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

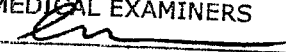
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In the Matter of Charges and)
)
Complaint Against)
)
ALFREDO A. HIBBERT, P.A.-C,)
)
Respondent.)

Case No. 12-287-12

FILED

SEP 20 2012

NEVADA STATE BOARD OF
MEDICAL EXAMINERS
By: 

COMPLAINT

The Investigative Committee (IC) of the Nevada State Board of Medical Examiners (Board), composed at the time of filing of Theodore B. Berndt, M.D., Chairman, Valerie J. Clark, BSN, RHU, LUTCF, Member, and Michael J. Fischer, M.D., Member, by and through Erin L. Albright, Esq., Deputy General Counsel and Attorney for the IC, having a reasonable basis to believe that Alfredo A. Hibbert, P.A.-C (Respondent), violated the provisions of Nevada Revised Statutes (NRS) Chapter 630 (Medical Practice Act), hereby issues its formal Complaint, stating the IC's charges and allegations as follows:

1. Respondent is currently licensed in active status (License No. 529), and has been so licensed by the Board since June 25, 1997, pursuant to the provisions of the Medical Practice Act.
2. At all times alleged herein, Respondent was employed by and practiced at Family Practice & Injury Recovery in Las Vegas, NV.
3. At all times alleged herein, Respondent held active controlled substance and prescription licenses with the Nevada State Board of Pharmacy.
4. To protect the privacy of the patients referenced herein, their true identities are not disclosed; however, their identities are disclosed in the Patient Designation served on Respondent contemporaneously with a copy of this Complaint.

1 5. On or about June 2010, Nicholas Karel (“Karel”) solicited Respondent to
2 participate in a scheme in which Karel would provide Respondent with a list of names and copies
3 of identification, Respondent would write prescriptions for the names outlined on the list and
4 Karel would pay Respondent One Hundred Fifty and 00/100 Dollars (\$150.00) per prescription.

5 6. From June 2010 through June 2011, Respondent fraudulently created, either in
6 whole or in part, medical records and patient charts for at least thirteen (13) individuals identified
7 as Patients A – M on the Patient Designation for the purpose of prescribing controlled substances
8 using copies of identification provided to him by Karel.

9 7. From June 2010 through June 2011, Respondent provided Karel with
10 approximately 2,000 controlled substance prescriptions in exchange for One Hundred Fifty and
11 00/100 Dollars (\$150.00) per prescription. These prescriptions were not authorized by the
12 Respondent’s supervising physician, Theodore Thorp, M.D.

13 COUNT I

14 (Thirteen Counts)

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

17 9. Nevada Administrative Code (NAC) 630.380(1)(1) provides that violation of NAC
18 630.230 is grounds for initiating disciplinary action against a physician assistant licensee.

19 10. NAC 630.230(1)(a) prohibits the falsification of health care records.

20 11. Respondent created false medical records and/or charts for Patients A – M from
21 June 2010 through June 2011.

22 12. By reason of the foregoing, Respondent is subject to discipline by the Board as
23 provided in NRS 630.352.

24 COUNT II

25 (Thirteen Counts)

26 13. All of the allegations in the above paragraphs are hereby incorporated as if fully set
27 forth herein.

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COUNT IV

(Thirteen Counts)

25. All of the allegations in the above paragraphs are hereby incorporated as if fully set forth herein.

26. NAC 630.380(1)(g) provides that disobedience of any provision of the regulations of the State Board of Pharmacy or NAC 630.010 et seq. is grounds for initiating disciplinary action against a physician assistant licensee.

27. By dispensing controlled substances for monetary gain and not in the course of legitimate medical services or as authorized by law and his supervising physician, Respondent violated regulations of the State Board of Pharmacy and/or NAC 630.010 et seq.

28. By falsifying the medical records of Patients A – M, Respondent violated regulations of the State Board of Pharmacy and/or NAC 630.010 et seq.

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

COUNT V

(Thirteen Counts)

30. All of the allegations in the above paragraphs are hereby incorporated as if fully set forth herein.

31. NRS 630.306(2)(c) provides that engaging in any conduct which is in violation of a regulation adopted by the State Board of Pharmacy is grounds for initiating disciplinary action against a licensee.

32. NAC 639.945(1 (o) & (3) provides that prescribing a drug to a patient with whom the prescribing practitioner does not have a bona fide therapeutic relationship is a violation and unprofessional conduct and conduct contrary to the public interest.

33. Respondent prescribed drug(s) to Patient A – M, as alleged above, without having a bona fide therapeutic relationship with Patients A – M.

34. By reason of the foregoing, Respondent is subject to discipline by the Nevada State Board of Medical Examiners as provided in Section 630.352 of the Nevada Revised Statutes.


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WHEREFORE, the Investigative Committee prays:

1. That the Board give Respondent notice of the charges herein against him and give him notice that he may file an answer to the Complaint herein as set forth in NRS 630.339(2) within twenty (20) days of service of the Complaint;
2. That the Board set a time and place for a formal hearing after holding an Early Case Conference pursuant to NRS 630.339(3);
3. That the Board determines the sanctions it will impose if it finds Respondent violated the Medical Practice Act;
4. That the Board make, issue and serve on Respondent, in writing, its findings of fact, conclusions of law and order, which shall include the sanctions imposed; and
5. That the Board take such other and further action as may be just and proper in these premises.

DATED this 20th day of September, 2012.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 
Erin L. Albright, Esq.
Deputy General Counsel
Attorney for the Investigative Committee

OFFICE OF THE GENERAL COUNSEL
Nevada State Board of Medical Examiners
1105 Terminal Way #301
Reno, Nevada 89502
(775) 688-2559

VERIFICATION

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STATE OF NEVADA)
 : ss.
COUNTY OF WASHOE)

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

Dated this 20th day of September, 2012.

Theodore B. Berndt
THEODORE B. BERNDT, M.D.

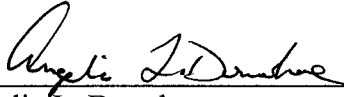
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CERTIFICATE OF SERVICE

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 20th day of September 2012, I served a filed copy of the Complaint, Patient Designation & Fingerprint information via USPS e-certified mail return receipt to the following:

Alfredo A. Hibbert, P.A.-C.
1210 S. Valley View Blvd., #210
Las Vegas, NV 89102

Dated this 20th day of September 2012.



Angelia L. Donohoe
Legal Assistant