusation No. 800-2017-031782 was filed before the Medical Board of California, Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on August 15, 2017. Respondent filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 800-2017-031782 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read and understands the charges and allegations in Accusation No. 800-2017-031782. Respondent has also carefully read and understands the effects of this Stipulated Settlement and Disciplinary Order for Public Reprimand.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent understands and agrees that the charges and allegations in Accusation No. 800-2017-031782, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and Surgeon's Certificate.

9. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual

basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest those charges.

10. Respondent agrees that his Physician's and Surgeon's Certificate is subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

11. This stipulation shall be subject to approval by the Medical Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order for Public Reprimand shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order for Public Reprimand, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

A. PUBLIC REPRIMAND

IT IS HEREBY ORDERED that Respondent Labeed Sami Nouri, M.D., Physician's and Surgeon's Certificate No. C 144916, shall be and hereby is publicly reprimanded pursuant to California Business and Professions Code section 2227, subdivision (a)(4). This public reprimand is issued as a result of the Michigan Board of Medicine's Consent Order and

Stipulation (Order), requiring Dr. Nouri to pay a fine in the amount $5000. The Order was based on findings that Dr. Nouri treated a patient with a stated diagnosis of cervical neck pain, yet also treated the patient for lower back issues without proper documentation. Inconsistent with the stated diagnosis, Respondent recommended and administered lumbar epidural injections without providing additional justification. There was no documentation in the patient chart that Respondent performed a necessary follow-up evaluation of the patient subsequent to the epidural injections, as set forth in Accusation No. 800-2017-031782.

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board.

DATED: 1/22/2018

LABEED SAMI NOURI, M.D.
Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

Dated: 1/22/18

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General

KEITH C. SHAW
Deputy Attorney General
Attorneys for Complainant

SF2017203870
41899981.doc

Exhibit A

Accusation No. 800-2017-031782

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO August 15 2017
BY Robyn Etzwater ANALYST

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General
KEITH C. SHAW
Deputy Attorney General
State Bar No. 227029
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 703-5385
Facsimile: (415) 703-5480
Attorneys for Complainant

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **Labeed Sami Nouri, M.D.** 5440 Whitehall Blvd. Oakland Township, MI 48306-2277 **Physician's and Surgeon's Certificate No. C 144916,** Respondent.	Case No. 800-2017-031782 **A C C U S A T I O N**

Complainant alleges:

PARTIES

1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official capacity as the Executive Director of the Medical Board of California (Board).

2. On or about September 1, 2016, the Medical Board issued Physician's and Surgeon's Certificate Number C 144916 to Labeed Sami Nouri, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2017, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

A. Section 2227 of the Code provides in part that the Board may revoke, suspend for a period not to exceed one year, or place on probation, the license of any licensee who has been found guilty under the Medical Practice Act, and may recover the costs of probation monitoring.

B. Section 2305 of the Code provides, in part, that the revocation, suspension, or other discipline, restriction, or limitation imposed by another state upon a license or certificate to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the federal government, that would have been grounds for discipline in California of a licensee under this chapter, shall constitute grounds for disciplinary action for unprofessional conduct against the licensee in this state.

C. Section 141 of the Code provides:

"(a) For any licensee holding a license issued by a board under the jurisdiction of the department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or another country shall be conclusive evidence of the events related therein.

"(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by that board that provides for discipline based upon a disciplinary action taken against the licensee by another state, an agency of the federal government, or another country."

CAUSE FOR DISCIPLINE

(Discipline, Restriction, or Limitation Imposed by Another State)

4. On March 15, 2017, the Michigan Board of Medicine (Michigan Board) issued a Consent Order and Stipulation (Order) regarding Respondent's license to practice medicine in the State of Michigan. The Order contains the following stipulated factual findings:

a. Respondent treated Patient B.S. (B.S.) at the St. Peters Medical Facility from July 2012 to June 2013. Respondent diagnosed B.S. with cervical neck pain and prescribed physical therapy to treat the presenting illness;

b. Inconsistent with the stated diagnosis, Respondent recommended lumbar epidural steroid injections and "D/C the physical therapy" in the patient records for B.S dated October 5, 2012. Respondent documented that B.S. had lumbago[1] in patient records dated October 12, 2012 and February 25, 2013. B.S.'s subsequent medical records indicate B.S. received physical therapy directed solely towards treating his neck;

c. On May 2, 2013, Respondent administered B.S. with L4-L5 and L4-S1 epidural injections, and L4-L5 and L5-S1 facet blocks. Aside from noting in B.S.'s patient records that B.S. had lower back pain that "was treated conservatively for awhile," Respondent failed to document any additional justification for the injections. Further, B.S.'s complete patient records show only conservative treatment for neck pain, not back pain;

d. Subsequent to receiving the injections, B.S.'s patient records do not reflect that Respondent performed any follow-up with B.S., including an assessment of B.S.'s pain level, an examination of the injection sites, or whether a neurological examination was conducted to check whether any nerve damage resulted from the injections.

