

1 **BEFORE THE NEVADA STATE BOARD OF OSTEOPATHIC MEDICINE**  
2 **NEVADA STATE BOARD OF OSTEOPATHIC MEDICINE**

JUN 01 2012

3 **IN THE MATTER OF:** )

**Case No. AD1202003**

4 **MICHAEL JENKINS, D.O.** )  
5 **License No. DO1451,** )  
6 **ACTION** )

**COMPLAINT FOR DISCIPLINARY ACTION**

**FILED**

7 **Respondent.** )  
8 )  
9 )  
10 )

11 The Nevada State Board of Osteopathic Medicine, by and through its investigating  
12 board member S. Paul Edwards, Esq., hereby makes the following complaint for disciplinary  
13 action against Dr. Michael Jenkins (License No. DO1451) pursuant to NRS 633.541(3) and  
14 622A.300(1). This complaint is made and based upon the following facts and causes of action.

15 I.

16 On September 25, 2008, Michael Jenkins, D. O. was licensed by the Board to practice  
17 osteopathic medicine in Nevada (License No. DO1451).

18 II.

19 On January 29, 2008, the Montana Board of Medical Examiners (the Montana Board)  
20 issued a Cease and Desist Order to Dr. Jenkins based upon Dr. Jenkins' activities of examining  
21 patients and writing prescriptions for patients in Montana while Dr. Jenkins did not have a  
22 Montana license to practice medicine.

23 III.

24 After receiving the Cease and Desist Order, Dr. Jenkins applied for a license with the  
25 Montana Board. On April 13, 2009, the Montana Board issued a Final Order in which it  
26 approved a stipulation between Dr. Jenkins and the Board's counsel in which the Board agreed  
27 to issue Dr. Jenkins a one-year probationary license. At the end of the year, Dr. Jenkins would  
28 be required to appear before the Montana Board so that the Montana Board could ascertain  
whether to extend the probationary license for another one-year period. During the first  
probationary year, Dr. Jenkins' employer would be required to supply quarterly reports  
confirming that his charts were being reviewed, that he was complying with an agreement he  
had made with the federal Drug Enforcement Agency (DEA) regarding reporting of his

1 controlled substances prescriptions, and that he was otherwise practicing in compliance with  
2 Montana law.

3 IV.

4 On June 22, 2010, the Montana Board summarily suspended Dr. Jenkins' license to  
5 practice medicine in Montana. At issue in the summary suspension were allegations that Dr.  
6 Jenkins had engaged in conduct that constituted boundary violations and disruptive behavior  
7 with fellow physicians.

8 V.

9 On September 17, 2010, the Montana Board of Medical Examiners vacated its summary  
10 suspension order and replaced it with a stipulated cessation of practice until Dr. Jenkins  
11 shared the results of his evaluation by the Acumen Treatment Center with the Montana Board  
12 and the Montana Professional Assistance Program (MPAP). The order vacating the summary  
13 suspension anticipated that after Dr. Jenkins shared the Acumen report with the Board and  
14 the MPAP there would be an aftercare contract with which Dr. Jenkins would be required to  
15 comply.

16 VI.

17 On May 20, 2011, the Montana Board entered a Final Order in its disciplinary matter  
18 regarding Dr. Jenkins. The Final Order approved a stipulation between Dr. Jenkins and the  
19 Board's Department Counsel by which Dr. Jenkins admitted to a boundary violation involving  
20 Dr. Jenkins' examination and treatment of a female staff member at Mountain View Hospital  
21 where, during the examination, Dr. Jenkins proposed to the patient that he would be  
22 interested in a private business partnership with her in which he would finance the business  
23 venture that the patient was considering. In the Final Order, the Board accepted Dr. Jenkins'  
24 voluntary surrender of his Montana medical license. The Final Order went on to require that  
25 before Dr. Jenkins could reenter the practice of medicine in Montana he would be required to  
26 file a new application and would be required to receive the unrestricted endorsement of the  
27 MPAP.

28 VII.

1 On August 2, 2011, Dr. Jenkins was arrested by the Las Vegas Metropolitan Police  
2 Department as a result of driving and weaving his vehicle at speeds as high as 65-70 miles per  
3 hour in a 45 mile per hour zone and extremely aggressive behavior exhibited toward the  
4 arresting officer. On August 31, 2011, the Las Vegas City Attorney's Office filed a Criminal  
5 Complaint against Dr. Jenkins alleging five counts: (A) Reckless Driving; (B) Obstructing a  
6 Police Officer; (C) Failure to Register a Pistol (a 9 mm semi-automatic pistol was found in Dr.  
7 Jenkins' car); (D) Failure to Obtain a Vehicle Registration After Becoming a Nevada Resident;  
8 and (E) Driving a Motor Vehicle Without a Driver's License. It is believed that Dr. Jenkins  
9 plead *nolo contendere* to reckless driving, disturbing the peace, and possession of an  
10 unregistered handgun, all misdemeanors. Additional details regarding the resolution of the  
11 Criminal Complaint will be available and will be presented at the hearing of this matter.

