

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

\* \* \* \* \*

**In the Matter of Charges and Complaint**

**Case No. 22-9968-1**

**Against:**

**JULIO LUIS GARCIA, M.D.,**

**Respondent.**

**FILED**

**MAR 30 2022**

NEVADA STATE BOARD OF  
MEDICAL EXAMINERS

By: 

**COMPLAINT**

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

1. Respondent was at all times relative to this Complaint a medical doctor holding an active license to practice medicine in the State of Nevada (License No. 5672). Respondent was originally licensed by the Board on July 1, 1988.

**I. STATEMENT OF LAW**

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

3. Pursuant to NRS 630.020(1)-(4), the "Practice of medicine" means:

1. To diagnose, treat, correct, prevent or prescribe for any human disease, ailment, injury, infirmity, deformity or other condition,

<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 Mr. M. Neil Duxbury, Michael C. Edwards, M.D., and Aury Nagy, M.D.

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1 physical or mental, by any means or instrumentality, including, but  
not limited to, the performance of an autopsy.

2 2. To apply principles or techniques of medical science in the  
3 diagnosis or the prevention of any such conditions.

4 3. To perform any of the acts described in subsections 1 and 2 by  
5 using equipment that transfers information concerning the medical  
6 condition of the patient electronically, telephonically or by fiber  
7 optics, including, without limitation, through telehealth, from within  
or outside this State or the United States.

4. To offer, undertake, attempt to do or hold oneself out as able to  
do any of the acts described in subsections 1 and 2.

8 4. Pursuant to NRS 630.400(1)(d), it is unlawful for any person to practice medicine  
9 without being licensed by the Board under NRS Chapter 630, or by another medical professional  
10 licensing board pursuant to NRS Chapters 631 to 637, inclusive, 639, or 640.

11 5. Pursuant to NRS 630.400(2) and NRS 193.130(c) and (d), the unlicensed practice  
12 of medicine is a felony, punishable by imprisonment in the state prison for a minimum term of not  
13 less than one (1) year and a maximum term of not more than five (5) years.

14 6. Pursuant to NRS 630.020, the "practice of medicine" means, in relevant part, the  
15 diagnosis, treatment, correction, prevention of prescription for any human disease, ailment, injury,  
16 infirmity, deformity or other condition, physical or mental, by any means or instrumentality, or  
17 offering, undertaking, attempting to do, or holding oneself out as able to do any of these acts.  
18 See NRS 630.020(1), (4).

19 7. Pursuant to NRS 630.305(1)(e), a Nevada physician may not aid, assist, employ or  
20 advise, directly or indirectly, any unlicensed person to engage in the practice of medicine contrary  
21 to the provisions of the Medical Practice Act.

22 8. A physician may delegate specific tasks to an adequately supervised and trained  
23 medical assistant pursuant to the provisions of NAC 630.810 or NAC 630.820.

24 9. Pursuant to NRS 630.0129, a "medical assistant" means a person who (a) performs  
25 clinical tasks under the supervision of a physician or physician assistant; and (b) does not hold a  
26 license, certificate or registration issued by a professional licensing or regulatory board in this  
27 State to perform such clinical tasks.<sup>2</sup>

28 <sup>2</sup> A person who performs only administrative, clerical, executive or other nonclinical tasks is not a medical  
assistant. See NRS 630.0129(2).

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1           10. Pursuant to NAC 630.810(1) and (2), a delegating practitioner may not delegate  
2 tasks to a medical assistant unless: (a) the delegating practitioner knows that the medical assistant  
3 possesses the knowledge, skill and training to perform the task safely and properly; (b) the  
4 medical assistant is not required to be certified or licensed to perform that task; (c) the medical  
5 assistant is employed by the delegating practitioner or the medical assistant and the delegating  
6 practitioner are employed by the same employer; and (d) the employer of the medical assistant has  
7 documented on the employment record of the medical assistant that he or she has been  
8 appropriately trained and is competent to person any task or procedure assigned to him or her.

