

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

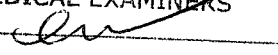
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5 **In The Matter of Charges and**)
6 **Complaint Against**)
7 **EUGENE YU-TZE CHEN, M.D.,**)
8 **Respondent.**)

Case No. 11-7218-1

FILED

JAN 19 2012

NEVADA STATE BOARD OF
MEDICAL EXAMINERS
By: 

10
11 **FIRST AMENDED COMPLAINT**

12 The Investigative Committee of the Nevada State Board of Medical Examiners, composed
13 at the time of filing of Theodore B. Berndt, Chairman, M.D., Valerie J. Clark,
14 BSN, RHU, LUTCF, Member, and Michael J. Fischer, M.D., Member, by and through
15 Bradley O. Van Ry, Deputy General Counsel, having a reasonable basis to believe that
16 Eugene Yu-Tze Chen, M.D., hereinafter referred to as "Respondent", has violated the provisions
17 of NRS Chapter 630, hereby issues its formal Complaint, stating the Investigative Committee's
18 charges and allegations, as follows:

19 1. Respondent is currently licensed in active status (License No. 6251), and has been
20 so licensed since July 1, 1991 by the Nevada State Board of Medical Examiners pursuant to the
21 provisions of Chapter 630 of the Nevada Revised Statutes.

22 2. On June 21, 2004, a complaint was filed against Respondent and his related
23 professional corporation and business corporation. He was charged with violating the federal
24 False Claims Act. The allegations arose from, and were related to, the Respondent's medical
25 practice and consultation services provided.

26 3. On March 25, 2009, a jury in federal district court found Respondent liable for the
27 allegations of the complaint.

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

1 4. On June 4, 2009, a final judgment was entered against Respondent in the amount of
2 \$1,267,586.60 that included treble damages, civil penalties and costs.

3 5. Significantly, Respondent failed to disclose the investigation and/or the formal
4 charges against him to the Nevada State Board of Medical Examiners as required by Nevada law
5 on two (2) separate license renewal forms. He failed to do so in 2005 and 2007.

6 6. On his license renewal form dated 5-2-07, Respondent answered no to questions
7 concerning criminal investigations and charges as well as that concerning governmental entities
8 investigating and/or charging Respondent with violating the law.

9 7. On his license renewal form dated 2-5-05, Respondent answered no to questions
10 concerning criminal investigations and charges as well as that concerning governmental entities
11 investigating and/or charging Respondent with violating the law.

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

16 Count I

17 9. All of the allegations in the above paragraphs are hereby incorporated as if fully set
18 forth herein.

19 10. Nevada Revised Statute Section 630.304(1) provides that obtaining, maintaining or
20 renewing or attempting to obtain, maintain or renew a license to practice medicine by bribery,
21 fraud or misrepresentation or by any false, misleading, inaccurate or incomplete statement is
22 grounds for initiating discipline against a licensee.

23 11. By reason of the foregoing, Respondent is subject to discipline by the Nevada State
24 Board of Medical Examiners as provided in Section 630.352 of the Nevada Revised Statutes.

25 Count II

26 12. All of the allegations in the above paragraphs are hereby incorporated as if fully set
27 forth herein.

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Count V

24. All of the allegations in the above paragraphs are hereby incorporated as if fully set forth herein.

25. Nevada Revised Statute Section 630.306(11) provides that failure to report any disciplinary action to the Nevada State Board of Medical Examiners within thirty (30) days is grounds for initiating discipline against a licensee.

26. By reason of the foregoing, Respondent is subject to discipline by the Nevada State Board of Medical Examiners as provided in Section 630.352 of the Nevada Revised Statutes.

Count VI

27. All of the allegations in the above paragraphs are hereby incorporated as if fully set forth herein.

28. Nevada Revised Statute Section 630.301(3) provides that any disciplinary action taken by another state is grounds for initiating discipline against a licensee.

29. By reason of the foregoing, Respondent is subject to discipline by the Nevada State Board of Medical Examiners as provided in Section 630.352 of the Nevada Revised Statutes.

WHEREFORE, the Investigative Committee prays:

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

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

3. That the Nevada State Board of Medical Examiners determine what sanctions it agrees upon to impose if it finds and concludes that there has been a violation or violations of the Medical Practice Act (Nevada Revised Statutes Chapter 630) committed by Respondent; and

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

OFFICE OF THE GENERAL COUNSEL

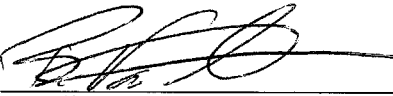
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5. That the Nevada State Board of Medical Examiners take such other and further action as may be just and proper in these premises.

DATED this 18th day of January, 2012.

THE INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 
Bradley O. Van Ry, Esq.
Deputy General Counsel and Attorney for the Investigative Committee

VERIFICATION

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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, that he believes the allegations and charges in the foregoing Complaint against Respondent are true, accurate, and correct.

Dated this 19th day of January, 2012.

Theodore B. Berndt
Theodore B. Berndt, M.D.

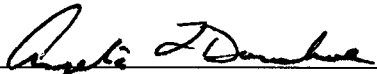
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CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 19th day of January 2012; I served a file copy of the FIRST AMENDED COMPLAINT, via USPS e-certified mail to the following:

Eugene Chen, M.D.
3230 E. Flamingo Rd., #334
Las Vegas, NV 89121

Dated this 19th day of January 2012.



Angelia L. Donohoe
Legal Assistant

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