A true and correct copy of the Order issued by the Michigan Board is attached as Exhibit A.

5. Respondent's license to practice medicine in the State of Michigan is subject to the following term pursuant to the Order: Respondent is fined $5,000. Failure to timely pay the fine shall result in a violation of the Order.

///

///

[1] Lumbago is pain in the muscles and joints of the lower back.

6. Respondent's conduct and the action of the Michigan Board, as set forth in paragraphs 4 and 5 above, constitute cause for discipline pursuant to sections 2305 and/or 141 of the Code.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate Number C 144916, issued to Labeed Sami Nouri, M.D.;

2. Revoking, suspending or denying approval of Labeed Sami Nouri, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Labeed Sami Nouri, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

4. Taking such other and further action as deemed necessary and proper.

DATED: August 15, 2017

KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
State of California
Complainant

SF2017203870
41804318.doc

EXHIBIT A

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

In the Matter of

LABEED SAMI NOURI, M.D.,
License No. 43-01-088422
_____/

Complaint No. 43-14-131637

CONSENT ORDER AND STIPULATION

CONSENT ORDER

An administrative complaint was filed with the Disciplinary Subcommittee of the Board of Medicine on December 28, 2015, charging Labeed Sami Nouri, M.D. (Respondent) with having violated sections 16221(a) and 16221(b)(i) of the Public Health Code, 1978 PA 368, as amended, MCL 333.1101 *et seq.*

The parties have stipulated that the Disciplinary Subcommittee may enter this consent order. The Disciplinary Subcommittee has reviewed the stipulation contained in this document and agrees that the public interest is best served by resolution of the outstanding complaint. Therefore, the Disciplinary Subcommittee finds that the allegations of fact contained in the complaint are true and that Respondent has violated sections 16221(a) and 16221(b)(i) of the Public Health Code.

Accordingly, for these violations, IT IS ORDERED:

Respondent is FINED $5,000.00 to be paid by check, money order or cashier's check made payable to the State of Michigan (with complaint number 43-14-131637

clearly indicated on the check or money order), and shall be payable within 60 days of the effective date of this order. The timely payment of the fine shall be Respondent's responsibility. Respondent shall mail the fine to: Bureau of Professional Licensing, Legal Affairs Division – Compliance Section, Department of Licensing and Regulatory Affairs, P.O. Box 30189, Lansing, Michigan 48909.

Respondent shall be responsible for all costs and expenses incurred in complying with the terms and conditions of this consent order.

Respondent shall be responsible for the timely compliance with the terms of this consent order. Failure to comply within the time limitations provided will constitute a violation of this order.

If Respondent violates any term or condition set forth in this order, Respondent will be in violation of Mich Admin Code, R 338.1632, and section 16221(h) of the Public Health Code.

This order shall be effective thirty days from the date signed by the Chairperson of the Disciplinary Subcommittee or the Disciplinary Subcommittee's authorized representative, as set forth below.

Signed on 3-15-17

MICHIGAN BOARD OF MEDICINE

By _____
Chairperson, Disciplinary Subcommittee

STIPULATION

The parties stipulate as follows:

1. The facts alleged in the complaint are true and constitute a violation of the Public Health Code.

2. Respondent understands and intends that, by signing this stipulation, he is waiving the right under the Public Health Code, rules promulgated under the Public Health Code, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.201 *et seq.*, to require the Department to prove the charges set forth in the complaint by presentation of evidence and legal authority, and to present a defense to the charges before the Disciplinary Subcommittee or its authorized representative. Should the Disciplinary Subcommittee reject the proposed consent order, the parties reserve the right to proceed to hearing.

3. The Disciplinary Subcommittee may enter the above Consent Order, supported by Board conferee James D. Rogers, M.D. Dr. Rogers or an attorney from the Licensing and Regulation Division may discuss this matter with the Disciplinary Subcommittee in order to recommend acceptance of this resolution.

4. Dr. Rogers and the parties considered the following factors in reaching this agreement:

A. During the compliance conference, Respondent provided a random sampling of patients he treated while providing care to B.S., as well as a random sample of patients Respondent treated since B.S. ceased being his patient. The patient records were reviewed, and the documentation was found to be adequate and the procedures prescribed were determined to be appropriate. Therefore, the documentation issues presented in B.S.'s case appear to be an isolated incident.

B. Based on the conversations during the compliance conference, Board conferee, Dr. Rogers, does not believe additional monitoring of Respondent's practice is necessary. Dr. Rogers believes Respondent's documentation issues in respect to B.S.'s care appear to be an isolated event.

By signing this stipulation, the parties confirm that they have read, understand and agree with the terms of the consent order.