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

12           12. Except in the instances where remote supervision of a medical assistant is allowed,  
13 if a medical assistant is delegated a task which involves an “invasive procedure,”<sup>3</sup> the  
14 delegating practitioner must be immediately available to exercise oversight in person while the  
15 medical assistant performs the task. *See* NAC 630.810.

16           13. Only licensed physicians, physician assistants, dentists who have completed  
17 specific training, registered nurses, advanced practice registered nurse, and podiatric physicians  
18 who have completed specific training are authorized to inject dermal or soft tissue fillers.  
19 *See* NRS 629.086(1).

20           14. A physician may not delegate injection of dermal or soft tissue fillers to persons  
21 not set forth in NRS 629.086(1). Such injection may not be delegated to a medical assistant.  
22 *See* NRS 629.086(2).

23           15. A person who violates any portion of NRS 629.086 is guilty of a misdemeanor.  
24 NRS 629.086(3).

25           16. Only licensed physicians, physician assistants, dentists who have completed  
26 specific training, registered nurses, advanced practice registered nurse, and podiatric physicians  
27

28 <sup>3</sup> 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.”

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1 who have completed specific training are authorized to inject a neuromodulator that is derived  
2 from *Clostridium botulinum* or is biosimilar to or the bioequivalent of such a neuromodulator, i.e.,  
3 Botox. See NRS 454.217(1).

4 17. A physician may not delegate injection of a neuromodulator that is derived from  
5 *Clostridium botulinum* or is biosimilar to or the bioequivalent of such a neuromodulator to a  
6 medical assistant. See NRS 454.217(2).

7 18. A person who violates any portion of NRS 454.217 is guilty of a misdemeanor.  
8 See NRS 454.356.

9 19. Pursuant to NRS 630.306(1)(u), the failure to comply with the provisions of  
10 NRS 454.217 or 629.086 is grounds for initiating disciplinary action against a physician.

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

14 21. Pursuant to 21 Code of Federal Regulations (CFR) §1306.04(a)-(b) and  
15 NRS 453.381, a physician or physician assistant may prescribe or administer controlled  
16 substances only for a legitimate medical purpose and in the usual course of his or her professional  
17 practice. The responsibility for the proper prescribing and dispensing of controlled substances is  
18 upon the prescribing practitioner, and a prescription may not be issued in order for an individual  
19 practitioner to obtain controlled substances for supplying the individual practitioner for the  
20 purpose of general dispensing to patients. See 21 CFR §1306.04(a)-(b).

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

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1 23. Pursuant to NRS 454.316 and NRS 454.321, it is unlawful to possess, dispense or  
2 furnish a dangerous drug except when furnished to the person by a pharmacist pursuant to a legal  
3 prescription from a practitioner.

4 24. NAC 639.742(1) provides that a practitioner who wishes to dispense controlled  
5 substances or dangerous drugs must apply to the Pharmacy Board for a certificate of registration  
6 to dispense controlled substances or dangerous drugs. A practitioner must submit a separate  
7 application for each site of practice, including, without limitation, any remote site or satellite  
8 consultation site, from which the practitioner wishes to dispense controlled substances or  
9 dangerous drugs.

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

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

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

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

(d) All drugs are dispensed in accordance with NAC 639.745<sup>4</sup>;

21 <sup>4</sup> NAC 639.745 Duties of certain practitioners concerning dispensing of controlled substances and  
22 dangerous drugs. (NRS 639.070, 639.0727)

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

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

- 27 (1) The name of the patient and, if not readily available from the practitioner's records, the patient's address;  
28 (2) The name, strength and quantity of the prescribed controlled substance or dangerous drug;  
(3) The directions for use;  
(4) The date the prescription was issued; and  
(5) A unique identifying number.

(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.

