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

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In the Matter of Charges and Complaint

Case No. 23-8004-1

Against:

JOHN MICHAEL BOWMAN, M.D.,

Respondent.

FILED

MAR - 7 2023

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: 

COMPLAINT

The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners (Board), by and through Deonne E. Contine, General Counsel and attorney for the IC, having a reasonable basis to believe that John Michael Bowman, 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 relevant to this Complaint a medical doctor holding an active license to practice medicine in the State of Nevada (License No. 4945). Respondent was originally licensed by the Board on January 7, 1984.

2. Respondent's specialties are listed as Orthopedic Surgery and Sports Medicine on the Board's website. Plastic and Cosmetic surgery are not specialties of Orthopedic Surgery or Sports Medicine.

3. Respondent was at all times relevant to this Complaint the supervising physician responsible for the medical services provided by Trevor Schmidt, PA-C (License No. PA1219) (Schmidt), a physician assistant licensed by the Board.

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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., Aury Nagy, M.D., and Ms. Maggie Arias-Petrel.

1 4. Pursuant to a formal notice of supervision provided to the Board on or about
2 May 25, 2018, and filed in accord with NAC 630.360(4), Respondent certified that he had read and
3 was aware of all provisions of NRS Chapter 630 and NAC Chapter 630 concerning his duties and
4 professional responsibilities as a physician supervising Schmidt.

5 5. Respondent's supervision of Schmidt terminated on May 18, 2021, after the dates
6 relevant to this Complaint.

7 6. At all times relevant to this Complaint, as Schmidt's supervising physician,
8 Respondent was responsible for all the medical services of Schmidt.

9 7. At all times relevant to this Complaint, Schmidt was considered to be and was
10 deemed the agent of Respondent in the performance of all medical services.

11 8. At all times relevant to this Complaint, Schmidt was the owner and operator of
12 MyShape Lipo.

13 9. At all times relevant to this Complaint Schmidt was performing liposuction surgery
14 at MyShape Lipo.

15 10. Respondent's training in liposuction surgery is limited to a two (2) day course in
16 liposuction and fat transfer offered by the International Society of Cosmetogynecology (ISCG).

17 11. Upon information and belief, Respondent did not perform liposuction surgery and
18 delegated all liposuction surgeries to Schmidt during the time he was Schmidt's supervising
19 physician.

20 12. Patient A² was a thirty-six (36) year-old female at the time of the events at issue.

21 13. Some time prior to November 12, 2020, Patient A contacted Schmidt to schedule
22 liposuction surgery at or near her pubic area.

23 14. Schmidt saw Patient A at MyShape Lipo on November 12, 2020, when she had a
24 scheduled appointment for her liposuction surgery at her pubic area. When she arrived for her
25 appointment, Patient A advised that she would also like liposuction surgery on her abdomen,
26 which Schmidt accommodated on that day.

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² Patient A's true identity is not disclosed herein to protect her privacy but is disclosed in the Patient Designation served upon Schmidt along with a copy of this Complaint.

1 15. It appears that Patient A completed a packet of preprinted forms on her arrival for
2 her appointment on November 12, 2020. On her Patient Information form, Patient A indicated that
3 she weighed two hundred seventy (270) pounds and had previous gastric sleeve surgery.

4 16. Measurements taken just prior to the surgery on November 12, 2020, which appear
5 to be taken by Schmidt's medical assistant, show 48" Upper Abdomen, 51" Belly Button, 51"
6 Lower Abdomen/Hips and 49" Circumference Around Butt and a garment size of 3 Large.

7 17. Schmidt's medical records lack any documentation that Schmidt discussed
8 Patient A's medical history with her or otherwise evaluated whether Patient A was an appropriate
9 candidate for liposuction surgery.

10 18. Upon information and belief, Schmidt never discussed Patient A's medical history
11 with her or otherwise evaluated whether Patient A was an appropriate candidate for liposuction
12 surgery.

13 19. Schmidt's medical records lack documentation of any preoperative appointments or
14 consultations with Patient A.

15 20. Upon information and belief, Schmidt did not have any preoperative appointments
16 or consultations with Patient A.

17 21. Schmidt's medical records lack any documentation of any preoperative lab work
18 ordered for Patient A.

19 22. Upon information and belief, Schmidt did not order any preoperative lab work for
20 Patient A.