12 VIII.

13 On August 23, 2011, the Michigan Board of Medicine (Michigan Board) filed an  
14 administrative complaint against Dr. Jenkins resulting from Dr. Jenkins' failure to notify the  
15 Michigan Board of Medicine regarding the Cease and Desist Order by the Montana Board  
16 dated January 29, 2008, the Final Order from the Montana Board dated April 13, 2009, and  
17 the Final Order from the Montana Board dated May 20, 2011 within 30 days of each of these  
18 actions. On December 31, 2011, Dr. Jenkins failed to renew his Michigan license and the  
19 license is presently in a suspended status for such non-renewal. As of the date of this  
20 Complaint, the Michigan Board's Administrative Complaint remains unresolved.

21 IX.

22 On February 23, 2012, the Nevada State Board of Osteopathic Medicine received a  
23 complaint against Dr. Jenkins alleging that Dr. Jenkins had made threats against and was  
24 verbally abusive with a representative of a wholesaler from whom he had purchased 11 ounces  
25 of 70% Glycolic Acid in February 2012. Dr. Jenkins claimed that he was performing 20  
26 chemical peel treatments per week working with a fellow physician who Dr. Jenkins claimed  
27 was a "good friend and cosmetic surgeon" who was also performing 20 chemical peel  
28 treatments per week.

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X.

At no time has Dr. Jenkins notified the Board's office that he was working as a physician in Nevada at any location. Therefore, the Board's office is unaware of the identify of the "good friend and cosmetic surgeon" referenced by Dr. Jenkins and of the location from which Dr. Jenkins was performing his chemical peel procedures.

XI.

Dr. Jenkins' course of e-mails with the wholesaler showed that he believed that the 70% Glycolic Acid he had received was of a much higher pH than it was represented to be and that the product was not working. Dr. Jenkins demanded a refund. The e-mails from Dr. Jenkins became increasingly abusive and threatening. Even after the wholesaler ceased responding to Dr. Jenkins' e-mails, he continued to send abusive and threatening e-mails, culminating in an e-mail on March 1, 2012, which provided *in toto*:

Please go fuck yourself dipshit.

Just an FYI asshole. I will be getting a \$1,350,000 commission soon. When that happens I'm going to find you, crush your business like a bug and personally make your life a living hell. I will hire a PI to watch you day and night and destroy any and every opportunity you may have until you are living on the street. Think it can't happen. We'll just have to wait and see won't we.

PPS First rule of life. Don't fuck with people you don't know!!! You're gonna learn yours the hard way. Take care and have a nice life asshole.

XII.

As a result of the above related history and the complaint from the wholesaler, the IBM and Executive Director for the Nevada Board of Osteopathic Medicine were concerned with Dr. Jenkins' fitness to serve patients in Nevada, so on March 9, 2012 the IBM signed an order requiring Dr. Jenkins to participate in a psychiatric examination. The order was served on March 12, 2012. The order required Dr. Jenkins to undergo a psychiatric examination to be conducted by Dr. Melissa Piasecki. Dr. Jenkins was seen by Dr. Piasecki on March 27, 2012.

XIII.

On May 17, 2012 Dr. Piasecki issued her report regarding Dr. Jenkins after examining Dr. Jenkins' extensive history of issues with the various licensing boards with whom he was

1 licensed and other documents, and after personally examining Dr. Jenkins. Dr. Piasecki  
2 diagnosed Dr. Jenkins with Impulse Control Disorder (DSM IV-TR), which is described as:  
3 “Failure to resist an impulse, drive, or temptation to perform an act that is harmful to the  
4 person or to others.” Dr. Piasecki recommended that Dr. Jenkins be under the treatment of a  
5 psychiatrist for psychotropic medications and that he also receive counseling from an  
6 appropriate mental health professional. Dr. Piasecki’s ultimate conclusion was:

7 I find that Dr. Jenkins has significant limitations on his ability to safely practice  
8 medicine. This opinion is based on his history of unprofessional conduct in the form of  
aggression and boundary violations.

9 XIV.

10 Based upon Dr. Jenkins’ extensive history of significant issues related to  
11 boundary violations, aggression, and threatening behavior and Dr. Piasecki’s conclusion  
12 that Dr. Jenkins “has significant limitations on his ability to safely practice medicine,”  
13 on May 24, 2012, the IBM and the Executive Director issued an Order of Summary  
14 Suspension of License to Practice Osteopathic Medicine.

