

1 **BEFORE THE BOARD OF MEDICAL EXAMINERS**
2 **OF THE STATE OF NEVADA**

3 * * * * *

4
5 **In the Matter of Charges and**
6 **Complaint Against**
7 **Jorge Hernan Perez-Cardona, M.D.,**
8 **Respondent.**

Case No. 17- 25257-1

FILED

OCT 23 2017

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: 

9
10 **COMPLAINT**

11 The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners,
12 hereby issues this formal Complaint against Jorge Hernan Perez-Cardona, M.D. (hereinafter
13 referred to as Dr. Perez or Respondent), a licensed physician in Nevada. After investigating this
14 matter, the IC has a reasonable basis to believe that Respondent has violated provisions of Nevada
15 Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630
16 (collectively, the Medical Practice Act).

17 The IC alleges the following facts:

18 1. Respondent is a medical doctor currently licensed in active status (License No.
19 10108). Respondent was issued his license from the Nevada State Board of Medical Examiners
20 on March 13, 2002, pursuant to NRS Chapter 630.

21 **A. Respondent's Procuring and Administering of Drugs Not Approved by the FDA.**

22 2. From about September 2011 to about February 2012, Respondent procured
23 controlled substances and dangerous drugs, as defined in Chapter 454 of NRS, that were not
24 approved by the United States Food and Drug Administration (FDA), including, but not limited to,
25 Aloxi, Mabthera and Altuzan (collectively, controlled substances/dangerous drugs), from a
26 pharmacy or pharmacies not licensed to sell controlled substances and dangerous drugs in the
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28 ¹ The Investigative Committee of the Nevada State Board of Medical Examiners, at the time the filing of this
Complaint was approved, was composed of Wayne Hardwick, M.D., Theodore B. Berndt, M.D., and Mr. M. Neil
Duxbury.

1 State of Nevada, and/or delegated to a medical assistant the task of procuring these
2 aforementioned controlled substances and dangerous drugs.

3 3. On information and belief, Respondent's procurement, whether personally or by
4 his medical assistants at his direction, of the aforementioned controlled substances and dangerous
5 drugs that were not approved by the FDA and from a pharmacy or pharmacies not licensed to sell
6 controlled substances and dangerous drugs in the State of Nevada, was knowing and willful.

7 4. From about September 2011 to about February 2012, Respondent administered to
8 his patients, without verifying their permissible use, controlled substances and dangerous drugs, as
9 defined in Chapter 454 of NRS, that were not approved by the FDA, including, but not limited to,
10 Aloxi, Mabthera and Altuzan, or delegated to a medical assistant the task of verifying the
11 permissible use of the aforementioned.

12 5. On information and belief, Respondent's administration of controlled substances
13 and dangerous drugs that were not approved by the FDA was knowing and willful.

14 6. Pursuant to NAC 630.810(a), a delegating practitioner may delegate to a medical
15 assistant the performance of a task if the delegating practitioner knows that the medical assistant
16 possesses the knowledge, skill and training to perform the task safely and properly, among other
17 requirements.

18 7. Pursuant to NAC 630.830, a delegating practitioner retains responsibility for the
19 safety and performance of each task which is delegated to a medical assistant.

20 **Count I**

21 **NRS 630.306(1)(q)**

22 **(Knowingly or Willfully Procuring Controlled Substances**
23 **and Dangerous Drugs Not Approved by the FDA)**

24 8. All of the allegations contained in the above paragraphs are hereby incorporated by
25 reference as though fully set forth herein.

26 9. NRS 630.306(1)(q) provides that knowingly or willfully procuring a controlled
27 substance or a dangerous drug that is not approved by the FDA is grounds for initiating
28 disciplinary action or denying licensure.

1 used for medical purposes in accordance with Chapter 453A of NRS, nor investigational drugs or
2 biological products prescribed to a patient pursuant to NRS 630.3735 or 633.6945.

3 18. Respondent's conduct in administering the controlled substances and dangerous
4 drugs at issue was knowing and willful.

5 19. By reason of the foregoing, Respondent is subject to discipline by the Nevada
6 State Board of Medical Examiners as provided in NRS 630.352.

7 **Count III**

8 **NRS 630.306(1)(r)**

9 **(Failure to Adequately Supervise a Medical Assistant)**

10 20. All of the allegations contained in the above paragraphs are hereby incorporated
11 by reference as though fully set forth herein.

12 21. Pursuant to NRS 630.306(1)(r), the failure to adequately supervise a medical
13 assistant pursuant to the regulations of the Board is grounds for initiating disciplinary action or
14 denying licensure.

15 22. Respondent failed to adequately supervise the medical assistant or assistants who
16 procured at his direction controlled substances and dangerous drugs that were not approved by the
17 FDA, including, but not limited to, Aloxi, Mabthera and Altuzan.

