

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

3 \* \* \* \* \*

4 **In The Matter of Charges and** )  
5 **Complaint Against** )  
6 **QUAN HADUONG, M.D.** )  
7 **Respondent.** )  
8 \_\_\_\_\_ )

Case No. 10-11137-1

**FILED**

**NOV 10 2010**

NEVADA STATE BOARD OF  
MEDICAL EXAMINERS

By: 

10 **COMPLAINT**

11 The Investigative Committee of the Nevada State Board of Medical Examiners, composed  
12 of Benjamin J. Rodriguez, M.D., Mr. Van Heffner and Beverly Neyland, M.D., having a  
13 reasonable basis to believe that Quan Haduong, M.D., hereinafter referred to as Dr. Haduong, has  
14 violated the provisions of NRS Chapter 630, hereby issues its formal Complaint, stating the  
15 Investigative Committee's charges and allegations, as follows:

16 1. Dr. Haduong is currently licensed in active status (License No. 7683), and was  
17 originally licensed on February 12, 1996 by the Nevada State Board of Medical Examiners  
18 pursuant to the provisions of Chapter 630 of the Nevada Revised Statutes.

19 2. Patient A was a forty-eight year old male at the time of the matters in question.  
20 His true identify is not disclosed to protect his privacy, but his identity is disclosed in the Patient  
21 Designation served on Dr. Haduong along with a copy of this Complaint.

22 3. Patient A presented to Dr. Haduong on September 15, 2008 with complaints of  
23 back pain. Dr. Haduong prescribed a one week supply of methadone and oxycodone for the pain.  
24 Both prescriptions were filled at a Walgreen's Pharmacy on September 16, 2008. Patient A was  
25 instructed to return to see Dr. Haduong the following week but failed to do so. At the time of the  
26 incident in question, Dr. Haduong held a controlled substance registration issued by the Nevada  
27 State Board of Pharmacy.

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1           4.       On November 6, 2008, Patient A contacted Dr. Haduong's office. A medical  
2 assistant from Dr. Haduong's office contacted Evergreens Drug, indicating that Patient A had been  
3 approved for a one-week emergency fill for methadone and oxycodone. The medical assistant also  
4 indicated that Dr. Haduong was in a procedure and unable to write the prescription, however the  
5 medical assistant faxed a copy of the prior prescriptions as the dosages and directions for use  
6 would remain the same as those indicated on the September 2008 prescriptions.

7           5.       The prescriptions were filled by Evergreens Drug, however the pharmacy  
8 manager/owner indicated that he would require the written prescription within seventy-two hours.  
9 The written prescription was not received by Evergreens Drug.

10          6.       On November 11, 2008, the wife of Patient A found him dead in bed. The cause of  
11 death is listed on the death certificate as coronary atherosclerosis and a significant contributing  
12 factor was noted as opiate intoxication.

13          7.       Dr. Haduong's medical records for Patient A indicate that Patient A only saw  
14 Dr. Haduong once and was prescribed medication only once.

15          8.       The Nevada State Board of Pharmacy investigated the matter and in the course of  
16 the investigation discovered that Evergreens Pharmacy had received backdated prescriptions from  
17 Dr. Haduong in August 2009 for the November 6, 2008 prescription fills after the pharmacy  
18 manager/owner requested the prescriptions. The pharmacy manager/owner then destroyed the  
19 faxed copies of the September 2008 prescriptions.

20          9.       During the course of the investigation of the Nevada State Board of Pharmacy,  
21 Dr. Haduong admitted to writing prescriptions in August 2009 for the narcotics filled in November  
22 2008 without reviewing the file.

23          10.       On May 13, 2010, the Nevada State Board of Pharmacy issued its Findings of Fact,  
24 Conclusions of Law and Order taking disciplinary action against Dr. Haduong and finding he was  
25 in violation of several regulations adopted by the State Board of Pharmacy as well as in violation  
26 of both federal and state laws related to the prescribing of a controlled substance.

