

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

**In the Matter of the Accusation  
Against:**

**Anthony T. Nasser, M.D.**

**Physician's & Surgeon's  
Certificate No A 113112**

**Case No. 800-2016-024117**

**Respondent.**

**DECISION**

**The attached Stipulated Settlement and Disciplinary Order 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 SEP 09 2020**

**IT IS SO ORDERED AUG 10 2020**

**MEDICAL BOARD OF CALIFORNIA**



**Kristina D. Lawson, J.D., Chair  
Panel B**

1 XAVIER BECERRA  
Attorney General of California  
2 ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General  
3 JOSEPH F. MCKENNA III  
Deputy Attorney General  
4 State Bar No. 231195  
600 West Broadway, Suite 1800  
5 San Diego, California 92101  
P.O. Box 85266  
6 San Diego, California 92186-5266  
Telephone: (619) 738-9417  
7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

9  
10 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **ANTHONY T. NASSER, M.D.**  
**355 Placentia Avenue, Suite 205**  
14 **Newport Beach, California 92663-3302**  
15 **Physician's and Surgeon's Certificate**  
**No. A 113112,**

16 Respondent.  
17

Case No. 800-2016-024117

OAH No. 2020020586

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

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

20 **PARTIES**

21 1. William Prasifka (Complainant) is the Executive Director of the Medical Board of  
22 California (Board). This action was brought by then Complainant Kimberly Kirchmeyer,<sup>1</sup> solely  
23 in her official capacity. Complainant is represented in this matter by Xavier Becerra, Attorney  
24 General of the State of California, and by Joseph F. McKenna III, Deputy Attorney General.

25 2. Respondent Anthony T. Nasser, M.D., (Respondent) is represented in this proceeding  
26 by attorney Peter R. Osinoff, Esq., whose address is: 355 South Grand Avenue, Suite 1750, Los  
27 Angeles, California, 90071.

28 <sup>1</sup> Ms. Kirchmeyer became the Director of the Department of Consumer Affairs on October 28, 2019.





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**DISCIPLINARY ORDER**

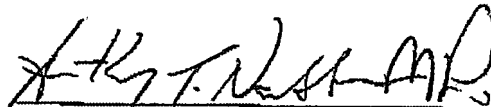
**1. PUBLIC REPRIMAND.**

IT IS HEREBY ORDERED that Respondent Anthony T. Nasser, M.D.'s, Physician's and Surgeon's Certificate No. A 113112 shall be and is hereby Publicly Reprimanded pursuant to California Business and Professions Code section 2227, subdivision (a), subsection (4). This Public Reprimand, which is issued in connection with the charges and allegations contained in Accusation No. 800-2016-024117, is as follows:


Respondent committed negligence by failing to document a proper examination of Patient A for his back pain and by failing to order an MRI for Patient A, as more particularly alleged in Accusation No. 800-2016-024117.

**ACCEPTANCE**

I have carefully read the above Stipulated Settlement and Disciplinary Order and have discussed it with my attorney, Peter R. Osinoff, Esq. I fully understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate No. A 113112. 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 Medical Board of California.

DATED: 7/15/20   
ANTHONY T. NASSER, M.D.  
Respondent

I have read and fully discussed with Respondent Anthony T. Nasser, M.D., the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 7/17/20   
PETER R. OSINOFF, ESQ.  
Attorney for Respondent

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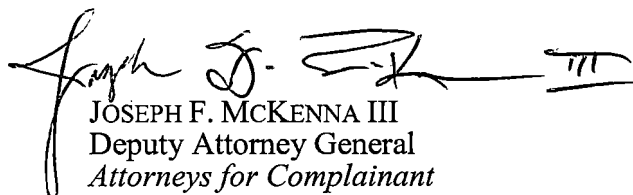
**ENDORSEMENT**

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

DATED: July 20, 2020

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General

  
JOSEPH F. MCKENNA III  
Deputy Attorney General  
*Attorneys for Complainant*

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Doc.No. 82384443

**Exhibit A**

**Accusation No. 800-2016-024117**

1 XAVIER BECERRA  
Attorney General of California  
2 ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General  
3 JOSEPH F. MCKENNA III  
Deputy Attorney General  
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8 *Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO June 20 20 19  
BY SRVA Pasion ANALYST

9  
10 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:  
14 **ANTHONY T. NASSER, M.D.**  
355 Placentia Avenue, Suite 205  
15 Newport Beach, CA 92663-3302  
16 **Physician's and Surgeon's Certificate**  
No. A113112,  
17  
18 Respondent.