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  
4 purposes and according to prevailing standards of care for  
practitioners practicing in the specialty claimed or practiced by the  
dispensing practitioner; and

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

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

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

15 . . . (g) Supplying or diverting drugs, biologicals, medicines,  
16 substances or devices which are legally sold in pharmacies or by

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

19 (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.

20 (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.

21 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.

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:

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

24 (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

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

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

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

28 (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 wholesalers, so that unqualified persons can circumvent any law  
pertaining to the legal sale of such articles.

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

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

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

9 29. NAC 639.945(3) provides that, for purposes of applying Pharmacy Board  
regulations:

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

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

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

25 32. Accordingly, any physician or physician assistant who – whether by serving as a  
26 so-called “medical director” of, or by furnishing dangerous drugs or hypodermic devices to, or  
27 furnishing credentials so that others may obtain dangerous drugs or hypodermic devices for, or by  
28 some other relationship or circumstance with any “medical spa” or other business establishment

1 wherein dangerous drugs or hypodermic devices are possessed, controlled, accessed, prescribed,  
2 administered, and/or dispensed – violates any regulation adopted by the Pharmacy Board,  
3 including but not limited to NAC 639.742(1)-(3), (4)(a)-(b), or 639.945(1)-(3), has violated the  
4 Nevada Medical Practice Act and is subject to discipline by the Board.

5 **II. STATEMENT OF FACTS**

6 33. At all times relevant to this Complaint, Respondent maintained a medical practice  
7 located at 5735 S. Fort Apache Road, Suite B, Las Vegas, Nevada 89148.

8 34. Image Medical Spa LLC, an Nevada limited liability company (Image), was  
9 established on or about March 13, 2020; the managing members of the company were Skyler  
10 Thane Hockett-Pearson, Jeff Wayne Hockett, and Justin Wayne Hockett.

11 35. Image Medical Spa LLC established a business location at 8930 South Sunset  
12 Road, Suite 370, Las Vegas, Nevada 89148, and referred to itself as “Image Medical Spa,” “Image  
13 Medical Spa/Aesthetics,” and “Image MedSpa/Aesthetics” (all further references to “Image  
14 Medical Spa” are to this business).

15 36. On March 31, 2020, Respondent executed a “Consulting & Medical Director  
16 Agreement” (Medical Director Agreement), in which he “agreed to act as a consultant for and as  
17 medical director” of Image Medical Spa LLC.

18 37. The Medical Director Agreement states that its operation was to “begin [ ] May 1<sup>st</sup>,  
19 2020.”

20 38. The Medical Director Agreement was signed on behalf of Image Medical Spa LLC  
21 by Skyler Pearson, Jeff Hockett, and Justin Hockett, each of whom was denominated as an  
22 “Owner of Image Medical Spa, LLC.”

23 39. On or about April 23, 2020, Respondent executed a written “Agreement for  
24 Purchase of Compounded Office Use” (Drug Purchase Agreement) with Olympia Compounding  
25 Pharmacy/Legere Pharmaceuticals (Olympia Pharmacy), which consisted of a preprinted form  
26 with fillable blanks.

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1           40.    In the blank for the practitioner’s name is Respondent’s name; in the blank for  
2 Respondent’s address is handwritten the address of Image Medical Spa, 8930 West Sunset Road,  
3 Suite 370, Las Vegas, Nevada 89148.

4           41.    The Drug Purchase Agreement included a blank for “DEA #,” which is the unique  
5 identifier assigned to practitioners by the federal Drug Enforcement Agency (DEA) to allow the  
6 DEA, in part, to track prescriptions of controlled substances.

7           42.    Respondent provided his unique DEA number for the Drug Purchase Agreement.

8           43.    The Drug Purchase Agreement includes a “Physician Statement Regarding Office  
9 Visit Requirements,” which reads, in part that Olympia Pharmacy requires that the prescribing  
10 physician agree that prior to sending a prescription to Olympia Pharmacy, the following elements  
11 will be satisfied: the “patient has a medical complaint,” a “medical history has been taken,” and a  
12 “physical, in person, examination has been performed by the prescribing physician, and some  
13 logical connection exists between the medical complaint, the medical history, the physical  
14 examination, and the drug prescribed.”

