

State of Rhode Island
Department of Health
Board of Medical Licensure & Discipline



IN THE MATTER OF:
Khaled Yehia, MD
License No.: MD 13748
Case Nos.: 21-1528 B

CONSENT ORDER

The Rhode Island Board of Medical Licensure and Discipline has reviewed and investigated the above-referenced complaint regarding Dr. Khaled Yehia.

FINDINGS OF FACT

1. The Rhode Island Board of Medical Licensure and Discipline (hereinafter "Board") has reviewed and investigated the above referenced complaint pertaining to Dr. Khaled Yehia (hereinafter "Respondent") through its Investigative Committee.
2. Respondent graduated from University of Cairo in 1978, and his physician license in Rhode Island was issued on August 23rd, 2011. He does not report a specialty.
3. Respondent lists a place of business, among others, at America's Vein Center in East Greenwich and in Lincoln.
4. The Board received a previous complaint (C20-1186) against the owner of the America's Vein Center. Dr. Yehia is not, and was not, the owner of the practice. The complaint alleged that expired medications were maintained at the practice locations. The Board did an announced inspection on August 28th, 2020 and found there were no expired medications or deficiencies.

5. The Board received an anonymous complaint concerning the practice and its owner on November 5, 2021. Dr. Yehia is not, and was not, the owner of the practice. The complaint stated *“PLEASE DO NOT TELL HIM YOU ARE VISITING. HE WILL HIDE EVERYTHING IN HIS OFFICE!!!! In both of his offices, Dr. Boris Bergus carries expired solutions. He also injects old solutions that he mixes with Botox, that expired in 2012. He also changed his company names 3 times in 2020 in order to collect the PPE loan and never once gave the workers a covid relief bonus. He has a medical assistant who is acting as a ultrasound tech. who has no certification. Also medical assistants insert IVs. On your site it clearly states medical assistants ARE NOT allowed to do that. Insurance carriers have banned him for being a fraud. He uses Dr. Kaled Yehia’s name for all billing purposes. Go into his office UNSUSPECTLY and you will see what I am talking about. All of his cosmetic machines are made from Korea Alibaba”. His fillers are purchased through Alibaba which are \$20 per unit when regular fillers (like Restalyne) are \$400. HE WILL CHARGE PTS 650\$ for 20\$ filler he bought from alibaba ! Please visit without him knowing. Only way he will get caught !*

6. The Investigative Committee of the Board met on November 17th, 2021 and reviewed the instant complaint. The committee ordered the investigators to conduct an unannounced, in-person inspection of both offices to investigate the above referenced matter.

7. On December 2nd, 2021, two investigative teams were dispatched to the East Greenwich Site and to the Lincoln site to arrive at noon and conduct unannounced inspections at a time, which based on previous experience, was least disruptive to the office. The teams were designated as Team A to inspect the Lincoln Site and Team B to inspect the East Greenwich site. Each team included a Board representative and RIDOH pharmacy representative.

8. Both inspection teams found deficiencies in infection prevention and expired medications

at these offices. These facts were deemed to be an immediate danger to the public. This was documented in the Summary Suspensions of the owner of the practice and the Respondent. The Summary Suspension occurred on December 10th, 2021.

9. Respondent appeared before the Investigative Committee December 22, 2021 and explained that he was an employee of the practice and not the owner. He also stated that he is the Medical Director of the practice located in Norwood, Massachusetts and only for the purposes of certification of a specific procedure for vein surgery. Respondent contends that he was not the Medical Director for the Rhode Island locations. He informed the Committee that he practices at other facilities, located in Massachusetts.

10. Respondent avers he has no role in ordering medications, storing medications, or supervising staff; rather, he is only there to evaluate and treat patients for vein related pathology.

11. At his appearance before the Board, Respondent explained he is unaware of having administered any expired medications in his work at the practice. He explained that while performing medical procedures, medications were handed to him in syringes that are unlabeled but color-coded, e.g., a black sticker for xylocaine and an orange sticker for a sclerotherapy medication. Respondent stated the syringes were preloaded by staff, then placed in a kidney basin prior to use during these surgical procedures.

12. Respondent also avers he had no indication or knowledge of expired medications being stored or used in the office. Respondent's undated, electronic signature does appear on a statement each year for the practice on the policy titled "Disposal of Expired or Used Supplies Protocol" that indicates this policy has been reviewed and they are in compliance. Respondent adamantly denies that he reviewed and signed the document or authorized anyone else to sign the document on his behalf.