AGREED TO BY:

Jessica A. Taub (P77540)
Assistant Attorney General
Attorney for Complainant
Dated: 1/24/17

AGREED TO BY:

Labeed Sami Nouri, M.D.
Respondent
Dated: 1-24-17

Nazek A. Gappy (P57776)
Attorney for Respondent
Dated: 1-24-17

LF: 2015-0115727-A\Nouri, Labeed \ Consent Order & Stipulation -2017-01-24

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

In the Matter of

LABEED SAMI NOURI, M.D.
License No. 43-01-088422 Complaint No. 43-14-131637
_____/

ADMINISTRATIVE COMPLAINT

Attorney General Bill Schuette, through Assistant Attorney General Jessica A. Taub, on behalf of the Department of Licensing & Regulatory Affairs, Bureau of Health Care Services (Complainant), files this complaint against Respondent Labeed Sami Nouri, M.D., alleging upon information and belief as follows:

1. The Board of Medicine, an administrative agency established by the Public Health Code, 1978 PA 368, as amended, MCL 333.1101, *et seq*, is empowered to discipline licensees under the Code through its Disciplinary Subcommittee (DSC).

2. Respondent is currently licensed to practice medicine pursuant to the Public Health Code.

3. Section 16221(a) of the Code provides the DSC with authority to take disciplinary action against a licensee for 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, or any conduct, practice, or condition which impairs, or may impair, the ability to safely and skillfully practice medicine.

4. Section 16221(b)(i) of the Code provides the DSC with authority to take disciplinary action against a licensee for incompetence, defined by MCL 333.16106(1) to mean: "[A] departure from, or failure to conform to, minimal standards of acceptable and prevailing practice for a health profession whether or not actual injury to an individual occurs."

5. Section 16226 of the Code authorizes the DSC to impose sanctions against persons licensed by the Board, if, after opportunity for hearing, the DSC determines that the licensee violated one or more of the subdivisions contained in section 16221.

FACTUAL ALLEGATIONS

6. Respondent owns and practices medicine at St. Peters Medical Center (SPMC) in Sterling Heights, Michigan

7. Respondent treated patient B.S. (initials used to protect patient confidentiality) at SPMC from July 2012 to June 2013.

8. Respondent diagnosed B.S. with cervical (neck) pain. Respondent prescribed B.S. physical therapy to address B.S.'s presenting illness.

9. In B.S's October 5, 2012 patient records, however, Respondent recommended lumbar epidural steroid injections and "D/C the physical therapy." In B.S.'s October 12, 2012 and February 25, 2013 patient records, Respondent documented that B.S. had lumbago. B.S.'s subsequent patient records show that B.S. continued to receive physical therapy treatments directed solely towards treating B.S.'s neck.

10. On May 2, 2013, Respondent gave B.S. an L4-5 epidural injection, L4-S1 epidural injection, L4-5 bilateral facet block and L5-S1 facet block.

11. Other than noting in B.S.'s patient records that B.S. had low back pain that "was treated conservatively for a while," Respondent did not document any other reasons for these May 2, 2013 injections. In fact, all B.S.'s patient records show conservative treatment for neck pain, not back pain.

12. Subsequent to receiving these injections, B.S's patient records do not show that Respondent performed any follow-up visit with B.S. For example, after B.S. received these injections there is no documentation that Respondent performed an assessment of B.S.'s pain level, no documentation that Respondent performed an examination of B.S.'s injection sites, and no documentation that a neurological examination of B.S. was conducted to check whether any nerve damage resulted from these injections.

COUNT I

Respondent's conduct described above constitutes negligence or failure to exercise due care, in violation of Section 16221(a) of the Code.

COUNT II

Respondent's conduct described above constitutes incompetence, in violation of Section 16221(b)(i) of the Code.

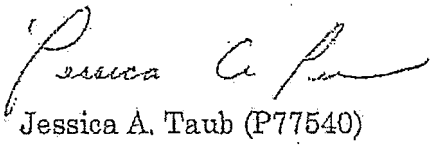
THEREFORE, Complainant requests that this Complaint be served upon Respondent and that Respondent be offered an opportunity to show compliance with all lawful requirements for retention of the aforesaid license. If compliance is not

shown, Complainant further requests that formal proceedings be commenced pursuant to the Public Health Code, rules promulgated pursuant to it, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 *et seq.*

RESPONDENT IS HEREBY NOTIFIED that, pursuant to section 16231(8) of the Public Health Code, Respondent has 30 days from receipt of this complaint to submit a written response to the allegations contained in it. The written response shall be submitted to the Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, Michigan, 48909, with a copy to the undersigned assistant attorney general. Further, pursuant to section 16231(9), failure to submit a written response within 30 days shall be treated as an admission of the allegations contained in the complaint and shall result in transmittal of the complaint directly to the Board's Disciplinary Subcommittee for imposition of an appropriate sanction.

Respectfully submitted,

BILL SCHUETTE
Attorney General



Jessica A. Taub (P77540)
Assistant Attorney General
Licensing & Regulation Division
P.O. Box 30758
Lansing, Michigan 48909
(517) 373-1146

Dated: December 28, 2015

LF: 2015-0115727-B/Nouri, Labeed Sami, M.D., 131637/Complaint – 2015-12-22