15          44.    Respondent signed the Drug Purchase Agreement.

16          45.    In addition to signing the Drug Purchase Agreement, Respondent provided to  
17 Olympia Compounding Pharmacy/Legere Pharmaceuticals a copy of his Nevada medical license.

18          46.    On or about May 11, 2020, Respondent electronically signed an additional copy of  
19 the Drug Purchase Agreement, which had the same information typewritten in the fillable blanks,  
20 i.e., this copy also contained the physical address of Image Medical Spa and Respondent’s unique  
21 DEA number, and also contained the same “Physician, Statement Regarding Office Visit  
22 Requirements.”

23          47.    On or about May 12, 2020, the account Respondent established with Olympia  
24 Pharmacy was used to order various injectable solutions, including five vials of injectable B12  
25 methylcobalamin, which is a form that may only be provided to patients with a proper  
26 prescription.

27          48.    On or about May 14, 2020, the account Respondent established with Olympia  
28 Pharmacy was used to order seven (7) vials of injectable B12 methylcobalamin.

1           49.     The managing members of Image Medical Spa LLC, namely, Skyler Pearson, also  
2 known as Skyler Hockett-Pearson, also known as Skyler Thane Pearson (hereinafter, “Pearson”),  
3 and Justin Hockett, conducted the day-to-day operations of Image Medical Spa, including the  
4 treatment of patients.

5           50.     Image Medical Spa held itself out to the public as a “medical spa” and listed among  
6 the services it provided: liposuction; breast enhancement; vaginal rejuvenation; treatment for  
7 erectile dysfunction; laser hair removal; laser skin rejuvenation; laser lipolysis; cryolipolysis;  
8 ultrasonic lipolysis; teeth whitening; and injections of Botox, Juvéderm, Restylane, and B12.

9           51.     Between May 1, 2020, and August 27, 2020, hundreds of persons received  
10 treatments at Image Medical Spa, performed by Pearson and Justin Hockett, including various  
11 laser treatments; cryolipolysis; laser lipolysis; and injections of Botox, Juvéderm, Restylane, and  
12 B12.

13           52.     Laser treatments utilize focused light to remove hair or treat skin by cutting,  
14 burning, or destroying hair or tissue.

15           53.     Cryolipolysis describes the freezing of fat cells to induce apoptosis (cell death);  
16 one brand name reference to cryolipolysis is “CoolSculpting.”

17           54.     Laser lipolysis involves using a laser to liquefy fat cells beneath a person’s skin.

18           55.     Botox is the brand name for a prescription neuromodulator derived from  
19 *Clostridium botulinum* that is injected into facial muscles to reduce the appearance of wrinkles.

20           56.     Juvéderm is the brand name of a prescription dermal filler commonly injected into  
21 patients’ cheeks, chins, lips, or facial tissue to augment or contour parts of the face or to reduce  
22 the appearance of wrinkles or facial folds.

23           57.     Restylane is the brand name of a prescription dermal filler commonly injected into  
24 lips or facial tissue to reduce the appearance of wrinkles or facial folds or augment lips.

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1           58.     On July 9, 2020, Pearson sent a text message to Respondent that read, in part: “Hey  
2 I have someone that on one side of the CoolSculpting they burned like a sunburn and are peeling  
3 is there any cream you could call in to help the burn area go back to normal this has never  
4 happened to me ever it was the flat handles I put on both sides of her body and only one side  
5 burned”.

6           59.     Another text message from Pearson to Respondent on July 9, 2020, read: “She  
7 treated a week ago with me before we left for the 4th of July and also I need to start getting you  
8 paid and started this month or next for our monthly”.

9           60.     Still another text message from Pearson to Respondent on July 9, 2020, read: “Will  
10 the skin go back to normal with just aquaphor I told if it don’t I will do a micro needle treatment  
11 there” and “. . . it looks like a sun burn that is peeling”.

