

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

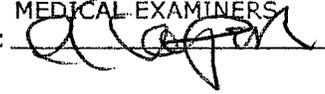
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4 **In The Matter of Charges and**) **Case No. 12-27088-1**
5)
6 **Complaint Against**)
7)
8 **SAMUEL BECK, M.D.,**)
9 **Respondent.**)

FILED

MAY 31 2012

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: 

10
11 **COMPLAINT**

12 The Investigative Committee ("IC") of the Nevada State Board of Medical Examiners
13 ("Board") comprised of, at the time of authorizing the filing of this Complaint,
14 Benjamin J. Rodriguez, M.D., Chairman, Beverly A. Neyland, M.D., Member, and
15 Ms. Donna A. Ruthe, Member, by and through its counsel, Bradley O. Van Ry, Esq.,
16 Deputy General Counsel, having a reasonable basis to believe that Samuel Beck, M.D., hereinafter
17 referred to as "Respondent," has violated the provisions of Nevada Revised Statutes (NRS)
18 Chapter 630, hereby issues its formal Complaint, stating the Investigative Committee's charges
19 and allegations, as follows:

20 1. Respondent is currently licensed to practice medicine (License No. 10416) in active
21 status, and has been so licensed since February 19, 2003, by the
22 Nevada State Board of Medical Examiners pursuant to the provisions of Chapter 630 of the NRS.

23 2. Respondent, upon information and belief, is a managing member of
24 Elite Endeavors, LLC, that does business as the Allure Med Spa ("Allure") located at
25 6295 Sharlands Avenue, Suite 1, in Reno, Nevada.

26 3. On or about September 29, 2011, a Nevada State Board of Pharmacy investigator
27 visited Allure and discovered that Respondent advertised Botox injections when he was actually
28 not injecting Botox into patients. Respondent was injecting a compound called "Dysport."

1 4. Additionally, the "Dysport" was procured from Canadian internet websites and
2 pharmacies, Medica Depot and RxPad. Neither was a Nevada authorized and certified internet
3 pharmacy, and neither utilized a Nevada certified website.

4 5. As to the Botox advertising, a large Botox advertisement was on the front window
5 of Allure. Inside the Allure offices, professional services brochures referencing Botox were
6 displayed on the front counter. Allure's website also contained references to Botox injections and
7 not "Dysport".

8 6. The stock of "Dysport" was contained in a refrigerator and stored in a large, blue
9 plastic drinking cup that contained ten (10) unlabeled syringes. Each syringe contained
10 approximately 20 units of a clear liquid. Next to it, an unopened box labeled "Dysport" was found
11 behind two (2) bottles of juice and several unopened bottles of wine.

12 7. Respondent, moreover, admitted that he did not purchase or administer Botox at
13 this time. He further admitted that he had been negligent in updating brochures and the
14 Allure website advertising that contained references to Botox. He also admitted that he had
15 purchased the "Dysport" over the internet and from a Canadian pharmacy.

16 **Count I**

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

19 9. NRS 630.304(2) provides that the advertising of the practice of medicine in a
20 false, deceptive or misleading manner is grounds for initiating disciplinary action against a
21 licensee.

22 10. NRS 630.306(2)(b) provides that the engaging in any conduct which the Board has
23 determined is a violation of the standards of practice established by regulation of the Board is
24 grounds for initiating disciplinary action against a licensee.

25 11. Nevada Administrative Code (NAC) 630.190(1)(e) provides that a physician shall
26 not advertise the practice of medicine in a manner that includes any false, deceptive or misleading
27 statement in order to induce any person to purchase, utilize or acquire any professional services or

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1 to enter into any obligation or transaction relating thereto and that such actions are grounds for
2 initiating disciplinary action against a licensee.

3 12. NAC 630.190(1)(g) provides that a physician shall not advertise the practice of
4 medicine in a false, deceptive or misleading manner in regard to the services performed or to be
5 performed and that such actions are grounds for initiating disciplinary action against a licensee.

