BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

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In the Matter of Charges and Complaint Against

LARRY YEE, M.D.,

Respondent.

Case No. 12-6816-1 & 13-6816-1

FILED

DEC 11 2013

NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: [Signature]

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The above-entitled matter came on regularly for decision before the Nevada State Board of Medical Examiners (Board), on Friday, December 6, 2013, at the Board offices located at 1105 Terminal Way, Suite 301, Reno, Nevada, 89502, and by video conference at the offices of the Board located at 6010 S. Rainbow Boulevard, Building A, Suite 1, Las Vegas, Nevada 89118, on the associated Complaint filed against Larry Yee, M.D. (Respondent), who was not present at the Board meeting.

The members of the Board participating in the decision were: Beverly A. Neyland, M.D., Mrs. Sue Lowden, Bashir Chowdhry, M.D., Wayne Hardwick, M.D. and Rachakonda D. Prabhu, M.D. Colleen L. Platt, Esq., Deputy Attorney General, acted as legal counsel to the Board.

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

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

FINDINGS OF FACT

I.

Respondent held a license to practice as a physician in the state of Nevada at all relevant times. However, the Board summarily suspended Respondent's license to practice medicine in the state of Nevada on August 31, 2012.

II.

On January 10, 2013, the Investigative Committee (IC) filed a formal Complaint in this matter alleging violations of NRS Chapter 630 and Nevada Administrative Code (NAC) Chapter 630.

III.

On June 25, 2013, a hearing was held before an appointed Hearing Officer on the allegations contained within Counts I, II and III of the Complaint. Respondent was not present or represented by counsel. The IC was represented by Bradley O. Van Ry, Esq., General Counsel for the Board and attorney for the IC.

IV.

Respondent, on a number of occasions, from September 29, 2011, up through the date of the Order of Summary Suspension on August 31, 2012, prescribed controlled substances without holding the required Drug Enforcement Administration registration. Respondent also failed to undergo outpatient psychiatric treatment/counseling at least two (2) times per month from September 2012, through the date of the hearing, as required by the previous settlement agreement and Order of the Board.

V.

The Board finds by a preponderance of the evidence that Respondent violated NRS 630.306(3) when he prescribed controlled substances without holding the required DEA registration from September 29, 2011, up through August 31, 2012.
VI. The Board finds by a preponderance of the evidence that Respondent violated NRS 630.3065(2)(a) by willfully failing to undergo outpatient psychiatric treatment/counseling as required by the previous settlement agreement and Order of the Board.

VII. The Board finds by a preponderance of the evidence that Respondent violated NRS 630.301(9) by engaging in conduct that brought the medical profession into disrepute.

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

CONCLUSIONS OF LAW

I. The Board has jurisdiction over Respondent.

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

III. The Board concludes that Respondent violated NRS 630.306(3), as described above and as alleged in Count I of the Complaint, and, that accordingly, he is subject to discipline pursuant to NRS 630.352.

IV. The Board concludes that Respondent violated NRS 630.3065(2)(a), as described above and as alleged in Count II of the Complaint, and, that accordingly, he is subject to discipline pursuant to NRS 630.352.

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

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

ORDER

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

IT IS HEREBY ORDERED that:

1. Respondent's license to practice medicine in the state of Nevada is hereby revoked;
2. Respondent shall be issued a public reprimand;
3. Respondent shall pay all costs of the investigation and prosecution of this matter, in the amount of $5,023.23, to the Board within one year of the entry of these Findings of Fact, Conclusions of Law and Order.
4. This revocation is effective December 6, 2013.

DATED this 6th day of December, 2013.

NEVADA STATE BOARD OF MEDICAL EXAMINERS

[Signature]
Michael J. Fischer, M.D., President
Nevada State Board of Medical Examiners
CERTIFICATION

I certify that the foregoing is the full and true original FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER on file in the office of the Nevada State Board of Medical Examiners in the matter of LARRY YEE, M.D., Case No. 12-6816-1 & 13-6816-1.

I further certify that MICHAEL J. FISCHER, M.D., is the President of the Nevada State Board of Medical Examiners and that full force and credit is due to his official acts as such; and that the signature to the foregoing ORDER is the signature of said MICHAEL J. FISCHER, M.D.

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

DATED this 6th day of December, 2013.

[Signature]

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