12           61.     On July 9, 2020, Respondent responded to Pearson’s text messages with his own  
13 text message reading: “Should be OK if it looks like a superficial skin burn, she should avoid  
14 exposing the area to the sun”.

15           62.     On July 13, 2020, Respondent sent a text message to Pearson that read, in part:  
16 “How is the CoolSculpt sunburn?”

17           63.     On or about July 13, 2020, Aspen Insurance Services issued an invoice to  
18 Respondent for “Medical Director Policy – E & O Miscellaneous Medical,” as well as an  
19 insurance binder “per the quotation dated 13-Jul-2020,” with a note that the “Policy Period” was  
20 “From: 10-Jul-2020 To: 10-Jul-2021.”

21           **A.     The Inspection of Image Medical Spa on August 27, 2020.**

22           64.     On August 27, 2020, at approximately 9:30 a.m., investigators from the Board and  
23 the Pharmacy Board inspected Image Medical Spa’s location at 8930 South Sunset Road, Suite  
24 370, Las Vegas, Nevada 89148.

25           65.     Neither Respondent nor Pearson were present when the investigators arrived at  
26 Image Medical Spa. No persons present at that time who represented themselves as employees or  
27 staff of Image Medical Spa were licensed by the Board or, on information and belief, any other  
28 Nevada professional licensing board.

1 66. Immediately upon entering the premises that day, Board and Pharmacy Board  
2 investigators observed at Image Medical Spa: (1) multiple patients in the waiting room; (2) three  
3 patients in the process of receiving laser treatments; and (3) several laser machines, cryo  
4 machines, and teeth whitening machines; however, there was no licensed practitioner present.

5 67. Investigators also found large quantities of Botox, Juvéderm, and other dangerous  
6 drugs in an unlocked room and/or unlocked refrigerator, including: (1) approximately 70 100-unit  
7 vials of Botox that appeared to be from China in an unlocked refrigerator which also appeared to  
8 contain food; (2) one 100-unit vial of Botox with a patient's name and a date on the label, located  
9 on the top shelf of the unlocked refrigerator; (3) over 50 boxes of Juvéderm; (4) approximately 20  
10 boxes of Restylane; and (5) multiple vials of expired lidocaine.

11 68. Persons who identified themselves as staff members at Image Medical Spa told  
12 investigators on August 27, 2020, that they had "never seen a doctor" at the business location and  
13 that Pearson had hired them and trained them to perform the treatments being performed at the  
14 location, and that they performed such treatments.

15 69. The staff members further informed investigators that hundreds of patients had  
16 been treated at the location daily since approximately May or June 2020.

17 70. Due to immediate safety concerns, at approximately 10:00 a.m. that day, Board  
18 investigators contacted the Las Vegas Metropolitan Police Department (LVMPD), and LVMPD  
19 representatives arrived at the Image Medical Spa location within a few minutes.

20 71. At approximately 10:30 a.m., a Board investigator called Pearson on his personal  
21 cellphone. He arrived at the Image Medical Spa location; Pearson was then arrested by LVMPD  
22 officers after throwing his cell phone at them.

23 72. Later, Respondent arrived at Image Medical Spa location after Pearson contacted  
24 him to say "the police" were there.

25 73. To the Board and Pharmacy Board investigators and the LVMPD officers,  
26 Respondent denied knowing that the business had been operating and that treatments were being  
27 performed on patients.

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1           **B.     Respondent’s Substandard Medical Directorship of Image Medical Spa.**

2           74.     Pursuant to the Medical Director Agreement, Respondent was medical director of  
3 Image Medical Spa from at least May 1, 2020, to August 27, 2020.

4           75.     While Respondent was the medical director of Image Medical Spa, Pearson, Justin  
5 Hockett and other members, managers, employees and/or independent contractors of Image  
6 Medical Spa, practiced medicine in that they performed laser treatments, cryolipolysis, laser  
7 lipolysis, and injections of Juvéderm, Restylane, and B12 on numerous human patients.

