

CENSURE: IC1640
Dr. SHAHROKH ALI NEJAD

On May 30, 2012, in accordance with Section 47(1)(c) of *The Medical Act*, the Investigation Committee censured Dr. Ali Nejad as a record of its disapproval of the deficiencies in his conduct. Censure creates a disciplinary record which may be considered in the future by the Investigation Committee or an Inquiry Panel when determining the action to be taken following an investigation or hearing.

I. PREAMBLE

Article 11 of the Code of Conduct requires that physicians limit treatment of themselves or members of their immediate family to minor or emergency services and only when another physician is not readily available. It is well understood by physicians that:

- “Emergency” pertains to those conditions that are a potential threat to life, limb or function, requiring rapid medical intervention; and that
- “Treatment” includes prescribing medication.

Article 41 of the Code of Conduct states that physicians must recognize that the self-regulation of the profession is a privilege and that each physician has a continuing responsibility to merit this privilege. That responsibility includes acting with integrity, honesty and being respectful in dealing with other health care providers and in all communications with the College. Writing a prescription and signing the name of another physician on that prescription and providing false and misleading information to the College are acts of professional misconduct.

II. THE RELEVANT FACTS ARE:

1. On November 20, 2010, Dr. Ali Nejad presented prescriptions for his wife and himself to a pharmacist. None of the prescriptions were required for emergency services and/or when another physician was not readily available. The prescriptions were dated November 20, 2010, written on a prescription pad typically used in pharmacies, and purportedly signed by Dr. X, one of Dr. Ali Nejad’s colleagues, who had prescribed the same medication to him in the past.

2. Shortly after Dr. Ali Nejad left the pharmacy, a customer approached the pharmacist to inform the pharmacist that he witnessed Dr. Ali Nejad outside of the store writing on a prescription pad.

3. The pharmacist contacted Dr. X and faxed copies of the prescriptions to Dr. X. The pharmacist asked if Dr. X had written the prescriptions that day and whether it was Dr. X’s signature on the prescriptions. Dr. X informed the pharmacist that Dr. X had not written the prescriptions. Dr. X explained that Dr. Ali Nejad was a physician and that Dr. Ali Nejad and his wife were friends and that Dr. X had written him prescriptions for the same medications in the past.

4. When Dr. Ali Nejad returned to the pharmacy to pick up the prescriptions, the pharmacist asked him who wrote the prescriptions. Dr. Ali Nejad indicated that Dr. X wrote them. The pharmacist advised Dr. Ali Nejad that she had spoken with Dr. X and faxed copies of the prescriptions to Dr. X and that Dr. X confirmed that Dr. X did not write the prescriptions.

5. Dr. Ali Nejad demanded the prescriptions back and that the pharmacist fill them. The pharmacist refused to do so and Dr. Ali Nejad became very agitated and behaved in a disrespectful manner to the pharmacist.

6. The pharmacist reported the matter to the College. During the course of the College's investigation, Dr. Ali Nejad was required to respond in writing to the concerns and to attend an interview with the Investigation Chair of the College.

7. In his written response, Dr. Ali Nejad stated that he did not intend to make it look like Dr. X had written the prescriptions, but only to provide the necessary information so that the pharmacist could contact Dr. X in order to confirm and fill the prescriptions.

8. With respect to the prescription for his wife, Dr. Ali Nejad explained that he had consulted Dr. X regarding his wife's condition and that although Dr. X did not write a prescription for his wife, Dr. Ali Nejad wrote the prescription and signed Dr. X's name based on the consultation. Dr. Ali Nejad said that he did this because he was concerned about the ethical restriction on prescribing for a family member.

9. Dr. X confirmed that Dr. X has never treated his wife as a patient but would have approved the prescription for his wife had Dr. X been consulted. Dr. X also confirmed that she had written a prescription for Dr. Ali Nejad for the subject medications approximately one week prior to November 20th.

10. When Dr. Ali Nejad was interviewed by the Investigation Chair of the College, he repeated and elaborated on the explanations in his written response. Dr. Ali Nejad insisted that he never intended to write the name of Dr. X to look like a signature or to mislead the pharmacist about the prescriptions.

11. Subsequently, Dr. Ali Nejad wrote to the College and acknowledged that his true intent when he wrote Dr. X's signature on the prescription was that the pharmacist would believe that the prescriptions had been written by Dr. X and that the pharmacist would dispense the medication previously prescribed by Dr. X for Dr. Ali Nejad and which he believed was approved by Dr. X for his wife.

12. Dr. Ali Nejad explained that he understands that what he did was wrong and that he believes that, at the time, he justified his actions because he knew that Dr. X had prescribed the medications and that he was re-recording valid prescriptions.

13. With respect to the false and misleading information Dr. Ali Nejad provided to the College, he has indicated that it is difficult for him to comprehend that he has been untrue to his own convictions as well as his duty to his profession. Dr. Ali Nejad has explained that he

panicked and acted in a manner which he believes is out of character. Dr. Ali Nejad has apologized for his conduct to the College and to the Investigation Chair. By accepting this Censure, Dr. Ali Nejad has also demonstrated that he understands that there must be consequences for his conduct and that he is prepared to accept those consequences.

III. ON THESE FACTS, THE INVESTIGATION COMMITTEE RECORDS ITS DISAPPROVAL OF DR. ALI NEJAD'S CONDUCT, IN PARTICULAR:

- in writing prescriptions for himself and his wife and signing the name of Dr. X on those prescriptions with the intent that the pharmacist to whom Dr. Ali Nejad presented the prescriptions would believe that the prescriptions were written by Dr. X;
- in providing false and misleading information to the pharmacist and treating the pharmacist with disrespect when the pharmacist challenged Dr. Ali Nejad on the authenticity of the prescriptions;
- in providing false and misleading information to the College in Dr. Ali Nejad's written correspondence with the College and when he was interviewed by the Investigation Chair of the College.

In addition to appearing before the Investigation Committee, Dr. Ali Nejad paid the costs of the investigation in the amount of \$4,155.53.