

**BEFORE THE IOWA BOARD OF MEDICINE**

\*\*\*\*\*

**IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST**

**NOSRAT A. MASSIH, M.D., RESPONDENT**

**FILE NO. 02-13-202**

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**STATEMENT OF CHARGES and SETTLEMENT AGREEMENT  
(Combined)**

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**COMES NOW** the Iowa Board of Medicine (Board) and Nosrat A. Massih, M.D., (Respondent), on March 6, 2014, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), enter into this combined Statement of Charges and Settlement Agreement.

**STATEMENT OF CHARGES**

1. Respondent was issued Iowa medical license no. 17391 on October 18, 1966.
2. Respondent's Iowa medical license is active and will next expire on May 1, 2014.
3. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 148 and 272C.

## COUNT I

4. **Discipline by Another Licensing Authority:** Respondent is charged pursuant to Iowa Code section 148.6(2)(d) and 653 IAC 23.1(1) with having a license to practice medicine and surgery or osteopathic medicine and surgery revoked or suspended, or having other disciplinary action taken by a licensing authority of another state, territory, or country. A certified copy of the order of disciplinary action is prima facie evidence.

### STATEMENT OF THE MATTERS ASSERTED

5. Respondent is an Iowa-licensed physician who formerly practiced internal medicine in Omaha, Nebraska. Respondent has retired from the practice of medicine.

6. **Nebraska Disciplinary Action:** On or about June 25, 2013, the Nebraska Department of Health and Human Services, Division of Public Health (Nebraska Board) filed a Petition for Disciplinary Action and Temporary License Suspension. The Nebraska Board charged Respondent with engaging in unprofessional conduct. On August 28, 2013, Respondent voluntarily surrendered his Nebraska medical license to resolve the pending disciplinary matter. See Attachment A.

### SETTLEMENT AGREEMENT

7. **VOLUNTARY SURRENDER:** Respondent voluntarily surrenders his Iowa medical license to resolve this matter.

8. Respondent voluntarily submits this Order to the Board for consideration.

9. Respondent agrees that the State's counsel may present this Order to the Board for consideration.

10. By entering into this Order, Respondent understands that he has a right to be represented by legal counsel, voluntarily waives any rights to a contested case hearing on the allegations in the Statement of Charges, and waives any objections to the terms of this Order.

11. This Order constitutes the resolution of a contested case proceeding.

12. Respondent understands that by entering into this combined Statement of Charges and Settlement Agreement, Respondent cannot obtain a copy of the investigative file. Pursuant to Iowa Code section 272C.6(4), a copy of the investigative file may only be provided to a licensee after a Statement of Charges is filed but before the final resolution of those charges.

13. Respondent understands that the Board is required by Federal law (45 C.F.R. 60.8) to report this disciplinary action to the National Practitioner Data Bank.

14. This Order becomes a public record available for inspection and copying upon execution in accordance with the requirements of Iowa Code Chapters 17A, 22 and 272C.

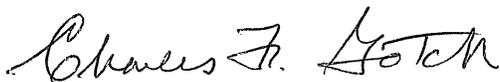
15. This Order is subject to approval of the Board. If the Board fails to approve this Order it shall be of no force or effect to either party.

16. The Board's approval of this Order shall constitute a **Final Order** of the Board.

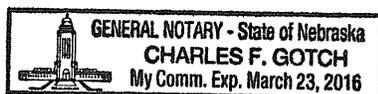


Nosrat A. Massih, M.D., Respondent

Subscribed and sworn to before me on February 18, 2014.



Notary Public, State of Nebraska.



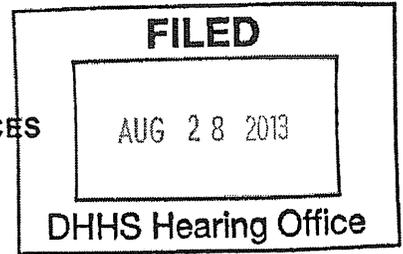
This Order is approved by the Board on March 6, 2014.

A handwritten signature in black ink, appearing to read "G. Hoversten". The signature is written in a cursive style with a large initial "G".

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Gregory B. Hoversten, D.O., Chairman  
Iowa Board of Medicine  
400 SW 8<sup>th</sup> Street, Suite C  
Des Moines, Iowa 50309-4686

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF PUBLIC HEALTH  
STATE OF NEBRASKA



STATE OF NEBRASKA ex rel., JON  
BRUNING, Attorney General,

Plaintiff,

vs.

NOSRAT MASSIH, M.D.,

Defendant.

Case No.: 13-1655

ORDER ON  
AGREED SETTLEMENT

A proposed Agreed Settlement was filed with the Department on August 20, 2013.

