

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA

* * * * *

In the Matter of Charges and) Case No. 13-6816-1
)
Complaint Against)
)
LARRY YEE, M.D.,)
)
Respondent.)

FILED

JAN 10 2013

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: 

COMPLAINT

The Investigative Committee (IC) of the Nevada State Board of Medical Examiners (Board), composed at the time of filing this Complaint of Theodore B. Berndt, M.D., Chairman, Valerie J. Clark, BSN, RHU, LUTCF, Member, and Michael J. Fischer, M.D., Member, by and through Bradley O. Van Ry, Esq., General Counsel for the Board and Attorney for the IC, having a reasonable basis to believe that Larry Yee, M.D. (Respondent), violated the provisions of Nevada Revised Statutes (NRS) Chapter 630 (Medical Practice Act), hereby issues its formal Complaint, stating the IC's charges and allegations as follows:

1. Respondent is currently licensed in suspended status (License No. 4655) and has been suspended since August 31, 2012. He was first licensed by the Board on July 10, 1982, pursuant to the provisions of the Medical Practice Act.

2. On September 29, 2011, Respondent voluntarily surrendered his Drug Enforcement Agency (DEA) registration privileges for prescribing controlled substances. To date, Respondent has failed to request new DEA registration privileges. Despite that, Respondent continued to prescribe controlled substances for almost a full year from September 29, 2011 to August 24, 2012.

3. On December 15, 2011, Respondent entered into a settlement agreement with the Board. The settlement agreement was approved and became a Board order on March 9, 2012. As

1 a result of the Board settlement agreement and order, Respondent's license was revoked with the
2 revocation stayed during Respondent's indefinite probation and compliance with the stated
3 conditions.

4 4. Under the settlement agreement and order, Respondent and the Board agreed to
5 numerous conditions upon Respondent's probation. One of the conditions of Respondent's
6 probation required him to undergo outpatient psychiatric treatment/counseling at least two (2)
7 times per month. Relatedly, the psychiatrist/counselor was to provide the Board with monthly
8 status reports on Respondent.

9 5. On August 28, 2012, the Nevada State Board of Pharmacy (Board of Pharmacy)
10 issued a cease and desist dispensing notice concerning Respondent to all pharmacies in the state of
11 Nevada. This was based upon the Board of Pharmacy finally receiving notice from the DEA of
12 Respondent's prior, voluntary surrender of his DEA registration on September 29, 2011.

13 6. As a result, the Board subsequently determined that Respondent had been
14 prescribing controlled substances without the required current DEA registration privileges. Based
15 upon these findings, the IC immediately summarily suspended Respondent's license to practice
16 medicine on August 31, 2012 (as indicated above).

17 7. Additionally, on or about September 6, 2012, Respondent last saw his psychiatrist,
18 Nabil Jouni, M.D. (Dr. Jouni). Based upon Dr. Jouni's last monthly status report, the IC believes
19 that Respondent has not seen Dr. Jouni since that time.

20 **COUNT I**

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

23 9. NRS 630.306(3) provides that administering, dispensing or prescribing any
24 controlled substance to others except as authorized by law is grounds for initiating disciplinary
25 action against a licensee.

26 10. NRS 453.226(1) requires that every practitioner or other person who dispenses any
27 controlled substance within this State shall biennially obtain a controlled substance registration
28 issued by the Board of Pharmacy in accordance with its regulations.

1 11. NRS 453.231(1)(g) and 453.236(1)(c) both provide for the denial or
2 suspension/revocation of a practitioner's Board of Pharmacy registration for losing authorization
3 under federal law to manufacture, distribute, possess, administer or dispense controlled
4 substances. Furthermore, 21 C.F.R. 1306.03 requires a state registration in order to manufacture,
5 distribute, possess, administer or dispense controlled substances.

6 12. Respondent's surrender of his federal DEA registration on September 29, 2011 and
7 his continued prescribing of controlled substances after that time without a current DEA
8 registration demonstrates his unlawful prescribing of controlled substances for almost a year
9 without proper registration with the Nevada State Board of Pharmacy.

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

12 **COUNT II**

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

15 15. NRS 630.3065(2)(a) provides that the willful failure of a licensee to comply with
16 an order of the Board is grounds for initiating disciplinary action against a licensee.

17 16. Respondent's failure to see his psychiatrist/counselor two (2) times per month as
18 required by the Board settlement agreement and order constitutes the willful failure to comply
19 with an order of the Board.

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

22 **COUNT III**

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

25 19. NRS 630.301(9) provides that engaging in conduct that brings the medical
26 profession into disrepute is grounds for initiating disciplinary action against a licensee.

27 20. Respondent's actions in unlawfully writing prescriptions in the state of Nevada for
28 almost a year, losing his Board of Pharmacy registration and willfully failing to comply with the

1 terms and conditions of the Board settlement agreement and order is conduct that brings the
2 medical profession into disrepute.

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

5 **WHEREFORE**, the IC requests:

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

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

11 3. That the Board determine the sanctions it will impose if it finds Respondent
12 violated the Medical Practice Act;

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

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

17 DATED this 10th day of January, 2013.

18 INVESTIGATIVE COMMITTEE OF THE
19 NEVADA STATE BOARD OF MEDICAL EXAMINERS

20 By: 

21 Bradley O. Van Ry, Esq.
22 General Counsel
23 Attorney for the Investigative Committee
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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

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 10th day of January, 2013.

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

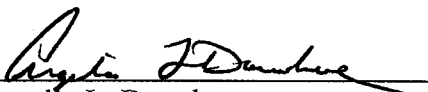
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CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 10th day of January 2013; I served a filed copy of the Complaint and Fingerprint information via USPS e- certified return receipt mail to the following:

Larry Yee, M.D.
3949 West Alexander Rd., #1364
North Las Vegas, NV 89032

Dated this 10th day of January, 2013.



Angelia L. Donohoe
Legal Assistant