1	BEFORE THE BOARD OF MEDICAL EXAMINERS		
2	OF THE STATE OF NEVADA		
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5	In the Matter of Charges and Complaint	Case No. 24-12633-1	
6	Against:		
7	ROSE ELIZABETH PAIVA, M.D.,		
8	Respondent.	FEB 1 5 2024	
9		NEVADA STATE BOARD OF MEDICAL EXAMINERS	
10	COMPLAINT		
11	The Investigative Committee ¹ (IC) of the Nevada State Board of Medical Examiners		
12	(Board), by and through Donald K. White, Senior Deputy General Counsel and attorney for the		
13	IC, having a reasonable basis to believe that Rose Elizabeth Paiva, M.D. (Respondent) violated		
14	the provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code		
15	(NAC) Chapter 630 (collectively, the Medical Practice Act), hereby issues its Complaint, stating		
16	the IC's charges and allegations as follows:		
17	1. Respondent was at all times relative to this Complaint a medical doctor holding an		
18	active license to practice medicine in the State of Nevada (License No. 9005). Respondent was		
19	originally licensed by the Board on July 1, 1999.		
20	2. Patient A^2 was a forty-four (44) year-old female at the time of the events at issue.		
21	3. On or about February 1, 2017, Patient A was taken to Respondent for a weight loss		
22	consultation by her employer.		
23	4. Respondent evaluated the patient utilizing equipment designed to analyze a		
24	patient's body composition and Patient A had a body mass index (BMI) of twenty-seven (27), her		
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27		ate Board of Medical Examiners, at the time this formal rd members Victor M. Muro, M.D., Aury Nagy, M.D., and	
28	Ms. Maggie Arias-Petrel. ² Patient A's true identity is not disclosed herein to protect her privacy but is disclosed in the Patient Designation served upon Respondent along with a copy of this Complaint.		
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height was 5'4", her weight was one hundred thirty-nine (139) pounds, and her body fat
 composition was within a "normal" BMI range.

5. Once the results were received from the specialized equipment, Respondent placed
Patient A on a Human Chorionic Gonadotropin (HCG)-based weight loss program which includes
daily injections and advised Patient A to maintain a five hundred (500) calorie per day diet.

6. Patient A was provided a prescription by Respondent who deemed her "morbidly obese" for HCG 125 units/.25mL, six thousand (6,000) units total, to fill at a compounding pharmacy. The medication was prescribed to be injected daily. An additional medication, Contrave, was also provided for weight loss for forty-eight (48) days.

<u>COUNT I</u>

NRS 630.301(4) - Malpractice

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

14 8. NRS 630.301(4) provides that malpractice of a physician is grounds for initiating
15 disciplinary action against a licensee.

9. NAC 630.040 defines malpractice as "the failure of a physician, in treating a
patient, to use the reasonable care, skill, or knowledge ordinarily used under similar
circumstances."

19 10. As demonstrated by, but not limited to, the above-outlined facts, Respondent failed
20 to use the reasonable care, skill or knowledge ordinarily used under similar circumstances when
21 prescribing HCG and a five hundred (500) calorie per day diet to Patient A when she was
22 considered "normal" for a female on the BMI scale which deviates from the standard of care for
23 treating obesity.

24 11. By reason of the foregoing, Respondent is subject to discipline by the Board as
25 provided in NRS 630.352.

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OFFICE OF THE GENERAL COUNSEL Nevada State Board of Medical Examiners 9600 Gateway Drive Reno, Nevada 89521 (775) 688-2559 6

