

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. 21-12423-1

6 **Against:**

7 **SALVADOR GARCIA BORROMEO, M.D.,**

8 **Respondent.**

FILED

AUG 11 2021

**NEVADA STATE BOARD OF
MEDICAL EXAMINERS**

By: _____

9
10 **COMPLAINT**

11 The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners (Board),
12 by and through Aaron B. Fricke, J.D., General Counsel and attorney for the IC, having a reasonable
13 basis to believe that Salvador Garcia Borromeo, M.D., (Respondent) violated the provisions of Nevada
14 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 relevant to this Complaint a medical doctor holding an
18 active license to practice medicine in the State of Nevada (License No. 8770). Respondent was
19 originally licensed by the Board on August 24, 1998.

20 **I. STATEMENT OF LAW**

21 **A. "Medical Directors," Medical Assistants, and the Unlicensed Practice of**
22 **Medicine**

23 2. NRS 630.305(1)(e) provides that aiding, assisting, employing or advising, directly or
24 indirectly, any unlicensed person to engage in the practice of medicine, contrary to the provisions of
25 NRS Chapter 630 or the regulations of the Board, is grounds for disciplinary action or denying
26 licensure.

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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 Victor M. Muro, M.D., Chair,
Weldon Havins, M.D., J.D., and Ms. Maggie Arias-Petrel.

- 1 3. Pursuant to NRS 630.020(1)-(4), the “Practice of medicine” means:
- 2 1. To diagnose, treat, correct, prevent or prescribe for any human
- 3 disease, ailment, injury, infirmity, deformity or other condition,
- 4 physical or mental, by any means or instrumentality, including, but not
- 5 limited to, the performance of an autopsy.
- 6 2. To apply principles or techniques of medical science in the
- 7 diagnosis or the prevention of any such conditions.
- 8 3. To perform any of the acts described in subsections 1 and 2 by
- 9 using equipment that transfers information concerning the medical
- 10 condition of the patient electronically, telephonically or by fiber optics,
- 11 including, without limitation, through telehealth, from within or
- 12 outside this State or the United States.
- 13 4. To offer, undertake, attempt to do or hold oneself out as able to do
- 14 any of the acts described in subsections 1 and 2.
- 15 4. NRS 630.400(1)(d) provides that it is unlawful to practice medicine without being
- 16 licensed under NRS Chapter 630.
- 17 5. Pursuant to NRS 630.400(2) and NRS 193.130(c) and (d), the unlawful practice of
- 18 medicine is a felony, punishable by imprisonment in the state prison for a minimum term of not less
- 19 than one (1) year and a maximum term of not more than five (5) years.
- 20 6. Pursuant to the Medical Practice Act, the only means by which a practitioner may
- 21 lawfully aid, assist, employ or advise, directly or indirectly, an unlicensed person to engage in the
- 22 practice of medicine, is by delegating specific tasks to an adequately supervised and trained
- 23 “medical assistant.”
- 24 7. Pursuant to NRS 630.0129, a “medical assistant” means a person who:
- 25 (a) performs clinical tasks under the supervision of a practitioner, and
- 26 (b) does not hold a license, certificate or registration issued by a
- 27 professional licensing or regulatory board in this State to perform such
- 28 clinical tasks; the term does not include a person who performs only
- administrative, clerical, executive or other nonclinical tasks.
8. Pursuant to NRS 630.306(1)(r), a practitioner must adequately supervise his or her
- medical assistants, and failing to do so is grounds for initiating disciplinary action or denying
- licensure.
9. Pursuant to NAC 630.830, a delegating practitioner is professionally responsible for
- the safety and performance of each task which is delegated to a medical assistant. Pursuant to
- NAC 630.810, a delegating practitioner may not delegate tasks to a medical assistant unless: (a) the

1 delegating practitioner knows that the medical assistant possesses the knowledge, skill and training
2 to perform the task safely and properly; (b) the medical assistant is not required to be certified or
3 licensed to perform that task; and (c) the medical assistant is employed by the delegating
4 practitioner or the medical assistant and the delegating practitioner are employed by the same
5 employer.

6 10. Pursuant to NAC 630.830(4), a delegating practitioner shall not delegate or
7 otherwise allow a medical assistant to administer an anesthetic agent which renders a patient
8 unconscious or semiconscious.

9 11. Pursuant to NAC 630.820, a delegating practitioner may not remotely supervise a
10 medical assistant, except in a specific case of emergency in a rural area.²

11 12. Except as otherwise provided in NAC 630.820, pursuant to NAC 630.810, if a
12 medical assistant is delegated a task which involves an “invasive procedure,”³ the delegating
13 practitioner must be immediately available to exercise oversight in-person while the medical
14 assistant performs the task.

15 13. The term “medical director” is not recognized or defined under the Medical Practice
16 Act, and no law authorizes a licensee of the Board to, by calling himself or herself a “medical
17 director,” violate or circumvent the aforementioned statutes and regulations of the Medical Practice
18 Act.

19 14. Accordingly, pursuant to NRS 630.400(1)(d), 630.305(1)(e), and 630.0129, and
20 NAC 630.800-830:

21 a. A practitioner who, whether by serving as a so-called “medical director” or by
22 some other relationship or circumstance, aids, assists, employs or advises, directly or indirectly, any
23 unlicensed person to engage in the practice of medicine, may lawfully do so only by delegating tasks

24 ² Remote supervision of a medical assistant is prohibited unless: (a) the patient is located in a rural area; (b)
25 the delegating practitioner is physically located a significant distance from the location where the task is to be
26 performed; (c) the delegating practitioner determines that the exigent needs of the patient require immediate attention;
27 (d) the patient and the delegating practitioner previously established a practitioner-patient relationship; and (e) the
delegating practitioner is immediately available by telephone or other means of instant communication during the
performance of the task by the medical assistant. As used in NAC 630.820, “rural area” means any area in this State
other than Carson City or the City of Elko, Henderson, Reno, Sparks, Las Vegas or North Las Vegas.

28 ³ The Medical Practice Act does not define “invasive procedure,” however, NAC 449.9733 pertaining to
Medical Facilities defines “invasive procedure” as “a medical procedure involving entry into the human body by
puncture or incision or by insertion of an instrument.”

1 to an adequately supervised and properly trained medical assistant, who the delegating practitioner
2 knows possesses the knowledge, skill and training to perform the task safely and properly, and the
3 delegating practitioner is professionally responsible for the safety and performance of each task
4 which is delegated to that medical assistant.

5 b. A practitioner who, whether by serving as a so-called “medical director” or by
6 some other relationship or circumstance, aids, assists, employs or advises, directly or indirectly, any
7 unlicensed person to engage in the practice of medicine, but who has not done so by delegating
8 specific tasks to an adequately supervised and properly trained medical assistant, has violated
9 NRS 630.305(1)(e), and is subject to discipline for aiding and abetting the unlicensed practice of
10 medicine. In addition, the unlicensed person engaged in the practice of medicine has violated
11 NRS 630.400(1)(d), by practicing medicine without a license.