21 23. Schmidt's medical records lack any documentation that Schmidt prescribed
22 preoperative antibiotics for Patient A.

23 24. Upon information and belief, Schmidt did not prescribe Patient A any preoperative
24 antibiotics.

25 25. Schmidt performed liposuction surgery on Patient A using tumescent anesthesia for
26 each of the liposuction areas and acted as both surgeon and anesthesiologist during Patient A's
27 surgery.

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1 26. The only narrative in Schmidt's medical records specifically related to
2 Patient A is confined to the Practitioner's Notes Form and is largely illegible.

3 27. Schmidt Practitioner's Notes were deciphered to illuminate that Patient A did well
4 and that the surgery was well tolerated. It also notes that loose skin was discussed.

5 28. Schmidt uses the Liposuction Procedure Report form to report a patient's allergies,
6 medications used, whether the patient is pregnant, vital signs, lidocaine, aspirate, and the lipo laser
7 areas treated. This preprinted form also seems to have a standard narrative that is used on all
8 Liposuction Procedure Reports.

9 29. The medical records lack documentation on Patient A's blood pressure during her
10 liposuction surgery.

11 30. Schmidt's medical records lack documentation on the medications that were used
12 during the liposuction surgery.

13 31. The medical records note that Patient A was prescribed antibiotics at the time of
14 the surgery and that no pain medications were prescribed, because an oxycodone prescription was
15 ordered for Patient A by a different medical provider on October 28, 2020.

16 32. Schmidt's medical records lack documentation of Schmidt's post operative
17 evaluation or care for Patient A.

18 33. Upon information and belief, Schmidt did not provide post operative evaluation or
19 care for Patient A.

20 34. Notes which seem to be taken by various members of Schmidt's staff start the day
21 after Patient A's liposuction surgery.

22 35. On November 13, 2020, the note states that Patient A indicated that she was
23 experiencing nausea and heartburn the day after the procedure.

24 36. On November 16, 2020, the note states that Patient A was upset about the price of
25 the procedure and that she had to hire someone to take care of her during recovery from the
26 surgery.

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1 37. On November 18, 2020, it appears that Patient A was notified that she was
2 erroneously overcharged and she would be refunded five hundred dollars (\$500). It also indicates
3 that she would receive five (5) free presso treatments because she was struggling with swelling.

4 38. Notes further document that on November 23, 2020, Patient A came in for presso
5 therapy and state she was in a lot of pain and nauseous all the time.

6 39. On December 3, 2020, a staff note includes that Patient A communicated a foul
7 odor coming from her lower abdomen. The patient indicated that she was still draining fluid and
8 using gauze over the wound. Staff recommend that she discontinue doing so and wash area
9 thoroughly. The note also says she had finished the antibiotics that day and “seen her surgeon at
10 the beginning of this week.” Staff requested that she send photos to be evaluated by Schmidt. The
11 note also states that Patient A said she was not experiencing any symptoms of infection.

12 40. The final staff note related to Patient A says she was admitted to the hospital on the
13 evening of December 3, 2020, due to an infection. Staff noted that Patient A was diabetic and that
14 her vitals were unstable, and that she was not doing well.

15 41. It appears that Respondent initialed and dated the Liposuction Procedure Report on
16 December 2, 2020. However, there is no further documentation that Respondent reviewed any
17 other records nor provided any additional care to Patient A.

18 COUNT I

19 **NRS 630.3062(1)(a) - Failure to Maintain Appropriate Medical Records**

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

22 43. NRS 630.3062(1)(a) provides that the “failure to maintain timely, legible, accurate
23 and complete medical records relating to the diagnosis, treatment and care of a patient” constitute
24 grounds for initiating discipline against a licensee.

25 44. As demonstrated by, but not limited to, the above outlined facts, Respondent
26 violated NRS 630.3062(1)(a) because Schmidt relied on preprinted forms and templates. The
27 preprinted forms and templates were not complete and contained a limited narrative description.

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1 Additionally, Schmidt failed to document pre or post operative care of Patient A. As Schmidt's
2 supervising physician Respondent was responsible for the medical records Schmidt created.

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

5 **COUNT II**

6 **NRS 630.306(1)(e) – Practicing Beyond Scope of License**

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

9 47. Violation of a standard of practice adopted by the Board is grounds for disciplinary
10 action pursuant to NRS 630.306(1)(e).