8           76.     Respondent’s text messages with Pearson on July 9, 2020, and July 13, 2020,  
9 among other facts, demonstrate that Respondent was aware that Pearson was performing  
10 cryolipolysis as of at least July 9, 2020.

11          77.     Respondent was not an owner, manager, agent, officer, or employee of Image  
12 Medical Spa LLC.

13          78.     Neither Pearson nor any of the persons performing medical procedures at Image  
14 Medical Spa was an employee of Respondent during the time Respondent served as medical  
15 director of Image Medical Spa.

16          79.     At all times relevant to the facts alleged herein, neither Pearson nor any other  
17 member, manager, employee, or independent contractor of Image Medical Spa was licensed by  
18 any Nevada professional licensing board pursuant to chapters 630 to 637, inclusive, 639 or 640 of  
19 NRS to practice medicine in the State of Nevada.

20          80.     At all times relevant to the facts alleged herein, Respondent, in his role as medical  
21 director, was the only person in any way affiliated with Image Medical Spa that held a medical  
22 license issued by the Board.

23          81.     At all times relevant to this Complaint, neither Pearson nor any other member,  
24 manager, employee, or independent contractor of Image Medical Spa was a Nevada-licensed  
25 cosmetologist or esthetician.<sup>5</sup>

26 \_\_\_\_\_  
27 <sup>5</sup> Even if they were, NAC 644A.790 prohibits cosmetologists and estheticians from performing “invasive  
28 procedures,” which is defined as “an act that affects the structure or function of the skin other than the uppermost  
layers of the skin,” and which for the sake of regulating the practice of cosmetologists and estheticians includes,  
without limitation, (a) the application of electricity for the sole purpose of contracting a muscle, (b) the application of  
a topical lotion, cream or other substance which affects anything other than the uppermost layers of the skin, (c) the  
penetration of the skin by needles, and (d) the abrasion of the skin below the uppermost layers of the skin.

1           82.     The only times Respondent was personally present at Image Medical Spa's location  
2 during his time as medical director were March 31, 2020, when he physically signed the Medical  
3 Director Agreement; and August 27, 2020, when he responded to the location in response to  
4 Pearson's call.

5           83.     None of the treatments performed at Image Medical Spa between May 1, 2020, and  
6 August 27, 2020, were ordered by Respondent.

7           84.     Respondent did not supervise or consult any of the persons performing treatments  
8 at Image Medical Spa, nor did he contact any of the persons performing treatments other than  
9 Pearson, in person or by any other means, during Respondent's service as medical director.

10          85.     Respondent did not ensure that Pearson or any owner, member, manager, employee  
11 or independent contractor of Image Medical Spa possessed the knowledge, skill, or training to  
12 perform laser treatments.

13          86.     Respondent did not ensure that Pearson or any owner, member, manager, employee  
14 or independent contractor of Image Medical Spa possessed the knowledge, skill, or training to  
15 perform cryolipolysis.

16          87.     Respondent did not ensure that Pearson or any owner, member, manager, employee  
17 or independent contractor of Image Medical Spa possessed the knowledge, skill, or training to  
18 perform laser lipolysis.

19          88.     Respondent could not have properly delegated the injection of Botox, Juvéderm, or  
20 Restylane to any unlicensed individual and did not ensure that Pearson or any owner, member,  
21 manager, employee, or independent contractor of Image Medical Spa was appropriately licensed  
22 to administer such injections.

23          89.     Respondent failed to ensure that he had the required ownership or employment  
24 relationship with respect to Image Medical Spa and failed to ensure that he had the legal and  
25 practical control of Image Medical Spa's operations, sufficient to effectively control the conduct  
26 of its employees and agents in performance of all medical activities, in order to prevent the  
27 practice of medicine by unlicensed persons.

