

COPY

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA

* * * * *

In The Matter of Charges and)

Complaint Against)

MARK B. KABINS, M.D.,)

Respondent.)

Case No. 10-7510-1

FILED

MAR 10 2010

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

SECOND AMENDED COMPLAINT

The Investigative Committee of the Nevada State Board of Medical Examiners (Board), composed of Charles N. Held, M.D., Theodore B. Berndt, M.D., and Ms. Valerie J. Clark, BSN, RHU, LUTCF, by and through Edward Cousineau, counsel for the Investigative Committee, having a reasonable basis to believe that Mark B. Kabins, M.D., hereinafter referred to as "Respondent," has violated the provisions of NRS Chapter 630, hereby issues its formal Complaint, stating the Investigative Committee's charges and allegations, as follows:

1. Respondent is currently licensed in active status to practice medicine in the state of Nevada, and at all times alleged herein, was so licensed by the Nevada State Board of Medical Examiners, pursuant to the provisions of Chapter 630 of the Nevada Revised Statutes.

2. On March 4, 2009, a United States District Court, District of Nevada, and Grand Jury returned an eight-count Indictment (See Exhibit 1) against Respondent, charging him with multiple violations of federal law, including conspiracy, mail fraud and honest services fraud.

3. On November 23, 2009, a Criminal Information (See Exhibit 2) was filed with the District Court, charging Respondent with one count of Misprision of Felony, a felony violation of 18 United States Code (U. S. C.) § 4.

4. On November 23, 2009, a Memorandum of Plea Agreement (See Exhibit 3) was filed with the District Court in which Respondent agreed to plead guilty to one count of Misprision of Felony, a violation of 18 U .S. C. § 4. In conjunction with the felony plea,

OFFICE OF THE GENERAL COUNSEL
Nevada State Board of Medical Examiners
1105 Terminal Way #301
Reno, Nevada 89502
(775) 688-2559

1 Respondent agreed to be sentenced to five years probation with a condition of six months home
2 detention in lieu of imprisonment, to perform two hundred fifty hours of community service, and
3 to pay three million five hundred thousand dollars in restitution to a patient of Respondent related
4 to the felony plea.

5 5. On January 25, 2010, a Judgment in a Criminal Case (See Exhibit 4) was filed with
6 the District Court, which reflected acceptance by the District Court of Respondent's guilty plea
7 relating to the aforementioned Criminal Information and the probationary terms thereto.

8 **COUNT I**

9 6. All of the allegations in the above paragraphs are incorporated herein as if set forth in
10 full.

11 7. Section 630.301(9) of the Nevada Revised Statutes provides that engaging in conduct
12 that brings the medical profession into disrepute is grounds for discipline.

13 8. Respondent violated Section 630.301(9) when he plead guilty to and was convicted
14 of Misprision of Felony, a violation of 18 U .S. C. § 4.

15 **COUNT II**

16 9. All of the allegations in the above paragraphs are incorporated herein as if set forth in
17 full.

18 10. Section 630.301(11)(g) of the Nevada Revised Statutes provides that conviction of
19 any offense involving moral turpitude is grounds for disciplinary action.

20 11. Respondent violated Section 630.301(11)(g) when he plead guilty to and was
21 convicted of Misprision of Felony, a violation of 18 U .S. C. § 4.

22 12. By reason of the foregoing, Respondent is subject to discipline by the Nevada State
23 Board of Medical Examiners as provided in NRS 630.352.

24 **COUNT III**

25 13. All of the allegations in the above paragraphs are incorporated herein as if set forth in
26 full.


27 14. Section 630.306(2)(a) of the Nevada Revised Statutes provides that engaging in any
28 conduct which is intended to deceive is grounds for disciplinary action.

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15. Respondent violated Section 630.306(2)(a) when the facts as acknowledged by Respondent in the previously mentioned Memorandum of Plea Agreement indicate that he knew of mail or wire fraud committed by others against a former patient of his, and that he concealed material information about the crime, and that he did not as soon as possible make known the crime to a proper legal authority.

WHEREFORE, the Investigative Committee prays that the Board conduct a hearing on the Complaint herein as provided by statute, find and determine that Respondent has violated one or more provisions of the Medical Practice Act (NRS Chapter 630), enter findings of fact, conclusions of law and an order imposing sanctions upon Respondent according to NRS 630.352 and take such other and further action as may be just and proper in these premises.

DATED this 10th day of March, 2010.

By: 
Edward Cousineau
Attorney for the Investigative Committee of the
Nevada State Board of Medical Examiners

OFFICE OF THE GENERAL COUNSEL
Nevada State Board of Medical Examiners
1105 Terminal Way #301
Reno, Nevada 89502
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VERIFICATION

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STATE OF NEVADA)
 : ss.
COUNTY OF DOUGLAS)

Charles N. Held, 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 10th day of March, 2010.



Charles N. Held, M.D.

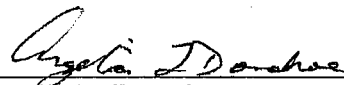
CERTIFICATE OF SERVICE

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 11th day of March 2010, I served a file copy of the AMENDED COMPLAINT, by facsimile to the following:

John A. Hunt, Esq.
Fax # 702-597-5503

USPS regular mail to the following:
Nick Moschetti, Jr., Hearing Officer
1105 Terminal Way, #215
Reno, NV 89502

Dated this 11th day of March 2010.



Angela L. Donohoe
Legal Assistant

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