12 c. A practitioner who delegates a medical task to a medical assistant, whether by
13 serving as a so-called “medical director” or by some other relationship or circumstance, remains
14 professionally responsible for, among other requirements, ensuring the following:

- 15 i. The safety and performance of each task delegated;
- 16 ii. The proper employment relationships between themselves and the
17 medical assistant or their common employer;
- 18 iii. The medical assistant is sufficiently knowledgeable, trained and
19 skilled to perform the tasks delegated to them;
- 20 iv. The medical assistant is adequately supervised, and the practitioner
21 must be nearby to supervise the specific medical tasks delegated, and, if it is an invasive medical
22 task, then the delegating practitioner must be immediately available to exercise oversight in-person
23 while the medical assistant performs the task; and
- 24 v. The medical assistant does not administer an anesthetic agent which
25 renders a patient unconscious or semiconscious.

26 d. A practitioner who delegates a medical task to a medical assistant, whether by
27 serving as a so-called “medical director” or by some other relationship or circumstance, and who
28 violates the aforementioned provisions of the NRS or NAC pertaining to medical assistants, and

1 who fails to adequately supervise that medical assistant as required under the circumstances, has
2 violated NRS 630.306(1)(r), and is subject to discipline for failing to adequately supervise a medical
3 assistant.

4 **B. Cosmetologists, “Medical Spas” and “Medical Aestheticians,” and the**
5 **Unlicensed Practice of Medicine**

6 15. Pursuant to NRS 644A.030, a licensed “cosmetologist” is not authorized by such
7 license to practice medicine in any way. Rather, a licensed cosmetologist is authorized pursuant to
8 NRS Chapter 644A to perform only non-medical, cosmetology services, such as cleansing,
9 stimulating or massaging the scalp or cleansing or beautifying the hair by the use of cosmetic
10 preparations, antiseptics, tonics, lotions or creams, cutting, trimming or shaping the hair, removing
11 hair by the use of depilatories, waxing, tweezing or sugaring, except for the permanent removal of
12 hair with needles, manicuring nails, massaging the skin, giving facials, and other miscellaneous non-
13 medical, cosmetological services.

14 16. Pursuant to NAC 644A.790, a cosmetologist is further explicitly prohibited from
15 performing “invasive procedures,” which mean, for the purposes of professional licensing of
16 cosmetologists, “an act that affects the structure or function of the skin other than the uppermost
17 layers of the skin,” and which, for the sake of regulating the practice of cosmetologists, includes,
18 without limitation, (a) the application of electricity for the sole purpose of contracting a muscle, (b)
19 the application of a topical lotion, cream or other substance which affects anything other than the
20 uppermost layers of the skin, (c) the penetration of the skin by needles, and (d) the abrasion of the
21 skin below the uppermost layers of the skin.

22 17. Further, there is no such license as “medical aesthetician” or “medical cosmetologist”
23 authorized by any Nevada law or issued by any Nevada sanctioned professional licensing body. On
24 the contrary, NAC 644A.870 specifically prohibits cosmetologists and aestheticians from using the
25 terms “expert,” “advanced” or “medical” in connection with any description of their practice in any
26 branch of cosmetology or otherwise holding the licensee out to the public as an expert, advanced or
27 medical practitioner of any branch of cosmetology.

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1 18. Accordingly, a Nevada licensed cosmetologist or aesthetician may not refer to
2 himself or herself as a “medical cosmetologist” or “medical aesthetician” in connection with any
3 description of their practice. They also may not, in fact, practice medicine in any way or perform
4 invasive medical procedures or medical services of any kind, unless they do so as a “medical
5 assistant” to a Nevada licensed medical professional, i.e., either as medical assistant to a Nevada
6 licensed physician or physician assistant pursuant to NRS 630.0129, et. seq., and NAC 630.800-830,
7 as described above, or similarly as another type of professional “assistant,” “hygienist,”
8 “technician,” or other such designation, who is delegated tasks by and under the direct supervision
9 of another medical professional who is duly licensed pursuant to chapters 631 to 637, inclusive,
10 639 or 640 of NRS, and who remains professionally responsible for their conduct.

11 19. If a cosmetologist or aesthetician practices medicine in any way, unless he or she acts
12 as a medical assistant and is delegated tasks and is properly supervised by a professional medical
13 practitioner, then he or she is violating NRS 630.400(1)(d) by practicing medicine without a
14 license.

15 **C. Nevada Pharmacy Laws Regarding Controlled Substances, Dangerous Drugs**
16 **and Hypodermic Devices**

17 20. NRS 630.306(1)(b)(3) provides that engaging in conduct that violates a regulation
18 adopted by the Nevada State Board of Pharmacy (Pharmacy Board) is grounds for initiating
19 disciplinary action against a licensee.

20 21. Pursuant to NRS 630.3062(1)(h), fraudulent, illegal, unauthorized or otherwise
21 inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II,
22 III or IV is grounds for initiating disciplinary action or denying licensure.

23 22. Pursuant to 21 Code of Federal Regulations (CFR) §1306.04(a)-(b) and
24 NRS 453.381, a physician or physician assistant may prescribe or administer controlled substances
25 only for a legitimate medical purpose and in the usual course of his or her professional practice. The
26 responsibility for the proper prescribing and dispensing of controlled substances is upon the
27 prescribing practitioner, and a prescription may not be issued in order for an individual practitioner

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1 to obtain controlled substances for supplying the individual practitioner for the purpose of general
2 dispensing to patients. *See* 21 CFR §1306.04(a)-(b).

3 23. Pursuant to NRS 454.201, a “dangerous drug” is any drug, other than a controlled
4 substance, unsafe for self-medication or unsupervised use, and includes, among other things, (1) any
5 drug which has been approved by the Food and Drug Administration for general distribution and
6 bears the legend: “Caution: Federal law prohibits dispensing without prescription,” and (2) any drug
7 which, pursuant to the Board’s regulations, may be sold only by prescription because the Board has
8 found those drugs to be dangerous to public health or safety.

9 24. Pursuant to NRS 454.316 and NRS 454.321, it is unlawful to possess, dispense or
10 furnish a dangerous drug except when furnished to the person by a pharmacist pursuant to a legal
11 prescription from a practitioner.

12 25. Pursuant to NRS 454.009, a “hypodermic” device is any syringe, needle, instrument,
13 device or implement intended or capable of being adapted for the purpose of administering drugs by
14 subcutaneous, intramuscular or intravenous injection.