18 23. Pursuant to NAC 630.830, Respondent, as the delegating practitioner, is
19 professionally responsible for the conduct of his medical assistant or assistants who procured
20 controlled substances and dangerous drugs that were not approved by the FDA.

21 24. By reason of the foregoing, Respondent is subject to discipline by the Nevada
22 State Board of Medical Examiners as provided in NRS 630.352.

23 **Count IV**

24 **NRS 630.306(1)(r)**

25 **(Failure to Adequately Supervise a Medical Assistant)**

26 25. All of the allegations contained in the above paragraphs are hereby incorporated by
27 reference as though fully set forth herein.

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1 26. Pursuant to NRS 630.306(1)(r), the failure to adequately supervise a medical
2 assistant pursuant to the regulations of the Board is grounds for initiating disciplinary action or
3 denying licensure.

4 27. Respondent failed to adequately supervise the medical assistant or assistants who
5 administered at his direction controlled substances and dangerous drugs, as defined in Chapter 454
6 of NRS, that were not approved by the FDA, including, but not limited to, Aloxi, Mabthera and
7 Altuzan.

8 28. Pursuant to NAC 630.830, Respondent, as the delegating practitioner, is
9 professionally responsible for the conduct of his medical assistant or assistants who administered,
10 without verifying their permissible use, controlled substances and dangerous drugs that were not
11 approved by the FDA.

12 29. By reason of the foregoing, Respondent is subject to discipline by the Nevada State
13 Board of Medical Examiners as provided in NRS 630.352.

14 **WHEREFORE**, the Investigative Committee prays:

15 1. That the Nevada State Board of Medical Examiners give Respondent notice of the
16 charges herein against him and give him notice that he may file an answer to the Complaint herein
17 as set forth in NRS 630.339(2) within twenty (20) days of service of the Complaint;

18 2. That the Nevada State Board of Medical Examiners set a time and place for a
19 formal hearing after holding an Early Case Conference pursuant to NRS 630.339(3);

20 3. That the Nevada State Board of Medical Examiners determine what sanctions to
21 impose if it determines there has been a violation or violations of the Medical Practice Act
22 committed by Respondent;

23 4. That the Nevada State Board of Medical Examiners make, issue and serve on
24 Respondent its findings of fact, conclusions of law and order, in writing, that includes the
25 sanctions imposed; and

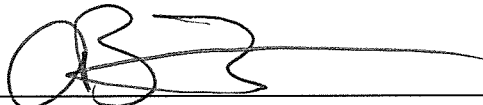
26 5. That the Nevada State Board of Medical Examiners take such other and further
27 action as may be just and proper in these premises.

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DATED this 25 day of October, 2017.

INVESTIGATIVE COMMITTEE OF
THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:  _____

Robert Kilroy, Esq., General Counsel
Aaron Bart Fricke, Esq., Deputy General Counsel
Attorneys for the Investigative Committee

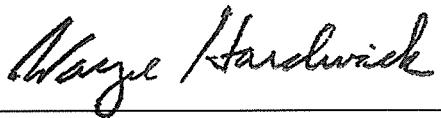
VERIFICATION

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STATE OF NEVADA)
 : ss.
COUNTY OF WASHOE)

Wayne Hardwick, M.D., having been duly sworn, hereby deposes and states under penalty of perjury that he is the Chairman of the Investigative Committee of the Nevada State Board of Medical Examiners that authorized the Complaint against the Respondent herein; that he has read the foregoing Complaint; and that based upon information discovered in the course of the investigation into a complaint against Respondent, he believes that the allegations and charges in the foregoing Complaint against Respondent are true, accurate, and correct.

DATED this 23rd day of October, 2017.



Wayne Hardwick, M.D.

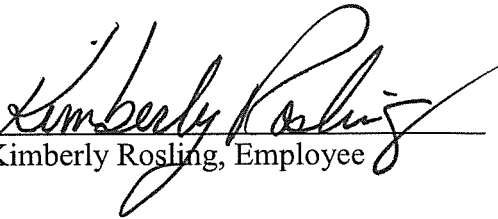
CERTIFICATE OF SERVICE

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I hereby certify that I am employed by the Nevada State Board of Medical Examiners and that on the 23rd day of October, 2017, I served a file-stamped copy of the COMPLAINT and FINGERPRINT INFORMATION, via USPS e-certified return receipt mail (9171 9690 0935 0096 3215 05) to the following:

Jorge Hernan Perez-Cardona, M.D.
1460 S. Curry Street, #100
Carson City, NV 89703

DATED this 23rd day of October, 2017.


Kimberly Rosling, Employee