

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

3 \* \* \* \*

4  
5 **In the Matter of Charges and Complaint**

**Case No. 21-10736-1**

6 **Against:**

7 **CHARLES PATRICK VIRDEN, M.D.,**

8 **Respondent.**

**FILED**

**NOV - 5 2021**

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

9  
10 **COMPLAINT**

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

17 1. Respondent was at all times relevant to this Complaint a medical doctor holding an  
18 active license to practice medicine in the State of Nevada (License No. 7420). Respondent was  
19 originally licensed by the Board on May 18, 1995.

20 2. Pursuant to NRS 202.248(1)(a), except for use in the treatment of retinal  
21 detachment, it is unlawful for a person to inject any liquid silicone substance into the human body.

22 3. Pursuant to NRS 202.248(2), a person who violates NRS 202.248(1)(a) is guilty of a  
23 category D felony.

24 4. The injection of liquid silicone substances into the human body for use in treatments  
25 other than retinal detachment, such as in cosmetic enhancement of the lips, face, ears, breasts or  
26 other areas of the body, may cause substantial bodily injury, including serious and often irreparable

27  
28 <sup>1</sup> The Investigative Committee of the Nevada State Board of Medical Examiners, at the time this formal  
Complaint was authorized for filing, was composed of Board Members Victor M. Muro, M.D., Chair,  
Weldon Havins, M.D., J.D., and Ms. Maggie Arias-Petrel.

1 inflammatory and granulomatous reactions, deformities, draining wounds, chronic infections, and  
2 other serious problems that worsen over time and that often arise years after the injection.

3 5. Silikon® 1000 (Silikon) (also known as dimethylpolysiloxane,  
4 polydimethylsiloxane, or dimethicone) is a liquid silicone substance, sold as a highly purified long-  
5 chain polydimethylsiloxane trimethylsiloxy terminated silicone oil. It is approved by the U.S. Food  
6 and Drug Administration (FDA) for post-operative tamponade during vitreoretinal surgery. It is not  
7 FDA-approved for other applications to the human body.

8 6. Silikon is manufactured by Alcon, and sold by McKesson as a single-use vial  
9 consisting of 8.5 mL. Pursuant to the manufacturer's instructions and directions included on or with  
10 the single-use vial, Silikon is indicated for use as a prolonged retinal tamponade in selected cases of  
11 complicated retinal detachments where other interventions are not appropriate for patient  
12 management. Silikon is not indicated for other uses.

13 7. ADATO® SIL-OL 5000 (Adatosil) is also a liquid silicone substance, sold as a  
14 sterile, highly purified long chain polydimethylsiloxane. It is FDA-approved for retinal tamponade.  
15 It is not FDA-approved for other applications to the human body.

16 8. Adatosil is manufactured and sold by Bausch & Lomb as a single-dose unit, in 10 ml  
17 sterile glass syringes, capped with a stopper and housed inside sterilized peel back pouches.  
18 Pursuant to the manufacturer's instructions and directions included on or with the single-dose unit,  
19 Adatosil is indicated for use as a prolonged retinal tamponade in selected cases of complicated  
20 retinal detachments where other interventions are not appropriate for patient management. Adatosil  
21 is not indicated for other uses.

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

## 24 COUNT I

### 25 **NRS 630.301(4) – Malpractice**

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

28 ///



1 **COUNT III**

2 **NRS 630.301(4) – Malpractice**

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

7 22. Respondent injected a liquid silicone substance, Adatosil or Silikon, into Patient C's  
8 body for a treatment other than retinal detachment.

9 23. As demonstrated by, but not limited to, the above-outlined facts, Respondent, by  
10 injecting a liquid silicon substance, Adatosil or Silikon, into Patient C for a treatment other than  
11 retinal detachment, and in a manner inconsistent with the manufacturer's instructions and directions,  
12 failed to use the reasonable care, skill or knowledge ordinarily used under similar circumstances  
13 when rendering medical services to his patients.

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

16 **COUNT IV**

17 **NRS 630.301(4) – Malpractice**

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 630.301(4) provides that malpractice of a physician is grounds for initiating  
21 disciplinary action against a licensee.

22 27. Respondent injected a liquid silicone substance, Adatosil or Silikon, into Patient D's  
23 body for a treatment other than retinal detachment.

24 28. As demonstrated by, but not limited to, the above-outlined facts, Respondent, by  
25 injecting a liquid silicon substance, Adatosil or Silikon, into Patient D for a treatment other than  
26 retinal detachment, and in a manner inconsistent with the manufacturer's instructions and directions,  
27 failed to use the reasonable care, skill or knowledge ordinarily used under similar circumstances  
28 when rendering medical services to his patients.



1 failed to use the reasonable care, skill or knowledge ordinarily used under similar circumstances  
2 when rendering medical services to his patients.

