


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

3 * * * * *

4
5 **In the Matter of Charges and**
6 **Complaint Against:**
7 **JOSE HIRAM ALVAREZ, M.D.,**
8 **Respondent.**
9

Case No. 21-28177-2

FILED
SEP 28 2022
NEVADA STATE BOARD OF
MEDICAL EXAMINERS
By: 

10 **SECOND AMENDED COMPLAINT**

11 The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners
12 (Board), by and through Donald K. White, J.D., Senior Deputy General Counsel and attorney for the
13 IC, and Ian J. Cumings, J.D., Deputy General Counsel and attorney for the IC, having a reasonable
14 basis to believe that Jose Hiram Alvarez, M.D. (Respondent) violated the provisions of Nevada
15 Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630
16 (collectively, the Medical Practice Act), hereby issues its Second Amended Complaint, stating the
17 IC's charges and allegations as follows:

18 1. Respondent was at all times relative to this Complaint a Medical Doctor holding an
19 active license to practice medicine in the State of Nevada (License No. 10765). Respondent was
20 originally licensed by the Board on December 5, 2003. Respondent's specialty is listed as
21 Obstetrics/Gynecology on the Board's website. Cosmetic surgery is not a specialty of obstetrics
22 and gynecology

23 2. The true identities of Patient A, Patient B, Patient C, and Patient D are not disclosed
24 to protect their privacy but are disclosed in the Supplemental Patient Designation.

25 3. On August 20, 2018, Patient A presented to Respondent to perform the following
26 procedures: suction-assisted liposuction of the abdomen, flank, and back; abdominoplasty pannus
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28 ¹ The Investigative Committee of the Nevada State Board of Medical Examiners, at the time this formal
Complaint was authorized for filing, was composed of Board members Wayne Hardwick, M.D., Aury Nagy, M.D.,
and Mr. M. Neil Duxbury.

1 removal, and a fat transfer to the buttock. Respondent used tumescent anesthesia for all of the
2 procedures and acted as Surgeon and Anesthesiologist during Patient A's surgery. The patient
3 history and physical examination portion of Patient A's medical records lacked the standard
4 measurements and details typically noted in cosmetic plastic surgery evaluations.

5 4. On August 1, 2018, Patient B presented to Respondent to perform the following
6 procedures: suction-assisted liposuction of the abdomen, flank, and back; abdominoplasty pannus
7 removal, and a fat transfer to the buttock. Respondent used tumescent anesthesia for all of the
8 procedures and acted as Surgeon and Anesthesiologist for Patient B's care. As with Patient A,
9 Patient B's medical records lacked the standard measurements and details typically noted in
10 cosmetic plastic surgery evaluations.

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

17 6. On July 26, 2018, Patient D presented to Respondent to perform a breast lift.
18 Respondent had previously performed a breast augmentation for Patient D in 2014. Patient D's
19 medical records lacked the standard measurements and details typically noted in cosmetic plastic
20 surgery evaluations.

21 7. Respondent lacks the requisite training in plastic surgery to carry out surgeries such
22 as liposuction, breast augmentations, brachioplasties, fat transfers and abdominoplasties. Except for
23 liposuction, those procedures should be performed under general anesthesia with a board-certified
24 anesthesiologist or Certified Registered Nurse Anesthetist (CRNA) present.

25 8. Respondent is not certified by a specialty board of the American Board of Medical
26 Specialties, as required by NRS 630.160, to perform plastic surgery. Cosmetic surgery is a
27 subspecialty of plastic surgery. Respondent's training in cosmetic surgery consisted of various
28 workshops for which he received various certificates of completion. Performing abdominoplasties,

1 brachioplasties, breast augmentations, and fat transfer procedures, require these procedures to be
2 performed under general anesthesia with a board-certified Anesthesiologist or Certified Registered
3 Nurse Anesthetist (CRNA) present (Emphasis added). Liposuction procedures are generally
4 acceptable with the use of tumescent anesthesia; however, the other procedures performed by
5 Respondent, at the same time as the liposuction was performed, require the use of a general
6 anesthesia with a board-certified Anesthesiologist or CRNA present. Neither a CRNA nor an
7 Anesthesiologist were present during the surgeries on Patients A, B, C or D by Respondent.
8 Respondent has provided no documentation regarding his training and/or experience in performing
9 brachioplasties, abdominoplasties or fat transfer to the buttocks prior to performing these procedures
10 on Patients A through D.

