

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

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6 **In the Matter of Charges and**)
7 **Complaint Against**)
8 **EUGENE YU-TZE CHEN, M.D.,**)
9 **Respondent.**)

Case No. 11-7218-1

FILED

SEP 13 2012

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: 

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12 **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

13 The above-entitled matter came on regularly for decision on the Complaint filed herein before
14 the Nevada State Board of Medical Examiners (Board), on Friday, September 7, 2012, at the Board's
15 offices located at 1105 Terminal Way, Suite 301, Reno, Nevada, 89502, and by video conference at the
16 offices of the Nevada State Board of Dental Examiners located at 6010 S. Rainbow Boulevard, Building
17 A, Suite 1, Las Vegas, Nevada 89118. Eugene Yu-Tze Chen, M.D., hereinafter Respondent, was
18 present at the Board meeting at the Reno office and was not represented by legal counsel.

19 The members of the Board participating in the decision were:
20 Benjamin J. Rodriguez, M.D., Beverly A. Neyland, M.D., Donna A. Ruthe, Sue Lowden and
21 Wayne Hardwick, M.D. Harry B. Ward, Esq., Deputy Attorney General, acted as legal counsel to the
22 Board.

23 The Board, having received and read the First Amended Complaint and exhibits admitted in this
24 matter, as well as the Synopsis of Record prepared by the hearing officer who presided over the hearing
25 and the transcript of the hearing, proceeded to make a decision pursuant to the provisions of
26 Nevada Revised Statutes (NRS) Chapters 233B and 630.

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1 The Board, after due consideration of the record, evidence and law, and being fully advised in
2 the premises, makes its **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER** in this
3 matter as follows:

4 **FINDINGS OF FACT**

5 **I.**

6 Respondent held a license to practice as a physician in the state of Nevada at all relevant times.

7 **II.**

8 On November 29, 2011, the Investigative Committee (IC) filed the Complaint in this matter
9 alleging violations of Chapter 630 of the NRS and Chapter 630 of the Nevada Administrative Code
10 (“NAC”). A First Amended Complaint was filed on January 19, 2012.

11 **III.**

12 On June 28, 2012, a hearing was held before an appointed hearing officer on the allegations
13 contained within Counts I, II, III, IV, V and VI of the First Amended Complaint. Respondent was
14 present at the hearing but was not represented by legal counsel. The IC was represented by
15 Bradley O. Van Ry, Esq., General Counsel for the Board.

16 **IV.**

17 On June 21, 2004, a federal district court complaint was filed against Respondent and his related
18 professional corporation and business corporation. He was charged with violating the federal False
19 Claims Act. The allegations arose from, and were related to, the Respondent's medical practice and
20 consultation services provided.

21 On March 25, 2009, a jury in federal district court found Respondent liable for the allegations of
22 the complaint. On June 4, 2009, a final judgment was entered against Respondent in the amount of
23 \$1,267,586.60 that included treble damages, civil penalties and costs.

24 Respondent failed to disclose the investigation, the formal charges and federal lawsuit against
25 him to the Board as required by Nevada law on two (2) separate license renewal forms. He failed to do
26 so in 2005 and 2007.

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1 On his license renewal form dated May, 2, 2007, Respondent answered "no" to questions
2 concerning criminal investigations and charges, as well as to that concerning governmental entities
3 investigating and/or charging Respondent with violating the law.

4 On his license renewal form dated February 5, 2005, Respondent answered "no" to questions
5 concerning criminal investigations and charges, as well as to that concerning governmental entities
6 investigating and/or charging Respondent with violating the law.

7 Further, Respondent entered into an "Agreed Order" with the Texas Medical Board on
8 August 21, 2009, as a result of the judgment entered against him by the jury in Nevada federal district
9 court. The "Agreed Order" related to Respondent's medical license in Texas. Respondent did not
10 disclose this "Agreed Order" to the Board at anytime.