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

5 **COUNT VII**

6 **NRS 630.301(4) – Malpractice**

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

9 41. NRS 630.301(4) provides that malpractice of a physician is grounds for initiating  
10 disciplinary action against a licensee.

11 42. Respondent injected a liquid silicone substance, Adatosil or Silikon, into Patient G’s  
12 body for a treatment other than retinal detachment.

13 43. As demonstrated by, but not limited to, the above-outlined facts, Respondent, by  
14 injecting a liquid silicon substance, Adatosil or Silikon, into Patient G for a treatment other than  
15 retinal detachment, and in a manner inconsistent with the manufacturer’s instructions and directions,  
16 failed to use the reasonable care, skill or knowledge ordinarily used under similar circumstances  
17 when rendering medical services to his patients.

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

20 **COUNT VIII**

21 **NRS 630.301(4) – Malpractice**

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

24 46. NRS 630.301(4) provides that malpractice of a physician is grounds for initiating  
25 disciplinary action against a licensee.

26 47. Respondent injected a liquid silicone substance, Adatosil or Silikon, into Patient H’s  
27 body for a treatment other than retinal detachment.

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1 **COUNT XII**

2 **NRS 630.301(4) – Malpractice**

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

5 67. NRS 630.301(4) provides that malpractice of a physician is grounds for initiating  
6 disciplinary action against a licensee.

7 68. Respondent injected a liquid silicone substance, Adatosil or Silikon, into Patient L's  
8 body for a treatment other than retinal detachment.

9 69. As demonstrated by, but not limited to, the above-outlined facts, Respondent, by  
10 injecting a liquid silicon substance, Adatosil or Silikon, into Patient L for a treatment other than  
11 retinal detachment, and in a manner inconsistent with the manufacturer's instructions and directions,  
12 failed to use the reasonable care, skill or knowledge ordinarily used under similar circumstances  
13 when rendering medical services to his patients.

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

16 **COUNT XIII**

17 **NRS 630.301(4) – Malpractice**

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

20 72. NRS 630.301(4) provides that malpractice of a physician is grounds for initiating  
21 disciplinary action against a licensee.

22 73. Respondent injected a liquid silicone substance, Adatosil or Silikon, into Patient M's  
23 body for a treatment other than retinal detachment.

24 74. As demonstrated by, but not limited to, the above-outlined facts, Respondent, by  
25 injecting a liquid silicon substance, Adatosil or Silikon, into Patient M for a treatment other than  
26 retinal detachment, and in a manner inconsistent with the manufacturer's instructions and directions,  
27 failed to use the reasonable care, skill or knowledge ordinarily used under similar circumstances  
28 when rendering medical services to his patients.



1 failed to use the reasonable care, skill or knowledge ordinarily used under similar circumstances  
2 when rendering medical services to his patients.

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

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

6 1. That the Board give Respondent notice of the charges herein against him and give  
7 him notice that he may file an answer to the Complaint herein as set forth in  
8 NRS 630.339(2) within twenty (20) days of service of the Complaint;

9 2. That the Board set a time and place for a formal hearing after holding an Early Case  
10 Conference pursuant to NRS 630.339(3);

11 3. That the Board determine what sanctions to impose if it determines there has been a  
12 violation or violations of the Medical Practice Act committed by Respondent;

13 4. That the Board award fees and costs for the investigation and prosecution of this case  
14 as outlined in NRS 622.400;


15 5. That the Board make, issue, and serve on Respondent its findings of fact, conclusions  
16 of law and order, in writing, that includes the sanctions imposed; and

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

19 DATED this 5 day of November, 2021.

20 INVESTIGATIVE COMMITTEE OF THE  
21 NEVADA STATE BOARD OF MEDICAL EXAMINERS

22 By:

23   
24 AARON BART FRICKE, ESQ.  
25 General Counsel  
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*Attorney for the Investigative Committee*



**CERTIFICATE OF SERVICE**

I hereby certify that I am employed by the Nevada State Board of Medical Examiners and that on the 5th day of November, 2021, I served a file-stamped copy of the foregoing **COMPLAINT**, via U.S. Certified Mail to the following parties:

CHARLES PATRICK VIRDEN, M.D.  
960 Caughlin Crossing N., Ste. 100  
Reno, NV 89519  
*Certified Mail Receipt No.:* 9171 9690 0935 0252 1579 31

With courtesy copy by U.S. Mail and electronic mail to:

ROGER M. O'DONNELL, ESQ.  
Joey Gilbert Law  
201 West Liberty Street, Ste. 210  
Reno, NV 89501  
[Roger@joeygilbertlaw.com](mailto:Roger@joeygilbertlaw.com)

DATED this 5<sup>th</sup> day of November, 2021.

  
MERCEDES FUENTES  
Legal Assistant  
Nevada State Board of Medical Examiners