28     ///

1           90.     Pearson and other unlicensed persons at Image Medical Spa dispensed Botox,  
2 Juvéderm, and Restylane, all dangerous drugs, which were obtained through Respondent's  
3 account(s) with drug wholesalers.

4           91.     Respondent actively participated in the establishment of the account(s) with drug  
5 wholesalers, by providing copies of his medical license, his DEA number, and his written and  
6 virtual signatures, through which Pearson and/or other unlicensed individuals obtained Botox,  
7 Juvéderm, and Restylane, which they then unlawfully dispensed at the Image Medical Spa  
8 location.

9           92.     Respondent did not apply to the Pharmacy Board for a certificate of registration to  
10 dispense controlled substances or dangerous drugs at Image Medical Spa's location.

11           93.     No member or manager of Image Medical Spa applied to the Pharmacy Board for a  
12 certificate of registration to dispense controlled substances or dangerous drugs at Image Medical  
13 Spa's location.

14           94.     As a result of Respondent executing the Purchase Agreement with a drug  
15 wholesaler, Pearson and/or other unlicensed persons at Image Medical Spa procured prescription-  
16 strength Botox, Juvéderm, and Restylane, as well as injectable B12, which drugs and hypodermic  
17 devices are available only by prescription and are dangerous drugs as defined by NRS 454.201.

18           95.     As a result of Respondent executing the Purchase Agreement with a drug  
19 wholesaler, prescription-strength Botox, Juvéderm, and Restylane were delivered to unlicensed  
20 persons at Image Medical Spa and were therefore in their possession, custody, and control and  
21 beyond the supervision or restraint of Respondent.

22           96.     All of the dangerous drugs listed, while in the custody and control of Image  
23 Medical Spa and its employees or agents, were not stored in a secure, locked room or cabinet to  
24 which the dispensing practitioner had the only key or lock combination.

25           97.     The employees and agents of Image Medical Spa possessed, controlled, stored,  
26 prescribed and/or dispensed all the aforementioned dangerous drugs and hypodermic devices  
27 without a dispensing license or a controlled substance license as required by the Pharmacy Board.

28     ///

1 98. Respondent was not present when Pearson or other employees or agents of Image  
2 Medical Spa possessed, controlled, stored, prescribed and/or dispensed the aforementioned  
3 dangerous drugs.

4 99. Respondent did not have a bona fide therapeutic relationship with any of the Image  
5 Medical Spa patients at issue, nor did he write a prescription for any drugs to any of these patients,  
6 nor was he on-site at the facility or otherwise immediately available when they were prescribed or  
7 otherwise administered or dispensed.

8 100. Respondent personally dispensed none of the drugs dispensed at Image Medical  
9 Spa's facility and did not assure that they were dispensed only for medically necessary purposes  
10 and according to prevailing standards of care, nor did he assure that a certificate for each  
11 dispensing technician employed at the facility was displayed in the room or cabinet in which drugs  
12 were stored.

13 **COUNT I**

14 **NRS 630.305(1)(e) – Aiding the Unlicensed Practice of Medicine**

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

17 102. The laser treatments, cryolipolysis, laser lipolysis, and injections of Botox,  
18 Juvéderm, Restylane, and B12, as described herein, performed by Pearson and Justin Hockett,  
19 among others, all involve the treatment of human conditions or diseases, and involve either the  
20 alteration of human tissue and/or invasive procedures requiring the entry into the human body by  
21 puncture, incision, or insertion of an instrument. Pearson and Justin Hockett performed such  
22 actions and held themselves out as able to perform such actions, which constitutes the practice of  
23 medicine pursuant to NRS 630.020.

24 103. Including, but not limited to the conduct set forth herein, Respondent, aided,  
25 assisted, and advised, directly and indirectly, unlicensed persons, including, but not limited to  
26 Pearson and Justin Hockett, to engage in the practice of medicine on patients at Image Medical Spa,  
27 which conduct was contrary to the provisions of NRS Chapter 630 and the regulations of the Board.