15 26. Pursuant to NRS 454.510, it is unlawful for any person to have in his or her
16 possession or under his or her control any hypodermic device that is restricted by federal law to sale
17 by or on the order of a physician, unless the person has acquired possession of such device in
18 accordance with the provisions of NRS 454.480 to 454.530, inclusive, that is, by sale from a
19 licensed pharmacist, on the prescription of a physician or other practitioner, which prescription is
20 filled as required by NRS 639.236, and may be refilled as authorized by the prescriber.

21 27. Accordingly, pursuant to NRS 454.009, 454.201, 454.316, 454.321 and 454.510,
22 any person who is not a practitioner as defined in NRS 639.0125 is not permitted by Nevada law to
23 possess, control, access, prescribe, administer, and/or dispense dangerous drugs or hypodermic
24 devices, except as a medical assistant under the direct supervision of a Nevada licensed physician,
25 physician assistant, or other licensed medical professional, and then, only if otherwise permitted and
26 in compliance with laws of regulating pharmacies and pharmaceuticals.

27 28. NAC 639.742(1) provides that a practitioner who wishes to dispense controlled
28 substances or dangerous drugs must apply to the Pharmacy Board for a certificate of registration to

1 dispense controlled substances or dangerous drugs. A practitioner must submit a separate
2 application for each site of practice, including, without limitation, any remote site or satellite
3 consultation site, from which the practitioner wishes to dispense controlled substances or dangerous
4 drugs.

5 29. NAC 639.742(2) provides that if a facility from which the practitioner intends to
6 dispense dangerous drugs or controlled substances is not wholly owned and operated by the
7 practitioner, the owner or owners of the facility must also submit an application to the Pharmacy
8 Board for a license to do so.

9 30. NAC 639.742(3) provides in pertinent part that a dispensing practitioner and, if
10 applicable, the owner or owners of the facility, shall ensure that:

11 . . . (b) All drugs are received and accounted for by the dispensing
12 practitioner;

13 (c) All drugs are stored in a secure, locked room or cabinet to which
14 the dispensing practitioner has the only key or lock combination;

15 (d) All drugs are dispensed in accordance with NAC 639.745⁴;

16 ⁴ NAC 639.745 Duties of certain practitioners concerning dispensing of controlled substances and dangerous
17 drugs. (NRS 639.070, 639.0727)

18 1. Each practitioner who is registered with the Board to dispense controlled substances and dangerous drugs,
19 including, without limitation, a dispensing practitioner, and who dispenses such products for use by the practitioner's
20 patients outside his or her presence shall:

21 (a) Keep complete, accurate and readily retrievable records of each controlled substance and dangerous drug
22 purchased and dispensed. The record for each such product dispensed to a patient must include:

23 (1) The name of the patient and, if not readily available from the practitioner's records, the patient's address;

24 (2) The name, strength and quantity of the prescribed controlled substance or dangerous drug;

25 (3) The directions for use;

26 (4) The date the prescription was issued; and

27 (5) A unique identifying number.

28 (b) Maintain a separate file for the records concerning the purchase of each controlled substance listed in schedule II
and a separate file for the records concerning the dispensing of each controlled substance listed in schedule II. Each
prescription for a controlled substance or dangerous drug must be maintained in a separate file pursuant to the
requirements set forth in NAC 453.480.

(c) Keep all controlled substances and dangerous drugs in a locked storage area. Access to the storage area must be
restricted to the persons described in NRS 453.375.

(d) Ensure that each package or container in which a controlled substance is dispensed, except samples in the
manufacturer's packages, is clearly labeled pursuant to the requirements set forth in NRS 639.2801.

(e) Ensure that the package or container in which a controlled substance or dangerous drug is dispensed complies
with all state and federal packaging requirements.

(f) Be deemed to be a pharmacy as that term is used in NAC 639.926 and shall comply with that section.

2. A practitioner may dispense dangerous drugs or controlled substances only after the patient has been informed by
the practitioner that the patient may request a written prescription and have it filled at another location of the patient's
choosing.

1 (e) No prescription is dispensed to a patient unless the dispensing practitioner is on-site at the facility;

2 (f) All drugs are dispensed only to the patient personally at the facility;

3 . . . (h) All drugs are dispensed only for medically necessary purposes and according to prevailing standards of care for practitioners practicing in the specialty claimed or practiced by the dispensing practitioner; and

4
5 (i) The certificate for each dispensing technician employed at the facility is displayed in the room or cabinet in which drugs are stored.

6
7 31. NAC 639.742(4)(a)-(b) provide, in-part, with regard to the filling and dispensing of
8 prescriptions at a facility, only the dispensing practitioner or a dispensing technician may enter the
9 locked room or cabinet in which drugs are stored and/or remove drugs from stock.

10 32. NAC 639.945(1) provides in pertinent part that the following acts or practices by a
11 holder of any license, certificate or registration issued by the Pharmacy Board or any employee of
12 any business holding any such license, certificate or registration are declared to be, specifically but
13 not by way of limitation, unprofessional conduct and conduct contrary to the public interest:

14 ... (g) Supplying or diverting drugs, biologicals, medicines, substances
15 or devices which are legally sold in pharmacies or by wholesalers, so
16 that unqualified persons can circumvent any law pertaining to the legal sale of such articles.

17 . . . (i) Performing any of his or her duties as the holder of a license,
18 certificate or registration issued by the Board, or as the owner of a business or an entity licensed by the Board, in an incompetent, unskillful or negligent manner.

19 . . . (n) Dispensing a drug as a dispensing practitioner to a patient
20 with whom the dispensing practitioner does not have a bona fide therapeutic relationship.

21
22 3. A record regarding the dispensing of a controlled substance or dangerous drug made and kept pursuant to this section must be maintained on paper or in a computer. If the record is:

23 (a) Maintained on paper, the record must:

24 (1) Include all the information required to be on the prescription pursuant to NRS 639.2353 and NAC 453.440;

25 (2) Set forth on the front of the prescription a certification initialed and dated by the patient that the patient has been informed by the practitioner in accordance with subsection 2 and that the patient has agreed to have the practitioner dispense the controlled substance or dangerous drug; and

26 (3) Be serially numbered and kept in numerical order in a single file for all dispensing practitioners, including, without limitation, physician assistants and advanced practice registered nurses, practicing at the same location.

27 (b) Maintained in a computer, the record must:

28 (1) Include all the information required to be on the prescription pursuant to NRS 639.2353 and NAC 453.440;

(2) Contain a certification, either in the computer or a separate paper document, initialed and dated by the patient that the patient has been informed by the practitioner in accordance with subsection 2 and that the patient has agreed to have the practitioner dispense the controlled substance or dangerous drug; and

(3) Be searchable for any item required by paragraph (a) of subsection 1 to be included in the record.