13. The investigative committee concluded Respondent did not implement safeguards to prevent expired medications from being present and utilized in a practice where he was employed. The Investigative Committee further determined that Respondent did not exercise due diligence in his role as the signatory of the aforementioned policy. Respondent denies that he signed the policy and that his role as medical director encompassed responsibility for and oversight of this policy. Dr. Yehia affirmatively states that his role as a Medical Director was limited to his practice at the Norwood, Massachusetts office.

14. The Investigative Committee affirmed the Director's decision to issue the Summary (but temporary) Suspension regarding Respondent.

15. The Investigative Committee determined that the Respondent is in violation of R.I. Gen. Laws § 5-37-5.1 (19).

Based on the foregoing, the parties agree as follows:

1. Respondent admits to the jurisdiction of the Board.
2. Respondent has agreed to this Consent Order and understands that it is subject to final approval of the Board, and this Consent Order is not binding on Respondent until final ratification by the Board.
3. If ratified by the Board, Respondent hereby acknowledges and waives:
 - a. The right to appear personally or by counsel or both before the Board;
 - b. The right to produce witnesses and evidence on his behalf at a hearing;
 - c. The right to cross examine witnesses;
 - d. The right to have subpoenas issued by the Board;
 - e. The right to further procedural steps except for those specifically contained herein;

- f. Any and all rights of appeal of this Consent Order;
 - g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review; and
 - h. Any objection that this Consent Order will be reported to the National Practitioner Data Bank and Federation of State Medical Boards, as well as posted on the Department's public web site.
4. The Board will reinstate Respondent's license, and agrees without further order from the Board, so long as the following conditions are met:
- a. Respondent will not treat patients at America's Vein Center, until both of its Rhode Island offices have been inspected by RIDOH and all infection prevention and medication issues are corrected.
 - b. Respondent will, from this point forward, require staff to verify that each medication used in any procedure in which he is involved is for the correct patient, dose and site. He will require staff to verify the expiration date and appropriate labeling that is consistent with the practices and procedures of any facility in Rhode Island in which he treats patients.
 - c. Respondent will not treat patients at America's Vein Center, until that medical practice has retained and established the services of Affiliated Monitors (at the practice's expense) to conduct weekly verifications of office infection prevention practices as well as medication safety protocols until relieved of this requirement from the Board.

- d. Respondent at his own expense, shall complete and successfully pass the Center for Personalized Education for Physician (CPEP), Problem Based Ethics and Boundaries and Course (Probe) within 6 months of ratification of this order. Respondent will send notice of compliance with this condition to DOH.PRCompliance@health.ri.gov within 30 days of mailing the above-referenced payment.
- e. Respondent's license is on probation for 2 years from ratification of this order and terminates without further order of the Board if there is compliance.
- f. Respondent agrees to pay to the Board, within five days of the ratification of this Consent Order, an administrative fee in the amount of \$1500.00, for costs associated with investigating the above-referenced complaint. Such administrative fee is to be paid by check, made payable to the "Rhode Island General Treasurer." Respondent will send notice of compliance with this condition to DOH.PRCompliance@health.ri.gov within 30 days of mailing the above-referenced payment.
- g. If Respondent violates any term of this Consent Order after it is signed and accepted, the Director of the Department of Health shall have the discretion to impose further disciplinary action, including immediate suspension of his medical license. If the Director imposes further disciplinary action, Respondent shall be

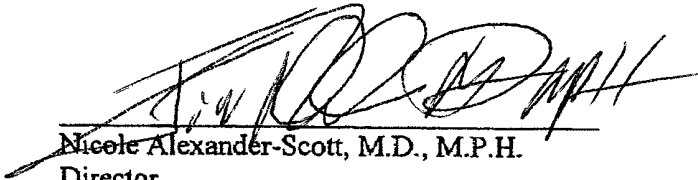
given notice and shall have the right to request a hearing within 20 days of the suspension and/or further discipline. The Director of the Department of Health shall also have the discretion to request a hearing after notice to Respondent of a violation of any term of this Consent Order. The Board may suspend Respondent's license, or impose further discipline, for the remainder of Respondent's licensure period if any alleged violation is proven by a preponderance of evidence.

[Signature Page Follows]

Signed this 5th day of January 2022.

Yehia 1-05-2022
Khaled Yehia, MD

Ratified this 2nd day of January 2022 by the Board of Medical Licensure and Discipline.


Nicole Alexander-Scott, M.D., M.P.H.
Director
Rhode Island Department of Health
3 Capitol Hill, Room 401
Providence, Rhode Island 02908