Case No. 800-2016-024117

**A C C U S A T I O N**

19  
20  
21 **PARTIES**

22 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official  
23 capacity as the Executive Director of the Medical Board of California, Department of Consumer  
24 Affairs (Board).

25 2. On or about July 2, 2010, the Medical Board issued Physician's and Surgeon's  
26 Certificate No. A113112 to Anthony T. Nasser, M.D. (Respondent). Physician's and Surgeon's  
27 Certificate No. A113112 was in full force and effect at all times relevant to the charges brought  
28 herein and will expire on October 31, 2019, unless renewed.



JURISDICTION

1  
2       3.    This Accusation is brought before the Board, under the authority of the following  
3 laws. All section references are to the Business and Professions Code (Code) unless otherwise  
4 indicated.

5       4.    Section 2227 of the Code states, in pertinent part:

6           “(a) A licensee whose matter has been heard by an administrative law judge of  
7 the Medical Quality Hearing Panel as designated in Section 11371 of the Government  
8 Code, or whose default has been entered, and who is found guilty, or who has entered  
9 into a stipulation for disciplinary action with the board, may, in accordance with the  
10 provisions of this chapter:

11           “(1) Have his or her license revoked upon order of the board.

12           “(2) Have his or her right to practice suspended for a period not to exceed one  
13 year upon order of the board.

14           “(3) Be placed on probation and be required to pay the costs of probation  
15 monitoring upon order of the board.

16           “(4) Be publicly reprimanded by the board. The public reprimand may include a  
17 requirement that the licensee complete relevant educational courses approved by the  
18 board.

19           “(5) Have any other action taken in relation to discipline as part of an order of  
20 probation, as the board or an administrative law judge may deem proper.

21           “...”

22       5.    Section 2234 of the Code, states, in pertinent part:

23           “The board shall take action against any licensee who is charged with  
24 unprofessional conduct. In addition to other provisions of this article, unprofessional  
25 conduct includes, but is not limited to, the following:

26           “(a) Violating or attempting to violate, directly or indirectly, assisting in or  
27 abetting the violation of, or conspiring to violate any provision of this chapter.

28           “...”



1 disorder, paranoid schizophrenia, substance abuse disorder, and chronic back pain. Patient A had  
2 been experiencing suicidal thoughts with ongoing depressive symptoms. Patient A was admitted  
3 to S.D.P.H.'s Emergency Psychiatric Unit for safety, further observation, and psychiatric  
4 treatment. To address his chronic back pain, Patient A was prescribed ibuprofen.

5 9. On or about November 17, 2013, R.F., M.D., another staff physician at S.D.P.H., did  
6 a history and physical assessment of Patient A. R.F. noted that Patient A was "tired of living in  
7 pain, being homeless and [was] feeling very depressed." R.F. also observed that Patient A was  
8 "moaning and groaning" due to back pain, and used a walker to slowly walk to the exam room.  
9 Patient A told R.F. that his back problems started 20 years prior when he fell three stories while  
10 working as a carpenter. Patient A said that approximately five weeks prior, he tripped and fell at  
11 the park, and that he had severe back spasms ever since. Patient A also told R.F. that he had gone  
12 to other local hospitals three times prior for his back pain and was given pain medications, but  
13 that no x-rays had ever been ordered.