1 (o) Prescribing a drug as a prescribing practitioner to a patient with
2 whom the prescribing practitioner does not have a bona fide
therapeutic relationship.

3 33. NAC 639.945(2) provides that the owner of any business or facility licensed, certified
4 or registered by the Pharmacy Board is responsible for the acts of all personnel in his or her employ.

5 34. NAC 639.945(3) provides that, for purposes of applying Pharmacy Board
6 regulations:

7 [A] bona fide therapeutic relationship between the patient and
8 practitioner shall be deemed to exist if the patient was examined in
9 person, electronically or telephonically by the practitioner within the
10 6 months immediately preceding the date the practitioner dispenses
or prescribes a drug to the patient and, as a result of the examination,
the practitioner diagnosed a condition for which a given drug therapy
is prescribed.

11 35. Accordingly, any physician or physician assistant who—whether by serving as a so-
12 called “medical director” of, or by furnishing dangerous drugs or hypodermic devices to, or by some
13 other relationship or circumstance with any “medical spa” wherein dangerous drugs or hypodermic
14 devices are possessed, controlled, accessed, prescribed, administered, and/or dispensed—engages in
15 conduct that violates any regulation adopted by the Pharmacy Board, including but not limited to
16 NAC 639.742(1)-(3), (4)(a)-(b), or 639.945(1)-(3), has violated the Nevada Medical Practice Act
17 and is subject to discipline by the Board.

18 **II. THE PERTINENT HISTORY OF CRIMINAL AND UNPROFESSIONAL CONDUCT**
19 **OF TAMMY LYNN HANKINS, PA-C**

20 36. On or about March 1, 2012, in the Superior Court of the State of Arizona, in and for the
21 County of Mohave (Arizona Court), in Case No. CR-2012-00287, a Grand Jury indicted Tammy Lynn
22 Hankins (Hankins), a physician assistant who at that time held a license to practice medicine in the
23 State of Arizona, on five (5) criminal counts of violations of Arizona law, including COUNT 1:
24 FRAUDULENT SCHEMES AND ARTIFICES, CLASS 2 FELONY; COUNT 2: OBTAIN OR
25 PROCURE THE ADMINISTRATION OF A NARCOTIC DRUG BY FRAUD, CLASS 3 FELONY;
26 COUNT 3: OBTAINING A DANGEROUS DRUG BY FRAUD, CLASS 3 FELONY; COUNT 4:
27 ATTEMPTED OBTAINING A DANGEROUS DRUG BY FRAUD, CLASS 4 FELONY; COUNT 5:
28 ATTEMPTED OBTAINING A DANGEROUS DRUG BY FRAUD, CLASS 4 FELONY.

1 **Hankins' Arizona Case History**

2 37. On or about November 28, 2012, the Arizona Regulatory Board of Physician Assistants
3 ("Arizona Board"), in Case No. PA-11-0127A, found Hankins, who had been the holder of a license to
4 practice medicine as a physician assistant in the State of Arizona (License No. 2228), guilty of
5 unprofessional conduct. Specifically, the Arizona Board found Hankins guilty with respect to two (2)
6 patients, Patient JC and Patient MW, determining that Hankins deviated from the standard of care by
7 inappropriately and excessively prescribing controlled substances to patients, risking addiction or
8 overdose with a possible fatal outcome.

9 38. For the foregoing misconduct, the Arizona Board found Hankins guilty of
10 unprofessional conduct pursuant to Arizona Revised Statute (ARS) §32-2501(18)(i) ("prescribing or
11 dispensing controlled substances or prescription-only drugs for which the physician assistant is not
12 approved or in excess of the amount authorized pursuant to this chapter"); ARS §32-2501(18)(j) ("any
13 conduct or practice that is or might be harmful or dangerous to the health of a patient or the public");
14 ARS § 32-2501 (18)(p) ("failing or refusing to maintain adequate records on a patient"), and
15 ARS § 32-2501(18)(z) ("failing to furnish legally requested information to the [Arizona Board] or its
16 Investigator in a timely manner."). The Arizona Board also found that a practice restriction was needed
17 in order to protect the public, and ordered that Hankins be issued a Letter of Reprimand, placed on
18 probation for one (1) year with additional conditions and restrictions.

19 **Arizona License Renewal by Hankins**

20 39. Hankins's license to practice medicine as a physician assistant in the State of Arizona
21 (License No. 2228) was due for renewal by June 1, 2013; Hankins did not renew, and her Arizona
22 license expired by operation of law on May 20, 2014.

23 **Arizona Criminal Conduct by Hankins**

24 40. On or about September 14, 2013, the Arizona Court found that Hankins had knowingly,
25 intelligently and voluntarily pled guilty to the offense of: COUNT 3: OBTAINING A DANGEROUS
26 DRUG BY FRAUD, CLASS 3 FELONY. On or about October 2, 2013, the Arizona Court entered its
27 judgment finding Hankins guilty of the foregoing charge, and sentenced Hankins to a suspended

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1 imposition of sentence and placing the Defendant on probation for a period of four (4) years
2 commencing October 2, 2013, among other conditions of probation.

3 41. On or about January 17, 2014, pursuant to a Petition to Revoke Probation, the Arizona
4 Court ordered that Hankins be held without bond pending hearing on said petition.

5 42. On or about August 11, 2014, the Arizona Court found Hankins guilty of violating her
6 probation for the following crimes: OBTAINING A DANGEROUS DRUG BY FRAUD, CLASS 3
7 FELONY, and SEXUAL CONDUCT WITH A MINOR, CLASS 6 FELONY. For the first crime,
8 Hankins was sentenced to two and one-half (2.5) years with the Arizona Department of Corrections, as
9 a minimum sentence, to date from August 11, 2014, and was given credit for two hundred eight (208)
10 days served prior to sentencing. For the second crime, Hankins was sentenced to one (1) additional
11 year of incarceration, that sentence to run consecutive to the other.

12 43. Hankins was not licensed to practice medicine as a physician assistant in the
13 State of Nevada before March 6, 2020.

14 44. Hankins does not hold an active Drug Enforcement Agency (DEA) registration, and
15 has not held a valid registration since 2016. Hankins also does not hold and has never held an active
16 license or registration with the Pharmacy Board.

17 **III. RESPONDENT'S AIDING AND ABETTING THE UNLICENSED PRACTICE OF**
18 **MEDICINE AT VIDA SPA, AND RELATED VIOLATIONS OF NEVADA**
PHARMACY LAWS

19 45. Vida Spa LLC, a Nevada Limited Liability Company, formed July 22, 2016,
20 managed by Gisselle Platfoot ("Vida Spa"), and also doing business as "Vida Spa" and "Vita
21 Medical Spa Las Vegas," is a self-described "medical spa" located at 3225 S Rainbow Blvd #107
22 and/or #206, Las Vegas, NV 89146.