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**Count I**

11. NRS 630.306(2)(c) provides that engaging in conduct which violates a regulation adopted by the State Board of Pharmacy is grounds for initiating discipline against a licensee.

12. Dr. Haduong was found by the State Board of Pharmacy to have violated NAC 453.010(2), NAC 453.450(1)(b) and NAC 639.945(1)(h) and (i), regulations adopted by the State Board of Pharmacy and accordingly he is in violation of NRS 630.306(2)(c).

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

**Count II**

14. NRS 630.306(3) provides that administering, dispensing or prescribing a controlled substance in a manner not authorized by law is grounds for initiating discipline against a licensee.

15. Dr. Haduong, through his medical assistant, prescribed a controlled substance in a manner not authorized by law when his office called in a non-emergency oral prescription to Evergreens pharmacy, violations of NRS 639.2355, 453.256(2)(a) and 639.210(4).

16. Dr. Haduong issued false or fraudulent prescriptions for controlled substances when he wrote prescriptions in August 2009, when the controlled substances were dispensed by the pharmacy in November 2008, violations of NRS 453.331(1)(i), 639.210(4) and (9).

17. Dr. Haduong prescribed controlled substances in a manner not authorized by law as described above and accordingly he is in violation of NRS 630.306(3).

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

**Count III**

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

20. Dr. Haduong's medical records regarding Patient A do not contain any information regarding Patient A's contact with his office in November 2008 and the prescriptions for

1 oxycodone and methadone subsequently called into Evergreens Drug nor is there any information  
2 regarding when the actual prescriptions were written and therefore the medical records for Patient  
3 A are not timely, accurate and complete medical records of the treatment and care of Patient A and  
4 accordingly Dr. Haduong is in violation of NRS 630.3062(1).

5 21. By reason of the foregoing, Dr. Haduong is subject to discipline by the Nevada  
6 State Board of Medical Examiners as provided in NRS 630.352.

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

8 1. That the Nevada State Board of Medical Examiners give Dr. Haduong notice of the  
9 charges herein against him and give him notice that he may file an answer to the Complaint herein  
10 as set forth in Section 630.339 of the Nevada Revised Statutes within twenty (20) days of service  
11 of the Complaint.

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

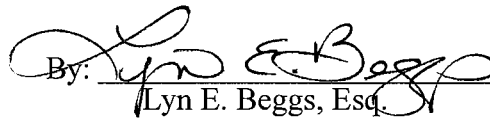
14 3. That the Nevada State Board of Medical Examiners determine what sanctions it  
15 determines to impose if it determines there has been a violation or violations of the Medical  
16 Practice Act (Nevada Revised Statutes Chapter 630) committed by Dr. Chun; and

17 4. That the Nevada State Board of Medical Examiners make, issue and serve on  
18 Dr. Haduong its findings of facts, conclusions of law and order, in writing, that includes the  
19 sanctions imposed; and

20 5. That the Nevada State Board of Medical Examiners take such other and further  
21 action as may be just and proper in these premises.

22 DATED this 10<sup>th</sup> day of November, 2010.

23 THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

24  
25 By: 

26 Lyn E. Beggs, Esq.  
27 General Counsel and Attorney for the Investigative Committee  
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VERIFICATION

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STATE OF NEVADA            )  
  : ss.  
COUNTY OF CLARK         )

BENJAMIN J. RODRIGUEZ, 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 10<sup>th</sup> day of November, 2010.

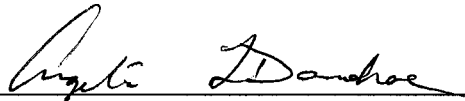
  
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BENJAMIN J. RODRIGUEZ, M.D

**CERTIFICATE OF MAILING**

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 10<sup>th</sup> day of November 2010; I served a file copy of the Complaint, Patient Designation, Settlement, Waiver and Consent Agreement along with Fingerprint Information by mailing via certified return receipt to the following:

John Cotton, Esq.  
2300 West Sahara, Ste. 420  
Las Vegas, NV 89102

Dated this 10<sup>th</sup> day of November 2010.



Angelia L. Donohoe  
Legal Assistant