

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

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4  
5 **In the Matter of Charges and Complaint**

**Case No. 24-12633-1**

6 **Against:**

7 **ROSE ELIZABETH PAIVA, M.D.,**

8 **Respondent.**

**FILED**

**FEB 15 2024**

**NEVADA STATE BOARD OF  
MEDICAL EXAMINERS**

By: 

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10 **COMPLAINT**

11 The Investigative Committee<sup>1</sup> (IC) of the Nevada State Board of Medical Examiners  
12 (Board), by and through Donald K. White, Senior Deputy General Counsel and attorney for the  
13 IC, having a reasonable basis to believe that Rose Elizabeth Paiva, M.D. (Respondent) violated  
14 the provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code  
15 (NAC) Chapter 630 (collectively, the Medical Practice Act), hereby issues its Complaint, stating  
16 the IC's charges and allegations as follows:

17 1. Respondent was at all times relative to this Complaint a medical doctor holding an  
18 active license to practice medicine in the State of Nevada (License No. 9005). Respondent was  
19 originally licensed by the Board on July 1, 1999.

20 2. Patient A<sup>2</sup> was a forty-four (44) year-old female at the time of the events at issue.

21 3. On or about February 1, 2017, Patient A was taken to Respondent for a weight loss  
22 consultation by her employer.

23 4. Respondent evaluated the patient utilizing equipment designed to analyze a  
24 patient's body composition and Patient A had a body mass index (BMI) of twenty-seven (27), her

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27 <sup>1</sup> The Investigative Committee of the Nevada State Board of Medical Examiners, at the time this formal  
28 Complaint was authorized for filing, was composed of Board members Victor M. Muro, M.D., Aury Nagy, M.D., and  
Ms. Maggie Arias-Petrel.

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

1 height was 5'4", her weight was one hundred thirty-nine (139) pounds, and her body fat  
2 composition was within a "normal" BMI range.

3 5. Once the results were received from the specialized equipment, Respondent placed  
4 Patient A on a Human Chorionic Gonadotropin (HCG)-based weight loss program which includes  
5 daily injections and advised Patient A to maintain a five hundred (500) calorie per day diet.

6 6. Patient A was provided a prescription by Respondent who deemed her "morbidly  
7 obese" for HCG 125 units/.25mL, six thousand (6,000) units total, to fill at a compounding  
8 pharmacy. The medication was prescribed to be injected daily. An additional medication,  
9 Contrave, was also provided for weight loss for forty-eight (48) days.

10 COUNT I

11 **NRS 630.301(4) - Malpractice**

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

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

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

19 10. 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 prescribing HCG and a five hundred (500) calorie per day diet to Patient A when she was  
22 considered "normal" for a female on the BMI scale which deviates from the standard of care for  
23 treating obesity.

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

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COUNT II

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

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

13. 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).

14. As demonstrated by, but not limited to, the above-outlined facts, Respondent wrote prescriptions to Patient A for HCG in a manner that deviated from the professional standards for the prescription of HCG and the Dietary Guidelines for adult females making Respondent's conduct unsafe and unprofessional.

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

COUNT III

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

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

17. 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 constitutes grounds for initiating disciplinary action.

18. This so-called prescribed weight loss program requires support from a dietician and/or a nutritionist and substantial follow-up from Respondent, all of which did not occur.

19. 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 her and give her notice that she 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 15<sup>th</sup> day of February, 2024.

INVESTIGATIVE COMMITTEE OF THE  
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:   
DONALD K. WHITE  
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*Attorney for the Investigative Committee*

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VERIFICATION

STATE OF NEVADA        )  
                                  : ss.  
COUNTY OF CLARK     )

Chowdhury H. Ahsan, M.D., Ph.D., FACC, 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 15<sup>th</sup> day of February, 2024.

INVESTIGATIVE COMMITTEE OF THE  
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:   
CHOWDHURY H. AHSAN, M.D., PH.D., FACC  
*Chairman of the Investigative Committee*