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1	<u>COUNT II</u>		
2	NRS 630.306(1)(p) - Unsafe or Unprofessional Conduct		
3	12.	All of the allegations in the above paragraphs are hereby incorporated as if fully set	
4	forth herein.		
5	13.	Engaging in any act that is unsafe or unprofessional conduct in accordance with	
6	regulations adopted by the Board is grounds for disciplinary action against a licensee pursuant to		
7	NRS 630.306(1)(p).		
8	14.	As demonstrated by, but not limited to, the above-outlined facts, Respondent wrote	
9	prescriptions to Patient A for HCG in a manner that deviated from the professional standards for		
10	the prescription of HCG and the Dietary Guidelines for adult females making Respondent's		
11	conduct unsafe and unprofessional.		
12	15.	By reason of the foregoing, Respondent is subject to discipline by the Board as	
13	provided in N	NRS 630.352.	
14	<u>COUNT III</u>		
15		NRS 630.306(1)(e) - Practice Beyond Scope of License	
16	16.	All of the allegations contained in the above paragraphs are hereby incorporated by	
17	reference as though fully set forth herein.		
18	17.	NRS 630.306(1)(e) provides that practicing or offering to practice beyond the	
19	scope permitted by law or performing services which the licensee knows or has reason to know		
20	that he or she is not competent to perform or which are beyond the scope of his or her training		
21	constitutes grounds for initiating disciplinary action.		
22	18.	This so-called prescribed weight loss program requires support from a dietician	
23	and/or a nutri	tionist and substantial follow-up from Respondent, all of which did not occur.	
24	19.	By reason of the foregoing, Respondent is subject to discipline by the Board as	
25	provided in N	NRS 630.352.	
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COUNT IV 1 2 NRS 630.306(1)(b)(2) - Violation of Standards of Practice Established by Regulation 3 20. All of the allegations contained in the above paragraphs are hereby incorporated by 4 reference as though fully set forth herein. 5 21. Violation of a standard of practice adopted by the Board is grounds for disciplinary 6 action pursuant to NRS 630.306(1)(b)(2). 7 22. NAC 630.210 requires a physician to "seek consultation with another provider of 8 health care in doubtful or difficult cases whenever it appears that consultation may enhance the 9 quality of medical services." 23. Respondent failed to timely seek consultation with regard to Patient A's medical 10 condition from in or about February 2017 to in or about October 2018, and Respondent should 11 12 have consulted with an appropriate care provider. This so-called prescribed weight loss program requires support from a dietician and/or a nutritionist, both of which did not occur. 13 By reason of the foregoing, Respondent is subject to discipline by the Nevada State 14 24. 15 Board of Medical Examiners as provided in NRS 630.352. 16 COUNT V 17 NRS 630.3062(1)(a) – Failure to Maintain Proper Medical Records 18 25. All of the allegations contained in the above paragraphs are hereby incorporated by 19 reference as though fully set forth herein. 20 26. NRS 630.3062(1)(a) provides that the "failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient" constitute 21 grounds for initiating discipline against a licensee. 22 27. Respondent failed to maintain accurate and complete medical records relating to 23 24 the diagnosis, treatment, and care of Patient A, and by failing to correctly document her actions 25 when she treated Patient A, and failed to document necessary follow-up with Patient A. 28. By reason of the foregoing, Respondent is subject to discipline by the Board as 26 27 provided in NRS 630.352. 28 111

1	WHEREFORE, the Investigative Committee prays:	
2	1. That the Board give Respondent notice of the charges herein against her and give	
3	her notice that she may file an answer to the Complaint herein as set forth in	
4	NRS 630.339(2) within twenty (20) days of service of the Complaint;	
5	2. That the Board set a time and place for a formal hearing after holding an Early	
6	Case Conference pursuant to NRS 630.339(3);	
7	3. That the Board determine what sanctions to impose if it determines there has been	
8	a violation or violations of the Medical Practice Act committed by Respondent;	
9	4. That the Board award fees and costs for the investigation and prosecution of this	
10	case as outlined in NRS 622.400;	
11	5. That the Board make, issue and serve on Respondent its findings of fact,	
12	conclusions of law and order, in writing, that includes the sanctions imposed; and	
13	6. That the Board take such other and further action as may be just and proper in these	
14	premises.	
15	DATED this 15th day of February, 2024.	
16	INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS	
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18	Ву:	
19	DON K. WHITE Senior Deputy General Counsel	
20	9600 Gateway Drive Reno, NV 89521	
21	Tel: (775) 688-2559	
22	Email: <u>dwhite@medboard.nv.gov</u> Attorney for the Investigative Committee	
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	1	VERIFICATION
	2	STATE OF NEVADA)
	3	: ss. COUNTY OF CLARK)
	4	Chowdhury H. Ahsan, M.D., Ph.D., FACC, having been duly sworn, hereby deposes and
	5	states under penalty of perjury that he is the Chairman of the Investigative Committee of the
	6	Nevada State Board of Medical Examiners that authorized the Complaint against the Respondent
	7	herein; that he has read the foregoing Complaint; and that based upon information discovered in
	8	the course of the investigation into a complaint against Respondent, he believes that the
	9	allegations and charges in the foregoing Complaint against Respondent are true, accurate and
	10	correct.
VSEL	11	DATED this 15 day of February, 2024.
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