14 10. R.F. performed a physical exam on Patient A. He noted that Patient A was stiff in his  
15 mid-back, and that he had a great deal of difficulty sitting up, bending over, and straightening up.  
16 Patient A reported his pain level was "10/10" and that he had spasms up and down his mid- to  
17 lower-back. R.F. noted that Patient A's reflexes were absent at the knees and ankles, but that he  
18 did not have numbness or shooting pain in his legs. R.F.'s impressions included subacute severe  
19 mid-back pain superimposed upon a history of chronic mid-back pain from an old fall injury. He  
20 ordered x-rays of the thoracic and lumbar spines and prescribed Patient A Flexeril<sup>2</sup> and Vicodin<sup>3</sup>  
21 for severe back pain.

22 11. On or about November 18, 2013, x-rays of Patient A's spine were taken, and  
23 corresponding reports from the radiologist were sent to S.D.P.H. The impressions documented in  
24 the radiology reports included marked osteopenia,<sup>4</sup> wedge shaped compression deformities  
25

26 <sup>2</sup> Flexeril, brand name for cyclobenzaprine, is a muscle relaxant.

27 <sup>3</sup> Vicodin, brand name for hydrocodone and acetaminophen, is an opiate narcotic used to treat  
severe pain.

28 <sup>4</sup> Osteopenia is a condition in which bone density is below normal.

1 involving the inferior T10 and superior T11<sup>5</sup> endplates, and a subtle dextroscoliosis<sup>6</sup> of the lower  
2 dorsal spine. The radiologist recommended a follow up CT (computerized tomography) scan of  
3 the thoracic spine for further evaluation, and for Patient A's treating providers to consider a  
4 thoracic spine MRI (magnetic resonance imaging) as a follow up study.

5 12. On or about November 18, 2013, Respondent saw Patient A for a follow up visit.  
6 Respondent had reviewed the prior history and physical assessment done by R.F. as well the  
7 radiology reports. Respondent noted that Patient A was complaining of back pain, and that his  
8 pain level was "10/10." He noted Patient A's current medications, Flexeril and Vicodin, and that  
9 Patient A was using a walker. He also referenced the x-rays and the fact that no compression  
10 fractures were noted. Respondent reviewed Patient A's vital signs and performed a physical  
11 exam. He documented that Patient A was not in acute stress, and that his back had paraspinal  
12 tenderness. He wrote that Patient A had full range of motion, full motor strength, and normal  
13 reflexes.

14 13. In a subsequent interview with Board investigators, Respondent said that he had  
15 talked to Patient A about titrating off Vicodin during this visit because Patient A wanted to go to  
16 a shelter that prohibited the use of narcotics. Respondent told Board investigators that Patient A  
17 agreed to discontinue the Vicodin. This discussion was not documented in Respondent's progress  
18 note.

19 14. Respondent's assessment of Patient A was that he had back pain and spasms with no  
20 fracture. He prescribed acetaminophen, ibuprofen, and a topical analgesic cream for pain as  
21 needed. He showed Patient A back exercises he could try to relieve the pain.

22 15. Patient A remained at S.D.P.H. until on or about November 21, 2013. S.D.P.H.  
23 records show that from the time of Respondent's examination to the time Patient A left, Patient A  
24 complained that he could not get out of bed due to his back pain, told nurses he was in severe  
25 pain, and repeatedly asked for stronger pain medication.

26 ///

27 <sup>5</sup> T10 and T11 are two of twelve vertebrae that make up the central section of the vertebral  
28 column.

<sup>6</sup> Dextroscoliosis is a right-leaning curvature of the spine.



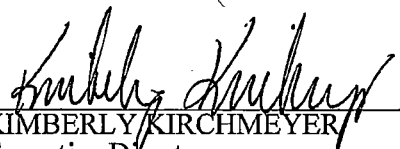
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2. Revoking, suspending or denying approval of Respondent Anthony T. Nasser, M.D.'s authority to supervise physician assistants, pursuant to section 3527 of the Code, and advanced practice nurses;

3. Ordering Respondent Anthony T. Nasser, 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: June 20, 2019

  
KIMBERLY KIRCHMEYER  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
*Complainant*

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