

**STATE OF VERMONT
SECRETARY OF STATE
BOARD OF OSTEOPATHIC PHYSICIANS**

IN RE:	)	
CHRISTIAN NAHAS	)	Docket Nos: 2010-136
	)	2010-137
	)	2010-393
License No. 032.0000552	)	2011-48

STIPULATION AND CONSENT ORDER

NOW COMES the State of Vermont, by and through its State Prosecuting Attorney Annika Green and Respondent, Christian Nahas and hereby stipulate and agree:

Board Authority

1. The Vermont Board of Osteopathic Physicians and Surgeons ("Board") has jurisdiction to investigate and adjudicate complaints of unprofessional conduct against osteopathic physicians and surgeons pursuant to 3 V.S.A. §§ 129 and 129a; 26 V.S.A. §§ 1791, 1792, 1842 and 1843; the Rules of the Board; and the Rules of the Office of Professional Regulation.

Stipulated Facts

2. Christian Nahas ("Respondent") of Island Park, NY, is licensed by the State of Vermont as an Osteopathic Physician under license number 032.0000552. This license has been inactive since September 30, 2010.
3. On or about March 17, 2010, the Office of Professional Regulation ("OPR") received a complaint from a Vermont pharmacy alleging that Respondent was prescribing excessive amounts of narcotics to patients. This complaint led to a subsequent investigation by OPR. (2010-136).
4. On or about March 30, 2010, OPR received a complaint from a Vermont physician who was treating the same patient as Respondent and was concerned about Respondent excessively overprescribing to the patient. The physician alleged that Respondent had prescribed over 720 narcotics pills per month to the patient. This complaint led to an investigation by OPR. (2010-137).
5. On or about July 2, 2010, OPR received a complaint from a Vermont pharmacist alleging that Respondent was writing questionable prescriptions, where his patients had a smaller amount of narcotics prescribed in NY and a much larger amount simultaneously prescribed in Vermont. This complaint led to an investigation by OPR. (2010-393).

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6. On or about August 31, 2010, OPR received a complaint from the NY Program Integrity Unit alleging that Respondent was prescribing excessive amounts of prescription drugs, would only write prescriptions if cash was paid up front by the patient, and patients were required to set up a Federal Express account for their drug deliveries. This complaint led to an investigation by OPR. (2011-48).
7. At the times of all above complaints, Respondent was licensed as an Osteopathic Physician in New York.
8. On or about April 14, 2014, OPR Investigator Jamie Palmisano searched the NY State Office of Professional Regulations database and found that Respondent's NY Osteopathic Physician license in NY (#184118) had been revoked on or about August 20, 2012 per order of the NY Professional Medical Conduct Board. (Order No. 12-172). As part of the NY order, Respondent was required to surrender his license, close his practice and transfer all patients to another medical provider within 45 days.
9. On or about September 26, 2012, the US Drug Enforcement Agency ("DEA") took Respondent's voluntary surrender of his DEA registration and precluded Respondent from any patient contact and any practice of medicine, clinical or otherwise.
10. Respondent has requested, in lieu of litigating the issues below, the Board accept his voluntary surrender of license 032.0000552.

Violations

11. The above acts and circumstances, alone or in combination, violate:
 - a. 3 V.S.A. §129a(a)(3) (Failure to comply with provisions of federal or state statutes or rules governing the practice of the profession) and;
 - b. 3 V.S.A §129a(a)(15) (Failure to exercise independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession) and;
 - c. 3 V.S.A. §129a(b)(1) and (2) (Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes: (1) performance of unsafe or unacceptable patient or client care; or (2) failure to conform to the essential standards of acceptable and prevailing practice).

Understandings

1. This Stipulation is neither an admission of liability by the Respondent nor a concession by the State of Vermont that its charges are not well-founded. To avoid delay, uncertainty, inconvenience, and expense of protracted litigation of the charges above, the

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Parties reach a full and final Stipulation pursuant to these Understandings and the Order below. The Respondent agrees to the conditions outlined below.

2. The Respondent has read and reviewed this document fully and agrees that it contains the entire agreement between the parties.
3. This Stipulation and Consent Order is entered into voluntarily by the Respondent after the opportunity to consult with legal counsel. The Respondent has not been coerced by anyone into signing this Stipulation and Consent Order.
4. The Respondent is voluntarily waiving the right to a contested hearing before the Board and waives any right to appeal from this Stipulation and Consent Order.
5. The Respondent is of sound mind and is not under the influence of drugs or alcohol at the time of signature of this stipulation and consent order.
6. Respondent agrees that the Order set forth below may be entered by the Board.
7. The Respondent agrees to pay any and all costs associated with this Stipulation and Consent Order.

CONSENT ORDER

Based upon the above stipulation, it is **ORDERED AND ADJUDGED** as follows:

- A. The Board of Osteopathic Physicians and Surgeons hereby accepts the **VOLUNTARY SURRENDER** of the Respondent's license to practice as an osteopath commencing with the date of entry of this Stipulation and Consent Order.
- B. If, in the future, Respondent seeks reinstatement of his license the Board may condition his license with terms the Board finds reasonable at that time.
- C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).
- D. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

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AGREED TO:

Dated: 9.11.14

STATE OF VERMONT
SECRETARY OF STATE

By: Annika Green
Annika Green
State Prosecuting Attorney

CHRISTIAN NAHAS
RESPONDENT

Dated: 9/11/14

By: Charles Maximian
Christian Nahas
Attorney for Respondent,
Christian Nahas

APPROVED AND SO ORDERED:

VERMONT BOARD OF
OSTEOPATHIC PHYSICIANS AND
SURGEONS

Dated: 9/11/14

By: [Signature]
V- Chairperson

Date of Entry: 9/11/14

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CHRISTIAN NAHAS
RESPONDENT

Dated: 9/11/14

By: 
Christian Nahas

APPROVED AND SO ORDERED:

VERMONT BOARD OF
OSTEOPATHIC PHYSICIANS AND
SURGEONS

Dated: _____

By: _____
Chairperson

Date of Entry: 9/11/14

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**STATE OF VERMONT
BOARD OF OSTEOPATHIC PHYSICIANS AND SURGEONS**

In re: Christian S. Nahas
License No. 032-552

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Docket No. 2010-136, 2010-137
2010-393, 2011-48

Appearances:

Petitioner, State of Vermont: Annika Green
Respondent: Charles Merriman

Presiding Officer: Larry S. Novins

ORDER

On this date the Board accepted a Stipulation and Consent Order in the above matter.

As indicated on the record, the Board issues the following statement as part of these proceedings.

Notwithstanding section B of the Order, the Board retains its authority under 3 V.S.A. § 129 and 129a to deny Dr. Nahas a license should he ever reapply.

Board of Osteopathic Physicians and Surgeons

By: 
John J. Welch, Jr. Vice-Chair

Date: September 11, 2014

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 9/11/14