28 ///



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

3 **COUNT II**

4 **NRS 630.306(1)(u) – Unlawful Injection of Botox**

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

7 106. As demonstrated by, but not limited to, the above-outlined facts, Respondent, as  
8 medical director of Image Medical Spa, delegated the injection of Botox to unlicensed persons not  
9 authorized by NRS 454.217(1) to inject Botox, and at a location that is neither a medical facility,  
10 as defined in NRS 449.0151, nor at the office of a physician or physician assistant, licensed  
11 pursuant to NRS Chapters 630 or 633, dentist, advanced practice registered nurse or podiatric  
12 physician.

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

15 **COUNT III**

16 **NRS 630.306(1)(u) – Unlawful Injection of Dermal Fillers**

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

19 109. As demonstrated by, but not limited to, the above-outlined facts, Respondent, as  
20 medical director of Image Medical Spa, delegated the injection of dermal or soft tissue to  
21 unlicensed persons not authorized by NRS 629.086(1) to inject dermal or soft tissue fillers, and at  
22 a location that is neither a medical facility, as defined in NRS 449.0151, nor at the office of a  
23 physician or physician assistant, licensed pursuant to NRS Chapters 630 or 633, dentist, advanced  
24 practice registered nurse or podiatric physician.

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

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**COUNT IV**

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

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

112. NRS 630.306(1)(b)(3) provides that engaging in conduct that violates a regulation adopted by the Pharmacy Board is grounds for initiating disciplinary action.

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

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

**COUNT V**

**NRS 630.306(1)(p) – Unsafe or Unprofessional Conduct**

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

116. Engaging in any act that is unsafe or unprofessional conduct in accordance with regulations adopted by the Board is grounds for disciplinary action against a licensee pursuant to NRS 630.306(1)(p).

117. Pursuant to NAC 630.230(1)(g)-(i), it is unprofessional conduct to allow any person to act as a medical assistant in the treatment of a patient of the physician, unless the medical assistant has sufficient training to provide the assistance, to fail to provide adequate supervision of a medical assistant who is supervised by the physician, including, without limitation, supervision provided in the manner described in NAC 630.810 or 630.820, and to fail to provide adequate supervision of a physician assistant.

118. As demonstrated by, but not limited to, the above-outlined facts, Respondent violated NAC 630.230(1)(g)-(i) with respect to his supervision of Pearson, Justin Hockett, and others at Image Medical Spa.

119. Respondent’s conduct was unsafe and unprofessional.

1 120. 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  
6 NRS 630.339(2) 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;

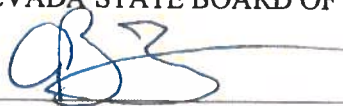
13 5. That the Board make, issue and serve on Respondent its findings of fact,  
14 conclusions of law and order, in writing, that includes the sanctions imposed; and

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

17 DATED this 28<sup>th</sup> day of March, 2022.

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

20 By:

  
\_\_\_\_\_  
21 AARON BART FRICKE, J.D.  
22 General Counsel  
23 9600 Gateway Drive  
24 Reno, NV 89521  
25 Tel: (775) 688-2559  
26 Email: [africke@medboard.nv.gov](mailto:africke@medboard.nv.gov)  
27 *Attorney for the Investigative Committee*  
28


1 VERIFICATION

2 STATE OF NEVADA )  
3 : ss.  
4 COUNTY OF WASHOE )

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

11 DATED this 28 day of March, 2022.

12 INVESTIGATIVE COMMITTEE OF THE  
13 NEVADA STATE BOARD OF MEDICAL EXAMINERS

14 By:   
15 BRETT W. FREY, M.D.  
16 *Chairman of the Investigative Committee*

17 OFFICE OF THE GENERAL COUNSEL  
18 Nevada State Board of Medical Examiners  
19 9600 Gateway Drive  
20 Reno, Nevada 89521  
21 (775) 688-2559