11 **V.**

12 The Board finds by a preponderance of the evidence that Respondent violated
13 NRS 630.304(1) when he obtained, maintained and/or renewed his license to practice medicine by
14 misrepresentation or by false, misleading, inaccurate and/or incomplete statements in his 2005 and 2007
15 renewal applications by not informing the Board of the ongoing federal district court litigation.

16 **VI.**

17 The Board finds by a preponderance of the evidence that Respondent violated NRS 630.301(9)
18 by engaging in conduct that brought the medical profession into disrepute when he obtained, maintained
19 and/or renewed his license to practice medicine by misrepresentation or by false, misleading, inaccurate
20 and/or incomplete statements in his 2005 and 2007 renewal applications by not informing the Board of
21 the ongoing federal district court litigation.

22 **VII.**

23 The Board finds by a preponderance of the evidence that Respondent violated NRS 630.306(11)
24 when he failed to report the Texas Medical Board disciplinary action against him, and to which he
25 consented, to the Board within thirty (30) days.

26 **VIII.**

27 If any of the foregoing Findings of Fact is more properly deemed a Conclusion of Law, it may be
28 so construed.

1 **CONCLUSIONS OF LAW**

2 **I.**

3 The Board has jurisdiction over Respondent.

4 **II.**

5 Respondent was properly served with notice of the hearing via certified mail at the address on
6 file with the Board pursuant to NRS Chapter 630 and
7 NRS Chapter 233B.

8 **III.**

9 The Board concludes that Respondent violated NRS 630.304(1), as described above and as
10 alleged in Count I of the Complaint, and, that accordingly, he is subject to discipline pursuant to
11 NRS 630.352.

12 **IV.**

13 The Board concludes that Respondent violated NRS 630.301(9), as described above and as
14 alleged in Count II of the Complaint, and, that accordingly, he is subject to discipline pursuant to
15 NRS 630.352.

16 **V.**

17 The Board concludes that Respondent violated NRS 630.306(11), as described above and as
18 alleged in Count V of the Complaint, and, that accordingly, he is subject to discipline pursuant to
19 NRS 630.352.

20 **VI.**

21 The Board dismisses Counts III, IV and VI of the First Amended Complaint.

22 **VII.**

23 If any of the foregoing Conclusions of Law is more properly deemed a Finding of Fact, it may be
24 so construed.

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ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, and good cause appearing therefore,

IT IS HEREBY ORDERED that:

1. Respondent shall be issued a public reprimand;
2. Respondent shall attend ten (10) CMEs in medical ethics, in-person, within one (1) year of this Order and in addition to the regular requirements to maintain licensure; and,
3. Respondent shall pay all costs of the investigation and prosecution, in the amount of \$4,519.15, to the Board within one hundred twenty (120) days of the entry of these Findings of Fact, Conclusions of Law and Order.

DATED this 13th day of September, 2012.

NEVADA STATE BOARD OF MEDICAL EXAMINERS



Benjamin J. Rodriguez, M.D., President
Nevada State Board of Medical Examiners

1 **CERTIFICATION**

2 I certify that the foregoing is the full and true original
3 **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER** on file in the office of the
4 Board of Medical Examiners in the matter of EUGENE YU-TZE CHEN, M.D., Case No. 11-7218-1.

5 I further certify that BENJAMIN J. RODRIGUEZ, M.D., is the President of the
6 Nevada State Board of Medical Examiners and that full force and credit is due to his official acts as
7 such; and that the signature to the foregoing **ORDER** is the signature of said
8 BENJAMIN J. RODRIGUEZ, M.D.

9 IN WITNESS THEREOF, I have hereunto set my hand in my official capacity as
10 Secretary-Treasurer of the Nevada State Board of Medical Examiners.

11 DATED this 13th day of September, 2012.

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14 VALERIE J. CLARK, BSN, RHU, LUTCF
15 Secretary-Treasurer
16 Nevada State Board of Medical Examiners
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