23 46. At all times relevant to this Complaint, Vida Spa was licensed in Clark County,
24 Nevada, under Clark County Business License No. 2003447.081-172, under the business category of
25 "Cosmetology Establishment - Other Services." The owners listed under this license are Art Matrix,
26 Inc. and Gisselle Platfoot.

27 47. At all times relevant to this Complaint, Vida Spa had no other business licenses
28 except for the Clark County Business License No. 2003447.081-172.

1 48. Gisselle Platfoot, manager of Vida Spa, at all times relevant to this Complaint, did
2 not hold a license to practice any healing art as a “provider of health care,” as defined in
3 NRS 629.031, from any occupational licensing board in the State of Nevada, and was not otherwise
4 a practitioner as defined in NRS 639.0125.

5 49. Vida Spa is “a facility that provides health care, other than a medical facility”
6 NRS 449.442. At all times relevant to this Complaint, neither Respondent, Hankins, Vida Spa, nor
7 Gisselle Platfoot held a permit pursuant to NRS 449.442 to perform general anesthesia, conscious
8 sedation or deep sedation. Additionally, neither Respondent, Hankins, Vida Spa, nor Gisselle
9 Platfoot held a current accreditation by a nationally recognized organization approved by the
10 State Board of Nevada Bureau of Healthcare Quality and Compliance.

11 50. At all times relevant to this Complaint, Vida Spa was not a “medical facility,” as
12 defined in NRS 449.0151, and not “the office” of a physician or physician assistant licensed
13 pursuant to NRS chapter 630 or 633, qualified dentist, advanced practice registered nurse or
14 podiatric physician, as provided in NRS 454.217.

15 51. On March 24, 2021, the Pharmacy Board issued a Citation and Order to Cease and
16 Desist (Platfoot Citation) to Vida Spa and Gisselle Platfoot, whereby the Pharmacy Board
17 determined that Vida Spa and Gisselle Platfoot were possessing, administering, prescribing and/or
18 dispensing controlled substances and/or dangerous drugs for Nevada patients from Vida Spa in
19 violation of federal and state law. Specifically, the Platfoot Citation states that Vida Spa and
20 Gisselle Platfoot did not have a dispensing registration and are therefore prohibited from possessing,
21 dispensing and/or administering controlled substances and/or dangerous drugs. The Platfoot
22 Citation finds that Vida Spa and Gisselle Platfoot violated, attempted to violate, assisted or abetted
23 in the violation of or conspired to violate, without limitation, NRS 453.226, NRS 453.316,
24 NRS 453.321(1)(a), NRS 453.331 (l)(c)(d)(t)&(i), NRS 453.381(1), NRS 453.401(l)(a),
25 NRS 639.0727, NRS 639.100(1), NRS 639.23505, NRS 639.281, NRS 639.2813, NRS 639.310,
26 NAC 639.742, 21 U.S.C. § 822(a)(2), 21 U.S.C. § 823(f), 21 U.S.C. § 841(a), 21 U.S.C. § 842(a), 21
27 U.S.C. § 846 and 21 CFR §§ 1306.03-1306.05. The Platfoot Citation orders Vida Spa and Gisselle
28 Platfoot, pursuant to NRS 639.2895(1), to immediately cease and desist possessing, administering,

1 prescribing and/or dispensing controlled substances for Nevada patients, and also assessed an
2 administrative fine of five thousand dollars (\$5,000.00) pursuant to NRS 639.2895(3).

3 52. Respondent was the so-called “medical director” of Vida Spa, from on or about May
4 29, 2020, through on or about July 1, 2020, for which service Respondent agreed to receive
5 compensation from Vida Spa of three thousand dollars (\$3,000) per month, and agreed to commit
6 only one day of service per month to Vida Spa.

7 53. Based on misrepresentations made to Respondent by Gisselle Platfoot, Respondent
8 understood that Vida Spa was a properly licensed and permitted medical facility, and that his role at
9 Vida Spa was supposed to be limited to that of a consultant, and that all cosmetic procedures
10 performed at Vida spa were non-invasive and being performed by properly licensed individuals.
11 Respondent took no action to verify the misrepresentations of Gisselle Platfoot before agreeing to be
12 medical director of Vida Spa.

13 54. Respondent entered into a written agreement with Vida Spa on or about
14 May 29, 2020, before specifying a “start date” when Respondent would make a first visit to Vida
15 Spa.

16 55. During Respondent’s service as medical director of Vida Spa, which was licensed
17 only as a “cosmetology establishment,” Hankins, Gisselle Platfoot, and Vida Spa’s employees and
18 agents provided medical treatment and/or prescriptions and/or administered dangerous drugs and
19 hypodermic devices and/or dispensed dangerous drugs and hypodermic devices to at least four (4)
20 patients, as set forth below, which conduct by Hankins, Gisselle Platfoot and Vida Spa’s employees
21 and agents constitutes the practice of medicine in Nevada:

22 **PATIENT A**

23 56. Patient A was a twenty-nine (29) year-old female at the time of the events at issue.

24 57. At all times relevant to the treatment of Patient A, Respondent was the so-called
25 “medical director” of Vida Spa.

26 58. At all times relevant to Hankins’s treatment of Patient A, Hankins did not have a
27 supervising physician, and did not have a supervising physician agreement on file with and accepted

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1 by the Board, and was therefore expressly prohibited from performing medical services pursuant to
2 NAC 630.375(2).

3 59. The medical services rendered to Patient A by Hankins did not occur in a life-
4 threatening or emergency situation.

5 60. On June 1, 2020, Hankins, who did not have her own DEA registration and
6 controlled substance license issued by the NSBOP, utilized Respondent's prescribing credentials to
7 issue prescriptions to Patient A for Oxycodone-acetaminophen (a Schedule II Controlled Substance)
8 5-325 mg tablets, 12 ct. for 3 days; Alprazolam (a Schedule IV Controlled Substance) 1 mg tablets,
9 4 ct. for 2 days; Promethazine 25 mg tablets, 10 ct. for 2 days, Sulfameth/Trimethprim 800/160 mg
10 tablets, 20 ct. for 10 days.

11 61. Hankins, or a Vida Spa employee or agent acting at Hankins's direction, presented an
12 already completed written prescription, with the patient's name and with the corresponding
13 medications, quantities and doses filled-in, to Respondent, who then signed the prescription with the
14 understanding that the controlled substances and dangerous drugs would then be used by Hankins on
15 Patient A for the purpose of performing an invasive surgical procedure on Patient A.

16 62. The material purpose for prescribing the controlled substances to Patient A was
17 conscious sedation and pain control for an invasive surgical procedure to be performed on
18 Patient A.

