

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

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4
5 **In the Matter of Charges and**
6 **Complaint Against:**
7 **JOSE HIRAM ALVAREZ, M.D.,**
8 **Respondent.**

Case No. 21-28177-2

FILED

MAR 10 2021

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: 

9
10 **COMPLAINT**

11 The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners
12 (Board), by and through Robert G. Kilroy, Esq., General Counsel and attorney for the IC, having a
13 reasonable basis to believe that Jose Hiram Alvarez, 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 Doctor holding an
18 active license to practice medicine in the State of Nevada (License No. 10765). Respondent was
19 originally licensed by the Board on December 5, 2003. Respondent's specialty is listed as
20 Obstetrics/Gynecology on the Board's website. Cosmetic surgery is not a specialty therein
21 obstetrics and gynecology.

22 2. Patient A, Patient B and Patient C's true identifies are not disclosed herein to protect
23 their privacy, but are disclosed in the Patient Designation, which is served upon Respondent along
24 with a copy of this Complaint.

25 3. On August 20, 2018, Patient A presented and consented for Respondent to perform
26 the following procedures: suction-assisted liposuction of the abdomen, flank, and back;

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28 ¹ 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 Wayne Hardwick, M.D., Aury Nagy, M.D., and
Mr. M. Neil Duxbury.

1 abdominoplasty pannus removal, and a fat transfer to the buttock. Respondent used tumescent
2 anesthesia for all of the aforementioned procedures and acted as surgeon and anesthesiologist for
3 Patient A's care. Within the patient's history and physical examinations, Patient A's medical record
4 lacked the standard measurements and details typically noted in cosmetic plastic surgery
5 evaluations.

6 4. On August 8, 2018, Patient B presented and consented for Respondent to perform the
7 following procedures: suction-assisted liposuction of the abdomen, flank, and back; abdominoplasty
8 pannus removal, and a fat transfer to the buttock. Respondent used tumescent anesthesia for all of
9 the aforementioned procedures and acted as surgeon and anesthesiologist for Patient B's care.
10 Within the patient's history and physical examinations, Patient B's medical record lacked the
11 standard measurements and details typically noted in cosmetic plastic surgery evaluations.

12 5. On January 8, 2018, Patient C presented and consented for Respondent to perform
13 the following procedures: suction-assisted liposuction of the abdomen, flank and back;
14 abdominoplasty pannus removal, and a fat transfer to the buttock. Respondent used tumescent
15 anesthesia for all of the aforementioned procedures and acted as surgeon and anesthesiologist for
16 Patient C's care. Within the patient's history and physical examinations, Patient C's medical record
17 lacked the standard measurements and details typically noted in cosmetic plastic surgery
18 evaluations.

19 6. Respondent is neither a board-certified cosmetic surgeon nor a plastic surgeon.
20 Respondent's training consisted of workshops and received certificates of cosmetic surgery. When
21 performing abdominoplasties, brachioplasties, breast augmentation, and fat transfer procedures, the
22 standard of care typically requires these procedures are performed under general anesthesia with a
23 board-certified Anesthesiologist or CRNA present. Liposuction procedures are acceptable with the
24 use of tumescent anesthesia; however, the other procedures performed by Respondent required the
25 use of a general anesthesia with a board-certified Anesthesiologist or CRNA present. Respondent
26 has no documentation regarding is training and/or experience for performing in brachioplasties,
27 abdominoplasties or fat transfer to the buttocks. Cosmetic surgery is a subspecialty of plastic
28 surgery.

COUNTS I-III

NRS 630.301(4) (Malpractice)

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

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

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

9 10. As demonstrated by, but not limited to, the above-outlined facts, Respondent failed
10 to use the reasonable care, skill or knowledge ordinarily used under similar circumstances when
11 he provided medical services to Patients A, B and C, because Respondent lacked the requisite
12 training in plastic surgery to perform liposuctions, breast augmentations, brachioplasties, fat
13 transfers, and abdominoplasties, and, because Respondent improperly used tumescent anesthesia
14 when performing abdominoplasties, brachioplasties, breast augmentation, and fat transfer
15 procedures.

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

COUNTS IV-VI

NRS 630.3062(1)(a) (Failure to Maintain Complete Medical Records)

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

22 13. NRS 630.3062(1)(a) provides that the failure to maintain timely, legible, accurate
23 and complete medical records relating to the diagnosis, treatment and care of a patient is grounds
24 for initiating disciplinary action against a licensee.

25 14. Respondent failed to maintain complete medical records relating to the diagnosis,
26 treatment and care of Patient A, B and C by failing to document his actions when he treated
27 Patients A, B and C whose medical records were not timely, legible, accurate, and complete.

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

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

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

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

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


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

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

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

17 DATED this 5 day of March, 2021.

18 INVESTIGATIVE COMMITTEE OF THE
19 NEVADA STATE BOARD OF MEDICAL EXAMINERS

20 By: 
21 Robert G. Kilroy, Esq., General Counsel
22 Attorney for the Investigative Committee
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VERIFICATION

STATE OF NEVADA)
 : ss.
COUNTY OF WASHOE)

Mr. M. Neil Duxbury, having been duly sworn, hereby deposes and states under penalty of perjury that he is the Chairman of the Investigative Committee of the Nevada State Board of Medical Examiners that authorized the Complaint against the Respondent herein; that he has read the foregoing Complaint; and that based upon information discovered in the course of the investigation into a complaint against Respondent, he believes that the allegations and charges in the foregoing Complaint against Respondent are true, accurate and correct.

DATED this 5th day of March, 2021.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: M. NEIL DUXBURY
Mr. M. Neil Duxbury, Chairman