

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

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5 **In the Matter of Charges and**  
6 **Complaint Against**  
7 **HUGH ARUTHUR BURT, M.D.,**  
8 **Respondent.**  
9

**Case No. 19-12263-1**

**FILED**

**JUL 18 2019**

**NEVADA STATE BOARD OF  
MEDICAL EXAMINERS**  
By: 

10 **COMPLAINT**

11 The Investigative Committee<sup>1</sup> (IC) of the Nevada State Board of Medical Examiners  
12 (Board), by and through Robert Kilroy, Esq., General Counsel and attorney for the IC, having a  
13 reasonable basis to believe that Hugh Arthur Burt, M.D. (Respondent), violated the provisions of  
14 Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630  
15 (collectively, the Medical Practice Act), hereby issues its Complaint, stating the IC's charges and  
16 allegations as follows:

17 1. Respondent was at all times relative to this Complaint a medical doctors holding an  
18 active license to practice medicine in the State of Nevada (License No. 8725). Respondent was  
19 originally licensed by the Board on July 10, 1998.

20 2. Patient A was a 30-year-old female at the time of the incidents in question. Her  
21 name is not disclosed in this Complaint to protect her identity, but her identity is disclosed in the  
22 Patient Designation contemporaneously served on Respondent with a copy of this Complaint.

23 3. On March 14, 2017, Patient A appeared at Respondent's office (Symmetry Medical  
24 Spa) for a job interview, accepted the job offer, and then received treatments on her face,  
25 specifically, Botox injections into her skin and Restylane (hyaluronic acid) injections to her upper  
26 and lower lips. Subsequently, Patient A's lips were continuously painful and/or numb and full of  
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28 <sup>1</sup> The Investigative Committee (IC) of the Nevada State Board of Medical Examiners (Board) was composed of Board members Wayne Hardwick, M.D., Chairman, Mr. M. Neil Duxbury, and Aury Nagy, M.D.

1 various sized bump/lumps/masses. A standard patient information and medical history form was  
2 filled out by Patient A, but there was no other documentation of the visit by the physician except  
3 for a brief handwritten notation of the injections noted on the product treatment form. For this  
4 Patient A encounter, Respondent recorded no history and physical examination note or visit note,  
5 nor did he document her chief complaint, purpose of her visit, or any indications for the  
6 procedures/treatments he performed on her. Patient A signed two consent forms (standardized  
7 Botox preprinted sheet and a standardized Restylane preprinted consent sheet, which appears to be  
8 a “sample form” based upon the following language: “Place Letterhead And Remove Note” and  
9 “please review and modify to fit your actual practice.” Respondent did not sign either of these  
10 two forms. Respondent’s handwritten and partially illegible note for the Restylane injection lists  
11 the drug lot number, expiration date, and “Restylane inject able with lidocaine” followed by “local  
12 anesthesia with perioral injection.” There is no mention of any sterile technique and no formal  
13 procedure note. There is no mention of the amount of lidocaine used or what type of lidocaine  
14 preparation was used. The Botox note only contained the date, lot number, expiration date for the  
15 drug and number of units injected.

16 4. On March 16, 2017, Patient A returned to Respondent following the face treatment  
17 she received. Respondent’s handwritten note was on the same preprinted treatment forms and  
18 from this note it reads, “Pt. re-evaluated. Lip [illegible] with good contour; c/o palpable nodules  
19 upper and lower lip; most likely deposits from ... [illegible]; will evaluate ... [illegible] consider  
20 hyaluronidase ... [illegible] gingival areas.

21 5. On March 22, 2017, Patient A presented with facial pain. Respondent noted  
22 “marked swelling and edema in her upper lip,” and “most likely an allergic reaction to Restylane;  
23 injected with 45 units of hyaluronidase (Hylenex) in the upper and lower lips. Pt. tolerated the  
24 procedure without complication. 30 gauge ½ inch need used for injections.” Respondent’s  
25 medical records do not include consent forms, a test dose before the procedure (strongly  
26 recommended by the Hylenex manufacture), local anesthesia, or sterile technique used.

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COUNT I

**NRS 630.3062(1)(a)**

**(Failure to Maintain Complete Medical Records)**

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

7. 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 is grounds for initiating discipline against a licensee.

8. Respondent failed to maintain complete medical records relating to the diagnosis, treatment and care of Patient A, by failing to document his actions when he treated Patient A, whose medical records were not timely, legible, accurate, or complete, when Respondent failed to obtain consent for the Hylenex injection treatment, through lack of formal procedure notes, and failure to take an adequate history and perform a more complete physical examination, especially when an injection may have been performed at the March 22, 2017, encounter.

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

**WHEREFORE**, the IC 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 determine what sanctions to impose if it finds and concludes that there has been a violation or violations of the Medical Practice Act committed by Respondent;

4. That the Board make, issue and serve on Respondent its findings of fact, conclusions of law and order, in writing, to include sanctions to be imposed; and

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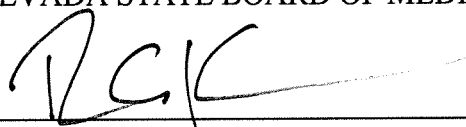
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5. That the Board take such other and further action as may be just and proper in these premises.

DATED this 17 day of July, 2019.

INVESTIGATIVE COMMITTEE OF THE  
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:   
Robert Kilroy, Esq., General Counsel  
Attorney for the Investigative Committee

VERIFICATION

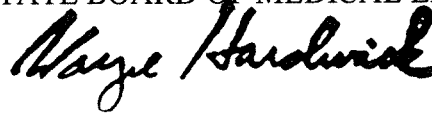
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STATE OF NEVADA            )  
  : ss.  
COUNTY OF WASHOE        )

Wayne Hardwick, 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, he believes the allegations and charges in the foregoing Complaint against Respondent are true, accurate and correct.

Dated this 18<sup>th</sup> day of July, 2019.

INVESTIGATIVE COMMITTEE OF THE NEVADA  
STATE BOARD OF MEDICAL EXAMINERS



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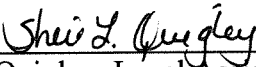
Wayne Hardwick, M.D., Chairman

CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on the 17<sup>th</sup> day of July, 2019, I served a filed copy of the formal COMPLAINT, via USPS e-certified, return receipt mail to the following:

Hugh Arthur Burt  
2605 East Flamingo Road  
Las Vegas, NV 89121

Dated this 18<sup>th</sup> day of July, 2019.

  
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Sheri L. Quigley, Legal Assistant

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