

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

3 * * * * *

4
5 **In the Matter of Charges and**
6 **Complaint Against**
7 **Binh M. Chung, M.D.,**
8 **Respondent.**

Case No. 15-20478-1

FILED

JUL - 9 2015

NEVADA STATE BOARD OF
MEDICAL EXAMINERS
By: _____

10 **COMPLAINT**

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12 The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners (Board)
13 hereby issues this formal Complaint (Complaint) against Binh M. Chung, M.D. (Respondent), a
14 licensed physician in Nevada. After investigating this matter, the IC has a reasonable basis to
15 believe that Respondent has violated provisions of the Nevada Revised Statutes (NRS) chapter 630
16 and the Nevada Administrative Code (NAC) chapter 630 (collectively Medical Practice Act). The
17 IC alleges the following facts:

18 1. Respondent is a physician licensed to practice medicine in the state of Nevada
19 (License No. 11281). He was originally licensed by the Board, pursuant to the Medical Practice
20 Act, on January 3, 2005. His licensure status is currently Suspended-Indefinitely.

21 2. Respondent's practice location is 8785 W. Warm Springs Road, Ste. 109, in Las
22 Vegas, Nevada.

23 3. On June 4, 2015, a minor female² filed a police report with the Las Vegas
24 Metropolitan Police Department (LVMP). Per the police report, the minor female was being
25 treated at Respondent's medical office for an acne problem when Respondent injected the minor

26 ¹ The Investigative Committee of the Nevada State Board of Medical Examiners is composed of Board members
27 Theodore B. Berndt, M.D., Chairman, Valerie J. Clark, BSN, RHU, LUTCF, Member, and Michael J. Fischer, M.D.,
Member.

28 ² The identity of the minor female is not disclosed in this Complaint to protect her identity, but her identity is
disclosed in the Patient Designation contemporaneously served on Respondent with this Complaint.

1 female with a medication that caused her to become groggy. As the minor female was phasing in
2 and out of consciousness, she realized her legs were propped up in stirrups and her pants were off.
3 Fearing that something was happening to her, the minor female began to cry. At this point,
4 Respondent came between the legs of the minor female and began to abuse her. The minor female
5 immediately passed out. The minor female also remembered another time during this encounter
6 when she awoke and vomited. Ultimately, Respondent revived the minor female and informed
7 her that she had a bad reaction to the acne treatment. Respondent also asked the minor female to
8 remain silent about the alleged bad reaction she had to the acne treatment. Subsequently,
9 Respondent took the minor female home. At this time, the minor female knew something was
10 very wrong.

11 4. The police report also asserts that the wife of Respondent found multiple videos on
12 Respondent's personal computer and/or flash drive that showed Respondent, in his medical office,
13 having sex with women who appeared to be unresponsive.

14 5. Between June 4, 2015 and June 20, 2015, detectives for LVMP served several
15 search warrants on Respondent. These search warrants resulted in the following items being
16 seized from Respondent's residence and/or medical practice: Ketamine computers/electronics,
17 hard drives and/or storage devices containing hundreds of pornography videos, and at least 10
18 child pornography videos.

19 6. On June 20, 2015, Respondent was arrested and booked on one Class A felony
20 count of using or permitting the use of a minor, age 14 or older, in the production of pornography
21 or as a subject to produce porn, one violation of NRS 200.710 and NRS 200.750, and 10 Class A
22 felony counts of possession of visual pornography of a person under age 16, 10 violations of NRS
23 200.730.

24 7. On June 23, 2015, the Board summarily suspended Respondent's license to practice
25 medicine in Nevada.

26 8. Based on the foregoing, the IC charges Respondent with the following violations of
27 the Medical Practice Act:

28 ///

1 **Count I**

2 9. All of the allegations contained in the above paragraphs are hereby incorporated by
3 reference as though fully set forth herein.

4 10. The IC may initiate disciplinary action against a licensee when a licensee engages
5 in any sexual activity with a patient who is currently being treated by the licensee.
6 NRS 630.301(5).

7 11. Based on the foregoing factual allegations, Respondent violated NRS 630.301(5) when
8 he sexually assaulted a patient he was treating for acne.

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

11 **Count II**

12 13. All of the allegations contained in the above paragraphs are hereby incorporated by
13 reference as though fully set forth herein.

14 14. The IC may initiate disciplinary action against a licensee when a licensee engages
15 in conduct that brings the medical profession into disrepute. NRS 630.301(9).

16 15. Based on the foregoing factual allegations, Respondent violated NRS 630.301(9)
17 when he sexually assaulted a patient he was treating for acne.

18 16. Based on the foregoing factual allegations, Respondent also violated
19 NRS 630.301(9) when he sexually assaulted multiple unresponsive women in his medical office.

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

22 **WHEREFORE**, the IC prays:

23 1. That the Board give Respondent notice of the charges herein against him and give
24 him notice that he may file an answer to the Complaint herein as set forth in NRS 630.339(2)
25 within twenty (20) days of service of the Complaint;

26 2. That the Board set a time and place for a formal hearing after holding an Early
27 Case Conference pursuant to NRS 630.339(3);

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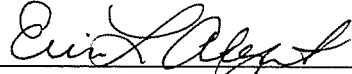
3. That the Board determine what sanctions to impose if it finds and concludes that there has been a violation or violations of the Medical Practice Act committed by Respondent;

4. That the Board make, issue and serve on Respondent its findings of fact, conclusions of law and order, in writing, to include sanctions to be imposed; and

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

DATED this 9th day of July, 2015.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 
Erin L. Albright, Esq.
General Counsel
Attorney for the Investigative Committee

VERIFICATION

STATE OF NEVADA)
: ss.
COUNTY OF WASHOE)

Theodore B. Berndt, M.D., hereby deposes and states under penalty of perjury under the laws of the state of Nevada that he is the Chairman of the Investigative Committee of the Nevada State Board of Medical Examiners that authorized the foregoing Complaint against the Respondent herein; that he has read the foregoing Complaint; and that based upon information discovered during the course of the investigation into a complaint against Respondent, he believes the allegations and charges in the foregoing Complaint against Respondent are true, accurate and correct.

Dated this 9th day of July, 2015.

Theodore B. Berndt

Theodore B. Berndt, M.D.

OFFICE OF THE GENERAL COUNSEL
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