11 48. NAC 630.360(1) permits a physician to perform only those medical services that
12 are within the scope of the practice of the physician.

13 49. Respondent violated NRS 630.306(1)(e) because the liposuction surgery performed
14 on Patient A, by Schmidt, is not within the Respondent's scope of practice of sports medicine or
15 orthopedic surgery. Additionally, Respondent does not have a specialty in cosmetic or plastic
16 surgery.

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

19 **COUNT III**

20 **NRS 630.306(1)(e) – Practicing Beyond Scope of Training**

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

23 52. Violation of a standard of practice adopted by the Board is grounds for disciplinary
24 action pursuant to NRS 630.306(1)(e).

25 53. NAC 630.360(1) permits a physician to perform only those medical services that
26 are within the scope of the physician's training.

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1 54. Respondent violated NRS 630.306(1)(e) because Respondent supervised Schmidt
2 in lipo suction surgery without a specialty in cosmetic or plastic surgery and because his lipo
3 suction surgery training was limited to a two (2) day course by ISCG.

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

6 COUNT IV

7 **NRS 630.301(4) – Malpractice**

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

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

12 58. Pursuant to NAC 630.370, at all times relevant to this Complaint, as Schmidt’s
13 supervising physician, Respondent was responsible for all the medical services of Schmidt and
14 Schmidt’s malpractice is imputed to Respondent.

15 59. Pursuant to NAC 630.375, at all times relevant to this Complaint, Schmidt was
16 considered to be and was deemed the agent of Respondent in the performance of all medical
17 services and Schmidt’s malpractice is imputed to Respondent.

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

21 61. As demonstrated by, but not limited to, the above-outlined facts, Respondent failed
22 to use the reasonable care, skill or knowledge ordinarily used under similar circumstances
23 including Schmidt’s failure to evaluate whether Patient A was a good candidate for liposuction
24 surgery and Schmidt’s failure to provide any pre or post operative care when rendering liposuction
25 surgery services to Patient A.

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

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COUNT V

NRS 630.301(4) – Malpractice

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

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

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

66. As demonstrated by, but not limited to, the above-outlined facts, Respondent failed to use the reasonable care, skill or knowledge ordinarily used under similar circumstances when he supervised a physician assistant in procedures he does not perform himself, and because, as an orthopedic surgeon and a sports medicine specialist, he did not perform liposuction surgeries within his scope of practice. Additionally, the only training he received in lipo suction surgery is a two (2) day program at the ISCG.

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

COUNT VI

NRS 630.306(1)(b)(2) – Failure to Adequately Supervise

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

69. Violation of a standard of practice adopted by the Board is grounds for disciplinary action pursuant to NRS 630.306(1)(b)(2).

70. Pursuant to NAC 630.230 it is prohibited professional conduct for a physician to fail to provide adequate supervision of a physician assistant.

71. Respondent violated NRS 630.306(1)(b)(2) by failing to provide the supervision as required by NAC 630.230(1)(i). Respondent has provided no documentation demonstrating development and implementation of a program to ensure the quality of care provided by Schmidt.

1 Furthermore, Respondent is not competent to develop and carry out a program to ensure the
2 quality of care provided by Schmidt because liposuction surgery is outside the scope of an
3 orthopedic surgeon and sports medicine physician. Furthermore, Respondent is not a specialist in
4 cosmetic or plastic surgery.

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

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

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

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

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

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

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

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

21 DATED this 7 day of March, 2023.

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

24 By: Deonne E. Contine

25 DEONNE E. CONTINE

26 General Counsel

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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 7th day of March, 2023.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 
VICTOR M. MURO, M.D.
Chairman of the Investigative Committee

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I am employed by the Nevada State Board of Medical Examiners and
3 that on the 7th day of March, 2023, I served a file-stamped copy of the foregoing **COMPLAINT**
4 **and PATIENT DESIGNATION**, with accompanying required fingerprinting materials via U.S.
5 Certified Mail, to the following parties:

6 JOHN MICHAEL BOWMAN, M.D.
7 9101 W. Sahara Ave., Suite 105-170
8 Las Vegas, NV 89117
9 *Tracking No.:* 9171 9690 0935 0254 7667 66

10 DATED this 7th day of March, 2023.

11 
12 **MERCEDES FUENTES**
13 Legal Assistant
14 Nevada State Board of Medical Examiners

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