

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA

In The Matter of Charges and
Complaint Against
STEPHEN SELDON, M.D.,
Respondent.

NO. Case No. 08-10701-2
FILED December 1, 2008
[Signature]
CLERK OF THE BOARD

ORDER FOR SUMMARY SUSPENSION OF LICENSE TO PRACTICE
MEDICINE

This matter came on for hearing at an emergency meeting of the Nevada State Board of Medical Examiners (Board) convened pursuant to NRS 241.020 and conducted telephonically on the 1st day of December, 2008, to consider the request for summary suspension of Respondent's license to practice medicine filed herein on December 1, 2008 by the Board's Investigative Committee. A quorum of the members of the Board who constitute the adjudicative panel in this case, consisting of Sohail U. Anjum, M.D., Javaid Anwar, M.D., S. Daniel McBride, M.D., Ms. Renee West and Mr. Van V. Heffner, Board Members, were present telephonically. Also present telephonically was Christine Guerci-Nyhus, Chief Deputy Attorney General as counsel for the Board. Lyn E. Beggs, General Counsel for the Board, appeared as counsel for the Investigative Committee.

The adjudicative panel reviewed the Investigative Committee's Complaint, the request for summary suspension contained therein, and the attached exhibits. Upon review of the Complaint, request for summary suspension and attached exhibits, as well as the argument and presentation of counsel for the Investigative Committee, the adjudicative members of the Board find and conclude by a preponderance of evidence:

1. That Dr. Seldon is a physician licensed to practice medicine in the State of Nevada performing primarily cosmetic medical procedures at a medical practice that was known as "A

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1 New You Medical Aesthetics” (“A New You”), now known as “Medical Aesthetics and
2 Cosmetic Surgery”; and

3 2. That between October 2003 and September 2005, Dr. Seldon and his wife
4 purchased botulinum neurotoxin type A from Toxin Research International (“TRI”) which was
5 not an FDA approved manufacturer of botulinum neurotoxin type A for human use. The
6 botulinum neurotoxin type A manufactured by “TRI” was known as TRItox and each vial was
7 labeled, “For research purposed only, not for human use.” This warning was repeated on TRI’s
8 invoices; and

9 3. That despite labeling and warnings regarding TRItox not being for human use,
10 Dr. Seldon administered TRItox to his patients at “A New You” without informing them that he
11 was not administering FDA-approved Botox, the only botulinum neurotoxin type A approved for
12 human use, which is manufactured by Allergan. “A New You” and Dr. Seldon also made certain
13 representations regarding his training by Allergan, his expertise based on that training and his use
14 of Botox; and

15 4. That based on conduct of Dr. Seldon and his wife, each was charged by Criminal
16 Indictment resultant from a federal grand jury with fourteen counts of mail fraud under 18 U.S.C.
17 § 1341 and one count of misbranding a drug while held for sale under 21 U.S.C. § 331(k). A jury
18 trial was held and on November 19, 2008, the jury found both Dr. and Mrs. Seldon guilty of each
19 of the fifteen counts made against them. They were released upon their own recognizance
20 pending sentencing which is set for February 19, 2009; and

21 5. That based upon the conviction of Dr. Seldon, the Nevada State Board of
22 Pharmacy immediately suspended his controlled substance registration pursuant to
23 NRS 630.2121 on November 24, 2008; and

24 6. That the Investigative Committee of the Nevada State Board of Medical
25 Examiners has also recently filed a disciplinary action containing two counts of malpractice
26 regarding Dr. Seldon’s care a of patient who underwent a tumescent liposuction procedure which
27 he performed; and

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1 7. That unforeseen circumstances have arisen and exist that pose a risk of
2 impairment of the health and safety of the public and that require immediate Board action,
3 especially as it is believed that Dr. Seldon is currently practicing medicine, primarily cosmetic
4 medical procedures, while he is out of custody pending sentencing, which could include
5 substantial prison time, on criminal charges related to conduct that placed his patients at risk and
6 showed a substantial disregard for their safety and welfare and accordingly is able to engage in
7 the same course of conduct described in this Order. Therefore, emergency action by the Board to
8 prevent Dr. Seldon from seeing and treating patients or other members of the public is needed as
9 allowing Dr. Seldon to continue to practice medicine poses an unacceptable risk to the citizens of
10 Nevada.

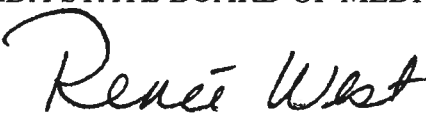
11 Now therefore, pursuant to NRS 233B.127:

12 **IT IS HEREBY ORDERED** that the license of Respondent, Stephen Seldon, M.D.,
13 (License Number 7343) to practice medicine in the state of Nevada is hereby suspended pending
14 proceedings for disciplinary action pursuant to the Complaint filed herein and issuance of a final
15 order, or until further order of this Board.

16 Dated this 1st day of December, 2008.

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NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 
Renee West
Secretary-Treasurer