19 63. Respondent's express purpose in signing the already completed written prescriptions
20 for controlled substances for Patient A was to offer conscious sedation and pain control to Patient A
21 for the invasive surgical procedure to be performed on Patient A by Hankins at Vida Spa.

22 64. The written prescription issued for Patient A in this manner was then presented to
23 Pharmacy Santa Maria, at 3827 E. Sunset Rd, Ste L, Las Vegas, Nevada 89120, which filled the
24 prescription, and the controlled substances and dangerous drugs were then delivered directly to Vida
25 Spa. The controlled substances and dangerous drugs were accepted at Vida Spa by Hankins, or by a
26 Vida Spa employee or agent acting at Hankins's direction, and then administered to Patient A by
27 Hankins, or by a Vida Spa employee or agent supervised directly by Hankins.

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1 5-325 mg tablets, 12 ct. for 3 days; Alprazolam (a Schedule IV Controlled Substance) 1 mg tablets,
2 4 ct. for 2 days; Promethazine 25 mg tablets, 10 ct. for 2 days, Sulfameth/Trimethprim 800/160 mg
3 tablets, 20 ct. for 10 days.

4 74. Hankins, or a Vida Spa employee or agent acting at Hankins's direction, presented an
5 already completed written prescription, with the patient's name and with the corresponding
6 medications, quantities and doses filled-in, to Respondent, who then signed the prescription with the
7 understanding that the controlled substances and dangerous drugs would then be used by Hankins on
8 Patient B for the purpose of performing an invasive surgical procedure on Patient B.

9 75. The material purpose for prescribing the controlled substances to Patient B was
10 conscious sedation and pain control for an invasive surgical procedure to be performed on
11 Patient B.

12 76. Respondent's express purpose in signing the already completed written prescriptions
13 for controlled substances for Patient B was to offer conscious sedation and pain control to Patient B
14 for the invasive surgical procedure to be performed on Patient B by Hankins at Vida Spa.

15 77. The written prescription issued for Patient B in this manner was then presented to
16 Pharmacy Santa Maria, at 3827 E. Sunset Rd, Ste L, Las Vegas, Nevada 89120, which filled the
17 prescription, and the controlled substances and dangerous drugs were then delivered directly to Vida
18 Spa. The controlled substances and dangerous drugs were accepted at Vida Spa by Hankins, or by a
19 Vida Spa employee or agent acting at Hankins's direction, and then administered to Patient B by
20 Hankins, or by a Vida Spa employee or agent supervised directly by Hankins.

21 78. Hankins, a Vida Spa employee or agent acting at Hankins's direction in the
22 Hankins's presence, or Patient B at the direction and in the presence of Hankins, directly
23 administered to Patient B the controlled substances, Alprazolam and Oxycodone-acetaminophen, by
24 ingestion.

25 79. Respondent did not see or treat Patient B, and did not direct or supervise Hankins in
26 her treatment of Patient B.

27 80. On June 3, 2020, at Vida Spa, Hankins performed a liposuction procedure on
28 Patient B. Hankins administered tumescent anesthesia with Lidocaine and Epinephrine to Patient B,

1 which Hankins obtained, without a patient-specific prescription or an order from a licensed
2 practitioner or a practitioner otherwise authorized to perform medical services for
3 Patient B, from a general store of controlled substances and dangerous drugs obtained and
4 maintained by Vida Spa in violation of federal and state law.

5 81. Hankins was not supervised by any licensed physician while performing this invasive
6 surgical procedure on Patient B at Vida Spa.

7 **PATIENT C**

8 82. Patient C was a thirty-five (35) year-old female at the time of the events at issue.

9 83. At all times relevant to the treatment of Patient C, Respondent was the so-called
10 “medical director” of Vida Spa.

11 84. At all times relevant to Hankins’s treatment of Patient C, Hankins did not have a
12 supervising physician, and did not have a supervising physician agreement on file with and accepted
13 by the Board, and was therefore expressly prohibited from performing medical services pursuant to
14 NAC 630.375(2).

15 85. The medical services rendered to Patient C by Hankins did not occur in a life-
16 threatening or emergency situation.

17 86. On June 3, 2020, Hankins, who did not have her own DEA registration and
18 controlled substance license issued by the NSBOP, utilized Respondent’s prescribing credentials to
19 issue prescriptions to Patient C for Oxycodone-acetaminophen (a Schedule II Controlled Substance)
20 5-325 mg tablets, 12 ct. for 3 days; Alprazolam (a Schedule IV Controlled Substance) 1 mg tablets,
21 4 ct. for 2 days; Promethazine 25 mg tablets, 10 ct. for 2 days, Sulfameth/Trimethprim 800/160 mg
22 tablets, 20 ct. for 10 days.

23 87. Hankins, or a Vida Spa employee or agent acting at Hankins’s direction, presented an
24 already completed written prescription, with the patient’s name and with the corresponding
25 medications, quantities and doses filled-in, to Respondent, who then signed the prescription with the
26 understanding that the controlled substances and dangerous drugs would then be used by Hankins on
27 Patient C for the purpose of performing an invasive surgical procedure on Patient C.

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1 88. The material purpose for prescribing the controlled substances to Patient C was
2 conscious sedation and pain control for an invasive surgical procedure to be performed on
3 Patient C.

4 89. Respondent's express purpose in signing the already completed written prescriptions
5 for controlled substances for Patient C was to offer conscious sedation and pain control to Patient C
6 for the invasive surgical procedure to be performed on Patient C by Hankins at Vida Spa.

7 90. The written prescription issued for Patient C in this manner was then presented to
8 Pharmacy Santa Maria, at 3827 E. Sunset Rd, Ste L, Las Vegas, Nevada 89120, which filled the
9 prescription, and the controlled substances and dangerous drugs were then delivered directly to Vida
10 Spa. The controlled substances and dangerous drugs were accepted at Vida Spa by Hankins, or by a
11 Vida Spa employee or agent acting at Hankins's direction, and then administered to Patient C by
12 Hankins, or by a Vida Spa employee or agent supervised directly by Hankins.

13 91. Hankins, a Vida Spa employee or agent acting at Hankins's direction in the
14 Hankins's presence, or Patient C at the direction and in the presence of Hankins, directly
15 administered to Patient C the controlled substances, Alprazolam and Oxycodone-acetaminophen, by
16 ingestion.

17 92. Respondent did not see or treat Patient C, and did not direct or supervise Hankins in
18 her treatment of Patient C.

19 93. On June 4, 2020, at Vida Spa, Hankins performed a liposuction procedure on the
20 upper back and flanks of Patient C. On information and belief, Hankins administered tumescent
21 anesthesia with Lidocaine and Epinephrine to Patient C, which Hankins obtained, without a patient-
22 specific prescription or an order from a licensed practitioner or a practitioner otherwise authorized to
23 perform medical services for Patient C, from a general store of controlled substances and dangerous
24 drugs obtained and maintained by Vida Spa in violation of federal and state law.