ORDER

1. The Agreed Settlement is adopted, attached hereto and incorporated by reference.
2. The facts as set out in the Petition are taken as true and adopted herein.
3. The parties shall comply with all of the terms of the Agreed Settlement.

DATED this 28<sup>th</sup> day of August, 2013.

Joseph M. Acierno, M.D., J.D.  
Chief Medical Officer  
Director, Division of Public Health  
Dept. of Health & Human Services

CERTIFICATE OF SERVICE

COMES NOW the undersigned and certifies that on the 28<sup>th</sup> day of August, 2013 a copy of the foregoing **ORDER ON AGREED SETTLEMENT** was sent certified United States Mail, postage prepaid, return receipt requested to defendant's attorney, Mark Enenbach, McGrath North, Frist National Tower, Suite 3700, 1601 Dodge Street, Omaha, NE 68102 and by e-mail to Julie Agena, Assistant Attorney General, at the e-mail address: ago.health@nebraska.gov.

DHHS Hearing Office  
P.O. Box 98914  
Lincoln, Nebraska 68509-8914  
P. (402) 471-7237 F. (402) 742-2376

RECEIVED

8/20/2013

THE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF PUBLIC HEALTH  
STATE OF NEBRASKA

In Camera Only

STATE OF NEBRASKA ex rel. )  
JON BRUNING, Attorney General )  
 )  
Plaintiff, )  
 )  
Vs. )  
 )  
NOSRAT MASSIH, MD, )  
 )  
Defendant. )

Case No. 13-1655

AGREED SETTLEMENT

The Plaintiff and the Defendant, Nosrat Massih, MD, in consideration of the mutual covenants and agreements contained herein, agree as follows:

1. The Defendant, Nosrat Massih, was issued a license (#12585) to practice as a physician by the Nebraska Department of Health and Human Services Division of Public Health ("Department").
2. Before disciplinary measures may be taken against the Defendant's license, the Defendant is entitled to a hearing as provided by law. The Defendant waives the right to a hearing. The Defendant waives any right to judicial review of an order by the Department's Chief Medical Officer which approves the terms of this Agreed Settlement.
3. No coercion, threats, or promises, other than those stated herein, were made to the Defendant to induce him to enter into this Agreed Settlement.
4. The Defendant acknowledges that he has read the Petition for: Disciplinary Action and Temporary License Suspension filed by the Attorney General's

Office. The Defendant neither admits nor denies the allegations of the Petition for: Disciplinary Action and Temporary License Suspension.

5. The Defendant hereby voluntarily surrenders his license to practice as a physician in the State of Nebraska, effective June 26, 2013, for a minimum period of two (2) years in lieu of a formal, public hearing.
6. The Defendant acknowledges that pursuant to Neb. Rev. Stat. §§ 38-1,100 and 38-1,109 (Reissue 2008) reinstatement of the Defendant's license in the State of Nebraska, after the two year minimum time, is at the discretion of the Department and by approval by the Board of Medicine and Surgery.
7. The Plaintiff and the Defendant consent, pursuant to this settlement agreement, to the Chief Medical Officer entering a final disciplinary order which finds that grounds exist to accept the voluntary surrender of the Defendant's license to practice as a physician. The Parties further consent to the Chief Medical Officer accepting the Defendant's surrender of his license in lieu of formal, public hearing.
8. Any Nebraska physician license in the possession of the Defendant shall be surrendered to the Department upon entry of the Chief Medical Officer's Order of Agreed Settlement.
9. The Attorney General's Office has given notice of this Agreed Settlement to the Board of Medicine and Surgery in accordance with Neb. Rev. Stat. § 38-190 (Reissue 2008).

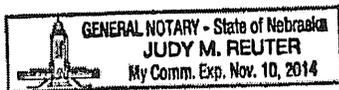
10. If this Agreed Settlement is not approved by the Chief Medical Officer, this Agreed Settlement shall become null and void and will not be admissible for any purpose at any hearing that may be held on this matter.

AGREED TO:

By: Nosrat Massih  
Nosrat Massih, MD,  
Defendant

State of Nebr )  
                          ) ss.  
County of Douglas )

Acknowledged before me by Nosrat Massih, MD, on this 16<sup>th</sup> day of August, 2013.



Judy M. Reuter  
Notary Public  
My Commission Expires: 11/10/2014

THE STATE OF NEBRASKA, ex rel.  
JON BRUNING, Attorney General  
Plaintiff,

By: JON BRUNING, #20351  
Attorney General

By: Julie L. Agena  
Julie L. Agena, #23137  
Assistant Attorney General  
2115 State Capitol  
Lincoln, NE 68509-8920  
(402) 471-1815

Attorneys for the Plaintiff.