11 **COUNTS I-IV**

12 **NRS 630.301(4) (Malpractice)**

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

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

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

19 12. As demonstrated by, but not limited to, the above-outlined facts, Respondent failed
20 to use the reasonable care, skill or knowledge ordinarily used under similar circumstances when
21 he provided medical services to Patients A, B, C, and D because Respondent lacked the requisite
22 training in plastic surgery to single-handedly perform liposuctions, breast augmentations,
23 brachioplasties, fat transfers, and abdominoplasties; and, because Respondent improperly used
24 tumescent anesthesia when performing abdominoplasties, brachioplasties, breast augmentations,
25 and fat transfer procedures.

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

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COUNTS V-VIII

NRS 630.306(1)(e) (Practice Beyond Scope of License)

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

15. NRS 630.306(1)(e) provides that practicing or offering to practice beyond the scope permitted by law or performing services which the Licensee knows or has reason to know that he or she is not competent to perform, or which are beyond the scope of his or her training is grounds for initiating disciplinary action against a licensee.

16. As demonstrated by, but not limited to the above-outlined facts, Respondent's specialty is listed as Obstetrics/Gynecology under NRS 630.160. Respondent is not a board-certified Plastic Surgeon and has only received instruction in cosmetic surgery from workshops and therefore lacks the requisite and proper training in plastic and cosmetic surgery to perform liposuctions, breast augmentations, brachioplasties, fat transfers, and abdominoplasties.

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

COUNTS IX-XII

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

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

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

20. Respondent failed to maintain accurate and complete medical records relating to the diagnosis, treatment and care of Patient A, B, C and D by failing to document his actions and noting the standard measurements and details typically noted in cosmetic plastic surgery evaluations when he treated Patients A, B, C and D.

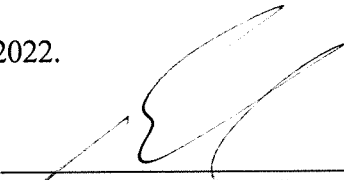
21. By reason of the foregoing, Respondent is subject to discipline by the Board as provided in NRS 630.352.

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WHEREFORE, the Investigative Committee prays:

1. That the Board give Respondent notice of the charges herein against him and give him notice that he may file an answer to the Complaint herein as set forth in NRS 630.339(2) within twenty (20) days of service of the Complaint;
2. That the Board set a time and place for a formal hearing after holding an Early Case Conference pursuant to NRS 630.339(3);
3. That the Board determine what sanctions to impose if it determines there has been a violation or violations of the Medical Practice Act committed by Respondent;
4. That the Board award fees and costs for the investigation and prosecution of this case as outlined in NRS 622.400;
5. That the Board make, issue and serve on Respondent its findings of fact, conclusions of law and order, in writing, that includes the sanctions imposed; and
6. That the Board take such other and further action as may be just and proper in these premises.

DATED this 28 day of September, 2022.

By: 

IAN J. CUMINGS, J.D.
Deputy General Counsel
9600 Gateway Drive
Reno, NV 89521
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~and~

DONALD K. WHITE, J.D.
Senior Deputy General Counsel
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Attorneys for the Investigative Committee

VERIFICATION


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STATE OF NEVADA)
 : ss.
COUNTY OF WASHOE)

Bret W. Frey, 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 Second Amended Complaint against the Respondent herein; that he has read the foregoing Second Amended 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 Second Amended Complaint against Respondent are true, accurate and correct.

DATED this 28th day of September, 2022.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 
BRET W. FREY, M.D.
Chairman of the Investigative Committee

CERTIFICATE OF SERVICE

I, Meg Byrd, Legal Assistant for the Nevada State Board of Medical Examiners, hereby certify that on September 28, 2022, I mailed the SECOND AMENDED COMPLAINT via USPS Certified Mail to the following recipient(s):

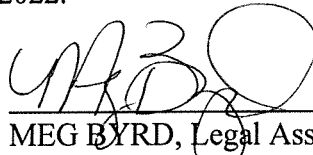
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Reno, NV 89509
Hearing Officer

USPS Certified Tracking No.: 9171 9690 0935 0254 7618 39

9171 9690 0935 0254 7618 46

DATED this 28th day of September, 2022.



MEG BYRD, Legal Assistant
Nevada State Board of Medical Examiners