BEFORE THE NEVADA STATE BOARD OF OSTEOPATHIC MEDICINE

IN THE MATTER OF:  
MICHAEL JENKINS, D.O.  
License No. DO1451,  
ACTION  
Respondent.  

Case No. AD1202003  
COMPLAINT FOR DISCIPLINARY

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

I.

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

II.

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

III.

After receiving the Cease and Desist Order, Dr. Jenkins applied for a license with the Montana Board. On April 13, 2009, the Montana Board issued a Final Order in which it approved a stipulation between Dr. Jenkins and the Board's counsel in which the Board agreed to issue Dr. Jenkins a one-year probationary license. At the end of the year, Dr. Jenkins would 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
controlled substances prescriptions, and that he was otherwise practicing in compliance with Montana law.

IV.

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

V.

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

VI.

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

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

VIII.

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

IX.

On February 23, 2012, the Nevada State Board of Osteopathic Medicine received a complaint against Dr. Jenkins alleging that Dr. Jenkins had made threats against and was verbally abusive with a representative of a wholesaler from whom he had purchased 11 ounces of 70% Glycolic Acid in February 2012. Dr. Jenkins claimed that he was performing 20 chemical peel treatments per week working with a fellow physician who Dr. Jenkins claimed was a “good friend and cosmetic surgeon” who was also performing 20 chemical peel treatments per week.
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
licensed and other documents, and after personally examining Dr. Jenkins. Dr. Piasecki
diagnosed Dr. Jenkins with Impulse Control Disorder (DSM IV-TR), which is described as:
"Failure to resist an impulse, drive, or temptation to perform an act that is harmful to the
person or to others." Dr. Piasecki recommended that Dr. Jenkins be under the treatment of a
psychiatrist for psychotropic medications and that he also receive counseling from an
appropriate mental health professional. Dr. Piasecki’s ultimate conclusion was:

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

XIV.

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

FIRST CAUSE OF ACTION

XV.

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

SECOND CAUSE OF ACTION

XVI.

In being convicted of reckless driving, disturbing the peace, and possession of an
unregistered handgun pursuant to the August 31, 2011 Criminal Complaint filed by the
Las Vegas City Attorney, Dr. Jenkins violated NRS 633.511(1) and (2)(i).
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 1st day of June, 2012.

By: [Signature]

S. Paul Edwards, Esq.
Investigating Board Member
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.
CERTIFICATE OF SERVICE

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

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

Dated this ___st___ day of June, 2012.

Sonya McAllister