15 **FIRST CAUSE OF ACTION**

16 XV.

17 In voluntarily surrendering his Montana license to resolve a pending  
18 administrative action in Montana and in allowing his Michigan license to be suspended  
19 for non-renewal while an administrative action is pending against him where the effect  
20 of such actions is the suspension of his ability to practice medicine in Montana and  
21 Michigan, Dr. Jenkins violated Nevada Revised Statutes (NRS) 633.315(3) and/or  
22 633.511(1) and/or (3).

23 **SECOND CAUSE OF ACTION**

24 XVI.

25 In being convicted of reckless driving, disturbing the peace, and possession of an  
26 unregistered handgun pursuant to the August 31, 2011 Criminal Complaint filed by the  
27 Las Vegas City Attorney, Dr. Jenkins violated NRS 633.511(1) and (2)(i).

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**THIRD CAUSE OF ACTION**

XVII.

In failing to notify the Board's office that he was practicing medicine in Nevada and of the location in which he was practicing medicine in Nevada, Dr. Jenkins violated NRS 633.371 and Nevada Administrative Code (NAC) 633.260.

**FOURTH CAUSE OF ACTION**

XVIII.

In engaging in an abusive, virulent, and ultimately threatening course of behavior with a medical wholesaler regarding the simple and singular purchase of 70% Glycolic Acid for use in an unidentified and unknown practice somewhere in Nevada, Dr. Jenkins violated NRS 633.511(1).

**FIFTH CAUSE OF ACTION**

XIX.

In having been determined to have "significant limitations on his ability to safely practice medicine" by Dr. Piasecki based upon her psychiatric examination of Dr. Jenkins, Dr. Jenkins is presumed to be incompetent to practice osteopathic medicine with reasonable skill and safety to patients and has violated NRS 633.511(1) and/or (5) and/or (18) and/or NAC 633.370.

Wherefore, it is hereby requested that appropriate discipline be entered against Dr. Jenkins based upon this Complaint pursuant to NRS 633.651.

Signed this 1<sup>st</sup> day of June, 2012.

By: 

S. Paul Edwards, Esq.  
Investigating Board Member

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1. A hearing regarding this matter will be held before Hearing Officer Jill Greiner at the following date and place:

June 29, 2012 at 10:00 a.m. or as soon thereafter as possible

Board Conference Room  
901 American Pacific Drive, Unit 180  
Henderson, Nevada 89014

The intent of the hearing of this matter is to determine whether the allegations made against you in the above Complaint have been proven by a preponderance of the evidence, and if so, what discipline is appropriate. All documents you wish to file in this matter must be filed with the Board's office located at 901 American Pacific Drive, Unit 180, Henderson, Nevada 89014.

2. You may appear at the hearing of this matter. You may be represented by your counsel of choice. The hearing shall be conducted at an open and public hearing of the Board and shall be conducted in conformance with NRS chapters 233B, 622A, and 633 and NAC chapter 633, including your right to present testimony and evidence in support of your case and your right to cross-examine witnesses presented by the Board's staff.
3. Pursuant to NRS 622A.320(1), you may file an Answer to the above Complaint in this matter. To do so, you must file your Answer in writing with the Board's office within 20 days of your receipt of the above Complaint. Your failure to timely file an Answer to the Complaint may be deemed by the Hearing Officer or the Board to be an admission to the contents of the Complaint.
5. You may request that the Board issue subpoenas to compel the attendance of witnesses or the production of evidence at the hearing of the matter pursuant to NRS 633.281.
6. Should you choose not to appear at the hearing of the matter, the Board may enter a default against you and still proceed with the hearing of the matter in your absence pursuant to NRS 622A.350.
7. You may seek to negotiate a settlement regarding this matter. If you desire to discuss a potential settlement of the matter, you may contact Louis Ling, Board Counsel, at (775) 233-9099 or at [louisling@me.com](mailto:louisling@me.com).

**CERTIFICATE OF SERVICE**

1 I certify that I am an employee of the Osteopathic Medicine Board of Nevada and tha  
2 on this day I sent via e-mail to mjenkins67@yahoo.com pursuant to the explicit request of Dr  
3 Michael Jenkins and that I also deposited for certified mailing at Henderson, Nevada, postage  
4 prepaid, a true and correct copy of the foregoing document addressed to the following:  
5

6 DR. MICHAEL JENKINS  
7 8455 W. Sahara, #271  
8 Las Vegas, Nevada 89117

9 Dated this 1<sup>ST</sup> day of June, 2012.

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