25 94. Hankins was not supervised by any licensed physician while performing this invasive
26 surgical procedure on Patient C at Vida Spa.

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PATIENT D

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2 95. Patient D was a forty (40) year-old female at the time of the events at issue.

3 96. At all times relevant to the treatment of Patient D, Respondent was the so-called
4 “medical director” of Vida Spa.

5 97. At all times relevant to Hankins’s treatment of Patient D, Hankins did not have a
6 supervising physician, and did not have a supervising physician agreement on file with and accepted
7 by the Board, and was therefore expressly prohibited from performing medical services pursuant to
8 NAC 630.375(2).

9 98. The medical services rendered to Patient D by Hankins did not occur in a life-
10 threatening or emergency situation.

11 99. On June 4, 2020, Hankins, who did not have her own DEA registration and
12 controlled substance license issued by the NSBOP, utilized the Respondent’s prescribing credentials
13 to issue prescriptions to Patient D for Oxycodone-acetaminophen (a Schedule II Controlled
14 Substance) 5-325 mg tablets, 12 ct. for 3 days; Alprazolam (a Schedule IV Controlled Substance) 1
15 mg tablets, 4 ct. for 2 days; Promethazine 25 mg tablets, 10 ct. for 2 days, Sulfameth/Trimethprim
16 800/160 mg tablets, 20 ct. for 10 days.

17 100. Hankins, or a Vida Spa employee or agent acting at Hankins’s direction, presented an
18 already completed written prescription, with the patient’s name and with the corresponding
19 medications, quantities and doses filled-in, to Respondent, who then signed the prescription with the
20 understanding that the controlled substances and dangerous drugs would then be used by Hankins on
21 Patient D for the purpose of performing an invasive surgical procedure on Patient D.

22 101. The material purpose for prescribing the controlled substances to Patient D was
23 conscious sedation and pain control for an invasive surgical procedure to be performed on
24 Patient D.

25 102. Respondent’s express purpose in signing the already completed written prescriptions
26 for controlled substances for Patient D was to offer conscious sedation and pain control to Patient D
27 for the invasive surgical procedure to be performed on Patient D by Hankins at Vida Spa.

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1 103. The written prescription issued for Patient D in this manner was then presented to
2 Pharmacy Santa Maria, at 3827 E. Sunset Rd, Ste L, Las Vegas, Nevada 89120, which filled the
3 prescription, and the controlled substances and dangerous drugs were then delivered directly to Vida
4 Spa. The controlled substances and dangerous drugs were accepted at Vida Spa by Hankins, or by a
5 Vida Spa employee or agent acting at Hankins's direction, and then administered to Patient D by
6 Hankins, or by a Vida Spa employee or agent supervised directly by Hankins.

7 104. Hankins, a Vida Spa employee or agent acting at Hankins's direction in the
8 Hankins's presence, or Patient D at the direction and in the presence of Hankins, directly
9 administered to Patient D the controlled substances, Alprazolam and Oxycodone-acetaminophen, by
10 ingestion.

11 105. Respondent did not see or treat Patient D, and did not direct or supervise Hankins in
12 her treatment of Patient D.

13 106. On June 5, 2020, at Vida Spa, Hankins performed a liposuction procedure on the
14 abdomen, flanks back and "bra straps" of Patient D, and a fat transfer to the buttocks of Patient D.
15 Hankins administered tumescent anesthesia with Lidocaine and Epinephrine to Patient D, which
16 Hankins obtained, without a patient-specific prescription or an order from a licensed practitioner or
17 a practitioner otherwise authorized to perform medical services for Patient D, from a general store of
18 controlled substances and dangerous drugs obtained and maintained by Vida Spa in violation of
19 federal and state law.

20 107. Hankins was not supervised by any licensed physician while performing this invasive
21 surgical procedure on Patient D at Vida Spa.

22 **IV. RESPONDENT'S MEDICAL DIRECTORSHIP OF VIDA SPA**

23 108. At all times relevant to this Complaint, Hankins did not consult with Respondent
24 regarding any procedures she performed or participated in while Respondent was medical director of
25 Vida Spa.

26 109. At all times relevant to this Complaint, Respondent was not present during any
27 procedures she performed.

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1 110. At all times relevant to this Complaint, Respondent was not present at Vida Spa
2 during its regular business hours, nor during any times relevant to this Complaint.

3 111. Despite Hankins's public history of criminal and unprofessional conduct, and
4 incarceration, Respondent, as medical director of Vida Spa, did not investigate or exercise ordinary
5 and reasonable diligence to determine whether Hankins was authorized to practice medicine at Vida
6 Spa, and took no action to prohibit the unlicensed practice of medicine at Vida Spa by Hankins,
7 Gisselle Platfoot, and Vida Spa's employees and agents.

8 112. Respondent was an independent contractor of Vida Spa.

9 113. Respondent was not a manager, officer or employee of Vida Spa.

10 114. Respondent had no ownership or member interest in Vida Spa, nor did he have
11 authority, by contract or otherwise, to manage the affairs of Vida Spa.

12 115. Neither Gisselle Platfoot nor any of Vida Spa's employees, agents or other
13 independent contractors were employed by Respondent during the time Respondent served as
14 medical director of Vida Spa.

15 116. Respondent has held a valid controlled substance registration issued by the Pharmacy
16 Board (License No. CS09487) since July 1, 1998.

17 117. At all times relevant to this Complaint, Respondent did not hold a dispensing
18 practitioner license issued by the Pharmacy Board.

19 118. Respondent did not apply to the Pharmacy Board for a certificate of registration to
20 dispense controlled substances or dangerous drugs at Vida Spa.

21 119. While medical director of Vida Spa, Respondent permitted Gisselle Platfoot and
22 Vida Spa's employees and agents to utilize his medical license and controlled substance registration
23 to prescribe and procure dangerous drugs and controlled substances, which are available only by
24 prescription, for customers of Vida Spa and use by Gisselle Platfoot and Vida Spa's employees and
25 agents in providing medical services to patients at Vida Spa.

26 120. While medical director of Vida Spa, Respondent permitted dangerous drugs and
27 controlled substances to be left unlocked and readily accessible at Vida Spa in the sole possession,

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1 custody and control of Gisselle Platfoot and Vida Spa's employees and agents, and beyond the
2 supervision or restraint of Respondent.

3 121. All of the dangerous drugs and controlled substances left in the custody and control
4 of Gisselle Platfoot and Vida Spa's employees and agents were at no time stored in a secure, locked
5 room or cabinet accessible only by Respondent. Gisselle Platfoot and Vida Spa's employees and
6 agents had unrestricted access to dangerous drugs, controlled substances, hypodermic devices and
7 other dangerous medical devices and poisonous substances.

