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

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**In the Matter of Charges and
Complaint Against
Jorge Hernan Perez-Cardona, M.D.,
Respondent.**

Case No. 17- 25257-1
FILED
FEB 15 2018
NEVADA STATE BOARD OF
MEDICAL EXAMINERS
By: 

FIRST AMENDED COMPLAINT

The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners, hereby issues this formal First Amended Complaint against Jorge Hernan Perez-Cardona, M.D. (hereinafter referred to as Dr. Perez or Respondent), a licensed physician in Nevada. The First Amended Complaint supersedes the Complaint filed on October 23, 2017. After investigating this matter, the IC has a reasonable basis to believe that Respondent has violated provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630 (collectively, the Medical Practice Act).

The IC alleges the following facts:

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

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

2. From about September 2011 to about February 2012, Respondent procured controlled substances and dangerous drugs, as defined in Chapter 454 of NRS, that were not approved by the United States Food and Drug Administration (FDA), including, but not limited to, Aloxi, Mabthera and Altuzan (collectively, controlled substances/dangerous drugs), from a pharmacy or pharmacies not licensed to sell controlled substances and dangerous drugs in the

¹ The Investigative Committee of the Nevada State Board of Medical Examiners, at the time the filing of a 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. From about September 2011 to about February 2012, Respondent administered to
4 his patients, without verifying their permissible use, controlled substances and dangerous drugs, as
5 defined in Chapter 454 of NRS, that were not approved by the FDA, including, but not limited to,
6 Aloxi, Mabthera and Altuzan, or delegated to a medical assistant the task of verifying the
7 permissible use of the aforementioned.

8 4. Pursuant to NAC 630.810(a), a delegating practitioner may delegate to a medical
9 assistant the performance of a task if the delegating practitioner knows that the medical assistant
10 possesses the knowledge, skill and training to perform the task safely and properly, among other
11 requirements.

12 5. Pursuant to NAC 630.830, a delegating practitioner retains responsibility for the
13 safety and proper performance of each task which is delegated to a medical assistant.

14 **Count I**

15 **NRS 630.306(1)(r)**

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

17 6. All of the allegations contained in the above paragraphs are hereby incorporated
18 by reference as though fully set forth herein.

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

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

25 9. Pursuant to NAC 630.830, Respondent, as the delegating practitioner, is
26 professionally responsible for the conduct of his medical assistant or assistants who procured
27 controlled substances and dangerous drugs that were not approved by the FDA.
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1 10. By reason of the foregoing, Respondent is subject to discipline by the Nevada
2 State Board of Medical Examiners as provided in NRS 630.352.

3 **Count II**

4 **NRS 630.306(1)(r)**

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

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

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

11 13. Respondent failed to adequately supervise the medical assistant or assistants who
12 administered, at his direction, controlled substances and dangerous drugs, as defined in Chapter
13 454 of NRS, that were not approved by the FDA, including, but not limited to, Aloxi, Mabthera
14 and Altuzan.

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

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

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

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

26 2. That the Nevada State Board of Medical Examiners set a time and place for a
27 formal hearing after holding an Early Case Conference pursuant to NRS 630.339(3);
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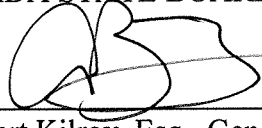
3. That the Nevada State Board of Medical Examiners determine what sanctions to impose if it determines there has been a violation or violations of the Medical Practice Act committed by Respondent;

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

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

DATED this 15 day of February, 2018.

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

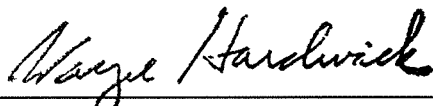
VERIFICATION

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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 First Amended Complaint against the Respondent herein; that he has read the foregoing First Amended 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 First Amended Complaint against Respondent are true, accurate, and correct.

DATED this 15th day of February, 2018.



Wayne Hardwick, M.D.