6 13. NAC 630.190(2) further provides that for purposes of paragraphs (e) and (g) of
7 NAC 630.190(1) any statement or other advertising is sufficiently false if it has the tendency to
8 deceive, mislead or harm the public because of its false, deceptive, misleading or harmful
9 character; or produce unrealistic expectations in particular cases, even though no member of the
10 public is actually deceived, misled or harmed, or no unrealistic expectations are actually produced
11 by the statement or advertising.

12 14. Respondent's acts by utilizing a large Botox advertisement on the front window of
13 Allure, making, publishing and disseminating professional services brochures that contain
14 references to Botox injections, along with maintaining a website containing reference to
15 Botox injections, when actually injecting "Dysport", constitute advertising the practice of
16 medicine in a false, deceptive or misleading manner.

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

19 **Count II**

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

22 17. NRS 630.306(2)(a) provides that the engaging in any conduct which is intended to
23 deceive is grounds for initiating disciplinary action against a licensee.

24 18. Respondent's acts by utilizing a large Botox advertisement on the front window of
25 Allure, making, publishing and disseminating professional services brochures that contain
26 references to Botox injections, along with maintaining a website containing reference to
27 Botox injections, when actually injecting "Dysport", constitute engaging in conduct which is
28 intended to deceive.

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

3 **Count III**

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

6 21. NRS 630.301(9) provides that the engaging in conduct that brings the medical
7 profession into disrepute is grounds for initiating disciplinary action against a licensee.

8 22. Respondent's false advertising, as described fully above, as well as ordering
9 "Dysport" from unauthorized and uncertified Canadian pharmacies over the internet, constitutes
10 conduct that brings the medical profession into disrepute.

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

13 **Count IV**

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

16 25. NRS 630.306(3) provides that administering, dispensing or prescribing any
17 controlled substance to others except as authorized by law is grounds for initiating disciplinary
18 action against a licensee.

19 26. NRS 639.230, 639.2328, 639.23288, along with NAC 639.426-434, provide that a
20 Canadian pharmacy that sells controlled substances over the internet must be licensed with the
21 state of Nevada, must be certified by the Nevada State Board of Pharmacy and must utilize a state
22 of Nevada certified website.

23 27. Respondent's numerous internet purchases of Dysport from Medica Depot and
24 RxPad violated the above pharmacy statutes and regulations pertaining to Canadian pharmacies
25 and internet pharmacies selling and distributing controlled substances in the state of Nevada.

26 28. By reason of the foregoing, Respondent is subject to discipline by the
27 Nevada State Board of Medical Examiners as provided in NRS 630.352.

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WHEREFORE, the Investigative Committee prays:

1. That the Nevada State Board of Medical Examiners 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 within twenty (20) days of service of the Complaint;

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

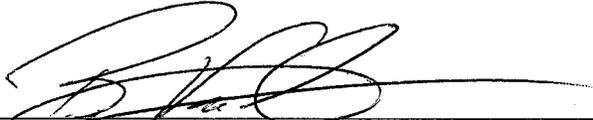
3. That the Nevada State Board of Medical Examiners determine what sanctions it determines to impose if it determines there has been a violation or violations of the Medical Practice Act (NRS Chapter 630) committed by Respondent;

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;

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 30th day of May, 2012.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 
Bradley O. Van Ry, Esq.
Deputy General Counsel
Attorney for the Investigative Committee

VERIFICATION

1 STATE OF NEVADA)
2 : ss.
3 COUNTY OF CLARK)

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

11 Dated this 31st day of May, 2012.

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14 Benjamin J. Rodriguez, M.D.

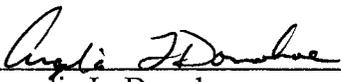
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CERTIFICATE OF SERVICE

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 31st day of May 2012; I served a filed copy of the Complaint & Fingerprint information via USPS e-certified mail return receipt to the following:

Samuel Beck, M.D.
Associated Anesthesiologists of Reno
300 South Arlington Ave.
Reno, NV 89501

Dated this 31st day of May 2012.



Angelia L. Donohoe
Legal Assistant