8 122. Gisselle Platfoot and Vida Spa's employees and agents possessed, controlled, stored,
9 prescribed, administered and/or dispensed controlled substances, dangerous drugs and hypodermic
10 devices without a dispensing license as required by the Pharmacy Board.

11 123. Respondent was not present when Hankins, Gisselle Platfoot, and Vida Spa's
12 employees and agents possessed, controlled, stored, prescribed, administered and/or dispensed
13 controlled substances, dangerous drugs and hypodermic devices obtained using Respondent's
14 medical license and controlled substance registration.

15 124. Respondent neither received nor accounted for the controlled substances, dangerous
16 drugs and hypodermic devices possessed, controlled, stored, prescribed, administered and/or
17 dispensed by Gisselle Platfoot and Vida Spa's employees and agents.

18 125. Respondent did not see, examine, diagnose or otherwise have a bona fide therapeutic
19 relationship with any of the four (4) patients to whom Hankins, Gisselle Platfoot, and Vida Spa's
20 employees and agents provided medical treatment(s) and/or prescriptions and/or administered
21 dangerous drugs and hypodermic devices and/or dispensed dangerous drugs and hypodermic
22 devices.

23 126. Respondent was not on-site at Vida Spa or otherwise immediately available when
24 Hankins, Gisselle Platfoot, and Vida Spa's employees or agents provided medical treatment and/or
25 issued prescriptions for, administered and dispensed controlled substances, dangerous drugs and
26 hypodermic devices to these four (4) patients.

27 127. Respondent did not personally administer or dispense at Vida Spa, or personally
28 direct any of Gisselle Platfoot, Hankins or any other of Vida Spa's employees or agents to

1 administer or dispense at Vida Spa, and did not exercise sufficient control of Vida Spa operations to
2 ensure that dangerous drugs and controlled substances were administered and dispensed only for
3 medically necessary purposes and according to prevailing standards of care.

4 128. Respondent supplied controlled substances, dangerous drugs and hypodermic devices
5 to Gisselle Platfoot, Hankins, and Vida Spa's employees or agents and permitted unqualified
6 persons to circumvent laws pertaining to the legal sale of such articles, and allowed others to utilize
7 his medical credentials and controlled substance registration to administer, dispense and prescribe
8 controlled substances, dangerous drugs and hypodermic devices to those whom he did not have a
9 bona fide therapeutic relationship.

10 129. Respondent failed to ensure that he had the required ownership or employment
11 relationship with respect to Vida Spa and its employees and agents to comply with the requirements
12 of NAC 630.800-830.

13 130. Respondent failed to ensure that he had the legal and practical control of Vida Spa's
14 operations to effectively control the conduct of Hankins, Gisselle Platfoot and Vida Spa's employees
15 and agents in performance of all medical activities as his medical assistants or otherwise, in order to
16 prevent prohibited conduct and ensure that his medical assistants possessed the knowledge, skill and
17 training to perform their tasks safely and properly.

18 COUNT I

19 **NRS 630.306(1)(b)(3) – Engaging in Conduct that Violates Pharmacy Board Regulations**

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

22 132. NRS 630.306(1)(b)(3) provides that engaging in conduct that violates a regulation
23 adopted by the Pharmacy Board is grounds for initiating disciplinary action or denying licensure.

24 133. Including but not limited to the conduct described herein, Respondent engaged in
25 conduct that violates regulations adopted by the Pharmacy Board, specifically including but not
26 limited to, NAC 639.742(1)-(3), (4)(a)-(b), 639.945(1)-(3), and NAC 639.742(1).

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

1 **COUNT II**

2 **NRS 630.3062(1)(h) – Unauthorized and Otherwise Inappropriate Prescribing of**
3 **Controlled Substances**

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

6 136. Pursuant to NRS 630.3062(1)(h), fraudulent, illegal, unauthorized or otherwise
7 inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II,
8 III or IV is grounds for disciplinary action or denying licensure.

9 137. As demonstrated by, but not limited to, the above-outlined facts, Respondent issued
10 unauthorized and otherwise inappropriate prescriptions for schedule II and IV controlled substances,
11 Oxycodone-acetaminophen and Alprazolam, respectively, to Patients A, B, C and D by signing
12 prescriptions for controlled substances for patients he did not see, examine or diagnose, and with
13 whom he did not have a bona fide therapeutic relationship.

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

16 **COUNT III**

17 **NRS 630.306(1)(r) – Failure to Supervise Medical Assistants**

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

20 140. Pursuant to NRS 630.306(1)(r), failure to supervise adequately a medical assistant
21 pursuant to the regulations of the Board is grounds for discipline or denying licensure.

22 141. Pursuant to NAC 630.230(1)(g), a physician shall not allow any person to act as a
23 medical assistant in the treatment of a patient of the physician, unless the medical assistant has
24 sufficient training to provide the assistance.

25 142. Pursuant to NAC 630.230(1)(h), a physician shall not fail to provide adequate
26 supervision of a medical assistant who is employed or supervised by the physician, including,
27 without limitation, supervision provided in the manner described in NAC 630.810 or 630.820.

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1 143. As demonstrated by, but not limited to, the above-outlined facts, Respondent failed
2 to supervise adequately medical assistants at Vida Spa in violation of NAC 630.230(1)(g) and (h),
3 and NAC 630.810 or 630.820.

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

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

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

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

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

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

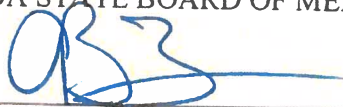
16 5. That the Board make, issue and serve on Respondent its findings of fact, conclusions
17 of law and order, in writing, that includes the sanctions imposed; and

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

20 DATED this 11th day of August, 2021.

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

23 By:

24 
25 AARON B. FRICKE, ESQ.
26 General Counsel
27 9600 Gateway Drive
28 Reno, Nevada 89521
Tel: (702) 486-3813
Email: africke@medboard.nv.gov
Attorney for the Investigative Committee

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VERIFICATION

STATE OF NEVADA)
 : ss.
COUNTY OF CLARK)

Victor M. Muro, M.D., 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 11 day of August, 2021.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 
VICTOR M. MURO, M.D.
Chairman of 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 11th day of August, 2021, I served a file-stamped copy of the foregoing **COMPLAINT**, via U.S. Certified Mail to the following parties:

Salvador Garcia Borromeo, M.D.
c/o Laurence J. Weinstein, Esq.
Larry Jordan Weinstein CHTD.
3225 McLeod Drive, Ste. 100
Las Vegas, NV 89121
Certified Mail Receipt No.: 9171 9690 0935 0252 1561 87

DATED this 11th day of August, 2021.


MERCEDES FUENTES
Legal Assistant
Nevada State Board of Medical Examiners