BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

* * * *

In the Matter of Charges and Complaint

Against:

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FRANCIS ESCOLIN JIMENEZ, M.D.,

Respondent.

Case No. 24-12965-1

FILED

APR 05 2024

NEVADA STATE BOARD OF **EXAMINERS**

FIRST AMENDED COMPLAINT

The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners (Board), by and through its counsel, Alexander J. Hinman, Deputy General Counsel and attorney for the IC, having a reasonable basis to believe that Francis Escolin Jimenez, 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 First Amended Complaint (Complaint), stating the IC's charges and allegations as follows:

- Respondent was at all times relative to this Complaint a physician holding an active 1. license to practice medicine in the State of Nevada (License No. 9268). Respondent was originally licensed by the Board on January 7, 2000, specializing in Family Practice.
 - Patient A^2 was a thirty-five (35) year-old male at the time of the events at issue. 2.
- On or around May 15, 2018, Patient A presented to Respondent for a sexually 3. transmitted disease ("STD") examination, after being informed that a previous sexual partner had contracted an STD. Additionally, Patient A sought a refill for his existing prescriptions of Adderall and Vyvanse.

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

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

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- Prior to seeing Respondent in a doctor-patient capacity, Patient A knew 4. Respondent through the course of his employment, as Patient A was a pharmaceutical representative for AstraZeneca and had made multiple visits to Respondent's medical practice.
- Patient A and Respondent developed a professional relationship; however, this 5. relationship became atypical when Respondent began making inappropriate comments and behaving unprofessionally towards Patient A. This commentary and behavior occurred before, during, and after the May 15, 2018, examination.
- At the May 15, 2018, examination Respondent performed a physical inspection of 6. Patient A's genitals for approximately five (5) to seven (7) minutes. During the examination, Respondent told Patient A that he wanted to put Patient A's penis in his mouth, that he had a "really nice penis," and that he should be getting erect while Respondent was performing the examination.
- There are no medical records of Respondent examining Patient A on 7. May 15, 2018; however, Respondent does not dispute it was performed. Further, there is no investigation or work-up of a possible STD, and no tests were performed to determine if Chlamydia, Gonorrhea, Syphilis, or HIV were present.
- On February 26, 2019, a criminal complaint was filed, with charges stemming from 8. an incident between Respondent and Patient A. The criminal complaint contained four (4) felony charges; however, the case resolved when Respondent entered a plea of Nolo Contendere to a misdemeanor assault charge, and a Judgement was entered September 24, 2020.

COUNT I

NRS 630.301(7) - Violation of Patient Trust and Exploitation of Physician and Patient Relationship for Financial or Personal Gain

- All of the allegations contained in the above paragraphs are hereby incorporated by 9. reference as though fully set forth herein.
- NRS 630.301(7) provides that "engaging in conduct that violates the trust of a 10. patient for financial or other personal gain" is grounds for initiating discipline against a licensee.

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- As demonstrated by, but not limited to, the above-outlined facts, Respondent 11. violated the trust of a patient and exploited the relationship between the Respondent and Patient A by making inappropriate comments and conducting an unprofessional examination, knowing that Patient A had a strong incentive to maintain an ongoing relationship with Respondent for purposes of his employment as a pharmaceutical representative.
- By reason of the foregoing, Respondent is subject to discipline by the Board as 12. provided in NRS 630.352.

COUNT II

NRS 630.301(9) - Disreputable Conduct

- All of the allegations contained in the above paragraphs are hereby incorporated 13. by reference as though fully set forth herein.
- NRS 630.301(9) provides that engaging in conduct that brings the medical 14. profession into disrepute is grounds for initiating disciplinary action or denying licensure.
- Respondent engaged in conduct that brings the medical profession into disrepute by 15. having an inappropriate relationship, and committing a criminal act against Patient A.
- By reason of the foregoing, Respondent is subject to discipline by the Board as 16. provided in NRS 630.352.

COUNT III

NRS 630.301(6) – Disruptive Behavior

- All of the allegations contained in the above paragraphs are hereby incorporated by 17. reference as though fully set forth herein.
- NRS 630.301(6) provides that disruptive behavior with patients that interferes with 18. patient care or has an adverse impact on the quality of care rendered to a patient is grounds for initiating disciplinary action against a physician.
- Respondent's behavior in telling Patient A that he wanted to put Patient A's penis 19. in his mouth, that he had a "really nice penis," and that he should be getting erect while Respondent was performing the examination was humiliating and sexually demeaning to Patient A and thus adversely affected the quality of care rendered to him.

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By reason of the foregoing, Respondent is subject to discipline by the Board as 20. provided in NRS 630.352.

COUNT IV

NRS 630.301(11)(c) – Assault with Intent to Commit Sexual Assault

- All of the allegations contained in the above paragraphs are hereby incorporated by 21. reference as though fully set forth herein.
- NRS 630.301(11)(c) provides, in pertinent part, that a conviction of assault with 22. intent to commit sexual assault is grounds for initiating disciplinary action against a physician.
- Respondent was convicted of assault on or around September 24, 2020, after 23. having been formally charged with crimes relating to sexual abuse. The facts surrounding the incident show a clear indication of sexual intent.
- By reason of the foregoing, Respondent is subject to discipline by the Board as 24. provided in NRS 630.352.

WHEREFORE, the Investigative Committee prays:

- That the Board give Respondent notice of the charges herein against him and give 1. 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;
- That the Board set a time and place for a formal hearing after holding an Early 2. 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;
- That the Board award fees and costs for the investigation and prosecution of this 4. case as outlined in NRS 622.400;
- That the Board make, issue and serve on Respondent its findings of fact, 5. conclusions of law and order, in writing, that includes the sanctions imposed; and

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OFFICE OF THE GENERAL COUNSEL Nevada State Board of Medical Examiners

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

DATED this $\leq \frac{1}{2}$ day of April, 2024.

INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:

ALEXANDER J. HINMAN Deputy General Counsel 9600 Gateway Drive

Reno, NV 89521 Tel: (775) 688-2559

Email: ahinman@medboard.nv.gov
Attorney for the Investigative Committee

OFFICE OF THE GENERAL COUNSEL

Nevada State Board of Medical Examiners

VERIFICATION

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 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 5th day of April, 2024.

INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:

REY, M.D.

Chairman of the Investigative Committee